

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 JULY 12, 2023

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 July 12, 2023, at 333 Willoughby Avenue, 9th Floor, Juneau, AK.

Date:	July 12, 2023
Time:	9:00 a.m. (9:02 a.m.)
Location:	Teleconference ran from 333 Willoughby Avenue, 9th Floor, Juneau, AK
Board Members Present:	Chair Curtis Thayer, Captain Edward (Ed) Sinclair, Les Cronk, Richard (Rick) Harris, Joseph (Joe) Tougas (9:05 a.m.)
Board Members Absent:	Captain James Cunningham (excused), Lucas (Luke) Hasenbank (excused)
Division/SOA Staff Present:	Thomas Bay (Marine Pilot Coordinator), Jennifer Summers (Senior Investigator), Stefanie Davis (Regulations Specialist)
Present from the Public:	Captain Mark Lundamo (SEAPA), Captain Doug Sturm (SEAPA), Captain David Mesdag (SEAPA), Captain Michael Jahrig (SEAPA), Captain David Fulton (SEAPA)

1. Review Agenda		
Brief Discussion:	There was no discussion to amend the agenda.	
Motion:	Move to accept the agenda as written (First: Cronk; Second: Sinclair).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank-- Absent (excused)	Tougas - Yes
	Sinclair - Yes	Cunningham-- Absent (excused)
	Thayer - Yes	
2. Ethics Disclosures		
Brief Discussion:	There were no ethical disclosures by any board members or staff.	
3. Review/Approve Minutes: April 26, 2023		
Brief Discussion:	Mr. Harris asked if "shoveling" and "Lidaring" was the correct terminology used at the top of page 3 of the minutes. Mr. Cronk said that it was likely just misspelling and that the	

	words should be “shuttling” and “littering.” There was no other discussion to amend the minutes.	
Motion:	Move to accept the April 26, 2023, meeting minutes as amended (First: Cronk; Second: Harris).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Absent (excused)	Tougas - Yes
	Sinclair - Yes	Cunningham - Absent (excused)
	Thayer - Yes	
4. Public Comment		
Brief Discussion:	There was nobody in attendance for public comment.	
5. Board Business		
Current Regulation Project: Deputy Marine Pilot Renewal Requirements		
Brief Discussion:	<p>Stefanie Davis, a Division Regulations Specialist, provided the board with drafted language, for their regulation project to amend deputy marine pilot renewal requirements, and to send it out for public comment. She reminded the board that the intent behind the amendment was to only require a deputy marine pilot to have 120 days piloting vessels for renewal if they worked more than one calendar year. Captain Sinclair said that the drafted language would not require a deputy marine pilot licensed for less than one year to have any hours on the water and said that he was not sure that was the board’s intent and that they should be careful before moving forward. Mr. Bay said that he believed the board’s motion and intent was captured in the drafted language. Ms. Davis pulled up the board’s discussion and motion from their previous meeting, and stated that the motion read as, “Move to create a regulations project to amend 12 AAC 56.080 to reflect a deputy marine pilot to only be required to have 120 days piloting vessels for renewal if they worked more than one calendar year.” Ms. Davis said that, if the intent was to have all deputy marine pilots to have 120 days on the water, they could amend the drafted language to read as:</p> <p>“12 AAC 56.080(e) is amended to read: (e) To renew a deputy marine pilot license, a deputy marine pilot shall meet the requirements of (b) and (c) of this section.”</p> <p>This would remove the language not requiring a deputy marine pilot licensed for less than one year to have any hours on the water for renewal. Mr. Cronk asked if it was fair to require a deputy marine pilot licensed for six months to have 120 days on the water, something that might not be attainable and not what he thought the board’s intent was. Mr. Bay reminded the board that deputy marine pilots also get licensed during their October meeting, which would not leave them enough time to get the 120 days. Chair Thayer suggested that the board create a subcommittee to ensure that the language mirrored the board’s intent, to which the board agreed.</p>	
Motion:	Move to create a subcommittee to include Captain Sinclair, Captain Cunningham, and Mr. Cronk to draft new language for their regulation project regarding deputy marine pilot renewal requirements (First: Cronk; Second: Tougas).	

Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Absent (excused)	Tougas - Yes
	Sinclair - Yes	Cunningham - Absent (excused)
	Thayer - Yes	

Recommended Regulation Changes

Brief Discussion:

Mr. Bay informed the board that he had reviewed their regulations and had some recommended changes regarding their exams and time management with application/form deadlines. He informed the board that one of their regulations, 12 AAC 56.070(a), requires the board to offer both the Core Exam and Local Knowledge Exam, at least once a year, at a meeting of the board. He suggested removing the requirement of having to have the exams offered at least once a year at a meeting of the board and said that if they removed the language, “at a meeting of the board,” from the regulation, it would provide flexibility to exam candidates, the board, and the MPC moving forward. Captain Sinclair said that not changing the regulation has the potential to slow down candidates in their training program by months, which in turn sets back the associations and having readily-available pilots. Chair Thayer agreed with the suggested regulation change but said that he was concerned with the suggested formatting. He suggested that the format be cleaned up and vetted before the board moves forward with a regulation project. Mr. Cronk agreed with both Chair Thayer and Captain Sinclair and said that there needs to be a review of the regulations as a whole, to ensure no unintended consequences related to other regulations. Mr. Bay informed the board that he had gone through their regulations to review application/form deadlines in an attempt to reduce the deadlines, many of which are 60 days in advance of an exam. He said that it does not take a long time to complete the applications and shortening the deadlines would be helpful for exam candidates because it helps move them along in their training program. Mr. Bay informed the board that 12 AAC 56.025(a)(9) & (a)(10) had been an issue in the past because they require an applicant to submit the results of a drug test and physical examination within 60 days before the date of application, but that a lot of the time those forms are not received until after the application is received. He recommended changing the deadlines to, “within 60 days of submitting the application,” which would create a more realistic deadline. He also explained to the board that 12 AAC 56.025(i) required an application to be complete 60 days before the date of an examination or the candidate could not sit for that exam. He said that this deadline contradicts with another regulation, 12 AAC 56.025(3), which allows an applicant, who plans to sit for the Local Knowledge Exam, to submit all existing evaluations of their training and for their pilot organization to submit their letter, stating that the applicant has completed the organization’s training program, at least 10 days before the date of the exam. He recommended that the board change the 60-day deadline in 12 AAC 56.025(i) to 10 days, to mirror the requirement in 12 AAC 56.025(3). Unfortunately, he informed the board, AS 08.62.090(c) requires a person to file their application with the board at least 60 days before the date of their examination, and the rest of his recommended regulation changes were related to the application deadline in statute, so they would not work as regulation projects. The board agreed with Mr. Bay’s recommendations but asked that he work on cleaning up the language and present a clean

	copy at their next meeting. Mr. Bay asked Stefanie Davis if she was willing to work with him and have a clean copy ready for board review at their next meeting, to which she said yes.	
6. Investigative Report		
Brief Discussion:	Senior Investigator Jenni Summers introduced herself to the board and informed them that she would be providing them with their Investigative Report for the period of April 11, 2023, thru June 26, 2023. She informed the board that, according to the report, one case had closed since their last report and that five were open, but that one of the open cases on the report had since been closed. Chair Thayer asked if there was an update on Case No. 2019-000695, a complaint from 2019 regarding unlicensed practice or activity. Ms. Summers informed the board that the case had since been reviewed by a board member and was with the Chief Investigator and Department of Law for review. She said she believed that case to have closure soon.	
7. Executive Session: Investigative Review of Case/Deputy Marine Pilot Candidate Interviews		
Brief Discussion:	The board decided to go into executive session to review an investigative matter and to conduct deputy marine pilot candidate interviews.	
Motion: Off Record: 9:47 a.m.	I, Edward Sinclair, 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 and Jenni Summers, and exam candidates David Mesdag, Michael Jahrig, and David Fulton, only during their oral exams, to remain during the session (First: Sinclair; Second: Harris).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Absent (excused)	Tougas - Yes
	Sinclair - Yes	Cunningham - Absent (excused)
	Thayer - Yes	
Brief Discussion: On Record: 10:33 a.m.	Chair Thayer said no official action was taken during executive session. The board approved deputy marine pilot licensure for Captain David Mesdag.	
8. Board Action: Deputy Marine Pilot Candidates		
Brief Discussion:	The board approved deputy marine pilot licensure for Captain David Mesdag.	
Motion:	Move to approve a deputy marine pilot license for 50,000 Gross Tons for Region 1. The following waterways are restricted to daylight transit only: Sitka Sound South of 57-57'N, Yakutat Bay, and Monti Bay for David Mesdag - Badge #246, license #144424 (First: Harris; Second: Sinclair).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Absent (excused)	Tougas - Yes
	Sinclair - Yes	Cunningham - Absent (excused)

	Thayer - Yes	
Brief Discussion:	The board approved deputy marine pilot licensure for Captain Michael Jahrig.	
Motion:	Move to approve a deputy marine pilot license for 50,000 Gross Tons for Region 1 with the exception of Klawock Inlet, West Coast Prince of Wales and South Coast Prince of Wales for Michael Jahrig – Badge #247, license #147163 (First: Harris; Second: Sinclair).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Absent (excused)	Tougas - Yes
	Sinclair - Yes	Cunningham - Absent (excused)
	Thayer - Yes	
Brief Discussion:	The board approved deputy marine pilot licensure for Captain David Fulton.	
Motion:	Move to approve a deputy marine pilot license for 50,000 Gross Tons for Region 1 with the exception of Klawock Inlet, West Coast Prince of Wales and South Coast Prince of Wales for David Fulton – Badge #248, license #147170 (First: Harris; Second: Sinclair).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Absent (excused)	Tougas - Yes
	Sinclair - Yes	Cunningham - Absent (excused)
	Thayer - Yes	
Brief Discussion:	Captain Sinclair said that he wanted to put on the record that all three candidates, in his mind, are fully qualified and ready to go to work. He said that they all bring a varied background with diversity in their careers that SEAPA's going to benefit from moving forward. He said it had been a pleasure to work with each of them as they progressed through SEAPA's training program and welcomed them as licensees.	
9. Schedule Future Meeting Date(s)		
Brief Discussion:	After discussion, the board decided to have their next meeting in Anchorage, on October 11 th , 2023, with the Local Knowledge Exam on October 10 th .	
10. Adjourn		
Brief Discussion:	Before adjourning the meeting, Captain Sinclair thanked Mr. Bay for his efforts on the recommended regulation changes. Mr. Harris mentioned that he had spoken with Mr. Bay before the meeting about an update regarding the new exam software. Mr. Bay informed the Board that the new exam software was currently with procurement for purchase and that Captain Cunningham and Captain Sinclair had updated the Core Exam, but that no work had yet been done to update the Local Knowledge Exam. Mr. Tougas thanked Chair Thayer for pushing forward with the investigations issue and getting them access to more information. Mr. Cronk agreed with both Captain Sinclair and Mr. Tougas. With nothing left on the agenda, the board adjourned.	
Motion:	Move to adjourn (First: Harris; Second: Sinclair).	

Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Absent (excused)	Tougas - Yes
	Sinclair - Yes	Cunningham - Absent (excused)
	Thayer - Yes	
Adjourn:	10:47 a.m.	

Date Final Minutes Approved by the Board: <input type="checkbox"/> Meeting <input checked="" type="checkbox"/> OnBoard	August 23, 2023
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