

**2020 Alaska Schedule Update: As of April 9th, 2020**

Vancouver closed until July 1<sup>st</sup> for ships over 12 passengers

Seattle closed indefinitely

**Holland America** – Suspends sailings through May 14<sup>th</sup>

- Seven ships combined, canceling a total of 14 voyages = 26,310 passengers

**Royal Caribbean/Celebrity** – Suspends Alaska sailings through June 30<sup>th</sup>

- Six ships combined, canceling a total of 41 voyages = 113,954 passengers

**Princess Cruises** – Suspends voyages through May 10<sup>th</sup>

- Four ships combined, canceling a total of 4 voyages= 10,232 passengers

**Carnival Cruise Lines**- Suspends sailings through June 30<sup>th</sup> / Carnival Miracle cancels season

- Two ships combined canceling a total of 21 voyages= 44,604 passengers

**Norwegian/Oceania/Regent Cruise Line**- Suspends sailings through May 10<sup>th</sup> / Norwegian Sun cancels season

- Four ships combined, canceling a total of 20 voyages= 46,248 passengers

**Windstar Cruises**- Cancels entire 2020 Alaska season

- One ship, canceling 7 voyages= 2,184 passengers

**Viking Cruise Line**- Suspends sailings through June 30<sup>th</sup>

- One ship, canceling a total of 7 voyages= 6,510 passengers

**Disney Cruise Lines** - Suspends sailings through June 30<sup>th</sup>

- One ship, canceling a total of 7 voyages = 16,800 passengers

**Hurtigruten** - Suspends sailings up through June 30<sup>th</sup>

- One ship, canceling 4 voyages = 2,120 passengers

**Lindblad**- Suspends sailings up through June 1<sup>st</sup>

- Four ships combined, canceling at total of 15 voyages = 1,110 passengers

Total Alaskan Voyages canceled: 140

Total Lower Berth Passenger Loss: 246,372



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

BOARD OF MARINE PILOTS

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

**BOARD OF MARINE PILOTS**

**MINUTES OF MEETING  
April 9, 2020**

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held via video/teleconference April 9, 2020.

**Call to Order/Roll Call April 9, 2020**

The meeting was called to order by Chairman Curtis Thayer, at 9:03 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer  
Les Cronk  
Rick Harris  
Peggy McLaughlin  
Captain Edward Sinclair  
Captain Ronald Ward II  
Lucas Hasenbank

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

Renee Hoffard, Marine Pilot Coordinator  
Greg Francois, Chief Investigator

Visitors present included:

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA)  
Captain John Herring, 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 and Yacht Services of Alaska  
LCDR Bart Buessler - National Oceanic and Atmospheric Administration (NOAA)  
Tom Rueter  
Captain Robert Dersham  
Captain Donal Ryan, Southwest Alaska Pilots Association (SWAPA), Training Chair  
Rick Erikson, Cruise Line Agencies of Alaska

**Agenda Item 2(A) – Review Agenda**

MPC Hoffard notified the board that a response has not been received for Agenda Item #9; Dept. of Law regarding emergency regulations in response to the COVID-19 pandemic.

**Agenda Item 2(B) – Declarations/Recusals**

The board had no declarations or recusals.

**Agenda Item 3 – Review Meeting Minutes**

The Board reviewed the minutes of the January 16-17, 2020 meeting.

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

**RESOLVED to approve the minutes of the January 16-17, 2020 meeting as written.**

The Board reviewed the minutes of the March 12, 2020 teleconference.

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

**RESOLVED to approve the minutes of the March 12, 2020 teleconference as written.**

**Agenda Item 4 – Public Comment – Not related to the current regulation amendments.**

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

**Agenda Item 5 – Board Business**

- Review of task list – January Board meeting
  - MPC Hoffard was tasked with 4 items at the January meeting
    - a. OnBoard voting tool – was created prior to the first application submitted to the board for review and has been attached to each ballot. Mr. Harris stated he appreciated the tool, it provided the steps needed for voting.
    - b. List of former board members with current licenses sent to investigations – the list was sent to Chief Investigator Francois.

- c. Expert Witness rates – the current rates for expert witnesses are approximately \$200 per hour; the most recent expert witness contract for the Board of Marine Pilots was in August 2018 at the rate of \$200 per hour. Research showed that \$200 per hour is a common rate for expert witnesses.
- d. Inquiry to Alaska Marine Highway (AMHS) regarding observer rates – AMHS responded to the inquiry that it was determined to charge current full fare at the current rate for the general public. This was in response to the need to generate revenue to operate the system and cover the costs of the program. Mr. Harris stated that he was not comfortable with AMHS’s response, he feels that they are doing a disservice to the marine pilot industry. Captain Ward agreed with Mr. Harris and also expressed his concerns with the lack of ferries. The ferry system is an important component for acquiring federal pilotage requirements. Captain Sinclair noted that it was very short sighted of the ferry system to believe that trainees were going to keep the ferry system afloat. Captain Sinclair felt a response expressing the boards disappointment with the response receive was warranted and was tasked to draft the response to AMHS for the board to review and approve via email.
- o Letter to USCG regarding FOIA requests – the letter was drafted by Chief Investigator Francois and mailed to the USCG and the congressional delegation February 20, 2020. Chair Thayer stated that he will ask Chief Investigator Francois if the letter has had any results when he joins the meeting for the Investigative report.
- o Letter to division regarding travel – Captain Ward drafted the letter and submitted it. It was sent to the Commissioner and discussed in person with her by Chair Thayer. The April board meeting was approved for travel and scheduled to be held in Juneau. It was only converted to a video/teleconference in response to COVID-19 travel restrictions. The board was satisfied that their concerns with travel were heard and addressed prior to the current global situation.

- Review Board Actions – Actions taken January 18, 2020 – April 6, 2020

Date	Motion	Voting Tabulation	Action
3/4/2020	FPC – Espiritu Santo	Sinclair-Y, Ward-Y, Harris-Y, Cronk-Y, Thayer-Y	Approved 5-0
4/1/20	C. Vermette Marine Pilot, VLCC	Cronk-Y, Harris-Y, Sinclair-Y, Thayer-Y, Ward-Y	Approved 5-0
3/23/20	FPC – Cielo Mare		Closed – no action

**Agenda Item 6 – Division Update**

- Revenue/Expenditure Report and Fee analysis for 2021-2022 renewal cycle.

MPC Hoffard reviewed the 2nd quarter FY2020 fiscal report with the board. At this time the board has a surplus of \$261,534. She reviewed the revenue and expenses for the quarter. She explained that due to the administration mandates regarding COVID-19, no increases will be proposed. The division had already completed the fee analysis prior to the start of the COVID-19 pandemic and was not recommending any fee changes for the upcoming renewal cycle. Chair Thayer asked if the division had considered the MPC position is now shared with another program in the projections. Ms. Hoffard stated that she had been informed that they used the information from the time that Ms. Hondolero worked for the board given she also worked with another program. Mr. Thayer also asked if the revenue from foreign pleasure craft exemptions was available. Ms. Hoffard stated she would gather that information for the board.

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

**Resolved to accept the fee recommendations for the 2021-2022 renewal cycle as proposed by the division.**

**Agenda Item 7 – Association responses – COVID-19**

Chair Thayer explained that this was listed as an agenda item to provide the board with the association responses to the Governor's request for central services of plans for responding to COVID-19. Each association provided a copy of the policies adopted and presented to the Department of Commerce.

**Agenda Item 9 – Dept. of Law response, Emergency regulations; COVID-19**

Chair Thayer provided an overview of SB241, a senate bill passed by the legislature at the request of the Governor as a response to COVID-19. One of the many topics of the bill is Boards and Commissions and waiving the continuing education requirements that many licenses have. The Department of Law is still reviewing the bill in order to provide sound advice for what it means for professional licensing programs. Captain Ward commented that continuing education may be acquired by the end of the year but the days on vessel requirements may not be met by pilots in some regions. He asked that the board get clear advice on waiving that requirement. Chair Thayer assured him that it has been clear in SB241 hearings that it is not the intention to penalize anyone for COVID-19 related delays. Ms. Hoffard stated that she had made sure to expressly address the days on vessel continued competency requirement. The division is working to make sure that requirement is addressed by the division. Peggy McLaughlin echoed Captain Ward's concerns and potential problems with trainees.

Chair Thayer asked Ms. Hoffard if there was any new information regarding examinations. Ms. Hoffard stated that examinations provided by the division will not be rescheduled until the division offices are open to the public. Captain Ward asked if it would be an option to provide the exams outside of the division office. Captain Ward and Captain Sinclair proposed that they proctor exams for candidates in their regions so those applicants can move forward in the licensing process. The board briefly discussed the various options for exams to be given outside of the division.

***Upon a motion duly made by Captain Ward, seconded by Les Cronk, it was:***

*Resolved to approve emergency examination protocols.  
Upon discussion this motion was tabled until after lunch in order to allow for more defined language and further information. Captains Sinclair and Ward were tasked to clarify the motion language with Rick Harris during the break.*

### Agenda Item 10 – Investigative Report

Chief Investigator Francois joined the meeting to provide the investigative report for the period of January 4, 2020 thru April 8, 2020. The division closed 2 cases during this time period and have 7 open cases that are active. More information has been received and he anticipates action on those cases in the near future. Chair Thayer asked if the letter submitted regarding FOIA requests had any results. Chief Investigator Francois stated that he believes it will prove beneficial in the future.

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

**RESOLVED to enter into executive session in accordance with the provision of Alaska Status 44.62.310(c) for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. Board staff is requested to remain during the session.**

*Off record at 9:52 am*

*Back on record at 10:18 am*

**Upon a motion duly made by Les Cronk, seconded by Peggy McLaughlin, and approved unanimously via roll call, it was:**

**Resolved to set a cap on rates for expert witness for investigations at \$200 per hour.**

### Agenda Item 15 – Cruise Line Association update, COVID-19

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA) joined the board to provide an update of the cruise industry response to COVID-19. He provided a brief overview of the global cruise industry to the pandemic following World Health Organization. He informed the board of all changes to the Alaska schedule as of April 9, 2020 (Appendix A); these changes have resulted in a total of 140 voyages being cancelled. CLIA expects additional announcements that will affect the schedule to be announced soon. The cruise industry has been working to update policies in regard to resuming services as soon as possible while maintain safety. Chair Thayer asked if Mr. Tibbles knew the total number of normal voyages; Mr. Tibbles stated that Alaska was expecting just over 600 voyages. Mr. Harris asked if the future announcements would be for more cancellations. Mr. Tibbles does anticipate there to be more suspension of services beyond what was presented to the board. Chair Thayer asked Mr. Tibbles to provide more information to MPC Hoffard for be distribution to the board on a monthly basis.

### Agenda Item 11 – Pilot Association Reports

SEAPA  
Southeast Alaska Pilots' Association (SEAPA)

Captain Herring presented the association report for SEAPA. SEAPA is watching the cruise schedules closely and preparing internally for no cruise ships arriving this season. The association has only had a few cargo ships since the pandemic started and are closely following the policies. At present the association has 46 pilots; there are 4 trainees awaiting the local knowledge exam. The association would appreciate any measures taken by the board to facilitate the exams. As for effects of COVID-19, issues of license renewal for days on vessel. Deputies will also not be able to upgrade their license, this will be an issue if/when traffic returns to normal next year. He also spoke to the issues with Alaska Marine Highway, due to their closures trainees are behind on observing ferry routes. The association has made temporary pick-up changes in efforts to avoid rural communities with limited health care in order to protect both the communities and the pilots.

AMP  
Alaska Marine Pilots (AMP)

Captain David Arzt provided the association report for AMP. AMP has 3 apprentices at this time. The association has halted apprentice ride and trainee in efforts to minimize exposure to apprentices and customers. The policies adopted by AMP have been shared with their customers and will be adjusted as needed. The biggest hurdle AMP is currently facing is transportation with the closing of Ravn Air. They are currently using Alaska Airlines and managing the situation. They have been in close contact with their customers to monitor the ongoing situation and provide safe pilotage for vessels coming and going within the region.

SWAPA  
Southwest Alaska Pilot Association (SWAPA)

Captain Andrew Wakefield presented the association report for SWAPA. He thanked the other associations for the collaborative efforts on developing plans for COVID response. SWAPA currently has 16 VLCC qualified pilots, 2 deputies with 90,000 tons qualified licenses, 2 trainees and 3 observers. SWAPA has suspended all trainee and observing until further notice. 1 trainee is ready for the local knowledge exam and the association would be appreciative of any efforts to allow the exams so the trainee can go to work. The association has purchased vehicles to transport pilots via the road system to accommodate for the closure of Ravn Air.

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

**Resolved to recess for lunch break until 1:25 pm**

*Off record at 10:43 am*

*Back on record at 1:24 pm*

**Agenda Item 12 – Oral Testimony – Draft Regulation Amendments**

Chair Thayer opened oral testimony for proposed regulation amendments for:

1. 12 AAC 56.011.
2. 12 AAC 56.018.
3. 12 AAC 56.019.
4. 12 AAC 56.026.

5. 12 AAC 56.029.
6. 12 AAC 56.031.
7. 12 AAC 56.033
8. 12 AAC 56.990.

Captain David Arzt, President, Alaska Marine Pilots – Captain Arzt is in support of the regulation amendments as outlined by Chair Thayer. He believes that the amendments will result in deputy marine pilots that are higher qualified, bringing them up the level of vessels that are now being seen in various regions within the state. He feels the amendments to the apprenticeship training program, it will enhance the development of the candidate. It will improve associations ability to respond to changes in traffic and will be a benefit to customers served by pilot associations in the state.

Captain Donal Ryan, Training Chair, Southwest Alaska Pilots Association. - Captain Ryan stated he supports the amendments. He feels the amendments for trainees will allow trainees to complete the training in a more efficient manner. It will allow for more practical and efficient training for candidates. It will allow more flexibility for association training programs which may allow for more trainee's overtime to be in the training program while maintaining or increasing the standards of training.

As no one else expressed interest in providing oral testimony. Chair Thayer reminded the public that written comments will be accepted until 4:30 pm on April 27, 2020. Anyone wishing to provide written comment should ensure that those comments are submitted to the division by the deadline. Chair Thayer closed oral testimony.

MPC Hoffard provided a brief overview of the regulation amendments process and estimated timelines.

The board returned to the discussion of the exam protocols.

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

**Resolved to withdraw the table motion for exam protocols in response to COVID-19.**

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

**Resolved to adopt the following exam protocols in response to COVID-19.**

**Due to the travel restrictions caused by the Covid-19 virus, the procedures for Marine Pilot exams will use the following; the licensing exams will be proctored by the association president or the training chair at a location they select. In addition, a Board of Marine Pilot member must be present either in person or by video conference. These procedures will remain in effect for the duration of the Covid-19 travel restrictions.**

MPC Hoffard informed the board that the division had approved the board's recommendation via email and she will work with the associations to schedule exams for the qualified candidates.

MPC Hoffard provided the revenue generated by Foreign Pleasure Craft (FPC) exemptions for the past 3 previous years. She estimates that the board will not receive approximately \$67,000 in revenue due to the lack of FPC exemption applications for the summer 2020 season.

MPC Hoffard shared with the board that she had received information from the FPC application that closed with no action. The applicant is working to resolve the issue and once the information is provided, Ms. Hoffard will create a new ballot for the exemption in OnBoard for review.

#### Board Comments

The board did a round table of closing comments. The board members all expressed their appreciation for the work MPC Hoffard has been doing. Several board members appreciated the work that was completed during the lunch break to draft the language to address the exam protocols for the current situation. They are pleased with the use of OnBoard and look forward to future meetings.

Chair Thayer reminded the board that a special teleconference would be called in May once the public comment period closes to review comments and move the regulations project forward.

There being no further business, the meeting adjourned at 1:46 p.m.

Respectfully Submitted:

*Renee Hoffard*

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Renee Hoffard  
Marine Pilot Coordinator

Approved:

*Curtis Thayer*

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Curtis Thayer, Chair  
Alaska Board of Marine Pilots

Date: 10/9/20