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STATE OF ALASKA, DEPARTMENT OF COMMERCE,
COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF MARINE PILOTS

MINUTES OF MEETING

October 18, 2006

Robert Atwood Building, Anchorage, AK

By the authority of AS 08.01.070(2), AS 08.62.030, and in compliance with the provisions of AS 44.62, AS 44.62, Article 6, a meeting of the Board of Marine Pilots was held October 18, 2006, in Anchorage, Alaska.

Call to Order/Roll Call

Chairman Clough called the meeting to order at 0845 and the Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Mr. Al Clough (Chair)	- Commissioner's Designee	Anchorage
Mr. Robert Arts	- Agent Member	Anchorage
Captain Dale Collins	- Pilot Member	Anchorage
Mr. Les Cronk	- Agent Member	Anchorage
Captain Tony Joslyn	- Pilot Member	Anchorage
Mr. Jack Poulson	- Public Member	Anchorage

Members absent:

Mr. Robert Schasteen	- Public Member	Dutch Harbor
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Staff present were:

Renda Heimbigner, Marine Pilot Coordinator (MPC)	Anchorage
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Chairman Clough explained their present location for meeting was due to prohibitive weather in Dutch Harbor which was the original site scheduled. Notifications were posted to redirect attendees and teleconference was available for anyone wishing to participate.

Review / Set Agenda

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

RESOLVED to approve the agenda as presented.

Declaration of Potential Conflicts of Interest / Recusals

No conflicts or recusals were declared.

Agenda Item 1 Review / Approve Minutes

On a motion made by Mr. Poulson and seconded by Mr. Cronk, it was:

RESOLVED to approve the July 2006 minutes as presented.

Captain Collins noticed that three items of discussion at the last meeting, specifically Senior Evaluating Pilots, were not continued on the current agenda. Chairman Clough suggested adding them under “New Business.” Captain Collins agreed.

Agenda Item 2 Public Comment on non-agenda items

Captain Steve Moreno, member of Alaska Marine Pilots, asked the Board to reserve some time for public comment that afternoon, allowing Captain Pete Garay to travel from Dutch Harbor to the meeting. The Chairman agreed.

Kate Tesar, Alaska Steamship Association, asked for the status of the Legislative Audit. Chairman Clough explained it was not complete and the Board would be addressing it in Executive Session.

Ms. Valerie Grahame of Pacific Reefer Services presented three items that she wished to discuss: weather restrictions in Dutch Harbor, rules for anchor chain and use of tugs. Chairman Clough acknowledged the subjects to be Region 3 specific, and asked Captain Moreno if they would be better addressed when Captain Garay could join the meeting. Both Captain Moreno and Ms. Grahame agreed.

Agenda Item 3 Business Items

The Board reviewed the Budget materials as presented, including totals for FY2006 and current figures to date for FY2007.

Correspondence – Paul Axelson of North Pacific Maritime asked the Board to consider his letter asking that a Hawk Inlet Pilot Station be added to 12 AAC 56.110 and 56.120 through a public comment process. Captain Collins asked for clarification of the exact location of the proposed pilot station. Captain Larry Vose, President of Southeast Alaska Pilots Association, offered no objection to public notice but expressed concern for the proposed station. Captain Joslyn asked about the history behind the request and Captain Collins

replied it was a request for a winter station due to weather problems for flying to Kake. However, he added, the proposed station represents 60 miles into compulsory waters. Mr. Cronk reiterated the safety issue of getting a Pilot to the current pilot station in winter weather.

On a motion by Mr. Cronk, seconded by Mr. Poulson, it was

RESOLVED to introduce the proposed pilot station for public notice with specific location noted.

ADN Article – An informational article from the Anchorage Daily News reported figures regarding the cost of living in Anchorage and cited year-over-year increases in fuel, housing costs, food and beverage prices and inflation. Southwest Alaska Pilots Association asked that the article be noted by the Board.

SEAPA Revised Rates 2007 – In accordance with AS 08.62.046, Captain Larry Vose presented SEAPA’s revised rates for 2007. No comments were made.

SWAPA Revised Rates 2007 – Captain Jeff Pierce presented five separate rate revisions for 2007 to the Board. No comments were received.

Badging – The MPC outlined for the Board current port security difficulties experienced by Alaska Pilots and outlined a badge system currently used by New York Harbor Pilots. A brief description was shown and discussion ensued. Ron Hildebrandt of Trident Seafoods also confirmed the need for badging, even in remote ports such as Akutan. The Board directed the MPC to contact Association Presidents for input and needs assessment.

Tentative Exam and Meeting Dates – Tentative dates for 2007 were reviewed and approved as follows:

<u>Exams</u>	<u>Meeting</u>	<u>Location</u>
1/23/07	1/24/07	Anchorage
4/11/07	4/12/07	Ketchikan
7/11/07	7/12/07	Teleconference
10/17/07	10/18/07	Anchorage

Chairman Clough asked that New Business items be held for later in the agenda.

Agenda Item 4

Training Program Amendments

SWAPA – Captain Jeff Pierce summarized SWAPA’s new Training Program and explained that adjustments were continuing. On a motion by Captain Joslyn, seconded by Mr. Cronk, it was

RESOLVED to accept SWAPA’s new Training Program with corrections to definitions as defined in regulation.

SEAPA – Captain Larry Vose presented amendments to SEAPA’s Training Program, specifically their Apprentice Program activity requirement.

Mr. Schasteen joined the meeting at 0954.

On a motion by Mr. Cronk, seconded by Mr. Poulson, it was

RESOLVED to accept the amendment to SEAPA’s Training Program.

Agenda Item 5 **SWAPA Bylaw Amendments**

Captain Pierce presented Bylaw amendments for Southwest Alaska Pilots Association. He explained that association members in transitional retirement status were allowed only ½ vote, thus the ballot results. On a motion by Mr. Poulson, seconded by Mr. Cronk, it was

RESOLVED to approve SWAPA’s Bylaw amendment to Transitional Retirement.

On a motion by Mr. Cronk, seconded by Mr. Poulson, it was

RESOLVED to approve SWAPA’s Bylaw amendment for election of association president.

The Board recessed at 1000.

Agenda Item 4 **Litigation / Investigations**

The Board returned from break at 1037 and the MPC began a review of litigations and investigations. Only one litigation and one investigation remain open. Mr. Axelson asked for clarification on a closed investigation involving an accusation of unsafe piloting. Captain Joslyn, who had reviewed the on-board VDR, attested to the efforts employed prior to closing the case. The MPC added the U.S. Coast Guard concurred with the Boards investigation.

Agenda Item 7 **Executive Session**

On a motion by Mr. Cronk, seconded by Captain Joslyn, it was

RESOLVED to move to Executive Session to discuss results of a Board-ordered fit-for-duty exam and review the preliminary Legislative Audit Report.

The Board moved to Executive Session at 1048.

The Board returned from Executive Session at 1220 and the Chairman directed action be taken on the pending issues as discussed.

On a motion by Mr. Poulson, seconded by Mr. Arts, it was

RESOLVED to adjourn for lunch.

The Board adjourned at 1229.

Agenda Item 8 Public Comment on Proposed Regulations

The Board reconvened at 1330. All members were present.

Chairman Clough noted for the group that seven of the eleven noticed regulations before the Board were Region One specific. On a motion made by Captain Joslyn, seconded by Mr. Cronk, and approved unanimously, it was

RESOLVED to open Items 1-7 for discussion.

The MPC read public comment submitted by Captain Edward Sinclair for the record. Captain Joslyn asked for clarification concerning the 25,000 gross ton level and its removal with the new language. Captain Collins explained that Statute maintains 25,000 gross tons or less for Deputy Pilots and reference to its removal was inaccurate.

Captain Vose presented comment on behalf of Southeast Alaska Pilots Association. He explained the intent of the noticed regulation was to address changing vessel traffic in Southeast Alaska and offered modifications to the language which had been public noticed. Discussion followed. Captain Collins asked about the possibility of additional time in the Deputy Marine process resulting from new regulation. Captain Vose stated he did not see additional time necessary.

Ms. Kate Tesar, State Director for Alaska Steamship Association, spoke to the seven regulations before the Board. She stated the Association was in general agreement with the proposed changes, feeling the changes more accurately reflect the pilotage situation in Southeast.

Hearing no other public comment, Board action then followed for the first seven regulations public noticed.

On a motion made by Mr. Arts, seconded by Mr. Poulson and approved unanimously, it was

RESOLVED to approve 12 AAC 56.011 TYPES OF LICENSES AND ENDORSEMENTS as noticed.

On a motion made by Captain Collins, seconded by Mr. Cronk, and approved unanimously, it was

RESOLVED to approve 12 AAC 56.018 QUALIFICATIONS FOR LESS THAN 60,000 GROSS TONS ENDORSEMENT as noticed.

Captain Collins asked to amend 12 AAC 56.019 by inserting the requirement for one years time at the previous grade. On a motion made by Mr. Cronk, seconded by Mr. Poulson, and unanimously approved, it was

RESOLVED to approve 12 AAC 56.019 QUALIFICATIONS FOR LESS THAN 80,000 GROSS TONS ENDORSEMENT with amendment.

Captain Collins asked to amend 12 AAC 56.023 by deleting the requirement for one year's time at the previous grade and offered wording to clarify. On a motion made by Mr. Arts, seconded by Mr. Poulson, and unanimously approved, it was

RESOLVED to approve 12 AAC 56.023 QUALIFICATIONS FOR LESS THAN 100,000 GROSS TONS ENDORSEMENT with amendments.

Captain Collins offered amendments to paragraphs (7), (8) and (9) for 12 AAC 56.028 which address the gross tonnage for vessels on which supervised dockings and undockings would be conducted at each grade level. On a motion made by Captain Collins, seconded by Mr. Cronk, and unanimously approved, it was

RESOLVED to approve 12 AAC 56.028 REGIONAL REQUIREMENTS FOR DEPUTY MARINE PILOT LICENSE with amendments.

Captain Collins presented an amendment to 12 AAC 56.029 which removed excess language. On a motion made by Mr. Cronk, seconded by Mr. Arts, and unanimously approved, it was

RESOLVED to approve 12 AAC 56.029 GENERAL REQUIREMENTS FOR MARINE PILOT LICENSE as amended.

On a motion made by Mr. Cronk, seconded by Mr. Arts, and unanimously approved, it was

RESOLVED to approve 12 AAC 56.031 REGIONAL REQUIREMENTS FOR MARINE PILOT LICENSE as noticed.

On a motion made by Captain Joslyn, seconded by Mr. Cronk, and unanimously approved, the Board moved to accept public comment on noticed regs 12 AAC 56.080, 083, 310 and 990.

Captain Pete Garay, President of Alaska Marine Pilots Association, asked the Board to consider regulating Southeast Alaska as a separate entity, or the Western Region as a separate region, citing specific differences. He also noted for the Board that an agenda item for AMP's next annual membership meeting was surrender of its recognition back to the Board.

Captain Jeff Pierce, President of Southwest Alaska Pilots Association, said communication between the Pilot Associations was indeed a problem. On behalf of SWAPA, he stated his

association did not understand the need for cognitive testing in their region, and was divided in their thoughts on retirement. As a compromise, he offered the word 'may' as opposed to 'shall' for 12 AAC 56.310(e) and (f). In regard to 12 AAC 56.990(a)(37), (38) and (39), his association objected to a foreign entity (DNV) referenced in regulation. He suggested alternate wording such as "Class A 'full-mission' simulator."

Captain Ted Kellogg addressed 12 AAC 56.083 and 56.990. He supported regulation which provides increased access to multiple qualified simulator facilities and allows Pilot organizations to develop regionally-specific training standards. A sample training matrix was presented with his written comments. He felt the amended regulations offered the Board oversight to approve objectives in regional simulation training requirements and offered an amendment to 56.083(f) that continued education be defined in the regional training programs. For 56.990, Captain Kellogg explained the validation process for Det Norske Veritas Standard for Class A simulators. Discussion followed.

Kate Tesar addressed 12 AAC 56.080 by stating that Alaska Steamship Association unconditionally supports the change from mandatory age 70 retirement for Pilots to a board-approved physical agility and cognitive test for each biennial licensing period as long as it is tied to the repeal of the retirement plan and surcharge in 56.310. Her only question for continuing education was who would bear financial support.

Captain Larry Vose, representing Southeast Alaska Pilots Association, said his association fully supported repealing age 70 retirements. For continuing education in 56.083(f), their membership also supported an amendment that would suggest the actual number of classroom hour(s) be taken out and each regional training program be allowed to address the issue, under Board approval.

Captain Ron Ward offered comments supporting the amendment allowing organizations to list retirement rates separately, specifically the replacement of 'may' for 'shall' in 56.310(e) and (f). His question for industry representatives was if they supported physical and cognitive testing for Pilots, were they willing to pay for it?

The MPC read public comment submitted by Captain David Arzt, a trainee in Region 3. Captain Arzt expressed concern for proposed language that removed retirement benefits from regulation, citing other Pilotage regions in the lower 48 that offered benefit compensation packages including medical, dental, life, health and retirement.

Captain Dale Collins reminded the Board that last April, all three Pilot groups come before the Board to submit the current regulation package. He felt the leadership of SWAPA and AMP were now reversing their agreements from April. Captain Garay acknowledged the comment.

Hearing no additional public testimony on proposed regulation, Board action then followed. Chairman Clough suggested the Board consider 56.083 and 56.990 first.

Captain Collins offered amendments for 12 AAC 56.083(e) and (f). On a motion made by Captain Collins, seconded by Captain Joslyn, and unanimously approved, it was

RESOLVED to approve 12 AAC 56.083 CONTINUING EDUCATION REQUIREMENTS with amendments.

Captain Collins offered amendments to 12 AAC 56.990(a) (37) and (39) as public noticed. On a motion made by Mr. Cronk, seconded by Mr. Arts, and unanimously approved, it was

RESOLVED to approve 12 AAC 56.990 DEFINITIONS with amendments.

The Board recessed for ten minutes.

Captain Collins offered an amendment to 12 AAC 56.080 for the repeal of paragraph (g) and referenced the new medical standards under review by the U.S. Coast Guard. The amendment was seconded by Captain Joslyn. Mr. Cronk expressed concern that the Board might be giving up their oversight. Mr. Poulson suggested the Board educate themselves on the new CG standards before taking action on 56.080. Ms. Tesar agreed. Captain Pierce encouraged the Board to look into additional standards which the USCG has implemented that impact Alaska Pilots. Captain Kellogg explained the new CG medical standards did not include cognitive testing. Mr. Cronk felt cognitive was important. Following additional discussion, the motion was withdrawn. It was agreed that physical and cognitive testing after age 65 would replace age 70 in criteria for license renewal. On a motion made by Mr. Arts, seconded by Mr. Cronk, and unanimously approved, it was

RESOLVED to approve 12 AAC 56.080 BIENNIAL LICENSE RENEWAL as noticed for the renewal of licenses.

On a motion made by Mr. Poulson, seconded by Mr. Cronk, the Board moved 12 AAC 56.310 forward for Board review. Captain Collins offered an amendment to 56.310 (e) and (f) by substituting 'may' for the word 'shall,' and removing the repeal of both (e) and (f). Discussion followed. Mr. Cronk objected to the motion. Chairman Clough called for the vote.

By a roll call vote 4-2 and 1 Abstention, it was

RESOLVED to accept the amendment to 12 AAC 56.310(e) and (f) as offered.

Arts	No
Collins	Yes
Cronk	No
Joslyn	Yes
Paulson	Yes
Schasteen	Abstain
Clough	Yes

Chairman Clough called for the vote for 12 AAC 56.310 with amendments. Mr. Cronk objected.

By a roll call vote 5-2, it was

RESOLVED to accept 12 AAC 56.310 QUALIFICATIONS FOR RECOGNITION with amendments.

Arts	No
Collins	Yes
Cronk	No
Joslyn	Yes
Paulson	Yes
Schasteen	Yes
Clough	Yes

New Business

Ms. Valerie Grahame of Pacific Reefer Services presented concerns by the ship owners to recommendations by the Pilots in Dutch Harbor for weather circumstances and requirements for the use of tugs with vessels of certain length. She expressed her company felt they were too restrictive and not economically feasible. Captain Pete Garay, President of AMP, explained 'severe weather guidelines' were established for safety and reviewed annually. He invited any of the agents to participate in these annual discussions and expressed sensitivity to the financial concerns for doing business in Alaska. Specifics were discussed concerning longer length vessels, dock facilities and severe weather conditions. Captain Tom Dundas commented that the situation was a vessel problem, ships larger than dock facilities, and the vessels were in peril. He expressed extreme concern for safety when the pilot recommendations were not followed. Ms. Grahame continued to challenge the use of tugs as recommended. Discussion continued. Captain Dundas summarized the situation as one where the class of ships had outgrown the dock. It was a vessel problem, he explained, and unsafe to bring a ship in without a tug. Ms Grahame re-asserted she felt it should be the Master's call for a tug. Mr. I.H. Kim, representing ship owners, assured the Board that safety was their first concern, however, he felt each vessel Captain was ultimately responsible for the vessel. Chairman Clough concluded the discussion and explained the Board defers to the pilot associations for region-specific guidelines for pilotage. Ms. Grahame agreed that conversation could continue between her company and the Pilot Association. Ron Hildebrandt of Trident Seafoods said Dutch Harbor tug companies viewed Acutan vessel traffic as too infrequent and not economical for a tug permanently stationed there. Thus the problem with coordinating a tug and the cost. It was agreed this was an ongoing issue without immediate resolution. Captain Garay re-extended the invitation for participation in the annual review of guidelines. The Board agreed that traveling to Dutch Harbor remains important to their understanding of the issues inherent to that region.

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Captain Collins presented an idea for professional evaluators when a judgment call was needed for the proficiency of a marine pilot. Chairman Clough offered to send a letter to each pilot association requesting opinion for need and preferred methodology to the issue.

On a motion made by Captain Collins, and carried without exception, it was

RESOLVED to adjourn the meeting at 16:55.

Respectfully submitted:

Renda Heimbigner
Marine Pilot Coordinator

Date

Albert H. Clough, Chairman
Board of Marine Pilots