

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

**MINUTES OF MEETING**

**January 22-23, 2008**

**Hotel Captain Cook - Anchorage, Alaska**

**B**y 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 January January 22 and 23, 2008 in Anchorage, Alaska.

**January 22, 2008**

**Call to Order/Roll Call**

The meeting was called to order at 0830 by Chairman Austerman and the Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum was:

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 was:

Renda Heimbigner, Marine Pilot Coordinator (MPC)

Guests present were:

Captain Doug Hanson	SEAPA
Captain Cees Deelstra, Holland America	Holland America Lines
Captain Frank Didier	SEAPA
Captain Jeff Pierce	SWAPA
Kate Tesar	ASA
Captain Greg Styrk	SEAPA
Captain Scott Jones	SEAPA
Captain Richard Gurry	SEAPA

Captain Vernon Adkison	SWAPA
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 adding a presentation from NOAA to the following day. With no other changes, the Board approved the agenda.

**Agenda Item 1**      **Declaration of Potential Conflicts of Interest / Recusals**

No conflicts or recusals were reported.

**Agenda Item 2**      **Review / Approve Minutes**

Board meeting minutes from October 11, 2007 were introduced and Mr. Poulson noted an omission of words on Page 8, paragraph four, to a sentence made by Mr. Cronk. A summarization was provided by the MPC and suggested wording inserted. On a motion by Mr. Poulson, seconded by Mr. Miller, and carried without dissent, it was:

RESOLVED to approve the minutes for October 11, 2007 as amended.

**Public Comment on non-agenda items**

No comments were offered.

**Agenda Item 3**      **Business Items**

Budget - The MPC summarized efforts by the Department to improve the systematic tracking of revenue and expenditures for each of the professions within the next six months. Board members continued to express concern that application fees from foreign pleasure craft be included with pilot fees. Line items of the budget were examined until no further questions.

Investigations - The MPC reported no open investigations or litigation, then introduced Mr. Richard Younkens, Chief of Investigations for the Division of Corporations, Business and Professional Licensing. Mr. Younkens led the Board through a review of the investigative process.

Tentative Meeting & Exam Dates – The Board reviewed tentative meeting dates and adjusted April's meeting to the 17th and 18th in Juneau. Discussion commenced for a possible Seward meeting in October. July 8 and October 21-22 dates were left as presented.

**Agenda Item 4      Region Three Report**

Captain Garay, President of Alaska Marine Pilots Association (AMP, requested their presentation be switched with Agenda Item #5 Training Updates. With no objections, the Chairman obliged the request.

**Agenda Item 5      Training Updates**

SWAPA - Captain Vernon Adkison, Training Chairman for Southwest Alaska Pilots Association (SWAPA) summarized the efforts of their two association trainees and one apprentice. He shared SWAPA's training philosophy of exposing their applicants to the ports deemed most difficult first to determine if they would 'make the cut.' He gave additional details to the training of two recently-licensed deputy marine pilots and one new marine pilot. Captain O'Hara asked about AVTEC in Seward as a resource and discussion commenced for Board review of the facility. Captain Adkison noted a group of pilots from Southeast were scheduled for training at the facility in the days immediately following the Pilot Board meeting.

SEAPA - Training Chairman, Captain Scott Jones, for Southeast Alaska Pilots Association (SEAPA) spoke to deputy pilots in training and the need to validate their current maneuvers in view of regulation change to tonnage endorsements. He added details for each current association trainee and apprentice. Captain Jones also addressed SEAPA's continuing education program and requested the Board consider new language within their training program. The Board agreed to review their changes at the April meeting. Captain Didier, representing SEAPA's training committee, came forward to present Captains Jones and Luck for their Training Pilot endorsement. Captain Collins noted for the Board that Jones and Luck were graduates of a 'Train the Trainer' course at Pacific Maritime Institute implemented by SEAPA. On a motion by Mr. Cronk, seconded by Mr. Poulson, and carried without dissent, it was

RESOLVED to approve Training Pilot endorsements for Captain Scott Jones and Captain Karl Luck.

Captain Bob Winters asked the Board to revisit SEAPA's revisions to their training program at this meeting, citing the short time allowed before re-licensing. Chairman Austerman suggested the Board consider time on the following day's agenda. Discussion followed. Captain Collins requested the entire training program be present when reviewing the proposed change. The Board agreed to hear SEAPA's request the following day.

AMP - Captain Pete Garay, President of Alaska Marine Pilots Association (AMP), reported on the progress of their trainees and shared they had a good number of candidates coming to their district. Currently they had four applicants and were prepared to grow that number as needed.

The Board took a break at 1505 and reconvened at 1510.

**Agenda Item 4**

**Region Three Report / Arctic Presentation**

Captain Garay made comments for protection of the waters surrounding Alaska's Arctic coastline and asked the Board to enhance its 'safety net' to fulfill its mandate. He predicted massive maritime development from future oil and gas exploration with risk to the marine environment. A letter from AMP to Shell Oil Company encouraged safe shipping procedures and practices utilizing Alaskan pilots. Garay cited recent education by all AMP members in ice management and emphasized the need for an 'ice regime' to be adopted by regulatory agencies. He pointed to the contrast of local rules, regulations and guidelines for the arctic by comparison to Dutch Harbor, Cook Inlet and Prince William Sound. Praising the Canadians, he stressed the need to implement compulsory pilotage boundaries encompassing the arctic and challenged the Board to provide as described in AS 08.62.040 Powers and duties of the Board.

Captain Michael Terminel, Port Captain and Ice Pilot with Edison Chouest Offshore led a power point presentation on the arctic, its environment and the rapid increase in vessel traffic. He credited new lease sales in the Chukchi and Beaufort Sea, changing weather and increased ECO tourism for the evolving vessel traffic. He identified infrastructure as a large contributor to the increase in vessel traffic. Specifics for vessel types, including foreign vessels, polar rigs, and their activity were provided, including photos and details of previous mishaps involving loss of life and damage. He elaborated on IMO recommendations for ice pilots and gave examples of ice operations. Questions followed.

Comment from a U.S. Coast Guard representative in the audience acknowledged the 17th District was looking at this same picture as well as other federal agencies with military interest. Captain Garay estimated a five-year plan to implement State oversight would not be unrealistic. Discussion followed. Captain O'Hara asked for a scale on the lease areas shown. Captain Collins expressed desire to see a proposal to address the compulsory boundary. The Board agreed to hear a proposal from Captain Garay the following day.

**Agenda Item 6**

**Committee Reports**

determine Core Exam Audit - The MPC reported that results by the committee with assistance from Dr. Hertz resulted in 200 unique items validated with references. Proposed regulatory language for Board action the following day would determine its implementation. Captain Collins and O'Hara urged a review of the Local Knowledge Exam in the same manner.

Yacht Committee - Mr. Poulson reported the committee was gathering information and their issues primarily affected southeast, specifically vessel traffic exceeding availability of pilots. Captain O'Hara summarized his findings from the Coast of England and their requirements for visiting yachts to have clearance and specific on-board equipment. He felt minimum standards for equipment should include AIS, depth sounder, VHF, Coast Pilot and charts, and recommended the Alaska application for pilotage exemption require such. On his motion, seconded by Mr. Arts, and carried unanimously, it was

RESOLVED to amend the State of Alaska application for pilotage exemption to require specific on-board equipment including AIS, depth sounder, VHF, Coast Pilot, charts, compass, and radar.

Mr. Cronk noted several applications already in transition with more going out weekly. The MPC promised a quick edit to the form for immediate use.

Captain Richard Gurry, President of Southeast Alaska Pilots Association, characterized the nature of yachts as resistive to a schedule with many unknowns. Mr. Cronk affirmed the dispatch challenge and gave scenarios. Captain Gurry expressed concerns for the coming season, given increased yacht traffic and reduced number of pilots over last year.

Good Cause - Mr. Miller summarized work by the committee to prepare a letter for the Board to cruise companies, vessel owners and masters, addressing 'cause' for refusal or relief of the pilot. On a motion by Captain O'Hara, seconded by Mr. Cronk and carried unanimously, it was

RESOLVED to approve the Committee's letter for the Chairman's signature and distribution.

Mr. Miller added additional recommendation by the committee for a change to SEAPA's bylaws, specifically paragraph 'N'. Captain Gurry summarized the current language in question which addressed in-house grievance procedures and offered an alternative proposal. He explained the intent was to expedite resolutions. Mr. Poulson suggested the Board gain the AAG's opinion before taking action and the item was tabled for the following day. After reading the committee minutes, Captain O'Hara suggested the association letter submitted during the July committee meeting might have been SEAPA's. [The MPC later verified it to be SWAPA's as recorded.]

Cognitive - Captain O'Hara summarized his experience with the 'Wombat' test, utilizing a computer with joy sticks to manage shapes, numbers and colors. He did not think it appropriate for mariners. He added that consideration should be taken of a medical evaluation developed by Puget Sound Pilots and SEAPA's job task analysis. He recommended a modification of the State's medical form for use by all licensees and tapping experts to diagnose any anomalies uncovered. Discussion followed. Ms. Tesar, representing Alaska Steamship Association, expressed concern for more committee review of the subject separate from consideration of change to the associated regulation. Discussion for medical evaluation continued. Ms. Tesar returned to address the regulation scheduled the following day. Mr. Cronk asked that discussion be tabled for the public hearing.

On a motion by Mr. Poulson, seconded by Mr. Miller, without dissent, it was

RESOLVED to move into Executive Session to conduct oral examination of Captains Eric Collins and Douglas Sturm for deputy licensure and hear a report by the MPC for a marine pilot.

The Board moved to Executive Session at 1650 and returned at 1725. On a motion by Mr. Cronk, seconded by Mr. Miller and without dissent, it was

RESOLVED to grant Captain Eric Collins and Captain Douglas Sturm their deputy marine pilot licenses.

On a motion by Mr. Poulson, the Board recessed at 1726.

**January 23, 2008**

**Agenda Item 6**

**Public Hearing**

The Board reconvened at 0830 with all Board members present. Chairman Austerman introduced changes to the agenda to follow the public hearing. The Board agreed to hear SEAPA's continuing education proposal to their training program and subsequent changes to their bylaws, then NOAA's update on electronic charts, followed by the remaining agenda items including presentations from Alaska Marine Exchange and then Alaska Marine Pilots Association.

Chairman Austerman opened the floor to public testimony for proposed regulation changes. Captain Vernon Adkison, Training Chairman for Southwest Alaska Pilots Association, addressed the Board and professed SWAPA's support for the regulation package as proposed, citing reduced vessel traffic and fewer training opportunities for deputies. He also gave comment to 56.080(g) which calls for physical and cognitive testing at re-licensing for pilots age 65 or older. He expressed satisfaction with testing for 'cause,' and felt every maneuver performed was evaluated so the "the system was not broken." No additional comments were offered and the Board moved to review the proposed regulations for action.

12 AAC 56.011 – The Board discussed the proposed changes to 56.011. Captain Collins asked that training maneuvers conducted prior to implementation of the changes be considered. Captain Scott Jones presented additional wording for endorsements of 65,000 and 90,000 gross tons that allowed maneuvers conducted prior to the effective date of change be credited towards fulfillment. The transitional language proposed "Any regional requirements completed for tonnage endorsement increase prior to the issue of a new license will be counted as qualifying experience completed under the new endorsement."

Mr. Cronk motioned to accept the amendment for transitional language, which was seconded by Captain Collins. The Board concurred and on a motion by Mr. Poulson, seconded by Mr. Miller and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.011 as amended.

12 AAC 56.018 – The Chairman introduced 12 AAC 56.018 for Board discussion. Mr. Poulson asked about the need for transitional language. After discussion, the Board agreed the intent of additional language adopted during discussion of 56.011 covered each tonnage upgrade. On a motion by Mr. Poulson, seconded by Mr. Miller and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.018 as public noticed.

12 AAC 56.019 – Chairman Austerman introduced 12 AAC 56.019. No comments were offered. On a motion by Captain Collins, seconded by Mr. Cronk and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.019 as public noticed.

12 AAC 56.023 – The Chairman introduced 12 AAC 56.023. On a motion by Mr. Miller, seconded by Captain O’Hara and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.023 as public noticed.

12 AAC 56.025 – Chairman Austerman introduced 12 AAC 56.025 which included changes to paragraphs (a)(10), (d)(2), and (f). Captain Collins gave comment for better utilizing the State form as opposed to allowing the Coast Guard's version as proposed in wording under (a)(10). Captain O’Hara concurred, giving example for use of the State form as an assessment tool. Discussion followed. On a motion by Mr. Miller, seconded by Mr. Poulson and carried unanimously, it was

RESOLVED to withdraw 12 AAC 56.025(a)(10) and adopt 56.025(d)(2) and (f) as public noticed.

12 AAC 56.026 - The Chairman introduced 12 AAC 56.026 for Board action. Captain Collins explained the intent to address changing federal pilotage in Region One with the changes proposed to 56.026(B) followed by discussion of the evaluation forms. On a motion by Mr. Cronk, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.026 as public noticed.

12 AAC 56.027 - Discussion commenced for changes proposed to 56.027 as presented which allowed for replacement of wording to dockings, undockings, and observer trips with 'supervised movements,' reference to federal pilotage routes in Southeast, training evaluation forms and the repeal of observer trips in ports not tested for by the Coast Guard. With support for definition of 'movement' in regulation [56.990(19)], the Board moved to accept the proposed language to 12 AAC 56.027. On a motion by Mr. Arts, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to adopt changes to 12 AAC 56.027 as noticed.

12 AAC 56.028 - Proposed language to 56.028 included changes to regional requirements for deputy marine pilot licenses be specified in regional training programs for all active ports in concurrence with defined maneuvers for specific



ports. To the extent of proposed changes, the Department had recommended repealing and readopting the regulation. The Board accepted the new version and on a motion by Mr. Miller, seconded by Mr. Arts and carried unanimously, it was

RESOLVED to repeal and readopt 12 AAC 56.028 as public noticed.

12 AAC 56.029 - It was noted that 56.029 had been left off the agenda but included in the public notice and regulation packet. Chairman Austerman directed the agenda be corrected. Captain Collins commented the changes were intended to coincide with federal pilotage and changes to 56.031. On a motion by Captain Collins, seconded by Mr. Arts and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.029 as notice.

12 AAC 56.031 - Discussion commenced for changes proposed to 56.031 which included regional requirements for a marine pilot license for all three regions. Captain O'Hara asked for clarification for the Valdez Trans-Alaska Pipeline System Trade requirements. Captain Adkison gave testimony for SWAPA's regional training program and the additional requirements for full licensure in Region Two. On a motion by Mr. Miller, seconded by Mr. Poulson, and carried unanimously, it was

RESOLVED to repeal and readopt 12 AAC 56.031 as public noticed.

12 AAC 56.033 - Regulation for the Deputy marine pilot apprenticeship program was considered for additional requirements in specified in regional training programs. On a motion by Captain Collins, seconded by Mr. Poulson, and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.033 as noticed.

12 AAC 56.035 - The Board considered the proposed change of repealing an open book examination of State oil pollution prevention requirements as part of the Core Exam. On a motion by Captain Collins, seconded by Mr. Miller and carried unanimously, it was

RESOLVED to adopt the repeal of 12 AAC 56.035(c).

12 AAC 56.068 - Mr. Austerman directed 56.068 be added to the agenda. The MPC asked for clarification in the last sentence of paragraph (b). A typo was corrected to the word 'the' and on a motion by Mr. Arts, seconded by Mr. Poulson and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.068 with typographical correction.

The Chairman directed the agenda be reordered to address 56.080 following the remaining regulation proposals.

12 AAC 56.070 - The Board reviewed changes to the Core Exam under 56.070(b)(3) and (c) which addressed the topics and passing score. Questions arose for Board action during the oral examination and it was noted that several years prior a candidate was failed during their oral. Captain Collins explained Department of Law had suggested that phase be left in the process. He also covered the passing score. Mr. Miller suggested an amendment of adding 'percent' following the score of 75. He motioned to amend paragraph (c) and adopt the regulation. Discussion arose to the point system assigned to each question in the exam. The MPC clarified the wording presented was in accordance with Dr. Hertz's point system. Mr. Miller withdrew his motion and on a motion by Mr. Poulson, seconded by Captain O'Hara, and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.070 as noticed.

12 AAC 56.082 - It was noted that proposed changes to 56.082 included the repeal of Pelican from familiarization trips. On a motion by Mr. Miller, seconded by Mr. Poulson and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.082 as noticed.

12 AAC 56.990 - Discussion for the Captain of the Port Anchorage as an appropriate reference commenced. It was decided to delete the reference and move "in Cook Inlet" to the end of the sentence. On a motion by Mr. Poulson, seconded by Mr. Miller and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.990(13) as amended.

The Board took a break at 1000 and reconvened at 1010.

12 AAC 56.080 - The Chairman opened the floor to public comment. Ms. Tesar representing Alaska Steamship Association expressed concern for the repeal of physical agility and cognitive testing of pilots at age 65. Captain Collins

supported

the repeal, citing previous incidents as performance issues rather than age and encouraged testing for cause and a more stringent medical form at re-licensing. Captain O'Hara also supported the repeal. He felt the Board was premature in passing regulation requiring cognitive when not enough research had been done. The MPC gave a summary of the Coast Guards plan for medical scrutiny. Mr. Arts felt the regulation was proactive and cognitive was a tool. He supported the regulation as presented. Mr. Cronk felt the comments supported continued work

on pilot assessment and the regulation kept the Board moving in that direction. He added the deadline in regulation was important. Captain Collins challenged the age of 65 as a trigger and gave historical account for cause. Ron Hildebrandt representing Trident Seafoods offered support for the regulation as worded and encouraged they consider public perception. He also felt medical review should be annual. Mr. Miller motioned to accept 56.080 and amend the date in paragraph (g).

Mr. Poulson noted (b)(1) contained the Coast Guard physical examination report form and should be removed to be consistent with amendments adopted earlier to 56.025(10). Mr. Miller withdrew his motion and on a motion by Captain O'Hara, to accept 56.080 as noticed, with objection from Mr. Miller, Mr. Arts, Mr. Cronk, Mr. Poulson, the motion failed.

On a motion by Mr. Poulson to amend paragraph (b)(1) by eliminating the Coast Guard exam from wording, seconded by Mr. Miller and carried unanimously, it was

RESOLVED to amend and adopt 12 AAC 56.080(b)(1).

On a motion by Mr. Miller, seconded by Mr. Poulson and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.080(b)(5) as noticed.

On a motion by Captain O'Hara to delete 'and 7' under paragraph (e)(1), seconded by Mr. Poulson and carried unanimously, it was

RESOLVED to amend and adopt 12 AAC 56.080(e)(1).

On a motion by Mr. Poulson, seconded by Mr. Miller and carried unanimously, it was

RESOLVED to adopt 12 AAC 56.080(e)(2) and (e)(3) as noticed.

On a motion by Mr. Miller, seconded by Mr. Poulson and carried unanimously, it was

RESOLVED to repeal 12 AAC 56.080(f) as noticed.

On a motion by Mr. Miller, seconded by Mr. Cronk, with objection from Captain O'Hara and Captain Collins and by roll call vote 5-2, it was

RESOLVED to retain subsection 56.080(g) with amendment by changing the date of compliance to December 31, 2010.

Arts	Yes
Austerman	Yes
Collins	No
Cronk	Yes
Miller	Yes
O'Hara	No
Poulson	Yes

Mr. Miller commented that the committee had plenty of work to do and now had time to do it. Mr. Austerman expressed his concern for the term 'cognitive' and age 65. He encouraged a test designed for all pilots and annual review as opposed to biannual. On a motion by Captain O'Hara, seconded by Mr. Poulson, without dissent, it was

RESOLVED to change the name of the committee from 'Cognitive' to 'Pilot Assessment.'

Assistant Attorney General Jenna Conley joined the meeting by teleconference.

#### **New Business**

##### **SEAPA ByLaws**

As discussed the previous day and agreed to by the Board, Captain Gurry introduced new language for SEAPA bylaws as recommended by the Good Cause Committee. AAG Jenna Conley asked about the arbitrators posed in SEAPA's proposal. Mr. Cronk suggested SEAPA withdraw the proposed language and discuss it among their membership. Captain Jones explained the intent was to allow for qualified persons to conduct mediation. AAG Conley explained it should be in-house to satisfy regulation. Captain Collins questioned 'cause.' Discussion followed. Ms. Tesar asked the Board to delay action on approving the proposed language until all parties could examine it more closely. Captain Gurry withdrew the proposal for resubmission in consideration of the AAG's comments. Discussion for a current 'cause' scenario ensued.

#### **New Business**

##### **SEAPA Training Program**

Captain Scott Jones directed attention to SEAPA's Training Program, page five, item five, that provided the Training Committee evaluate and approve courses and facilities submitted by the membership. He asked for clear understanding of what continuing education was approved and what was not, citing time constraints.

Proposed change provided a standard which allowed the following:

- 1) accredited college, academy, facility or expert

- 2) provide completion certificate and course syllabus
- 3) class A full mission simulator
- 4) manned model
- 5) Alaska-curriculum would satisfy all requirements
- 6) completed within the 3 biennial licensing periods prior

Captain Jones went on to address waterway trips and individual pilot responsibilities. He asked the Board to approve the edits. The MPC asked for clarification on the process of accepting certificates and their qualification. Discussion followed. Mr. Miller noted that page 32 in the Training Program allowed for the Training Committee to offer changes without the membership. On a motion by Mr. Cronk, seconded by Mr. Miller, without dissent, it was

RESOLVED to approve changes to SEAPA's Training Program.

The Board recessed at 15:15.

## New Business

### Proposed Change to Compulsory Waters

The Board reconvened at 15:25.

Captain Pete Garay (AMP) summarized previously mentioned needs for piloting in the arctic and gave testimony from his personal experience. He explained AMP's recent ice training from Canadian professionals.

Captain Jeff Pierce (SWAPA) confirmed the support of SWAPA for the arctic proposal. He expressed concern for tankers moving in and around ice without pilotage in Alaska waters.

Captain Garay explained 'Code Red' conditions and the importance of posting pilots with training to respond. Following several examples of ice hazards, he presented a map and proposed language for new coordinates entering the Chukchi and Beaufort Seas. The language provided changes to compulsory boundaries surrounding the waters as described in 12 AAC 56.100(14).

#### **12 AAC 56.100. ESTABLISHED BOUNDARIES OF COMPULSORY PILOTAGE WATERS OF ALASKA.** Specific boundaries of the compulsory pilotage waters of Alaska are as follows:

(14) all waters of the Chukchi Sea and **Beaufort Sea**

~~[KOTZEBUE SOUND]~~ inside a line extending from Cape Prince of Wales ~~[THREE MILES DUE]~~ west (270° true) to a point approximately 65° ~~40~~<sup>[38]</sup> north latitude, 168° ~~20~~<sup>[15]</sup> west longitude; then due north (0° true) to ~~73°-00~~<sup>[A POINT APPROXIMATELY 66°-27]</sup> north latitude, ~~[168°-15' WEST LONGITUDE; THEN 59° TRUE TO A POINT APPROXIMATELY 66°~~

~~45° NORTH LATITUDE, 167° 02' WEST LONGITUDE;~~ then due east (90° true) to **141°-00' west longitude; then due south (180° true) to Demarcation Point** ~~[A POINT APPROXIMATELY 12 MILES OFF THE COAST OF CAPE ESPENBERG AT THE INTERSECTION WITH A LINE DRAWN FROM CAPE ESPENBERG TO CAPE KRUSENSTERN, APPROXIMATE POSITION 66° 45' NORTH LATITUDE, 163° 40' WEST LONGITUDE; THEN TO CAPE KRUSENSTERN; THEN TO POINT HOPE];~~

Discussion ensued. Captains Garay and Pierce answered questions concerning possible overlaps between their regions and the breadth of their proposal. Captain Pierce explained their combined skills and how he felt it related to protection for the State. They clarified the proposed coordinates were a western border matching the date line, and eastern coordinates to the Canadian border. Captain Pierce asked the Board to accept the proposal for public notice.

Mr. Cronk expressed concern and recommended the Board pursue advice before proceeding. Mr. Arts asked that additional public comment on the issue be heard. Captain Garay asked that the Board move the proposal for public notice so comments could be made.

Kate Tesar of Alaska Steamship Association addressed the regulatory process and felt the proposal was moving too quickly. Tom Reuter of Alaska Maritime encouraged the Board to take a longer view of the proposal and seek more facts on its abilities to act.

Captain Collins encouraged the Board to send the proposal out for public notice, gaining input from all parties. Mr. Cronk felt the issue would bring both national and international reaction, recommending the Board seek advice from the Administration. Ms. Tesar called for caution and recommended the USCG and oil companies weigh in. Mr. Miller clarified that the Board could ask Department of Law to review the proposal. It was reaffirmed that the proposed language would amend 12 AAC 56.100(14).

Captain Collins encouraged no harm would come from public notice, adding it would bring the real players to comment. Mr. Cronk offered it was a large statewide issue and guidance should be sought from the Governor and Department of Law. He felt that adding it to the April meeting agenda would allow for that time.

With no further discussion, on a motion by Captain O'Hara, seconded by Captain Collins, with objection from Mr. Cronk, and Mr. Arts, by a roll call vote 4-3, it was:

RESOLVED to accept the proposal to amend compulsory waters under 12 AAC 56.100(14) with coordinates as presented to the Board for public notice.

Arts	No	
Austerman	No	
Collins	Yes	
Cronk	No	
Miller	Yes	
O'Hara		Yes
Poulson	Yes	

Mr. Miller asked that the Department of Law review the proposed change in regulation immediately. The Board concurred.

**Agenda Item 8**      **Alaska Marine Exchange**

Captain Ed Page led a presentation on current activities by the Alaska Marine Exchange, including new tower construction and abilities to provide early information concerning recent incidents.

**New Business**      **NOAA**

David Zezula gave a presentation on "The future of NOAA nautical charting" which included new system charts for eventual replacement of paper charts.

The Board recessed at 1220 and reconvened at 1230.

Chairman Austerman called the Board's attention to recognition of Captain Phil Taylor and his M/V Columbia crew, who were recently awarded the USCG Meritorious Public Service Award for assistance during the Empress of the North grounding. Captain Taylor is a SEAPA trainee and currently a Captain aboard the AMHS M/V Columbia.

**Public Comment**

No public comments were offered

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

RESOLVED to adjourn the meeting.

Meeting was adjourned at 1245.

Respectfully submitted:

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Renda Heimbigner  
Marine Pilot Coordinator

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Joe Austerman, Chairman  
AK Board of Marine Pilots