

**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 03, 2014**

**Teleconference originating at the State Office Building  
333 Willoughby Avenue  
9<sup>th</sup> Floor Conference Room B-East  
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 special meeting of the Alaska Board of Marine Pilots was held on April 03, 2014 in via teleconference.

**April 03, 2014**

**Call to Order/Roll Call**

The meeting was called to order at 9:02 AM by Chairman Curtis Thayer. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Hans Antonsen	- Pilot Member (joined at 9:05)
David Arzt	- Pilot Member
Richard Erickson	- Agent Member
Robert Richmond	- Public Member
Tom Rueter	- Agent Member
Tylan Schrock	- Public Member
Curtis Thayer, Chair	- Commissioner's Designee

Staff present:

Crystal Dooley	Marine Pilot Coordinator (MPC)
Harriet Milks	AAG

There were no public subscribers to the teleconference.

**Agenda Item 1      Review and Set Agenda**

Hearing no objections to the set agenda, it was:

**ALASKA BOARD OF MARINE PILOTS  
MINUTES OF MEETINGS  
APRIL 03, 2014  
PAGE 2**

RESOLVED to approve the agenda.

**Agenda Item 2      Review/Approve Minutes**

On review of the January 30, 2014 meeting minutes, there were no objections to the content or convey of Board minutes.

Motion: Approve January 30, 2014 minutes

Moved by: Captain Arzt

Seconded by: Mr. Rueter

Board APPROVED the Minutes unanimously.

**Agenda Item 3      12 AAC 56.115(a)(2)(D) Regulations Project**

The Chair recognized Captain Antonsen joining the teleconference. The Chair stated that the Board voted to change regulation 12 AAC 56.115 Pleasure Craft Exemptions (a)(2)(D) to pleasure craft with "a magnetic compass with a deviation table performed (removed the word 'issued'), not later than one year later before the date of the application for exemption". The regulation went out for public comment and no public comment was received. The Chair stated that there was a comment from the Department of Law concerning the word "performed". The Board recognized Ms. Milks from the Department of Law. Ms. Milks stated that the regulation in question was section (a)(2)(D). Ms. Milks stated that the issue the Department of Law had with the word "performed" was that the verb "to perform" had a connotation in common usage that was different than what the regulation was suggesting. She stated that analyses are performed and the result of an analysis could be placed in a table. She said that she thought the feeling from the Department of Law was that using the word "performed" could be confusing to the public, even though she understood that this regulation impacted a certain subsection of the public and it might be a term of art. She said that the term "performed" would not belong in a statement like that.

The Chair asked if the Department of Law had a different word to use. Ms. Milks stated she spoke with the MPC and recommended using the word "create", "design", or a different word that would relate more to the creation of a table. She stated that the issue is that an analysis is performed, and from that a table is created. Mr. Rueter said that with the phrase "to perform", there is an existing instrument and one performs an analysis of it to create a table to show the result of the analysis; nothing more and nothing less. The MPC stated that the word "completed" was also discussed between Ms. Milks and the MPC. Ms. Milks stated the last speaker addressed her thoughts, and that if one performs the

**ALASKA BOARD OF MARINE PILOTS  
MINUTES OF MEETINGS  
APRIL 03, 2014  
PAGE 3**

analysis, and from the analysis a table is created, perhaps the regulation could read "a magnetic compass with a deviation table created from analysis performed not later than one year before". Captain Arzt requested the phrase "shall maintain a deviation table that is current within the last year or has performed within the last year" to the Board. Ms. Milks stated that was what the Board had, however the issue was that one did not "perform" a table. Captain Arzt stated that the term "performed" could be taken out, however "create" and "analysis" is far removed from maritime language. Captain Arzt suggested maintaining the sentence "a deviation table that is no older than one year". He asked if that would be broad enough and not require a certified copy from a licensed practitioner. Ms. Milks stated that it was a reasonable interpretation of the proposed language to maintain a magnetic compass with a deviation table no older than one year. Captain Arzt stated that he thought the language was broad enough to him that it wasn't setting a requirement or imposing a requirement that no one would need a professional creation in the analysis, which was what the Board was intending to do with this regulation change. Ms. Milks asked if deviation tables had dates on them, like maps. The MPC said yes.

Captain Arzt said that the goal was to have a deviation table that, on an annual basis, was updated. Ms. Milks suggested the phrase "current to one year". Multiple Board members agreed that they liked that phrase. Captain Arzt read to the Board the proposed wording of "a deviation table that was current to one year". The Board agreed to use "year" instead of "12 months". Captain Antonsen stated that he liked the term "current". It is unclear who reminded the Board that the regulation continued with phrase "application for the exemption" and reminded the Board that this regulation further defined applying for a pleasure craft exemption. The Chair requested the MPC read the proposed changes. The MPC read "A magnetic compass with a deviation table current to within one year before the date of the application for the exemption". Ms. Milks stated that it should say "within one year of" instead of "within". The MPC read "A magnetic compass with a deviation table current within one year of the date of the application for exemption". Ms. Milks said that was correct and that the Board could reasonably interpret what that meant.

Captain Antonsen asked why it would be correct to say "within one year" instead of "prior to" or "before" as it relates to the date of the application. The MPC requested Captain Antonsen state how he wanted the statement to read. Captain Antonsen stated he wanted to leave "before" or "prior to" the date of application since the Board was referring to "before" and not "after" and "within" could be either way. The MPC read "A magnetic compass with a deviation table current to one year before the date before the application of the exemption". Ms. Milks said she did not believe that sentence would work since "current" and "one year before" may be considered conflicting terms.

**ALASKA BOARD OF MARINE PILOTS  
MINUTES OF MEETINGS  
APRIL 03, 2014  
PAGE 4**

Ms. Milks asked why the Board wanted to remove the word “issued” in the first place. The Chair stated that “issued” meant a third party was issuing the deviation card, but the Board wanted the yacht to have the ability to issue the table themselves. The Chair stated that the Board wanted to require the table but did not want to require the table to be issued by a third party. The Chair stated that’s why the Board wanted to change “issued” to “performed”. Captain Arzt stated that deviation tables were historically created on an annual basis by a professional compass adjuster. He stated that the art form is disappearing and it’s difficult for yacht to have a compass deviation card issued prior to arriving in Alaska and that the Board wanted to soften the regulation so that professional mariners could create the table on their own on an annual basis. Ms. Milks thanked Captain Arzt for his explanation. Ms. Milks offered the possibility of making two sentences. She said that the first sentence would state “A magnetic compass with a deviation table...” and the second sentence would state “the purpose of the subsection is that the word ‘current’ would mean created not more than one year from the date of the application”.

The Chair requested the Board go back to the original wording. The Chair read “a magnetic compass with a deviation table performed not later than one year before the date of the application for exemption” and that the Board replaced the word “issued” with “performed”. The Chair asked Ms. Milks why the Board couldn’t change one word without adding multiple sentences. Ms. Milks suggested changing the word “performed” to “created”. The Chair read “A magnetic compass with a deviation table created not later than one year before the date of the application for an exemption” to the Board. Mr. Richmond moved that the Board adopt the language. Mr. Rueter seconded it.

Motion: Strike “issued” and replace with “created” in 12 AAC 56.115 (a)(2)(D).

Moved by: Mr. Richmond  
Seconded by: Mr. Rueter

The Chair asked if there was any discussion and there was none. The motion passed unanimously. The Chair stated the regulations would be moved forward to the Lt. Governor’s office so the regulations would be out by the time of the next Board of Marine Pilots meeting and be in effect for this cruise season.

**Agenda Item 4**

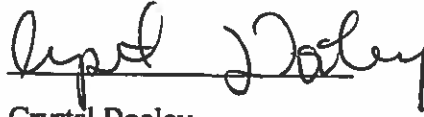
**Next Meeting**

The Chair said the next meeting was set for May 1 in Juneau at 1 PM. The Chair thanked the Board for attending the short meeting.

On a motion by Mr. Thayer, seconded by Mr. Schrock, and carried without dissent, the Board RESOLVED to adjourn at 9:20 AM.

**ALASKA BOARD OF MARINE PILOTS  
MINUTES OF MEETINGS  
APRIL 03, 2014  
PAGE 5**

Respectfully submitted:



Crystal Dooley

Marine Pilot Coordinator



Curtis Thayer

Chairman