

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

Minutes of Meeting  
November 18 and 19, 1987

By authority of AS 08.01.070(2) and AS 08.40.040, 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 at the Federal Building, Tlingit Room, 701 "C" Street, Anchorage, Alaska.

Present and constituting a quorum of the board were:

William Barrington  
Captain H. Barney Elsensohn  
Kathy Marshall (designated by Commissioner Smith)  
Captain W. Ed Murphy, Chairman  
William Ruddy  
Paul Taylor

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

Randall P. Burns, Director  
Gary Dodson, Chief Investigator  
Nancy Ferguson, Licensing Examiner  
Kevin Henderson, Regulations Specialist  
Colin Matthews, Investigator

Guests present were:

Jim Michael-Angelo, National Transportation Safety Board  
Lt. Commander Blaus, USCG  
William Bullard, SEAPA President  
Harley Clough, SEAPA  
Richard Cochinos, SWAPA  
Bill Dickerson  
Keith Douglas  
Rae Elde, Elde Associates Ltd.  
Jim Griffin, North Point Milam Recovery Center  
Steve Hunnicutt, SWAPA  
Jim Hurd, SWAPA  
Peter Lie-Nielsen  
Jeff Pierce, SWAPA  
Larry Pullin  
Captain Rennie Rouselle, USCG, Western Alaska  
A. D. Santos, Port Captain, Standard Oil  
Bill Sharp, Southeast Stevedoring  
Mike Stone  
Bill Swan, SEAPA  
C. Gordon Terpening, SWAPA

Guests present were: (cont.)

Mary Truitt, Alaska Maritime Agencies  
John Webb, SWAPA President  
Jim Wright, SWAPA

Captain Murphy, Captain Elsensohn and Nancy Ferguson gave written examinations on November 17, 1987. Paul Taylor and Bill Barrington were present at the examination and assisted in grading. Ten candidates took the permanent written exam; nine people passed and one person failed. Five candidates passed the extension of route examination.

The board went into executive session on November 18, 1987 at 8:30 a.m. to give nine oral examinations for permanent licensure. All oral examinations were completed by 12:15 p.m.

Lunch break: 12:15 p.m. to 1:30 p.m.

The meeting was called to order at 1:30 p.m. A delegation of authority from Commissioner Smith dated November 2, 1987 was inserted into the record per AS 08.62.010 by the licensing examiner. Commissioner Smith appointed Kathy Marshall, Director of the Division of Administrative Services, as his designee for the meeting.

Ms. Marshall was absent. All other members were present.

Kathy Marshall arrived at 1:36 p.m.

Minutes of April 29 and 30, 1987: The board reviewed the minutes. Captain Murphy requested the following corrections:

- 1) Page 11, add the wording "except for extension of route."
- 2) Page 16, add the wording "not doing this."

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

ACTION

RESOLVED that the minutes be approved as corrected and waive reading the minutes into the record.

Chairman Pro Tem: Ms. Marshall reported that the commissioner is pleased that Captain Murphy is willing to serve as chairman. Ms. Marshall does not wish to be chairman. Ms. Marshall felt that Captain Murphy is doing a great job.

Regulation Amendment to 12 AAC 56.960 - Duties of Pilots: The board went off the record at 1:37 p.m. to read written comments and the packet of information just received from Captain Murphy:

- 1) Federal Register, Volume 51, Number 100. Under the Department of Transportation/Coast Guard "Operation of a Vessel While Intoxicated." Advance Notice of Proposed Rule-making.
- 2) Alcohol's Effect on Behavior and Driving Ability, Flying Ability.
- 3) Statistical Review of Alcohol-Involved Aviation Accidents.

Back on the record at 2:00 p.m.

The Effects of Alcohol Consumption on the Performance of an Individual: Mr. John Moulden with the National Transportation Safety Board was scheduled to give a presentation but was unable to attend.

Mr. John Michael-Angelo, Chief Investigator for the National Transportation Safety Board in Anchorage, was present. Mr. Michael-Angelo gave the board a letter from Jim Burnett, Chairman of the National Transportation Safety Board (attached). Mr. Michael-Angelo's specialty is aviation, not maritime. He noted that alcohol and drugs hurt the industry by increasing liability insurance.

If an individual is fatigued and or is under the weather; has been up early or had a difficult mission, the perimeter of safety is much less.

Statutes do not allow them to take an individual to the hospital for a blood alcohol test if there is an accident unless probable cause is found. The eight-hour impairment rule has to do with altitude and the blood alcohol must be under .04%.

Mr. Michael-Angelo was not aware of any maritime accidents involving alcohol.

The Physiological Effects of Alcohol Consumption Related to Performance: There was a presentation by Mr. Jim Griffin from the North Point Milam Recovery Center. Mr. Griffin has 10 years of experience in alcohol research. He gave the board and audience the attached "Drink/Drive Calculator"; and "Stages of Acute Alcohol Influence Intoxication" by Dr. Kurt M. Dubowski.

Alcohol affects the central nervous system which slows nerve transmission and muscle reaction time affecting coordination. Eyes are also affected by the glare off ice or water. It takes approximately one

hour per drink to dissipate from the body if you are healthy. The nervous system may not recover for three or four days after drinking. Tolerance levels increase over time.

The board took a ten-minute break. Off the record at 2:55 p.m. On the record at 3:05 p.m. All members present.

Public Comment Period: Concerning the alcohol regulation under 12 AAC 56.960. Duties of Pilots:

- 1) Captain Rennie Rouselle, USCG, has been in Alaska 1-1/2 years. No experience in Alaska with accidents attributed to alcohol. He predicted that in 10 years all USCG-licensed vessels will have urinalysis kits and breathalizers with a chain of custody in place. The licensed officer will be responsible to self-police. The USCG has proposed the following law: Under the influence will be .04% blood alcohol four hours before duty.
- 2) John Webb feels there is no problem and is concerned about passing a law that cannot be enforced.
- 3) Bill Bullard is not aware of a problem and felt it was addressed in basic pilot law. Emergency call-out is two hours and regular call-out is four hours in Southeast Alaska.
- 4) Harley Clough noted that there is a four-hour call-out in his area and he has spent the past 188 days on call. He felt this was an unwarranted intrusion. Alcohol has not been a problem in the past. He felt pilot fatigue was a more important concern.
- 5) Bill Sharp noted that his company (Southeast Stevedoring) was not concerned about this issue. He was reluctant to comment further.

Captain Murphy advised that this issue was of concern to him and former board member Judy Brady.

Mr. Henderson, regulations specialist, advised that the division does not have a problem with the proposed regulation as it addresses safe pilotage. Mr. Froehlich, Assistant Attorney General, feels that there is questionable enforcement. Mr. Henderson suggested establishing a new section entitled "Professional Code of Conduct" that a pilot would be bound to uphold and would address the alcohol proposal.

After discussion by the board, it was determined that eight hours may be excessive. The U.S. Coast Guard requires four hours. The board wished to amend the proposal to require four hours and keep items (2) and (3) as they currently read.

Mr. Ruddy left the meeting at 4:17 p.m. and returned at 4:25 p.m.

Mr. Henderson will draft a new section called "Professional Conduct" that will have a four-hour standard and a section that will prohibit any consumption of alcohol four hours before pilotage. The revised draft will be reviewed by the board on November 19, 1987.

Kathy Marshall left the meeting at 4:30 p.m. and returned at 4:35 p.m.

Extension of Routes/Temporary Permits:

For permanent licensure:

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

**ACTION**

RESOLVED to accept as permanent the extension of routes listed as agenda item number 9, except the tonnage upgrade request by Captain Diment as follows:

Bennett, Terry:

- Add Dixon Entrance through Sumner Strait, excluding Nichols Passage and west coast of Prince of Wales Island.
- Add Icy Strait, Cross Sound, and Hoonah.
- Add Glacier Bay.
- Add Peril Strait, Olga Strait and Neva Strait.
- Add Klawock.

Bruneau, Joseph:

- Add west coast of Prince of Wales Island, excluding Klawock.

Collins, Michael:

- Add Sitka Sound and Port of Sitka.
- Add Dixon Entrance through Sumner Strait, excluding Nichols Passage, and west coast of Prince of Wales Island.
- Add Nichols Passage and Metlakatla.
- Add Icy Strait, Cross Sound and Hoonah.
- Add Peril Strait, Olga Strait and Neva Strait.

Gray, David:

- Add Sitka Sound and Port of Sitka.
- Add west coast of Prince of Wales Island, excluding Klawock.
- Add Icy Strait, Cross Sound and Hoonah.
- Add Nichols Passage and Metlakatla.
- Add Gastineau Channel and Juneau.

Gurry, Richard:

- Add Icy Strait, Cross Sound and Hoonah.
- Add Snow Pass.
- Add Gastineau Channel and Juneau
- Add Nichols Passage and Metlakatla.

Kutz, Ronald:

- Add Sitka Sound and Port of Sitka.

Macpherson, Douglas:

- Add Snow Pass.

Pierce, Jeffrey:

- Add Cook Inlet - Nikiski and approaches.
- Add Cook Inlet - Drift River.
- Add Cook Inlet - General.
- Add Cook Inlet - Seldovia and Port Graham.
- Add Cook Inlet - Homer and Kachemak Bay.

Sund, Werner:

- Add Sitka Sound and Port of Sitka.

Examination Results for Permanent Licensure:

The following individuals passed the examination on November 17, 1987.

On a motion duly made by Captain Elsensohn, seconded, and approved unanimously, it was

ACTION

RESOLVED that Captain Michael Collins be issued an extension of route to his permanent license for west Coast of Prince of Wales Island and Klawock.

RESOLVED that Captain Richard Gurry be issued an extension of route to his permanent license for the west coast of Prince of Wales Island, Klawock, Sitka Sound, Sitka and Yakutat.

RESOLVED that Captain John Larsen be issued an extension of route to his permanent license for Klawock and Yakutat.

Captain Murphy turned the chair over to vice chairman Paul Taylor to make the following motions:

On a motion duly made by Captain Murphy, seconded, and approved unanimously, it was

ACTION

RESOLVED that Captain Jeffrey Pierce have added to his permanent license the area endorsement of Prince William Sound except Columbia Bay and western entrances.

RESOLVED that Captain Gordon Terpening have added to his permanent license the area of False Pass.

Captain Murphy returned as chairman.

Examination Results: The following individuals passed the written and oral examinations given November 17 and 18, 1987.

On a motion duly made by Captain Elsensohn, seconded, and approved unanimously, it was

RESOLVED that Captain Farrell Brown be granted permanent channel pilot license upon the waters of Southeast Alaska, Dixon Entrance to Cape Spencer, excluding: Icy Strait west of Crist Point, Cross Sound, Gastineau Channel, and excluding the ports of Juneau and Klawock.

RESOLVED that Captain Roger Cunnane be granted permanent channel pilot license upon the waters of Southeastern Alaska, Dixon Entrance to Cape Spencer, excluding: all waters from Dixon Entrance through Sumner Strait, West Coast of Prince of Wales Island, Icy Strait, Cross Sound, Sitka Sound, Glacier Bay, and excluding the ports of Sitka and Klawock.

RESOLVED that Captain Keith Douglas be granted permanent channel pilot license upon the waters of Southeast Alaska, Dixon Entrance to Cape Spencer, excluding: Snow Passage, Icy Strait, Cross Sound and excluding the Port of Klawock.

RESOLVED that Joseph Homer be granted permanent channel pilot license upon the waters of Southeast Alaska, Dixon Entrance to Cape Spencer, excluding: the west coast of Prince of Wales Island, Nichols Passage, Sitka Sound, Snow Passage, Icy Strait, Cross Sound, and excluding the Ports of Metlakatla, Klawock and Sitka.

RESOLVED that Peter Lie-Nielsen be granted permanent channel pilot license upon the waters of Southeast Alaska, Dixon Entrance to Cape Spencer, excluding: Glacier Bay, west coast of Prince of

Wales Island, Snow Passage, Icy Strait, Cross Sound, Sitka Sound, and excluding the ports of Sitka, Klawock and Yakutat.

RESOLVED that Larry Pullin be granted permanent channel pilot license upon the waters of Southeast Alaska, Dixon Entrance to Cape Spencer, excluding: the west coast of Prince of Wales Island, Nichols Passage, Snow Passage, Sitka Sound, Gastineau Channel, Icy Strait, Cross Sound, and excluding the ports of Metlakatla, Sitka, Juneau and Klawock.

Captain Murphy stepped down as chairman. Mr. Taylor, vice chairman, became the chairman for the following motions:

On a motion duly made by Captain Murphy, seconded and approved unanimously, it was

RESOLVED that Michael Stone, upon submission of the required dockings and undockings be issued a pilot license that would read: pilot on vessels of not more than 40,000 gross tons on the waters of Prince William Sound and western Alaska except: Kodiak Island group, the Cook Inlet ports of Port Graham and Drift River and Togiak/Nunavachak Bay, Akutan and Sand Point.

RESOLVED that William Dickerson be issued a license to read: pilot on vessels of not more than 40,000 gross tons upon the Aleutian Islands, Kodiak, St. Paul Harbor, and Women's Bay, Cook Inlet from sea to Anchorage, excluding Nikiski, the Prince William Sound Port of Orca Bay and Inlet, and the Alaska Peninsula except Iliasik Passage, Cold Bay and Sand Point.

RESOLVED that John Schibel be issued a license to read: pilot on vessels of not more than 20,000 gross tons on the waters of western Alaska except: the Kodiak Island Group, Cook Inlet and Resurrection Bay.

Captain Murphy returned as chairman.

Upgrade from Channel Pilot to Unlimited: Captain Archie Diment currently holds a temporary permit for 20,000 gross tons. He submitted a letter received November 4, 1987 requesting unlimited licensure. He originally applied for a temporary permit to upgrade his channel pilot license to 40,000 gross tons. However, he was approved on June 1, 1987 for a temporary permit holding 20,000 gross tons.

Captain Elsensohn reviewed his file and it was noted that Captain Diment is the first channel pilot to upgrade since our new laws went into effect December 1986. He has many years of experience in the area. Letters of recommendation are on file from Captains' Collins,



Creasey, and R. Smith. They verify that Captain Diment is working ships over 20,000 gross tons under their supervision. It was noted that Captain Diment has not documented the vessel movements or tonnage, as required by 12 AAC 56.045(2) to upgrade to 40,000 gross tons. He also needs to document the five dockings and five undockings on vessels in excess of 10,000 gross tons as required by 12 AAC 56.045(3).

The 20,000-gross ton temporary permit was issued on June 1, 1987 and will expire on November 19, 1987. He received his initial channel pilot license January 16, 1986.

On a motion duly made by Ms. Marshall, seconded and approved unanimously, it was

ACTION

RESOLVED to make permanent Captain Diment's 20,000-gross-ton temporary license.

Per 12 AAC 56.045(1), he needs one year on his 20,000 gross ton license. He can begin counting the time from June 1, 1987.

Gordon Terpening was present and asked to speak to the board about lifting the 20,000 gross ton restriction from his unlimited state license. The Coast Guard has lifted the tonnage restriction from his federal license. The past history was reviewed and it was noted that Captain Terpening does not fall under our current law for tonnage upgrades.

On a motion duly made by Mr. Ruddy, seconded and approved unanimously, it was

ACTION

RESOLVED that Mr. Terpening be given an unlimited license upon receipt from him of a written request for the unlimited license.

The chairman asked that Captain Terpening lay the whole thing out so we have some documentation.

The board recessed at 5:20 p.m.

The board reconvened on November 19, 1987 at 8:30 a.m. All members except Ms. Marshall were present. Ms. Marshall arrived at 8:35 a.m.

Director's Report: Mr. Burns was present. Mr. Burns wishes to give the board more staff support at meetings, which is why he and Mr. Henderson are present. He has requested that the Attorney Gen-

eral's office assign one assistant attorney general for each board. The board should plan agenda items that might involve an Attorney General for one block of time. Mr. Burns also discussed staff changes with the Investigative Section.

The chairman noted that the board is very concerned about the following issues:

- 1) Delay on disposition of casualty cases of two or three years.
- 2) Peter Froehlich, Assistant Attorney General, rejects regulations in an arbitrary fashion. He does not cite the law or give a reason for rejection.
- 3) Vacancy of the public member slot. Mr. Burns noted that no one is on the list for the Board of Marine Pilots.

The chairman advised that the board appreciates the work and assistance of their licensing examiner, Nancy Ferguson. Please do not transfer her to another board.

Investigative Report: Gary Dodson, chief investigator, and Colin Matthews, investigator, were present.

On a motion duly made by Mr. Taylor, seconded and approved unanimously, it was

ACTION

RESOLVED to go into executive session per AS 44.62.310(c)(2) for the purposes of the investigative report.

Off the record at 9:02 a.m. On the record at 10:01 a.m. Ms. Marshall left the meeting at 9:35 a.m. and will return later in the day. All other members present.

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

ACTION

RESOLVED that the board close case numbers 88-278; 88-2753; 88-2754; 88-2752; 88-277; 87-282; and 88-1451.

FURTHER RESOLVED that the board accept the following on going cases: 88-L06; 88-2755; 87-281; 85-281; and 88-276.

Master Pilot Relations: The board referred to item 12 of their packets which was a letter from Admiral Cruises Inc. dated August 12, 1987 and a cover letter from SEAPA dated August 14, 1987. The board received a letter from Bill Sharp with Southeast Stevedoring dated November 15, 1987 (attachment 12c).

Captain Bullard, President of SEAPA, was present. He advised that apprenticeship pilots were not dispatched to Admiral Cruises vessels. Forty pilots are dispatched by SEAPA and it is possible that the master would not know all of the pilots. Captain Collins spoke to the Nieuw Amsterdam and they felt that there was no problem. Mr. Smmitterberg made allegations, but was unable to back up his complaints. Captain Bullard advised that it is appropriate for a pilot to carry and use charts. Piloting is a form of navigation and we do have 11,000 miles of coastline.

Mr. Sharp with Southeast Stevedoring was present. He advised that industry is very concerned about the narrowing of the experience level of pilots in southeast Alaska. They are concerned with the lack of local knowledge while realizing that the association was required to bring in new pilots in order to accommodate the increased traffic from May through September. Ships are reluctant to put a complaint in writing if there is a problem with a pilot dealt to them because they are a foreign vessel in United States waters. However, a master may request that a certain pilot not return to the ship if he is uncomfortable with the pilot's skill level. Mr. Sharp apologized as he did not intend to attack or offend the individual pilots, associations or the board. This was a method to bring to light a grave problem in southeast that industry feels needs immediate attention.

Captain Bullard noted that during the summer of 1988, the newer pilots will be in their second, third, and fourth year of piloting in the area. All new pilots have qualified by observer trips, tested with the U.S. Coast Guard and state pilot exams in order to become licensed. Pilots have much more bridge time than most masters of the vessel. The owner(s) of a ship can tell the dispatcher that they do not want a certain pilot by documenting the problem. The association cannot do selective dispatching, but can do creative dispatching.

After further discussion, the chairman proposed that a subcommittee be formed to address the real problem and a possible solution concerning the experience level/local knowledge of the new pilots. Subcommittee members are:

- 1) Captain Bullard, President, SEAPA
- 2) Bill Sharp, Southeast Stevedoring
- 3) Captain John Webb, President SWAPA

- 4) Mary Truitt, Alaska Maritime Agencies (she requested an alternate if she is unable to participate)
- 5) Captain Murphy will chair the committee.

The board would like a report from the committee at their April 1988 meeting.

The chairman advised that any master who has a problem with a pilot can document in writing to the board the time, place, and incident. The board will then request the pilot to come before them as regulations allow and the board will address the problem.

The board took a break from 11:35 a.m. until 11:52 a.m. Ms. Marshall was not present. All other members were present.

On a motion duly made by Captain Elsensohn, seconded, and approved unanimously, it was

ACTION

RESOLVED that we form a committee to try and solve the problems of pilot experience.

Length of Time a Ship Must Wait if a Pilot is Not Available: Mary Truitt from Alaska Maritime Agencies was present. She read attachment 13b, which outlined her concerns regarding pilot services in western Alaska during 1987. Ms. Truitt is aware that the cruise ship traffic will increase by 25% during the 1988 season. She realizes that passenger ships are a priority over the seafood carriers.

Captain Webb, President of SWAPA, was present. He outlined the problems as follows:

- 1) that not enough pilots are licensed for the area. This area is very broad and it takes several years for an individual to obtain the pilotage;
- 2) weather is a problem;
- 3) sometimes a number of vessels are at the same pilot station;
- 4) three different agencies may be in the area at once; and
- 5) dispatching. The Homer office cannot contact the pilot boat on duty in the area.

Ms. Truitt wishes to continue the cooperation between the agents, pilots and ships. There have been times when the agent calls Homer. Homer tells the agent to call the pilot boat and tell them what needs to be done. The projections for the spring/summer season should be out by February.

Captain Webb agreed that there are not enough pilots to service the area. Two individuals received the area at the state exam held on November 18, 1987. In 1988, they will have Captains' Jacobson, Pierce, Stone, Terpening, and possibly Clinkscales available for that area.

The chairman would like this item put on the agenda for the spring meeting.

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

ACTION

RESOLVED that Bill Ruddy and Paul Taylor will author a letter on behalf of the board to SWAPA expressing the board's concern about the issues raised. This letter will be signed by Vice Chairman Taylor. The president or a representative from SWAPA will report back to the board at the April meeting on summertime projections and pilot availability. Based upon that report, the board will consider Mary Truitt's possible solutions listed in her letter/presentation (attachment 13b).

William Lorch was scheduled on the agenda to give a presentation regarding this issue but he has cancelled.

Lunch break. Off the record at 12:44 p.m. On the record at 1:33 p.m. Ms. Marshall was not present. All other members were present.

License Wording Changes: Refer to the attachments under 14 in the packet.

- a) Southwest Alaska. One response was received from Captain Ohara opposing the wording changes.

These changes are an attempt to standardize the license wording to be more in line with the U.S. Coast Guard. Western Alaska will begin north of Icy Bay. Yakutat and Icy Bay are considered no-man's land.

- b) Southeast Alaska. The board proposed to delete the word "unlimited" from all licensees that hold unlimited tonnage. Letters of opposition to this proposal were received from Captains H. Clough, D. Collins, G. Porter, and C. Jones.

After discussion, the board agreed to retain the word "unlimited" on those licenses that do not have a tonnage restriction. On

licenses with a restriction, the word "unlimited" will be dropped and the wording, "pilot on vessels of \_\_\_\_\_ gross tons" will be added.

On a motion duly made by Mr. Taylor, seconded, and approved unanimously, it was

ACTION

RESOLVED that the board approve the proposed changes to southwest Alaska pilot licenses, as presented, with the change from Cape Pudget to Icy Cape and to include unlimited on the licenses.

Captain Murphy will work with the licensing examiner on standardizing the license wording changes for southwest Alaska.

Lt. Commander Blaus of the U.S. Coast Guard was present and gave a short presentation. He has been in Alaska for the past four months (replaced Lt. Commander Rice). Lt. Commander Blaus discussed the possible need for a designated anchorage in north or south Cook Inlet for vessels over 16,000 gross tons with a deep draft. The U.S. Coast Guard will not make a recommendation to amend the federal register unless the response from industry is favorable.

He was aware of the pilots' concern regarding the proposed alcohol regulation and advised that this has not been a problem up to this point in time.

Review Draft of Proposed Regulation Amendments: Kevin Henderson, Regulations Specialist, was present. He gave the board a memorandum from Peter Froehlich, Assistant Attorney General, dated November 17, 1987 (attached). Mr. Henderson would like to get together with Mr. Froehlich and work out the concerns listed in his memo of November 17, 1987. Mr. Henderson will send the board a revised draft before the next meeting so that they can approve it for public noticing at that April meeting.

On a motion duly made by Mr. Taylor, seconded, and approved unanimously, it was

ACTION

RESOLVED that we table items (A) 12 AAC 56.060, Temporary Licenses; and (B) 12 AAC 56.070, Examinations of agenda item 16.

Also, include the proposed regulation vetoed by Mr. Froehlich previously (12 AAC 57.025(c)) dealing with examinations for areas not examined by the U.S. Coast Guard. Mr. Henderson will work with Mr. Froehlich on his concerns.

VLCC Regulation Discussion: The board referred to Mr. Froehlich's memo of November 17, 1987 where he questioned the board's authority for this regulation.

ACTION

Mr. Henderson will send this proposal to public notice so that the board can act on it at the April meeting. After discussion, it was determined that a grandfather clause should be included for pilots that currently hold unlimited tonnage on their state licenses.

On a motion duly made by Mr. Ruddy, seconded, and approved unanimously, it was

ACTION

RESOLVED that we go forward with promulgation of the VLCC regulations to include a grandfather clause that is not currently in the proposed regulations.

Rewrite of the Alcohol Regulation: The board reviewed Mr. Henderson's rewrite of the alcohol regulation and after discussion, the wording read as follows:

12 AAC 56 is amended by adding new sections to Article 5, to read:

12 AAC 56.940. PROFESSIONAL CONDUCT. (a) A pilot shall not consume alcohol or a controlled substance anytime between four hours before going on duty and the conclusion of duty. A violation of this subsection is misconduct under AS 08.62.150(6).

(b) The board will, in its discretion, revoke the license of any pilot found to be under the influence of alcohol or a controlled substance as defined by AS 28.35.030 while on duty or while in employment of the vessel.

(c) In this section, "on duty" means on the navigating bridge of the vessel, at the conn, or assisting the master or navigating officer.

On a motion duly made by Mr. Ruddy, seconded, and approved with Captain Elsensohn abstaining, it was

ACTION

RESOLVED to adopt the rewrite of 12 AAC 56.985.

Break time. Off the record at 3:00 p.m. On the record at 3:12 p.m.  
All members present except Ms. Marshall.

Annual Report/Proposed Legislation: The board reviewed the annual report. On a motion duly made by Mr. Barrington, seconded, and approved unanimously, it was

RESOLVED to approve the annual report as submitted.

The board discussed proposed legislation:

- a) Two annual board meetings. Mr. Burns advised that the division will support and attempt to budget for a second meeting in the spring.

Mr. Burns noted that the Governor is not taking a single piece of legislation from the Division of Occupational Licensing during the 1988 legislative session. The board could ask a legislator to introduce the proposals but this may open Pandora's box.

Captain Murphy requested that the division include the proposed legislation with the other housekeeping requests during the 1989 session.

- b) Exempt pilot accident reports from use in civil litigation. This proposal was removed from the sunset legislation so that the sunset bill would not be sent to a committee.

The board would like this proposal to be included with the division clean-up bill in 1989.

REVIEW OF FISCAL YEAR GOALS AND OBJECTIVES

Interim           X          

Fiscal Year 1988

Final                           

Date: 11/19/87

1. Powers and duties of the board item (1) "provide for the maintenance of efficient and competent pilot service on all waters covered by this chapter to assure protection of shipping and the safety of human life and property."

Primary and ongoing goal.

2. Monitor the progress of procedures to expedite investigations and hearings.



Legislative Audit's only comment about the board was hearing delays. The board feels frustration but they do appreciate the new investigators.

3. Propose necessary legislation:
  - A. Provide for a second meeting per year.  
Submit with division's housekeeping bill in 1989.
  - B. Exclude accident reports from admission into evidence.  
Submit with division's housekeeping bill in 1989.
4. Continue to update and implement new regulation projects:
  - A. Examinations: initial written and oral exam, temporary licenses, and extension of route endorsement.  
Ongoing.
  - B. Qualifications for handling VLCC (very large crude carriers) regulations.  
Sent to public notice.
  - C. Alcoholism, as it pertains to pilots.  
Approved by the board and is ready for approval by the Attorney General's office.
5. Encourage more Alaskans to seek education toward the marine pilot profession.  
  
The board asked that a letter be resent to all high school counselors. This letter has not been sent. Research by the licensing examiner found that maritime technology is no longer part of the WICHE Program due to budget cuts. Cal Maritime is no longer holding seats open for Alaskan candidates.  
  
Captain Cochinos mentioned that the San Francisco Bar Pilots have an apprenticeship program in place. The board would like to obtain this information. Plan to include it in their packets for the April meeting.
6. Monitor progress of master/pilot relations. Covered problems in Southeast and Southwest today.

7. Standardize the license wording.

Go forward with minor changes to license wording in Southwest. Retain the word "unlimited" on licenses that do not have a tonnage limitation.

Public Comment Period: One letter was received from Donald Charles dated November 14, 1987. This letter is attached. Mr. Charles is requesting a waiver per 12 AAC 56.075. Mr. Charles's U.S. Coast Guard license reads "500 gross ton master." Our qualifications require at least a 1,000-gross ton master per 12 AAC 56.025(4). Captain Elsensohn has heard that new U.S. Coast Guard regulations may make it possible to raise his tonnage to 1,600 gross tons.

Ms. Marshall returned to the meeting at 3:55 p.m. The commissioner has promised that this will not happen again.

Captain Elsensohn left the meeting at 3:56 p.m. to talk to the Coast Guard. Off the record at 3:55 p.m. On the record at 4:14 p.m.

Captain Elsensohn reported to the board that the U.S. Coast Guard in Anchorage advised that there are no new regulations coming out that would raise a 500 gross ton master license to 1,600 gross tons.

The board was hesitant to vote for a waiver for Mr. Charles because they were concerned that this would set a precedence in the future.

ACTION

Captain Murphy will write Mr. Charles a letter advising that, based on lack of documentation and 12 AAC 56.025(4) requiring a 1,000 gross tons master license, we are unable to consider his request for the waiver. Encourage him to upgrade his license and pursue becoming a pilot.

The public in attendance did not have any further comments.

Examination/Meeting Dates: The board plans to hold their next permanent exam on April 18, 1988. The meeting will be held April 19 and 20, 1988. The location will be Juneau.

Meeting Adjourned: There was no further business and, on a motion duly made and seconded, it was

RESOLVED that the meeting adjourn.

Board of Marine Pilots  
Minutes of Meeting

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Off the record at 4:18 p.m.

Submitted by:



Nancy Ferguson, Licensing Examiner

Approved by:

W. Ed Murphy, Chairman