

## BOARD OF MARINE PILOTS

Minutes of Meeting  
April 18 & 19, 1979

In accordance with AS 08.04.040 and AS 44.62.310, a scheduled meeting of the Board of Marine Pilots convened at the Commissioner's Conference Room, Department of Commerce & Economic Development, 9th Floor, State Office Building, Juneau, Alaska.

In attendance were: Chairman Charles R. Webber, Commissioner; Board Members Captain Donald Oldow, Captain Jack Maroni, Charles Stover, Marvin Taylor and Ken Peavyhouse. Don Hostak, Director of the Division of Occupational Licensing, Department of Commerce & Economic Development. Nancy Ferguson, Licensing Examiner, Division of Occupational Licensing, Department of Commerce and Economic Development. Joseph K. Donohue, Department of Law, Attorney General's office. Tom Bergstrom, Tariff Analyst, Attorney General's Office. Frank Moore, Investigator, Division of Occupational Licensing, Department of Commerce & Economic Development. Elaine Garrett, Management Analyst, Division of Occupational Licensing. Mary Fisher, Division of Legislative Audit.

Guests at the meeting were Captain Eugene Richards, Southeast Pilots Association; Captain Murphy and Captain Hurd, Southwest Pilots Association; David Enroth with Alaska Maritime Agencies; and Mel Chambers with Chevron Shipping Co.

Board Member David Culbertson was unable to attend.

Chairman Webber convened the meeting at 8:35 a.m.

There was quorum present.

### NEW BUSINESS

Investigator's Report: Investigator Frank Moore reports to the board.

On a motion duly made, seconded and passed unanimously, it was:

RESOLVED, that the cases numerically listed as follows be closed:  
76-6051, 76-6349, 76-6352, 77-6045, 77-6048, 77-6050, 77-6052, 77-6053,  
77-6056, 77-6346, 77-6347, 77-6348, 77-6350, 77-6351, 78-6054 and  
79-0033.

The following breakdown of cases were noted:

2 cases in litigation  
1 case completed  
15 cases inactive, closure recommended  
16 cases active, investigation in progress  
34 Cases Total

OLD BUSINESS

Approval of the Minutes: The chairman asked if there were any deletions or additions to the minutes presented.

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, to approved the May 5, 1978 minutes.

RESOLVED, to approve the minutes of December 5, 1978 as presented.

RESOLVED, to approve the minutes of January 30, 1979 as presented.

Southwest Tariff: Board members Mr. Taylor and Mr. Peavyhouse were not present at the January 30, 1979 board meeting held in Anchorage. Both Mr. Taylor and Mr. Peavyhouse have studied the minutes in detail and feel that their vote should be considered on the Southwest Tariff Hearing. Joe Donohue felt that it was a board decision, but the Attorney General's office felt that only members present at the January 20, 1979 board meeting should be allowed to vote.

On a motion duly made, seconded, and approved by Mr. Stover, Mr. Taylor, Captain Maroni and Mr. Peavyhouse; disapproved by Chairman Webber and Captain Oldow; it was:

RESOLVED, that the board accept and count all of the votes of all of the board members present because they have read and digested the approved minutes of the past minutes and their votes be counted and accepted, contrary to the opinion of the Attorney General's Office.

Mr. Peavyhouse is a new member on the board. He noted his activities past and present as follows:

Currently Chairman of the Valdez Transportation Commission. His career has been in the commercial aviation field - air traffic controller and an airplane pilot.

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, to go into executive session to discuss the Southwest tariff rate increase.

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, to come out of executive session.

The public was allowed to return to the general meeting.

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, that Mr. Bergstrom be delegated at the expense of the Department of Commerce & Economic Development to go to Seattle, Washington. Contact the Puget Sound Pilot Association and the Board of Marine Pilots for Puget Sound to determine the gross and net income at Puget Sound; days in work status and how computed; how the pilot boat arrangement is handled and how is it expensed; wage increases and number of pilots that have been added in the past five years; and any other pertinent information for the board to use as a comparison for work and wage review. The board will take these considerations along with the information we have and act upon this matter.

These findings will be presented to the board in Anchorage, beginning at 8:30 a.m., on June 11, 1979.

#### NEW BUSINESS

Southeast Pilots: Captain Maroni suggested that corrections be made to the 7% tariff increase, effective July 1, 1979. The revised Southeast tariff increase may be sent out to the board members for approval at a later date.

Captain Richards with the Southeast Pilots Association discussed a study made by Howard Johnson and company for a proposed nonfunded pension plan. Captain Richards gave each of the board members a copy of the actuary study. Captain Richards noted that at their November, 1978 meeting with industry they mutually agreed to a proposed nonprofit pension plan for retirement or disability, and an actuary report has since been completed for study. The nonfunded pension program is not an industry funded pension plan. Until the pilot retires, no money is set aside for retirement. One year before retiring, the pilot notifies the association. The association computes what his retirement will amount to for that year under the present tariff and determine what increase is necessary. Captain Richards noted that this pension plan is similar to the Columbia River Bar Pilots.

Accident Reports: Richard Long (Investigator for the Division of Occupational Licensing) has asked that the board review the following accident reports and give us directions as to whether the reports should be pursued further.

- 1) Captain R.L. Hendricks' grounding of the Soyokazi Maru at Dutch Harbor on April 5, 1979. Captain Oldow drew a schematic of the area and explained the difficult docking and undocking procedures.

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, that the investigator provide copies of the U.S.C.G. findings and disposition and bring before the board.

- 2) Captain Starkweather on the M/V Brewster, April 9, 1979.  
The accident occurred on the Klawock reef.

Mr. Enroth noted damage to the vessel was 2' wide, 145' long, by 2" indentation. Serious damage was done and the vessel is at the Columbia River dry dock.

Captain Richards noted that the U.S.C.G. had advised that the buoy was off station. Captain Maroni noted that the channel is very narrow and described the area for the benefit of the board.

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, that we wait for further information from the U.S.C.G. and ask for a letter from the navigations officer. The board wishes all information that the U.S.C.G. has on file.

Captain Richards noted that the U.S.C.G. is still investigating the matter.

The board requested the dry dock report from Mr. Enroth.

- 3) Captain Elsensohn, on the M/V Buhara, ore dock in Skagway, on February 19, 1979.

Mr. Taylor discussed the accident with the board. The Camel logs were used improperly and should not have been used on the dock.

On a motion duly made, seconded and passed unanimously, it was:

RESOLVED, that the case should be closed.

- 4) Captain Richards on the M/V Oriental Merchant, at the Skagway Ore Dock, on March 17, 1979.

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, that the investigator get information from the U.S.C.G. to confirm the report of Captain Richards.

It was noted that Commander Spolsman may be contacted to verify Captain Richards' report.

FY '80 Travel: The board discussed travel for FY '80. The board would like to request three board meetings a year, rather than two board meetings a year and then request extra meeting to finish up board business.

For FY '80, they would like one meeting and exam in Anchorage and one meeting and exam in Juneau.

Don Hostak discussed travel with the board. Mr. Hostak urged the board to have a meeting in Juneau during February, 1980, because the Sunset Review of the board of Marine Pilots by the Legislature may be held at that time. Mr. Hostak noted that no funds are available for travel expenses for the board members to come before the Legislature, but it is to their advantage to attend the meetings.

Captain Maroni suggested that the board use their regulation hearing to attend the Sunset Review by the Legislature. He feels that the two meetings a year should be used for meetings and people to take exams. He noted that a precedent had been set by having the meetings and exams in December and May.

Captain Robert W. Smith's Application: Captain Smith is currently licensed in Southeast Alaska and holds Marine Pilots License Number AA 0025. Captain Smith originally applied for a Southwest license in 1974. At that time, the board noted that he needed the required dockings and undockings.

The board feels that Captain Smith's application for Southwest Alaska is an extension of route and no dockings or undockings are required.

On a motion duly made, seconded and passed unanimously, it was:

RESOLVED, that Captain Smith be allowed to take the Southwest Pilots examination, provided he make proper application and be approved by the board. He may take the Southwest exam as an extension of route.

Captain Murphy discussed with the board for future consideration, the idea that Southeast pilotage and Southwest pilotage are two separate pilotage areas. Captain Murphy noted that the Southwest Pilots handle the large supertankers and they require special schooling to dock, undock and navigate in Alaskan waters. Captain Murphy feels that a pilot needs special training in the area because of currents and other conditions peculiar to each area.

Captain Murphy feels that the required dockings and undockings are important and he is concerned about the dockings and undockings not being required for an extension of route.

The board asked that this matter be put on the agenda for the next meeting.

Statute and Regulation Revisions: Captain Richards noted that the statute and regulation book is the bible in the field. Captain Richards asked that the book be revised. Mr. Hostak noted that the books will be reprinted this next fiscal year in August or September and will include revisions of the Southeast and Southwest tariff.

New Applications and Licensure: Two applications were received for examination for Walter Schubert and Michael O'Hara. Per 12 AAC 56.070, "All applications for examinations must be submitted to the board at least 60 days before the date of examination."

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, to void the 60-day requirement for Walter Schubert and Michael O'Hara to take the examination on April 19, 1979 in Juneau.

Mr. Schubert and Mr. O'Hara both passed their written and oral exam on April 19, 1979.

Mr. Walter Schubert's license reads:

UNLIMITED, UPON VESSELS OF NOT OVER 60,000 GROSS TONS: Upon the waters of Southwestern Alaska, excluding the port of Port Graham; the Alaska Peninsula and Aleutian Islands excluding the port of Adak; the Kodiak Island group, excluding Women's Bay; also Western Alaska.

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, that we approve Mr. Schubert's license for which he has just applied.

Mr. Michael O'Hara's license reads:

UNLIMITED PILOT UPON VESSELS OF NOT MORE THAN 40,000 GROSS TONS: Upon the pilotage waters of the Alaska Peninsula and Aleutian Islands, excluding the ports of Cold Bay, Port Moelle and False Pass; also Cook Inlet, excluding the ports of Port Graham and Seldovia; Resurrection Bay; also Kodiak Island group, excluding the ports of Port Williams, Port Bailey, Old Harbor, Uyak Bay and Afognak Bay.

On a motion duly made, seconded and approved unanimously, it was:

RESOLVED, that we approve Mr. O'Hara's license for which he has just applied.

The meeting adjourned at 4:00 p.m.

A special meeting will be held in Anchorage on July 11, 1979, beginning at 8:30 a.m.

Submitted by: Nancy Ferguson  
Nancy Ferguson

Approved by: Chairman of the Board