

STATE OF ALASKA
BOARD OF MARINE PILOTS

Minutes of Meeting
December 14 & 15, 1981

By authority of AS 08.01.070(2) and AS 08.40.040, and in compliance with the provisions of AS 44.62, Article 6 and AS 44.62.310, a scheduled meeting of the Board of Marine Pilot examiners was held in Juneau, Alaska.

Present and constituting a quorum of the board were:

William Barrington
David George
Captain Jack Maroni
Ken Peavyhouse
Marvin Taylor

Captain Oldow did not attend the board meeting.

Also present, from the Department of Commerce & Economic Development, Division of Occupational Licensing:

Harry Treager, Director (designated as by Commissioner Webber)
Richard Long, Chief Investigator
Marjorie Odland, Regulations Specialist
Nancy Ferguson, Licensing Examiner

Guests present were:

Robert Berto	Captain Fred Hicks
David Enroth	Captain Don Johnson
Captain Harley Clough	Captain C. Gordon Terpening
Captain Robert Hendricks	Joe Merrill
Captain Robert Herring	

The board meeting was called to order at 8:30 a.m. A delegation of authority memorandum from Commissioner Webber was read into the record. Commissioner Webber appointed Mr. Treager as his designee for the meeting.

The board reviewed the agenda items and there were no additions or changes. An agenda is included.

Old Business

Minutes of April 16 and 17, 1981 Meeting: The board reviewed the minutes of April 16 and 17, 1981.

On a motion duly made by Mr. George, seconded and passed unanimously, it was:

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RESOLVED, to adopt the minutes as written.

Board member reappointment: It was noted by Chairman Treager that Captain Donald Oldow was reappointed for another term on the Board of Marine Pilots.

The Division of Occupational Licensing has begun issuing wallet cards and wall-size certificates for licensed marine pilots.

New Business

U.S. S.1682: The board reviewed U. S. Senate Bill S. 1682 "Merchant Marine Act," submitted by board member Donald Oldow. Responses may be sent to the Alaska Congressional delegation. There were no comments from board members, industry, SWAPA or Aleutian pilots. Captain Clough, President of SEAPA, will review the bill closely to see the possible effects on Alaska pilots.

Geographic areas: Chairman Treager read Captain Oldow's letter of May 9, 1981 to Captain Spoltman of the USCG. The letter discussed geographic areas and a copy is attached. SWAPA is in accord with Captain Oldow's letter.

The USCG is preparing a response that may be completed by the first of the year.

Captain Maroni felt that a change in the USCG terminology could have a substantial impact on license issuance and marine pilot statutes and regulations. Captain Maroni suggested that a conference call may be necessary if the Coast Guard's response changes the meaning of the licenses.

Chairman Treager requested that the licensing examiner send all information immediately to the board and interested parties upon receipt. Contact the U.S. Coast Guard's 17th District and ask that someone knowledgeable appear to discuss Captain Oldow's letter.

On a motion duly made by Mr. George, and seconded, it was:

RESOLVED, to table the discussion until the next meeting when Captain Oldow is in attendance and the U. S. Coast Guard is here.

FY '82 Goals and Objectives: The attached Goals and Objectives were reviewed by the board and are in compliance with AS 37.

The board approved the Goals and Objectives as written. No additions or changes were made.

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Old Business

Sunset Audit Recommendations: The board reviewed the attached Sunset audit recommendations from Nick Coti, management analyst.

Recommendation No. 1: The board was in concurrence that the written exams must be maintained. Captain Maroni felt that out-of-date exams and keys have been deleted; and current, updated exams and keys are correct. It was noted that the Southwest exams are also up-to-date.

Recommendation No. 2: The board feels that the renewal requirements are spelled out clearly.

Recommendation No. 3: The board has complied.

Recommendation No. 4: The board has complied.

Recommendation No. 5: The board has complied with this recommendation. There is a closer liaison between the U. S. Coast Guard and the board, as noted by correspondence between Captain Oldow and the Coast Guard.

The Assistant Attorney General for the tariff hearings is Susan Burke, and Assistant Attorney General Sarah Kavasharov for information and board support. Ms. Kavasharov has had contact with the board and has attended their meetings.

The Division of Occupational Licensing is currently maintaining a registry of all vessel agents and managers operating vessels in Alaskan waters. This is a result of board regulation that requires all vessel agents to register with the board.

The procedures manual will be done by the individual licensing examiners and will not require additional staff.

Mr. George noted that cases under investigation were always pending or so old the board was asked to close them. Captain Maroni felt that the Investigative Section was understaffed.

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

RESOLVED, to write a letter to the chairman of the Finance Committee of each house endorsing an additional investigator.

All board members will sign.

Recommendation No. 6: The board has complied.

Recommendation No. 7: The board has complied.

New Business

SWAPA Activities and Plans: Joe Merrill, manager of the Southwest Alaska Pilots Association, spoke to the board regarding the following activities and plans:

- 1) new computer data base to maintain dispatching records. Regional dispatching to Homer, Valdez and Dutch Harbor;
- 2) pilot boat operators have received CPR and first-aid training;
- 3) professional development for captains already licensed includes instrument schools and simulator training in Grenoble, France; and
- 4) formalized training for new pilots. The association is currently training two pilots. It may take up to four years for a pilot to be qualified for the full area. Each candidate must meet the minimal requirements for Alaska State license; be in good health and no physical handicaps; demonstrate proof of five years as a licensed deck officer of a flag ship; one year as a master or pilot of a flag ship not less than 1,000 gross tons (not fishing vessels).

The Training Committee supervises the get-acquainted period. The candidates cannot belong to SWAPA until they complete the training program. They are approved by the members through balloting. the candidates are not charged a fee for the training. It costs approximately \$40,000.00 to train each pilot.

Each association member pays \$200.00 a month toward in-house training for new pilots and licensed pilots in SWAPA.

Mr. Merrill suggested that the Alaska statutes should be written in Japanese so that the officers of foreign ships entering Alaskan waters will be able to read the Alaska laws.

Mr. Merrill would like to see all agents submit ship movements and note whether they used Alaska licensed pilots.

Southwest Alaska Tariffs: Mr. Berto and Mr. Enroth both wrote letters in April 1981 protesting the Southwest Alaska tariff increase. Mr. Berto received a response, but Mr. Enroth did not. Both letters were forwarded to the Attorney General's Office. The Attorney General advised that there was legal recourse for the protesters through the court system and the board is not allowed to give guidance. Susan Burke, Assistant Attorney General, advised Mr. Treager that she spoke with Mr. Enroth. Mr. Enroth did not hear from her.

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On a motion duly made, seconded and approved by Mr. Taylor, Mr. Barrington and Mr. Peavyhouse; opposed by Captain Maroni, Mr. George and Mr. Treager, the following motion failed:

To reply to the Mr. Enroth correspondence and, on the advice of the Attorney General, there is no further action the board can take. Mr. Enroth will have to go through legal procedures if he wants to pursue it.

Mr. George apologized, on behalf of the board, to Mr. Enroth because he did not receive a reply to his letter and assured him that all future correspondence would be acknowledged if not answered.

Mr. Treager also apologized to Mr. Enroth.

Captain Harley Clough presentation: Captain Clough read the attached letter and suggested regulation, dated December 14, 1981, regarding liability insurance for pilots.

The Southeast Pilots Association has 16 pilots who pay \$2,300 in dues per year. Liability insurance is astronomical in cost (\$60,000.00 deductible). In the past, shipping companies were sued and they pay insurance premiums as part of their operating costs. The association's main function is dispatching and each pilot is an independent businessman.

Mr. Enroth noted that all ships are covered for various risks by insurance but this is a very complex matter.

Captain Herring, President of Southwest Pilots Association, felt that the injured party sues everyone and noted that, historically, pilots have insured their own licenses.

Captain Clough noted that the State of Washington just passed a law pertaining to pilot liability and he encouraged the board to enact new regulations for Alaskan pilots before the summer of 1982.

Chairman Harry Treager decided that he, as director of the Division of Occupational Licensing, would contact the Attorney General's Office regarding the board's liability if they became involved in this complex issue. He will also contact the tariff attorney to ascertain if pilot liability could be introduced as a tariff amendment.

The board questioned whether this matter was under their jurisdiction.

Proposed regulations:

- 1) Marjorie Odland, Regulations Specialist, discussed a proposed regulation amendment (12 AAC 56.020) to change the annual board meeting from December to January.

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On a motion duly made by Mr. Barrington, seconded and passed unanimously, it was

RESOLVED to delete December (per 12 AAC 56.020) and insert January.

2) The requirements for dockings and undockings, per 12 AAC 56.030(5)(A) and (B), for unlimited pilots license were discussed.

The two members of the Aleutian Pilots Association are having problems upgrading their licenses from limited to unlimited. Both Captain Terpening and Captain Hicks were present and noted that they were unable to meet the docking and undocking requirement for unlimited pilots license because they were unable to obtain the required supervised dockings and undockings by a pilot holding an unlimited license.

Captain Terpening felt that the requirement did not limit the size of the vessel, but did require that an unlimited licensed pilot observe the docking and undocking.

Joe Merrill noted that the master of a vessel may never have docked or undocked a vessel himself and would not be qualified to supervise the dockings and undockings.

The following letters were read into the record:

- 1) Southwest Pilots Association.
- 2) Captain Hunnicutt, trainee with SWAPA.
- 3) Bill Publicover, Deputy Director of Environmental Conservation.

All three letters support maintaining the docking and undocking requirement.

Mr. Taylor wondered how independent pilots could meet the docking and undocking requirement without belonging to SWAPA or SEAPA. Mr. Taylor suggested that the docking and undocking be deleted or amended to allow independent pilots to meet the requirements for unlimited license. Mr. Taylor suggested that a State grant be used to bring retired Alaska licensed pilots to the State to supervise dockings and undockings and certify they are qualified. (SWPA noted that they would not hire these individuals in their organization).

Captain Clough of SEAPA suggested obtaining the required dockings and undockings through the Alaska Marine Highway, Standard Oil, TOT, Sealand or MSTs.

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SWAPA does allow individuals to dock and undock vessels under observation, but these individuals are not in competition with SWAPA nor are they members of the association.

Captain Hicks was not in favor of repealing the dockings and undockings, but felt that SWAPA had a monopoly because they would not allow their members to observe the dockings and undockings for the Aleutian pilots.

Captain Herring, president of SWAPA, would be happy to ride as an observer provided the following requirements were met:

- 1) permission is received from the agent and shipowner;
- 2) some voyages made as observer prior to docking;
- 3) consider dock and ship size;
- 4) supervisor could take over at a moment's notice if there is a problem with the tide, winds or weather; and
- 5) would allow them to dock an SWAPA ship that was picked by the Association.

Captain Herring noted that the Aleutian pilots had not contacted SWAPA in Homer for the docking and undocking service.

On a motion duly made by Mr. Barrington, seconded, and approved by Mr. Taylor and Mr. Barrington, opposed by Captain Maroni, Mr. Peavyhouse and Mr. Treager, the following motion failed:

To delete, in 12 AAC 56.030 (5)(A)(B) and 12 AAC 56.040, all requirements for docking and undocking.

Mr. Peavyhouse suggested that the State of Alaska fund a simulator for testing pilots wishing to upgrade their licenses and hire a qualified person to run the simulator.

On a motion duly made by Mr. Peavyhouse, seconded and passed unanimously, it was

RESOLVED, that the board recommend that the Marine Highway System cooperate and make bridge space available for upgrading marine pilot licenses.

Mr. Taylor amended the motion which was approved by Captain Maroni, Mr. Taylor, Mr. Treager and Mr. Barrington; opposed by Mr. Peavyhouse, it was:

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RESOLVED, that the State immediately hire an Alaskan licensed pilot to supervise at Dutch Harbor and qualify or disqualify the members of the Aleutian Pilots Association.

Mr. Barrington assumed the chairmanship.

On a motion duly made by Mr. Treager, seconded and passed unanimously, it was

RESOLVED, that the Division of Occupational Licensing, itself, make contact with the owners or proper authorities of TOT and Sealand, and explore other independent areas; report back to the board as to the availability of training outside the associations for independent pilots and attempt to receive documentation. If not available, the board may reconsider the motion by Mr. Barrington to repeal the docking and undocking regulation at our next meeting.

3) Fishing vessels: Proposed regulations attached. Currently, fish processors must meet the requirements to obtain a U. S. Coast Guard license.

The U. S. Customs' definition of fishing vessels means the planting, cultivation or taking of fish, shellfish, marine animals, pearls, shells, marine vegetation, or transportation of any marine products.

On a motion duly made by Captain Maroni, seconded and passed unanimously, it was

RESOLVED, that we adopt the proposed regulation 12 AAC 56, drafted with the amount of 300 gross tons consistent with the federal law.

Amendment to the main motion approved unanimously:

RESOLVED, to delete the word "fish" and insert "harvesting of fish, shellfish, marine animals, pearls, shells or marine vegetation for commercial purposes."

4) 12 AAC 56.190(1) amend the definition of agents. Mr. Peavyhouse suggested that the Attorney General's Office review the definition of vessel agents.

The board moved to table the amendment of the definition of vessel agents until the next meeting

Investigator's Report

Mr. Dick Long met with the board to give the investigator's report. There are currently three accidents under investigation by the U.S.

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Coast Guard (marine pilots were not involved). The ships involved were the Shoshone in Whittier on 4/24/81; SS Stattendam at Point Baker on 8/81; Maru on 7/24/81.

An accident occurring on 7/20/81 is still under investigation involving the Sun Princess (Captain Walker) going through a gillnet.

The board inquired about the suspension of Captain William Tingley's license by the U.S. Coast Guard. Mr. Long noted that there is nothing on record showing that they actually lifted his license. The Coast Guard considered him to have been suspended during the three months his case was in litigation.

Examination Review:

Chairman Treager appointed a committee to reevaluate the State pilot exams to assure that they are current and up-to-date. Captain Oldow and Captain Maroni were appointed and Mr. Peavyhouse volunteered.

Spring Board Meeting:


Mr. Taylor feels that there is a need for the board to have an informal discussion to cover philosophies of piloting in Alaska, and the roll of the association.

Mr. Merrill would like the board to meet in Valdez because interested pilots could attend the board meeting and it would be held in the appropriate environment.

The next board meeting was tentatively scheduled for the months of April or May.

Meeting adjourned: There was no further business, and on a motion duly made, seconded, and passed unanimously, the meeting was adjourned at 10:40 a.m.

Submitted by:



Nancy Ferguson, Licensing Examiner

Approved by:



Chairman