

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 OCTOBER 11, 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 October 11, 2023, at the Alaska Energy Authority Building, 813 W Northern Lights Blvd, Anchorage, AK

Date:	October 11, 2023
Time:	9:00 a.m.
Location:	Alaska Energy Authority Building: 813 W Northern Lights Blvd, Anchorage, AK
Board Members Present:	Chair Curtis Thayer, Captain Edward (Ed) Sinclair, Les Cronk, Richard (Rick) Harris, Joseph (Joe) Tougas
Board Members Absent:	None
Division/SOA Staff Present:	Thomas Bay (Marine Pilot Coordinator), Sylvan Robb (Director), Glenn Saviers (Deputy Director), Billy Homestead (Senior Investigator), Patrick Kase (Investigator), Stefanie Davis (Regulations Specialist)
Present from the Public:	Captain Mark Lundamo (SEAPA), Ron Leighton (SEAPA), Jessie Li (SEAPA), Tyler Merwin (SEAPA), Bert Dersham (SEAPA), Jeff Logan (SEAPA), Pat Brandon (SEAPA), Jenni Zielinski (SWAPA), Mike Tibbles (ASA), Tom Rueter (ALAMAR), Caroline Wilkinson (NOAA), Rachel Cauldwell (Assess.ai)

1. Review Agenda		
Brief Discussion:	There was no discussion to amend the agenda.	
Motion:	Move to accept the agenda as written (First: Harris; Second: Cronk).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - 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. Association Reports

AMP

Discussion:	The Alaska Marine Pilots (AMP) Association’s president, Captain David Lund, provided AMP’s association update. Captain Lund informed the board that AMP currently has 11 full-time pilots. He said that one of their pilots, due to a medical issue, did not participate in the 2023 dispatch season and he will likely be retiring at the end of the year. This in turn will create one less marine pilot, changing their numbers to eight marine pilots and two deputy marine pilots. He said that they also have two trainees. He said that they just recently ended their cruise season and that there would be a reduced amount in 2024. He said that breakbulk ships continue its downward trend due to shipping practices and fishing companies. Having finished with AMP’s association report, Captain Lund began discussion on AMP’s amendment to their familiarization trip requirements.
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AMP: Amendment to Familiarization Trips Requirements

Discussion:	Captain Lund informed the board that AMP was changing the specific geographical locations of their familiarization trips to a broader requirement of getting them finished within the region in an attempt to streamline the process for renewals. Board member Les Cronk asked Captain Lund if there was a plan, within their program, to ensure pilots get the training they need in specific ports if traffic changes. Captain Lund said yes, their in-house training policy has already been modified to reflect port traffic changes and would continue to do so as needed. With nothing left to discuss, the board approved the amendment and thanks Captain Lund for his time.
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Motion:	Move to approve AMP’s amendment to their familiarization trips requirements in 12 AAC 56.082 as presented (First: Cunningham; Second: Cronk).
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Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	

SEAPA

Discussion:	The Southeast Alaska Pilots Association’s (SEAPA’s) newly elected president, Captain Ron Leighton, provided SEAPA’s association report. Captain Leighton informed the board that SEAPA now has 58 total pilots, which includes 46 marine pilots and 12 deputy marine pilots. He said that they also have 15 trainees, with the possibility of adding two more. He said that throughout the 2023 season they worked closely with Yacht Services of Alaska, which created 51 yacht piloting jobs. For 2024, he said SEAPA anticipates approximately a 1.6% increase throughout the entire season for cruise traffic. Board member Joe Tougas asked him if he had an update for Skagway, to which he replied that they did not have any issues getting vessels in and out of Skagway. He said the only issue they ran into was figuring out how to utilize the railroad dock. Board member Rick Harris mentioned that there was a decline in FPC pilotage exemptions and asked if that trend was going to
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	<p>continue. Captain Leighton said that he anticipated about the same amount of traffic in 2024. Mr. Cronk said that he thinks the reason for the decline in FPC exemptions was the size of the yachts coming into Alaska, which were getting bigger and do require SEAPA’s pilots. The board discussed the possibility of increasing the required length of yachts to have to apply for an exemption, but decided not to move forward with it because the issue is in statute, not regulation. With nothing left to discuss, the board thanked Captain Leighton for his time.</p>
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<p>SWAPA</p>	
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<p>Discussion:</p>	<p>The Southwest Alaska Pilots Association’s (SWAPA’s) business manager, Jenni Zielinski, provided SWAPA’s association report. Ms. Zielinski informed the board that SWAPA has 15 VLCC pilots, three deputy marine pilots, with the possibility of adding another today, and three training pilots in the training program, and two observers. She ended by saying that SWAPA had a very steady season. With nothing left to discuss, the board thanked Ms. Zielinski for her time.</p>
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<p>5. CLIA Update – L. Downs, Sr. Director, Community Relations & Public Affairs</p>	
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<p>Brief Discussion:</p>	<p>Lalanya (Lanie) Downs, Senior Director of Community Relations & Community Relations for Cruise Lines International Association (CLIA) Alaska, informed the board that they were wrapping up their 2023 season, but still had a few ships running, as their season has been extended over the past years. She said that they had over 700 voyages as scheduled and that they anticipate 695 in 2024. With similar anticipated numbers for the next several years, she said they should be stable moving forward. She said that a priority for CLIA is their carbon footprint and that they were working with the State as well as individual port communities on expanding shoreside electricity as it becomes increasingly more important for the ships coming to Alaska. She said that the majority of the fleet are equipped, being built to equipped with that, or are being retrofitted in order to reduce their carbon footprint. Mr. Harris asked her for an update on the move to reduce traffic in certain communities and which communities were involved, to which she said that it is mainly Sitka, as they had a citizen submit an application to the Sitka City & Borough to limit cruise passenger and ship vessel traffic, which included the number of crew on ships. She said that the city denied the application but that it was an ongoing discussion, as CLIA is in discussions with Sitka to figure out what the community can handle. Board member Captain James Cunningham asked her if they could get an update on the Whittier dock getting online and any type of update she might have for the updates to the Seward dock. She said that the plan for the Whittier dock was to be open April 2024. She said that she is not involved in the Seward discussion but heard that the plans have been put on hold for now. With nothing left to discuss, the board thanked Ms. Downs for her time.</p>
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<p>6. Foreign Pleasure Craft Exemptions</p>	
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<p>Review of Exemptions Issued for 2023 Season</p>	
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<p>Brief Discussion:</p>	<p>Mr. Bay provided the board with a review of all Foreign Pleasure Craft Exemptions (FPCs) issued in 2023. He informed the board that there were 14 FPC exemptions in 2023, down from 23 in 2022. As the board discussed earlier, he said that the decline may be because of the size of yachts coming into Alaska compared to previous seasons. A SEAPA member asked how the money from FPCs relates to the program’s money overall, to which Chair</p>
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	<p>Thayer replied that the money from FPCs helps offset the program’s money overall and has an effect on their licensing fees. Paul Axelson informed the board that Mr. Cronk was correct, that the overall size of vessels in 2023 were larger than past seasons and that he heard that traffic is likely going to increase with FPCs moving forward. Board member Captain Ed Sinclair reminded the board that they lost all Russian yachts as well, which is likely driving the numbers down. With nothing left to discuss and being ahead on the agenda, the board decided to move ahead on the agenda to schedule their next meeting date.</p>
<p>7. Schedule Future Meeting Date(s)</p>	
<p>Brief Discussion: Off Record: 9:33 a.m.</p>	<p>After discussion, the board decided to have their next meeting in Anchorage, on January 17th, 2023, with the Local Knowledge Exam on January 16th, 2023. The board decided to take a break.</p>
<p>8. Division Update</p>	
<p>Exam Software Update</p>	
<p>Brief Discussion: On Record: 9:47 a.m.</p>	<p>Back on the record, the board moved onto the Division Update. Director Sylvan Robb and Deputy Director Glenn Saviers was in attendance for the Division Update. Director Robb introduced herself and informed the board that the exam software they were moving to for the board’s exams was a similar model that various other division programs use where they use an online company to administer the exams, which has many benefits such as not needing to travel, not having to make scheduling arrangements, and the confidence of having secure software. She informed the board that the company has the ability to have real-time proctors with the ability to lockdown an examinees computer if need be. Chair Thayer asked what the cost of the software would be to the board. Director Robb said that there is a cost for online proctors and that the plan is to have exam candidates pay that fee directly to the company. She also informed the board that she believed the cost of the software subscription to be around \$5,000 on a two-year contract. Captain Sinclair said that he does not want to go to remote testing. He said that he does not think it is necessary and that a problem has not been identified to change the current way the exams are being identified. Mr. Cronk asked if it would be possible to use the software in the same manner they do for their exams now, which is to travel and have the Marine Pilot Coordinator proctor the exams. Director Robb said they definitely could, but that it would remove the benefit to the exam candidate of having to travel to take the exam. Captain Sinclair said that he does not see an issue with exam candidates traveling for the exams. Deputy Director Glenn Saviers informed the board that if they still wanted to have the MPC proctor the exams, they needed to think about the software side of things. For example, would the board require an exam candidate to bring their own computers/laptops/etc. or would the board expect the State to provide the equipment. Mr. Tougas said that he went through a similar process before with taking online exams and that it felt like there was one thing after another with the process. He also said that it is much more professional to have the exams administered at a centralized location away from things such as dogs barking in the background or babies crying. Director Robb reminded the board that Rachel Cauldwell, a representative from Assess.ai (the computer software company), was in attendance to provide a presentation of the exam software. Rachel Cauldwell provided an overview of the exam software, including a video from MonitorEDU, the 3rd party</p>

	<p>proctoring company if the board chose to have outside proctors instead of the MPC administering exams. Captain Sinclair asked if there are technical requirements that are needed, such as having good internet. He said there might be issues in areas that might not have good internet reception, such as Dutch Harbor. Mr. Cronk said that most places have fiber optics, including Dutch Harbor and that it should not be an issue. Captain Sinclair asked how the locking down of a computer would work. Ms. Cauldwell said that Assess.ai has the ability to lockdown a person's computer so they would not be able to use a web browser or other software while taking the exam. Mr. Tougas said that he just took an identical exam online that was remotely proctored, which he said he liked very much. However, he said the setting up for the exam could make someone anxious ahead of an exam, and that he still thinks an in-person proctor should be the way their exams are administered. Captain Cunningham said that he thinks there is a serious benefit to the in-person exams. He said that they do not have a lot of exams year to year and showing up to an exam after putting in a lot of legwork to meet the requirements for sitting for that exam is important to note. After discussion, the board agreed that having the MPC continue to administer the exams is how they wanted to move forward. Director Robb reminded the board that there was the question of equipment for the exams, such as computers, and said that she wants to look into their options from the Division side of things, to see what type of costs would be associated with purchasing a laptop for the exams. With nothing left to discuss, the board thanked Director Robb and Deputy Director Saviers for the discussion. Chairman Thayer said they would be going into executive session for their next agenda item and said there was a representative from NOAA in attendance that wanted to address the board. He gave the floor to Caroline Wilkinson.</p>
<p>9. NOAA</p>	
<p>Brief Discussion:</p>	<p>Lt. Caroline Wilkinson, the Navigation Manager for NOAA's Office of Coast Survey, provided an update regarding their change from the Raster (paper) chart to ENC (electronic) chart. She said that it is a big change and that all Raster charts are to be sunsetted by December 2024. In addition to this, she said that they are rescheming or regriding their ENC charts. She also informed the board that the NOAA Custom Chart Tool is out which allows you to print a paper version of a chart from an electronic chart. Moving forward, in probably 2025/2026, you will see the S102 scheme come into the ENCs. In preparation for it, NOAA is rescheming and regriding the ENC charts, as previously mentioned, and putting together their national bathymetric source. She briefly described the S102 scheme, stating that it is an application that is a layer you can turn on with your ECDIS, showing the underlying bathymetric data in the area. Captain Sinclair asked her if the project to create pilot testing charts was local or national effort, to which she said it was both. With nothing left to discuss, the board thanked Lt. Caroline Wilkinson for her time.</p>
<p>10. Investigative Report</p>	
<p>Brief Discussion:</p>	<p>The board's new investigator, Patrick Kase, introduced himself to the board and informed them that he would be providing them with their Investigative Report. Senior Investigator Billy Homestead was also in attendance and introduced himself to the board. Investigator Kase informed the board that, for the period of June 27, 2023, thru September 26, 2023, there were six cases open and that two were closed. Chair Thayer asked what 'Unprofessional Conduct' means on the report, to which Mr. Kase said that it was likely the</p>

	<p>closest thing in their system to the type of violation it is. Chair Thayer asked if there was an update on Case No. 2019-000695, a complaint from 2019 regarding unlicensed practice or activity. Senior Investigator Homestead said that he knows the case is very old. He said there are things that can delay cases and he understands the board's concern with wanting to get cases moving along. He said that Investigator Kase was new to the board and that he would do his best to get the board's cases moving along. Chair Thayer informed Mr. Homestead that the 2019 case was a reoccurring ask from the board and that he was confused because nobody can explain what unprofessional conduct means, by definition. Mr. Homestead informed the board that he just looked at the violation type in their system and it was listed incorrectly. He said he had changed it in the system to the correct violation type, 'Marine Pilot Incident Report.' Mr. Harris asked what 'Unlicensed Practice or Activity' meant, to which Mr. Homestead said it is likely a limitation of the violation types in their system and that they could be something like working with a lapsed license. The board decided to move into executive session to review investigative matters.</p>	
<p>Motion: Off Record: 11:03 a.m.</p>	<p>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, Director Sylvan Robb, Deputy Director Glenn Saviers, Senior Investigator Billy Homestead, and Investigator Patrick Kase to remain during the session (First: Sinclair; Second: Cunningham).</p>	
<p>Recorded Votes (roll call):</p>	<p>Cronk - Yes</p>	<p>Harris - Yes</p>
	<p>Hasenbank - yes</p>	<p>Tougas - Yes</p>
	<p>Sinclair - Yes</p>	<p>Cunningham - Yes</p>
	<p>Thayer - Yes</p>	
<p>Brief Discussion: On Record: 12:05 p.m. Off Record: 12:05 p.m.</p>	<p>No official action was taken during executive session. The board decided to take a break.</p>	
<p>11. Board Business</p>		
<p>Current Regulation Project: Deputy Marine Pilot Renewal Requirements</p>		
<p>Brief Discussion: On Record: 12:11 p.m.</p>	<p>Running late on the agenda, Mr. Bay informed the board that their regulations specialist, Stefanie Davis, had to leave and would not be in attendance to discuss the language she drafted for them in regard to the regulation project they created at their last meeting. Chair Thayer asked Captain Sinclair, who had been working with Mr. Bay on making sure the regulation changes mirrored the board's intent, if he could provide an overview of the drafted regulations, to which he agreed. Captain Sinclair reminded the board that their current regulations have the potential to require a deputy marine pilot to have piloted vessels for 240 days on the water, during the preceding licensing period of a renewal, in order to renew their license, instead of the intended 120 days expected of them. He informed the board that the drafted language would now require a deputy marine pilot to</p>	

	<p>pilot vessels for an average of five days for each calendar month in the licensing period immediately preceding the licensing period for which renewal is sought, and that deputy marine pilots licensed for less than twelve calendar months before the beginning of a renewal period are exempt from the piloting day requirement. This ensures that a deputy marine pilot would not be required to pilot more than 120 days in a licensing period while also not requiring newly licensed deputy marine pilots to attain an unrealistic amount of piloting days on the water in advance of a renewal. Chair Thayer entertained a motion to accept the regulation change, with a discussion to follow. Mr. Bay reminded the board that there were other drafted regulation changes to review and that their regulations specialist suggested having all of them in the same motion. He told them that he and their regulation specialist drafted a motion for them that included all of the regulation changes. He also informed the board that the other regulation changes included in the motion were the recommended changes regarding their exams and time management with application/form deadlines they discussed at their last meeting. With Chair Thayer having already entertained a motion, Captain Sinclair motioned to approve the regulation changes.</p>	
Motion:	<p>Move to initiate a regulations project regarding changes to the deputy marine pilot license biennial license renewal requirements to 12 AAC 56.080(e), application requirements in 12 AAC 56.025(a)(9), 12 AAC 56.025(a)(10), and 12 AAC 56.025(i), and examination requirements in 12 AAC 56.070(a) by approving the division’s proposed language for public comment, unless substantive changes are made by the regulations specialist or Department of Law, which will be attached to the meeting minutes (First: Sinclair; Second: Harris).</p>	
Brief Discussion:	<p>Rick Harris suggested that the drafted language, “satisfactory to the board,” in 12 AAC 56.080(e) be removed because it is too open-ended to the board and the regulation is clear without it.</p>	
Motion:	<p>Move to amend the previous motion by removing “satisfactory to the board” from the drafted language in 12 AAC 56.080(e) (First: Harris; Second: Sinclair).</p>	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Brief Discussion:	<p>With nothing left to discuss, the board moved onto their next agenda item.</p>	
12. Deputy Marine Pilot Candidate Interviews		
Brief Discussion:	<p>The board decided to go into executive session to review an investigative matter and to conduct deputy marine pilot candidate interviews.</p>	
Motion: Off Record: 12:24 p.m.	<p>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</p>	

	Thomas Bay and exam candidates Captain Daniel Butts and Captain Tyler Merwin, only during their oral exams, to remain during the session (First: Sinclair; Second: Cunningham).	
Recorded Votes (roll call):	Cronk – Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Brief Discussion: On Record: 12:41 p.m.	Chair Thayer said no official action was taken during executive session. The board approved deputy marine pilot licensure for Captains Tyler Merwin and Daniel Butts.	
13. Board Action: Deputy Marine Pilot Candidates		
Brief Discussion:	The board approved deputy marine pilot licensure for Captain Tyler Merwin.	
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 and Yakutat Bay for Tyler Merwin - Badge #249, license #147162 (First: Sinclair; Second: Cunningham).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Brief Discussion:	The board approved deputy marine pilot licensure for Captain Daniel Butts.	
Motion:	Move to approve a deputy marine pilot license for 50,000 Gross Tons for Region 2 with the exception of Whale Passage and Ouzinkie Narrows for Daniel Butts - Badge #250, license #108652 (First: Cunningham; Second: Tougas).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
14. Adjourn		
Brief Discussion:	Before adjourning the meeting, Captain Sinclair thanked Chair Thayer for the meeting space and Mr. Bay for his day-to-day duties. With nothing left on the agenda, the board adjourned.	
Motion:	Move to adjourn (First: Harris; Second: Cunningham).	
Recorded Votes (roll call):	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes

	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
Adjourn:	12:45 p.m.	

Date Final Minutes Approved by the Board: <input checked="" type="checkbox"/> Meeting <input type="checkbox"/> OnBoard	January 17, 2023
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