

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

MINUTES OF MEETING
February 2-4, 1993

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 February 2-4, 1993 at the Egan Room, Centennial Hall, 101 Egan Drive, Juneau, Alaska.

TUESDAY, FEBRUARY 2, 1993

Call to Order/Roll Call

The meeting was called to order at 1:00 p.m. by Bob Watt, Chairman. Present and constituting a quorum of the board were:

Captain Dale Collins
Mr. Glenn Reed
Captain Michael O'Hara
Mr. Mark Springer
Ms. Donna Bumgardner
Mr. Bob Watt

Mr. John Klepper was not present.

Also present and representing the Division of Occupational Licensing were Karl Luck, Director, and JoAnne Cummings, Regulations Specialist. Gary Amendola, Assistant Attorney General was also present at various times throughout the meeting.

Agenda Item 2. Review Agenda

The agenda was amended by moving items 22, regarding vessel agents; 9, recognition of WAPA; 9a, pilots as professional corporations; and 13, tariff in the Kuskokwim region, to Wednesday morning.

On a motion made by Mr. Reed, seconded by Mr. Springer and carried unanimously, it was

RESOLVED to adopt the agenda as amended.

1. Approve Minutes

The board reviewed the minutes from the meeting held on December 1-4, 1993.

On a motion made by Mr. Springer, seconded by Ms. Bumgardner, and carried unanimously, it was

RESOLVED to accept the minutes as presented.

3. Investigative Report

On a motion made by Captain O'Hara, seconded by Mr. Springer and carried unanimously, it was

RESOLVED to enter executive session under the authority of AS 44.62.310(c)(2) and (3) for the purpose of hearing the investigative report.

Mr. Don Faulkenberry, investigator for the Division of Occupational Licensing was connected to the meeting by telephone to give the investigative report.

The meeting was conducted in executive session from 1:15 to 1:45 p.m.

The public portion of the investigative report followed:

- a. Case # 1950-92-09 - Douglas MacPherson has a hearing scheduled for March 3, 1993.
- b. Case # 1950-92-11 - Charles Bates has withdrawn his request for a hearing.

5. Hearing Officer's Report

There was no report from the hearing officer.

6. Correspondence

The board reviewed correspondence. No action was taken. The board discussed correspondence on the following subjects:

- a. publishing of the WAPA tariff

[MR. REED LEFT THE MEETING AT 1:15 P.M.]

- b. RCAC activities - Captain O'Hara will be commenting on this at the next meeting.
- c. AMP letter on refusal of service - deferred until the recognition of WAPA is discussed later in the meeting
- d. NOAA letter regarding the Magnuson Act - The board requested more information on this subject from the Marine Pilot Coordinator at the next meeting.

7. Exam Results

- a. Michael Clinkscales - extension of route

On a motion made by Captain O'Hara, seconded by Mr. Springer, and carried unanimously, it was

RESOLVED to issue a license to Captain Clinkscales for West Coast of Prince of Wales Island and Klawock, the routes passed on the exam taken today.

- b. David Grobschmit - extension of route

On a motion made by Captain O'Hara, seconded by Mr. Springer, and carried unanimously, it was

RESOLVED to issue a license to Captain Grobschmit to include the routes passed on the extension of route examination, Cold Bay and Adak.

- c. Will Anderson - extension of route.

On a motion made by Captain O'Hara, seconded by Ms. Bumgardner, and carried unanimously, it was

RESOLVED to issue a license to Captain Anderson that includes the areas passed on the extension of route exam,

Cold Bay and Iliasik Passage.

- d. Kim Buchman - deputy marine pilot license. Captain Buchman passed the written exam and is eligible to take the oral exam.
- e. Ron Sumstad - deputy marine pilot license. Captain Sumstad passed the written exam and is eligible to take the oral exam.
- f. Kurt Petrich - extension of route.

On a motion made by Captain O'Hara, seconded by Ms. Bumgardner, and carried unanimously, it was

RESOLVED to deny an extension of route to Captain Petrich based on exam scores.

- g. David Anderson, extension of route.

On a motion made by Captain O'Hara, seconded by Ms. Bumgardner, and carried unanimously, it was

RESOLVED to deny an extension of route to Captain Anderson based on exam scores.

7. Correspondence on Licensing

[MR. REED RETURNED AT 2:00 P.M.]

The board discussed correspondence from Captains Baken and Hagerup regarding the familiarization trips necessary for renewal. Many pilots have not been able to renew their licenses because of a lack of the necessary number of trips in some areas on their licenses. No action was taken.

[TAPE 1, SIDE B]

The board also discussed a letter from Captain Richard D. Desautel requesting clarification of the additional number of days of service he will need to obtain in order to be eligible to take the exam for a deputy marine pilot license. Captain Luck calculated his time and determined

that an additional 271.5 8-hour days, or 181 12-hour days are necessary.

On a motion made by Captain O'Hara, seconded by Mr. Springer, and carried unanimously, it was

RESOLVED to concur with Captain Luck's counting of days for Captain Desautel.

7. Upgrade Applications

- a. James Stith submitted an application to upgrade his license to 20,000 gross tons.

On a motion made by Mr. Springer, seconded by Mr. Reed, and carried unanimously, it was

RESOLVED to approve the upgrade application of Captain Stith.

- b. Robert Winter applied to upgrade to a marine pilot. His anniversary date is April 30, 1993.

On a motion made by Mr. Springer, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to grant a 40,000 gross tons marine pilot license effective April 30, 1993 to Captain Winter.

- c. David Anderson applied to upgrade to an unlimited license.

On a motion made by Mr. Springer, seconded by Captain O'Hara, and carried by a vote of 4-2 with Captain Collins and Mr. Watt voting against the motion, it was

RESOLVED to deny Captain Anderson's upgrade application due to holes in his license.

7. Application of Ted Kellogg

Captain Collins was excused from the discussion and vote on Captain Kellogg's application due to a declared conflict of interest. Captain

Collins is a member of a pilot organization in competition with the pilot organization with which Captain Kellogg is associated.

The board took a brief recess from 2:55 to 3:00 p.m.

Captain Kellogg and his attorney, Mr. Monkman, were present to address the board.

[TAPE 2, SIDE A]

Captain Kellogg submitted additional documentation of his sea time. Captain Luck stated that the only question of his application being acceptable is documentation of Captain Kellogg's time on tug and tow of adequate tonnage. Captain Kellogg submitted verification from his employer in letter form. No log book copies were available.

On a motion made by Mr. Springer, seconded by Mr. Reed, and carried unanimously, it was

RESOLVED to approve Captain Kellogg's application for a deputy marine pilot license.

Captain Kellogg took the deputy marine pilot examination during the morning exam period. He failed a portion of the core exam and was, therefore, not allowed to proceed with the remainder of the examination.

The board requested that the marine pilot coordinator schedule an agenda item for the next meeting to draft a regulation defining acceptable documentation for time spent on tug and tow.

[MR. REED LEFT THE MEETING AT 3:30]

7a. Oral Exam

The board went off the record to conduct oral exams from 3:45 to 4:10 p.m.

Ron Sumstad and Kim Buchman both passed the oral exam.

On a motion made by Mr. Springer, seconded by Captain O'Hara, and carried unanimously, it was

RESOLVED to grant Ron Sumstad a deputy marine pilot license for Region 4.

BE IT FURTHER RESOLVED to grant Kim Buchman a deputy marine pilot license in Region 4.

8. Public Comment

The following individuals addressed the board on the subjects indicated. A complete record of the public comment is available on audio cassette.

- a. Jeff Baken - renewal of his license
- b. Erv Hagerup - renewal of his license
- c. Michael Spence (Alaska Coastwise Pilots)
 - 1. familiarization trips required for renewals
 - 2. objection to exam procedure
 - 3. sea time evaluation for Captain Rathgeber
 - 4. proposed regulation on exclusions for entering compulsory pilotage waters - suggests a committee for further study before taking any action
- d. Joe Kyle (Alaska Steamship Association)
 - 1. proposed regulation 12 AAC 56.028, region 4 requirements for a deputy marine pilot license appear to be arbitrary time requirements
 - 2. proposed 12 AAC 56.110 and 120, changes should be specifically public noticed; ASA supports Valdez change; the board should explain the reasons for the other changes

[TAPE 2, SIDE B]

[MR. REED RETURNED AT 4:45 P.M.]

- e. Bill Swan (SEAPA) and his attorney, Bruce Weyhrauch - outside interference with board is prohibiting the board from conducting its business
- f. Bill Sharp (Southeast Stevedoring) - compulsory pilotage waters, recommends the board appoint a committee for further study
- g. Ron Sumstad - training requirements in the Kuskokwim region

- h. Dave Millen (Alaska Marine Pilots) - training and experience
- i. James Drahos - counting time as a master, change in pilot stations and exclusions
- j. Dan Grausz (Holland America) - attitude of cooperation, objects to insinuations that shippers are not concerned with safety
- k. Terry Bennett (Alaska Coastwise Pilots)
 - 1. proposed regulation 12 AAC 56.110
 - 2. renewal requirements
 - 3. exam procedures
 - 4. Captain Rathgeber's application
- l. Bob Boyd - problems with license renewal
- m. Kurt Petrich - exam procedures
- n. George Porter - pilot stations

13. Tariff in Southcentral Region

An increase in the tariff in the Southcentral Region was public-noticed in October. During the December 1992 meeting of the board, action on the proposed regulation was deferred until this meeting.

Captain O'Hara was excused from the discussion and vote on this issue because of a declared conflict of interest. Captain O'Hara belongs to a pilot organization operating in the Southcentral Region.

Captain Jim Wright, representing Southwest Alaska Pilots Association, and Bernie Smith, representing Alaska Steamship Association, presented a letter of agreement regarding tariff rates in the Southcentral region. The proposal sets the tariff at the 1992 levels with the exception of Cook Inlet where the base rate will be increased by 33 percent. No other changes will be made, and the increases will apply through June 30, 1994. The letter of agreement is attached to these minutes as Attachment 1.

On a motion made by Mr. Springer, seconded by Ms. Bumgardner, and carried unanimously, it was

RESOLVED to adopt the tariff proposal as presented.

[MR. KLEPPER ARRIVED AT 5:45 P.M.]

The board took a short recess from 5:45 to 5:55 p.m.

13. Adoption of Proposed Regulations

The regulations, as proposed, are attached to these minutes as Attachment 2.

A motion was made by Mr. Springer and seconded by Captain O'Hara to adopt 12 AAC 56.028 as proposed.

A motion was made by Mr. Reed and seconded by Captain O'Hara to amend the above motion to amend 12 AAC 56.028(d)(3) to read, "a minimum of 15 round trips on enrolled or registered vessels or tug and tow during the two years before the date of application for licensure as a deputy marine pilot..." The amendment and the main motion as amended passed unanimously and it was therefore

RESOLVED to adopt 12 AAC 56.028(d) as amended.

Mr. Klepper abstained from voting on the above motion because he was not present for the public comment on this issue.

[TAPE 3, SIDE B]

No action was taken on proposed regulation 12 AAC 56.110, Exclusions for Entering Compulsory Pilotage Waters of Alaska. Captain O'Hara suggested soliciting input from fishermen because their interests are affected. The board discussed forming a committee to study the issue. The board agreed that more notice needs to be given through notice to mariners and fishermen's associations. The board will gather more comments before forming a committee.

On a motion made by Mr. Springer, seconded by Mr. Reed, and carried unanimously, it was

RESOLVED to amend 12 AAC 56.110(12) to read, "travel

to the Kodiak City or Womens Bay Pilot Station without transiting Whale Passage;"

On a motion made by Ms. Bumgardner, seconded by Mr. Springer, and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.120(10) as proposed.

On a motion made by Mr. Springer, seconded by Captain O'Hara, and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.120(39) as proposed.

The board recessed for the day at 6:35 p.m.

WEDNESDAY, FEBRUARY 3, 1993

Call to Order

The meeting was called back to order at 7:40 a.m. by Mr. Watt, Chairman. All board members except Mr. Springer were present.

The board agreed to postpone discussion on agenda items 22, vessel agents, and 9, recognition of WAPA, until later in the meeting.

Public Comment

The following individuals gave public comment on agenda items 9a, 13a, 15, and the tariff in the Kuskokwim Region:

- a. Mike Haglund and Kim Buchman (Kuskokwim Pilots' Association) - tariff in the Kuskokwim Region

[MR. SPRINGER ARRIVED AT 8:00]

- b. Dave Millen (Alaska Marine Pilots)
 1. 9a - pilots as professional corporations
 2. 13a - upgrades under the regulations adopted in December,

1992

- c. Joe Kyle (Alaska Steamship Association) - tariff in Kuskokwim Region, notice requirements too stringent
- d. Dan Blackmore (ALAMAR) - shipping in the Kuskokwim region

13a. Upgrades Under 12 AAC 56.029(b)

Mr. Millen wrote a letter to Captain Luck requesting that six pilots in the Alaska Marine Pilots organization be given upgrades based on 12 AAC 56.029(b) adopted in December, 1992.

The board consulted with Gary Amendola, Assistant Attorney General, and agreed that the new regulation dealing with upgrading tonnage on a deputy marine pilot license applies only to pilots who qualified as deputy marine pilots under the 1991 Marine Pilotage Act. Pilots licensed prior to the 1991 Marine Pilotage Act must continue to upgrade their licenses through the step procedure in 12 AAC 56.040 and 12 AAC 56.045.

15. Regulation on Boundaries of Compulsory Pilotage Waters

The board deferred action on this item.

The board recessed briefly from 8:30 to 8:45 a.m.

Ethics

The board discussed regulations proposed by the Department of Law regarding ethics and discussed ethical standards for members of boards and commissions.

[TAPE 4, SIDE B]

On a motion made by Mr. Springer, seconded by Mr. Reed, and carried unanimously, it was

RESOLVED to enter executive session under authority of AS 44.62.310(c) for information on ethics complaints filed against specific members.

9a. Professional Corporations

Prior to entering executive session, the board discussed professional corporations with Mike Monagle from the State Division of Banking, Securities and Corporations.

Mr. Monagle reported that the state has no objection to a marine pilot forming a professional corporation though there are some states that do not allow it. He cannot say whether a court would approve the professional corporation of a marine pilot if it goes to litigation.

Ethics (continued)

The board entered executive session at 9:15 and returned to open session at 10:00 a.m.

Public Comment

The following individuals gave public comment on agenda items 20, 21, 23 and 24:

- a. Jim Wright (Southwest Alaska Pilots Assoc.) - new tariff setting process, recommends a tariff committee comprised of pilots, industry and board representatives
- b. Joe Kyle (Alaska Steamship Association) - tariff setting process
- c. Dave Millen and Stuart Mork (Alaska Marine Pilots)
 1. continuing education requirements should be objectively stated
 2. tariff setting process
 3. legislative recommendations - fixed tariff, limited number of licenses, more board authority to gather information from vessel agents

[TAPE 5, SIDE A]

- d. Bill Sharp (Southeast Stevedoring)
 1. purpose of registering agents
 2. new tariff setting process

- e. Terry Bennett (Alaska Coastwise Pilots) - tariff setting procedure
- f. Mike Spence (Alaska Coastwise Pilots) - tariff recommendations and continuing education requirements
- g. Joe Homer - application for cross-regional licensing
- h. Bill Swan (Southeast Alaska Pilots Assoc.) - tariff setting procedure
- i. James Drahos
 - 1. continuing education requirements should be applicable by region
 - 2. cross-region licensing
- j. Dan Grausz (Holland America) - tariff setting procedure
- k. Scott Jones (ALAMAR) - tariff setting procedure

The board took a brief recess from 11:10 to 11:25 a.m.

[TAPE 5, SIDE B]

20. Continuing Education

Captain O'Hara reported on the input he has received on continuing education. Captains Collins and O'Hara will write up a report to present at the next meeting.

Insurance for Board Members

On a motion made by Mr. Reed, seconded by Mr. Springer, and carried unanimously, it was

RESOLVED to look into purchasing director's and officer's insurance for board members as part of the expenses of the board.

The board asked Mr. Amendola to assist the Marine Pilot Coordinator in finding out if license fees may be used to purchase this insurance, if other fees may be used, or if board members may purchase their own

coverage.

The board's annual report to the governor should include a recommendation that this type of coverage be purchased for all members of boards and commissions.

21. Vessel Agents

The board discussed the involvement of vessel agents in the daily operations of pilot organizations. No action was taken.

The board recessed for lunch from 12:00 noon to 1:15 p.m.

[TAPE 6, SIDE A]

23. New Tariff Setting Process

The board discussed the possibility of a change in the tariff setting process.

Mr. Watt declared a conflict of interest and did not participate in a discussion of monopolies in shipping. Mr. Klepper, the vice-chairman of the board, acted as chairman for the discussion.

On a motion made by Captain Collins, seconded by Mr. Springer and carried by a vote of 5-2 with Mr. Reed and Captain O'Hara voting against the motion, it was

RESOLVED to establish a new tariff making process.

The board requested that pilot organizations and shipping industry representatives submit specific proposals for a tariff setting procedure for discussion at the next board meeting.

24. Cross-Region Licensing

Captain Homer submitted a request to be licensed in both Region 1 and Dutch Harbor.

A motion was made by Captain Collins and seconded by Mr. Springer to direct the marine pilot coordinator to review Captain Homer's request and

the applicable statutes to see if Captain Homer qualifies for a license in more than one region and to report back to the board at the next meeting. The motion failed by a vote of 3-4 with Captain Collins, Mr. Watt and Ms. Bumgardner voting in favor of the motion.

On a motion made by Captain O'Hara, seconded by Mr. Reed, and carried by a vote of 6-1 with Captain Collins voting against the motion, it was

RESOLVED to direct the marine pilot coordinator to write a letter to Captain Homer in response to his application, citing AS 08.62.080(b).

13. Kuskokwim Region Tariff

Mike Haglund, representing the Kuskokwim Pilot Association, and Joe Kyle, representing Alaska Steamship Association reported to the board that they jointly request a change to the proposed tariff to require 36 hours advance notice in requesting a pilot rather than 72 hours as originally proposed.

Mr. Springer made a motion, seconded by Captain O'Hara, to adopt the Kuskokwim region tariff as submitted.

Mr. Springer then moved to amend the above motion to change the 72 hour notice requirement in 12 AAC 56.240(n) to 36 hours. The motion to amend was seconded by Captain O'Hara. The amendment and the amended main motion passed unanimously, it was therefore

RESOLVED to adopt the Kuskokwim region tariff as amended.

16. Medical Standards for Marine Pilots

Dr. Riederer addressed the board regarding medical standards. At the marine pilot coordinator's request, Dr. Riederer reviewed the medical standards for marine pilots from the State of Washington. Dr. Riederer expressed his concern that some of the restrictions may be too stringent.

Dr. Riederer also reviewed the present physical exam form required of marine pilot applicants in Alaska. His specific recommendations were to add a treadmill test for applicants over age 40 with two or more risk factors for coronary insufficiency, a prostate exam, a chemistry screen, and x-rays.

Public Comment

The following individuals gave public comment on agenda items 22, 9, 9b, 16, and 17:

- a. Arie van Noort (Northwest Cruise Ship Association) - clarification of negotiations with Southeast Alaska Pilots Association
- b. Bob Erwin (Western Alaska Pilots Association) - agent involvement in pilot organizations

[TAPE 7, SIDE A]

- c. Dave Millen, Tom Dundas (Alaska Marine Pilots)
 - 1. agent involvement in pilot organizations
 - 2. recognition of WAPA
 - 3. AMP's preferred customer policy
- d. James Drahos
 - 1. medical standards
 - 2. fatigue standards
 - 3. agent involvement in pilot organizations
 - 4. recognition of WAPA

The board took a short recess from 3:20 to 3:30 p.m.

- e. Joe Kyle, Dan Grausz (Alaska Steamship Association and Holland America)
 - 1. WAPA recognition
 - 2. AMP's preferred customer policy
- f. Bill Sharp (Southeast Stevedoring) - agent involvement in pilot organizations

[TAPE 7, SIDE B]

- g. Scott Jones (ALAMAR)
 - 1. agent involvement in pilot organizations
 - 2. WAPA recognition

- h. Michael Spence (Alaska Coastwise Pilots)
 - 1. medical standards
 - 2. WAPA recognition

22a. Regulation on Agent Involvement

Mr. Watt stated that he has contacted the governor's office and requested an opinion on whether he has a conflict of interest on this issue. He has not received a response from the governor's office but has been assured by Mr. Amendola that he does not have a conflict.

The board discussed a regulation prohibiting a pilot organization from entering into agreements with owners, operators, or agents of vessels. The proposed wording was submitted by Alaska Marine Pilots in a letter to Captain Luck dated January 18, 1993.

On a motion made by Mr. Klepper, seconded by Mr. Springer, and carried by a vote of 6-1 with Mr. Watt voting against the motion, it was

RESOLVED to accept the regulatory change proposed by Alaska Marine Pilots for public comment.

9. Recognition of Western Alaska Pilots Association

Mr. Erwin, attorney for Western Alaska Pilots' Association (WAPA), was present to answer questions from the board.

Mr. Klepper made a motion to accept the bylaws of WAPA, dated January 26, 1993, as presented. The motion was seconded by Mr. Springer.

[TAPE 8, SIDE A]

Captain Collins moved to amend the above motion by requiring

WAPA to delete Section 2, "Voting", from Article II, on page one of the bylaws. The amendment passed unanimously, and the amended main motion passed by a vote of 6-1 with Captain O'Hara voting against the motion. It was, therefore,

RESOLVED to accept the WAPA bylaws as amended.

On a motion made by Mr. Reed, seconded by Ms. Bumgardner, and carried by a vote of 5-2 with Captains Collins and O'Hara voting against the motion, it was

RESOLVED to accept the WAPA policies and procedures.

Mr. Erwin agreed, on behalf of WAPA, to strike out the phrase "according to seniority" in Procedure #5.

[TAPE 8, SIDE B]

During the review of WAPA's articles of incorporation, a conflict between the articles of incorporation and the bylaws was discovered. The articles of incorporation state that there will be one vote per member, but the bylaws allow for fractional voting.

On a motion made by Captain Collins, seconded by Mr. Klepper, and carried unanimously, it was

RESOLVED to rescind the approval of WAPA's bylaws.

Mr. Klepper moved to accept WAPA's bylaws. The motion was seconded by Mr. Reed.

Mr. Klepper also moved to amend the above motion to require WAPA to amend section 4 of the bylaws, "Voting at Meetings" so that each member has one full vote. The amendment passed unanimously, and the amended main motion passed by a vote of 6-1 with Captain O'Hara voting against the motion. It was, therefore,

RESOLVED to accept WAPA's bylaws as amended.

On a motion made by Mr. Klepper, seconded by Mr. Springer, and

carried unanimously, it was

RESOLVED to accept WAPA's articles of incorporation.

The board reviewed the training program submitted by WAPA. Mr. Erwin stated that paragraph C under section III, Continuing Education, will be deleted.

A copy of WAPA's articles, bylaws, and training program are attached as Attachment 3.

9b. AMP's Preferred Customer Policy

The board reviewed a letter from AMP regarding its policy for refusing service to a client who uses pilots from another organization. The board discussed possible action through emergency regulations or cross-regional licensing if necessary to prevent an interruption of shipping.

Action was deferred until Thursday morning when Mr. Amendola would be present.

[TAPE 9, SIDE B]

16. Medical Standards

The board directed the marine pilot coordinator to do further study on revising the current medical standards for marine pilots in this state. The board stated that Alaska's standards, at a minimum, must equal the federal standards.

17. Fatigue Standards

Captain Collins and Ms. Bumgardner were appointed by the chairman to gain more information on fatigue standards from pilot organizations and other sources and report back to the board at the next meeting.

7. License Applications

Captains Baken and Hagerup submitted letters regarding the renewal of their licenses. Both applicants are lacking some of the familiarization trips necessary to renew. The board deferred action on these renewal

applications until Thursday morning when Mr. Amendola would be present.

The meeting was recessed for the day at 6:45 p.m.

THURSDAY, FEBRUARY 4, 1993

Call to Order

The meeting was called back to order at 7:45 a.m. by Mr. Klepper, vice-chairman. All board members except Mr. Watt were present.

Amendment to Adopted Regulations

The board discussed amending the regulation, adopted by the board at the December 1992 meeting, regarding familiarization trips required for license renewal.

On a motion made by Captain O'Hara, seconded by Mr. Reed, and carried unanimously, it was

RESOLVED to amend 12 AAC 56.082(b)(1) to read, "provide proof of a combination of working days and days as an observer totaling at least 60 on enrolled vessels or vessels subject to AS 08.62;" and to amend 12 AAC 56.082(b)(2) to read, "successfully perform five dockings and five undockings at Nikiski or Anchorage; ..."

[TAPE 9, SIDE B]

The board also discussed rescinding action taken at the December 1992 meeting to repeal regulations dealing with license upgrades.

On a motion made by Captain Collins, seconded by Ms. Bumgardner, and carried unanimously, it was

RESOLVED to rescind the action taken at the last meeting to repeal 12 AAC 56.027, 12 AAC 56.030, 12 AAC 56.040,

12 AAC 56.045 and to move all of these sections to a separate part of the regulations chapter. These sections will apply to licensees granted a license before June 30, 1991, and these sections will have a sunset date of December 31, 1998.

18a. Maritime Training Presentation

Harry J. Crooks, Director of the Simulation Training and Research (STAR) Center presented slides and information on the simulation training available through his organization.

9b. AMP's Preferred Customer Policy

The board continued its discussion of possible action to prevent a boycott of shipping in the Western Alaska region.

AMP's letter and a letter from ALAMAR to AMP are attached as Attachment 4.

[TAPE 10, SIDE A]

The board took a brief recess from 9:00 to 9:10 a.m.

The following individuals gave public testimony on AMP's preferred customer policy and other items as indicated:

- a. Dave Millen (Alaska Marine Pilots)
- b. Mike Spence (Alaska Coastwise Pilots)
- c. Scott Jones (ALAMAR)

[TAPE 10, SIDE B]

- d. Dan Grausz (Holland America)
- e. Jeff Baken and Erv Hagerup - renewal applications
- f. Joe Kyle and Larry Cotter (Alaska Steamship Association)

- g. James Drahos - exam dates, hiring of marine pilot coordinator
- h. Bill Swan (Southeast Alaska Pilots Assoc.)
- i. Hans Antonsen

The board took a brief recess from 10:20 to 10:30 a.m.

[TAPE 11, SIDE A]

The board requested that Mr. Amendola research the board's options in the event of an emergency due to a boycott of shipping and report to the board at a later date.

7. Applications

Captain Collins relinquished his seat on the board to Mike Spence from Alaska Coastwise Pilots for the discussion of Kathy Rathgeber's application for a deputy marine pilot license. No action was taken.

[TAPE 11, SIDE B]

26. Pilot Availability

The board deferred drafting a regulation on the phrase "when a licensed pilot is available" until the next meeting.

27. Hiring a Marine Pilot Coordinator

Captain Luck reported that the field of candidates for the position of Marine Pilot Coordinator has been narrowed to three, and that the hiring process should be completed by the end of February. He will present his choice to the board by teleconference for approval.

7. Applications

The board discussed the renewal applications of Captains Baken and Hagerup and the renewal problems of other licensees. No action was taken.

27a. Dormant Licenses

No action was taken on dormant licenses.

9. Recognition of WAPA

Captain Collins temporarily relinquished his seat on the board to Stuart Mork of Alaska Marine Pilots (AMP) so that he could address the board on the recognition of Western Alaska Pilots Association (WAPA). Captain Mork notified the board that several members of AMP had applied to join WAPA.

[TAPE 12, SIDE A]

28. Business

The next meeting of the board was set for April 27--29, 1993 in Juneau. The next exam date was scheduled for April 27, 1993 in Juneau.

The board suggested the agenda for the April meeting include a review of the exam procedure and proposals from pilot associations on a new tariff setting procedure.

Adjourn

The meeting was adjourned at 12:00 noon.

Respectfully submitted,

Bob Watt, Chairman



JoAnne Cummings
Regulations Specialist

Approved on: _____