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

BOARD OF MARINE PILOTS

DRAFT MINUTES OF MEETING

April 12, 2016
Juneau, Alaska

These draft minutes have been prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Alaska Board of Marine Pilots.

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 Alaska Board of Marine Pilots was held on April 12, 2016 in Juneau, Alaska.

Call to Order/Roll Call

The meeting was called to order at 8:45 AM by Chairman Chris Hladick. The Marine Pilot Coordinator (MPC) conducted roll call.

Participating members constituting a quorum were:

Chris Hladick	- Commissioner, Chair
Hans Antonsen	- Pilot Member
David Arzt	- Pilot Member
Richard Erickson	- Agent Member
Tom Rueter	- Agent Member
Shirley Marquardt	- Public Member
Andrew Mack	- Public Member

Staff present:

Crystal Dooley	Marine Pilot Coordinator (MPC)
Martha Hewlett	Administrative Officer II
Jun Marquis	Regulations Specialist

Members of the public present:

Paul Merrill	Southeast Alaska Pilot Association
John Larsen	Southeast Alaska Pilot Association/Marine Safety Task Force
Bill Gillespie	Alaska Marine Pilots

Mike Tibbles	Alaska Steamship Association
Bob Berto	Cruise Line Agencies of Alaska
Luke Hasenbank	Cruise Line Agencies of Alaska
Ron Hildebrand	Trident Seafoods
Paul Axelson	North Pacific Maritime Institute- Yacht Services of Alaska
Gary Messer	Pacific Reefer Logistics

Jenni Zielinski and Captain Mike O'Hara from Southwest Alaska Pilot Association attended via teleconference.

Agenda Item 1 **Review and Set Agenda**

Hearing no objections to the set agenda, it was:

RESOLVED to approve the agenda.

Declarations of Potential Conflicts of Interest/Recusals

Board members made no declarations of potential conflicts of interest.

Agenda Item 2 **Review/Approve Minutes**

On review of the January 28, 2016 meeting minutes, there were no objections to the content and the Board corrected some typing errors.

Agenda Item 3 **Public Comment on 12 AAC 56.205(b), 12 AAC 56.029(2) 12 AAC 56.990(a)(34) & 12 AAC 56.960(d)**

Captain Michael O'Hara, the president of SWAPA, stated that SWAPA supported the wording for 12 AAC 56.960(d) as written.

Mr. Ron Hildebrandt, representing Trident Seafoods, stated that he wasn't speaking to the specific wording of proposed changes to 12 AAC 56.960(d), but to the general conditions of the pilots and the Board. Mr. Hildebrandt stated he personally saw a lack of transparency if pilots were only required to report allisions, collisions, and groundings. He stated the Board had taken up pleasure-craft reporting to decide what should and should not be reported but the information wasn't flowing to the Board and the public. He stated that the Board's decision to take action seemed to be decided before the Board even got to see the Incident Report. He stated he believed the Board should see all incidents even if the MPC doesn't take action, regardless of if there is a pilot onboard. Mr. Hildebrandt suggested, in the report, the MPC should list the conditions, state whether there was a pilot onboard or not, and then give the findings to the Board

on a quarterly basis to see if further action was needed. He suggested the MPC should provide a summary at each meeting and an annual report. He stated that public had an interest in seeing how many incidents occurred and the names of the pilots and yachts did not need to be provided.

Mr. Mike Tibbles, the executive director for Alaska Steamship Association, requested the Board hold the section of 12 AAC 56.960(d) from the regulation package and allow the other regulations to move forward. Mr. Tibbles stated the motion to adopt that specific regulation was out of order. He stated that the minutes had just been corrected accurately to reflect who made and seconded the motion, but there was not a vote on that regulation. He stated there was a subsequent motion to amend a motion that was on top of a different motion. He stated that Mr. Erickson spent time putting a packet with suggested definitions together and he deserved a vote on his proposal instead of getting overwritten by the Board. Mr. Tibbles stated he thought the current regulations were out of order and didn't follow the correct protocol.

Mr. Tibbles stated he didn't think the proposed change to regulations to 12 AAC 56.960(d) was consistent with direction from the Chair. He stated the Chair had tasked the Board to come up with a definition of marine casualty, and instead the Board came up with repealing the word casualty. He stated that he didn't think coming up with a definition was that difficult. He read from a "casualty" definition from a Coast Guard document Navigation and Vessel Inspection Circular No. 0-15 :

> *" [This circular] provide[s] concise policy interpretations to assist involved parties in the casualty reporting process. It is impossible to outline every scenario that may apply to this subject within the highly dynamic and complex maritime environment; however, this circular is intended to serve as a common framework of understanding for both Coast Guard and maritime industry personnel*."

Mr. Tibbles stated the definition was within the circular, as well as the option of having agents and pilots work together to come with a good definition of casualty was available, but the pending regulation were going in a different direction.

Mr. Tibbles said he thought the Board was taking language and removing requirements for reporting casualties, which he believed was bad policy. He stated that he understood that some incidents may have nothing to do with navigation,

but some may. He stated a thorough analysis was needed on those cases. He stated if there was an avoidance maneuver to avoid a vessel that resulted in an injured person; the public has the right to know. He stated he believed the proposed change to regulations will guarantee many incidents would never be reported, and that less reporting is not the right way for Alaska.

The Chair thanked the public for the comments and reiterated that the regulations were not up for action today,

Agenda Item 4 **Discussion and Possible Change to 12 AAC 56.990(a)(40) Length Overall**

The MPC explained that the foreign yacht committee did not meet between Board meetings, and that if the Board wanted to open public comment to allow the yacht committee to comment, the Board needed to open the public comment period for all public, and the yacht committee had to specifically notice their meetings. The MPC stated she created a document with other definitions for the yacht committee to brainstorm.

Mr. Erickson stated that last meeting the Board attempted to send this to the yacht committee and still believed involving agents and pilots was the best course of action.

Motion: Open public comment on 12 AAC 56.990(a)(40) to allow the Board to involve the yacht committee.
Moved by: Mr. Erickson
Seconded by: Mr. Rueter

The Chair asked who was on the yacht committee. Mr. Erickson stated that Mr. Axelson and Captain Preston were the two Chairs, but they were unable to meet due to the Open Meetings Act. The MPC stated the Board had to open the Public Comment period and then the committee had to complete other public noticing requirements as per state law.

Captain Antonsen asked how designating something to a subcommittee had any advantages under state law, and it was almost better to have public comment at a Board meeting. He stated he thought it would be easier to have a teleconference.

Mr. Erickson stated he still recommended the yacht committee be involved. Captain Antonsen stated that the Board had previously decided they only wanted the hull to be part of the definition, not fixtures to the vessel.

Captain Arzt stated that the Board was not requesting the committee to create something new. He stated that length overall is by definition, the Board already has a proposal, and the Board can't even act on a definition pulled from the Coast Guard. He stated there wasn't enough agreement between Board members to accept the definition.

Mr. Rueter said that if the Board refers to the registry, some of the registries do not reference LOA, they reflect the length of the vessel, which is a different unit of measurement. He said the Board could spend a lot of time coming up with definitions but length overall does not adhere to the international community and if there is a document that reflects length overall, it should be produced. He stated the Board should make a pointed request to the yacht committee that no finding is unacceptable and the Board needs something to vote on at the next meeting.

The Chair asked for the problem statement.

Mr. Erickson answered that about four years ago, the Board identified the means of giving a definition of length overall and in the regulations; the registry was utilized for LOA. However, in the regulations packet it was used to determine the fees and the regulations don't say anything towards granting exemptions based on LOA. There was an assumption from the Board but not in the regulations that the ship's registry would be used to determine LOA and fees. He said that today the Board trying to determine whether or not language with the definition of LOA from outside the ship's registry to determine whether or not a yacht would be granted an exemption.

The Chair asked the Board how often this was an issue.

Mr. Erickson said that the length of the vessel is different than what the registry states and that conflicting length information was an issue at least once last summer.

Captain Arzt stated he thought the core of the problem was using the registry document to extract LOA. Captain Arzt said, at last meeting, Captain Preston suggested the Board ask for the stated LOA and the registry is not relevant in that the registries haven't been giving LOA. He stated the exemption application was changed in February, which compounds the issue even more because the Board is inferring the documentation of registry gives length overall and it does not. He stated he would appreciate more public comment. Captain Arzt said the Board needed to scrub where that number comes from and relay on testament of the

applicant and the agents, and if there is challenges to the length overall, the Board should address it on a case by case.

Captain Antonsen said that accepting a number on the registry for fees complicated the issue for the Board, and it isn't relevant what the intent was. He stated the Board should go back to statute since statute uses LOA and regulations are needed to clarify.

Ms. Marquardt asked if the language was in statute and Mr. Rueter said. Captain Antonsen stated that LOA is used in statute but there was no definition of what LOA was. Ms. Marquardt stated if the LOA definition was changed to this definition, would the registry be needed?

Mr. Erickson stated the regulation requests the registry and read the application to the Board to illustrate that LOA is used to calculate fees. He stated the Board could use language "… and if an exemption will be granted".

Captain Arzt stated that when the number given on the registry is registered length and not LOA, it flaws this approach. He stated the majority of certificates post-2012 do not give LOA and give registered length. Captain Arzt said that if this document gives an LOA, he'd be onboard, but the Board is trying to make language based on information that isn't given.

Captain Antonsen said the Board was correct in getting this information consistent, and he personally believed length overall should be used for fees and exemptions. He stated that he understood Mr. Erickson was proposed fees and pilotage based on the length listed on the registry, which would complicate the issue. He said that captains would know the length of the vessel, but the length listed on the registry was different.

Ms. Marquart asked the Board what to do if the yacht committee wasn't interested in discussing the issue.

Mr. Axelson stated the yacht committee had asked for an opportunity to discuss and send it back to the Board. He stated he believed the Board was on the right track but he thought a registry length for fees and another document for LOA would be too confusing. He stated that Captain Preston wasn't interested in the discussion and that the committee got lost in the Open Meeting Act process.

Captain Antonsen stated that he didn't find a reason to put the issue before the yacht committee.

Ms. Marquardt stated she thought the Board could solve the issue and asked Mr. Erickson what information he thought would come from the meeting.

Mr. Erickson said that, originally, it was sent to the committee and their hands were tied based on the Open Meeting Act process since public comment was closed. He stated that the Board should send it back. He said the Board agreed that at the last meeting that if it related to any yacht exemption matters the Board would not change the process for this summer.

Captain Arzt asked if the Board was able to accept a proposal for length in regulation that does not align in statute. He stated the LOA uses statute, and if the registry does not give a LOA number, the Board cannot accept it.

The Chair asked the MPC for the process. The MPC stated the Board needed to make a motion to re-open the public notice period to start the regulation process. The MPC stated that lawyers would make sure the regulation was aligned with statute during the 13-step regulation process and the Board would not be able to pass the regulation.

The MPC confirmed the public comment period for this specific regulation ended on April 29, but there was not an open public comment period for the LOA regulations now.

Mr. Rueter stated, in statute, there is the LOA of a pleasure-craft of foreign registry. He asked if a vessel was more than 65-ft overall was a question for the port state where the vessel was flagged and not the registry document. He stated the statutes refer to a vessel that isn't US-flagged, not for specific information from the port state, so the statute is really referring to a non-US flagged vessel.

Mr. Mack asked if the Board sent it back to the yacht committee, it would trigger public comment. The MPC requested to research if the Board needed to send out a specific regulation to discuss. The Chair recessed the Board at 0940.

At 0953, the Board was called back in order.

The Chair asked the Board if they had any suggested language to send out for public comment. Captain Antonsen stated the Board did, but the definition wasn't complete if they solve the registry issue. The Chair requested a motion to re-open public comment so the yacht committee can meet. The MPC confirmed that the Board was required to send out a proposed regulation or topic for the public to discuss.

The Regulations Specialist, Mr. Jun Marquis, representing the Division, joined the meeting. Mr. Marquis stated the public comment period on the previous LOA project closed January 28, 2016. He asked if the Board would like to open the public comment on that topic at today's meeting. He recommended re-noticing the project again to extend public testimony period. He stated the Board could not take public comment on LOA issues today because it was not public noticed.

Captain Antonsen asked how broad the topic needed to address the whole section for public comment in case the Board wanted to change other sections of the regulation too. Mr. Marquis stated he could make notes broader so the Board could take bigger changes to regulation.

Mr. Mack confirmed this motion would allow both the public and the yacht committee to make a comment. Mr. Erickson confirmed that was the case, and his goal was to get the pilots and agents together to discuss. The Chair confirmed with the MPC that a second motion would be needed to send the regulation to the yacht committee within the public comment period. The Chair asked Mr. Marquis how long the Board could open the public notice period. Mr. Marquis stated he was required to public notice regulations no less than 30 days, but could do longer.

Mr. Erickson amended his motion to read:

Motion: Move to open public comment to discuss proposed changes to regulation 12 AAC 56.990(a)(40) "'Length Overall' means the horizontal distance between the forward-most and the after-most points on the hull." to public comment.
Moved by: Mr. Erickson
Second: Mr. Reuter

The Board APPROVED the motion 7 – 0.

The Chair asked for a second motion to send the proposed change to regulation to the yacht committee. Mr. Mack stated that he was concerned with sending to the yacht committee in that the expertise was within the table. Captain Antonsen asked if the yacht committee would need to public notice their meeting and the Chair said they did. The Chair stated the yacht committee did not preclude anyone from commenting. Mr. Mack asked for the benefit of sending it to the committee and asked for clarification on that process. Mr. Erickson stated it was an important venue for pilots and agents to get together. Captain Arzt stated the yacht committee would consolidate viewpoints between industry and the pilots, and that consolidation would be more effective to the Board.

Motion: send 12 AAC 56.990(a)(40)to the yacht committee for public comment within the public comment period.
Moved by: Mr. Erickson
Seconded by: Ms. Marquardt

The Chair called for a vote. Motion was APPOVED 5-1 by the Board. Dissenting vote was Captain Antonsen.

Mr. Rueter asked if the supplemental comment period had been established. Mr. Marquis stated that the standard notice was 30 days, but it was up to the Board. The Chair asked if the yacht committee could meet in that period. Mr. Axelson stated the yacht committee could meet before them. Mr. Rueter stated they wanted public comment over before the next meeting so the Board could take action at the Fall meeting. Mr. Marquis stated the Board could request only written testimony or only oral comment, but the Board did not have to wait until their next face-to-face comment. Captain Antonsen asked how fast the Division could put something out for public comment. Mr. Marquis stated that he could release the information tomorrow, but the public comment period was dependent on what the paper published it. He stated he needed to know when the Board was having their next meeting to advertise the information for the teleconference. Mr. Erickson asked if once a definition of LOA was determined, when would the Board take time to clean up 12 AAC 56.115(a)(4). Mr. Marquis stated that there might need to be a second regulation project to clean up those regulations.

The Board recessed at 10:05am.

The Board came to order at 10:00am.

The Chair stated that Mr. Marquis had confirmed there was no issue taking up other sections of the regulations while the Board was fixing a specific section.

Agenda Item 5 **Association Reports**

a) SEAPA: Captain Paul Merrill, President of SEAPA, stated SEAPA was gearing up for the summer with 47 pilots and a one new deputy after this meeting. He stated there were two retirements over the winter. He stated that some SEAPA members had attended the Marine Safety Task Force meeting yesterday and worked with the agents on scheduling. Captain Antonsen asked about trainees. Captain Merrill stated there were 5 trainees in the pipeline. Captain Merrill confirmed to Captain Arzt that “trainee” and “apprentice” were used interchangeably. The Chair asked if each organization had different training

standards. Captain Arzt stated there were different move requirements in each region.

b) SWAPA: Ms. Zielinski, representing SWAPA, stated that SWAPA had 14 full pilots, two Deputy pilots with one at 90KGT and one at 60KGT, and five people in the training program. She stated there was one should be taking the Local Knowledge Exam within a month to become a Deputy pilot and there were two trainees on the Deputy track and one trainee on the apprentice track.

c) AMP: Captain Bill Gillespie, representing AMP, stated they had nine pilots were determining how many pilots were needed for the Quintillion Project, the fiber-optic cable project in the Arctic. Captain Gillespie stated pilots would be required in Nome, Kotzebue, Wainwright, Barrow, and Prudhoe Bay. He stated there would be three ships moving around in pilotage waters and the organization had been in touch with them the last month. Captain Gillespie stated they were in contact with ALAMAR concerning expedition ships. He said it's a challenge getting Russian VISAs and the paperwork is extremely complicated. Captain Gillespie explained that an expedition ship was approximately 300-ft long with 100 people onboard, and the ships went bird-watching, into World War II historical areas, and required zodiacs to transport people onboard. He stated AMP had one trainee, Derrick Nystrom, and finished Akutan transits the other day. Captain Gillespie stated that Captain Christy had completed manned model training in Louisiana, he was scheduled for an emergency ship handling class, and Captain Arzt had a manned model ship handling class coming up too.

Ms. Marquardt asked what manned model training was. Captain Gillespie stated it was the most realistic, accurate reproduction of a ship moving around where the ship could be banged up. He stated the training was very expensive, but comprehensive in that pilots could complete tasks in five days they wouldn't see in years on a ship. Captain Gillespie stated that AMP had teamed up with the Ports and Waterways Committee of Unalaska to have a more effective waterways and safety commitment. He stated that Unalaska was a limited resource port and mostly fishing boats and Shell had stretched their limits. He stated that, with help from Captain Ed Page, AMP teamed up with the Department of Ports and Waterways to create a Waterways Safety Committee. He stated AMP is also a member of the Arctic Waters Safety Committee; and even though it hasn't formed yet, there's been a lot of interest in that committee and how it's going to work. The Chair asked who was organizing the committee and Captain Gillespie said he thought the Coast Guard had started it and was continuing to run it. Mr. Tibbles stated that there were five subsistence groups and every industry was involved

and the last meeting was in Juneau. Mr. Tibbles stated this was a different group than the one meeting in Nome, and there was White House congressional attendance.

Captain Gillespie stated that AMP meet with NOAA in Anchorage to discuss prioritizing charting requirements. He stated there were still places in the Arctic that weren't surveyed and the template NOAA uses to prioritize charting requirements doesn't fit with AMP's traffic. He stated he was looking forward to meeting in Dutch Harbor to discuss annual emergency tow training.

The Chair asked if the Coast Guard had finished their fairways studies on the Bering Strait. Captain Gillespie stated that it had been finished but hadn't appeared on the charts yet. He stated that AMP would be creating new rate contracts. The Chair asked about Marine Protected Areas in that 15% of the ocean would be designated as an MPA by the Obama Administration. Captain Gillespie stated that expedition cruises need flexibility and the Chair stated that Captain Page from Marine Exchange discussed using AIS as roving hot spots for whale avoidance.

Mr. Erickson asked Captain Gillespie if AMP was involved in the Crystal Serenity cruises exercise tomorrow. Captain Gillespie said no. Mr. Reuters stated it was a mass rescue tabletop drill. He stated it was originated by the Coast Guard to work with Transport Canada and how to get cities and boroughs to respond to a mass rescue. Mr. Erickson stated it was a two day event.

Mr. Rueter asked if Captain Gillespie thought AMP had enough trainees for the foreseeable future and Captain Gillespie said that they did.

Agenda Item 6 **<u>MSTF Report</u>**

Captain Larsen reported he would discuss the agenda of the previous day's meeting with the Board. He stated the Glacier Bay observer program is an ongoing whale and wildlife program where people stand on the bow the whole time to boat is in Glacier Bay, sighting and mapping for the whole Southeast Alaska with humpback whales and orcas. He stated here is now a cell phone ap for uploading information about real time white sightings, however there's a conflict with bridge cell phone protocol. Captain Larsen stated the MSTF discussed whale collision avoidance in that a couple pilots have gone to Seward in the simulation program. He said the harbor seal viewing guidelines for glacier areas is the same as last year, and to avoid areas where seal are pupping in specific months. Captain Larsen stated NOAA is now monitoring heartrate for

seals to tell when they're stressed. He stated the new Hoonah deep water berth is ready to go and the cruise line agents suggest a second vessel can be brought in to anchor. Captain Larsen reported that a Juneau dock program update was given by the harbormaster and harbor engineer, and the dock should be operational in May, even though arrival and departure at the Franklin Dock could be more logistically difficult and ships would work together to reduce overtaking schedules so vessels arrive in the proper order to their next port.

Captain Larsen said the SEAPA introduced an alternative route to reduce traffic density in lower Lynn Canal to Mr. Kirby Day, Mr. Day accepted it, and the Northwest Cruiseship meeting will see it on April 19. He stated the Bridge team pilot relationship is an evolving atmosphere, and the current atmosphere between the pilot and the bridge team is going really well and he looks forward to more discussion in how the pilot fits with the bridge team. Captain Larsen said that safe anchoring is an issue in Hawk Inlet if there's a heavy ship at the dock and the current anchorage isn't sufficient. He stated the Voluntary Waterway Guide was reviewed with minor edits and a new version will be issued by May 1.

Captain Antonsen asked Captain Larsen if he knew the heading if the Icy Strait Point dock and he did not.

Agenda Item 7 **<u>Change to 12 AAC 56.120(a)(50) Pilot Stations or Pickup Points</u>**

The MPC stated that the United Kingdom Hydrographic Office, the British version of NOAA, had discovered a typo in the location of the pilot station in Kiska. The MPC stated the Board had to follow the standard regulations process to fix the typo.

Motion: Change the language in 12 AAC 56.120(a)(50) "Kiska Harbor – 1.0 mile 270° true from Little Kiska Head; approximately position 51°58.5' north latitude, 177°36.5' west longitude" to "Kiska Harbor – 1.0 mile 270° true from Little Kiska Head; approximately position 52°58.5' north latitude, 177°36.5' east longitude".
Moved by: Mr. Erickson
Seconded by: Mr. Rueter

The Board APPROVED the motion 7 -0.

Agenda Item 8 **<u>Approval of agent navigation packet as per Sec. 08.62.180(c)</u>**

The MPC stated that the Board was directed via statute to approve the navigation packet. The Chair asked if there were any changes from last year and Mr. Axelson, the representative of North Pacific Maritime, said there were not. Mr.

Axelson stated that the navigation packet was created by the yacht committee when Captain Winters was the co-chair, and in the past the agents had given the navigation packet to yachts upon their arrival. Mr. Axelson stated that pilots that are onboard yachts give similar briefs and the briefs should be aligned.

Motion: The Board shall accept the navigation packet as submitted.
Moved by: Mr. Rueter
Seconded by: Ms. Marquardt

The Chair asked for discussion. Captain Antonsen stated he had not had time to review the document. Captain Arzt asked when the document was last reviewed and Mr. Axelson stated he thought probably during Captain Winter's tenure. Captain Antonsen requested the Board to wait until the next teleconference to officially approve the information to give more time to review. He stated the agents should keep issuing the information unless the Board directs otherwise.

The Chair requested a vote on the motion. The motion failed 5 -1 with Mr. Rueter the dissenting vote. The Chair stated that approving the agent packet would be on the next teleconference Board meeting.

Agenda Item 9 **Board Revenue and Expense Report**

Ms. Martha Hewlett, Administrative Office II for the Division, addressed the Board. She stated the Board had received $10, 448.00 in revenue and that over $3,000.00 was from foreign pleasure-craft and the other was from pilot fees. She stated the Board had spent $30, 509.00 in Personal Services, which corresponded to the 2000 object codes. She stated that Personal Services were broken into the MPC's time, the Regulation Specialist's time, and if investigators outside of the MPC were spending time on her project. Ms. Hewlett stated the Board had spent $2,987.00 on travel, which corresponded to other 2000 object codes. She stated the last line item was contractual expenses, in which the Board spent $2,175.00 on advertising for meetings and regulation changes, rentals and leases, and stipends if a Board member was attending a meeting within their community. Ms. Hewlett asked for questions and none.

Ms. Hewlett stated the Director would start analyzing fees for the next renewal cycle on May 1 to see if fees needed to be adjusted. Captain Antonsen asked if fees would drop and Ms. Hewlett said there would be an in depth analysis and the MPC would be contacted if there were any questions. She stated the goal was that revenue would cover the two-year licensing cycle.

Agenda Item 10 **Possible creation of casualty reporting requirements of foreign pleasure-craft**

Ms. Marquardt and Captain Antonsen stated there was nothing to discuss at the time. The Board declined to discuss the subject.

Agenda Item 11 **Discussion of proposed regulation change to "day" as per 12 AAC 56.012(c)(1)**

Mr. Rueter stated that he had researched the CFR reference to "calendar year" and noted that there aren't correct CFR references throughout the regulation.

Captain Antonsen stated that statutes refer to 360 days and 8 hours in a day for submitting time in licensing, and while he could not keep track of all the CFR's, the big picture is the narrow area in licensing in the regulations and statutes where a year is supposed to be different than 365 days and a day is different than 24 hours.

Mr. Rueter stated he agreed, and suggested the MPC research all CFR references to find errors. The Chair suggested the MPC have the information for the next Board meeting for the Board to take action.

Agenda Item 12 **MPC/Investigator Report**

The MPC stated she had no open investigations and received no intakes since the last meeting. She stated that the exemption process was working well and recognized North Pacific Maritime for their effort and working as a finely tuned machine. The MPC stated that last year the Board received 22 exemptions and she currently has four or five exemptions on her desk. She stated that she was coordinating with DEC and NOAA for wildlife information that might be helpful for the agent navigation packet, but no mandatory reporting requirements. She stated NOAA was creating a one page graphic with information for someone not familiar with Alaska's marine life. The Chair asked if yachts received the navigation packet, and the MPC confirmed that the information will be in the packet. Mr. Rueter stated the agents will incorporation anything other agencies wanted to provide. He said he wasn't sure if it was the MPC's position to add things to the packet. The MPC stated she has asked the agent's permission. Captain Arzt stated that if this Board was approving the navigation packet but now submitting information for the agent's approval to be added to the packet, there may be a conflict. Mr. Axelson stated the regulations/statutes are clear that the Board can give information to the agents for the navigation packet, and if the agents chose not to put it in the navigation packet, it would be breaking the law. The Chair asked if people visiting Glacier Bay had requirements to learn specific information. Mr. Erickson stated people needed a permit to enter Glacier Bay. Captain Antonsen said they had multiple meetings with Park Service personnel.

Captain Antonsen asked if the Board should be reviewing the exemption form. Captain Antonsen stated the goal was to keep ambiguities out. The MPC stated the form was owned by the Division, so the MPC could send a form out for Board approval but the Division had the final stay. The Chair requested the MPC provide the application the next time the Board discussed the issue.

Mr. Mack asked if the Board if vessels entering Glacier Bay needed Letters of Authorizations, or permits from NMFS or NOAA. Mr. Erickson stated the vessels enter into a contract with the Park Service to enter Glacier Bay, and that varies from operator to operator. Mr. Erickson stated vessels may need permits for landings. Mr. Mack stated the Arctic used Letters of Authorization and he was nervous about spreading the information around without an authorized source.

Mr. Rueter stated the Board was discussing the yacht navigation packet vs. commercial operations in Glacier Bay. It was stated that yachts do have to apply for a permit to enter Glacier Bay, but it's not a contractual agreement. Captain Antonsen stated the Board is not generating the navigation packet, but giving approval to it. It was confirmed the Board would "revise and approve" the packet, but not generated, but the yacht committee does not generate the navigation packet.

Captain Arzt stated it was collaboration between different agencies to create advisory information, subject to Board approval. Captain Erickson stated that a wealth of information is given to bigger vessels via thumb drive. The Chair asked if there was a disclaimer and Mr. Erickson said there was not because it was all public information. Captain Antonsen said there was nothing in statute that requires anything specific.

The Board recessed at 11:15am.

The Board came to order at 11:30am.

Agenda Item 13 **<u>Correspondence</u>**

The Chair directed the Board to the correspondence section containing letters from Captain O'Hara to the Board. The Chair asked the Board if they had any questions. There were none.

The Board recessed at 11:35am.

The Board came back to order at 11:45am.

Agenda Item 14 **<u>Executive Session</u>**

The Board entered Executive Session under AS 44.62.310 Open Meetings Act for the purpose of subject's undue prejudice, reputation, and character of any persons provided the person may request a public discussion.

The Board came out of executive session at 12:15pm.

Motion: Captain Palmer has satisfied all conditions and requirements to become a Deputy Pilot for 25,000 GT.
Moved By: Captain Antonsen
Seconded By: Mr. Erickson

The Board APPROVED the proposed the endorsement.

Agenda Item 15 **Other Business: Next meeting**

The Board agreed the next tentative in-person meeting would be October 12, 2016 in Anchorage and January 26, 2017 in Anchorage.

The Board RESOLVED to adjourn at 1:00pm.

Respectfully submitted: _____

Crystal Dooley

Marine Pilot Coordinator

_____

Chris Hladick

Chairman