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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 11, 2007

Hotel Captain Cook - Anchorage, Alaska

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 October October 11, 2007 in Anchorage, Alaska.

Call to Order/Roll Call

The meeting was called to order at 0800 by Chairman Austerman and the Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Mr. Robert Arts	- Agent Member
Mr. Joe Austerman	- Commissioner's Designee
Captain Dale Collins	- Pilot Member
Mr. Les Cronk	- Agent Member
Mr. Joseph Miller	- Public Member
Captain Mike O'Hara	- Pilot Member
Mr. Jack Poulson	- Public Member

Staff present were:

Renda Heimbigner, Marine Pilot Coordinator (MPC)
Gayle Horetski, Assistant Attorney General (AAG)
Judy Bockman, Assistant Attorney General (AAG)

Guests present were:

Captain Doug Hanson	SEAPA
Captain Cees Deelstra, Holland America	Holland America Lines
Captain Larry Vose	SEAPA
Captain Frank Didier	SEAPA
Captain Hans Antonsen	SEAPA
Captain Jeff Pierce	SWAPA
Kate Tesar	ASA
Captain Greg Styrk	SEAPA
Captain Scott Jones	SEAPA

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Captain Richard Gurry	SEAPA
Captain Vernon Adkison	SEAPA
Ron Hildebrandt	Trident Seafoods
Paul Axelson	NPM
Dan Blackmore	ALAMAR
Captain David Gray	SEAPA
Captain Glyn Seaberg	SEAPA
David Zezula	NOAA
Benee Braden	AMP
Leslie Pearson	ADEC
Captain Pete Garay	AMP
Dr. David Sperbeck	North Star Behavioral Health

Review / Set Agenda

The Chairman noted a change in the agenda by moving an item of correspondence to later in the schedule. On a motion by Captain O'Hara, seconded by Mr. Cronk, and carried without dissent, it was:

RESOLVED to approve the agenda with amendment.

Agenda Item 1

Ethics Training and Declaration of Potential Conflicts of Interest / Recusals

AAG Judy Bockman conducted an ethics training session for the Board and staff, detailing changes recently passed into legislation. She explained those areas to include the following:

- * When an interest in a business is significant
- * gifts from lobbyists
- * employment after leaving state service
- * restrictions to use of state aircraft
- * descriptions for 'official action'
- * lobbying after state service
- * service to boards after state service
- * disclosures

At the conclusion of training, the Chairman moved to Declarations. No conflicts or recusals were reported.

The Board incurred a break at 0917.

Agenda Item 2

Review / Approve Minutes

The Board reconvened at 0925 and returned to the agenda.

On a motion by Mr. Cronk, seconded by Captain O'Hara, and carried without dissent, it was:

RESOLVED to approve the minutes for April 12, 2007 as presented.

Mr. Arts questioned a roll call vote recorded in the July 2007 meeting minutes and asked the MPC to verify before posting as final. On a motion by Mr. Arts and carried without dissent, it was:

RESOLVED to approve the July 12, 2007 minutes with amendment.

Public Comment on non-agenda items

Captain Jeff Pierce, President of Southwest Alaska Pilots Association (SWAPA), commented on the working relationship among the associations. He noted for the Board that the proposed regulation for deputy training (later in the agenda) was presented with participation from all three organizations.

Agenda Item 3

Business Items

Budget - The MPC reported that changes in the Division's accounting system for FY08 resulted in foreign pleasure craft fees tracked as a separate fiscal project than marine pilots/agents. Questions arose for the significance and potential impact on licensing fees. Concerns were expressed. The Board agreed this change was outside of legislative intent and directed the MPC to facilitate the monies be returned to Marine Pilots. Mr. Austerman pledged assistance through the Commissioner's Office.

Tentative Meeting & Exam Dates – Future meeting dates were discussed. It was agreed that a two-day meeting was in order for January due to a lengthy regulation package on the agenda. The dates were accepted as presented.

Correspondence – Correspondence from the City of Unalaska was postponed to after lunch.

Investigations & Litigations - The MPC reported that no investigations nor litigations were open at this time. One Memorandum of Agreement was in force with all reporting requirements current.

Committee Reports – [Core Exam Audit] Captain Larry Vose announced that the Core Exam committee's work should be completed within the next two days. The group was scheduled to meet with Dr. Hertz to finalize the question-writing

phase, followed by Dr. Hertz's review. He explained that changes to the Core Exam would also require adjustments to regulation and presented the committee's recommendation for changes to 12AAC56.035 APPROVAL OF PILOT ORGANIZATION TRAINING OR APPRENTICESHIP PROGRAMS and 12AAC 56.070 EXAMINATIONS. Discussion followed concerning the process by which an exam with a successful score of 75 would be drawn. The Board agreed this was acceptable and the proposed language for 56.035 and 56.070 should proceed.

[Yachts] Mr. Poulson provided a summary of discussion on behalf of the Yacht Committee, emphasizing the need for continued attention to assist dispatch challenges. Ongoing work includes research into existing practices elsewhere and continued efforts to build interagency cooperation for enforcement. Captain O'Hara noted the federal register requires non-SOLAS vessels of 65' or greater to have an operational AIS. He recommended the application for exemption from pilotage be amended to include requirements for operational AIS, depth sounder, radar, VHF, appropriate Coast Pilot, and regional charts. Captain Collins asked about long term solutions for dispatching pilots to these vessels. Mr. Cronk characterized the two main issues for unscheduled dispatch as yachts greater than 175' and mandatory pilotage through Wrangell Narrows and Peril Straits. Captain Collins felt the problem was a shortage of pilots and the association should increase efforts to satisfy the demand. The committee was asked to meet again before the next Board meeting.

[Cognitive Testing] Captain O'Hara gave a brief background on the establishment of cognitive testing after age 65 as described in 56.080(g) and cautioned the Board on using tests they have not vetted. Captain Collins expressed the need for testing on case by case basis. Dr. David Sperbeck was introduced and gave a general description of his work in psychological, neuropsychiatric and cognitive fitness for duty testing for professionals, such as the FAA, TSA and Alaska law enforcement agencies. He likened cognitive to the 'software' of a persons brain and testing would involve evaluating the individuals' concentration, attention, short term memory, declarative memory, problem solving, tracking skills, sequencing and multi-tasking. It was important, he noted, to recognize that a weakness in one area did not mean a person was unfit for duty. The doctor described previous testing prescribed for cognitive and administered by a Seattle firm as more emotional or psychological, not cognitive. He added that his research into norms established for the marine piloting profession came up empty but the technology was available from the aviation industry. He recommended testing all current pilots and establishing a norm for the most valid assessment. He offered the 'CogScreen' software program as a portable tool to create a database but acknowledged it was unrealistic to complete before December 2008. Discussion commenced. It was agreed that identifying the appropriate tool was critical and the committee should continue with their work towards that goal.

[Cause] Joe Miller summarized the first meeting of the committee which was formed to address the discretion of a vessel to refuse a pilot dispatch. The committee, he explained, concluded that short of safety, there was no discretion for the vessel to refuse a particular dispatch. A letter to that effect had been drafted for the Board's review, approval and signature. The document was intended for vessel agents, company representatives and pilot organizations. It was agreed to postpone Board action on the letter until after lunch.

The Board updated their committee list. Physical Standards Committee was merged with Cognitive and Captain Collins name added. The Training and Evaluation Committee was retired. Captain Collins, Garay and Vose were added to the Yacht Committee. Captain Collins and Gurry were placed on the Rate Hearing Regulation group. The Retirement Regulation Committee was also retired.

[Annual Report] The Board processed a list of discussion points from meeting minutes in consideration of setting goals and objectives for the following year. Captain Collins asked to add a regulation package for rate setting and an audit of the local knowledge examinations as goals.

Agenda Item 4 Drug and Alcohol Testing Policies

Ben'ee Braden presented written policy for drug and alcohol testing for pilots and trainees of the Alaska Marine Pilots Association. She noted that the three pilot associations had worked together on common issues spelled out by Legislative Audit. Each association then crafted their own specifics based on working schedules. For AMP, she said, theirs was a year-round dispatch. On a motion by Mr. Cronk, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to approve AMP's drug and alcohol testing policy.

Captain Gurry summarized written policy for Southeast Alaska Pilots' Association for drug and alcohol testing, including provision for pilots and trainees who remove themselves from dispatch for long periods of time. A question for isolating alcohol in the tests was posed, then understood to be included as part of the standard urinalysis.

Captain Gurry offered his time to serve on committees as directed by the Board.

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

RESOLVED to approve SEAPA's drug and alcohol testing policy.

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Captain Jeff Pierce provided comment on Southwest Alaska Pilots' Association written policy for drug and alcohol testing, which included their specific dispatch element. Mr. Arts raised a question to the self-administered post-accident testing. Captain Pierce explained it was a pro-active measure approved by the USCG in applications away from a testing facility. He expressed it was a protection measure for pilots to have as an option and testing in the presence of a witness was a legal requirement. A solution was proposed to add 'alcohol' to first line of paragraph five. On a motion by Mr. Arts, seconded by Mr. Poulson and carried unanimously, it was

RESOLVED to approve SWAPA's drug and alcohol testing policy as amended.

Agenda Item 5 Association ByLaws / Operating Rules

[AMP] Captain Garay provided the Board an update to AMP's bylaws which added an additional captain to full membership status. He reported that associate level captains were proving to be an advantage for meeting unexpected demands for dispatch. On a motion by Mr. Poulson, seconded by Captain O'Hara and carried unanimously, it was:

RESOLVED to approve AMP's Operating Rules as presented.

[SEAPA] Captain Gurry summarized the changes proposed for SEAPA's Bylaws, including a pilot's minimum commitment for dispatch, allowable delegation of duty by Association President, the rate of pay for new tonnage endorsements and in-house short-term disability. On a motion by Mr. Cronk, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to approve SEAPA's Bylaws as presented.

[SWAPA] Captain Pierce explained the change requested to SWAPA's Bylaws as removal of Section 12. Because there was no retirement program as referenced, the membership agreed it should be dropped. On a motion by Mr. Miller, seconded by Mr. Cronk and carried unanimously, it was

RESOLVED to approve SWAPA's amendment to their bylaws.

The Board recessed for lunch at 1145.

Agenda Item 6 Public Hearing

The Board reconvened at 1305.

Chairman Austerman opened the floor to public testimony for 12 AAC 56.110 and 56.120. Mr. Cronk asked the proposed language be withdrawn. No additional public comment was offered. On a motion by Mr. Cronk, seconded by Mr. Miller and carried unanimously, it was

RESOLVED to withdraw proposed changes to 12 AAC 56.110 and 56.120.

The Chairman asked for public comment on 12 AAC 56.028(b). Captain Vernon Adkison, Training Chairman for Southwest Alaska Pilots Association, asked that the Board withdraw the proposed language for 56.028(b) in consideration of new language for 56.028(a), (b) and (c) collectively. No additional public comment was offered. On a motion by Mr. Miller, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to withdraw proposed language to 12 AAC 56.028(b).

Agenda Item 3

Business Items

[Correspondence] The Board reviewed a letter from the Mayor of Unalaska extolling the participation of Alaska Marine Pilots (AMP) in the development of an emergency towing system for disabled vessels in the Aleutians. The letter was noted to be in addition to correspondence from Christian Ministries a year earlier which gave similar testament to AMP pilots who provided aid to stricken foreign crew members. Chairman Austerman presented and read for the record, a personal letter from Governor Sarah Palin to Captain Pete Garay and AMP pilots, recognizing their efforts for outstanding service to the State of Alaska. Captain Garay accepted the letter on behalf of Captain Steve Moreno and fellow AMP pilots.

[Committee Reports] Mr. Miller requested that the 'Good Cause' Committee reconvene before making recommendations to the Board. He relayed having received comments to the draft letter concerning the procedure when there is cause for concern for safety. He felt the draft needed review and would come before the Board at the next meeting.

Agenda Item 6

New Regulations

The Board returned to the agenda to hear proposed regulations. Captain Larry Vose outlined proposed language concerning changes to the following:

- 12 AAC 56.011 Types of licenses and endorsements
- 12 AAC 56.018 Qualifications for not more than 65,000 gross tons endorsement

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- 12 AAC 56.019 Qualifications for not more than 90,000 gross tons endorsement
- 12 AAC 56.023 Qualifications for not more than 100,000 gross tons endorsement
- 12 AAC 56.025 Applications
- 12 AAC 56.026 Deputy marine pilot training program
- 12 AAC 56.027 Dockings, undocks and observer trips
- 12 AAC 56.028 Regional requirements for deputy marine pilot license
- 12 AAC 56.031 Regional requirements for marine pilot license
- 12 AAC 56.033 Deputy marine pilot apprenticeship program
- 12 AAC 56.068 Observer trip requirements
- 12 AAC 56.080 Biennial license renewal
- 12 AAC 56.082 Familiarization trips
- 12 AAC 56.990 Definitions

The Board asked the MPC about removing repealed regulations from print. She advised she would ask the Regulations Specialist and report at the January meeting.

Discussion commenced for new Coast Guard medical standards and its possible impact on the need for additional testing by the State at age 65+. Mr. Cronk expressed concern to qualify pilots at later years of age. He discouraged the repeal of 56.080(g) as suggested in the proposed language citing many years of attempts to address this subject. Mr. Arts felt that keeping the reg would provide pressure to continue motion going on the concept. Captain O'Hara questioned the Boards understanding of the word 'cognitive.' Mr. Cronk offered it to be the pilots ability for multitasking and situational awareness. Captain O'Hara declared a Job Task Analysis as a more appropriate tool to satisfy those questions. Following discussion, it was agreed that more education in this area would benefit the intent. Captain O'Hara pointed to AS 08.62.040(c) as coverage for 56.080(g). Discussion continued. Captain Collins asked about validity for age 65 as trigger for testing. Mr. Austerman clarified what he saw as concern for abuse with the tool for testing and expense to determine criteria for refusal. Captain O'Hara agreed that more research was needed and should be vetted before any recommendations. It was agreed the deadline was unrealistic. Captain Collins stated that none of the 23 state piloting authorities had a test nor trigger at 65. Based on previous testing for 'cause,' he felt the current system was working and the targeting of pilots by age was needless, without scientific basis. He added that history of piloting in Alaska did not warrant it.

Chairman Austerman asked for public comment. Captain Vose reiterated the suggestion to repeal 56.080(g) was a unified request by the pilot associations for what they felt was an ill-defined time and age-sensitive regulation. Ms. Tesar felt the current path for test development was prudent and it would not be unusual that Alaska leads the way in the commitment to safety. She expressed concern for taking care of problems prior to an incident. Captain Adkison questioned whether this regulation would ensure a safe service and recommended it be struck. Captain

Garay suggested language that referred to an 'assessment process' as opposed to 'cognitive.'

Mr. Cronk offered history on the Board's attempts to address assessment. Captain Collins suggested the Board let the proposed language changes go to public comment for the purpose of discussion.

On a motion by Captain Collins, seconded by Captain O'Hara, and carried without dissent, it was

RESOLVED to public notice the following regulations as presented:

12 AAC 56.011	12 AAC 56.018	12 AAC 56.019
12 AAC 56.023	12 AAC 56.025	12 AAC 56.026
12 AAC 56.027	12 AAC 56.028	12 AAC 56.029
12 AAC 56.031	12 AAC 56.033	12 AAC 56.068
12 AAC 56.080	12 AAC 56.082	12 AAC 56.990

Agenda Item 7

Training Updates and Programs

[SWAPA] Captain Adkison, Training Chairman for SWAPA, detailed the progress by individual pilots who had received waivers from the Board for licensing. He then provided information concerning each trainee for Region II who continued in their process towards unlimited licensure. The SWAPA Training Program was presented with proposed changes to include a reminder to trainees that State statutes and regulations supercede their training program, dispatch of deputy pilots only after minimum observer trips and/or supervised maneuvers in a port, and a list of courses for continuing education.

[SEAPA] Captain Hanson, Training Chairman for SEAPA, introduced Captains Scott Jones and Frank Didier as new Training Co-Chairs for the following year. He went on to introduce proposed changes to SEAPA's Training Program for clarification to their trainee application process. He followed with details for individual trainees in the process of achieving their unlimited licenses.

[AMP] Captain Garay, President of AMP, gave details for trainees in Region III. He presented a syllabus for an ice training course which AMP had identified as important for future activity in the Arctic and was included in their Training Program as continuing education. He also invited the other pilot associations to join the course as they could.

On a motion by Mr. Miller, seconded by Captain O'Hara, and carried without dissent, it was

RESOLVED to approve proposed changes to the SEAPA Training Program.

On a motion by Mr. Arts, seconded by Mr. Cronk, and carried without dissent, it was

RESOLVED to approve proposed changes to the SWAPA Training Program.

The Board recessed at 15:15.

Agenda Item 8

Region III Report

The Board reconvened at 15:25.

Captain Garay gave a brief summary behind efforts between the Alaska Marine Pilots and the Mayor of Unalaska to develop an emergency towing system for disabled vessels. Questions remained for liability and compensation, but he felt the product produced had extreme value. Leslie Pearson from Department of Environmental Conversation gave a power point presentation and explained the project as it evolved utilizing skills by the pilots, her Department, members of the U.S. Coast Guard, City of Unalaska, vessel agents and others. Captain Garay explained it was a practical solution and an on-going project. Ms. Pearson stated potential areas of refuge were being identified for additional implementation. Mr. Arts noted that once again, Alaska lead the way for developing solutions to maritime safety.

Public Comment

Captain Vose reminded those committee members in attendance that the Core Exam Committee was scheduled to meet at 0900 the following morning, then introduced Dr. Norman Hertz who was advisor for the development of auditing and editing the exam. Dr. Hertz gave a brief review of his background and the work by the committee.

Mr. Austerman informed the Board that original dates for the January meeting were rescheduled to January 22 and 23.

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

RESOLVED to adjourn the meeting.

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Meeting was adjourned at 1555.

Respectfully submitted:

Renda Heimbigner
Marine Pilot Coordinator

Joe Austerman, Chairman
AK Board of Marine Pilots