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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

April 6, 2011

State Office Building – Juneau, 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 April 6, 2011 in Juneau, Alaska.

Call to Order/Roll Call

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

Members present constituting a quorum were:

Mr. Robert Arts	- Agent Member
Captain David Arzt	- Pilot Member
Captain Dale Collins	- Pilot Member
Mr. Rick Erickson	- Agent Member
Mr. Robert Richmond	- Public Member
Mr. Tylan Schrock	- Public Member
Mr. Curtis Thayer	- Commissioner's Designee

Staff present:

Renda Heimbigner, Marine Pilot Coordinator (MPC)

Public present:

Bruce Weyhrauch	Southeast AK Pilots Association
Captain David Anderson	self
Mark Blair	FAA
Captain Jay Boyer	USCG
Captain Eric Collins	self
Captain Richard Gurry	Southeast AK Pilots Association
Captain Greg Styrk	Southeast AK Pilots Association
Captain Hans Antonsen	self

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Captain Jeff Pierce	Southwest AK Pilots Association
Jenni Zielinski	Southwest AK Pilots Association
Captain Karl Luck	self
Ron Hildebrandt	Trident Seafoods
Jim Lee	Alaska Maritime Agencies
Tom Rueter	Alaska Maritime Agencies
Dan Blackmore	Alaska Maritime Agencies
Captain Larry Vose	self
Captain Jeff Baken	Southeast AK Pilots Association
Captain Carter Whalen	Alaska Marine Pilots
Kate Tesar	Alaska Steamship Association
Jeff Logan	Southeast AK Pilots Association
Doug Sturm	Southeast AK Pilots Association
Gary Messer	Eimskip PTI
Captain Cees Deelstra	Holland America Line
David Seris	USCG
Paul Beggs	Princess Cruises

Review / Set Agenda

No additions or changes were noted for the agenda.

Declaration of Potential Conflicts of Interest / Recusals

Captain Arzt recused himself from Agenda Item 3 which included the Board's consideration of his training pilot endorsement. The Chairman accepted the recusal.

No additional declarations were presented.

Agenda Item 1

Review / Approve Minutes

Mr. Schrock and Mr. Erickson offered corrections to the minutes of January 13, 2011. The Chairman accepted the corrections, and without dissent, it was:

RESOLVED to approve the minutes for January 13, 2011 as amended.

Public Comment

The Chairman opened the floor to public comment.

03:56

Kate Tesar, representing Alaska Steamship Association (ASA), spoke to regulations for exemption from pilotage for foreign pleasure craft.

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08:50

Captain Richard Gurry, President of Southeast AK Pilots Association, commented on his recent experience at a simulation school in the Netherlands City of Almere. Additionally, he asked the Board to endorse the Pilot Accommodation Standards document supported by the Pacific Pilotage and Washington Pilot Authorities.

The Chairman closed public comment. No actions were taken.

Agenda Item 2

Business Items

12:00

Financials / Fee Assessment – The Board reviewed their Schedule of Revenues and Expenditures recorded as of March 17, 2011.

16:00

Correspondence – Captain Arzt asked for clarification to correspondence from ASA to the San Francisco Board of Pilot Commissioners, as included in the meeting packet. Ms. Tesar explained to her knowledge that a bonus period had precluded a request for a rate increase by the San Francisco Bay Pilots.

17:55

Drug and Alcohol Report – The MPC explained the requirement for random drug and alcohol testing under AS 08.62.040 with Board oversight. The Board reviewed the MPC's 2010 audit of random samplings to determine compliance. The Board accepted the audit.

19:20

Investigations – The Chairman read for the Board the Division policy for closing complaints and investigations. The MPC presented an updated Investigation Report reflecting one additional complaint closed. The Board accepted the report.

24:09

Tentative Meeting & Exam Dates – The Board agreed to leave the July meeting tentative to exams and the October meeting either in Anchorage or Seward on October 19, 2011.

Agenda Item 3

Training Pilot Endorsements

26:08

The MPC presented Captains Arzt, Christy and Baker for training pilot endorsement per 12 AAC 56.016. On a motion by Mr. Schrock, seconded by Mr. Erickson, with Captain Arzt recused, by a roll call vote, it was

RESOLVED to approve training pilot endorsements for Captains Arzt, Christy and Baker.

Arts	Yes
Arzt	Abstain
Collins	Yes
Erickson	Yes

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Richmond	Yes
Schrock	Yes
Thayer	Yes

Agenda Item 4 **FPC Nav-Safety Information**

27:28

The Chairman introduced revisions to current criteria for navigational and safety information as provided by registered agents to foreign pleasure craft in receipt of an exemption from pilotage as required by AS 08.62.180. Discussion ensued.

Mr. Arts commented to the proprietary nature of information provided by the agent.

Mr. Paul Axelson, representing North Pacific Maritime, objected to including COTP (USCG Captain of the Port) requirements for anchoring or transiting restricted areas.

Captain Arzt reminded the Board that the criteria applied to all regions.

Mr. Schrock asked for clarification of proprietary information. Mr. Erickson explained the agent intent for a 'one-stop shop.'

Mr. Erickson motioned to adopt the Chairman's recommendation for nine deletions. Mr. Arts seconded. Discussion followed.

Captain Collins expressed the need for safety when an exemption was issued. He offered an amendment to the motion for four deletions. Captain Arzt seconded.

Discussion continued.

Captain Arzt offered a fifth deletion to the amendment. Captain Collins accepted the amendment and offered a sixth.

The MPC gave a summary for the criteria as recommended by the committee per AS 08.62.180(c).

Mr. Schrock offered a seventh deletion to the amendment. Captain Collins accepted the amendment.

Mr. Schrock offered an eighth deletion to the amendment. Discussion ensued. Mr. Schrock deferred his deletion.

Captain Arzt offered an eighth deletion. Captain Collins accepted the amendment.

On Captain Collin's motion, seconded by Captain Arzt, by a roll call vote, it was

RESOLVED to accept the amendment for revision of the criteria by eight deletions.

Arts	Yes
Arzt	Yes
Collins	Yes
Erickson	Yes
Richmond	Yes
Schrock	Yes
Thayer	Yes

On Mr. Erickson's motion, seconded by Mr. Arts, by a roll call vote, it was

RESOLVED to revise the criteria for navigational and safety information required by AS 08.62.180(c) by deleting

- Customs and Immigration rules and regulations
- Forest Service regulations for Tongass National Forest
- Port information with phone numbers for harbors, repair facilities, medical facilities, pump facilities, fuel availability, air charter services in each area
- Suggestions for commercial cruising guides
- Adobe reader or Adobe website
- Pilot association web addresses and phone numbers
- Alaska hunting and fishing regulations
- Reminder for current passport

The MPC requested guidance for the form used to approve the information distributed by the registered agent. The Chairman directed the MPC to add a revision date and remove the reference to certification.

Agenda Item 5

Kodiak Port Parameters

01:02:08

Captain Jeff Pierce, President of Southwest Alaska Pilots Association, explained the FAA and USCG had contacted his association to work through a safety issue for height of vessels in an overlapping flight pattern with the Kodiak airport. He identified cruise ships and tall sailing ships as most at risk and the method of notification appeared to be the challenge.

Mr. Mark Blair, representing the FAA, explained federal regulations held a height restriction of 137' in the glide slope to Kodiak Runway 25 while an aircraft is on approach. In coordination with SWAPA and USCG, a calling

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system had been established through the Marine Exchange of Alaska because ships and aircraft did not carry mutual communication equipment.

01:11:59

Mr. David Seris, USCG Office of Aids to Navigation, explained the Coast Guard would move to notify mariners through an update to the light list, charts and Local Notice to Mariners. He clarified that this was a voluntary system because they could not base a regulation on a carriage requirement that did not exist, specifically cell phones.

Mr. Blair clarified the airport would be shut down for an aircraft instrument approach when notified that a vessel with more than 137' in air draft intended to transit the flight pattern. He added that Dutch Harbor would be looked at next.

Discussion followed.

The MPC requested clarification for vessels in receipt of an exemption from pilotage to receive instruction for notification. The Chairman instructed it to be referenced in the letter transmitting the exemption certificate.

Agenda Item 6

Pilot Fitness

01:20:22

The Chairman summarized the Board's request to pilot associations that they address return-to-work requirements under 90 days through their in-house procedures to ensure the fitness of each association member while actively providing pilot service. He pronounced AMP and SEAPA as compliant, with a question for SWAPA's format.

The MPC gave clarification to the Board's authority under AS 08.62.040(a)(6) to approve articles, bylaws and rules of pilot organizations. She explained the question of SWAPA's proposal was if it was part of any of those documents.

Captain Pierce, representing SWAPA, explained their submission was a policy voted on by 2/3 of SWAPA's membership and required the member to self-certify that they would be fit when reporting for duty. He reminded the Board that the licensees were subcontractors and the associations only served to provide dispatch and economic distribution.

Discussion followed.

On a motion by Mr. Schrock, seconded by Mr. Arts, on a 6-1 vote, it was

RESOLVED to approve the amendment for pilot fitness to AMP's Operating Rules as presented.

Arts

Yes

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Arzt	Yes
Collins	No
Erickson	Yes
Richmond	Yes
Schrock	Yes
Thayer	Yes

On a motion by Mr. Arts, seconded by Mr. Schrock, in a 6-1 vote, it was

RESOLVED to approve the amendment for pilot fitness to SEAPA's ByLaws as presented.

Arts	Yes
Arzt	Yes
Collins	No
Erickson	Yes
Richmond	Yes
Schrock	Yes
Thayer	Yes

Captain Collins suggested the Board should consider regulation if intending to ensure pilot fitness at all times when available for dispatch. He agreed to work with the MPC to address possible language for Board consideration.

Agenda Item 7

SEAPA ByLaws

01:31:55

Captain Richard Gurry, President of Southeast Alaska Pilots Association, explained a proposed change to SEAPA's ByLaws that would allow only voting members of the association to vote another member's proxy.

Discussion followed.

On a motion by Mr. Arts, seconded by Mr. Schrock, on a 6-1 vote, it was

RESOLVED to approve the amendment for proxy voting to SEAPA's ByLaws as presented.

Arts	Yes
Arzt	Yes
Collins	No
Erickson	Yes
Richmond	Yes
Schrock	Yes
Thayer	Yes

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Agenda Item 8

Committee Reports

01:35:34

Trade Restraint – Mr. Thayer reported that the AAG did not see a ‘restraint of trade’ with the pilot association and while the Board could order an audit, the committee did not see the need.

Captain Collins noted the AAG’s recommendation to review legal issues under the *Hendsch* decision and AS 08.62. He motioned for the Board to order an audit. No second was offered and the motion was lost.

01:38:52

Training Regulations – Captain Collins reported that the associations were comfortable that their training programs comport with the regulations and in some cases, led the way with increased requirements. One association was expected to address some areas on a regional basis. He recommended the committee be disbanded.

The Chairman acknowledged the recommendation and disbanded the committee.

Agenda Item 9

Training Summaries

01:40:15

AMP – Captain Carter Whalen, President of Alaska Marine Pilots Association, gave an update on their one apprentice trainee.

SEAPA – Captain Jeff Baken, SEAPA Training Chairman, provided updates on their four trainees and eight deputy pilots.

SWAPA – Captain Jeff Pierce, SWAPA President, reported on their two deputies and one rider. He also explained the association had recently announced they were accepting applications.

EXECUTIVE SESSION – The Board remained in open session.

01:44:18

Captain Arzt asked for discussion on the Cruise Ship Pilot Accommodation Standards. He spoke to the issue and motioned for endorsement of the document. No second was offered and the motion was lost.

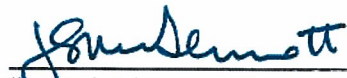
The Chairman announced a tour of the Marine Exchange of Alaska for Board members following the meeting.

On a motion by Mr. Schrock, seconded by Mr. Erickson, and without dissent, it was

RESOLVED to adjourn the meeting.

The Board adjourned at 10:25.

Respectfully submitted:



James McDermott
Marine Pilot Coordinator



Curtis W. Thayer, Chairman
AK Board of Marine Pilots