

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

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

SUMMARY OF MOTIONS

January 23-25, 1996 Meeting
Anchorage, Alaska

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.

January 23, 1996

0800 Examinations

Examination were administered to:

Captain Jon Ward	Core
Captain Kathy Rathgeber	Yakutat, West Coast P.O.W.
Captain Richard Gurry	Region II local knowledge
Captain Bill Tuttle	Region I local knowledge, Yakutat
Captain Lew Picton	Yakutat
Captain Dave Anderson	Yakutat, Klawock Inlet
Captain Karre Elde	Icy Bay
Captain Jim Hurd	Icy Bay

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
Mr. Bernie Smith

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 ammended by the chair.

2. Board Elections

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

RESOLVED to re-elect Captain Klepper chairman of the board, and appoint Mr. Bush to the position of Vice-chair.

3. Ethics Video

All members of the board viewed the video:

The Ethics Law, A Guide to Ethical Behavior in State Government

The chairman asked if any board members had conflicts of interest regarding agenda items for this meeting. Mr. Berto recused himself from the discussion of the Cape Spencer Pilot Station, Captain O'Hara recused himself from discussing the changes to SWAPA's bylaws.

4. Approve Minutes of Previous Meeting

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

RESOLVED to adopt the minutes of the December 15, 1995 teleconference.

5. The board reviewed all correspondence received since the December 15, 1995 teleconference meeting.

6. Public Comment:

- a. George Cappacci spoke on the Alaska Marine Safety Taskforce

- b. Karl Luck(SEAPA) spoke in favor of the Cape Spencer Pilot Station
- c. Peter Lie Nielsen(SEAPA) spoke in favor of the Cape Spencer pilot station
- d. John Larsen(ACPA) discussed the MSTF meeting and the work of ASPA

7. Discussion of the SEAPA rate hearing

Frank Flavin, Hearing Officer for the Department of Commerce and Economic Development addressed the board of the filings related to the published noncontractual pilotage rate of the Southeastern Alaska Pilots Association. The ensuing board discussion revolved around the hearing process under the Alaska Administrative Procedures Act and how this act applies to the Board of Marine Pilots.

Mr. Flavin discussed the filings of the parties and the legal questions to be answered by the board.

Mr. Berto declared a conflict of interest and recused himself from the discussion and consideration of this matter.

Captain Spence declared a conflict of interest and recused himself from discussion and consideration of of this matter.

Mr. Smith declared a conflict of interest and recused himself from the discussion and consideration of this matter.

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

RESOLVED to enter executive session to confir with the board's attorney on legal matters related to the SEAPA rate hearing.

Upon the return from executive session, the chairman outlined the sequence of events leading up to the scheduling of a rate hearing under AS 08.62.046.

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

RESOLVED to deny Alaska Steamship's motion for a continuance of the hearing.

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

RESOLVED to deny SEAPA's motion for dismissal based on the timeliness of the filing of ASA's objection.

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

RESOLVED to deny SEAPA's motion for dismissal based on "lack of standing."

8. Public Comment

- a. Joe Kyle(ASA) spoke against the Cape Spencer pilot station and discussed the MSTF meeting and pilot recertification
- b. Tony Joslyn(SWAPA) spoke on the SWAPA bylaw changes
- c. Jim Drahos(SWAPA) spoke on pilot recertification and the MSTF meeting
- d. Graham Burton (Princess Cruises) spoke on the MSTF meeting, the Cape Spencer pilot station and the institution of cross regional licensing.
- e. Shariff Saudi introduced himself to the board and discussed his application to the ACPA apprenticeship program
- f. Ken Castner (RCAC) spoke on recertification and funds for training
- g. Dale Collins (SEAPA) spoke in favor of the Cape Spencer pilot station and recertification
- h. Mike Miller spoke in favor of the Cape Spencer pilot station
- i. John Larsen(ACPA) spoke against the Cape Spencer pilot station
- h. Bob Berto spoke against the Cape Spencer Pilot Station

9. Litigation Report

The marine Pilot Coordinator updated the board on the Renwick case and the Nerup case.

10. Regulations Update

At the direction of the chair, changes to 12 AAC 56.026 and 12 AAC 56.029 were tabled until the April meeting of the Board of Marine Pilots.

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

RESOLVED to draft for adoption at the April 1996 meeting of the Board of Marine Pilots, a recertification regulation with the following basic language:

12 AAC 56.088 Pilot Performance Evaluation. To meet the renewal requirement in 12 AAC 56.080(b)(7), for the license period that begins on or after January 1, 2003, a marine pilot shall document that during one of the three biennial licensing periods immediately prior to the period for which renewal is sought, the pilot has received a satisfactory performance evaluation from a board approved ship simulation or manned model facility, encompassing the region specific recertification syllabus approved by the board.

On a motion made by Captain O'Hara, seconded by Mr. Bush and carried 4 Yes and 2 No (Mr. Berto declared a conflict of interest on December 15, 1996 and was recused), it was

RESOLVED to adopt changes to 12 AAC 56.120 establishing a Cape Spencer pilot station.

11. SWAPA Bylaws

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

RESOLVED to approve the changes to SWAPA's bylaws.

January 24, 1996

The meeting was called to order at 0830.

12. Review of examination scores

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

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

RESOLVED to grant extensions of route to Captains Hurd and Elde (Icy Bay), Picton (Yakutat), and Anderson (Klawock and Yakutat).

13. Quarterly reports

The board discussed the concept of standardizing the required quarterly reports and providing them to the state in a computerized format. Captain Spence will research software, and coordinate with all pilot organizations before making suggestions to the Department of Commerce data processing personnel for approval before implementation.

14. SEAPA Rate Hearing

The board conducted a rate hearing under AS 08.62.046 and the Alaska Administrative Procedures Act.

15. Other Business:

- a. Set examination/meeting date

The next examination/meeting date is April 2, 1996 in Juneau.

c. Other business

The board entered executive session to give an oral examination to Captain Richard Gurry. Upon completion of the oral examination, the board returned from executive session.

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

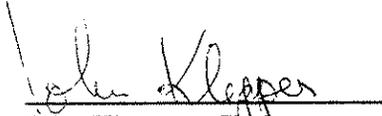
RESOLVED to grant Captain Gurry a marine pilot license for Region 2 and remove endorsements for Region 1.

Adjourn

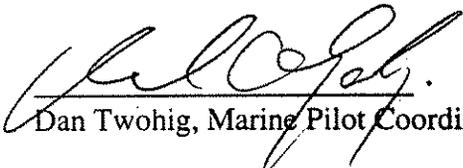
On a motion made by Mr. Smith, seconded by Capt. O'Hara and carried unanimously, it was

RESOLVED to adjourn.

Respectfully submitted,



John Klepper, Chairman



Dan Twohig, Marine Pilot Coordinator

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