

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

MINUTES OF MEETING
NOVEMBER 8 and 9, 1990

By authority of AS 08.01.070(2) and AS 08.62.030 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 on November 8 and 9, 1990 at the Frontier Building, 3601 "C" Street, Suite 336, Anchorage, Alaska.

Agenda Item 2

Call to Order/Roll Call

The meeting was called to order by Chairman Taylor at 8:30 a.m. Those present and constituting a quorum of the board were:

Captain Harold K. Elsensohn
Mark A. Foster
William Lorch
Captain Michael O'Hara
M. Paul Taylor, Chairman

Board members not in attendance were Randall Burns and Russell Sell.

Also present from the Department of Commerce and Economic Development, Division of Occupational Licensing, was JoAnne Cummings, Licensing Examiner.

Guests present on the first day of the meeting were:

Anthony Chadwick
R. G. Winter
William Anderson
Donald Charles
William Cork
David Sanders
Archie Diment, SEAPA
Terry Bennett
R. W. Smith, SEAPA
Mark Walatka, North Star Maritime
Joseph Homer, Alaska Coastwise Pilots
Bill Sharp, North Pacific Maritime, SE Stevedoring Corp.
John Baldry, SEAPA
Arnt Antonsen, SEAPA
Ed Creasey, SEAPA

George Porter, SEAPA
Lisa Parker, Cominco Alaska
John Murphy, Cominco, Ltd.
Scott Jones, Alaska Maritime
Ed Murphy, SWAPA
Mark Hawker, SWAPA
Vincent Tillion, SWAPA
Cees Deelstra, HALW/NWCA
Paul Hedger, Navios Corp.

Agenda Item 1

Oral Examinations

On a motion made by Foster, seconded by Lorch and in accordance with AS 44.62.310, it was

RESOLVED to enter executive session for the purpose of conducting oral examinations.

Entered executive session at 8:30 a.m.

Russell Sell joined the meeting at 8:50 a.m.

Randall Burns joined the meeting at 9:54 a.m.

Adjourned from executive session at 10:26 a.m.

Application Review. The applications of William Cork and David Sanders were reviewed by the board to determine if these applicants would be allowed to take the oral exam.

- A. William E. Cork: His application for a Limited, Step 1 pilot license was reviewed. The dockings and undockings submitted were reviewed with explanations by Captain Cork. His Coast Guard license was also reviewed.

The board took a brief recess from 10:43 a.m. to 10:55 a.m.

On a motion made by Foster, seconded by Burns and carried unanimously, it was

RESOLVED to deny the licensure application of William Cork based on 12 AAC 56.040(c).

12 AAC 56.040(c)(2) requires 20 dockings and undockings, and not all the dockings and undockings submitted with the application meet the statutory definition of 12 AAC 56.990(7) and (8). Also, the qualifications under 12 AAC 56.040(c)(1) have not been met because Captain Cork's USCG license does not show one year as a licensed master or pilot on the waters of Dutch Harbor, Captain's Bay and Akutan.

- B. David A. Sanders: His application for a Limited, Step 1 pilot license was reviewed. The dockings and undockings submitted were reviewed with explanations by Captain Sanders. His Coast Guard license was also reviewed.

On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to deny the application of David Sanders and seal his exam scores because he does not have sufficient dockings and undockings to qualify under 12 AAC 56.040(c)(2), and he does not qualify under 12 AAC 56.040(c)(1) because he has not held an endorsement to his USCG license on the waters for which he is applying for a minimum of one year.

On a motion made by Burns, seconded by Foster and in accordance with AS 44.62.310 it was,

RESOLVED to enter executive session for the purpose of completing the oral examinations.

Adjourned from executive session at 11:33 a.m.

Agenda Item 8

Investigative Report

Marcia Bissell and Gary Veres were present from the Division of Occupational Licensing to present the investigative report.

On a motion made by Sell, seconded by Foster and in accordance with AS 44.62.310, it was

RESOLVED to enter executive session for the purpose of hearing the investigative report.

Entered executive session at 11:35 a.m. Adjourned from executive session at 12:00 noon.

On a motion made by Sell, seconded by Elsensohn and carried unanimously, it was

RESOLVED to close cases:

1900-89-4
1900-89-10
1900-89-12
1900-90-1
1900-90-2
1900-89
1900-89-1

Agenda Item 3

Review Minutes

On a motion made by Elsensohn, seconded by Foster and carried unanimously, it was

RESOLVED to approve the minutes of the April 5-6, 1990 meeting, the June 1, 1990 teleconference, and the June 25, 1990 teleconference.

Agenda Item 4

Results of November 7, 1990 Examinations

Captain O'Hara, Captain Elsensohn and JoAnne Cummings administered written exams on November 7, 1990. Seven applicants took the initial license exams; eight applicants took extension of route exams.

Captain O'Hara reported the following results:

- A. Gordon Terpening - Extension of Route. Should be issued a license to read, "Pilot on vessels of any gross tons upon the waters of Northern Prince William Sound including the ports of Valdez and Whittier; Resurrection Bay/Seward; Kodiak/St. Paul Harbor; Western

Alaska except Cold Bay and Adak; and Cook Inlet south of the forelands except Drift River, Seldovia and Port Graham."

- B. David Grobschmit - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 20,000 gross tons upon the waters of Captain's Bay, Dutch Harbor/Unalaska, Iliasik Passage, Chignik, Port Moller and Herendeen Bay."
- C. William Anderson - Initial Exam. Should be issued a license to read, "Pilot on vessels of not more than 20,000 gross tons upon the waters of Dutch Harbor/Unalaska, Captain's Bay, and Akutan."
- D. Eric Eliassen - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 40,000 gross tons upon the waters of Prince William Sound except entrances; Cook Inlet; Kodiak/St. Paul Harbor, Port Lions, Whale Passage and Ouzinki Narrows; Seward/Resurrection Bay; King Cove, Cold Bay, Sand Point, Chignik and Aleutian Island Ports except Adak and Akutan."
- E. Mark Hawker - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 40,000 gross tons upon the waters of Prince William Sound; Resurrection Bay; Cook Inlet except Seldovia, Port Graham, and Drift River; Kodiak/St. Paul Harbor; and the Aleutian Island Ports except Adak and Akutan."
- F. Robert Hendsch - Extension of Route. Passed Port Moller/Herendeen Bay. The examiner is directed to check his past examinations and contact Captain O'Hara for the license wording.
- G. Vincent Tillion - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 20,000 gross tons

upon the waters of Resurrection Bay/Seward; Cook Inlet; Kodiak/St. Paul Harbor and Ouzinki Narrows; the Alaskan Peninsula North and South except Cold Bay; and the Aleutian Islands."

On a motion made by Elsensohn, seconded by Burns and carried unanimously, it was

RESOLVED to accept Captain O'Hara's recommendations and issue the above licenses as read.

Captain Elsensohn reported on the following exam results:

- H. Robert Winter - Initial Exam. Should be issued a license to read, "Channel Pilot on the waters of Southeast Alaska, Dixon Entrance to Cape Spencer excluding all waters from Dixon Entrance through Sumner Strait, West Coast of Prince of Wales, Sitka Sound, Peril Strait, Hoonah Sound, White Stone Narrows, Neva Strait, Icy Strait, Cross Sound and the ports of Metlakatla, Ketchikan, Wrangell, Klawock, Sitka and Hoonah."
- I. Kurt Petrich - Initial Exam. Should be issued a license to read, "Channel Pilot on the waters of Southeast Alaska, Dixon Entrance to Cape Spencer excluding Snow Pass, Sitka Sound, Glacier Bay, West Coast of Prince of Wales, and the Port of Klawock."
- J. Don Charles - Initial Exam. Should be issued a license to read, "Channel Pilot on the waters of Southeast Alaska, Dixon Entrance to Cape Spencer excluding Nichols Passage, Snow Pass, Sitka Sound, Gastineau Channel, Icy Strait, Cross Sound, West Coast of Prince of Wales, and the Ports of Metlakatla, Sitka, Juneau and Klawock."
- K. Anthony Chadwick - Initial Exam. Should be issued a license to read, "Channel Pilot on the waters of Southeast Alaska, Dixon

Entrance to Cape Spencer excluding Wrangell Narrows, Peril Strait, Hoonah Sound, Whitestone Narrows, Neva Strait, Olga Strait, West Coast Prince of Wales and the Ports of Klawock and Petersburg."

- L. Michael Clinkscales - Extension of Route. Should be issued a license to read, "Unlimited: Kodiak Island; Alaska Peninsula except Cold Bay, Port Moller/Herendeen Bay; Seward/Resurrection Bay, Prince William Sound except Hinchinbrook Entrance, and Lower Cook Inlet south of Anchor Point. Also, Southeast Alaska, Dixon Entrance to Cape Spencer except Wrangell Narrows, West Coast Prince of Wales and Ports of Petersburg and Klawock. Also Yakutat."
- M. Charles Bates - Extension of Route. Should be issued a license to read, "Pilot on vessels of not more than 20,000 gross tons upon the waters of Southeast Alaska, Dixon Entrance to Cape Spencer excluding Klawock."

The examiner was directed to check Captain Bates' file to see if the exam for West Coast Prince of Wales was passed previously.

On a motion made by Elsensohn, seconded by Foster and carried unanimously, it was

RESOLVED to issue the licenses for the above applicants as read.

Captain O'Hara amended the wording on Captain Grobschmit's license to read, "Pilot on vessels of not more than 20,000 gross tons on the waters of the Alaskan Peninsula (North and South); Dutch Harbor/Unalaska, Captain's Bay, and Akutan."

The examiner was directed to check the file of Captain Grobschmit to see if the tonnage limit is 20,000 or 40,000 gross tons; also, to see if the Aleutian Islands General Exam was passed.

Agenda Item 5 Extension of Route - Temporary to Permanent License

On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to make permanent the following extension of routes:

Michael Skovoth - Southeast sets one and seven
Robert Herring - Seward/Resurrection Bay
Harry Scally - Prince William Sound, Western Entrances
Mike Collins - Yakutat
David Grobschmit - Sand Point, King Cove, False Pass, Akutan

Agenda Item 6 Tonnage Upgrades - Temporary to Permanent License

On a motion made by Burns, seconded by Elsensohn and carried unanimously, it was

RESOLVED to make permanent the following license upgrades:

Eric Eliassen - 20,000 to 40,000 Gross Tons.
Farrell Brown - Channel Pilot to 20,000 Gross Tons.
Richard Gurry - 40,000 Gross Tons to Unlimited.
Werner Sund - Channel Pilot to 20,000 Gross Tons.

Agenda Item 7 VLCC Endorsements - Temporary to Permanent License

On a motion made by Burns, seconded by Sell and carried unanimously, it was

RESOLVED to make permanent the VLCC endorsements for the following licensees:

Jeffrey Pierce
Anthony Joslyn
James Wright
William Tingley
Michael O'Hara

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John Webb
John Bradley
Robert Hendricks
William Murphy
Richard Cochinos
James Hurd
Steven Hunicutt
Kaare Elde
Timothy Christy
John Cunningham
Robert Herring
Michael Stone

The VLCC endorsement applications of Harry Scally and William Bullard will be discussed separately.

Agenda Item 10

Recess for Lunch

On a motion made by Burns, seconded by Sell and carried unanimously, it was

RESOLVED to recess for lunch at 12:30 p.m.

Reconvened at 1:06 p.m.

Agenda Item 11

Cominco/Red Dog Pilot Station

Lisa Parker, Cominco Alaska; Bill Sharp, North Pacific Maritime/Southeast Stevedoring Corp.; and Paul Hedger, Navios Corp., were introduced.

Randall Burns spoke briefly on conflicts of interest among board members. A board member may not vote or participate in discussion if an issue presents a conflict of interest for a member.

Paul Hedger, representing Navios Corporation, addressed the board. He gave a brief description of Navios Corporation.

Navios submitted a briefing report to the board on November 2, 1990 showing the studies and surveys that have been performed by Navios, Cominco and outside consultants. The report also contains factual information gained from the first season

of operation and responds to the board's concerns regarding shipping in the Red Dog Mine area (see Attachment #1).

Navios suggests the board form an ad hoc advisory committee to study the matter, look at alternatives and make recommendations to resolve the issue of compulsory pilotage waters in the Red Dog Mine area.

Captain Murphy, President of Southwest Alaska Pilot Association, addressed the board. A letter was previously submitted by SWAPA (see Attachment #2).

Captain Murphy stated that SWAPA attempted to provide pilots but felt Navios was not interested in complying with the pilot requirement.

Randall Burns summed up the board's concerns in four issues that need to be settled.

1. Appropriateness of the pilot station.
2. Length of time a ship should hold waiting for a pilot.
3. Size of the area created in regulation as compulsory pilotage waters.
4. Validity of compulsory waters in the Red Dog Mine area at all.

Gary Amendola, Assistant Attorney General, addressed the board. He feels that the emergency regulations adopted by the board in June 1990 concerning the compulsory pilotage waters are indefensible as written. These regulations have recently expired.

The board has authority by statute to consider "inside coastal waters" as compulsory pilotage waters. This phrase has been defined by the board through regulation.

2:00 p.m. The board took a brief recess, and reconvened at 2:11 p.m.

The board chairman, Paul Taylor, appointed a three-person committee made up of Captain Elsensohn, Mark Foster and himself to study pilotage in the Red Dog Mine area and report back to the board by January 15, 1991.

3:00 p.m. The board took a short recess.
Reconvened at 3:11 p.m.

Agenda Item 12

Pilotage Contracts with Cruise Ship Companies

Dale Collins, president of Southeastern Alaska Pilots' Association, presented a letter and addressed the board regarding possible regulations requiring ships that come to Southeast Alaska on a regular basis to sign contracts with a pilot association.

Mr. Collins pointed out that the law requires a vessel employ a pilot "if available," and a loophole in the law may be created if pilot associations are not able to plan for an adequate number of pilots.

Comments from the audience were received by the board on this issue.

- A. Ed Creasey, SEAPA, agreed that contracts are needed.
- B. Bill Sharp, Southeast Stevedoring, disagreed with the implication that ships would try to take advantage of a loophole and enter without a pilot. Also, the state should not be involved in this matter; it should be worked out between the pilot associations and the cruise ship companies.
- C. Captain George Porter raised the question of what action the board would take if no pilots were available and a ship proceeded without a pilot.

Agenda Item 13

Revision of Forms

- A. Medical Forms.

On a motion made by Foster, seconded by Burns and carried unanimously, it was

RESOLVED to continue to use the medical forms currently included with the initial and renewal applications.

B. Supervised Docking/Undocking Form (see Attachment #3).

On a motion made by O'Hara, seconded by Foster and carried unanimously, it was

RESOLVED to accept the supervised docking/undocking form submitted by Captain O'Hara with the "location" section of the form amended to delete "multiple mooring buoy."

Agenda Item 9

Review of FY 91 Goals and Objectives (see Attachment #4).

1. Exercise the powers and duties of the board. This goal is ongoing and will be covered during tomorrow's discussion of the proposed state pilotage act.
2. Continuing Education. Mr. Sell is continuing to work on this project. The rewritten pilotage act may require continuing education for pilots.
3. Processing of investigations and hearings. The Division is working on a request for proposals for contracting with a pilot for marine investigations. The proposed legislation may create a pilot coordinator position that would include investigative duties.
4. Propose necessary legislation. Covered by proposed marine pilotage act.
5. Update and improve regulations. Covered by proposed marine pilotage act.
6. Monitor pilot competency and availability. This goal is ongoing.
7. More stringent entry and renewal requirements. Covered by proposed marine pilotage act.

8. Provide for three meetings per year. Covered by proposed marine pilotage act.
9. Develop appropriate policy and regulations concerning the Nome and Kotzebue pilotage areas. This goal is ongoing.
10. Monitor shipping between Nome and Siberia. This goal is ongoing.

Agenda Item 14

Report on Contract Pilot for Investigations.

This item was discussed under agenda item 9.

Agenda Item 21

Office Business.

- A. Renewal Procedures - Pilots without quarterly reports on file must submit evidence of recency in Alaska.
- B. Tonnage Upgrades - To be reviewed tomorrow.
- C. Set Temporary License Exam Dates - January 22, 1991 in Juneau and Anchorage.
- D. Set Spring Meeting and Exam Dates - April 3-5, 1991 in Juneau.

Agenda Item 22

Regulations

- A. Drug and alcohol testing will be discussed tomorrow under the proposed marine pilotage act.
- B. Trip Sheets of Federal Pilotage - Captain O'Hara will distribute a letter from the Coast Guard on this topic.

The board recessed for the day at 4:25 p.m.

Friday, November 9, 1990

Agenda Item 6

Call to Order.

The meeting was called to order at 9:00 a.m.
Present and constituting a quorum were:

Paul Taylor, Chairman
Russell Sell
Captain Elsensohn

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Bill Lorch
Mark Foster
Captain O'Hara

Randall Burns was not present.

Guests present on November 9, 1990 were:

W. E. Murphy, SWAPA
J. M. Baldry, SEAPA
George Porter, SEAPA
Ed Creasey, SEAPA
Arnt Antonsen, SEAPA
Wendy Mulder, Alaska State Legislature
Dale Collins, SEAPA
Chuck Cloudy, SEAPA Attorney
Terry Bennett
Bobby Parker, Parker Marine, Inc.
Steve K. Yoshida, SWAPA
Cees Deelstra, HALW/NWCA
Stan Stanley, Regional Citizens Advisory
Council
Joseph Merrill, Alaska Marine Pilots Dispatch
Service
Stuart Mork, AMP
Bill Sharp, North Pacific Maritime/SE
Stevedoring Corp.
Tony Chadwick, SEAPA
Tony Thein, Holland America Line
Senator Drue Pearce, State Legislature
Vincent Tillion, SWAPA
Joseph Homer, Alaska Coastwise Pilots
Brad Pierce, Office of Management and Budget
Marilou Madden, Office of Management and
Budget
Gary Amendola, Attorney General's Office

Agenda Item 7

VLCC Endorsements

Mark Foster reported on the VLCC applications he reviewed. The application of Captain William Bullard has no dockings more recent than 1979.

On a motion made by Foster, seconded by O'Hara and carried unanimously, it was

RESOLVED to adopt as a working rule for VLCC endorsement applications that dockings and undockings be made no more than five years prior to the application date.

9:05 a.m. Randall Burns joined the meeting.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to accept the application of Harry Scally for VLCC endorsement.

Agenda Item 17

OMB Report and Proposed Legislation

Brad Pierce and Marilou Madden from the Governor's Office of Management and Budget presented the results of a study and their recommendations regarding the state's Marine Pilotage Act (see Attachment #5).

- A. OMB Role - Collect information and comments and turn over the drafting of legislation to the board through Gary Amendola, Assistant Attorney General.
- B. Reasons for the Study.
 - 1. Prompted by a letter to the Governor from Captain Murphy
 - 2. Other states are studying marine pilot laws after the Exxon oil spill.
 - 3. Sunset review in FY 91.
- C. Is the Current Law a Problem?
 - 1. Marine pilot law is old; many changes in Alaska since the law was written.
 - 2. Alaska has the lowest requirements of all states.
 - 3. Alaska treats licensing as a right.
- D. Study Methodology.
 - 1. Surveyed pilots by mail.

2. Conducted phone conversations with board members and vessel agents.
 3. Visited associations.
 4. Reviewed other states' statutes.
- E. Establish a Social Contract between the State and Pilot Associations - The state supplies liability and antitrust protection in return for greater control of the profession.
- F. Legislative Intent.
1. Emphasis on local knowledge.
 2. Protect safety of lives, property and marine environment.
 3. Establish independence of pilots.
- G. Pilot Qualifications - Requirements should be high enough to assure entry level applicants have extensive seagoing experience.
- H. Regions - Exclusive regional licensing is recommended; current pilots with overlapping regions would have to choose one region after a transition period.
- I. Deputy Pilot Training Program
1. The board should review, approve and evaluate training programs run by pilot associations.
 2. The board should work with pilot groups to develop training criteria beyond dockings and undockings.
 3. The goal is to have an adequate number of unlimited pilots with wide experience.
- J. Check Ride Evaluation for Licensed Pilots
1. Required to ensure licensee is functioning at a competent level.
 2. Done through peer review, immune from liability and peer pressure
- K. Recency Criteria and Continuing Education Requirements are Recommended.

- L. Drug Testing and Annual Physical Exam.
 - 1. Random drug and alcohol testing.
 - 2. More complete annual physical.
 - 3. Testing done through accord with Coast Guard.

- M. Marine Pilot Coordinator.
 - 1. Will serve as staff to board.
 - 2. Will review and evaluate training programs and pilot association bylaws.
 - 3. Will conduct investigations in accord with USCG.
 - 4. Will provide management reports.

- N. Accord with the Coast Guard - In the areas of travel, expense for investigations and drug testing.

- O. Limit Number of Licenses Issued? - Limiting is not recommended at this time.

- P. Board Authority - Recommending a pilot representative from Western Alaska replace the commissioner's designee on the board. This would alter the balance of the board.

- Q. Tariffs.
 - 1. More board authority.
 - 2. Board should review existing structure.
 - 3. No undercutting.
 - 4. Tariff would include board administrative costs and pilot training costs.

- R. Board and the Social Contract.
 - 1. State should recognize pilot associations in statute.
 - 2. State should provide limitation of liability.
 - 3. State should protect associations from antitrust actions.

4. Board should have power to review associations' bylaws and exercise administrative control.

The board took a brief recess from 10:02 a.m. to 10:15 a.m.

Gary Amendola, Assistant Attorney General, discussed the draft legislation with the board (see Attachment #6).

Section 1 - Intent. Replaces "inside coastal waters" with "waters in, around and adjacent to State of Alaska."

Section 2 - Creation and Membership of the Board. Balance of the board was discussed.

Section 3 - Term of Office.

Section 4 - Meetings - Allows for three meetings per year without prior approval from the Governor's Office.

Section 5 - Powers & Duties. Describes board authority with more particularity. A separate section with guidelines for training programs may be needed.

Section 6 - Marine Pilot Coordinator. Authorization to hire.

Section 7 - Licensing Requirements. Includes the recommendations of the Office of Management and Budget.

Section 8 - Application.

Section 9 - Entry Level Qualifications. Language is unclear as to whether this applies to deputy pilots or licensed pilots. Different regions may have different entry level requirements. More explicit authority for drafting regulations may be needed.

Section 10 - Renewal - Some currently licensed pilots won't be able to meet the renewal requirements. Section 19 addresses this.

Section 11 - Lapsed License.

Section 12 - Enforcement Authority.

Section 13 - Disciplinary Sanctions. Refers back to centralized licensing statutes.

Section 14 - Mandatory Employment of Licensed Pilots.

Section 15 - Allocation of Liability. Ship owner is responsible rather than the pilot.

Section 16 - Pilot Organizations. May need to add explicit protection from antitrust in this section; also need to reword exemptions in simpler terms.

Section 17 - Penalties. May need to be more severe.

Section 18 - Short Title.

Section 19 - Transition.

Members of the audience commented on the OMB report and the proposed legislation.

- A. Tony Phein, Holland America Lines: Supports effort to upgrade pilotage standards; concerned about economic aspect; against monopoly, rate making, pilot liability limit, and prohibition on direct employment by pilots; pilots who are nonassociation members must have opportunities for training.
- B. Joseph Merrill, Alaska Marine Pilot Dispatch Service: Each pilotage region should be represented on the board before any regulation of these regions is attempted; supportive of regional differences in

- qualifications; ability of pilot to be employed should be addressed.
- C. Steve Yoshida, SWAPA: More explicit statutory qualifications needed; number of licenses should be limited by the board.
 - D. Dale Collins, SEAPA: In order for associations to allow board review, only one association should be sanctioned in each region; favors limiting licenses and limited pilot liability.
 - E. Scott Jones, Alaska Maritime: Favors balance on the board between pilots, agents and public members; doesn't see value in limiting number of licenses issued.
 - F. Ed Murphy, SWAPA: Favors maintaining a balance between pilots, industry and public on the board as well as retaining the administrative voice; in favor of increased licensing standards.
 - G. Bill Sharp, Southeast Stevedoring: Encourages expression of the intent of the legislation; industry shouldn't solely bear the cost of pilot training; favors maintaining the balance of pilot/industry/public representation on the board.
 - H. Terry Bennett, Independent Pilot: Opposed to state providing antitrust protection for associations in exchange for better training and standards; board needs to represent all interests, and more attention needs to be given to the makeup of the board; supports competitive pricing.

The board will plan a one-day work session on the proposed legislation and receive public comment for review prior to the work session.

On a motion made by Elsensohn, seconded by Sell and in accordance with AS 44.62.310, it was

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RESOLVED to enter executive session for the purpose of attorney client consultation.

Entered executive session at 11:55 a.m.; adjourned from executive session at 12:00 noon.

Captain David Sanders and Captain William Cork addressed the board along with their attorney, Michael Hanson, to request approval to take the oral examinations. They are requesting a hearing on the denial of their applications and would like to be able to obtain their licenses without further delay if they prevail in the appeal.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to deny the requests of Captain Sanders and Captain Cork to be given the oral examination.

On a motion made by Burns, seconded by Elsensohn and carried unanimously, it was

RESOLVED to enter executive session for the purpose of attorney client consultation.

Entered executive session at 12:10 p.m. Adjourned from executive session at 12:30 p.m.

On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to recess for lunch at 12:30 p.m.

Reconvened at 1:00 p.m. to continue discussion of the OMB report and proposed legislation.

On a motion made by Lorch, seconded by Sell and carried unanimously, it was

RESOLVED to schedule a one-day work session on the proposed rewrite of the Marine Pilotage Act on December 17, 1990 in Anchorage. December 10, 1990 will be the deadline for public comment.

Agenda Item 16b

Tonnage Upgrades

1. Larry Pullin applied to upgrade his license from Limited, Step 1 to Unlimited.

On a motion made by Foster, seconded by Lorch and carried unanimously, it was

RESOLVED to upgrade the license of Larry Pullin to Limited, Step 2, 40,000 gross tons, effective April 5, 1991.

2. Peter Lie-Nielsen applied to upgrade his license from Limited, Step 1 to Unlimited.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to upgrade the license of Peter Lie-Nielsen to Limited, Step 2, 40,000 gross tons, effective November 9, 1990.

3. Terry Bennett applied to upgrade his license from Channel Pilot to Limited, Step 1.

Captain Elsensohn was granted permission to be excused from the vote and discussion on Terry Bennett's application due to a possible conflict of interest.

On a motion made by Burns, seconded by Foster and carried unanimously, it was

RESOLVED to deny the request of Terry Bennett for a waiver to the requirement of 12 AAC 56.027(a)(4) that no more than five of the dockings and five of the undockings be made under the supervision of the same pilot.

BE IT FURTHER RESOLVED that a letter will be sent to Southeastern Alaska Pilots' Association requesting that Terry Bennett be provided opportunity to perform the necessary dockings and undockings. This opportunity should be provided by June 1, 1991. If this

cannot be accomplished by June 1, SEAPA should let the board know as soon as possible what date would be reasonable.

4. Mike Collins applied to upgrade his license from Limited, Step 1 to Unlimited.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to issue a Limited, Step 2, 40,000 Gross Tons license to Mike Collins.

5. Keith Douglas applied to upgrade his license from Limited, Step 2 to Unlimited.

On a motion made by Elsensohn, seconded by Burns and carried unanimously, it was

RESOLVED to approve an Unlimited license for Keith Douglas effective May 11, 1991.

6. Jeff Baken applied to upgrade his license from Channel Pilot to Limited, Step 1.

On a motion made by Elsensohn, seconded by Lorch and carried unanimously, it was

RESOLVED to approve the application of Jeff Baken to upgrade to a Limited, Step 1, license.

Randall Burns left the meeting at 2:00 p.m.

7. Hans Antonsen wrote a letter to the board supporting the procedure of granting upgrades on a step-by-step basis. However, he asked that if exceptions were to be made to allow applicants to bypass steps, he would also like to be considered for an Unlimited license.

On a motion made by Foster, seconded by Sell and carried unanimously, it was

RESOLVED to deny the request of Hans Antonsen to receive an Unlimited license.

Agenda Item 22

VLCC Qualifications

Captain O'Hara expressed concern over the current requirements for a VLCC endorsement under 12 AAC 56.510. There is no requirement for local experience.

No regulation change will be requested at this time. The rewrite of the Pilotage Act may resolve this problem.

Agenda Item 23

Public Comment

Dale Collins, SEAPA, asked if tariffs are in effect and, if so, if they can be negotiated up or down.

The board directed the Attorney General's Office to find the answer to this inquiry.

On a motion made by Foster, seconded by Elsensohn and carried unanimously, it was

RESOLVED to take a brief recess at 2:15 p.m.

Reconvened at 2:25 p.m.

Terry Bennett and Joseph Homer spoke briefly on tariffs. Captain Elsensohn and Captain O'Hara explained how tariffs are set for areas that are not included in the published rate schedule.

Agenda Item 24

Adjourn

On a motion made by Sell, seconded by Elsensohn and carried unanimously, it was

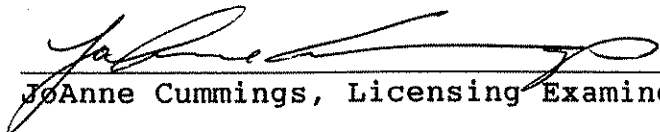
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RESOLVED to adjourn at 2:30 p.m.

Respectfully submitted,



M. Paul Taylor, Chairman



JoAnne Cummings, Licensing Examiner