

State of Alaska

Board of Marine Pilots



April 24, 2024- Board Meeting
Call to Order: 9:00 am

Public Meeting Packet

Board of Marine Pilots

Name	Appointed	Reappointed	Expires
Cronk, Les (Leslie) (Ketchikan) Agent	3/1/2018	3/1/2022	3/1/2026
VACANT Public	N/A	N/A	N/A
Mew, Andrew (Anchorage) Agent/Manager	3/1/2020		3/1/2024
Tougas, Joe (Seward) Public	3/1/2022		3/1/2026
Cunningham, James (Homer) Pilot	5/25/2022		3/1/2025
Sinclair, Edward (Juneau) Pilot	3/1/2019	03/10/2023	3/1/2027
Thayer, Curtis (Anchorage) Commissioner/DCCED/Designee — Chair	2/22/2010	4/11/2019	



Board of Marine Pilots, April 2024 Meeting

Alaska Division of Corporations, Business and Professional Licensing
Apr 24, 2024, at 9:00 AM AKDT to Apr 24, 2024, at 11:50 AM AKDT
333 Willoughby AVE, 9th FL, State Office Building, Juneau, AK 99801

Meeting Details:

<https://us02web.zoom.us/j/88652323384?pwd=MVZzYU84REI5VCtsYVpSa3E4dG9DUT09>

Phone: (669)900-6833

Meeting ID: 886 5232 3384

Passcode: 696681

Agenda

- 1. 9:00am - Roll Call/Call to Order**
- 2. 9:02am - Review/Approve Agenda**
- 3. 9:04am - Ethics Disclosures**
- 4. 9:05am - Public Comment**
- 5. 9:10am - Review/Approve Meeting Minutes**
 - A. January 17, 2024**
- 6. 9:15am - Association Reports/Amendments**
 - A. Alaska Marine Pilots**
 - B. Southeast Alaska Pilots' Association**
 - C. Southwest Alaska Pilot's Association**
- 7. 9:30am - CLAA Update - Rick Erickson, Vice President**
- 8. 9:40am - Board Business**
 - A. Annual Report**
 - B. Regulations Project**
- 9. 10:15am - Investigative Report**
- 10. 10:45am - Division Update**
 - A. Fiscal Report: FY24 Q2**
- 11. 11:00am - Deputy Marine Pilot Candidate Interviews (executive session)**
- 12. 11:30am - Board Action**
 - A. Deputy Marine Pilot Candidates**
- 13. 11:45pm - Schedule Future Meeting Date(s)**
- 14. 11:50pm - Adjourn**

State of Alaska
DEPARTMENT OF LAW

ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

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

Who Is My Designated Ethics Supervisor (DES)?

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

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

What Do I Have To Disclose?

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

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

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

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

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

How Do I Avoid Violations of the Ethics Act?

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

What Are The Disclosure Procedures for Board and Commission Members?

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

Procedure for declaring actual or potential conflicts.

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

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

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

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

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

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

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

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

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

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

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

Procedures for Other Member Disclosures

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

What Are The Disclosure Procedures for Executive Directors and Staff?

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

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

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

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

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

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

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

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

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

What Are The Procedures for Quarterly Reports?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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

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.*

**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.

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 17, 2024

**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 17, 2024, at the Alaska Energy Authority Building, 813 W Northern Lights Blvd, Anchorage, AK**

Date:	January 17, 2024
Time:	9:00 a.m. (9:10 a.m.)
Location:	Alaska Energy Authority Building: 813 W Northern Lights Blvd, Anchorage, AK
Board Members Present:	Chair Curtis Thayer, Captain Edward (Ed) Sinclair, Les Cronk, Richard (Rick) Harris, Joseph (Joe) Tougas
Board Members Absent:	None
Division/SOA Staff Present:	Thomas Bay (Marine Pilot Coordinator), Sylvan Robb (Director), Melissa Dumas (Administrative Operations Manager), Erika Prieksat (Chief Investigator), Billy Homestead (Senior Investigator), Patrick Kase (Investigator)
Present from the Public:	Captain Mark Lundamo (SEAPA), Ron Leighton (SEAPA), Paul Merrill (SEAPA), Jessie Li (SEAPA), Jenni Zielinski (SWAPA), Mike Tibbles (ASA), Keith Austin (AMP), Rick Erickson (CLAA)

1. Review Agenda		
Brief Discussion:	There was no discussion to amend the agenda.	
Motion:	Move to accept the agenda as written (First: Tougas; Second: Cronk).	
Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
2. Ethics Disclosures		
Brief Discussion:	There were no ethical disclosures by any board members or staff.	
3. Public Comment		
Brief Discussion:	There was nobody in attendance for public comment.	

4. Review/Approve Minutes: October 11, 2023

Brief Discussion:	There was no discussion to amend the meeting minutes.	
Motion:	Move to accept the October 11, 2023, meeting minutes as written (First: Harris; Second: Cunningham).	
Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	

5. Association Reports**AMP**

Discussion:	<p>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 10 full-time pilots, eight of which are fully licensed marine pilots and two that are deputy marine pilots. AMP also recently added three new trainees, bringing the total number of trainees to five, with two of them anticipated to take the Core Examination in the Summer. He informed the board that AMP’s shipping trends in 2024 should be similar to 2023, with the first cruise ship scheduled for early July and the last cruise ship scheduled for late September. Lastly, he informed the board that AMP has two cable laying projects. The first project will start in Dillingham and finish in the Kuskokwim River, with the eventual terminus being in Bethel. The second project will take place along the Alaskan Peninsula, connecting False Pass, Cold Bay, and Perryville to the already existing cable laid in 2023. 2024 forecast callings for Dutch Harbor are projected to remain steady, however, the outport traffic continues to decline, making it challenging to predict pilotage needs until AMP receives updated seasonal information. Having finished with AMP’s association report, the board thanked Captain Lund for his time.</p>
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SEAPA

Discussion:	<p>The Southeast Alaska Pilots Association’s (SEAPA’s) president, Captain Ron Leighton, provided SEAPA’s association report. Captain Leighton informed the board that SEAPA has 58 total pilots, which includes 46 marine pilots and 12 deputy marine pilots. SEAPA also has 16 trainees, three of which will likely take the Local Knowledge Examination in April 2024. He informed the board that SEAPA currently has three trainees who have finished all of their training except for cargo maneuvers, a requirement in SEAPA’s training program. The issue, he said, is that cargo dockings have been reduced and there is currently only one cargo dock remaining in Southeast Alaska (Hawk Inlet), which has created a backlog for current trainees because there is, on average, only one cargo ship per month, providing for roughly 12 cargo dockings per year. Due to this issue, Captain Leighton asked if it was possible to receive an exemption to their own training program. He said he was simply asking if the possibility exists so he can bring options back to SEAPA’s board. He said he understands that normally SEAPA would change their training program to their needs, however, the timeline of getting that accomplished would roughly take a year. Chair Curtis Thayer said that he understands the request, however, he said that the board would need</p>
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	to reach out to the Department of Law (LAW) to see if that is something they can legally do before approving it. He suggested Captain Leighton speak with Marine Pilot Coordinator (MPC) Thomas Bay and put something in writing for the board to review, so they have something they can use to figure out what the next steps will be. Les Cronk said that he was aware of the problem, that it is a roadblock for trainees getting licensed, and that it will only get worse moving forward without a solution.	
SEAPA: Operating Rules		
Discussion:	Captain Leighton informed the board that SEAPA is requesting a minor change, regarding a SEAPA member failing to report as dispatched, to their operating rules. He said that the change is more of a clarification to the intent of the rule.	
Motion:	Move to approve SEAPA's amendment to their operating rules, as presented (First: Harris; Second: Hasenbank).	
Discussion:	With nothing to discuss, the board approved the amendment.	
Recorded Votes :	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
SEAPA: Updated Training Record Form & Proposed Regulation and Training Volume 2 Changes		
Discussion:	SEAPA's Training Chair, Paull Merrill, proposed an amendment to the BOMP's regulations, as well as an amendment to SEAPA's Training Volume 2. Both amendments would add an option to have not more than three dockings and three undockings performed in a board approved simulator or a manned model facility as substitutions for dockings and undockings at the physical site, as required in 12 AAC 56.028(a)(1)(D), and an option to have not more than three moorings and three unmoorings performed in a board approved simulator or a manned model facility as substitutions for moorings and unmoorings at the physical site, as required in 12 AAC 56.028(a)(1)(E). The bolded language is the proposed addition to the current regulations. He also informed the board that SEAPA had updated their training record form and asked that it be board approved. Joe Tougas asked Captain Leighton if the proposed manned model additions would fulfill some of SEAPA's cargo training requirements, to which he said yes, it would fulfill some of the requirements, but not all of them. He said that SEAPA wants cargo training to be as real as possible and does not want to go the route of simulator or manned models unless absolutely necessary. Mr. Bay reminded the board that the addition of ' or a manned model facility ' to their regulations would require a regulations project.	
Motion:	Move to initiate a regulations project to add a manned model facility as a substitution for dockings, undockings, moorings, and unmoorings, as required in 12 AAC 56.028(a)(1)(D) and (E) (First: Cronk; Second: Cunningham).	
Discussion:	Les Cronk said that the addition of a manned model facility to the regulations is a good idea and would be beneficial.	
Recorded Votes :	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes

	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Motion:	Move to approve SEAPA's updated training record form (First: Cunningham; Second: Cronk).	
Discussion:	With nothing to discuss, the board approved SEAPA's updated training record form.	
Recorded Votes :	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Motion:	With nothing left to discuss, the board thanked Captain Leighton and Captain Merrill for their time.	
SWAPA		
Discussion:	<p>The Southwest Alaska Pilots Association's (SWAPA's) business manager, Jenni Zielinski, provided SWAPA's association report. Ms. Zielinski informed the board that SWAPA has 15 VLCC pilots, four deputy marine pilots, two training pilots (one of which will possibly become a deputy marine pilot at the end of the meeting) with the possibility of adding another today, and five observers. She informed the board that SWAPA is having Alternative Planning Criteria (APC) issues. She said that two foreign-flagged vessels needed sheltering for heavy weather in Cook Inlet compulsory pilotage waters. The two vessels asked their APC provider for a request to deviate to shelter because of a typhoon. Both vessels entered into compulsory pilotage waters and were later seen drifting in Cook Inlet state waters. Vessels that are enrolled with an APC provider must comply with the APC's routing measures unless they must seek refuge in the interest of the safety of the vessel and/or the crew and are granted a deviation due to storm avoidance. She informed the board that SWAPA was not advised about either vessel entering state pilotage waters and were only made aware when they were spotted on the marine traffic website. She said that it seems the APC provider and the Marine Exchange of Alaska (MXAK) did not consider or were unaware of state pilotage law when advising and approving the deviation. She said that SWAPA reached out to the USCG, however, they said that they do not enforce State law. When the MXAK was made aware of the situation, she continued, they informed the vessels, in addition to SWAPA informing the vessels, that they were not in compliance with state law. The vessels were informed that they either needed to move South, below the boundary line or have a pilot board their vessels and take them to anchor. Both vessels initially responded that they were awaiting orders, would only drift with the engine ready at all times, would not drop anchor, and would remain 12 nautical miles from land. They were informed that they would still be in violation of state law and that they could be assessed a fine by the State of Alaska, if they did not immediately comply. After a period of time, both vessels chose to proceed South of the boundary line. Ms. Zielinski said the incident highlighted potential gaps between APC programs, vessel monitoring, and state pilotage laws, all of which will need to be addressed to remove any confusion, ensure proper compliance, and establish necessary reporting requirements and procedures. She</p>	

said that SWAPA believes that Lower Cook Inlet and Kennedy Entrance is a very unsuitable place to drift or shelter due to wind and weather, tidal current, and geography of the bottom and the shoreline. Mr. Cronk asked if the APC approved the vessels to drift, if the vessels chose to go into state pilotage waters, and if the APC's rules and guidelines are fairly clear that they do not get to choose to violate state pilotage waters, to which Ms. Zielinski said there is nothing in the APC program regarding state pilotage waters. She said that SWAPA has been working the APC to educate them on the state requirements, but that they primarily work closely with the USCG and the MXAK. She said that SWAPA is unaware if the vessels chose to go into state pilotage waters or if the APC routed them there. Captain Cunningham said there were other issues with the APC, such as dictating what passes ships can be taken through while a licensed pilot is onboard. He also said that there is an issue with who is making final decisions through the APC and if they have the training required to make those decisions. He said that, while state-licensed pilots have board statutes/regulations that require them to have specific training, there are no APC training requirements that SWAPA is aware of that a person must have to make a final decision on routing measures. For informational purposes, Mr. Cronk said that the APC was put into place as a federal reaction to ships who were calling the USCG in emergency situations and was created to have more control over what vessels can and cannot do in those type of situations. He said that they likely did not include state pilotage requirements in that process as well as it should have been. He finished by saying that working with the APC to get some knowledge and training done is likely the next step with getting them in compliance with state law. With nothing left to discuss, the board thanked Ms. Zielinski for her time.

6. Division Update

Fiscal Reports: FY23 Q4 and FY24 Q1

Brief Discussion:

The division's Administrative Operations Manager, Melissa Dumas, provided the board with their FY23 4th Quarter Fiscal Report and their 2024 1st Quarter Fiscal Report. She informed the board that they had a large surplus in revenue at the end of FY 23, but that it would continue to decrease over time because of the licensing fee reductions (\$1,500 to \$700) that took place in October 2022. 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. With no other questions for Ms. Dumas, the board thanked her for her time.

7. CLAA Update – Rick Erickson, Vice President

Brief Discussion:

Rick Erickson, Vice President of Cruise Line Agencies of Alaska (CLAA), informed the board that Ketchikan had about 1.49 million passengers during the 2023 season and that about 1.5 million passengers were expected for the 2024 season. He said that there are a few projects in Ketchikan, specifically expansions to berths 3 and 4, to accommodate larger ships. Unfortunately, at this time, there has not been an agreement with the community of Ketchikan to move forward with berth 3. He informed the board that Juneau had about 1.65 million passengers during the 2023 season and that the expected passengers for the 2024 season should remain the same. He said that Juneau has an MOA with the cruise industry, limiting the number of ships in any one day to five. There have been discussions of eliminating hot berthing in Juneau moving forward. He informed the board that Sitka’s passenger numbers have been growing quickly, stating that pre-pandemic numbers were roughly at 170,000 to 200,000, post-pandemic numbers (2022) were roughly at 385,000, and 2023 numbers were roughly at 585,000. He informed the board that communities around Southeast Alaska, Sitka included, have raised the question of, “When is enough enough?” as it relates to the increasing number of passengers. He informed the board that Skagway had about 1.1 million passengers in 2023 and that it should remain similar for the 2024 season. He said that there are four berths in Skagway and informed the board that originally White Pass had owned all four berths, however, the lease agreement that White Pass had with the Municipality of Skagway ended in 2023 and the municipality now controls the interest on the Broadway and Ore Docks, with White Pass still owning the Railroad Dock, which can hold up to two larger cruise ships. He said that the Municipality of Skagway is moving forward with expansion of the Ore dock, with hopes that it is at least partially finished and usable for the 2024 season. He informed that board that, due to the hill slides in 2022, White Pass and the Municipality of Skagway came to an agreement that any ship that was railroad forward in front of the slide would tender their passengers into the small boat harbor and that for any ship mourn aft of the ship that would be railroad forward, White Pass would shuttle those passengers into town during the 2023 season. He said that the same will likely be done for the 2024 season. He informed the board that Haines had roughly 73,000 passengers and are expected to have roughly 87,000 passengers for the 2024 season. He said that both Haines and Wrangell are looking to expand. He said that there is a currently a dock being built in Whittier that will be able to accommodate two larges ships. He finished by informing the board that Klawock is scheduled to have two ships. With nothing left to discuss, the board thanked Mr. Erickson for his time.

8. Investigative Report

Brief Discussion:

The board’s investigator, Patrick Kase, provided the board with their Investigative Report. He informed the board that, for the period of September 27, 2023, thru January 05, 2024, there were two open cases and that four were closed. After informing the board that an advisement letter was sent to someone, for an investigation into ‘unlicensed practice or activity,’ Mr. Harris asked what an advisement letter meant, to which Mr. Kase said that an advisement letter is a non-disciplinary letter that is sent out when a violation is found that does not rise to the level of disciplinary action, informing the licensee of the violation of statute/regulation and providing a ‘warning’ to the licensee. Captain Sinclair asked what an ‘incomplete complaint’ meant on the investigative report, to which Mr. Kase said that an

	incomplete complaint meant that a case was opened but the accuser did not follow up and finish the required steps to move forward with the investigation.	
9. Foreign Pleasure Craft Packet Review		
Brief Discussion:	Mr. Bay provided the board with an overview of the Foreign Pleasure Craft (FPC) packet. He informed the board that he found updated documents for three of the documents in the packet and that he would update the board's website to include the new material. Having nothing left to discuss, the board approved the packet for calendar year 2024.	
Motion:	Move to approve the foreign pleasure craft packet as written (First: Cronk; Second: Sinclair).	
Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Brief Discussion: Off Record: 10:53 a.m.	The board decided to take a break.	
10. Investigative Report/Deputy Marine Pilot Candidate Interviews		
Brief Discussion: On Record: 11:00 a.m.	After returning from break, the board decided to move into executive session to review investigative matters and conduct a deputy marine pilot candidate interview.	
Motion: Off Record: 11:02 a.m.	I, Richard Harris, 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, Director Sylvan Robb, Chief Investigator Erika Prieksat, Senior Investigator Billy Homestead, and Investigator Patrick Kase to remain during the investigative session. Deputy marine pilot candidate Captain Aaron Isenhour, to remain during his interview (First: Harris; Second: Sinclair).	
Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Brief Discussion: On Record: 11:24 a.m.	No official action was taken during executive session. The board approved deputy marine pilot licensure for Captain Aaron Isenhour.	
11. Board Action: Deputy Marine Pilot Candidate		
Brief Discussion:	The board approved deputy marine pilot licensure for Captain Aaron Isenhour.	
Motion:	Move to approve a deputy marine pilot license for 50,000 Gross Tons for Region 2 for Captain Aaron Isenhour - Badge #251, license #186844 (First: Cunningham; Second: Cronk).	

Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
12. Schedule Future Meeting Date(s)		
Brief Discussion:	After discussion, the board decided to have their next meeting in Juneau, on April 24 th , 2024, with the Local Knowledge Exam on April 23 rd , 2024.	
13. Adjourn		
Brief Discussion:	Before adjourning the meeting, Chair Curtis Thayer reminded the board that the board's public member, Rick Harris, was terming out before the next meeting. The board thanked Mr. Harris for his time on the board. Mr. Harris thanked the board and previous board members he worked with and said that he learned a lot during his time on the board. Chair Thayer explained the process of having the public seat filled, which is done thru Boards and Commission and the legislature. With nothing left on the agenda, the board adjourned.	
Motion:	Move to adjourn (First: Harris; Second: Sinclair).	
Recorded Votes:	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Adjourn:	11:34 a.m.	

Date Final Minutes Approved by the Board: <input type="checkbox"/> Meeting <input type="checkbox"/> OnBoard	(anticipated during April 24 th meeting)
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SOUTHWEST ALASKA PILOTS ASSOCIATION

P.O. Box 977
Homer, Alaska 99603

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

March 26, 2024

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

Dear Mr. Bay,

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:

DEPUTY MARINE PILOT TRAINING PROGRAM Port of Alaska, Anchorage

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~~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 and is then cleared for docking and undocking tankers within their tonnage in Cook Inlet.

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

Step 2. After completing 3 round trips in Cook Inlet to either Nikiski or the Port of Alaska Anchorage, the Deputy will be cleared to bring ~~for~~ tankers to and from anchor in Kachemak Bay. ~~with the~~The following restrictions shall apply:

TRAINING PILOTS

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 ~~(S)~~(b)).

SOUTHWEST ALASKA PILOTS ASSOCIATION

MANDATORY REPORTS TO BOARD OF MARINE PILOTS

9. 56.016 (S)(b)

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

Additionally there are a few minor, grammatical corrections, which are not listed above, but are clearly marked in the attached copy

Best regards,

Capt. Josh Weston
by Jcz

Capt. Josh Weston
President

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

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) (1 through 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.

Approved by Board of Marine Pilots: April 26, 2023 – [DRAFT 03/11/24](#)

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.

Approved by Board of Marine Pilots: April 26, 2023 – [DRAFT 03/11/24](#)

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 Alaska, 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.

Approved by Board of Marine Pilots: April 26, 2023 – [DRAFT 03/11/24](#)

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~~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 and is then cleared for docking and undocking tankers within their tonnage in Cook Inlet.
- **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 Alaska Anchorage, the Deputy will be cleared to bring for tankers to and from anchor in Kachemak Bay. ~~with the~~The following restrictions shall apply:

- Kodiak Island- No unsupervised docking/undocking of tank vessels at Womens Bay.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

- Prince William Sound- No docking/undocking of tank vessels in TAPS Trade.

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~~ 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.

Approved by Board of Marine Pilots: April 26, 2023 – DRAFT 03/11/24

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

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

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.

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.

Approved by Board of Marine Pilots: April 26, 2023 – [DRAFT 03/11/24](#)

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

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

DRAFT

From: [Jenni Zielinski](#)
To: [Board of Marine Pilots \(CED sponsored\)](#)
Subject: Item for next meeting agenda
Date: Monday, February 12, 2024 4:49:09 PM

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Tom,

SWAPA would like to add the following item to the agenda for the April meeting:

Clarification of 12 AAC 56.016 (b)

[A training pilot is not required to accept a pilot trainee. A training pilot shall notify the marine pilot coordinator of nonacceptance of a pilot trainee.]

Many thanks and let me know if you have any questions. Best regards, Jenni

Jenni Zielinski
Business Manager
Southwest Alaska Pilots Association
[907-235-8483 extn 2](tel:907-235-8483)
[907-235-6119](tel:907-235-6119) fax
[907-399-2094](tel:907-399-2094) cell
swapa@swpilots.net

This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, disseminate, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

Enter program name.

Annual Report

Fiscal Year 2024



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

P.O. Box 110806
Juneau, Alaska 99811-0806
Email: License@Alaska.Gov

This report is required under Alaska Statute 08.01.070(10).

Program Name
FY 2024 Annual Report

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Board Membership

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Accomplishments

Page x

Activities

Page x

Needs

Page x

DRAFT

Program Name
FY 2024 Annual Report

Board Membership (as of the Date This Report was Approved)

Date of Final Board Approval: Click or tap to enter a date.

Click or tap here to enter text. (List all board members as of the date this report was approved.)

DRAFT

Program Name
FY 2024 Annual Report

Accomplishments

Click or tap here to enter text. ("Accomplishments" include but are not limited to statutory or regulatory changes finalized, disciplinary matrices created, investigations conducted, public safety measures implemented, general descriptions of license actions taken for the sake of public safety, accomplishments by staff, accomplishments by board members, etc.)

DRAFT

Program Name
FY 2024 Annual Report

Activities

Click or tap here to enter text. (“Activities” include but are not limited to board meetings, subcommittee or workgroup meetings, attendance at conferences, public speaking events, involvement in legislative hearings, in process statute or regulation changes, etc.)

DRAFT

Program Name
FY 2024 Annual Report

Needs

Click or tap here to enter text. ("Needs" include but are not limited to changes to statutes, changes to regulations, trainings, board seats to be filled, executive administrator for the board, additional staff, travel to certain conferences, support, etc. Highly recommend also including the "why" for each listed need.)

DRAFT

Chapter 56. Board of Marine Pilots.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 56.025(a)(9) is amended to read:

(9) a certificate **that shows a negative result on a test for illegal drug use** from a testing facility that complies with the requirements adopted in 12 AAC 56.940(b); **the test must be** [SHOWING A NEGATIVE RESULT ON A TEST FOR ILLEGAL DRUG USE] conducted within 60 days [BEFORE THE DATE] of **submitting the** application **and** [;] the testing facility **will** [MUST] mail the drug test results directly to the marine pilot coordinator; **and**

12 AAC 56.025(a)(10) is amended to read:

(10) [ON A FORM PROVIDED BY THE DEPARTMENT,] evidence of a satisfactory physical examination **conducted on a form provided by the department** within 60 days [BEFORE THE DATE] of **submitting the** application; **the physical exam must demonstrate** [, DEMONSTRATING] that the applicant is [IN ALL RESPECTS] physically fit to perform the duties of a pilot, [AND] including an examination of eyesight, hearing, blood pressure, physical agility, and cognitive capabilities.

12 AAC 56.025(i) is amended to read:

(i) An application **that satisfactorily documents that all applicable requirements for the examination, license, or endorsement are met** is considered complete [WHEN IT SATISFACTORILY DOCUMENTS THAT ALL APPLICABLE REQUIREMENTS FOR THE

Commented [FCB1]: Edit:

Because the introductory language already states that the applicant must submit this certificate with the application form, the use of "submitting" here is redundant.

Commented [SD2R1]: Tom - please let me know what

you think of this change. I think that 'submitting' should stay - as it currently reads that the test must be "conducted within 60 days of the application". Let me know your thoughts

Commented [TB3R1]: Agreed. I think keeping

"submitting" makes more sense.

Commented [KMD4R1]: We've reverted to submitting.

However, we want to flag a potential issue in the fact the regulation basically opens up a 120 day window for submission of the test results 60-days before submitting and 60-days after. This might cause confusion since the lead in to 56.025 seems to contemplate that the application will have all the required documentation at the time of submission. We agree that 56.025 can also be read to allow documents to be filed after the submission of the application as long as all the documents are received at least 60-days before the examination. Please note that the removal of the temporal language may result in applicants submitting test results desynchronized manner.

Commented [KMD5]: Temporal issue the regulation

deals with submissions to the board. The prior language "before the date" provided temporal context to the fact the test result need to occur before the submission of the

Commented [FCB6]: Edit/Question:

Page 56 of the *Drafting Manual* states that "must" applies to a requirement related to an object, and here the

Commented [KD7R6]: Let's go with "will" unless the board objects

Commented [SD8R6]: Tom - same question here.

Commented [TB9R6]: I'm fine with whatever makes the most sense. If LAW wants to suggest this language to the board, along with their reasons for changing it, I'm fine with

Commented [KMD10R6]: Law prefers the use of "will" for two reasons. First the terms "must" and "shall" typically impose a legal duty on the object subjected to the directive.

Commented [BTL(11R6): Understood. Please move forward with "will."

Commented [SD12]: Tom - does 'conducted on a form...' fit the board's requirements? Perhaps "completed on a form"?

Commented [TB13R12]: Personally, I think conducted is odd here, however, I don't think much else makes sense here. "Completed" might make more sense. Can we get a

Commented [KMD14R12]: We will just cut the word "conducted" and say evidence on a form.

Commented [BTL(15R12): Perfect.

EXAMINATION, LICENSE, OR ENDORSEMENT HAVE BEEN MET]. The marine pilot coordinator shall review all submitted applications [SUBMITTED] and approve those applications that comply with all applicable requirements. If an application is not complete by **10** [60] days before the date of examination, the applicant may not be approved to sit for that examination.

Authority: AS 08.62.040 AS 08.62.050

12 AAC 56.070(a) is amended to read:

(a) The examinations required by [12 AAC 56.014(a)(2),] 12 AAC 56.026(a)(3), 12 AAC 56.026(k), 12 AAC 56.033(c), and 12 AAC 56.085(b)(3) for a license or endorsement will be offered at least once per [a] year [AT A MEETING OF THE BOARD].

Authority: AS 08.62.040 AS 08.62.050

12 AAC 56.080(e) is amended to read:

(e) To renew a deputy marine pilot license, a deputy marine pilot **shall** [MUST] meet the requirements of (b) [AND (c)] of this section and shall submit proof that the deputy marine pilot has engaged in piloting vessels subject to AS 08.62 an average of five days for each calendar month in the licensing period immediately preceding the licensing period for which renewal is sought in the marine pilotage region for which the license is to be renewed. A deputy marine pilot licensed for less than twelve calendar months before the beginning of a renewal period is exempt from this piloting day requirement], EXCEPT THAT compliance with (c) of this section is not required [THE DEPUTY MARINE PILOT MUST MEET THE REQUIREMENTS OF (c) OF THIS SECTION FOR EACH COMPLETE

Register _____, _____ 2024 PROFESSIONAL REGULATIONS

CALENDAR YEAR THAT THE DEPUTY MARINE PILOT HELD A DEPUTY MARINE PILOT LICENSE]. ~~A deputy marine pilot shall submit proof that the deputy marine pilot has engaged in piloting vessels subject to AS 08.62 an average of five days for each calendar month in the licensing period immediately preceding the licensing period for which renewal is sought in the marine pilotage region for which the license is to be renewed an average of five days for each calendar month in the licensing period immediately preceding the licensing period for which renewal is sought. A deputy marine pilot licensed for less than twelve calendar months before the beginning of a renewal period is exempt from this piloting day requirement.~~

Authority: AS 08.62.040 AS 08.62.100 AS 08.62.120

Tom's Suggested Edits

12 AAC 56.025(a) is amended to read:

(a) To be eligible to take the regional local knowledge examination required by 12 AAC 56.026(k), an applicant shall apply on a form provided by the department at least 60 days before the date of the examination and submit, **at least 30 days before the date of the examination,**

12 AAC 56.025(a)(9) is amended to read:

(9) a certificate **that shows a negative result on a test for illegal drug use** from a testing facility that complies with the requirements adopted in 12 AAC 56.940(b) [SHOWING A NEGATIVE RESULT ON A TEST FOR ILLEGAL DRUG USE] conducted [WITHIN] **no more than** [60] **90** days before the date of [APPLICATION] **the examination**APPLICATION]; the testing facility **will** [MUST] mail the drug test results directly to the marine pilot coordinator; **and**

12 AAC 56.025(a)(10) is amended to read:

(10) [ON A FORM PROVIDED BY THE DEPARTMENT,] evidence of a satisfactory physical examination **on a form provided by the department** [WITHIN] **no more than** [60] **90** days [before the date of [APPLICATION] **the APPLICATIONexamination**]; **the physical exam must demonstrate** [, DEMONSTRATING] that the applicant is [IN ALL RESPECTS] physically fit to perform the duties of a pilot, [AND] including an examination of eyesight, hearing, blood pressure, physical agility, and cognitive capabilities.

12 AAC 56.025(c)(1) is amended to read:

(1) at least [60] **30** days before the date of the examination

12 AAC 56.025(i) is amended to read:

(i) An application is considered complete when it satisfactorily documents that all applicable requirements for the examination, license, or endorsement have been met. The marine pilot coordinator shall review all applications submitted and approve those applications that comply with all applicable requirements. If an application is not complete by [60] **30** days before the date of examination, the applicant may not be approved to sit for that examination.

12 AAC 56.025(j) is amended to read:

To be eligible to take the regional local knowledge examination required by 12 AAC 56.034(a)(5) or to activate a previously held marine pilot regional endorsement, an applicant shall apply on a form provided by the department at least [60] **30** days before the date of the examination and submit

DRAFT



MEMORANDUM

DATE: April 18, 2024
TO: Board of Marine Pilots
THRU: Erika Prieksat, Chief Investigator *BH*
FROM: Patrick Kase, Investigator
RE: Investigative Report for the April 24, 2024 Meeting

The following information was compiled as an investigative report to the Board for the period of January 06, 2024 thru April 18, 2024; 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>
MARINE PILOT			
2019-000695	Unlicensed practice or activity	Investigation	07/26/2023
2022-000218	Contested license denial	Litigation Initiated	03/08/2022

Closed -

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
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END OF REPORT

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

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Marine Pilots and Foreign Pleasure Craft	FY 18		FY 19	Biennium		FY 20		FY 21	Biennium		FY 22		FY 23	Biennium		FY 24					
																1st & 2nd QTR					
Revenue																					
Revenue from License Fees	\$	91,150	\$	206,450	\$	297,600	\$	86,250	\$	201,210	\$	287,460	\$	112,933	\$	134,600	\$	247,533	\$	4,800	
General Fund Received								\$	-				\$	2,763	\$	1,126		3,889		\$	-
Allowable Third Party Reimbursements								\$	-				\$	-				-		\$	-
TOTAL REVENUE	\$	91,150	\$	206,450	\$	297,600	\$	86,250	\$	201,210	\$	287,460	\$	115,696	\$	135,726	\$	251,422	\$	4,800	
Expenditures																					
Non Investigation Expenditures																					
1000 - Personal Services		83,020		78,538		161,558		70,082		52,807		122,889		32,141		59,404		91,545		16,745	
2000 - Travel		14,158		8,709		22,867		7,442		-		7,442		2,323		14,074		16,397		3,745	
3000 - Services		3,398		4,919		8,317		3,687		6,437		10,124		10,038		5,655		15,693		6,330	
4000 - Commodities		195		702		897		1,805		-		1,805		1,543		191		1,734		1,575	
5000 - Capital Outlay		-		-		-		-		-		-		-		-		-		-	
Total Non-Investigation Expenditures		100,771		92,868		193,639		83,016		59,244		142,260		46,045		79,324		125,369		28,395	
Investigation Expenditures																					
1000-Personal Services		9,360		14,528		23,888		295		552		847		3,253		8,669		11,922		4,267	
2000 - Travel				1,341		1,341		-		-		-		-		-		-		-	
3023 - Expert Witness				200		200		-		454		454		-		-		-		-	
3088 - Inter-Agency Legal		795		33		828		-		457		457		-		341		341		-	
3094 - Inter-Agency Hearing/Mediation				87		87		-		-		-		-		410		410		-	
3000 - Services other				5		5		-		15		15		7		16		23		-	
4000 - Commodities				-		-		-		-		-		-		-		-		-	
Total Investigation Expenditures		10,155		16,194		26,349		295		1,478		1,773		3,260		9,436		12,696		4,267	
Total Direct Expenditures		110,926		109,062		219,988		83,311		60,722		144,033		49,305		88,760		138,065		32,662	
Indirect Expenditures																					
Internal Administrative Costs		13,970		13,964		27,934		9,457		7,152		16,609		6,190		11,005		17,195		5,503	
Departmental Costs		14,865		16,624		31,489		8,659		7,511		16,170		6,403		8,068		14,471		4,034	
Statewide Costs		10,324		9,685		20,009		9,272		7,323		16,595		4,448		7,403		11,851		3,702	
Total Indirect Expenditures		39,159		40,273		79,432		27,388		21,986		49,374		17,041		26,476		43,517		13,239	
TOTAL EXPENDITURES	\$	150,085	\$	149,335	\$	299,420	\$	110,699	\$	82,708	\$	193,407	\$	66,346	\$	115,236	\$	181,582	\$	45,901	
Cumulative Surplus (Deficit)																					
Beginning Cumulative Surplus (Deficit)	\$	305,082	\$	246,147			\$	303,262	\$	278,813			\$	397,315	\$	446,665			\$	467,155	
Annual Increase/(Decrease)		(58,935)		57,115				(24,449)		118,502				49,350		20,490				(41,101)	
Ending Cumulative Surplus (Deficit)	\$	246,147		303,262			\$	278,813	\$	397,315			\$	446,665	\$	467,155			\$	426,054	
Statistical Information																					
Number of Licenses for Indirect calculation		152		132				124		138				146		163					
Additional information:																					
<ul style="list-style-type: none"> • General fund dollars were received in FY21-FY23 to offset increases in personal services and help prevent programs from going into deficit or increase fees. • Most recent fee change: Fee reduction FY23 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065. 																					

Appropriation Name (Ex)	(Multiple Items)
Sub Unit	(All)
PL Task Code	MAR1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)				Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	11,457.18				11,457.18
1014 - Overtime	0.32				0.32
1021 - Allowances to Employees	51.53				51.53
1023 - Leave Taken	1,383.43				1,383.43
1028 - Alaska Supplemental Benefit	788.69				788.69
1030 - Public Employee's Retirement System Defined Contribution	681.53				681.53
1034 - Public Employee's Retirement System Defined Cont Health Reim	391.19				391.19
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	129.83				129.83
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	2,012.60				2,012.60
1040 - Group Health Insurance	3,337.82				3,337.82
1041 - Basic Life and Travel	2.92				2.92
1042 - Worker's Compensation Insurance	87.49				87.49
1047 - Leave Cash In Employer Charge	296.49				296.49
1048 - Terminal Leave Employer Charge	205.36				205.36
1053 - Medicare Tax	180.52				180.52
1077 - ASEA Legal Trust	3.72				3.72
1079 - ASEA Injury Leave Usage	0.32				0.32
1080 - SU Legal Trst	1.42				1.42
2000 - In-State Employee Airfare			347.51		347.51
2002 - In-State Employee Lodging			149.00		149.00
2003 - In-State Employee Meals and Incidentals			90.00		90.00
2005 - In-State Non-Employee Airfare			860.31		860.31
2007 - In-State Non-Employee Lodging			447.00		447.00
2008 - In-State Non-Employee Meals and Incidentals			480.00		480.00
2009 - In-State Non-Employee Taxable Per Diem			32.00		32.00
2010 - In-State Non-Employee Non-Taxable Reimbursement			1,338.82		1,338.82
3046 - Advertising				40.78	40.78
3055 - Inspections/Testing				5,750.00	5,750.00
3088 - Inter-Agency Legal				511.58	511.58
3094 - Inter-Agency Hearing/Mediation				27.30	27.30
4002 - Business Supplies				1,575.40	1,575.40
Grand Total	21,012.36	3,744.64	6,329.66	1,575.40	32,662.06

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Marine Pilots enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

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

Off record: _____
On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

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

2024 STATE CALENDAR

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			

FEBRUARY

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		

MARCH

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						

APRIL

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				

MAY

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	

JUNE

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						

JULY

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			

AUGUST

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

SEPTEMBER

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					

OCTOBER

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		

NOVEMBER

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

DECEMBER

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				

 Holiday  Payday

State Holidays

Date	Holiday
01/01/24	New Year's Day
01/15/24	MLK Jr.'s Birthday
02/19/24	Presidents' Day
03/25/24	Seward's Day
05/27/24	Memorial Day
07/04/24	Independence Day

State Holidays

Date	Holiday
09/02/24	Labor Day
10/18/24	Alaska Day
11/11/24	Veterans' Day
11/28/24	Thanksgiving Day
12/25/24	Christmas Day

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