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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

July 10, 2008

Teleconference

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 July 10, July 10, 2008 by teleconference.

Call to Order/Roll Call

The meeting was called to order at 1330 by Chairman Austerman and the Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum was:

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

Members absent:

Mr. Joseph Miller	- Public Member
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Staff present was:

Renda Heimbigner, Marine Pilot Coordinator (MPC)	Anchorage
Gayle Horetski, Department of Law (AAG)	Juneau

Guests present were:

Captain Anthony Chadwick	SEAPA
Captain Scott Jones	SEAPA
Captain David Gray	SEAPA
Captain Larry Vose	SEAPA
Jim Lee	Alaska Maritime Agencies
Kirby Day	Princess Cruises
Bruce Weyhrauch	Bruce Weyhrauch LLC
Captain David Lund	AMP

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Captain Alan Wilson
Doug Johnson
Paul Axelson
Captain Richard Gurry
Captain Cees Deelstra
Captain Jeff Pierce
Kate Tesar
Captain Pete Garay

Princess Cruises
Professional Growth Systems
North Pacific Maritime/YSA
SEAPA
Holland America Lines
SWAPA
Alaska Steamship Association
AMP

Review / Set Agenda

No changes were made to the agenda.

Declaration of Potential Conflicts of Interest / Recusals

No conflicts or recusals were reported.

Agenda Item 1

Review / Approve Minutes

No changes to the minutes were offered, and on a motion by Captain O'Hara, seconded by Mr. Poulson, it was

RESOLVED to accept the April minutes as presented.

Public Comment on non-agenda items

Doug Johnson from 'Professional Growth Systems' identified himself as a facilitator working with various parties on pilotage in the Arctic. He asked the Board to note their submitted correspondence on the subject. Captain Pete Garay of AMP added he felt it was too soon to address the issue and currently held a different take on the progress of the meetings.

No additional comments were offered.

Agenda Item 2

Business Items

Budget - The Board reviewed their Financial Report drawn on June 24, 2008. Total revenues reflected an increase in foreign pleasure craft application fees over previous year, and reduced numbers in licensing income reflected the normal trough between renewals. Indirect travel expenses were up over FY2007 while direct board travel was less.

Investigations - The MPC reported no new cases opened, one case closed and all reporting requirements current for an existing MOA.

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Correspondence [Arctic Pilotage] - The Chairman acknowledged letters from Shell Exploration Company, Alaska Oil and Gas Association, Edison Chouest, ConocoPhillips, Offshore Marine Service, Alaska Steamship, Alaska Marine Pilots, Southwest AK Pilots Association and Commissioner Notti of Department of Commerce. Each of the letters addressed pilotage in the arctic and Board members were reminded the issue was currently advertised for public comment which Administrative Procedures did not allow action at this time. Discussion was deferred until the next meeting in October.

Correspondence [Baken Recognition] - Captain Scott Jones, Training Chairman for Southeast AK Pilots Association gave additional insight to his letter recognizing work performed by Captain Jeff Baken to establish a standard for maneuvering terminology with Azipod controls. He explained that several facilities had put Captain Baken in their classrooms with the subject, and he had been a featured speaker to both the APA Board of Trustees and West Coast Pilots Conference. Mr. Poulson suggested future recognition of the Captain, while Collins and O'Hara expressed interest in seeing a presentation. It was agreed to ask Captain Baken to attend the October meeting.

Correspondence [Oregon Maritime Board] - The MPC introduced correspondence from the Oregon Board of Maritime Pilots which invited the Alaska Board to join a regional entity of pilotage authorities for the purpose of information sharing. On a motion by Mr. Poulson, seconded by Mr. Cronk and carried unanimously, it was

RESOLVED to accept the invitation to participate in the regional entity.

The MPC gave an example of other professional boards representing the State of Alaska and their participation in regional organizations. Chairman Austerman suggested more information was needed. Captain O'Hara volunteered to participate. Mr. Cronk also agreed more information from the host commission was needed. Discussion followed. On a motion by Captain O'Hara, seconded by Mr. Poulson and carried unanimously, it was

RESOLVED to send the MPC to the first meeting of the regional entity of pilotage authorities.

The MPC expressed her feeling for the need of at least one Board member to attend as well. Mr. Cronk agreed and discussion was suspended until she could provide additional information on agenda and attendance by rest of commissions.

Correspondence [SWAPA Recognition] - The Board noted a letter from Governor Palin to Southwest Alaska Pilots Association recognizing their involvement in the 2008 Marine Firefighting Symposium. Captain Jeff Pierce explained that SWAPA

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participated each of the last three symposiums and provided their boats to allow training for small community firefighters.

Correspondence [Togiak] - Captain Pete Garay from Alaska Marine Pilots Association addressed recent events in Togiak involving vessels moving without a pilot, as attested by correspondence from Captains Whalen, Entenmann and Arzt. He noted possible regulation as a remedy or a written memorandum of understanding and promised to report in October to the Board his success to gain agreements through agents for the shipper mentioned. A question for liability following an incident in this situation was raised and Mr. Arts responded that agents operated on behalf of the owner. He agreed with Captain Garay's idea for a memo or agreement. Ms. Horetski (AAG) asked for clarification of AMP's intent to petition the Board at this meeting and Captain Garay responded the correspondence represented information only at this time. Captain Jeff Pierce relayed his experience with vessels in this situation and recalled that all Captains had retained a pilot on standby for availability. Garay responded the practice was changing and he had begun notification to the Pilot Board last year. He had also notified the CG Captain of the Port.

Correspondence

[SEAPA Petition] - Captain Richard Gurry, SEAPA President, summarized the elements for 'good cause' and the challenges which current regulation created. He was followed by Bruce Weyhrauch who spoke to SEAPA's petition requesting 12 AAC 56.310(c)(10) be repealed or amended. Weyhrauch requested the Board schedule the matter for a public hearing at their next meeting and take action on the regulation at that time. Discussion followed. Ms. Horetski reminded the Board of provisions 44.62.220 and 44.62.230 which required them to deny the petition or schedule the matter for a public hearing and notice such in accordance with 44.190-215. Discussion continued.

Mr. Arts motioned to deny the petition, with a second by Mr. Cronk. By a roll call vote of 2-4, the motion failed.

RESOLVED to deny the petition.

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

Discussion continued. On a motion by Captain O'Hara, seconded by Captain Collins, with a roll call vote of 4-2, it was

RESOLVED to accept the petition and schedule it for public hearing in October.

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

Ms. Horetski departed the meeting.

Annual Report - The MPC noted the duties of the Board for an annual performance report to the Department and summarized statistical changes from FY2007 to FY2008 as already compiled. Number of deputy and marine pilot licensees had increased from 72 to 80 and exemptions from pilotage for foreign pleasure craft had increased from 24 to 33 with subsequent revenues. She requested input from the Board members for goals and objectives for the following year. In response, Captain O'Hara expressed interest in monitoring all foreign pleasure craft with AIS tracking via the MPC's office. Discussion followed.

Mr. Cronk cautioned that tracking was beyond the scope of the Pilot Board. Mr. Poulson supported a monitor at the MPC office and felt exemption revenues were adequate. As a separate issue, mandatory AIS for an exemption should be explored. Captain Collins recommended the information could be obtained from the Marine Exchange of Alaska and felt it useful to maintain compliance. Discussion continued.

The MPC offered no preference but gave a recent case scenario where AIS was needed. Otherwise, she said AIS was available through other resources and the standard protocol was to start with the vessel agent, then on to other sources. Captain O'Hara stressed the need for AIS as a navigation tool and his preference that it be required. Captain Collins agreed and noted its value to other vessels as well as regulatory oversight. Mr. Cronk explained that yacht owners valued their privacy. Mr. Arts added these visitors were potential terrorist targets because of their wealth and agreed it layered another level of requirements to enter the State. Captain O'Hara gave information on the Marine Exchange of Alaska and their tracking via satellite. Mr. Poulson suggested a voluntary incentive might be offered to vessels who wished to participate. Discussion continued.

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The MPC offered to gather information and report at a later meeting. Additional input for goals and objectives was requested. It was suggested that the MPC prepare a draft for review at the next meeting.

Tentative Meeting & Exam Dates – The Board reviewed tentative meeting and exam dates. Discussion commenced for committee meetings prior to each Board meeting and the afternoon of September 29 was tentatively set aside for the Pilot Assessment Committee. It was agreed to follow the meeting and exam schedule as presented.

Agenda Item 3

Committee Reports - Captain O'Hara gave a review of recent discussion by the Pilot Assessment Committee and his continued efforts to seek out and audit cognitive tests. Captain Larry Vose added that the 3 Pilot Associations had been tasked with discussion among their membership for 'pilot peer assessment.' Review of the committee minutes also included the anticipation of a NTSB report for the Cosco Busan incident and revised USCG medical review and disclosure procedures.

Agenda Item 4

SEAPA ByLaws

Captain Gurry summarized proposed changes to SEAPA's bylaws which comprised of administrative adjustments to member notifications and limitation of the SEAPA Board's authority. On a motion by Mr. Cronk, seconded by Mr. Poulson and carried unanimously, it was

RESOLVED to accept the proposed changes to SEAPA's ByLaw.

The Board took a break at 1545 and reconvened at 1557.

Agenda Item 5

Training Pilot Endorsement

The Board reviewed a Training Pilot endorsement for Captain William Tuttle. On a motion by Mr. Cronk, seconded by Mr. Arts and unanimously approved, it was

RESOLVED to approve a Training Pilot endorsement for Captain Tuttle.

Agenda Item 6

Executive Session

The Board moved to Executive Session at 1200 noon to conduct Deputy Pilot license oral examination of Captain David Lund.

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The Board returned from Executive Session at 1207 and on a motion by Mr. Cronk, seconded by Captain O'Hara, and carried unanimously, it was

RESOLVED to approve Captain David Lund for Deputy Marine Pilot license.

On a motion by Captain Collins, seconded by Captain O'Hara, and carried unanimously, it was

RESOLVED to adjourn the meeting.

Meeting was adjourned at 1208.

Respectfully submitted:

Renda Heimbigner
Marine Pilot Coordinator

Joe Austerman, Chairman
AK Board of Marine Pilots