



MEETING MINUTES 10 April 2019

TELECONFERENCE ORIGINATING FROM THE STATE OFFICE BUILDING, 333 W. WILLOUGHBY AVE., JUNEAU

By authority of AS 08.01.070(2), AS 08.62.030 and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held.

Item 1. Roll call/Call to order

Chairman Richard Harris called the meeting to order at 0908. Other board members present were Capt. Ed Sinclair, Mr. Les Cronk, Ms. Peggy McLaughlin, Mr. Curtis Thayer and Mr. Tom Rueter.

Marine Pilot Coordinator Charles Ward was in attendance and recorded minutes.

Harris said that since he was calling from a location with a good deal of wind noise and with limited cell phone reception, he would ask Thayer to chair the meeting.

Others in attendance were Capts. Todd Carleton, Norbert Chaudhary, Kathleen Flury, Frank Didier, Scott Jones, Barry Olver, Hans Antonsen, Tomi Marsh and Doug Sturm from Southeast Alaska Pilots Association (SEAPA), Mr. Mike Tibbles with the Alaska Steamship Association (ASA), Mr. Rick Erickson from Cruise Line Agencies of Alaska (CLAA), Mr. Paul Axelson and Mr. Brian Terrell from North Pacific Maritime (NPMI), Ms. Destiny Bell with Yacht Services of Alaska (YSA), Capt. David Arzt from Alaska Marine Pilots (AMP), Lt. Bart Buessler from NOAA, Capts. Eric Chamberlain and Alan Wilson with Princess Cruises (PCI), Ms. Jenni Zielinski with Southwest Alaska Pilots Association (SWAPA), Mr. Bruce Weyhrauch, attorney for SEAPA and Mr. Andrew Mew with Alaska Maritime Agencies.

Item 2. Review Agenda

There were no objections to the agenda as presented.

Item 3. Declarations/recusals

None.

Item 4. Approval of minutes

Ward said SEAPA had requested corrections to the 17 January 2019 minutes, but that he had not had enough time to compare the requested corrections to the recording. **Approval of the 17 January 2019 minutes was tabled.**

Harris moved approval of the minutes of the 7 March 2019 meeting as presented. Cronk seconded. There was no discussion. The minutes were approved unanimously.

Item 5. Public comment

None.

Item 6. Financial report

Ward presented the financial report from the second quarter of fiscal year 2019. He said he had presented this report at the 17 January 2019 meeting, and it had not changed. He said the board at the end of 2Q of FY 2019 had a surplus of \$294,057. The report is attached to these minutes as Appendix 'A.'

Item 7. Approval of 2019 yacht packet

Ward said he had sent a memo out to the board addressing the length of the yacht packet. He said he had sent a letter out to vessel agents requesting comment, and did not receive any. He said he did not know what, if anything, to cut if there was no guidance from the board.

Rueter asked if any periodic information or publications had been updated to their most current version. Ward said they had, and those were the only changes he had made from the 2018 packet.

Sinclair moved approval of the 2019 yacht packet. Cronk seconded. There was no discussion. The packet was approved as presented.

Item 8. Business items

Upgrade of Gary Palmer to a marine pilot's license

Sinclair moved the board issue Capt. Gary Palmer a full marine pilot's license, effective 12 April 2019. Rueter seconded. There was no discussion. The motion passed unanimously.

Review of board actions since 2 January

Board actions – 2 January 2019 through 1 April 2019

Date	Motion	Voting Tabulation	Action
27 February 2019	Approve statement of support for SB 29 (BMP extension)	Ward (Y), Arzt (Y), Harris (Y), Faulkner (abstain), Cronk (Y).	Approve statement
12 March 2019	Approve FPC application TRITON	Faulkner (Y), Cronk (Y), Ward (Y), Sinclair (Y), Rueter (Y), Harris (Y).	Approve application

Rate hearing update

Weyhrauch said SEAPA and ASA had resolved the rate dispute and had asked the Office of Administrative Hearings to dismiss the matter, which it had. Tibbles agreed with Weyhrauch.

Investigative report

Ward said the Division had closed four matters. He said one closed matter was the matter of the *Swiseco 48*, which had complied with the terms of its plea agreement. He said the other three matters were intakes, and no violation had been found with those matters. He said the five open matters had not reached the investigation stage, and it was not known if they would.

Senate Bill 29 update

Ward said the Alaska State Senate had passed Senate Bill 29 – the Board of Marine Pilots extension bill – 18-0. He said the bill had been transmitted to the Alaska State House and would first be heard in its Labor & Commerce Committee at an unknown date.

Harris said he had been attending the hearings for SB 29. He said the board had issued a statement of support for the bill. He said he would be out of town for the next two months and could not attend future hearings. He said a board member should attend future hearings in case there is a question or concern.

Item 9. Pilot association reports

SEAPA

Very Large Cruise Ship (VLCS) guidelines

Flury said SEAPA had forwarded guidelines for the *Royal Princess* and *Ovation of the Seas* to the board. She said the results speak for themselves.

12 AAC 56.960(c)

Flury said SEAPA was asking the board for clarification on 12 AAC 56.960(c). She said SEAPA believed it was more appropriate to ask the board for clarification than to dispute the matter in a rate hearing.

Thayer asked if Flury was asking about the eight-hour rule. Flury said she was.

Thayer said he would be reluctant for the board to define regulations without talking to the Department of Law. He said the board needed more information about what the history and intent of the law was. He said the board should take the matter under advisement.

Harris, Cronk, McLaughlin and Sinclair agreed with Thayer.

Rueter said it would be helpful for SEAPA to identify routes it was concerned about.

Potential pilot shortage

Thayer said the board was in receipt of SEAPA's 1 April 2019 letter.

Flury said the letter was written to provide notice about a potential situation.

Thayer said that, given SEAPA's letter and the correspondence that had resulted from it, it may be best to solicit questions from the concerned parties regarding the situation. He said the increase in cruise ship traffic was a known issue. He said the increase had started in 2003 or 2004.

Ward clarified he should be the point person to receive the questions.

Thayer said during his previous tenure on the board, SEAPA had lengthened its training program. He said the issue would not be fixed this year.

He said the board should also consider whether it needs to ask the Commissioner of Commerce, Community and Economic Development to invite pilots from other regions to help alleviate the shortage.

Sinclair said he did not believe SEAPA had ever lengthened its training process. Thayer said he would review his records.

Thayer asked Flury how she saw this affecting yacht traffic.

Flury said she did not know, because she had not received information on the number of yachts expected in Southeast until very recently. She said she had received a letter from Destiny Bell stating there were eight yachts requiring pilots expected.

Thayer said the length of yachts requiring a pilot may need to be revisited.

Rueter said he had asked the pilot associations at every meeting since he was on the board if they believed they had sufficient pilots. He said SEAPA's not knowing anything about yacht traffic was short-sighted. He said SEAPA should have some anticipation of overages. He said he wanted assurances from SEAPA as to how it was going to avoid shortages in the future.

Flury said for the current traffic, there was not a problem. She said the problem was potential unknown traffic. She said the letter was a "heads-up" on that potential problem. She said scheduled traffic was up 25 percent from 2016, and was up 13.6 percent from 2018. She said SEAPA found out in 2018 there would be 318 additional port calls in 2019. She said SEAPA had an aggressive training program and had 17 trainees in the pipeline. She said SEAPA was doing everything it could do diligently to increase its numbers. She said SEAPA had not been asked about its pilot numbers in January. She said this was SEAPA's first opportunity to bring the matter to the board.

Thayer said he appreciated SEAPA's position, particularly in regard to the increase in traffic. He said the board should route questions to the MPC so they can be answered.

Harris said he understood SEAPA's position was it had enough pilots to cover the expected traffic, but it was warning if there were unexpected vessels that arrived, there could be an issue.

Flury said she agreed with Harris. She said SEAPA had 46 pilots, but pilots had been lost during the last three years due to death, retirement or illness. She said she hoped everyone stayed healthy, and SEAPA would do its best to cover everybody.

Thayer asked how SEAPA anticipated yacht traffic.

Flury said SEAPA had no notice until 48 hours before the vessel arrived. She said SEAPA might get notice, and then learn the vessel doesn't want to come into Alaska.

Sinclair asked if there should be a timeline for the questions to the MPC.

Thayer said the questions should be in by 1 May, so the responses could be on the agenda for the July meeting.

Quarterly report

Flury said SEAPA had 46 pilots which included two deputies: one limited to vessels of 50,000 gross tons or less, and another limited to vessels of 90,000 gross tons or less. She said SEAPA hoped to have a third deputy limited to vessels of 50,000 gross tons or less at the end of this meeting. She said SEAPA hoped to have two more deputies licensed by mid-summer, and four more in the fall. She said SEAPA expected retirements after summer of 2019. She said SEAPA had 17 trainees. She said SEAPA had 31 applicants at its March screening. She said 28 took the exam and 11 passed. She said SEAPA had two openings for trainees, which had been filled. She said most of the 11 would be apprentices, which would require a minimum of four years for licensure.

Thayer asked how many pilots SEAPA would like to have.

Flury said she did not. She said it would depend on traffic. She said training positions were opened based on the retirement survey.

Rueter asked if SEAPA had an expectation for 2021 vessel traffic.

Flury said no. She said SEAPA usually got the information a year in advance.

Harris asked if anyone had questions or comments about the information exchanged on the VLCS issue.

Cronk said he was disturbed by SEAPA's 29 March 2019 letter to the Captain of the Port of Juneau. He said he thought it might misrepresent SEAPA's agreement with the cruise industry. He said he was glad to see the industry respond. He said the recommendations in SEAPA's letter indicated they were joint recommendations, when they were only recommendations from SEAPA.

Flury said the letter was sent to the Captain of the Port, with a courtesy copy sent to the board. She said the Captain of the Port and SEAPA were working together on the recommendations.

Rueter asked if SEAPA's letter was sent with the full concurrence of industry.

Flury said no, and that was never inferred.

Flury asked about new ID cards.

Ward said the division was working on a solution where a third party would produce the ID cards.

Thayer said he would work with Ward to facilitate the solution.

SWAPA

Zielinski said SWAPA currently had 14 full members who were Very Large Crude Carrier (VLCC) qualified. She said SWAPA had four deputies, two limited to vessels 90,000 gross tons or less and two limited to vessels 65,000 gross tons or less. She said one of the deputies had completed his VLCC training and would hit his three-year anniversary on 17 May 2019, so he would be seeking his unlimited license in the near future. She said another deputy expected to have an unlimited license with VLCC qualification by the end of the year. She said SWAPA currently had three trainees and two observers.

Rueter asked if SWAPA anticipated having sufficient pilots for anticipated or unanticipated traffic.

Zielinski said SWAPA did have enough pilots, based on the information it had.

AMP

Arzt said AMP has nine pilots, eight of whom were training pilots. He said AMP had two apprentices, both in the hands-on training portion of the program.

Rueter asked about the outlook for the apprentices.

Arzt said the apprentices had 21 months remaining under regulatory requirements before they could be licensed.

Rueter asked if AMP anticipated having sufficient pilots for anticipated or unanticipated traffic.

Arzt said AMP did have enough pilots, based on known traffic patterns.

Item 10. Date of next meetings

The board confirmed the next meeting would be a teleconference on 11 July 2019.

The board discussed the location and date of the next in-person meeting.

Ward said that, under current department rules, boards were being limited to one in-person meeting a year. He said he needed input as to which meeting of fiscal year 2020 the board wanted to have in person.

There was consensus for the October meeting to be an in-person meeting at the less-expensive location between Juneau and Anchorage.

McLaughlin said she would like in-person presentations from the Coast Guard and NOAA.

Ward said he would like all interested parties to submit agenda items by the agenda deadline for the October meeting date if the meeting was going to last more than a day, so he would have a strong justification for a multiple-day meeting.

Item 11. Executive session

Sinclair moved the board enter executive session in accordance with the provisions of AS 44.62.310(c)(2) to discuss the application of Capt. Todd Carleton for a deputy marine pilot's license, with Carleton and Ward to remain during the meeting. Rueter seconded. There was no discussion. The motion was approved unanimously.

Off record at 1011.

Back on record at 1041.

Sinclair moved the board end its executive session. Cronk seconded. There was no discussion. The motion passed unanimously.

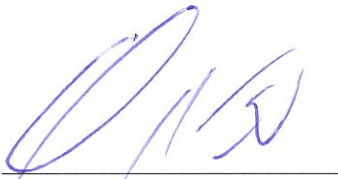
Sinclair moved the board issue a deputy marine pilot's license to Capt. Todd Carleton, with an exclusion for the west coast of Prince of Wales Island. Rueter seconded. There was no discussion. The motion passed unanimously. The board expressed its congratulations.

Item 12. Adjournment

There being no further business, Cronk moved to adjourn. Rueter seconded. There was no discussion. The motion passed unanimously.

Meeting adjourned at 1043.

Respectfully submitted:



Charles Ward
Marine Pilot Coordinator

Date:

7/31/19



Curtis Thayer
Chairperson

Date:

7/14/19