

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

BOARD OF MARINE PILOTS

CONDENSED MINUTES OF THE MEETING HELD JANUARY 25, 2023

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held on January 25, 2023, at the Alaska Energy Authority Building, 813 W Northern Lights Blvd, Anchorage, AK

Date:	January 25, 2023
Time:	9:00 a.m. (9:04 a.m.)
Location:	Alaska Energy Authority Building: 813 W Northern Lights Blvd, Anchorage, AK
Board Members Present:	Chair Curtis Thayer, Captain Edward Sinclair, Captain James Cunningham, Les Cronk, Lucas Hasenbank, Richard Harris, Joseph Tougas
Board Members Absent:	None
Division/SOA Staff Present:	Thomas Bay (Marine Pilot Coordinator), Jennifer Summers (Senior Investigator), Michele Hearn (Investigator), Melissa Dumas (Administrative Operations Manager)
Present from the Public:	Captain Mark Lundamo (SEAPA), Captain Ron Leighton (SEAPA), Captain Robert Dersham (SEAPA), Jessie Li (SEAPA), Captain Steve Axelson (SEAPA), Captain Kathryn Miller (SEAPA), Captain Mitchell Potter (SEAPA), Captain Jeffrey Varney (SEAPA), Captain Ian Maury (SWAPA), Christopher Lemon (SWAPA), Jenni Zielinski (SWAPA), Dave Lund (AMP), David Arzt (AMP), Lanie Downs (CLIA Alaska), Tom Rueter (ALAMAR/CLAA), Andrew Mew (ALAMAR/CLAA), Rick Erickson (CLAA), Mike Tibbles (ASA), Eric Chamberlin (ASA/Princess), Paul Axelson (North Pacific Maritime), Ron Hildebrandt (Trident Seafoods), Gary Messer (PRL/Trident Seafoods), Hadley Owen (NOAA Coast Survey)

1. Review Agenda		
Brief Discussion:	No discussion to amend the agenda.	
Motion:	Move to accept the agenda as written (First: Harris; Second: Sinclair).	
Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
2. Review/Approve Minutes: October 05, 2022		
Brief Discussion:	No discussion to amend the meeting minutes.	

Motion:	Move to accept the October 05, 2022, meeting minutes as written (First: Tougas; Second: Cunningham).	
Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
3. Ethics Disclosures		
Brief Discussion:	There were no ethical disclosures by any board members or staff.	
4. Public Comment		
Brief Discussion:	There was nobody in attendance for public comment.	
5. Foreign Pleasure Craft Packet Review		
Brief Discussion:	Mr. Bay provided the board with an overview of the Foreign Pleasure Craft (FPC) packet. He informed the board that he found updated documents for a number of the documents in the packet and that he would update the board's website to include the new material. Captain Sinclair said that he was confident the FPC packet was up to date. Having nothing left to discuss, the board approved the packet for calendar year 2023.	
Motion:	Move to approve the foreign pleasure craft packet as written (First: Sinclair; Second: Harris).	
Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
6. Investigative Report		
Brief Discussion:	Being ahead of schedule, the board asked Mr. Bay if the board's investigator was available for the Investigative Report. Mr. Bay informed the board that their investigator, Michele Hearn, would likely not be available until her slotted time on the agenda. The board moved to the next agenda item.	
7. Division Update		
Brief Discussion:	The board asked Mr. Bay if the division representative was available for the Division Update. Mr. Bay informed the board that the division's Administrative Operations Manager, Melissa Dumas, would not be available until her slotted time on the agenda. The board moved to the next agenda item.	
8. CLIA Update		
Brief Discussion:	The board asked Mr. Bay if Lanie Downs was available for the Cruise Line International Association Alaska update. Mr. Bay informed the board that Ms. Downs said that she would be providing an update but that it would not be until her slotted time on the agenda. The board moved to the next agenda item.	

9. Association Reports

AMP

Discussion:

The Alaska Marine Pilots (AMP) Association's president, Captain David Lund, provided AMP's association update. Captain Lund informed the board that AMP currently has 11 full-time pilots, which includes nine marine pilots and two deputy marine pilots. He said that they also have two trainees that would likely become deputy marine pilots by 2025. He informed the board that AMP is continuing to see shipping activity trends increase for containership port callings and reduce for break bulk trumper callings. He said that he thinks the fluctuations in fishing boats, shipping needs, and the greater flexibility that the containers provide has been a driving force in this trend. He said that there were also a lot of issues with port logistics and agents. He informed the board that their 2023 cruise ship activity looks to be roughly the same as their 2022 numbers, with about 120 driving pilot days, which is about a 40% reduction compared to pre-COVID-19 levels. He informed the board that AMP had a significant GCI cable laying project in 2022 and would continue the project in 2023. He informed the board that the Red Dog mine is projected to produce the same volume of ore and that AMP is expecting 23-25 ships calling. He informed the board that Bristol Bay Western Alaska tanker traffic and Western Aleutian trumper activity has been declining because of some changes in business practices and some seasonal fluctuations. He informed the board that the Army Corp of Engineers have been working on multiple projects, with the Dutch Harbor Bar project, which would increase the bars depth to 58 feet from 42 feet. He said that it would benefit the region quite a bit. He informed the board that the Port of Nome is still in the planning stages of development to enhance their deep-water port for the Arctic. He said that the project would allow for larger cruise ships and provide a lot more efficient logistic port of calls for the Arctic Region. He informed the board that, for the Port of Adak, the #5 pier in Sweeper Cove was being completely repaired, which would provide a nice platform for possible expedition cruise ships and trumbers. Lastly, he informed the board that AMP was looking at the possibility to change some language in the Alaska Chadux Network for nontank vessels. He said that the current plan restricts vessels of 450 feet or 6,000 barrels to transit inside the 50 miles in Western Alaska. He said the issue is that the plan requires vessels to provide an APC prior to deviating to previous prescribed routes. He said that AMP wants to see an amendment to the reporting requirement and be able to transit inside these waters. He said that the key to this is that it would provide the flexibility that would be crucial for expedition cruise ships, allowing them to transit in areas where they previously would not be allowed. Richard Harris asked if AMP expected quick growing traffic moving forward with expedition cruise ships and cruises in general. Captain Lund said that he believes it will increase over the years, but that a part of the problem right now is staging in the Aleutians. He said that in the past it was very important to fly into Russia and board ships there, but because of the current state of affairs with Russia, there has been a reluctance to do that, which has caused AMP to lose about a third of that business. The board's investigator was in attendance and the board moved back to their Investigative Report

10. Investigative Report

Brief Discussion:

The board's investigator, Michele Hearn, provided the board with their Investigative Report for the period of September 20, 2022, thru January 03, 2023. She informed the

	<p>board that there are currently three open cases and that six had closed since their last report. Chairman Curtis Thayer asked why Case No. 2019-000695, a complaint from 2019 regarding unlicensed practice or activity, was still open. Ms. Hearn explained that the division is waiting on another agency to finish up with action on their end before they can move forward with anything. Ms. Hearn explained that the case was not assigned to her and that it had been assigned to the Chief Investigator. Chair Thayer asked which agency was reviewing the case, to which Ms. Hearn said that she could not disclose it. Chair Thayer said that if they had to clear the room and go into executive session to discuss the matter, they would. He reminded Ms. Hearn that, as the board, they are responsible for their licensees, and that with this case being three and a half years old, they were owed an explanation from the division. Senior Investigator Jenni Summers introduced herself and informed the board that the case they were referring to is criminal in nature and that they were waiting for the courts to complete their criminal case. Chair Thayer thanked Ms. Summers and said that type of information is helpful for the board to know. Joe Tougas asked Ms. Hearn what the reason was for such limited information regarding open investigations and the board. Ms. Hearn informed him and the board that the division is trying to prevent potential conflicts of interest for board members. She said that, per the review process, Investigations has to complete a conflict check with a reviewing board member before providing that board member with all of the information they have regarding an open case. She said that sometimes a board member will recommend a license action, which the board will review during executive session. She said that if all board members were to receive all of the information that the reviewing board member receives it would create conflicts of interest which could result in not having enough board members to vote on a potential license action. Chair Thayer said that the board used to get a lot more information about open cases and that the information provided to the board has been less and less over the years. He suggested having an executive session meeting at their next meeting with Investigations and the Department of Law to discuss the do's and don'ts of investigative cases. The rest of the board agreed with Chair Thayer. Senior Investigator Summers said that she thinks it is a good idea to have a law representative and explain the confidentiality restrictions that there are, including due process and why the information they provide is so limited. With nothing left to discuss, the board went back to the association reports.</p>
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<p>11. Association Reports</p>	
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<p>SEAPA</p>	
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<p>Discussion:</p>	<p>The Southeast Alaska Pilots Association's (SEAPA's) president, Captain Mark Lundamo, provided SEAPA's association report. Captain Lundamo informed the board that SEAPA has 37 total pilots, which included 24 marine pilots and 13 deputy marine pilots. He said that they also have 17 trainees. He informed the board that all of their 1st quarter pilots had been renewed and thanked Mr. Bay for getting that accomplished. He also said that they have one scheduled exam coming up in April 2023. Mr. Harris asked how SEAPA saw their foreign pleasure craft (FPC) schedule working out in 2023. Captain Lundamo said that SEAPA has met their manning quotas for all of their scheduled trips and would be working with the vessel agents that the FPC's have to hire. Chair Thayer asked if SEAPA thought they would have about the same number of FPC's as they did in 2022, to which Captain Lundamo confirmed, that they expected about the same amount of FPC's in 2023.</p>
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12. Association Reports

SWAPA

Discussion:	<p>The Southwest Alaska Pilots Association’s (SWAPA’s) President, Captain Ian Maury, provided SWAPA’s association report. Captain Maury informed the board that SWAPA has 16 VLCC pilots, two deputy marine pilots, three trainees, and two observing pilots that have not yet received their federal pilotage. He informed the board that 45% of their licensees have been renewed and that the remaining 55% were extended and expected to be renewed by March. He informed the board that the Port of Alaska in Anchorage has one new terminal that was supposed to be online in late 2022, but a microchip shortage has caused delays. He said that the rest of the Port of Alaska has aging docks and they are looking forward to the port modernization project. He said there are projected and proposed capital improvements in both Seward and Whittier in the near future for cruise ships, which included a second cruise ship terminal in Whittier and an extension and improvement in Seward. He said that their cruise ship season has come back strong, and they expect a busier 2023 than 2022.</p>
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13. CLIA Update – L. Downs, Sr. Director, Community Relations & Public Affairs

Discussion:	<p>Lalanya (Lanie) Downs, Senior Director of Community Relations & Community Relations for Cruise Lines International Association (CLIA) Alaska, informed the board that, in addition to the projects in Seward and Whittier, there’s a potential fifth dock in Juneau, a new dock in Sitka, that Klawock was opening up to smaller cruise vessels, and that Wrangell was interested in attracting more ships. She informed the board that the 2022 cruise ship season had around 1.2 million passengers. She said that Juneau averaged about 74% capacity, but that they expected to be back on track with normal capacity for the 2023 season. She informed the board that, barring any unexpected situations, they were expecting around 660 voyages for 2023 CLIA vessels, which included around 48 vessels with a capacity of around 1.67 million passengers throughout the season. Chair Thayer asked who the non-CLIA vessels were, to which Ms. Downs replied that they were the smaller ships, such as National Geographic and UnCruise. Captain Cunningham asked what the schedule was for the new dock in Whittier, to which Ms. Downs replied that the new dock was a few years out. Chair Thayer asked if the docks in Seward were looking for new cruise ship lines or maintaining what they have, to which Ms. Downs replied that dock owners are always looking for new cruise ship lines. Captain Sinclair asked about Skagway’s season, to which Ms. Downs replied that they were expecting a regular season in Skagway.</p>
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14. Association Amendments

SEAPA Bylaw Amendments

Brief Discussion:	<p>SEAPA’s president, Mark Lundamo, informed the board that, because of their expanding season, they are changing their annual meeting from September to October.</p>	
Motion:	<p>Move to approve SEAPA’s Bylaw amendment (First: Harris; Second: Cronk).</p>	

Recorded Votes:	Cronk - Yes	Harris - Yes
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	Hasenbank - Yes	Tougas - Yes
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	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	

SWAPA Training Program Amendments

Brief Discussion:	SWAPA’s business manager, Jenni Zielinski, informed the board that they were adding the language, “as approved by the Training Committee,” to the end of one of the requirements for receiving a marine pilot license and that it would now read as, “3. Complete all Federal pilotage endorsements for Region II. Complete a manned model shiphandling course or a simulator course within the previous 3 years, as approved by the Training Committee.” She also informed the board that SWAPA removed the language, “(once every 6 years),” from their continuing education and training for marine pilots holding VLCC endorsements requirement, so the language mirrored the board’s regulations.	
Motion:	Move to approve SWAPA’s training program amendments (First: Harris; Second: Hasenbank).	
Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	

15. Division Update

Current Fiscal Report: 2022 4th Quarter Fiscal Report, 2023 1st/2nd Quarter Fiscal Report

Brief Discussion:	The division’s Administrative Operations Manager, Melissa Dumas, provided the board with their FY22 4 th Quarter Fiscal Report and their 2023 1 st /2 nd Quarter Fiscal Report. She informed the board that they had a large surplus in revenue at the end of FY 22, but that it would be decreasing over time because of the licensing fee reductions (\$1,500 to \$700) that took place in October 2022. Chair Thayer asked Ms. Dumas how MPC Bay’s time was split in regard to working for both the Board of Marine Pilots and Big Game Commercial Services Board (BGCSB). Ms. Dumas informed the board that Mr. Bay keeps track of his time, and the time is actual time spent on whichever board he is working for. Mr. Harris asked Ms. Dumas if the board approves rate reductions or the division, to which she replied that the division appreciates the board’s input and discussion after a fee analysis, but that fee setting is ultimately up to the director. She informed the board that there is a yearly fee analysis, and that the division would inform the board if they needed to raise or lower fees. Mr. Tougas asked if the board was able to use any of their surplus for outreach, such as informing the public of what they do. Ms. Dumas informed the board that the division has a set amount of authority to spend each year and that they have done similar types of things in the past. Mr. Cronk said that the associations do a lot of outreach and, although he's not opposed to the board doing it, he likes how small the program is on the budget. Captain Sinclair suggested the possibility of using their large surplus to have a dedicated Marine Pilot Coordinator that they would not have to share with another program. Chair Thayer said that the board used to have their own MPC but found that there was not enough of a workload for a full-time employee. He said that the board used
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	<p>to have a dedicated MPC that would work on their board’s work and then help other programs as needed, and that they have had two MPC’s since the board combined their board with the BGCSB. Captain Sinclair mentioned that the BGCSB was labor intensive and that, if they were going to do outreach and were interested in expanding, they could go back to having a dedicated MPC who helped other programs as needed. Chair Thayer said that the reason the boards were together was because the BGCSB was busier in the winter and the BOMP was busier in the summer, and asked Mr. Bay if that was true. Mr. Bay said that he has been extremely busy over the last few months with the BGCSB as well as the BOMP. He said that the BGCSB had a three-day board meeting and three days of exams in early December, and that there is a lot of follow-up, which combined with the BOMP’s emergency regulations which allowed for renewals to take place and the renewals not being able to be processed until December, he was extremely busy. Mr. Bay suggested that the board may want to combine their board with a less labor-intensive board, but that there have not been any internal discussions about parting the two boards. Captain Sinclair again suggested that a dedicated MPC could help expand the program and mentioned the need for new exam software because the current one is very outdated. Mr. Bay informed the board that the division may have found a new provider for the exams and that the division would look into it. Chair Thayer said that there needs to be a larger conversation, regarding the MPC position, with the director and that maybe they could have a discussion at their next meeting in executive session. He asked Ms. Dumas if it was possible to have that discussion and get an update regarding the exam software at that time at their next meeting, to which Ms. Dumas said it was. Having nothing left to discuss, the board began discussion on Board Business.</p>
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16. Board Business

Outdated Regulations

<p>Brief Discussion:</p>	<p>Mr. Bay informed the board that their current regulations require a deputy marine pilot to engage in piloting vessels in the marine pilotage region for which their license is to be renewed during at least 120 days in the licensing period immediately preceding the licensing period for which renewal is sought, for each complete calendar year that the deputy marine pilot has been licensed. He explained that this means that a deputy marine pilot who has been licensed for two complete calendar years is required to have 240 days on the water, which is an unattainable goal. He informed them that the requirement comes from 12 AAC 56.080(e). He informed the board that this issue was discussed during a meeting in 1998 but that the board never followed up to change the regulation, although they did clarify their intent on the record, which was never to require a deputy marine pilot to have 240 days on the water. He informed the board that Deputy Director Glenn Saviers asked him to relay the message that a regulations project was needed to amend the regulations. The board discussed the issue and agreed that there was never any intent to require 240 days on the water for a deputy marine pilot and decided to create a regulations project to amend the regulation.</p>
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<p>Motion:</p>	<p>Move to create a regulations project to amend 12 AAC 56.080 to reflect a deputy marine pilot to only be required to have 120 days piloting vessels for renewal if they worked more than one calendar year (First: Cunningham; Second: Sinclair).</p>
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<p>Recorded Votes:</p>	<p>Cronk - Yes</p>	<p>Harris - Yes</p>
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	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	

New Guidance on Board Committee vs. Subcommittees vs. Workgroups

Brief Discussion:	Mr. Bay informed the board that the Department of Law came out with new guidance on the differences between a board committee, subcommittee, and workgroup. He provided the board with the differences between each and informed them that the most important difference is that a group working with nonboarded persons is no longer called a subcommittee and is instead called a workgroup. The reason for this is that the workgroup is advisory and does not act on behalf of the board and does not have to be publicly noticed, something that is required of board committees and subcommittees because board members are on them. Having nothing left to discuss and being ahead on the agenda, the board moved ahead to discussing applications.
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17. Applications

Brief Discussion: Off Record: 10:52 a.m. On Record: 11:15 a.m.	The board decided to take a break before going into Executive Session to discuss applications. Coming back from break, Chair Thayer decided to move ahead on the agenda to discuss future meeting dates.
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18. Schedule Future Meeting Date(s)

Discussion:	After discussion, the board decided to have their next meeting at the Juneau Yacht Club in Juneau, Alaska, on April 26, 2023, with the Local Knowledge Exam on April 25 th .
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17. Applications/Candidate Interviews (Executive Session)

Brief Discussion:	The board decided to discuss applications and conduct candidate interviews in executive session.
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Motion: Off Record: 11:23 a.m.	I, Les Cronk, move that the Alaska State Board of Marine Pilots enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and matters which by law, municipal charter, or ordinance are required to be confidential. Board staff Thomas Bay to remain during the session (First: Cronk; Second: Sinclair).
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Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	

Brief Discussion: On Record: 12:47 p.m.	Chair Thayer said no official action was taken during executive session. The board approved deputy marine pilot licensure for captains Tiffany Keefe, Jeffrey Varney, Kathryn Miller, Christopher Lemon, and Mitchell Potter.
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Motion:	Move to approve deputy marine pilot license for 50,000 Gross Tons for Region 1 with the exception of Klawock Inlet, West Coast Prince of Wales, South Coast Prince of Wales, Lisianski Inlet, and Monti Bay for Tiffany Keefe – Badge #240, license #126946.
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	<p>Move to approve deputy marine pilot license for 50,000 Gross Tons for Region 1 with the exception of Klawock Inlet, West Coast Prince of Wales and South Coast Prince of Wales for Jeffrey Varney – Badge #241, license #147164.</p> <p>Move to approve deputy marine pilot license for 50,000 Gross Tons for Region 1 with the exception of Klawock Inlet, West Coast Prince of Wales and South Coast Prince of Wales for Kathryn Miller – Badge #242, license #147160.</p> <p>Move to approve deputy marine pilot license for 50,000 Gross Tons for Region 2 with the exception of Whale Passage and Ouzinkie Narrows for Christopher Lemon – Badge #243, License #142760.</p> <p>Move to approve deputy marine pilot license for 50,000 Gross Tons for Region 1 with the exception of Klawock Inlet, West Coast Prince of Wales and South Coast Prince of Wales for Mitchell Potter – Badge #244, license #147168.</p> <p>(First: Cronk; Second: Sinclair).</p>	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Brief Discussion:	The board approved unlimited marine pilot licensure for captains Kristofer Mackie and Jordan Gould.	
Motion:	<p>Move to approve upgrade to unlimited marine pilot licensure for Region 1 for Kristofer Mackie, license #126948.</p> <p>Move to approve upgrade to unlimited marine pilot licensure for Region 2 and VLCC endorsement for Jordan Gould, license #125797.</p> <p>(First: Sinclair; Second: Tougas).</p>	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
17. Adjourn		
Brief Discussion:	With nothing left on the agenda, the board adjourned.	
Motion:	Move to adjourn (First: Harris; Second: Cronk).	

Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Adjourn:	12:54 p.m.	

Date Final Minutes Approved by the Board: <input checked="" type="checkbox"/> Meeting <input type="checkbox"/> OnBoard	04/26/2023
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