

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

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

SUMMARY OF MOTIONS

OCTOBER 4-6, 1994

Juneau, Alaska

By authority of AS 08.01.070 (2) and AS 08.62.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held on October 4-6, 1994.

Tuesday, October 4, 1994

Call to Order

1300 The meeting was called to order by Captain Klepper. Members present and constituting a quorum were: Captain Collins, Captain O'Hara, Mr. Reed, Mr. Springer, and Captain Klepper. Also present was Captain Twohig, Marine Pilot Coordinator.

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

RESOLVED to approve the minutes of the June 6, 1994 teleconference.

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

RESOLVED to approve the minutes of the June 17, 1994 teleconference.

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

RESOLVED to approve the minutes of the August 22, 1994 teleconference.

2. Public Comment

- a. LCDR Mike Rand spoke on Bridge Resource Management Training
- b. Eric Ellieson, Doug Macpherson, Richard Gurry and Stewart Mork announced the formation of the Alaska State Pilots Alliance
- c. Harry Scally spoke opposing the 60,000gt endorsement
- d. Stewart Mork spoke opposing the 60,000gt endorsement
- e. Doug MacPherson spoke opposing the 60,000gt endorsement
- f. Joe Kyle spoke opposing the proposed regulation requiring agents be flesh and blood persons
- g. John Larson, spoke opposing the 60,000gt endorsement and fees
- h. Jim Drahos spoke regarding 18 AAC 75 requirements, DOL stonewalling inquiries, 60,000gt endorsement and fees
- i. John Baldry spoke approving of the 1994 annual report and requesting that the board initiate legislation to levy a vessel surcharge to offset the costs of running the marine pilotage system.
- j. Ken Castner spoke on the 60,000gt endorsement and the NIEUW AMSTERDAM grounding
- k. Joe Merrill spoke against the renewal fees, and the 60,000gt endorsement
- l. Larry Pullin spoke against the state reg module of the core examination and recommended that this module be made open book
- m. Vernon Atkinson spoke about the training program in Region 2
- n. Ed Creasy spoke about bridge resource management and training
- o. Richard Gurry spoke in favor of the 60,000gt endorsement and in favor of an open book exam for state regulations
- p. Ted Kellogg spoke against 60,000gt endorsement
- q. Eric Ellieson spoke about changes in the SWAPA bylaws
- r. Arnie Van Noord spoke about Bridge Resource Management and the cruise ship industry

3. Executive Session

On a motion made by Captain O' Hara, seconded by Mr. Reed and carried 3 YES, 1 NO it was

RESOLVED to enter executive session to conduct oral examinations, discuss investigative matters and the yearly performance review of the Marine Pilot Coordinator.

Wednesday, October 5, 1994

4. Licensing of Captain Picton

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

RESOLVED to grant Capatin Picton a license as a Marine Pilot limited to 40,000gt in Region 1 with an agreement that the first 20 dockings and undockings in region 1 be conducted under the supervision of a state license pilot.

5. Examination development

The Marine Pilot Coordinator gave a presentation on the results of his inquiries into the costs surrounding the professional development of licensing examinations for marine pilotage. An ensuing discussion was held concerning recent legal challenges to examinations and the chairmen directed the Marine Pilot Coordinator to pursue the development of examination based on the CLEAR coucil's guidelines found in PRICIPLES OF FAIRNESS. Questions will be solicited from all pilots and pilot associations to begin to put together a large question database. Names should also be submitted for the formation of a question and exam review committee.

6. Funding the Board of Marine Pilots

The chairman discussed the need to find new ways to fund the board because of the continuing legal challenges to decisions of the board, the development of examinations, and to possibly reduce license fees.

7. Regulations

A motion made by Mr. Springer, seconded by Mr. Reed to adopt proposed regulation 12 AC 56.011 was defeated 3 NO, 1 Yes.

On a motion made by Mr.Reed , seconded by Cptain O'Hara and carried 4 YES, 1 NO, it was

RESOLVED to adopt changes to 12 AAC 56.040 as written.

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

RESOLVED to adopt changes to 12 AAC 56.070 as written

A motion made by Mr. Springer, seconded by Captain O'Hara to adopt changes to 12 AAC 56.320 was defeated unanimously.

A motion made by Mr. Springer,seconded by M. Reed to adopt changes to 12 AAC 56.520 was defeated 4 NO 1 YES.

A motion made by Mr. Springer, seconded by Mr. Reed to adopt changes to 12 AAC 56.530 was defeated unanimously.

A motion made by Mr. Springer, seconded by Captain O'Hara to adopt changes to 12 AAC 56.990 (1) was defeated unanimously.

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

RESOLVED to amend 12 AAC 56.990 to add subparagraphs 16 and 17 as written.

8. Public Comment

- a. Doug MacPherson spoke on training pilots and pilot stations
- b. Richard Gurry spoke on strengthening the training requirements for southeast Alaska, and revisiting pilot stations
- c. Ken Castner spoke on ship simulator proposals for the the Cook Inlet RCAC
- d. Joe Kyle spoke on the BMP Annual Report and revisiting pilot stations
- e. Jim Drahos spoke on the BMP Annual Report, the training program should be centralized, the NIEUW AMSTERDAM grounding, mandatory retirement age, simulator training, Bridge Resource Management, examinations
- f. Arni Van Noord spoke on ship simulators
- g. Glenn Reed spoke in favor of the board making the statutes and regulations module of the core exam an open book test.

9. Amended Proposed Decision Upon Remand in Marine Pilot Case No. 1900-94-005

The board heard oral argument on the hearing officer's amended proposed decision upon remand in Case Number 1900-94-005. Gayle Horetski, Assistant Attorney General represented the Division of Occupational Licensing, Dan Dennis represented David Renwick.

The board entered executive session at the call of the chair at 12:15pm to consider the oral argument.

The board returned to open session at 1:15pm .

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

RESOLVED to reject the Hearing Officer's Amended Proposed Decision upon Remand, pursue option 4, and call for the record to be prepared in Marine Pilot Case No. 1900-94-005 to be heard before the entire Board of Marine Pilots on November 7, 1994 in Anchorage.

10. Annual Performance Report, Board of Marine Pilots FY 1994

The board commented favorably on the annual report prepared by the the chairman and the Marine Pilot Coordinator. Mr. Reed recommended that an additional section should be added to list the board's achievements for the last year in any future reports.

Mr. Springer suggested that the legislature be made aware of the high level of activity of this board that regulates only 88 state licenses and requires full time staffing by a Marine Pilot Coordinator and the full time attention of an Assistant Attorney General.

11. Outline for Legislative Change

An ensuing discussion was held concerning the requirements for legislative change identified in the legislative audit of the Board of Marine Pilots and the Annual Report, Board of Marine Pilots.

Captain O'Hara expressed concern for suggesting that the Marine Pilotage Act for major overhaul because of the intense effort that the board has made in passing regulations. He recommended that only minor changes be made to the act.

Mr. Springer recommended that the legislature look at the problems that the board has been having with competition and stated that the only legislation that would make marine pilotage simpler to regulate would be a state run system.

Captain Collins stated that the Marine Pilot Act of 1991 was inherently flawed and recommended a new bill to fix the glaring deficiencies in the law. He stated that the current competitive system was not in the state's best interest and not in the interest of the pilot profession.

Mr. Reed noted the contradictions in the law that were described in the board of marine pilots Annual Report. He stated that the issue of competition should be dealt with along with the current conflicts in the law as apposed to seperately. He stated that he had problems from the beginning was his belief that competition was not in the best interest of the state. Mr. Reed suggested a state run system, but cautioned to request change from the Legislature by identifying the problems and asking them to fix it.

12. Reconsideration of the Board's Decision in Marine Pilot Case No. 1950-93-007

A discussion was held within the Board and comments made by Captain Creasey concerning the merits of the cross regional license issue.

A motion to reconsider the board's decision in Case No. 1950-93-007 made by Mr. Reed, seconded by Mr. Springer was defeated 3NO, 2YES.

Mr. Springer requested that the issue of maintaining inactive endorsements be placed on the agenda for the next meeting of the Board of Marine Pilots.

Captain Collins suggested that the statutes be looked at in regards to writing a regulation to define what is in the state's best interest.

13. Presentation by Harry Crooks, RTM STAR Center

Mr. Crooks updated the board on the Alaskan geographic databases available in the new simulator in located in Kent Washington. Mr. Crooks discussed Bridge Resource Management and Emergency Shiphandling courses.

14. Twin Island Pilot Station

A discussion was held concerning the possibility of removing the Behm Canal restriction from the Twin Is Pilot Station after the grounding of the M/S Nieuw Amsterdam on Gravina Point.

The issue of pilot stations was put on the agenda for the next board meeting.

15. Public Comment

- a. John Larsen spoke about the Twin Island Pilot Station and requested that the board petition the Legislatre to find another way to fund the pilotage system.
- b. Doug MacPherson spoke about the Twin Island Pilot Station.
- c. Ken Castner spoke about the Cook Inlet RCAC and his volunteer status at the pilot board meetings and pilotage qualifications.
- d. Jim Drahos spoke on ADEC and 18AAC75 and the DOL approval of BMP regulations.
- e. Glenn Reed spoke about his tenure on the pilot board and stressed the need for the pilots, industry, and the public to continue to write letters to the board as this is an basis of the board's knowledge.

16. Business

- a. The next meeting was set for the 7th of February, 1995 with examinations

17. Adjourn

The Chairman adjourned the meeting.

Respectfully submitted,

Daniel C. Twohig
Marine Pilot Coordinator

Captain John Klepper
Chairman