

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

**MINUTES OF MEETING
April 14, 2005
Westmark Baranof Hotel, Juneau, AK**

By the authority of AS 08.01.070(2), AS 08.62.030, and in compliance with the provisions of provisions of AS 44.62, Article 6, a meeting of the Board of Marine Pilots was held April April 14, 2005, in Juneau, Alaska.

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Start Tape 1, Side A

Call to Order/Roll Call

Chairman Clough called the meeting to order at 8:35. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Mr. Al Clough	- Commissioner's Designee (Chair)
Captain Dave Anderson	- Pilot Member
Mr. Les Cronk	- Agent Member
Captain Tony Joslyn	- Pilot Member
Mr. Jack Poulson	- Public Member
Mr. Robert Schasteen	- Public Member

Members participating by teleconference:

Mr. Robert Arts	- Agent Member
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Staff present was:

Renda Heimbigner, Marine Pilot Coordinator (MPC)

Review / Set Agenda

Public comment was inserted between Items 2 and 3.

Agenda Item 1

Declaration of Potential Conflicts of Interest / Recusals

No conflicts or recusals were declared.

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Recognition for Former Marine Pilot Coordinator

Mr. Peter Christensen was presented with a gift from members of the Board for his years of service as Marine Pilot Coordinator.

Agenda Item 2

Review / Approve Minutes

On a motion made by Captain Anderson and carried without dissent, it was:

RESOLVED to approve the January 2005 minutes without changes.

Public Comment

Chairman Clough opened the floor for public comment. No comment was offered.

Agenda Item 3

Business Items

The MPC presented the Board's Budget Report.

Captain Anderson inquired if the Division of Occupational Licensing had made any decision for the purchase of an ID card machine. The MPC reported discussion on that matter had not continued because Department of Labor had provided quick and accurate turnaround to the most recent request to produce Pilot ID cards. The Division was still waiting to see what the Department of Labor was going to charge for production of the cards before any further consideration.

It was noted that ID cards would be provided to Apprentice and Trainees this year using an expiration date of the current licensing period during which they are training.

The MPC reported that the Association Training Chairmen were actively enlisting their members, who were in need of a simulator evaluation for re-licensing, and slotting them into the available sessions as provided by STAR Center in Dania, Florida.

Correspondence - The board reviewed a memo from the MPC which outlined a clarification from Law Judge David Stebing regarding his

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comments at the January, 2005 board meeting. The memo quoted Alaska Statute 44.62.450 Hearings and addressed the board's use of a hearing officer in cases, which are contested.

Kate Tesar, representing the Alaska Steamship Association, asked about the status of an invoice for Holland America, as presented to the Board by Southwest Alaska Pilots Association (SWAPA). Captain Ron Ward, President of SWAPA explained the invoice was over a year old and they had been unable to secure payment prior to yesterday, April 13, 2005. Out of frustration, they had presented it to the board, however, it was now resolved.

Captain Ted Kellogg, President of SouthEast Alaska Pilots' Association (SEAPA), shared with the board a brief description of the azipod simulator that has been newly installed at the SEAPA headquarters in Ketchikan.

The date of the next meeting is currently scheduled for July 7 in Juneau, which will be a teleconference.

Agenda Item 4

Committee Reports

Physical Standards Committee – Captain Ted Kellogg reported that SEAPA was pursuing physical agility and cognitive standards and testing with Health Force, a firm in Seattle, Washington. Eight SEAPA pilots assisted in the validation process and results of the evaluations are pending. Captain Ron Ward of SWAPA added that they were looking at a similar testing program for applicants, perhaps as a pre-approval test. Captain Kellogg thought that the SEAPA evaluation results might be ready for a committee meeting prior to next BMP board meeting.

Training and Evaluation Committee – Captain Joslyn reported that on March 8, 2005, Mike Anthony, Dave Grobschmit, Bob Winter, Dave Anderson and he met with Gregg Trunnell of the Pacific Maritime Institute (PMI) in Seattle. Joslyn felt that PMI could not be certified prior to spring of 2006 due to the vetting process and compatibility issues with existing databases provided to PMI, previously developed by STAR Center in Dania, Florida. Captain Anderson added that PMI was asking for large concessions regarding ship models and by utilizing two pilots from each region for vetting, he agreed it did not seem possible for them to be on line before 2006. It was agreed that Captains Joslyn and Anderson would work with the MPC to identify additional databases to send PMI for

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further development. The MPC noted that the committee's work to establish criteria for state-certification was very important to interested simulator vendors. The criteria established a minimum quality level for simulation and a clear avenue to the process of gaining certification.

Rate Regulation Committee – Mr. Poulson informed the Board that the committee had formulated a list of questions for submission to the Attorney General's office and asked that the Board review them. The Board took a break in order that copies of the questions for review could be made and distributed.

Break: 9:15

Back on Record: 9:25

The Chairman invited persons with additional questions or comments to direct them to the MPC or offer them before the end of the meeting. He asked that the list be directed to the Attorney General's office no later than the end of the next week.

Start Tape 1, Side B

Agenda Item 5

Training Pilot Endorsement

The MPC presented a checklist of qualifications by regulation for the Training Pilot Endorsement of Captain Frank Didier, License #163. It was noted that Captain Didier would have full completion of the requirements upon his anniversary date of May 3, 2005. On a motion made by Mr. Cronk, seconded by Captain Joslyn and passed unanimously, it was

RESOLVED to authorize the issuance of a Training Pilot Endorsement to Captain Didier, upon completion of his five-year anniversary of piloting in Region One.

Agenda Item 6

Regulations

The MPC presented the proposed regulations.

After discussion concerning annual Pilot Performance Monitoring, it was decided that the MPC would continue to receive them as part of the re-licensing requirement. 12 AAC 56.080(b)(7) will remain as currently adopted.

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It was noted that under current wording in regulation, in a case where a Marine Pilot received a conviction of Alcohol or Drug offense, the Pilot was prohibited from re-licensing. In view of the reporting requirement still established under 12 AAC 56.940 and advice from Department of Law, the Board moved to approve the amended regulation for noticing.

On a motion made by Captain Anderson, seconded by Captain Joslyn and carried unanimously, it was

RESOLVED to notice 12 AAC 56.080 Biennial License Renewal with the repeal of 56.080(b)(2) Alcohol or Drug Conviction, and addition of 56.080(h) Piloting Experience for A Transferring Marine Pilot, and 12 AAC 56.083 Continuing Education Requirements with the repeal of 56.083(d) Receipt of Performance Monitoring by Simulator Facility, and modified 56.083(e) Simulator Based Evaluations.

The Board was advised that 12 AAC 02.240(c) Application Fee is a Department fee for processing applications to transfer a Marine Pilot License from one region to another. The Board had no comment.

As a housekeeping measure, the MPC listed three regulations for which there were no longer Statutes for authorization. On a motion made by Mr. Cronk, seconded by Captain Joslyn and carried unanimously, it was

RESOLVED to notice for repeal 12 AAC 56.210, 12 AAC 56.220 and 12 AAC 56.230 Tariffs.

Captain Ted Kellogg addressed the issue of a Training Pilot endorsement for a transferring Marine Pilot who had previously piloted and held such an endorsement in the region to which they were transferring. He offered to bring an amended SEAPA Training Program to a subsequent board meeting that addressed the issue. The Board agreed that the situation was better dealt with individually and by Association, thus, on a motion made by Captain Joslyn and carried unanimously, it was

RESOLVED to approve for notice 12 AAC 56.016 Training Pilot Endorsement with the addition of 56.016(e) Training Program Requirements.

Agenda Item 7

Litigation / Investigation

The MPC reported that there was no appropriate action at this time for the Board, regarding open or active cases.

Board Discussion

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The Chairman addressed the board regarding the Alaska Marine Pilots Rate Hearing and the request for recusal of a board member from hearing the case. Chairman Clough pointed to the liabilities of ethics violations, as well as the emotional and financial repercussions on the board members personally. A formal request has gone to the Attorney General's office for a determination before proceeding with the hearing.

Mr. Poulson hoped the Board could address scheduling now in the hope a general time frame and location could be determined. In addition, he asked if the Board needed to participate or if the Hearing Office could hear the case alone. Mr. Cronk offered that it had been considered cost-savings to schedule the hearing around a board meeting. Consensus of comments appeared to support hearing the case separate from a board meeting, in either Anchorage or Juneau.

Start Tape 2, Side A

Chairman Clough pointed out that the Board did indeed have the option of assigning the case to a Hearing Officer for a recommendation or assigning the case without Board participation. Mr. Schasteen expressed the opinion that he preferred to hear the case. Mr. Poulson expressed the desire for the parties to mediate as opposed to a hearing. The Chairman reminded the board members Department of Law might contact them for information to assist the Attorney General with a determination.

Public Contact

Captain Ted Kellogg informed the Board that SEAPA and AMP Pilots have just completed a pilot-designed course at PMI for AIS / ECCTIS. This meets the latest draft criteria from IMO concerning IPIS.

Captain Jeff Baken suggested a second look at 12 AAC 56.080(e) to make sure the numbering was correct for noticing.

Break: 10:25

Back on Record: 11:20

Agenda Item 8

Marine Exchange Presentation

Chairman Clough introduced Captain Ed Page (USCG Retired), Executive

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Director for the Marine Exchange of Alaska. The Marine Exchange has developed a satellite based and AIS vessel tracking system for use by maritime organizations. Captain Page felt his program could assist the Board with enforcing regulations for Pilotage Exemptions.

Start Tape 2, Side B.

Public Comments

Chairman Clough opened the floor for public comment.

It was noted that the Board Meeting had been noticed for two days. The MPC clarified that she would put a sign on the door notifying the public that tomorrow's session had been cancelled.

Captain Anderson announced that his board seat had expired and Captain Dale Collins had been appointed to fill the position for the next term.

On a motion made by Mr. Poulson, and carried without exception, it was

RESOLVED to adjourn the meeting at 12:07.

Respectfully submitted:

Renda Heimbigner
Marine Pilot Coordinator

Approved this _____ day of _____, 2005.

Al Clough
Deputy Commissioner