

# State of Alaska

## Board of Marine Pilots



**April 26, 2023 - Board Meeting**  
**Call to Order: 9:00 am**

**Public Meeting Packet**

## Board of Marine Pilots

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



## **Board of Marine Pilots, April 2023 Meeting**

Alaska Division of Corporations, Business and Professional Licensing  
Apr 26, 2023, at 9:00 AM AKDT to Apr 26, 2023, at 11:35 AM AKDT  
Juneau Yacht Club: 1301 Harbor Way, Juneau, AK

### **Meeting Details:**

<https://us02web.zoom.us/j/82553691575?pwd=dTdBbVpPZ0lXbE9PWWhHSVZJM1FxZz09>

**Call in:** (669)900-6833

**Meeting ID:** 825 5369 1575

**Passcode:** 768235

### **Agenda**

- 1. 9:00am - Roll Call/Call to Order**
- 2. 9:02am - Review/Approve Agenda**
- 3. 9:05am - Review/Approve Minutes**
  - A. January 25, 2023**
- 4. 9:10am - Public Comment**
- 5. 9:25am - CLIA Update - L. Downs, Sr. Director, Community Relations & Public Affairs**
- 6. 9:35am - Association Reports**
  - A. Alaska Marine Pilots**
  - B. Southeast Alaska Pilots' Association**
  - C. Southwest Alaska Pilots' Association**
- 7. 9:55am - Association Amendments**
  - A. SWAPA Training Program Amendments**
- 8. 10:00am - Board Business**
  - A. Exam Software Update**
- 9. 10:10am - Ethics Disclosures**
- 10. 10:15am - Investigative Report**
- 11. 11:00am - Executive Session**
  - A. Training Program Extension Requests**
  - B. Deputy Marine Pilot Candidate Interview**
- 12. 11:20am - Board Action**
  - A. Training Program Extension Requests**
  - B. Deputy Marine Pilot Candidate**

**13. 11:30am - Schedule Future Meeting Date(s)**

**14. 11:35am - Adjourn**

DRAFT

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**

<b>Date:</b>	January 25, 2023
<b>Time:</b>	9:00 a.m. (9:04 a.m.)
<b>Location:</b>	Alaska Energy Authority Building: 813 W Northern Lights Blvd, Anchorage, AK
<b>Board Members Present:</b>	Chair Curtis Thayer, Captain Edward Sinclair, Captain James Cunningham, Les Cronk, Lucas Hasenbank, Richard Harris, Joseph Tougas
<b>Board Members Absent:</b>	None
<b>Division/SOA Staff Present:</b>	Thomas Bay (Marine Pilot Coordinator), Jennifer Summers (Senior Investigator), Michele Hearn (Investigator), Melissa Dumas (Administrative Operations Manager)
<b>Present from the Public:</b>	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)

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

<b>Motion:</b>	Move to accept the October 05, 2022, meeting minutes as written (First: Tougas; Second: Cunningham).	
<b>Recorded Votes:</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>3. Ethics Disclosures</b>		
<b>Brief Discussion:</b>	There were no ethical disclosures by any board members or staff.	
<b>4. Public Comment</b>		
<b>Brief Discussion:</b>	There was nobody in attendance for public comment.	
<b>5. Foreign Pleasure Craft Packet Review</b>		
<b>Brief Discussion:</b>	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.	
<b>Motion:</b>	Move to approve the foreign pleasure craft packet as written (First: Sinclair; Second: Harris).	
<b>Recorded Votes:</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>6. Investigative Report</b>		
<b>Brief Discussion:</b>	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.	
<b>7. Division Update</b>		
<b>Brief Discussion:</b>	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.	
<b>8. CLIA Update</b>		
<b>Brief Discussion:</b>	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 tramper 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 tramper 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 trampers. 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

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.

**11. Association Reports**

**SEAPA**

**Discussion:** 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 1<sup>st</sup> 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.

**12. Association Reports**

**SWAPA**

<b>Discussion:</b>	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.
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**13. CLIA Update – L. Downs, Sr. Director, Community Relations & Public Affairs**

<b>Discussion:</b>	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.
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**14. Association Amendments**

**SEAPA Bylaw Amendments**

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

	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	

**SWAPA Training Program Amendments**

<b>Brief Discussion:</b>	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.	
<b>Motion:</b>	Move to approve SWAPA’s training program amendments (First: Harris; Second: Hasenbank).	
<b>Recorded Votes:</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	

**15. Division Update**

**Current Fiscal Report: 2022 4<sup>th</sup> Quarter Fiscal Report, 2023 1<sup>st</sup>/2<sup>nd</sup> Quarter Fiscal Report**

<b>Brief Discussion:</b>	The division’s Administrative Operations Manager, Melissa Dumas, provided the board with their FY22 4 <sup>th</sup> Quarter Fiscal Report and their 2023 1 <sup>st</sup> /2 <sup>nd</sup> 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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<b>16. Board Business</b>	
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<b>Outdated Regulations</b>	
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<b>Brief Discussion:</b>	<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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<b>Motion:</b>	<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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<b>Recorded Votes:</b>	Cronk - Yes	Harris - Yes
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	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>New Guidance on Board Committee vs. Subcommittees vs. Workgroups</b>		
<b>Brief Discussion:</b>	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.	
<b>17. Applications</b>		
<b>Brief Discussion:</b> <b>Off Record: 10:52 a.m.</b> <b>On Record: 11:15 a.m.</b>	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.	
<b>18. Schedule Future Meeting Date(s)</b>		
<b>Discussion:</b>	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 <sup>th</sup> .	
<b>17. Applications/Candidate Interviews (Executive Session)</b>		
<b>Brief Discussion:</b>	The board decided to discuss applications and conduct candidate interviews in executive session.	
<b>Motion:</b> <b>Off Record: 11:23 a.m.</b>	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).	
<b>Recorded Votes:</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>Brief Discussion:</b> <b>On Record: 12:47 p.m.</b>	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.	
<b>Motion:</b>	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.	

	<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>	
<b>Recorded Votes (roll call):</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>Brief Discussion:</b>	The board approved unlimited marine pilot licensure for captains Kristofer Mackie and Jordan Gould.	
<b>Motion:</b>	<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>	
<b>Recorded Votes (roll call):</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>17. Adjourn</b>		
<b>Brief Discussion:</b>	With nothing left on the agenda, the board adjourned.	
<b>Motion:</b>	Move to adjourn (First: Harris; Second: Cronk).	

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

Date Final Minutes Approved by the Board: <input type="checkbox"/> Meeting <input type="checkbox"/> OnBoard	
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**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.

# SOUTHWEST ALASKA PILOTS ASSOCIATION

P.O. Box 977  
Homer, Alaska 99603

Tel: (907) 235-8783  
Fax: (907) 235-6119

April 5, 2023

Alaska Board of Marine Pilots  
P.O. Box 110806  
Juneau, Alaska 99811-0806  
Attn: Marine Pilot Coordinator

Dear Tom,

SWAPA would like to revise the current Board Approved Training Program. Language to be added in the attached document is in **blue font** and any language to be deleted is ~~struck through and in red font~~.

The complete training program, including the revisions, is attached to this letter and we would be grateful if the Board of Marine Pilots would approve these amendments as submitted.

*REVISIONS ARE AS FOLLOWS:*

## **SWAPA IN-HOUSE CLEARANCES AND RESTRICTIONS FOR DEPUTY PILOTS LICENSE 50,000 Gross Tons:**

Step 1. Upon receiving a 50,000 gross ton endorsement, the deputy's in-house clearance will be limited to **30,000** ~~25,000~~ Gross Tons, with the following restrictions:

Many thanks and best regards,

## **COMPANY AND DOCK CLEARANCES**

### **~~Drift River Clearance~~**

~~Must be a full Marine Pilot before doing unsupervised work at this port.~~

Other references throughout the document that mention *Drift River* are also removed due to the decommissioning of this port and the Table of Contents page is therefore also amended accordingly.

Best regards,



Capt. Ian Maury  
President

by JZ

Enc: SWAPA Training Program w/revisions marked  
SWAPA Training Program (clean version including revisions)



# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### PREFACE

The State of Alaska requires the pilot associations it recognizes to operate and maintain training programs for persons who are seeking deputy marine pilots licenses, pilots who are transferring from one state region to another, and continuing education for licensed pilots. Therefore, in order to provide the citizens of Alaska, and particularly of Pilotage Region II, the highest quality marine pilotage service, the Southwest Alaska Pilots Association establishes and maintains a professional training program for all marine pilot members of the Association, marine pilot trainees, deputy marine pilot trainees, and apprentices. This program is created and operated by the Association under the authority of the State of Alaska Marine Pilot Statutes and Regulations and the Association's Articles and Bylaws.

This document is intended to serve as a one-source guide to all training required by the State of Alaska and the Association for marine pilots, deputy marine pilots, trainees and apprentices. It also seeks to clearly explain the processes for the training and the Alaska Pilots License to which that training leads.

It is expected that this document will be amended from time to time as shipping patterns change, state regulations are enacted or amended, technology advances, or experience indicates changes are necessary to best address training needs.

**NOTE: Trainees are responsible for being thoroughly familiar with the Statutes and Regulations for Marine Pilots which take precedence over the information contained in this training program.**

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### INTRODUCTION

Pilots generally come to the profession after many years of education, training and sea-going experience where they have held high level positions on merchant or military vessels. They become licensed and eventually gain membership in SWAPA through training in one of several ways. In addition the State requires continuing education for pilots already licensed. The SWAPA training program, then, is designed to address these various categories of training as follows:

1. **Pilot Observer program** for those who have little or none of the federal pilotage endorsements required for Region II. This leads to the Training program where hands on docking and undocking training takes place according to a schedule of required maneuvers at various ports.
2. **Training program** for those who have a federal endorsement of pilotage for at least one area within region 2, have passed the core exam and have been accepted into the program by a majority vote of the membership. Hands on docking and undocking training can only take place in ports for which the trainee has federal pilotage. Training takes place according to a schedule of required maneuvers at various ports and at the direction of the training committee which will consult closely with the trainee to determine which maneuvers will benefit him/her the most, given the individual trainee's strengths and weaknesses.
3. **Training program for experienced pilots transferring from another region.** Transferring pilots are well experienced in shiphandling, therefore docking and undocking training criteria are different for this category of trainee. It consists mainly of obtaining the federal pilotage for the entire region and a total of 50 dockings/undockings at the direction of the training committee.
4. **Apprenticeship program** for those mariners who are otherwise qualified but who have not had the employment opportunities required to qualify for entry under AS 08.62.093 (b) (1through 5).
5. **Continuing professional education for licensed pilots and deputies.** This program assures that SWAPA pilots and deputies continue to meet the high professional standards expected of us.

*During all phases of observing and training, situational awareness will be emphasized, observed, and graded. Situational awareness is essential to successful piloting and cannot be overemphasized.*

# **TRAINING PROGRAM**

## **SOUTHWEST ALASKA PILOTS ASSOCIATION**

### **THE TRAINING COMMITTEE**

The SWAPA Training Committee is composed of at least 2 veteran training pilots and the SWAPA President. The Committee will supervise and direct all aspects of the training program, as described in this document, under the direction of the SWAPA membership and Board of Directors.

To ensure the most complete training experience and to avoid any hint of favoritism during the training process, the Training Committee may direct trainees to train with particular pilots or on particular ships or classes of ships, or on particular routes or waterways. The Committee may also instruct trainees to refrain from further training with pilots whom, in the judgment of the training committee, they have made an excessive number of training trips.

Training progress assessment: A Deputy Marine Pilot (DMP) trainee shall meet with the training committee, or a member thereof, in person or by telephone, after every 10 maneuvers for a discussion and assessment of his or her training progress. The committee may then direct the trainee to the training assignments that will best improve the trainee's experience and skills.

Final training assessment: Upon completion of the SWAPA training program and the state licensing requirements for DMP, the trainee shall meet with the training committee for a full assessment of his or her training evaluations.

If the committee is satisfied that the training requirements have been met, and that the trainee is in fact ready to begin work as a DMP, the SWAPA President and Board of Directors will be informed and a letter issued to the BOMP stating this fact.

If, during the training process, it becomes evident to the committee that the trainee does not possess the necessary aptitude to successfully complete the program because of lack of situational awareness, failed maneuvers, a general lack of progress, or for other reasons, the trainee shall be so informed as early in the process as practicable in order to avoid wasted time and expense on the part of the trainee and the Association.

Failure to comply with the Training Committee's directions may constitute grounds for dismissal from the training program. Dismissal shall be determined by a majority of the membership.

### **PREREQUISITE REQUIREMENTS AND SELECTION**

To obtain a pilot's license in Alaska (AS08.62.093) applicants must have a minimum license and experience level. Therefore, SWAPA cannot accept applications which do not meet the State's minimum criteria for licensure as listed below:

- Be a U.S. citizen

# **TRAINING PROGRAM**

## **SOUTHWEST ALASKA PILOTS ASSOCIATION**

### **PREREQUISITE REQUIREMENTS AND SELECTION (continued)**

- Minimum of one year as master on ocean or coastwise vessels while holding unlimited ocean masters license-or-
- Two years' service as master on United States Coast Guard inspected vessels of not less than 1000 gross tons or tug and tow of at least 1600 combined gross tons while holding a 1600 gross ton masters license-or-
- Two years of service as chief mate on ocean or coastwise vessels while holding unlimited ocean masters license-or-
- Two years of service as commanding officer of U.S. Commissioned vessels (Navy, Coast Guard, NOAA) of not less than 1600 gross tons while holding unlimited ocean masters license-or-
- Three years of experience as a member of a professional pilots association-or-
- Four years of experience in an approved apprenticeship program.

If applicants possess one or more of the above listed experience and license qualifications, the Association will accept the application. The SWAPA training committee maintains an applicant file and generally, but not always, the membership will vote in the spring whether or not to bring one or more applicants into the Association pilot observer/apprentice programs. All qualified applicants whose applications are current (within 1 year) are listed on the ballot, in alphabetical order, with the following information provided for each applicant: Name, Age, Residence, Present Employment, Maritime Academy Education/ College Degree, Federal License, Federal pilotage endorsements held or pending for Region 2, Experience which qualifies under 08.62.093 (above).

Entry into the SWAPA pilot observer/training/apprenticeship programs is a membership decision based upon the needs of the Association in fulfilling its State mandated obligation to promote a safe and reliable system of marine pilotage for Region II. Most successful applicants will enter the Association Pilot Observer Program, except licensed marine pilots transferring from another region who will enter the Association Training Program.

### **DRUG TESTING PROGRAM**

All pilot observers, trainees and apprentices shall be enrolled in a board approved random drug testing program.

### **PILOT OBSERVER PROGRAM**

Participants in the SWAPA Pilot Observer program receive assistance from the Association in obtaining observer trips for the purpose of gaining federal pilotage endorsements in Region II. Region II includes Icy Bay, Prince William Sound, Seward/Resurrection Bay, Cook Inlet, the Kodiak Archipelago and the south side of the Alaska Peninsula to 156 degrees west longitude.

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~~Draft 03/31/23~~

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### PILOT OBSERVER PROGRAM (continued)

While in the Pilot Observer program, Observers will accompany a number of association pilots on pilotage assignments to various ships, waterways and ports. Members evaluate the observer's professional demeanor and appearance, attitude, preparation, situational awareness, and aptitude for the work of a pilot. Observers are expected to show good progress in obtaining the federal endorsements required. If they do not they may be dropped from the program. Similarly, if an observer shows poor attitude, poor aptitude, or unprofessional behavior then he or she may be dropped from the program. It is the observer's responsibility to furnish the pilot with a "Pilot Observer Evaluation Form" for completion. This completed form shall be returned to the office and placed in the observer's file for periodic review by the Training Committee.

Completion of the pilot observer program is the path to the deputy marine pilot training program. Once observers obtain federal pilotage for one or more areas in Region II they are eligible to take the state "core exam" (56.026).

Prior to taking the core exam, the Training Committee will review the observer's "Pilot Observer Evaluation Forms" and other feedback from pilots whom the Observer has accompanied on pilot jobs. The Training Committee will then give an assessment and recommendation to the SWAPA membership. The membership will then vote on whether or not to accept the observer into the SWAPA training program. Upon an affirmative majority vote of the membership, The Board of Marine Pilots will be informed in writing that the applicant is qualified and recommend that he/she be administered the core exam. Upon successful completion of the core exam the observer will be accepted into the SWAPA training program and begin supervised ship handling at only those ports for which they are federally licensed. The Alaska Board of Marine Pilots will be informed in writing that such training will begin. (56.026(3b)).

### DEPUTY MARINE PILOT TRAINING PROGRAM

Our training process requires at least 100 supervised movements, performed throughout the region, with training in all currently active ports within the region, including;

#### Kodiak Island Group and Prince William Sound

- Requires a minimum of 15 dockings or moorings and 15 undockings or unmoorings to take place in Prince William Sound and Kodiak Island Group.
- At least one docking or mooring and one undocking or unmooring must be performed within the period October 1 to April 1.
- 2 of the dockings/moorings and 2 undockings/unmoorings, including transit to the pilot station, must be performed at night.
- No fewer than 3 of the dockings/moorings and undockings/unmoorings must take place in Prince William Sound.

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### DEPUTY MARINE PILOT TRAINING PROGRAM (continued)

#### Seward/Resurrection Bay

- Requires a minimum of 6 dockings and 6 undockings under the supervision of at least two different training pilots.
- At least 2 dockings and 2 undockings on vessels in excess of 10,000 gross tons.

#### Nikiski

- Requires a minimum of 18 dockings and 18 undockings under the supervision of at least 3 different training pilots.
- 4 dockings and 4 undockings must be performed under ice conditions; a board approved ice simulator training course for this port may be substituted for 2 dockings and 2 undockings.
- 4 dockings must be performed while dredging an anchor.
- 4 dockings and 4 undockings must be performed within the period October 1 to April 1.

#### Port of Anchorage

- Requires a minimum of 12 dockings and 12 undockings under the supervision of at least 2 different training pilots.
- 2 dockings and 2 undockings must be performed under ice conditions.
- 2 dockings and 2 undockings must be performed on vessels in excess of 10,000 gross tons.
- 2 dockings and 2 undockings must be performed with tug assistance.
- 1 docking must involve a cow turn. A simulator training course for this port may be substituted for this maneuver.

#### College Fjord, Prince William Sound

- 4 round trips as a pilot observer under the supervision of at least 2 different training pilots on cruise ships of over 10,000 gross tons. 4 transits at the conn under the supervision of at least 2 different training pilots.

#### Western Entrances to Prince William Sound

- (a) 4 round trips as a pilot observer under the supervision of at least 2 different training pilots on cruise ships of over 10,000 gross tons, including 4 round trips as a pilot observer through Knight Island Passage.

Or

(b) 4 dockings and undockings on cruise ships over 10,000 gross tons, under the supervision of 2 different training pilots, in Prince William Sound.

A combination of (a) and (b) shall also be acceptable.

- 2 round trips as a pilot observer through Elrington Passage.
- 4 round trips as a pilot observer through Hinchinbrook Entrance.

# **TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION**

## **DEPUTY MARINE PILOT TRAINING PROGRAM (continued)**

Each maneuver will be briefed, observed, and graded by the training pilot. In order to pass, each maneuver must be safe and unassisted by the pilot. It is the trainee's responsibility to furnish the pilot with a "Trainee Evaluation Form" for completion. The completed form shall be returned to the SWAPA accounting office and placed in the trainee's file for periodic review by the Training Committee and quarterly submission to the Marine Pilot Coordinator.

### **Course Work**

The deputy marine pilot training program requires, within 5 years prior to application for licensing, the successful completion of:

1. An American Pilots Association approved Bridge Resource Management course of at least 16 hours.
2. A bridge simulator course which is Region II specific or which emphasizes a pilot's proficiency, or,
3. A manned model course.

Trainees have a maximum of 3 years to complete training (56.026(e)).

When trainees have successfully completed the docking/undocking training, course work, and obtained full federal pilotage without tonnage restrictions for the Kodiak Island Group ports of Kodiak/St. Paul Harbor and Womens Bay, and the entire Southcentral Alaska Region outside of the Kodiak Island Group, except Icy Bay, SWAPA will notify the marine pilot coordinator. Trainees are then eligible to sit for the local knowledge portion of the state exam. Finally, trainees take the oral exam in front of the Board of Marine Pilots. If successful in both exams the trainee is granted a Deputy Marine Pilot License (56.027).

### **COMPENSATION**

Pay commences when the deputy begins piloting under the authority of his or her deputy marine pilot license and is graduated depending on the tonnage and endorsements on the license. See SWAPA Bylaws for a table of pay gradations.

### **TRAINING STIPENDS**

SWAPA will issue a monthly stipend of \$75.00 per day to pilot trainees who have passed their Deputy Marine Pilot Core exam, are available and actively training, as directed by the training committee.

SWAPA will reimburse the actual travel expenses of trainees who are performing state required dockings/undockings. In order to be compensated for these expenses, trainees must abide by these guidelines:

- Submit the SWAPA trainee expense reimbursement form along with actual receipts documenting expenditures. No receipts, no reimbursement.

# TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

## TRAINING STIPENDS (continued)

- Take the most economical form of transportation available.
- Trainees are not permitted to charter airplanes or boats for reimbursement by SWAPA. If the trainee feels such arrangements are necessary then contact the training chairman who, if he/she agrees, will attempt to clear the expense with the SWAPA President.

The total of stipends and travel expenses together shall not exceed 1% of the previous year's gross annual revenue of SWAPA. Stipends may be adjusted accordingly.

## DEPUTY MARINE PILOT TONNAGE UPGRADES

Deputy Marine Pilots must hold a deputy marine pilots license for 3 years before being granted a full marine pilots license. During this 3 year period tonnage is limited as follows: (56.018 & 019)

- **Step one**-----50,000 gross tons. To upgrade to step two, the deputy pilot must perform vessel movements during at least 30 days as a deputy marine pilot on vessels requiring a state licensed marine pilot.
- **Step two**-----95,000 gross tons. To upgrade to step three, the deputy marine pilot must have held an endorsement as a deputy marine pilot for a period of at least one year, and while holding a deputy marine pilot license of not more than 95,000 gross tons, have performed at least 60 days of vessel movements onboard vessels requiring a state licensed marine pilot.
- **Step three**-----110,000 gross tons. To upgrade see Marine Pilot License section below.

## SWAPA IN-HOUSE CLEARANCES AND RESTRICTIONS FOR DEPUTY PILOTS

### LICENSE 50,000 Gross Tons:

Step 1. Upon receiving a 50,000 gross ton endorsement, the deputy's in-house clearance will be limited to 30,000 ~~25,000~~ Gross Tons, with the following restrictions:

- Kodiak Island- No unsupervised dockings/undockings of tank vessels.
- Cook Inlet- No docking/undocking of tank vessels. May go as second pilot
- Prince William Sound- No docking/undocking of tank vessels.

Step 2. After completing 3 round trips in Cook Inlet to either Nikiski or the Port of Anchorage, the Deputy will be cleared for tankers with the following restrictions

- Kodiak Island- No unsupervised docking/undocking of tank vessels at Womens Bay.
- ~~Cook Inlet- No unsupervised dockings/undockings at Drift River. May go as second pilot.~~
- Prince William Sound- No docking/undocking of tank vessels in TAPS Trade.

# TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

## SWAPA IN-HOUSE CLEARANCES AND RESTRICTIONS FOR DEPUTY PILOTS (continued)

### LICENSE 95,000 Gross Tons:

Step 1. Upon receiving a 95,000 gross ton endorsement, the Deputy's in-house clearance will be raised to 40,000 gross tons, with the following restrictions:

- Kodiak Island- No unsupervised docking/undocking of tank vessels at Womens Bay.
- ~~Cook Inlet- No unsupervised dockings/undockings at Drift River. May go as second pilot.~~
- Prince William Sound- No docking/undocking of tank vessels in TAPS Trade.

Step 2. After successfully completing 2 supervised dockings and undockings on vessels of over 40,000 gross tons, the Deputy's in-house clearance will be raised to 95,000 gross tons, with the same restrictions as in Step 1 above.

### LICENSE 110,000 Gross Tons:

Step 1. Upon receiving a 110,000 gross ton endorsement, the Deputy's in-house clearance will be 110,000 gross tons, with the following restrictions:

- Kodiak Island- No unsupervised dockings/undockings of tank vessels at Womens Bay.
- ~~Cook Inlet- No unsupervised dockings/undockings at Drift River. May go as second pilot.~~
- Prince William Sound- No docking/undocking of tank vessels in the TAPS trade.

Step 2. After completion of the following requirements, the Deputy is eligible to begin supervised dockings/undockings at the Trans-Alaska Pipeline Terminal berths at Valdez:

- (a) 12 hours observation at the VTS Traffic Center in Valdez;
- (b) Observe at least six transits inbound from the Pilot Station and six transits outbound to the pilot station on VLCC TAPS vessels.

### MARINE PILOT LICENSE

Before deputy pilots can hold a Marine Pilots License they must:

1. Complete the 3 year period during which they operate under the authority of their deputy license at the tonnage limitations specified.
2. Have held a valid deputy marine pilot license endorsement to pilot vessels of not more than 110,000 gross tons for at least one year.

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## SOUTHWEST ALASKA PILOTS ASSOCIATION

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.

### MARINE PILOT LICENSE (continued)

4. For Kodiak Island Group have completed at least two round trip pilotage assignments.
5. For Cook Inlet have completed:
  - At least 10 dockings and 10 undockings during pilotage assignments on vessels of over 25,000 gross tons. Dockings at Homer, Seldovia or Port Graham do not satisfy this requirement.
  - At least 3 dockings and 3 undockings under ice conditions.
6. For Valdez Trans-Alaska Pipeline System complete a total of at least 20 supervised dockings and 20 supervised undockings at the Trans Alaska Pipeline Terminal operational berths. At least 4 of these dockings and undockings must occur at night and at least half must have been performed between the period October 1 to April 1.

### SPECIAL CLEARANCES

Ice Clearance: After 1 supervised docking/undocking at Nikiski and 1 supervised docking/undocking at Anchorage, performed under full ice conditions, while a Deputy, Deputy will be cleared to dock/undock under ice conditions at these ports.

Womens Bay Tanker Clearance: Must be a full Marine Pilot before doing unsupervised work on tankers in this port. A simulator training course for this port may be substituted for one supervised docking/undocking.

OTHER SPECIAL CASES: The Training Committee may require special and/or additional and/or remedial training for individual Deputies at the Committee's discretion.

#### NOTES :

Deputy pilots are encouraged to seek, and shall be responsible for requesting, additional training in any area for which they perceive themselves to be deficient or not fully prepared.

**Deputy pilots will not be dispatched to ports where they have not had at least 3 round trips as a pilot observer and/or one satisfactory supervised maneuver. Deputy pilots shall be responsible for acquiring this experience at their earliest opportunity.**

### COMPANY AND DOCK CLEARANCES

#### Drift River Clearance

~~Must be a full Marine Pilot before doing unsupervised work at this port.~~

# **TRAINING PROGRAM**

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### **LNG Ship Clearance**

Must be a full Marine Pilot and have a minimum of three years as a TAPS qualified, VLCC pilot before doing unsupervised work.

### **TRANSFERRING MARINE PILOT TRAINING PROGRAM**

Pilots transferring from other regions are almost always experienced, veteran pilots. The SWAPA training program seeks to familiarize them with Region II and to improve and refine their ship handling skills. Marine pilots transferring to Region II from other piloting regions in the state must satisfy certain state requirements as well as complete the training requirements for Region II. These requirements are (56.034):

1. Possess a Coast Guard license with pilotage endorsements of unlimited tonnage for Region II. The Regulations imply full pilotage for Region II.
2. Possess a valid marine pilot license from another region.
3. Complete the training program for Region II.
4. Pass the local knowledge exam for Region II.
5. Submit a letter from SWAPA that the applicant has completed the Region II training program.

The SWAPA training requirement for transferring pilots is as follows:

A marine pilot transferring to Alaska Pilotage Region II shall successfully complete 50 supervised dockings and/or undockings, moorings and/or unmoorings, and/or cruise ship route transits while at the conn at ports and waterways throughout the region, as specified by the SWAPA Training Committee. During this process, the Training Committee will periodically review the transferee's progress and may require additional training if, in the opinion of the training committee, this is required.

### **DEPUTY MARINE PILOT APPRENTICESHIP PROGRAM**

The Marine Pilot Statutes, 08.62.093(b)(6), provide for pilot associations to conduct an apprentice training program for those individuals who may not otherwise meet the criteria for licensure. The statute and regulations give associations broad latitude in accepting individuals into apprentice programs and require those individuals to apprentice for a period of 4 years unless granted credit for one year's experience by completing 125% of supervised movements required in Region 2 in accordance with 12 AAC 56.028 (j). Otherwise, the training requirements differ little from those undertaken by Pilot Observers and Trainees.

SWAPA will accept applications for entry into the SWAPA apprenticeship program from individuals who are otherwise highly qualified, but due to the nature of their experience in the maritime community, may not qualify under AS08.62.093. Specifically, SWAPA will accept

# **TRAINING PROGRAM**

## **SOUTHWEST ALASKA PILOTS ASSOCIATION**

applications from individuals with appropriate maritime experience, which includes the handling of vessels and holding a Master's license of not less than 1600 gross tons.

### **DEPUTY MARINE PILOT APPRENTICESHIP PROGRAM (continued)**

1. The Board of Marine Pilots will be notified when an individual is accepted into the Deputy Marine Pilot Apprenticeship Program. No training of any kind can take place until such notice is tendered.
2. The apprentice is required by the regulations to undergo not less than 4 years of training unless granted credit for one year's experience by completing 125% of supervised movements required in Region 2 in accordance with 12 AAC 56.028 (j). SWAPA requests apprentices to reside in Region II and be available for training at least six (6) months during any consecutive twelve (12) month period.
3. The first year of the apprenticeship program typically consists of comprehensive pilot development through a program of intensive observation and instruction under a variety of marine pilots and deputy marine pilots. At the discretion of the Training Committee, and based on an apprentice's experience and federal pilotage endorsements held for the region, apprentices may be expected to accompany working pilots on an increased number of assignments, which may exceed the minimum observations required for Coast Guard pilotage endorsements. This will promote familiarization with not only navigation and piloting but, also, bridge procedures and processes on merchant vessels. Four years of training as an apprentice is required unless an apprentice is granted credit for one year's experience by completing 125% of supervised movements required in Region 2 in accordance with 12 AAC 56.028 (j). Supervised vessel maneuvers cannot take place until the apprentice has passed the State core exam.
4. Upon completion of twelve (12) months training and passing the State core exam, the apprentice will follow the same training path as other trainees in pursuit of a deputy marine pilot license.

### **CONTINUED PROFESSIONAL EDUCATION AND TRAINING** **FOR MARINE PILOTS AND DEPUTY MARINE PILOTS**

1. Each marine pilot and deputy marine pilot shall complete at least one training course within the biennial license period immediately preceding the license period for which renewal is sought; or 2 training courses at any time within the 2 biennial license periods immediately preceding the license period for which renewal is sought; or 3 training courses at any time within the 3 biennial license periods immediately preceding the license period for which renewal is sought.

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Compliance with this requirement is the responsibility of the individual pilot. The Training Committee will assist, if needed, in making arrangements for courses.

The courses shall include, but not be limited to, the following:

### **CONTINUED PROFESSIONAL EDUCATION AND TRAINING FOR MARINE PILOTS AND DEPUTY MARINE PILOTS (continued)**

- a. Manned Model
- b. Ship Handling Simulator
- c. Bridge Resource Management for Pilots
- d. Train the Trainer
- e. Automatic Identification System (AIS)
- f. Electronic Chart and Display Information System (ECDIS)
- g. Automatic Radar Plotting Aids (ARPA)
- h. RADAR
- i. Maritime Law
- j. Rules of the Road
- k. Fatigue, Sleep and Medications for Pilots
- l. Legal Aspects for Pilotage including State Statutes and Regulations for Pilots
- m. Maritime Domain Awareness and Security for Pilots
- n. Crisis Management and Media Response
- o. Environmental Awareness for Pilots including Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA)
- p. Basic Safety Training, including Personal Pilot Safety
- q. Emergency Medical Response and Survival Techniques
- r. Ice Training for Pilots
- s. Nautical Institute Pilotage and Shiphandling Scheme

Other courses meeting the standards of the training program may be substituted for the above upon review and approval of the Training Committee. Such courses shall be related to the field of marine pilotage, be courses for which a certificate can be issued and be “of substance.”

2. Marine pilots holding VLCC endorsements shall document the satisfactory completion of a manned model course during one of the three biennial license periods immediately preceding the license period for which renewal is sought (56.083(b)). Compliance with this requirement is the responsibility of the individual pilot.
3. Marine pilots or deputy marine pilots shall document the satisfactory completion of a board approved simulator or manned model course at a board approved facility within one of the three biennial license periods immediately preceding the license period for which renewal is sought.

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4. The U.S. Coast Guard requires certain periodic training in order to renew federal licenses and STCW endorsements. Since a federal license is a prerequisite for holding a State Pilot License, compliance with Coast Guard training requirements is the responsibility of the individual pilot.

### **TRAINING PILOTS**

To be designated a training pilot, pilots must comply with applicable state regulations, 56.016. Briefly, a training endorsement requires:

1. Applicable, unlimited, federal pilotage endorsements for the waters for which the training endorsement is sought.
2. Compliance with the state recency requirements (60 days piloting per year).
3. At least three (3) consecutive years of experience as a marine pilot in the region.
4. A recommendation to the BOMP from SWAPA.
5. Approval by the BOMP

Regulations allow a training pilot to refuse to accept a trainee. However, if a trainee is refused, then the training pilot must notify the Marine Pilot Coordinator of this non-acceptance. (56.016(5)(b)).

### **MISCONDUCT, DISMISSAL AND GRIEVANCE PROCEDURES**

SWAPA and the other pilot associations in the state have a large responsibility to the citizens of Alaska and to the traditions of professional pilotage to pass through their training programs only those trainees who can meet high standards and demonstrate their proficiency at the craft of piloting. SWAPA endeavors to pick applicants who are experienced and well qualified. Generally, these prospective pilots proceed through the observer/training program with little difficulty and become good pilots. In certain cases, however, the observer/trainee/apprentice may fail to meet professional standards which may include, but are not limited to:

- Poor attitude.
- Failure to accept constructive criticism.
- Unprofessional appearance or conduct.
- Repeated tardiness or failure to arrive for scheduled training.
- Lack of situational awareness.
- Repeated failure to complete required maneuvers satisfactorily.
- Dishonesty.
- Conviction of a crime.
- Failure to progress through the training program in a timely manner

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In cases where the training committee determines the observer/trainee/apprentice is having difficulty and may have to be dismissed if the problem(s) persist, the following procedure will take place:

1. The Training Committee will notify the observer/trainee, in writing, of the problem(s) and will schedule a meeting with the observer/trainee. Copy of this letter to SWAPA membership and the MPC.

### **MISCONDUCT, DISMISSAL AND GRIEVANCE PROCEDURES (continued)**

2. At a meeting with the observer/trainee the training committee will describe the problem(s) with the observer/trainee. The Observer/Trainee will then have the opportunity to question the allegations or otherwise present his or her side of the story. At the conclusion of this meeting a plan of action for improvement may be put in place.
3. In cases where the observer/trainee/apprentice either refuses to comply or cannot comply with the training committee requirements, then the training committee may recommend dismissal of the observer/trainee/apprentice from the observer or training program. This recommendation will be in writing to the SWAPA President.
4. The SWAPA President, upon receiving a recommendation for dismissal from the training committee, will schedule a special SWAPA meeting, or include the matter on the agenda of the next scheduled SWAPA membership meeting, to address the dismissal. At this meeting the observer/trainee in question will have the opportunity to address the membership and appeal the decision of the training committee.
5. After following the above procedure, a majority affirmative vote of the SWAPA membership is required to dismiss an observer/trainee.
6. Dismissal of an observer/trainee/apprentice requires notification to the Board of Marine Pilots through the Marine Pilot Coordinator (56.032).

### **MANDATORY REPORTS TO BOARD OF MARINE PILOTS**

1. 56.025(j)(4) and 56.034(b)  
Requires a letter stating applicants for Deputy Marine Pilot License and Marine Pilot License (transferring pilots) have completed the Association training program.
2. 56.026(g)  
Requires trainee to submit quarterly training evaluations to marine pilot coordinator.
3. 56.026(h)

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## SOUTHWEST ALASKA PILOTS ASSOCIATION

Requires a letter to trainees (copy to pilot board) explaining deficiencies and/or unsatisfactory progress of trainee.

4. 56.026(j)

Requires notification of the BOMP when a candidate is accepted as a pilot observer for familiarization trips for federal pilotage.

5. 56.032

Requires notification to the BOMP within 30 days of the dismissal of a trainee from the training program.

### MANDATORY REPORTS TO BOARD OF MARINE PILOTS (continued)

6. 56.026 (3)(b)

Requires notification to the BOMP when a candidate is accepted for training before that trainee may begin supervised dockings, undockings, moorings, unmoorings and transits of specific waterways.

7. 56.033(d)

Requires notification to the BOMP when an individual is accepted into a deputy marine pilot apprenticeship program.

8. 56.033(e)

Requires notification to apprentices of deficiencies with copies to apprentice's file and the MPC.

9. 56.016(5)(b)

Requires training pilots to notify the MPC if the training pilot refuses to accept a trainee.

### DEFINITIONS

**Docking:** Means the evolution of maneuvers made to approach and secure a vessel at a berth, beginning with the briefing of the maneuver to the training pilot and ending when the last line is secure at the berth, and includes the transit from the pilot station to the dock.

**Undocking:** Means the evolution of maneuvers made to depart a berth, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate and includes the transit from the dock to the pilot station.

**Night:** Means the period of time between the end of civil twilight when the sun is six degrees below the horizon after sunset and the start of civil twilight when the sun is six degrees below the horizon before sunrise.

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

**Ice Conditions:** Means the conditions that exist in Cook Inlet during the time the Captain of the Port, Anchorage, declares “Ice Navigation Guidelines” to be in effect.

**Pilot Observer:** Means a prospective trainee who has been voted into the SWAPA Pilot Observer program for the purpose of obtaining observer trips to gain federal pilotage endorsements in Region II. A Pilot Observer is not a “trainee.”

**Trainee:** Means an individual who has passed the State core examination and been formally accepted into the SWAPA training program as described in this document.

**Apprentice:** Means an individual accepted into the SWAPA Marine Pilot Apprenticeship Program as described in this document.

**BOMP:** Means the Alaska Board of Marine Pilots

**MPC:** Means the Marine Pilot Coordinator

**SWAPA:** Means Southwest Alaska Pilots Association

**DMP:** Means deputy marine pilot

**NOTE: Trainees are advised to thoroughly familiarize themselves with the DEFINITIONS contained in the Statutes and Regulations for Marine Pilots**

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

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# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### PREFACE

The State of Alaska requires the pilot associations it recognizes to operate and maintain training programs for persons who are seeking deputy marine pilots licenses, pilots who are transferring from one state region to another, and continuing education for licensed pilots. Therefore, in order to provide the citizens of Alaska, and particularly of Pilotage Region II, the highest quality marine pilotage service, the Southwest Alaska Pilots Association establishes and maintains a professional training program for all marine pilot members of the Association, marine pilot trainees, deputy marine pilot trainees, and apprentices. This program is created and operated by the Association under the authority of the State of Alaska Marine Pilot Statutes and Regulations and the Association's Articles and Bylaws.

This document is intended to serve as a one-source guide to all training required by the State of Alaska and the Association for marine pilots, deputy marine pilots, trainees and apprentices. It also seeks to clearly explain the processes for the training and the Alaska Pilots License to which that training leads.

It is expected that this document will be amended from time to time as shipping patterns change, state regulations are enacted or amended, technology advances, or experience indicates changes are necessary to best address training needs.

**NOTE: Trainees are responsible for being thoroughly familiar with the Statutes and Regulations for Marine Pilots which take precedence over the information contained in this training program.**

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### INTRODUCTION

Pilots generally come to the profession after many years of education, training and sea-going experience where they have held high level positions on merchant or military vessels. They become licensed and eventually gain membership in SWAPA through training in one of several ways. In addition the State requires continuing education for pilots already licensed. The SWAPA training program, then, is designed to address these various categories of training as follows:

1. **Pilot Observer program** for those who have little or none of the federal pilotage endorsements required for Region II. This leads to the Training program where hands on docking and undocking training takes place according to a schedule of required maneuvers at various ports.
2. **Training program** for those who have a federal endorsement of pilotage for at least one area within region 2, have passed the core exam and have been accepted into the program by a majority vote of the membership. Hands on docking and undocking training can only take place in ports for which the trainee has federal pilotage. Training takes place according to a schedule of required maneuvers at various ports and at the direction of the training committee which will consult closely with the trainee to determine which maneuvers will benefit him/her the most, given the individual trainee's strengths and weaknesses.
3. **Training program for experienced pilots transferring from another region.** Transferring pilots are well experienced in shiphandling, therefore docking and undocking training criteria are different for this category of trainee. It consists mainly of obtaining the federal pilotage for the entire region and a total of 50 dockings/undockings at the direction of the training committee.
4. **Apprenticeship program** for those mariners who are otherwise qualified but who have not had the employment opportunities required to qualify for entry under AS 08.62.093 (b) (1through 5).
5. **Continuing professional education for licensed pilots and deputies.** This program assures that SWAPA pilots and deputies continue to meet the high professional standards expected of us.

*During all phases of observing and training, situational awareness will be emphasized, observed, and graded. Situational awareness is essential to successful piloting and cannot be overemphasized.*

# **TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION**

## **THE TRAINING COMMITTEE**

The SWAPA Training Committee is composed of at least 2 veteran training pilots and the SWAPA President. The Committee will supervise and direct all aspects of the training program, as described in this document, under the direction of the SWAPA membership and Board of Directors.

To ensure the most complete training experience and to avoid any hint of favoritism during the training process, the Training Committee may direct trainees to train with particular pilots or on particular ships or classes of ships, or on particular routes or waterways. The Committee may also instruct trainees to refrain from further training with pilots whom, in the judgment of the training committee, they have made an excessive number of training trips.

Training progress assessment: A Deputy Marine Pilot (DMP) trainee shall meet with the training committee, or a member thereof, in person or by telephone, after every 10 maneuvers for a discussion and assessment of his or her training progress. The committee may then direct the trainee to the training assignments that will best improve the trainee's experience and skills.

Final training assessment: Upon completion of the SWAPA training program and the state licensing requirements for DMP, the trainee shall meet with the training committee for a full assessment of his or her training evaluations.

If the committee is satisfied that the training requirements have been met, and that the trainee is in fact ready to begin work as a DMP, the SWAPA President and Board of Directors will be informed and a letter issued to the BOMP stating this fact.

If, during the training process, it becomes evident to the committee that the trainee does not possess the necessary aptitude to successfully complete the program because of lack of situational awareness, failed maneuvers, a general lack of progress, or for other reasons, the trainee shall be so informed as early in the process as practicable in order to avoid wasted time and expense on the part of the trainee and the Association.

Failure to comply with the Training Committee's directions may constitute grounds for dismissal from the training program. Dismissal shall be determined by a majority of the membership.

## **PREREQUISITE REQUIREMENTS AND SELECTION**

To obtain a pilot's license in Alaska (AS08.62.093) applicants must have a minimum license and experience level. Therefore, SWAPA cannot accept applications which do not meet the State's minimum criteria for licensure as listed below:

- Be a U.S. citizen

# **TRAINING PROGRAM**

## **SOUTHWEST ALASKA PILOTS ASSOCIATION**

### **PREREQUISITE REQUIREMENTS AND SELECTION (continued)**

- Minimum of one year as master on ocean or coastwise vessels while holding unlimited ocean masters license-or-
- Two years' service as master on United States Coast Guard inspected vessels of not less than 1000 gross tons or tug and tow of at least 1600 combined gross tons while holding a 1600 gross ton masters license-or-
- Two years of service as chief mate on ocean or coastwise vessels while holding unlimited ocean masters license-or-
- Two years of service as commanding officer of U.S. Commissioned vessels (Navy, Coast Guard, NOAA) of not less than 1600 gross tons while holding unlimited ocean masters license-or-
- Three years of experience as a member of a professional pilots association-or-
- Four years of experience in an approved apprenticeship program.

If applicants possess one or more of the above listed experience and license qualifications, the Association will accept the application. The SWAPA training committee maintains an applicant file and generally, but not always, the membership will vote in the spring whether or not to bring one or more applicants into the Association pilot observer/apprentice programs. All qualified applicants whose applications are current (within 1 year) are listed on the ballot, in alphabetical order, with the following information provided for each applicant: Name, Age, Residence, Present Employment, Maritime Academy Education/ College Degree, Federal License, Federal pilotage endorsements held or pending for Region 2, Experience which qualifies under 08.62.093 (above).

Entry into the SWAPA pilot observer/training/apprenticeship programs is a membership decision based upon the needs of the Association in fulfilling its State mandated obligation to promote a safe and reliable system of marine pilotage for Region II. Most successful applicants will enter the Association Pilot Observer Program, except licensed marine pilots transferring from another region who will enter the Association Training Program.

### **DRUG TESTING PROGRAM**

All pilot observers, trainees and apprentices shall be enrolled in a board approved random drug testing program.

### **PILOT OBSERVER PROGRAM**

Participants in the SWAPA Pilot Observer program receive assistance from the Association in obtaining observer trips for the purpose of gaining federal pilotage endorsements in Region II. Region II includes Icy Bay, Prince William Sound, Seward/Resurrection Bay, Cook Inlet, the Kodiak Archipelago and the south side of the Alaska Peninsula to 156 degrees west longitude.

# **TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION**

## **PILOT OBSERVER PROGRAM (continued)**

While in the Pilot Observer program, Observers will accompany a number of association pilots on pilotage assignments to various ships, waterways and ports. Members evaluate the observer's professional demeanor and appearance, attitude, preparation, situational awareness, and aptitude for the work of a pilot. Observers are expected to show good progress in obtaining the federal endorsements required. If they do not they may be dropped from the program. Similarly, if an observer shows poor attitude, poor aptitude, or unprofessional behavior then he or she may be dropped from the program. It is the observer's responsibility to furnish the pilot with a "Pilot Observer Evaluation Form" for completion. This completed form shall be returned to the office and placed in the observer's file for periodic review by the Training Committee.

Completion of the pilot observer program is the path to the deputy marine pilot training program. Once observers obtain federal pilotage for one or more areas in Region II they are eligible to take the state "core exam" (56.026).

Prior to taking the core exam, the Training Committee will review the observer's "Pilot Observer Evaluation Forms" and other feedback from pilots whom the Observer has accompanied on pilot jobs. The Training Committee will then give an assessment and recommendation to the SWAPA membership. The membership will then vote on whether or not to accept the observer into the SWAPA training program. Upon an affirmative majority vote of the membership, The Board of Marine Pilots will be informed in writing that the applicant is qualified and recommend that he/she be administered the core exam. Upon successful completion of the core exam the observer will be accepted into the SWAPA training program and begin supervised ship handling at only those ports for which they are federally licensed. The Alaska Board of Marine Pilots will be informed in writing that such training will begin. (56.026(3b)).

## **DEPUTY MARINE PILOT TRAINING PROGRAM**

Our training process requires at least 100 supervised movements, performed throughout the region, with training in all currently active ports within the region, including;

### **Kodiak Island Group and Prince William Sound**

- Requires a minimum of 15 dockings or moorings and 15 undockings or unmoorings to take place in Prince William Sound and Kodiak Island Group.
- At least one docking or mooring and one undocking or unmooring must be performed within the period October 1 to April 1.
- 2 of the dockings/moorings and 2 undockings/unmoorings, including transit to the pilot station, must be performed at night.
- No fewer than 3 of the dockings/moorings and undockings/unmoorings must take place in Prince William Sound.

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### DEPUTY MARINE PILOT TRAINING PROGRAM (continued)

#### Seward/Resurrection Bay

- Requires a minimum of 6 dockings and 6 undockings under the supervision of at least two different training pilots.
- At least 2 dockings and 2 undockings on vessels in excess of 10,000 gross tons.

#### Nikiski

- Requires a minimum of 18 dockings and 18 undockings under the supervision of at least 3 different training pilots.
- 4 dockings and 4 undockings must be performed under ice conditions; a board approved ice simulator training course for this port may be substituted for 2 dockings and 2 undockings.
- 4 dockings must be performed while dredging an anchor.
- 4 dockings and 4 undockings must be performed within the period October 1 to April 1.

#### Port of Anchorage

- Requires a minimum of 12 dockings and 12 undockings under the supervision of at least 2 different training pilots.
- 2 dockings and 2 undockings must be performed under ice conditions.
- 2 dockings and 2 undockings must be performed on vessels in excess of 10,000 gross tons.
- 2 dockings and 2 undockings must be performed with tug assistance.
- 1 docking must involve a cow turn. A simulator training course for this port may be substituted for this maneuver.

#### College Fjord, Prince William Sound

- 4 round trips as a pilot observer under the supervision of at least 2 different training pilots on cruise ships of over 10,000 gross tons. 4 transits at the conn under the supervision of at least 2 different training pilots.

#### Western Entrances to Prince William Sound

- (a) 4 round trips as a pilot observer under the supervision of at least 2 different training pilots on cruise ships of over 10,000 gross tons, including 4 round trips as a pilot observer through Knight Island Passage.

Or

(b) 4 dockings and undockings on cruise ships over 10,000 gross tons, under the supervision of 2 different training pilots, in Prince William Sound.

A combination of (a) and (b) shall also be acceptable.

- 2 round trips as a pilot observer through Elrington Passage.
- 4 round trips as a pilot observer through Hinchinbrook Entrance.

# **TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION**

## **DEPUTY MARINE PILOT TRAINING PROGRAM (continued)**

Each maneuver will be briefed, observed, and graded by the training pilot. In order to pass, each maneuver must be safe and unassisted by the pilot. It is the trainee's responsibility to furnish the pilot with a "Trainee Evaluation Form" for completion. The completed form shall be returned to the SWAPA accounting office and placed in the trainee's file for periodic review by the Training Committee and quarterly submission to the Marine Pilot Coordinator.

### **Course Work**

The deputy marine pilot training program requires, within 5 years prior to application for licensing, the successful completion of:

1. An American Pilots Association approved Bridge Resource Management course of at least 16 hours.
2. A bridge simulator course which is Region II specific or which emphasizes a pilot's proficiency, or,
3. A manned model course.

Trainees have a maximum of 3 years to complete training (56.026(e)).

When trainees have successfully completed the docking/undocking training, course work, and obtained full federal pilotage without tonnage restrictions for the Kodiak Island Group ports of Kodiak/St. Paul Harbor and Womens Bay, and the entire Southcentral Alaska Region outside of the Kodiak Island Group, except Icy Bay, SWAPA will notify the marine pilot coordinator. Trainees are then eligible to sit for the local knowledge portion of the state exam. Finally, trainees take the oral exam in front of the Board of Marine Pilots. If successful in both exams the trainee is granted a Deputy Marine Pilot License (56.027).

### **COMPENSATION**

Pay commences when the deputy begins piloting under the authority of his or her deputy marine pilot license and is graduated depending on the tonnage and endorsements on the license. See SWAPA Bylaws for a table of pay gradations.

### **TRAINING STIPENDS**

SWAPA will issue a monthly stipend of \$75.00 per day to pilot trainees who have passed their Deputy Marine Pilot Core exam, are available and actively training, as directed by the training committee.

SWAPA will reimburse the actual travel expenses of trainees who are performing state required dockings/undockings. In order to be compensated for these expenses, trainees must abide by these guidelines:

- Submit the SWAPA trainee expense reimbursement form along with actual receipts documenting expenditures. No receipts, no reimbursement.

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### TRAINING STIPENDS (continued)

- Take the most economical form of transportation available.
- Trainees are not permitted to charter airplanes or boats for reimbursement by SWAPA. If the trainee feels such arrangements are necessary then contact the training chairman who, if he/she agrees, will attempt to clear the expense with the SWAPA President.

The total of stipends and travel expenses together shall not exceed 1% of the previous year's gross annual revenue of SWAPA. Stipends may be adjusted accordingly.

### DEPUTY MARINE PILOT TONNAGE UPGRADES

Deputy Marine Pilots must hold a deputy marine pilots license for 3 years before being granted a full marine pilots license. During this 3 year period tonnage is limited as follows: (56.018 & 019)

- **Step one**-----50,000 gross tons. To upgrade to step two, the deputy pilot must perform vessel movements during at least 30 days as a deputy marine pilot on vessels requiring a state licensed marine pilot.
- **Step two**-----95,000 gross tons. To upgrade to step three, the deputy marine pilot must have held an endorsement as a deputy marine pilot for a period of at least one year, and while holding a deputy marine pilot license of not more than 95,000 gross tons, have performed at least 60 days of vessel movements onboard vessels requiring a state licensed marine pilot.
- **Step three**-----110,000 gross tons. To upgrade see Marine Pilot License section below.

### SWAPA IN-HOUSE CLEARANCES AND RESTRICTIONS FOR DEPUTY PILOTS

#### LICENSE 50,000 Gross Tons:

Step 1. Upon receiving a 50,000 gross ton endorsement, the deputy's in-house clearance will be limited to 30,000 Gross Tons, with the following restrictions:

- Kodiak Island- No unsupervised dockings/undockings of tank vessels.
- Cook Inlet- No docking/undocking of tank vessels. May go as second pilot
- Prince William Sound- No docking/undocking of tank vessels.

Step 2. After completing 3 round trips in Cook Inlet to either Nikiski or the Port of Anchorage, the Deputy will be cleared for tankers with the following restrictions

- Kodiak Island- No unsupervised docking/undocking of tank vessels at Womens Bay.
- Prince William Sound- No docking/undocking of tank vessels in TAPS Trade.

# **TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION**

## **SWAPA IN-HOUSE CLEARANCES AND RESTRICTIONS FOR DEPUTY PILOTS (continued)**

### **LICENSE 95,000 Gross Tons:**

Step 1. Upon receiving a 95,000 gross ton endorsement, the Deputy's in-house clearance will be raised to 40,000 gross tons, with the following restrictions:

- Kodiak Island- No unsupervised docking/undocking of tank vessels at Womens Bay.
- Prince William Sound- No docking/undocking of tank vessels in TAPS Trade.

Step 2. After successfully completing 2 supervised dockings and undockings on vessels of over 40,000 gross tons, the Deputy's in-house clearance will be raised to 95,000 gross tons, with the same restrictions as in Step 1 above.

### **LICENSE 110,000 Gross Tons:**

Step 1. Upon receiving a 110,000 gross ton endorsement, the Deputy's in-house clearance will be 110,000 gross tons, with the following restrictions:

- Kodiak Island- No unsupervised dockings/undockings of tank vessels at Womens Bay.
- Prince William Sound- No docking/undocking of tank vessels in the TAPS trade.

Step 2. After completion of the following requirements, the Deputy is eligible to begin supervised dockings/undockings at the Trans-Alaska Pipeline Terminal berths at Valdez:

- (a) 12 hours observation at the VTS Traffic Center in Valdez;
- (b) Observe at least six transits inbound from the Pilot Station and six transits outbound to the pilot station on VLCC TAPS vessels.

### **MARINE PILOT LICENSE**

Before deputy pilots can hold a Marine Pilots License they must:

1. Complete the 3 year period during which they operate under the authority of their deputy license at the tonnage limitations specified.
2. Have held a valid deputy marine pilot license endorsement to pilot vessels of not more than 110,000 gross tons for at least one year.
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.

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### MARINE PILOT LICENSE (continued)

4. For Kodiak Island Group have completed at least two round trip pilotage assignments.
5. For Cook Inlet have completed:
  - At least 10 dockings and 10 undockings during pilotage assignments on vessels of over 25,000 gross tons. Dockings at Homer, Seldovia or Port Graham do not satisfy this requirement.
  - At least 3 dockings and 3 undockings under ice conditions.
6. For Valdez Trans-Alaska Pipeline System complete a total of at least 20 supervised dockings and 20 supervised undockings at the Trans Alaska Pipeline Terminal operational berths. At least 4 of these dockings and undockings must occur at night and at least half must have been performed between the period October 1 to April 1.

### SPECIAL CLEARANCES

Ice Clearance: After 1 supervised docking/undocking at Nikiski and 1 supervised docking/undocking at Anchorage, performed under full ice conditions, while a Deputy, Deputy will be cleared to dock/undock under ice conditions at these ports.

Womens Bay Tanker Clearance: Must be a full Marine Pilot before doing unsupervised work on tankers in this port. A simulator training course for this port may be substituted for one supervised docking/undocking.

OTHER SPECIAL CASES: The Training Committee may require special and/or additional and/or remedial training for individual Deputies at the Committee's discretion.

#### NOTES :

Deputy pilots are encouraged to seek, and shall be responsible for requesting, additional training in any area for which they perceive themselves to be deficient or not fully prepared.

**Deputy pilots will not be dispatched to ports where they have not had at least 3 round trips as a pilot observer and/or one satisfactory supervised maneuver. Deputy pilots shall be responsible for acquiring this experience at their earliest opportunity.**

### COMPANY AND DOCK CLEARANCES

#### LNG Ship Clearance

Must be a full Marine Pilot and have a minimum of three years as a TAPS qualified, VLCC pilot before doing unsupervised work.

# **TRAINING PROGRAM**

## **SOUTHWEST ALASKA PILOTS ASSOCIATION**

### **TRANSFERRING MARINE PILOT TRAINING PROGRAM**

Pilots transferring from other regions are almost always experienced, veteran pilots. The SWAPA training program seeks to familiarize them with Region II and to improve and refine their ship handling skills. Marine pilots transferring to Region II from other piloting regions in the state must satisfy certain state requirements as well as complete the training requirements for Region II. These requirements are (56.034):

1. Possess a Coast Guard license with pilotage endorsements of unlimited tonnage for Region II. The Regulations imply full pilotage for Region II.
2. Possess a valid marine pilot license from another region.
3. Complete the training program for Region II.
4. Pass the local knowledge exam for Region II.
5. Submit a letter from SWAPA that the applicant has completed the Region II training program.

The SWAPA training requirement for transferring pilots is as follows:

A marine pilot transferring to Alaska Pilotage Region II shall successfully complete 50 supervised dockings and/or undockings, moorings and/or unmoorings, and/or cruise ship route transits while at the conn at ports and waterways throughout the region, as specified by the SWAPA Training Committee. During this process, the Training Committee will periodically review the transferee's progress and may require additional training if, in the opinion of the training committee, this is required.

### **DEPUTY MARINE PILOT APPRENTICESHIP PROGRAM**

The Marine Pilot Statutes, 08.62.093(b)(6), provide for pilot associations to conduct an apprentice training program for those individuals who may not otherwise meet the criteria for licensure. The statute and regulations give associations broad latitude in accepting individuals into apprentice programs and require those individuals to apprentice for a period of 4 years unless granted credit for one year's experience by completing 125% of supervised movements required in Region 2 in accordance with 12 AAC 56.028 (j). Otherwise, the training requirements differ little from those undertaken by Pilot Observers and Trainees.

SWAPA will accept applications for entry into the SWAPA apprenticeship program from individuals who are otherwise highly qualified, but due to the nature of their experience in the maritime community, may not qualify under AS08.62.093. Specifically, SWAPA will accept applications from individuals with appropriate maritime experience, which includes the handling of vessels and holding a Master's license of not less than 1600 gross tons.

# **TRAINING PROGRAM**

## **SOUTHWEST ALASKA PILOTS ASSOCIATION**

### **DEPUTY MARINE PILOT APPRENTICESHIP PROGRAM (continued)**

1. The Board of Marine Pilots will be notified when an individual is accepted into the Deputy Marine Pilot Apprenticeship Program. No training of any kind can take place until such notice is tendered.
2. The apprentice is required by the regulations to undergo not less than 4 years of training unless granted credit for one year's experience by completing 125% of supervised movements required in Region 2 in accordance with 12 AAC 56.028 (j). SWAPA requests apprentices to reside in Region II and be available for training at least six (6) months during any consecutive twelve (12) month period.
3. The first year of the apprenticeship program typically consists of comprehensive pilot development through a program of intensive observation and instruction under a variety of marine pilots and deputy marine pilots. At the discretion of the Training Committee, and based on an apprentice's experience and federal pilotage endorsements held for the region, apprentices may be expected to accompany working pilots on an increased number of assignments, which may exceed the minimum observations required for Coast Guard pilotage endorsements. This will promote familiarization with not only navigation and piloting but, also, bridge procedures and processes on merchant vessels. Four years of training as an apprentice is required unless an apprentice is granted credit for one year's experience by completing 125% of supervised movements required in Region 2 in accordance with 12 AAC 56.028 (j). Supervised vessel maneuvers cannot take place until the apprentice has passed the State core exam.
4. Upon completion of twelve (12) months training and passing the State core exam, the apprentice will follow the same training path as other trainees in pursuit of a deputy marine pilot license.

### **CONTINUED PROFESSIONAL EDUCATION AND TRAINING** **FOR MARINE PILOTS AND DEPUTY MARINE PILOTS**

1. Each marine pilot and deputy marine pilot shall complete at least one training course within the biennial license period immediately preceding the license period for which renewal is sought; or 2 training courses at any time within the 2 biennial license periods immediately preceding the license period for which renewal is sought; or 3 training courses at any time within the 3 biennial license periods immediately preceding the license period for which renewal is sought.

Compliance with this requirement is the responsibility of the individual pilot. The Training Committee will assist, if needed, in making arrangements for courses.

The courses shall include, but not be limited to, the following:

# TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

## CONTINUED PROFESSIONAL EDUCATION AND TRAINING FOR MARINE PILOTS AND DEPUTY MARINE PILOTS (continued)

- a. Manned Model
- b. Ship Handling Simulator
- c. Bridge Resource Management for Pilots
- d. Train the Trainer
- e. Automatic Identification System (AIS)
- f. Electronic Chart and Display Information System (ECDIS)
- g. Automatic Radar Plotting Aids (ARPA)
- h. RADAR
- i. Maritime Law
- j. Rules of the Road
- k. Fatigue, Sleep and Medications for Pilots
- l. Legal Aspects for Pilotage including State Statutes and Regulations for Pilots
- m. Maritime Domain Awareness and Security for Pilots
- n. Crisis Management and Media Response
- o. Environmental Awareness for Pilots including Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA)
- p. Basic Safety Training, including Personal Pilot Safety
- q. Emergency Medical Response and Survival Techniques
- r. Ice Training for Pilots
- s. Nautical Institute Pilotage and Shiphandling Scheme

Other courses meeting the standards of the training program may be substituted for the above upon review and approval of the Training Committee. Such courses shall be related to the field of marine pilotage, be courses for which a certificate can be issued and be “of substance.”

2. Marine pilots holding VLCC endorsements shall document the satisfactory completion of a manned model course during one of the three biennial license periods immediately preceding the license period for which renewal is sought (56.083(b)). Compliance with this requirement is the responsibility of the individual pilot.
3. Marine pilots or deputy marine pilots shall document the satisfactory completion of a board approved simulator or manned model course at a board approved facility within one of the three biennial license periods immediately preceding the license period for which renewal is sought.
4. The U.S. Coast Guard requires certain periodic training in order to renew federal licenses and STCW endorsements. Since a federal license is a prerequisite for holding a State Pilot License, compliance with Coast Guard training requirements is the responsibility of the individual pilot.

# **TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION**

## **TRAINING PILOTS**

To be designated a training pilot, pilots must comply with applicable state regulations, 56.016. Briefly, a training endorsement requires:

1. Applicable, unlimited, federal pilotage endorsements for the waters for which the training endorsement is sought.
2. Compliance with the state recency requirements (60 days piloting per year).
3. At least three (3) consecutive years of experience as a marine pilot in the region.
4. A recommendation to the BOMP from SWAPA.
5. Approval by the BOMP

Regulations allow a training pilot to refuse to accept a trainee. However, if a trainee is refused, then the training pilot must notify the Marine Pilot Coordinator of this non-acceptance. (56.016(5)(b)).

## **MISCONDUCT, DISMISSAL AND GRIEVANCE PROCEDURES**

SWAPA and the other pilot associations in the state have a large responsibility to the citizens of Alaska and to the traditions of professional pilotage to pass through their training programs only those trainees who can meet high standards and demonstrate their proficiency at the craft of piloting. SWAPA endeavors to pick applicants who are experienced and well qualified. Generally, these prospective pilots proceed through the observer/training program with little difficulty and become good pilots. In certain cases, however, the observer/trainee/apprentice may fail to meet professional standards which may include, but are not limited to:

- Poor attitude.
- Failure to accept constructive criticism.
- Unprofessional appearance or conduct.
- Repeated tardiness or failure to arrive for scheduled training.
- Lack of situational awareness.
- Repeated failure to complete required maneuvers satisfactorily.
- Dishonesty.
- Conviction of a crime.
- Failure to progress through the training program in a timely manner

In cases where the training committee determines the observer/trainee/apprentice is having difficulty and may have to be dismissed if the problem(s) persist, the following procedure will take place:

1. The Training Committee will notify the observer/trainee, in writing, of the problem(s) and will schedule a meeting with the observer/trainee. Copy of this letter to SWAPA membership and the MPC.

# **TRAINING PROGRAM**

## **SOUTHWEST ALASKA PILOTS ASSOCIATION**

### **MISCONDUCT, DISMISSAL AND GRIEVANCE PROCEDURES (continued)**

2. At a meeting with the observer/trainee the training committee will describe the problem(s) with the observer/trainee. The Observer/Trainee will then have the opportunity to question the allegations or otherwise present his or her side of the story. At the conclusion of this meeting a plan of action for improvement may be put in place.
3. In cases where the observer/trainee/apprentice either refuses to comply or cannot comply with the training committee requirements, then the training committee may recommend dismissal of the observer/trainee/apprentice from the observer or training program. This recommendation will be in writing to the SWAPA President.
4. The SWAPA President, upon receiving a recommendation for dismissal from the training committee, will schedule a special SWAPA meeting, or include the matter on the agenda of the next scheduled SWAPA membership meeting, to address the dismissal. At this meeting the observer/trainee in question will have the opportunity to address the membership and appeal the decision of the training committee.
5. After following the above procedure, a majority affirmative vote of the SWAPA membership is required to dismiss an observer/trainee.
6. Dismissal of an observer/trainee/apprentice requires notification to the Board of Marine Pilots through the Marine Pilot Coordinator (56.032).

### **MANDATORY REPORTS TO BOARD OF MARINE PILOTS**

1. 56.025(j)(4) and 56.034(b)  
Requires a letter stating applicants for Deputy Marine Pilot License and Marine Pilot License (transferring pilots) have completed the Association training program.
2. 56.026(g)  
Requires trainee to submit quarterly training evaluations to marine pilot coordinator.
3. 56.026(h)  
Requires a letter to trainees (copy to pilot board) explaining deficiencies and/or unsatisfactory progress of trainee.
4. 56.026(j)  
Requires notification of the BOMP when a candidate is accepted as a pilot observer for familiarization trips for federal pilotage.
5. 56.032  
Requires notification to the BOMP within 30 days of the dismissal of a trainee from the training program.

# TRAINING PROGRAM

## SOUTHWEST ALASKA PILOTS ASSOCIATION

### MANDATORY REPORTS TO BOARD OF MARINE PILOTS (continued)

6. 56.026 (3)(b)

Requires notification to the BOMP when a candidate is accepted for training before that trainee may begin supervised dockings, undockings, moorings, unmoorings and transits of specific waterways.

7. 56.033(d)

Requires notification to the BOMP when an individual is accepted into a deputy marine pilot apprenticeship program.

8. 56.033(e)

Requires notification to apprentices of deficiencies with copies to apprentice's file and the MPC.

9. 56.016(5)(b)

Requires training pilots to notify the MPC if the training pilot refuses to accept a trainee.

### DEFINITIONS

**Docking:** Means the evolution of maneuvers made to approach and secure a vessel at a berth, beginning with the briefing of the maneuver to the training pilot and ending when the last line is secure at the berth, and includes the transit from the pilot station to the dock.

**Undocking:** Means the evolution of maneuvers made to depart a berth, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate and includes the transit from the dock to the pilot station.

**Night:** Means the period of time between the end of civil twilight when the sun is six degrees below the horizon after sunset and the start of civil twilight when the sun is six degrees below the horizon before sunrise.

**Ice Conditions:** Means the conditions that exist in Cook Inlet during the time the Captain of the Port, Anchorage, declares "Ice Navigation Guidelines" to be in effect.

**Pilot Observer:** Means a prospective trainee who has been voted into the SWAPA Pilot Observer program for the purpose of obtaining observer trips to gain federal pilotage endorsements in Region II. A Pilot Observer is not a "trainee."

**Trainee:** Means an individual who has passed the State core examination and been formally accepted into the SWAPA training program as described in this document.

**Apprentice:** Means an individual accepted into the SWAPA Marine Pilot Apprenticeship Program as described in this document.

# **TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION**

**BOMP:** Means the Alaska Board of Marine Pilots

**MPC:** Means the Marine Pilot Coordinator

**SWAPA:** Means Southwest Alaska Pilots Association

**DMP:** Means deputy marine pilot

**NOTE: Trainees are advised to thoroughly familiarize themselves with the DEFINITIONS contained in the Statutes and Regulations for Marine Pilots**

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 Act<sup>1</sup> 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.<sup>2</sup>

## 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!<sup>3</sup>
- 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.<sup>4</sup>
- 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.<sup>5</sup>
- 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.<sup>6</sup>

*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.<sup>7</sup>

*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.<sup>8</sup>
- 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](mailto: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.

<sup>1</sup> 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.

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

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

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

<sup>7</sup> 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.

<sup>8</sup> 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

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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](mailto:attorney.general@alaska.gov)  
Phone: (907) 269-5100 | Fax: (907) 276-3697  
TTY: 907-258-9161

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## Ethics Disclosure Form

**CONFIDENTIAL**  
**REQUEST FOR ETHICS DETERMINATION**

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.



**MEMORANDUM**

DATE: April 10, 2023  
 TO: Board of Marine Pilots  
 THRU: Sonia Lipker, Chief Investigator   
 FROM: Michele Hearn, Investigator   
 RE: Investigative Report for the April 26, 2023 Meeting

The following information was compiled as an investigative report to the Board for the period of January 04, 2023 thru April 10, 2023; 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 - 2**

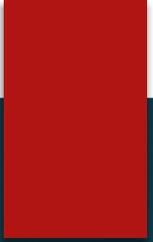
<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
<b>MARINE PILOT</b>			
2019-000695	Unlicensed practice or activity	Complaint	10/18/2019
2022-000218	Contested license denial	Litigation Initiated	03/08/2022

**Closed - 3**

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
<b>MARINE PILOT</b>				
2023-000089	License application problem	Closed-Intake	01/30/2023	Review Complete
2022-000695	Marine Pilot Incident Report	Closed-Complaint	01/10/2023	No Action - No Violation
2023-000062	Marine Pilot Incident Report	Closed-Complaint	01/24/2023	

***END OF REPORT***

DRAFT



# Investigative Process Overview

PRESENTED BY INVESTIGATIONS

# Who Are We?

State of Alaska



Department of Commerce, Community, and Economic Development



Division of Corporations, Business and Professional Licensing



Investigations



# What Do We Do?

The mission of the Division of Corporations, Business and Professional Licensing is to ensure that **competent**, **professional** and **regulated** commercial services are available to Alaska consumers.

# Three License Types

01

## **Professional License:**

Individual specialty such as a Nurse, Doctor, Dentist, Massage Therapist, etc...

02

## **Business License:**

(AS 43.70.020) If providing any service for the exchange of money, a business license is required in the state of Alaska.

03

## **Corporate Entity**

(Corporation): A group of persons who are deemed in law to be a single legal **entity**. The **corporate entity** is legally distinct from its members; it has legal personality and can hold property, sue and be sued in its own name as if it were a natural person.

# Who Needs a Professional License Through the State of Alaska?

- ▶ Acupuncturists
- ▶ Architects, Engineers, and Land Surveyors
- ▶ Athletic Trainers
- ▶ Audiologists & Speech-Language Pathologists
- ▶ Barbers & Hairdressers
- ▶ Behavior Analysts
- ▶ Big Game Commercial Services Board
- ▶ Chiropractic Examiners
- ▶ Collection Agencies
- ▶ Concert Promoters
- ▶ Construction Contractors
- ▶ Dental Examiners
- ▶ Dietitians & Nutritionists
- ▶ Dispensing Opticians
- ▶ Electrical Administrators
- ▶ Euthanize Domestic Animals
- ▶ Geologists
- ▶ Guardians & Conservators
- ▶ Hearing Aid Dealers
- ▶ Home Inspectors
- ▶ Marine Pilots
- ▶ Marital & Family Therapy
- ▶ Massage Therapists
- ▶ Mechanical Administrators
- ▶ Medical Board
- ▶ Midwives
- ▶ Morticians
- ▶ Naturopathy
- ▶ Nursing
- ▶ Nurse Aide Registry
- ▶ Nursing Home Administrators
- ▶ Optometry
- ▶ Pawnbrokers
- ▶ Pharmacy
- ▶ Physical Therapy & Occupational Therapy
- ▶ Prescription Drug Monitoring Program
- ▶ Professional Counselors
- ▶ Psychologist and Psychological Associate
- ▶ Public Accountancy
- ▶ Real Estate Appraisers
- ▶ Real Estate Commission
- ▶ Social Work Examiners
- ▶ Telemedicine Business Registry
- ▶ Underground Storage Tank Worker
- ▶ Veterinary Examiners

What Do We Investigate?

# Statutes & Regulations

- ▶ **AS = Alaska Statutes:** Are passed by either the US Congress or State Legislatures: The legislatures create bills that, when passed by a vote, become statutory law.
- ▶ **AAC = Alaska Administrative Code // Regulation:** Regulations, on the other hand, are standards and rules adopted by administrative agencies (Boards) that govern how laws will be enforced.

## Difference between Statutes and Regulations:

Although many people use the terms "statute" and "regulation" interchangeably, they aren't the same. Governing bodies, such as the United States Congress or a state legislature, enact statutes. On a local level, the statutes enacted by municipalities are known as ordinances. Regulations put those statutes to work, fleshing out the details.

# Different Roles



## EXAMPLE:

- ▶ AK Legislature creates Statutes.
- ▶ Boards create Regulations.
- ▶ Investigations investigate ***alleged violations*** of Statutes and/or Regulations.
- ▶ Board Members **verify whether or not a violation occurred** when reviewing a case from investigations.

Investigators gather information. Licensed board members determine if a violation of statute or regulation has occurred.

How Does Someone File a  
Complaint?

# Public Website

<https://www.commerce.alaska.gov/web/cbpl/Investigations.aspx>



THE STATE  
of **ALASKA**

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

ADM

FOR DIVISION USE ONLY

**Investigations Section**

550 West 7<sup>th</sup> Avenue, Suite 1500, Anchorage, AK 99501

Phone: (907) 269-8174 • Fax: (907) 269-8195

Website: [CBPLinvestigations.Alaska.Gov](http://CBPLinvestigations.Alaska.Gov)

Email: [Investigations@Alaska.Gov](mailto:Investigations@Alaska.Gov)

## Investigations — Request for Contact

The division investigates matters pertaining to business licenses, the sale of tobacco products, and licensed professionals. Not all issues will fall within our jurisdiction. You may have to contact other agencies for assistance. We encourage you to call to ensure that we are able to assist you.

This is only a request for contact. You may submit this form via US Mail, fax, or email, to the contact information listed above. Once the division has reviewed this information you will be contacted and may be asked to fill out a complaint package.

### PART I Your Contact Information

Complete Name:	First Name:	Middle Name:	Last Name:
Mailing Address:	Address:	City:	State: Zip Code:
Contact Phone:	(    )    -		
Email Address:			

### PART II Description of Incident

Type of Business or Profession Involved:	
Name(s) of Person or Business Involved:	
Date(s) Which Incident Occurred:	
Brief Description of Incident:	

## Contact Us Directly

### **Contact Us**

State of Alaska/DCCED  
Division of Corporations, Business and  
Professional Licensing  
Investigations Section  
550 West 7th Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Phone: (907) 269-8174  
Fax: (907) 269-8195  
Email: [Investigations@Alaska.gov](mailto:Investigations@Alaska.gov)

# Next Step: Is the Complaint Jurisdictional?

- Review informal guidelines established by the Board or Commission, and the statutes and regulations of that specific practice area.
- If the complaint does not appear to allege a violation that is within the Board's jurisdiction, the Division may close the complaint.

# Next Step: Is the Complaint Jurisdictional?

Complaints that are typically not jurisdictional are:

- Criminal complaints (Law Enforcement)
- Money or civil matters (Alaska Court System)
- “Bedside Manner”
- Quality of work complaints (Contractors)
- Unfair or deceptive business practices (Alaska Consumer Protection)
- Landlord Tenant Laws

# The Complaint is Jurisdictional. What Happens Next?

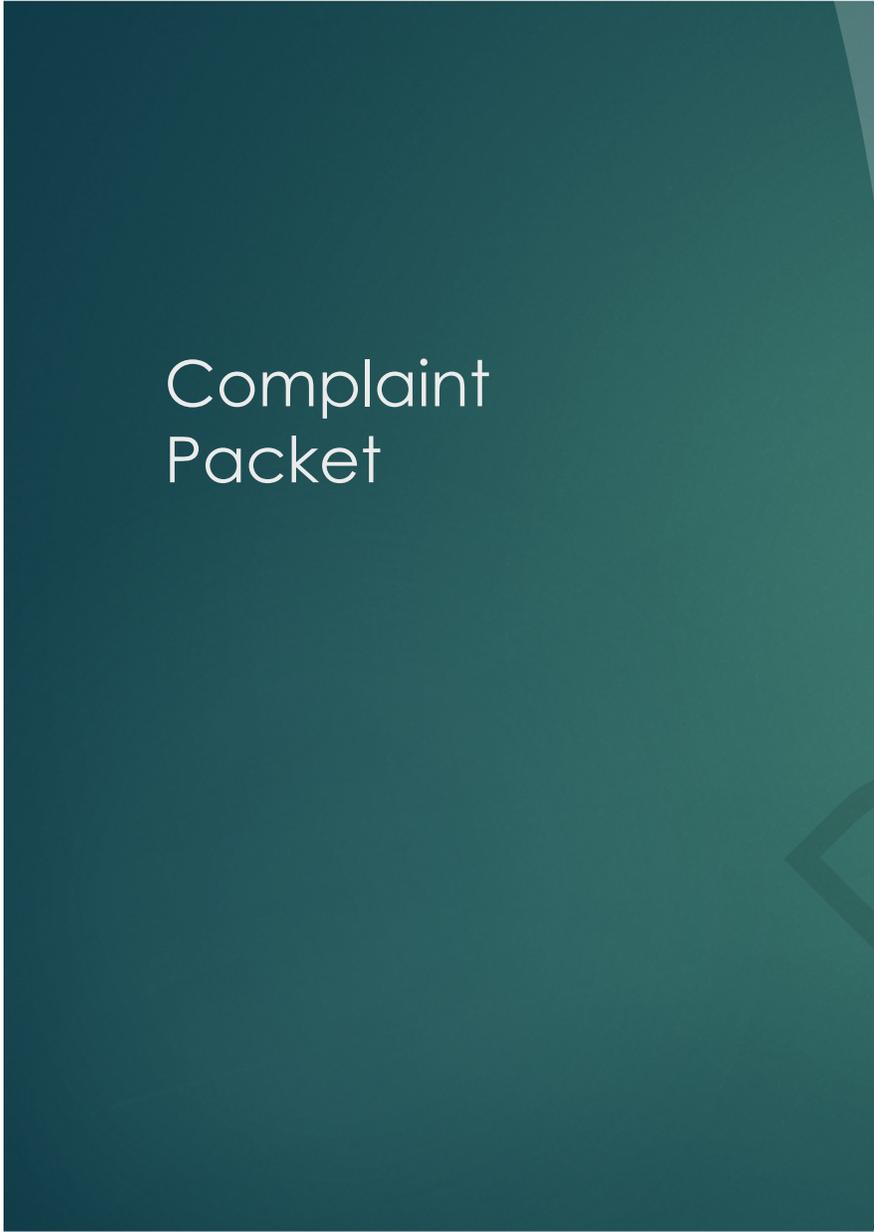
The complainant is asked to complete a complaint packet.

The packet provides the complainant to:

- Provide a summary of the incident
- Include supporting documentation
- Sign a release of information
- Sign an Affidavit

The Division does not generally accept anonymous complaints, except in unusual instances.

We require consumers to be accountable for their allegations; thereby avoiding manipulation of our process by unscrupulous parties seeking to eliminate competition or pursue personal or professional vendettas.



# Complaint Packet



## STATE OF ALASKA DEPARTMENT OF **COMMERCE** COMMUNITY AND ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing – Investigations

550 West 7<sup>th</sup> Avenue, Suite 1500, Anchorage, AK 99501-3567

Telephone: (907) 269-8437 Fax: (907) 269-8195 Website: [www.commerce.state.ak.us/occ](http://www.commerce.state.ak.us/occ)

### COMPLAINT FILED BY:

### COMPLAINT FILED AGAINST:

NAME (Last, First Middle Initial)

NAME and TITLE

ADDRESS

ADDRESS

CITY

STATE

ZIP

CITY

STATE

ZIP

WORK PHONE

HOME PHONE

WORK PHONE

HOME PHONE

### SUMMARY OF COMPLAINT

Please describe your complaint in detail. If necessary, please use an additional sheet of paper. Please provide any additional supporting documents.

\_\_\_\_\_  
\_\_\_\_\_  
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### AFFIDAVIT

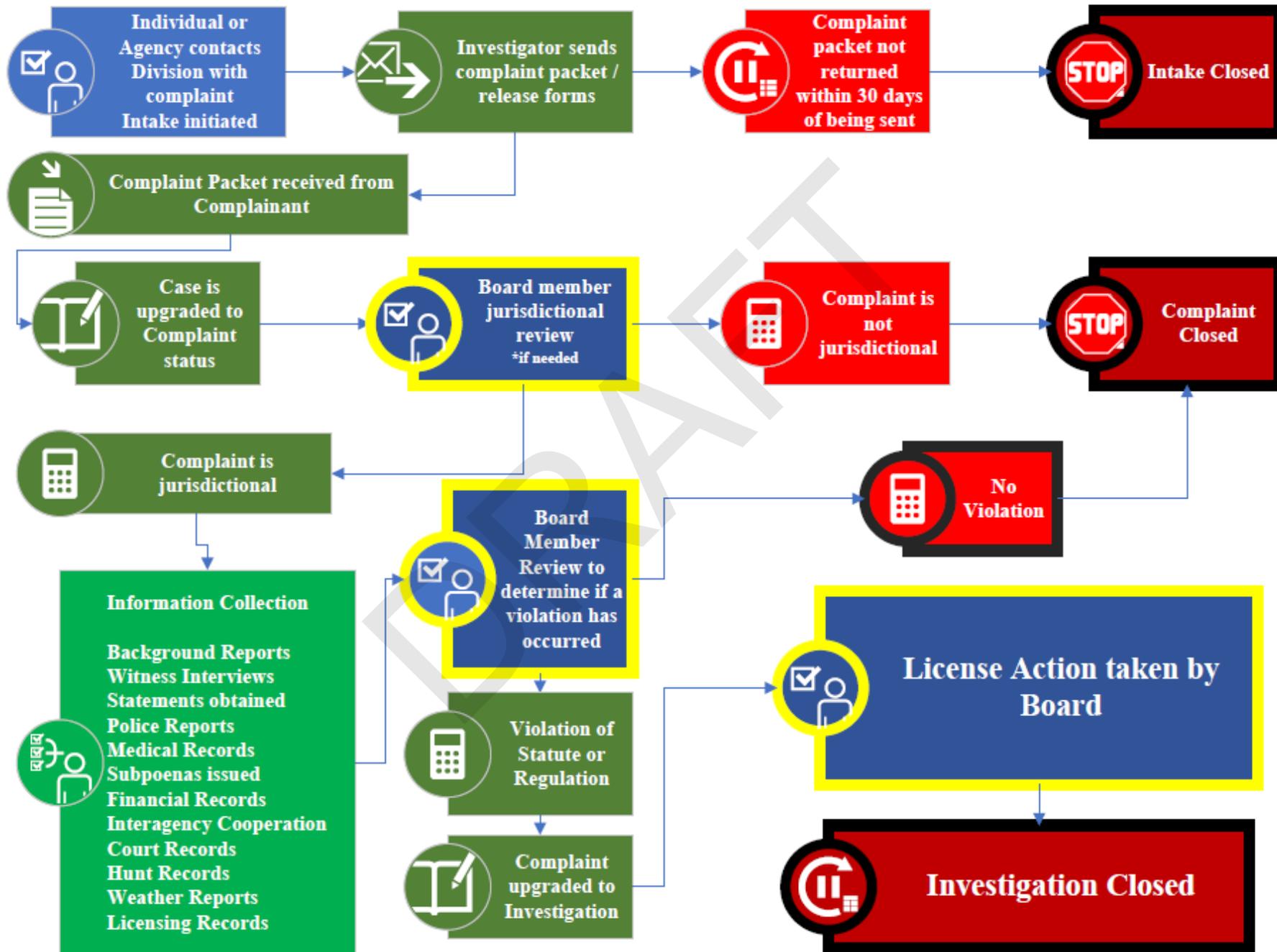
State of \_\_\_\_\_ City/Borough of \_\_\_\_\_

I, \_\_\_\_\_ hereby state under penalty of unsworn falsification: That I am the complainant in the named above and to the best of my knowledge and belief, this statement is true and correct.

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

AS 11.56.210(a)(2) of the Alaska Statutes makes it a class A misdemeanor of offense for a person to intentionally issue a false written or recorded statement, which is punishable by imprisonment for not more than one (1) year, a \$5,000 fine, or both.

# INVESTIGATIVE PROCESS



# Three Stages of “Investigation”

## **INTAKE:** **Preliminary information stage**

- Typically generated upon receipt of a Request for Contact form or a Referral Email.

## **COMPLAINT:** **Fact-gathering stage**

- Escalates when a Complaint Packet is received.

## **INVESTIGATION:** **Violation verified stage**

- Following a Board Member review, case escalates when a Board Member confirms a violation is present.

# Complaint

Upon the receipt of the Complaint Packet, the case will escalate to "COMPLAINT" stage.

"Notice of Complaint" letter is sent to the Respondent notifying them a complaint has been received against them. This gives the Respondent an opportunity to provide an explanation.

Once enough information has been gathered to either **prove or disprove** an allegation, the case is presented to a Board Member for review.

The Board Member will review the case to determine whether or not a violation is present - and if so, recommends an appropriate disposition to address it.

# Investigation

Violation is verified, case escalates to "INVESTIGATION"  
"Notice of Investigation" letter is sent to the Respondent explaining WHY his/her actions were violation(s).

2. License Action  
(Consent Agreement, Fine, Suspension, etc..)

Board Member's Recommendation:  
1. Non-disciplinary Letter of Advisement  
(Closes Case)

License Action:  
Offered to Respondent

1. If agrees, License Action is presented to Board for adoption: If adopted, closes case.

2. If disagrees & refuses, Division moves forward with the LITIGATION PROCESS & files an Accusation.

Administrative Hearing:  
Division prepares the case for Administrative Hearing and the case is presented to an Administrative Law Judge (ALJ).

ALJ Decision is presented to the Board for final consideration.

# Investigation



**After a licensed Board Member Reviewer determines a violation of statute or regulation is present:**

- ▶ Case escalates to “INVESTIGATION”
- ▶ A Notice of Investigation (NOI) is sent to the Respondent, notifying them a violation was verified.
- ▶ RBM recommends the appropriate action (Disciplinary or Non-Disciplinary) to address the violation:

**Disciplinary Action:**

- ▶ Consent Agreement
  - ▶ Probation
  - ▶ Civil Fine
  - ▶ Continuing Education
- ▶ Imposition of Civil Fine
- ▶ Suspension
- ▶ Revocation
- ▶ Etc..

**Non-Disciplinary Action:**

- ▶ Non-Disciplinary Letter of Advisement

# Three Investigation Case Types

- ▶ **Application Matters:** Inquires initiated by Licensing to review applications for truthfulness & accuracy.
- ▶ **Consumer Complaints:** Inquiries initiated upon the receipt of a Complaint Packet (or written complaint).
- ▶ **Inspections:** Onsite inspections to ensure operations are in accordance to AS 43.70 & 12 AAC 12



# Confidentiality

- Investigations are required by statute to be kept confidential.
- This often prevents the complainant, licensee, and the Board from obtaining progress reports or information that may disclose the current status of an open investigation.
- This also protects the reputation of licensees who may be accused of wrongdoing but the allegations against them are unproven.
- Cases often involve other agencies, businesses, and practices; disclosing information during an on-going case can compromise the investigation, create conflicts for reviewing Board members, or result in unnecessary hardship to the licensee.

# Questions / Discussion

INVESTIGATIVE OVERVIEW



**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 \_\_\_\_\_

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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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23	24	25	26	27	28	29
30	31					

#### FEBRUARY

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26	27	28				

#### AUGUST

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27	28	29	30	31		

#### MARCH

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#### SEPTEMBER

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#### APRIL

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#### OCTOBER

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#### MAY

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#### NOVEMBER

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#### JUNE

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25	26	27	28	29	30	

#### DECEMBER

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