

Board of Marine Pilots
Minutes of Meeting
December 5, 1978

In accordance with AS 08.04.040 and AS 44.62.310, a scheduled meeting of the Board of Marine Pilots convened at the Community and Regional Affairs Conference Room located on Third Street, between Seward and Main Streets, Juneau.

In attendance were:

Phillip Hubbard, Chairman
Donald Oldow, Board Member
Jack Maroni, Board Member
Charles Stover, Board Member
Marvin Taylor, Board Member
Don Hostak, Director, Division of Occupational Licensing,
Department of Commerce & Economic Development
Nancy Ferguson, Licensing Examiner, Division of Occupational
Licensing, Department of Commerce & Economic
Development
David Creekman, Regulation Specialist, Division of Occupational
Licensing, Department of Commerce & Economic
Development
Mary Fisher, Legislative Audit, Sunset Review
David Culbertson was unable to attend.

The chairman convened the meeting at 8:35 a.m.

Guests at the meeting were:

Captain Richards, Captain Murphy, David Enroth, Seattle; and
Robert Berto, Ketchikan.

NEW BUSINESS

Mr. Dale Collins, Mr. John Webb and Mr. Robert Hendricks passed the written and oral exams held on December 14, 1978.

Their licenses read as follows:

- Mr. Dale Collins - Marine Pilot #70, License expires December 31, 1980. Unlimited First Class Pilot any gross tons: Channel pilot on the waters of Southeast Alaska; the waters of Southeast Alaska from Dixon Entrance to Cape Spencer.
- Mr. John Webb - passed the Cook Inlet Exam, but did not pass the Yakutat exam.
- His license reads - Marine Pilot #56, License expires December 31, 1980. Unlimited First Class Pilot any gross tons: For the waters of Southeastern Alaska; Southwestern Alaska; Prince William Sound, except the Port of Cordova; ports and harbors west of Unimak Pass, Cook Inlet, excluding Drift River.

Mr. Robert L. Hendricks - Marine Pilot #69, License expires December 31, 1980. Unlimited First Class Pilot of not over 40,000 gross tons; waters of Kodiak and St. Paul Harbors, including Woman's Bay, Resurrection Bay, Captain's Bay and Dutch Harbor; Cook Inlet, excluding Seldovia, Port Graham and Tyonek.

On a motion duly made, seconded, and approved unanimously, it was:

RESOLVED, to approve the examination and licensure of Mr. Collins, Mr. Webb and Mr. Henricks.

Tariff Hearings:

Southwest - It was noted that the effective dates of the tariff charges will be set by the board in consideration of the agreement made between industry and the pilots' negotiating team. Mr. Enroth, representing industry, and Captain Murphy, representing Southwest Pilots, have met. They need more time to discuss the negotiations and they may come to an agreement by mid-January. Mr. Hubbard noted that shipping effects the economy of Alaska and the pilots should be paid fairly. Health and safety to the public is important.

The board agreed that they will need another meeting to discuss the Southwest tariff negotiations.

Southeast Mr. Hubbard read a TWX from Chevron, U.S.A. They are protesting the tariff increase. They have their own pilots and do not normally hire Alaska pilots. One of their tankers is under 3,000 tons and for the past five years, they have operated at a reduced tariff charge. In Southeast, they have a reduced tariff charge for ships under 3,000 tons to help small industry. This means the pilots work for less pay and may have to handle dangerous cargo.

Information Missing in Minutes:

Captain Richards with Southeast Pilot Association said that the agreement between Mr. Enroth and himself was not noted in the May 5, 1978 meeting minutes. Captain Maroni discussed several important points discussed at the May 5, 1978 meeting that did not appear in the minutes:

1. The Attorney General's office had requested an increase in the fine be raised to \$10,000.00, but this was not accepted. The fine for violations was set at \$5,000.00.
2. The per diem rate for meals and hotels were adjusted. It was agreed to adjust the per diem increase according to the rates set by the federal government. Captain Richards' proposed January 1st, but the effective date was changed to April 1st.

Ms. Taylor had been absent from the meeting for an hour to type an exam for Yakutat to be taken by Captain Richards.

Mr. Hubbard requested that these changes be made in the minutes for May 5, 1978.

Discussion of Tariff Charges by Negotiating Team - Southeast Alaska:

Captain Richards reads a letter of testimony to the board. Captain Richards stated that the Southeast Pilots Association had come to an agreement with industry and agreed to limit their request "to two 7% increases over a two-year period in an effort to remain within the President's guidelines." A copy of Captain Richards' letter is attached. Mr. Enroth read his letter discussing the Alaska Pilotage negotiations. He noted the agreement made with Southeast pilots was for two 7% increases. The first effective immediately, the second 7% increase effective July 1, 1979.

A copy of Mr. Enroth's letter is attached. Mr. Taylor feels that the tariff increase should be looked at closely because the increase may cause companies to look for other means of shipping. It was a unanimous view of the board to review the tariff so that it is just, equitable and fair. More discussion followed regarding Mr. Enroth's letter. Mr. Hubbard felt that agents, industry, and pilots must get together to discuss the tariff changes.

On a motion duly made, seconded, and approved unanimously, it was:

RESOLVED, that the board accept the recommendation of industry and the Southeast Pilots Association negotiating team for a 7% increase, effective immediately. With a second 7% increase, effective July 1, 1979 until December 31, 1980, with this agreement in good faith.

Item 2 (Pension Plan) of Captain Richards' letter was discussed. It was decided that the board need not take any action on this point, but should acknowledge that industry and the Southeast Pilots reached agreement on intent for future establishment of a plan.

Discussion of Eliminating 3,000-ton Category - Southeast:

Discussion followed regarding elimination of 3,000-ton category excluding vessels engaged in the fisheries. This was originally requested by Captain Richards at the last board meeting, where the 3,000 tons was reduced to 1,000 tons for reduced tariff rate (for passenger vessels), but never appeared in the May 5, 1978 minutes. Industry felt that it would be reasonable to allow the fishing industry to receive the reduced rate. Industry wants to protect the new bottomfish industry. Vessels involved would be food processors (refrigerations ships) and foreign vessels picking up fish products in Southeast. Mr. Hubbard felt that the fishing industry should not receive special consideration, nor should the pilots work for half pay. More discussion followed. Motion duly made and seconded unanimously to table until January meeting.

Investigation of Stanley King:

Dick Long is investigating the Stanley King matter but he is out of town. Don Hostak, Director of the Division of Occupational Licensing, offers to notify the board as to the status of the case once he talks with the investigator. Mr. Hubbard feels that the board should contact the Attorney General's office and urge them to resolve this matter because the board is receiving a bad image. The U.S. Coast Guard may check into this matter and may look at State pilotage. On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, whereas the Stanley King matter is of a critical nature to the credibility of the board and it's ability to operate over its assigned jurisdiction, the board urges the Attorney General's office to report to the board on the investigation and advise the board of its plan of action.

Out-of-area Charge - Southeast:

Discussion followed regarding an out-of-area charge. This is point #3 in Captain Richards' letter to Mr. Hubbard. This charge is in lieu of detention and travel but not applicable within 100 miles of Southeastern Alaska. On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, to accept 1½ times detention rate on "out-of-area" charge.

Violations:

Captain Murphy, representing Southwest Pilot Association, urged the board to pursue violations. They are receiving heat from Mr. Enroth and others in the industry for not policing themselves. May open the door for U.S.C.G., to regulate State pilotage, then Congress may take State pilotage away. Mr. Hubbard will report to the board within one week.

Captain Oldow reported two accidents to the investigators office in Anchorage. He never received a report from the investigator. Regarding the following:

1. Roger Swett, on vessel "Artic Tokyo" (LNG tanker, Japanese). Captain Oldow asked if an accident report had been made. Mr. Hostak said that the pilot should have reported the accident within ten days or the board may take action.
2. Olva Harp on vessel "Wakima." This is a Japanese troller turned into a fish processor. No licensed pilot and oil spilling into water which has destroyed good fishing. Mr. Hubbard felt that Dick Long should be present at each meeting to report to the board.

Mr. Hostak said he would report to the board on these two cases.

Increase in Five-ton Violations:

Captain Maroni summarized (from memory) a request from the Attorney General's office that was discussed and resolved at the May 5, 1978 meeting, but did not appear in the minutes. The Attorney General's office requested an increase in the fine for violations from \$500 to \$10,000. The board discussed and resolved to raise the fine to \$5,000 (from memory of Captain Maroni). Mr. Hostak will follow up and report back to the board as to the status of the board action.

Mr. Hubbard introduced Mary Fisher from Sunset Audit.

Renewal Forms:

Regarding 12 AAC 56.080. The board concurred that the reports on file at Occupational Licensing will be "proof of having worked as a licensed deck officer for two months in the area for which he is licensed during the biennial period." If there are no quarterly reports filed because they worked on enrolled vessels, then proof by letter stating vessels worked the area and when they worked will be sufficient proof. The board approved the new renewal forms.

Applications for Licensure:

The examiner must be sure all information is filled out on the application, U.S.C.G. license and all documentation is attached. Applicant must meet all qualifications. Copies of application and documentation should be sent to each board member with a form attached so the board members may write comments and let the examiner know by mail if the applicant may sit for the exam. The board members should answer within sixty days.

Yakutat-Icy Bay:

There is a tariff rate for Icy Bay but there is none for Yakutat. In 1975, U.S.C.G., set Yakutat and Icy Bay in Southeastern waters (in regard to State licensure, Yakutat was under the Southwest license). It was felt that to be consistent with the Coast Guard, Yakutat was in Southeast waters. Southeast Pilots Association submitted a request for a Yakutat-Icy Bay tariff, but no response was made by the board.

NEW BUSINESS

Adequate Quarters:

Captain Maroni discussed the problem of adequate quarters being furnished to the pilots. The Southeast Pilots Association has an outstanding bill of \$1,200.00 that the Princess Lines refuse to pay. The problem arises on passenger ships when the ship is full and the pilot has to stay in the hospital or share a room with another pilot. An adequate room is a private room with at least an adjoining bath. Captain Maroni feels

pilots should have similar rooms to what junior officers have. Some-
times pilots must go to a hotel when in port, and the pilot pays out of
his pocket with the understanding that the shipping company will reimburse.
More discussion followed and Captain Oldow defined adequate quarters as
quarters at least as good as other deck officers aboard the vessel.
More discussion followed and on a motion duly made, seconded, and passed
unanimously, it was:

RESOLVED, that the problem be worked out between the captains and
the Princess Lines.

If unable to resolve the problem, it may be brought before the board at
the January 30, 1979 meeting.

NEW BUSINESS

Captain Oldow wished further discussion of the letter from Mr. Enroth,
Alaska Maritime Agencies, Inc., dated December 5, 1978. Some discussion
followed and the board agreed to invite written comments from those in
attendance and to discuss the Alaska Maritime Agencies, Inc., letter at
the meeting in January.

OLD BUSINESS

Regarding Minutes:

Captain Murphy of Southwest Pilots Association has never received copies
of minutes for the past three years. He would like to receive a copy of
all minutes. Captain Richards, with Southeast Pilot Association, would
also like copies of all minutes. Captain Richards mentioned that he has
written five letters to the board and has never received a response; he
would like to be notified as to whether his inquiries are on the agenda
for a meeting.

The Chairman, Mr. Hubbard, was excused to attend another meeting.
Captain Oldow is temporary chairman.

Review Application:

The board reviewed the application of Mr. Gitkov. Mr. Gitkov may take
the unlimited channel pilots exam in the spring. Mr. Gitkov will need
ten docking and undockings signed by a State-licensed pilot before he
may receive his permanent license. On a motion duly made, seconded and
passed unanimously, it was:

RESOLVED, that Captain Gitkov be notified that the board has found him eligible to sit for the exam in the spring.

The meeting adjourned at 2:38 p.m. A special meeting will be held in Anchorage on January 30, 1979.

Submitted by: Nancy Ferguson
Nancy Ferguson

Approved by: _____
Chairman of the Board