

# State of Alaska

## Board of Marine Pilots



**March 8, 2022 - Juneau Yacht Club**

*Please note that pages may appear to be "missing", these are pages that were removed due to confidentiality considerations. The page numbers remain consistent with the page numbers for the board members.*

Public Board Packet

**BOARD OF MARINE PILOTS  
March 8, 2022**

**BOARD ROSTER**

## Board of Marine Pilots

Name	Appointed	Reappointed	Expires
<b>Cronk, Les (Leslie)</b> (Ketchikan) Agent	3/1/2018	3/1/2022	3/1/2026
<b>Harris, Richard</b> (Juneau) Public	12/18/2017	3/1/2020	3/1/2024
<b>Hasenbank, Lucas</b> (Anchorage) Agent/Manager	3/1/2020		3/1/2024
<b>Tougas, Joe</b> (Seward) Public	3/1/2022		3/1/2026
<b>O'Hara, Michael</b> (Anchorage) Pilot	1/4/2022		3/1/2025
<b>Sinclair, Edward</b> (Juneau) Pilot	3/1/2019		3/1/2023
<b>Thayer, Curtis</b> (Anchorage) Commissioner/DCCED/Designee — Chair	2/22/2010	4/11/2019	

# **BOARD OF MARINE PILOTS**

## **Meeting Agenda**



State of Alaska  
Department of Commerce, Community & Economic Development  
Division of Corporations, Business, and Professional Licensing  
Board of Marine Pilots

Juneau Yacht Club; 1301 Harbor Way, Juneau

Zoom Meeting Call-In # 669-900-6833  
253-215-8782  
346-248-7799

Meeting ID: 850 3885 2747  
Meeting Passcode: 836620

**TENTATIVE MEETING AGENDA**  
**March 8, 2022**

1. 9:00 am Roll Call/Call to order
2. 9:05 am Review Agenda
3. 9:10 am Review/Approve Minutes
  - A. November 2021
  - B. February 2022
4. 9:20 am Ethics Disclosures
5. 9:30 am Public Comment
6. 9:45 am Foreign Pleasure craft packet review
7. 10:00 am Division Update
  - Current fiscal report*
  - Fee analysis (tentative)*
8. 10:45 am Investigative Report
9. 11:00 am Association Reports
  - A. Alaska Marine Pilots
  - B. Southeast Alaska Pilots' Association
  - C. Southwest Alaska Pilots' Association
10. 12:00 pm Break for lunch
11. 1:00 pm AMP Training program proposed amendments
12. 1:15 pm SWAPA Bylaw amendments
13. 1:15 pm 2022 Renewal Requirements/Potential Regulations Project
14. 2:00 pm Cruise Industry update; L. Downs
15. 2:45 pm Executive Session
  - A. Deputy Marine Pilot Candidate Interview
  - B. Training Program Extension request
16. 3:15 pm Summary/action resulting from executive session
17. 3:30 pm Schedule future meeting date(s) {Potential – week of October 3}
18. Adjourn

# **BOARD OF MARINE PILOTS**

**November 2021 and  
February 2022  
minutes for review/  
approval**



State of Alaska  
Department of Commerce, Community and  
Economic Development  
Division of Corporations, Business and Professional Licensing

**BOARD OF MARINE PILOTS**

**MINUTES OF MEETING**  
**November 24, 2021**

***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 provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held via video/teleconference January 20, 2021.

**Call to Order/Roll Call November 24, 2021**

The meeting was called to order by Chairman Curtis Thayer, at 10:05 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer  
Richard Harris  
Captain Edward Sinclair  
Les Cronk

Absent  
Peggy McLaughlin - *Excused*  
Lucas Hasenbank - *Excused*

Present from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, were:

Renee Hoffard, Marine Pilot Coordinator  
Sharon Walsh, Deputy Director  
Amber Whaley, Senior Investigator  
Jenni Summers, Senior Investigator  
Shauna Muraco, Investigator III

Visitors present included:

Captain Frank Didier, Southeast Alaska Pilots Association (SEAPA)  
Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)  
Captain Clayton Christy, Alaska Marine Pilots (AMP)  
Captain Levi Benedict, Southeast Alaska Pilots Association (SEAPA)  
Captain Mark Lundamo, Southeast Alaska Pilots Association (SEAPA)  
Jessi Li, Southeast Alaska Pilots Association (SEAPA)  
Lalanya Downs, Sr. Director, Community Relations & Public Affairs, CLIA  
Captain Chad Clapp  
Mike Tibbles  
*2 unidentified callers joined the call over the course of the meeting.*

### **Agenda Item 2 – Review Agenda**

**Upon a motion duly made by Richard Harris, seconded by Les Cronk, and approved unanimously, it was:**

**RESOLVED to approve the agenda as amended with public comment immediately following the ethics reports.**

### **Agenda Item 3 – Review of meeting minutes**

The Board reviewed the draft minutes for the April 21, 2021 teleconference.

**Upon a motion duly made by Captain Edward Sinclair, seconded by Les Cronk, and approved unanimously, it was:**

**RESOLVED to approve the April 21, 2021 board meeting minutes as written.**

### **Agenda Item 3 – Ethics Declarations/Recusals**

The board had no ethics declarations or recusals

### **Agenda Item 13 – Public Comment**

Chair Thayer opened the floor for public comment; at that time there were 2 members of the public in attendance. No comments were made.

### **Agenda Item 5 – Cruise Industry Update**

Lalanya Downs of Cruise Lines International Association (CLIA) joined the meeting to provide an update on the cruise season for 2021 and a look ahead to the anticipated 2022 cruise season. Due to the congressional delegations work to pass the Alaska Restoration Recovery Act signed into law May 24, 2021 there was a return to cruising for Alaska in 2021. The cruise lines worked closely with port communities to draft agreements to ensure the protection of Alaska residents. The agreements required strict protocols with a focus on prevention and mitigation to not burden shore-side health care providers in port communities. Overall, there were low numbers of incidents on ships. Cruise lines established strong communication protocols with port communities and will continue to use those methods moving forward. The first sailing arrived in



Ketchikan July 9, 2021 and the final sailing was October 21 with a total of 77 sailings with over 115,000 passengers. Looking ahead to 2022 there are still a lot of unknown factors to be considered. The conditional order expires January 15, 2022 but the industry is anticipating a close to normal season. There are ongoing discussions with Canada to resume operations. There are also additional pieces of legislation in the works for when the condition order expires.

**Agenda Item 6 – Review of public comment; Regulations amendments – 12 AAC 56.115 & 12 AAC 56.120(a)(39)**

The board reviewed the regulation amendments for 12 AAC 56.115; Foreign Pleasure Craft Exemptions and 12 AAC 56.120(a)(39), Pilot stations/pick up points as public noticed for written comment that closed September 27, 2021. No written comments were received during the comment period.

**Upon a motion duly made by Richard Harris, seconded by Captain Edward Sinclair, and approved unanimously via roll call, it was:**

**RESOLVED to adopt the proposed amendments for 12 AAC 56.115 as written.**

**Upon a motion duly made by Captain Edward Sinclair, seconded by Les Cronk, and approved unanimously via roll call, it was:**

**RESOLVED to adopt the proposed amendments for 12 AAC 56.120(a)(39) as written.**

**Agenda Item 7 – Division Update**

Deputy Director, Sharon Walsh provided the division update. The update reviewed the final fiscal report for fiscal year 2021 and the 1<sup>st</sup> quarter fiscal report for fiscal year 2022 for the board. The program had a total revenue of \$201,210 and total expenditures of \$82,708 which resulted in a cumulative surplus of \$397,315 for FY2021. During the first quarter of FY2022 the program brought in revenue of \$19,150 and had \$18,094 in expenditures. Ms. Walsh also reviewed new requirements for military licensing. The requirements for temporary licensing for active-duty military members or their spouses is a substantially equivalent, unencumbered license in another jurisdiction. Due to the substantial requirements for Alaska specific training, there are no known substantially equivalent licenses in other jurisdictions.

**Agenda Item 8 – Investigations Report**

Sr. Investigator Amber Whaley provided the investigative report to the board. The report covered the time period of April 16, 2021 thru November 16, 2021. At the time of the report Investigator Muraco has closed 1 case; incomplete complaint for a Marine Pilot and there are 3 cases currently open. Chair Thayer asked if the division anticipates any movement on case 2019-000695 by the next board meeting due to the length of time the complaint has been open. Ms. Whaley explained that as it is an on-going case, she cannot discuss it. Investigations will be available to provide training at the next meeting to explain the process. Jennie Summers was introduced to the board; she is taking Sr. Investigator Whaley's position supervising Investigator Muraco.

### **Agenda Item 9 – Training extension request**

The board was presented with a training extension request from Captain Chad Clap. Captain Clap is requesting an extension of his training with SEAPA.

**Upon a motion duly made by Richard Harris, seconded by Captain Edward Sinclair, and approved unanimously, it was:**

**RESOLVED to enter into executive session for the purpose of discussing matters subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Board staff, Captain Chad Clap and Captain Frank Didier, SEAPA to remain during the session.**

*Off record at 10:54 am*

*Back on record at 11:16 am*

No actions were taken during executive session.

**Upon a motion duly made by Les Cronk, seconded by Richard Harris, and approved via roll call, it was:**

**RESOLVED to deny the training extension request of Captain Chad Clapp. Board member Captain Edward Sinclair abstained from the vote as a member of the pilot association Captain Clapp was requesting the extension from.**

The board determined that Captain Clapp did not demonstrate to their satisfaction that there were insufficient ships or training pilots available in the training program to complete the training as required in 12 AAC 56.026(e).

*12 AAC 56.026(e) A trainee may conduct maneuvers only in an area for which the trainee holds an endorsement of first-class pilotage without tonnage restrictions on the trainee's United States Coast Guard license. The trainee shall complete all maneuvers at the locations designated and in accordance with the requirements of the regional training program approved by the board under 12 AAC 56.035 for the pilotage region in which the training is to occur, within three years after initial acceptance into the training program. The board will approve an extension of this time requirement if the trainee demonstrates to the board's satisfaction that there are insufficient ships or training pilots available to complete the training program within the three years.*

The next scheduled agenda item was the break for lunch, seeing no objection Chair Thayer moved forward with agenda item 11, Association reports.

### **Agenda Item 10 – Association Reports**

*AMP:*

Captain Clayton Christy provided the report. AMP has a current roster of 9 full pilots, 1 deputy pilot and 2 trainees. 1 trainee is expected to apply for the local knowledge exam in the spring, the other trainee continues to work on federal observation trips. Effective January 1 the program will have 1 additional trainee, the association will make the announcement in the coming weeks. There will not be any changes to the association board in 2022. Changes were proposed to the

training program during their recent board meeting to align with state regulations; the changes will be presented to the Board of Marine Pilots for their review and approval at the spring meeting. Rich Harris inquired if there was any anticipation of pilots retiring from the association this year. Captain Christy informed the board that at this time none of the pilots have announced intentions to retire but the association are taking steps to ensure they can meet dispatch should anything happen.

*SEAPA:*

Captain Frank Didier provided the association report. Current roster of 38 full pilots, 11 deputy pilots, and 21 trainees. The training program anticipates that 3 of the trainees will be eligible for the local knowledge exam in early July 2022. The current schedule for cruise ships in 2022 shows growth of about 22% over 2019 numbers which is consistent with the numbers originally scheduled for 2020 and 2021. The cruise industry was very supportive of training during the abbreviated 2021 season. In most cases multiple trainees were permitted aboard vessels in conjunction with SEAPA pilots essentially doubling the training opportunities. The association is working on gathering data to support a request that the Board of Marine Pilots waive certain renewal requirements for the 2023 renewals as pilots will not meet the 120 days of sea time requirement. Rick Harris asked a couple clarifying questions regarding ramifications of pilots not meeting the renewal requirements. The board will take the matter under consideration at the next scheduled meeting.

*SWAPA:*

Jenni Zielinski provided the report. SWAPA has 17 full member-VLCC qualified pilots. There are 2 Deputy Pilots holding 110 thousand Gross Ton licenses. SWAPA's training program has 4 trainees doing hands on maneuvers, 1 of the trainees passed the CORE exam 11/8/2021. They have 1 observer and have a ballot out for an additional observer candidate. The association is expecting 1 pilot to retire this year. The board had no questions for SWAPA.

**Agenda Item 12– SWAPA –Bylaws amendments**

Jenni Zelinski reviewed the amendments to the SWAPA bylaws with the board.

1. Article 3, membership fees and charges; update of language that allows the association to refer back to a respective entity's bylaws or operating agreement.
2. Correction to the numerical system at the end of the bylaws that list all amendments made over time.

**Upon a motion duly made by Captain Edward Sinclair, seconded by Les Cronk, and approved via roll call, it was:**

**RESOLVED to accept the bylaws for the Southwest Alaska Pilots' Association as presented.**

**Agenda Item 14– Foreign Pleasure Craft Exemptions**

- A. Review of exemptions granted provided by MPC Hoffard. The 2021 FPC season saw a total of 27 exemptions granted, 11 more than the 2020 season and the most exemptions since 2016. The estimated revenue for the 2021 season was \$88,810, the largest amount since 2018. There was a noted uptake in the applications in 2021 but all were reviewed and issued with the required 10 days.
- B. Issues noted in 2021 season proved by MPC Hoffard. There were 3 issues noted during the 2021 season.
  1. Vessel entering AK waters before the exemption was granted; less than 30 days after applying; potential violation of Sec 08.61.180(b). The board discussed this issue, and it was determined that the appropriate action was taken by referring the vessel to investigations. Vessels that arrive before an exemption is granted must have a pilot on board.
  2. Vessels were taking charters after receiving the exemption but vessels for hire are not permitted to hold the exemption. Vessels may take charters, but they are not permitted to “hold” an exemption while they have charters. There is a section on the exemption application to list any scheduled charters. The board briefly discussed methods of advertising the exemption and ensuring interested parties are aware of the statutes and regulations that must be followed.
  3. Do vessels that are exactly 175 foot qualify for exemption; statute states “less than 175 feet.” There was 1 vessel over the season when the reported length was questioned. Upon measuring by the MPC and the Juneau Harbor Master it was determined that the vessel was exactly 175 foot. The vessel was charged the difference in the fee based on the measurement they reported, and the measurement taken by the Harbor Master as there was a significant difference. The question about length has been submitted to the Department of Law for determination; the board will review the statutes and regulations prior to the next scheduled meeting and be prepared to discuss.

The board discussed future meeting dates. MPC Hoffard was asked to work with board members via email and schedule the next meeting either the week of March 7 or March 17, 2022 in Juneau.

Chair Thayer addressed the board regarding the vacancy of the pilot member seat on the board. He has been in contact with Boards and Commissions with the Governor’s office. They have 2 candidates that they are interview and hope to have a board member appointed as soon as possible.

**Upon a motion duly made by Les Cronk, seconded by Captain Edward Sinclair, and approved unanimously, it was:**

**RESOLVED to adjourn the meeting.**

Off record at 11:56 am.

Respectfully Submitted:

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Renee Hoffard  
Marine Pilot Coordinator

Approved:

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Curtis Thayer, Chair  
Alaska Board of Marine Pilots

Date: \_\_\_\_\_

DRAFT



**State of Alaska  
Department of Commerce, Community and  
Economic Development  
Division of Corporations, Business and Professional Licensing**

**BOARD OF MARINE PILOTS**

**MINUTES OF MEETING  
February 1, 2022**

***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 provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held via video/teleconference February 1, 2022.

**Call to Order/Roll Call**

The meeting was called to order by Chairman Curtis Thayer, at 1:30 p.m. Those present, constituting a quorum of the Board were:

Curtis Thayer  
Richard Harris  
Captain Edward Sinclair  
Captain Michael O'Hara  
Lucas Hasenbank  
Les Cronk

Absent  
Peggy McLaughlin - *Excused*

Present from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, were:  
Renee Hoffard, Marine Pilot Coordinator

Visitors present included:  
Captain Christopher Buckley, SWAPA candidate  
Captain Frank Didier, Southeast Alaska Pilots Association (SEAPA)  
*2 unidentified callers joined the call over the course of the meeting.*

**Upon a motion duly made by Captain Edward Sinclair, seconded by Captain Michael O'Hara, and approved unanimously, it was:**

**RESOLVED to enter into executive session for the purpose of discussing matters subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Board staff and Captain Christopher Buckley to remain during the session.**

*Off record at 1:34 pm*

*Back on record at 1:57 pm*

No actions were taken during executive session.

**Upon a motion duly made by Captain Michael O'Hara, seconded by Richard Harris, and approved via roll call, it was:**

**RESOLVED to approve the Deputy Marine Pilot license for Captain Christopher Buckley, Badge number 234. The license will be issued with the exceptions noted in the letter submitted by SEAPA 12/20/2021.**

**Upon a motion duly made by Les Cronk, seconded by Captain Edward Sinclair, and approved unanimously, it was:**

**RESOLVED to adjourn the meeting.**

Off record at 11:56 am.

Respectfully Submitted:

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Renee Hoffard  
Marine Pilot Coordinator

Approved:

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Curtis Thayer, Chair  
Alaska Board of Marine Pilots

Date: \_\_\_\_\_

**State of Alaska**  
**Department of Commerce, Community &**  
**Economic Development Division of Corporations,**  
**Business, and Professional Licensing**  
**Board of Marine Pilots**



**Public Comment**

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; board staff will keep track of the time and notify the individual when they need to wrap up their comment(s).

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

Please be mindful of the time limit so that all who choose to speak will be given the same opportunities.



# **BOARD OF MARINE PILOTS**

**2022 Yacht  
Navigation Packet  
Approval**

Current Publication Dates – Navigation Packet

Coast Pilot 8 – **2021**

Coast Pilot 9 – **2021**

Current Tide Table(s) - **2022**

Current Tidal Current Table(s) - **2022**

Southeast Alaska Voluntary Waterway Guide - **2019**

Tongass Narrows Users Guide- **2012**

VTS Regulations for Prince William Sound & Valdez- **2017**

Publications – not dated;

Alaska Marine Mammal and Harbor Seal Information

Cold Water Survival Guide

Kodiak Island Airport Corridor Guide

Lower Cook Inlet-Kachemak Bay Supplemental (Alaska Boater's Handbook)

Pre-departure Check list (Alaska Boater's Handbook)

Prince William Sound Supplemental (Alaska Boater's Handbook)

Resurrection Bay Supplemental (Alaska Boater's Handbook)

# **BOARD OF MARINE PILOTS**

**Division Update**  
***Current fiscal report***  
***Fee Analysis***

Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Summary of All Professional Licensing  
Schedule of Revenues and Expenditures

Board of Marine Pilots and Foreign Pleasure Craft	FY 16		FY 17		Biennium		FY 18		FY 19		Biennium		FY 20		FY 21		Biennium		FY 22 1st & 2nd QTR		
	<b>Revenue</b>																				
Revenue from License Fees	\$ 65,188	\$ 281,640	\$ 346,828	\$ 91,150	\$ 206,450	\$ 297,600	\$ 86,250	\$ 201,210	\$ 287,460	\$ 19,150											
General Fund Received								\$ -	\$ -	\$ -											
Allowable Third Party Reimbursements	-	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -											
<b>TOTAL REVENUE</b>	<b>\$ 65,188</b>	<b>\$ 281,640</b>	<b>\$ 346,828</b>	<b>\$ 91,150</b>	<b>\$ 206,450</b>	<b>\$ 297,600</b>	<b>\$ 86,250</b>	<b>\$ 201,210</b>	<b>\$ 287,460</b>	<b>\$ 19,150</b>											
<b>Expenditures</b>																					
Non Investigation Expenditures																					
1000 - Personal Services	57,669	38,731	96,400	83,020	78,538	161,558	70,082	52,807	122,889	16,147											
2000 - Travel	11,698	10,370	22,068	14,158	8,709	22,867	7,442	-	7,442	-											
3000 - Services	6,464	5,294	11,758	3,398	4,919	8,317	3,687	6,437	10,124	585											
4000 - Commodities	541	587	1,128	195	702	897	1,805	-	1,805	-											
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-											
Total Non-Investigation Expenditures	76,372	54,982	131,354	100,771	92,868	193,639	83,016	59,244	142,260	16,732											
Investigation Expenditures																					
1000-Personal Services	4,398	96	4,494	9,360	14,528	23,888	295	552	847	2,675											
2000 - Travel					1,341	1,341	-	-	-	-											
3023 - Expert Witness	-	3,454	3,454	-	200	200	-	454	454	-											
3088 - Inter-Agency Legal	1,418	241	1,659	795	33	828	-	457	457	-											
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	87	87	-	-	-	-											
3000 - Services other					5	5	-	15	15	-											
4000 - Commodities					-	-	-	-	-	-											
Total Investigation Expenditures	5,816	3,791	9,607	10,155	16,194	26,349	295	1,478	1,773	2,675											
<b>Total Direct Expenditures</b>	<b>82,188</b>	<b>58,773</b>	<b>140,961</b>	<b>110,926</b>	<b>109,062</b>	<b>219,988</b>	<b>83,311</b>	<b>60,722</b>	<b>144,033</b>	<b>19,407</b>											
Indirect Expenditures																					
Internal Administrative Costs	6,152	6,628	12,780	13,970	13,964	27,934	9,457	7,152	16,609	3,576											
Departmental Costs	8,334	8,047	16,381	14,865	16,624	31,489	8,659	7,511	16,170	3,756											
Statewide Costs	3,670	4,761	8,431	10,324	9,685	20,009	9,272	7,323	16,595	3,662											
<b>Total Indirect Expenditures</b>	<b>18,156</b>	<b>19,436</b>	<b>37,592</b>	<b>39,159</b>	<b>40,273</b>	<b>79,432</b>	<b>27,388</b>	<b>21,986</b>	<b>49,374</b>	<b>10,994</b>											
<b>TOTAL EXPENDITURES</b>	<b>\$ 100,344</b>	<b>\$ 78,209</b>	<b>\$ 178,553</b>	<b>\$ 150,085</b>	<b>\$ 149,335</b>	<b>\$ 299,420</b>	<b>\$ 110,699</b>	<b>\$ 82,708</b>	<b>\$ 193,407</b>	<b>\$ 30,401</b>											
<b>Cumulative Surplus (Deficit)</b>																					
Beginning Cumulative Surplus (Deficit)	\$ 136,807	\$ 101,651	\$ 305,082	\$ 246,147	\$ 303,262	\$ 278,813	\$ 397,315														
Annual Increase/(Decrease)	(35,156)	203,431	(58,935)	57,115	(24,449)	118,502	(11,251)														
Ending Cumulative Surplus (Deficit)	\$ 101,651	\$ 305,082	\$ 246,147	303,262	\$ 278,813	\$ 397,315	\$ 386,064														
<b>Statistical Information</b>																					
Number of Licenses for Indirect calculation	138	154	152	132	124	138															
<b>Additional information:</b>	<ul style="list-style-type: none"> <li>• Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *</li> <li>• Most recent fee change: Fee reduction FY19</li> <li>• Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and progr</li> </ul>																				

Appropriation Name (Ex)	(All)
Sub Unit	(All)
PL Task Code	(Multiple Items)

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
	1000 - Personal Services	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	9,662.36			9,662.36
1014 - Overtime	17.49			17.49
1023 - Leave Taken	1,811.69			1,811.69
1028 - Alaska Supplemental Benefit	704.60			704.60
1029 - Public Employee's Retirement System Defined Benefits	368.45			368.45
1030 - Public Employee's Retirement System Defined Contribution	545.17			545.17
1034 - Public Employee's Retirement System Defined Cont Health Reim	303.68			303.68
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	109.98			109.98
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	2,132.61			2,132.61
1039 - Unemployment Insurance	38.37			38.37
1040 - Group Health Insurance	2,494.18			2,494.18
1041 - Basic Life and Travel	4.16			4.16
1042 - Worker's Compensation Insurance	104.45			104.45
1047 - Leave Cash In Employer Charge	196.28			196.28
1048 - Terminal Leave Employer Charge	160.78			160.78
1053 - Medicare Tax	163.68			163.68
1077 - ASEA Legal Trust	2.85			2.85
1079 - ASEA Injury Leave Usage	0.50			0.50
1080 - SU Legal Trst	0.58			0.58
3046 - Advertising		585.04		585.04
4002 - Business Supplies			-	-
3005 - Management/Consulting			-	-
<b>Grand Total</b>	<b>18,821.86</b>	<b>585.04</b>	<b>-</b>	<b>19,406.90</b>

**Board of Marine Pilots**

Analysis last updated: 02/21/2022  
 Renewal Deadline: 12/31/2022  
 Presented to board: 03/7-8/2022

Fee Type	Current fee schedule			Proposed by board				Proposed by division				Adjustments			In System 01.01.2020 - 12.31.2021	
	Current Fee	Projected Units	Projected Revenue	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment for Estimated Prorated Renewals	Projected Units	Projected Revenue Loss		
Application Fee - Deputy Marine Pilot	300	9	\$ 2,700		\$ 300	\$ 2,700	0%	-200	\$ 100	\$ 900	-67%				Application Fee - Deputy Marine Pilot	9
Application Fee - All Others	100	4	400		100	400	0%		100	400	0%				Application Fee - All Others	4
Core Examination Fee	500	0	-		500	-	0%		500	-	0%				Core Examination Fee	
Regional Comprehensive Local Knowledge Exam Fee	500	0	-		500	-	0%		500	-	0%				Regional Comprehensive Local Knowledge Exam Fee	
Exemption for Pleasure Craft of Foreign Registry	50	1500	75,000		50	75,000	0%		50	75,000	0%				Exemption for Pleasure Craft of Foreign Registry	1500
New Marine Pilot License	1,500	4	6,000		1,500	6,000	0%	-800	700	2,800	-53%	(350)	2	(700)	New Marine Pilot License	4
Renew Marine Pilot License	1,500	64	96,000		1,500	96,000	0%	-800	700	44,800	-53%				Renew Marine Pilot License	60
New Deputy Marine Pilot License	1,500	9	13,500		1,500	13,500	0%	-800	700	6,300	-53%	(350)	2	(700)	New Deputy Marine Pilot License	9
Renew Deputy Marine Pilot License	1,500	13	19,500		1,500	19,500	0%	-800	700	9,100	-53%				Renew Deputy Marine Pilot License	4
New Vessel Agent Registration Fee	500	0	-		500	-	0%		500	-	0%	(250)	-	-	New Vessel Agent Registration Fee	0
Renew Vessel Agent Registration Fee	500	5	2,500		500	2,500	0%		500	2,500	0%				Renew Vessel Agent Registration Fee	5
Extension of Route Examination Fee	200	0	-		200	-	0%		200	-	0%				Extension of Route Examination Fee	
Centralized Fees	2,875	1	2,875		2,875	2,875			2,875	2,875						
			\$ 218,475			\$ 218,475				\$ 144,675						

Beginning Cumulative Surplus must be from FY2020

Initial: PY new applications  
 New: PY new applications  
 Renewal: PY renewed + PY new  
 Temporary: PY temporary  
 Courtesy: PY courtesy  
 Centralized: PY revenue x .01  
 Inactive: Equals PY inactive

Revenues and Expenditures	CALCULATIONS BASED ON CURRENT FEES				
	FY2018/2019 Actuals	FY2020/2021 Actuals	Projected FY2022/2023	Projected FY2024/2025	Projected FY2026/2027
Revenue	297,600	287,460	218,475	218,475	218,475
Expenses	(299,420)	(193,407)			
Adjustments					
Expenses adjusted for 2% biennial increase			(197,275)	(201,221)	(205,245)
Fee adjustment for pro-rated renewal			(1,400)	(1,400)	(1,400)
Projected Net		94,053	19,799	15,854	11,830
Beginning Cumulative Surplus (Deficit)		303,262	397,315	417,114	432,968
Ending Cumulative Surplus (Deficit)		397,315	417,114	432,968	444,798

CALCULATIONS BASED ON BOARD'S PROPOSAL				
FY2020/2021 Actuals	Projected FY2022/2023	Projected FY2024/2025	Projected FY2026/2027	
287,460	218,475	218,475	218,475	
(193,407)				
	(197,275)	(201,221)	(205,245)	
	(1,400)	(1,400)	(1,400)	
94,053	19,799	15,854	11,830	
303,262	397,315	417,114	432,968	
397,315	417,114	432,968	444,798	

CALCULATIONS BASED ON DIVISION'S PROPOSAL				
FY2020/2021 Actuals	Projected FY2022/2023	Projected FY2024/2025	Projected FY2026/2027	
287,460	144,675	144,675	144,675	
(193,407)				
	(197,275)	(201,221)	(205,245)	
	(1,400)	(1,400)	(1,400)	
94,053	(54,001)	(57,946)	(61,970)	
303,262	397,315	343,314	285,368	
397,315	343,314	285,368	223,398	

102,623 One year worth of expenses.

32nd Legislature (2021-2022)

Alaska Admin Code

12 AAC 02.240

**12 AAC 02.240. Board of Marine Pilots**

The following fees are established for all license and registration categories of marine pilots and vessel agents:

- (1) nonrefundable application fee for
  - (A) initial deputy marine pilot license, including the application fee for the regional comprehensive local knowledge examination, \$300;
  - (B) core examination, extension of route examination, marine pilot license, vessel agent registration, VLCC endorsement, or tonnage upgrade, \$100;
- (2) marine pilot license fee for all or part of the initial biennial license period, \$1,500, which will be waived by the department if the applicant is upgrading from a deputy marine pilot license and has paid the deputy marine pilot license fee for the same biennial license period;
- (3) biennial marine pilot license renewal fee, \$1,500;
- (4) vessel agent registration fee for all or part of the initial biennial registration period, \$500;
- (5) biennial vessel agent renewal fee, \$500;
- (6) core examination fee, \$500;
- (7) deputy marine pilot license fee for all or part of the initial biennial license period, \$1,500;
- (8) biennial deputy marine pilot license renewal fee, \$1,500;
- (9) regional comprehensive local knowledge examination fee, \$500;
- (10) extension of route examination fee, \$200.

SEARCH  Display

Board of Marine Pilots and Foreign Pleasure Craft	FY 16	FY 17
<u>Revenue</u>		
Revenue from License Fees	\$ 65,188	\$ 281,640
General Fund Received		
Allowable Third Party Reimbursements	-	-
<b>TOTAL REVENUE</b>	<b>\$ 65,188</b>	<b>\$ 281,640</b>
<u>Expenditures</u>		
Non Investigation Expenditures		
1000 - Personal Services	57,669	38,731
2000 - Travel	11,698	10,370
3000 - Services	6,464	5,294
4000 - Commodities	541	587
5000 - Capital Outlay	-	-
<b>Total Non-Investigation Expenditures</b>	<b>76,372</b>	<b>54,982</b>
Investigation Expenditures		
1000-Personal Services	4,398	96
2000 - Travel		
3023 - Expert Witness	-	3,454
3088 - Inter-Agency Legal	1,418	241
3094 - Inter-Agency Hearing/Mediation	-	-
3000 - Services other		
4000 - Commodities		
<b>Total Investigation Expenditures</b>	<b>5,816</b>	<b>3,791</b>
<b>Total Direct Expenditures</b>	<b>82,188</b>	<b>58,773</b>
Indirect Expenditures		
Internal Administrative Costs	6,152	6,628
Departmental Costs	8,334	8,047
Statewide Costs	3,670	4,761
<b>Total Indirect Expenditures</b>	<b>18,156</b>	<b>19,436</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 100,344</b>	<b>\$ 78,209</b>
<u>Cumulative Surplus (Deficit)</u>		
Beginning Cumulative Surplus (Deficit)	\$ 136,807	\$ 101,651
Annual Increase/(Decrease)	(35,156)	203,431
Ending Cumulative Surplus (Deficit)	\$ 101,651	\$ 305,082
<u>Statistical Information</u>		

Number of Licenses for Indirect calculation	138	154
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**Additional information:**

- *Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year*
- *Most recent fee change: Fee reduction FY19*
- *Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation.*



Commerce Community, and Economic Development  
 Operations, Business and Professional Licensing

Summary of All Professional Licensing  
 Schedule of Revenues and Expenditures

Biennium	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium
\$ 346,828	\$ 91,150	\$ 206,450	\$ 297,600	\$ 86,250	\$ 201,210	\$ 287,460
-	-	-	-	\$ -	\$ -	-
\$ 346,828	\$ 91,150	\$ 206,450	\$ 297,600	\$ 86,250	\$ 201,210	\$ 287,460
96,400	83,020	78,538	161,558	70,082	52,807	122,889
22,068	14,158	8,709	22,867	7,442	-	7,442
11,758	3,398	4,919	8,317	3,687	6,437	10,124
1,128	195	702	897	1,805	-	1,805
-	-	-	-	-	-	-
131,354	100,771	92,868	193,639	83,016	59,244	142,260
4,494	9,360	14,528	23,888	295	552	847
-	-	1,341	1,341	-	-	-
3,454	-	200	200	-	454	454
1,659	795	33	828	-	457	457
-	-	87	87	-	-	-
-	-	5	5	-	15	15
-	-	-	-	-	-	-
9,607	10,155	16,194	26,349	295	1,478	1,773
140,961	110,926	109,062	219,988	83,311	60,722	144,033
12,780	13,970	13,964	27,934	9,457	7,152	16,609
16,381	14,865	16,624	31,489	8,659	7,511	16,170
8,431	10,324	9,685	20,009	9,272	7,323	16,595
37,592	39,159	40,273	79,432	27,388	21,986	49,374
-	-	-	-	-	-	-
\$ 178,553	\$ 150,085	\$ 149,335	\$ 299,420	\$ 110,699	\$ 82,708	\$ 193,407
	\$ 305,082	\$ 246,147		\$ 303,262	\$ 278,813	
	(58,935)	57,115		(24,449)	118,502	
	\$ 246,147	303,262		\$ 278,813	\$ 397,315	

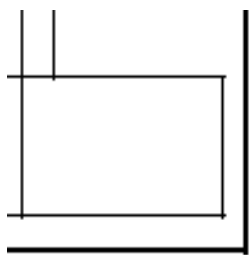
		152	132			124	138
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var expenditures; no fee increases needed if cumulative is over the current year expenses \*

load, court cases, multiple license and fee types under one program, and progr

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FY 22 1st & 2nd QTR	
\$	19,150
\$	-
\$	-
\$	19,150
	16,147
	-
	585
	-
	-
	16,732
	2,675
	-
	-
	-
	-
	-
	2,675
	19,407
	3,576
	3,756
	3,662
	10,994
\$	30,401
\$	397,315
	(11,251)
\$	386,064



Division of Corporations, Business and Professional Licensing  
Professional Licensing Fees Changes FY06 - FY22  
(as of February 8, 2022)

MAR	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22
						<u>Eff. 12/29/10</u>								<u>Eff. 10/20/18</u>			
Application DMP	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	<b>\$300</b>	\$300	\$300	\$300
Application MP	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100
Marine Pilots	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	<b>\$2,500</b>	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	<b>\$1,500</b>	\$1,500	\$1,500	\$1,500
Marine Pilots Renewal	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	<b>\$2,500</b>	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	<b>\$1,500</b>	\$1,500	\$1,500	\$1,500
Deputy Marine Pilots	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	<b>\$2,500</b>	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	<b>\$1,500</b>	\$1,500	\$1,500	\$1,500
Deputy Marine Pilots Renewal	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	<b>\$2,500</b>	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	<b>\$1,500</b>	\$1,500	\$1,500	\$1,500
Vessel Agent Reg.	\$800	\$800	\$800	\$800	\$800	<b>\$1,000</b>	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	<b>\$500</b>	\$500	\$500	\$500
Vessel Agent Reg. Renewal	\$800	\$800	\$800	\$800	\$800	<b>\$1,000</b>	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	<b>\$500</b>	\$500	\$500	\$500
Core Examination	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Local Knowledge Exam	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Extension of Route Exam	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200

# **BOARD OF MARINE PILOTS**

## **Investigative Report**



**MEMORANDUM**

DATE: March 02, 2022  
 TO: Board of Marine Pilots  
 THRU: Greg Francois, Chief Investigator  
 FROM: Michele Hearn, Investigator  
 RE: Investigative Report for the March 08, 2022 Meeting

DocuSigned by:  
  
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The following information was compiled as an investigative report to the Board for the period of November 17, 2021 thru March 02, 2022; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

**OPEN - 2**

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
<b>MARINE PILOT</b>			
2019-000695	Unlicensed practice or activity	Complaint	10/18/2019
2021-000538	Unlicensed practice or activity	Complaint	07/12/2021

**Closed - 1**

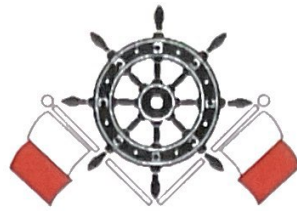
<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
<b>MARINE PILOT</b>				
2021-000537	Marine Pilot Incident Report	Closed-Complaint	02/17/2022	No Action - No Violation

***END OF REPORT***

# **BOARD OF MARINE PILOTS**

**Alaska Marine Pilots' Association  
Comprehensive Training Manual  
Updates**





**ALASKA MARINE PILOTS LLC**

P.O. Box 920226 - Dutch Harbor, AK 99692  
Office (907)581-1240 - Fax (907)581-1372  
www.alaskamarinepilots.com

January 12, 2022

Ms. Renee Hoffard  
Marine Pilot Coordinator  
Alaska Board of Marine Pilots  
P.O. Box 110806  
Juneau, AK 99811

Ms. Hoffard,

Please add to next BOMP's agenda regarding amendments made to our Comprehensive Training Manual for the BOMP to review and consider for approval.

1. The proposed added language to AMP's Comprehensive Training Manual, Part VIII Apprenticeship Program, Paragraph B & D, are meant to align with Regulation 12 AAC 56.028(j).

Paragraph B: The Apprenticeship Program is a minimum of four (4) years in length, [UNLESS GRANTED CREDIT FOR ONE YEAR'S EXPERIENCE BY COMPLETING 125% OF SUPERVISED MOVEMENTS REQUIRED IN REGION 3 IN ACCORDANCE WITH 12 AAC 56.028(j)], and because of its intensive nature and the experience gained, the Apprentice must be willing to be obligated to a year-round commitment with AMP, and to participate in all aspects of pilotage.

Paragraph D: [THE FIRST YEAR OF THE APPRENTICESHIP PROGRAM TYPICALLY CONSISTS OF COMPREHENSIVE PILOT DEVELOPMENT THROUGH A PROGRAM OF INTENSIVE OBSERVATION AND INSTRUCTION UNDER A VARIETY OF MARINE PILOTS AND DEPUTY MARINE PILOTS. AT THE DISCRETION OF THE TRAINING COMMITTEE, AND BASED ON AN APPRENTICE'S EXPERIENCE AND FEDERAL PILOTAGE ENDORSEMENTS HELD FOR THE REGION, APPRENTICES MAY BE EXPECTED TO ACCOMPANY WORKING PILOTS ON AN INCREASED NUMBER OF ASSIGNMENTS, WHICH MAY EXCEED THE MINIMUM OBSERVATIONS REQUIRED FOR THE COAST GUARD PILOTAGE ENDORSEMENTS. THIS WILL PROMOTE FAMILIARIZATION WITH NOT ONLY NAVIGATION AND PILOTING BUT, ALSO, BRIDGE PROCEDURES AND PROCESSES ON MERCHANT VESSELS. FOUR YEARS OF TRAINING AS AN APPRENTICE IS REQUIRED UNLESS AN APPRENTICE IS GRANTED CREDIT FOR ONE YEAR'S EXPERIENCE BY COMPLETING 125% OF SUPERVISED MOVEMENTS REQUIRED IN REGION 3 IN ACCORDANCE WITH 12 AAC 56.028(j). SUPERVISED VESSEL MANEUVERS CANNOT TAKE PLACE UNTIL THE APPRENTICE HAS PASSED THE STATE CORE EXAM.]

2. Please find an attached copy of our Comprehensive Training Manual as a clean version showing our proposed added language to Part VIII of the manual.

Best Regards,

  
Captain Clayton W. Christy  
President

# **Comprehensive Training Program of the Alaska Marine Pilots**

The policy of this Training Program is to provide equal opportunity to all qualified persons, and to continue to recruit and train persons, consistent with Alaska Marine Pilot's Operating Agreement, without regard to race, color, religion, national origin, or age.

BOMP Approved

## CONTENTS

### **Part I Selection of Pilot Observer Program Candidates and Apprenticeship Program Candidates.**

This section provides a process for the selection of candidates for the Pilot Observer Program and the Apprenticeship Program.

### **Part II Pilot Observer Program (Federal Pilotage).**

This section provides a process to secure federal pilotage endorsements and to prepare for the State's Core Examination.

### **Part III Selection of Candidates for Hands On Training Program.**

This section provides a process for the selection of candidates for the Hands On Training Program.

### **Part IV Hands On Training Program.**

This section provides a process to assist a Deputy Marine Pilot Trainee or Apprentice in acquiring a wide range of technical training and experience in Western Alaska for the purpose of obtaining a Deputy Marine Pilot license.

### **Part V Training and Continuing Education for Deputy Marine Pilots.**

Once licensed as a Deputy Marine Pilot, the newly licensed member must continue his/her training and education. This section is designed to develop the skills of a working Deputy Marine Pilot. Successful completion of this phase will result in obtaining a Marine Pilot License.

**Part VI Continuing Professional Education of Marine Pilots.**

This section provides a process whereby experienced Marine Pilots obtain further training and professional education. To stay abreast of changes in the profession, members of AMP will participate in a continuing education program that meets the requirements of 12 AAC 56.083.

**Part VII Training Pilots.**

This section provides a process for the identification of pilots to conduct training.

**Part VIII Apprenticeship Program.**

This phase outlines the requirements for a Candidate in the Apprenticeship Program. An individual program will be developed for each Apprentice in this Program.

**Part IX Training for Pilots Transferring from Another Region in the State**

This section outlines the training requirements for a marine pilot transferring from another region in the state.

**Part X Dismissal from Training Program.**

This section outlines the dismissal procedures from the Training Program.

## **PART I**

### **Selection of Pilot Observer Program Candidates and Apprenticeship Program Candidates**

A. At the annual meeting of AMP, or at such other time as the members determine a need, the Training Committee shall review inquiries to the Pilot Observer Program and to the Apprenticeship Program. The Training Committee may conduct interviews of the applicants. The Training Committee shall submit to members the applications of those persons whom the Committee believes to be the most qualified. AMP members may decide which applicants, if any, to invite to visit Region Three for evaluation. The visit will be for a maximum of ten (10) days and will be at the expense of the applicants.

Following an applicant's visit to the Region, the members may determine if the applicant will be admitted to the Pilot Observer Program or to the Apprenticeship Program. An applicant must receive a two-thirds (2/3) majority vote of AMP membership for admission to either Program. In order to be admitted into either Program, an applicant must sign a letter indicating his/her acceptance of the conditions of the Program. If an applicant is not accepted for admission into the Program, a letter will be sent to the applicant advising him of the decision.

B. The criteria to be used in evaluating applicants for the Pilot Observer Program and for the Apprenticeship Program include, but are not limited to, the following: U. S. Coast Guard license; maritime experience, especially time spent serving as a Master or Commanding Officer; previous piloting experience; regional experience; work history; safety record; business experience; background check; and the business needs of AMP.

C. Once an applicant is accepted for the Pilot Observer Program, AMP shall notify the Board of Marine Pilots pursuant to 12 AAC 56.026(j).

D. Once an applicant is accepted for the Apprenticeship Program, AMP shall notify the Board of Marine Pilots pursuant to 12 AAC 56.033(d).

## **PART II**

### **Pilot Observer Program (Federal Pilotage)**

A. Before a Candidate may take the Regional Local Knowledge Exam to get licensed, the Candidate is required to first obtain the U.S. Coast Guard First Class Pilotage Endorsements, without tonnage restrictions for Western Alaska, West of Kodiak Island. To meet this requirement the Pilot Observer Program exists. To qualify as a Pilot Observer, the Candidate must meet the requirements of AS 08.62.093(a)(1) and (b)(1-5). The Board of Marine Pilots will be notified of a candidate's acceptance into the Pilot Observer Program. The requirements to be a Pilot Observer include that a Candidate be a citizen of the United States and hold a U. S. Coast Guard license that qualifies the Candidate for licensure under the Act. If these requirements are met, the Candidate may be sponsored as a Pilot Observer. After obtaining the required Pilotage Endorsements, the Candidate must successfully pass the State's Deputy Marine Pilot Core Examination.

B. AMP will assist the Candidate to fulfill the requirements of obtaining the First Class Pilotage Endorsements required and will assist in preparing the Candidate for the Core Examination by providing the following:

1. Arrangements for making familiarization trips as a Pilot Observer;

2. Cooperation by Pilot members to allow the Candidate to acquire experience with respect to the special and unique conditions that exist in Western Alaska; and

3. There is no obligation on a Pilot member's part to share living accommodations with the Candidate nor is AMP obligated to pay for the Candidate's transportation or per diem expenses.

**Part III**  
**Selection of Candidates**  
**for Hands On Training Program**

A. Upon successful completion of the state core exam and upon determination by the membership of the need to begin the Hands On Training phase of a Candidate, a Candidate may apply for admission to the Hands On Training phase if recommended for such application by the Training Committee. A Candidate so recommended shall submit an updated application for review and consideration by the membership.

A Candidate must receive a two-thirds (2/3) vote of the membership, if only a single Candidate is being considered for admission to the Hands On Training phase. In the event of more than one Candidate applying for admission to the Hands On Training phase, then a Candidate with the most votes shall be admitted. If a Candidate is not admitted to such training, AMP shall inform the Candidate of non-admission. A Candidate who is admitted to the Hands On Training shall sign a letter indicating his/her acceptance of the conditions of the Program.

B. The criteria to be used in evaluating candidates for the Hands On Training phase of the Training Program includes, but is not limited to, the following: Possession of a valid United States Coast Guard License with an endorsement for first class pilotage without tonnage restrictions for at least one area within the pilotage region in which the

training will occur; maritime experience; previous piloting experience; regional experience; work history; safety record; business experience; background check; the business needs of AMP; and the candidate's performance in other training phases.

C. Once a Candidate is accepted for Hands On Training, AMP shall notify the Board of Marine Pilots pursuant to the provisions of 12 AAC 56.026(b).

## **PART IV**

### **Hands On Training Program**

A. This portion of the Training Program will consist of ship maneuvers, working with tugs, and assuming the conn during these evolutions. During this phase it will be determined if the Trainee has the skill and temperament to become a successful marine pilot. If the Trainee meets the conditions of this phase, AMP will assist the Trainee to fulfill the requirements for licensure, and will provide the following:

1. The requisite local knowledge and technical training in vessel operations to become a successful marine pilot;

2. Cooperation by AMP Training Pilot members in allowing the Trainee to acquire a wide range of experience from the Training Pilots with respect to the special and unique conditions that exist in Western Alaska; to observe pilotage maneuvers, to perform dockings and undockings; and to perform the required transits while having the conn, and tug-assisted maneuvers under the supervision and tutelage of the Training Pilots; and

3. Supervision and periodic review of the Trainee's progress, and maintenance of a written log and evaluation on forms provided by the State.



B. 12 AAC 56.028(c) describes the minimum training requirements for Trainees in Region Three which include the following:

1. 25 Dockings and 25 undockings in Captains Bay and Dutch Harbor. (10 Dockings and 10 undockings must be in Dutch Harbor) (i) 10 of the dockings and 10 of the undockings must be performed within the period beginning October 1 and ending April 1; 10 of the dockings and 10 of the undockings must be performed at night; no more than 40 percent of the dockings and 40 percent of the undockings may be under the supervision of the same Training Pilot;
2. 10 dockings and 10 undockings in any combination of active outports throughout the region to include 2 dockings and 2 undockings in Bristol Bay and 2 dockings and 2 undockings in Nome.
3. 2 transits in and 2 transits out of Togiak.
4. 6 anchorings and 6 weighing anchor moves anywhere in Region 3.

Docking or undockings may only be supervised and signed by a Training Pilot and only performed in areas where the Trainee holds a pilotage endorsement. The Trainee will be required to complete any additional training the training committee feels is necessary or is listed in the AMP Training Manual.

C. Unless specified otherwise in the statute or regulation, maneuvers must be performed on vessels subject to statute of 1,000 gross tons or more. If the maneuver is performed on an enrolled vessel, the vessel's tonnage must be at least 1,600 gross tons.

D. All required maneuvers must be completed within the three years immediately preceding application for a Deputy Marine Pilot License. An extension to this time period is provided for in regulation.

E. The Trainee must provide the Training Pilot a briefing on the planned maneuver before the maneuver begins. The Training Pilot may prevent the Trainee from commencing the maneuver if the Training Pilot believes that the Trainee is not sufficiently prepared to undertake the maneuver.

F. At the completion of the maneuver, the Training Pilot shall provide the Trainee with a written evaluation and critique of the Trainee's maneuver. This evaluation shall clearly state whether, in the judgment of the Training Pilot, the maneuver was satisfactory, whether there is some criticism, and whether or not the maneuver will be counted toward meeting the training requirements. Any evaluation that is considered to be unsatisfactory shall have a detailed explanation as to why it was unsatisfactory. If at any time the Training Pilot must relieve the Trainee of the conn, that maneuver is automatically considered to be unsatisfactory. It is within the Training Pilot's discretion whether or not to coach the Trainee before the maneuver; but in any event, the Trainee must perform the maneuver unassisted by the Training Pilot in order for the maneuver to be counted towards meeting State licensing requirements.

G. Each Trainee will maintain a training log. The Trainee is encouraged to have the Training Pilot make written comments in his/her training log concerning all aspects of training. These entries are not limited to matters pertaining to ship's maneuvers conducted by the Trainee. Numerous other forms of training occur during the many hours underway on the bridge that should be recorded. This training should be recorded so as to present a complete record of the individual's performance and the prospects for successfully completing the program. AMP's Training Committee may review the Trainee's training log periodically as may the Board of Marine Pilots.

H. Each quarter, the Trainee shall submit to the Marine Pilot Coordinator a copy of his/her evaluation forms.

I. If the Training Committee makes a determination that a Trainee is not progressing in a satisfactory manner, the Committee will provide the Trainee with a written explanation of the deficiencies including specific suggestions as to how the Trainee can remedy the deficiencies. AMP shall place a copy of such correspondence in the personnel file of the Trainee. A Trainee may be dismissed from the Training Program in accordance with Part X of this Training Program.

J. Training Pilots will assist in preparing the Trainee for the State's Local Knowledge Examination as best he can without providing detailed insight as to exactly what the examination questions may be should he have such information. Pilotage is local knowledge, and no Training Program is complete without imparting this knowledge to the Trainee.

K. When the Chairman of the Training Committee considers the Trainee to have satisfactorily completed the Training Program, the Chairman shall report to the AMP President that the Trainee has met the requirements to test for licensure. The Trainee must receive a two-thirds (2/3) vote of the membership before the Trainee has a recommendation to sit for the Deputy Marine Pilot Local Knowledge Examination. AMP may then issue a written endorsement that the Trainee has successfully completed AMP's Training Program to the Board of Marine Pilots.

L. The State recognizes the benefits to be derived from formal training and therefore requires attendance at a USCG or American Pilot Association ("APA") recognized Bridge Management Resource Course and an Automated Radar Plotting Aids ("ARPA") course within three years before applying for a Deputy Marine Pilot License.

## **PART V**

### **Training and Continuing Education for Deputy Marine Pilots**

A. Although a Deputy Marine Pilot has demonstrated his/her skill to the satisfaction of AMP's Training Committee and to the Board of Marine Pilots, the Deputy Marine Pilot must continue to develop and sharpen his/her skills. Continuing professional education is necessary for the Deputy Marine Pilot to keep abreast of the latest technological developments and the latest aids to navigation. This requirement can be met in a number of ways: reading and discussing professional journals and papers with other pilots; review and analysis of reports; attendance at professional conferences, seminars or classes; and periodic participation in a ship simulation course or other courses which are professionally related.

B. 12 AAC 56.031 states the regional requirements for a Marine Pilot License. These requirements may change from time to time so they will not be listed here, but the Deputy Marine Pilot must comply with these requirements before becoming eligible for a Marine Pilot License.

C. AMP will assist the Deputy Marine Pilot to fulfill the requirements for full licensure, and will provide the following:

1. Cooperation of Training Pilot members to allow the Deputy Marine Pilot to perform supervised dockings and undockings as required; and
2. Supervision and periodic review of the Deputy Marine Pilot's progress.

## **PART VI**

### **Continuing Professional Education of Marine Pilots**

A. AMP believes Continuing Professional Education is necessary for pilots to keep abreast of the latest technological developments and the latest aids to navigation. This can be met in a number of ways: reading and discussion of professional journals and papers; review and analysis of accident reports; attendance at professional conferences, seminars or classes; and periodic participation in a ship simulation course.

B. 12 AAC 56.083 states the continuing education requirements for Marine Pilots and for Deputy Marine Pilots. AMP's pilots are required to comply with the applicable requirements.

1. AMP's pilots shall be required to attend one of, but not limited to, the following AMP Training Committee approved courses in each biennial license period:

- a. Bridge Resource Management for Pilots
- b. 1 Day ARPA / Radar Refresher Course
- c. Train the Trainer Course for Pilots
- d. AIS Course
- e. Electronic Chart & Display Information System (ECDIS)
- f. Approved Maritime Law Course
- g. Emergency Shiphandling & Bridge Resource Management for Pilots.
- h. Ice Pilot Training
- i. Simulator training
- j. Observing other pilots outside of Region 3, while engaged in the provision of pilotage services.

2. Any additional Continuing Professional Education intended to further a pilot's professional ability in order to satisfy 12 AAC 56.083 (f) is subject to the approval of AMP's Training Committee.

C. After completion of a Continuing Professional Education course to comply with 12 AAC 56.083 (e) or (f), the pilot shall submit copies of course certificates to both the marine pilot coordinator and to the AMP office before the pilot's next biennial license renewal.

## **PART VII**

### **Training Pilots**

A. For an Association to continue providing high quality pilotage service to the Region, the senior members must be dedicated to passing along their skills and knowledge to the junior members. The senior members of AMP encourage the training of new candidates and junior members.

B. AS 08.62.097 (b) and 12 AAC 56.016 establish the requirements for Training Pilots.

C. AMP will submit a letter to the Board of Marine Pilots naming all qualified Marine Pilot members of AMP as Training Pilots unless a pilot has notified AMP in writing that he does not intend to participate as a Training Pilot.

D. A Training Pilot does not have to accept a particular Trainee, but the Training Pilot must notify the Marine Pilot Coordinator of the non-acceptance of any Trainee.

E. Training Pilots must be the epitome of their profession. For a Training Pilot to take responsibilities seriously, the formal course requirements of licensure and this Training Program should be exceeded.

## **PART VIII**

### **Apprenticeship Program**

A. The Apprenticeship Program is a comprehensive pilot development and training program, which requires the full-time commitment of the Apprentice. The Apprenticeship Program is not a short cut to obtaining a Deputy Marine Pilot license. It is an intensive course of tutorship and is only intended to provide a path to becoming a pilot for an individual that is otherwise qualified but has not had access to the maritime employment opportunities required to qualify for entry into the pilotage profession under AS 08.62.093(b)(1) through (5).

B. The Apprenticeship Program is a minimum of four (4) years in length, unless granted credit for one year's experience by completing 125% of supervised movements required in Region III in accordance with 12 AAC 56.028 (j), and because of its intensive nature and the experience gained, the Apprentice must be willing to be obligated to a year-round commitment with AMP, and to participate in all aspects of pilotage.

C. The AMP Training Committee will provide guidance through the Apprenticeship Program. Each Apprentice shall be expected to take full advantage of all training opportunities that are made available by the Training Committee. Upon completing the Apprenticeship Program, the individual is expected to meet the requirements of 12 AAC 56.025 prior to application for State licensure. The Apprentice will be required to pass the written examinations required in 12 AAC 56.070.

D. The first year of the apprenticeship program typically consists of comprehensive pilot development through a program of intensive observation and instruction under a variety of marine pilots and deputy marine pilots. At the discretion of the Training Committee, and based on an apprentice's experience and federal pilotage endorsements held for the region, apprentices may be expected to accompany working pilots on an increased number of assignments, which may exceed the minimum observations required for Coast Guard pilotage endorsements. This will promote familiarization with not only navigation and piloting but, also, bridge procedures and processes on merchant vessels. Four years of training as an apprentice is required unless an apprentice is granted credit for one year's experience by completing 125% of supervised movements required in Region III in accordance with 12 AAC 56.028 (j). Supervised vessel maneuvers cannot take place until the apprentice has passed the State core exam.

E. The Apprentice may apply for admission to the Hands On Training phase in accordance with the provisions set forth in Part III.A of the Training Program. All prerequisite requirements of 12 AAC 56.033 must be met before commencing this phase of the Training Program. Additional requirements include:

1. The Apprentice must have completed a minimum of one calendar year of the Apprenticeship Program;
2. The Apprentice must hold at least a United States Coast Guard license as master of steam or motor vessels of not more than 1,600 gross tons;
3. The Apprentice must hold First Class Pilotage for at least one area in Western Alaska, West of Kodiak Island without limitations; Hands On maneuvers may only be performed in areas where the Apprentice hold a First Class Pilotage endorsement;



4. The Apprentice must pass the State Core Examination, AS 08.62.093;

5. The Apprentice must have completed any other training that the training committee feels is necessary or is listed in the AMP training manual.

F. Each Apprentice will maintain a training log. The Apprentice is encouraged to have the Training Pilot make written comments in his/her training log concerning all aspects of training. Numerous other forms of training occur during the many hours underway on the bridge. This form of training should be recorded as well in order to present a complete record of the individual's performance and of his/her prospects for successfully completing the Program. The Training Committee may review the Apprentice's training log periodically.

G. If the Training Committee determines that an Apprentice is not progressing in a satisfactory manner, the Training Committee shall notify the Apprentice in accordance with 12 AAC 56.033(e). The Committee will provide the Apprentice with a written explanation of the specific deficiencies and with specific suggestions as to how the Apprentice can remedy the deficiencies. AMP shall place a copy of this correspondence in the Apprentice's personnel file.

H. An Apprentice may be dismissed from AMP's Apprenticeship Program in accordance with Part X of this Training Program.

I. Once the Apprentice has satisfactorily completed the Apprenticeship Program, the Apprentice must receive a two-thirds (2/3) vote of the membership before the Apprentice has a recommendation to sit for the Deputy Marine Pilot Local

Knowledge Examination. AMP may then issue a written endorsement that the Apprentice has successfully completed AMP's Training Program to the Board of Marine Pilots.

J. An Apprentice may convert from the Apprenticeship Program to the regular Training Program at any point during his/her Apprenticeship upon meeting the requirements of AS 08.62.093(b)(1-5), and upon receiving the approval of the Training Committee.

## **Part IX**

### **Training for Pilots Transferring from Another Region in the State**

A. The Training Program shall provide for the training of Marine Pilots transferring from another region in the State consistent with the requirements of 12 AAC 56.034.

B. A program will be developed for each individual pilot transferring from another region of the State, on a case-by-case basis, consistent with the pilot's background and experience.

## **Part X**

### **Dismissal From Training Program**

A. The goal of the dismissal procedure is to have the procedure be consistent with AMP Operating Agreement, be applied in a uniform and nondiscriminatory manner, and afford due process to Trainees and Apprentices all in accordance with 12 AAC 56.032.

B. The Training Committee or the AMP Board may suspend the training status of any Trainee or Apprentice by written notice at any time. If possible, such notice shall be hand-delivered to the Trainee. If personal delivery is not possible, notice shall be given by e-mail and certified mail, return receipt requested, addressed to the Trainee, or Apprentice. Notice of the Trainee or Apprentice's suspension shall be provided to all members. The notice shall advise the Trainee or Apprentice of the reasons for his/her suspension and of their right to appeal the suspension to the entire membership. The notice shall further advise the Trainee or Apprentice that a written notice of appeal must be filed with the AMP Board not later than thirty (30) days following notice of suspension. The notice of suspension shall also advise the Trainee or Apprentice that if he/she does not file a notice of appeal, then the Trainee or Apprentice will be dismissed from the Training Program. Following issuance of a notice of suspension, a Trainee or Apprentice is immediately suspended from the Training Program and shall not reserve any training activities until an appeal of the suspension is resolved.

C. A written notice of appeal filed by a Trainee or Apprentice must state the basis for the appeal, and the notice of appeal shall be communicated to AMP members within 30 days of notice of suspension.

D. A special meeting of the membership shall be convened to consider an appeal. The suspended Trainee or Apprentice is entitled to submit evidence and argument at the special meeting. Any member of AMP may likewise present evidence and argument at the special meeting.

E. Following the special meeting, the membership of AMP shall decide the appeal. The appeal shall be rejected if two-thirds (2/3) of the votes held by the entire membership are cast in favor of dismissal. The Trainee or Apprentice shall, in such circumstances, be immediately dismissed and shall be notified of the dismissal in writing.

F. AMP shall notify the Board of Marine Pilots within 30 days of the dismissal of a Trainee, Apprentice, or Federal Observer from the Training Program, in accordance with 12 AAC 56.032(b).

G. Criteria to be considered in the dismissal of a Trainee or Apprentice include the following:

1. The Trainee or Apprentice's demonstrated inability to progress in his/her training in a satisfactory manner.

2. Misconduct of Trainee or Apprentice including such conduct as being chemically impaired, illegal possession or use of narcotic drugs, being convicted of a DUI, making false statements on applications for training, making false statements to obtain a license, misconduct during the course of training, and having a license being conditional, suspended or revoked.

# **BOARD OF MARINE PILOTS**

**Southwest Alaska Pilots Association  
By-laws update**

**BYLAWS  
OF  
SOUTHWEST ALASKA PILOTS ASSOCIATION**

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**BYLAWS  
OF  
SOUTHWEST ALASKA PILOTS ASSOCIATION**

Note: Throughout this document, all gender-specific terms are to be considered to refer to both the feminine and the masculine form.

**ARTICLE I**

IDENTIFICATION

Section 1. Name. The name of the Association is Southwest Alaska Pilots Association.

Section 2. Principal Office. The principal office of the Association shall be in Homer, Alaska:

Post Office Box 977  
Homer, Alaska 99603

The Association may have such other offices as from time to time are designated by its members or by the Board of Directors.

Section 3. Fiscal Year. The fiscal year of the Association will begin on the 1st day of January of each year, and end on the 31st day of December in the same year.

**ARTICLE II**

MEMBERSHIP

Section 1. Limitation. Membership will be limited as set forth in Article V of the Articles of Association. Membership is further defined in Article VIII, Section 10. The term “member” shall refer to both full member pilots and deputy member pilots.

Section 2. Voting. Voting procedures on applications for membership will be established so as to preserve the secrecy of the ballot.

Section 3. Definition of Affirmative Vote. A two-thirds (2/3) affirmative vote of the voting membership means a total of two-thirds of the total number of eligible members voting in favor of the proposition in question. An affirmative vote of a voting member means a vote in favor of the proposition in question whether at a meeting, by proxy or by mail or email vote.

Section 4. Condition of Membership. All pilots licensed under the Marine Pilot Act to pilot vessels in the region are eligible for membership. There are two levels of membership defined in Article VIII, Section 10. Further, membership shall be conditioned upon the applicant and, as to the corporate applicants, the owner thereof, signing a statement of agreement to abide by the Articles and Bylaws of the Association. The President or his designee may furnish each new member with a letter outlining the procedures to be followed in the conduct of the Association's business. The new member, and, as to corporate members, the owner thereof, shall read, sign one copy and return the signed copy to the Association. The President or his designee will give instructions regarding acceptable personal conduct aboard ship, and diplomacy to be used in membership dealings with shipboard personnel, save that such instruction may not include personal direction over the manner in which the member performs his independent contractual duties as a pilot.

Section 5. Admission. Immediately upon admission to membership, the new member will be entitled to the rights and privileges of Association membership as stated in the Articles and Bylaws of the Association.

Section 6. Membership Status. Members of the Association, and as to the corporate members, the owner thereof through said corporation, shall be obligated to accept pilotage contracts from the ships offered through the Association as required throughout the year. Such pilotage contract and dispatch shall be assigned uniformly to each member in the class of other members with the same license, endorsements, and in-house clearances. A member will be

entitled to vote, pursuant to Article IV, Section 4. A full member will be obligated to pay a full membership fee and associated charges, pursuant to Article III. Members shall be entitled to receive distributions of income pursuant to Article VIII. All members shall be required to maintain their relevant membership status per the terms and conditions of the Bylaws.

Section 7. Filing Requirements Corporate Members. The Secretary of the Association shall be entitled at any time to demand and receive from the corporate member updated documentation with regard to the member's Articles, Bylaws and Certificate of Good Standing.

Section 8. Conversion to Corporate Membership. Any individual member of the Association will be entitled to convert his individual membership to a corporate membership so long as the corporation meets the eligibility requirements of Article V, Section b of the Articles and by filing with the Secretary of the Association a certified copy of its Articles of Incorporation certified as being true and correct by the Commission or Commerce for the State of Alaska, a current certificate of Good Standing for said corporation issued by said Commissioner, and a copy of its bylaws certified as being true and correct and in full force and effect by the Secretary of said Corporation. Upon any such conversion the Board of Directors shall direct the transfer of the individual member's capital account to the substituted corporate member, and the individual full member shall be entitled either to transfer any ownership interests he may hold in Middle Rock Incorporated, Alaska Nautical Services LLC, or Berth II, Incorporated to the substitute corporate full member or to retain the same in his individual ownership.

Section 9. Conversion to Individual Membership. Any corporation member of the Association shall be entitled to convert its corporate membership to an individual membership in the name of the one hundred percent (100%) owner of said corporation, so long as said corporation's membership is in good standing and the owner thereof meets the qualifications set forth in Article V h, of the Articles of Association at the time the request to so convert is made to the Board of Directors.

Section 10. Other Transfer of Membership. Except as otherwise stated in Sections 8 and 9 of this Article, membership in the Association is nontransferable by act of the member, operation of law, or otherwise.

Section 11. The Association and its Members and Trainees to Participate in Drug and Alcohol Testing Program. The Association and its members and trainees will participate in a board (Alaska Board of Marine Pilots) approved random drug or alcohol testing program.

### ARTICLE III

#### FULL MEMBERSHIP FEES AND CHARGES

The membership fee for those who qualify as a full member shall be ten thousand dollars (10,000) which amount will be credited to the full member's investment account, from the full member's individual capital account. The full membership fee may be increased by two-thirds (2/3) affirmative vote of the voting membership. All full members terminating their full membership will have an amount equal to the current full membership fee paid to them in addition to all monies credited to their individual capital account.

As an additional full membership charge, each full member shall be obligated to purchase and own one (1) share in Middle Rock, Inc. together with one (1) share in Berth II, Inc. and one (1) share in Alaska Nautical Services LLC. Only full members will be authorized and eligible to own these shares. The Board of Directors shall, prior to authorizing a ballot for full membership, enter into a purchase agreement with each prospective full member. Such agreement shall include, but not be limited to, (1) a time limit as defined by the respective entities' Bylaws or Operating Agreement, (2) a specific method by which the above equities shall be purchased, and (3) consent to the non-purchase provision stated below.

Any full member not meeting the terms of their purchasing agreement shall be subject to deductions from the full member's capital account in an amount up to, but not exceeding, the total current value of the non-purchased shares required as a condition of full membership. All deductions are to be made from the full member's semi-monthly draws in the amount of 35% of each draw until such time the original terms of the purchase agreement are met. All full members shall be required to maintain their membership status per the terms and conditions of the Bylaws.

All deductions are to be deposited in an escrow account until such time that the escrow account balance equals the purchase price of any outstanding share required for full membership.



The Officers and/or Directors of Southwest Alaska Pilots Association shall then authorize distribution of the escrow funds in payment for the required shares to fulfill the requirements of full membership.

All full members terminating their membership will sell their shares in Middle Rock, Inc., Berth II, Inc. and Alaska Nautical Services LLC back to the respective corporations. The buy-back price will be the then current share value for their shares.

## ARTICLE IV

### MEETINGS OF THE MEMBERSHIP: MEETINGS AND VOTING

Section 1. Place of Meeting. The meetings of the membership of the Association will be held at the principal office of the Association.

Section 2. Meetings. The Association shall hold at least three regularly scheduled meetings each year. These shall typically be held in the spring, fall and winter. Failure to hold at least three meetings shall not work a forfeiture or dissolution of the Association.

Section 3. Special Meetings. Special meetings of the Association may be called by the President, the Board of Directors, or by any three (3) voting members requesting a special meeting in writing.

Section 4. Voting.

(a) Voting Rights and Voting Members. Each full member will be entitled to one vote. Each full member on the Transitional Retirement Program will have one half (1/2) vote. Each deputy member shall have one half (1/2) vote in Southwest Alaska Pilots Association only, until they satisfy the requirements for full membership under Article III.

A corporate voting member may only exercise its voting rights through the owner thereof. At each election of Directors each voting member shall have the right to vote, in person, by proxy, by mail or email for as many persons as there are Directors to be elected.

(b) Quorum. A majority of the voting membership (51% or more), represented in person, by teleconference, or by proxy, shall constitute a quorum at a meeting of the membership. If there is not a quorum by voting members in attendance at a meeting in person, by teleconference or by proxy, no business may be conducted.

(c) Proxies. A voting member may vote either in person or by proxy executed in writing, electronically or telephonically by the voting member, or by his duly authorized Attorney in Fact. Proxy voting shall be limited to those matters submitted to the tentative agenda. The proxy must be received by the President or his designee or the person presiding at the meeting at or before the time of convening the meeting; however, a voting member present at a meeting who was called out by assignment or by other business prior to a vote, will be entitled to have a proxy with another voting member. A proxy may state the agent member's vote on one (1) or more issues, and such proxy shall be valid for one (1) meeting only, and the power to vote a proxy may be revoked by the person giving the proxy at any time prior to actual voting.

(d) Voting Procedure. Voting procedure shall conform to Roberts' Rules of Order, as revised, provided they are consistent with the Articles and Bylaws of this Association.

## ARTICLE V

### THE BOARD OF DIRECTORS

Section 1. Number and Qualification. The business and affairs of the Association will be managed by a Board of seven (7) Directors who must be full members of the Association, and/or, as to a corporate full member, the owner thereof acting on behalf of the Corporation, and who must be residents of the State of Alaska, and/or, as to the corporate full members, organized and existing under the laws of Alaska.

Section 2. Election. In October of each year, a ballot for electing the Association Board of Directors, which lists all Association full members, will be mailed or sent electronically to all Association voting members. Each Association voting member shall vote for seven (7) full members. Ballots shall be returned to the Association office or DRAFT 12/09/21 Approved by Board of Marine Pilots: November 24, 2021

electronic voting portal to be counted. The seven Association full members who receive the most votes shall serve as the Board of Directors for the ensuing year.

Directors thus elected at such annual membership meeting shall hold office on January 1 and hold office until December 31. Each Director shall hold office for the term for which he is elected, and until his successor shall be elected and qualified. In November of each year, a ballot for electing the Association officers, which lists the Association Board of Directors, shall be mailed or sent electronically to all Association voting members. Each Association voting member shall vote for a President, Vice President, and a Secretary/Treasurer. Ballots will be returned to the Association office or electronic voting portal to be counted. The members of the Board of Directors who receive the most votes shall serve as the President, Vice President, and Secretary/Treasurer.

Section 3. Nominating and Balloting. There shall be no nominations for elections to the Board of Directors. Each voting member will be entitled to vote for seven (7) full members, or as to corporate full members, the individual owners thereof acting on behalf of their respective corporation and the seven (7) full members receiving the highest number of votes in said election will be elected to the Board of Directors. In case of a tie vote for any position, another paper or electronic ballot, limited to the full members tied in the previous ballot, will be immediately submitted to the voting membership for another vote.

Section 4. Term of Office. The term of office of the members of the Board of Directors will be from the 1st day of January immediately following their election until the 31st day of December in the same year, or until their successors are elected and qualified.

Section 5. Vacancies. Any vacancy occurring on the Board of Directors will be filled by two-thirds (2/3) affirmative vote of the voting membership on paper or electronic ballot listing all eligible full members for the vacancy. The full member receiving the highest number of votes will be elected to complete the unexpired term of his predecessor in office.

Section 6. Place of Meetings. Meetings of the Board of Directors of the Association, annual, regular or special, shall be held at the principal office of the Association, or telephonically, or at another such place as may be designated by a majority of the Board of Directors.

Section 7. Meetings. The Board of Directors shall meet as soon as practicable after the scheduled winter meeting of the membership, at the place where such meeting of the membership has been held or telephonically, for the purpose of organization, and consideration of any other business that may properly be brought before the Association.

The Board of Directors shall also meet as required and shall, among other things, review the actions of the President, Vice President, and Secretary taken on behalf of the Association, prepare a report to the membership, as necessary, covering those actions considered by the Board to be of significance to the membership, and determine whether or not any pending or prospective matters of business should then be submitted to the voting membership for determination by ballot, and upon any such determination, make such a submission within such period of times as will enable the Board to have the results of the ballot available at the next regular meeting.

Section 8. Quorum. A majority of the number of Directors fixed by the Code of Bylaws will constitute a quorum for the transaction of business. The act of the majority of the Directors present at a meeting in which a quorum is present will be the act of the Board of Directors.

Section 9. Removal. The entire Board of Directors, or any individual Director, may be removed from office without assigning any cause, by a two-thirds (2/3) affirmative vote of the voting membership at any regular or special meeting of the voting membership. Such removal of one (1) or more of the Directors will be deemed to create a vacancy or vacancies in the Board of Directors.

Section 10. Compensation. Members of the Board of Directors shall serve without compensation.

Section 11. Limitation on Authority. Authority to make major decisions affecting welfare and business of the Association is reserved by the voting membership. A majority vote of the voting membership may annul, amend, or supersede any action of the Board of Directors. The Board of Directors will submit to the voting membership by paper or electronic ballot any issue of major importance, policy, or expenditure that in the exercise of good judgment may be considered a major policy decision affecting the welfare or business of the Association. A two-thirds (2/3) affirmative vote of the voting membership shall decide the issue.

Section 12. Duties. It shall be the duty of the Board of Directors to:

- (a) Call special membership meetings pursuant to Article IV, Section 3 of the Bylaws;
  - (b) Ensure the official count of all ballots and post notices thereof in the principal office;
  - (c) Approve for payment all non-routine statements and accounts of the Association which are in excess of Five Thousand Dollars (\$5,000.);
  - (d) Retain a certified public accountant to audit books and accounts of the Association and advise regarding fiscal matters, assist in coordinating the work of the Office Manager or Business Manager and office clerk(s);
  - (e) Obtain legal counsel for advice regarding legal matters;
  - (f) Employ and discharge, set the salary of, determine the amount of vacation of, and regulate the working hours and working conditions of all employees, subject to the concurrence of the voting membership and in accordance with the Southwest Alaska Pilots Association Policy and Procedure Manual;
  - (g) Investigate all notices of misconduct by or barring of a member, and if deemed necessary, submit the facts to the voting membership;
  - (h) Authorize the President or his designee, subject to the concurrence of the voting membership, to sign leases, charters, mortgages, notes, contracts, or other legal documents that may be necessary in the conduct of the business of the Association;
  - (i) Maintain one or more bank accounts in the conduct of the business of the Association;
  - (j) Tender to the membership the annual fiscal statement prepared by the certified public accountant;
  - (k) Supervise, through the President or his designee, the maintenance of equipment, supplies, property, and the maintenance of full and complete files of the business activity of the Association;
- and
- (l) Meet as required under Article V, Section 7 of these Bylaws to conduct the business affairs of the Association, as enumerated above, or in its sound discretion on all other matters properly coming to its attention concerning the welfare of the Association.

## ARTICLE VI

### THE OFFICERS

Section 1. Officers. The officers of the Association shall consist of a President, Vice President and Secretary-Treasurer. No two (2) or more offices may be held by the same person.

Section 2. Election. Officers of the Association will be elected by the voting members of the Association, from among the Board of Directors, by mail or electronic ballot in November of each year. In the case of a tie vote for any position, another ballot confined to the full members tied in the previous ballot will be immediately submitted to the voting membership for a vote. The President of the Board of Directors shall be the Director receiving at least 50% of the votes from the returned ballots.

Section 3. Term of Office. The term of office of each officer will be one (1) year, and all commence on the 1st day of January immediately following elections, and continue until the 31st day of December of the same year, or until their successors are elected and qualified.

Section 4. Removal. Any officer may be removed from his office by a two-thirds (2/3) affirmative vote of the voting membership at any regular or special meeting.

Section 5. Vacancies. Whenever any vacancies occur in any office by death, resignation or otherwise, the same will be filled by two-thirds (2/3) affirmative vote of the voting membership, pursuant to the procedures stated in Section 2 above, and the officer so elected will hold office until a successor is chosen and qualified.

Section 6. Compensation. Officers of the Association will serve without compensation.

Section 7. Duties of the President. The President shall call a meeting of the Board of Directors when he deems necessary. The President will be an ex officio member of all committees. The President or his designee will preside at all meetings of the membership and the Board of Directors. He or his designee shall, unless the Board of Directors otherwise directs, act as spokesman for the Association in discussions or dealings to which the Association is a party. He will work with the Office Manager or Business Manager to supervise the operation of the pilot office and check all correspondence, both incoming and outgoing. He or his designee will attend, when possible, the conventions or meetings of the American Pilots Association. The President will have the authority to nominate an assistant to perform special duties or to act in his place in the event of his absence. The President or his designee will sign all correspondence dealing with Association policy. The President or his designee will supervise the office staff in operating the dispatch schedule.

Section 8. Duties of the Vice President. In the event of the President's death or inability, the Vice President will perform the duties of the President until the succeeding President is elected, and while so acting, will have all of the powers of and be subject to all the restrictions upon the President. The Vice President will perform all of such other duties as from time to time may be assigned to him by the Board of Directors. In addition, the Vice President will attend all meetings of the membership and of the Board of Directors.

Section 9. Duties of the Secretary-Treasurer. The Secretary-Treasurer will perform other duties as from time to time may be assigned to him by the Board of Directors. In addition, the Secretary-Treasurer will attend all meetings of the membership and of the Board of Directors. He or his designee will keep the minutes of all meetings of the Board of Directors and all general membership and special meetings. The Secretary will assist the President and Office Manager or Business Manager in the efficient operation of the office. The Secretary or his designee will maintain a reading file with a copy of all letters sent and received under the name of Southwest Alaska Pilots Association. The Secretary-Treasurer or his designee will be responsible for the keeping of all financial statements, books, files and maintenance of the Association website. He or his designee shall also be responsible for the signing of all outgoing bills and checks. He shall assist the President and Office Manager or Business Manager in the supervision and operation of the pilot office and be responsible for Association correspondence, ensuring that letters and inquiries are answered in timely fashion.

Section 10. Office Manager or Business Manager. An Office Manager or Business Manager may be hired by the Board of Directors of the Association with two-thirds (2/3) affirmative vote of the voting membership. The Office Manager or Business Manager shall not be a member of the Association. The Office Manager or Business Manager shall work directly under the President, Vice President and Secretary-Treasurer. The Office Manager or Business Manager shall supervise office and accounting, make up the bills, maintain a correspondence file, keep basic financial statements, run an efficient office, and perform any other duties as directed by the President or his designee. The salary of the Office Manager or Business Manager shall be set by the Board of Directors, subject to the concurrence of the voting membership.

## ARTICLE VII

### TERMINATION OF MEMBERSHIP

Section 1. Any member shall, upon retirement or termination of membership by death or expulsion (and/or as to corporate members, upon retirement of the owner thereof from his corporation, or upon termination of the corporate membership by death of the owner thereof, or by expulsion for misconduct of the owner thereof, or by failure of the Corporation to maintain its eligibility for corporate membership), be entitled to receive funds equivalent to this account payable (see Article VIII, Section 5). The amount of the account payable available for such return will be reduced by the amount of any outstanding balance owned by the member under Article VIII of the Bylaws. This right to the account payable shall inure to the benefit of the heirs, successors and assigns of the member. The Association shall cause the payment to be made in one lump sum within thirty (30) days of the date of the retirement or termination of membership, except that if the Association Pool lacks funds in the amount required to be paid, the Association shall be entitled to make the payment in installments of not less than One Thousand Dollars (\$1,000) per month, without interest; the first such payment to commence thirty (30) days from the date of the retirement or termination of membership. If not paid in full within ninety (90) days, interest shall accrue at the current prime rate until fully paid.

Section 2. When all the monies due the terminating member or his or its heirs, successors or assigns have been paid in full, the recipient of such funds shall sign the release described in Section 3 of this Article. However, a

terminating member who has accrued pro rata or personal expenses shall have that amount deducted prior to the amount herein referred to.

Section 3. The release required under Section 2 of this Article shall be in the following form:

"In consideration of the sum of \$ \_\_\_\_\_, in hand paid, the undersigned retiring Southwest Alaska Pilots Association member (or his heirs in the case of the death of an individual member) does hereby release or forever discharge the Southwest Alaska Pilots Association, its successors or assigns, from all future claims and demands whatsoever arising out of or in connection with my (or his or its) membership with Southwest Alaska Pilots Association."

## ARTICLE VIII

### DIVISION AND DISTRIBUTION OF INCOME

The income earned by the members of the Association will be divided and distributed pursuant to the following procedure effective January 1, 1993.

Section 1. Monthly Total Gross Income. Each month, the total gross income produced by members of the Association will be determined.

Section 2. Recurring Expenses. Recurring expenses are subtracted from the total gross income.

Section 3. Total Net Income. The result of Sections 1 and 2 above produces total net income.

Section 4. Determination of Member Shares. The formula for determination of member shares shown below applies to all members and is dependent on their membership status as described in Article VIII, Section 10. Incumbent in receiving the following share percentages is the actual ability to pilot in those areas. If a member loses clearance in one or more areas, or if a customer refuses to accept the services of an individual member, the Board of Directors may in its discretion decrease the share percentage of the subject member as set forth in the following table. A member whose share percentage is decreased may have it restored to its former level after removing all limitations. The steps to determine Share percentage under this formula are as follows:

65% share for members holding a 50,000 gross ton license.

70% share for members holding a 95,000 gross ton license.

75% share for members holding a 110,000 gross ton license.

80% share for members holding an unlimited gross ton license, without a VLCC Endorsement and without In-House TAPS clearance.

100% share for full members holding an unlimited tonnage license and a VLCC Endorsement and In-House clearance.

The percentages shown above may vary from year to year and may be amended from time to time by a two-thirds (2/3) affirmative vote of the voting membership.

Section 5. Accounts Payable and Distributions: Each member has an accounts payable which is credited with such member's monthly share as described above. Draws will be made semi-monthly throughout the year. Draws will not be allowed to reduce the Association's general bank account below \$50,000 at any time, nor may they exceed the balance due in such member's account.

Section 6. Non-recurring Expenses. Non-recurring expenses in amounts greater than one thousand dollars, as determined by the Board of Directors, are allocated equally among all members. Non-recurring expenses are expenses which are incurred only once. Expenses which are incurred every year or more than once are considered recurring expenses and will be paid accordingly.

Section 7. Certain Transportation Credits. The membership may agree that certain transportation credits that are not part of the authorized tariff or other special expenses shall be credited to the account of the members.

Section 8. Personal Expenses of Members. The following expense items are personal expenses which may apply to each member and which will be paid by the Southwest Alaska Pilots Association, and then deducted from the accounts of the respective members.

(a) American Pilots Association dues;

*DRAFT 12/09/21 Approved by Board of*

*Marine Pilots: November 24, 2021*

- (b) Dues to Master, Mates and Pilots, Pilot Division;
- (c) Personal hospitalization and major medical insurance premiums;
- (d) License insurance;
- (e) Insurance premiums for civil suit defense policies;
- (f) Disability insurance; and,
- (g) Public Information Officer dues

Each member shall provide the bookkeeping personnel of Southwest Alaska Pilots Association with the specific information for payment of the member's individual insurance plans as outlined in paragraphs (c), (d), (e) and (f) above if applicable.

Section 9. Expenses for Association Business. Members will be entitled to reimbursement for expenses incurred on Association business which have prior approval of the Board of Directors. Travel and per diem expenses will be reimbursed at the same rate as published in the State Pilotage Regulations. Any additional expense must be supported by receipts. However, the Board of Directors may disallow any unreasonable expenditures.

Section 10. Definitions.

I: "Membership" refers to full members and deputy members.

(a) Full Member. A full member of the Association who is licensed by the U.S. Coast Guard and the State of Alaska to pilot in all areas and on vessels of all tonnages in the region in which the Association is recognized by the Alaska Board of Marine Pilots. A full member will have the voting rights specified in Article IV. All full members of the Association as of the date of the adoption of these bylaws will continue to be full members after adoption of these bylaws.

(b) Deputy Member. A member pilot who has a deputy marine pilot license, completing the state approved Southwest Alaska Pilots Association training program to qualify for a marine pilot license.

The term "member" as used in the Bylaws refers to both full and deputy members. The terms in (a) or (b) above may be used specifically as required.

II: OTHER

(a) Contract Pilot. A Pilot who may provide services on an agreed-upon and temporary basis for the Association and who is not a member and has work. A Contract Pilot shall be required to hold the necessary USCG and/or State of Alaska licenses and endorsements required to fulfill any duties required and/or requested of them by the Association in the region in which the Association is recognized by the Alaska Board of Marine Pilots.

(b) Trainee. A pilot who is licensed under the Marine Pilot Act 08.62.093 and is in the process of completing the state approved Southwest Alaska Pilots Association training program to qualify for a marine pilot license.

Section 11. Transitional Retirement Program.

(a) Upon reaching 59-1/2 years of age and ten (10) years as a full member of Southwest Alaska Pilots Association, or a full member upon reaching 59-1/2 years of age with a 2/3 majority vote of the voting membership, or twenty (20) years as a full member of Southwest Alaska Pilots Association, it becomes the pilot's option to work less than six (6) months a year. A transitionally retired pilot on dispatch for six (6) months or more a year will be classified as a full pilot.

(b) The pilot(s) participating in the Transitional Retirement Program shall; work as needed in Valdez and pay only shared expenses while on dispatch.

(c) The pilot's capital account shall remain at \$10,000 minimum to pay for personal expenses including

but not limited to; dues, medical, disability and license insurance. Should the \$10,000 minimum be exhausted, the pilot will receive a bill from Southwest Alaska Pilots Association for the deficiency.

(d) A transitionally retired pilot may work any or all of the period between May 1 and September 30 of any calendar year and/or during Winter Ice Guidelines (when Lower Cook Inlet B Condition [LCIBC] is in effect) and be on regular dispatch for this period; not to exceed 153 days. During periods outside the above, dispatch for a transitionally retired pilot shall be at the discretion of Southwest Alaska Pilots Association. A pilot may extend this work schedule for the purpose of accruing sixty (60) shipboard days in a year.

(e) Should a transitional pilot decide to return to full pilot status and be on normal rotation, the returning pilot must pay back shared expenses incurred by member pilots during his absence.

(f) The maximum length of time a pilot can be transitionally retired shall be limited to two (2) biennial license renewal periods (maximum of four (4) calendar years). The voting membership may extend this period for one or more years on an individual pilot basis by a 2/3 affirmative ballot vote.

#### Section 12. Shared Expenses for Member On Qualified Disability Status.

A member who is unable to work due to medical reasons and has either filed and is claiming disability insurance or would otherwise be eligible to claim disability insurance per the terms of the policy held by the Association (disability status) will not be required to pay shared expenses for the period they qualify for disability status. The Board of Directors shall be entitled at any time, before or during a pilot disability period, to request information from member's physician(s) and/or require that the member on disability status be examined or re-examined by a medical doctor of its choosing and, upon the doctor's certification of fitness for duty and/or termination of claim with insurance company, remove the member from disability status. Any member on disability status shall be required to be under the regular care of a physician and shall be required to submit regular proof of continuing disability to be exempt from paying shared expenses.

### ARTICLE IX

#### NOTICE OF MEETING AND BALLOTING PROCEDURES

##### Section 1. Notice of Meeting.

(a) Membership Meetings. The President of the Association will cause a written or printed notice, stating the place, date and hour of the meetings of the membership, to be noticed on the daily dispatch sheet or mailed or emailed to each member not less than seven (7) days prior to the date of the meeting. A tentative agenda shall be forwarded at least four (4) days prior to the meeting. Cut-off time for adding items to the agenda shall be by 1600 hours two days prior to meeting. Special meetings may be held upon call of the President upon notice given by word of mouth, telephone, or email not later than twelve (12) hours before the time set for said meeting. Written or email notices shall be deemed to be delivered when deposited in the United States mail, addressed or emailed to the member at his mail or email address as it appears in the membership books of the Association. Waiver by a member in writing of notice of a membership meeting, signed by him whether before or after the time of such meeting, shall be equivalent to the giving of such notice. Attendance by a member, whether in person or by proxy, of a membership meeting, shall constitute a waiver of notice of such meeting, of which he has not had notice, unless he causes an objection to be recorded with the Secretary at the time of this attendance in person, or within ten (10) days of his attendance of such meeting by proxy.

(b) Board of Directors Meeting. Meetings may be held upon call of the President upon notice given by word of mouth, telephone or email not later than twelve (12) hours before the time set for said meeting. Notice of meetings of the Board of Directors may be waived in writing signed by the person or persons entitled to such notice, whether before or after notice. Attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because such meeting is not lawfully convened. Neither the business to be transacted at, nor the purpose of, any meeting of the Board of Directors need be specified in the waiver of notice of any such meeting.

Section 2. Paper or Electronic Ballot. Paper or electronic ballot, where required under these Bylaws, will be conducted as follows:

(a) The ballot will be secret;

(b) The ballot will be mailed or sent electronically to each voting member of the Association, addressed to the voting member at his mailing address or email address as it appears in the membership books of the Association; save that if direct hand delivery to the voting member or delivery to the voting member's mail distribution receptacle in the main office of the Association would be more expeditious than the U.S. mail, such ballots will be so delivered; and

(c) Paper Ballot: The paper ballot will be returned to the principal office of the Association not more than twenty (20) days following the date of its mailing/email dissemination to each voting member. Ballots not returned within this period of time will be considered invalid and will not be counted. A paper ballot will only be valid if at least two-thirds (2/3) of the total voting membership cast ballots.

(d) Electronic Ballot: The electronic ballot will be specifically conducted via an online voting portal and shall be returned to the relevant voting portal not more than fourteen (14) days following the date of its dissemination to each voting member. Ballots not returned within this period of time will be considered invalid and will not be counted. An electronic ballot will only be valid if at least two-thirds (2/3) of the total voting membership cast ballots.

(e) It will be at the discretion of the Board of Directors whether they choose to submit a ballot via (c) or (d) above and the voting members shall be apprised of the decision prior to the distribution of the ballot.

## ARTICLE X

### AMENDMENTS

The power to alter, amend or repeal the Bylaws, or to adopt a new Code of Bylaws, so long as any such alteration, amendment, repeat or adoption of a new code is not in conflict with the Articles of Association, is reserved to the voting membership of the Association. The two-thirds (2/3) affirmative vote of the voting membership is necessary to exercise such reserved power. Any such change to these Bylaws will be subject to approval by the Alaska Board of Marine Pilots.

## ARTICLE XI

### DISCIPLINARY ACTIONS AND GRIEVANCES

Section 1. The Board of Directors will hear all signed and written (a) requests from a master or owner of a vessel showing cause to not dispatch a particular pilot to a particular vessel and (b) complaints directed at an individual member of alleged misconduct that affects his continued service as a Southwest Alaska Pilots Association member, or as a business associate, and will likewise hear all signed and written complaints directed at a corporate member for alleged misconduct of its owner that affects its continued service as a Southwest Alaska Pilots Association member, or as a business associate. The accused member (or, as to a corporate member, the owner thereof) shall be entitled to defend himself before the Board of Directors against any charges. The charged member shall be entitled to select an active member of the Association to assist in the defense before the Board.

The Board of Directors has the authority to (a) make a finding of cause to not dispatch a particular pilot to a particular vessel and (b) suspend a member for a period not to exceed thirty (30) days upon the two-thirds (2/3) affirmative vote of the entire Board of Directors for: Violation by the individual member, or as to a corporate member, by the owner thereof of the Bylaws, Articles or Dispatch Policy. However, the Board may elect to refer suspension in question to the voting membership for the final vote, either by paper or electronic ballot or by voting in any regular or special meeting of the voting membership, in which case a two-thirds (2/3) affirmative vote of the voting membership is necessary to suspend a member. In all cases where the disciplinary action recommended by the Board of Directors exceeds a thirty (30) days' suspension, such action must be submitted to the voting membership necessary to invoke the suspension. In all cases, the member charged with misconduct has the right to appeal the suspension by the Board within five (5) days, any penalty imposed shall be held in abeyance until the matter is determined by the voting membership. An appeal from a decision of the Board shall be decided in full or in part by a two-thirds (2/3) affirmative vote of the voting membership. The member charged does not have the right to vote on his own appeal. The individual or corporate member aggrieved by the appellate decision of the voting membership has the right within thirty (30) days after notice of the voting membership's appellate decision to seek arbitration of the issues on appeal. The Association and aggrieved member will be bound by the arbitration decision.

Section 2. In any disciplinary action taken under this Article wherein the final decision rests with the voting membership, the voting membership shall be fully apprised of all pertinent facts by a written report of the findings by the Board of Directors. However, before findings and recommendations of the Board are submitted to the voting



membership, the same will be served on the person charged. The person charged will have twenty (20) days to prepare a written rebuttal if he desires, which will be transmitted with the findings and the recommendations of the Board.

Section 3. In order to expel a member from this Association, a two-thirds (2/3) affirmative vote of the voting membership is necessary. The decision of the voting membership will be final in all cases of expulsion or suspension, and no further charges may be brought against the member for the same incident complained of originally.

Section 4. Any member of the Association (or, as to a corporate member, the owner or any subcontractor, agent or employee thereof) who pilots any vessel subject to the pilotage laws of the United States or of the State of Alaska in Southwest Alaska without being dispatched by the Association will be subject to the disciplinary provisions of these Bylaws.

The foregoing Bylaws of Southwest Alaska Pilots Association was duly approved by two-thirds (2/3) affirmative vote of the voting membership of the Association on the ninth day of August, 2007 and duly amended in accordance with the dated catalogue of revisions attached to these Bylaws .

President

Secretary/Treasurer

**AMENDMENTS TO THE SOUTHWEST ALASKA PILOTS ASSOCIATION BYLAWS PASSED BY TWO-THIRDS (2/3) MAJORITY VOTE:**

AMENDMENT I 3/18/93: ARTICLE IV, SECTION 4, (a) Voting Rights.

AMENDMENT II 3/18/93: ARTICLE VIII, SECTION 4, Determination of Member Shares. (Grandfather current members)

AMENDMENT III 8/16/93: ARTICLE VIII, SECTION 11, Transitional Retirement Program.

AMENDMENT IV 6/7/94: ARTICLE VIII, SECTION 4, Determination of Member Shares. (Allocation of pay distribution for training pilots)

AMENDMENT V 10/17/95: ARTICLE VIII, SECTION 4, Determination of Member Shares. (Multi-factor for deputy pilots)

AMENDMENT VI 11/28/95: ARTICLE III, MEMBERSHIP FEES AND CHARGES. (Addition of Berth II, Incorporated)

AMENDMENT VII 6/2/98: ARTICLE V, SECTION 12, BOARD OF DIRECTORS DUTIES. (Spending limit)

AMENDMENT VIII 10/12/98: ARTICLE III, MEMBERSHIP FEES AND CHARGES. (Addition of Alaska Nautical Services LLC)

AMENDMENT IX 4/30/99: ARTICLE VIII, DIVISION AND DISTRIBUTION OF INCOME, Section 4. (Replace “Any Gross Tons” with “60,000 ton license”.)

AMENDMENT X 1/25/00: ARTICLE VIII, SECTION 11, TRANSITIONAL RETIREMENT PROGRAM. (Add sentence for pilot deciding to return to full pilot status after being on the program.)

AMENDMENT XI 7/26/00: ARTICLE VIII, SECTION 11, (d), TRANSITIONAL RETIREMENT PROGRAM. (Defines months to be on dispatch.)

AMENDMENT XII 11/6/00: ARTICLE VIII, SECTION 11, (d), TRANSITIONAL RETIREMENT PROGRAM. (Extension of time on dispatch for the purpose of accruing 60 shipboard days in a year.)

AMENDMENT XIII 11/2/01: ARTICLE IV, Section 4, Voting Rights. (Changes voting rights from time on dispatch in previous year to ½ vote for participants of the Transitional Retirement Program.)

AMENDMENT XIV 5/7/02: ARTICLE VIII, Section 4, Determination of Member Shares. (Changes percentages for tonnages.)

AMENDMENT XV 9/30/03: ARTICLE VIII, Section 4, Determination of Member Shares. (Change to give Board of Directors authority to decrease share percentage for pilot or deputy pilot should he lose clearance in one or more areas.)

AMENDMENT XVI 4/9/04: ARTICLE VIII, Section 11, Transitional Retirement Program. (Change to add a maximum length of time a pilot can be on the Program.)

AMENDMENT XVII 7/29/04: ARTICLE VIII, Section 11, (a), Transitional Retirement Program. (Change to add participation in the program upon reaching 59-1/2 with 2/3 majority vote of the membership.)

AMENDMENT XVIII 5/11/05: ARTICLE VII, add Section 4, mandatory retirement age.

AMENDMENT XIX 5/11/05: ARTICLE II, add Section 12, the Association adopts the Alaska Marine Pilots Retirement Program.

AMENDMENT XX 6/26/06: ARTICLE VII, Section 4, the Association voted to strike the 70 year mandatory retirement clause.

AMENDMENT XXI 6/26/06: ARTICLE VIII, Section 11, add paragraph (g) to give the board authority to extend the period for one or more years.

AMENDMENT XXII 8/21/06: ARTICLE VI, Officers, Section 2 adding that the President shall be the Director receiving at least 50% of the votes.

AMENDMENT XXIII 8/21/06: ARTICLE VIII, Section 11 (f) amended to read that the membership, by 2/3 affirmative vote, may extend the transitional retirement period for one or more years.

AMENDMENT XXIV 11/2/06: ARTICLE VIII, Section 4. Determination of Member Shares to increase share percentages for Deputy Pilots.

AMENDMENT XXV 8/9/07: ARTICLE II, Section 12. Delete entire section to remove reference to the Alaska Marine Pilots Retirement Program.

AMENDMENT XXVI 02/25/09: ARTICLE VIII, Section 4. Change 60,000 gross ton license and 80,000 gross ton license to 65,000 and 90,000 gross tons in order to reflect changes to 12 AAC 56.011 sections (3), (7), (8c) and (8d) - tonnage increases implemented by BOMP - January 29, 2009.

AMENDMENT XXVII 06/11/12: ARTICLE VIII Section 11(d). Allow a transitionally retired pilot to work the May 1 to Sept 30 period AND/OR during Winter Ice Guidelines when Lower Cook Inlet B conditions (LCIBC) are in effect (not to exceed 153 days).

AMENDMENT XXVIII 09/20/12: ARTICLE X Section 2(c). Period of time to return a ballot is changed from thirty

(30) days to twenty (20) days.

AMENDMENT XXIX 03/31/18: ARTICLE VIII Section 4. 65% share for members and deputies holding a 25,000 ton license is changed to a 50,000 ton license in order to reflect changes to 12 AAC 56.011 (a) (1) - tonnage increase implemented by BOMP – to take effect April 14, 2018.

AMENDMENT XXX 10/04/19: ARTICLE VIII Section 12. Member on qualified disability status is not required to pay shared expenses for the period they qualify for disability status.

AMENDMENT XXXI 11/13/19: ARTICLE IV, Section 2. Amend wording to clarify requirements for membership meetings.

AMENDMENT XXXII 11/13/19: ARTICLE V, Section 12 (c). Increase approval for payment of all non-routine statements and accounts to \$5,000.00.

AMENDMENT XXXIII 11/14/19. ARTICLE VIII, Section 11 (f). Clarification of maximum time a pilot may be transitionally retired.

AMENDMENT XXXIV 11/14/19. ARTICLE V, Section 3. To allow a non-full-time full member (transitional pilot) to serve on the SWAPA Board of Directors.

AMENDMENT XXXV 11/14/19. ARTICLE II, Section 6 and ARTICLE III. Requirement for a full member to maintain their relevant status.

AMENDMENT XXXVI 11/15/19. ARTICLE VIII, Section 10, sub-section I and Section 10, sub-section II. To both clarify and add definitions for members, contract pilots and trainees.

AMENDMENT XXXVII 11/15/19. ARTICLE II, Sections 4 and 5, ARTICLE V, Section 12 (1) and removal of ARTICLE IX. Removal of references to Operating Rules as not legally required for an Association operating under Bylaws and Articles of Association.

AMENDMENT XXXVIII 01/07/20. VARIOUS. General cleanup of language and terminology in the SWAPA Bylaws to endeavor to ensure consistency and clarity throughout document.

AMENDMENT XXXIX 09/15/20. ARTICLES V, IX AND XI. Amendment to balloting procedures to allow for electronic balloting process in addition to paper ballots.

AMENDMENT XL 09/15/20. ARTICLE VIII Section 4. 70% share for members and deputies holding a 65,000 ton license is changed to a 95,000 ton license and 75% share for members and deputies holding a 90,000 ton license is changed to a 110,000 ton license in order to reflect changes to 12 AAC 56.011 (a) (3) and (a) (7) - tonnage increase implemented by BOMP – to take effect September 19, 2020.

AMENDMENT XLI 05/07/21: ARTICLE III. Amendment to time limit for full membership purchase agreements.

[AMENDMENT XLII 12/02/21: ARTICLE IV Section 4 \(a\). One half \(1/2\) vote for deputy members in SWAPA only, until deputy member satisfies the requirements for full membership under Article III.](#)

# SOUTHWEST ALASKA PILOTS ASSOCIATION

P.O. Box 977  
Homer, Alaska 99603

Tel: (907) 235-8783  
Fax: (907) 235-6119

December 9, 2021

Ms. Renee Hoffard  
Marine Pilot Coordinator  
Alaska Board of Marine Pilots  
P.O. Box 110806  
Juneau, Alaska 99811-0806

Dear Renee,

Please find documentation attached regarding amendments to the Southwest Alaska Pilots Association (SWAPA) Bylaws.

1. Proposed changes to SWAPA Bylaws, Article IV, Section 4 (a): Voting Rights and Voting Members. The attached copy shows the current, board approved bylaws with changes tracked. Language added is in blue, underlined font.
2. A 'clean' version is also attached to show the final, proposed document.

The attached bylaw amendment passed by a 2/3 majority vote of the of SWAPA's voting membership. Additionally, this amendment has been noted on page 14 as with prior amendments. These amendments will be incorporated into the existing Bylaws upon acceptance by the Board of Marine Pilots.

We appreciate your assistance in this matter and please do not hesitate to contact me if you have any questions.

Sincerely,



Captain Joe Martin  
President

Encs:  
*SWAPA Bylaws-Amended/Draft-12/09/21*  
*SWAPA Bylaws-Clean Copy-12/09/21*

**BYLAWS  
OF  
SOUTHWEST ALASKA PILOTS ASSOCIATION**

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**BYLAWS  
OF  
SOUTHWEST ALASKA PILOTS ASSOCIATION**

Note: Throughout this document, all gender-specific terms are to be considered to refer to both the feminine and the masculine form.

**ARTICLE I**

IDENTIFICATION

Section 1. Name. The name of the Association is Southwest Alaska Pilots Association.

Section 2. Principal Office. The principal office of the Association shall be in Homer, Alaska:

Post Office Box 977  
Homer, Alaska 99603

The Association may have such other offices as from time to time are designated by its members or by the Board of Directors.

Section 3. Fiscal Year. The fiscal year of the Association will begin on the 1st day of January of each year, and end on the 31st day of December in the same year.

**ARTICLE II**

MEMBERSHIP

Section 1. Limitation. Membership will be limited as set forth in Article V of the Articles of Association. Membership is further defined in Article VIII, Section 10. The term “member” shall refer to both full member pilots and deputy member pilots.

Section 2. Voting. Voting procedures on applications for membership will be established so as to preserve the secrecy of the ballot.

Section 3. Definition of Affirmative Vote. A two-thirds (2/3) affirmative vote of the voting membership means a total of two-thirds of the total number of eligible members voting in favor of the proposition in question. An affirmative vote of a voting member means a vote in favor of the proposition in question whether at a meeting, by proxy or by mail or email vote.

Section 4. Condition of Membership. All pilots licensed under the Marine Pilot Act to pilot vessels in the region are eligible for membership. There are two levels of membership defined in Article VIII, Section 10. Further, membership shall be conditioned upon the applicant and, as to the corporate applicants, the owner thereof, signing a statement of agreement to abide by the Articles and Bylaws of the Association. The President or his designee may furnish each new member with a letter outlining the procedures to be followed in the conduct of the Association's business. The new member, and, as to corporate members, the owner thereof, shall read, sign one copy and return the signed copy to the Association. The President or his designee will give instructions regarding acceptable personal conduct aboard ship, and diplomacy to be used in membership dealings with shipboard personnel, save that such instruction may not include personal direction over the manner in which the member performs his independent contractual duties as a pilot.

Section 5. Admission. Immediately upon admission to membership, the new member will be entitled to the rights and privileges of Association membership as stated in the Articles and Bylaws of the Association.

Section 6. Membership Status. Members of the Association, and as to the corporate members, the owner thereof through said corporation, shall be obligated to accept pilotage contracts from the ships offered through the Association as required throughout the year. Such pilotage contract and dispatch shall be assigned uniformly to each member in the class of other members with the same license, endorsements, and in-house clearances. A member will be

entitled to vote, pursuant to Article IV, Section 4. A full member will be obligated to pay a full membership fee and associated charges, pursuant to Article III. Members shall be entitled to receive distributions of income pursuant to Article VIII. All members shall be required to maintain their relevant membership status per the terms and conditions of the Bylaws.

Section 7. Filing Requirements Corporate Members. The Secretary of the Association shall be entitled at any time to demand and receive from the corporate member updated documentation with regard to the member's Articles, Bylaws and Certificate of Good Standing.

Section 8. Conversion to Corporate Membership. Any individual member of the Association will be entitled to convert his individual membership to a corporate membership so long as the corporation meets the eligibility requirements of Article V, Section b of the Articles and by filing with the Secretary of the Association a certified copy of its Articles of Incorporation certified as being true and correct by the Commission or Commerce for the State of Alaska, a current certificate of Good Standing for said corporation issued by said Commissioner, and a copy of its bylaws certified as being true and correct and in full force and effect by the Secretary of said Corporation. Upon any such conversion the Board of Directors shall direct the transfer of the individual member's capital account to the substituted corporate member, and the individual full member shall be entitled either to transfer any ownership interests he may hold in Middle Rock Incorporated, Alaska Nautical Services LLC, or Berth II, Incorporated to the substitute corporate full member or to retain the same in his individual ownership.

Section 9. Conversion to Individual Membership. Any corporation member of the Association shall be entitled to convert its corporate membership to an individual membership in the name of the one hundred percent (100%) owner of said corporation, so long as said corporation's membership is in good standing and the owner thereof meets the qualifications set forth in Article V h, of the Articles of Association at the time the request to so convert is made to the Board of Directors.

Section 10. Other Transfer of Membership. Except as otherwise stated in Sections 8 and 9 of this Article, membership in the Association is nontransferable by act of the member, operation of law, or otherwise.

Section 11. The Association and its Members and Trainees to Participate in Drug and Alcohol Testing Program. The Association and its members and trainees will participate in a board (Alaska Board of Marine Pilots) approved random drug or alcohol testing program.

### ARTICLE III

#### FULL MEMBERSHIP FEES AND CHARGES

The membership fee for those who qualify as a full member shall be ten thousand dollars (10,000) which amount will be credited to the full member's investment account, from the full member's individual capital account. The full membership fee may be increased by two-thirds (2/3) affirmative vote of the voting membership. All full members terminating their full membership will have an amount equal to the current full membership fee paid to them in addition to all monies credited to their individual capital account.

As an additional full membership charge, each full member shall be obligated to purchase and own one (1) share in Middle Rock, Inc. together with one (1) share in Berth II, Inc. and one (1) share in Alaska Nautical Services LLC. Only full members will be authorized and eligible to own these shares. The Board of Directors shall, prior to authorizing a ballot for full membership, enter into a purchase agreement with each prospective full member. Such agreement shall include, but not be limited to, (1) a time limit as defined by the respective entities' Bylaws or Operating Agreement, (2) a specific method by which the above equities shall be purchased, and (3) consent to the non-purchase provision stated below.

Any full member not meeting the terms of their purchasing agreement shall be subject to deductions from the full member's capital account in an amount up to, but not exceeding, the total current value of the non-purchased shares required as a condition of full membership. All deductions are to be made from the full member's semi-monthly draws in the amount of 35% of each draw until such time the original terms of the purchase agreement are met. All full members shall be required to maintain their membership status per the terms and conditions of the Bylaws.

All deductions are to be deposited in an escrow account until such time that the escrow account balance equals the purchase price of any outstanding share required for full membership.

The Officers and/or Directors of Southwest Alaska Pilots Association shall then authorize distribution of the escrow funds in payment for the required shares to fulfill the requirements of full membership.

All full members terminating their membership will sell their shares in Middle Rock, Inc., Berth II, Inc. and Alaska Nautical Services LLC back to the respective corporations. The buy-back price will be the then current share value for their shares.

## ARTICLE IV

### MEETINGS OF THE MEMBERSHIP: MEETINGS AND VOTING

Section 1. Place of Meeting. The meetings of the membership of the Association will be held at the principal office of the Association.

Section 2. Meetings. The Association shall hold at least three regularly scheduled meetings each year. These shall typically be held in the spring, fall and winter. Failure to hold at least three meetings shall not work a forfeiture or dissolution of the Association.

Section 3. Special Meetings. Special meetings of the Association may be called by the President, the Board of Directors, or by any three (3) voting members requesting a special meeting in writing.

Section 4. Voting.

(a) Voting Rights and Voting Members. Each full member will be entitled to one vote. Each full member on the Transitional Retirement Program will have one half (1/2) vote. Each deputy member shall have one half (1/2) vote in Southwest Alaska Pilots Association only, until they satisfy the requirements for full membership under Article III.

A corporate voting member may only exercise its voting rights through the owner thereof. At each election of Directors each voting member shall have the right to vote, in person, by proxy, by mail or email for as many persons as there are Directors to be elected.

(b) Quorum. A majority of the voting membership (51% or more), represented in person, by teleconference, or by proxy, shall constitute a quorum at a meeting of the membership. If there is not a quorum by voting members in attendance at a meeting in person, by teleconference or by proxy, no business may be conducted.

(c) Proxies. A voting member may vote either in person or by proxy executed in writing, electronically or telephonically by the voting member, or by his duly authorized Attorney in Fact. Proxy voting shall be limited to those matters submitted to the tentative agenda. The proxy must be received by the President or his designee or the person presiding at the meeting at or before the time of convening the meeting; however, a voting member present at a meeting who was called out by assignment or by other business prior to a vote, will be entitled to have a proxy with another voting member. A proxy may state the agent member's vote on one (1) or more issues, and such proxy shall be valid for one (1) meeting only, and the power to vote a proxy may be revoked by the person giving the proxy at any time prior to actual voting.

(d) Voting Procedure. Voting procedure shall conform to Roberts' Rules of Order, as revised, provided they are consistent with the Articles and Bylaws of this Association.

## ARTICLE V

### THE BOARD OF DIRECTORS

Section 1. Number and Qualification. The business and affairs of the Association will be managed by a Board of seven (7) Directors who must be full members of the Association, and/or, as to a corporate full member, the owner thereof acting on behalf of the Corporation, and who must be residents of the State of Alaska, and/or, as to the corporate full members, organized and existing under the laws of Alaska.

Section 2. Election. In October of each year, a ballot for electing the Association Board of Directors, which lists all Association full members, will be mailed or sent electronically to all Association voting members. Each Association voting member shall vote for seven (7) full members. Ballots shall be returned to the Association office or



electronic voting portal to be counted. The seven Association full members who receive the most votes shall serve as the Board of Directors for the ensuing year.

Directors thus elected at such annual membership meeting shall hold office on January 1 and hold office until December 31. Each Director shall hold office for the term for which he is elected, and until his successor shall be elected and qualified. In November of each year, a ballot for electing the Association officers, which lists the Association Board of Directors, shall be mailed or sent electronically to all Association voting members. Each Association voting member shall vote for a President, Vice President, and a Secretary/Treasurer. Ballots will be returned to the Association office or electronic voting portal to be counted. The members of the Board of Directors who receive the most votes shall serve as the President, Vice President, and Secretary/Treasurer.

Section 3. Nominating and Balloting. There shall be no nominations for elections to the Board of Directors. Each voting member will be entitled to vote for seven (7) full members, or as to corporate full members, the individual owners thereof acting on behalf of their respective corporation and the seven (7) full members receiving the highest number of votes in said election will be elected to the Board of Directors. In case of a tie vote for any position, another paper or electronic ballot, limited to the full members tied in the previous ballot, will be immediately submitted to the voting membership for another vote.

Section 4. Term of Office. The term of office of the members of the Board of Directors will be from the 1st day of January immediately following their election until the 31st day of December in the same year, or until their successors are elected and qualified.

Section 5. Vacancies. Any vacancy occurring on the Board of Directors will be filled by two-thirds (2/3) affirmative vote of the voting membership on paper or electronic ballot listing all eligible full members for the vacancy. The full member receiving the highest number of votes will be elected to complete the unexpired term of his predecessor in office.

Section 6. Place of Meetings. Meetings of the Board of Directors of the Association, annual, regular or special, shall be held at the principal office of the Association, or telephonically, or at another such place as may be designated by a majority of the Board of Directors.

Section 7. Meetings. The Board of Directors shall meet as soon as practicable after the scheduled winter meeting of the membership, at the place where such meeting of the membership has been held or telephonically, for the purpose of organization, and consideration of any other business that may properly be brought before the Association.

The Board of Directors shall also meet as required and shall, among other things, review the actions of the President, Vice President, and Secretary taken on behalf of the Association, prepare a report to the membership, as necessary, covering those actions considered by the Board to be of significance to the membership, and determine whether or not any pending or prospective matters of business should then be submitted to the voting membership for determination by ballot, and upon any such determination, make such a submission within such period of times as will enable the Board to have the results of the ballot available at the next regular meeting.

Section 8. Quorum. A majority of the number of Directors fixed by the Code of Bylaws will constitute a quorum for the transaction of business. The act of the majority of the Directors present at a meeting in which a quorum is present will be the act of the Board of Directors.

Section 9. Removal. The entire Board of Directors, or any individual Director, may be removed from office without assigning any cause, by a two-thirds (2/3) affirmative vote of the voting membership at any regular or special meeting of the voting membership. Such removal of one (1) or more of the Directors will be deemed to create a vacancy or vacancies in the Board of Directors.

Section 10. Compensation. Members of the Board of Directors shall serve without compensation.

Section 11. Limitation on Authority. Authority to make major decisions affecting welfare and business of the Association is reserved by the voting membership. A majority vote of the voting membership may annul, amend, or supersede any action of the Board of Directors. The Board of Directors will submit to the voting membership by paper or electronic ballot any issue of major importance, policy, or expenditure that in the exercise of good judgment may be considered a major policy decision affecting the welfare or business of the Association. A two-thirds (2/3) affirmative vote of the voting membership shall decide the issue.

Section 12. Duties. It shall be the duty of the Board of Directors to:

- (a) Call special membership meetings pursuant to Article IV, Section 3 of the Bylaws;
  - (b) Ensure the official count of all ballots and post notices thereof in the principal office;
  - (c) Approve for payment all non-routine statements and accounts of the Association which are in excess of Five Thousand Dollars (\$5,000.);
  - (d) Retain a certified public accountant to audit books and accounts of the Association and advise regarding fiscal matters, assist in coordinating the work of the Office Manager or Business Manager and office clerk(s);
  - (e) Obtain legal counsel for advice regarding legal matters;
  - (f) Employ and discharge, set the salary of, determine the amount of vacation of, and regulate the working hours and working conditions of all employees, subject to the concurrence of the voting membership and in accordance with the Southwest Alaska Pilots Association Policy and Procedure Manual;
  - (g) Investigate all notices of misconduct by or barring of a member, and if deemed necessary, submit the facts to the voting membership;
  - (h) Authorize the President or his designee, subject to the concurrence of the voting membership, to sign leases, charters, mortgages, notes, contracts, or other legal documents that may be necessary in the conduct of the business of the Association;
  - (i) Maintain one or more bank accounts in the conduct of the business of the Association;
  - (j) Tender to the membership the annual fiscal statement prepared by the certified public accountant;
  - (k) Supervise, through the President or his designee, the maintenance of equipment, supplies, property, and the maintenance of full and complete files of the business activity of the Association;
- and
- (l) Meet as required under Article V, Section 7 of these Bylaws to conduct the business affairs of the Association, as enumerated above, or in its sound discretion on all other matters properly coming to its attention concerning the welfare of the Association.

## ARTICLE VI

### THE OFFICERS

Section 1. Officers. The officers of the Association shall consist of a President, Vice President and Secretary-Treasurer. No two (2) or more offices may be held by the same person.

Section 2. Election. Officers of the Association will be elected by the voting members of the Association, from among the Board of Directors, by mail or electronic ballot in November of each year. In the case of a tie vote for any position, another ballot confined to the full members tied in the previous ballot will be immediately submitted to the voting membership for a vote. The President of the Board of Directors shall be the Director receiving at least 50% of the votes from the returned ballots.

Section 3. Term of Office. The term of office of each officer will be one (1) year, and all commence on the 1st day of January immediately following elections, and continue until the 31st day of December of the same year, or until their successors are elected and qualified.

Section 4. Removal. Any officer may be removed from his office by a two-thirds (2/3) affirmative vote of the voting membership at any regular or special meeting.

Section 5. Vacancies. Whenever any vacancies occur in any office by death, resignation or otherwise, the same will be filled by two-thirds (2/3) affirmative vote of the voting membership, pursuant to the procedures stated in Section 2 above, and the officer so elected will hold office until a successor is chosen and qualified.

Section 6. Compensation. Officers of the Association will serve without compensation.

Section 7. Duties of the President. The President shall call a meeting of the Board of Directors when he deems necessary. The President will be an ex officio member of all committees. The President or his designee will preside at all meetings of the membership and the Board of Directors. He or his designee shall, unless the Board of Directors otherwise directs, act as spokesman for the Association in discussions or dealings to which the Association is a party. He will work with the Office Manager or Business Manager to supervise the operation of the pilot office and check all correspondence, both incoming and outgoing. He or his designee will attend, when possible, the conventions or meetings of the American Pilots Association. The President will have the authority to nominate an assistant to perform special duties or to act in his place in the event of his absence. The President or his designee will sign all correspondence dealing with Association policy. The President or his designee will supervise the office staff in operating the dispatch schedule.

Section 8. Duties of the Vice President. In the event of the President's death or inability, the Vice President will perform the duties of the President until the succeeding President is elected, and while so acting, will have all of the powers of and be subject to all the restrictions upon the President. The Vice President will perform all of such other duties as from time to time may be assigned to him by the Board of Directors. In addition, the Vice President will attend all meetings of the membership and of the Board of Directors.

Section 9. Duties of the Secretary-Treasurer. The Secretary-Treasurer will perform other duties as from time to time may be assigned to him by the Board of Directors. In addition, the Secretary-Treasurer will attend all meetings of the membership and of the Board of Directors. He or his designee will keep the minutes of all meetings of the Board of Directors and all general membership and special meetings. The Secretary will assist the President and Office Manager or Business Manager in the efficient operation of the office. The Secretary or his designee will maintain a reading file with a copy of all letters sent and received under the name of Southwest Alaska Pilots Association. The Secretary-Treasurer or his designee will be responsible for the keeping of all financial statements, books, files and maintenance of the Association website. He or his designee shall also be responsible for the signing of all outgoing bills and checks. He shall assist the President and Office Manager or Business Manager in the supervision and operation of the pilot office and be responsible for Association correspondence, ensuring that letters and inquiries are answered in timely fashion.

Section 10. Office Manager or Business Manager. An Office Manager or Business Manager may be hired by the Board of Directors of the Association with two-thirds (2/3) affirmative vote of the voting membership. The Office Manager or Business Manager shall not be a member of the Association. The Office Manager or Business Manager shall work directly under the President, Vice President and Secretary-Treasurer. The Office Manager or Business Manager shall supervise office and accounting, make up the bills, maintain a correspondence file, keep basic financial statements, run an efficient office, and perform any other duties as directed by the President or his designee. The salary of the Office Manager or Business Manager shall be set by the Board of Directors, subject to the concurrence of the voting membership.

## ARTICLE VII

### TERMINATION OF MEMBERSHIP

Section 1. Any member shall, upon retirement or termination of membership by death or expulsion (and/or as to corporate members, upon retirement of the owner thereof from his corporation, or upon termination of the corporate membership by death of the owner thereof, or by expulsion for misconduct of the owner thereof, or by failure of the Corporation to maintain its eligibility for corporate membership), be entitled to receive funds equivalent to this account payable (see Article VIII, Section 5). The amount of the account payable available for such return will be reduced by the amount of any outstanding balance owned by the member under Article VIII of the Bylaws. This right to the account payable shall inure to the benefit of the heirs, successors and assigns of the member. The Association shall cause the payment to be made in one lump sum within thirty (30) days of the date of the retirement or termination of membership, except that if the Association Pool lacks funds in the amount required to be paid, the Association shall be entitled to make the payment in installments of not less than One Thousand Dollars (\$1,000) per month, without interest; the first such payment to commence thirty (30) days from the date of the retirement or termination of membership. If not paid in full within ninety (90) days, interest shall accrue at the current prime rate until fully paid.

Section 2. When all the monies due the terminating member or his or its heirs, successors or assigns have been paid in full, the recipient of such funds shall sign the release described in Section 3 of this Article. However, a

terminating member who has accrued pro rata or personal expenses shall have that amount deducted prior to the amount herein referred to.

Section 3. The release required under Section 2 of this Article shall be in the following form:

"In consideration of the sum of \$ \_\_\_\_\_, in hand paid, the undersigned retiring Southwest Alaska Pilots Association member (or his heirs in the case of the death of an individual member) does hereby release or forever discharge the Southwest Alaska Pilots Association, its successors or assigns, from all future claims and demands whatsoever arising out of or in connection with my (or his or its) membership with Southwest Alaska Pilots Association."

## ARTICLE VIII

### DIVISION AND DISTRIBUTION OF INCOME

The income earned by the members of the Association will be divided and distributed pursuant to the following procedure effective January 1, 1993.

Section 1. Monthly Total Gross Income. Each month, the total gross income produced by members of the Association will be determined.

Section 2. Recurring Expenses. Recurring expenses are subtracted from the total gross income.

Section 3. Total Net Income. The result of Sections 1 and 2 above produces total net income.

Section 4. Determination of Member Shares. The formula for determination of member shares shown below applies to all members and is dependent on their membership status as described in Article VIII, Section 10. Incumbent in receiving the following share percentages is the actual ability to pilot in those areas. If a member loses clearance in one or more areas, or if a customer refuses to accept the services of an individual member, the Board of Directors may in its discretion decrease the share percentage of the subject member as set forth in the following table. A member whose share percentage is decreased may have it restored to its former level after removing all limitations. The steps to determine Share percentage under this formula are as follows:

65% share for members holding a 50,000 gross ton license.

70% share for members holding a 95,000 gross ton license.

75% share for members holding a 110,000 gross ton license.

80% share for members holding an unlimited gross ton license, without a VLCC Endorsement and without In-House TAPS clearance.

100% share for full members holding an unlimited tonnage license and a VLCC Endorsement and In-House clearance.

The percentages shown above may vary from year to year and may be amended from time to time by a two-thirds (2/3) affirmative vote of the voting membership.

Section 5. Accounts Payable and Distributions: Each member has an accounts payable which is credited with such member's monthly share as described above. Draws will be made semi-monthly throughout the year. Draws will not be allowed to reduce the Association's general bank account below \$50,000 at any time, nor may they exceed the balance due in such member's account.

Section 6. Non-recurring Expenses. Non-recurring expenses in amounts greater than one thousand dollars, as determined by the Board of Directors, are allocated equally among all members. Non-recurring expenses are expenses which are incurred only once. Expenses which are incurred every year or more than once are considered recurring expenses and will be paid accordingly.

Section 7. Certain Transportation Credits. The membership may agree that certain transportation credits that are not part of the authorized tariff or other special expenses shall be credited to the account of the members.

Section 8. Personal Expenses of Members. The following expense items are personal expenses which may apply to each member and which will be paid by the Southwest Alaska Pilots Association, and then deducted from the accounts of the respective members.

(a) American Pilots Association dues;

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- (b) Dues to Master, Mates and Pilots, Pilot Division;
- (c) Personal hospitalization and major medical insurance premiums;
- (d) License insurance;
- (e) Insurance premiums for civil suit defense policies;
- (f) Disability insurance; and,
- (g) Public Information Officer dues

Each member shall provide the bookkeeping personnel of Southwest Alaska Pilots Association with the specific information for payment of the member's individual insurance plans as outlined in paragraphs (c), (d), (e) and (f) above if applicable.

Section 9. Expenses for Association Business. Members will be entitled to reimbursement for expenses incurred on Association business which have prior approval of the Board of Directors. Travel and per diem expenses will be reimbursed at the same rate as published in the State Pilotage Regulations. Any additional expense must be supported by receipts. However, the Board of Directors may disallow any unreasonable expenditures.

Section 10. Definitions.

I: "Membership" refers to full members and deputy members.

(a) Full Member. A full member of the Association who is licensed by the U.S. Coast Guard and the State of Alaska to pilot in all areas and on vessels of all tonnages in the region in which the Association is recognized by the Alaska Board of Marine Pilots. A full member will have the voting rights specified in Article IV. All full members of the Association as of the date of the adoption of these bylaws will continue to be full members after adoption of these bylaws.

(b) Deputy Member. A member pilot who has a deputy marine pilot license, completing the state approved Southwest Alaska Pilots Association training program to qualify for a marine pilot license.

The term "member" as used in the Bylaws refers to both full and deputy members. The terms in (a) or (b) above may be used specifically as required.

II: OTHER

(a) Contract Pilot. A Pilot who may provide services on an agreed-upon and temporary basis for the Association and who is not a member and has work. A Contract Pilot shall be required to hold the necessary USCG and/or State of Alaska licenses and endorsements required to fulfill any duties required and/or requested of them by the Association in the region in which the Association is recognized by the Alaska Board of Marine Pilots.

(b) Trainee. A pilot who is licensed under the Marine Pilot Act 08.62.093 and is in the process of completing the state approved Southwest Alaska Pilots Association training program to qualify for a marine pilot license.

Section 11. Transitional Retirement Program.

(a) Upon reaching 59-1/2 years of age and ten (10) years as a full member of Southwest Alaska Pilots Association, or a full member upon reaching 59-1/2 years of age with a 2/3 majority vote of the voting membership, or twenty (20) years as a full member of Southwest Alaska Pilots Association, it becomes the pilot's option to work less than six (6) months a year. A transitionally retired pilot on dispatch for six (6) months or more a year will be classified as a full pilot.

(b) The pilot(s) participating in the Transitional Retirement Program shall; work as needed in Valdez and pay only shared expenses while on dispatch.

(c) The pilot's capital account shall remain at \$10,000 minimum to pay for personal expenses including

but not limited to; dues, medical, disability and license insurance. Should the \$10,000 minimum be exhausted, the pilot will receive a bill from Southwest Alaska Pilots Association for the deficiency.

(d) A transitionally retired pilot may work any or all of the period between May 1 and September 30 of any calendar year and/or during Winter Ice Guidelines (when Lower Cook Inlet B Condition [LCIBC] is in effect) and be on regular dispatch for this period; not to exceed 153 days. During periods outside the above, dispatch for a transitionally retired pilot shall be at the discretion of Southwest Alaska Pilots Association. A pilot may extend this work schedule for the purpose of accruing sixty (60) shipboard days in a year.

(e) Should a transitional pilot decide to return to full pilot status and be on normal rotation, the returning pilot must pay back shared expenses incurred by member pilots during his absence.

(f) The maximum length of time a pilot can be transitionally retired shall be limited to two (2) biennial license renewal periods (maximum of four (4) calendar years). The voting membership may extend this period for one or more years on an individual pilot basis by a 2/3 affirmative ballot vote.

#### Section 12. Shared Expenses for Member On Qualified Disability Status.

A member who is unable to work due to medical reasons and has either filed and is claiming disability insurance or would otherwise be eligible to claim disability insurance per the terms of the policy held by the Association (disability status) will not be required to pay shared expenses for the period they qualify for disability status. The Board of Directors shall be entitled at any time, before or during a pilot disability period, to request information from member's physician(s) and/or require that the member on disability status be examined or re-examined by a medical doctor of its choosing and, upon the doctor's certification of fitness for duty and/or termination of claim with insurance company, remove the member from disability status. Any member on disability status shall be required to be under the regular care of a physician and shall be required to submit regular proof of continuing disability to be exempt from paying shared expenses.

### ARTICLE IX

#### NOTICE OF MEETING AND BALLOTING PROCEDURES

##### Section 1. Notice of Meeting.

(a) Membership Meetings. The President of the Association will cause a written or printed notice, stating the place, date and hour of the meetings of the membership, to be noticed on the daily dispatch sheet or mailed or emailed to each member not less than seven (7) days prior to the date of the meeting. A tentative agenda shall be forwarded at least four (4) days prior to the meeting. Cut-off time for adding items to the agenda shall be by 1600 hours two days prior to meeting. Special meetings may be held upon call of the President upon notice given by word of mouth, telephone, or email not later than twelve (12) hours before the time set for said meeting. Written or email notices shall be deemed to be delivered when deposited in the United States mail, addressed or emailed to the member at his mail or email address as it appears in the membership books of the Association. Waiver by a member in writing of notice of a membership meeting, signed by him whether before or after the time of such meeting, shall be equivalent to the giving of such notice. Attendance by a member, whether in person or by proxy, of a membership meeting, shall constitute a waiver of notice of such meeting, of which he has not had notice, unless he causes an objection to be recorded with the Secretary at the time of this attendance in person, or within ten (10) days of his attendance of such meeting by proxy.

(b) Board of Directors Meeting. Meetings may be held upon call of the President upon notice given by word of mouth, telephone or email not later than twelve (12) hours before the time set for said meeting. Notice of meetings of the Board of Directors may be waived in writing signed by the person or persons entitled to such notice, whether before or after notice. Attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because such meeting is not lawfully convened. Neither the business to be transacted at, nor the purpose of, any meeting of the Board of Directors need be specified in the waiver of notice of any such meeting.

Section 2. Paper or Electronic Ballot. Paper or electronic ballot, where required under these Bylaws, will be conducted as follows:

(a) The ballot will be secret;

(b) The ballot will be mailed or sent electronically to each voting member of the Association, addressed to the voting member at his mailing address or email address as it appears in the membership books of the Association; save that if direct hand delivery to the voting member or delivery to the voting member's mail distribution receptacle in the main office of the Association would be more expeditious than the U.S. mail, such ballots will be so delivered; and

(c) Paper Ballot: The paper ballot will be returned to the principal office of the Association not more than twenty (20) days following the date of its mailing/email dissemination to each voting member. Ballots not returned within this period of time will be considered invalid and will not be counted. A paper ballot will only be valid if at least two-thirds (2/3) of the total voting membership cast ballots.

(d) Electronic Ballot: The electronic ballot will be specifically conducted via an online voting portal and shall be returned to the relevant voting portal not more than fourteen (14) days following the date of its dissemination to each voting member. Ballots not returned within this period of time will be considered invalid and will not be counted. An electronic ballot will only be valid if at least two-thirds (2/3) of the total voting membership cast ballots.

(e) It will be at the discretion of the Board of Directors whether they choose to submit a ballot via (c) or (d) above and the voting members shall be apprised of the decision prior to the distribution of the ballot.

## ARTICLE X

### AMENDMENTS

The power to alter, amend or repeal the Bylaws, or to adopt a new Code of Bylaws, so long as any such alteration, amendment, repeat or adoption of a new code is not in conflict with the Articles of Association, is reserved to the voting membership of the Association. The two-thirds (2/3) affirmative vote of the voting membership is necessary to exercise such reserved power. Any such change to these Bylaws will be subject to approval by the Alaska Board of Marine Pilots.

## ARTICLE XI

### DISCIPLINARY ACTIONS AND GRIEVANCES

Section 1. The Board of Directors will hear all signed and written (a) requests from a master or owner of a vessel showing cause to not dispatch a particular pilot to a particular vessel and (b) complaints directed at an individual member of alleged misconduct that affects his continued service as a Southwest Alaska Pilots Association member, or as a business associate, and will likewise hear all signed and written complaints directed at a corporate member for alleged misconduct of its owner that affects its continued service as a Southwest Alaska Pilots Association member, or as a business associate. The accused member (or, as to a corporate member, the owner thereof) shall be entitled to defend himself before the Board of Directors against any charges. The charged member shall be entitled to select an active member of the Association to assist in the defense before the Board.

The Board of Directors has the authority to (a) make a finding of cause to not dispatch a particular pilot to a particular vessel and (b) suspend a member for a period not to exceed thirty (30) days upon the two-thirds (2/3) affirmative vote of the entire Board of Directors for: Violation by the individual member, or as to a corporate member, by the owner thereof of the Bylaws, Articles or Dispatch Policy. However, the Board may elect to refer suspension in question to the voting membership for the final vote, either by paper or electronic ballot or by voting in any regular or special meeting of the voting membership, in which case a two-thirds (2/3) affirmative vote of the voting membership is necessary to suspend a member. In all cases where the disciplinary action recommended by the Board of Directors exceeds a thirty (30) days' suspension, such action must be submitted to the voting membership necessary to invoke the suspension. In all cases, the member charged with misconduct has the right to appeal the suspension by the Board within five (5) days, any penalty imposed shall be held in abeyance until the matter is determined by the voting membership. An appeal from a decision of the Board shall be decided in full or in part by a two-thirds (2/3) affirmative vote of the voting membership. The member charged does not have the right to vote on his own appeal. The individual or corporate member aggrieved by the appellate decision of the voting membership has the right within thirty (30) days after notice of the voting membership's appellate decision to seek arbitration of the issues on appeal. The Association and aggrieved member will be bound by the arbitration decision.

Section 2. In any disciplinary action taken under this Article wherein the final decision rests with the voting membership, the voting membership shall be fully apprised of all pertinent facts by a written report of the findings by the Board of Directors. However, before findings and recommendations of the Board are submitted to the voting

membership, the same will be served on the person charged. The person charged will have twenty (20) days to prepare a written rebuttal if he desires, which will be transmitted with the findings and the recommendations of the Board.

Section 3. In order to expel a member from this Association, a two-thirds (2/3) affirmative vote of the voting membership is necessary. The decision of the voting membership will be final in all cases of expulsion or suspension, and no further charges may be brought against the member for the same incident complained of originally.

Section 4. Any member of the Association (or, as to a corporate member, the owner or any subcontractor, agent or employee thereof) who pilots any vessel subject to the pilotage laws of the United States or of the State of Alaska in Southwest Alaska without being dispatched by the Association will be subject to the disciplinary provisions of these Bylaws.

The foregoing Bylaws of Southwest Alaska Pilots Association was duly approved by two-thirds (2/3) affirmative vote of the voting membership of the Association on the ninth day of August, 2007 and duly amended in accordance with the dated catalogue of revisions attached to these Bylaws .

President

Secretary/Treasurer

**AMENDMENTS TO THE SOUTHWEST ALASKA PILOTS ASSOCIATION BYLAWS PASSED BY TWO-THIRDS (2/3) MAJORITY VOTE:**

AMENDMENT I 3/18/93: ARTICLE IV, SECTION 4, (a) Voting Rights.

AMENDMENT II 3/18/93: ARTICLE VIII, SECTION 4, Determination of Member Shares. (Grandfather current members)

AMENDMENT III 8/16/93: ARTICLE VIII, SECTION 11, Transitional Retirement Program.

AMENDMENT IV 6/7/94: ARTICLE VIII, SECTION 4, Determination of Member Shares. (Allocation of pay distribution for training pilots)

AMENDMENT V 10/17/95: ARTICLE VIII, SECTION 4, Determination of Member Shares. (Multi-factor for deputy pilots)

AMENDMENT VI 11/28/95: ARTICLE III, MEMBERSHIP FEES AND CHARGES. (Addition of Berth II, Incorporated)

AMENDMENT VII 6/2/98: ARTICLE V, SECTION 12, BOARD OF DIRECTORS DUTIES. (Spending limit)

AMENDMENT VIII 10/12/98: ARTICLE III, MEMBERSHIP FEES AND CHARGES. (Addition of Alaska Nautical Services LLC)



AMENDMENT IX 4/30/99: ARTICLE VIII, DIVISION AND DISTRIBUTION OF INCOME, Section 4. (Replace “Any Gross Tons” with “60,000 ton license”.)

AMENDMENT X 1/25/00: ARTICLE VIII, SECTION 11, TRANSITIONAL RETIREMENT PROGRAM. (Add sentence for pilot deciding to return to full pilot status after being on the program.)

AMENDMENT XI 7/26/00: ARTICLE VIII, SECTION 11, (d), TRANSITIONAL RETIREMENT PROGRAM. (Defines months to be on dispatch.)

AMENDMENT XII 11/6/00: ARTICLE VIII, SECTION 11, (d), TRANSITIONAL RETIREMENT PROGRAM. (Extension of time on dispatch for the purpose of accruing 60 shipboard days in a year.)

AMENDMENT XIII 11/2/01: ARTICLE IV, Section 4, Voting Rights. (Changes voting rights from time on dispatch in previous year to ½ vote for participants of the Transitional Retirement Program.)

AMENDMENT XIV 5/7/02: ARTICLE VIII, Section 4, Determination of Member Shares. (Changes percentages for tonnages.)

AMENDMENT XV 9/30/03: ARTICLE VIII, Section 4, Determination of Member Shares. (Change to give Board of Directors authority to decrease share percentage for pilot or deputy pilot should he loose clearance in one or more areas.)

AMENDMENT XVI 4/9/04: ARTICLE VIII, Section 11, Transitional Retirement Program. (Change to add a maximum length of time a pilot can be on the Program.)

AMENDMENT XVII 7/29/04: ARTICLE VIII, Section 11, (a), Transitional Retirement Program. (Change to add participation in the program upon reaching 59-1/2 with 2/3 majority vote of the membership.)

AMENDMENT XVIII 5/11/05: ARTICLE VII, add Section 4, mandatory retirement age.

AMENDMENT XIX 5/11/05: ARTICLE II, add Section 12, the Association adopts the Alaska Marine Pilots Retirement Program.

AMENDMENT XX 6/26/06: ARTICLE VII, Section 4, the Association voted to strike the 70 year mandatory retirement clause.

AMENDMENT XXI 6/26/06: ARTICLE VIII, Section 11, add paragraph (g) to give the board authority to extend the period for one or more years.

AMENDMENT XXII 8/21/06: ARTICLE VI, Officers, Section 2 adding that the President shall be the Director receiving at least 50% of the votes.

AMENDMENT XXIII 8/21/06: ARTICLE VIII, Section 11 (f) amended to read that the membership, by 2/3 affirmative vote, may extend the transitional retirement period for one or more years.

AMENDMENT XXIV 11/2/06: ARTICLE VIII, Section 4. Determination of Member Shares to increase share percentages for Deputy Pilots.

AMENDMENT XXV 8/9/07: ARTICLE II, Section 12. Delete entire section to remove reference to the Alaska Marine Pilots Retirement Program.

AMENDMENT XXVI 02/25/09: ARTICLE VIII, Section 4. Change 60,000 gross ton license and 80,000 gross ton license to 65,000 and 90,000 gross tons in order to reflect changes to 12 AAC 56.011 sections (3), (7), (8c) and (8d) - tonnage increases implemented by BOMP - January 29, 2009.

AMENDMENT XXVII 06/11/12: ARTICLE VIII Section 11(d). Allow a transitionally retired pilot to work the May 1 to Sept 30 period AND/OR during Winter Ice Guidelines when Lower Cook Inlet B conditions (LCIBC) are in effect (not to exceed 153 days).

AMENDMENT XXVIII 09/20/12: ARTICLE X Section 2(c). Period of time to return a ballot is changed from thirty

(30) days to twenty (20) days.

AMENDMENT XXIX 03/31/18: ARTICLE VIII Section 4. 65% share for members and deputies holding a 25,000 ton license is changed to a 50,000 ton license in order to reflect changes to 12 AAC 56.011 (a) (1) - tonnage increase implemented by BOMP – to take effect April 14, 2018.

AMENDMENT XXX 10/04/19: ARTICLE VIII Section 12. Member on qualified disability status is not required to pay shared expenses for the period they qualify for disability status.

AMENDMENT XXXI 11/13/19: ARTICLE IV, Section 2. Amend wording to clarify requirements for membership meetings.

AMENDMENT XXXII 11/13/19: ARTICLE V, Section 12 (c). Increase approval for payment of all non-routine statements and accounts to \$5,000.00.

AMENDMENT XXXIII 11/14/19. ARTICLE VIII, Section 11 (f). Clarification of maximum time a pilot may be transitionally retired.

AMENDMENT XXXIV 11/14/19. ARTICLE V, Section 3. To allow a non-full-time full member (transitional pilot) to serve on the SWAPA Board of Directors.

AMENDMENT XXXV 11/14/19. ARTICLE II, Section 6 and ARTICLE III. Requirement for a full member to maintain their relevant status.

AMENDMENT XXXVI 11/15/19. ARTICLE VIII, Section 10, sub-section I and Section 10, sub-section II. To both clarify and add definitions for members, contract pilots and trainees.

AMENDMENT XXXVII 11/15/19. ARTICLE II, Sections 4 and 5, ARTICLE V, Section 12 (1) and removal of ARTICLE IX. Removal of references to Operating Rules as not legally required for an Association operating under Bylaws and Articles of Association.

AMENDMENT XXXVIII 01/07/20. VARIOUS. General cleanup of language and terminology in the SWAPA Bylaws to endeavor to ensure consistency and clarity throughout document.

AMENDMENT XXXIX 09/15/20. ARTICLES V, IX AND XI. Amendment to balloting procedures to allow for electronic balloting process in addition to paper ballots.

AMENDMENT XL 09/15/20. ARTICLE VIII Section 4. 70% share for members and deputies holding a 65,000 ton license is changed to a 95,000 ton license and 75% share for members and deputies holding a 90,000 ton license is changed to a 110,000 ton license in order to reflect changes to 12 AAC 56.011 (a) (3) and (a) (7) - tonnage increase implemented by BOMP – to take effect September 19, 2020.

AMENDMENT XLI 05/07/21: ARTICLE III. Amendment to time limit for full membership purchase agreements.

AMENDMENT XLII 12/02/21: ARTICLE IV Section 4 (a). One half (1/2) vote for deputy members in SWAPA only, until deputy member satisfies the requirements for full membership under Article III.

# **BOARD OF MARINE PILOTS**

## **Regulations - Renewal Requirements**

# Steps in the Board Regulation Adoption Process

<i>Day 1</i>	<p><b>1</b> At an open meeting, the board votes on language to change regulations. This motion is forwarded to the Division Regulations Specialist for drafting.</p>	<i>Day 65</i>	<p><b>7</b> Division Regulations Specialist compiles answers to questions and posts FAQ on the program web page.</p>	<p><i>Once Regulations Are Effective</i></p> <p><b>14a</b> Agency posts summary on Alaska Online Public Notice System</p> <p><b>14b</b> Regulation published in Alaska Administrative Code</p> <p><b>14c</b> Forms &amp; FAQ updated on program web page</p>
<i>Day 30</i>	<p><b>2</b> Once drafting is complete, the board holds another public meeting to edit or approve draft for public notice.</p>	<i>Day 75</i>	<p><b>8</b> Regulations Specialist compiles public comments for distribution to board.</p>	
	<p><b>3</b> Approved language is reviewed by Division attorney.</p>	<i>Day 90</i>	<p><b>9</b> Board holds an open meeting to review public comments, make minor changes, and adopt regulations. Substantive changes may require additional drafting and public notice (Step 2).</p>	
	<p><b>4</b> Department of Law opens file.</p>		<p><b>10</b> Division submits final regulation package to Department of Law for review and approval, and to the Governor's office.</p>	
<i>Day 45</i>	<p><b>5</b> Division publishes and distributes public notice, additional regulation notice information, and proposed regulation to all licensees and interested parties. Public notice posted in newspaper and on Alaska Online Public Notice System</p>		<p><b>11</b> Agency attorney reviews regulation</p>	
	<p><b>6</b> Public comment period and/or hearing (if applicable).</p>	<i>Day 110</i>	<p><b>12</b> Regulations attorney reviews and either approves or disapproves regulation</p>	
		<i>Day 150</i>	<p><b>13</b> Unless returned by the Governor, Lt. Governor's office files approved regulation; regulations become effective in 30 days</p>	

All timeframes are estimated, dependent upon staff and attorney workflow and board scheduling.

## Steps in the Regulation Process for a Board and Commission (board)<sup>1</sup>

### Beginning the Process

1. At an open meeting, the board initiates and votes on proposed regulation changes.
2. **Reason:** Identify the reason for the proposed action, such as compliance with new or changed state law. If applicable, identify the law, order, decision, or other action of the federal government, or federal or state court, if that is the basis for the proposed action. The description need only be a sentence or two.
3. **Cost information:** In the meeting minutes there must be estimated costs in the aggregate to comply with the proposed action to:
  - A private person
  - Another state agency
  - A municipality

Cost information is described simply as an estimate of annual costs within the board's ability to determine due to its familiarity with the regulated community.

Example: The Board of Chiropractic Examiners is proposing to add three CE credits to their continuing competency requirements for a biennial license renewal. The proposal may cost

- A private person: \$50 per applicant/licensee
  - Another state agency: None known
  - A municipality: None known
4. Within 10 days of the meeting, board staff must transmit board minutes<sup>2</sup> or an excerpt of the minutes, draft language or proposals, and a completed Regulations FAQ Worksheet for the proposed regulation changes requested by the board to the Regulations Specialist.

### What comes next: Regulations Specialist

5. The Regulations Specialist determines if there is authority in statute to adopt the proposed regulation changes.
6. The Regulations Specialist prepares a draft of regulation changes, using the Department of Law's *Drafting Manual for Administrative Regulations* for conformity and style, and works with board staff before submitting the final draft to the board for review/approval. In some instances the draft regulation changes will be reviewed by an AAG before the final draft is submitted to the board for review/approval.
7. Once completed, the draft proposed regulation changes are presented to the board at its next public meeting to review and approve the final draft, amends if needed, and requests that the approved draft be finalized and public noticed.

## Public Notice

8. NOTE: The board must **always** provide an opportunity for submission of written comments in the regulation-adoption process. Also, the board should determine if it wants to hold a public hearing on the proposed regulation changes at its next meeting. If it does, the location, date and time of the hearing needs to be included in the public notice. Public hearings are usually held in conjunction with a regularly-scheduled meeting of the board and are always recorded. Oral public hearing is optional; however, answering the following questions will help the board determine if an oral public hearing is needed:
- Are the regulations controversial and is there likely to be substantial public interest in them?
  - Would those most affected by the regulations be better able to participate if an oral hearing were held?
  - Would the board benefit from a face-to-face or teleconferenced opportunity to receive comments on the proposed regulations from interested persons?
9. Regulations Specialist sends notice to Alaska Dispatch News (or other newspapers if warranted) for publication, all interested parties, and licensees, if warranted. The Regulations Specialist posts the notice on the Alaska Online Public Notice System, electronically transmits a copy of the notice and proposed regulation changes to all incumbent legislators and the Legislative Affairs Agency, House & Senate Labor & Commerce Committees, Legislative Council, Lt. Governor, Governor, and Department of Law (Law). It is also emailed to board members and affected staff, including the commissioner's office. Public notice will be posted on the board's webpage.

## Comment Period

10. The Regulations Specialist or board staff shall make a good faith effort to answer relevant questions received at least 10 days before the end of the public comment period. Questions must be in writing or asked at the legally noticed public meeting. The Regulations Specialist or board staff shall answer questions in writing and make the questions and answers available on the Alaska Online Public Notice System and the board's webpage. FAQs will be posted on the board's webpage and updated when relevant questions are answered. The Regulations Specialist or board staff may, but are not required to, answer written questions received after the 10-day cutoff date.
11. After the comment deadline (at least 30 days in duration), comments received on proposed regulation changes are compiled and copied by the Regulations Specialist and given to board staff to include in the board packets for the next open board meeting to be considered prior to adopting. Comments received after the deadline should not be forwarded to the board and comments should not be taken at the board meeting from the public prior to adoption unless a hearing was noticed and the comments are heard by the board during the comment period.

## Adoption

12. The board's options regarding the proposed regulation changes at its next meeting are:

- a. It can adopt the proposed regulation changes as written/publicly noticed, amend, and adopt them; or
  - b. Choose to take no action on them.
  - c. Substantive changes may require additional drafting and public notice (see Step 7 above).
13. When making a motion to adopt the regulations, the board is required to state on the record that it has reviewed any comments received, and considered the cost to private persons of the regulatory action being taken.
14. When regulation changes are adopted:
  - a. The chair signs the adoption/certification order; and
  - b. The board staff signs an affidavit of board action and/or affidavit of oral hearing (if applicable) and attaches it to the relevant minutes or an excerpt of the minutes and forwards to the Regulations Specialist.

### **Finalizing the regulation change process**

15. Regulations Specialist prepares the final regulation package for transmittal to Department of Law for final review/approval, which includes the adopted regulations, certain affidavits, and other appropriate documents.
16. Assigned agency attorney reviews the regulations.
17. Regulations attorney reviews and either approves or disapproves regulation changes. Law reviews and will occasionally make edits. (On rare occasions, this may require the edited version to be re-adopted by the board at a subsequent meeting.) At the same time, the adopted regulations are submitted to the governor for review. The governor has 30 days to review the regulations under AS 44.62.040(c), and return the regulation for specified reasons.
18. Unless returned by the governor, when the governor and Law's review are complete, the adopted regulations are forwarded to the Lt. Governor for filing. Regulation changes are effective 30 days after filing unless a later effective date is specified in the adoption order.

### **Once regulations are effective**

19. Agency posts summary of approved regulation changes on Alaska Online Public Notice System.
20. Agency updates statutes and regulations board webpage.
21. Regulation published in Alaska Administrative Code.

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<sup>1</sup> The process may take six months to a year or longer to complete. It may be expedited if a board meets often or holds a teleconference following the written comment period to adopt the final regulations. Department of Law workload also plays a big part in the timeframe.

<sup>2</sup> Board minutes reflecting concisely what the project entails plays an important part in getting a project rolling. This is true for the initial stages and the final motion adopting the regulations following the public comment period due to the relevant minutes or an excerpt of the minutes being forwarded to the Department of Law with the final project.



Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.

12 AAC 56.080. BIENNIAL LICENSE RENEWAL.

**(f) During a public health emergency, natural disaster, or other regional or statewide crisis prohibiting most licensees in one or more regions from completing the requirements of AS 08.62.120(a)(4)(B), the board may adopt alternative standards for compliance with this section.**

In addition, if the sections in **green** below are problematic, the board may want to adopt similar regulations as above or, at the very least, publicize the availability of these courses or simulations so licensees can ensure they schedule them if not taken in the preceding two renewals.

The section in **blue** could require board approval of new “emergency” program standards for each regional training program.

12 AAC 56.083. CONTINUING EDUCATION REQUIREMENTS. (a) Repealed 5/31/2000.

(b) A marine pilot with a VLCC endorsement applying for license renewal for a license period that begins on or after January 1, 2001, shall document that the marine pilot has satisfactorily completed a manned model course **during one of the three biennial license periods immediately preceding the license period for which renewal is sought.**

(c) Repealed 5/26/2007.

(d) Repealed 7/15/2006.

(e) A marine pilot or deputy marine pilot applying for license renewal for a license period that begins on or after January 1, 2008, shall document that the pilot has satisfactorily completed a board approved simulator or manned model course at a board approved facility **within one of the three biennial license periods immediately preceding the license period for which renewal is sought.**

(f) A marine pilot or deputy marine pilot applying for license renewal for a licensing period that begins on or after January 1, 2008, shall document that the pilot has satisfactorily completed continuing education as **required in a board approved regional training program.**

**EXECUTIVE SESSION MOTION**

I, \_\_\_\_\_, 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 \_\_\_\_\_

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Board staff member(s) \_\_\_\_\_ to remain during the session.

Off record: \_\_\_\_\_  
On record: \_\_\_\_\_

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- matters involving consideration of government records that by law are not subject to public disclosure.

# **BOARD OF MARINE PILOTS**

**Candidate Interview and  
Request for Training extension;  
Documents not available for  
public review.**

# State of Alaska 2022 HOLIDAY CALENDAR

## State Holidays

Date	Holiday
01/01/2022	New Year's Day (observed 12/31/2021)
01/17/2022	MLK Jr.'s Birthday
02/21/2022	Presidents' Day
03/28/2022	Seward's Day
05/30/2022	Memorial Day
07/04/2022	Independence Day
09/05/2022	Labor Day
10/18/2022	Alaska Day
11/11/2022	Veterans' Day
11/24/2022	Thanksgiving Day
12/25/2022	Christmas Day (observed 12/26/2022)

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

  Holiday



## JANUARY

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## FEBRUARY

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## MARCH

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## APRIL

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## MAY

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## JUNE

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## JULY

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## AUGUST

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## SEPTEMBER

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## OCTOBER

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30	31					

## NOVEMBER

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## DECEMBER

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