

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

MINUTES OF TELECONFERENCE MEETING
JUNE 1, 1990

In accordance with AS 08.01.070 and AS 08.62.030 and in compliance with AS 44.62.310 and AS 44.62.320, the Board of Marine Pilots held a meeting via the ALASCOM conference operator on June 1, 1990.

Friday, June 1, 1990

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 8:35 a.m.

The following members of the board were present, constituting a quorum:

Harold Elsensohn
Mark Foster
William Lorch
Michael O'Hara
Randall P. Burns, Commissioner's Designee
Paul Taylor, Chairman

Board Member Russell Sell was unable to attend.

Also present from the Division of Occupational Licensing was Nancy Ferguson, Licensing Examiner.

Also present from the Department of Law was Beth Kerttula.

Guests present:

Lisa Parker, Cominco Alaska, Inc.
Bill Sharp, Southeast Stevedoring/Ketchikan

The purpose of this teleconference was to review the state pilotage issues for the Cominco/Red Dog Mine operations, and the Norton Sound for a possible Nome/Russia ferry service.

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Agenda Item 2

State Pilotage Issues for Cominco/Red Dog Mine Operations

The board reviewed the 16-page report prepared by Board Members Russell Sell and Mark Foster. Mr. Foster lead the members through the report dated May 23, 1990. A copy of the report is attached.

Mr. Burns read a letter into the record dated May 24, 1990 from Larry Dietrick with the Department of Environmental Conservation (DEC). They support use of a pilot. There is no contingency plan if cargo is lost. Fuel vessels going to the mine must have a contingency plan and use a pilot.

Frank Rue, Director of Habitat with Fish and Game, felt that this was a DEC issue and would backup their recommendations.

Beth Kerttula, AAG, was present. This is the first time she has worked with the Marine Pilot Board. We need to protect the public, water ecology, whales and subsistence life style.

Ms. Kerttula advised that we must give adequate notice so Cominco knows what is required. It appears that the board has used headlands to headlands previously. Initially, it appears that the board is using the right procedure and this is within the board's jurisdiction.

Ms. Parker spoke on behalf of Cominco of Alaska. She referred to page 2 of the report and clarified that lead/zinc concentrate is not considered hazardous cargo. Lead/zinc is not hazardous waste, it is cargo.

Ms. Parker advised that aids to navigation are being put into place at the port facility by the company. Over the past three and one-half years, the company has asked the U.S.C.G. to put in aids to navigation. The U.S.C.G. is not willing to do this.

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Captain Elsensohn explained that federal aids to navigation would be a buoy established by the U.S.C.G., not those established by a company.

Ms. Kerttula confirmed that private aids to navigation exist but not federal aids. It is the board's decision to determine if state pilotage is required.

Mr. Burns referred to 12 AAC 56.090, General Rule for Determining Boundaries of the Compulsory Pilotage Waters of Alaska. We can reach our conclusion based on necessity.

Ms. Parker advised that there is a concern for the subsistence culture. There are migrating whales in the region. A subsistence advisory committee makes recommendations so that mine operations and product

transportation will not have an impact on subsistence activity.

Captain O'Hara advised that there are at least three pilots who have had recent trips in the area, and they have the tonnage qualifications. Captain O'Hara emphasized that we should not allow ships to move without pilots.

Mr. Burns proposed that we do an emergency regulation. This would not be subject to the attorney general's review, but would be immediately filed and go into effect for 120 days. This would take us past this season. Then we would have fall, winter, and spring to adopt a permanent regulation. We will ask Mr. Henderson to draft a proposed emergency regulation with findings.

On a motion duly made by Mr. Foster, seconded and approved unanimously, it was

RESOLVED, based on the record which indicates that the cargo being shipped is of a hazardous nature as evidenced by comments from the Department of Environmental Conservation; and

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the shipping area itself has been identified as a hazardous area based on comments from pilots; that we exercise jurisdiction and establish pilotage waters in the area.

FURTHER RESOLVED that we establish compulsory pilotage waters for the Kotzebue Sound area to be from Cape Prince of Wales to Point Hope headland to headland designation.

On a motion duly made by Captain O'Hara, seconded and approved unanimously, it was

RESOLVED that the pilot station be abeam Cape Prince of Wales or upon agreement with the shipping company and pilots.

On a motion duly made by Captain O'Hara and seconded, it was

MOVED that recency will be defined as three round trips on the ore ships.

Mr. Burns asked for the names of the three individuals who have extensive knowledge in the area. The members want to be comfortable with their background because they will be giving recency trips to the newer pilots in the area. The ships are 65,000 gross tons, so the pilots need to be very experienced.

Captain O'Hara advised that he has talked to the three pilots and they have extensive knowledge. He will ask Captain Murphy to write a letter to the board advising who the lead pilots will be, their experience in the area, and recency.

On a motion duly made and seconded, the board agreed to

TABLE the motion that read "RESOLVED that recency will be defined as three round trips on the ore ships."

Mr. Burns advised that there will be a list of qualified pilots.

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On a motion duly made by Mr. Foster, seconded and approved unanimously, it was

RESOLVED to draft this proposal as an emergency regulation.

Mr. Burns will ask Mr. Henderson to draft an emergency regulation. The draft will be sent to Ms. Parker and the board. Let us know if shipping agents and pilots come up with chart designations (coordinates).

Agenda Item 3

Nome/Russia Ferry Service

Representative Richard Foster from Nome is interested in a ferry service between Nome and Russia.

Mr. Burns asked if we will require a pilot between Nome and the Russian Peninsula.

We will put this item on the agenda for the next board meeting.

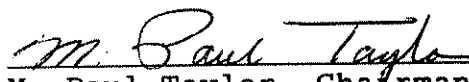
Agenda Item 4

The meeting adjourned at 10:12 a.m.

Respectfully submitted,



Nancy Ferguson, Licensing Examiner



M. Paul Taylor, Chairman