

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

BOARD OF MARINE PILOTS

MINUTES OF MEETING

October 9, 2019

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference meeting of the Board of Marine Pilots was held October 9, 2019.

Call to Order/Roll Call

The meeting was called to order by Chairman Curtis Thayer, at 9:01 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer
Tom Rueter
Les Cronk
Rick Harris
Peggy McLaughlin
Captain Ed Sinclair
Captain Ron Ward

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

Cori Hondolero, Marine Pilot Coordinator
Sara Chambers, Director (agenda item #4)
Ashley Brown, Assistant Attorney General (agenda item #5)
Greg Francois, Chief Investigator (agenda item #7)

Visitors present included:

Captain John Herring, Southeast Alaska Pilots Association (SEAPA)
Captain Luke Sloane, Southeast Alaska Pilots Association (SEAPA)
Jeff Logan, Southeast Alaska Pilots Association (SEAPA)
Captain Andrew Wakefield, Southwest Alaska Pilots Association (SWAPA)
Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)
Captain David Arzt, Alaska Marine Pilots (AMP)
Paul Axelson, Northern Pacific Maritime

Agenda Item 1 – Review Agenda

Upon a motion duly made by Mr. Rueter, seconded by Ms. McLaughlin, and approved unanimously, it was:

RESOLVED to approve the agenda as written

Agenda Item 2 – Review Meeting Minutes

The Board reviewed the minutes of the last teleconference meeting.

Upon a motion duly made by Mr. Rueter, seconded by Captain Sinclair, and approved unanimously, it was:

RESOLVED to approve the minutes of the June 27, 2019 teleconference meeting as written.

Agenda Item 3 – Public Comment

There was no one present that made a request to address the Board.

Agenda Item 4 – Board Business

Review Board Actions – Actions taken June 17, 2019 – September 25, 2019

Date	Motion	Voting Tabulation	Action
17 June 2019	Approve upgrade to 65KGT for Todd CARLETON	Ward (Y), Cronk (Y), Harris (Y), Sinclair (Y), McLaughlin (Y), Thayer (Y), Rueter (Y).	Approve upgrade
26 June 2019	Approve upgrade to 65KGT for Jill RUSSELL	Cronk (Y), Ward (Y), McLaughlin (Y), Thayer (Y)	Approve upgrade
2 July 2019	Approve FPC exemption application ARMS REACH	Cronk (Y), Sinclair (Y), Thayer (Y), Harris (Y), McLaughlin (Y), Rueter (Y).	Approve application
28 June 2019	Approve training pilot endorsement for Hitomi MARSH	Thayer (Y), Ward (Y), Harris (Y), McLaughlin (Y), Sinclair (Y).	Approve endorsement
2 July 2019	Approve FPC exemption application CHIMERA	Cronk (Y), McLaughlin (Y), Harris (Y), Ward (Y), Thayer (Y), Rueter (Y), Sinclair (Y).	Approve application
2 July 2019	Approve FPC exemption application KAMAIXTHA	Harris (Y), Cronk (Y), Ward (Y), Thayer (Y), Sinclair (Y).	Approve application
2 July 2019	Approve FPC exemption application KOMAGATA	Harris (Y), McLaughlin (Y), Ward (Y), Thayer (Y), Sinclair (Y), Rueter (Y).	Approve application
2 July 2019	Approve FPC exemption	Harris (Y), Cronk (Y),	Approve

	application MALAIKA	McLaughlin (Y), Ward (Y), Thayer (Y), Rueter (Y), Sinclair (Y).	application
6 July 2019	Approve FPC exemption application SEAWOLF	McLaughlin (Y), Rueter (Y), Ward (conditionally approve), Cronk (Y), Thayer (N), Harris (Y).	Approve application
8 July 2019	Approve training pilot endorsement AXELSON	Ward (Y), Thayer (Y), Sinclair (Y), Cronk (Y), Harris (Y)	Approve endorsement
11 July 2019	Approve FPC exemption application BEAGLE STAR V	Thayer (Y), Ward (Y), Sinclair (Y), Cronk (Y), Harris (Y), Rueter (Y)	Approve application
16 July 2019	Approve FPC exemption application TAMSEN	Thayer (Y), Ward (Y), Cronk (Y), McLaughlin (Y), Sinclair (Y), Rueter (Y)	Approve application
22 July 2019	Approve upgrade to 90KGT for Chris MITCHELL	Cronk (Y), Thayer (Y), Ward (Y), Harris (Y), Sinclair (Y)	Approve upgrade
22 July 2019	Approve upgrade to 90KGT for James CUNNINGHAM	Cronk (Y), Thayer (Y), Ward (Y), Harris (Y), Sinclair (Y)	Approve upgrade
7 August 2019	Approve upgrade to 65KGT for Ronald LEIGHTON	Thayer (Y), Ward (Y), Cronk (Y), McLaughlin (Y), Sinclair (Y), Rueter (Y)	Approve upgrade

OnBoard Voting – MPC Hondolero had included instructions for voting with the OnBoard system. It was noted that OnBoard also had a phone app that could potentially make voting easier. The Board requested that MPC Hondolero add a sample application to the system, so that the Board could test it and see if they think that it would work for them. The Board noted that they approve action/issuance on an application once a quorum has approved the application.

MPC Staffing & Location – Director Chambers joined the meeting to discuss this topic with the Board and apologized to the Board for not discussing recent changes before acting on the MPC position/location and stated that this was a temporary fix. The Board expressed their concern with being excluded from the process and stated that they feel they need designated staff that is based in Juneau. Director Chambers stated that the Division would be looking at options for the position and how best to serve the Board. It was decided that the Division would open a recruitment for a new MPC (who will be Juneau based). Chairman Thayer noted that the position has been in Juneau historically and that staff has had their main assignment be MPC and they have added other additional duties as time allowed.

Director Chambers stated that the Division would try to have the recruitment soon and indicated that it might be for an executive that also had an additional program assigned. Chairman Thayer asked what role the Board would have in hiring the new MPC. Director

Chambers stated that the Division would lead the recruitment process and could consult with the Chair to review applicants and gather final thoughts before making a hire.

Mr. Rueter indicated that he did not have a concern over where the position was located. Mr. Harris thanked the Division for acknowledging the Boards role in recruitment and stated that he felt the position should be Juneau based due to intense traffic in Southeast. Captain Sinclair commented that the temporary MPC assignment/location was not made clear to the Board originally and that he also felt the position should be Juneau based. Ms. McLaughlin stated that she appreciated the updated information and felt the position should be located in Juneau.

Chairman Thayer asked how soon the recruitment would start. Director Chambers stated by the end of the month. Chairman Thayer asked about the January meeting and if Ms. Hondolero would assist until a permanent MPC was hired. Director Chambers stated that the Board could take action to have hire approval delegated to the Chair and that Ms. Hondolero would continue to assist until a permanent hire was made.

Upon a motion duly made by Mr. Cronk, seconded by Mr. Rueter, and approved unanimously, it was:

RESOLVED to approve Chairman Thayer to work with the Division to make the final hiring selection.

Agenda Item 6 – Pilot Association Reports

Southeast Alaska Pilots' Association (SEAPA)

Captain Herring was present to address the Board.

Both updated operating rules and updated Bylaws were in the meeting packet.

Captain Herring stated that the updates to the operating rules were related to anti-harassment language and do not dispatch requests.

Assistant Attorney General (AAG) Ashley Brown arrived at the meeting; the Board opted to speak with AAG Brown first and then return to the conversation with SEAPA.

Agenda Item 5 – Correspondence

AAG Brown was present to discuss and or answer questions in response to her memo dated September 30, 2019. This memo was written in response to the Board's request for guidance on 12 AAC 56.960(c) – dispatch of two pilots. MPC Hondolero noted that the document was label confidential and without Board action could not be released to the public.

Upon a motion duly made by Captain Ward, seconded by Mr. Rueter, and approved unanimously, it was:

RESOLVED to allow the release of the memo from AAG Brown dated September 30, 2019.

The memo noted that the key word in this regulation is “expected” – if the trip is reasonably expected to exceed eight hours, an additional pilot can be dispatched. Mr. Harris asked what the threshold is for expected; is it probable? Mr. Rueter noted that expected can represent something that hasn’t happened yet. AAG Brown stated that there might be situations where there hasn’t been transit before; in this situation, you’d have to use best judgement. If in the past the trip has taken six hours, but new circumstances could impact the trip in the future.

Captain Sinclair asked that the Board ask Captain Herring (SEAPA) to comment. Captain Herring asked about putting two pilots on and charging for it; there are certain situations where two pilots are put on board and they would like the ability to dispatch this way.

Chairman Thayer asked if there have been conversations about this with the shipping industry? Captain Herring replied that yes there have been conversations and they have not paid for the second pilot. Chairman Thayer thought it might be best to inquire with agents to get their perspective on this issue. Captain Herring asked if they can charge for the second pilot. AAG Brown stated that the regulation is silent regarding payment. Captain Herring stated that six hours is listed in the SEAPA operating rules, but this is not related; it’s just established as good practice.

It was decided that this topic would be carried forward to the January meeting. In the interim, agents would be asked for their thoughts.

Captain Ward asked about payment of bills if the trip is over eight hours. Captain Herring replied that if the trip was over eight hours, the bill for the second pilot is paid; if under eight hours, the bill is not paid. Mr. Cronk added that there are very specific cases where this has been applied; certain routes that pushed the level of exceeding eight hours and industry should not pay for this.

Chairman Thayer indicated that it might be best to see if there is resolve for this in industry. Can it be resolved or is there a regulation change required. More dialog could be completed at the January meeting. Mr. Harris stated that for safe navigation on certain routes, this should be allowed to occur.

Agenda Item 6 – Pilot Association Reports

Southeast Alaska Pilots’ Association (SEAPA)

The Board returned to their conversation about the operating rules; specifically, sections f & g. Captain Sinclair stated that this was an internal SEAPA decision; not something brand new and asked if was appropriate to approve. The Board felt that additional review was required. There was confusion as to what rules were being presented for approval as the document provided to the Board was not properly prepared in colored ink, hence the motion to table.

Upon a motion duly made by Mr. Rueter, seconded by Mr. Cronk, and approved by a majority of the Board, it was:

RESOLVED to table the SEAPA operating rules until the January meeting to give the Board additional time to review/understand the requested changes.

The Board moved on to review of the updated Bylaws. It was noted that there were both clean and amended copies in the meeting packet. Captain Herring stated that the edits were a collection of cleanup/housekeeping items.

Upon a motion duly made by Mr. Harris, seconded by Mr. Rueter, and approved unanimously, it was:

RESOLVED to approve the Bylaws as amended by SEAPA.

Captain Herring provided the associations report:

- 13% increase in port calls
- 1 new dock in Hoonah
- New docks in Ketchikan
- New purchase of Juneau waterfront
- Net gain of 3 pilots
- 23 trainees
- New entrance exam starting this winter
- Good support from cruise lines

Mr. Rueter asked if there were ongoing discussions to project for the future. Captain Herring stated that they receive schedules one year in advance, but need to know the number of port calls; it's hard to know what will be needed. Mr. Rueter asked what the industry can do to help with multi-year planning. Captain Herring replied that longer lead time would help and that cruise line agents are cooperative. Mr. Harris noted that there are instances where pilots for Foreign Pleasure Crafts couldn't be provided. Chairman Thayer stated that the legislature sets the length of vessel for exemptions and asked if this needs to be revisited and asked that the MPC conduct some research to see what the lengths of the vessels have been for discussion at the January meeting. Captain Herring did note that SEAPA was able to dispatch to all critical waterways this year.

Southwest Alaska Pilot Association (SWAPA)

Captain Wakefield was on line to give the associations report:

- 15 full member pilots
- 3 deputy pilots
 - 1 deputy will become a full pilot and obtain VLCC
- 3 trainees
 - 2 will be finishing up before the spring
- 2 observers
 - 1 will be applying for their core exam soon

Mr. Rueter stated that planning is a long process and asked for thoughts on how to facilitate efforts in the future. Captain Wakefield stated that as much advance notice as possible for changes in traffic patterns would be helpful.

Alaska Marine Pilots (AMP)

Captain Artz was on line to give the associations report:

- 9 fully licensed marine pilots
 - 8 are training pilots
- 2 people in the deputy marine pilot apprenticeship program; they are at least a year from becoming licensed

Agenda Item 7 – Investigative Report

Chief Investigator Francois was present to provide the investigative report.

The report included in the packet was dated September 27, 2019 and covered the period of April 1, 2019 through September 27, 2019. During this period five matters were opened and two matters were closed. Seven matters remain ongoing/open.

Chief Francois stated that the investigator may or may not contact a Board member to discuss/review a case.

Chairman Thayer asked if there was any anticipation of when cases might be closed? Chief Francois indicated that there have been issues obtaining information from the Coast Guard. Chairman Thayer asked if a letter from the Board might be helpful. Chief Francois indicated that he wasn't sure, but needs to move the request to the next level.

Mr. Harris asked about intake/complaint. Chief Francois stated that sending out a written packet is intake and receiving that packet back is a complaint. The issue becomes an investigation after a Board member is consulted. The investigator might rotate who is consulted for case review. Chairman Thayer asked how the investigator decides who does the review. Chief Francois stated that the first step is a conflict check. Chairman Thayer ask if past Board members can be used for investigative reviews. Chief Francois stated that they can be used if they are under contract and asked the Board to let him know of any experts.

Captain Sinclair asked about the intake cases that are old. Chief Francois stated that he is currently reviewing those cases and they will likely move to complaint status. Captain Sinclair also asked about cases closed in intake status. Chief Francois stated that a packet may not have been received and it therefore never moves to complaint status.

The Board thanked Chief Francois for his report.

Agenda Item 8 – Executive Session

Upon a motion duly made by Captain Ward, seconded by Mr. Rueter, and approved unanimously, it was:

RESOLVED to enter into executive session for the purpose of conducting an interview with a deputy marine pilot candidate.

Agenda Item 9 – Approval of Deputy Marine Pilot

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

RESOLVED to approve Captain Luke Sloane for deputy marine pilot licensure.

Confirm Upcoming Meeting Dates/Locations

- January 2020 in Anchorage – MPC Hondolero to send out an email to find a date that will work for the Board.


There being no further business, the meeting adjourned at 10:53 a.m.

Respectfully Submitted:



Cori Hondolero
Marine Pilot Coordinator

Approved:



Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: 1/17/2020