

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

MINUTES OF MEETING

October 1, 2012

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 on October 1, 2012 in Anchorage, Alaska.

October 1, 2012

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:

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

Staff present were:

James McDermott	Marine Pilot Coordinator (MPC)
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Members of the public present were:

LT Matt Forney	NOAA – Office of Coast Survey
Captain Terry Backen	Southeast Alaska Pilots Association
Mr. Drew Green	Cruise Lines of Agencies of Alaska
Ms. Tram Nguyen	Division of Legislative Audits, SOA
Captain Peter Garay	Southwest Alaska Pilots Association
Mrs. Jenni Zielinski	Southwest Alaska Pilots Association
Mr. Gary Messer	Pacific Reefer Logistics
Captain Bob Winter	Southeast Alaska Pilots Association

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Mr. Paul Axelson	North Pacific Maritime
Mr. Bob Arts	Alaska Maritime Agencies
Mr. Jim Lee	Alaska Maritime Agencies
Captain Cees Deelstra	Holland America Line
Captain Alan Wilson	Princess Cruise Line
Mr. Kirby Day	Princess Cruise Line
Captain Norbert Chaudhary	Southeast Alaska Pilots Association
Captain Larry Pullin	Southeast Alaska Pilots Association
Captain Larry Vose	Himself
Ms. J. Penelope Goforth	Alaska Maritime Historical Society

Subscribers to the teleconference were:

Mr. Dan Branch	Department of Law, SOA
Mr. Bruce Weyrauch	Attorney-at-law
Captain Eric Collins	Southeast Alaska Pilots Association

Agenda Item 1 **Review / Set Agenda**

08:35 Hearing no objections to the set agenda, it was:

RESOLVED to approve the agenda.

Declaration of Potential Conflicts of Interest / Recusals

Board members made no declarations of potential conflicts of interests.

Agenda Item 2 **Review / Approve Minutes**

08:37 On review of the May 1, 2012 minutes, there were no objections to the content or convey of Board meeting. On a motion by Mr. Erickson, seconded by Mr. Schrock, and carried without dissent, it was:

RESOLVED to approve the minutes for May 1, 2012.

On review of the August 22, 2012 minutes, there were no objections to the content or convey of Board teleconference meeting. On a motion by Mr. Rueter, seconded by Captain Arzt, and carried without dissent, it was:

RESOLVED to approve the minutes for August 22, 2012.

Agenda Item 3 **Public Comments**

Captain Cees Deelstra, Vice President for Nautical Operations, Holland America Line addressed the Board on the subject of mandatory use of Electronic Chart Display and Information System (ECDIS) on July 1, 2014. Captain Deelstra

advised that when ECDIS becomes mandatory for the cruise ship fleet, paper charts will no longer be required to have on hand. By the summer of 2013 Holland America Line will have fleet-wide ECDIS capability installed, and all masters and navigation officers will be trained and certified for ECDIS.

Captain Deelstra stated that the International Maritime Organization (IMO) requires all masters and officers in charge of a navigational watch to complete generic ECDIS training that follows IMO Model Course 1.27 and conforms to the relevant Standards of Training, Certification and Watchkeeping for Seafarers (STCW) requirements. Furthermore the 2010 Manila Amendments to the STCW Convention and Code introduced several additional specific competencies in the use of ECDIS for masters and navigation officers serving on ECDIS-fitted ships. Training requirements in accordance with the 2010 Manila Amendments become effective on July 1, 2013.

Captain Deelstra said that many pilots use laptop computers or even more sophisticated Personal Pilotage Units (PPU). The computers have navigation software installed on them and AIS information can be displayed as well. Currently all HollandAmerica ships are fitted with a terminal for these laptops. Holland America is concerned that use of these laptops does not meet the ECDIS standards for hardware and software.

Captain Deelstra requested that the Board assist in starting a dialogue with representatives of all three pilot associations in Alaska so that the pilots may be fully integrated in ECDIS-driven BRM by July 1, 2014 in accordance with the IMO requirements.

08:45 Mr. Thayer directed the MPC to poll the pilot organizations for the status of their respective ECDIS training and be prepared to brief the Board at the next meeting.

Agenda Item 4

Business Items

08:50 a) Financial Report: Mr. Thayer briefed the background to a board and commission revenue/expenditure reconciliation project that was completed in at the close of FY12. The reconciliation project resulted in a \$3.4M distribution of general funds to CBPL programs in order to true-up the State's accounting system. However, there is no significant impact to the MAR program. There will be no change in application and licensing fees.

b) Correspondence: Mr. Thayer mentioned an ad that circulated in yachting periodicals in the past year to encourage recreational cruising in Alaska. The ad is part of a larger tourism campaign being developed by the Department of Commerce and Community Development.

c) New Business:

1. Proposed amendment to 12 AAC 56.028 REGIONAL REQUIREMENTS FOR DEPUTY MARINE PILOT LICENSE. MPC briefed the proposal, explaining that it had the support of the three pilot organizations, and that its intention is to concentrate BRM requirements on the duties and responsibilities of pilots in accredited BRM for Pilots (BRM-P) courses of at least 16 hours that meet the requirements determined by the Board based on standards established by the American Pilot's Association (APA). MPC requested that the Board allow the proposed amendment to go forward for 30 public comment.

08:55 Mr. Thayer entertained a motion to forward proposed regulation 12 AAC 56.028 to 30 public comment. Captain Arzt moved to forward proposed regulations 12 AAC 56.028; Mr. Rueter seconded the motion.

Mr. Thayer called for a roll-call vote and the Board

unanimously APPROVED the proposed regulations for public comment.

09:00 2. Draft Memorandum, Subject: Regarding Board-Approval for Simulator Facilities and Courses. The memorandum provides guidance on the evaluation of Board-approved simulator courses and the evaluation of simulator facilities that may be used to satisfy regional training requirements for pilot organizations as expressed in their respective training program.

The Board recommended striking references in the memorandum to "APA-approved" simulator courses and facilities, to be replaced with "Class A" as the elevated standard. With recommended changes, Mr. Thayer entertained the motion to release the memorandum. On a motion by Mr. Schrock and seconded by Mr. Rueter, the Board

09:10 unanimously APPROVED the release of the memorandum with changes.

3. Board Response to NTSB Safety Recommendation M-11-20. Mr. Thayer recapped his correspondence with the NTSB, explaining that the NTSB requested clarification on one outstanding issue. No action from the Board is required, as the clarifying response was formulated by the three pilot organizations and will go through the Office of the Governor to the respective authority within the NTSB.

09:12 4. Next Meeting and Examination. The Board members agreed that the next meeting should be in Anchorage during the third or fourth week of January 2013. Looking forward to the Spring 2013 Board meeting, the Board agreed to consider a late-April timeframe in Juneau.

09:15 Mr. Thayer asked the Board to accommodate a member of the public who was not present during the formal registry for Public Comment. There were no objections. Ms. J. Penelope Goforth, representing the Alaska Maritime Historical Society, addressed the Board and members of the public. Ms. Goforth expressed that her

intention before the Board was to solicit the maritime community for historical anniversaries of significant maritime events specific to Alaska. Mr. Thayer designated MPC to coordinate with Ms. Goforth for any items of historical evidence offered by the pilot organizations.

Agenda Item 5 **SEAPA Bylaws and Operational Rules Amendments**

09:20 Captain Pullin, President of SEAPA presented amendments that had passed by majority vote of the SEAPA members. The Bylaws amendments affected:

- a) ARTICLE III. MEETINGS OF THE MEMBERSHIP, Section 3. Voting at Meetings (c) Proxies and (d) Voting Procedure.
- b) ARTICLE V. OFFICERS, Section 3. Term of Office.
- c) ARTICLE VI. TRAINING AND CONTINUING EDUCATION, Section 2. Training Committee (g).

The Operating Rules amendments affected: Section 1. Dispatching of Pilots, para D; Section 1, para I, Section 1, para J, Section 1, para K, and Section 1, para L.

On a motion by Mr. Schrock and seconded by Mr. Rueter, MPC conducted a roll-call vote to approve the amended SEAPA Bylaws and Operating Rules:

Captain Arzt	Yes
Captain Collins	No
Mr. Erickson	Yes
Mr. Rueter	Yes
Mr. Schrock	Yes
Mr. Thayer	Yes

The motion was APPROVED on a vote of 5-1.

Agenda Item 6 **SWAPA Bylaws Amendments**

09:30 Ms. Jenni Zielinski, office manager for SWAPA, presented two (2) amendments that had passed by a two-thirds majority vote of the SWAPA members. The Bylaws affected:

- a) Article VIII, Section 11(d) Transitional Pilot dispatch periods, and
- b) Article X, Section 2(c) Notice of Meeting and Postal Ballot.

On a motion by Mr. Erickson and seconded by Captain Arzt, MPC conducted a roll-call vote and the Board unanimously

APPROVED the SWAPA Bylaws amendments.

Agenda Item 7 **Foreign Pleasure Craft Pilotage Exemption Report**

09:40 MPC presented a report highlighting: 1) total number of exemption issued by the Board per FY; 2) total revenue generated by the FPC program per FY; 3) trends in the FPC community cruising in Alaska; and 4) significant events during the current summer cruise season.

The Board requested a similar report based on the cruise season (April-August) as opposed to the fiscal year, to include foreign pleasure craft transiting state waters that did not qualify for an exemption and contracted for the service of a state-licensed pilot.

Agenda Item 8 **Training Summaries**

09:55 AMP President Captain Carter Whalen reported two (2) new trainees: Captain Keith Austin and Captain Rod George. Captain Whalen also mentioned difficulties with getting the trainees dispatched to Port Moller and St. Paul on vessels that meet the tonnage requirements toward their federal first class pilotage license. Captain Whalen indicated that these areas may require a waiver if the lack of vessel traffic hinders the advancement of the trainees toward state licensure.

SEAPA Captain Backen reported one trainee, Captain Marsh, who will be ready to take the Local Knowledge Examination and Oral Examination in April 2013.

SWAPA Captain Garay provided the following summary: five (5) captains currently progressing through the Region II training program – Captains Wakefield, Dixon, Michaelski, Maury, and Vermette.

Agenda Item 9 **Foreign Pleasure Craft Working Group Update**

10:02 Captain Bob Winter requested that the Chair replace his co-chair position with Captain Richard Preston, SEAPA. Mr. Thayer directed MPC to coordinate with the FPC Working Group co-chairs to make sure that the working group has all materials necessary to provide recommendations for FPC regulations.

Agenda Item 10 **Ethics Information for Members of Boards and Commissions**

10:05 Mr. Thayer indicated that all Board members were current with their ethics training per AS 39.52 and encouraged the Board to review the materials included in their meeting packets. The inclusion of these materials and time allotted on the meeting agenda serve as the yearly reminder to raise awareness of Board ethical standards and conduct.

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10:10 Mr. Thayer put the board in recess for ten minutes prior to the stated intention of going into executive session.

Agenda Item 11 **Executive Session**

10:20 Mr. Thayer entertained a motion to move the Alaska Board of Marine Pilots into executive session in accordance with Sec. 44.62.310(c)(2) Alaska Constitutional Rights and Privacy Provisions. The purpose is the status of investigations and personnel issues.

10:22 Mr. Schrock made the motion, seconded by Mr. Rueter, and it was unanimously decided to move the Board into executive session. Mr. Thayer noted the local time at 10:22 and the only persons present were Board members and MPC.

10:48 The Board came out of executive session at 10:48. Mr. Thayer stated that the two active consent agreements had been reviewed and both individuals were in compliance with the terms of their respective agreements.


Mr. Thayer entertained a motion regarding the issue of Captain Robert Smith's voluntary submission of his marine pilot license. Mr. Rueter motioned for a board vote to accept Captain Smith's voluntary submission. Mr. Schrock seconded the motion, and the Board voted unanimously to

APPROVE the voluntary surrender of Captain Robert Smith's marine pilot license in accordance with Sec. 08.01.075(e).

10:55 On a motion by Mr. Schrock, seconded by Mr. Erickson, and carried without dissent the Board RESOLVED to adjourn 10:55.

Respectfully submitted:


James McDermott
Marine Pilot Coordinator


Curtis W. Thayer, Chairman
AK Board of Marine Pilots