

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

SUMMARY OF MOTIONS  
MEETING  
DECEMBER 1-4, 1992

By authority of AS 08.01.070(2) and AS 08.62.030, and in compliance with the provisions of AS 44.61, Article 6, and AS 44.62.310, a scheduled meeting of the Board of Marine Pilots was held on December 1-4, 1992 at the William A. Egan Center 555 West 5th Ave, Anchorage Alaska.

Tuesday December 1, 1992

Agenda Item

Call to Order/Roll Call

The meeting was called to order at 7:30 by Mr. Bob Watt, Chairman. Those present and constituting a quorum of the board were: Mr. Bob Watt, Captain Dale Collins, Captain Michael O'Hara, Mr. Glenn Reed, Ms. Donna Bumgardner, Mr. Mark Springer, and Mr. John Klepper. Also representing the Division of Occupational Licensing was Captain Karl Luck, Marine Pilot Coordinator.

1. Review Minutes Of Previous Meeting  
Upon a motion duly made by Springer, seconded by Reed and passed unanimously, it was  
RESOLVED to approve the minutes of the September 22-24, 1992 meeting.
2. Review/Set Agenda  
The agenda was approved with the following change. Agenda item 7 was scheduled for 10:00 a.m. and item 16 was cancelled due to the non availability of Dr. McGuire.
3. Investigative Report  
The board went into executive session at 7:38 a.m. to

hear the confidential investigative report. The board returned from executive session at 8:20 a.m.

4. Investigative Report

Upon a motion duly made by Springer, seconded by O'Hara and passed unanimously, it was

RESOLVED to close case 1900-92-010 and accept the stipulation as presented.

Upon a motion duly made by O'Hara, seconded by Springer and passed unanimously, it was

RESOLVED to close case 1900-92-004 and accept the stipulation as presented.

Upon a motion duly made by Springer, and seconded by O'Hara and passed unanimously, it was

RESOLVED to close case 1900-90-004 with no further action.

Upon a motion duly made by Springer, and seconded by Reed, with O'Hara abstaining due to a conflict of interest, and passed unanimously, it was

RESOLVED to close case 1900-91-15 with no further action.

Upon a motion duly made by Springer, seconded by Reed, with O'Hara abstaining due to a conflict of interest, and passed unanimously, it was

RESOLVED to close case 1900-90-008 with no further action.

6. Election of Chairman

Upon a motion duly made by O'Hara, seconded by Springer, and passed by unanimous consent, it was

RESOLVED to reelect Mr. Bob Watt as the Chairman of the Board of Marine Pilots.

Upon a motion duly made by Springer, seconded by O'Hara, passed by unanimous consent, it was

RESOLVED to elect Mr. John Klepper as Vice Chairman of the Board of Marine Pilots.

8. Review Correspondence to the Board

Correspondence presented to the board was reviewed.

9. Review Applications for License Upgrade

By a motion duly made by Reed and seconded by Collins and passed unanimously, it was

RESOLVED to defer the application of Captain Vincent Tillion for an unlimited license.

By a motion duly made by O'Hara, seconded by Klepper, and passed unanimously, it was

RESOLVED to approve Captain Mark Hawker's application for a VLCC endorsement to his unlimited license.

By a motion duly made by Springer, seconded by Reed, and passed unanimously, it was

RESOLVED to grant Captain Jeffery Baken's application for a Step Two, 40,000 gross ton license.

Captain Vincent Tillion's application was discussed. Tillion does not have complete first class pilotage for the entire Region Three on his federal license. He lacks Icy Bay. By a motion duly made by Springer, seconded by Reed, with O'Hara declaring a conflict of interest and abstaining from the discussion and vote, and passed unanimously, it was

RESOLVED to approve Captain Tillion's application for an unlimited license provided that he successfully acquires the first class pilotage endorsement and pass the state examination for Icy Bay.

Captain Tom Dundas' application for an unlimited license was discussed. By a motion duly made by Springer, seconded by Collins, passed unanimously, it was

RESOLVED to approve Captain Dundas' application for an unlimited license provided that he acquire the first class pilotage endorsements and passes the state examination for Adak and Iliasik Passage within two years from this date.

10. Applications for Deputy Marine Pilot Examination

By a motion duly made by Springer, and seconded by Collins, and passed unanimously, it was

RESOLVED to approve the application of

Captain Kim Buckman to take the Deputy Marine Pilot examination.

By a motion duly made by Springer, seconded by O'Hara, and passed unanimously, it was

RESOLVED to approve the application of Caption Ron Sumstad to take the Deputy Marine Pilot examination.

Captain Theodore Kellogg's application for taking the Deputy Marine Pilot examination was discussed. The board is requiring Captain Kellogg to provide better documentation of his sea time. The documentation required is to show the underway time on a specific tug with a specific tow so that tonnage and time underway can be accurately calculated. If twelve hour watches were stood then a letter to that effect or log entries to that effect are required. The tug and tow time required is only time since he had a 1,600 gross ton master license. By a motion duly made by Collins, seconded by Springer, and passed unanimously, it was

RESOLVED to approve Captain Kellogg's application to take the Deputy Marine Pilot examination provided that the required documentation satisfies the requirements of the regulations before the examination and that he has the Snow Passage endorsement on his federal license prior to taking the examination.

7. Ethic Briefing

Ms. Tina Kobayashi of the Attorney Generals Office briefed the board via speaker phone concerning the Alaska Ethic Act. 10:23 Mr. Gary Amendola AAG arrived.

11. Public Comment

Public comment for agenda items 12-15 commenced at 10:50 a.m. Comments were heard from Captain Michael Spence representing ACP, Mr. David Millen representing AMP, Mr. John Dunbar representing ARCO, Mr. Joe Kyle and Mr. Larry Carter representing a consortium of shipping companies and agents (accurate list to be provided to the board), Mr. Ken Castner representing the Cook Inlet RCAC, Captain Will Anderson representing AMP, Captain Ervin Hagerup representing the AMHS, and Captain Jeff Pierce representing SWAPA.

The board recessed for lunch at 11:58 a.m.

The board reconvened at 1:05 p.m.

12-15 Adoption of Regulations

By a motion duly made by Collins, seconded by Springer, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.011 as per attachment.

By a motion duly made by Springer, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.011 as amended.

By a motion duly made by Reed, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.014 as per attachment.

By a motion duly made by O'Hara, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.014 as amended.

12 AAC 56.021 was discussed by the board and deferred until Wednesday.

By a motion duly made by Bumgardner, seconded by O'Hara, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.025 as per attachment.

By a motion duly made by Springer, seconded by O'Hara, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.025 as amended.

By a motion duly made by Bumgardner, seconded by Reed, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.026 as per attachment.

By a motion duly made by Springer, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.026 as amended.

5. Hearing Officer Report

By a motion duly made by Klepper, seconded by O'Hara and passed unanimously, it was

RESOLVED to close case 1900-91-08 and order the Settlement Agreement into effect.

The board recessed at 7:02 p.m.

Wednesday, December 2, 1992

Agenda Item

The board reconvened with all member present.

17. Complete agenda from previous day.

By a motion duly made by O'Hara, seconded by Springer to adopt 12 AAC 56.021 (c)(1)(2), the motion failed with Collins, Bumgardner and O'Hara voting in the affirmative.

By a motion duly made by Collins, seconded by O'Hara, and with Springer and Reed voting in the negative, it was

RESOLVED to amend 12 AAC 56.021 as per attachment.

By a motion duly made by Collins, seconded by O'Hara, and passed with Springer and Reed in the negative, it was

RESOLVED to adopt 12 AAC 56.021 as amended.

18. Public Comment for Agenda Items 19-23.

Public comment commenced at 9:05 a.m. Public comment was heard from Captain Bill Swan representing SEAPA, Captain Michael Spence representing ACP, Captain James Drahos, Captain Jeff Pierce representing SWAPA, Mr. Joe Kyle and Mr. Larry Carter representing a consortium of shipping companies, Mr. Bill Sharp representing Southeast Stevedoring, Captain John Larsen representing AMHS, Mr. David Millen representing AMP, Captain Ed Creasey, and Captain Tom Dundas representing AMP. Public comment closed at 11:12 a.m.

19-23 Adoption of Regulations

12 AAC 56.028 was discussed and worked on by the board.

The board recessed for lunch at 11:57 a.m.

The board reconvened at 1:05 p.m.

By a motion duly made by Springer, seconded by O'Hara, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.028 as per attachment.

By a motion duly made by Springer, seconded by O'Hara, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.028 as amended.

By a motion duly made by Springer, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.029 as per attachment.

By a motion duly made by Springer, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.029 as amended.

By a motion duly made by O'Hara, seconded by Collins, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.031 as per attachment.

By a motion duly made by Collins, seconded by O'Hara, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.031 as amended.

By a motion duly made by Collins, seconded by Springer, and passed with O'Hara in the negative, it was

RESOLVED to amend 12 AAC 56.032 as per attachment.

By a motion duly made by Collins, seconded by O'Hara, and passed with O'Hara in the negative, it was

RESOLVED to adopt 12 AAC 56.032 as amended.

By a motion duly made by Collins, seconded by Springer, but which fail by unanimous vote 12 AAC 56 .033 failed to be adopted.

The board recessed at 6:40 p.m.

Thursday December 3, 1992

Agenda Item

Reconvened/Roll call

The board reconvened at 7:31 a.m. Roll call established all members with the exception of Chairman Watt were present.

5. Hearing Officer Report Cont.

By a motion duly made by Springer, seconded by

Bumgardner, and passed unanimously, it was

RESOLVED to close case 1900-92-07 having adopted the Default Order.

By a motion duly made by, O'Hara, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to close case 1900-92-06 having adopted the Default Order.

By a motion duly made by O'Hara, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to close case 1900-92-05 having adopted the Default Order.

24. Public Comment

Public comment was heard from Captain James Drahos, Captain John Larsen and Captain Ervin Hagerup representing AMHS. Mr. Watt joined the meeting via telephone conference call at 7:55 a.m. Public comment continued with Mr. Bill Sharp representing Southeast Stevedoring, Captain Michael Spence representing ACP, Mr. David Millen representing AMP, Captain Richard Hofstad, Captain Bill Swan representing SEAPA, and Captain Jeff Pierce representing SWAPA. Public comment ceased at 9:10 a.m.

25-28 Adoption of Regulations

By a motion duly made by Collins, seconded by bumgardner, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.035 as per attachment.

By a motion duly made by Collins, seconded by Springer, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.035 as amended.

By a motion duly made by Springer, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to adopt 2 AAC 56.036.

By a motion duly made by Bumgardner, seconded by Springer, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.070.

By a motion duly made by Collins, seconded by Springer, and passed unanimously, it was



RESOLVED to amend 12 AAC 56.080 as per attachment.

By a motion duly made by Collins, seconded by Springer, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.080 as amended.

The board recessed for lunch at 11:54 a.m.

The board reconvened at 1:05 p.m.

44. Public Comment for agenda items 45-48

Public comment commenced at 1:06 p.m. Public comment was heard from Mr. Michael Haglund representing the Kuskokwim Pilots, Captain Jim Wright representing SWAPA, Mr. Joe Kyle and Larry Cotter representing a consortium of shipping companies, Mr. Bernie Smith representing TESORO, and Mr. David Millen and Captain Stuart Mork representing AMP. Public comment period closed at 3:50 p.m.

48. Draft Regulation Tariff for Region Four

By a motion duly made by Springer, seconded by Reed, and passed unanimously, it was

RESOLVED to approve Region Four proposed tariff for public comment.

47. 12 AAC 56.230 Tariff for Region Three

By a motion duly made by Reed, seconded by Springer, with O'Hara and Bumgardner abstaining, the motion passed unanimously, it was

RESOLVED to amend 12 AAC 56.230 as per attachment.

By a motion duly made by Reed, seconded by Springer, with O'Hara and Bumgardner abstaining, the motion passed unanimously, it was

RESOLVED to adopt 12 AAC 56.230 as amended.

46. 12 AAC 56.220 Tariff for Region Two

By a motion duly made by Collins, seconded by Springer, with O'Hara and Bumgardner abstaining, the motion passed unanimously, it was

RESOLVED to defer 12 AAC 56.220 until the February 1993 meeting.

By a motion duly made by Collins, seconded by Springer, with O'Hara and Bumgardner abstaining, it was

RESOLVED to amend 12 AAC 56.220 (u) by changing the repeal date to March 1, 1993.

45. 12 AAC 56.210 Tariff for Region One

By a motion duly made by Reed, seconded by Springer, with Collins and Watt abstaining, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.210(1)

29-32 Adopt Regulations

Mr. Watt secured the telephone conference call at 5:30 p.m. By a motion duly made by O'Hara, seconded by Springer, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.081 as per attachment.

By a motion duly made by O'Hara, seconded by Reed, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.081 as amended.

By a motion duly made by Springer, seconded by Reed, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.510.

By a motion duly made by Collins, seconded by Reed, and passed unanimously it was

RESOLVED to amend 12 AAC 56.940 as per attachment.

By a motion duly made by Collins, seconded by Springer, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.940 as amended.

By a motion duly made by Springer, seconded by O'Hara , and passed unanimously, it was

RESOLVED to amend 12 AAC 56.960 as per attachment.

By a motion duly made by Collins, seconded by Reed, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.960 as amended.

The board recessed at 7:25 p.m.

Friday December 4, 1992

Agenda Item

The board reconvened. Roll call indicated that Mr. Watt was absent, all other members were present.

5. Hearing Officer Report cont.

By a motion duly made by Collins , seconded by Springer, and passed unanimously, it was

RESOLVED to close case 1900-89-005 and adopt the MOA as presented.

50. Complete Agenda Items from Previous Days

32-33 Adopt Regulations

By a motion duly made by Bumgardner, seconded by Springer, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.965.

By a motion duly made by Collins, seconded by O'Hara, and passed unanimously, it was

RESOLVED to adopt the corrections of printing errors in the existing regulations as submitted.

35. Public Comment

Public comment commenced at 8:00 a.m. for agenda items 36-43. Comment was heard from Mr. David Millen representing AMP, Mr. Bob Erwin and Captain John Schibel representing WAPA, Captain Bill Swan representing SEAPA, Captain Jeff Pierce representing SWAPA, Mr. Joe Kyle representing a consortium of shipping companies, Captain James Drahos, Captain Ron Sumstad representing the Kuskokwim River Pilots, and Captain Stuart Mork representing AMP. Public comment was closed at 9:34 a.m.

36. 12 AAC 56.100 Boundaries of Compulsory Pilotage Waters

By a motion duly made by Collins, seconded by Bumgardner, it was unanimously decided to defer discussion on compulsory pilotage water and to reissue the public notice for comments and suggestions for 12 AAC 56.100.

37. 12 AAC 56.110 Exclusions for Entering Compulsory Pilotage Waters

By a motion duly made by Springer, seconded by O'Hara, and passed unanimously, it was

RESOLVED to approve for public comment the deletion of 12 AAC 56.110(4), travel via Cape Ommaney in Chatham Strait to Point Retreat Pilot Station exclusion.

38. 12 AAC 56.120 Pilot Stations or Pickup Points

By a motion duly made by Collins, seconded by Bumgardner and passed unanimously, it was

RESOLVED to approve for public comment the deletion of Point Retreat Pilot Station 12 AAC 56.120(a)(5) and request comments and recommendations for a new Pilot Station for Chatham Strait closer to the entrance of Chatham Strait. To amend 12 AAC 56.120(a)(10)(A) by removing the words "oil tanker traffic"; and to delete 12 AAC 56.120(a)(10)(B) entirely. To amend 12 AAC 56.120(a)(39) by adding (A) Kuskokwim River Pilot Station 59 degrees 42 minutes North 162 degrees 19 minutes West. (B) Goodnews Bay - ... . To amend 12 AAC 56.120(a)(13) by adding after "west longitude" without transiting Whale Passage. To amend 12 AAC 56.120 (a) by adding a new pilot station for Cape Spencer exact latitude and Longitude to be determined.

39. Repeal of Articles

By a motion duly made by Bumgardner, seconded by Collins, and passed unanimously, it was

RESOLVED to adopt the repeal of 12 AAC 56.027, 12 AAC 56.030, 12 AAC 56.040, 12 AAC 56.045, 12 AAC 56.050, 12 AAC 56.060, and 12 AAC 56.075.

40. Kuskokwim river Region Training Program

By a motion duly made by Bumgardner, seconded by Springer, and passed unanimously, it was

RESOLVED to approve the TRAINING PROGRAM FOR THE KUSKOKWIM PILOT ASSOCIATION as submitted.

19. 12 AAC 56.028 Regional Requirements for D/M Pilots

By a motion duly made by Springer, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to approve for public comment 12 AAC 56.028 (d) Kuskokwim Region Requirements: (1) Two years of service as master on vessel or tug and tow while holding a license as master of vessel on not less than 1,600 gross tons. (2) Three years of experience as a trainee member of a professional pilot's organization plying the waters of the Kuskokwim pilotage region while holding a license as master of vessel of not less than 1,600 gross tons. (3) Make a minimum of 15 round trips during the two years preceding submission of the application for licensure as a deputy marine pilot. A round trip on the Kuskokwim River is defined to include an inbound movement from the mouth to Bethel and an outbound trip from Bethel to the mouth. (4) Make supervised dockings, undockings and tug-assisted maneuvers at: (A) Bethel city dock: a total of six dockings and six undockings. (B) Petro Port: a total of six dockings and six undockings.

32. 12 AAC 56.960 Revisited

By a motion made by Collins, seconded by Bumgardner, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.960(c) by adding the words non-passenger before the word "vessels" and the words of Southeast Alaska after the word "waters."

By a motion duly made by Collins, seconded by Springer, and passed with Bumgardner voting against, it was

RESOLVED to adopt 12 AAC 56.960(c) as amended.

19. 12 AAC 56.028 Revisited

By a motion duly made by Collins, seconded by Springer, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.028(b)(2)(D) to read Approach via Cape Hinchinbrook - eight round trips.

28. 12 AAC 56.080 Revisited

By a motion duly made by Springer, seconded by O'Hara, and passed unanimously, it was

RESOLVED to amend 12 AAC 56.080(d)(1)(A) by removing the words U. S. flag before the "vessel".

By a motion duly made by Collins, seconded by Springer, and passed unanimously, it was

RESOLVED to adopt 12 AAC 56.028 and 12 AAC 56.080 as amended.

14. 12 AAC 56.021 Revisited

By a motion duly made by Springer, seconded by Collins, and passed unanimously, it was

RESOLVED to approve for public comment an additional section concerning training requirements for pilots who reactive a license that was deleted from their license because of regionalization. The new article to read: An otherwise qualified applicant for a marine pilot license in a region who holds an Alaska deputy marine pilot license or marine pilot license issued for another region shall (1) complete the maneuvers, dockings, and undockings required under 12 AAC 56.028(c)(1) for deputy marine pilot trainees in the new region on vessels subject to AS 08.62; (2) pass the written and oral local knowledge examination required for deputy marine pilots in the new region under this chapter; and (3) complete 10 dockings and undockings of vessels over 20,000 gross tons in the new region under the supervision of a qualified training pilot of the new region. (4) In addition to completing the foregoing maneuvers, an applicant for a marine pilot license in the new region shall demonstrate satisfactory completion of a manned ship model or simulator course approved by the board.

41. Application for Recognition Western Alaska Pilot Association

The board discussed Western Alaska Pilot Association application for recognition at length. Mr. Erwin addressed the board and answered their question, Mr. Amendola was participated by telephone to answer the board's questions. Mr. Millen addressed the board with his concerns. The board was concerned that this was the first non-profit incorporation pilot association. The articles and by-laws were significantly amended immediately before the board was expected to vote and approve them. No signatures of the members of the association were on the document as amended. Therefore the board was reluctant to approve the articles and by-laws albeit, by a motion duly made by Springer, seconded by Reed, and passed with O'Hara voting in the negative, it was

RESOLVED to recognize the Western Alaska Pilot Association and require them to provide their articles and by-laws for board approval.

42. Region Three Training Endorsements

The board discussed the process by which region two training pilots will continue to train region three pilots. SWAPA will provide a letter listing the training pilots who they recommend for this endorsement.

43. Continued Education

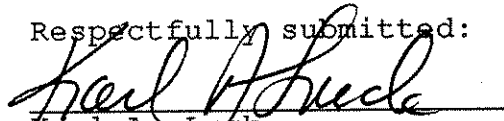
This item deferred until the next meeting.

49. Business

The next meeting is set for February 2-4, 1993 at Juneau AK. An examination will be given on February 2, 1993. The agenda is to include fatigue standards, a pre-selection process for applicants desiring to be deputy marine pilot trainees, a timing requirement for new pilot association for submission of their articles and by-laws for board approval six month prior to expected board action, continued education, medical requirements for pilots, and when a pilot is available in region one.

The board adjourned at 4:50 p.m.

Respectfully submitted:

  
Karl A. Luck  
Marine Pilot Coordinator

Approved:

  
Bob Watt, Chairman

Date: 2/2/93