

**STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF MARINE PILOTS
Anchorage, Alaska**

SUMMARY OF MOTIONS

October 9-11, 1995, Meeting

By authority of AS 08.01.070(2) and AS 08.62.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held on October 9-11, 1995, in Anchorage, Alaska.

October 9, 1995

0800

Examinations

Examinations were administered to:

Captain Steve Moreno	Illiasik Passage
Captain Willie Cork	Port Moller, False Passage, Illiasik Passage, Adak
Captain Kathleen Rathgeber	Region 1, Local Knowledge
Captain John Ward	Core
Captain Mike Skovoth	Core
Captain Tony Chadwick	Core/Region 1, Local Knowledge

1330

Call to Order/Roll Call

The meeting was called to order by Captain John Klepper, Chairman.

Those present and constituting a quorum of the board were:

Mr. Bob Berto
Captain John Klepper
Captain Mike Spence
Captain Mike O'Hara
Mr. Jeff Bush
Mr. Dan Hensley

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Also present was:

Captain Dan Twohig, Marine Pilot Coordinator

Agenda Item 1 Review/Set Agenda

On a motion made by Mr. Berto, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to approve the agenda as amended by the chair.

Agenda Item 1a Review of a Challenged Question on the Core Examination

The board reviewed the challenged core rules of the road examination question of Captain Tony Chadwick. Captain Spence declared a conflict of interest and recused himself from this issue.

The board heard testimony from Captain Crawford of Crawford Nautical School, a recognized expert on the Rules of the Road, regarding USCG Rules of the Road question number 04861.

On a motion made by Captain O'Hara, seconded by Mr. Bush and carried unanimously, it was

RESOLVED to accept Captain Chadwick's answer to question number 04861 and direct the Marine Pilot Coordinator to strike this question from future examinations.

Agenda Item 2 Approve Minutes of Previous Meeting

- a. April 10, 1995, teleconference
- b. July 6, 1995, teleconference

On a motion made by Mr. Berto, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to adopt the minutes.

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Agenda Item 3 Public Comment

Captain Ward addressed the board regarding the core examination, ship handling module.

Ken Castner addressed the board regarding the NTSB testimony of the MPC and Captain O'Hara.

Joe Kyle addressed the board regarding SB 130 and the board's 1995 Annual Report.

John Larsen addressed the board regarding the ASPA meeting and the safety task force meeting.

Bob Von der Linn addressed the board regarding BRM courses and the safety task force meeting.

Agenda Item 4 Introduction of SB 130

The Marine Pilot Coordinator introduced SB 130 to the board and discussed the changes to the Marine Pilotage Act and regulations drafted to implement those changes.

Agenda Item 5 Testimony of the MPC and Captain O'Hara to the NTSB

The Marine Pilot Coordinator discussed the hearings held by the NTSB after the grounding of the STAR PRINCESS in June of this year.

Agenda Item 6 Annual Report to the Governor

The Chairman discussed the board's Annual Report and the direction that board must go in the future. Training and licensing issues will be the forefront of the board's efforts as is competency review of currently licensed pilots.

Agenda Item 3 The board reviewed all correspondence received since the April 1995 meeting.

Agenda Item 4 Review of Examination Scores

The Marine Pilot Coordinator reviewed the results of examinations administered in the morning.

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On a motion made by Captain O'Hara, seconded by Mr. Berto and carried unanimously, it was

RESOLVED to grant extensions of route to Captain Cork for False Pass, Adak and Port Moller; and to Captain Moreno for Illiasik Pass.

Agenda Item 4 Litigation Report

Gayle Horetski updated the board by telephone on pending litigation. Cases discussed were the Superior Court decision in the action against the board by Captain Renwick.

Testimony was heard from Mr. Kibby regarding the decision of the Superior Court regarding the summary suspension of Captain Renwick.

On a motion made by Mr. Berto, seconded by Mr. Hensley and carried unanimously, it was

RESOLVED to enter executive session under AS 44.62.310(c)(3) to give the board's counsel direction in this matter.

Upon returning from executive session, the board was updated by the MPC on the Baken case and the Hendsch case.

Agenda Item 5 Oral Examination

On a motion made by Mr. Berto, seconded by Mr. Bush and carried unanimously, it was

RESOLVED to enter executive session under AS 44.62.310(c)(5) to administer an oral examination to Captain Rathgeber.

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October 10, 1995

0730 Mr. Bernie Smith joined the board meeting.

Agenda Item 6 Investigative Report

On a motion made by Mr. Bush, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to enter executive session under AS 44.62.310(c)(2) to hear the investigative report of the Marine Pilot Coordinator.

Agenda Item 7 Public Comment

Ken Castner addressed the board on training and apprenticeship programs.

CWO Tom Rainey addressed the board to introduce himself as the regional exam center supervisor for Anchorage.

Agenda Item 8 Budget Report

The Marine Pilot Coordinator and Mr. Bush addressed the board regarding the status of the board's budget and the costs of litigation and investigations.

Agenda Item 9 Report on the Capsize and Sinking of the TUG MURPH

The Marine Pilot Coordinator discussed the sinking of the TUG MURPH and outlined the process for investigation and disposition of investigative cases.

Agenda Item 10 Status of Western Alaska Pilots Association (WAPA)

The board was addressed by Mr. Irwin on behalf of WAPA.

On a motion made by Captain O'Hara, seconded by Mr. Berto and carried unanimously it was

RESOLVED to rescind the recognition of the Western Alaska Pilots Association.

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Agenda Item 11 Board Action on Case Number 1900-92-013
(Captain Hendsch)

The board was addressed by Cathleen McGloughlin, counsel for Captain Hendsch.

On a motion made by Captain O'Hara, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to adopt the settlement agreement in Case Number 1900-92-013.

Agenda Item 12 Address to the Board by Region 1 Trainees

The board reviewed a letter by Captain Frank Didier, was addressed by Captain Tuttle via telephone from Ketchikan and Captain Rathgeber in person. The issue of training availability due to the reduction of shipping in Region 1 was raised and the logistical problems of trainees was discussed.

Agenda Item 13 Public Comment

Dennis Lodge addressed the board on ARPA training and the approval of the Alaska VOTEC center's ARPA course.

Captain MacPherson addressed the board on training in Region 1 and requested the reimplementation of the "channel pilot license."

Captain Petrich addressed the board on training issues in Region 1.

Bill Sharp addressed the board on training issues and availability of training platforms in Region 1.

Bob Von der Linn addressed the board on simulation software for Alaskan Ports.

Captain Collins addressed the board on training in Region 1.

Captain Graham Burton addressed the board on training and safety issues and recommendations to the NTSB.

Captain Joe Valente addressed the board on training and safety issues.

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Joe Kyle "passed."

Captain Rathgeber addressed the board on training issues in Region 1.

Captain Ari Van Noort addressed the board on training issues and the safety task force meeting.

Captain Drahos addressed the board regarding ASPA's participation in the safety task force.

Agenda Item 14 Regulations Projects

The Marine Pilot Coordinator gave the new board members an introduction to the regulation process and discussed the regulatory changes needed to implement the statutory changes required by SB 130.

On a motion made by Captain O'Hara, Seconded by Mr. Berto and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.011 as written.

On a motion made by Captain O' Hara, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.016 as amended.

On a motion made by Captain O'Hara, seconded by Mr. Hensley and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.018 as written.

On a motion made by Captain O'Hara, seconded by Mr. Berto and carried unanimously, it was

RESOLVED to repeal 12 AAC 56.022.

On a motion made by Captain O'Hara, seconded by Mr. Bush and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.027 as amended.

On a motion made by Mr. Smith, seconded by Mr. Bush and carried unanimously, it was

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RESOLVED to adopt changes to 12 AAC 56.030 as written.

On a motion made by Captain O'Hara, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to add a new section, 12 AAC 56.033, as written.

On a motion made by Mr. Bush, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.035 as written.

On a motion made by Mr. Bush, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.036 as amended.

On a motion made by Mr. Bush, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.070 as written.

On a motion made by Mr. Smith, seconded by Mr. Bush and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.083 as amended.

On a motion made by Mr. Smith, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.100 as written.

On a motion made by Captain O'Hara, seconded by Mr. Berto and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.110(6) as written.

On a motion made by Captain O'Hara, seconded by Mr. Berto and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.120 as written.

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Due to the seasonal criticality of the changes to 12 AAC 56.100, 12 AAC 56.110, and 12 AAC 56.120, the Chair ordered that these regulatory changes should be separated from the rest of this regulations project and moved through the regulatory system in an expeditious manner.

On a motion made by Mr. Bush, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to repeal 12 AAC 56.200 as obsolete.

On a motion made by Captain O'Hara, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.300 as written.

On a motion made by Captain O'Hara, seconded by Mr. Bush and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.310 as written.

On a motion made by Captain O'Hara, seconded by Mr. Bush and carried unanimously, it was

RESOLVED to repeal 12 AAC 56.320 as obsolete.

On a motion made by Captain O'Hara, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.960 as written.

On a motion made by Captain O'Hara, seconded by Mr. Berto and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.990 as written.

On a motion made by Captain O'Hara, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to put draft changes to 12 AAC 56.120 establishing a Cape Spencer pilot station out for public comment.

On a motion made by Captain Spence, seconded by Mr. Smith and carried unanimously, it was

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RESOLVED to adopt draft changes to 12 AAC 56.028(b) as amended, and put draft changes to 12 AAC 56.028(a) out for supplemental public notice.

On a motion made by Captain O'Hara, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to propose for public comment a regulation project to require recertification of all pilots every three biennial licensing periods.

On a motion made by Captain Spence, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to propose a regulatory change to include Bridge Resource Management training in the continuing education requirements for state-licensed marine pilots.

Agenda Item 15 Tonnage Upgrades

Captain Cork

On a motion made by Captain O'Hara, seconded by Mr. Bush and carried unanimously, it was

RESOLVED to convert from the pre-1991 "step system" to the new system and grant him a tonnage upgrade to 40,000 gross tons.

Captain Kellogg

Captain Spence declared a conflict of interest and recused himself from discussing this issue.

On a motion made by Captain O'Hara, seconded by Mr. Berto and carried unanimously, it was

RESOLVED to grant Captain Kellogg a marine pilot license.

Captain Sund

Captain Spence declared a conflict of interest and recused himself from discussing this issue.

On a motion made by Captain O'Hara, seconded by Mr. Smith and carried unanimously, it was

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RESOLVED to grant Captain Sund a marine pilot license.

Captain Stith

Captain Spence declared a conflict of interest and recused himself from discussing this issue.

On a motion made by Captain O'Hara, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to grant Captain Stith a marine pilot license.

Agenda Item 16 Other Business

a. New Business

The Chairman proposed a regulatory change to require marine pilots to submit to a random review of pilotage knowledge during the course of a biennial licensing period to contain performance evaluation and peer review.

b. Set Examination/Meeting Date

The Chairman set the next examination for April 2, 1996, in Juneau.

The board's next face-to-face meeting will be on January 23, 1996, in Anchorage.

c. Other Business

On a motion made by O'Hara, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to enter executive session under AS 44.62.310(b) and (c) to give advice to their attorney, continue the oral examination of Captain Rathgeber, and be briefed by the MPC on the Canadian pilotage situation.


Adjourn

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On a motion made by Mr. Smith, seconded by Captain O'Hara
and carried unanimously, it was

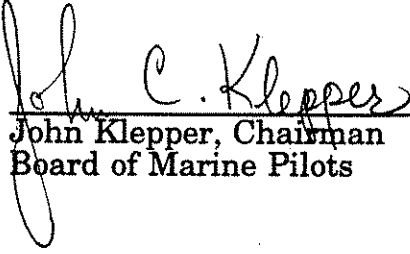
RESOLVED to adjourn the meeting.

Respectfully submitted:



Dan Twohig, Marine Pilot Coordinator

Approved:



John Klepper, Chairman
Board of Marine Pilots

Date: 12-15-95