

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 APRIL 24, 2024

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 April 24, 2024, at 333 Willoughby Avenue, 9th Floor, Juneau, AK.

Date:	April 24, 2024
Time:	9:00 a.m.
Location:	State Office Building: 333 Willoughby Avenue, 9 th Floor, Juneau, AK
Board Members Present:	Chair Curtis Thayer, Captain Edward (Ed) Sinclair, Captain James Cunningham, Les Cronk, Andrew Mew, Joseph (Joe) Tougas
Board Members Absent:	None
Division/SOA Staff Present:	Thomas Bay (Marine Pilot Coordinator), Melissa Dumas (Administrative Operations Manager), Stefanie Davis (Regulations Specialist), Erika Prieksat (Chief Investigator), Patrick Kase (Investigator)
Present from the Public:	David Lund (AMP), Captain Mark Lundamo (SEAPA), Ron Leighton (SEAPA), Paul Merrill (SEAPA), Jessie Li (SEAPA), Doug Sturm (SEAPA), Colin Barnes (SEAPA), Clair Lewis (SEAPA), Nathan Witherly (SEAPA), Jenni Sitton (SWAPA), Josh Weston (SWAPA), Rick Erickson (CLAA), Mike Tibbles (ASA), Tom Rueter (AK Maritime Agencies), Angel Holbrook (YSA), Brian Erickson (Hecla)

1. Review Agenda		
Brief Discussion:	There was no discussion to amend the agenda.	
Motion:	Move to accept the agenda as written (First: Cronk; Second: Tougas).	
Recorded Votes:	Cronk - Yes	Cunningham - Yes
	Mew - Yes	Tougas - Yes
	Sinclair - Yes	Thayer - Yes
2. Ethics Disclosures		
Brief Discussion:	There were no ethical disclosures by any board members or staff.	
3. Public Comment		
Brief Discussion:	There was nobody in attendance for public comment.	

4. Review/Approve Minutes: January 17, 2024

Brief Discussion:	There was no discussion to amend the meeting minutes.	
Motion:	Move to accept the January 17, 2024, meeting minutes as written (First: Cronk; Second: Sinclair).	
Recorded Votes:	Cronk - Yes	Cunningham - Yes
	Mew - Yes	Tougas - Yes
	Sinclair - Yes	Thayer - Yes

5. Association Reports/Amendments

AMP

Discussion:	<p>The Alaska Marine Pilots' (AMPs) president, Captain David Lund, provided AMP's association update. Captain Lund informed the board that AMP had 11 full-time pilots, nine of which were fully licensed marine pilots and two that were deputy marine pilots. Two of the fully licensed pilots were slated to retire in 2024, which would leave them with seven. AMP also had five trainees and hoped to have a few of them take the Core Examination later in the year. He said that shipping trends were at predicted levels, with the cruise season starting in May. He said AMP still had the cable laying project in the Kuskokwim River and that dredging in Dutch Harbor was slated to begin in September. He said that some of the notable developments in the region included a meeting with the USCG regarding amending some of the federal tonnage requirements for areas in Bristol Bay, most of which was due to vessel traffic, and the deletion of Port Moller as a federal pilotage area, to keep their region in 13 federal required areas. He said that they were also having discussions with the USCG, MXAK, and Chadux regarding the development of the comprehensive plan to address issues in Western Alaska and how it applied to the future development of the Western Alaskan oil spill response plan. He said that a concerning trend in the region was vessels seeking refuge in adjacent state pilotage waters, through alternative planning criteria (APC), by third party routing agencies disregarding the state pilotage water requirements, and that they had spoken with the USCG and MXAK about the safety hazards involved. Lastly, he said that they added another littering area closer to Dutch Harbor, which was closer to ship assist assets stationed in Dutch Harbor. Les Cronk asked him if the USCG and MXAK were receptive about the APC issue, to which he said that they were. Having finished with AMP's association report, the board thanked Captain Lund for his time.</p>
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SEAPA

Discussion:	<p>The Southeast Alaska Pilots Association's (SEAPA's) president, Captain Ron Leighton, provided SEAPA's association report. Captain Leighton informed the board that SEAPA had 58 total pilots, which included 46 marine pilots and 12 deputy marine pilots. An additional three pilots were expected to be licensed at the end of the board meeting. SEAPA also had 13 trainees. He said that SEAPA expected to have the same numbers as the previous year and hoped to cover more yacht traffic. Andrew Mew asked if SEAPA expected any pilots to retire in 2024, to which Captain Leighton said he did not know of any at the time. With nothing left to discuss, the board thanked Captain Leighton for his time.</p>
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SWAPA	
Discussion:	Southwest Alaska Pilots Association’s (SWAPA’s) president, Captain Josh Weston, provided SWAPA’s association report. Mr. Weston informed the board that SWAPA had 19 fully licensed pilots, which included 14 VLCC pilots and five deputy marine pilots. He said that three of their fully licensed pilots are in SWAPA’s transitional retirement program, with one of them in their final year, meaning that 2024 would be their final season. He said that two pilots retired in 2023 and one pilot retired earlier in the year. He said that they have six trainees/observers: Two trainees were doing hands-on maneuvers, one of which was expected to receive their deputy marine pilot license, one trainee was transferring from AMP, and three of the trainees were observers. He said there was one more trainee/observer expected soon. He informed the board that SWAPA had been dealing with challenges in regard to the APC in their region, and that they submitted public comment to the USCG’s formalization for remote oil spill planning. Due to the language in the provider documents for the APC, traffic that had been piloted at the conn was turned around from routes they had used for years. There were also problems with foreign vessels being directed or choosing to shelter inside of state pilotage waters in areas that were considered unsafe. He said that the problem was that it seemed that nobody was able to do any enforcement on it, including the USCG. Lastly, he said that SWAPA would like the board to allow their exam candidates to take the Core Exam and Local Knowledge Exams remotely instead of having to take them in the physical location, as it is both a hardship for their exam candidates and their training.
Clarification on 12 AAC 56.016(b)	
Discussion:	Captain Weston informed the board that SWAPA had previously had an issue with a training pilot not wanting to train all trainees, something that is not covered under 12 AAC 56.016(b). The regulation only says that a pilot is not required to accept a pilot trainee and that the training pilot shall notify the MPC of nonacceptance of a pilot trainee. He said that SWAPA would like the board to be aware of such cases, as it creates a gap in training. Les Cronk said the intent of the regulation was to know why a trainee was denied training so they could use that information when they review their application to receive a deputy marine license, and that it was more of an association issue than a board issue. Andrew Mew agreed that it was an association issue.
Training Program Revisions	
Discussion:	SWAPA’s business manager, Jenni Sitton, provided the board with revisions to their training program. She informed the board that a deputy marine pilot upgrading their tonnage from 50K GT to 95K GT would now be cleared for docking and undocking tankers within their tonnage in Cook Inlet as soon as they perform at least 30 days as a deputy marine pilot at 50K GT. She also informed the board that they changed language under their in-house clearances and restrictions for deputy marine pilots licensed at 50K GT section to now be cleared to bring tankers to and from anchor in Kachemak Bay. The only other changes were minor, such as changing the “Port of Anchorage” to “Port of Alaska.” The board approved the revisions.
Motion:	Move to approve SWAPA’s amendments to their training program, as presented (First: Cunningham; Second: Mew).

Recorded Votes:	Cronk - Yes	Cunningham - Yes
	Mew - Yes	Tougas - Yes
	Sinclair - Yes	Thayer - Yes

6. CLAA Update – Rick Erickson, Vice President

Brief Discussion:	<p>Rick Erickson, Vice President of Cruise Line Agencies of Alaska (CLAA), informed the board that around 1.6 million passengers were expected for the 2024 and 2025 season, with a little bit of growth expected for the 2026 season. He said that some of the growth they were seeing was due to the replacement of old ships with newer ships, which hold more passengers. He said that some of the challenges moving forward would be the size of the new ships and the infrastructure in the ports throughout Southeast Alaska. He said that there was an opportunity in Ketchikan to expand either berth 3 or berth 4. He said that berth 4 was refurbished with a new fendering system, which are now 8ft instead of 6ft. This is a good addition to the pier because some of the ships coming into the market have overhanging lifeboats, which at times could create an allision with another ship. He said that, although Wrangell was looking to expand tourism, there was nothing going on there, which was mostly due to the challenges of where it is geographically located and getting ships in and out of there based on ship itineraries. He said that Haines was interested in expanding their tourism industry as well, and that there have been talks about adding a floating component. He said that there were no changes expected in 2024, as it relates to the waterfront. For Juneau, he reminded the board that they cannot schedule more than five ships in any one given day. He said that Hoonah Totem was interested in creating a 5th berth in Juneau but that it would not happen until at least 2027. He said that Skagway was replacing the Ore Dock with a 500 ft floating structure, which had to be repaired in Ketchikan but was on the way to Skagway, with the hopes that it would be available by May 14th, 2024. Lastly, he said that NCL was working with Hoonah Totem to place a dock in Whittier, and that it might be available in June 2024. Chair Thayer asked if there would ever be a day when there are two cruise ships in Whittier and, if so, how they would get through the tunnel. Mr. Erickson said that there were no two cruise ship days scheduled where they turn cruise ship passengers. Chair Thayer asked about any updates to Seward, to which Mr. Erickson said that there have been discussions with replacing the Dock with a large floating component, but that there was not an expected date for it to be finished. Joe Tougas asked about an update to the landslide issue in Skagway, to which Mr. Erickson said that the operating procedures, shuttling passengers, in 2023 went well and that they would be using the same procedures in 2024. He said that there was a rock at the top of the landslide that needed to come down before they could go back to normal operating procedures, that it was going to take a good amount of money to get it done, and that there was no timetable for it to be taken care of. With nothing left to discuss, the board thanked Mr. Erickson for his time.</p>
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7. Board Business

Annual Report

Brief Discussion:	MPC Thomas Bay reminded the board that their annual report was due before June 30 th , 2024. He informed the board that the template had been revised and simplified and that it should be easy to complete. As the executive administrator he reminded the board that he was tasked with writing the report and would have a draft for the board to review and vote through OnBoard. With nothing left to discuss, the board moved onto the next agenda item.	
Regulations Project		
Brief Discussion:	The division's regulations specialist, Stefanie Davis, provided the board with their regulations project after it was reviewed by the Department of Law (LAW). She informed the board that she and MPC Bay reviewed the regulations project after it was reviewed by LAW and found some additional changes that likely needed addressed. Mr. Bay informed the board that the changes included supporting documentation for all exams in 12 AAC 56 to be provided at least 30 days before the date of an examination, a change from the current 60-day requirements, and changes to the submission dates for providing a drug test and physical examination, with the change being 30-90 days before the date of an examination instead of the current 60 days before submission of an application. The board approved the changes from LAW as well as the changes suggested by Ms. Davis and Mr. Bay.	
Motion:	Move to approve the drafted language for the board's regulations project, as amended, and to have it go out for public comment, unless substantive changes are made by the regulations specialist or Department of Law (First: Sinclair; Second: Tougas).	
Recorded Votes:	Cronk - Yes	Tougas - Yes
	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Thayer - Yes
8. Investigative Report		
Brief Discussion: Off Record: 9:58 a.m.	The board's investigator, Patrick Kase, provided the board with their Investigative Report. He informed the board that, for the period of January 06, 2024, thru April 18, 2024, there were two open cases and that they would be discussing them soon during executive session. With nothing left to discuss, the board decided to take a break.	
9. Division Update		
Fiscal Reports: FY24 Q2		
Brief Discussion: On Record: 10:15 a.m.	Back from break, the division's Administrative Operations Manager, Melissa Dumas, provided the board with their FY 24 2 nd Quarter Fiscal Report. She informed the board that they had a large surplus in revenue, but that it would continue to decrease over time because of the licensing fee reductions (\$1,500 to \$700) that took place in October 2022. She reminded the board that, in addition to the money received from foreign pleasure crafts, the board would also be receiving additional revenue because it was a renewal year. She informed that board there would be a fee analysis prior to their renewal, and that the division would inform them if they needed to raise or lower fees. With no other questions for Ms. Dumas, the board thanked her for her time.	
10. Investigative Report/Deputy Marine Pilot Candidate Interviews		

Brief Discussion:	The board decided to move into executive session to review investigative matters and conduct deputy marine pilot candidate interviews.	
Motion:	I, Andrew Mew, 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 Executive Administrator Thomas Bay, Chief Investigator Erika Prieksat, Investigator Patrick Kase to remain during the investigative session. Deputy marine pilot candidates Captain Colin Barnes, Captain Clair Lewis, and Captain Nathan Witherly to remain during their interviews (First: Mew; Second: Cronk).	
Recorded Votes: 10:26 a.m.	Cronk - Yes	Tougas - Yes
	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Thayer - Yes
Brief Discussion: On Record: 11:24 a.m.	No official action was taken during executive session. The board approved deputy marine pilot licensure for Captain Colin Barnes, Captain Claire Lewis, and Captain Nathan Witherly.	
11. Board Action: Deputy Marine Pilot Candidates		
Brief Discussion:	The board approved deputy marine pilot licensure for Captain Colin Barnes.	
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: Tongass Narrows North, Clarence Strait, Peril Strait, and Yakutat Bay for Captain Colin Barnes - Badge #252, license #178730 (First: Sinclair; Second: Cronk).	
Recorded Votes (roll call):	Cronk - Yes	Tougas - Yes
	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Thayer - Yes
Brief Discussion:	The board approved deputy marine pilot licensure for Captain Claire Lewis.	
Motion:	Move to approve a deputy marine pilot license for 50,000 Gross Tons for Region 1, with the exception of Monti Bay. The following waterways are restricted to daylight transit only: Neva Strait, Glacier Bay, and Yakutat Bay for Captain Claire Lewis- Badge #253, license #147165 (First: Sinclair; Second: Cronk).	
Recorded Votes (roll call):	Cronk - Yes	Tougas - Yes
	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Thayer - Yes
Brief Discussion:	The board approved deputy marine pilot licensure for Captain Nathan Witherly.	

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: Nichols Passage, Monti Bay, and Lisianski Inlet for Captain Claire Lewis- Badge #254, license #178729 (First: Sinclair; Second: Cronk).	
Recorded Votes (roll call):	Cronk - Yes	Tougas - Yes
	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Thayer - Yes
11. Board Action: Investigative Matter from Executive Session		
Brief Discussion:	In regard to an investigative matter discussed in executive session, for Case No. 2019-000695, the board decided to have the board's investigator draft a non-disciplinary letter of advisement.	
Motion:	Move to approve a non-disciplinary letter of advisement be drafted for Case No. 2019-000695 (First: Cronk; Second: Sinclair).	
Recorded Votes (roll call):	Cronk - Yes	Tougas - Yes
	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Thayer - Yes
12. Formation of Working Group to Address APC Issue		
Brief Discussion:	The board decided to create a workgroup to address the APC issue discussed earlier in the board meeting.	
Motion:	Move to create a working group consisting of Captain James Cunningham, Andrew Mew, SWAPA, and AMP to address the APC (First: Cronk; Second: Cunningham).	
Recorded Votes (roll call):	Cronk - Yes	Tougas - Yes
	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Thayer - Yes
12. Schedule Future Meeting Date(s)		
Brief Discussion:	After discussion, the board decided to have their next meeting online (via Zoom), on July 24, 2024, with the Local Knowledge Exam to be held on July 23, 2024. They also set a tentative date for October 16, 2024, with the Local Knowledge Exam on October 15, 2024, for their Fall meeting,	
13. Adjourn		
Brief Discussion:	With nothing left on the agenda, the board adjourned.	
Motion:	Move to adjourn (First: Sinclair; Second: Cunningham).	
Recorded Votes:	Cronk - Yes	Tougas - Yes
	Mew - Yes	Cunningham - Yes

	Sinclair - Yes	Thayer - Yes
Adjourn:	12:44 p.m.	

Date Final Minutes Approved by the Board: <input type="checkbox"/> Meeting <input type="checkbox"/> OnBoard	July 24, 2024
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