

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 24, 2024

These draft minutes were prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6, a scheduled meeting (teleconference) of the Board of Marine Pilots was held on July 24, 2024, at 333 Willoughby Avenue, 9th Floor, Juneau, AK.

Date:	July 24, 2024
Time:	9:00 a.m. (9:05 a.m.)
Location:	Online teleconference ran from 333 Willoughby Avenue, 9 th Floor, Juneau, AK
Board Members Present:	Chair Curtis Thayer, Captain Edward (Ed) Sinclair, Captain James Cunningham, Les Cronk (9:43 a.m.), Andrew Mew, Joseph (Joe) Tougas, Don Habeger
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), Matthew Bennett (SEAPA), Christine Pekara (SWAPA), Jenni Sitton (SWAPA)

1. Review Agenda		
Brief Discussion:	There was no discussion to amend the agenda.	
Motion:	Move to accept the agenda as written (First: Habeger; Second: Mew).	
Recorded Votes:	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Tougas - Yes
	Habeger - Yes	Thayer - Yes
2. Ethics Disclosures		
Brief Discussion:	Don Habeger said that he has a business relationship with a registered agent. He said that, on rare occasions, he is required to do safeguards, which is taking a crew member that has been detained by border protection and escorting them to their aircraft moving forward. He	

	said that had not come close to filling out a 1099-NEC form for the year. The board did not have any concerns with it and moved along to the next agenda item.	
3. Public Comment		
Brief Discussion:	There was nobody in attendance for public comment.	
4. Review/Approve Minutes: April 24, 2024		
Brief Discussion:	There was no discussion to amend the meeting minutes.	
Motion:	Move to accept the April 24, 2024, meeting minutes as written (First: Tougas; Second: Sinclair).	
Recorded Votes:	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Tougas - Yes
	Habeger - Yes	Thayer - Yes
5. Association Amendments		
SEAPA – Training Program Changes: Volume II		
Discussion:	<p>The Southeast Alaska Pilots’ Association’s (SEAPA’s) training chair, Captain Paul Merrill, provided the board with SEAPA’s Volume II training program changes. He informed the board that there were changes to the following areas of their training manual (Volume II), most of which aim to better match training with the increased size of vessels in the area:</p> <ol style="list-style-type: none"> 1. Updated deputy tonnage levels to match current regulations 2. Increased transit requirements 3. Increased amount of work required in glacial ice conditions 4. Modernized record keeping procedures 5. Trainees and Apprentices are now required to stand some long watches to gain experience over more of the region 6. Apprentices are no longer required to complete their training at the conn within three years of taking the core exam 7. Apprentices are no longer required to observe for 12 months before training at the conn 8. Eliminated the ‘Train the Trainer’ requirement for prospective training pilots (it will continue to be encouraged, but we don’t want to hold up a training pilot endorsement if the course is not available) <p>Mr. Habeger asked Captain Merrill what the difference was between an assessed movement and a vessel movement when talking about tonnage upgrades in their training manual, Volume II. Captain Merrill replied that an assessed movement is when a deputy marine pilot demonstrates to a training pilot how they would perform the movement on a larger vessel compared to what they are presently qualified to do. It allows the training pilot to evaluate the deputy marine pilot and give them guidance moving forward.</p>	

Motion:	Move to approve SEAPA's Volume II training program changes (First: Mew; Second: Cunningham).	
Recorded Votes:	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Tougas - Yes
	Habeger - Yes	Thayer - Yes
6. Board Business		
Regulation Projects: Review of Public Comments Received		
Discussion:	<p>MPC Bay informed the board that there were no public comments received for either of their two regulations projects that had just come back from the public comment period. Mr. Bay reminded them that their first regulations project included changes to 12 AAC 56.025, to amend requirements to allow applicants additional time to submit and complete applications and the application requirements, which would allow for faster processing times, changes to 12 AAC 56.070, to remove an outdated examination reference and the requirement of examinations to be offered at a meeting of the board, and changes to 12 AAC 56.080, to amend license renewal requirements related to the number of days a deputy marine pilot must have spent piloting vessels during the previous licensing period. He reminded them that their second regulations project included an amendment to 12 AAC 56.028 to allow deputy marine pilot candidates/trainees the option to finish certain training requirements at a manned model facility. The board motioned to adopt their first regulations project.</p>	
Motion:	Move to adopt the proposed regulations for file number 2024200017 as proposed and publicly noticed (First: Mew; Second: Sinclair).	
Brief Discussion:	<p>Don Habeger, who was new to the board and was not present at the time of the creation of the regulations project, asked Mr. Bay how faster processing times would be achieved in regard to the changes to 12 AAC 56.025. Mr. Bay informed him that the current deadline for submitting supporting documentation for both the Local Knowledge Examination and the Core Examination was 60 days before the date of each examination, and that the changes to 12 AAC 56.025 would cut that deadline in half, to 30 days. He said that there were often times that candidates for both exams were waiting at least a month to take the exams. The delays of taking the exams, he said, had resulted in gaps of training time on the water and the ability for candidates to help their respective pilot associations. With nothing left to discuss, the board adopted the regulations project.</p>	
Recorded Votes:	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Tougas - Yes
	Habeger - Yes	Thayer - Yes
Brief Discussion:	The board motioned to adopt their second regulations project.	
Motion:	Move to adopt the proposed regulations for file number 2024200215 as proposed and publicly noticed (First: Mew; Second: Habeger).	
Recorded Votes:	Mew - Yes	Cunningham - Yes
	Sinclair - Yes	Tougas - Yes

	Habeger - Yes	Thayer - Yes
7. Investigative Report		
Discussion:	The board's investigator, Patrick Kase, provided the board with their Investigative Report. He informed the board that, for the period of April 19, 2024, thru July 22, 2024, there were three open cases and that one of them had closed since July 22 nd . Chairman Thayer asked if they could get an update on the open contested license denial case from 2019, to which Mr. Kase said that it was in litigation, and he would need to ask Chief Investigator Erika Prieksat. Chairman Thayer asked him if he could get an update on exactly where it is in the litigation process for their next meeting, to which he said yes. With nothing left to discuss, the board moved onto their next agenda item.	
8. Division Update		
Fiscal Reports: FY24 Q4		
Brief Discussion:	The division's Administrative Operations Manager, Melissa Dumas, provided the board with their FY 24 4 th 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. Captain Sinclair asked if they were anticipating a change to their upcoming renewal fees, to which she said no. Chairman Thayer informed her that the board had asked the division to get the potential legal costs of their case that is currently in litigation. Mr. Mew asked her what advertising on their fiscal report entailed, to which she said it was the cost of publicly noticing their meetings. Captain Sinclair asked why the amount of legal costs were likely lower than they should be, to which Chairman Thayer said legal is known for billing late, so the numbers were likely skewed. Mr. Tougas said that it looked like the costs of foreign pleasure crafts were down and asked Mr. Bay if he had a comparison to the previous year. Chairman Thayer said that they do not do a comparison during the season and, instead, wait to do an annual FPC report at their Fall meeting. With no other questions for Ms. Dumas, the board thanked her for her time.	
9. Deputy Marine Pilot Candidate Interviews		
Brief Discussion:	The board decided to move into executive session to conduct deputy marine pilot candidate interviews.	
Motion:	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 Executive Administrator Thomas Bay and deputy marine pilot candidates Captain Matthew Bennett and Captain Christine Pekara to remain during their interviews (First: Sinclair; Second: Cronk).	
Recorded Votes: Off Record: 9:54 a.m.	Cronk - Yes	Cunningham - Yes
	Mew - Yes	Tougas - Yes

	Sinclair - Yes	Thayer - Yes
	Habeger - Yes	
Brief Discussion: On Record: 10:22 a.m.	No official action was taken during executive session. The board approved deputy marine pilot licensure for Captain Matthew Bennett and Captain Christine Pekara.	
10. Board Action: Deputy Marine Pilot Candidates		
Brief Discussion:	The board approved deputy marine pilot licensure for Captain Matthew Bennett.	
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: Yakutat Bay and Nichols Passage for Captain Matthew Bennett - Badge #256, license #147167 (First: Sinclair; Second: Cronk).	
Recorded Votes:	Cronk - Yes	Cunningham - Yes
	Mew - Yes	Tougas - Yes
	Sinclair - Yes	Thayer - Yes
	Habeger - Yes	
Brief Discussion:	The board approved deputy marine pilot licensure for Captain Christine Pekara.	
Motion:	Move to approve a deputy marine pilot license for 50,000 Gross Tons for Region 1, with the exception of Whale Pass and Ouzinkie Narrows for Captain Christine Pekara - Badge #255, license #205473 (First: Mew; Second: Cunningham).	
Recorded Votes:	Cronk - Yes	Cunningham - Yes
	Mew - Yes	Tougas - Yes
	Sinclair - Yes	Thayer - Yes
	Habeger - Yes	
11. Schedule Future Meeting Date(s)		
Brief Discussion:	Mr. Bay informed the board that Director Sylvan Robb asked if they could move the location of their Spring meeting, which is normally in Juneau, to somewhere else due to the high cost of traveling and staying in Juneau during legislative session, and that they were hoping the Juneau meeting could be moved to the Fall. After discussion, the board decided that Juneau was still the correct place to have their Spring meeting, due to the location being advantageous to many of their attendees and the board having plenty of money to spend. Mr. Bay informed the board that, although they have a lot of money, it depends on how much money the legislature appropriates to them to spend. Chairman Thayer said that he would talk to Director Robb about having the meeting in Juneau. Also, the board decided to have their next meeting in Anchorage on October 16, 2024, with the Local Knowledge Exam taking place on October 15, 2024, for their Fall meeting/exams. With nothing left to discuss, the board motioned to keep their Spring meeting in Juneau.	

Motion:	Move to approve the Spring 2025 board meeting to be in Juneau (First: Mew; Second: Habeger).	
Recorded Votes:	Cronk - Yes	Cunningham - Yes
	Mew - Yes	Tougas - Yes
	Sinclair - Yes	Thayer - Yes
	Habeger - Yes	
12. Adjourn		
Brief Discussion:	With nothing left on the agenda, the board adjourned.	
Motion:	Move to adjourn (First: Habeger; Second: Cronk).	
Recorded Votes:	Cronk - Yes	Cunningham - Yes
	Mew - Yes	Tougas - Yes
	Sinclair - Yes	Thayer - Yes
	Habeger - Yes	
Adjourn:	10:41 a.m.	

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