



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

BOARD OF MARINE PILOTS

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**State of Alaska
Department of Commerce, Community and
Economic Development
Division of Corporations, Business and Professional Licensing**

BOARD OF MARINE PILOTS

**MINUTES OF MEETING
March 8, 2022**

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held at the Juneau Yacht Club, 1301 Harbor Way, Juneau as well as via video/teleconference March 8, 2022.

Call to Order/Roll Call

The meeting was called to order by Chairman Curtis Thayer, at 1:30 p.m. Those present, constituting a quorum of the Board were:

Curtis Thayer
Richard Harris
Captain Edward Sinclair
Captain Michael O'Hara
Lucas Hasenbank
Les Cronk
Joe Tougas

Present throughout the meeting from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, were:

Renee Hoffard, Marine Pilot Coordinator
Melissa Dumas, Administrative Operations Manager
Michele Hearn, Investigator 3
Jennifer Summers, Senior Investigator
Sara Chambers, Division Director

Visitors present included:

Captain Frank Didier, Southeast Alaska Pilots Association (SEAPA)

Captain Clayton Christy, Alaska Marine Pilots (AMP)
Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)
Captain Marienus Hazelman, Southeast Alaska Pilots Association (SEAPA)
Captain Paul Merrill, Southeast Alaska Pilots Association (SEAPA)
Captain Colin Vogler, Southeast Alaska Pilots Association (SEAPA)
Captain Leif Short-Forrer, Southeast Alaska Pilots Association (SEAPA)
Captain Levi Benedict, Southeast Alaska Pilots Association (SEAPA)
Jessi Le, Southeast Alaska Pilots Association (SEAPA)
Captain Ronald Leighton, Southeast Alaska Pilots Association (SEAPA)
Captain Mark Lundamo, Southeast Alaska Pilots Association (SEAPA)
Captain John Herring, Southeast Alaska Pilots Association (SEAPA)
Ronald Hildebrandt, Trident Seafoods
Tom Rueter, Alaska Maritime
Mike Tibbles, Alaska Steamship Association
Paul Axelson, North Pacific Maritime
Andrew Mew, ALAMDIZ
Eric Chamberlin, Holland America Group
Ben Atherly, Holland America Group
Rick Erickson, Cruise Lines International Association Alaska
Gary Messer, Trident Seafoods
Lalanya Downs, Cruise Lines International Association Alaska
LCDR Hadley Owen (NOAA Coast Survey)
2 unidentified callers joined the call over the course of the meeting.

Agenda Item 2 – Review Agenda

Upon a motion duly made by Captain Edward Sinclair, seconded by Les Cronk, and approved via roll call, it was resolved to approve the agenda as written.

Agenda Item 3 – Review of meeting minutes

The Board reviewed the draft minutes for the November 24, 2021 and the February 1, 2022 teleconferences.

Upon a motion duly made by Les Cronk, seconded by Lucas Hasenbank, and approved via roll call, it was:

RESOLVED to approve the November 24, 2021 and the February 1, 2022 board meeting minutes as written.

Agenda Item 4 – Ethics Declarations/Recusals

The board had no ethics declarations or recusals

Agenda Item 5 – Public Comment

Chair Thayer opened the floor for public comment. The floor was opened to those in attendance in person and then to those joining via Zoom. No comments were made, Chair Thayer closed public comment at 9:12 am.

Agenda Item 6 – Foreign Pleasure Craft Packet Review

MPC Hoffard provided an overview of the documents in the navigation packet for applicants for the foreign pleasure craft exemption. The publication dates for all of the documents remain the same as those approved by the board in 2021.

Upon a motion duly made by Les Cronk, seconded by Captain Edward Sinclair, and approved via roll call, it was:

RESOLVED to approve the 2022 Foreign Pleasure Craft Navigation packet as presented.

Chair Thayer moved to agenda item 9 as the board had completed all other business to allow the division staff time to join the meeting for the division update and the investigations report; the meeting was significantly ahead of schedule.

Agenda Item 9 – Association Reports

AMP:

Captain Clayton Christy provided the report. AMP has a current roster of 9 full pilots, 1 deputy pilot and 2 trainees. 1 trainee is expected to apply for the local knowledge exam in the spring, the other trainee continues to work on federal observation trips.

SEAPA:

Captain Frank Didier provided the association report. Current roster of 38 full pilots, 11 deputy pilots, and 21 trainees. The training program anticipates that 3 of the trainees will be eligible for the local knowledge exam in early July 2022. The current schedule for cruise ships in 2022 shows growth of about 22% over 2019 numbers which is consistent with the numbers originally scheduled for 2020 and 2021. The cruise industry was very supportive of training during the abbreviated 2021 season. In most cases multiple trainees were permitted aboard vessels in conjunction with SEAPA pilots essentially doubling the training opportunities. The association is working on gathering data to support a request that the Board of Marine Pilots waive certain renewal requirements for the 2023 renewals as pilots will not meet the 120 days of sea time requirement. Rick Harris asked a couple clarifying questions regarding ramifications of pilots not meeting the renewal requirements. The board will take the matter under consideration at the next scheduled meeting.

SWAPA:

Jenni Zielinski provided the report. SWAPA has 17 full member-VLCC qualified pilots. There are 2 Deputy Pilots holding 110 thousand Gross Ton licenses. SWAPA's training program has 4 trainees doing hands on maneuvers, 1 of the trainees passed the CORE exam 11/8/2021. They have 1 observer and have a ballot out for an additional observer candidate. The association is expecting 1 pilot to retire this year. The board had no questions for SWAPA.

Agenda Item 11– AMP –Training Program amendments

Captain Clayton Christy reviewed the amendments to the AMP training program manual with the board. The proposed amendments align the training program with changes made to regulation 12 AAC 56.028(j).

Upon a motion duly made by Captain Edward Sinclair, seconded by Lucas Hasenbank, and approved via roll call, it was:

RESOLVED to accept the amendments to the AMP training manual as presented.

Agenda Item 12– SWAPA –Bylaws amendments

Jenni Zelinski reviewed the amendments to the SWAPA bylaws with the board.

1. Article IV, Section 4(a), Voting rights and voting members.

Upon a motion duly made by Les Cronk, seconded by Captain Michael O’Hara, and approved via roll call, it was:

RESOLVED to accept the amendments to the bylaws for the Southwest Alaska Pilots’ Association as presented.

Agenda Item 13 – Renewal Requirements Regulation Project

MPC Hoffard presented to the board draft language to amend 12 AAC 56.080 by adding:
(f) During a public health emergency, natural disaster, or other regional or statewide crisis prohibiting most licensees in one or more regions from completing the requirements of AS 08.62.120(a)(4)(B), the board may adopt alternative standards for compliance with this section. In 2020 legislation was adopted that permitted boards to waive renewal requirements but that legislation is no longer in effect and the board will need to adopt a regulation amendment so that in the future such issues can be addressed as they occur. The language proposed was drafted using similar language adopted by numerous boards to address this concern division wide.

The board discussed the need for the regulation amendment and the timeline for implementation that MPC Hoffard provided. Captain Edward Sinclair questioned the use of “most” and asked if that would impose unintended limits on when the board could adopt alternative standards. The board requested that Director Chambers join the meeting at her convenience to go over the draft language.

Chair Thayer called for a break to allow the division to join the meeting.

Off record at 9:56 am

Back on record at 10:14 am

Agenda Item 7 – Division Update

Melissa Dumas, Administrative Operations Manager provided the division update. The update reviewed the fee analysis for the upcoming renewal cycle and the 2nd quarter fiscal report for fiscal year 2022 for the board. The program has a current cumulative surplus of \$386,064. The division proposed a reduction in the fees for Pilot and Deputy Marine Pilot licenses by 53%,

from \$1500 to \$700 per license. A reduction to the initial application fee for Deputy Marine Pilots of 67% is also proposed. The board briefly discussed reducing the license fee for vessel agents as well but decided that was not needed due to the low fees and low number of licensed vessel agents.

Upon a motion duly made by Captain Michael O’Hara, seconded by Lucas Hasenbank, and approved via roll call, it was:

RESOLVED to approve the reductions in fees as proposed by the division.

Agenda Item 8 – Investigations Report

Investigator 3, Michele Hearn provided the investigative report to the board. The report covered the time period of November 11, 2021 thru March 2, 2022. At the time of the report 1 case had been closed and there are 2cases currently open. Chair Thayer asked if case 2019-000695 would be dropped due to the length of time the complaint has been open. Ms. Hearn stated that there was new information provided to investigations for this case and it is being processed. There were delays in receiving information, but she assured the board that the delays were not due to lack of response from the Coast Guard as that was a previous issue.

Agenda Item 14 – Cruise Industry Update

Lalanya Downs of Cruise Lines International Association (CLIA) provided an update on the cruise industry and a look ahead to the anticipated 2022 cruise season. All cruise lines have opted into the CDC’s new program and the COVID protocols that were put into place are not going anywhere. CLIA expects a strong season with high vaccination and masking rates. They will be meeting with port communities soon to go over protocols for the communities. Canada has lifted the ban. Cruise ships will be welcomed back with framework very similar to the CDC protocols currently being used. Protocols may be adjusted as needed but few changes are anticipated for 2022. Cruise lines have removed Russian ports in light of current events. At this time there are 677 voyages scheduled for Alaska; there are 50 CLIA member ships and a number of smaller vessels. The first port of call will be April 25, 2022 and the last port of call will be October 21, 2022. Chair Thayer asked if there might be a consideration for legislation for by-pass Canada moving forward, Ms. Downs stated that was not being considered at this time due to Canada lifting their ban. There were no other questions from the board.

Agenda Item 15 – Executive Session

Upon a motion duly made by Captain Michael O’Hara, seconded by Captain Edward Sinclair, and approved unanimously, it was:

RESOLVED to enter into executive session for the purpose of discussing matters subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Board staff to remain during the session.

Off record at 11:04 am

Back on record at 11:35 am

No actions were taken during executive session.

Upon a motion duly made by Captain Edward Sinclair, seconded by Les Cronk, and approved via roll call, it was:

RESOLVED to approve the Deputy Marine Pilot license for Captain Leif Short-Forrer, Badge number 235. The license will be issued for vessels upon the waters of Southeast Alaska with the exception of Klawock Inlet, West Coast of Prince of Wales and South Coast of Prince of Wales for 50 KGT in Region 1

Upon a motion duly made by Les Cronk, seconded by Captain Edward Sinclair, and approved via roll call, it was:

RESOLVED to approve the training extension for SEAPA trainee Captain Colin Vogler with the understanding that if he has not completed the required training by the October 2022 board meeting, he will report to the board.

Upon a motion duly made by Les Cronk, seconded by Captain Edward Sinclair, and approved via roll call, it was:

RESOLVED to approve the training extension for SEAPA trainee Captain Marienus Hazelman with the understanding that if he has not completed the required training by the October 2022 board meeting, he will report to the board.

The board returned to the discussion of agenda item 13, renewal regulations amendment. Director Chambers joined the meeting and discussed the proposed changes with the board. Captain Sinclair asked if the board could remove the word “most” from the drafted language and Director Chambers agreed it would be appropriate with the intent of the regulation.

Upon a motion duly made by Captain Edward Sinclair, seconded by Les Cronk, and approved via roll call, it was:

**RESOLVED to start a regulations project to amend 12 AAC 56.080 to add:
(f) During a public health emergency, natural disaster, or other regional or statewide crisis prohibiting licensees in one or more regions from completing the requirements of AS 08.62.120(a)(4)(B), the board may adopt alternative standards for compliance with this section.**

Agenda Item 17 – Schedule future meeting dates

The board discussed options for future meeting dates and locations. A short teleconference will be scheduled May 5 or May 6 to review written comments for the proposed amendments to 12 ACC 56.080. The fall meeting will be held the week of October 3 in Seward.

The board recognized Peggy McLaughlin, she held a public member seat on the board and termed off March 1. Joe Tougas from Seward was appointed to fill that vacant seat. Mr. Tougas introduced himself to the board and public in attendance providing a brief summary about himself.


Upon a motion duly made by Captain Edward Sinclair, seconded by Les Cronk, and approved unanimously, it was:

RESOLVED to adjourn the meeting.

Off record at 12:00 pm.

Respectfully Submitted:

Thomas Bay

 FOR

Renee Hoffard
Marine Pilot Coordinator

Approved:

RICHARD HARRIS

 FOR
Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: 11/30/2022