

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

**MINUTES OF MEETING
October 29-30, 1997**

By the authority of AS 08.01.070(2), AS 08.62.030, and in compliance with the provisions of AS 44.62, Article 6, a meeting of the Board of Marine Pilots was held October 29-30, 1997, in Anchorage, Alaska.

10/29/97

Examinations were conducted from 0830 - 1330 as listed below:

M. Skovoth	-	Core
V. Adkison	-	Icy Bay
J. Stith	-	Sitka Sound, Yakutat

Start Tape 1, Side A

Agenda Item 1 Call to Order/Roll Call

Chairman Bush called the meeting to order at 1350. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Mr. Jeff Bush	-	Commissioner's Designee
Captain Garay	-	Pilot Member
Captain Spence	-	Pilot Member
Mr. Bob Berto	-	Agent/Vessel Manager
Mr. Bernie Smith	-	Agent/Vessel Manager

Staff present were: Peter Christensen, (MPC)

Agenda Item 2 Review/Set Agenda

The agenda was accepted as written with the following amendments. Southeast Alaska Pilot's Association's (SEAPA) amendments to their Bylaws and Operating Rules were added to the agenda as item 16a, for the Board's consideration and approval. A proposed change to 12 AAC 56.028 by SEAPA's Training Committee was added to the end of Agenda Item 6 was dropped due to non-availability of the Ethics Video.

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

RESOLVED to approve the agenda as amended.

1402 Ms. Horetski, AAG
Joined the meeting via telephone

Agenda Item 3 **Review Agenda for Potential Conflicts of Interest and Declarations of Recusal.**

Captain Spence voluntarily recused himself from consideration of either ACP or SEAPA's Bylaws and Operating Rules.

Mr. Berto disclosed that he had an interest in a subsidiary company that could conceivably be impacted by the establishment or revision of pilot stations being considered in Agenda Item 20. Chairman Bush asked that Mr. Berto participate as a Board member in the discussion of Agenda Item 20.

Agenda Item 4 **Investigation/Litigation Update**

Gayle Horetski addressed litigation in process. The SEAPA rate case is being appealed to the Alaska Supreme Court. The case record from Superior Court is due to the Supreme Court November 24, 1997. In the Petrich Matter, oral argument is scheduled in Superior Court on October 30, 1997. Gayle stated that she would be representing the Board in this action. The oral arguments should be the last step in this litigation before the court issues a ruling.

The MPC added that the Proteus litigation is currently in the discovery phase and that it was proceeding slowly.

Captain Garay asked Ms. Horetski about whether he should excuse himself from the Board's executive sessions if and when the Renwick case is discussed. Ms. Horetski stated that if a Board member believes there is a reason that they should be recused from a particular case, then they must be recused from all aspects of the case. The MPC asked whether a Board member, (absent other considerations), could participate in an ongoing matter of which they lacked knowledge because they were not on the Board when it was previously discussed. Ms. Horetski stated that absent any other considerations, the new member was now part of the Board and expected to participate.

Telephone connection to
Ms. Gayle Horetski
ended.

The MPC related that no new investigations had been opened and seven cases closed since the last meeting of the Board.

Agenda Item 5 **Review/Approve Past Meeting Minutes**

The Board discussed whether any changes needed to be made to the minutes before their approval by the Board. The MPC informed the Board that all the "MPC Notes" in the minutes would be removed. The minutes become a legal record of the meeting and they must reflect only what occurred on the record. Since the MPC notes often added background or discussion which did not occur on the record, they may not be included in the minutes. Mr. Smith stated that the header on the October 1996 minutes needed to be corrected to 1996 vice 1997 as it currently reads. No other changes to these minutes were noted or requested.

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

RESOLVED to adopt the October 1996, April 1997, and the August 1997 minutes as amended.

Mr. Smith stated that it would be helpful if the minutes contained a list of action items from the meeting. The list would help the Board better track the progress of various projects and Board initiated efforts. Chairman Bush concurred that an action list was a good idea.

Agenda Item 6 **Ethics Video** - Deleted from agenda.

Agenda Item 7 **Public Comment**

Captain Picton spoke regarding the difficulty of traveling to Kake via float plane last summer in order to take the pilot boat to the Kingsmill pilot pick-up point. He also recited a litany of costly railroad & marine accidents that resulted from fatigue. Accordingly, he does not believe the Board should change the regulation requiring two pilots aboard cruise ships in Region 1.

Captain Baldry presented the Board with a typed version of his comments and read them aloud into the record. His memo was passed out to the Board and audience prior to his recitation. In his remarks he outlined his

concerns regarding fatigue, the need for updated charts, use of electronic charts, and the need for vessel to vessel communications until an Automated Information System can be implemented such as the Canadians are currently employing.

Captain Joslyn contrasted the fatigue issue in Region 1 and Region 2.

Mr. Castner noted that the draft October minutes stated that a portion of the tape was garbled and he said he felt it had been accurately reconstructed in the minutes. He also noted that the Board's Annual Report stated a goal to develop a computer database that would compile the pilot associations quarterly reports. He feels that this is an important project, and when it is accomplished the data should be included in the Board meeting books.

Captain Kellogg reserved his right to comment later.

End of Tape 1, Side A
Begin Tape 1, Side B

Captain Homer commented that he was not in agreement with the proposal to require only one pilot aboard cruise ships when the duration of the trip would be less than eight hours. The example he gave was Juneau to Skagway.

Agenda Item 8

Exam Results/License/Endorsements Approvals

The MPC reported that Captain Carnes had applied for a tonnage upgrade to 40,000 GT under the step system, 12 AAC 56.045(a), and submitted documentation showing the completion of the required dockings and movements. The MPC recommended that the Board grant the upgrade.

On a motion made by Captain Spence, seconded by Captain Garay, and carried unanimously, it was

RESOLVED to approve Captain Wayne Carnes' license be endorsed with a tonnage upgrade to 40,000 GT.

The MPC reminded all licensees that the Board only approves licenses or endorsements, they do not issue them. Issuance of new licenses or endorsements is done by the Division of Occupational Licensing and that a new license or endorsement is not effective until the Division issues it. If a licensee needs their new license or endorsement immediately, they should bring their request for special processing to the MPC.

The MPC reported that Captain Gray had applied for an unlimited license under the provisions of 12 AAC 56.030. The MPC stated “ as far as I can discern, he meets the requirements of 12 AAC 56.030 and as such I recommend it be approved.” Chairman Bush asked why the MPC qualified his recommendation and the MPC replied that the regulation is not a cut and dry, clear cut definition. The MPC read 12 AAC 56.030(a) as an example of the value judgements left open to the interpretation of the evaluator. He followed by saying that given that he still recommended that the upgrade be granted. A short discussion by the Board followed.

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

RESOLVED to approve the issuance of an unlimited pilot license to Captain David Gray.

The MPC related to the Board that Captain Adkison had taken and passed the examination for an extension of route in Icy Bay, and the MPC recommended that the Board approve an extension of route for Icy Bay.

On a motion made by Captain Spence, seconded by Captain Garay, and carried unanimously, it was

RESOLVED to approve Captain Vernon Adkison’s license be endorsed with an extension of route for Icy Bay.

1450 Break
1536 Back on Record

Chairman Bush brought the meeting back to order and addressed his remarks to the audience and Captain Gray who was in attendance. He stated that a great deal of discussion had occurred during the break about the interpretation of 12 AAC 56.030, especially in reference to the interplay between 12 AAC 56.030 and 12 AAC 56.045. He acknowledged that the Board had approved the issuance of an unlimited license, but noted also that the license did not exist until the Division issued it, as had just been stated by the MPC a few minutes earlier. Given that, the Board has asked the MPC, before he issues the license, to review the history of the interplay of the two regulations, to see if the Board has misinterpreted them in some way. Following the review, if it turns out that the Board has misinterpreted the regulation, the MPC will notify the Board and the Chairman will schedule a special meeting to discuss it at that time.

Captain Collins asked the Chair to also task the MPC to include a review of 12 AAC 56.040. The Chair agreed that 12 AAC 56.040 and 12 AAC 56.045 play together, and the question is how 12 AAC 56.030 plays with each of them. The Chair further stated “and we understand that there is

history involved here too, and that there's been prior licenses issued and we need to find what we've done in the past -- how its been interpreted in the past, that's really what our question is, so, and these were issues that the Board was not really aware of, having lost some of our institutional memory, I think in part."

Captain Gray stated that if it is determined that if he does not qualify under 12 AAC 56.030 then he would come under 12 AAC 56.040(a) which states that the Board will determine the appropriate step of an initial limited pilot license. Chairman Bush replied that the question is how does the step process in 12 AAC 56.045 relate to the qualifications in 12 AAC 56.030. And is 12 AAC 56.030 an exception to 12 AAC 56.045, or does it supersede it. Which one takes precedence. Captain Gray stated that he applied under 12 AAC 56.030 because he felt he qualified under all the stipulations under 12 AAC 56.030. He enumerated his personal experience which qualifies him under 12 AAC 56.030 and further stated that if someone does not qualify under 12 AAC 56.030, then he would come under 12 AAC 56.040. He stated that he would answer any questions the Board might have. Captain Garay asked Captain Gray to verify that the license he held before the Board took their earlier action was that of an unlimited channel pilot license. Captain Gray stated that was the license he held from 1986 until his renewal earlier this year. Captain Garay asked how many dockings and undockings Captain Gray had completed with that license. Captain Gray stated that between 1987 and 1992 he did 10 dockings and 10 undockings. In the past season, once his renewal was granted he completed 20 dockings and 20 undockings which he submitted to the MPC for evaluation and to accompany his application for an Unlimited pilot license under 12 AAC 56.030. He also stated that these are in addition to dockings and undockings he's accomplished elsewhere which number in the hundreds. In answer to Captain Garay's question, Captain Gray responded that those dockings were as a pilot, not a ship master.

Mr. Smith stated that the Board didn't need to get into an open debate on this. The Board should just let the MPC make a through investigation into the history and then get back to the Board if they need to have a discussion. But he didn't want to entertain pros and cons from the public on something the Board really needs to have researched. Chairman Bush said that what they have is two alternative routes to the same thing, and he is not sure if there is any history of how one has a right essentially to apply under one route as opposed to the other, and he would like to have that clarified.

Agenda Item 9 Fatigue/Rest Standards Committee Report

The MPC gave a report of the Fatigue/Rest Standards committee. He reported that the committee did not reach any consensus regarding recommendations but that they did reach some consensus. The committee agreed that the OPA standard of no more than 15 hours in 24 hours and no more than 36 hours in 72, as currently written in our regulations, is a good standard. The eight hour rule in Region 1 is okay in Region 1. Generally pilots in all three regions mentioned or discussed some sort of cumulative fatigue issue in their region, but none of them had the same issue. All agreed that they were already handling the fatigue issue in-house or that they would prefer to handle it in-house rather than have the Board generate a regulation. There was also some discussion about whether it is reasonable or appropriate to require two pilots aboard cruise ships in Southeast Alaska when the transit was less than 8 hours. Captain Spence clarified "that there was no consensus to alter the present scheme of carrying two pilots onboard vessels."

End of Tape 1, Side B
End of Tape 1, Side B

The Board held a short discussion on whether it was sufficient to allow the pilot associations to handle the fatigue issue in-house without a regulation in place. Chairman Bush went on to express his concern that there are differing rules in different pilotage regions of the state. For instance, there is an eight hour rule in place for non-passenger ships in Southeast, Alaska that does not apply to Regions 2 or 3. A general discussion among the Board followed of why that difference exists, with comments received from several members of the public including: Captain Baldry, Captain Collins, Captain O'Hara, Captain Homer, Captain Creasey, and Mr. Deelstra.

Agenda Item 10 Pickup Points/Pilot Stations Committee Report

The MPC stated that the committee meeting had been very fruitful and that they had been able to draft proposed changes to the pilot pick-up point and pilot station regulations. The draft regulation before the Board is essentially the committee's report. (The MPC passed out a SEAPA document dated 10/24/97 containing the committee's suggestions). The Board discussed the proposed draft regulation as presented.

End of Tape 2, Side A
Start Tape 2, Side B

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

RESOLVED to notice the draft pilot station regulation, as amended, with Region 2 and Region 3 to submit their converted pickup point language to the MPC by November 15, 1997.

Agenda Item 11 Suggested Regulations

Captain O'Hara presented SWAPA's proposal to move the Cordova pilot station. SWAPA's proposal was to move the Cordova pilot station to the new vessel traffic lanes. Currently the Cordova pilot station is 30 miles closer in to Cordova. If the pilot station is moved to the traffic lanes, SWAPA's regular Bligh Reef pilot boat would be used for pilot transfers. Mr. Smith asked whether the City of Cordova had been advised of this proposal. Captain Joslyn said they had spoken with the current pilot boat operator in Cordova, and broached the matter with the city. Captain Arie Van Noort, filling in for Captain Cox of Northwest CruiseShip Association, passed out a letter written by Captain Kaare Bakke of Norwegian Cruise Line dated October 28, 1997.

The following persons spoke during the discussion that followed: Captain O'Hara, Captain Joslyn, Captain Van Noort, Mr. Graham Burton, and every member of the Board present.

Based upon the discussion, the Board referred the matter back to SWAPA with a request that they try and address the concerns of the shippers, their agents, and the City of Cordova.

Tape 2, Side B Stopped
1730

The Board agreed unanimously to recess for the day.

Oct 30, 1997

Begin Tape 3, Side A

Call to Order/Roll Call

Chairman Bush called the meeting to order at 0849. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Mr. Jeff Bush	-	Commissioner's Designee
Captain Garay	-	Pilot Member
Captain Spence	-	Pilot Member
Mr. Bernie Smith	-	Agent/Vessel Manager

Staff present were: Peter Christensen, (MPC)

Agenda Item 11 Suggested Regulations - continued

The MPC passed out additional material not included in the Board packets. Distributed to the Board and audience were three documents: a letter from AMP regarding the issue of fatigue; a letter from Captain Tuttle regarding his thoughts on training; and a proposed regulation amending 12 AAC 56.028(a) drafted by SEAPA's Training Committee. The proposed regulations by SEAPA's Training Committee take into account Captain Tuttle's and Captain Didier's comments on their experiences during training. The MPC went on to explain that items/bullets 2, 3, 4 of this agenda item were incorporated into the proposal drafted by SEAPA's Training Committee.

By way of introduction to the proposal, Captain Hans Antonsen walked the Board through the changes proposed by SEAPA's Training Committee for 12 AAC 56.028(a). A general question and answer discussion between Captain Antonsen and the Board ensued.

During the discussion Mr. Bush also asked Captain Antonsen if SEAPA had reviewed the proposed regulation to allow training regulation waivers, and if so, what did they think? Captain Antonsen noted several possible areas of concern. He noted that the request for a waiver comes from a trainee, and not an association. He stated that SEAPA felt that the 6 month time period listed in the draft was too short. SEAPA also felt that the regulation as proposed put an undue burden upon the MPC.

After determining that ACP had not reviewed the proposed regulation amending 12 AAC 56.028(a) drafted by SEAPA's Training Committee, Chairman Bush asked that ACP review the proposed regulation and attempt to reach some agreement with SEAPA that the Board could then act upon to notice as a proposed regulation.

Captain Steve Moreno presented AMP's request to amend 12 AAC 56.028(c) (1).

End Tape 3, Side A
Begin Tape 3, Side B

On a motion made by Captain Spence, seconded by Captain Garay and carried unanimously, it was

RESOLVED to notice the AMP's proposed amendment to 12 AAC 56.028(c)(1) as presented.

The Board next discussed the two letters submitted by Captain MacPherson. Public testimony was received from Captain O'Hara in

favor of a 60,000 GT license endorsement level, and against raising or eliminating the initial 25,000 GT licencing level. Captain Collins spoke similarly. In response to questions from Chairman Bush, Captain Collins also spoke in favor of some experience requirement before a pilot's tonnage is increased to 40,000 GT.

Mr. Smith made a motion that was seconded by Captain Garay to add language to 12 AAC 56.018(b) to include "and on at least 60 days during that year have performed vessel movements as a deputy marine pilot on board vessels requiring a pilot licensed by the State". More discussion followed. Subsequently Mr. Smith requested that his motion be rescinded, there was no objection. Following additional discussion and public comment from all pilot associations, another motion was put forward. The public and Board comment made it clear that the 60 days of vessel movements proposed to be required to move to the next tonnage endorsement, could be accumulated at any tonnage level allowed by the pilot's license or through training under the supervision of a training pilot.

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

RESOLVED to notice the draft regulation proposed by Captain MacPherson in his letter dated 7/28/97 added to 12 AAC 56.018 with the provision that "vessel movements" includes training as well as work.

End Tape 3, Side B
Begin Tape 4, Side A

The Board then revisited Captain MacPherson's proposal to eliminate the 25,000 GT licensing level. Following more discussion and public comment the Board did not take any further action.

Agenda Item 12

Public Comment

Public comment was heard from Mr. Castner regarding the NTSB recommendations and recertification of pilots during renewal of licenses. Captain O'Hara spoke regarding the NTSB recommendations, pilot communication procedures and the near miss reporting system recommended by the Oil Spill Task Force.

Break
Back on Record

Agenda Item 13

Review of NTSB Recommendations

The MPC read aloud the recommendations made by the NTSB in their report on the grounding of the M/V STAR PRINCESS. The Board directed the MPC to draft a letter to be mailed to all license holders, regarding the NTSB's recommendation concerning fatigue and conducting BRM training with cruise ship bridge watch officers.

The Board then discussed how to comply with the NTSB's recommendation to implement a mechanism for monitoring the performance of pilots on a routine basis. The Oil Spill Task Force (OSTF) included a similar concern in their list of recommendations regarding pilotage. The following persons commented during the discussion: Captain O'Hara, Captain Creasey, Captain Collins, Captain Moreno, Captain Homer, Mr. Bush, Mr. Smith, Captain Garay and Captain Spence. There was considerable reluctance to allowing performance monitoring evaluations by ship masters. It was generally agreed that the Board's simulator project, although it is envisioned to include a performance evaluation, would not satisfy a requirement for routine performance monitoring.

End Tape 4, Side A
Begin Tape 4, Side B

The MPC was asked to review any system of performance review currently in use and propose a possible system for a discussion starting point. The MPC recommended that a committee representing every pilot association be formed to work on a proposal that could be brought back to the Board for their consideration. The following persons were appointed by the Board to form a performance monitoring committee: Captain Spence, Captain O'Hara, Captain Anderson, a pilot from AMP, a pilot from ACP, Mr. Castner, and Mr. Kyle. The first meeting of the committee was set for Monday, November 24, 1997.

Agenda Item 14. Review of Oil Spill Task Force Recommendations

It was noted that the OSTF recommendations were informational and advisory in nature and were in no way binding upon the Board. Members of the Board noted that many of the OSTF recommendations were already in place or being considered for implementation by the Board. The Board announced that the OSTF recommendations would remain on the table, and that anyone could request a discussion or draft a regulatory proposal regarding any of the recommendations included. The Board briefly discussed a few of the OSTF recommendations: whether to use deadweight tonnage rather than gross tonnage in the State regulations; whether to require the use of a specific pilot checklist; and the

recommendation of the OSTF for improved bridge to bridge communication between vessels.

It was recommended by a member of the audience that the Marine Safety Task Force should be held earlier this year to allow more time to work on potential problems before the beginning of the cruise ship season.

1211 Lunch
1329 Back on Record

When the board reconvened it lacked a quorum due to Captain Garay's absence. Since the next item was informational in nature the Chairman decided to proceed with Captain Pawloski's presentation.

Agenda Item 15

Cook Inlet Marine Transportation Forum

1332 Captain Garay
returned.

Before Captain Pawloski began his presentation he emphasized two points regarding Captain Baldry's letter in the Board packet. First, since display standards have not been established for electronic navigational charts, no electronic charting system has been approved for navigation. They may only be used to supplement normal navigation procedures. Secondly, the Nautical Institute has stressed it is more important at this time to train operators on the pitfalls associated with the use of electronic charting, than it is to train operators on how to use them.

Captain Pawloski's presentation summarized the Cook Inlet Marine Transportation Forum held earlier in the month and brought the Board and marine pilots in attendance up to date on NOAA's plans for surveying Alaskan waters. This year's court decision regarding the grounding of the T/V Glacier Bay highlighted problems with the lack of survey information available inside the 10 fathom curve. In order for NOAA to make the needed surveys they needed to use multi-beam technology. (Side scan sonar loses its cost effectiveness in currents in excess of 3 knots). It now appears that Congress may provide the funding for procuring the multi-beam technology needed. Paul Fuhs also spoke and stated that the coalition of pilots, industry, and NOAA may serve as a model for how to attack these kinds of problems in the future.

End Tape 4, Side B

Agenda Item 16.

ACP Revised Bylaws and Operating Rules Submitted for Approval

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

RESOLVED to accept the changes to ACP's By-laws and Operating Rules as presented.

Agenda Item 16a. SEAPA Bylaw Changes and Operating Rules Submitted for Approval

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

RESOLVED to accept the changes to SEAPA's By-laws and Operating Rules as presented.

Agenda Item 17. MPC Clarification Items

What are the requirements to upgrade a docking endorsement from 0 to 20,000 GT? To receive a 20,000 GT docking endorsement a limited pilot would comply with the requirements of 12 AAC 56.040(c).

What is the status of old pilotage endorsements for other than the region in which currently licensed? Endorsements not retained on licenses are lapsed and cease to exist.

Begin Tape 5, Side A

Clarification of the term "movement" with regard to what status (pilot of record, trainee, etc.) must a pilot hold, to perform a movement for credit towards upgrade of his/her pilot license? A pilot may only receive credit for a movement when that pilot actually performs the maneuver, regardless of whether the pilot is the pilot of record. However, a pilot must be under the supervision of a training pilot at all times while performing movements or maneuvers on vessels outside the tonnage or route of his/her license.

Agenda Item 18. Captain George - Trips not available at Skagway Ore Dock

Captain George passed out copies of his letter to the Board regarding his difficulty in obtaining Tracy Arm observer trips. The letter was dated October 23, 1997. He then read his letter regarding Tracy Arm into the record. Chairman Bush stated that the revision to 12 AAC 56.028(a) being worked on by ACP and SEAPA might provide a solution to this problem. He went on to state that he was reluctant to start using a different tonnage system or equate vessels of different classes.

Captain George then paraphrased his letter to the Board which was included in the board packet and is dated received October 8, 1997. Chairman Bush proposed waiting until the Board heard the results of the negotiations between ACP and SEAPA regarding the proposed revisions to 12 AAC 56.028(a).

1443 Break
1506 Back on Record
Agenda Item 11

Suggested Regulations - continued

Captain Hans Antonsen of SEAPA and Captain Baldry of ACP presented the revisions of 12 AAC 56.028(a) that were agreed upon by both parties and those that were not agreed upon by both parties. During the discussion of the proposed changes the definition of "round trip" and "transit" was questioned. The MPC pointed out that "trip" is defined in part 12 AAC 56.082 and "round trip" and "transit" are defined by inference in the same part. The definitions listed apply only to part 56.082, however, they are not defined elsewhere in the regulations. The Board agreed to accept the specific and inferred definitions in part 56.082 for the terms: trip, round trip, and transit, for application throughout the marine pilot regulations unless the terms were otherwise defined.

In a response to a question from Captain Spence, Chairman Bush stated that he personally was disinclined to separate and expedite the regulations that would loosen existing requirements without forwarding the rest of the changes in the package that increase existing requirements. He said that a trainee should either meet the existing package now or a new package when it is in place, but he also recognizes that there are situations where an exception to that rule should be made. That is why he had the MPC draft the proposed change that would allow substitution of training requirements for those that are unattainable.

The MPC pointed out that the Board was considering noticing proposed regulations that institute an anchoring requirement, but that do not include a definition of anchoring. Following a short discussion, The Chairman directed the MPC to develop and include a definition of anchoring in the regulations to be noticed.

Following many comments and questions regarding the Board's and/or the Chairman's intentions or ability to expedite part or all of the proposed regulation packages, Chairman Bush stated that he was not going to expedite anything unless the Board had adopted the regulation and voted to request that all or part of the adopted regulations be expedited.

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

RESOLVED to notice the proposed changes to 56.028 as amended on the record and to notice a revised version of the proposed 12 AAC 56.028(e) and (f).

Agenda Item 19. Business Items

Annual Report: The MPC pointed out that the Annual Report was included in the Board packet under Tab 7, and he requested any comment from the Board or the audience. Mr. Smith noted that his listed fax number in the report was incorrect, it should have been 561-3887.

Correspondence: Before the review of correspondence the MPC passed out two additional items of correspondence, one was a letter from AMP addressed to Mr. Rick Lauber and the other was a budget report for the Board. The MPC led the Board through the correspondence contained under Tab 8 of the Board packet.

Marine Simulator Project Update: The MPC asked to set a date for a teleconference to discuss the RFP for the simulator. Persons identified to attend were: Mr. Ken Castner, Captain O'Hara, Captain Spence, Mr. Provant, Mr. Bush, and Captain Anderson. The date selected for the teleconference was set for Thursday, November 20, 1997 at 0900.

Report of BMP Budget and Legal Costs: This report was given during the review of correspondence. The FY97 legal costs were presented and the MPC explained that the Division did not yet have any legal billings for FY98 because the Department of Commerce and Economic Development has been unable to come to terms with the Department of Law for the FY98 RSA.

Next Meeting : The Board set October 28-29, 1998 as the date for the October meeting with examinations. The Board declined to set a date for the summer teleconference, (if necessary), and instead requested that the question of a date for the summer teleconference be placed on the January agenda.

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

RESOLVED to adjourn the meeting.

Respectfully submitted: _____
Peter D. Christensen,
Marine Pilot Coordinator

Approved this _____ day of _____, 1998.

Jeffrey W. Bush,
Deputy Commissioner