

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

February 15, 2012

3:18 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Steve Thompson
Representative Lindsey Holmes
Representative Bob Miller

MEMBERS ABSENT

Representative Craig Johnson, Vice Chair
Representative Mike Chenault
Representative Dan Saddler

OTHER LEGISLATORS PRESENT

Representative Paul Seaton

COMMITTEE CALENDAR

PRESENTATION BY CAPTAINS WHALEN AND GARAY

- HEARD

HOUSE BILL NO. 251

"An Act relating to the Board of Veterinary Examiners and the practice of veterinary medicine."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

No previous action to report

WITNESS REGISTER

CAPTAIN PETE GARAY, Marine Pilot
Alaska Marine Pilots (AMP)
Dutch Harbor, Alaska

POSITION STATEMENT: Briefed the committee on the Alaska Marine Pilot's mission to deliver fuel to Nome.

CAPTAIN CARTER WHALEN, Marine Pilot

Alaska Marine Pilots (AMP)
Dutch Harbor, Alaska

POSITION STATEMENT: Briefed the committee on the Alaska Marine Pilot's mission to deliver fuel to Nome.

Representative Paul Seaton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Briefly commented during the presentation on the delivery of fuel to Nome.

ACTION NARRATIVE

[3:18:34 PM](#)

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at 3:18 p.m. Representatives Thompson, Holmes, Miller, and Olson were present at the call to order. Representative Paul Seaton was also in attendance.

Presentation by Captains Whalen and Garay

[3:19:24 PM](#)

CHAIR OLSON announced the first order of business would be a Presentation by Captains Whalen and Garay, Alaska Marine Pilots.

[3:20:52 PM](#)

CAPTAIN PETE GARAY, Marine Pilot, Alaska Marine Pilots, stated that he is one of ten members of Alaska Marine Pilots (AMP). The district runs east from Kodiak, to the end of the Aleutian Islands, and to the Canadian Arctic border. He identified Captain Whalen as president of the AMP. He highlighted the opportunity they both had to participate in delivering fuel to Nome. He reported that Captain Whalen was on dispatch while he was the pilot of the Russian Tanker Renda. He characterized this mission as a team effort and a particularly satisfying one, despite the risks, since the mission resulted in a good outcome. Additionally, he related that many good things have happened and may still happen as a result of the mission. Typically, marine pilots are invisible when things go well. Ships come and go and the only time marine pilots are mentioned is when something goes

wrong. He said he was grateful to be involved in the Nome fuel delivery operation to also showcase the role of marine pilots. He offered his belief that it was a rare opportunity.

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CAPTAIN CARTER WHALEN, Marine Pilot, Alaska Marine Pilots, stated that on a number of levels the delivery of the fuel to Nome reflected the unconventional nature of pilotage in the far Western region of Alaska. He identified the three pilotage regions in Alaska as Southeast, Southwest, and Western Alaska. He pointed out that Western Alaska is the smallest geographic area with the smallest membership. He said the extreme nature of differences in weather conditions combined with a lack of infrastructure resulted in unusual circumstances not normally encountered in piloting. He concurred that this mission resulted in teamwork at a level that he has never experienced. He remarked that many people involved had reservations and doubts that the mission could be accomplished. He remarked that together the U.S. Coast Guard, the state, and the Russians accomplished an unusual feat and everyone learned a great deal in the process.

CHAIR OLSON said he has heard from a number of people in Nome who are also grateful.

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CAPTAIN GARAY said he has been asked how he became involved in the fuel delivery mission. He stated that he volunteered for the experience and even though it was challenging, he has never regretted being involved. He suggested that this mission demonstrates the opportunities for new challenges in the Arctic. He predicted many younger people will join the profession of piloting. He highlighted the difficult challenges encountered including some dark moments, and characterized the four categories of the challenges as: environmental, cultural, procedural, and mechanical. He described the environmental challenges, which involved operating ships in the Arctic in the "dead heart of winter" with an ice pack that was growing 15-20 miles per day. He indicated that the most challenging aspect

was the cultural challenge due to communication barriers between the marine pilots, the Russians, and the U.S. military. He described the mindsets as being very different from one another and stressed the importance of using patience to achieve communication since the ships had to operate in close proximity to one another. He explained procedural differences involved administrative hurdles that the U.S. Coast Guard had imposed limits. He characterized the effort as not rewriting their "playbook," but writing it since he thought this was the first time the U.S. Coast Guard had escorted a commercial ship of this nature in the inclement conditions for such a long period of time. He recalled instances such as the ship running at ten knots with cables attached.

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CAPTAIN GARAY further recalled a watch officer had commented that no icebreaker in the fleet could maintain station with less than two cables and while maintaining ten knots; however, it did happen for 18 hours a day. He emphasized the considerable focus necessary for the crews of the Russian fuel tanker, Renda (Renda), and the U.S. Coast Guard Cutter Healy (Healy). He described valve issues in the Renda's engine, which at one point required shutting down one of its cylinders. He offered that the Renda's master was going to shut down the plant in nearly storm force conditions of up to 50 knots and 30 foot seas to fix the valve. He recommended the ship return to Dutch Harbor, rather than shut down the ship in these adverse conditions. He said it was the first of many disagreements. He related that he discussed the matter via satellite phone with the captain of the Healy and the ship returned to Dutch Harbor for repairs. This was the first mechanical hurdle they encountered during the mission.

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CAPTAIN GARAY mentioned several subsequent issues with respect to the engine since it was necessary to operate the ship in what is termed as the critical range. The ship normally rattles and shakes which is normally resolved pretty quickly as the ship speed attempts to catch up to the engine speed, but that could

not happen in ice. In fact, the engine crew often had to operate in the critical zone, ranging from 50-100 times per day. The captains resolved the issues by developing maneuvers to follow the ship and close the distance between the ships.

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CHAIR OLSON asked him to assess the quality of the crew.

CAPTAIN GARAY responded that the Russian master and crew were good-hearted people, but every Russian ship he has been on has had Spartan conditions. He characterized the conditions on the Russian ship, Renda, as a grinding existence, yet the crew used ingenuity when their engine broke down. The crew took the old valve and welded and ground it until it fit. He said the newly created valve worked. He described some of the hardships and comforts the crew endured and experienced. He offered his belief that the Healy was instrumental in the mission since the Renda was underpowered. He remarked that the Renda could withstand the pressure from the ice. He recalled on the second day the ship got stuck in the ice and ice compressed and stacked up alongside the ship. He described the sound as one that sounded like people were beating on the ship as if it was a drum. He said he was sure the ship would be crushed during the five minute duration. Suddenly the sounds stopped so he asked the interpreter whether this was normal, and the captain had responded that it was normal for abnormal.

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CAPTAIN GARAY said he had a little apprehension when he met the Renda's Russian master. He offered his view that the captain understood the dynamics of ice and understood mechanics, but the overriding mission was lost on him. He seemed stymied by the mission since so few people live in Nome. He had suggested the government wouldn't have gone in with the fuel if the fuel shortage had happened in Russia. He shared that people in Nome seemed frustrated since they did not get an opportunity to meet the Russian master. He stated that he learned a great deal from him since he took the time to explain every decision he made. He explained that the Russian ships operate differently and work

in closer proximity to one another than they do in the U.S., in fact, sometimes one ship will bump another ship and leave dents. He described the sturdiness of the Russian ships, which often have four-inch steel hulls. He again spoke highly of the Russian master and related several anecdotes that helped demonstrate the esteem he felt for him. He characterized this mission as the most challenging voyage, yet the best voyage of his life. He said the marine pilots functioned as the communication link between the Healy and the Renda. He informed members that the normal distance between ships is three miles, so he had to stretch normal boundaries. He remarked on two things; one, the U.S. Coast Guard is spot on to ask for additional icebreakers since more activity will likely be associated with oil and gas exploration. Thus, situations will occur that will require the need for an icebreaker. Second, he suggested that these situations in which the U.S. will exercise its sovereignty will happen again. The U.S. Coast Guard put one of its own men on the Russian vessel when it departed Nome in order to trust and verify what was happening on the bridge. He offered his belief that this country should ratify the United Nations Convention on the Law of the Sea (UNCLS), since absent that law pilots do not have the authority over what happens on the bridge of a ship.

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CAPTAIN GARAY related differences between the Russian and American ships in terms of manning the bridge. He suggested that the Russian master would have solely manned the Renda the entire time. However, the U.S. Coast Guard exercised its authority to ensure safety and rotation of shifts. He advocated for independent input to separate the economic activity on a ship from the safety decisions.

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The committee viewed a video of the Renda and the Healy that graphically depict conditions and issues the marine pilots and vessels had to endure and resolve during the mission to deliver 1.35 million gallons of fuel to Nome.

3:54:02 PM

REPRESENTATIVE MILLER referred to the 20-foot seas shown in the video when the ship was in heavy seas. He heard someone say, "We're rolling." He was unsure if that referred to the ship or the film crew was recording the activity.

CAPTAIN GARAY answered that the ship was rolling.

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REPRESENTATIVE MILLER imagined the liquid cargo would make the situation worse in the rough conditions.

CAPTAIN GARAY agreed.

CAPTAIN GARAY remarked at that point the ship returned to Dutch Harbor for the necessary repairs, which only delayed the voyage by two hours.

3:55:40 PM

CHAIR OLSON asked for a description of the marine pilot's District 3.

CAPTAIN WHALEN answered that District 3 covers Kodiak, the Alaskan Peninsula, Aleutian Islands, Bering Sea, from the Bering Strait to the Chukchi Sea, and the Beaufort Sea to the demarcation line in Canada. He explained that Region 3 is the largest geographic pilotage area.

CAPTAIN GARAY remarked on the unconventional region and the challenges faced given the limited infrastructure and logistics in the area. He explained duties the pilots perform during the shoulder season, such as piloting at Kivalina and Red Dog Mine. He mentioned some eco-cruise ships also began traveling in the area in 1992. He mentioned that Nome is getting busier and ships often refuel at Port Clarence since it is easier to get to than Dutch Harbor.

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CAPTAIN WHALEN commented that the marine pilots comprised one small part of this mission, which included a cooperative effort between the marine pilots, the Russian master, U.S. Coast Guard, the state, and the harbormaster in Nome. Since 2007 the ice pack has been receding and it will take a cooperative safety net to mitigate the associated risks. He said the state still has a vested interest in areas outside the three-mile limit. He emphasized many problems could have arisen during the trip to Nome with a tanker carrying 1.3 million gallons of product on board. Although this was a cooperative effort they still encountered small bumps along the way, but the issues were vetted, corrected, and the ships proceeded on to Nome.

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CAPTAIN GARAY reiterated that this was the most unconventional pilotage trip due to its sheer size. He referred to the Southeast, Southcentral, and Western regions and pointed out a paradigm shift will likely occur from a fishing-based economy towards an oil-based economy in the next decade if Arctic exploration continues. He gave a brief maritime history, noting that in the early 1990s laws did not govern shipping activities. He said a safety net has developed, including an emergency towing system in Dutch Harbor. He said port parameters were also developed and that it has taken time to develop the safety net to provide protection. He predicted that the state would need to reinvent activities outside the three-mile jurisdiction. He further predicted that significant risks will occur and must be examined and mitigated. He said agencies often work in opposition and missions, such as the fuel delivery to Nome require cooperation and he'd like to see more cooperation evolve. He concluded that having the marine pilots involved contributed to the mission's success.

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CHAIR OLSON asked whether the need for more icebreakers is the most pressing need.

CAPTAIN GARAY offered his belief a wealth of resources is waiting to be harvested in Alaska. He stated that construction of ice breakers makes sense on several levels, such as homeland security, environmental protection, and achieving independent oversight. He highlighted the overall goal is to do this right, noting that taking extra precautions will pay dividends over time.

CAPTAIN WHALEN also agreed that ratifying the United Nations Convention on the Law of the Sea (UNCLS) treaty and protecting sovereignty will benefit all sides, no matter whether a person is on the resource extraction or environmental side of the equation.

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REPRESENTATIVE MILLER related his understanding any additional icebreakers would be stationed at Dutch Harbor.

CAPTAIN WHALEN suggested the U.S. Coast Guard could better address this, but the Polar Sea and Polar Star, two icebreakers based in Seattle at the U.S. Coast Guard base were recently decommissioned, but spent summer seasons up north.

REPRESENTATIVE MILLER asked for the response time for ships to run to the North Slope when the ships are stationed that far away.

CAPTAIN WHALEN said he imagined the icebreakers would be on site during periods of activity.

[4:04:12 PM](#)

CAPTAIN GARAY offered his belief that Dutch Harbor would be a good port for any additional U.S. Coast Guard cutters to be stationed year round.

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REPRESENTATIVE MILLER inquired as to whether a deep-water port should be had on the north coast of Alaska.

CAPTAIN GARAY agreed. He said he has some strong opinions based on his mariner's perspective. He suggested that Port Clarence and Nome each have facilities, but Port Clarence is protected in all weather conditions. He predicted that it would be conceivable to haul lead out of Red Dog in the winter using icebreakers. He thought the focus on Nome has exposed some issues.

[4:06:46 PM](#)

Representative Paul Seaton, Alaska State Legislature, joined the committee and also welcomed the marine pilots.

[4:07:26 PM](#)

CAPTAIN GARAY, in response to a question about other issues marine pilots face, stated that this mission shows what can happen when marine pilots are involved. He highlighted that problems can arise when marine pilots are not involved, such when the Costa Concordia hit a reef and capsized off the coast of Italy last month. He said the U.S. Coast Guard's view was that it was highly unlikely such an accident could happen in Alaska due to the marine pilots' involvement. He characterized Alaska's system as one which operates well, out of sight, and out of mind; however, he cautioned that the system should not be taken for granted. He suggested that the system needs to be examined periodically just as a ship is dry-docked and maintained.

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CAPTAIN WHALEN offered to echo the sentiments that mitigating risks in remote regions of Alaska is a work in progress in Region 3. He remarked that marine pilots never reach a comfortable point and must always adapt as was demonstrated by this recent mission.

CAPTAIN GARAY recalled comments made at the West Coast Pilots Conference held in Alaska. He said, "Constant vigilance is the price of safety."

[4:10:36 PM](#)

REPRESENTATIVE SEATON asked whether the facilities and courses offered in Alaska were adequate to maintain levels of expertise for pilot training and certification.

CAPTAIN GARAY responded that the marine pilots hope Seward will become a world class training facility for ice training. He mentioned one of the marine pilots, John Schibel, has been working to develop that program. He anticipated that the new course is anticipated to span two weeks and should be up and running this year. He said the [Alaska Maritime] Training Center located in Seward is a great facility. He concluded by answering "yes."

[4:12:07 PM](#)

REPRESENTATIVE SEATON asked the Alaska Marine Pilots (AMP) to identify and report to the legislature any additional training and or certification needed to retain training for marine pilots and ferry captains in Alaska.

CAPTAIN GARAY offered to do so. He pointed out that Captain Bob Winters serves on the AMP's Board of Directors and will get periodic reports.

[4:13:03 PM](#)

REPRESENTATIVE HOLMES asked him to identify the types of activities the marine pilots normally perform.

CAPTAIN WHALEN answered that traditionally Region 3 covers the fishing industries, such as the pollock, cod, rockfish, and sole fisheries. In the summer and fall, they typically cover several crab seasons and the Bristol Bay and Togiak herring fisheries. He explained that ore ships serve Kivilana, and Crowley Maritime Corporation (Crowley) has been using its articulated tug barge (ATB) fleet in Hagemester Strait near Togiak and Port Clarence. He highlighted that Crowley voluntarily employs marine pilots in

Alaska's waters even though they are not required to use a state marine pilot.

CHAIR OLSON mentioned that Kivalina is the port which serves the Red Dog Mine.

CAPTAIN WHALEN agreed the tanker comes in at the beginning of the season and fills the tank farm and ore ships run from July until freeze up in October. He recalled the ice breakup is fairly predictable and is usually out by July 8.

[4:15:25 PM](#)

CAPTAIN GARAY added many facilities were built for 60-80 foot tenders that now serve ships. The marine pilots do not have the benefit of tugs in many places so they use anchors. He likened the work of marine pilots as that of a conductor, since they may need to monitor nine or ten ships at a time. He said that someone needs to be in charge so marine pilot assist in a larger capacity to do so.

CAPTAIN GARAY also mentioned that marine pilots are called in to assist with emergencies. He related that marine pilots have been instrumental and function as an emergency towing system. He recalled once assisting a tanker back to Dutch Harbor after it lost propulsion. He predicted that port activities will happen outside the three mile international coastline at platforms and the need to bring vessels together. He described a brief history of marine piloting in the Arctic since 2007 in terms of the three mile limit. He emphasized that if it is not safe to conduct operations inside three miles it isn't safe to operate the same vessels beyond three miles, especially when the vessels are operating in close proximity to one another.

REPRESENTATIVE HOLMES commented that she did not wish to oversimplify the job as less than complex.

[4:19:47 PM](#)

CHAIR OLSON observed the marine pilot activity in Homer and Nikiski. He related his understanding there has not been a major incident since the marine pilot in Cook Inlet.

CAPTAIN GARAY recalled one incident in which a ship without a marine pilot drifted over a rock.

CAPTAIN WHALEN mentioned one aspect of the economic engine is fishing and the marine pilots also service a variety of vessels, ranging from riding on refrigerated cargo ships for up to 28 days in the Aleutian Islands to assisting container ships in Dutch Harbor. He pointed out shipping changes are happening in Western Alaska.

[4:21:57 PM](#)

CAPTAIN GARAY identified another busy area in Western Alaska area is Unimak Pass since 5,000 ships transit that area and often come into Dutch Harbor.

CAPTAIN WHALEN offered that marine pilots frequently work with coastal communities in Western Alaska, recalling a cooperative effort to engineer a mooring system in order to anchor deep sea ships that are partially disabled. He said this effort reduces the need to have tugs standing by for long periods.

[4:23:08 PM](#)

CHAIR OLSON thanked the marine pilots for their service. He related that his staff has a link for the short video the committee watched.

[4:23:47 PM](#)

The committee took an at-ease from 4:23 p.m. to 4:30 p.m.

CHAIR OLSON stated that the bill originally scheduled for this meeting, HB 251, will be rescheduled for next week.

[4:31:13 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:31 p.m.