



**BOARD OF MARINE PILOTS
YACHT SUBCOMMITTEE TELECONFERENCE**

**ORIGINATING FROM THE STATE OFFICE BUILDING
333 W. WILLOUGHBY AVE.
9TH FLOOR, CONFERENCE ROOM 'B'
JUNEAU**

**DRAFT MEETING MINUTES
JANUARY 9, 2017**

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

In compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Yacht Subcommittee of the Board of Marine Pilots was held.

Item 1: Roll Call/Call to Order

Committee members present: Mr. Paul Axelson, Committee co-chairperson; Capt. Richard Preston, Committee co-chairperson; Capt. David Artz; Mr. Richard Erickson; Capt. John Herring.

Others present: Capt. Paul Merrill, President, Southeast Alaska Pilots Association; Ms. Shirley Marquardt, Member, Alaska Board of Marine Pilots; Capt. Hans Antonsen, Member, Alaska Board of Marine Pilots.

Division staff present: Charles Ward, Marine Pilot Coordinator.

Preston called the meeting to order at 1401 hours.

Item 2: Review of Timeline for Application for Foreign Pleasure Craft Exemption

Preston: Asked Ward to state the issue the Board had asked the committee to address.

Ward: Stated the issue was the requirement of AS 08.62.180(b) that applications for foreign pleasure craft exemptions be submitted to the Board 30 days before entering Alaskan waters and the legality of approving applications received less than 30 days before entry.

Preston: Summarized his report, which showed, in Southeast Alaska, 24 of 26 applicants for exemption applied more than 30 days before entering Alaskan waters during 2015. In 2016, there

were 17 applications for exemptions, with 13 being received more than 30 days before entry into Alaskan waters. Said boats that applied less than 30 days before entry into Alaskan waters either didn't know about Alaskan law, or had a schedule change. Said two boats applied after arriving in Alaskan waters, and were granted exemptions. Said business was not being turned away. Said the Board had been timely in its response to all applications, responding to all late applications within seven days.

Axelson: Stated the challenge is the statute. Said the only way to respond to the issue is to not grant an exemption.

Preston: Stated the concern was safety, and vessels are required to take on pilots for safety reasons. Said it was common in the travel industry to pay an extra fee, or fine, for late travel plans. Said because of those safety concerns, the Board should slow down and exemptions should not be valid until 30 days have passed following receipt of the application.

Axelson: Asked if a vessel is 15 days out, should it be told to wait?

Preston: Stated it should, or that it could take on a pilot.

Axelson: Asked if there was concern over turning business away.

Preston: Stated he didn't believe the state was turning business away. Said the numbers bear that out. Said boats with quick changes to travel plans will need to take on a pilot. Said the laws are there for a reason, and we should stick to them. Said it was important for boats requesting an exemption to show they could sail safely on their own in dangerous waters.

Axelson: Stated he didn't believe the diligence was any greater if the application was received 30 days out or less than that, since the Board had 10 business days to approve, disapprove or ask for more information. Said he did not want the state turning away 23 ½ percent of its business. Said the 10-business-day rule was adequate protection.

Preston: Stated the 30-day and 10-day rules should be bright lines.

Axelson: Stated the yacht *Stampede* came to Alaska with a mechanical issue, and would have stayed once the issue was fixed it been able to.

Preston: Stated that vessel could have stayed, it just would have had to take on a pilot.

Axelson: Stated taking on a pilot costs \$4,000 per day, and is not as easy as it sounds. Said the current standard is to apply and wait for the Board's response, not wait 30 days.

Preston: Stated the current standard isn't fair to the vessel that follows the rules.

Artz: Stated the discussion had been circling around the issue, and stated the Committee needed an opinion from the Department of Law.

Herring: Concurred with Artz. Stated Board member Hans Antonsen had been uncomfortable in granting exemptions to vessels that did not comply with the time limit.

Artz: Stated the Committee needed clarity on when the exemption came into effect.

Preston: Stated he understood the question and the Committee's need for clarity, even if he wasn't totally comfortable with the question.

Artz: Asked if there was information about the number of repeat visitors to Alaska needing exemptions. Preston and Axelson stated there was not.

Tasks: Ward to distribute his database and Preston's report to the Committee members. Ward to pose question to Department of Law.

Item 3: Approval of minutes

Ward stated he could not find a record of the Committee approving the minutes from the 9 May 2016 meeting. Axelson and Preston stated the minutes had been approved, but they could sign to that effect. Ward stated he would get a copy of the document to co-chairpersons Axelson and Preston for their signature.

There being no further business, the meeting adjourned at 1504 hours.

Respectfully submitted this 12th day of January, 2017

Charles Ward
Marine Pilot Coordinator

Paul Axelson
Co-chairperson

Richard Preston
Co-chairperson

DRAFT