

Name	Office	Board Seat		Date Appointed	Term Expires
Les (Leslie) Cronk		Agent	Ketchikan	3/1/18	3/1/22
Rick Harris		Public Member	Juneau	12/18/17	3/1/20
Peggy McLaughlin		Public Member	Dutch Harbor	5/26/17	3/1/22
Lucas Hasenbank		Agent/Manager	Anchorage	3/1/20	3/1/24
Edward Sinclair		Pilot	Juneau	3/1/19	3/1/23
Curtis Thayer	Chair	Dep.Com./DCCED/Designee	Anchorage	4/11/19	n/a
Ronald Ward II	Secretary	Pilot	Anchorage	3/1/17	3/1/21



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

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

Meeting ID: **936 9737 6829**

TENTATIVE MEETING AGENDA
October 9, 2020

1. 10:00 am Roll call/Call to Order
2. 10:05 am Review Agenda
3. 10:15 am Ethics Disclosures
4. 10:20 am Review/approval minutes
 - a. April 9, 2020
 - b. April 29, 2020
 - c. July 29, 2020
5. 10:30 am Cruise Industry Update – M. Tibbles
6. 10:45 am Investigations Report
7. 11:15 am Regulations (*review language for withdrawn portion July meeting*)
8. 11:30 am Deputy Marine Pilot Candidate Interview(s)
 - A. Executive Session
9. 11:45 am SWAPA Training Program and Bylaws amendments
10. 12:00pm Association Reports
 - i. Southeast Alaska Pilots Association
 - ii. Southwest Alaska Pilots Association
 - iii. Alaska Marine Pilots
11. 12:30 pm Foreign Pleasure Craft Exemptions Subcommittee Report
12. 1:00 pm Division Update
 - A. Fiscal Report
 - B. Foreign Pleasure Craft Exemptions granted 2016-2020
13. 1:30 pm Adjourn



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

BOARD OF MARINE PILOTS

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2525
Fax: 907.465.2974

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

BOARD OF MARINE PILOTS

**MINUTES OF MEETING
April 9, 2020**

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 April 9, 2020.

Call to Order/Roll Call April 9, 2020

The meeting was called to order by Chairman Curtis Thayer, at 9:03 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer
Les Cronk
Rick Harris
Peggy McLaughlin
Captain Edward Sinclair
Captain Ronald Ward II
Lucas Hasenbank

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

Renee Hoffard, Marine Pilot Coordinator
Greg Francois, Senior Investigator

Visitors present included:

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA)
Captain John Herring, Southeast Alaska Pilots Association (SEAPA)

Captain Andrew Wakefield, Southwest Alaska Pilots Association (SWAPA)
Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)
Captain David Arzt, Alaska Marine Pilots (AMP)
Paul Axelson, Northern Pacific Maritime
LCDR Bart Buessler - National Oceanic and Atmospheric Administration (NOAA)
Tom Rueter
Captain Robert Dersham
Captain Donal Ryan, Southwest Alaska Pilots Association (SWAPA), Training Chair
Rick Erikson, Cruise Line Agencies of Alaska

Agenda Item 2(A) – Review Agenda

MPC Hoffard notified the board that a response has not been received for Agenda Item #9; Dept. of Law regarding emergency regulations in response to the COVID-19 pandemic.

Agenda Item 2(B) – Declarations/Recusals

The board had no declarations or recusals.

Agenda Item 3 – Review Meeting Minutes

The Board reviewed the minutes of the January 16-17, 2020 meeting.

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

RESOLVED to approve the minutes of the January 16-17, 2020 meeting as written.

The Board reviewed the minutes of the March 12, 2020 teleconference.

Upon a motion duly made by Captain Ward, seconded by Captain Sinclair, and approved unanimously, it was:

RESOLVED to approve the minutes of the March 12, 2020 teleconference as written.

Agenda Item 4 – Public Comment – Not related to the current regulation amendments.

There was no one present that made a request to address the Board.

Agenda Item 5 – Board Business

- Review of task list – January Board meeting
 - MPC Hoffard was tasked with 4 items at the January meeting
 - a. OnBoard voting tool – was created prior to the first application submitted to the board for review and has been attached to each ballot. Mr. Harris stated he appreciated the tool, it provided the steps needed for voting.

- b. List of former board members with current licenses sent to investigations – the list was sent to Inv. Francois.
- c. Expert Witness rates – the current rates for expert witnesses are approximately \$200 per hour; the most recent expert witness contract for the Board of Marine Pilots was in August 2018 at the rate of \$200 per hour. Research showed that \$200 per hour is a common rate for expert witnesses.
- d. Inquiry to Alaska Marine Highway (AMHS) regarding observer rates – AMHS responded to the inquiry that it was determined to charge current full fare at the current rate for the general public. This was in response to the need to generate revenue to operate the system and cover the costs of the program. Mr. Harris stated that he was not comfortable with AMHS’s response, he feels that they are doing a disservice to the marine pilot industry. Captain Ward agreed with Mr. Harris and also expressed his concerns with the lack of ferries. The ferry system is an important component for acquiring federal pilotage requirements. Captain Sinclair noted that it was very short sighted of the ferry system to believe that trainees were going to keep the ferry system afloat. Captain Sinclair felt a response expressing the boards disappointment with the response receive was warranted and was tasked to draft the response to AMHS for the board to review and approve via email.
 - o Letter to USCG regarding FOIA requests – the letter was drafted by Inv. Francois and mailed to the USCG and the congressional delegation February 20, 2020. Chair Thayer stated that he will ask Inv. Francois if the letter has had any results when he joins the meeting for the Investigative report.
 - o Letter to division regarding travel – Captain Ward drafted the letter and submitted it. It was sent to the Commissioner and discussed in person with her by Chair Thayer. The April board meeting was approved for travel and scheduled to be held in Juneau. It was only converted to a video/teleconference in response to COVID-19 travel restrictions. The board was satisfied that their concerns with travel were heard and addressed prior to the current global situation.

- Review Board Actions – Actions taken January 18, 2020 – April 6, 2020

Date	Motion	Voting Tabulation	Action
3/4/2020	FPC – Espiritu Santo	Sinclair-Y, Ward-Y, Harris-Y, Cronk-Y, Thayer-Y	Approved 5-0
4/1/20	C. Vermette Marine Pilot, VLCC	Cronk-Y, Harris-Y, Sinclair-Y, Thayer-Y, Ward-Y	Approved 5-0
3/23/20	FPC – Cielo Mare		Closed – no action

Agenda Item 6 – Division Update

- Revenue/Expenditure Report and Fee analysis for 2021-2022 renewal cycle.

MPC Hoffard reviewed the 2nd quarter FY2020 fiscal report with the board. At this time the board has a surplus of \$261,534. She reviewed the revenue and expenses for the quarter. She explained that due to the administration mandates regarding COVID-19, no increases will be proposed. The division had already completed the fee analysis prior to the start of the COVID-19 pandemic and was not recommending any fee changes for the upcoming renewal cycle. Chair Thayer asked if the division had considered the MPC position is now shared with another program in the projections. Ms. Hoffard stated that she had been informed that they used the information from the time that Ms. Hondolero worked for the board given she also worked with another program. Mr. Thayer also asked if the revenue from foreign pleasure craft exemptions was available. Ms. Hoffard stated she would gather that information for the board.

Upon a motion duly made by Captain Ward, seconded by Rick Harris, and approved unanimously via roll call, it was:

Resolved to accept the fee recommendations for the 2021-2022 renewal cycle as proposed by the division.

Agenda Item 7 – Association responses – COVID-19

Chair Thayer explained that this was listed as an agenda item to provide the board with the association responses to the Governor's request for central services of plans for responding to COVID-19. Each association provided a copy of the policies adopted and presented to the Department of Commerce.

Agenda Item 9 – Dept. of Law response, Emergency regulations; COVID-19

Chair Thayer provided an overview of SB241, a senate bill passed by the legislature at the request of the Governor as a response to COVID-19. One of the many topics of the bill is Boards and Commissions and waiving the continuing education requirements that many licenses have. The Department of Law is still reviewing the bill in order to provide sound advice for what it means for professional licensing programs. Captain Ward commented that continuing education may be acquired by the end of the year but the days on vessel requirements may not be met by pilots in some regions. He asked that the board get clear advice on waiving that requirement. Chair Thayer assured him that it has been clear in SB241 hearings that it is not the intention to penalize anyone for COVID-19 related delays. Ms. Hoffard stated that she had made sure to expressly address the days on vessel continued competency requirement. The division is working to make sure that requirement is addressed by the division. Peggy McLaughlin echoed Captain Ward's concerns and potential problems with trainees.

Chair Thayer asked Ms. Hoffard if there was any new information regarding examinations. Ms. Hoffard stated that examinations provided by the division will not be rescheduled until the division offices are open to the public. Captain Ward asked if it would be an option to provide the exams outside of the division office. Captain Ward and Captain Sinclair proposed that they proctor exams for candidates in their regions so those applicants can move forward in the licensing process. The board briefly discussed the various options for exams to be given outside of the division.

Upon a motion duly made by Captain Ward, seconded by Les Cronk, it was:

*Resolved to approve emergency examination protocols.
Upon discussion this motion was tabled until after lunch in order to allow for more defined language and further information. Captains Sinclair and Ward were tasked to clarify the motion language with Rick Harris during the break.*

Agenda Item 10 – Investigative Report

Chief Francois joined the meeting to provide the investigative report for the period of January 4, 2020 thru April 8, 2020. The division closed 2 cases during this time period and have 7 open cases that are active. More information has been received and he anticipates action on those cases in the near future. Chair Thayer asked if the letter submitted regarding FOIA requests had any results. Chief Francois stated that he believes it will prove beneficial in the future.

Upon a motion duly made by Captain Ward, seconded by Mr. Rueter, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with the provision of Alaska Status 44.62.310(c) for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. Board staff is requested to remain during the session.

Off record at 9:52 am

Back on record at 10:18 am

Upon a motion duly made by Les Cronk, seconded by Peggy McLaughlin, and approved unanimously via roll call, it was:

Resolved to set a cap on rates for expert witness for investigations at \$200 per hour.

Agenda Item 15 – Cruise Line Association update, COVID-19

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA) joined the board to provide an update of the cruise industry response to COVID-19. He provided a brief overview of the global cruise industry to the pandemic following World Health Organization. He informed the board of all changes to the Alaska schedule as of April 9, 2020 (Appendix A); these changes have resulted in a total of 140 voyages being cancelled. CLIA expects additional announcements that will affect the schedule to be announced soon. The cruise industry has been working to update policies in regard to resuming services as soon as possible while maintain safety. Chair Thayer asked if Mr. Tibbles knew the total number of normal voyages; Mr. Tibbles stated that Alaska was expecting just over 600 voyages. Mr. Harris asked if the future announcements would be for more cancellations. Mr. Tibbles does anticipate there to be more suspension of services beyond what was presented to the board. Chair Thayer asked Mr. Tibbles to provide more information to MPC Hoffard for be distribution to the board on a monthly basis.

Agenda Item 11 – Pilot Association Reports

Southeast Alaska Pilots' Association (SEAPA)

Captain Herring presented the association report for SEAPA. SEAPA is watching the cruise schedules closely and preparing internally for no cruise ships arriving this season. The association has only had a few cargo ships since the pandemic started and are closely following the policies. At present the association has 46 pilots; there are 4 trainees awaiting the local knowledge exam. The association would appreciate any measures taken by the board to facilitate the exams. As for effects of COVID-19, issues of license renewal for days on vessel. Deputies will also not be able to upgrade their license, this will be an issue if/when traffic returns to normal next year. He also spoke to the issues with Alaska Marine Highway, due to their closures trainees are behind on observing ferry routes. The association has made temporary pick-up changes in efforts to avoid rural communities with limited health care in order to protect both the communities and the pilots.

Alaska Marine Pilots (AMP)

Captain David Arzt provided the association report for AMP. AMP has 3 apprentices at this time. The association has halted apprentice ride and trainee in efforts to minimize exposure to apprentices and customers. The policies adopted by AMP have been shared with their customers and will be adjusted as needed. The biggest hurdle AMP is currently facing is transportation with the closing of Ravn Air. They are currently using Alaska Airlines and managing the situation. They have been in close contact with their customers to monitor the ongoing situation and provide safe pilotage for vessels coming and going within the region.

Southwest Alaska Pilot Association (SWAPA)

Captain Andrew Wakefield presented the association report for SWAPA. He thanked the other associations for the collaborative efforts on developing plans for COVID response. SWAPA currently has 16 VLCC qualified pilots, 2 deputies with 90,000 tons qualified licenses, 2 trainees and 3 observers. SWAPA has suspended all trainee and observing until further notice. 1 trainee is ready for the local knowledge exam and the association would be appreciative of any efforts to allow the exams so the trainee can go to work. The association has purchased vehicles to transport pilots via the road system to accommodate for the closure of Ravn Air.

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

Resolved to recess for lunch break until 1:25 pm

Off record at 10:43 am

Back on record at 1:24 pm

Agenda Item 12 – Oral Testimony – Draft Regulation Amendments

Chair Thayer opened oral testimony for proposed regulation amendments for:

1. 12 AAC 56.011.
2. 12 AAC 56.018.
3. 12 AAC 56.019.
4. 12 AAC 56.026.
5. 12 AAC 56.029.

6. 12 AAC 56.031.
7. 12 AAC 56.033
8. 12 AAC 56.990.

Captain David Arzt, President, Alaska Marine Pilots – Captain Arzt is in support of the regulation amendments as outlined by Chair Thayer. He believes that the amendments will result in deputy marine pilots that are higher qualified, bringing them up the level of vessels that are now being seen in various regions within the state. He feels the amendments to the apprenticeship training program, it will enhance the development of the candidate. It will improve associations ability to respond to changes in traffic and will be a benefit to customers served by pilot associations in the state.

Captain Donal Ryan, Training Chair, Southwest Alaska Pilots Association. - Captain Ryan stated he supports the amendments. He feels the amendments for trainees will allow trainees to complete the training in a more efficient manner. It will allow for more practical and efficient training for candidates. It will allow more flexibility for association training programs which may allow for more trainee's overtime to be in the training program while maintaining or increasing the standards of training.

As no one else expressed interest in providing oral testimony. Chair Thayer reminded the public that written comments will be accepted until 4:30 pm on April 27, 2020. Anyone wishing to provide written comment should ensure that those comments are submitted to the division by the deadline. Chair Thayer closed oral testimony.

MPC Hoffard provided a brief overview of the regulation amendments process and estimated timelines.

The board returned to the discussion of the exam protocols.

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

Resolved to withdraw the table motion for exam protocols in response to COVID-19.

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

Resolved to adopt the following exam protocols in response to COVID-19.

Due to the travel restrictions caused by the Covid-19 virus, the procedures for Marine Pilot exams will use the following; the licensing exams will be proctored by the association president or the training chair at a location they select. In addition, a Board of Marine Pilot member must be present either in person or by video conference. These procedures will remain in effect for the duration of the Covid-19 travel restrictions.

MPC Hoffard informed the board that the division had approved the board's recommendation via email and she will work with the associations to schedule exams for the qualified candidates.

MPC Hoffard provided the revenue generated by Foreign Pleasure Craft (FPC) exemptions for the past 3 previous years. She estimates that the board will not receive approximately \$67,000 in revenue due to the lack of FPC exemption applications for the summer 2020 season.

MPC Hoffard shared with the board that she had received information from the FPC application that closed with no action. The applicant is working to resolve the issue and once the information is provided, Ms. Hoffard will create a new ballot for the exemption in OnBoard for review.

Board Comments

The board did a round table of closing comments. The board members all expressed their appreciation for the work MPC Hoffard has been doing. Several board members appreciated the work that was completed during the lunch break to draft the language to address the exam protocols for the current situation. They are pleased with the use of OnBoard and look forward to future meetings.

Chair Thayer reminded the board that a special teleconference would be called in May once the public comment period closes to review comments and move the regulations project forward.

There being no further business, the meeting adjourned at 1:46 p.m.

Respectfully Submitted:

Renee Hoffard
Marine Pilot Coordinator

Approved:

Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: _____

2020 Alaska Schedule Update: As of April 9th, 2020

Vancouver closed until July 1st for ships over 12 passengers

Seattle closed indefinitely

Holland America – Suspends sailings through May 14th

- Seven ships combined, canceling a total of 14 voyages = 26,310 passengers

Royal Caribbean/Celebrity – Suspends Alaska sailings through June 30th

- Six ships combined, canceling a total of 41 voyages = 113,954 passengers

Princess Cruises – Suspends voyages through May 10th

- Four ships combined, canceling a total of 4 voyages= 10,232 passengers

Carnival Cruise Lines- Suspends sailings through June 30th / Carnival Miracle cancels season

- Two ships combined canceling a total of 21 voyages= 44,604 passengers

Norwegian/Oceania/Regent Cruise Line- Suspends sailings through May 10th / Norwegian Sun cancels season

- Four ships combined, canceling a total of 20 voyages= 46,248 passengers

Windstar Cruises- Cancels entire 2020 Alaska season

- One ship, canceling 7 voyages= 2,184 passengers

Viking Cruise Line- Suspends sailings through June 30th

- One ship, canceling a total of 7 voyages= 6,510 passengers

Disney Cruise Lines - Suspends sailings through June 30th

- One ship, canceling a total of 7 voyages = 16,800 passengers

Hurtigruten - Suspends sailings up through June 30th

- One ship, canceling 4 voyages = 2,120 passengers

Lindblad- Suspends sailings up through June 1st

- Four ships combined, canceling at total of 15 voyages = 1,110 passengers

Total Alaskan Voyages canceled: 140

Total Lower Berth Passenger Loss: 246,372



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Department of Commerce, Community,
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BOARD OF MARINE PILOTS

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2525
Fax: 907.465.2974

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

BOARD OF MARINE PILOTS

**MINUTES OF MEETING
April 29, 2020**

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 April 29, 2020.

Call to Order/Roll Call April 29, 2020

The meeting was called to order by Chairman Curtis Thayer, at 10:03 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer
Les Cronk
Rick Harris
Captain Edward Sinclair
Captain Ronald Ward II
Lucas Hasenbank

Peggy McLaughlin – Unexcused absence

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:

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA)
Captain John Herring, Southeast Alaska Pilots Association (SEAPA)

Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)
Paul Axelson, Northern Pacific Maritime
Rick Erikson, Cruise Line Agencies of Alaska
Captain Jon Cornelius
Captain John Stewart
Captain Aaron Golczynski

Agenda Item 2 – Review Agenda

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

RESOLVED to approve the agenda as written.

Agenda Item 2(B) – Declarations/Recusals

The board had no declarations or recusals.

Agenda Item 3 – Regulations Project

The Board reviewed the proposed regulation amendments and the public comments received for the amendments. No written comments were submitted, there were 2 oral testimonies at the board's April 9, 2020 board meeting.

Upon a motion duly made by Captain Ward, seconded by Captain Sinclair, and approved via roll call, it was:

RESOLVED to adopt the regulation amendments as public noticed and discussed. The regulations amended are:

12 AAC 56.011(a)(3), (a)(7), (c), (d)

12 AAC 56.018(a)

12 AAC 56.019(a), (a)(3)

12 AAC 56.026(a)(2)

12 AAC 56.029(9)

12 AAC 56.031(a)(1), (b)(1), (b)(2), (c)(3)

12 AAC 56.033(b)(2), (c)(1)

12 AAC 56.990(f)

Agenda Item 4 – Cruise Line Association update, COVID-19

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA) joined the board to provide an update of the cruise industry response to COVID-19. He updated the board on announcements that have been made for cancellations since he addressed the board on April 9. The majority of CLIA members have suspended voyages through June. The total number of canceled voyages is 408 which represents approximately 68% of the expected season. This is just over 800,000 passengers that will not be coming this season. Canada will have a slow, phased in re-opening, there has not been clear information about that at this time; they will

reevaluate in July. The port of Seattle is closed until the resolution of the public health emergency. The Center of Disease Control issued a 100 day no-sail order which will end July 24, 2020. There is a small possibility that the 100 days could be reduced but it is unlikely. There has been a lot of work being done for safe resuming of sailing. CLIA has developed a framework for individual cruise lines to submit plans to the CDC regarding the ships during the no-sail order. Work continues on the larger return to service plans; the industry recognizes the need for comprehensive health plans and changes that need to be made. CLIA has a medical working group assisting with the health plans and will notify the board when they have more information.

Agenda Item 5 – Oral Interviews/Application Review

Upon a motion duly made by Captain Ward, seconded by Lucas Hasenbank, and approved via roll call, it was:

RESOLVED to enter into executive session for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. Board staff to remain during the session.

Off record at 10:17 am

Back on record at 11:09 am

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

RESOLVED to approve the Deputy Marine Pilot license for Captain Jon Cornelius for pilotage on vessels up to 50,000 gross tons in Region 1 with the exception of West Coast of Prince of Wales Island.

Upon a motion duly made by Captain Ward, seconded by Luke Hasenbank, and approved via roll call, it was:

RESOLVED to approve the Deputy Marine Pilot license for Captain John Stewart for pilotage on vessels up to 50,000 gross tons in Region 2 with the exception of the port of Seward, October 1 – April 1.

Upon a motion duly made by Captain Sinclair, seconded by Captain Ward, and approved via roll call, it was:

RESOLVED to approve the Deputy Marine Pilot license for Captain Aaron Golczynski for pilotage on vessels up to 50,000 gross tons in Region 1 with the exception of West Coast of Prince of Wales Island.

Chair Thayer asked if there were any additional items for the board to consider. MPC Hoffard informed the board that she had submitted information regarding SB241 and the board's authority to modify or reduce renewal requirements for the upcoming December 2020 renewal. Chair Thayer and MPC Hoffard will work on a draft board order that will make concessions for

renewal requirements in response to COVID-19, the board will review the draft and vote via OnBoard on the order.

Upon a motion duly made by Rick Harris, seconded by Captain Ward, and approved unanimously, it was:

RESOLVED to adjourn the meeting.

Chair Thayer adjourned the meeting at 11:18 am.

Respectfully Submitted:

Renee Hoffard
Marine Pilot Coordinator

Approved:

Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: _____



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BOARD OF MARINE PILOTS

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2525
Fax: 907.465.2974

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

BOARD OF MARINE PILOTS

**MINUTES OF MEETING
July 29, 2020**

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 July 29, 2020.

Call to Order/Roll Call July 29, 2020

The meeting was called to order by Chairman Curtis Thayer, at 10:04 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer
Les Cronk
Rick Harris
Captain Edward Sinclair
Captain Ronald Ward II
Lucas Hasenbank
Peggy McLaughlin

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:

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA)
Captain John Herring, Southeast Alaska Pilots Association (SEAPA)
Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)

Paul Axelson, Northern Pacific Maritime
Rick Erikson, Cruise Line Agencies of Alaska

Agenda Item 2 – Review Agenda

Upon a motion duly made by Captain Ronald Ward, seconded by Captain Edward Sinclair, and approved unanimously, it was:

RESOLVED to approve the agenda as amended to include association reports from each of the state pilot associations.

Captain Ward stated that the board routinely meets in July and addresses all board business at the July meetings. He asked that MPC Hoffard ensure that review of board meeting minutes and association reports be on each agenda for scheduled meetings held via video/teleconferencing or in-person.

Agenda Item 2(B) – Ethics Declarations/Recusals

The board had no ethics declarations or recusals.

Agenda Item 3 – Yacht Packet Review

The Board reviewed the updated documents for the yacht navigation packet. After discussion it was determined that the contact list for Yacht Services of Alaska did not need to be included in the packet but should be provided to MPC Hoffard. MPC Hoffard asked the board if it would be acceptable to have each document posted to the board webpage as stand-alone documents opposed to a large packet. The packet historically had been compiled into 1 document that is too large to post and has subsequently been split into two documents.

Upon a motion duly made by Captain Ronald Ward, seconded by Captain Edward Sinclair, and approved unanimously, it was:

RESOLVED to approve the 2020 Yacht Navigation packet as updated.

The board moved to agenda item 8; discussion regarding the Annual report.

Agenda Item 8 – Annual Report

The board reviewed the annual report as presented via OnBoard and discussed the information provided in the report. It was noted that dates listed in the report for anticipated travel were incorrect; the dates listed were for 2020 when they are in fact in 2021.

Upon a motion duly made by Les Cronk, seconded by Captain Ronald Ward, and approved unanimously, it was:

RESOLVED to approve the annual report as edited.

Captain Sinclair asked if any clarification had been received regarding the requirement on Foreign Pleasure Craft (FPC) Exemption application to submit proof of insurance, the board had requested guidance at a previous meeting regarding this topic. This opened a discussion about issues that board members noticed during review of FPC exemption applications over the season. The issues included masters with foreign credentials, the actual information listed on the proof of insurance submitted, the 30-day requirement for applications before entering Alaskan waters and what constitutes a complete application to start the clock for both the 30-day requirement and the board's 10-day deadline for taking action. Captain Sinclair asked MPC Hoffard to determine if there is a state level of recovery requirement for insurance that the board should be looking for.

It was determined that a sub-committee should work to compile a list of the issues and propose recommendations to address those issues at the next board meeting. Captain Sinclair, Les Cronk and Rick Harris offered to work on those issues via email with the assistance of MPC Hoffard. A report will be made available at the October 2020 scheduled meeting.

Agenda Item 5 – Regulations – Dept. of Law

The board met with representative from the Department of Law (DOL) to discuss some questions regarding the current regulations project. AAG Harriet Dinegar and AAG Susan Pollard joined the meeting telephonically. Chair Thayer invited Captain Donal Ryan from Southwest Pilots Association to join the discussion as he had worked on the original draft of the regulations proposal. Captain Ryan and the board addressed the questions put forth by DOL.

12 AAC 56.033(b)(2)

It was determined that the addition of "or" to the amendment of 12 AAC 56.033(b)(2) was acceptable as the board intended to cover all the bases and allow flexibility in evaluating qualifications.

12 AAC 56.990

Definition of Experience:

A "year" means 12 months. No minimum number of hours.

25% issue: This means that a person in an apprenticeship program who does 25% more than the required number of dockings and undockings may use that as one year's credit. In other words, an apprentice cannot do 50% more and get two years' credit.

"supervised dockings and undockings" means the same thing as supervised movements or maneuvers. Substitute maneuvers if you like; dockings are maneuvers so that will not change the meaning.

All of this is region-specific. The dockings and credit and years – all of it – has to be in the region in which the person is seeking to be licensed.

References to 46 CFE 10.107 can be deleted. That reference was intended to demonstrate to the board what the theory was. It was not intended to have any substantive effect.

DOL recommended the board withdraw the proposed amendments to 12 AAC 56.033 and 12 AAC 56.990 from the current regulations project and allow the other amendments to move to the Lt. Governor's office for signature. The amendments to 12 AAC 56.033 and 56.990 will be substantive changes that will require a supplemental public notice and additional public comment period.

Upon a motion duly made by Captain Ronald Ward, seconded by Les Cronk, and approved via roll call, it was:

RESOLVED to withdraw the proposed amendments for 12 AAC 56.033 and 12 ACC 56.990 from the current regulations project for additional edits. The remaining amendments to be sent forward for signature by the Lt. Governor.

Agenda Item 6 – Oral Interviews/Application Review

Upon a motion duly made by Captain Ronald Ward, seconded by Lucas Hasenbank, and approved via roll call, it was:

RESOLVED to enter into executive session for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. Board staff to remain during the session.

Off record at 11:15 am

Back on record at 11:35 am

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

RESOLVED to approve the Deputy Marine Pilot license for Captain Morgan Williams for pilotage on vessels up to 50,000 gross tons in Region 1 with the exception of West Coast of Prince of Wales Island and Lisianski Inlet port of Pelican.

Agenda Item 7 – Cruise Line Association update

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA) joined the board to provide an update of the cruise industry response to COVID-19. He updated the board on announcements that have been made for cancellations since he last addressed the board. A CDC no-sail order has led to the cancellation of all voyages through September 2020. The total number of voyages to Alaska cancelled is 600 with an estimated loss of revenue at just over 1 billion dollars. There have been some small returns to service internationally; Europe has developed some new guidelines through the European Maritime Safety Agency and some river cruises have resumed. Chair Thayer asked what numbers are anticipated for next year, do they think numbers will be returning to normal? Mr. Tibbles stated he cannot speculate on next year but there are simply too many uncertainties at this time.

Agenda Item 9 – Association Reports

SEAPA:

Captain John Herring provided the association report. SEAPA has had a quiet summer with a few yachts and the routine cargo ships. Current roster of 39 full pilots, 10 deputy pilots, and 18 trainees with 10 in observer status and the other 8 working at the con. They are attempting to continue training but the lack of cruise ships and changes to the Alaska Marine Highway have brought things to a standstill other than some simulation trainings. They do have 1 pilot that is planning to retire at the end of the season. The board had no questions for SEAPA.

SWAPA:

Jennie Zielinski, SWAPA Business Manager provided the report. Current roster of 16 full pilots 4 deputy pilots, and 6 trainees with 2 in observer status and 4 working at the con. SWAPA has obviously not been as affected by the pandemic to the extent SEAPA has but it has had similar effects on the training programs. Full effects on business will not be known until closer to the end of the third quarter or the end of the year but it is clear COVID-19 will have had a substantial impact on SWAPA. The board had no questions for SWAPA.

AMP:

Captain David Artz provided the report. AMP has a current roster of 9 full pilots with 2 trainees in the 4th year and 1 apprentice accepted earlier this year. AMP had a suspension of their training program for several months at the beginning of the pandemic; in the past month or so they have been able to get the apprentices on training maneuvers. They have had a reduction in vessels from the cruise sector, however, of the three regions they have been the least impacted. The board had no questions for AMP.

With no further business to discuss, Chair Thayer adjourned the meeting at 11:55 am.

Respectfully Submitted:

Renee Hoffard
Marine Pilot Coordinator

Approved:

Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: _____



MEMORANDUM

DATE: October 08, 2020
TO: Board of Marine Pilots
THRU: Greg Francois, Chief Investigator
FROM: Greg Francois, Investigator
RE: Investigative Report for the October 09, 2020 Meeting

The following information was compiled as an investigative report to the Board for the period of April 09, 2020 thru October 08, 2020; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

OPEN - 3

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
MARINE PILOT			
2018-000708	Negligence	Complaint	09/01/19
2019-000695	Unlicensed practice or activity	Complaint	10/18/19
2019-000928	Unprofessional conduct	Complaint	09/13/19

Closed - 5

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
MARINE PILOT				
2020-000715	Marine Pilot Incident Report	Closed-Intake	10/06/20	No Action - No Violation
2018-001059	Sexual misconduct	Closed-Complaint	07/15/20	No Action - Insufficient Evidence
2020-000151	Unprofessional conduct	Closed-Complaint	10/01/20	No Action - No Violation

2019-000631	Marine Pilot Incident Report	Closed-Investigation	10/07/20	Advisement Letter
2020-000123	Marine Pilot Incident Report	Closed-Investigation	04/10/20	No Action - No Violation

END OF REPORT

DRAFT BOMP WILL NEED TO CONSIDER IF IT MEETS THEIR INTENT
Register _____, _____20__ PROFESSIONAL REGULATIONS

12 AAC 56.028 is amended to add a new subsection to read:

(j) A apprentice who has completed not less than 12 months of apprenticeship training may make a request to receive credit for one year’s experience under 12 AAC 56.028 by submitting to the marine pilot coordinator documentation that demonstrates the trainee has completed 25 percent of supervised maneuvers in subsection (a), (b), or (c) of this section within a 12-month period. The marine pilot coordinator shall forward the request and documentation to the board. The board may grant credit equal to one year’s experience to the trainee for the region for which the trainee has requested credit. A trainee may not request experience credit more than one time and for only one region specified in this section. Eff. 10/2/93, Register 127; am 11/10/93, Register 128; am 7/15/95, Register 135; am 5/26/96, Register 138; am 6/16/96, Register 138; am 8/9/97, Register 143; am 1/23/99, Register 149; am 10/18/2001, Register 160; am 10/24/2002, Register 164; am 12/1/2002, Register 164; am 4/28/2005, Register 174; am 9/12/2006, Register 179; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 10/28/2010, Register 196; am 6/1/2013, Register 206; am 9/29/2017, Register 223; am ___/___/___, Register ___)

Authority: AS 08.62.040 AS 08.62.097

12 AAC 56.033 (b) (2) is amended to read:

- (b) The board will issue a deputy marine pilot license to an apprentice who
- (1) meets the requirements of AS 08.62.093(a)(1);
 - (2) has completed a minimum of four years of training as an apprentice in a deputy marine pilot apprenticeship program approved under this section in the pilotage region for which the deputy marine pilot license is sought;

**an apprentice may receive credit equal to one year's training for
documented experience approved by the board under 12 AAC 56.028;**

(3) meets the application requirements in 12 AAC 56.025;

(4) has passed the written and oral examinations required under 12 AAC
56.070; and

(5) repealed 1/29/2009;

(6) has completed the training requirements specified in a regional
training program approved by the board under 12 AAC 56.035.

History: Eff. 6/16/96, Register 138; am 1/29/2009, Register 189; am __/__/__, Register __)

Authority: AS 08.62.040 AS 08.62.097 AS 08.62.175
AS 08.62.093

PROPOSED AMENDMENT TO LANGUAGE – NOTES:

- I. Draft received would have a trainee completing 25% of current maneuvers within one year; not doing anything extra, but imposing a 12 month limit for ¼ of existing maneuvers.
- II. Supervised “movements” rather than “maneuvers” (see below) as this is the term used in 12 AAC 56.028.
- III. Specified subsections to avoid confusion with other requirements like BRM courses and transits.

12 AAC 56.028 is amended to add a new subsection to read:

(j) An apprentice who has completed not less than 12 months of apprenticeship training may make a request to receive credit for one year’s experience under 12 AAC 56.028 by submitting to the marine pilot coordinator documentation that demonstrates the trainee has completed 125 percent of supervised ~~maneuvers~~ movements in subsection (a) ~~(1)~~, (b) ~~(1)~~, or (c) ~~(1)~~ of this section ~~within a 12-month period~~. The marine pilot coordinator shall forward the request and documentation to the board. The board may grant credit equal to one year’s experience to the trainee for the region for which the trainee has requested credit. A trainee may not request experience credit more than one time and for only one region specified in this section.

12 AAC 56.033 (b) (2) is amended to read:

- (b) The board will issue a deputy marine pilot license to an apprentice who
- (1) meets the requirements of AS 08.62.093(a)(1);
 - (2) has completed a minimum of four years of training as an apprentice in a deputy marine pilot apprenticeship program approved under this section in the pilotage region for which the deputy marine pilot license is sought; **an apprentice may receive credit equal to one year’s training for documented experience approved by the board under 12 AAC 56.028;**
 - (3) meets the application requirements in 12 AAC 56.025;
 - (4) has passed the written and oral examinations required under 12 AAC 56.070; and
 - (5) repealed 1/29/2009;
 - (6) has completed the training requirements specified in a regional training program approved by the board under 12 AAC 56.035.

DEFINITIONS: NB. ‘movement’ is used throughout 12 AAC 56.028 so the above retains consistency

(16) “maneuver” means to conn a vessel using one or any combination of propulsion and directional guidance, including the helm, engines, thrusters, tugs, other vessels, or anchors;

(19) “movement” means a docking or undocking, mooring or unmooring, a transit to or from a pilot station, coming alongside an anchored vessel, or anchoring a vessel;

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

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

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

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

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

SOUTHWEST ALASKA PILOTS ASSOCIATION

P.O. Box 977
Homer, Alaska 99603

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

August 12, 2020

Alaska Board of Marine Pilots
P.O. Box 110806
Juneau, Alaska 99811-0806
Attn: Marine Pilot Coordinator

Dear Renee,

SWAPA would like to revise the current Board Approved Training Program to update requirements based on changes in Region II shipping traffic and recent regulation changes pertaining to licensure tonnage limitations. Additionally, there are a few minor entries to correct or clean up spelling and grammatical errors. Language to be added in the attached document is in **bold, blue font** and any language to be deleted is ~~struck through and in red font~~.

Summary of attached amendments:

DEPUTY MARINE PILOT TRAINING PROGRAM

Seward/Resurrection Bay. The requirement for 2 dockings and 2 undockings between October 1 and April 1 has been deleted due to the lack of winter traffic in this port.

SWAPA In-House Clearances and Restrictions for Deputy Pilots:

License 90,000 GT (*now 110,000 GT*)

Step 2 (b). TAPS Vessel observations amended in accordance with traffic/tonnage changes.

MARINE PILOT LICENSE

(6) Seward. Coal Dock requirement removed as this dock has not been in use for some time and is highly unlikely to be utilized in the future.

Special Clearances:

Womens Bay Tanker Clearance. Requirement for two dockings/undockings removed due to lack of traffic. Must still be a full Marine Pilot before doing unsupervised work on tankers in this port.

Company and Dock Clearances:

Detailed requirements for Drift River have been removed and amended; must be a full Marine Pilot to perform unsupervised work at this port. Drift River is currently not an active port and was decommissioned in 2019.

LNG Ship Clearance has been amended to remove old and outdated information regarding prior operator requirements.

SOUTHWEST ALASKA PILOTS ASSOCIATION

As discussed earlier, additional corrections reflect approved regulation changes pertaining to tonnage endorsements and necessary amendments to grammar and spelling.

The complete training program, including the revisions, is attached to this letter and we would be grateful if the Board of Marine Pilots would approve these amendments as submitted.

Many thanks and best regards,

Capt. Andrew S. Wakefield

Capt. Andrew S. Wakefield
President

by Jcz

Enc: SWAPA Training Program w/revisions
SWAPA Training Program edited

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

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TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

PREFACE

The State of Alaska requires the pilot associations it recognizes to operate and maintain training programs for persons who are seeking deputy marine pilots licenses, pilots who are transferring from one state region to another, and continuing education for licensed pilots. Therefore, in order to provide the citizens of Alaska, and particularly of Pilotage Region II, the highest quality marine pilotage service, the Southwest Alaska Pilots Association establishes and maintains a professional training program for all marine pilot members of the Association, marine pilot trainees, deputy marine pilot trainees, and apprentices. This program is created and operated by the Association under the authority of the State of Alaska Marine Pilot Statutes and Regulations and the Association's Articles and Bylaws.

This document is intended to serve as a one-source guide to all training required by the State of Alaska and the Association for marine pilots, deputy marine pilots, trainees and apprentices. It also seeks to clearly explain the processes for the training and the Alaska Pilots License to which that training leads.

It is expected that this document will be amended from time to time as shipping patterns change, state regulations are enacted or amended, technology advances, or experience indicates changes are necessary to best address training needs.

NOTE: Trainees are responsible for being thoroughly familiar with the Statutes and Regulations for Marine Pilots which take precedence over the information contained in this training program.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

INTRODUCTION

Pilots generally come to the profession after many years of education, training and sea-going experience where they have held high level positions on merchant or military vessels. They become licensed and eventually gain membership in SWAPA through training in one of several ways. In addition the State requires continuing education for pilots already licensed. The SWAPA training program, then, is designed to address these various categories of training as follows:

1. **Pilot Observer program** for those who have little or none of the federal pilotage endorsements required for Region II. This leads to the Training program where hands on docking and undocking training takes place according to a schedule of required maneuvers at various ports.
2. **Training program** for those who have a federal endorsement of pilotage for at least one area within region 2, have passed the core exam and have been accepted into the program by a majority vote of the membership. Hands on docking and undocking training can only take place in ports for which the trainee has federal pilotage. Training takes place according to a schedule of required maneuvers at various ports and at the direction of the training committee which will consult closely with the trainee to determine which maneuvers will benefit him/her the most, given the individual trainee's strengths and weaknesses.
3. **Training program for experienced pilots transferring from another region.** Transferring pilots are well experienced in shiphandling, therefore docking and undocking training criteria are different for this category of trainee. It consists mainly of obtaining the federal pilotage for the entire region and a total of 50 dockings/undockings at the direction of the training committee.
4. **Apprenticeship program** for those mariners who are otherwise qualified but who have not had the employment opportunities required to qualify for entry under AS 08.62.093 (b) (1through 5).
5. **Continuing professional education for licensed pilots and deputies.** This program assures that SWAPA pilots and deputies continue to meet the high professional standards expected of us.

During all phases of observing and training, situational awareness will be emphasized, observed, and graded. Situational awareness is essential to successful piloting and cannot be overemphasized.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

THE TRAINING COMMITTEE

The SWAPA Training Committee is composed of at least 2 veteran training pilots and the SWAPA President. The Committee will supervise and direct all aspects of the training program, as described in this document, under the direction of the SWAPA membership and Board of Directors.

To ensure the most complete training experience and to avoid any hint of favoritism during the training process, the Training Committee may direct trainees to train with particular pilots or on particular ships or classes of ships, or on particular routes or waterways. The Committee may also instruct trainees to refrain from further training with pilots whom, in the judgment of the training committee, they have made an excessive number of training trips.

Training progress assessment: A Deputy Marine Pilot (DMP) trainee shall meet with the training committee, or a member thereof, in person or by telephone, after every 10 maneuvers for a discussion and assessment of his or her training progress. The committee may then direct the trainee to the training assignments that will best improve the trainee's experience and skills.

Final training assessment: Upon completion of the SWAPA training program and the state licensing requirements for DMP, the trainee shall meet with the training committee for a full assessment of his or her training evaluations.

If the committee is satisfied that the training requirements have been met, and that the trainee is in fact ready to begin work as a DMP, the SWAPA President and Board of Directors will be informed and a letter issued to the BOMP stating this fact.

If, during the training process, it becomes evident to the committee that the trainee does not possess the necessary aptitude to successfully complete the program because of lack of situational awareness, failed maneuvers, a general lack of progress, or for other reasons, the trainee shall be so informed as early in the process as practicable in order to avoid wasted time and expense on the part of the trainee and the Association.

Failure to comply with the Training Committee's directions may constitute grounds for dismissal from the training program. Dismissal shall be determined by a majority of the membership.

PREREQUISITE REQUIREMENTS AND SELECTION

To obtain a pilot's license in Alaska (AS08.62.093) applicants must have a minimum license and experience level. Therefore, SWAPA cannot accept applications which do not meet the State's minimum criteria for licensure as listed below:

- Be a U.S. citizen

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

PREREQUISITE REQUIREMENTS AND SELECTION (continued)

- Minimum of one year as master on ocean or coastwise vessels while holding unlimited ocean masters license-or-
- Two years' service as master on United States Coast Guard inspected vessels of not less than 1000 gross tons or tug and tow of at least 1600 combined gross tons while holding a 1600 gross ton masters license-or-
- Two years of service as chief mate on ocean or coastwise vessels while holding unlimited ocean masters license-or-
- Two years of service as commanding officer of U.S. Commissioned vessels (Navy, Coast Guard, NOAA) of not less than 1600 gross tons while holding unlimited ocean masters license-or-
- Three years of experience as a member of a professional pilots association-or-
- Four years of experience in an approved apprenticeship program.

If applicants possess one or more of the above listed experience and license qualifications, the Association will accept the application. The SWAPA training committee maintains an applicant file and generally, but not always, the membership will vote in the spring whether or not to bring one or more applicants into the Association pilot observer/apprentice programs. All qualified applicants whose applications are current (within 1 year) are listed on the ballot, in alphabetical order, with the following information provided for each applicant: Name, Age, Residence, Present Employment, Maritime Academy Education/ College Degree, Federal License, Federal pilotage endorsements held or pending for Region 2, Experience which qualifies under 08.62.093 (above).

Entry into the SWAPA pilot observer/training/apprenticeship programs is a membership decision based upon the needs of the Association in fulfilling its State mandated obligation to promote a safe and reliable system of marine pilotage for Region II. Most successful applicants will enter the Association Pilot Observer Program, except licensed marine pilots transferring from another region who will enter the Association Training Program.

DRUG TESTING PROGRAM

All pilot observers, trainees and apprentices shall be enrolled in a board approved random drug testing program.

PILOT OBSERVER PROGRAM

Participants in the SWAPA Pilot Observer program receive assistance from the Association in obtaining observer trips for the purpose of gaining federal pilotage endorsements in Region II. Region II includes Icy Bay, Prince William Sound, Seward/Resurrection Bay, Cook Inlet, the Kodiak Archipelago and the south side of the Alaska Peninsula to 156 degrees west longitude.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

PILOT OBSERVER PROGRAM (continued)

While in the Pilot Observer program, Observers will accompany a number of association pilots on pilotage assignments to various ships, waterways and ports. Members evaluate the observer's professional demeanor and appearance, attitude, preparation, situational awareness, and aptitude for the work of a pilot. Observers are expected to show good progress in obtaining the federal endorsements required. If they do not they may be dropped from the program. Similarly, if an observer shows poor attitude, poor aptitude, or unprofessional behavior then he or she may be dropped from the program. It is the observer's responsibility to furnish the pilot with a "Pilot Observer Evaluation Form" for completion. This completed form shall be returned to the office and placed in the observer's file for periodic review by the Training Committee.

Completion of the pilot observer program is the path to the deputy marine pilot training program. Once observers obtain federal pilotage for one or more areas in Region II they are eligible to take the state "core exam" (56.026).

Prior to taking the core exam, the Training Committee will review the observer's "Pilot Observer Evaluation Forms" and other feedback from pilots whom the Observer has accompanied on pilot jobs. The Training Committee will then give an assessment and recommendation to the SWAPA membership. The membership will then vote on whether or not to accept the observer into the SWAPA training program. Upon an affirmative majority vote of the membership, The Board of Marine Pilots will be informed in writing that the applicant is qualified and recommend that he/she be administered the core exam. Upon successful completion of the core exam the observer will be accepted into the SWAPA training program and begin supervised ship handling at only those ports for which they are federally licensed. The Alaska Board of Marine Pilots will be informed in writing that such training will begin. (56.026(3b)).

DEPUTY MARINE PILOT TRAINING PROGRAM

Our training process requires at least 100 supervised movements, performed throughout the region, with training in all currently active ports within the region, including;

Kodiak Island Group and Prince William Sound

- Requires a minimum of 15 dockings or moorings and 15 undockings or unmoorings to take place in Prince William Sound and Kodiak Island Group.
- At least one docking or mooring and one undocking or unmooring must be performed within the period October 1 to April 1.
- 2 of the dockings/moorings and 2 undockings/unmoorings, including transit to the pilot station, must be performed at night.
- No fewer than 3 of the dockings/moorings and undockings/unmoorings must take place in Prince William Sound.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

DEPUTY MARINE PILOT TRAINING PROGRAM (continued)

Seward/Resurrection Bay

- Requires a minimum of 6 dockings and 6 undockings under the supervision of at least two different training pilots.
- At least 2 dockings and 2 undockings on vessels in excess of 10,000 gross tons.

Nikiski

- Requires a minimum of 18 dockings and 18 undockings under the supervision of at least 3 different training pilots.
- 4 dockings and 4 undockings must be performed under ice conditions; a board approved ice simulator training course for this port may be substituted for 2 dockings and 2 undockings.
- 4 dockings must be performed while dredging an anchor.
- 4 dockings and 4 undockings must be performed within the period October 1 to April 1.

Port of Anchorage

- Requires a minimum of 12 dockings and 12 undockings under the supervision of at least 2 different training pilots.
- 2 dockings and 2 undockings must be performed under ice conditions.
- 2 dockings and 2 undockings must be performed on vessels in excess of 10,000 gross tons.
- 2 dockings and 2 undockings must be performed with tug assistance.
- 1 docking must involve a cow turn. A simulator training course for this port may be substituted for this maneuver.

College Fjord, Prince William Sound

- 4 round trips as a pilot observer under the supervision of at least 2 different training pilots on cruise ships of over 10,000 gross tons. 4 transits at the conn under the supervision of at least 2 different training pilots.

Western Entrances to Prince William Sound

- (a) 4 round trips as a pilot observer under the supervision of at least 2 different training pilots on cruise ships of over 10,000 gross tons, including 4 round trips as a pilot observer through Knight Island Passage.

Or

(b) 4 dockings and undockings on cruise ships over 10,000 gross tons, under the supervision of 2 different training pilots, in Prince William Sound.

A combination of (a) and (b) shall also be acceptable.

- 2 round trips as a pilot observer through Elrington Passage.
- 4 round trips as a pilot observer through Hinchinbrook Entrance.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

DEPUTY MARINE PILOT TRAINING PROGRAM (continued)

Each maneuver will be briefed, observed, and graded by the training pilot. In order to pass, each maneuver must be safe and unassisted by the pilot. It is the trainee's responsibility to furnish the pilot with a "Trainee Evaluation Form" for completion. The completed form shall be returned to the SWAPA accounting office and placed in the trainee's file for periodic review by the Training Committee and quarterly submission to the Marine Pilot Coordinator.

Course Work

The deputy marine pilot training program requires, within 5 years prior to application for licensing, the successful completion of:

1. An American Pilots Association approved Bridge Resource Management course of at least 16 hours.
2. A bridge simulator course which is Region II specific or which emphasizes a pilot's proficiency, or,
3. A manned model course.

Trainees have a maximum of 3 years to complete training (56.026(e)).

When trainees have successfully completed the docking/undocking training, course work, and obtained full federal pilotage without tonnage restrictions for the Kodiak Island Group ports of Kodiak/St. Paul Harbor and Womens Bay, and the entire Southcentral Alaska Region outside of the Kodiak Island Group, except Icy Bay, SWAPA will notify the marine pilot coordinator. Trainees are then eligible to sit for the local knowledge portion of the state exam. Finally, trainees take the oral exam in front of the Board of Marine Pilots. If successful in both exams the trainee is granted a Deputy Marine Pilot License (56.027).

COMPENSATION

Pay commences when the deputy begins piloting under the authority of his or her deputy marine pilot license and is graduated depending on the tonnage and endorsements on the license. See SWAPA Bylaws for a table of pay gradations.

TRAINING STIPENDS

SWAPA will issue a monthly stipend of \$75.00 per day to pilot trainees who have passed their Deputy Marine Pilot Core exam, are available and actively training, as directed by the training committee.

SWAPA will reimburse the actual travel expenses of trainees who are performing state required dockings/undockings. In order to be compensated for these expenses, trainees must abide by these guidelines:

- Submit the SWAPA trainee expense reimbursement form along with actual receipts documenting expenditures. No receipts, no reimbursement.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

TRAINING STIPENDS (continued)

- Take the most economical form of transportation available.
- Trainees are not permitted to charter airplanes or boats for reimbursement by SWAPA. If the trainee feels such arrangements are necessary then contact the training chairman who, if he/she agrees, will attempt to clear the expense with the SWAPA President.

The total of stipends and travel expenses together shall not exceed 1% of the previous year's gross annual revenue of SWAPA. Stipends may be adjusted accordingly.

DEPUTY MARINE PILOT TONNAGE UPGRADES

Deputy Marine Pilots must hold a deputy marine pilots license for 3 years before being granted a full marine pilots license. During this 3 year period tonnage is limited as follows: (56.018 & 019)

- **Step one**-----50,000 gross tons. To upgrade to step two, the deputy pilot must perform vessel movements during at least 30 days as a deputy marine pilot on vessels requiring a state licensed marine pilot.
- **Step two**-----95,000 gross tons. To upgrade to step three, the deputy marine pilot must have held an endorsement as a deputy marine pilot for a period of at least one year, and while holding a deputy marine pilot license of not more than 95,000 gross tons, have performed at least 60 days of vessel movements onboard vessels requiring a state licensed marine pilot.
- **Step three**-----110,000 gross tons. To upgrade see Marine Pilot License section below.

SWAPA IN-HOUSE CLEARANCES AND RESTRICTIONS FOR DEPUTY PILOTS

LICENSE 50,000 Gross Tons:

Step 1. Upon receiving a 50,000 gross ton endorsement, the deputy's in-house clearance will be limited to 25,000 Gross Tons, with the following restrictions:

- Kodiak Island- No unsupervised dockings/undockings of tank vessels.
- Cook Inlet- No docking/undocking of tank vessels. May go as second pilot
- Prince William Sound- No docking/undocking of tank vessels.

Step 2. After completing 3 round trips in Cook Inlet to either Nikiski or the Port of Anchorage, the Deputy will be cleared for tankers with the following restrictions

- Kodiak Island- No unsupervised docking/undocking of tank vessels at Womens Bay.
- Cook Inlet- No unsupervised dockings/undockings at Drift River. May go as second pilot.
- Prince William Sound- No docking/undocking of tank vessels in TAPS Trade.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

SWAPA IN-HOUSE CLEARANCES AND RESTRICTIONS FOR DEPUTY PILOTS (continued)

LICENSE 95,000 Gross Tons:

Step 1. Upon receiving a 95,000 gross ton endorsement, the Deputy's in-house clearance will be raised to 40,000 gross tons, with the following restrictions:

- Kodiak Island- No unsupervised docking/undocking of tank vessels at Womens Bay.
- Cook Inlet- No unsupervised dockings/undockings at Drift River. May go as second pilot.
- Prince William Sound- No docking/undocking of tank vessels in TAPS Trade.

Step 2. After successfully completing 2 supervised dockings and undockings on vessels of over 40,000 gross tons, the Deputy's in-house clearance will be raised to 95,000 gross tons, with the same restrictions as in Step 1 above.

LICENSE 110,000 Gross Tons:

Step 1. Upon receiving a 110,000 gross ton endorsement, the Deputy's in-house clearance will be 110,000 gross tons, with the following restrictions:

- Kodiak Island- No unsupervised dockings/undockings of tank vessels at Womens Bay.
- Cook Inlet- No unsupervised dockings/undockings at Drift River. May go as second pilot.
- Prince William Sound- No docking/undocking of tank vessels in the TAPS trade.

Step 2. After completion of the following requirements, the Deputy is eligible to begin supervised dockings/undockings at the Trans-Alaska Pipeline Terminal berths at Valdez:

- (a) 12 hours observation at the VTS Traffic Center in Valdez;
- (b) Observe at least six transits inbound from the Pilot Station and six transits outbound to the pilot station on different TAPS vessels.

MARINE PILOT LICENSE

Before deputy pilots can hold a Marine Pilots License they must:

1. Complete the 3 year period during which they operate under the authority of their deputy license at the tonnage limitations specified.
2. Have held a valid deputy marine pilot license endorsement to pilot vessels of not more than 110,000 gross tons for at least one year.
3. Complete all Federal pilotage endorsements for Region II. Complete a manned model shiphandling course or a simulator course within the previous 3 years.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

MARINE PILOT LICENSE (continued)

4. For Kodiak Island Group have completed at least two round trip pilotage assignments.
5. For Cook Inlet have completed:
 - At least 10 dockings and 10 undockings during pilotage assignments on vessels of over 25,000 gross tons. Dockings at Homer, Seldovia or Port Graham do not satisfy this requirement.
 - At least 3 dockings and 3 undockings under ice conditions.
6. For Valdez Trans-Alaska Pipeline System complete a total of at least 20 supervised dockings and 20 supervised undockings at the Trans Alaska Pipeline Terminal operational berths. At least 4 of these dockings and undockings must occur at night and at least half must have been performed between the period October 1 to April 1.

SPECIAL CLEARANCES

Ice Clearance: After 1 supervised docking/undocking at Nikiski and 1 supervised docking/undocking at Anchorage, performed under full ice conditions, while a Deputy, Deputy will be cleared to dock/undock under ice conditions at these ports.

Womens Bay Tanker Clearance: Must be a full Marine Pilot before doing unsupervised work on tankers in this port. A simulator training course for this port may be substituted for one supervised docking/undocking.

OTHER SPECIAL CASES: The Training Committee may require special and/or additional and/or remedial training for individual Deputies at the Committee's discretion.

NOTES :

Deputy pilots are encouraged to seek, and shall be responsible for requesting, additional training in any area for which they perceive themselves to be deficient or not fully prepared.

Deputy pilots will not be dispatched to ports where they have not had at least 3 round trips as a pilot observer and/or one satisfactory supervised maneuver. Deputy pilots shall be responsible for acquiring this experience at their earliest opportunity.

COMPANY AND DOCK CLEARANCES

Drift River Clearance

Must be a full Marine Pilot before doing unsupervised work at this port.

LNG Ship Clearance

Must be a full Marine Pilot and have a minimum of three years as a TAPS qualified, VLCC pilot before doing unsupervised work at this port.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

TRANSFERRING MARINE PILOT TRAINING PROGRAM

Pilots transferring from other regions are almost always experienced, veteran pilots. The SWAPA training program seeks to familiarize them with Region II and to improve and refine their ship handling skills. Marine pilots transferring to Region II from other piloting regions in the state must satisfy certain state requirements as well as complete the training requirements for Region II. These requirements are (56.034):

1. Possess a Coast Guard license with pilotage endorsements of unlimited tonnage for Region II. The Regulations imply full pilotage for Region II.
2. Possess a valid marine pilot license from another region.
3. Complete the training program for Region II.
4. Pass the local knowledge exam for Region II.
5. Submit a letter from SWAPA that the applicant has completed the Region II training program.

The SWAPA training requirement for transferring pilots is as follows:

A marine pilot transferring to Alaska Pilotage Region II shall successfully complete 50 supervised dockings and/or undockings, moorings and/or unmoorings, and/or cruise ship route transits while at the conn at ports and waterways throughout the region, as specified by the SWAPA Training Committee. During this process, the Training Committee will periodically review the transferee's progress and may require additional training if, in the opinion of the training committee, this is required.

DEPUTY MARINE PILOT APPRENTICESHIP PROGRAM

The Marine Pilot Statutes, 08.62.093(b)(6), provide for pilot associations to conduct an apprentice training program for those individuals who may not otherwise meet the criteria for licensure. The statute and regulations give associations broad latitude in accepting individuals into apprentice programs and require those individuals to apprentice for a period of 4 years. Otherwise, the training requirements differ little from those undertaken by Pilot Observers and Trainees.

SWAPA will accept applications for entry into the SWAPA apprenticeship program from individuals who are otherwise highly qualified, but due to the nature of their experience in the maritime community, may not qualify under AS08.62.093. Specifically, SWAPA will accept applications from individuals with appropriate maritime experience, which includes the handling of vessels and holding a Master's license of not less than 1600 gross tons.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

DEPUTY MARINE PILOT APPRENTICESHIP PROGRAM (continued)

1. The Board of Marine Pilots will be notified when an individual is accepted into the Deputy Marine Pilot Apprenticeship Program. No training of any kind can take place until such notice is tendered.
2. The apprentice is required by the regulations to undergo not less than 4 years of training. SWAPA requests apprentices to reside in Region II and be available for training at least six (6) months during any consecutive twelve (12) month period.
3. The first year of the apprenticeship program consists of comprehensive pilot development through a program of intensive observation and instruction under a variety of marine pilots and deputy marine pilots. Apprentices are expected to accompany working pilots on many assignments, exceeding the minimum required for Coast Guard pilotage endorsements, in order to familiarize themselves with not only navigation and piloting but, also, bridge procedures and processes on merchant vessels. Supervised vessel maneuvers cannot take place, under regulation, (56.033(c)(1)), until the apprentice has completed twelve (12) months of training and has passed the State core exam.
4. Upon completion of twelve (12) months training and passing the State core exam, the apprentice will follow the same training path as other trainees in pursuit of a deputy marine pilot license.

CONTINUED PROFESSIONAL EDUCATION AND TRAINING FOR MARINE PILOTS AND DEPUTY MARINE PILOTS

1. Each marine pilot and deputy marine pilot shall complete at least one training course within the biennial license period immediately preceding the license period for which renewal is sought; or 2 training courses at any time within the 2 biennial license periods immediately preceding the license period for which renewal is sought; or 3 training courses at any time within the 3 biennial license periods immediately preceding the license period for which renewal is sought.

Compliance with this requirement is the responsibility of the individual pilot. The Training Committee will assist, if needed, in making arrangements for courses.

The courses shall include, but not be limited to, the following:

- a. Manned Model
- b. Ship Handling Simulator
- c. Bridge Resource Management for Pilots
- d. Train the Trainer
- e. Automatic Identification System (AIS)
- f. Electronic Chart and Display Information System (ECDIS)
- g. Automatic Radar Plotting Aids (ARPA)

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

CONTINUED PROFESSIONAL EDUCATION AND TRAINING FOR MARINE PILOTS AND DEPUTY MARINE PILOTS (continued)

- h. RADAR
- i. Maritime Law
- j. Rules of the Road
- k. Fatigue, Sleep and Medications for Pilots
- l. Legal Aspects for Pilotage including State Statutes and Regulations for Pilots
- m. Maritime Domain Awareness and Security for Pilots
- n. Crisis Management and Media Response
- o. Environmental Awareness for Pilots including Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA)
- p. Basic Safety Training, including Personal Pilot Safety
- q. Emergency Medical Response and Survival Techniques
- r. Ice Training for Pilots
- s. Nautical Institute Pilotage and Shiphandling Scheme

Other courses meeting the standards of the training program may be substituted for the above upon review and approval of the Training Committee. Such courses shall be related to the field of marine pilotage, be courses for which a certificate can be issued and be “of substance.”

2. Marine pilots holding VLCC endorsements shall document the satisfactory completion of a manned model course during one of the three biennial license periods (once every 6 years) immediately preceding the license period for which renewal is sought (56.083(b)). Compliance with this requirement is the responsibility of the individual pilot.

3. Marine pilots or deputy marine pilots shall document the satisfactory completion of 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.

4. The U.S. Coast Guard requires certain periodic training in order to renew federal licenses and STCW endorsements. Since a federal license is a prerequisite for holding a State Pilot License, compliance with Coast Guard training requirements is the responsibility of the individual pilot.

TRAINING PILOTS

To be designated a training pilot, pilots must comply with applicable state regulations, 56.016. Briefly, a training endorsement requires:

- 1. Applicable, unlimited, federal pilotage endorsements for the waters for which the training endorsement is sought.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

TRAINING PILOTS (continued)

2. Compliance with the state recency requirements (60 days piloting per year).
3. At least three (3) consecutive years of experience as a marine pilot in the region.
4. A recommendation to the BOMP from SWAPA.
5. Approval by the BOMP

Regulations allow a training pilot to refuse to accept a trainee. However, if a trainee is refused, then the training pilot must notify the Marine Pilot Coordinator of this non-acceptance. (56.016(5)(b)).

MISCONDUCT, DISMISSAL AND GRIEVANCE PROCEDURES

SWAPA and the other pilot associations in the state have a large responsibility to the citizens of Alaska and to the traditions of professional pilotage to pass through their training programs only those trainees who can meet high standards and demonstrate their proficiency at the craft of piloting. SWAPA endeavors to pick applicants who are experienced and well qualified. Generally, these prospective pilots proceed through the observer/training program with little difficulty and become good pilots. In certain cases, however, the observer/trainee/apprentice may fail to meet professional standards which may include, but are not limited to:

- Poor attitude.
- Failure to accept constructive criticism.
- Unprofessional appearance or conduct.
- Repeated tardiness or failure to arrive for scheduled training.
- Lack of situational awareness.
- Repeated failure to complete required maneuvers satisfactorily.
- Dishonesty.
- Conviction of a crime.
- Failure to progress through the training program in a timely manner

In cases where the training committee determines the observer/trainee/apprentice is having difficulty and may have to be dismissed if the problem(s) persist, the following procedure will take place:

1. The Training Committee will notify the observer/trainee, in writing, of the problem(s) and will schedule a meeting with the observer/trainee. Copy of this letter to SWAPA membership and the MPC.
2. At a meeting with the observer/trainee the training committee will describe the problem(s) with the observer/trainee. The Observer/Trainee will then have the opportunity to question the allegations or otherwise present his or her side of the story. At the conclusion of this meeting a plan of action for improvement may be put in place.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

MISCONDUCT, DISMISSAL AND GRIEVANCE PROCEDURES (continued)

3. In cases where the observer/trainee/apprentice either refuses to comply or cannot comply with the training committee requirements, then the training committee may recommend dismissal of the observer/trainee/apprentice from the observer or training program. This recommendation will be in writing to the SWAPA President.
4. The SWAPA President, upon receiving a recommendation for dismissal from the training committee, will schedule a special SWAPA meeting, or include the matter on the agenda of the next scheduled SWAPA membership meeting, to address the dismissal. At this meeting the observer/trainee in question will have the opportunity to address the membership and appeal the decision of the training committee.
5. After following the above procedure, a majority affirmative vote of the SWAPA membership is required to dismiss an observer/trainee.
6. Dismissal of an observer/trainee/apprentice requires notification to the Board of Marine Pilots through the Marine Pilot Coordinator (56.032).

MANDATORY REPORTS TO BOARD OF MARINE PILOTS

1. 56.025(j)(4) and 56.034(b)
Requires a letter stating applicants for Deputy Marine Pilot License and Marine Pilot License (transferring pilots) have completed the Association training program.
2. 56.026(g)
Requires trainee to submit quarterly training evaluations to marine pilot coordinator.
3. 56.026(h)
Requires a letter to trainees (copy to pilot board) explaining deficiencies and/or unsatisfactory progress of trainee.
4. 56.026(j)
Requires notification of the BOMP when a candidate is accepted as a pilot observer for familiarization trips for federal pilotage.
5. 56.032
Requires notification to the BOMP within 30 days of the dismissal of a trainee from the training program.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

MANDATORY REPORTS TO BOARD OF MARINE PILOTS (continued)

6. 56.026 (3)(b)

Requires notification to the BOMP when a candidate is accepted for training before that trainee may begin supervised dockings, undockings, moorings, unmoorings and transits of specific waterways.

7. 56.033(d)

Requires notification to the BOMP when an individual is accepted into a deputy marine pilot apprenticeship program.

8. 56.033(e)

Requires notification to apprentices of deficiencies with copies to apprentice's file and the MPC.

9. 56.016(5)(b)

Requires training pilots to notify the MPC if the training pilot refuses to accept a trainee.

DEFINITIONS

Docking: Means the evolution of maneuvers made to approach and secure a vessel at a berth, beginning with the briefing of the maneuver to the training pilot and ending when the last line is secure at the berth, and includes the transit from the pilot station to the dock.

Undocking: Means the evolution of maneuvers made to depart a berth, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate and includes the transit from the dock to the pilot station.

Night: Means the period of time between the end of civil twilight when the sun is six degrees below the horizon after sunset and the start of civil twilight when the sun is six degrees below the horizon before sunrise.

Ice Conditions: Means the conditions that exist in Cook Inlet during the time the Captain of the Port, Anchorage, declares "Ice Navigation Guidelines" to be in effect.

Pilot Observer: Means a prospective trainee who has been voted into the SWAPA Pilot Observer program for the purpose of obtaining observer trips to gain federal pilotage endorsements in Region II. A Pilot Observer is not a "trainee."

Trainee: Means an individual who has passed the State core examination and been formally accepted into the SWAPA training program as described in this document.

Apprentice: Means an individual accepted into the SWAPA Marine Pilot Apprenticeship Program as described in this document.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

BOMP: Means the Alaska Board of Marine Pilots

MPC: Means the Marine Pilot Coordinator

SWAPA: Means Southwest Alaska Pilots Association

DMP: Means deputy marine pilot

NOTE: Trainees are advised to thoroughly familiarize themselves with the DEFINITIONS contained in the Statutes and Regulations for Marine Pilots

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

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TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

****NOTE – PAGE NUMBERS/HEADERS WILL CHANGE – SEE ‘CLEAN’ VERSION

PREFACE

The State of Alaska requires the pilot associations it recognizes to operate and maintain training programs for persons who are seeking deputy marine pilots licenses, pilots who are transferring from one state region to another, and continuing education for licensed pilots. Therefore, in order to provide the citizens of Alaska, and particularly of Pilotage Region II, the highest quality marine pilotage service, the Southwest Alaska Pilots Association establishes and maintains a professional training program for all marine pilot members of the Association, marine pilot trainees, deputy marine pilot trainees, and apprentices. This program is created and operated by the Association under the authority of the ~~s~~State of Alaska Marine Pilot Statutes and Regulations and the Association’s Articles and Bylaws.

This document is intended to serve as a one-source guide to all training required by the State of Alaska and the Association for marine pilots, deputy marine pilots, trainees and apprentices. It also seeks to clearly explain the processes for the training and the Alaska Pilots License to which that training leads.

It is expected that this document will be amended from time to time as shipping patterns change, state regulations are enacted or amended, technology advances, or experience indicates changes are necessary to best address training needs.

NOTE: Trainees are responsible for being thoroughly familiar with the Statutes and Regulations for Marine Pilots which take precedence over the information contained in this training program.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

INTRODUCTION

Pilots generally come to the profession after many years of education, training and sea-going experience where they have held high level positions on merchant or military vessels. They become licensed and eventually gain membership in SWAPA through training in one of several ways. In addition the State requires continuing education for pilots already licensed. The SWAPA training program, then, is designed to address these various categories of training as follows:

1. **Pilot Observer program** for those who have little or none of the federal pilotage endorsements required for Region II. This leads to the Training program where hands on docking and undocking training takes place according to a schedule of required maneuvers at various ports.
2. **Training program** for those who have a federal endorsement of pilotage for at least one area within region 2, have passed the core exam and have been accepted into the program by a majority vote of the membership. Hands on docking and undocking training can only take place in ports for which the trainee has federal pilotage. Training takes place according to a schedule of required maneuvers at various ports and at the direction of the training committee which will consult closely with the trainee to determine which maneuvers will benefit him/her the most, given the individual trainee's strengths and weaknesses.
3. **Training program for experienced pilots transferring from another region.** Transferring pilots are well experienced in shiphandling, therefore docking and undocking training criteria are different for this category of trainee. It consists mainly of obtaining the federal pilotage for the entire region and a total of 50 dockings/undockings at the direction of the training committee.
4. **Apprenticeship program** for those mariners who are otherwise qualified but who have not had the employment opportunities required to qualify for entry under AS 08.62.093 (b) (1through 5).
5. **Continuing professional education for licensed pilots and deputies.** This program assures that SWAPA pilots and deputies continue to meet the high professional standards expected of us.

During all phases of observing and training, situational awareness will be emphasized, observed, and graded. Situational awareness is essential to successful piloting and cannot be overemphasized.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

THE TRAINING COMMITTEE

The SWAPA Training Committee is composed of at least 2 veteran training pilots and the SWAPA President. The Committee will supervise and direct all aspects of the training program, as described in this document, under the direction of the SWAPA membership and Board of Directors.

To ensure the most complete training experience and to avoid any hint of favoritism during the training process, the Training Committee may direct trainees to train with particular pilots or on particular ships or classes of ships, or on particular routes or waterways. The Committee may also instruct trainees to refrain from further training with pilots whom, in the judgment of the training committee, they have made an excessive number of training trips.

Training progress assessment: A Deputy Marine Pilot (DMP) trainee shall meet with the training committee, or a member thereof, in person or by telephone, after every 10 maneuvers for a discussion and assessment of his or her training progress. The committee may then direct the trainee to the training assignments that will best improve the trainee's experience and skills.

Final training assessment: Upon completion of the SWAPA training program and the state licensing requirements for DMP, the trainee shall meet with the training committee for a full assessment of his or her training evaluations.

If the committee is satisfied that the training requirements have been met, and that the trainee is in fact ready to begin work as a DMP, the SWAPA President and Board of Directors will be informed and a letter issued to the [BOMP](#) stating this fact.

If, during the training process, it becomes evident to the committee that the trainee does not possess the necessary aptitude to successfully complete the program because of lack of situational awareness, failed maneuvers, a general lack of progress, or for other reasons, the trainee shall be so informed as early in the process as practicable in order to avoid wasted time and expense on the part of the trainee and the Association.

Failure to comply with the Training Committee's directions may constitute grounds for dismissal from the training program. Dismissal shall be determined by a majority of the membership.

PREREQUISITE REQUIREMENTS AND SELECTION

To obtain a [pilot's](#) license in Alaska (AS08.62.093) applicants must have a minimum license and experience level. Therefore, SWAPA cannot accept applications which do not meet the State's minimum criteria for licensure as listed below:

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

- Be a U.S. citizen

PREREQUISITE REQUIREMENTS AND SELECTION (continued)

- Minimum of one year as master on ocean or coastwise vessels while holding unlimited ocean masters license-or-
- Two ~~years service~~ years' service as master on United States Coast Guard inspected vessels of not less than 1000 gross tons or tug and tow of at least 1600 combined gross tons while holding a 1600 gross ton masters license-or-
- Two years of service as chief mate on ocean or coastwise vessels while holding unlimited ocean masters license-or-
- Two years of service as commanding officer of U.S. Commissioned vessels (Navy, Coast Guard, NOAA) of not less than 1600 gross tons while holding unlimited ocean masters license-or-
- Three years of experience as a member of a professional pilots association-or-
- Four years of experience in an approved apprenticeship program.

If applicants possess one or more of the above listed experience and license qualifications, the Association will accept the application. The SWAPA training committee maintains an applicant file and generally, but not always, the membership will vote in the spring whether or not to bring one or more applicants into the Association pilot observer/apprentice programs. All qualified applicants whose applications are current (within 1 year) are listed on the ballot, in alphabetical order, with the following information provided for each applicant: Name, Age, Residence, Present Employment, Maritime Academy Education/ College Degree, Federal License, Federal pilotage endorsements held or pending for Region 2, Experience which qualifies under 08.62.093 (above).

Entry into the SWAPA pilot observer/training/apprenticeship programs is a membership decision based upon the needs of the Association in fulfilling its State mandated obligation to promote a safe and reliable system of marine pilotage for Region II. Most successful applicants will enter the Association Pilot Observer Program, except licensed marine pilots transferring from another region who will enter the Association Training Program.

DRUG TESTING PROGRAM

All pilot observers, trainees and apprentices shall be enrolled in a board approved random drug testing program.

PILOT OBSERVER PROGRAM

Participants in the SWAPA Pilot Observer program receive assistance from the Association in obtaining observer trips for the purpose of gaining federal pilotage endorsements in Region II.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

Region II includes Icy Bay, Prince William Sound, Seward/Resurrection Bay, Cook Inlet, the Kodiak Archipelago and the south side of the Alaska Peninsula to 156 degrees west longitude.

PILOT OBSERVER PROGRAM (continued)

While in the Pilot Observer program, Observers- will accompany a number of association pilots on pilotage assignments to various ships, waterways and ports. Members evaluate the observer's professional demeanor and appearance, attitude, preparation, situational awareness, and aptitude for the work of a pilot. Observers are expected to show good progress in obtaining the federal endorsements required. If they do not they may be dropped from the program. Similarly, if an observer shows poor attitude, poor aptitude, or unprofessional behavior then he or she may be dropped from the program. It is the observer's responsibility to furnish the pilot with a "Pilot Observer Evaluation Form" for completion. This completed form shall be returned to the office and placed in the observer's file for periodic review by the Training Committee.

Completion of the pilot observer program is the path to the deputy marine pilot training program. Once observers obtain federal pilotage for one or more areas in Region II they are eligible to take the state "core exam" (56.026).

Prior to taking the core exam, the Training Committee will review the observer's "Pilot Observer Evaluation Forms" and other ~~feed-back~~[feedback](#) from pilots whom the Observer has accompanied on pilot jobs. The Training Committee will then give an assessment and recommendation to the SWAPA membership. The membership will then vote on whether or not to accept the observer into the SWAPA training program. Upon an affirmative majority vote of the membership, The Board of Marine Pilots will be informed in writing that the applicant is qualified and recommend that he/she be administered the core exam. Upon successful completion of the core exam the observer will be accepted into the SWAPA training program and begin supervised ship handling at only those ports for which they are federally licensed. The Alaska Board of Marine Pilots will be informed in writing that such training will begin. (56.026(3b)).

DEPUTY MARINE PILOT TRAINING PROGRAM

Our training process requires at least 100 supervised movements, performed throughout the region, with training in all currently active ports within the region, including;

Kodiak Island Group and Prince William Sound

- Requires a minimum of 15 dockings or moorings and 15 undockings or unmoorings to take place in Prince William Sound and Kodiak Island Group.
- At least one docking or mooring and one undocking or unmooring must be performed within the period October 1 to April 1.
- 2 of the dockings/moorings and 2 undockings/unmoorings, including transit to the pilot station, must be performed at night.
- No fewer than 3 of the dockings/moorings and undockings/unmoorings must take place in Prince William Sound.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

DEPUTY MARINE PILOT TRAINING PROGRAM (continued)

Seward/Resurrection Bay

- Requires a minimum of 6 dockings and 6 undockings under the supervision of at least two different training pilots.
- ~~At least 2 dockings and 2 undockings within the period October 1 to April 1.~~
- At least 2 dockings and 2 undockings on vessels in excess of 10,000 gross tons.

Nikiski

- Requires a minimum of 18 dockings and 18 undockings under the supervision of at least 3 different training pilots.
- 4 dockings and 4 undockings must be performed under ice conditions; a board approved ice simulator training course for this port may be substituted for 2 dockings and 2 undockings.
- 4 dockings must be performed while dredging an anchor.
- 4 dockings and 4 undockings must be performed within the period October 1 to April 1.

Port of Anchorage

- Requires a minimum of 12 dockings and 12 undockings under the supervision of at least 2 different training pilots.
- 2 dockings and 2 undockings must be performed under ice conditions.
- 2 dockings and 2 undockings must be performed on vessels in excess of 10,000 gross tons.
- 2 dockings and 2 undockings must be performed with tug assistance.
- 1 docking must involve a cow turn. A simulator training course for this port may be substituted for this maneuver.

College Fjord, Prince William Sound

- 4 round trips as a pilot observer under the supervision of at least 2 different training pilots on cruise ships of over 10,000 gross tons. 4 transits at the conn under the supervision of at least 2 different training pilots.

Western Entrances to Prince William Sound

- (a) 4 round trips as a pilot observer under the supervision of at least 2 different training pilots on cruise ships of over 10,000 gross tons, including 4 round trips as a pilot observer through Knight Island Passage.

Or

(b) 4 dockings and undockings on cruise ships over 10,000 gross tons, under the supervision of 2 different training pilots, in Prince William Sound.

A combination of (a) and (b) shall also be acceptable.

- 2 round trips as a pilot observer through Elrington Passage.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

- 4 round trips as a pilot observer through Hinchinbrook Entrance.

DEPUTY MARINE PILOT TRAINING PROGRAM (continued)

Each maneuver will be briefed, observed, and graded by the training pilot. In order to pass, each maneuver must be safe and unassisted by the pilot. It is the trainee's responsibility to furnish the pilot with a "Trainee Evaluation Form" for completion. The completed form shall be returned to the SWAPA accounting office and placed in the trainee's file for periodic review by the Training Committee and quarterly submission to the Marine Pilot Coordinator.

Course Work

The deputy marine pilot training program requires, within 5 years prior to application for licensing, the successful completion of:

1. An American Pilots Association approved Bridge Resource Management course of at least 16 hours.
2. A bridge simulator course which is Region II specific or which emphasizes a pilot's proficiency, or,
3. A manned model course.

Trainees have a maximum of 3 years to complete training (56.026(e)).

When trainees have successfully completed the docking/undocking training, course work, and obtained full federal pilotage without tonnage restrictions for the Kodiak Island Group ports of Kodiak/St. Paul Harbor and Womens Bay, and the entire Southcentral Alaska Region outside of the Kodiak Island Group, except Icy Bay, SWAPA will notify the marine pilot coordinator. Trainees are then eligible to sit for the local knowledge portion of the state exam. Finally, trainees take the oral exam in front of the Board of Marine Pilots. If successful in both exams the trainee is granted a Deputy Marine Pilot License (56.027).

COMPENSATION

Pay commences when the deputy begins piloting under the authority of his or her deputy marine pilot license and is graduated depending on the tonnage and endorsements on the license. See SWAPA Bylaws for a table of pay gradations.

TRAINING STIPENDS

SWAPA will issue a monthly stipend of \$75.00 per day to pilot trainees who have passed their Deputy Marine Pilot Core exam, are available and actively training, as directed by the training committee.

SWAPA will reimburse the actual travel expenses of trainees who are performing state required dockings/undockings. In order to be compensated for these expenses, trainees must abide by these guidelines:

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

- Submit the SWAPA trainee expense reimbursement form along with actual receipts documenting expenditures. No receipts, no reimbursement.

TRAINING STIPENDS (continued)

- Take the most economical form of transportation available.
- Trainees are not permitted to charter airplanes or boats for reimbursement by SWAPA. If the trainee feels such arrangements are necessary then contact the training chairman who, if he/she agrees, will attempt to clear the expense with the SWAPA President.

The total of stipends and travel expenses together shall not exceed 1% of the previous year's gross annual revenue of SWAPA. Stipends may be adjusted accordingly.

DEPUTY MARINE PILOT TONNAGE UPGRADES

Deputy Marine Pilots must hold a deputy marine pilots license for 3 years before being granted a full marine pilots license. During this 3 year period tonnage is limited as follows: (56.018 & 019)

- **Step one**-----50,000 gross ~~tons.~~**tons.** To upgrade to step two, the deputy pilot must- perform vessel movements during at least 30 days as a deputy marine pilot on vessels requiring a state licensed marine pilot.
- **Step two**-----~~65,000~~**95,000** gross tons. To upgrade to step three, the deputy marine pilot must have held an endorsement as a deputy marine pilot for a period of at least one year, and while holding a deputy marine pilot license of not more than ~~65,000~~**95,000** gross tons, have performed at least 60 days of vessel movements onboard vessels requiring a state licensed marine pilot.
- **Step three**-----~~90,000~~**110,000** gross tons. To upgrade see Marine Pilot License section below.

SWAPA IN-HOUSE CLEARANCES AND RESTRICTIONS **FOR DEPUTY PILOTS**

LICENSE 50,000 Gross Tons:

Step 1. Upon receiving a 50,000 gross ton endorsement, the deputy's in-house clearance will be limited to 25,000 Gross Tons, with the following restrictions:

- Kodiak Island- No unsupervised dockings/undockings of tank vessels.
- Cook Inlet- No docking/undocking of tank vessels. May go as second pilot
- Prince William Sound- No docking/undocking of tank vessels.

Step 2. After completing 3 round trips in Cook Inlet to either Nikiski or the Port of Anchorage, the Deputy will be cleared for tankers with the following restrictions

- Kodiak Island- No unsupervised docking/undocking of tank vessels at Womens Bay.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

- Cook Inlet- No unsupervised dockings/undockings at Drift River. May go as second pilot.
- Prince William Sound- No docking/undocking of tank vessels in TAPS Trade.

SWAPA IN-HOUSE CLEARANCES AND RESTRICTIONS

FOR DEPUTY PILOTS (continued)

LICENSE ~~65,000~~95,000 Gross Tons:

Step 1. Upon receiving a ~~65,000~~95,000 gross ton endorsement, the Deputy's in-house clearance will be raised to 40,000 gross tons, with the following restrictions:

- Kodiak Island- No unsupervised docking/undocking of tank vessels at Womens Bay.
- Cook Inlet- No unsupervised dockings/undockings at Drift River. May go as second pilot.
- Prince William Sound- No docking/undocking of tank vessels in TAPS Trade.

Step 2. After successfully completing 2 supervised dockings and undockings on vessels of over 40,000 gross tons, the Deputy's in-house clearance will be raised to ~~65,000~~95,000 gross tons, with the same restrictions as in Step 1 above.

LICENSE ~~90,000~~110,000 Gross Tons:

Step 1. Upon receiving a ~~90,000~~110,000 gross ton endorsement, the Deputy's in-house clearance will be ~~90,000~~110,000 gross tons, with the following restrictions:

- Kodiak Island- No unsupervised dockings/undockings of tank vessels at Womens Bay.
- Cook Inlet- No unsupervised dockings/undockings at Drift River. May go as second pilot.
- Prince William Sound- No docking/undocking of tank vessels in the TAPS trade.

Step 2. After completion of the following requirements, the Deputy is eligible to begin supervised dockings/undockings at the Trans-Alaska Pipeline Terminal berths at Valdez:

(a) 12 hours observation at the VTS Traffic Center in Valdez;

(b) Observe at least ~~one~~six transits inbound from the Pilot Station and ~~one~~six transits outbound to the pilot station on different TAPS vessels. ~~board each of the following classes of vessels;~~

- ~~_____ 40,000 to 90,000 DWT~~
- ~~_____ 91,000 to 150,000 DWT~~
- ~~_____ 151,000 to 300,000 DWT~~

MARINE PILOT LICENSE

Before deputy pilots can hold a Marine Pilots License they must:

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TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

1. Complete the 3 year period during which they operate under the authority of their deputy license at the tonnage limitations specified.

MARINE PILOT LICENSE (continued)

2. Have held a valid deputy marine pilot license endorsement to pilot vessels of not more than ~~90,000~~ 110,000 gross tons for at least one year.
3. Complete all Federal pilotage endorsements for Region II. Complete a manned model shiphandling course or a simulator course within the previous 3 years.
4. For Kodiak Island Group have completed at least two round trip pilotage assignments.
5. For Cook Inlet have completed:
 - At least 10 dockings and 10 undockings during pilotage assignments on vessels of over 25,000 gross tons. Dockings at Homer, Seldovia or Port Graham do not satisfy this requirement.
 - At least 3 dockings and 3 undockings under ice conditions.
- ~~6. For Seward have completed at least 2 dockings and 2 undockings on vessels of at least 30,000 gross tons at the Seward Coal Pier. Substitutions may be considered by the Training Committee if Coal Pier dockings are unavailable.~~
- ~~7.~~6. For Valdez Trans-Alaska Pipeline System complete a total of at least 20 supervised dockings and 20 supervised undockings at the Trans Alaska Pipeline Terminal operational berths. At least 4 of these dockings and undockings must occur at night and at least half must have been performed between the period October 1 to April 1.

SPECIAL CLEARANCES

Ice Clearance: After 1 supervised docking/undocking at Nikiski and 1 supervised docking/undocking at Anchorage, performed under full ice conditions, while a Deputy, Deputy will be cleared to dock/undock under ice conditions at these ports.

Womens Bay Tanker Clearance: ~~Two supervised dockings/undockings on tank vessels while either a trainee, a Deputy or a Marine Pilot.~~ Must be a full Marine Pilot before doing unsupervised work on tankers in this port. A simulator training course for this port may be substituted for one supervised docking/undocking.

OTHER SPECIAL CASES: The Training Committee may require special and/or additional and/or remedial training for individual Deputies at the Committee's discretion.

NOTES :

Deputy pilots are encouraged to seek, and shall be responsible for requesting, additional training in any area for which they perceive themselves to be deficient or not fully prepared.

Deputy pilots will not be dispatched to ports where they have not had at least 3 round trips as a pilot observer and/or one satisfactory supervised maneuver. Deputy pilots shall be responsible for acquiring this experience at their earliest opportunity.

TRAINING PROGRAM SOUTHWEST ALASKA PILOTS ASSOCIATION

COMPANY AND DOCK CLEARANCES

Drift River Clearance

~~Must be a full Marine Pilot before doing unsupervised work at this port. Deputies may begin training at Drift River upon receiving their 65,000 gross ton endorsement, at which point they will be allowed to perform the required 3 observer dockings/undockings. A simulator course for this port may be substituted for 1 observer docking/undocking.~~

~~Upon receiving their 90,000 gross ton endorsement, deputies may begin hands on training. No unsupervised work is allowed in this port except by marine pilots with VLCC endorsement.~~

~~Level II is obtained after 8 supervised dockings/undockings with 3 of these performed at night and 3 performed in winter. A simulator training course for this port may be substituted for 3 dockings/undockings.~~

~~Level I—Ice Conditions Approval will be granted after 3 supervised dockings/undockings are completed in ice conditions. These dockings/undockings may be in conjunction with or in addition to Level II clearance.~~

~~SWAPA works closely with Cook Inlet Pipeline Co., the operators of the Drift River (Christy Lee) platform and complies with all the training requirements listed in the C.I.P.I. Manual.~~

LNG Ship Clearance

~~Must be a full Marine Pilot and have a minimum of three years as a TAPS qualified, VLCC pilot before doing unsupervised work at this port. Teekay Marine Services, operators of the LNG carriers servicing the Phillips/Marathon Nikiski Plant have signed a Memorandum of Understanding with SWAPA concerning pilot dispatch for the LNG vessels calling at Nikiski. In accordance with that agreement:~~

- ~~• SWAPA agrees to the limit of an 11 pilot LNG pool.~~
- ~~• The LNG pool will include only pilots that are operating as year round members of the Association.~~
- ~~• In order to be eligible for the LNG pool a member shall have a minimum of three years as a TAPS qualified VLCC pilot.~~
- ~~• Prior to being added to the LNG pool each new pilot shall make two round trips to the Phillips Dock at Nikiski on LNG vessels~~

TRANSFERRING MARINE PILOT TRAINING PROGRAM

Pilots transferring from other regions are almost always experienced, veteran pilots. The SWAPA training program seeks to familiarize them with Region II and to improve and refine their ship handling skills. Marine pilots transferring to Region II from other piloting regions in

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TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

the state must satisfy certain state requirements as well as complete the training requirements for Region II. These requirements are (56.034):

TRANSFERRING MARINE PILOT TRAINING PROGRAM (continued)

1. Possess a Coast Guard license with pilotage endorsements of unlimited tonnage for Region II. The Regulations imply full pilotage for Region II.
2. Possess a valid marine pilot license from another region.
3. Complete the training program for Region II.
4. Pass the local knowledge exam for Region II.
5. Submit a letter from SWAPA that the applicant has completed the Region II training program.

The SWAPA training requirement for transferring pilots is as follows:

A marine pilot transferring to Alaska Pilotage Region II shall successfully complete 50 supervised dockings and/or undockings, moorings and/or unmoorings, and/or cruise ship route transits while at the conn at ports and waterways throughout the region, as specified by the SWAPA Training Committee. During this process, the Training Committee will periodically review the transferee's progress and may require additional training if, in the opinion of the training committee, this is required.

DEPUTY MARINE PILOT APPRENTICESHIP PROGRAM

The Marine Pilot Statutes, 08.62.093(b)(6), provide for pilot associations to conduct an apprentice training program for those individuals who may not otherwise meet the criteria for licensure. The statute and regulations give associations broad latitude in accepting individuals into apprentice programs and require those individuals to apprentice for a period of 4 years. Otherwise, the training requirements differ little from those undertaken by Pilot Observers and Trainees.

SWAPA will accept applications for entry into the SWAPA apprenticeship program from individuals who are otherwise highly qualified, but due to the nature of their experience in the maritime community, may not qualify under AS08.62.093. Specifically, SWAPA will accept applications from individuals with appropriate maritime experience, which includes the handling of vessels and holding a Master's license of not less than 1600 gross tons.

1. The Board of Marine Pilots will be notified when an individual is accepted into the Deputy Marine Pilot Apprenticeship Program. No training of any kind can take place until such notice is tendered.
2. The apprentice is required by the regulations to undergo not less than 4 years of training. SWAPA requests apprentices to reside in Region II and be available for training at least six (6) months during any consecutive twelve (12) month period.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

3. The first year of the apprenticeship programs consists of comprehensive pilot development through a program of intensive observation and instruction under a variety

DEPUTY MARINE PILOT APPRENTICESHIP PROGRAM (continued)

of marine pilots and deputy marine pilots. Apprentices are expected to accompany working pilots on many assignments, exceeding the minimum required for Coast Guard pilotage endorsements, in order to familiarize themselves with not only navigation and piloting but, also, bridge procedures and processes on merchant vessels. Supervised vessel maneuvers cannot take place, under regulation, (56.033(c)(1)), until the apprentice has completed twelve (12) months of training and has passed the State core exam.

4. Upon completion of twelve (12) months training and passing the State core exam, the apprentice will follow the same training path as other trainees in pursuit of a deputy marine pilot license.

CONTINUED PROFESSIONAL EDUCATION AND TRAINING **FOR MARINE PILOTS AND DEPUTY MARINE PILOTS**

1. Each marine pilot and deputy marine pilot shall complete at least one training course within the biennial license period immediately preceding the license period for which renewal is sought; or 2 training courses at any time within the 2 biennial license periods immediately preceding the license period for which renewal is sought; or 3 training courses at any time within the 3 biennial license periods immediately preceding the license period for which renewal is sought.

Compliance with this requirement is the responsibility of the individual pilot. The Training Committee will assist, if needed, in making arrangements for courses.

The courses shall include, but not be limited to, the following:

- a. Manned Model
- b. Ship Handling Simulator
- c. Bridge Resource Management for Pilots
- d. Train the Trainer
- e. Automatic Identification System (AIS)
- f. Electronic Chart and Display Information System (ECDIS)
- g. Automatic Radar Plotting Aids (ARPA)
- h. RADAR
- i. Maritime Law
- j. Rules of the Road
- k. Fatigue, Sleep and Medications for Pilots
- l. Legal Aspects for Pilotage including State Statutes and Regulations for Pilots
- m. Maritime Domain Awareness and Security for Pilots
- n. Crisis Management and Media Response

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

- o. Environmental Awareness for Pilots including Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA)
- p. Basic Safety Training, including Personal Pilot Safety
- q. Emergency Medical Response and Survival Techniques

CONTINUED PROFESSIONAL EDUCATION AND TRAINING FOR MARINE PILOTS AND DEPUTY MARINE PILOTS (continued)

- r. Ice Training for Pilots
- s. Nautical Institute Pilotage and Shiphandling Scheme

Other courses meeting the standards of the training program may be substituted for the above upon review and approval of the Training Committee. Such courses shall be related to the field of marine pilotage, be courses for which a certificate can be issued and be “of substance.”

2. Marine pilots holding VLCC endorsements shall document the satisfactory completion of a manned model course during one of the three biennial license periods (once every 6 years) immediately preceding the license period for which renewal is sought (56.083(b)). Compliance with this requirement is the responsibility of the individual pilot.

3. Marine pilots or deputy marine pilots shall document the satisfactory completion of a board approved simulator or manned model course at a board approved facility within one of the three biennial license periods immediately ~~preceeding~~preceding the license period for which renewal is sought.

~~34.~~ The U.S. Coast Guard requires certain periodic training in order to renew federal licenses and STCW endorsements. Since a federal license is a prerequisite for holding a State Pilot License, compliance with Coast Guard training requirements is the responsibility of the individual pilot.

TRAINING PILOTS

To be designated a training pilot, pilots must comply with applicable state regulations, 56.016. Briefly, a training endorsement requires:

- 1. Applicable, unlimited, federal pilotage endorsements for the waters for which the training endorsement is sought.
- 2. Compliance with the state recency requirements (60 days piloting per year).
- 3. At least three (3) consecutive years of experience as a marine pilot in the region.
- 4. A recommendation to the BOMP from SWAPA.
- 5. Approval by the BOMP

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

Regulations allow a training pilot to refuse to accept a trainee. However, if a trainee is refused, then the training pilot must notify the Marine Pilot Coordinator of this non-acceptance. (56.016(5)(b)).

MISCONDUCT, DISMISSAL AND GRIEVANCE PROCEDURES

SWAPA and the other pilot associations in the state have a large responsibility to the citizens of Alaska and to the traditions of professional pilotage to pass through their training programs only those trainees who can meet high standards and demonstrate their proficiency at the craft of piloting. SWAPA endeavors to pick applicants who are experienced and well qualified. Generally, these prospective pilots proceed through the observer/training program with little difficulty and become good pilots. In certain cases, however, the observer/trainee/apprentice may fail to meet professional standards which may include, but are not limited to:

- Poor attitude.
- Failure to accept constructive criticism.
- Unprofessional appearance or conduct.
- Repeated tardiness or failure to arrive for scheduled training.
- Lack of situational awareness.
- Repeated failure to complete required maneuvers satisfactorily.
- Dishonesty.
- Conviction of a crime.
- Failure to progress through the training program in a timely manner

In cases where the training committee determines the observer/trainee/apprentice is having difficulty and may have to be dismissed if the problem(s) persist, the following procedure will take place:

1. The Training Committee will notify the observer/trainee, in writing, of the problem(s) and will schedule a meeting with the observer/trainee. Copy of this letter to SWAPA membership and the MPC.
2. At a meeting with the observer/trainee the training committee will describe the problem(s) with the observer/trainee. The Observer/Trainee will then have the opportunity to question the allegations or otherwise present his or her side of the story. At the conclusion of this meeting a plan of action for improvement may be put in place.
3. In cases where the observer/trainee/apprentice either refuses to comply or cannot comply with the training committee requirements, then the training committee may recommend dismissal of the observer/trainee/apprentice from the observer or training program. This recommendation will be in writing to the SWAPA President.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

4. The SWAPA President, upon receiving a recommendation for dismissal from the training committee, will schedule a special SWAPA meeting, or include the matter on the agenda of the next scheduled SWAPA membership meeting, to address the dismissal. At this meeting the observer/trainee in question will have the opportunity to address the membership and appeal the decision of the training committee.

MISCONDUCT, DISMISSAL AND GRIEVANCE PROCEDURES (continued)

5. After following the above procedure, a majority ~~affirmative~~affirmative vote of the SWAPA membership is required to dismiss an observer/trainee.
6. Dismissal of an observer/trainee/apprentice requires notification to the Board of Marine Pilots through the Marine Pilot Coordinator (56.032).

MANDATORY REPORTS TO BOARD OF MARINE PILOTS

1. 56.025(j)(4) and 56.034(b)

Requires a letter stating applicants for Deputy Marine Pilot License and Marine Pilot License (transferring pilots) have completed the Association training program.

2. 56.026(g)

Requires trainee to submit quarterly training evaluations to marine pilot coordinator.

- ~~3.~~3.56.026(h)

Requires a letter to trainees (copy to pilot board) explaining deficiencies and/or unsatisfactory progress of trainee.

- ~~2.~~4.56.026(j)

Requires notification of the BOMP when a candidate is accepted as a pilot observer for familiarization trips for federal pilotage.

- ~~3.~~5.56.032

Requires notification to the BOMP within 30 days of the dismissal of a trainee from the training program.

- ~~4.~~6.56.026 (3)(b)

Requires notification to the BOMP when a candidate is accepted for training before that trainee may begin supervised dockings, undockings, moorings, unmoorings and ~~trainsits~~transits of specific waterways.

- ~~5.~~7.56.033(d)

Requires notification to the BOMP when an individual is accepted into a deputy marine pilot apprenticeship program.

TRAINING PROGRAM

SOUTHWEST ALASKA PILOTS ASSOCIATION

6.8.56.033(e)

Requires notification to apprentices of deficiencies with copies to apprentice's file and the MPC.

7.9.56.016(5)(b)

Requires training pilots to notify the MPC if the training pilot refuses to accept a trainee.

DEFINITIONS

Docking: Means the evolution of maneuvers made to approach and secure a vessel at a berth, beginning with the briefing of the maneuver to the training pilot and ending when the last line is secure at the berth, and includes the transit from the pilot station to the dock.

Undocking: Means the evolution of maneuvers made to depart a berth, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate and includes the transit from the dock to the pilot station.

Night: Means the period of time between the end of civil twilight when the sun is six degrees below the horizon after sunset and the start of civil twilight when the sun is six degrees below the horizon before sunrise.

Ice Conditions: Means the conditions that exist in Cook Inlet during the time the Captain of the Port, Anchorage, declares "Ice Navigation Guidelines" to be in effect.

Pilot Observer: Means a prospective trainee who has been voted into the SWAPA Pilot Observer program for the purpose of obtaining observer trips to gain federal pilotage endorsements in Region II. A Pilot Observer is not a "trainee."

Trainee: Means an individual who has passed the State core examination and been formally accepted into the SWAPA training program as described in this document.

Apprentice: Means an individual accepted into the SWAPA Marine Pilot Apprenticeship Program as described in this document.

BOMP: Means the Alaska Board of Marine Pilots

MPC: Means the Marine Pilot Coordinator

SWAPA: Means Southwest Alaska Pilots Association

DMP: Means deputy marine pilot

NOTE: Trainees are advised to thoroughly familiarize themselves with the DEFINITIONS contained in the Statutes and Regulations for Marine Pilots

SOUTHWEST ALASKA PILOTS ASSOCIATION

P.O. Box 977
Homer, Alaska 99603

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

September 16, 2020

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

Dear Renee,

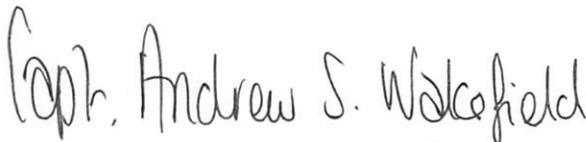
Please find documentation attached for inclusion in the board packet for the October 2020 meeting of the Board of Marine Pilots.

1. Proposed changes to SWAPA Bylaws to allow for electronic balloting procedure in addition to existing paper ballot process. This copy shows the current, board approved bylaws with changes tracked. Language added is in blue, underlined font. Language to be removed is in red font and is struck through.
2. A 'clean' version is also attached to show the final, proposed document.

The attached bylaw amendments all passed by a 2/3 majority vote of the membership of the Southwest Alaska Pilots Association. These amendments will be incorporated into the existing Bylaws upon acceptance by the Board of Marine Pilots. Additionally, regulatory amendments to 12 AAC 56.011 (gross tonnage endorsements) have also been incorporated into the Bylaw amendments as these regulation changes will take effect on 09/19/20.

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

Sincerely,



Captain Andrew S. Wakefield by Jcz
President

Encs:

SWAPA Bylaws-Amended-09/15/20
SWAPA Bylaws-Clean Draft-09/15/20

**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 not to exceed three years, (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 ½ vote.

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, Approved by Board of Marine Pilots: 01/17/2020_ 4Amended 09/15/20

which lists all Association full members, will be mailed or ~~emailed-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 ~~emailed-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 ~~postal-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 ~~postal-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 ~~postal~~-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 ~~65,000~~95,000 gross ton license.

75% share for members holding a ~~90,000~~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.

Approved by Board of Marine Pilots: 01/17/2020_- 8Amended 09/15/20

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;
- (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 ~~POSTAL~~ [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. ~~Postal~~ Paper or Electronic Ballot. ~~Postal~~ 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 ~~emailed~~ 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 ~~postal~~ 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 ~~postal 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 RETIRMENT 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 (l) 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 XXXX 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.

**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 not to exceed three years, (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 ½ vote.

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,
Approved by Board of Marine Pilots: 01/17/2020- 4Amended 09/15/20

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;
- (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 RETIRMENT 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 (l) 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 XXXX 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.



September 2020

Foreign Pleasure Craft (FPC) Exemption Statutes, Regulations, and Process Review

The intent of the review was to take a step back and look to see if the current FPC exemption statutes, regulations, and process (SRP) were meeting the obligations of the Board of Marine Pilots (BMP) under AS 08.62 and 12 AAC 56. The statute and regulations define the duties of the BMP, however the review also concluded an overarching goal and obligation of the board would be useful to guide the review. The three members of the BMP that reviewed the exemption SRP had similar ideas that the basic BMP goal is to: facilitate FPC commerce; and ensure public safety and the environment is protected by the FPC exemption program.

The review was initiated by looking at the application process and vessel/operator requirements as called out in statute and regulations. A small sampling of applications was looked at from 2020 which were known to have had some questions of meeting the requirements. This anecdotal information was then looked at more closely as it pertained to the regulations with an eye towards why there was an issue, was it overcome, how the requirement meets or exceed other regulatory entities requirements, and consistency in applying the regulations to all FPC applications.

The three members agree the current state of the exemption SRP is adequate and that without any changes the process could continue to meet the obligations of the BMP. There are a few requirements that could be updated to aid FPC compliance. As well, there are a few items that the BMP should seek guidance from the AG's office and DEC to make the process clearer and more efficient.

Application Timeline AS 08.62.180(b):

Statute indicates that an applicant for an exemption must submit the paperwork 30 days before the vessel enters the state. Once a complete application is received, the BMP has 10 days to approve or disapprove the application. If the BMP doesn't act on the application by the end of the 10-day period, the application is approved, and the exemption is issued. The 10-day clock stops if additional information is requested by the Board.

A year or so ago, the Board asked the Department of Law for clarification on the 30-day rule and was informed that 30 days must elapse from the time of an application being received and an exemption being issued – even if the Board approved the exemption in less time than 30 days. The vessel could still enter Alaska but would have to take a pilot until such time the 30 days elapsed – potentially deterring/delaying vessels from coming to Alaska.

This opinion by the Department of Law creates a situation where applicants submit a less than complete application to start the 30-day clock. Statute and regulations don't define how complete an application must be to start this clock. Filing of incomplete applications could possibly create additional work for the MPC in the back and forth communications with the vessel/agent.

It is not clear why the Board must vote on an exemption application. The Board has been issuing exemptions on a majority opinion which appears to be indicating that each board member has the expertise to interpret technical aspects of the applications and the authority to interpret the regulations. Regulations are clear except for a few requirements, such as licensing, and need no interpretation. Delegating the approval authority to the MPC could streamline the process.

Recommendation:

- Seek guidance from the Department of Law on ways to avoid the 30-day rule to issue exemptions once a complete application is approved.
- Set minimum application requirements (vessel document, operators, areas of anticipated operation), particularly if the 30-day rule is reaffirmed as a requirement, to ease the burden on the MPC.
- Delegate the authority to approve exemptions to the MPC.

Vessel Insurance Coverage AS 08.62.165:

The referenced statute addresses marine pilot limitation of liability. Nowhere in this or other statutes or regulations is there any mention of insurance. It isn't clear what the BMP's interest is and at what level of coverage satisfies those interests.

Recommendation:

- Seek Department of Law clarification on
 1. Insurance requirement – is there one for FPC's.
 2. Can the BMP withhold an exemption for incomplete insurance documentation and/or the lack of DEC approval of FPC oil spill pollution and liability requirements per AS 46.04.055 (COFR)?
- If the BMP has the authority to require some level of liability insurance
 1. Set the level that would be deemed appropriate; *or*
 2. Simply ask that the vessel attest to having insurance coverage for operations in our geographic area.

Interpretation of Regulations:

Vessel length and tonnage determine master licensing and equipment carriage requirements. This summer there was an FPC with an overall length of 100 feet 3 inches. By our regulation, an FPC exemption for an FPC with an overall length greater than 100 feet is required to be operated by a licensed master. There are equipment requirements that similarly have defined tonnage limits for compliance.

Recommendation:

- Seek guidance from the Department of Law on BMP's authority to interpret the applicability of regulation. For example, does the Board have the authority to round the length of a vessel to the nearest foot and is that the direction the Board wants to take when making these determinations?

Certificate of Financial Responsibility (COFR) AS 46.04.055:

The FPC exemption application notes that a COFR is required for vessels greater than 400 Gross Register Tons (GRT). GRT is an outdated measurement system and rarely, if ever, will an FPC have GRT indicated on the vessel's documents. What will be indicated is the vessel's Gross Tonnage. The two measurement systems are not the same and there is no conversion. The impact is that the State could be requiring FPCs to obtain a COFR, or not, based on the tonnage criteria discrepancy.

Recommendation:

- Formally advise DEC of the discrepancy and update the FPC exemption application form to indicate the tonnage measurement DEC will be using to determine COFR requirement.

Licensing and Equipment Carriage Requirements:

Licensing -

Captain's licenses (credentials) and endorsements have been one of the most difficult aspects of the exemption application review for consistency as there are many different issuing authorities. The establishment of International Convention on Standards of Training, Certification, and Watchkeeping (STCW) has helped in identifying license levels and endorsements but some are still difficult to readily understand. Added to this difficulty is that some countries also issue Certificates of Competency (CoC), some of which have less stringent training requirements to obtain and have been seen to not have an expiration date (meaning no renewal or recency requirements). These certificates are sometimes referred to as Yacht Licenses.

12 AAC 56.115(c) states: On vessels over 100 feet in length, the captain or master aboard a pleasure craft seeking a pilotage exemption must hold a current mariner's license for the vessel's tonnage. A copy of the mariner's license must be submitted with the application submitted under this section. On a pleasure craft greater than 200 gross tons, the master must hold a valid unlimited radar observer endorsement.

Evaluating the license to meet the tonnage of the vessel is usually straightforward but accepting a CoC as a mariner's license may not meet the intention of the regulation though underwriters for the vessel's insurance accept a CoC as an approved level of training to meet their standards.

There is a conflict regarding the RADAR observer endorsement as RADAR is not required on all vessels over 200 gross tons. There may be occasion when a vessel does not require a licensed master (100 feet or less in overall length) but does require a RADAR observer endorsement (greater than 200 gross tons). The regulation is requiring an endorsement to a license that is not required.

Recommendation:

- Develop guidance to address an applicant's license requirements where length and tonnage conflict with these regulations.
- Develop Board policy as to whether Certificates of Competency meet the intent of the master's license requirement.
- Eliminate the RADAR Observer requirement as licensing authorities issuing STCW endorsements include applicable RADAR training requirements and replace it with the requirement to provide proof of RADAR training within the last five years.

Equipment -

Vessel equipment required by the exemption regulations is straightforward, but some exceed international carriage requirements and don't necessarily align with vessel tonnage carriage requirements, or licensing requirements.

The State is within its authority to require more stringent requirements than Federal or international requirements to be issued a pilotage exemption. Anecdotally, this has deterred some smaller vessels from coming to Alaska. This process review focused on how the equipment requirements could be changed to better align with international and Federal standards without compromising the integrity of the exemption requirements.

12 AAC 56.115(a)(2)(A) a class A or B automatic identification system (AIS). The differences in Class A and Class B AIS devices are that Class B lack some of the functionality and transmit at less than half the power of a Class A device. International carriage requirements are that a vessel of over 300 GT engaged on international voyages carry an AIS system - a Class A device. Individual nations can have other AIS requirements for vessels that don't fall under the international standards such as requiring Class B AIS devices on certain vessels.

Our requirement for all FPCs seeking an exemption to carry an AIS system is not unrealistic even though international requirements only apply to the FPCs over 300 GT. The AIS is a proven aid to communications with other vessels for navigation safety. Specifying in our regulations that either a Class A or Class B will meet the requirement isn't necessary as the importance of the requirement is that the vessel have AIS.

Recommendation:

- Change the regulation to simply state the requirement is to have an AIS system.

12 AAC 56.115(a)(2)(B) radar; if the vessel is over 125 feet long, the radar must be automatic radar plotting aides (ARPA) capable; (C) a depth sounder with depth alarm

The pilotage exemption carriage requirement for RADAR and ARPA (Automatic RADAR Plotting Aid) are more stringent than international carriage requirements. International regulations don't require vessels of less than 300 GT to have RADAR on board and on vessels less than 500 GT, an automatic tracking aid (ARPA or a less capable target tracking system) is not required. The State requirement is for all FPCs to have RADAR and those over 125 feet in length to have RADAR that is ARPA "capable". This inconsistency hasn't been raised by any yachts, probably because outfitting private vessels with RADAR is very commonplace, let alone prudent. And more likely than not, current RADARs are capable of having ARPA – whether it is installed or not.

Similarly, the State requires all FPCs to have a depth sounder with an alarm whereas international carriage requirements are only for vessels 300 GT and larger to have this equipment.

The BMP probably included these requirements to ensure FPCs operating without a pilot had the tools to aid them in unfamiliar operating areas to protect Alaska's interests. Considering that these RADAR requirements are being met by applicants, there is no reason to modify the requirements with possibly one exception. If a vessel is required by IMO standards to have ARPA (vessels over 500 GT), the licensed operator is required to be trained in the use of ARPA (and the license would have an endorsement as such). Our requirement is that an FPC have ARPA when international law does not. Do we then require the captain to have the specific ARPA training and endorsement? This could be problematic and exclude FPCs from qualifying for the pilotage exemption. Further, our regulations indicate that the RADAR be ARPA "capable". One could probably argue that "capable" doesn't mean the RADAR has ARPA installed. IMO regulations state, "All ships of 500 gross tonnage and upwards shall, ...have: an automatic tracking aid, or other means, to plot automatically the range and bearing of other targets to determine collision risk."

Recommendation:

- Change the regulation by deleting the reference to "ARPA" and indicate that all vessels have RADAR and the RADAR must have the means to automatically track the range and bearing of other targets to determine collision risk. This would ensure the FPC has what the BMP has determined a critical piece of equipment with automatic target tracking, regardless of size. An FPC that is required to have ARPA by international regulations will also have a licensed master whose licensure was dependent on having been trained in ARPA.

12 AAC 56.115(a)(2)(D) a magnetic compass with a deviation table created not later than one year before the date of the application for an exemption

MPCs have received questions from applicants if a non-magnetic compass (transmitting heading device - THD) would fulfill the requirement of a magnetic compass. There are references that indicate International carriage requirements (SOLAS Ch V, Annex 13) exempt vessels less than 150 GT from carrying a standard magnetic compass. The question about compasses most likely comes from these smaller vessels. Our current requirement means these smaller yachts would

have to retrofit their navigation equipment suite to receive an exemption. This is probably not an expense they would incur, and it could be an impediment to them coming to Alaska. An option could be to change the regulation to include other compass/heading devices on smaller (or all) FPCs. It is probably worth discussing what options we can offer these vessels to comply with the compass requirement without adding the extra burden of purchasing and installing the equipment.

Recommendation:

- Change the regulation to include “other means” or provide the MPC the information to make the determination to accept other compass heading instruments.

12 AAC 56.115(a)(2)(E) one or more VHF radios capable of simultaneously monitoring channels 13 and 16

State requirements are that all FPCs applying for an exemption have “one or more VHF radios capable of simultaneously monitoring channels 13 and 16”. U.S. regulations require that while operating in U.S. waters, all power-driven vessels greater than 20 meters in length must maintain a radio watch on VHF channels 13 and 16 **using two receivers** (scanning between the two channels on one receiver is specifically not allowed).

Recommendation:

- Change regulation to require two VHF transceivers to ensure the watchkeeping requirement can be met.

Navigation and Safety Information (Yacht Packet) AS 08.62.180(c) and 12 AAC 56.115(a)(3):

Publications required to be on board include navigation references (charts, Coast Pilots, tide tables, current tables and information included in the Yacht Packet (i.e. waterway guides).

The BMP has discussed in the past that vessels are not always able to access current publications because of internet limitations and decided to allow the agent to provide documents upon the vessel arriving in Alaska. For the smaller vessels not taking a pilot upon entry, it could be counter to the goals of the BMP to approve an exemption when we don't have verification that the vessel holds the critical information (namely charts).

This past season, there were at least two FPCs that indicated “current” for the date of the publications on board. This kind of entry on the application can't be properly evaluated as meeting the requirements.

Recommendation:

- Ensure the applicant indicates the actual dates of the navigation publications held to ensure the most recent editions are on board without exception.
- Continue to allow the agent to provide the Yacht Packet upon the vessel's arrival as the exception and not the practice.

Additional Items for Discussion

Vessel Length Qualification for an Exemption:

There was some discussion that the statute dictating the maximum length of an FPC that qualifies for an exemption should be reconsidered and possibly increased. Since the statute was written, it could be argued that navigation tools have improved as the size of yachts has increased. What length should be advocated to warrant pilotage? Have the tools and training improved to support allowing larger vessels to operate in Alaskan waters without a pilot? Should the exemption be based on tonnage rather than length? Is it worth “opening” the Act to reset the exemption length without data supporting a change?

Application Process:

Is there a better model to emulate that provides a quicker and more efficient exemption process, such as the Alaska Forest Practices Act (AFPA). The AFPA allows an applicant to commence operations 30 days after the applicant attests that all requirements are met. Within the 30 days, any of the agencies involved can request a stay of operations until that agency’s questions can be answered/met. Would this type of model serve the BMP and the FPC better?



Foreign Pleasure Craft Exemptions 2020

2020 – 16 FPC's total issued

30-day submission requirement:

A total of 6 exemptions applications from the 16 issued were complete and approved by board before the end of the 30-days – effective date was 5 or more days after the issued date. The vessels were informed via email and postal mail that though the exemption had been granted it would not be effective until the date provided on the exemption certificate.

Master's with foreign credentials:

6 total with UK/Northern Ireland Certificate of Competency – Merchant Shipping

1 – UK - RYA/MCA Certificate of Competence; YachtMaster Offshore

1 – Republic of Marshall Islands

1 – crew credentials Cayman Island

Insurance:

All FPC applicants submitted insurance documentation ranging from 4 pages to the largest policy at 386 pages. Without any specific parameters for coverage listed in regulation or statute, all were reviewed to ensure that Alaskan waters were not excluded. 1 vessel submitted a policy that specifically excluded AK at the time of application, a new proof of insurance including Alaskan waters was submitted upon request.

Submission of applications:

All applications were submitted via email with payment of fees submitted via fax or to follow. MPC explained to vessel agent that per division policy applications would not be reviewed/processed until the fees had been received regardless if that was being used to start the 30-day clock. Therefore, status updates and notification of missing items would not be addressed immediately upon receipt of the application but at time the application fee was received. Applications were submitted via email for 2 vessels that ultimately decided to not seek the exemption; no fees were submitted for those applications.

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 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20 1st - 3rd QTR
	Revenue									
Revenue from License Fees	\$ 48,500	\$ 277,450	\$ 325,950	\$ 65,188	\$ 281,640	\$ 346,828	\$ 91,150	\$ 206,450	\$ 297,600	\$ 25,900
Allowable Third Party Reimbursements	-	-	-	-	-	-	-	-	-	-
TOTAL REVENUE	\$ 48,500	\$ 277,450	\$ 325,950	\$ 65,188	\$ 281,640	\$ 346,828	\$ 91,150	\$ 206,450	\$ 297,600	\$ 25,900
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	93,647	79,353	173,000	57,669	38,731	96,400	83,020	78,538	161,558	50,049
2000 - Travel	14,262	14,410	28,672	11,698	10,370	22,068	14,158	8,709	22,867	6,392
3000 - Services	4,001	10,416	14,417	6,464	5,294	11,758	3,398	4,919	8,317	1,279
4000 - Commodities	108	734	842	541	587	1,128	195	702	897	1,805
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	112,018	104,913	216,931	76,372	54,982	131,354	100,771	92,868	193,639	59,525
Investigation Expenditures										
1000-Personal Services	920	802	1,722	4,398	96	4,494	9,360	14,528	23,888	294
2000 - Travel	-	-	-	-	-	-	-	1,341	1,341	-
3023 - Expert Witness	-	-	-	-	3,454	3,454	-	200	200	-
3088 - Inter-Agency Legal	18,690	1,804	20,494	1,418	241	1,659	795	33	828	-
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	-	-	-	87	87	-
3000 - Services other	-	-	-	-	-	-	-	5	5	-
4000 - Commodities	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	19,610	2,606	22,216	5,816	3,791	9,607	10,155	16,194	26,349	294
Total Direct Expenditures	131,628	107,519	239,147	82,188	58,773	140,961	110,926	109,062	219,988	59,819
Indirect Expenditures										
Internal Administrative Costs	2,643	6,000	8,643	6,152	6,628	12,780	13,970	13,964	27,934	10,473
Departmental Costs	9,329	10,521	19,850	8,334	8,047	16,381	14,865	16,624	31,489	12,468
Statewide Costs	8,218	6,988	15,206	3,670	4,761	8,431	10,324	9,685	20,009	7,264
Total Indirect Expenditures	20,190	23,509	43,699	18,156	19,436	37,592	39,159	40,273	79,432	30,205
TOTAL EXPENDITURES	\$ 151,818	\$ 131,028	\$ 282,846	\$ 100,344	\$ 78,209	\$ 178,553	\$ 150,085	\$ 149,335	\$ 299,420	\$ 90,024
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ 93,703	\$ (9,615)		\$ 136,807	\$ 101,651		\$ 305,082	\$ 246,147		\$ 303,262
Annual Increase/(Decrease)	(103,318)	146,422		(35,156)	203,431		(58,935)	57,115		(64,124)
Ending Cumulative Surplus (Deficit)	\$ (9,615)	\$ 136,807		\$ 101,651	\$ 305,082		\$ 246,147	\$ 303,262		\$ 239,138
Statistical Information										
Number of Licensees	90	93		138	154		152	132		-

Additional information:

- 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 *
- 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 load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

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

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	(Multiple Items)

Sum of Expenditures Object Name (Ex)	Object Type Name (Ex)				Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	29,810.83				29,810.83
1023 - Leave Taken	3,435.19				3,435.19
1028 - Alaska Supplemental Benefit	2,038.73				2,038.73
1029 - Public Employee's Retirement System Defined Benefits	4,627.64				4,627.64
1030 - Public Employee's Retirement System Defined Contribution	642.35				642.35
1034 - Public Employee's Retirement System Defined Cont Health Reim	480.29				480.29
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	161.14				161.14
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	1,402.73				1,402.73
1039 - Unemployment Insurance	107.11				107.11
1040 - Group Health Insurance	5,660.95				5,660.95
1041 - Basic Life and Travel	5.47				5.47
1042 - Worker's Compensation Insurance	299.00				299.00
1047 - Leave Cash In Employer Charge	733.26				733.26
1048 - Terminal Leave Employer Charge	450.10				450.10
1053 - Medicare Tax	461.13				461.13
1069 - SU Business Leave Bank Contributions	20.25				20.25
1077 - ASEA Legal Trust	2.44				2.44
1079 - ASEA Injury Leave Usage	0.45				0.45
1080 - SU Legal Trst	4.53				4.53
2000 - In-State Employee Airfare			778.45		778.45
2001 - In-State Employee Surface Transportation			82.40		82.40
2002 - In-State Employee Lodging			1,251.00		1,251.00
2003 - In-State Employee Meals and Incidentals			603.00		603.00
2005 - In-State Non-Employee Airfare			1,389.89		1,389.89
2007 - In-State Non-Employee Lodging			1,031.00		1,031.00
2008 - In-State Non-Employee Meals and Incidentals			660.00		660.00
2009 - In-State Non-Employee Taxable Per Diem			64.00		64.00
2010 - In-State Non-Employee Non-Taxable Reimbursement			527.79		527.79
2036 - Cash Advance Fee			4.06		4.06
3045 - Postage				65.30	65.30
3046 - Advertising				75.15	75.15
3069 - Commission Sales				4.50	4.50
3085 - Inter-Agency Mail				403.10	403.10
3088 - Inter-Agency Legal				710.47	710.47
4002 - Business Supplies				1,804.55	1,804.55
3005 - Management/Consulting				-	-
3010 - Insurance/Bonds				20.00	20.00
Grand Total	50,343.59	6,391.59	1,278.52	1,804.55	59,818.25



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

BOARD OF MARINE PILOTS

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2525
Fax: 907.465.2974

Foreign Pleasure Craft Exemptions Issued by year

2016 – 16
2017 – 22
2018 – 26
2019 – 18
2020 – 16
Total = 98

Multiple Trips:

Total of 13 vessels made multiple trips

2 trips – 8
3 trips – 4
5 trips – 1

Revenue for each year:

2016 - \$52,700
2017 - \$67,950
2018 - \$92,650
2019 - \$67,650
2020 - \$68,050
Total: \$349,000