



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  
October 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 October 9, 2020.

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

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

Curtis Thayer  
Les Cronk  
Rick Harris  
Captain Edward Sinclair  
Captain Ronald Ward II  
Lucas Hasenbank  
Peggy McLaughlin *joined at 10:05 am*

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  
Jun Maiquis, Regulations Specialist

Visitors present included:

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA)  
Captain John Herring, Southeast Alaska Pilots Association (SEAPA)  
Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)

Captain Andrew Wakefield, Southwest Alaska Pilots Association (SWAPA)  
Captain Clayton Christy, Alaska Marine Pilots (AMP)  
Paul Axelson, Northern Pacific Maritime and Yacht Services of Alaska  
Rick Erikson, Cruise Line Agencies of Alaska  
Jacob Resneck, CoastAlaska - Regional News Director  
Captain Jeffrey Stephens, SEAPA  
Tom Rueter, Alaska Maritime

### **Agenda Item 2 – Review Agenda**

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

**RESOLVED to approve the agenda as written**

### **Agenda Item 3 – Ethics Declarations/Recusals**

The board had no ethics declarations or recusals.

### **Agenda Item 4 – Review of meeting minutes**

The Board reviewed the draft minutes for the April 9, April 29, and July 29 of 2020. MPC Hoffard noted that she made corrections to the draft. Paul Axelson attended all three teleconferences representing both North Pacific Maritime and Yacht Services of Alaska. April 9 minutes had a correction of spelling from “sited” to “sighted” on page 3, section d. Chief Investigator Greg Francois’s title was corrected throughout the minutes, he is not a senior investigator.

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

**RESOLVED to approve the board meeting minutes as amended.**

**April 9, 2020**

**April 29, 2020**

**July 29, 2020**

The board moved to agenda item 6, the investigative report to allow Mr. Tibbles time to join the meeting for agenda item 5.

### **Agenda Item 6 – Investigations Report**

Chief Investigator Greg Francois joined the meeting to provide the investigative report. He informed the board that given his workload as the chief investigator for the division it has been decided to reassign the Board of Marine Pilots to a division investigator. He feels that he cannot provide the time needed to address investigations for the program with his other responsibilities and has discussed the matter with Director Chambers.

April 9 – October 8, 2020 there have been 5 investigations closed with 3 investigations remaining as open cases. There were no disciplinary actions for the 5 cases that were closed. Chair Thayer asked if the closed cases could be explained and why they were closed.

2020-000715 was a marine pilot incident report, the pilot reported it appropriately to the division and it was determined by the reviewing board member that no violation was found.

2018-001059 was a sexual misconduct investigation that was closed for insufficient evidence.

2020-000151 was regarding unprofessional conduct. It was an incident involving 2 marine pilots where one took offense to another. This was reviewed by a licensed member of the board and was found that was no violation.

2019-000631 was a marine pilot incident report., An advisement letter was sent upon recommendation of the reviewing board member indicating the individual has to comply with the regulation requiring reporting to occur within 72 hours.

2020-000123 was a marine pilot incident report, the pilot reported it appropriately to the division and it was determined by the reviewing board member that no violation was found.

Chair Thayer asked what is the anticipated time-frame to resolve the 3 open investigations as they have been open for more than 1 year. Chief Investigator Francois stated that case 2018-000708 is with a reviewing board member. He asked that further discussion occur in executive session with the Board's approval. Chair Thayer added discussion of case 2019-0000695 to the scheduled executive session agenda items 8.

### **Agenda Item 5 – Cruise Industry Update**

Mike Tibbles of Cruise Lines International Association (CLIA), Alaska joined the meeting to provide an update on the cruise industry. He started with Europe to provide a quick overview of how things are progressing for the industry internationally. More ships that have returned to service in Europe, MSC cruises has completed five to six successful voyages. These have all been initiated under guidelines that have been developed with the European Union, this is the healthy gateways plan that's basically being implemented.

The resumption has been under a very controlled environment. But so far, the resumption has been very successful. The passengers are recording that they're enjoying the voyages, they feel safe and that the mask wearing and other protocols are to be expected at this point. The industry is seeing more success out of Europe and that is encouraging for those within the United States. On September 21, CLIA adopted and announced a set of core elements, these are health protocols that were aimed at providing some guidance to the CDC and focusing on potential restart within the United States in a very limited fashion. The core elements include things such as 100% testing for all passengers and crew, mask wearing, social distancing, improved ventilation, and increased medical facilities on board; as well as requiring limited opportunities for shore excursions that meet the same level of safety net that is being provided on board.

This is all part of the curb to curb, door to door approach that the industry's been working on to provide a safe return to service. On September 30 the CDC extended that no sale order for an additional month so that now runs until October 31. There is no indication of what will be next, but the hope is that all of the work that has being greatly assisted by a significant number of medical experts will help give the CDC some support and hope that the industry can and has resumed safely. We could potentially see some limited sailings United States near or by the end of the year.

Mr. Tibbles moved onto Alaska. There have been a few announcements that has impacted capacity for next year, but nothing too significant as it is still early. Two ships, a Princess ship and a Holland ship, have both sold and Cunard is announced the cancellation of the 2021 season entire season for their ship. There are many things that are outside of anyone's control. The industry is working with the state closely as well as local communities. There has been frequent contact with the mayors and managers of the core communities and efforts are being made to keep them up to speed on all the developments globally. As more feedback and progress develops in the short term on some of the health protocols, as well as feedback from the CDC, the industry will be able to start more discussions with the local communities about Alaska specific protocols.

The industry is still hearing that Alaska remains in high demand. There is a lot of pent up demand for cruisers that have sailed in the past, they really are anxious to get back on board. What is being seen out of European customers is they are getting used to and accepting the new protocols, including the mask wearing and the social distancing. The customers are reporting that they feel very safe on board. These things are all really good things for the industry. It is hard to predict the future as there are so many things outside of anyone's control but CLIA remains optimistic with the encouraging information coming out.

The board had questions about plans to replace the 2 ships sold, how many voyages were cancelled with the selling of the vessels and information regarding Canada's no-sail order. Mr. Tibbles replies that there is currently no plan to replace the sold vessels that he is aware of. He believes the sales resulted in approximately 35 voyage cancellations but can verify that information for the board. The discussions with Canada been independent from the discussions with the CDC. Canada came out early and issued their own no-sail order until the end of October, which at the time was a long way out. Canada has been willing to have conversations, it appears that they're waiting to see what develops with the CDC in the direction that the United States is going to take. Given all the work that the medical professionals have done to come up with the new protocols; if those are acceptable to the United States, there is some optimism that they would be acceptable to Canada as well. There will be many lot of conversations needed to work through some of the specifics in order to move forward.

### **Agenda Item 7 – Regulations**

The board briefly reviewed the drafted regulation amendments for 12 AAC 56.028 as drafted by the Department of Law (DOL) and Southwest Alaska Pilots Association (SWAPA). Following a short discussion regarding the formatting of the draft provided by SWAPA, the board tabled the discussion pending clarification from DOL.

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

**RESOLVED to table the discussion of regulation amendments pending clarification from Department of Law regarding public notice of draft amendments.**

### **Agenda Item 8 – Executive Session - Oral Interviews/Application Review**

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

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

*Off record at 10:36 am*

*Back on record at 11:08 am*

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

**RESOLVED to approve the Deputy Marine Pilot license for Captain Jeffrey Stephens for pilotage on vessels up to 50,000 gross tons in Region 1 with the exception of Klawock Inlet, West Coast Prince of Wales, South Coast Prince of Wales, and Lisianski Inlet.**

**Agenda Item 9 – SWAPA – Training Program and Bylaws amendments**

Jenni Zielinski and Captain Andrew Wakefield joined the board to discuss the proposed amendments. Ms. Zielinski started with the bylaws amendments.

The proposed amendments are a measure to bring the bylaws current, allowing for electronic ballots. The previous version was set up to allow only mail ballots, the terminology was updated to the option of a paper ballot or an electronic ballot. The main sections being changed would be under articles five and nine. The training endorsements were also updated to reflect changes to the regulations that were effective September 19, 2020. These changes were approved by the membership of SWAPA via a mail ballot.

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

**RESOLVED to accept the bylaws for the Southwest Alaska Pilots Association as presented.**

Captain Wakefield moved to the discussion of the training program proposed amendments. SWAPA is proposing changes to the training program to update the requirements based on changes in Region II shipping traffic and recent regulations changes to tonnage endorsements for licenses. The requirement for 2 dockings and 2 undockings in Seward/Resurrection Bay 10/1 – April 1 has been deleted due to lack of winter traffic for that port. TAPS vessel observations were amended to match the traffic and tonnage changes. The Coal dock requirement for Seward was removed as the dock has not been in use and is not anticipated to be utilized in the future. Womens Bay Tanker Clearance requirement for 2 docking and 2 undockings has been removed due to lack of traffic. The requirement to be a full Marine Pilot before doing unsupervised work on tankers in this port remain. The requirements for Drift River have been removed and amended; requires a full Marine Pilot to perform unsupervised work at this port. Drift River is not currently an active port and was decommissioned in 2019. The LNG ship clearance has been amended to remove old and outdated information regarding prior operator requirements.

Captain Ward brought up an issue he had with a requirement on page 10 of the draft regarding the License 110,000 gross tons, step 2(b). Potentially a trainee could do all of those requirements on a medium range vessel; the reason for this specific section of training is to train on VLCC's (Very Large Crude Carrier). He proposed a change to read: "observe at least six transits inbound from the pilot station and six transits outbound to the pilot station on VLCC vessels." Therefore, the only change will be various VLCC vessels instead of different types of vessels. Captain Wakefield agreed with the recommended change, the newer pilot would already have experience on the smaller vessels and need to be exposed to VLCC's.

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

**RESOLVED to accept the training program for the Southwest Alaska Pilots Association as amended during this meeting.**

### **Agenda Item 10 – Association Reports**

#### *SEAPA:*

Captain John Herring provided the association report. SEAPA appreciates the flexibility the board has shown with exams and candidate interviews over the summer. Current roster of 39 full pilots, 11 deputy pilots with the approval of Captain Stephens, and 16 trainees. SEAPA has a pilot trainee selection event planned for the week of October 12. No trainees have been able to observe on Alaska Marine Highways vessels. This combined with the current pandemic has made it a difficult year to make progress on federal pilotage. Due to the lack of traffic, 17 of SEAPA's pilots did not work this past summer. SEAPA appreciates the board waiver for renewals this year, without it many of their pilots would not be able to renew. The board had no questions for SEAPA.

#### *SWAPA:*

Captain Wakefield provided the report. Current roster of 16 full pilots 4 deputy pilots; 2 of which have 90,00 gross ton endorsements and 2 that hold 110,000 gross ton endorsements. They have recently been allowed to restart training in Valdez on a few of the vessels. They are working with a few more companies to add to the training opportunities. A long-standing pilot recently announced his retirement, Captain Eric Eliassen will be retiring at the end of November. SWAPA has had some issues with transportation due to the closure of Ravn Air. They are currently using the road system but would like to have alternatives before the winter weather starts. The board had no questions for SWAPA.

#### *AMP:*

Captain Clayton Christy provided the report. AMP has a current roster of 9 full pilots with 2 trainees in the 4<sup>th</sup> year and 1 apprentice working towards federal pilotage. AMP shares the concerns of the other associations regarding federal pilotage, Alaska Marine Highways not allowing pilot observers is proving to be a hinderance. As with SWAPA, transportation has been an issue but they are managing. The board had no questions for AMP.

### **Agenda Item 11 – Foreign Pleasure Craft (FPC) Exemption – Subcommittee Report**

Captain Sinclair led the discussion of the findings from the subcommittee. They reviewed the statutes and regulations for the FPC exemptions and created a document of their findings with recommendations as well as items that they felt need clarification from DOL. The board had previously asked for guidance on requesting proof of insurance for FPC exemption applications. DOL responded that they can ask for the verification but do not have the authority to require it. Such authority would require a statute change. MPC Hoffard was tasked with sending a memo to DOL listing the board's requests for clarification and potential regulation amendments for draft language.

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

**RESOLVED for MPC Hoffard to submit the following items to the State of Alaska, Department of Law for review and/or guidance as discussed.**

Requests for clarification:

- a. 30-day timeframe for FPC exemptions - The board has received guidance in the past that they could not issue an exemption until the 30 days had lapsed – which appears to contradict the 10-day time limit for them to approve or deny an application. If that is the case; may the board adopt by regulation or board order minimum standards of what constitutes the submitted application to start the 30-day clock?
- b. What is the Board's authority to interpret 12 AAC 56.115(c); can the Board round the length of a vessel to the nearest foot? For example, if an application lists the vessel length at 100 ft., 3 inches; may the Board round that down to 100 ft.?

Regulation amendment draft language for 12 AAC 56.11:

- (a)(2)(A) – simply the language for AIS, removing class A or B
- (a)(2)(B) – remove ARPA and require all vessels to have radar with the means to automatically track the range and bearing of other targets to determine collision risk
- (a)(2)(D) add “other means or compass heading instruments” to the requirement for magnetic compasses
- (a)(2)(E) change the language; the vessel needs at least 2 transceivers to ensure they meet the federal requirements for watchkeeping
- (c) add language that allows for masters to have completed radar training in the five years before applying if they don't hold a radar unlimited endorsement

MPC Hoffard was also tasked with drafting a letter to be sent to the Department of Environmental Conservation (DEC) in regard to the certificate of financial responsibility (COFR). DEC issues the certificate to vessels over 400 gross register tons (GRT); however, GRT is an outdated measurement system and rarely, if ever, will it be indicated on a vessels' documents. Instead the gross tonnage is typically noted, the measurement systems are not the same and there is no conversion.

Lastly, MPC Hoffard will work to revise the FPC exemption application to include a question for applicants to ensure the insurance they carry do not exclude Alaskan waters and make revisions that require the applicants to indicate the actual dates of publication for the documents in the navigation packet per 12 AAC 56.115(a)(3). The applicants are required to have the vessels on board at time of application and given the documents are available electronically this should not

be an issue. The vessel agent may continue to provide the packet upon the vessel's arrival as an exception – not as a practice.

### **Agenda Item 12 – Division Update**

MPC Hoffard provided the division update. The fiscal report was reviewed by the board at a previous meeting; the program ended the 3<sup>rd</sup> quarter of FY2020 with a surplus of \$239,138 headed into renewal 12/31/2020. The end of year report is scheduled to be available by the end of October and will be emailed to board members as soon as possible.

MPC Hoffard anticipates mailing renewal notices October 14. The board adopted an order earlier in the summer waiving renewal requirements for this renewal only in response to steps taken by the US Coast Guard in light of the COVID-19 pandemic. The renewal application was revised in a manner that makes it very clear that while requirements were waived for this renewal, they will be fully enforced for the 2022 renewal. This also includes the physical exam, the requirement to submit the physical was waived but pilots are still expected to adhere to the physical standards as required. Mr. Harris asked if the division had made any concessions on the renewal fees; SEAPA had just mentioned in their report that 17 of their pilots did not work during the summer season. MPC Hoffard stated that the division can offer an option for license holders, information regarding that is included in the renewal notices.

Chair Thayer had asked MPC Hoffard to put together a small report on the FPC exemption over the past few years. 2020 had a total of 16 vessels, this was in the average for vessels per year since 2016. The revenue generated was slightly higher than 2019 and in fact the second highest revenue in the past five years. This report was simply informational.

MPC Hoffard asked the board to clarify how long they intended to extend the current exam policy; permitting the association and/or board member to administer the exams given state office closures. It was determined this policy will be in effect until such time as the board returns to in-person meetings as the exam has historically been given the day before the board meeting.

The board returned to the discussion of regulations.

### **Agenda Item 7 – Regulations**

DOL had responded to the email sent by MPC Hoffard regarding public notice of the proposed language for the amendment to 12 AAC 56.028(j). DOL stated that due to the fact that they informed at the board at the last meeting that any substantive changes would require a supplemental notice, the language as drafted by SWAPA is appropriate to be sent out for public notice given that the board may change the language based on additional public comment. DOL may have questions but will not stop the public comment process. There were some questions regarding the percentage of training movements going from 25% to 125% but MPC Hoffard had addressed those via email and DOL appeared to be comfortable with the changes recommended to the draft language.

**Upon a motion duly made by Captain Edward Sinclair, seconded by Captain Ronald Ward, and approved via roll call, it was:**



**RESOLVED to move the draft language amending 12 AAC 56.028(j) and 12 AAC 56.033(b)(2) forward for supplemental public notice. This notice shall be for written comments only.**

12 AAC 56.028 is amended to add a new subsection to read:

(j) An apprentice who has completed not less than 12 months of apprenticeship training may make a request to receive credit for one year's experience under 12 AAC 56.028 by submitting to the marine pilot coordinator documentation that demonstrates the trainee has completed 125 percent of supervised movements in subsection (a) (1), (b) (1), or (c) (1) of this section. The marine pilot coordinator shall forward the request and documentation to the board. The board may grant credit equal to one year's experience to the trainee for the region for which the trainee has requested credit. A trainee may not request experience credit more than one time and for only one region specified in this section.

12 AAC 56.033 (b) (2) is amended to read:

(2) has completed a minimum of four years of training as an apprentice in a deputy marine pilot apprenticeship program approved under this section in the pilotage region for which the deputy marine pilot license is sought; an apprentice may receive credit equal to one year's training for documented experience approved by the board under 12 AAC 56.028;

MPC Hoffard will pole the board to set the date(s) for the January 2021 board meeting.

With no further business to discuss, Chair Thayer adjourned the meeting at 12:47 pm.

Respectfully Submitted:

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Renee Hoffard  
Marine Pilot Coordinator

Approved:

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Curtis Thayer, Chair  
Alaska Board of Marine Pilots

Date: \_\_\_\_\_