

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

MINUTES OF MEETING

September 30 - October 1, 2008
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 AS 44.62, Article 6, a meeting of the Board of Marine Pilots was held September 30 and October 1, 2008 in Anchorage, Alaska.

September 30, 2008

Call to Order/Roll Call

The meeting was called to order at 1335 by Chairman Austerman. 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)
Gayle Horetski, Department of Law (AAG)

Guests present were:

Captain Frank Didier	SEAPA
Captain Jeff Baken	SEAPA
Tom Rueter	AK Maritime
Ron Hildebrandt	Trident Seafoods
Captain Vernon Adkison	SWAPA
Bruce Weyhrauch	SEAPA

Captain Eric Collins	SEAPA
Captain Kathy Flury	SEAPA
Captain Greg Styrk	SEAPA
Captain Scott Jones	SEAPA
Captain Richard Gurry	SEAPA
Captain Alan Wilson	Princess Cruises
Kate Tesar	AK Steamship Association
Paul Axelson	North Pacific Maritime
Captain Jeff Pierce	SWAPA
Captain Pete Garay	AMP
Captain Carter Whalen	AMP
David Zezula	NOAA
Captain Larry Vose	SEAPA

Review / Set Agenda

On a motion by Captain O'Hara, seconded by Mr. Miller, the agenda was approved as presented.

Declaration of Potential Conflicts of Interest / Recusals

No conflicts or recusals were reported.

Agenda Item 1

Review / Approve Minutes

The Board reviewed the minutes from July 10, 2008. A name correction was offered and on a motion by Mr. Miller, seconded by Mr. Cronk, and carried without dissent, it was:

RESOLVED to approve the minutes for July 10, 2008 as amended.

The same correction was made to minutes from July 31, 2008 and on a motion by Captain O'Hara, seconded by Mr. Cronk, and carried without dissent, it was:

RESOLVED to accept the minutes for July 31, 2008 and August 7, 2008 with the noted correction.

Public Comment on non-agenda items

No comments were offered.

Agenda Item 2

Business Items

Financials - In accordance with AS 08.62.040, the Board reviewed a Fee Analysis by the Division to set license and registration fees for the upcoming biennial license period. The Division had recommended no change to current fee levels and on a motion by Mr. Arts, seconded by Captain O'Hara, and carried unanimously, it was

RESOLVED to accept the Division's recommendation for no change to Deputy and Marine Pilot licenses or Vessel Agent Registrations for the biennial license period of 2009-2010.

Investigations - The MPC reported six new investigations and five closed cases since the last Board meeting. She requested the Board hear one case in Executive Session.

Regional Meeting - The MPC presented details for the invitational meeting of Oregon, Washington, California, Canada and Alaska Pilot Commissions. The date had been set for November 6 and 7 in Portland, Oregon. Tentative agenda items included:

- current and future issues for each authority
- update on the Cosco Busan allision by the San Francisco authority
- discussion for shared information and protocols
- best practices for health and investigations

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

RESOLVED that Captain O'Hara and either Mr. Cronk or Mr. Arts would attend with the Marine Pilot Coordinator on the Alaska Board's behalf.

Annual Report - The MPC reported on the document in its present form.

Tentative Meeting & Exam Dates - The Board reviewed tentative meeting dates and adjusted April's meeting dates to the 15th and 16th in Juneau.

Agenda Item 3

SEAPA ByLaws

Captain Richard Gurry, President of Southeast Alaska Pilots Association, presented an amendment to SEAPA bylaws which recognized Associate Pilots as no longer a current category of membership. On a motion by Mr. Cronk, seconded by Mr. Arts, without dissent, it was

RESOLVED to accept the change to SEAPA's bylaws.

Agenda Item 3

Committee Reports

Pilot Assessment - Captain O'Hara summarized discussion by the committee to include new physical standards from the Coast Guard, imbedded cognitive testing in medical exams, peer review and triggers for testing. Mr. Cronk listed action items for the committee as simulator exercises and drafts of mandatory peer review. It was noted that the effective date for cognitive at age 65 was transitioning to December 31, 2010.

Yachts - Mr. Poulson explained the issues covered by the Yacht Committee as more yachts than pilots and commercial charter vessels posing as private recreational vessels. He added both issues were felt to need full Board deliberation and action. Captain Collins reminded the Board this was an urgent issue for Region One and suggested that SEAPA might want to bring proposals for amended regulation to the next Board meeting. Mr. Poulson asked Captain Bob Winter if he would work on draft language for the Board's review later that afternoon. The Board adjusted the agenda to insert Captain Winter between Items 6 and 7.

Captain Collins reported that SEAPA stretched to fulfill all requests for dispatch this current season and Captain O'Hara expressed his preference for the discussion at hand rather than issuing emergency licenses.

Agenda Item 5

Training Summaries

AMP - Captain Carter Whalen, Training Chairman of Alaska Marine Pilots Association (AMP), itemized one trainee in the two year program and two in the four year program. He reported all training activities were on track.

SEAPA - Training Chairman, Captain Scott Jones, for Southeast Alaska Pilots Association (SEAPA) introduced the new training representative for SEAPA for the next year, Captain Frank Didier. Didier asked the Board to consider a waiver for trainee, Captain Barry Olver, explaining that vessel traffic had restricted his ability to gain a Klawock endorsement prior to his needing the State Core Exam. It was anticipated that proposed regulation would have relieved this challenge, however, the language had yet to become law. A waiver at this time was necessary to enable Captain Olver to progress in his training while awaiting the next available vessel. In response to questions, Captain Didier also explained the association had 12 trainees and juggling that number of persons for one port was part of the challenge. Captain Collins endorsed the waiver. On a motion by Mr. Cronk, seconded by Mr. Poulson, and carried unanimously, it was

RESOLVED to approve the waiver for Captain Olver to take his Core Exam prior to achieving federal endorsement for Klawock.

Captain Didier asked for Board approval of a revised SEAPA Training Evaluation Report and new Training Assessment Report. He explained the merits of the new forms included changes to the rating scale. Captain O'Hara expressed concern for unsatisfactory ratings in any maneuver. Captain Didier clarified the Training Committee's oversight, including ability to require additional remedies. It was also noted that unsatisfactory ratings required explanatory comments by the Training Pilot. Discussion of examples ensued. Captain Jones added that the forms were developed along with corresponding training for the Training Pilots. Didier gave example of the layers of review for each form following each maneuver. On a motion by Mr. Miller, seconded by Mr. Arts, on a roll call vote, with objection from Captain O'Hara, it was

RESOLVED to approve the amended SEAPA Evaluation form and new Assessment form.

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

Captain Didier summarized SEAPA efforts during the 2008 cruise season which totaled over 70 days of training plus 'Train the Trainer' course accomplishments by SEAPA Training Pilots. He asked the Board to endorse the proposed regulations scheduled later in the days agenda.

SWAPA - Captain Jeff Pierce reported on cooperative work with Polar Tankers at the Alaska Vocational Technical Center in Seward utilizing emergency ship handling simulation.

The Board took a break at 1455 and reconvened at 1500.

Agenda Item 6

Public Hearing

Chairman Austerman opened the floor to public hearing on 12 AAC 56.310.

01:28:05

Captain Jeff Pierce, SWAPA President, testified to SWAPA's support of written comment from the American Pilots Association and added that communication between industry and associations was critical.

- 01:29:00 Captain Richard Gurry, SEAPA President, attested to the conflict which SEAPA encountered under 56.310(10) while attempting to provide for efficient, equitable and non-discriminatory dispatch. He noted 'only when the Pilot Board takes action against a pilots license can the association place a restriction on the pilots dispatch.' Anything short of 'cause,' he felt gave the vessels representative too much influence over a pilot who was subject to the laws of the State and the U.S. Coast Guard.
- 01:31:40 Captain Alan Wilson, VP of Marine Operations for Princess Cruises, gave testimony for a successful working relationship with pilots and encouraged that it continue so conflicts could be resolved without coming to the Pilot Board. He gave several examples of cooperation between his company and the associations and stressed Bridge Resource Management as an important part of the system followed by quick resolutions. When asked, he preferred amending the regulation as opposed to repeal.
- Captain O'Hara asked for clarification to when Princess would deny dispatch of a particular pilot. Mr. Arts offered time as the issue and the pilot would continue to be dispatched during a State investigation. Captain Wilson reiterated the success his company experienced from dealing direct with each association to resolve difficulties. He questioned why repeal the regulation which had worked effectively for the last 16 years when only one situation took overly long to resolve.
- 01:46:15 Mr. Bill Sharp, VP Port Operations for Holland America, testified the working relationship between pilots and industry was very good. His concern for repeal of the regulation was that discussion would be stifled prior to appearing before the Board. He advocated the regulation remain in its current form and if amended, retain a requirement for the two entities to work together towards resolution.
- 02:00:56 Captain Pete Garay, President of AMP, quoted a passage from written comment by Captain Terry Backen... 'Pilots should be able to make independent decisions in the best interest of the State without the threat of being banned by a particular ship or particular company.' Garay gave an example of conflict on the bridge for reason other than 'cause' and a resulting refusal for that pilots dispatch to same ship later. He encouraged repeal of the regulation to encourage pilots to do as the legislature mandated.
- 02:02:40 Captain Vernon Adkison, SWAPA Pilot, reminded the Board of the purpose of compulsory pilotage as ensuring a person on the bridge with the foremost interest of the State. He cited the regulation as conflicting to the requirement for equitable dispatch. For 'cause' issues, he felt the Pilot Board was the authority and not the association.

02:07:45 Kate Tesar, State Director of Alaska Steamship Association, noted written comment by Robert Blasco, attorney for ASA. She quoted ASA's opposition to any change in the regulation, citing very few occasions where the regulation hadn't worked as it was intended. She asked why the Board wanted to involve itself in affairs other than licensing.

02:11:15 Mr. Bruce Weyhrauch, representing Southeast AK Pilots Association, advocated it was good public policy decision to repeal the regulation and pilotage was an independent system monitored by the State of Alaska. He felt if there was a 'cause' concern, it was the masters, agents and pilots legal duty to bring that issue before the Board. What brought this to a head was even after a State investigation cleared a pilot, the company refused his dispatch for two years. There is a problem, he stated.

No additional testimony was offered and the Chairman closed the hearing.

02:13:42 Discussion commenced for the definition of 'cause.' Captain Collins gave historical note to successful arrangements of separation when the pilot and company were in agreement. Captain O'Hara gave a scenario of a pilot that was blackballed by tanker companies in Region Two. The Board investigated and cleared the licensee, however, the company and pilot continued to disagree. resulting in the pilot retiring. He also noted that he himself was blackballed when he was on the Pilot Board. If he had to choose between repeal and amendment of current language, he would support the repeal.

Mr. Arts felt this was a safety issue and the system was working. He suggested the Board could emulate the NFL executive committee with rules beyond legalities for issues to protect the industry. Captain Collins asked the AAG if the Board could exceed the Administrative Procedures and do what might be needed.

02:24:00 Ms. Horetski advised the Board that the APA held in all the Board did. She shared the evolution of 12 AAC 56.310 to a point in 1997 when the Supreme Court ruled on a case where the pilot association refused membership to a particular pilot with a questionable license. The Court stated the association did not govern licenses, but rather the Pilot Board. She felt the ruling applied to dispatching as well and suggested that current wording was crafted at a time when it might have been applicable. Following the Hensch case, that time may no longer be appropriate for the purpose. Captain Collins added that legislative intent when regulation was originally crafted was that no licensee should experience discrimination. For less than cause, he felt there was plenty of latitude within the dispatch system to keep certain individuals apart. It was, however, his belief that this was not the association's venue if the pilot and company were not in mutual agreement.

Mr. Cronk asked how to adjust the regulation without losing cooperation on the smallest issues. Captain Collins gave his opinion of requesting the removal of a master. Mr. Poulson offered a 3-tier scenerio for the Pilot and Master to attempt resolution, followed by the association and company, then the Board. He supported amending the language to give guidelines for that process. The Board agreed the Good Cause committee should take on the discussion and return with a recommendation. On a motion by Mr. Poulson, seconded by Mr. Miller, without dissent, it was

RESOLVED to take no action on the proposed repeal or amendment to 12 AAC 56.310 at this time and revisit the matter at the next Pilot Board meeting.

The Board took a break at 1640 and reconvened at 1650.

Agenda Item 7

Azipod Presentation

Captain Jeff Baken gave a presentation on azipod technology and command techniques which he had authored.

The Board took a break at 1710 and reconvened at 1720.

The Board returned to discussion for suggested language in regulation for foreign pleasure craft. It was agreed that the Yacht Committee would review it first and make recommendation to the Board. Captain Winter was directed to provide his suggestions to the Yacht Committee prior to the next Pilot Board meeting.

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

RESOLVED to move to Executive Session.

EXECUTIVE SESSION

The Board recessed to Executive Session at 1725 and reconvened at 1750.

On a motion by Mr. Cronk, seconded by Mr. Miller, with Captain Collins recused and without dissent, it was

RESOLVED to revoke Captain Homer's license #122.

On a motion by Captain Collins, seconded by Mr. Cronk, the Board recessed at 1755.

October 1, 2008

Chairman Austerman reconvened the meeting at 0830.

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)
Gayle Horetski, Department of Law (AAG)

Guests present were:

Ward Witherspoon	ConocoPhillips
Vernon Adkison	SWAPA
David Seris	USCG
Randy Rogers	MARAD
CPR James McMahan	USCG
Captain Mark Hamilton	USCG
PAI Jara Francis	USCG
Jim Lee	AMA
Tom Rueter	AMA
Donal Ryan	SWAPA
Kathleen Flury	SEAPA
Carter Whalen	AMP
Marilyn Crockett	OAGA
Scott Jones	SEAPA
Kate Tesar	ASA
Alan Wilson	Princess Cruises
Ron Hildebrandt	Trident Seafoods
Jeff Pierce	SWAPA
Jacob Sonneborn	Ashburn & Mason
Greg Styrk	SEAPA
Paul Axelson	NPM
Pete Hendrickson	self
Michael J. Faust	ConocoPhillips
Curtis Smith	SEPCO

Rockwell Smith

Crowley Maritime

Greg Pavellas

Crowley Petroleum

Steve Orr

Crowley Maritime

Agenda Item 8

Public Hearing

The Chairman opened the floor to public testimony.

01:35:00

Callum Finlayson, representing Shell Exploration & Production (SEPCO), gave comment for federal jurisdiction and recommended government organized pilotage measures. He added concern for personal health and safety risks and questioned the availability of trained and experienced pilots for offshore marine operations. He did not think the proposed regulation was the best approach and urged the Board to facilitate a more appropriate alternative.

09:10:00

Bruce Harland, representing himself, urged the Board to consider more dialogue on the issue for cost benefits and scope of total impact.

10:40:00

Randy Rogers, Director of the Pacific NW and Alaska Gateway Office for the U.S. Maritime Administration, explained his agency dealt with waterborne transportation and viability of the U.S. merchant marine. He expressed concern that the proposed regulation would create negative political and economic impact on maritime trade, and pose risk to mariners during embarking and disembarking. He urged the Board apply compulsory pilotage only to vessels bound to and from ports and exempt vessels engaged in normal navigation.

15:20:00

USCG Captain Mark Hamilton, Sector Commander for Western Alaska and Captain of the Port for Anchorage, noted the international, global, freedom of navigation, national security and domestic interests at stake. He recommended the proposed regulation be redrafted to exempt those vessels not enrolled in coastwise trade bound to and from ports and places in Alaska waters, vessels engaged in transit passage, innocent passage and normal navigation through international waters. He asked the Board to edit the draft regulation or reject it in its entirety, adding the U.S. Navy shared their concerns.

19:30:00

Captain Carter Waylen, member of Alaska Marine Pilots, expressed concern for foreign operators not chartered by Shell and stressed the system must remain protect all vessels. He gave personal experience of sea ice in the Chukchi Sea during summer conditions which restricted anchoring for two weeks and anticipated State ice pilots would eventually replace Candian pilots currently employed by Shell. He spoke of additional language for any federal regulation or international treaty to supersede the proposed State regulation and gave caution for an oil spill off the arctic coast. Waylen advised the proposed regulation would

give industry assistance with prevention. In response to questions, he clarified the process behind the proposal and it being a first step in protecting the arctic.

35:03:00 Marilyn Crockett of Alaska Oil and Gas Association felt that companies set to operate in the arctic were experienced in similar environments. She reported that discussions between stake holders had fallen away and encouraged the Board to not adopt the proposed regulation and continue those discussions until concerns were addressed.

42:20:00 Andrew Mack, representing the North Slope Borough, noted the Borough felt that pilotage was an important component in the 'protection scheme' of the arctic. He explained they had very little info for proposed operations and warned of trusting self-regulation. He stated the requirement for pilots does increase safety and sets the bar high. He encouraged the Board to quickly put the regulation in place.

49:15:00 Jacob Sonneborn, attorney for Alaska Marine Pilots, pointed to the word 'adjacent' in Statute as open, not limited jurisdiction and added state pilotage in several instances had already been held to extend beyond 3 miles from a States coast. He noted the legislature's protection mandate for the Board and felt it their duty to act. He warned of attempts to deter regulation and felt the search for compromise is wasted effort. Mr. Miller asked for his comment to the CG's letter to which Sonneborn felt innocent passage was excluded in proposed reg and encouraged the Board to keep AAG opinion in that regard.

54:15:00 Margaret Williams with World Wide Wildlife Fund, reminded the Board of their protection charge by the legislature and felt expansion of pilotage offered an insurance plan and precautionary measure. She presented a report which viewed current technology did not exist for successful oil spill cleanup and cited a 2007 letter by the National Marine Fisheries Service warning of cumulative impacts to the arctic environment. She quoted the Alaska Minerals Management Service on the likelihood of a major oil spill and CG comments to their unpreparedness for response in the arctic. She urged the Board to adopt the proposed regulation.

01:00:15 Kate Tesar, representing Alaska Steamship Association, shared opposition from her membership for the proposal and requested the Board delay action until long term action could be identified.

The Board took a break at 0945 and reconvened at 0955.

01:04:55 Pete Hendrickson, commercial fisherman and longshoreman, gave account to spills, groundings and marine casualties with economic estimates. He felt the addition of pilots was a minimal cost by comparison and recommended more safeguards including vessel monitoring and rescue tugs. Hendrickson expressed

concern for competency of foreign captains in the arctic noting ice, weather, remoteness and barriers to response. He hoped the Board would support the proposal.

01:10:08 George Noongwook, VP of the Alaska Eskimo Whaling Commission and Whaling Captain, testified to negative impacts of increased development activity on Bowhead whale activity, their change in population, calving areas and migratory patterns. He felt this was a direct threat to human life in his community.

01:31:40 Captain Pete Garay, President of Alaska Marine Pilots, summarized the proposed regulation as a decision to protect or not protect. He questioned who would pick up the responsibility if the Board did not. He shared an offer to supply pilots to bolster federal conflict agreements on behalf of oil and gave his thoughts on suspended discussion with stakeholders. He then produced additional language for right of innocent passage, to-from transits and allowance for federal regs and treaties.

The Board took a break at 1045 and reconvened at 1055.

01:56:20 Captain Vernon Adkison gave a video presentation showing vessels maneuvering under ice conditions in Cook Inlet and Nikiski.

02:06:35 Captain O'Hara asked how to address CG concerns. AAG Gayle Horetski suggested adding language for innocent passage and pilotage as pegged to coming in and out of port. She explained the layers of law that applied, citing language under 46 USC 8501 which grants authority over pilots in the bays, rivers, harbors and ports to the State. She also noted AK Statute 44.62.040(a)(1) '... the Board may establish compulsory pilotage requirements in the inland and coastal water of and adjacent to the State.' She noted the Gillis case involving a ship channel in New Orleans where the State asserted its authority 33 miles out. The federal court ruled for the State in its need to protect its waters which she clarified was tied to port traffic. In that instance, she explained inland and coastal was defined as 33 miles out. She encouraged the Board to carefully draft their language with appropriate focus and clarity.

Mr. Cronk asked about the Boards legal authority. Ms. Horetski explained the regulatory process included that legal opinion following adoption by the Board. Separately, a legal opinion from the AG could be requested through the Department Commissioner to the Governors Office.

Mr. Miller questioned the requirement for State pilotage for certain oil tankers under AS 08.62.185. Ms. Horetski advised the CG's comment for this issue was

an interpretation and the provision had been in effect since 1997 without challenge.

The AAG gave assurance that a review of the proposed regulation would include potential conflict with federal law and possible international treaties. She outlined the actions available to the Board at this time as revision with or without re-noticing, adoption or no action.

02:31:20

Captain O'Hara expressed the desire to address the Coast Guards concerns and suggested adding language for innocent passage and exemption of US large oil tankers in US regulated waters. AAG Horetski felt the CG issues centered on innocent passage. Mr. Cronk reiterated he felt there were other agencies administering the Arctic and it was prudent for the Administration to review the issue prior to the Board taking action. Mr. Miller felt there was a need to revise the language and suggested the AAG craft exemptions for innocent passage with language for to-and-from port. He also suggested language was needed to define 'port' and the board should not rush forward to adopt a regulation which clearly had legal issues.

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

RESOLVED to direct the AAG to craft revisions to proposed language for 12 AAC 56.90, 56.100 and 56.990 to provide for innocent passage, address transits to and from port, and a definition of 'port.'

Agenda Item 9 **Togiak**

Captain Pete Garay, President of Alaska Marine Pilots, asked the Board to take action to address vessels operating in Togiak, St. Paul Island and Adak without pilots. He cited attempts by AMP to gain an agreement with a shipper's agent without success.

Mr. Poulson asked if a solution could be reached within a rate agreement as opposed to regulation. Mr. Cronk deemed it an operational issue which applied to all shippers in the area and acknowledged the impasse. Discussion commenced. Captain Garay clarified he was notifying the Board that vessels were moving in extremus after putting the pilot off and no way to get back to them. Discussion followed. Captain Collins gave comment to a pilots responsibility not to leave the vessel unsafe, adding the Board would hold the pilot liable if they departed and should not have. He questioned if the pilots were not being allowed to do their job by the vessel owners and suggested the pilots not take the vessels where this might happen. Mr. Cronk requested any agreement be crafted as port parameters

and presented to all vessel operators in the region. It was acknowledged that Mr. Cronk and Alaska Marine Pilots would continue their work to produce the needed parameters.

Agenda Item 10 **Regulations**

Assistant Attorney General Gayle Horetski gave comments following her technical review of regulations recently approved by the Board. She requested the Board give clarification to their intent following her technical changes to ensure her additional amendments were consistent with their original considerations. Discussion for each of the regulations from the package commenced.

12 AAC 56.011 - It was agreed that paragraph (a)(6) for an Extension of Route Endorsement be repealed.

Paragraphs 56.011(c) and (d) - Horetski offered edits to better organize transitional time and experience for current applicants for the new endorsements. The Board concurred.

It was agreed that 12 AAC 56.014 be repealed.

12 AAC 56.018(a) was redrafted into two subsections for (1) experience and (2) time at grade.

Ms. Horetski recommended edits to paragraph 56.019(a) and the repeal and re-adoption of paragraph (b). The Board agreed.

It was agreed that 12 AAC 56.023 be repealed.

12 AAC 56.025 – Paragraph (d) addressing extension of route examination was recommended for repeal. The Board concurred.

12 AAC 56.026 - Paragraph (a) was amended to read 'possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for at least one area within the pilotage region in which the training will occur; and

Paragraph 56.026(e) was amended to change the word 'region' to 'the area.'

Paragraph 56.026(f) received additional language to specify regional training programs 'approved by the board under 12 AAC 56.035'.

12 AAC 56.027 - Paragraph (a)(1) was amended to take out the exception for Southeast. Paragraphs 56.027(c) and (d) remain repealed.

12 AAC 56.028 - Paragraph (a)(1)(d) received clarification to simulated dockings.

Paragraph 56.028(a)(2) received a typographical change from 56.028 to 56.068. Paragraphs 56.028(E) and (F) were given reference to 56.035 for board approval.

Recommendations to deletions for Paragraph 56.028(b) were discouraged and the language was returned to read as approved in January.

In anticipation of Mr. Miller's departure from the meeting, the Board gave attention to 12 AAC 56.080(g) and amended the date with intent of ensuring that licenses operating during the 2011-2012 cycle were compliant.

Mr. Miller departed and the Board returned to discussion of 12 AAC 56.028 and 56.026. It was agreed that January-approved language for 12 AAC 56.026(a)(2)(B) which defined the federal core routes in Southeast should be returned. Original language to Paragraph 56.026(a)(2)(A) was also returned.

Paragraph 12 AAC 56.028(a) was amended to read 'An applicant for a deputy marine pilot license in the Southeastern Alaska Region must possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the region as specified in the regional training program approved by the board in 12 AAC 56.035.' Language for omissions was removed. List of required ports and movements was maintained.

Paragraph 12 AAC 56.028(b) was amended to read 'An applicant for a deputy marine pilot license in the Southcentral Alaska Region must possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the region as specified in the regional training program approved by the board in 12 AAC 56.035.' Language for omissions was removed. List of required ports and movements was maintained.

Paragraph 12 AAC 56.028(c) was amended to read 'An applicant for a deputy marine pilot license in the Western Alaska Region must possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the region as specified in the regional training program approved by the board in 12 AAC 56.035.' Language for omissions was removed. List of required ports and movements was maintained.

Following discussion, 12 AAC 56.029(1) was clarified to require federal endorsement for the entire region where a marine pilot license is sought and

Paragraph 56.029(9) was held to the January-approved version without reference to time at grade.

12 AAC 56.031 - Paragraph (a)(1) received a change from 65,000 to 60,000 for training purposes.

Paragraphs 56.031(b) and (c) were amended to include time at grade for one year.

12 AAC 56.033(b)(5) was repealed.

12 AAC 56.033(b)(6) was amended to read 'has completed the training requirements specified in a regional training program approved by the board under 12 AAC 56.035.'

Paragraph 56.033(c) was amended to be consistent with changes to 12 AAC 56.028 for wording, required federal endorsements before training and move port specifics into the board approved regional training programs.

12 AAC 56.035(b) was amended to include additional references to 12 AAC 56.027 and 56.068.

Paragraph 56.035(c) was amended to eliminate wording for an open-book examination.

12 AAC 56.068 was readopted with language addressing areas not tested for by U.S. Coast Guard and areas identified in the training programs where difficulty of the route or volume of shipping made additional trips necessary to adequately judge a pilot's competency in that area. Qualifying vessels were specified to include working radar, fathometer and compass.

The Board returned to 12 AAC 56.031(c) and added time at grade for one year.

12 AAC 56.070(c) was clarified for consistency in language while keeping specific requirements.

Paragraph 56.070(g) Extension of Route Examination was repealed.

12 AAC 56.080(b) was rewritten for conformity in language. Paragraph 56.080(e) received the addition of 'complete' to calendar year.

12 AAC 56.082 did not receive technical edits and the January-approved amendments remained.

12 AAC 56.990(a)(13) was amended to read 'ice conditions means the conditions when ice exists in sufficient quantities to affect the maneuvering or navigation of the vessel.'

A paragraph (39) was added to read 'assessment is a pass/fail evaluation of an unassisted, supervised movement documented on a form included in the regional training program approved by the board under 12 AAC 56.035.'

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

RESOLVED to adopt the amendments as discussed.

Kate Tesar (ASA), requested that the Board consider re-noticing the amended language for 12 AAC 56.090, 100 and 990. Ms. Horetski explained the amended language would appear before the Board at their next meeting for their determination. Mr. Cronk asked if an AG's opinion of specific legal requirements of those regulations would go forward as well. The AAG responded that the regulation would need Board action first and a legal review is included in the standard regulatory process. It was agreed to wait for Board action on the amended language at the next meeting before requesting additional legal opinion.

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

RESOLVED to adjourn the meeting.

Meeting was adjourned at 1530.

Respectfully submitted:

Renda Heimbigner
Marine Pilot Coordinator

Joe Austerman, Chairman
AK Board of Marine Pilots