

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

MINUTES OF MEETING  
SEPTEMBER 22-24, 1992

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 September 22-24, 1992 at the Centennial Hall, 101 Egan Drive, Juneau, Alaska.

Tuesday September 22, 1992

Agenda Item

Call to Order/Roll Call

The meeting was called to order at 1:05 p.m. by Bob Watt, Chairman. Those present and constituting a quorum of the board were:

Mr. Bob Watt, Captain Dale Collins, Captain Michael O'Hara, Mr. Larry Galloway, Ms. Donna Bumgardner, Mr. Mark Springer, and Mr. John Klepper.

Also present and representing the Division of Occupational Licensing was:

Captain Karl A. Luck, Marine Pilot Coordinator.

1. Review Minutes of Previous Meetings

Mr. Klepper moved to accept the minutes of the April 14-16, 1992 meeting; Captain O'Hara seconded the motion. The minutes were amended to reflect the correct spelling of Father George Pletnikoff's name on page 19, the spelling of the words Coordinator and the word gouging were corrected on page 42, the spelling of the word fool on page 50 was

corrected. By an unanimous vote of the board, it was  
RESOLVED to approve the minutes of the meeting held  
April 14-16, 1992 as amended.

Mr. Klepper move to accept the minutes of the May 15, 1992  
teleconference, Mr. Springer seconded the motion. By an  
unanimous vote of the board, it was  
RESOLVED to approve the minutes of the  
teleconference held May 15, 1992 as presented.

2. Review /Set Agenda

The agenda was adopted as presented with a possible change  
of moving item 50 around to accommodate Ms. Behr's schedule  
if in fact she can address the board.

3. Report of Examination Results

Captain O'Hara reported that Captain Stephan Moreno passed  
the examinations for Adak, False Pass, Cold Bay, Chignik,  
Sand Point, and Aleutian Island General. Captain O'Hara  
made the motion to amend Captain Moreno's license to  
reflect these changes, Mr. Springer seconded the motion.  
By an unanimous vote of the board, it was  
RESOLVED to add Adak, False Pass, Cold Bay, Chignik,  
Sand Point, and Aleutian Islands to the license of  
Captain Stephan Moreno.

Captain Collins reported that Captain Donald Charles passed  
the examination for Cross Sound and Icy Straits. Captain  
Collins made the motion to amend Captain Charles' license  
to reflect these changes, Captain O'Hara seconded the  
motion. By an unanimous vote of the board it was  
RESOLVED to add Cross Sound and Icy Strait to the  
license of Captain Donald Charles.

4. Review Applications for License Upgrades

Captain Terry Bennett's application for an unlimited Marine  
Pilot License in Region One was reviewed by the board.

Captain O'Hara and Captain Collins entered into a discussion as to who actually does the docking on a cruise ship, the master or the pilot. It was noted that Captain Bennett's one year period from the granting of his Step Two license was November 12, 1992. Captain Bennett addressed the board and answered question asked by the board. The chairman ruled out of order a comment made by Captain Bennett as to the motives of Captain O'Hara's objection to accepting his application. Mr. Galloway made the motion to upgrade Captain Bennett's license to unlimited effective November 13, 1992. Mr. Springer seconded the motion. By a roll call vote with Captain Collins and Ms Bumgardner opposed, it was

RESOLVED to grant Captain Terry Bennett an unlimited Marine Pilot license in Region One under 12 AAC 56.030 and 12 AAC 56.045 to be effective November 13, 1992.

Captain David Sanders' application for a Step Two 40,000 gross ton increase for Region Three on his license was reviewed by the board. Mr. Springer made the motion to approve the application. Captain O'Hara seconded the motion. By a unanimous roll call vote it was

RESOLVED to grant Captain David Sanders a Step Two 40,000 gross ton license for Region Three under 12 AAC 56.045.

Captain Douglas MacPherson's application for an increase of his license from an Unlimited Channel Pilot license to an Unlimited license for Region One was reviewed by the board. Marine Pilot Coordinator briefed the application to the board. Captain MacPherson addressed the board and answered questions raised by the board. It was noted that Captain MacPherson did not have complete Federal First Class Pilotage for the entire region and did not have all of the areas required by the state for Region One. Mr. Galloway moved to accept this application as submitted. Mr. Springer seconded the motion. By a roll call vote the motion failed with Mr. Springer voting in the affirmative, it was

RESOLVED to deny the application of Captain MacPherson for an Unlimited license in Region One under 12 AAC 56.030 and 112 AAC 56.027(c).

Captain Douglas MacPherson petitioned the board to consider a lesser license. The Marine Pilot Coordinator advised the board that it was within the board's discretion to determine what level of license the board considered appropriate in Captain MacPherson's case. Captain MacPherson was asked to summarize his actual Alaskan pilotage experience. Captain MacPherson indicated that he piloted the summer of 1986 and the summer of 1987. The summers of 1988, 1989 and 1990 he did not come to Alaska. In 1991 he returned for the summer and he worked the summer of 1992 plus this last winter. Each summer consisted of about 120 days. The winter work was as an observer only. Captain Collins made the motion to grant Captain MacPherson a Step One 20,000 gross ton license in Region One. Mr. Galloway seconded the motion. By a roll call vote with Mr. Klepper opposed it was

RESOLVED to grant Captain Douglas MacPherson a Step One 20,000 gross ton Region One license under 12 AAC 56.040.

Captain Richard Murphy's application for a Step Two 40,000 gross ton Region Three license was reviewed by the board. Mr. Galloway made the motion to approve the application as submitted. Captain O'Hara seconded the motion. By an unanimous roll call vote, it was

RESOLVED to grant Captain Richard Murphy a Step Two 40,000 gross ton Region Three license under 12 AAC 56.045.

Captain John Schibel application for a Step Two 40,000 gross ton Region Three license was reviewed by the board. Mr. Springer made the motion to approve the application. Mr. Galloway seconded the motion. By an unanimous roll call vote, it was

RESOLVED to grant Captain John Schibel a Step Two 40,000 gross ton Region Three license under 12 AAC 56.045.

Captain Kurt Petrich's application for a Step Two 40,000 gross ton Region One license was reviewed by the board. The one year Step One date is October 1, 1992. Captain O'Hara made the motion to approve the

application. Mr. Galloway seconded the motion. By an unanimous roll call vote, it was

RESOLVED to grant Captain Kurt Petrich a Step Two 40,000 gross ton Region One license under 12 AAC 56.045 to be effective October 2, 1992.

The board recessed for 15 minutes. Mr. Gary Amendola, Assistant Attorney General, joined the board at the head table.

Captain James Stith's application for a Step One 20,000 gross ton Region One license from an existing Channel license. The application was flawed inasmuch as five of the required dockings were signed by Captain Ogilvy AA118, a channel pilot, and therefore does not meet the requirements of 12 AAC 56.040 and 12 AAC 56.027(b). Mr. Springer made the motion to reject Captain Stith's application. Captain O'Hara seconded the motion. By an unanimous roll call vote, it was

RESOLVED to deny the application of Captain James Stith for a Step One 20,000 gross ton Region One license under the authority of 12 AAC 56.027(b) and 12 AAC 56.040.

Mr. Daniel Grausz of Holland American Line addressed the board and invited the board to visit one of their vessels that was in port Juneau.

Captain Jeffrey Baken's application for a Step Two 40,000 gross ton Region One license was reviewed by the board. The dockings that Captain Baken reported were attested to by his signature that he performed the dockings but the dockings were in excess of the limits of his license. To have accomplished the reported dockings Captain Baken would have to be supervised by a State Pilot with the appropriate license. Mr. Springer moved to reject the application. Captain O'Hara seconded the motion. Captain Michael Spence addressed the board in this matter. By a unanimous roll call vote, it was

RESOLVED to deny Captain Baken's application for a Step Two 40,000 gross ton Region One

license under 12 AAC 56.045.

Captain Charles Bates' application for an Unlimited Region One license was reviewed by the board. Captain Bates currently holds a Step One 20,000 gross ton and an Unlimited Channel Region One license. The port of Klawock is missing from his Federal First Class Pilot license. Mr. Springer made the motion to reject Captain Bates' application. Captain O'Hara seconded the motion. Captain Terry Bennett addressed the board in Captain Bates' behalf. By an unanimous roll call vote, it was

RESOLVED to deny Captain Charles Bates' application for an Unlimited Region One license under 12 AAC 56.030.

Mr. Galloway made the motion to grant Captain Charles Bates a Step Two 40,000 gross ton Region One license. Captain O'Hara seconded the motion. By an unanimous roll call vote, it was

RESOLVED to grant Captain Charles Bates a Step Two 40,000 gross ton Region One license under 12 AAC 56.045.

Captain Mark Hawker's application for a VLCC endorsement was reviewed by the board. A current Federal license is not in his license file, the round trips reported are not for a complete pilot route, no dockings are recorded and his time on a VLCC is as a chief mate and not as a master as required by the regulations. Mr. Galloway made the motion to reject Captain Hawker's VLCC endorsement. Mr. Springer seconded the motion. By an unanimous roll call vote, it was

RESOLVED to deny Captain Hawker a VLCC endorsement under 12 AAC 56.510.

5.

Investigative Report (Confidential)

The board went into executive session to discuss the Investigative report and to discuss a question raised by Captain MacPherson as to why the board made the decision they did in his case.

6.

Investigative Report (Public)

The board reviewed the Ligation Report. The board reviewed the status of cases 1900-91-08, 1900-92-04, 1900-92-05, 1900-92-06, 1900-92-07, and 1900-92-10.

Mr. Springer made a motion to close case 1900-92-08. Captain O'Hara seconded the motion. By an unanimous voice vote, it was

RESOLVED to close case 1900-92-08

The stipulation in the case of 1900-92-09 was reviewed by the board after being briefed by Mr. Amendola. Mr. Galloway made a motion to dismiss the accusation in case 1900-92-09. Mr. Springer seconded the motion. Captain O'Hara amended the motion to adopt the surrender agreement as an order. Mr. Springer seconded the amendment. By a unanimous voice vote, it was

RESOLVED to adopt the surrender agreement as an order and then to dismiss the accusation in case 1900-92-09.

7.

Hearing Officer's Report

Mr. Springer made the motion to concur with dismissal of the appeal in the case of 1950-92-01. Captain O' Hara seconded the motion. By a voice vote it was unanimously

RESOLVED to concur with the dismissal of the appeal in case 1950-92-01.

The board considered case 1950-92-04. Mr. Galloway made a motion to accept the proposed decision in its entirety as presented by the hearing officer. Captain O'Hara seconded the motion. By an unanimous voice vote, it was

RESOLVED to adopt the hearing officer's decision in it entirety in case 1950-92-04.

10a

Response to Representative Bill Hudson

The board discussed the letter from Rep. Bill Hudson

and the interim reply that the Marine Pilot Coordinator had provided. The board concurred with the Marine Pilot Coordinator and directed to respond in kind to Rep. Bill Hudson.

10.

Public Comment

Captain Terry Bennett, ACPA, addressed the board with his concerns about cross region pilotage. Considers this to be an artificial mechanism to limit the entry of additional pilots into a region.

Captain Michael Spence ACPA addressed the board and expressed his concerns about there being no transitional language in the new regulation which sets a future date as the effective date of the new regulations. Addressed the tariff issue in that it is his belief that the published SEAPA tariff does not meet the requirements of the regulations. Addressed the Annual Report in that he felt the language in it was biased in its comments about competition. Competition in pilotage is not unique. Addressed the training requirements for the Region One in that the proposed requirements were not attainable in a reasonable practical time period and that it was too arduous. Core areas should be used and core ports should be used and there should be exceptions allowed. Addressed the issue of Channel pilots and suggested that they be allowed to pilot vessels over 20,000 gross tons.

Captain Gary Ogilvy, AMHS, addressed the board concerning the new 60 day requirement for recency. This excludes federal pilotage time while out of state pilots can acquire the 60 days with the Pilot Associations.

Mr. Bill Lorch, Alaska Maritime, addressed the board concerning the new regulations and suggested that the board test each proposed regulation against the pilotage act and the anti-competitive requirements of the law and the merits of the proposal before



going forward.

Captain Jeff Pierce, SWAPA, addressed the board concerning the duplication of federal law with state law. Discussed training as it applies to oil tankers and the Dutch Harbor pilots. SWAPA doesn't use the state ferries to train its pilots SWAPA uses their own ships...they have never had a situation where they could not or have not dispatched a pilot when one was requested...it takes 5-6 years to train a pilot to handle super tankers...keep in mind the reason for the law.

Captain James Drahos addressed the board concerning the new regulations that are in his judgment too hastily written and do not reflect reality... regulations will be ignored if they are unrealistic...keep the USCG out of the state's business...hasn't seen anything yet on the transition of existing licenses to the new licenses...concerned about licensing of pilots in two regions.

Mr. Ken Castner, CIAC, addressed the board stating that the public expects pilots to be qualified and experts in all waters they operate... he keeps hearing the economic concerns of pilotage and suggests that this should not enter into the decision...wants lots of experienced pilot to be available...wants more opportunity for public comments at the board.

Mr. Bruce Weyhrauch, representing SEAPA, and Captain Bill Swan, President of SEAPA, addressed the board concerning the 60 day rule and stated that this was not a low number of days to expect a pilot to work per year...prevents dabblers...we need high quality pilots... cross regional pilotage has a fatigue factor to be considered...state should pay for drug tests if more than one per year required...pilots should continue in the step program...the board should go gentle on new regulations...overall regulations are necessary but they become burdensome

on organizations...SEAPA recognizes competition is here to stay and they are doing the best they can to work within that system but we must be able to operate as a business and therefore we must reasonable to protect our business relationships.

Mr. Bernie Smith, TESORO, addressed the board briefly with nothing specific to discuss at this time.

Mr. David Millen, representing AMP, stated that more discussion was desired and that his written comments addressed the new regulations...some of these regulations can be deferred to a later meeting...there has been a tendency to go beyond the statutory limitations...board must keep in mind these limitation... there is a drug testing overkill in these regulations...concern on transition of licenses.

The board ~~reassessed~~ <sup>recessed</sup> at 6:30 pm and will reconvene at 7:30 am.

WEDNESDAY SEPTEMBER 23, 1992

The board reconvened at 7:30 a.m. with all board member present.

8. Annual Report to the Governor

The board reviewed the Annual Report submitted to the Governor and approved the Goals and Objectives for FY 93 as submitted in draft form and the Budget recommendations for FY 93 as submitted in draft form. Legislative Recommendations were disapproved inasmuch as the legislature will look at this statute in 1994. If there is any misunderstanding of the statute it will be decided by the courts.

9. Review Correspondence to the Board

The board briefly discussed the correspondence to the board and the system by which they were filed. A few of the specific letters were singled out to the boards attention by the chairman.

Mr. Galloway addressed the board concerning the circumstances by which a former board member was forced to resign his position on the board because of financial pressure by an industry group. The board discussed the manner by which this situation was allowed to occur without an appropriate response by the state. This incident was an example that not only board members must be autonomous from this type of interference but more to the point that pilots must also be free from similar influence in the performance of their duty. This was a shameful reprehensible incident that the people of Alaska should be aware of. Mr. Galloway added that he came to the board as a member of the Department of Commerce representing industry and economic development but this incident has changed his views. Chairman Watt counseled the board that the Governor's office was fully aware of the incident and choose to respond as they did and that the board should take that into account. Captain Collins requested the board send Mr. Keith Greba a letter of thanks.

11.

Kuskokwim River Region

The Marine Pilot Coordinator briefed the situation by which this issue was brought to the attention of the state. No pilot association nor state pilot serviced that region. There were vessels operating on the Kuskokwim River that required state pilots. The area has been serviced for years by pilots that do not have state licenses. The recommended solution is to create an additional pilotage region for this unique area. Mr. Mike Haglund and Captain Ron Sumstad addressed the board with the background of the area. Sumstad Navigation Company opens and closes the river on a seasonal basis, they draw the only charts that exist for the area, they compute

the tides for the river since the NOAA station for the river is not accurate enough...they survey the river frequently to note changes...each year Captain Sumstad puts in over 10,000 river miles and over 1,200 bridge hours on the river...there are only 6 or 7 ships a year that require state pilots...there are other non-compulsory pilotage vessels that use their services. Mr. Springer made the motion to amend 12 AAC 56.021 by adding the following subparagraph. (a)(4) Kuskokwim River. All waters of Kuskokwim Bay and the Kuskokwim River inside a line extending from Cape Newenham to Cape Avinof. Mr. Klepper seconded the motion. Mr. Springer amended his motion by adding also to amend (a)(3) by adding after the word "...Canada", with the exception of the Kuskokwim River Region." Mr. Klepper seconded the amendment. By an unanimous voice vote, Captain Collins not present, it was

RESOLVED to amend 12 AAC 56.021 by adding (a)(4) Kuskokwim River-- All waters of Kuskokwim Bay and the Kuskokwim River inside a line extending from Cape Newenham to Cape Avinof. (a)(3) Western Alaska--covering the compulsory pilotage waters of Alaska commencing at the western boundary of the Southcentral pilotage region, then west, north, and east to the northern border with Canada, with the exception of the Kuskokwim River Region.

12.

Kuskokwim River Pilot Association

Mr. Springer made a motion to adopt the articles as presented of the KUSKOKWIM PILOT ASSOCIATION. Captain O'Hara seconded the motion. Mr. Amendola advised that he has reviewed the Articles and By-Laws. Mr. Springer amended his motion to include the statement...subject to the approval of the Kuskokwim River Region. Captain O'Hara concurred. By an unanimous voice vote, it was

RESOLVED to adopt the articles of the Kuskokwim Pilot Association, subject to the

approval of the Kuskokwim River Region..

Mr. Springer made a motion to accept the By-Laws of the Kuskokwim Pilot Association to be effective on the date when the region becomes effective. Captain O'Hara seconded the motion. By a unanimous voice vote, it was

RESOLVED to accept the by-laws of the Kuskokwim Pilot Association to become effective on the date that the Kuskokwim River Region is effective.

13. Application for Deputy Marine Pilots for the Kuskokwim River Region

The Marine Pilot Coordinator briefed that the applications were not ready for board action. These applications will be resubmitted to the board at a later date.

The board took a recess at 9:10 to reconvene at 9:30.

14a Adoption of Regulations

Public comment was heard on two regulations that have been public noticed. 12 AAC 56.961 Pilot Discretion and 12 AAC 56.990 Definitions.

Mr. Bernie Smith, TESORO, addressed the board concerning the pilot having the discretion to use tugs and it not being the master discretion. Tugs may not be available. Why is this regulation proposed? Not in the best interest of the pilots.

Mr. Bill Sharp, SE Stevedoring, disagree with the pilot having the discretion to use tugs. This decision should remain with the master of the vessel. Questioned the definition of the word dispatched within the definition of "standing by". After a lengthy discussion as to why the word has to be defined and an assurance that there is no intent to change

the current tariff scheme Mr. Sharp withdrew his concern. CDR Rome, USCG, was asked if the definition of "stand by" conflicted with the requirements of OPA-90 and his response was that it did not.

Mr. Daniel Grausz, Holland American and the cruise ship industry, disagreed with the pilot discretion...his letter addresses the issue...should not redefine the relationship between the master and the pilot. "Standing by" definition is ok if it is stated on the record that this definition is not an attempt to change the current tariff scheme

Mr. David Millen, representing AMP, the discretion language is not new language, it was in the old regulations and AMP felt strong enough that they felt it should be carried forth into the new language of the tariff regulations. Nothing in this regulations change the relationship between the master and the pilot. Only gives the pilot more clout that the state of Alaska wants him to have.

Mr. Bill Sharp, SE Stevedoring, addressed the board again about the ARCO recommendation.

Mr. Bill Lorch, Alaska Maritime, disagrees with Mr. Millen this goes against common practice. If we have to get to this level of putting everything in print that a pilot has to do, it becomes nonproductive.

Captain Jeff Pierce, SWAPA, I've been talking to ARCO. Should add at the end of ARCO's recommendation "when tugs available".

Captain James Drahos representing himself. This is in the regulations only because industry was concerned about it being taken out of the tariff. Work hours and OPA 90... the USCG will only enforce this on US tankers.

Public comment closed. Captain Collins addressed the issue of tug boats and the pilot's discretion to use or not to use them. Mr. Klepper made the motion to adopt 12 AAC 56.961. Captain Collins seconded the motion. Mr. Amendola was asked if the board was within legal bounds to adopt this regulation and he answered that it was his opinion that the board could do so. Mr. Klepper stated that he didn't think this regulation was necessary. By a roll call vote the motion failed with Captain O'Hara voting in the affirmative. It was

RESOLVED not to adopt 12 AAC 56.961.

Mr. Springer made a motion to change the language of the definition of a pilot's discretion to read A pilot may recommend the use of tug boat(s). Mr. Galloway seconded the motion. Mr Springer does not want the word discretion in the article since it ranks authority. Mr. Galloway discussed the master pilot relationship for masters that are not familiar with these waters. Mr. Klepper stated that the regulation is not necessary. Mr. Springer and Mr, Galloway withdrew their motion.

Captain Collins made a motion to adopt 12 AAC 56.990 as published to the public. Mr. Klepper seconded the motion. The board discussed the public comments made on the issue. By a unanimous voice vote, it was

RESOLVED to adopt 12 AAC 56.990 definitions (12)"laying to", (13)"movement", (14)"on duty", (15)"standing by" as public noticed.

The board recessed at 10:45.

#### Regulations

15-40

The proposed regulation were discussed by the board with public comments made at various times throughout. The format for the minutes will be to address each specific regulation on pages 15a thru 15x.

Public comment period for agenda items 41 thru 47.

Mr. Bill Sharp, Southeast Stevedoring, discussed training requirements...concern about closed ports...fatigue standards should be the same for cargo and passenger vessels...concerned about the two pilot requirement on passenger vessels... location of pilot stations, compulsory pilotage waters...the health standards proposed.

Captain Drahos was concerned at the speed at which these regulation have been discussed by the board and put out to public notice.

Captain Swain, SEAPA, concerned about the duties of pilots and the two hour suggested period...the 8 hour standard for the fatigue standard is too long...no hasty decision with any changes to the compulsory pilotage waters...health standards; the master and the pilot should be held to the same standard...training and trainees; it is expensive and impractical for the board to require associations to train new trainees... they may not need them, may not have the training pilots to train them and do not need this liability on the association, and what guarantee is there that the trainee will remain with the pilot association.

Mr. Millen, AMP, concurs with Capt Drahos and complains about the speed at which the board is handling the regulations...Mr. Millen's letter to the board was discussed item for item.

Captain Spence, ACPA, concerned about the haste at which the board is going through these regulations...training requirements are unrealistic.

Board recessed until 7:30 am September 24, 1992

Thursday September 24, 1992

Board was called to order at 7:34 am



41 -47 Proposed regulations were addressed and will be covered in these minutes on pages 17a thru 17c.

49 Public Comment for remainder of the agenda:  
Captain O'Hara requested that the public prepare their written comments in a standard form that synopsisize their recommendations; capitalize; and submit supporting evidence in an addendum.

Mr. Ken Castner, CIAC, discussed 60,000 Gross ton endorsement...Alaska Oil Spill Commission made a specific recommendation for pilot "Training and marine standards in Alaska should be upgraded to require actual experience in Alaska operations of vessels that threshold of 60,000 and 150,000 dead weight tons." there are other carriers which have the same characteristics as VLCC ...there is a need to explore this further. Pilot Associations are needed to be strong, pilots associations are like a wave in a bowl jumping back and forth across issues... competition is good...need more public comment periods.

Captain Bob Winter, SEAPA's, license requirements... difficult to know what the board wants... the board needs to tell me what it wants to see on my application for upgrade... the tonnage of foreign vessels is hoke...they are tax tonnage... some of the 20,000 gross ton vessels are larger than vessels which are actually larger.

Mr. Dan Grausz, Holland American Line, tariff issues... thanked SEAPA for withdrawing their tariff... SWAPA's tariff increase is surprising... they just want to keep it going... I thing max tariff should only be increased when the max tariff has been reached... this board should not go through the frustration of a tariff fight because there will be a fight... cross regionalization, I am not going to repeat the arguments... this board can spend a lot of time on this ... you can force a court battle... creating a problem that you don't need.

Mr. Bill Lorch, Alaska Maritime, fatigue, OPA 90 is a good place to start... training fees, consider what state pilotage is and review the docking requirements...funding for training needs to be looked at closely... tariff, max tariff were constructed incorrectly... can't agree with the direction SWAPA is going.

Mr. David Millen, AMP's counsel, requested guidance from board on the boards direction on submitting written comments... cross regionalization, I disagree with Mr. Grausz... the board needs to define this before pilots apply for this... conversions of licenses, would like to know what the board is going to do.

Captain Mike Spence, ACPA, public comment, only two of five pilot associations are represented on the board, therefore it is very important for the others to register it's comments... more public comment is necessary... ACPA submitted its comments in the order requested... When the board discusses these thing the pilot member from SEAPA would discuss these issues with other SEAPA members but not ACPA members... the board failed to refer to the written submissions... we have asked for a determination on the method of adopting a tariff... want to know from the board today.

Mr. Bernie Smith, TOESRO, agree with Capt O'Hara that OPA 90 covers this... no reason to regulate something that is working in accordance with federal regulations...tariff, no reason to increase... cost of living increase issue needs to be revisited.

Captain George Porter, SEAPA, 8 hour watch standing guide... this would be unacceptable... 5 - 6 hours should be it... I have had to spend 24 hours up at one time this season... 8 hours should be reduced.

Captain Bill Swan, SEAPA, training and accessibility to ports...question the statistics presented... large ships go into these ports... not necessary

year round... pilots must be well qualified in the area... the fact that accessibility is a question demonstrates that we don't need a whole lot of pilots qualified... this should be a gauge to the number of pilots in training... we should not lower the standards just to qualified a large number of pilots that the area doesn't need... fatigue factor, 10 hours in some place is not too demanding but not in our situation... we are tied down to a particular ship for three or more days... broken sleep patterns, sleeping conditions, etc... 4-6 hours would be more reasonable... licensing of pilots... the step levels... always a long series of debate... I support going through the steps... you denied one experienced man a 40,000 gt license and gave one to another man that has never been on vessel that large until this year.

Captain Mike Stone, SWAPA, steps, I support the step process... it is a natural progression... people with channel pilot licenses should go through the step process.

Public comment ended at 10:42 AM.

51.

Conversion of existing licenses.

Mr. Watt read the marine pilot coordinator's recommendation to convert existing licenses to deputy marine and marine pilot license. Mr. Amendola concurred with the legal authority to accomplish this. Captain Collins made a motion to convert Channel licenses and Step one licenses with the endorsements on existing licenses being carried over to the new license. Captain O'Hara seconded the motion. By an unanimous voice vote, it was

RESOLVED to convert existing Channel licenses and Step one 20,000 gross ton licenses to Deputy Marine Licenses.

Captain Collins made a motion to convert Step Two licenses to Marine Pilot licenses, with the new

marine pilot license limiting the previous Step Two license to docking vessels of 40,000 gross tons or less, all other area and endorsements such as VLCC would be carried over to the new license. Captain O'Hara seconded the motion. By an unanimous voice vote, it was

RESOLVED to convert existing Step Two licenses to a Marine Pilot licenses restricted to docking vessels of 40,000 gross tons or less and with current license restrictions and endorsements being carried over to the new license.

Captain Collins made a motion to convert Unlimited Channel license to a Deputy Marine pilot license so that after the conversion a pilot can do exactly what he could do before the conversion. Mr. Springer seconded the motion. Captain O'Hara wanted to make sure that there will be no more channel licenses once these grandfathered channel licenses expired. Captain Collins agreed and stated that the statute now gives 20,000 gt as the entering license. By an unanimous voice vote, it was

RESOLVED to convert existing Unlimited Channel licenses to Deputy Marine Pilot Licenses with the same limitations that currently exist on the present Unlimited License.

Chairman Watt asked the audience if there was any problem with what the board had just done. Mr. Monkman asked if the three year as a Deputy Marine Pilots starts today or if they are given credit for time already served. Mr. Watt concurred with the timed served. Captain O'Hara questioned going from a channel pilot to a marine pilot license with time served. The Marine Pilot Coordinator explained that channel pilots would have to go through the training program of a deputy marine pilot and do the dockings. The board will have to address the issue of how long a channel pilot must stay at a deputy marine pilot license. Currently step one and step two licenses have one year periods before moving up. Currently channel pilots have no rights to the one

year between step rules, they would have to serve for three years as a deputy marine pilot.

Captain Drahos asked if time limit would apply to converting his license... plus he currently has some federal holes. These would carry forward in their present form. The time limit can be imposed by regulation.

Captain Bob Winter asked about the last meetings discussion about holes in federal license. As soon as you adopt this there is no step system so I can come back and get a marine pilot license. Marine Pilot Coordinator explained that if you want to stay at a D/M pilot license for three years you can or you can stay in the step process and go to a M/P license with first having a 40,000 gt limiting endorsement for one year.

Mr. Millen asked that time in grade with existing docking licenses will be counted toward the D/M time requirement. Answered in the affirmative.

50.

Cross Region Licensing.

Captain O'Hara explained the history and his position on cross region licensing. Mr. Amendola addressed the issue and explained why the previous article 021(c) was rejected. The board discussed the issue and the dilemma the board is in. Captain O'Hara made a motion that 12 AAC 56.021(c), as worded below, be approved by the board. Mr. Springer seconded the motion. By an unanimous voice vote, it was

RESOLVED to accept 12 AAC 56.021(c) in the following format:

12 AAC 56.021(c)(1) A pilot may not perform pilotage services in more than one region at a time unless the pilot demonstrates to the satisfaction of the board that performing pilotage services in more than one region at the

same time assures the protection and safety of shipping, human life and property, and the marine environment. (2) The board shall not permit a person to perform pilotage services in more than one region at the same time unless it determines that safety of shipping, human life and property, and the protection of marine environment are assured. (3) To perform pilotage services in more than one region at the same time, a pilot must satisfy all training and currency requirements for every such region as required by 12 AAC 56.026, 12 AAC 56.028, 12 AAC 56.029, 12 AAC 56.031, 12 A AC 56.080.

51a.

Board notification of working tariffs.

The board was presented with the working tariff of each pilot association, as required by regulation. Mr. Monkman's letter to AG's office was discussed. Mr. Amendola has not had the time to review the letter in enough detail to render a decision at this time. Mr. Amnedola stated "You can not have secret tariff but you can have more than one tariff and they should be published. You can not deviate from your published tariff." The AG's office will answer the correspondence. No action is required by the board until such time as a decision is rendered.

52.

Tariffs for 1993.

REGION 3: Captain Mork, AMP, addressed and presented to the board AMP'S proposal for 1993 thru June 30, 1994 tariff for Region 3. AMP is asking for a maximum tariff increase of 50% over the current working tariff. The history of the previous negotiations and compromise were covered as well as the logic for the increase. Mr. Galloway made a motion to approve the Region 3, 1993 thru June 30, 1994, tariff proposal. Mr. Springer seconded the motion. By a voice vote with Ms. Bumgardner voting in the negative, it was

RESOLVE to approve Region 3, 1993 thru June 30, 1994, tariff proposal contained on pages 22a thru 22d.

REGION 1: Chairman Watt discussed the letter from SEAPA stating that they would not ask for an increase in the maximum tariff for 1993. Mr. Amendola advised that they would have to repeal the current termination date or extend the current tariff. Mr. Watt asked Captain Spence if ACPA was going to work for the same tariff in 1993 thru June 30, 1994. Captain Spence agreed that ACPA was willing to keep the same maximum tariff thru June 30, 1994. Captain Swan was asked the same question for SEAPA and he acknowledged that SEAPA would keep the same tariff thru June 30, 1994. Mr. Springer made a motion to change the sunset date of the Region One tariff to June 30, 1994. Mr. Galloway seconded the motion. By a voice vote with Captain Collins voting against, it was

RESOLVED to change 12 AAC 56.210(1) to read:  
The maximum tariff for there Southeastern Alaska region established in this section is repealed June 30, 1994.

Region 2: Captain O'Hara declared a conflict of interest in discussing a tariff for the Central Region, since he is a member of the pilot association serving that region. Captain Collins wanted a discussion of the issue since we are setting a maximum and not a working tariff. If Captain O'Hara has a conflict of interest so does the industry member of that area. Chairman Watt ruled that there was a conflict of interest. Mr. Amendola discussed the matter and did not think that Captain O'Hara has a conflict of interest. Mr. Springer made a motion to adopt SWAPA'S maximum tariff for 1993 thru June 30, 1994 as submitted. Mr. Klepper seconded the motion. Captain Pierce was asked several questions about the proposal. The overall percentage increase of 9.7% across the board, other than Cook Inlet, on the present maximum tariff. SWAPA changed the format of their rate. Discussed the proposal and the logic of their submission. By a voice vote, with Ms. Bumgardner voting in the negative, it was

RESOLVED to approve the Region Two 1993 thru

June 30, 1994 tariff as presented on pages 23a thru 23f.

53.

Business

Mr. Watt discussed the date for the next meeting date. December 1,2,3 and 4, 1992 was set as the dates for the next meeting and Anchorage AK was set as the location. The agenda for the next meeting is to include

- \* The regulations passed by this meeting of the board.
- \* Election of a new chairman.
- \* Ethics discussion by Mr. Amendola.
- \* 60,000 gross tons endorsement.
- \* Kuskokwim Region licenses, training, tariff, etc.

The following board meeting was set for February 2,3,and 4 1993. The location was set for Juneau, AK. The next licensing exam date was set for February 1, 1993 in Juneau.

The meeting adjourned at 3:20 pm.

Respectfully submitted:

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Karl A. Luck  
Marine Pilot Coordinator

Approved:

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Bob Watt, Chairman

Date: \_\_\_\_\_