

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 JANUARY 17, 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 January 17, 2024, at the Alaska Energy Authority Building, 813 W Northern Lights Blvd, Anchorage, AK**

<b>Date:</b>	January 17, 2024
<b>Time:</b>	9:00 a.m. (9:10 a.m.)
<b>Location:</b>	Alaska Energy Authority Building: 813 W Northern Lights Blvd, Anchorage, AK
<b>Board Members Present:</b>	Chair Curtis Thayer, Captain Edward (Ed) Sinclair, Les Cronk, Richard (Rick) Harris, Joseph (Joe) Tougas
<b>Board Members Absent:</b>	None
<b>Division/SOA Staff Present:</b>	Thomas Bay (Marine Pilot Coordinator), Sylvan Robb (Director), Melissa Dumas (Administrative Operations Manager), Erika Prieksat (Chief Investigator), Billy Homestead (Senior Investigator), Patrick Kase (Investigator)
<b>Present from the Public:</b>	Captain Mark Lundamo (SEAPA), Ron Leighton (SEAPA), Paul Merrill (SEAPA), Jessie Li (SEAPA), Jenni Zielinski (SWAPA), Mike Tibbles (ASA), Keith Austin (AMP), Rick Erickson (CLAA)

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

**4. Review/Approve Minutes: October 11, 2023**

<b>Brief Discussion:</b>	There was no discussion to amend the meeting minutes.	
<b>Motion:</b>	Move to accept the October 11, 2023, meeting minutes as written (First: Harris; Second: Cunningham).	
<b>Recorded Votes:</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	

**5. Association Reports****AMP**

<b>Discussion:</b>	<p>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 10 full-time pilots, eight of which are fully licensed marine pilots and two that are deputy marine pilots. AMP also recently added three new trainees, bringing the total number of trainees to five, with two of them anticipated to take the Core Examination in the Summer. He informed the board that AMP’s shipping trends in 2024 should be similar to 2023, with the first cruise ship scheduled for early July and the last cruise ship scheduled for late September. Lastly, he informed the board that AMP has two cable laying projects. The first project will start in Dillingham and finish in the Kuskokwim River, with the eventual terminus being in Bethel. The second project will take place along the Alaskan Peninsula, connecting False Pass, Cold Bay, and Perryville to the already existing cable laid in 2023. 2024 forecast callings for Dutch Harbor are projected to remain steady, however, the outport traffic continues to decline, making it challenging to predict pilotage needs until AMP receives updated seasonal information. Having finished with AMP’s association report, the board thanked Captain Lund for his time.</p>
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**SEAPA**

<b>Discussion:</b>	<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 has 58 total pilots, which includes 46 marine pilots and 12 deputy marine pilots. SEAPA also has 16 trainees, three of which will likely take the Local Knowledge Examination in April 2024. He informed the board that SEAPA currently has three trainees who have finished all of their training except for cargo maneuvers, a requirement in SEAPA’s training program. The issue, he said, is that cargo dockings have been reduced and there is currently only one cargo dock remaining in Southeast Alaska (Hawk Inlet), which has created a backlog for current trainees because there is, on average, only one cargo ship per month, providing for roughly 12 cargo dockings per year. Due to this issue, Captain Leighton asked if it was possible to receive an exemption to their own training program. He said he was simply asking if the possibility exists so he can bring options back to SEAPA’s board. He said he understands that normally SEAPA would change their training program to their needs, however, the timeline of getting that accomplished would roughly take a year. Chair Curtis Thayer said that he understands the request, however, he said that the board would need</p>
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	to reach out to the Department of Law (LAW) to see if that is something they can legally do before approving it. He suggested Captain Leighton speak with Marine Pilot Coordinator (MPC) Thomas Bay and put something in writing for the board to review, so they have something they can use to figure out what the next steps will be. Les Cronk said that he was aware of the problem, that it is a roadblock for trainees getting licensed, and that it will only get worse moving forward without a solution.	
<b>SEAPA: Operating Rules</b>		
<b>Discussion:</b>	Captain Leighton informed the board that SEAPA is requesting a minor change, regarding a SEAPA member failing to report as dispatched, to their operating rules. He said that the change is more of a clarification to the intent of the rule.	
<b>Motion:</b>	Move to approve SEAPA's amendment to their operating rules, as presented (First: Harris; Second: Hasenbank).	
<b>Discussion:</b>	With nothing to discuss, the board approved the amendment.	
<b>Recorded Votes :</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>SEAPA: Updated Training Record Form &amp; Proposed Regulation and Training Volume 2 Changes</b>		
<b>Discussion:</b>	SEAPA's Training Chair, Paull Merrill, proposed an amendment to the BOMP's regulations, as well as an amendment to SEAPA's Training Volume 2. Both amendments would add an option to have not more than three dockings and three undockings performed in a board approved simulator <b>or a manned model facility</b> as substitutions for dockings and undockings at the physical site, as required in 12 AAC 56.028(a)(1)(D), and an option to have not more than three moorings and three unmoorings performed in a board approved simulator <b>or a manned model facility</b> as substitutions for moorings and unmoorings at the physical site, as required in 12 AAC 56.028(a)(1)(E). The bolded language is the proposed addition to the current regulations. He also informed the board that SEAPA had updated their training record form and asked that it be board approved. Joe Tougas asked Captain Leighton if the proposed manned model additions would fulfill some of SEAPA's cargo training requirements, to which he said yes, it would fulfill some of the requirements, but not all of them. He said that SEAPA wants cargo training to be as real as possible and does not want to go the route of simulator or manned models unless absolutely necessary. Mr. Bay reminded the board that the addition of ' <b>or a manned model facility</b> ' to their regulations would require a regulations project.	
<b>Motion:</b>	Move to initiate a regulations project to add a manned model facility as a substitution for dockings, undockings, moorings, and unmoorings, as required in 12 AAC 56.028(a)(1)(D) and (E), and approved for public comment, unless substantive changes are made by the regulations specialist of Department of Law (First: Cronk; Second: Cunningham).	
<b>Discussion:</b>	Les Cronk said that the addition of a manned model facility to the regulations is a good idea and would be beneficial.	
<b>Recorded Votes :</b>	Cronk - Yes	Harris - Yes

	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>Motion:</b>	Move to approve SEAPA's updated training record form (First: Cunningham; Second: Cronk).	
<b>Discussion:</b>	With nothing to discuss, the board approved SEAPA's updated training record form.	
<b>Recorded Votes :</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>Motion:</b>	With nothing left to discuss, the board thanked Captain Leighton and Captain Merrill for their time.	
<b>SWAPA</b>		
<b>Discussion:</b>	<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, four deputy marine pilots, two training pilots (one of which will possibly become a deputy marine pilot at the end of the meeting) with the possibility of adding another today, and five observers. She informed the board that SWAPA is having Alternative Planning Criteria (APC) issues. She said that two foreign-flagged vessels needed sheltering for heavy weather in Cook Inlet compulsory pilotage waters. The two vessels asked their APC provider for a request to deviate to shelter because of a typhoon. Both vessels entered into compulsory pilotage waters and were later seen drifting in Cook Inlet state waters. Vessels that are enrolled with an APC provider must comply with the APC's routing measures unless they must seek refuge in the interest of the safety of the vessel and/or the crew and are granted a deviation due to storm avoidance. She informed the board that SWAPA was not advised about either vessel entering state pilotage waters and were only made aware when they were spotted on the marine traffic website. She said that it seems the APC provider and the Marine Exchange of Alaska (MXAK) did not consider or were unaware of state pilotage law when advising and approving the deviation. She said that SWAPA reached out to the USCG, however, they said that they do not enforce State law. When the MXAK was made aware of the situation, she continued, they informed the vessels, in addition to SWAPA informing the vessels, that they were not in compliance with state law. The vessels were informed that they either needed to move South, below the boundary line or have a pilot board their vessels and take them to anchor. Both vessels initially responded that they were awaiting orders, would only drift with the engine ready at all times, would not drop anchor, and would remain 12 nautical miles from land. They were informed that they would still be in violation of state law and that they could be assessed a fine by the State of Alaska, if they did not immediately comply. After a period of time, both vessels chose to proceed South of the boundary line. Ms. Zielinski said the incident highlighted potential gaps between APC programs, vessel monitoring, and state pilotage laws, all of which will need to be addressed to remove any confusion, ensure</p>	

proper compliance, and establish necessary reporting requirements and procedures. She said that SWAPA believes that Lower Cook Inlet and Kennedy Entrance is a very unsuitable place to drift or shelter due to wind and weather, tidal current, and geography of the bottom and the shoreline. Mr. Cronk asked if the APC approved the vessels to drift, if the vessels chose to go into state pilotage waters, and if the APC's rules and guidelines are fairly clear that they do not get to choose to violate state pilotage waters, to which Ms. Zielinski said there is nothing in the APC program regarding state pilotage waters. She said that SWAPA has been working the APC to educate them on the state requirements, but that they primarily work closely with the USCG and the MXAK. She said that SWAPA is unaware if the vessels chose to go into state pilotage waters or if the APC routed them there. Captain Cunningham said there were other issues with the APC, such as dictating what passes ships can be taken through while a licensed pilot is onboard. He also said that there is an issue with who is making final decisions through the APC and if they have the training required to make those decisions. He said that, while state-licensed pilots have board statutes/regulations that require them to have specific training, there are no APC training requirements that SWAPA is aware of that a person must have to make a final decision on routing measures. For informational purposes, Mr. Cronk said that the APC was put into place as a federal reaction to ships who were calling the USCG in emergency situations and was created to have more control over what vessels can and cannot do in those type of situations. He said that they likely did not include state pilotage requirements in that process as well as it should have been. He finished by saying that working with the APC to get some knowledge and training done is likely the next step with getting them in compliance with state law. With nothing left to discuss, the board thanked Ms. Zielinski for her time.

**6. Division Update**

**Fiscal Reports: FY23 Q4 and FY24 Q1**

**Brief Discussion:** The division's Administrative Operations Manager, Melissa Dumas, provided the board with their FY23 4<sup>th</sup> Quarter Fiscal Report and their 2024 1<sup>st</sup> Quarter Fiscal Report. She informed the board that they had a large surplus in revenue at the end of FY 23, 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 informed the board that there is a yearly fee analysis, and that the division would inform the board if they needed to raise or lower fees. With no other questions for Ms. Dumas, the board thanked her for her time.

**7. CLAA Update – Rick Erickson, Vice President**

**Brief Discussion:**

Rick Erickson, Vice President of Cruise Line Agencies of Alaska (CLAA), informed the board that Ketchikan had about 1.49 million passengers during the 2023 season and that about 1.5 million passengers were expected for the 2024 season. He said that there are a few projects in Ketchikan, specifically expansions to berths 3 and 4, to accommodate larger ships. Unfortunately, at this time, there has not been an agreement with the community of Ketchikan to move forward with berth 3. He informed the board that Juneau had about 1.65 million passengers during the 2023 season and that the expected passengers for the 2024 season should remain the same. He said that Juneau has an MOA with the cruise industry, limiting the number of ships in any one day to five. There have been discussions of eliminating hot berthing in Juneau moving forward. He informed the board that Sitka’s passenger numbers have been growing quickly, stating that pre-pandemic numbers were roughly at 170,000 to 200,000, post-pandemic numbers (2022) were roughly at 385,000, and 2023 numbers were roughly at 585,000. He informed the board that communities around Southeast Alaska, Sitka included, have raised the question of, “When is enough enough?” as it relates to the increasing number of passengers. He informed the board that Skagway had about 1.1 million passengers in 2023 and that it should remain similar for the 2024 season. He said that there are four berths in Skagway and informed the board that originally White Pass had owned all four berths, however, the lease agreement that White Pass had with the Municipality of Skagway ended in 2023 and the municipality now controls the interest on the Broadway and Ore Docks, with White Pass still owning the Railroad Dock, which can hold up to two larger cruise ships. He said that the Municipality of Skagway is moving forward with expansion of the Ore dock, with hopes that it is at least partially finished and usable for the 2024 season. He informed that board that, due to the hill slides in 2022, White Pass and the Municipality of Skagway came to an agreement that any ship that was railroad forward in front of the slide would tender their passengers into the small boat harbor and that for any ship mourn aft of the ship that would be railroad forward, White Pass would shuttle those passengers into town during the 2023 season. He said that the same will likely be done for the 2024 season. He informed the board that Haines had roughly 73,000 passengers and are expected to have roughly 87,000 passengers for the 2024 season. He said that both Haines and Wrangell are looking to expand. He said that there is a currently a dock being built in Whittier that will be able to accommodate two larges ships. He finished by informing the board that Klawock is scheduled to have two ships. With nothing left to discuss, the board thanked Mr. Erickson for his time.

**8. Investigative Report**

**Brief Discussion:**

The board’s investigator, Patrick Kase, provided the board with their Investigative Report. He informed the board that, for the period of September 27, 2023, thru January 05, 2024, there were two open cases and that four were closed. After informing the board that an advisement letter was sent to someone, for an investigation into ‘unlicensed practice or activity,’ Mr. Harris asked what an advisement letter meant, to which Mr. Kase said that an advisement letter is a non-disciplinary letter that is sent out when a violation is found that does not rise to the level of disciplinary action, informing the licensee of the violation of statute/regulation and providing a ‘warning’ to the licensee. Captain Sinclair asked what an ‘incomplete complaint’ meant on the investigative report, to which Mr. Kase said that an

	incomplete complaint meant that a case was opened but the accuser did not follow up and finish the required steps to move forward with the investigation.	
<b>9. Foreign Pleasure Craft Packet Review</b>		
<b>Brief Discussion:</b>	Mr. Bay provided the board with an overview of the Foreign Pleasure Craft (FPC) packet. He informed the board that he found updated documents for three of the documents in the packet and that he would update the board's website to include the new material. Having nothing left to discuss, the board approved the packet for calendar year 2024.	
<b>Motion:</b>	Move to approve the foreign pleasure craft packet as written (First: Cronk; Second: Sinclair).	
<b>Recorded Votes:</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>Brief Discussion:</b> <b>Off Record: 10:53 a.m.</b>	The board decided to take a break.	
<b>10. Investigative Report/Deputy Marine Pilot Candidate Interviews</b>		
<b>Brief Discussion:</b> <b>On Record: 11:00 a.m.</b>	After returning from break, the board decided to move into executive session to review investigative matters and conduct a deputy marine pilot candidate interview.	
<b>Motion:</b> <b>Off Record: 11:02 a.m.</b>	I, Richard Harris, 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, Chief Investigator Erika Prieksat, Senior Investigator Billy Homestead, and Investigator Patrick Kase to remain during the investigative session. Deputy marine pilot candidate Captain Aaron Isenhour, to remain during his interview (First: Harris; Second: Sinclair).	
<b>Recorded Votes:</b>	Cronk - Yes	Harris - Yes
	Hasenbank - yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>Brief Discussion:</b> <b>On Record: 11:24 a.m.</b>	No official action was taken during executive session. The board approved deputy marine pilot licensure for Captain Aaron Isenhour.	
<b>11. Board Action: Deputy Marine Pilot Candidate</b>		
<b>Brief Discussion:</b>	The board approved deputy marine pilot licensure for Captain Aaron Isenhour.	
<b>Motion:</b>	Move to approve a deputy marine pilot license for 50,000 Gross Tons for Region 2 for Captain Aaron Isenhour - Badge #251, license #186844 (First: Cunningham; Second: Cronk).	

<b>Recorded Votes (roll call):</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>12. Schedule Future Meeting Date(s)</b>		
<b>Brief Discussion:</b> <b>Off Record: 9:33 a.m.</b>	After discussion, the board decided to have their next meeting in Juneau, on April 24 <sup>th</sup> , 2024, with the Local Knowledge Exam on April 23 <sup>rd</sup> , 2024.	
<b>13. Adjourn</b>		
<b>Brief Discussion:</b>	Before adjourning the meeting, Chair Curtis Thayer reminded the board that the board's public member, Rick Harris, was terming out before the next meeting. The board thanked Mr. Harris for his time on the board. Mr. Harris thanked the board and previous board members he worked with and said that he learned a lot during his time on the board. Chair Thayer explained the process of having the public seat filled, which is done thru Boards and Commission and the legislature. With nothing left on the agenda, the board adjourned.	
<b>Motion:</b>	Move to adjourn (First: Harris; Second: Sinclair).	
<b>Recorded Votes:</b>	Cronk - Yes	Harris - Yes
	Hasenbank - Yes	Tougas - Yes
	Sinclair - Yes	Cunningham - Yes
	Thayer - Yes	
<b>Adjourn:</b>	11:34 a.m.	

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