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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 22, 2010

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 22, July 22, 2010 by teleconference.

Call to Order/Roll Call

The meeting was called to order at 0900 by Chairman Curtis Thayer. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum:

Mr. Robert Arts	- Agent Member	Anchorage
Captain Dale Collins	- Pilot Member	Ketchikan
Mr. Rick Erickson	- Agent Member	Ketchikan
Captain Mike O'Hara	- Pilot Member	Anchorage
Mr. Mike Heimbuch	- Public Member	Homer
Mr. Curtis Thayer	- Commissioner's Designee	Juneau

Staff present:

Renda Heimbigner, Marine Pilot Coordinator	Juneau
Don Habeger, CBPL Director	Juneau
Katherine Mason, CBPL Administrative Manager	Juneau

Guests in attendance:

Captain Pete Garay	Alaska Marine Pilots
Captain Doug Hanson	Self
Captain Karl Luck	Self
Captain Eric Collins	Self
Captain Ted Kellogg	Self
Captain Larry Vose	Self
Captain Richard Gurry	SE AK Pilots Association
Captain Greg Styrk	SE AK Pilots Association

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Captain David Anderson	Self
Captain Frank Didier	SE AK Pilots Association
Captain Steve Axelson	Self
Captain Garrett Johnson	Self
Captain Rich Preston	Self
Captain Bill Gillespie	Self
Les Cronk	North Pacific Maritime
Tom Reuter	Alaska Maritime Agencies
Jim Lee	Alaska Maritime Agencies
Kate Tesar	Alaska Steamship Association
Joanna Collins	Self
Captain Rick Entenmann	Alaska Marine Pilots
Captain Paul Merrill	Self
Dan Blackmore	Alaska Maritime Agencies
Ron Hildebrandt	Trident Seafoods
Bruce Weyhrauch	SE AK Pilots Association
Captain Steve Hunnicutt	SW AK Pilots Association
Captain Carter Whalen	Alaska Marine Pilots
Captain David Arzt	Alaska Marine Pilots

Review / Set Agenda

04:30

Chairman Thayer recommended that items requiring discussion, other than oral examinations, be moved to the next meeting. He explained the possibility of a new board member in October, the benefit of meeting face-to-face for discussions and the lack of an AAG at the present meeting.

The Chairman asked that the Board's letter to the AG concerning arctic pilotage be included in the next meeting packet for public distribution.

Declaration of Potential Conflicts of Interest / Recusals

No conflicts or recusals were reported.

Agenda Item 1

Review / Approve Minutes

06:30

No changes or corrections to the previous meeting minutes were offered, and on a motion by Mr. Arts, seconded by Captain O'Hara, without dissent, it was

RESOLVED to accept the April 2010 minutes as presented.

Public Comment

Chairman Thayer opened the floor to public comment.

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- 07:00 SEAPA Deputy Marine Pilot, Eric Collins, provided testimony to SEAPA's bylaws and dispatch practices. He asked the Board to review those bylaws and audit SEAPA to ensure compliance of law.
- 11:00 SEAPA President, Richard Gurry, asked to address the issue presented. He objected to discussion of confidential information in public and offered to provide the results of a grievance hearing to the BMP in a confidential setting. He explained the status of activities between Captain E. Collins and SEAPA under the grievance process.
- 12:30 SEAPA Marine Pilot, Ted Kellogg, gave testimony in support of Deputy E. Collins' remarks, citing Alaska Statutes and regulation for nondiscriminatory application of association articles, bylaws and rules, and equitable allocation of income. He asked the Board to evaluate the matter with concern for anti-competitive practice and restraint of trade.
- 14:15 Chairman Thayer recommended the Board take up the matter at their next scheduled meeting with an AAG present and give opportunity for the parties to gain possible resolution. Captain O'Hara seconded the motion and without dissent, it was

RESOLVED to table the issue until the next Pilot Board meeting in October 2010.

No additional comments were offered.

Agenda Item 2

Business Items

- 15:30 Budget – Ms. Katherine Mason, Administrative Manager for DCBPL explained the process of finalizing the Boards financial report for FY10. She summarized total revenues and expenditures with the Boards roll forward in a deficit trend. Captain O'Hara asked for clarification of licensing fees as adequate in the current picture and Ms. Mason agreed they did not appear so.

Chairman Thayer recommended that discussion of the fee assessment be tabled until the Pilot Board October meeting. With no objections, it was

RESOLVED to table discussion of licensing and registration fees for FY 2011-2012 until the Pilot Board meeting in October.

- 19:58 Correspondence – The Board noted SEAPA's request to withdraw their proposed changes to Part X of their Training Program as presented in April 2010. A second letter reaffirmed SEAPA's intent to continue support for proposed changes to

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21:55 Part VII. The MPC clarified Board direction at their April meeting had been to refer both portions to the AAG for review. Captain Collins spoke to his motion in April and clarified his intent for AAG review of Part X. The Chairman directed the MPC to communicate the Board's desire to discuss Part X in October to the AAG.

continued. expressed to the

A third letter from SEAPA asked for Board opinion and guidance regarding two SEAPA Trainees and their possible violation of 12 AAC 56.026(e). The regulation requires completion of supervised maneuvers within three years following initial acceptance into their training program. Captain O'Hara clarified the Core Exam defined 'initial acceptance.' Captain Collins recommended the letter be tabled for the Board's October meeting. SEAPA Training Chairman, Jeff Baken, requested to know if training for the two trainees should be continued. Captain Collins recommended training be continued. Captain O'Hara expressed concern for SEAPA's training program to comport with regulation. He suggested failed maneuvers were an issue for the association, as opposed to the State. Chairman Thayer summarized that continued training should reflect SEAPA's decision.

31:52 Correspondence from Alaska Marine Pilots cited various incidents in Western Alaska and concerns for dangerous practices. AMP VP, Captain Carter Whalen, gave historical review of AMP's attempts to resolve dangerous practices. He gave examples of groundings as a result. Questions followed.

resulted

The Chairman opened the floor to public testimony. ASA representative, Kate Tesar, offered that her organization was formulating a response to AMP's concerns. Mr. Heimbuch noted he personally observed one grounding that resulted in the vessel on its side in a heavy traffic area. Captain O'Hara recommended the Board take up the matter at their October meeting. It was agreed to add the item to October's agenda.

41:04 Regional Pilot Authority Meeting – Captain O'Hara summarized the first regional meeting held in 2008 and suggested the Board wait for an agenda to the next before attending.

44:00 Investigation Report – The MPC reported two new investigations opened and two investigations ongoing. A more specific investigation report concerning one ongoing case was scheduled for the Board to hear in Executive Session, along with a Monitoring Report for a Consent Agreement.

45:03 Tentative Meeting & Exam Dates – The next scheduled meeting was set for October 13 and 14, 2010 in Anchorage. The MPC explained choices for January 2011. The Chairman recommended meeting in Anchorage early in January or late in April in consideration of the legislative session. Mr. Arts asked about

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attempting a visit to AVTEC in October. Captain O'Hara volunteered to contact AVTEC for setting up a presentation involving SWAPA. Discussion followed.

It was agreed that late January and late April were the preferred dates for 2011.

Chairman Thayer reported it was expected a new public member would join the Board by October to replace Mr. Miller's vacant seat.

Agenda Item 4 Executive Session

55.18 The Board recessed to Executive Session at 1000 to conduct Deputy Pilot oral examinations and hear a detailed investigation report.

The Board returned from Executive Session at 1040 and the Chairman confirmed all Board members present.

On a motion by Captain Collins, seconded by Mr. Arts, without dissent, it was

RESOLVED to approve Deputy licensure for Captains William Gillespie, Richard Preston, Steven Axelson, and Garrett Johnson.

Chairman Thayer summarized the Board's decision to accept the State's recommendation for compliance of an acting vessel agent in violation of AS 08.62.187 and to issue a letter to all agents addressing appropriate navigational info.

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

RESOLVED to forgo a civil fine in lieu of compliance by an acting vessel agent and issue a letter to all agents regarding appropriate navigational info.

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

RESOLVED to adjourn the meeting.

Meeting was adjourned at 1100.

Respectfully submitted:

Renda Heimbigner
Marine Pilot Coordinator

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Curtis W. Thayer, Chairman
AK Board of Marine Pilots