

State of Alaska

Board of Marine Pilots



October 05, 2022 - Board Meeting
Call to order; 10:00 am

Public Meeting Packet

Board of Marine Pilots

Name	Appointed	Reappointed	Expires
Cronk, Les (Leslie) (Ketchikan) Agent	3/1/2018	3/1/2022	3/1/2026
Harris, Richard (Juneau) Public	12/18/2017	3/1/2020	3/1/2024
Hasenbank, Lucas (Anchorage) Agent/Manager	3/1/2020		3/1/2024
Tougas, Joe (Seward) Public	3/1/2022		3/1/2026
Cunningham, James (Homer) Pilot	5/25/2022		3/1/2025
Sinclair, Edward (Juneau) Pilot	3/1/2019		3/1/2023
Thayer, Curtis (Anchorage) Commissioner/DCCED/Designee — Chair	2/22/2010	4/11/2019	

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Board of Marine Pilots

Alaska Division of Corporations, Business and Professional Licensing
Oct 5, 2022 at 9:00 AM AKDT to Oct 5, 2022 at 4:00 PM AKDT
Seward, Alaska (Zoom as well)

Meeting Details: [https://
https://us02web.zoom.us/j/81290952671?pwd=dINJYitpS09PVIh2MGtqSzlodkxydz09,](https://us02web.zoom.us/j/81290952671?pwd=dINJYitpS09PVIh2MGtqSzlodkxydz09)
Call in: 1 669 900 6833
Meeting ID: 812 9095 2671
Passcode: 245963

Tentative Meeting Agenda

- 1. 9:00am - Roll Call/Call to order - Select "Acting Chair" for Meeting**
- 2. 9:05am - Review Agenda**
- 3. 9:10am - Review/Approve Minutes**
 - A. March 08, 2022**
 - B. May 04, 2022**
 - C. July 07, 2022**
- 4. 9:20am - Ethics Disclosures**
- 5. 9:30am - Public Comment (not public testimony for regulation amendments)**
- 6. 9:45am - Investigative Report**
- 7. 10:00am - Division Update**
 - A. Current Fiscal Report**
3rd Quarter Fiscal Report
- 8. 10:30am - Review of Public Comment - Regulation Amendments - 12 AAC 56.080 - Biennial License Renewal**
- 9. 11:00am - CLIA Update – Lalanya Downs, Sr. Director, Community Relations & Public Affairs**
Review of 2022 season and Look towards 2023
- 10. 11:15am - Association Reports**
 - A. Alaska Marine Pilots**
 - B. Southeast Alaska Pilots' Association**
 - C. Southwest Alaska Pilots' Association**
- 11. 11:45am - SEAPA - Pilotage Rates for 2023**
- 12. 12:00am - Break for Lunch and AVTEC Simulators**

13. 2:30pm - Foreign Pleasure Craft Exemptions

A. Review of Exemptions Issued for 2022 Season

14. 2:45pm - Candidate Interviews (Executive Session)

15. 3:15pm - Board Action - Deputy Pilot Candidates

16. 3:25pm - Schedule Future Meeting Date(s)

17. 3:30pm - Adjourn

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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**

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

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 convivence 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 2 cases 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:

Renee Hoffard
Marine Pilot Coordinator

Approved:

Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: _____

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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
May 4, 2022**

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

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference for the Board of Marine Pilots was held May 4, 2022, originating from 333 Willoughby Ave., 9th Floor, Conference Room C, Juneau, Alaska.

Call to Order/Roll Call

The meeting was called to order by Chairman Curtis Thayer, at 10:03 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer
Richard Harris
Captain Edward Sinclair
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

Visitors present included:

Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)
Jessi Le, Southeast Alaska Pilots Association (SEAPA)
Captain James Cunningham, Southwest Alaska Pilots Association (SWAPA)
Captain Doug Strum, Southeast Alaska Pilots Association (SEAPA)
Captain Ian Maury, Southwest Alaska Pilots Association (SWAPA)
Captain Nick Garay, Alaska Marine Pilots (AMP)

Tom Rueter, Alaska Maritime
Lalanya Downs, Cruise Lines International Association Alaska
LCDR Hadley Owen (NOAA Coast Survey)
1 unidentified caller joined the call over the course of the meeting.

Agenda Item 2 – Review Agenda

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

Agenda Item 3 – Review of public comments -Regulation amendments

The Board received one (1) written comment in support of the proposed amendment to 12 AAC 56.080 from Captain Frank Didier of SEAPA.

Agenda Item 4 – Regulation Amendment 12 AAC 56.080

The Board reviewed the proposed change to 12 AAC 56.080 that was public noticed. The proposed language amends the regulatory requirements for renewal of biennial licenses for Deputy Marine Pilots and Marine Pilots. It was noted that the regulatory citation in the public notice was for 12 AAC 56.082(c) when in fact it should have been 12 AAC 56.080 (c).

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

**RESOLVED to adopt the proposed amendment to 12 AAC 56.080 as follows:
Amend 12 AAC 56.080 to add (i) 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 12 AAC 56.080(c), the board may adopt alternative standards for compliance with this section.**

Agenda Item 5 – Regional Standards for Compliance

The board reviewed standards proposed by each regional association as alternative standards for compliance with 12 ACC 56.080 as adopted by the board at this meeting.

AMP; Pilots must provide proof of 60 days piloting a vessel subject to AS 08.62 and/or 60 familiarization trips on vessels subject to AS 08.62 in any port of Western Alaska Region (Region 3).

SWAPA; Pilots must provide proof of a combination of 30 days

- working as a master or pilot on an enrolled vessel or as a pilot on a vessel subject to AS 08.62
- as an observer on an enrolled vessel or vessel subject to AS 08.62
 - successfully perform five dockings and five undockings including at least one docking and undocking in each of the three areas; Cook Inlet, Kodiak Island Group and Prince William Sound

- for a pilot with a VLCC endorsement, successfully perform five dockings and undockings on tankers at the Valdez oil terminal, with at least two dockings and undockings being on VLCC vessels.

SWAPA; A pilot shall perform

- on vessels of 1,000 gross tons or tug and tows exceeding 1,000 combined gross tons that are not subject to AS 08.62, at least two round trips between Ketchikan and Skagway. Not to include transits of Peril Straits or Wrangell Narrows due to limited vessel traffic
- on vessels of 1,000 gross tons or more, one round trip or two one-way trips:
 - through Snow Pass
 - through Decision Pass
 - through North Inian Pass
 - into Sitka
 - in Gastineau Channel
 - over Tracy Arm Bar or into Endicott arm, and
 - into Glacier Bay

Upon a motion duly made by Les Cronk, seconded by Joe Tougas, and approved unanimously via roll call, it was:

RESOLVED to approve the alternative standards as proposed by each respective regional association for the 2022 license renewal application.

Agenda Item 6 – Candidate Interview; Executive Session

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

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

Off record at 10:28 am

Back on record at 10:37 am

No actions were taken during executive session.

Upon a motion duly made by Captain Edward Sinclair, seconded by Joe Tougas, and approved unanimously via roll call, it was:

RESOLVED to approve the Deputy Marine Pilot license for Captain Nick Garay, Badge number 236. The license will be issued for vessels of 50 KGT in Region 2 with the exception of St. Paul.

Chair Thayer requested MPC Hoffard poll the board to set the date for the meeting to be held the week of October 3 in Seward.

Upon a motion duly made by Les Cronk, seconded by Rick Harrsi, and approved unanimously, it was:

RESOLVED to adjourn the meeting.

Off record at 10:45 am.

Respectfully Submitted:

Renee Hoffard
Marine Pilot Coordinator

Approved:

Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: _____

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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
July 7, 2022**

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

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 via video/teleconference July 7, 2022.

Call to Order/Roll Call

The meeting was called to order by Chairman Curtis Thayer, at 10:04 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer
Richard Harris
Captain Edward Sinclair
Captain James Cunningham
Lucas Hasenbank
Les Cronk
Joe Tougas

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

Renee Hoffard, Marine Pilot Coordinator
Thomas Bay, Occupational Licensing Examiner

Visitors present included:

Captain John Herring, Southeast Alaska Pilots Association (SEAPA)
Captain Marinus Hazelman, SEAPA candidate
Captain Colin Vogler, SEAPA candidate
Jessi Lee, SEAPA
Hadley Owen, NOAA

Agenda Item 3 – SEAPA –Bylaws amendments

Captain John Herring joined the board to discuss the proposed amendments for SEAPA’s bylaws. The proposed amendments allow for electronic voting for association business and changing the open ballot timeframe from 20 days to 10 day; all amendments allow for the association business to be conducted more efficiently.

Upon a motion duly made by Rick Harris, seconded by Les Cronk, and approved unanimously via roll call, it was:

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

Agenda Item 4 – Annual Report

MPC Carabajal reviewed the annual report requirements with the board. The board was asked to submit suggestions for goals and objectives for fiscal year 2023 and any other edits to the draft no later than July 31. The draft report will be uploaded to OnBoard for review and voting.

Agenda Item 5 – Candidate Interviews

Upon a motion duly made by Captain Edward Sinclair, seconded by Rick Harris, 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 and candidates to remain during the session.

Off record at 10:16 am

Back on record at 10:54 am

No actions were taken during executive session.

Upon a motion duly made by Captain Edward Sinclair, seconded by Rick Harris, and approved unanimously via roll call, it was:

RESOLVED to approve the Deputy Marine Pilot license for 50,000 Gross Tons for Region 1 with the exception of Lisianski Inlet for Captain Marienus Hazelman - Badge number 237; license 126945.

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

RESOLVED to approve the 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 Captain Colin Vogler - Badge number 238; license 126950.

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 10:42 am.

Respectfully Submitted:

Renee Carabjal
Marine Pilot Coordinator

Approved:

Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: _____

DRAFT

State of Alaska
DEPARTMENT OF LAW

ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *“Ethics Information for Members of Boards and Commissions.”* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law’s ethics website](#).

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record** and **in writing to the chair**.

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission’s public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members’ disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.⁵
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.⁶

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.⁷

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted in **writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

¹ The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

² The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

³ You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

⁴ In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

⁵ The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

⁶ In this manner, a member's detailed personal and financial information may be protected from public disclosure.

⁷ When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

⁸ The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,

the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501
attorney.general@alaska.gov
Phone: (907) 269-5100 | Fax: (907) 276-3697
TTY: 907-258-9161

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Ethics Disclosure Form

<p style="text-align: center;">CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION</p>
--

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?

Yes No

2. Can I take or withhold official action that may affect the person or entity that gave me the gift?

Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

*Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.

State of Alaska
Department of Commerce, Community &
Economic Development Division of Corporations,
Business, and Professional Licensing
Board of Marine Pilots



Public Comment

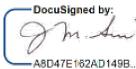
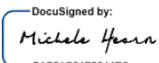
The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak. Board staff will keep track of the time and notify the individual when they need to wrap up their comment(s).

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period, send a letter with their response(s) to the individual, or they can choose to not respond.

Please be mindful of the time limit so that all who choose to speak will be given the same opportunity.



MEMORANDUM

DATE: September 19, 2022
 TO: Board of Marine Pilots
 THRU: Greg Francois, Chief Investigator 
 FROM: Michele Hearn, Investigator 
 RE: Investigative Report for the October 05, 2022 Meeting

The following information was compiled as an investigative report to the Board for the period of March 03, 2022 thru September 19, 2022; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 7

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
MARINE PILOT			
2022-000625	Marine Pilot Incident Report	Intake	06/30/2022
2019-000695	Unlicensed practice or activity	Complaint	10/18/2019
2022-000459	Marine Pilot Incident Report	Complaint	05/18/2022
2022-000623	Marine Pilot Incident Report	Complaint	08/23/2022
2022-000689	Marine Pilot Incident Report	Complaint	08/23/2022
2022-000695	Marine Pilot Incident Report	Complaint	08/31/2022
2022-000218	Contested license denial	Litigation Initiated	03/08/2022

Closed - 2

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
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FOREIGN PLEASURE CRAFT

2022-000600	Yacht/FPC Exemption	Closed-Complaint	06/24/2022	No Action - No Violation
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MARINE PILOT

2021-000538	Unlicensed practice or activity	Closed-Investigation	04/29/2022	Advisement Letter
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END OF REPORT

DRAFT

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Marine Pilots and Foreign Pleasure Craft	FY 16		FY 17	Biennium	FY 18		FY 19	Biennium	FY 20		FY 21	Biennium	FY 22
													1st - 3rd QTR
Revenue													
Revenue from License Fees	\$ 65,188	\$ 281,640	\$ 346,828	\$ 91,150	\$ 206,450	\$ 297,600	\$ 86,250	\$ 201,210	\$ 287,460	\$ 33,700			\$ 33,700
General Fund Received	-	-	-	-	-	-	-	-	-	-			\$ -
Allowable Third Party Reimbursements	-	-	-	-	-	-	-	-	-	-			\$ -
TOTAL REVENUE	\$ 65,188	\$ 281,640	\$ 346,828	\$ 91,150	\$ 206,450	\$ 297,600	\$ 86,250	\$ 201,210	\$ 287,460	\$ 33,700			\$ 33,700
Expenditures													
Non Investigation Expenditures													
1000 - Personal Services	57,669	38,731	96,400	83,020	78,538	161,558	70,082	52,807	122,889	21,587			21,587
2000 - Travel	11,698	10,370	22,068	14,158	8,709	22,867	7,442	-	7,442	703			703
3000 - Services	6,464	5,294	11,758	3,398	4,919	8,317	3,687	6,437	10,124	2,144			2,144
4000 - Commodities	541	587	1,128	195	702	897	1,805	-	1,805	150			150
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-			-
Total Non-Investigation Expenditures	76,372	54,982	131,354	100,771	92,868	193,639	83,016	59,244	142,260	24,584			24,584
Investigation Expenditures													
1000-Personal Services	4,398	96	4,494	9,360	14,528	23,888	295	552	847	2,969			2,969
2000 - Travel	-	-	-	-	1,341	1,341	-	-	-	-			-
3023 - Expert Witness	-	3,454	3,454	-	200	200	-	454	454	-			-
3088 - Inter-Agency Legal	1,418	241	1,659	795	33	828	-	457	457	-			-
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	87	87	-	-	-	-			-
3000 - Services other	-	-	-	-	5	5	-	15	15	-			-
4000 - Commodities	-	-	-	-	-	-	-	-	-	-			-
Total Investigation Expenditures	5,816	3,791	9,607	10,155	16,194	26,349	295	1,478	1,773	2,969			2,969
Total Direct Expenditures	82,188	58,773	140,961	110,926	109,062	219,988	83,311	60,722	144,033	27,553			27,553
Indirect Expenditures													
Internal Administrative Costs	6,152	6,628	12,780	13,970	13,964	27,934	9,457	7,152	16,609	5,364			5,364
Departmental Costs	8,334	8,047	16,381	14,865	16,624	31,489	8,659	7,511	16,170	5,633			5,633
Statewide Costs	3,670	4,761	8,431	10,324	9,685	20,009	9,272	7,323	16,595	5,492			5,492
Total Indirect Expenditures	18,156	19,436	37,592	39,159	40,273	79,432	27,388	21,986	49,374	16,489			16,489
TOTAL EXPENDITURES	\$ 100,344	\$ 78,209	\$ 178,553	\$ 150,085	\$ 149,335	\$ 299,420	\$ 110,699	\$ 82,708	\$ 193,407	\$ 44,042			\$ 44,042
Cumulative Surplus (Deficit)													
Beginning Cumulative Surplus (Deficit)	\$ 136,807	\$ 101,651		\$ 305,082	\$ 246,147		\$ 303,262	\$ 278,813		\$ 397,315			\$ 397,315
Annual Increase/(Decrease)	(35,156)	203,431		(58,935)	57,115		(24,449)	118,502		(10,342)			(10,342)
Ending Cumulative Surplus (Deficit)	\$ 101,651	\$ 305,082		\$ 246,147	303,262		\$ 278,813	\$ 397,315		\$ 386,973			\$ 386,973
Statistical Information													
Number of Licenses for Indirect calculation	138	154		152	132		124	138					
Additional information:	<ul style="list-style-type: none"> • Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses * • Most recent fee change: Fee reduction FY19 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and progr 												

Appropriation Name (Ex)	(All)
Sub Unit	(All)
PL Task Code	(Multiple Items)

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)				Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	12,408.09				12,408.09
1014 - Overtime	204.66				204.66
1023 - Leave Taken	2,010.44				2,010.44
1028 - Alaska Supplemental Benefit	896.51				896.51
1029 - Public Employee's Retirement System Defined Benefits	518.80				518.80
1030 - Public Employee's Retirement System Defined Contribution	685.06				685.06
1034 - Public Employee's Retirement System Defined Cont Health Reim	378.29				378.29
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	138.17				138.17
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	2,682.69				2,682.69
1039 - Unemployment Insurance	39.26				39.26
1040 - Group Health Insurance	2,749.77				2,749.77
1041 - Basic Life and Travel	4.16				4.16
1042 - Worker's Compensation Insurance	130.03				130.03
1047 - Leave Cash In Employer Charge	246.67				246.67
1048 - Terminal Leave Employer Charge	212.81				212.81
1053 - Medicare Tax	208.59				208.59
1077 - ASEA Legal Trust	3.45				3.45
1079 - ASEA Injury Leave Usage	0.50				0.50
1080 - SU Legal Trst	0.58				0.58
1970 - Personal Services Transfer	1,038.04				1,038.04
3046 - Advertising			684.65		684.65
3057 - Structure, Infrastructure and Land - Rentals/Leases			1,410.00		1,410.00
4002 - Business Supplies				150.25	150.25
3005 - Management/Consulting			-		-
2000 - In-State Employee Airfare			363.70		363.70
2001 - In-State Employee Surface Transportation			80.50		80.50
2002 - In-State Employee Lodging			169.00		169.00
2003 - In-State Employee Meals and Incidentals			90.00		90.00
3085 - Inter-Agency Mail				48.96	48.96
Grand Total	24,556.57	703.20	2,143.61	150.25	27,553.63



Southeast Alaska Pilots' Association

1621 Tongass Avenue, Suite 300 • Ketchikan, Alaska 99901 • 907-225-9696 • fax 907-247-9696 • pilots@seapa.com

September 13, 2022

Mr. Thomas Bay
Marine Pilot Coordinator
Alaska Board of Marine Pilots
P.O. Box 110806
Juneau, Alaska 99811-0806

Dear Mr. Bay:

In accordance with AS 08.62.046, I am notifying the Board of Marine Pilots of SEAPA's intention to adopt the attached pilotage rates for 2023.

Please contact me if you have any questions.

Sincerely,

Captain Mark Lundamo
President, Southeast Alaska Pilots Association

Attachments: Cruise Vessel Rate
Dry Cargo Vessel Rate
Rate for Vessels Not Otherwise Covered

cc: Cruise Line Agencies of Alaska
North Pacific Maritime
Yacht Services of Alaska
Alaska Maritime Agencies
Alaska Tanker Company
Alaska Vessel Agents
Polar Tankers

**NOTICE OF INTENT TO ADOPT
RATES FOR PILOTAGE SERVICES
SOUTHEASTERN ALASKA REGION**

Cruise vessel rate.

Southeast Alaska Pilots' Association
1621 Tongass Ave, Suite 300
Ketchikan, Alaska 99901

- A) These rates apply for the provisions of pilotage services by the Southeast Alaska Pilots' Association unless other agreements have been made under AS 08.62.046(a). These rates take effect on January 1, 2023 and supersede marine pilotage rates for cruise ships subject to the Act that SEAPA published for 2021. Figures shown are in U.S. dollars.
- B) Port and Waterway Charges:
- 1) Port charges;
 - a) Arrival, \$1,824.32
 - b) Departure, \$1,824.32
 - 2) Entry, transit and departure for each of the following areas constitutes a single event;
 - a) Glacier Bay, \$4,190.09
 - b) Tracy Arm, \$2,092.32
 - c) Endicott Arm, \$2,092.32
 - d) Misty Fjords, \$2,092.32
 - e) Sergius and Whitestone Narrows, including transit through both locations on same day in same direction, \$1,289.67
 - f) Wrangell Narrows, \$1,774.00
 - g) Snow Passage, \$ 805.35
 - h) Yakutat Bay \$3,644.55
- C) Additional transit charges based on the number of passengers shall be assessed at the millage rate of 13.73 mills times the actual number of passengers on board for sale, times the number of miles transited in the inside waters of Southeastern Alaska Region, excluding miles transited in the areas identified in B.2. (a-g) of this paragraph. The actual number of passenger berths on board for setting the charge may not be less than 329 and not more than 2022.
- D) The charge for anchoring is one half the port charge (\$912.16). Anchoring or laying to for loading passengers or discharging passengers is considered as a regular port charge, and all charges may be assessed as if the vessel was moored.
- E) All vessels with a draft in excess of 32 feet shall be charged at a rate of \$36.78 per foot or portion of a foot. This charge shall be computed separately for each entry into or departure from a port.
- F) The charge based on tonnage and depth shall be calculated using a tonnage unit system at a rate of \$4.01 per unit for all units in excess of 163 units. The tonnage charge shall be computed separately for each entry into or departure from a port, or an area identified in paragraph B.2. Tonnage units are calculated as follows:

$$\frac{\text{Overall Length X Extreme Breadth X Depth}}{10,000}$$

- 1) For the purpose of determining a tonnage unit:
 - a. Overall Length is the distance between the forward and after extremities of the vessel;
 - b. Extreme breadth is the maximum breadth to the outside of the shell plating of the vessel;
 - c. Depth is the vertical distance of amidships from the top on the keel plate to the uppermost continuous deck fore and aft and which extends to the sides of the vessel; The continuity of a deck shall not be considered to be affected by the existence of tonnage openings, equipment space or a step in the deck; and all measurements shall be in feet and inches.

- G) The charge for moving a vessel from dock to dock, dock to anchor, anchorage to anchorage or anchorage to dock shall be one-half the regular port charge. (\$912.16)

- H) The charge for docking and undocking a vessel in the absence of the use of the vessel's own propulsion system shall be one hundred fifty percent (150%) of the regular charge for the movement.

- I) A pilot may charge for the actual cost of travel expenses, including airplanes and ferry fares, ground transportation, telephone calls, and other expenses pertaining to the vessel's business, plus the per diem rate. The per diem rate shall be 60% to hotel, 40% to meals for the current year. In areas where the hotel portion of the per diem allowance does not reflect the total cost of the available hotel accommodations, the actual cost of the hotel accommodations may be charged. If adequate meals and rooms are not furnished to the pilot when on the ship, an additional charge shall be assessed by the pilot in accordance with the distribution of the per diem rate as described in the paragraph.

- J) Additional charges shall be assessed for the services of a pilot as follows;
 - 1) When a pilot is required to leave in advance to ensure meeting a vessel upon its arrival or departure, or the pilot is returning from a piloting assignment, that additional time shall be charged at a rate of \$160.52 per hour up to a maximum of \$1650.52 per day for each day a pilot is in transit or standby.
 - 2) The charge for detention time on board ship shall be at the rate of \$160.52 per hour per pilot up to a maximum of \$1650.52 per pilot per day; a pilot carried to sea shall be paid the same rate for each day the pilot is detained, plus the pilot may charge for first class return transportation and per diem.
 - 3) The charge for trip cancellation is \$805.35, plus transportation and per diem charges according to paragraph I).
 - 4) When an agent, owner, or master of a vessel does not correct an estimated time of arrival and notify the pilot within four hours of the last time of arrival given, compensation charges shall be \$160.52 per hour or \$963.12 per day may be charged until the actual arrival of the vessel at the pilot station.

- 5) When the sailing time of a vessel is set by an agent, owner, or master of a vessel, any delay over one hour from the set time shall be charged at a rate of \$160.52 per hour or portion of an hour and may not exceed \$963.12 per day.
 - 6) When an agent, owner, or master of a vessel requests a pilot to stay on board a vessel on a continuous basis while the vessel is docked or anchored at a port or anchorage, the charge shall be \$160.52 per hour and may not exceed \$963.12 per day.
 - 7) When a vessel chooses not to maintain its cruising capability for reasons determined by the vessel and not the pilot, and which are unrelated to the safety of the vessel or its passengers, and when the difference in transit time is greater than the predicted transit time had the vessel maintained its cruising capability, a charge of \$160.52 per hour, and each fraction of an hour, will be assessed for the resultant difference in time. The transit time will be calculated from last line to first line.
- K) For the purpose of these rates, travel, standby, and work days begin and end at midnight; each charge accruing at any point within a midnight to midnight time period may be assessed. All pilotage services are provided under AS 08.62.165.

NOTHING FOLLOWS

**NOTICE OF INTENT TO ADOPT
RATES FOR PILOTAGE SERVICES
SOUTHEASTERN ALASKA REGION**

Bulk dry cargo vessel rate.
Southeast Alaska Pilots' Association

These rates apply to all Bulk Dry Cargo vessels, requesting pilotage service from the Southeast Alaska Pilots Association (SEAPA), 1621 Tongass Ave, Suite 300, Ketchikan, Alaska 99901, unless other subsequent rates have been published under AS 08.62.046(a). These rates take effect January 1, 2023. Rates are in United States dollars.

A. For all Bulk Dry Cargo Vessels:

EVENT FEE SCHEDULE		Tonnage/Draft Charges	
Event Charge	Rates	Tonnage	Deep Draft
Port Arrival	\$ 1,516.18	1	1
Port Departure	\$ 1,516.18	1	1
Shift *	\$ 758.09	-	-
Anchoring/Laying-to †	\$ 758.09	-	-
Waterway Area Transit ‡	\$ 1,472.15	2	2
Snow Passage Transit	\$ 648.53	2	2

* Includes anchoring, weighing anchor, mooring, unmooring, docking, undocking.

† Awaiting berth or weather when shift charges do not apply.

‡ Waterway Areas are: Wrangell Narrows, Sergius Narrows, Whitestone Narrows, Tlevak Narrows, Boca de Finas Channel, San Christoval Channel

B. Tonnage Surcharge: A surcharge as indicated in the Event Fee Schedule, (A.) based on the vessel's overall length, extreme breadth, and depth, will be assessed at a rate of \$3.54 for each tonnage unit in excess of 150 units. Tonnage units are calculated as follows (measurements in feet and tenths of feet):

$$\frac{\text{overall length} \times \text{extreme breadth} \times \text{depth}}{10,000}$$

Overall length: The distance between the forward and after extremities of the vessel;

Extreme breadth: The maximum breadth to the outside of the shell plating of the vessel;

Depth: Measured from top of keel to upper most continuous deck fore and aft which extends to the sides of the vessel. The continuity of this deck shall not be considered to be affected by the existence of any tonnage opening, engine space, or a step in the deck.

C. Draft Surcharge: \$32.91 per foot and fraction of a foot for vessels with a draft in excess of 32 feet for every entry into and departure from ports and waterway areas as indicated above.

D. Second Pilot Charges: An additional 50% charge for all charges described in A., Event Fee Schedule, will be charged when a second pilot is assigned as required by 12 AAC 56.960, in addition to Hourly Fee Schedule described in F.

E. Dead Ship: 150% charge of the Event Fee Schedule per movement.

F. Hourly Charges: Charge is per hour and fraction of an hour per each pilot dispatched to provide pilotage services.

HOURLY CHARGE SCHEDULE	Hourly Rate Per Pilot	Maximum Chargeable Hours Per-Day
Continuous Watch Hours in Excess of 8 Hours.	\$129.94	-
Detention*	\$129.94	10 Hours
Sailing Delay over 1 Hour	\$129.94	7 Hours
Travel to/from Vessel	\$129.94	9 Hours
Standby	\$129.94	10 Hours
Slow Steaming †	\$129.94	-
Pilot Carried Beyond the Southeast Region	\$196.00	-

* Detention at the master's/agent's request whether on watch, in transit, or on standby, including carrying pilot(s) beyond a pilot station between ports within the Southeast Region. Detention does not apply on routes between ports within the Southeast Region when transiting solely within pilotage waters. Calculation of on watch/in transit detention time is based on transit time between pilot stations.

† Slow steaming hours equal difference between actual transit time and anticipated transit time at the vessel's posted sea speed plus 60 minutes

G. Transportation and Per Diem Charges: Actual cost of travel to and from the vessel, plus per diem as allowed by the U.S. Internal Revenue Service for the current year, may be charged. If adequate meals and berthing are not furnished on board, per diem may be charged. The points of origin for travel are Ketchikan and Juneau.

H. Trip Cancellation: \$598.98 will be charged when a trip is cancelled less than 24 hours prior to the scheduled arrival/departure time, plus any pilot travel/standby charges incurred including any transportation and accommodation reservation cancellation fees.

I. For purpose of these rates, travel, standby, and workdays begin and end at midnight; each charge accruing at any point within a midnight-to-midnight time period may be assessed. All pilotage services are provided under AS 08.62.165.

NOTHING FOLLOWS

**NOTICE OF INTENT TO ADOPT
RATES FOR PILOTAGE SERVICES
SOUTHEASTERN ALASKA REGION**

Rates for pilotage services rendered to vessels engaged in operations not covered by other published Southeast Alaska Pilots' Association rates.

Name and Mailing Address of Pilot Organization:

Southeast Alaska Pilots' Association (SEAPA)
1621 Tongass Avenue, Suite 300
Ketchikan, AK 99901

Effective Date of Rate schedule: January 1, 2023

Applicable area of Rate schedule: Southeast Alaska Region

Rates for SEAPA: Rates for pilotage service rendered to vessels engaged in operations not covered by other published Southeast Alaska Region rates.

SEAPA will charge \$183.89 per hour for each pilot assigned to a vessel engaged in operations not specifically covered by other published Rates in the Southeast Alaska Region. A minimum charge of 4 hours shall apply for all assignments. Chargeable time will include bridge time, travel time, detention time and standby time based on the most efficient means of travel to and from the vessel. Air charter services may be used when scheduled air transportation is not available within 6 hours of the vessels request for pilotage services, or completion of pilotage services. SEAPA may change out pilots for vessels requiring pilotage service in excess of 72 hours, including travel and standby time.

SEAPA will charge for travel expenses at actual cost. SEAPA will charge per diem as revised annually by the federal government for the Southeastern Alaska Region. SEAPA will charge a vessel unwilling or unable to furnish separate sleeping and bathroom accommodations at the per diem hotel rate for each pilot onboard the vessel more than 15 hours. A pilot carried out of region by a vessel may charge for first class return transportation and all applicable per diem.

A vessel that is required to employ a pilot under Alaska law shall be charged for all transportation costs incurred by the pilot, for the minimum pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services, even if the marine pilot services had not been rendered. A vessel that fails to order a second pilot for pilotage services that exceed 8 hours of actual bridge time shall be charged for the second pilot's services even though the second pilot's services had not been rendered. A vessel that fails to cancel a request for a pilot within 24 hours of the time requested for the vessel movement shall be charged the minimum pilotage charge and all other charges that would have incurred had the pilot reached the vessel and provided pilotage services, even though the pilotage services had not been rendered.

The vessel's captain, owner, or charterer shall accept service of process by SEAPA if the vessel operates in the Southeast Alaska Region.

NOTHING FOLLOWS

EXECUTIVE SESSION MOTION

I, _____, 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 _____

Board staff member(s) _____ to remain during the session.

Off record: _____
On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- matters involving consideration of government records that by law are not subject to public disclosure.

State of Alaska 2023 HOLIDAY CALENDAR

State Holidays

Date	Holiday
01/01/2023	New Year's Day (observed 01/02/2023)
01/16/2023	MLK Jr.'s Birthday
02/20/2023	Presidents' Day
03/27/2023	Seward's Day
05/29/2023	Memorial Day
07/04/2023	Independence Day
09/04/2023	Labor Day
10/18/2023	Alaska Day
11/11/2023	Veterans' Day (observed 11/10/2023)
11/23/2023	Thanksgiving Day
12/25/2023	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



JANUARY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY

S	M	T	W	T	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

AUGUST

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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

MARCH

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER

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24	25	26	27	28	29	30

APRIL

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OCTOBER

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22	23	24	25	26	27	28
29	30	31				

MAY

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21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER

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19	20	21	22	23	24	25
26	27	28	29	30		

JUNE

S	M	T	W	T	F	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

DECEMBER

S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
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