

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

SUMMARY OF MOTIONS

APRIL 2-3, 1996

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 April 2-3, 1996.

April 2, 1996

0800 - Examinations

Examinations were administered to:

Captain Bill Tuttle	West Coast of P.O.W., Klawock
Captain Tony Chadwick	West Coast of P.O.W., Klawock, Yakutat
Captain Mike Skovoth	Core
Captain Tom Dundas	Illiasik Pass, Adak
Captain Gary Ogilvy	Sitka, Nichols Pass, Metlakatla
Captain Werner Sund	Yakutat

1330

The meeting was called to order by Captain Klepper.
Present and constituting a quorum were:

Captain John Klepper
Captain Mike O'Hara
Captain Mike Spence
Mr. Dan Hensley
Mr. Bob Berto
Mr. Jeff Bush
Mr. Bernie Smith

BOARD OF MARINE PILOTS
SUMMARY OF MOTIONS
APRIL 2-3, 1996
PAGE 2

Also present were:

Captain Dan Twohig, Marine Pilot Coordinator
Gayle Horetzki, Assistant Attorney General

Agenda Item 1

Review/Set Agenda

On a motion made by Mr. Smith, seconded by Mr. Hensley and carried unanimously, it was

RESOLVED to adopt the minutes of the January 23, 1996, meeting of the board.

Agenda Item 1A

The Chairman discussed the chairmanship and his status as a resident of the State of Alaska.

Agenda Item 2

Board Consideration of Settlement Agreement in Case No. 1900-95-001.

On a motion made by Captain O'Hara, seconded by Mr. Smith and carried unanimously (Captain Spence and Mr. Berto were recused), it was

RESOLVED to approve the settlement order in Case No. 1900-95-001.

Agenda Item 3

Seatime Analysis for Captain Backen

The board discussed Captain Backen's seatime documentation and gave direction to the MPC on how to count his time.

Agenda Item 4

Correspondence

The board reviewed all pending correspondence to the board, including a discussion of the USCG investigation of the tanker KENAI incident.

Agenda Item 5

Public Comment

1. Captain Dan Twohig read into the record his letter of resignation as Marine Pilot Coordinator and made the following comments to the board:

"Mr. Chairman and members of the board, I became the Marine Pilot Coordinator in the Fall of 1993 against the advice of the pilots that I knew in Southeast Alaska, and whose opinions I value highly. They warned me that this position of Pilot Coordinator would be a thankless job and that I would be an easy target for all factions of the vicious special interest politics of this controversial business. A logical target, yes. An easy target, no. A thankless job, definitely not.

As Marine Pilot Coordinator, I have always believed that the state's best interest was served by administering a safe and efficient pilotage system; not by making the pilots happy or by making the shipping industry happy. When discussing any topic regarding pilotage in Alaska, there are at least three sides to every story. With this in mind, I have maintained neutrality when neutrality was called for. I have taken the point and the heat on delegate and controversial issues, and I have fallen on my sword, when I believed that to get the job done taking the fall was the appropriate thing to do. I have worked very hard for the pilots of Alaska and Board of Marine Pilots these last two and half years, and I believe that I have been effective in this job and believe that the pilotage system is running better than it was three years ago.

However, most of the time, the decisions that I have made have left someone unhappy. I guess that is the nature of this position, but it can take its toll. With that said, I would like to read into the record the following letter to William Hensley, Commissioner of the Department of Commerce and Economic Development, then I have something that I would like to say. This letter is dated today:

Dear Commissioner Hensley:

I have been the Marine Pilot Coordinator since October 25, 1993. Since that time, I have worked

BOARD OF MARINE PILOTS
SUMMARY OF MOTIONS
APRIL 2-3, 1996
PAGE 4

through many issues facing the Alaska Board of Marine Pilots, the Department of Commerce and Economic Development, and Maritime Industry in Alaska. Considering the constant turmoil surrounding the pilotage system, this has not always been an easy task. When I accepted this position, I gave a verbal commitment to the Director of the Division of Occupational Licensing to serve the pilots of this state as their coordinator for two years. Since my taking on this commitment, there have been many changes to the needs of the Maritime Industry in Alaska. The Marine Pilot Coordinator position continues to evolve. Marine investigations, litigation, and legislation have been a major focus of this job as well as keeping the state's finger on the pulse of the Maritime Industry in Alaska. The division and the Board of Marine Pilots have risen to these challenges and the results are visible. The Marine Pilotage Act of 1991, as modified by Senate 130 in 1995, is in place and operational. Regulations have been adopted to implement the changes to the law, and regulatory changes are making the system continue to run safely, but more smoothly, with hopefully a decline in a level of controversy and legal challenge. Although there is no end to the work of the Marine Pilot Coordinator, I believe my tenure in this position must come to an end, and that it is time for me to go back to sea. Therefore, I resign my position as Marine Pilot Coordinator for the State of Alaska, effective May 31, 1996. It has been both a great honor and a privilege to work for you serving the people of the State of Alaska, the pilots, the shipping industry, and especially the Board of Marine Pilots. Together we have continued to prevent the loss of lives and property; and we have protected the sensitive marine environment of Alaska. I look forward to again having the privilege of serving my home state sometime in the future.

Sincerely,

Captain Daniel Twohig

BOARD OF MARINE PILOTS
SUMMARY OF MOTIONS
APRIL 2-3, 1996
PAGE 5

Mr. Chairman, as I stated before, the Marine Pilot Coordinator position continues to evolve. Special interest politics has become a major stumbling block to effectively administering the pilotage system. It should not be this way, but somehow it's inevitable.

When I came on board, I had no idea who the major players were or what the important issues would be. I was essentially a clean slate. Upon my hiring, I was immediately, the very same day, descended upon by lawyers and lobbyists for all sides of every issue. This was quite a wake-up call for me. It is imperative that the person who replaces me as the Marine Pilot Coordinator act in the interest of the state at all times while providing input from the state's perspective into delicate and controversial issues, while at the same time remaining completely neutral when neutrality and impartiality are called for. This I believe is the essence of the Marine Pilot Coordinator.

The Marine Pilot Coordinator is described in the Marine Pilotage Act, AS 08.62.050, which states: "the department, with the approval of the board, may hire a Marine Pilot Coordinator who is qualified to assist the board in administering and enforcing the Marine Pilotage Act." It is absolutely essential that you, the board, choose the right person for this job. If the next candidate for Marine Pilot Coordinator comes before the board with letters of support, or recommendations from any group, or individual, whether it be pilot, industry, political lobbyist, or otherwise, anyone, who holds a special interest in Alaska's pilotage system it is very likely that this candidate is already tainted, and may not be able to put that support aside to make fair and impartial decisions based on their own read of the issues. The Marine Pilot Coordinator should be a political. What you need Mr. Chairman, what this board needs is another clean slate. The Department of Commerce and Economic Development and especially the Board of Marine Pilots should scrutinize very closely the background, resumé, letters of reference or recommendation of potential Marine Pilot Coordinators to ensure that no unhealthy liaisons exist. The department should solicit resumé's and conduct screening interviews then refer the top few candidates to the board for a second interview before the board picks its staff. This board needs to take the time and spend the money needed to be involved in choosing my replacement. It is always

BOARD OF MARINE PILOTS
SUMMARY OF MOTIONS
APRIL 2-3, 1996
PAGE 6

said that you get what you pay for. It is extremely important for this board to be assured that you do not get what someone else has paid for.

In closing, it has been a great honor and a privilege to serve you as your Marine Pilot Coordinator. This has been an extraordinary experience.

I would like to thank the pilot board members, past and present, for giving me your support; we have not always agreed, but you have listened to what I've had to say, and you have made your decisions with due-regard to my opinions and the expertise that you hired me for. This is all that I have asked, and you've delivered.

I would like to thank Gayle Horetski, barrister extraordinair. As the Attorney General assigned to work for the board, one of Gayle's primary duties has been to keep me in line. She has successfully met this challenge on most occasions. Gayle has given me her undying support. She has given me a shot in the arm when I have needed it; she has given me a kick in the ass when I've needed that. The result has been this unique and highly effective working relationship that we have developed.

We have won a few, and we have lost a few. I think we have won the important ones.

Most of the goals that the Board of Marine Pilots has accomplished in the last two and half years would not have been possible without Gayle Horetski. My survival as Marine Pilot Coordinator was a direct result of her faith in me. This position will be untenable without it.

Mr. Chairman, I do not, in general, like lawyers; but I am a better person for having known Gayle Horetski. She is a good shipmate, a valuable asset to any crew, and I would sail with her anywhere.

Lastly, I would like to thank you guys, the pilots, for allowing me the honor of having earned your trust. When asked how things were going, my best answer has always been, "Well out of 80 pilots, only about half a dozen are mad at me at any given time. It is never the same 6 from week to week, so I must be doing okay." When asked recently, what I liked best about this job,

my reply was, "I work with about 80 of the most interesting and fun people that I have ever met."

We have worked very closely together. In many cases, we have become good friends. I know more about some of you pilots than your own wives and mothers do. For those pilots and pilot organizations who have entrusted me with the proprietary secrets of their businesses, that knowledge will remain a secret, you have my word.

Although, I do not know exactly where I am going from here, the maritime community in Alaska is a small one. Therefore, I am certain that at sometime, somewhere, in the dead of night (and probably in the fog), I'll see you on one whistle and we'll pass you port-to-port. Over."

2. Captain Will Petrich addressed the board regarding his lapsed channel pilot license.
3. Captain John Larsen addressed the board regarding changes to federal pilotage requirements and the marine safety task force/ASPA meetings.
4. Ken Castner spoke on pilot performance evaluations.
5. Captain Drahos spoke on the proposed regulations
6. Captain MacPherson spoke on the proposed regulations

Agenda Item 6

Litigation Report

Gayle Horetski addressed the board on pending litigation and stated that the board is at an all time low in the level of litigation before the board.

Agenda Item 7

Regulations Update

On a motion made by Mr. Bush, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.026 as revised.

On a motion made by Mr. Bush, seconded by Mr. Hensley and carried unanimously, it was

RESOLVED to repeal 12 AAC 56.029 and readopt it as amended.

The board tabled action on 12 AAC 56.080 and 12 AAC 56.088 and bifurcated these regulations from this regulations project.

On a motion made by Mr. Hensley, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to put out for public comment a regulation that will allow the board to have more flexibility in port training requirements based on fluctuating levels of traffic in the region.

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

RESOLVED to reconsider changes to 12 AAC 56.026(j) and readopt the regulation to read: ". . . To qualify as a pilot observer, a candidate must meet the requirements of (a) (1) of this section, or be enrolled in a board approved apprenticeship program under AS 08.62.093 (b)(6)."

Agenda Item 8

Changes to Pilot Association Bylaws (AMP)

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

RESOLVED to approve changes to AMP's bylaws.

Agenda Item 9

Oral Examinations

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

RESOLVED to enter executive session to conduct oral examinations for Captain Bill Tuttle and Captain Tony Chadwick.

April 3, 1996

**Agenda Item 10 Request for Reconsideration of the Board's Decision
in the SEAPA Rate Case**

The board entered executive session to consult with the hearing officer concerning the SEAPA rate hearing.

The board entered public session.

On a motion made by Mr. Hensley seconded by Mr. Bush and carried unanimously (Berto, Spence, and Smith were recused), it was

RESOLVED to deny SEAPA's request for reconsideration of its noncontractual cruise ship rate.

Agenda Item 11 Public Comment

1. Captain Chadwick spoke about the examination for the West Coast of Prince of Wales.
2. Ken Castner spoke on application forms and performance evaluation.
3. Captain Rathgeber requested that the MPC be given authorization to issue her a deputy marine pilot license upon completion of one more docking.
4. Captain Luck spoke on standardization of quarterly reports.
5. Captain Drahos spoke on standardization of quarterly reports and performance evaluation.
6. Joe Kyle spoke on marine safety task force and standardization of quarterly reports.

Agenda Item 12 Issuance of Deputy Marine Pilot Licenses

The board discussed the issuance of deputy marine pilot licenses to Captains Tuttle and Rathgeber. Captain Spence declared a conflict of interest and recused himself.

BOARD OF MARINE PILOTS
SUMMARY OF MOTIONS
APRIL 2-3, 1996
PAGE 10

A discussion was held about conflicts of interest in voting for licenses and Captain Spence chose to rescind his recusal and vote on the issue.

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

RESOLVED to have the marine pilot coordinator issue deputy marine pilot licenses to Captains Rathgeber and Tuttle upon successful completion of the requirements for licensure. This issuing authority lapses after 60 days of this motion.

Agenda Item 13 **Examination Scores**

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

RESOLVED to grant route extensions to Captain Tuttle, West Coast of P.O.W and Klawock; Captain Sund, Yakutat; Captain Ogilvy, Sitka; Captain Dundas, Illiasik Pass and Adak; and Captain Chadwick, Yakutat and Klawock.

Agenda Item 14 **Standardization of Quarterly Reports**

Captain Spence discussed the quarterly report process and the prior day's discussion of the standardization of quarterly reports.

Agenda Item 15 **Tonnage Upgrades**

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

RESOLVED to grant Captain Picton a tonnage upgrade to unlimited on his anniversary date of August 12, 1996.

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

RESOLVED to grant Captain Moreno a tonnage upgrade to unlimited.

Agenda Item 16 Regulations Revisited

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

RESOLVED to table action on proposed regulations 12 AAC 56.080 and 12 AAC 56.088 until further information is received on funding the project.

Agenda Item 17 Approval of ACPA Apprenticeship Program

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

RESOLVED to approve ACPA's apprenticeship program.

Agenda Item 18 Other Business


The Chair set the next meeting and examination date for October 15, 1996, in Anchorage.

Agenda Item 19 Adjourn

On a motion made by Mr. Smith, seconded by Mr. Hensley and carried unanimously, it was

RESOLVED to adjourn.

Respectfully submitted:



Captain Daniel C. Twohig
Marine Pilot Coordinator

Approved:

Captain John Klepper, Chairman
Board of Marine Pilots

Date: _____