



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
November 24, 2021**

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 November 24, 2021.

Call to Order/Roll Call November 24, 2021

The meeting was called to order by Chairman Curtis Thayer, at 10:05 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer
Richard Harris
Captain Edward Sinclair
Les Cronk

Absent
Peggy McLaughlin - *Excused*
Lucas Hasenbank - *Excused*

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

Renee Hoffard, Marine Pilot Coordinator
Sharon Walsh, Deputy Director
Amber Whaley, Senior Investigator
Jenni Summers, Senior Investigator
Shauna Muraco, Investigator III

Visitors present included:

Captain Frank Didier, Southeast Alaska Pilots Association (SEAPA)

Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)
Captain Clayton Christy, Alaska Marine Pilots (AMP)
Captain Levi Benedict, Southeast Alaska Pilots Association (SEAPA)
Captain Mark Lundamo, Southeast Alaska Pilots Association (SEAPA)
Jessi Li, Southeast Alaska Pilots Association (SEAPA)
Lalanya Downs, Sr. Director, Community Relations & Public Affairs, CLIA
Captain Chad Clapp
Mike Tibbles

2 unidentified callers joined the call over the course of the meeting.

Agenda Item 2 – Review Agenda

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

RESOLVED to approve the agenda as amended with public comment immediately following the ethics reports.

Agenda Item 3 – Review of meeting minutes

The Board reviewed the draft minutes for the April 21, 2021 teleconference.

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

RESOLVED to approve the April 21, 2021 board meeting minutes as written.

Agenda Item 3 – Ethics Declarations/Recusals

The board had no ethics declarations or recusals

Agenda Item 13 – Public Comment

Chair Thayer opened the floor for public comment; at that time there were 2 members of the public in attendance. No comments were made.

Agenda Item 5 – Cruise Industry Update

Lalanya Downs of Cruise Lines International Association (CLIA) joined the meeting to provide an update on the cruise season for 2021 and a look ahead to the anticipated 2022 cruise season. Due to the congressional delegations work to pass the Alaska Restoration Recovery Act signed into law May 24, 2021 there was a return to cruising for Alaska in 2021. The cruise lines worked closely with port communities to draft agreements to ensure the protection of Alaska residents. The agreements required strict protocols with a focus on prevention and mitigation to not burden shore-side health care providers in port communities. Overall, there were low numbers of incidents on ships. Cruise lines established strong communication protocols with port communities and will continue to use those methods moving forward. The first sailing arrived in Ketchikan July 9, 2021 and the final sailing was October 21 with a total of 77 sailings with over 115,000 passengers. Looking ahead to 2022 there are still a lot of unknown factors to be considered. The conditional order expires January 15, 2022 but the industry is anticipating a

close to normal season. There are ongoing discussions with Canada to resume operations. There are also additional pieces of legislation in the works for when the condition order expires.

Agenda Item 6 – Review of public comment; Regulations amendments – 12 AAC 56.115 & 12 AAC 56.120(a)(39)

The board reviewed the regulation amendments for 12 AAC 56.115; Foreign Pleasure Craft Exemptions and 12 AAC 56.120(a)(39), Pilot stations/pick up points as public noticed for written comment that closed September 27, 2021. No written comments were received during the comment period.

Upon a motion duly made by Richard Harris, seconded by Captain Edward Sinclair, and approved unanimously via roll call, it was:

RESOLVED to adopt the proposed amendments for 12 AAC 56.115 as written.

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

RESOLVED to adopt the proposed amendments for 12 AAC 56.120(a)(39) as written.

Agenda Item 7 – Division Update

Deputy Director, Sharon Walsh provided the division update. The update reviewed the final fiscal report for fiscal year 2021 and the 1st quarter fiscal report for fiscal year 2022 for the board. The program had a total revenue of \$201,210 and total expenditures of \$82,708 which resulted in a cumulative surplus of \$397,315 for FY2021. During the first quarter of FY2022 the program brought in revenue of \$19,150 and had \$18,094 in expenditures. Ms. Walsh also reviewed new requirements for military licensing. The requirements for temporary licensing for active-duty military members or their spouses is a substantially equivalent, unencumbered license in another jurisdiction. Due to the substantial requirements for Alaska specific training, there are no known substantially equivalent licenses in other jurisdictions.

Agenda Item 8 – Investigations Report

Sr. Investigator Amber Whaley provided the investigative report to the board. The report covered the time period of April 16, 2021 thru November 16, 2021. At the time of the report Investigator Muraco has closed 1 case; incomplete complaint for a Marine Pilot and there are 3 cases currently open. Chair Thayer asked if the division anticipates any movement on case 2019-000695 by the next board meeting due to the length of time the complaint has been open. Ms. Whaley explained that as it is an on-going case, she cannot discuss it. Investigations will be available to provide training at the next meeting to explain the process. Jennie Summers was introduced to the board; she is taking Sr. Investigator Whaley's position supervising Investigator Muraco.

Agenda Item 9 – Training extension request

The board was presented with a training extension request from Captain Chad Clap. Captain Clap is requesting an extension of his training with SEAPA.

Upon a motion duly made by Richard Harris, seconded by Captain Edward Sinclair, 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, Captain Chad Clap and Captain Frank Didier, SEAPA to remain during the session.

Off record at 10:54 am

Back on record at 11:16 am

No actions were taken during executive session.

Upon a motion duly made by Les Cronk, seconded by Richard Harris, and approved via roll call, it was:

RESOLVED to deny the training extension request of Captain Chad Clapp. Board member Captain Edward Sinclair abstained from the vote as a member of the pilot association Captain Clapp was requesting the extension from.

The board determined that Captain Clapp did not demonstrate to their satisfaction that there were insufficient ships or training pilots available in the training program to complete the training as required in 12 AAC 56.026(e).

12 AAC 56.026(e) A trainee may conduct maneuvers only in an area for which the trainee holds an endorsement of first-class pilotage without tonnage restrictions on the trainee's United States Coast Guard license. The trainee shall complete all maneuvers at the locations designated and in accordance with the requirements of the regional training program approved by the board under 12 AAC 56.035 for the pilotage region in which the training is to occur, within three years after initial acceptance into the training program. The board will approve an extension of this time requirement if the trainee demonstrates to the board's satisfaction that there are insufficient ships or training pilots available to complete the training program within the three years.

The next scheduled agenda item was the break for lunch, seeing no objection Chair Thayer moved forward with agenda item 11, Association reports.

Agenda Item 10 – Association Reports

AMP:

Captain Clayton Christy provided the report. AMP has a current roster of 9 full pilots, 1 deputy pilot and 2 trainees. 1 trainee is expected to apply for the local knowledge exam in the spring, the other trainee continues to work on federal observation trips. Effective January 1 the program will have 1 additional trainee, the association will make the announcement in the coming weeks. There will not be any changes to the association board in 2022. Changes were proposed to the training program during their recent board meeting to align with state regulations; the changes will be presented to the Board of Marine Pilots for their review and approval at the spring

meeting. Rich Harris inquired if there was any anticipation of pilots retiring from the association this year. Captain Christy informed the board that at this time none of the pilots have announced intentions to retire but the association are taking steps to ensure they can meet dispatch should anything happen.

SEAPA:

Captain Frank Didier provided the association report. Current roster of 38 full pilots, 11 deputy pilots, and 21 trainees. The training program anticipates that 3 of the trainees will be eligible for the local knowledge exam in early July 2022. The current schedule for cruise ships in 2022 shows growth of about 22% over 2019 numbers which is consistent with the numbers originally scheduled for 2020 and 2021. The cruise industry was very supportive of training during the abbreviated 2021 season. In most cases multiple trainees were permitted aboard vessels in conjunction with SEAPA pilots essentially doubling the training opportunities. The association is working on gathering data to support a request that the Board of Marine Pilots waive certain renewal requirements for the 2023 renewals as pilots will not meet the 120 days of sea time requirement. Rick Harris asked a couple clarifying questions regarding ramifications of pilots not meeting the renewal requirements. The board will take the matter under consideration at the next scheduled meeting.

SWAPA:

Jenni Zielinski provided the report. SWAPA has 17 full member-VLCC qualified pilots. There are 2 Deputy Pilots holding 110 thousand Gross Ton licenses. SWAPA's training program has 4 trainees doing hands on maneuvers, 1 of the trainees passed the CORE exam 11/8/2021. They have 1 observer and have a ballot out for an additional observer candidate. The association is expecting 1 pilot to retire this year. The board had no questions for SWAPA.

Agenda Item 12– SWAPA –Bylaws amendments

Jenni Zelinski reviewed the amendments to the SWAPA bylaws with the board.

1. Article 3, membership fees and charges; update of language that allows the association to refer back to a respective entity's bylaws or operating agreement.
2. Correction to the numerical system at the end of the bylaws that list all amendments made over time.

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

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

Agenda Item 14– Foreign Pleasure Craft Exemptions

- A. Review of exemptions granted provided by MPC Hoffard. The 2021 FPC season saw a total of 27 exemptions granted, 11 more than the 2020 season and the most exemptions since 2016. The estimated revenue for the 2021 season was \$88,810, the largest amount since

2018. There was a noted uptake in the applications in 2021 but all were reviewed and issued with the required 10 days.

- B. Issues noted in 2021 season proved by MPC Hoffard. There were 3 issues noted during the 2021 season.
1. Vessel entering AK waters before the exemption was granted; less than 30 days after applying; potential violation of Sec 08.61.180(b). The board discussed this issue, and it was determined that the appropriate action was taken by referring the vessel to investigations. Vessels that arrive before an exemption is granted must have a pilot on board.
 2. Vessels were taking charters after receiving the exemption but vessels for hire are not permitted to hold the exemption. Vessels may take charters, but they are not permitted to “hold” an exemption while they have charters. There is a section on the exemption application to list any scheduled charters. The board briefly discussed methods of advertising the exemption and ensuring interested parties are aware of the statutes and regulations that must be followed.
 3. Do vessels that are exactly 175 foot qualify for exemption; statute states “less than 175 feet.” There was 1 vessel over the season when the reported length was questioned. Upon measuring by the MPC and the Juneau Harbor Master it was determined that the vessel was exactly 175 foot. The vessel was charged the difference in the fee based on the measurement they reported, and the measurement taken by the Harbor Master as there was a significant difference. The question about length has been submitted to the Department of Law for determination; the board will review the statutes and regulations prior to the next scheduled meeting and be prepared to discuss.

The board discussed future meeting dates. MPC Hoffard was asked to work with board members via email and schedule the next meeting either the week of March 7 or March 17, 2022 in Juneau.

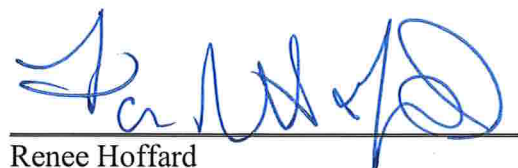
Chair Thayer addressed the board regarding the vacancy of the pilot member seat on the board. He has been in contact with Boards and Commissions with the Governor’s office. They have 2 candidates that they are interview and hope to have a board member appointed as soon as possible.

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

RESOLVED to adjourn the meeting.

Off record at 11:56 am.

Respectfully Submitted:



Renee Hoffard

Marine Pilot Coordinator

Approved:



Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: 3/8/22