



# Charter

28<sup>th</sup> May 2015

(with amendments through 10 January 2020)

This Charter was approved on 28 May 2015 by the Cook Inlet Harbor Safety Committee Convening Work Group and amended by the CIHSC Board of Directors on September 22, 2015, November 4, 2015, September 29, 2016, December 14, 2016, August 28, 2018, December 13, 2018 and January 10, 2020.

## **1. Charter**

This Charter establishes the Cook Inlet Harbor Safety Committee (HSC) mission, scope, organizational structure, and membership. This Charter may be amended by the Board of Directors.

## **2. Mission**

The mission of the Cook Inlet HSC is to enhance marine safety and environmental stewardship through collaboration of the maritime community and other stakeholders.

The purpose of the Cook Inlet HSC is to provide a forum for identifying, assessing, planning, communicating, and implementing operational and environmental practices beyond statutory and regulatory requirements that promote safe, efficient and environmentally sound maritime operations in the Cook Inlet.

Maritime safety, accident prevention, and waterways management will be the primary focus of the Cook Inlet HSC. Planning and response to oil spills and hazardous substances is the domain of the Cook Inlet Subarea Committee, but the nexus of prevention and response planning will be considered by the Cook Inlet HSC.

The Cook Inlet HSC will accomplish its mission by developing Standards of Care and best practices for maritime operations in the Cook Inlet waterway. The HSC may act as an education and resource network for the dissemination of information to waterway users. The HSC may provide recommendations to regulatory bodies on maritime safety issues and seek actions to enhance maritime safety.

The HSC will serve as a subject matter expert for Cook Inlet and be the facilitator for bringing together all relevant maritime stakeholders to identify and resolve, when possible, waterway management issues through the adoption of best practices and Standards of Care.

## **3. Scope**

The geographic scope for the HSC will be the Cook Inlet waterway encompassing the marine waters and coastal areas from the seaward boundary of a line drawn from the southernmost extremity of Kenai Peninsula at longitude 151° 44.0 W to East Amatuli Island Light; to Latx Rocks Light north of Shuyak Island; thence to the eastern most extremity of Cape Douglas.

## **4. Organizational Structure**

Cook Inlet HSC is an Alaska nonprofit corporation.

### **4.1 Corporate Board**

The corporate Board of Directors oversees the organization and administration of the Cook Inlet HSC.

### **4.2 Cook Inlet Harbor Safety Committee (HSC)**

**4.2.1** The Board of Directors selects and appoints the HSC's primary voting members and their alternates, from a list of qualified applicants; except that, for member agencies or organizations listed in 4.1(n), (o), (p), (q) and (r), and for all non-voting member agencies or organizations listed in 5.2, the agency or organization is represented by a delegate appointed by the head of the respective agency or organization. With the exception of the Chair of the HSC, members of the Board of Directors are not members of the HSC.

**4.2.2** The terms of primary voting members and their alternates shall be three years, except for the initial appointment where half of the committee will be appointed for two years to allow for terms to be staggered. Delegates of agencies or organizations serve for the term of appointment by their organization. There are no term limits. The Board may remove any Committee or Workgroup member for cause by two-thirds (2/3) vote of all Directors then in office, at any regular or special meeting of the Board.

**4.2.3** The Board of Directors appoints the Chair and Vice-Chair of the HSC from the voting membership. Each officer serves for a two year term, with no term limits.

**4.2.4** The Board of Directors appoints the Chair and Vice-chair of the HSC work groups from the membership.

**4.2.5** The Cook Inlet HSC is the deliberative body responsible for carrying out the mission of the organization. The HSC provides the forum for discussion of matters of waterway safety and management, and establishes appropriate best practices and Standards of Care for safe operations in the waterway. The HSC is responsible for development and adoption of a Harbor Safety Plan for the Cook Inlet Waterway.

### **4.3 Work Groups**

The Cook Inlet HSC shall have the ability to establish work groups as needed to address specific issues. Work groups may be standing work groups working on specific, long-range strategic goals or they may be temporary ad-hoc work groups with short-term objectives. The HSC will establish mission or scope-of-work statements that will serve as a work group's guide for measuring progress and success.

Two standing work groups are established through this charter:

- Navigational Safety Work Group to be chaired by a SWAPA Pilot
- Harbor Safety Plan Work Group to be chaired by a qualified Committee Member appointed by the Board

Work group members can include members of the HSC or subject matter experts as needed to accomplish the mission of the work group. Work group members are nominated by the Chair of the Work Group and confirmed by the Managing Board of Directors.

Work groups will operate by consensus of those present and shall present their recommendations to the HSC for approval.

#### **4.4 Secretary**

The Secretary of the HSC will be elected by the HSC Body. The Secretary will take notes/minutes during the meetings and provide updates/recommendations to the USCG Captain of the Port.

### **5. Membership**

The membership of the Cook Inlet HSC includes voting and non-voting members.

#### **5.1 Voting Membership**

The voting membership seats will be filled by a primary and alternate members appointed from qualified applicants for each of the following 20 stakeholder categories:

- |   |                                       |
|---|---------------------------------------|
| (a) Commercial Fishing Organization         | (k) Offshore Oil Production Operators |
| (b) Environmental Organization              | (l) Recreational Boaters              |
| (c) Marine Oil Terminal Operators           | (m) SWAPA                             |
| (d) Tanker Operators                        | (n) CIRCAC                            |
| (e) Liquefied Natural Gas Carrier Operators | (o) Port of Alaska                    |
| (f) Dry Cargo Ship Operators                | (p) Port MacKenzie                    |
| (g) Cruise Ship Operators                   | (q) Port of Homer                     |
| (h) Small Passenger Vessel Operators        | (r) Response                          |
| (i) Tug and Barge Operators                 | (s) Salvage Organization              |
| (j) Harbor Tug Operators                    | (t) Ship Agents                       |
|   | (u) At Large                          |

In order to qualify as a member for seats 5.1(a), (d), (e), (f), (g), (h), (i), (j), (k), and (n) an individual must have maritime expertise as documented by one of the following:

- i. Has held or currently holds a Merchant Officer's credential,
- ii. Has held or currently holds a position on a commercial vessel that includes navigational responsibility, or

- iii. Has or currently holds a position in a company that operates commercial marine vessels in Cook Inlet.

Individuals with onboard navigational experience will be given preference.

In order to qualify as a member for seats 5.1(b), (c), (l), (m), (o), (p), (q), (r), (s), (t) and (u) an individual must reside in the Matanuska-Susitna Borough, Municipality of Anchorage, the Kenai Peninsula Borough, or another Alaska community that is contiguous to Cook Inlet and present evidence that they are a member or employee of an organization that represents their stakeholder group.

The member and alternate are charged with broadly representing their stakeholder group's interests. In order to provide effective representation, they are expected to communicate between themselves and with other members of their respective stakeholder group.

The Managing Board will appoint voting members from a list of qualified applicants, after a 30-day public solicitation for applicants.

The terms of voting members and alternates shall be three years, except for the initial appointment where half of the committee will be appointed for two years to allow for terms to be staggered. Primary and alternate members will likewise be staggered in the initial term. There are no term limits.

One goal of the Cook Inlet Harbor Safety Committee is for the non-profit to be self-sustaining. Voting members are expected to support the organization by making or soliciting contributions to support operating costs. Members may participate in Committee discussions once seated but cannot record a vote unless a contribution has been made on behalf of their seat during the current calendar year. Individual Stakeholder Representatives may submit a formal request for contribution exemption to the Managing Board for consideration. The level of contribution is set by the Managing Board each calendar year based on the operating budget and funding available.

## **5.2 Non-Voting Membership**

Non-voting members will include the following seats:

- a. U.S. Coast Guard (USCG)
- b. U.S. Army Corp of Engineers, Alaska District
- c. U.S. National Oceanic and Atmospheric Administration
- d. Department of Defense, Joint Base Elmendorf - Richardson
- e. Marine Exchange of Alaska
- f. Alaska Department of Environmental Conservation (ADEC)
- g. Alaska Department of Transportation and Public Facilities

h. Kenai Peninsula Borough, Nikiski Fire Department

## **6. Meetings**

Meetings for the Cook Inlet HSC and various work groups are described below. Notice of all meetings, an agenda, and a meeting summary will be posted on the Cook Inlet HSC webpage.

### **6.1 Harbor Safety Committee Meetings**

The Cook Inlet HSC will meet as necessary to carry out their mission, but at least quarterly. All meetings of the Cook Inlet HSC are open to the public and a limited public comment period will be provided on the agenda.

Meeting location will rotate between the Ports of Alaska, MacKenzie, Nikiski, and Homer.

### **6.2 Work Group Meetings**

Work groups will meet as necessary to carry out their mission. Meetings of work groups are not open to the public, but a meeting summary will be posted as a public document.

## **7. Governance**

Governing rules for meetings shall be the Cook Inlet HSC Charter, and Robert's Rules of Order.

Members should strive to obtain a consensus on decisions and actions of the Cook Inlet HSC. Any official action or publication requires adoption by a simple majority of a quorum of the HSC. In matters requiring a vote, one vote is allowed per membership category and will be cast by the primary member, unless that person is not present at a meeting, in which case the vote will be cast by the alternate. The Chair will not vote except in the event of a tie vote, in which case the Chair will cast the deciding vote. A quorum of the Cook Inlet HSC shall be considered to be 50% + 1 of the non-vacant seats of the HSC.

The Chair will develop agendas, distribute them to other members of the HSC, and post them on the Cook Inlet HSC website no fewer than 7 days prior to scheduled meetings.

Voting and non-voting members may participate in meetings telephonically at the discretion of the Chair, but votes cannot be cast telephonically.