STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

ALASKA BOARD OF MARINE PILOTS

JANUARY 28, 2016
ATWOOD BUILDING
ANCHORAGE, ALASKA

MEETING AGENDA

TIME	TOPIC	LEAD PERSON	TAB
0830	**Call to Order – Roll Call**	Chair	1
0835	Atwood Building safety procedures and muster locations	MPC	
0840	**Review Agenda** Declarations / Recusals	Chair	
0845	**Review / Approve Minutes:** October 27, 2015 meeting	Chair	2
0850	**Public Comment** 12 AAC 56.990(a)(40) Definition for Length Overall	Chair	
0920	Discussion and possible adoption of change to Regulation 12 AAC 56.990(a)(40) Definition For Length Overall	Chair	3
1030	**Break**		
1040	**Business Items**		
	a.) Board Revenue and Expense Report	Ms. Hewlett	4
	b.) Correspondence	Chair	
	c.) Formal recognition of pilots receiving endorsements & Departing Board member Robert Richmond	Chair	
	e.) Introduction of Daniel Bushsbaum, Alaska Incident Response LLC Possible Expert Witness	MPC	

"Provide for the maintenance of efficient and competent pilotage service to assure the protection of shipping, the safety of human life and property and the protection of the marine environment." ***AS 08.62.040***

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MEETING AGENDA

1100	**Pilot Organization Reports** a.) SEAPA i.) Organization update b.) SWAPA i.) Organization update c.) AMP i.) Organization update ii.) Proposed change to regulations 12 AAC 56.205 Availability of Pilots	Chair	5
1130	Update from Committee "meets with any casualty" as per 12 AAC 56.960(d) Duties of Pilots	Chair	6
1200	Lunch		
1300	**Public Comment** Other topics	Chair	
1330	Possible creation of casualty reporting requirements For foreign pleasure-craft	Chair	
1400	Board reporting standards for Incident Reports 12 AAC 56.960(d) Duties of Pilots	MPC	
1430	MPC/Investigator Report	MPC	
1445	Discussion of 12 AAC 56.029 General Requirements For Marine Pilot License use of "calendar year"	Chair	7
1515	**Other Business: Next meeting**	MPC	
1530	**Adjournment**	Chair	

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CALL TO ORDER / ROLL

Alaska Board of Marine Pilots

28 January 2016

Anchorage, AK

Call to Order

Chair _____ called the meeting to order at _____AM / PM

Roll Call

BOARD MEMBERS

Mr. Tom Rueter _____

Captain David Arzt _____

Captain Hans Antonsen _____

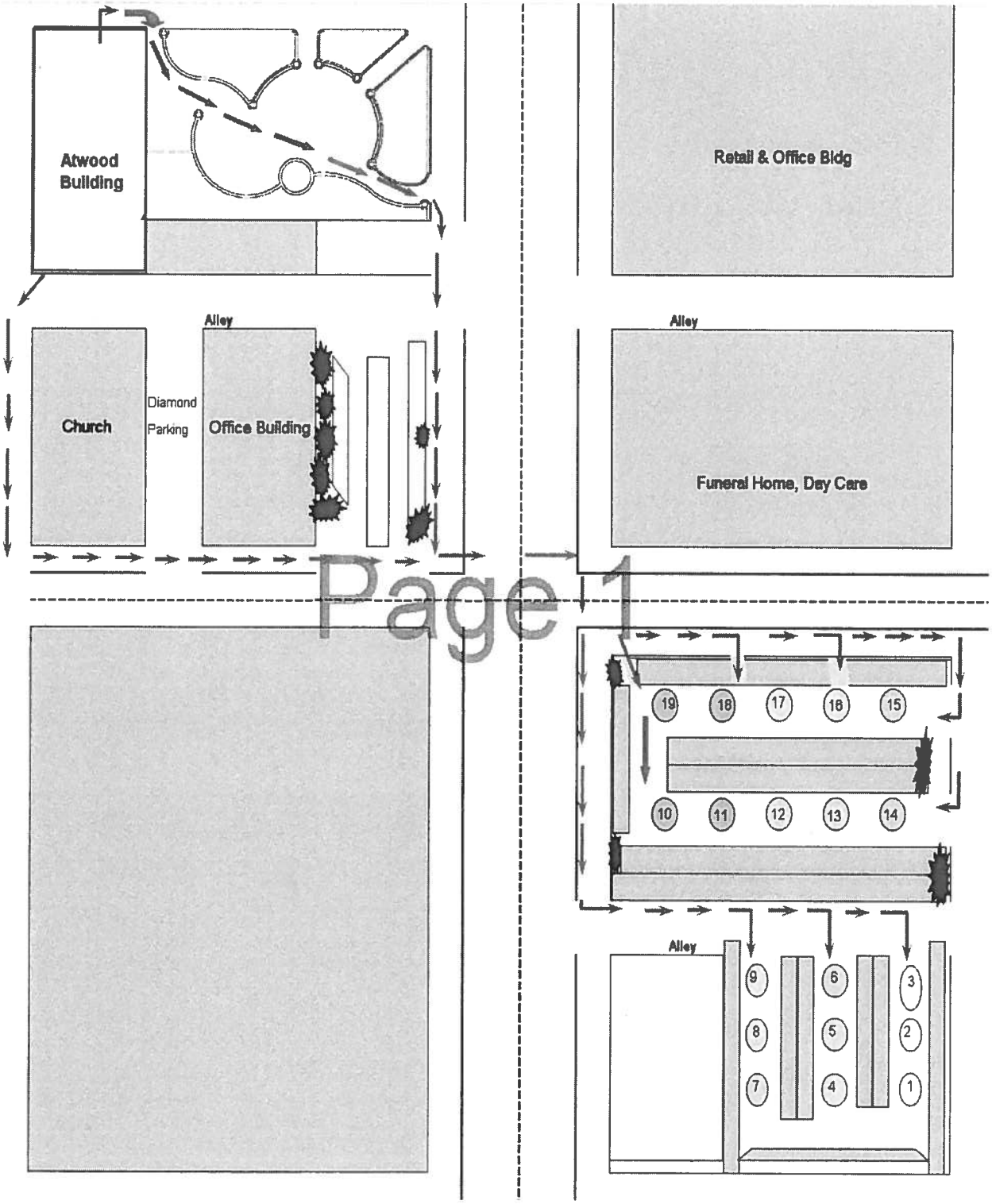
Mr. Rick Erickson _____

Mr. Robert Richmond _____

Mr. Chris Hladick _____

Ms. Shirley Marquardt _____

8th + E.


Atwood Building
Retail & Office Bldg
Alley
Church
Diamond Parking
Office Building
Alley
Funeral Home, Day Care
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Page 1

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DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF MARINE PILOTS

DRAFT MINUTES OF MEETING

October 27, 2015
Anchorage, Alaska

These draft minutes have been prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Alaska Board of Marine Pilots.

By the authority of AS 08.01.070(2), AS 08.62.030, and in compliance with the provisions of AS 44.62, Article 6, a meeting of the Alaska Board of Marine Pilots was held on October 27, 2015, in Anchorage, Alaska.

Call to Order/Roll Call

The meeting was called to order at 8:36 AM by Chairman Chris Hladick. The Marine Pilot Coordinator (MPC) conducted roll call.

Participating members constituting a quorum were:

Hans Antonsen	- Pilot Member
David Arzt	- Pilot Member
Richard Erickson	- Agent Member
Robert Richmond	- Public Member
Tom Rueter	- Agent Member
Chris Hladick, Chair	- Commissioner's Designee

Staff present:

Crystal Dooley	Marine Pilot Coordinator (MPC)
Sara Chambers	Operations Manager of the Division of Corporations, Business, and Professional Licensing (teleconference)
Martha Hewlett	Administrative Officer II (teleconference)
Janey Hovenden	Director of the Division of Corporations, Business, and Professional Licensing (teleconference)
Angela Birt	Chief of Professional Licensing Investigations Unit

Members of the public present:

Ed Sinclair	Southeast Alaska Pilot Association

Paul Merrill	Southeast Alaska Pilot Association
Frank Didier	Southeast Alaska Pilot Association
Rich Preston	Southeast Alaska Pilot Association
Ron Ward	Southwest Alaska Pilot Association
Michael O'Hara	Southwest Alaska Pilot Association
Ron Hildebrand	Trident Seafoods
Mike Tibbles	Alaska Steamship Association
Bob Poe	Alaska Marine Pilots
Keith Austin	Alaska Marine Pilots
Rick Entenmann	Alaska Marine Pilots
Paul Axelson	North Pacific Maritime Institute- Yacht Services of Alaska

Bruce Wyrock from Southeast Alaska Pilot Association attended via teleconference.

Agenda Item 1 **Review and Set Agenda**

It was decided to move Alaska Marine Pilot's organizational report before the other pilot organizations to facilitate the representative's schedule. Hearing no objections to the set agenda, it was:

RESOLVED to approve the agenda.

Declarations of Potential Conflicts of Interest/Recusals

Board members made no declarations of potential conflicts of interest.

Agenda Item 2 **Review/Approve Minutes**

On review of the April 16, 2015 and May 28, 2015 meeting minutes, there were no objections to the content or convey of Board minutes.

Agenda Item 3 **Public Comment**

The Chair opened the floor to general public comment. All public members deferred to testify in the afternoon public comment section.

Agenda Item 4 **Business Items**

a) MPC Report: The Chair invited the MPC to give the report. The MPC presented the Foreign Pleasure Craft Cruise Season Report. She stated that there were about 26 yachts, which was almost a record. She stated that the average yacht seemed smaller than in previous years and more seemed family-owned. She

stated she'd like to expand her report in the future by coordinating with the pilot organizations. She recommended creating a survey to ask for feedback from yachts and that next year she'll work with agents before the application is published to make sure the application is completely clear. Mr. Erickson asked if the Board would review the questionnaire before the MPC sent it to the yachts and the MPC said yes. Captain Antonsen stated that he thought it was very helpful to compare information from 2006.

The MPC gave the investigations report. The MPC stated that since last meeting she had opened six cases, closed five cases, and that the one open case would be discussed more in executive session and would be closed after this meeting.

b) Correspondence: The Chair asked the MPC why so many letters were redacted. The MPC stated that letters from Southeast Alaska Pilots' Association (SEAPA) and Alaska Steamship Association (ASA) contained information pertaining to open investigations that couldn't be released to the Board in general season. Mr. Rueter stated that he had previously seen the letters and there weren't any open investigations since last Board meeting and this information was contained in an open document. The MPC stated that there would be further conversation when the Board reached the Ethics Training agenda item. She stated that information was part of an inquiry was protected from the Board so they didn't have to recuse themselves if the inquiry became an investigation. The Chair asked for written guidance in how redaction was done. Mr. Rueter stated that he saw a response letter from the Chair to SEAPA and that the Chair must have read the letter if he responded. The MPC stated that information could be talked about broadly, but the Division policy stated that specifics couldn't be discussed without recusing out the Board. She stated that she would provide written guidance to the Board. Mr. Rueter asked if the redaction was through written policy or guidance, and the MPC stated it was from guidance from her supervisor, which came from Division policy. Captain Antonsen asked if the financial information listed on page six was the actual amount spent on Board meetings or an estimate. The MPC stated it was an estimate for the fiscal year. Captain Arzt said he'd like to see comparative information of what was actually spent compared to the estimates.

Ms. Chambers entered the conversation via teleconference. The Chair asked why information was redacted out of public documents. Ms. Chambers stated that, per State Law and the Public Records Act, any information concerning ongoing investigations is not considered a public record. She stated that she recommended the MPC redact information since there were matters before the Board that were considered confidential, and afterwards this information would be releasable. She stated that the Board shouldn't discuss ongoing matters until they were resolved. She stated that there was a conversation if the information should have been completely withheld but it was decided there would still be value in the conversation if information was discussed broadly. She stated this was a balance

between protecting the Board and allowing stakeholders to share their concerns. Mr. Rueter asked how the Chair responded to the letter from SEAPA without having to recuse himself. Ms. Chambers stated the information was sent to the Chair and the Chair couldn't "unsee" the information and that the response was intended to let SEAPA know they were aware of concerns and didn't respond directly to matters potentially under investigation. Ms. Chambers stated that if Board members are contacted about potential concerns, the Board member is potentially tainted through ex-parte communication. She stated that ex-parte communication was discussing potentially sensitive information outside of a Board meeting may taint Board members since they could decide using information that wasn't available to other Board members or vetted through investigations. She stated that the MPC would be giving more information to stakeholders. Mr. Rueter stated that he understood the MPC sought guidance from a reviewing Board member to see if an investigation was warranted, and was there another Board member who had been privy to the entire letter? Ms. Chambers stated that a Board member was always consulted for investigative matters, and that the Board member had to be a license holder in matters involving pilots, but in matters that did not involve licensed pilots, another Board member may be called upon. Ms. Chambers stated the process happened behind the scenes, and that the information would be brought before the Board in executive session, and the Board member who consulted with the MPC would recuse them since they had additional information that wasn't brought before the Board. Ms. Chambers stated that now the Division was trying to compromise between protecting the Board and allowing transparent information. Captain Arzt stated that he was concerned that recusing out Board members upset the balance of the Board. Mr. Richmond stated that he often picks juries in Alaska and they ask if juries had read newspaper and judges asked if juries can put aside what they've read and focus on the facts of the case. Mr. Richmond stated that he was concerned that the letter writers didn't know their responses were written off a redacted letter and that he thought the Board could follow ethics rules like a jury.

c.) Annual Report: the MPC stated the Annual Report was released in July and is a snapshot for how the Board has operated. She stated that it had been sent to the Board before and was posted online. Captain Antonsen said asked if the budget information listed on page 6 was the total amount estimated and the MPC said yes. Captain Arzt asked if the first Sunset Audit recommendation was a recommendation going forward or if it was a recommendation from a previous. The MPC stated the recommendation came from the 2012 audit.

d.) Formal Recognition of Pilots: The Board formally recognized Captain Paul Merrill, Captain Peter Garay, and Captain Norbert Chaudhary for receiving training pilot endorsements and Captain Matt Michalski for upgrading to Deputy pilot tonnage from 25K GT to 65K GT.

Agenda Item 5 **Association Reports**

a) AMP: Captain Bob Poe and Captain Entenmann reported that the summer had been really busy with Shell transiting to the Arctic, however that bubble had burst and there was now less traffic. Captain Entenmann stated that tanker and Cruise ship was up, but not predicted to be next year. He stated that Captain John Schibel was retiring on December 31 and that Captain Keith Austin had passed his Local Knowledge Exam yesterday. Captain Entenmann stated they have one trainee in the loop. He stated he was unsure how the organization was going to meet pilot needs if Shell was going to continue exploration but that it was no longer an issue. The MPC stated that Captain Schibel had been licensed since 1987.

b) SEAPA: Captain Paul Merrill and Captain Ed Sinclair represented SEAPA. Captain Merrill stated that SEAPA had 48 pilots, 47 were Unlimited pilots, and that one pilot would be an Unlimited pilot in April. Captain Merrill stated they expected one trainee to take an exam in April and they currently had seven trainees and expected new Deputy pilots one or two a year to cover retirements. He stated that Captain William Tuttle retired.

Captain Merrill stated that Captain Sam Daniels passed away unexpectedly. Captain Merrill stated that new rates were published for liquid cargos in that previous rates were published for dry bulk cargos in preparation for possible liquid water operations out of Sitka.

Captain Arzt requested how many trainees were apprentices. Captain Merrill stated there were four Deputies and three apprentices. Captain Merrill stated they were ranked on a list.

Mr. Rueter asked if he thought SEAPA would have enough pilots to cover with retirements and operations. Captain Merrill stated he believed so.

c) SWAPA: Captain Ron Ward stated that SWAPA had 16 Unlimited pilots and two trainees. He stated that there were two apprentices expected to be licensed in the spring and the fall of next year. He stated that SWAPA would be accepting one or two trainees a year for the next three or four years to cover retirements. Mr. Rueter asked if SWAPA had enough trainees and apprentices cover the retirements and the outlook on the region. Captain Ward stated that it depends on the Alaska LNG project, and if Alaska LNG comes online, they may be short on pilots. Captain Antonsen asked how much time is between LNG creating the project and the need for pilots. Captain Ward stated he had heard from Mr. John Taylor at LNG that it takes at least eight years before anything

moves through the terminal and approximately eight years to train a pilot from basic licensure to VLCC. Captain Antonsen asked if SWAPA could make enough pilots in time, and Captain Ward said he believed so, based on the arsenal of prospective pilots. The Chair stated that there were conceptual designs on the project but there hadn't been any financial estimates. Captain Arzt asked if there were any "breaking ground" triggers points. Captain Ward stated it had been pushed back a year and that it was unclear when this project would be started. (MPC notes the recording is garbled)

The Chair stated the Board would recess until 09: 30AM.

09:30 AM Break
09:40 AM Back on Record

Agenda Item 6 **Board Revenue and Expense Report**

Ms. Hewlett asked the Board to examine the Schedule of Revenues and Expenditures Report. She stated the Board had collected $277,450.00 in revenue for the fiscal year. She stated that it was a renewal year and they received more revenue than FY14. She stated that the Board spent $80,155.00 on personal services, and that personal services paid for the MPC's time, the regulation specialist, the paralegal, and other investigators. She stated the $1.00 spent in the ASEA legal trust was for the regulation specialist, the Chief investigator, and office assistants that completed filing. She stated that any of the 7000 series of payments was for the personal services.

Ms. Hewlett stated the Board paid $14,410.00 for members and staff to attend Board meetings for travel expenses, and corresponded to the 7200 series. She stated that there a "sum of encumbrance" line added for meals/incidentals and non-tax reimbursement because some Board members had not turned in their receipts for reimbursement before the fiscal year closed. She stated that if bills weren't paid by the end of the fiscal year, funds were set aside to pay them in the next fiscal year. She stated the expenses may have already been paid. Captain Antonsen asked when Board members had to turn into receipts. Ms. Hewlett stated that travelers should be submitting receipts within five days of the end of the trip, and that Admin can look up to see who hasn't turned in their receipts. She reiterated that state funds can be set aside to pay back bills from the previous fiscal year with prior year authority. She stated that the Division runs on fee-supported services, and so fees are set based on expenses. However, she stated Legislature gives the Division the authority to spend and the Division must stay within that cap. She stated that the program did have excess revenue but not the authority to spend it. She stated she would follow up if there's travel that hasn't been processed yet.

Captain Arzt asked if yacht revenue had been added to the revenue column and Ms. Hewlett said yes. Captain Arzt asked if they could break that revenue apart from licensing revenue and Ms. Hewlett said they could. Captain Arzt asked if it could be broken down into agent, pilot, and yacht revenue and Ms. Hewlett said it could be.

Ms. Hewlett said that travel contractual line ended at $12,220.00 and was covered in the 7300 section, and covered accounting, auditing, credit card fees, and other fees such has courier, freight shipping, advertising, and storage. Ms. Hewlett said the $16.00 spent on Honorariums/stipend for Board members. She stated that the State had a base amount designated for travel and meals.

Ms. Hewlett stated the $5,399.00 spent on I/A Legal was to contact the Department of Law for investigations. She stated that I/A Commission Sales fees were paid to E-Travel for State contracts to airfare and hotels for Board members if they were interested.

Ms. Hewlett stated the $734.00 spend on business supplies and Board meetings. She asked if there were any questions on direct expenses. There were none. Ms. Hewlett stated that the Board would have a fiscal report similar to last year but it hadn't been competed yet. She stated that indirect costs were higher in FY 15 by approximately $3,000.00 FY14 since the State adopted a historical allocation system like the Federal government. She stated that the Board was paying the MPC less than before since she was working for multiple programs, payment for an office staff, and for a short-term non-permanent employee. The Chair asked how indirect costs were calculated. Ms. Hewlett stated there were different methodologies, and that the Board was partly responsible for paying for phone services, IT support, the Commissioner's office, and administrative services. She stated that the MPC charged some of her time to Collection Agencies and Pawn Brokers, and so those programs also paid indirect expenses. Ms. Hewlett stated that the Board had a surplus of $135,000.00 Captain Antonsen stated that there was successive surplus, when could the Division decrease fees. Ms. Hewlett stated they would get an answer to the Board. Ms. Hovenden stated that fee analysis began in May and were creating a tool so that fees could be predicted through different cycles. Ms. Hovenden explained that changing fees was a regulation project.

Agenda Item 7 **<u>Ethics Act Training</u>**

The MPC stated that Board had discussed the process before, and this training would discuss ex-parte communication and then move to why specific parts of the letter were redacted. The MPC called the Board's attention to Sec. 39.52.010, the Ethics Act policy. She stated that government entities need to be completely

transparent, and that Executive Act is only used for specific purposes, such are information that might prejudice someone's character. She stated that closed cases could not be discussed in open session because it might prejudice someone's character, even though the case was closed. She stated that the Board struggled with ex-parte communication in casual conversation, and that it could be conversations in grocery stores, coffee shops, on watch, and that Board members should direct all questions to the MPC. She stated if a Board member was to find out about a complaint or an investigation in the beginning stages, they should also stop conversation and direct the person to contact the MPC. She stated that recusing themselves wasn't bad. She stated if there were any questions about recusals were to go through the Chair and herself.

She stated that conflict of interest may be an actual financial or personal conflict of interest or if there appears to be one. She stated that there may not necessarily be a conflict of interest, but it was a good conversation to have. The MPC stated she had written a Frequently Asked Questions after so much investigations activity. She stated that agents could not represent yachts since agents were also licensees. She stated that the yacht could choose to discuss the information with the agent, but that the MPC couldn't go through the agent to the yacht. Mr. Reuters stated that agents were registered and not licensed. The MPC stated that was correct, but agents were still in the umbrella of the program. Mr. Rueter stated that parameters of registered agent did not require more than registering with the State and wasn't sure if it counted as a license. The Chair asked if there was an agreement between the agent and the yacht if the agent was representing them in all manners, and Mr. Rueter said no. He stated that agents made arrangements for vessels and that the Board maintained a ledger of agents, and if that counted as a State license. The MPC stated that for purposes such as renewal, licensure numbers, and fees they were counted as licenses. Captain Antonsen stated that he agreed with Mr. Rueter that he didn't believe regulations or statutes used "licensee" to describe agents, but he thought it was a good idea to see what aspects of the Act applies to agents. Mr. Rueter stated he believed there was a freedom of the yacht owner to say he will be attended by and person they request. Mr. Rueter stated he wondered if the State had the authority to preclude attendance. The MPC stated that the Division decided that the agent was decided to be a licensee and could not be at the meeting, but in the future the MPC would prefer earlier notice so she can ask her chain of command. The Chair asked for more clarification. Mr. Rueter said that since it was a voluntary interview with the MPC, the yacht could decline the interview. The MPC stated that the yacht could decline an interview but the State of Alaska would have other ways to get the information. Mr. Richmond stated that in NTSB investigations they are allowed to have attorney's present and do not have to answer questions unless the attorney is present. He asked if the Division was different.

Chief Birt was invited to address the Board. Chief Birt stated that due process rights that people are afforded under criminal rights that aren't given in civil cases, and that it is an administrative decision not to allow agents while attorney's would be allowed. She stated that if a licensee doesn't make a statement it could also cause trouble. Mr. Richmond stated asked if a licensee would be allowed a lawyer, and Chief Birt said yes but that a vessel agent was not the same as a lawyer. The MPC stated the Division decided that agents would not be allowed in interviews, but to let the MPC know in the future. The Chair asked why the agent can't be at the interview. Chief Birt said that the agent is biased towards the vessel. Mr. Erickson said the agent represents the vessel's best interests, like an attorney. Chief Birt said that this needs to be addressed in Executive Session since there is a matter before the Board involving this vessel. Mr. Erickson asked who could represent a vessel. Mr. Rueter asked if the State had specific regulations in who qualified as an attorney to attend an administrative inquiry. The Chief stated this could be arranged on an independent basis.

Mr. Rueter asked when a yacht exemption has been submitted and reviewed, there is a registered agent assigned to the vessel and the any communications from the Board should go through the agent to the licensee. The Chair stated it would depend if the agent was involved or not. The MPC stated that she wouldn't know at the beginning of an inquiry if the agent was involved or not, and thus she cannot interview the agent and the vessel at the same time. Captain Antonsen stated the Board was discussing general principles. Captain Arzt stated the Board had learned about information gathering vs. investigations, and asked if an inquiry was immediately an investigation, or if there were different thresholds where it would become an investigation. Chief Birt said there are different stages of an inquiry, and the third and most formal phase was when a case had reached the investigation level. She stated that there has to be a violation of the law that was determined to have occurred by a sitting Board member. Captain Antonsen stated that a violation may have occurred and also passing along information. Chief stated that in the complaint phase, the reviewing Board member may decide that, if the allegations are true, have they violated a law. Chief Birt stated that the statutes may be silent on particular issues. Captain Antonsen asked at what point a case went from fact-finding to an investigation, so the reviewing Board member knows to stay quiet. Chief Birt stated that as soon as the reviewing Board member determined that there may be a violation of statute or regulation, an investigation has begun. Chief stated that the reviewing Board member is involved twice, once to determine if a case is jurisdiction and to make recommendations on behalf of the Board. Mr. Rueter stated he did not agree that one member should make decisions on behalf of the Board. Captain Arzt stated that the only the time the Board would make a decision as a body would be on a Consent Agreement and not before that. The MPC stated that this process was governed by Division process. Mr. Rueter stated that a single Board member makes decisions on behalf of the Board and that the Board hasn't designated a single Board member to make

those decisions. Chief Birt stated that the 21 other Boards operated that way, and that this process protects the Board and the licensee. She stated that initial complaints are often one-sided, and that relying on a rotating person makes a decision based on historical precedent, which is a statutory precedent. Chief Birt stated the Division would do research so that similar violations received the same punishment. Chief Birt stated that most cases do not need Board involvement since they can be settled with a warning or advising.

Captain Antonsen stated that he thought there was over-sensitivity for Reviewing Board Members to recuse themselves when voting. Chief Birt stated that it was always an issue with small boards because if too many people recuse themselves there cannot be a quorum. Chief Birt stated that the Division recommended people recuse themselves out of the appearance. The Chair asked if the Board can change Consent Agreements. Chief Birt said that punishment can be lessens or the Consent Agreement can be rejected, but the Board can't add punishment once signed by the licensee. Captain Antonsen stated that a balanced Board with agents and pilots is a strength of the Board, but recusing out a pilot changes the balance. Captain Antonsen stated he understood it was a recommendation but not a requirement to recuse from voting and Chief Birt said that was correct. The MPC stated the Board could have an expert witness off the Board. Captain Arzt stated the Board had explored that and preferred to stay with the current process. Mr. Rueter asked if the Division could take action on a licensee without Board knowledge or approval. Chief Birt stated that there would be a summary suspension if there were a great risk to the public and the Board would have a teleconference. Chief Birt stated that the MPC was the investigator for the program.

Captain Antonsen asked Chief Birt if they should approach the MPC with any recusal questions, and Chief Birt said that it was up to the Chair but to use the MPC if she was more approachable. Chief Birt stated that the reason the MPC conducts a conflict check prior to assigning the case. Captain Antonsen used an example of having a long conversation with someone before understanding that it was becoming a case.

Agenda Item 8 **<u>Interpretation of "meets with any casualty" as per 12 AAC 56.960(d) Duties of Pilots</u>**

Captain Antonsen stated that the subcommittee created a definition to go out to public comment and did not want to duplicate what is already reported to the Coast Guard. He stated that "casualty" isn't defined in State regulations and "damaged in any way" can refer to shipboard equipment that doesn't involve pilots. Captain Antonsen stated a recommendation from last meeting was to delete "casualty" and replace it with "collision, allision, and grounding". Captain Antonsen asked if "near miss" was a category the Board was interested in.

Captain Antonsen stated that Incident Reports and an aspect of "near miss" are used by the Puget Sound Pilot. He stated that a definition of casualty would be added to the regulation: "An actual or apparent collision, allision or grounding. A casualty is also a navigational occurrence resulting in actual or apparent personal injury, property or environmental damage. An occurrence where a pilot successfully takes action of a non-routine nature to avoid a collision with another vessel, structure or aid to navigation, to avoid a grounding of the vessel or to avoid causing damage to the environment shall therefore not be considered a casualty and is not required to be reported." Captain Antonsen said the Board had a difference in opinion if they'd like reports of "near miss" and recommended Public Comment. Captain Antonsen stated that he believed both agents and pilots believed that "damaged in any way" should be removed in that it might not involve pilots, however a navigational occurrence could result from actions from a pilot. Mr. Erickson stated the task was to define "casualty". He stated that he believed "near miss" should be reported and further defined. Captain Antonsen stated that in other states "near miss" isn't for disciplinary action. Mr. Erickson stated that he believed the Board should know why there was a "near miss" and the Board could determine if there was any action. Captain Antonsen stated he'd prefer public comment, and that a "near miss" would not be a violation of statute or regulation. Mr. Erickson asked if there would ever be a situation the Board would have to take action. Captain Arzt asked that there was a mechanism with the complaint process if there was a "near miss". Captain Arzt stated that "casualty" still needs to be defined if not stricken from the form, and "near miss" would need another form. He stated he thought "near miss" would be too broad. Captain Antonsen stated that failing to report an incident can mean a fine or jail. Captain Antonsen stated that other boards claimed there was no disciplinary action for a "near miss". The MPC read Sec. 08.62.150(a) (1) Denial, Revocation, or Suspension to demonstrate the Board could suspend a license due to incompetence. The MPC asked if the Board could suspend licenses under Sec. 08.62.150(a) (1) for a "near miss". Mr. Erickson stated yes. Captain Antonsen said it was possible if it was brought as a charge of incompetence. Mr. Erickson stated "near miss" would need a definition. Captain Arzt stated that Sec. 08.62.150(a) (1) was for investigations. The Chair stated this process was for "casualty" and "any damage" to determine what needed to be reported. Mr. Richmond stated that "casualty" had a broad definition and that he would define "near miss" as a casualty, and that he would want to know if there was a "near miss" between a ship and a pilot, such as an intoxicated captain. Mr. Richmond stated that pilots were the "eyes and ears" on the ship. He asked if action has ever been taken against a pilot for not meeting Incident Report requirements. Mr. Richmond stated there needed to be a better job done with "Incident Report" and the form was revised in 2014. The MPC stated she probably revised the form. Mr. Richmond stated he would want to know about a "near miss" as a Board member, and that the FAA reports "near miss" so people can learn from the pilot's mistake. Captain Antonsen stated he disagreed from Mr. Richmond and that people had a

legal duty to report information, not for public interest. Mr. Richmond stated the FAA didn't use "near miss" to prosecute the pilot but to learn how avoid specific situations, if possible. Mr. Erickson stated that pilots may make different decisions in different waterways, and would this be used to judge a pilot's competence. Mr. Erickson stated that a "near miss" could be a transit where a pilot doesn't take action to avoid an issue and it became a "near miss", or maybe action was taken and the situation was avoided. Captain Antonsen stated the onus to report a "near miss" would be on his record as an interpretation of violations if he had a different interpretation of "near miss", and that the Board of Marine Pilots had different reporting requirements than the Coast Guard. The MPC asked if the MPC would investigate a "near miss", at MPC discretion. Mr. Rueter stated the MPC could question the pilot but would not go further. Captain Arzt stated that the Incident Report form would not be a good place for this conversation and recommended the Board go back to the original issue. Mr. Richmond stated that the word "incident" was used without a definition on forms and in statutes. Captain Antonsen stated that the Coast Guard specifically details what pilots do not have to report and the definition shouldn't be extended. Captain Antonsen stated that progress was needed on the casualty form. He also stated that "Incident" was not a defined term but referred to actions. The Chair stated that the proposed definition of "casualty" would be printed out and brought before the Board after lunch.

Agenda Item 9 **<u>Possible creation of casualty reporting requirements for foreign pleasure-craft</u>**

The MPC asked the Board if foreign pleasure-craft had the obligation to report incidents to the MPC, similar to pilots. Captain Arzt stated he thought it was important for the Board to have the same reporting standards for vessels receiving exemptions that the Board had for pilots. The Chair asked what action the Board could take. Captain Arzt stated it would be same as "near miss" reporting and that the Board may choose not to grant an exemption to a vessel if they had multiple incidents. The Chair asked if the MPC receives information from the Coast Guard and she stated that she did upon request. The MPC stated that she could only ask for information specified in statute or regulation, and that there is currently no statute or regulation that asks for past conduct of the vessel. Mr. Erickson stated that it seemed like the Board wanted to keep yachts out of Alaska, and that yachts had reporting requirements to the Coast Guard already. Mr. Rueter stated the Board had no regulation authority to preclude someone from licensure based on past history, however if an incident occurred during the exemption period it could impact their licensure. The MPC stated there would be an investigation and the Board could use a summary suspension immediately or a Consent Agreement to preclude entering State water the next year. She stated that the Board would need to add a regulation stating that the MPC would request and provide past conduct information to the Board, and that she could only request information specified in

statute and regulation. She stated the solution would be to add a regulation to require vessels to report any filed Incident Reports, reports to the Coast Guard, and "near miss". Captain Antonsen stated the Board should figure out what yachts are reporting and then require the pilots to report the same. Captain Arzt stated that he didn't want to make an onerous requirement and didn't believe this would be difficult on yachts. Captain Antonsen stated that he thought there should be a higher level of scrutiny on vessels that have an exemption from having a pilot, due to their training and experience. He stated that safety occurrences could be evaluated so the Board could report to the public that the training threshold for pilotage exemptions was effective.

The Marine Pilot stated that a committee meeting during lunch would be a violation of the Open Meeting Act and recommended the committee alert her early so she could meet public noticing requirements.

On a motion by the Chair, The Board broke for lunch at 1200pm. It was unclear on the recording who made the second.

Back on the Record on 1:07pm.

The Chair called the Board back to order. The Board had been supplied copies of the suggested definition. Captain Arzt moved to make a regulation change to 12 AAC 56.960(d) Duties of Pilots to remove "meets with any casualty" and "damaged in any way". Captain Antonsen seconded the motion. The Chair asked if there were any discussion. Captain Antonsen stated the Incident Report form would be adjusted to reflect the change. Mr. Richmond stated that changing the language would be removing responsibility from the pilots. He supplied the Board with the State of Washington FAA form for "near miss" and stated the purpose was to inform the Board and public that something had occurred. He stated that he believed that the public had the right to know and that removing language would do away with pilot responsibility and undercut the Board and pilots. Mr. Richmond stated he didn't know the last time a pilot had collided with another vessel. He stated that he was against this change.

Captain Antonsen stated that striking the language wouldn't' change the practical situations in what pilots have been reporting to the Coast Guard or to the State. He stated that the main definition of "casualty" was a collision, allision, or grounding. Mr. Rueter stated that allision was listed in the text. Mr. Richmond stated that he thought it was ridiculous to change the language because pilots were afraid of not reporting something and going to jail when they didn't believe they needed to report it anyway. The Chair stated that the issue was that a pilot may not believe they have to report something while the Board believes they do. Captain Arzt stated that he wasn't sure what the Board was missing outside of collision, allision, or grounding. Mr. Rueter stated that allision wasn't in the text.

Captain Arzt stated he would accept a change to the motion. Mr. Erickson asked if Captain Antonsen's definition has more "teeth" than the original definition. Mr. Richmond stated what an "actual or apparent" collision was.

After much discussion concerning language, Captain Antonsen moved a change to 12 AAC 56.960(d) Duties of Pilots to read: "If a vessel piloted by a state licensed pilot undergoes collision, allusion, or grounding, or has an occurrence resulting in actual or apparent personal injury, property, or environmental damage the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965." Mr. Richmond stated that "occurrence" in insurance policies is used very broadly.

The Chair determined the Board shall vote on the original motion. The Chair called for a vote on: "If a vessel piloted by a state licensed pilot goes aground, collides with another vessel or dock, the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965."

The motion failed unanimously.

1: 25pm The Board took a five minute break

1:30pm back on record

Captain Arzt moved a change to 12 AAC 56.960(d) Duties of Pilots to read "If a vessel piloted by a state licensed pilot is involved in a collision, allusion, or grounding, the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965." Captain Antonsen seconded the motion.

The Chair asked for discussion. There was none. The Chair requested a roll-call vote.

Captain Antonsen	Yes
Captain Arzt	Yes
Mr. Erickson	No
Mr. Rueter	No
Mr. Richmond	No
Commissioner Hladick	Yes

The vote was tied. Captain Arzt, Mr. Richmond, and Mr. Erickson were nominated to form a committee with Mr. Richmond as the Chair. The MPC stated

that all meetings would be properly public noticed for public involvement. The Chair stated it would be on the next meeting's agenda.

Agenda Item 10 **Public Comment**

The Chair opened the floor to general public comment.

Captain Ed Sinclair from SEAPA stated that an Incident Report is for when a pilot passed a report to the State when something goes awry, and that redefining it would be an arduous task that wouldn't change anything. He stated that defining length was a stumbling block with foreign pleasure-craft. He stated that using a foreign vessels' documentation has inherent issues in that all nations have a different tap measure. He stated he believed that the State needed a defined way to determine if a vessel needs a pilot. Captain Sinclair stated that foreign pleasure-craft should be required to report casualties in that if they didn't have an exemption, they'd have a pilot. He stated that it's in the State's best interest. He also stated that SEAPA observed that the State was licensing the vessel based on the experience of the crew, and the crew swapped out. He also stated that yachts received an entry packet at their first port call but it might not cover a different region. He stated that vessels should be required to have either a pilot while entering a region for the first time or expand the information packet so it covers all three regions.

Captain Rich Preston from SEAPA stated he agreed with Captain Sinclair. He stated that information was passed between the Coast Guard and the State because the MPC knew people from her Coast Guard career but that would change in a few years. He stated that defining length should be kept as simple as possible, and that the State should use a definition listed on a previous Pilotage Exemption packet. He stated he also liked the Length Overall definition created by the Panama Canal: "The length of the vessel in meters from the foremost to the aftermost points, including a bulbous bow if present". He also suggested the use of the Foreign Pleasure Craft committee if the Board wanted to assign tasking.

Mr. Mike Tibbles from Alaska Steamship Association stated that he believed the State of Alaska went off course when challenging a vessel's length overall after it had been granted a pilotage exemption. He stated the issue wasn't referred to the Board for discussion. He stated that the process impacted a customer over an inquiry if the State correctly issued an exemption. He stated that he did not understand why the vessel agent was kicked off the vessel, since the vessel was not under investigation. He stated that he believed the agent had the right to be there and the State of Alaska was too aggressive. He stated the vessel left frustrated and may not return to the State of Alaska. He stated he thought the vessel spent $500,000.00 in Alaska and the vessel may not return. Mr. Tibbles

stated he was frustrated with the redactions on the letter in that he thought three sentences had nothing to do with the investigation and didn't understand why they were redacted. Mr. Tibbles recommended the Board listen to minutes from a 2012 meeting concerning a regulation put forward by the Division to "be a proactive effort to support small business owners" by the use of registry to determine the length overall. He stated that, even though it was used for fees, testimony is clear that the length overall listed on registry was to be used for more than just fees. He stated he believed that there was a misinterpretation of information over time and that it changed over the last three years. Mr. Tibbles stated the registry allowed for vessel owners to know if they would qualify for an exemption before arriving and without putting the MPC on a dock.

Mr. Rueter asked Mr. Tibbles about a letter that was sent from the Board stating the Board was mistaken in issuing an exemption. The MPC stated that, in this case, the Reviewing Board Member recommended a warning letter and that it was sent out as per the investigation process. Mr. Rueter asked if the letter should be included in a Board packet or sent to the Board before it was released. The MPC stated that the Reviewing Board Member acted on behalf of the Board.

Captain Paul Merrill from SEAPA stated he agreed with Captain Sinclair and Captain Preston. He stated that, in his personal experience, one of the biggest conflicts is smaller vessels with larger vessels, and was concerned that a smaller vessel could run a larger vessel out of a channel. He stated that SEAPA had some concerns about the level of professionalism of the crews, and that a pilotage exemption shouldn't be seen as a free pass to avoid having a pilot onboard, and that yachts should have reporting responsibilities, such as familiarization and safe operations. He stated that SEAPA was in the compliance business and not the regulation business, and have the same interests as the agents and owners. He stated that vessels can have tens of thousands of gallons of fuel, an incident with them can impact shipping on a broader scale, and traffic management is considered very important. Mr. Rueter asked Captain Merrill what the training requirements for foreign vessel crews were. Captain Merrill stated that he had seen a range of experience on ships, and that some countries had yacht licenses instead of commercial licenses.

Mr. Axelson from Yacht Services of Alaska stated that the State of Alaska needed to stop reiterating what is the law but to follow it. He stated that Alaska took a black eye in yacht services by changing how length overall was interpreted, and that the way it was handled set the Board back. He stated that the pleasure craft community was small, and the Captain of a specific vessel was asking what they had done wrong after being granted an exemption. He stated that he wanted the Board to consistently interpret length overall and that he agreed with Mr. Tibbles that the Board should send the yacht a letter apologizing for not acting properly.

Mr. Axelson stated that if the Board needed to change words of a regulation so that it didn't occur again.

Captain Frank Didier from SEAPA, representing himself, stating that he received certificate of registries from vessels that are different from the pilot card he's presented. He stated that he didn't care what the Board used, but that there could be a 10 meter difference in lengths today and a 20 meter difference in lengths in the future. He stated the Board could allow a vessel 200-ft in violation of the exemption regulation.

Captain Ed Sinclair from SEAPA stated that he didn't know what the letter sent from the Board to the yacht said, and that he didn't believe the Board had re-interpreted the definition of length overall. He stated he didn't want the Board to believe the pilots wanted more work, but pointed out inconsistencies so the Board could fix them. He stated he wanted the Board to decide on a measurement system and stick with it. He stated that pilots approached him with vessels that had a 200-ft length on AIS and that he explained the exemption was based on registry and not information advertised online. Captain Sinclair asked what the State's interest was based on length at waterline or length overall. He stated he didn't understand why a yacht's defined length was changed.

Captain Ron Ward introduced himself as the President for SWAPA. He stated he apologized to the Board for the discussion on Incident Reports. He stated that it had been a fight in Cook Inlet with some of the players that self-arresting vessels was a viable option for vessels that lose power in the ice. He stated he was piloting with Capt O'Hara and a trainee when he used self-arrest and the Coast Guard recommended writing a report to show it was a proven option. He stated he felt interrogated by the MPC over the phone about not reporting. He stated that, in years past, an Incident Report had the financial amount of damage done as a reporting threshold and the form has changed over time. He stated that the form does specifically discuss collision, allusion with a navigational aid or floating object, allusion with gill net. He stated the form also has "other" and it's unclear what that means. He stated for years, the form and the regulation have worked the way they have written, and perhaps it needs further definition. He stated that pilots would like better guidance so they don't have to report investigations to the Coast Guard. He requested the MPC remove a letter from his licensing file that was retracted by a second letter.

Captain Mike O'Hara from SWAPA claimed he was with the other pilot onboard the PYXIS THETA. He stated that "investigation" is a serious term and pilots are required to report that information to the Coast Guard, and Coast Guard follow-up could take over a year where the pilot doesn't have a license. Captain O'Hara stated that he felt intimidated by the MPC's citation of Sec. 08.62.150 when their emergency actions prevented a possible power outage in Anchorage. He stated

that he felt his license was threatened, and the Board had the opportunity had the opportunity to tighten up Incident Reporting standards. He stated the Coast Guard inspected the vessel at anchor in Homer before the vessel transited to Anchorage and there was no negligence on anyone's part. He stated that pilots are hired to prevent bad things from happening.

Captain Antonsen asked Captain O'Hara if he agreed that updating Incident Report language would prevent issues like this in the future, and Captain O'Hara stated that he did and that he felt the current language was sloppy. Captain O'Hara stated that there were too many opportunities for the MPC to investigate actions that aren't real problems. Captain Antonsen asked if he agreed with the motion presented with the terms "collision, allision, and grounding" used. Captain O'Hara stated that he did prefer that definition. Captain Antonsen asked if that would change the incidents that were reported to the MPC, and he stated no. Captain O'Hara suggested the State of Alaska request information if that's what they're looking for, but he doesn't like the threat of license suspension. Captain Antonsen thanked Captain O'Hara for demonstrating how defining language was important. Mr. Richmond asked if Captain O'Hara would mind reporting power loss due to ice and he said he did not. Mr. Richmond asked what he thought about "damaged in another manner", and he stated that shipboard incidents were outside of collision, allision, or grounding. Mr. Richmond asked if he thought environmental discharges should be reported and Captain O'Hara stated that Federal law required that. Captain O'Hara stated that broad language was open for abuse. Mr. Rueter stated that agents appreciated the efforts to save the vessel, thought the original letter was not sent to the Board for approval, and did the Board need to send a letter of reconciliation. Captain O'Hara stated no.

Agenda Item 11 **<u>Possible Definition of Overall Length</u>**

(Please note that LOA, length-overall, and overall-length are used interchangeably)

The MPC provided the Board with multiple definitions of Overall Length as well as exemption forms from 2011 and 2015, and that there was a definition listed on the 2011 definition that she recommended. Captain Arzt stated that lengths should be referenceable and verifiable. Captain Arzt stated the 2012 Memorandum from Mr. Don Habeger mentioned using the LOA for fees. He stated there was some ambiguity at determining length. He stated there needed to be some predictability so yachts could plan on receiving an exemption and the MPC doesn't need to measure the vessel. He stated that the US and British registries have different "length" measurements and often are missing an overall length line. He stated that vessels will have one length listed on the registry, and a length with a 10m difference listed on AIS. Captain Arzt stated that applications are assumed to be correct. The Chair asked for clarification. Mr. Erickson asked if ship's registry

provided a verifiable length, and Captain Arzt stated that "length" is listed but it's unclear what "length" it is. Mr. Erickson stated that prior meeting recordings show a discussion in 2012 using registry for fees and exemptions. Captain Arzt stated it needed to be in regulation. Mr. Erickson stated that registry was used for the last few years to determine LOA. The Chair asked what information was listed on the form and the MPC stated that LOA on the registry to be only used for fees. Mr. Erickson moved that language should be added to say length on the registry should be used for calculating fees and determining if the vessel gets an exemption. He stated that vessels would like to know if they will require a pilot before arriving in Alaska. Captain Antonsen addressed "length over deck" used in statute, however "length overall" is used in regulation. Captain Antonsen stated that he thought it would be stretch to use a regulation to expand a statute. Captain Antonsen stated that regulation could expand statute but not completely change it. Captain Arzt stated that a definition was needed. Mr. Rueter stated the language was "overall length" and that regulation was only focused on the fee. Captain Antonsen stated that the Board needed to streamline information and that LOA was not listed on registry, thus something else needed to be used. Mr. Erickson asked what length information was listed on Captain Arzt's registry, and that LOA measurements were no longer listed on registries and were replaced with "length". Mr. Erickson asked the MPC what value she'd use, and she stated she'd use LOA but on most registries it wasn't listed. She stated she never receives registries with LOA listed. Captain Arzt stated that LOA wasn't listed on registries anymore and he didn't believe countries were providing that information anymore.

Captain Antonsen moved a change to regulation 12 AAC 56.990(a) (16) "Length Overall means the horizontal distance between the forward-most and after-most points on the hull" Mr. Richmond second the motion. The Chair asked for discussion. Captain Arzt asked how the Board would know, and Captain Antonsen stated that vessels signed on the bottom of the form and that many categories the Board voted on where not easily categorized, like crew experience. Captain Arzt stated that if there's a challenge to the length, how would the Board verify the length. Mr. Rueter asked how hull was defined, and if bowsprits and diving platforms would be included. Captain Arzt said no. Captain Arzt stated under U.S. Coast Guard's measurement convention system is that the formula to use to certificate of documentation to US vessels is overall length, and it is unclear how it would be measured and who would measure it. Captain Arzt stated that there were many hindrances. Captain Arzt stated that using the registry is referenceable.

The Chair called for the vote.

Motion: Addition to regulation 12 AAC 56.990(a) (16) "Length Overall means the horizontal distance between the forward-most and after-most points on the hull."
Second: Mr. Richmond

Captain Antonsen	Yes
Captain Arzt	Yes
Mr. Erickson	No
Mr. Rueter	No
Mr. Richmond	Yes
Commissioner Hladick	Yes

Motion passed 4-2.

Agenda Item 12 **Executive Session**

The Board entered Executive Session under AS 44.62.310 Open Meetings Act for the purpose of subject's undue prejudice, reputation, and character of any persons provided the person may request a public discussion.

The Board came out of executive session at 4: 08pm.

Motion: Captain Austin has satisfied all conditions and requirements to become a Deputy Pilot for 25,000 GT.

Moved By: Mr. Hladick
Seconded By: Mr. Erickson

The Board APPROVED the proposed the endorsement.

Motion: Accept the Consent Agreement for case 2015-001586

Moved By: Captain Antonsen
Seconded By: Mr. Rueter
Recused: Captain Arzt

The Board ACCEPTED the Consent Agreement

The Board agreed to tentatively meet in the third or fourth week in January in 2016, and then during possibly April 12 – 13, 2016.

On a motion by Mr. Richmond, seconded by Mr. Rueter, and carried without dissent, the Board RESOLVED to adjourn at 4:30pm.

Respectfully submitted:

_____

Crystal Dooley

Marine Pilot Coordinator

_____

Chris Hladick

Chairman

NOTICE OF PROPOSED CHANGES ON DEFINITIONS IN THE REGULATIONS OF THE BOARD OF MARINE PILOTS

BRIEF DESCRIPTION: The Board of Marine Pilots proposes to update regulations by defining the term "length overall."

The Board of Marine Pilots (Board) proposes to adopt regulation changes in Title 12, Chapter 56, of the Alaska Administrative Code, dealing with definitions, including the following:

12 AAC 56.990, Definitions, is proposed to be changed to further define terms used in AS 08.62 and 12 AAC 56 including the term "length overall."

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at jun.maiquis@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at http://notice.alaska.gov/179301, and using the comment link. **The comments must be received not later than 4:30 p.m. on January 6, 2016.**

Oral comments relevant to the proposed actions, including the potential costs to private persons of complying with the proposed action, may also be given at a hearing to be held on January 28, 2016, at the Atwood Building, 550 W. 7th Avenue, Suite 1270, Anchorage, Alaska. **Written comments will not be accepted at the hearing.** If you wish to give your comments via telephone, please call 1-800-315-6338 access code 98681. The hearing will begin at 8:45 a.m. and will end when those who have signed up before 8:45 a.m. to give oral testimony have had the opportunity to comment. The chair of the Board may set a time limit for each participant's oral testimony, determined by the chair before the hearing begins, to allow enough time for all those present and timely registered to give testimony.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Board's website at https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMarinePilots.aspx or on the Alaska Online Public Notice System. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than December 30, 2015 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jun Maiquis at the address or phone number above, or go to https://www.commerce.alaska.gov/web/portals/5/pub/MAR-1215.pdf.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.62.040; AS 08.62.160
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.62.040; AS 08.62.160

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 12/4/15

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Marine Pilots – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.

2. **General subject of regulation:** Definitions.

3. **Citation of regulation:** 12 AAC 56.990.

4. **Department of Law file number:** To be assigned.

5. **Reason for the proposed action:** Update and clarification of current regulations.

6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.

7. **Estimated annual cost to comply with the proposed action to:**
   A private person: None.
   Another state agency: None.
   A municipality: None.

8. **Cost of implementation to the state agency and available funding (in thousands of dollars):** No costs are expected in FY 2016 or in subsequent years.

9. **The name of the contact person for the regulations:**
   Crystal Dooley, Marine Pilot Coordinator
   Board of Marine Pilots
   Division of Corporations, Business and Professional Licensing
   Department of Commerce, Community, and Economic Development
   Telephone: (907) 465-2548
   E-mail: crystal.dooley@alaska.gov

10. **The origin of the proposed action:** Board of Marine Pilots.

11. **Date:** 12/4/15 **Prepared by:** /s/
    Jun Maiquis, Regulations Specialist

Chapter 56. Board of Marine Pilots.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 56.990(a) is amended by adding a new paragraph to read:

. . .

(40) "length overall" means the horizontal distance between the forward-most and after-most points on the hull.

(Eff. 6/11/71, Register 38; am 6/19/74, Register 50; am 5/12/78, Register 66; am 7/24/83, Register 87; am 12/26/86, Register 100; am 8/29/87, Register 103; am 7/26/90, Register 115; am 5/13/92, Register 122; am 4/7/93, Register 126; am 10/2/93, Register 127; am 7/15/95, Register 135; am 6/16/96, Register 138; am 6/17/96, Register 138; am 1/23/99, Register 149; am 3/21/99, Register 149; am 5/31/2000, Register 154; am 3/15/2002, Register 161; am 10/24/2002, Register 164; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 11/4/2009, Register 192; am 10/28/2010, Register 196; am ___/___/____, Register ____)

Authority: AS 08.62.040 AS 08.62.160

Maiquis, Jun C (CED)

From: Captain (M/Y MySky) <captain@my-mysky.com>
Sent: Thursday, December 17, 2015 9:03 AM
To: Maiquis, Jun C (CED)
Subject: FW: Public comment
Attachments: MAR-Notice-1215.pdf; LOA issue DA.docx

Good afternoon,

I have been send the above information regarding the "Length Overall" issues currently being addressed in Alaska.

I would like to say that in my experience in other parts of the world where this process has been used (And subsequently changed back), enters the process into disarray and confusion. I have been working on the sea now for 17 years and whenever I have come across a system such as this it has caused upset, argument and bad feeling, friends of mine that are also captains have said the same.

The only way to have a precise method of measurement would be to use the registration documents for such. This gives an internationally recognised Length without any grey area to be interpreted differently by whoever is looking at it at the time. This can then be used for budgetary planning purposes and will result in zero conflicts when it comes to billing or pilotage exemption decisions. It is written in black and white for all to see and cannot be subject to interpretation or misunderstanding.

Any uncertainty regarding pilot exemptions is a huge factor when it comes to deciding whether we would have come this year. A yacht such as ours would not commit to the huge expense of coming to visit Alaska, not knowing if we would have to get a pilot for the whole trip and an even more huge expense, until we arrived. This would have been a real shame. Using the Certificate of Registry means we can plan months in advance. Being put in a position where we have to book a Pilot last minute would only leave owners disappointed due to unknown delays and turn people off the idea of coming at all to the area. I am sure we would have fallen in the category where we would be put in the grey area of whether we should have a Pilot or not due to the fact that the owner got a 1m extension added to the swim platform during the build, making us just over 50m "tip-to-Tip".

I for one am certain that with unknowns such as this would have meant we would <u>not</u> have visited Alaska this summer. Owners have become more budget conscious after 2008 and as a result we, as Captains, need to be able to provide exact costings for anywhere we cruise. This will certainly not help and I am sure it will cause many owners to decide not to visit your beautiful part of the world which is a shame.

We spent over $250'000 during our visit to Alaska which was for only 1 month. This ranged from Fuel to berths, food, shopping and excursions for the owner and his guests. In many cases we spend more than the advertised cost to make sure we had a great experience for the guests who talk to their friends, who in turn own yachts and could bring money to the area. It would be a shame to push people away from spending this kind of money in Alaska due to a technicality causing uncertainty, delays and upset all round. This would then bring negative talk from owner to owner and effect the industry in Alaska badly I am sure.

I really hope that the decision regarding this is kept as it was for this summer, using the certificate of registry for the length. I also look forward to hearing from you regarding this so I can inform my Captain friends who are planning to come to the area to be aware of the situation

Best regards

Richard Biscoe
Captain

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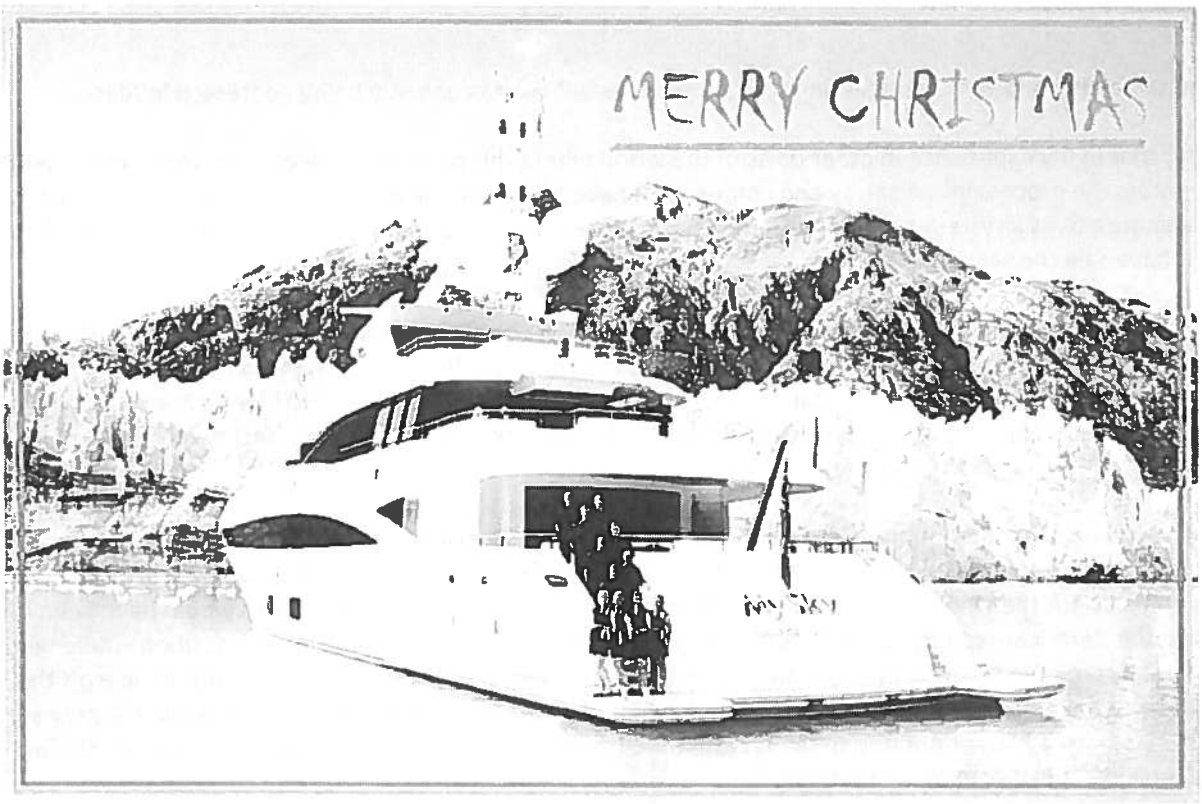
Fleet: +870 773 153 094



MySky

NOTICE OF PROPOSED CHANGES ON DEFINITIONS IN THE REGULATIONS OF THE BOARD OF MARINE PILOTS

BRIEF DESCRIPTION: The Board of Marine Pilots proposes to update regulations by defining the term "length overall."

The Board of Marine Pilots (Board) proposes to adopt regulation changes in Title 12, Chapter 56, of the Alaska Administrative Code, dealing with definitions, including the following:

12 AAC 56.990, Definitions, is proposed to be changed to further define terms used in AS 08.62 and 12 AAC 56 including the term "length overall."

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at jun.maiquis@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at http://notice.alaska.gov/179301, and using the comment link. **The comments must be received not later than 4:30 p.m. on January 6, 2016.**

Oral comments relevant to the proposed actions, including the potential costs to private persons of complying with the proposed action, may also be given at a hearing to be held on January 28, 2016, at the Atwood Building, 550 W. 7th Avenue, Suite 1270, Anchorage, Alaska. **Written comments will not be accepted at the hearing.** If you wish to give your comments via telephone, please call 1-800-315-6338 access code 98681. The hearing will begin at 8:45 a.m. and will end when those who have signed up before 8:45 a.m. to give oral testimony have had the opportunity to comment. The chair of the Board may set a time limit for each participant's oral testimony, determined by the chair before the hearing begins, to allow enough time for all those present and timely registered to give testimony.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Board's website at https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMarinePilots.aspx or on the Alaska Online Public Notice System. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than December 30, 2015 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jun Maiquis at the address or phone number above, or go to https://www.commerce.alaska.gov/web/portals/5/pub/MAR-1215.pdf.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.62.040; AS 08.62.160
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.62.040; AS 08.62.160

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 12/4/15

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Marine Pilots – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.

2. **General subject of regulation:** Definitions.

3. **Citation of regulation:** 12 AAC 56.990.

4. **Department of Law file number:** To be assigned.

5. **Reason for the proposed action:** Update and clarification of current regulations.

6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.

7. **Estimated annual cost to comply with the proposed action to:**
   A private person: None.
   Another state agency: None.
   A municipality: None.

8. **Cost of implementation to the state agency and available funding (in thousands of dollars):** No costs are expected in FY 2016 or in subsequent years.

9. **The name of the contact person for the regulations:**
   Crystal Dooley, Marine Pilot Coordinator
   Board of Marine Pilots
   Division of Corporations, Business and Professional Licensing
   Department of Commerce, Community, and Economic Development
   Telephone: (907) 465-2548
   E-mail: crystal.dooley@alaska.gov

10. **The origin of the proposed action:** Board of Marine Pilots.

11. **Date:** 12/4/15 **Prepared by:** /s/
    Jun Maiquis, Regulations Specialist

Chapter 56. Board of Marine Pilots.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 56.990(a) is amended by adding a new paragraph to read:

. . .

(40) "length overall" means the horizontal distance between the forward-most and after-most points on the hull.

(Eff. 6/11/71, Register 38; am 6/19/74, Register 50; am 5/12/78, Register 66; am 7/24/83, Register 87; am 12/26/86, Register 100; am 8/29/87, Register 103; am 7/26/90, Register 115; am 5/13/92, Register 122; am 4/7/93, Register 126; am 10/2/93, Register 127; am 7/15/95, Register 135; am 6/16/96, Register 138; am 6/17/96, Register 138; am 1/23/99, Register 149; am 3/21/99, Register 149; am 5/31/2000, Register 154; am 3/15/2002, Register 161; am 10/24/2002, Register 164; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 11/4/2009, Register 192; am 10/28/2010, Register 196; am ___/___/____, Register ____)

Authority: AS 08.62.040 AS 08.62.160

December 4, 2015

Jun Maiquis
Regulations Specialist
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806.

RE: Foreign Pleasure Craft Marine Pilot Exemption Length Overall Definition

Good day,

I would like to submit my comments to the Board of Marine Pilots on the issue of the definition of "LOA" in regards to Marine Pilot Exemption for Foreign Pleasure Craft.

Prior to the Board of Marine Pilots passing the definition of LOA at its 2012 February meeting, there was much confusion regarding this term. The definition previously in use was "tip to tip" LOA. Because the only basis for the LOA was the yacht Captain's word, the Marine Pilot Coordinator at the time along with the Southeast Alaska Pilot Association were not confident that the measurements were accurate. This sometimes resulted in the MPC meeting the yacht at the dock with a measuring tape in order to verify the length of the vessel.

In order to eliminate these unfortunate events the Board of Marine Pilots decided to use a totally objective measurement for LOA, the yacht's registry. This has been used since 2012 and has eliminated the uncertainties and contention regarding a vessel's LOA. It is now immediately verifiable whether or not the vessel is entitled to a Pilotage Exemption and what the cost will be.

Safety on our waters is not achieved by making entrance into the State difficult or based on subjective criteria or uncertainties. Using the Registry as the definition of LOA makes this part of the process very clear and impartial. The yacht business is a good business for the State of Alaska and we should be making every effort to facilitate it by having clear and unbiased definitions in our processes.

Thank you and best regards,
Debbie Azure
Yacht Services of Alaska
907-225-2200 office
907-617-1221 mobile

Maiquis, Jun C (CED)

From: David Berg <David@VikingTrvl.net>
Sent: Thursday, December 17, 2015 12:16 PM
To: Maiquis, Jun C (CED)
Cc: debbiea@norpac1.com
Subject: Marine Pilot regulations comment
Attachments: Pilots LOA reg changes DEC2015.doc

Hi Jun

Please see attached our letter concerning changes to Pilotage regulations.

Thanks

Dave

<<...>>

David Berg,

Viking Travel, Inc. / www.AlaskaFerryVacations.com

Box 787

101 N Nordic Drive

Petersburg AK 99833-0787

907-772-3818

907-772-3940 - Fax

mailto:David@AlaskaFerry.com

VIKING TRAVEL, INC. **www.AlaskaFerry.com**
David Berg, President
101 N. Nordic Drive
P.O. Box 787
Petersburg AK 99833
Phones: 800.327.2571
907.772.3818
Fax: 907.772.3940
E-Mail: david@Alaskaferry.com

Thursday, December 17, 2015

Jun Maiquis, Regulations Specialist,
Division of Corporations,
Business and Professional Licensing,
P.O. Box 110806, Juneau, AK 99811-0806.
FAX (907) 465-2974

State of Alaska Board of Marine Pilots Motion

Motion: 12 AAC 56.990(a) (16) "Length Overall means the horizontal distance between the forward-most and after-most points on the hull

Ladies and Gentlemen:

We're opposed to a change in regulations re the interpretation of the length of vessels requiring pilotage.

The Registry of a foreign vessel is the verifiable document that indicates the "length over all" (LOA) figure and should be kept as the standard to determine pilotage. Using another figure would be difficult to determine in advance of a ships arrival into Alaska. The LOA figure relates to the ships handling ability as that's what's actually in the water and subject to tides and currents on the ships hull.

A change in regulations of this type could also economically impact in a detrimental way, towns where these ships call. In addition, overall length may include swim steps or other protrusions that do not affect the performance of the vessel.

We urge you not to change the regulation as proposed.

Best regards,
Viking Travel, Inc.

David A. Berg
President

Maiquis, Jun C (CED)

From: Rich Preston <richp79@gmail.com>
Sent: Tuesday, January 05, 2016 2:46 PM
To: Maiquis, Jun C (CED)
Cc: Dooley, Crystal L (CED); Rich Preston
Subject: Comments upon Yacht LOA definition
Attachments: Yacht LOA signed 2016.1.5.pdf

Hi -
Please accept the attached comments, and relay to the Board of Marine Pilots for the upcoming meeting.

Please confirm receipt via return email.

Thank you,

Captain Rich Preston

January 5th, 2016

Commissioner Chris Hladick
Chairman, Alaska Board of Marine Pilots
PO Box 110800
Juneau, AK 99811-0800

By Email to: jun.maiquis@alaska.gov

Dear Chairman Hdalick & Board of Marine Pilots,

I applaud and agree *with the intent* of the proposed addition of a definition for Length Overall to the Marine Pilot regulations 12 AAC 56.990 (a). The proposed definition will simplify enforcement of the regulations regarding Foreign Pleasure Craft (FPC) and requisite pilotage within Alaskan waters.

However, the proposed language is not fully formed. While I appreciate that the language mirrors the U.S. Coast Guard's own definition, it does not provide a precise, nor verifiable definition of Length Overall (LOA) for the purposes of implementing Alaska's Marine Pilot Regulations.

The proposed definition is imprecise with regards to what constitutes "the hull". Are swim steps, stern pulpits, bowsprits, etc. considered included or not? As you are aware from the MPC's research paper (October 2015 BMP meeting packet) – the definition of LOA varies greatly; some definitions include these above water projections while others do not. Thus the proposed regulation will *only incrementally improve* the present uncertainty upon the part of Vessel Owners, Operators, the MPC, and the BMP regarding this regulation

A more precise definition for LOA readily available, one that is likely familiar to many of the larger FPC. This is the definition utilized by the Panama Canal Commission. It is succinct, clear, and avoids ambiguity. The Panama Canal definition is ***"LOA = The Length overall, i.e., the length of the vessel in meters from the foremost to the aftermost points, including a bulbous bow if present."*** This definition can be found in the October 2015 board packet. As this definition is already in common usage, and likely has already been used by many yacht captains/owners (while transiting the canal), I believe that it will encounter little opposition, and be more easily administered than the proposed language.

The board should also consider *the enforceability* of the yacht LOA issue. Presuming some definition is eventually implemented – this is only part of the equation. Alaska's standard needs to be consistently and predictably enforced. This is for the benefit of the vessels themselves, as well as for Pilot Associations' planning needs.

January 5th, 2016

How will the Board seek to verify any complaints or controversies over LOA ? Relying on applicants' interpretation of LOA may be insufficient, even with the sanctions of AS 08.62.040(f) and AS 11.56.210 clearly outlined on the application form. Eventually a complaint will be received alleging that a yacht is dodging the regulation, no matter the definition. What process and who will research to reliably verify these complaints? You can apply various approaches to this, but I would suggest the most reliable and consistent would be to have the MPC resolve any controversies by actually measuring the vessel while alongside a berth. Therefore, I suggest that you direct the MPC to include wording to this effect upon the application form, and properly notice applicants. This approach would be direct, clear, and irrefutable.

Some may decry my suggestions as draconian, and will drive yachts and business away from Alaska – I think not. Alaska's popularity for cruising is solid, and will remain so. Yachts are venturing further and further afield, while the cruise industry is bringing ever-larger ships, seeking new ports, and constructing new berths. The recent difficulties have arisen from lack of a readily understandable standard, and to some extent – inconsistent enforcement. The recommendations will make Alaska's waters safer, and your job easier thru clearer standards and improved administrative procedures.

When the Marine Pilot statutes were crafted, our legislators wrestled with what they considered necessary to keep Alaska's waters safe for all – visitors and residents alike. They conveyed the seriousness of their intent thru AS 08.62.040(f) in a very clear and unambiguous way. Implementing these suggestions, or something similar, is in keeping of the legislatures original intent and well within your Board's charter.

I would like to clearly point out that the above comments are my own, and are not necessarily those of my Association.

Thank you for your hard work!

Sincerely,

Captain Rich Preston
Marine Pilot #201

Maiquis, Jun C (CED)

From: Paul Axelson <paula@norpac1.com>
Sent: Tuesday, January 05, 2016 4:31 PM
To: Maiquis, Jun C (CED)
Subject: Public Comment for the Marine Pilot Board Meeting
Attachments: doc02224320160105162956.pdf

Good day,

Please find attached the attached document with public comment for the January 28, 2016 Marine Pilot Board meeting.

Should you have any questions, please don't hesitate to contact me.

Best regards,
Paul Axelson
Operations Manager

Yacht Services of Alaska
P.O. Box 7955
Ketchikan, AK 99901

Phone: 907-225-2200

January 5, 2015

Jun Maiquis
Regulations Specialist
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806.

Mr. Maiquis,

Please accept the following comments regarding the Alaska Board of Marine Pilots' proposed regulation change to Title 12, Chapter 56, regarding the definition of length overall (LOA).

I am opposed to the regulations being proposed. In the very recent past, 2012, the State of Alaska, saw it necessary to change how the LOA of motor yachts calling Alaska is certified. Not only for calculating the cost associated with the pilot exemption but also because they did not see the need in having the Marine Pilot Coordinator (MPC) attend yachts to physically measure the LOA.

The regulation being proposed will only create more work, which in turn will cost the State more. Using the registry for certification of the LOA has worked. It creates an efficient application process while upholding the intent of the statues. This in turn not only saves the State of Alaska money but the State's customers.

Furthermore, and at the very least, the Marine Pilot Board should seek assistance from the Foreign Pleasure Craft Working Group to review and make recommendations on this matter.

Thanking you in advance for your consideration in this matter.

Best regards,

Paul Axelson

Operations Manager

Yacht Services of Alaska P.O Box 7955 Ketchikan, AK 99901 (907) 225-2200 fax (907) 2225-9254

Maiquis, Jun C (CED)

From: Les Cronk <lesc@norpac1.com>
Sent: Wednesday, January 06, 2016 2:56 PM
To: Maiquis, Jun C (CED)
Subject: Comments on proposed regulation
Attachments: Comments to BMP on Yacht LOA.pdf

Mr. Maiquis,

Please find my comments regarding the proposed yacht length definition in the attached PDF file.

Les Cronk

Vice President
North Pacific Maritime, Inc
P.O. Box 8080
Ketchikan, Alaska 99901
P-907-225-2200
F-907-225-8254
C-907-617-1207
lesc@norpac1.com
operations@norpac1.com

North Pacific Maritime, Inc.
P.O. BOX 8080 • 1429 TONGASS AVENUE • KETCHIKAN, ALASKA • 99901 • (907) 225-2200

January 6, 2016

Jun Maiquis
Regulations Specialist
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806. Via email: jun.maiquis@alaska.gov

RE: Foreign Pleasure Craft Marine Pilot Exemption Length Overall Definition

Good day,

I would like to submit my comments to the Board of Marine Pilots on the issue of the definition of "LOA" in regards to Marine Pilot Exemption for Foreign Pleasure Craft.

With regard to the Alaska Foreign Yacht Pilotage Exemption, the Board of Marine Pilots previously required the measurement of foreign yachts to be determined by a "tip to tip" measurement. In 2012 it was reported that this was not working well because of the subjective nature on how it can apply to different vessel types. At that time the BMP agreed that the length measurement for the purposes of pilotage exemptions should be determined by the length on the vessel's registry. This method has proven to be very effective in removing the uncertainty that had been associated with the tip to tip method. The Registry length is an international standard that is easily confirmed well in advance of any yachts arrival into Alaskan waters and removes uncertainty for all involved. There is no valid reason to change this method back to one that has already been proven much more difficult to administrate.

Additionally, any changes relating to the Marine Pilot Exemption for Foreign Pleasure Craft should be vetted by the Foreign Pleasure Craft Committee which was set up by the Board of Marine Pilots for this specific purpose. To bypass the Committee is to ignore the knowledge of the pilots, agents and others on that committee; knowledge that has been gained by long association with these issues.

Sincerely,

Les Cronk, Vice President
North Pacific Maritime

Maiquis, Jun C (CED)

From: Fay, Matthew J CDR <Matthew.J.Fay@uscg.mil>
Sent: Wednesday, January 06, 2016 3:26 PM
To: Maiquis, Jun C (CED)
Subject: USCG Comment: Proposed Changes on Definitions in the Regulations of the Board of Marine Pilots
Attachments: L.AK.BMP.Regs.Vessel.Length.06JAN2016.pdf

Good afternoon,

Please accept the comments attached above regarding the proposed changes for the term "length overall." These comments are submitted in accordance with this notice:

https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=179301

Thank you for your consideration.

Regards,

Matt

CDR Matt Fay, USCG
Staff Judge Advocate
Coast Guard District 17 (dl)
Office: 907-463-2055
Mobile: 907-209-6743

U.S. Department of Homeland Security
United States Coast Guard

Commandant
United States Coast Guard

2703 Martin Luther King, Jr. Ave. SE
Washington, DC 20593-7213
Staff Symbol: CG-094
Phone: (202) 372-3785
Fax: (202) 372-8321
E-mail: Patrick.J.McGuire@uscg.mil

Jun Maiquis
Regulations Specialist
Alaska Divisions of Corporations, Businesses and Professional Licensing
Department of Commerce, Community, and Economic Development
P.O. Box 110806
Juneau, AK 99811-0806

6 January 2016

Dear Jun Maiquis:

The Coast Guard appreciates the opportunity to review and comment on the Alaska Board of Marine Pilots proposed change to 12 AAC 56.990 as provided in the December 4, 2015 "NOTICE OF PROPOSED CHANGES ON DEFINITIONS IN THE REGULATIONS OF THE BOARD OF MARINE PILOTS." We greatly value the cooperative partnership between the Alaska Board of Marine Pilots and the Coast Guard, including the open and supportive relationship the Board of Marine Pilots maintains with our field offices in Juneau and throughout Alaska.

Without any description of the rationale beyond an "update and clarification of current regulations," it is difficult to fully assess the impact of the new definition on the regulations that govern state pilotage within the waters under Alaska's jurisdiction or what impact the new definition may have on areas where the Coast Guard has federal regulatory authority. Because of this concern, we welcome further dialog and cooperation on this important matter.

Alaska's proposed definition for "length overall" mirrors the U.S. Coast Guard's definition within Title 46 of the Code of Federal Regulations. Currently, "length overall" is defined by the Coast Guard as "the horizontal distance between the forward-most and after-most points on the hull." (46 C.F.R. § 170.055(k)(2) – Stability Requirements for All Inspected Vessels). The regulations where this definition appears apply to all Inspected Vessels and these regulations cite 46 U.S.C. § 2101 as authority.

To promote uniformity of maritime law between state and federal regulations, the Coast Guard recommends that Alaska's proposed definition of "length overall" cite directly to the definition in 46 C.F.R. § 170.055 rather than utilize identical language. There is precedent for this in that the definitions in 12 AAC 56.990 for "day," "year," and "territorial seas," all of which already cite directly to the definitions contained in the Code of Federal Regulations.

Subj: U.S. COAST GUARD RESPONSE TO NOTICE OF PROPOSED CHANGES ON DEFINITIONS IN THE REGULATIONS OF THE BOARD OF MARINE PILOTS

Should you have any questions or wish to discuss this further, please feel free to contact CDR Jeff Bray of my staff at (202) 372-3789 or Jeff.R.Bray@uscg.mil.

Sincerely,

P.J. McGuire
Captain, U.S. Coast Guard
Chief, Office of Maritime & International Law

Maiquis, Jun C (CED)

From: Mike Tibbles <tibbles@alaska.net>
Sent: Wednesday, January 06, 2016 3:47 PM
To: Maiquis, Jun C (CED)
Subject: BMP proposed regulation
Attachments: ASA comments proposed LOA regulations.pdf

Jun,

Please accept the attached letter as public comment for the Board of Marine Pilot proposed regulation change regarding the definition of length overall.

Thank you,

Mike Tibbles
Alaska Steamship Association

ALASKA
STEAMSHIP
ASSOCIATION

217 SECOND ST
SUITE 202
JUNEAU, AK 99801

PHONE: (907) 586-3747
CELL: (907) 242-3704

January 5, 2015

Jun Maiquis
Regulations Specialist
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806.

Mr. Maiquis,

Please accept the following comments regarding the Alaska Board of Marine Pilots' proposed regulation change to Title 12, Chapter 56, regarding the definition of "length overall."

At the October 27th, 2015 Board of Marine Pilots meeting, testimony was heard regarding the need for a consistent policy in determining length overall for foreign pleasure craft. There appeared to be no debate that using the registry was the appropriate manner to calculate the fees set out in AS 08.62.140(b). However, as I pointed out at the meeting, the Board addressed this issue in 2012 and testimony clearly shows that the regulations were intended to apply to more than just fees.

The issue presented to the Board of Marine Pilots in 2012 was the inability to verify the vessels length. Pilot organizations were concerned that a yacht Captain may submit a length just short enough to receive a pilotage exemption. Pilot testimony confirmed that using the registry to determine LOA would resolve this.

The 2012 regulations have been effective. The State of Alaska has had the benefit of reviewing a copy of the registry with each pleasure craft exemption request in advance of the vessel arriving in Alaska waters. Changing the entire approach will do nothing to meet the Board's goal of assuring the protection of shipping, the safety of human life and property, and protection of the marine environment. I actually think it is quite ironic that the issue was raised in regards to a vessel which applied and paid for an exemption but when a pilot was hired, the vessel was run into a bridge and significantly damaged. This proposed regulation would require the same yacht to pay potentially hundreds of thousands of dollars to the same pilot organization which damaged the vessel without any added benefit to the State. This action will likely chase business away, as there are many wonderful places globally for large yachts to visit.

Visiting yachts provide much needed economic development in Alaska. Yachts visit communities of all sizes and owner and crew spending helps fuel local economies. The State of Alaska should be looking for ways to encourage more yachts to visit Alaska, not implementing new regulations

which make entrance more difficult, costly, and do nothing to improve the safety of Alaska's waters.

If the 2012 regulations are not clear, the Board should clarify the language to allow the continued use of the registry in a clear, predictable, and impartial manner. If the State feels compelled to change the manner of determining LOA for yachts then at a minimum, the proposed regulations should be placed on hold and referred to the Foreign Pleasure Craft Working Group. With representation from entities more directly involved with the yacht business, the group is better positioned to evaluate the options and potential impacts and make a recommendation to the Board of Marine Pilots and the Commissioner of the Department of Commerce, Community and Economic Development.

Thank you,

Mike Tibbles

Mike Tibbles
Alaska Steamship Association

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

Board of Marine Pilots
Schedule of Revenues and Expenditures

	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY16 1st Qtr
Licensing Revenue	92,661	306,992	80,455	286,500	48,500	277,450	9,060
Allowable Third Party Reimbursement*	-	-	-	-	-	-	-
Total Revenue	92,661	306,992	80,455	286,500	48,500	277,450	9,060
Direct Expenditures							
Personal Services	116,502	119,314	121,210	80,201	94,567	80,155	15,368
Travel	17,541	10,528	17,931	14,535	14,262	14,410	-
Contractual	54,165	37,102	22,548	37,492	22,691	12,220	117
Supplies	313	1,661	436	472	108	734	-
Equipment	-	-	-	-	-	-	-
Total Direct Expenditures	188,521	168,605	162,125	132,699	131,627	107,520	15,486
Indirect Expenditures**	4,740	4,688	6,745	7,573	20,190	23,509	5,877
Total Expenses	193,261	173,293	168,870	140,273	151,818	131,029	21,363
Annual Surplus (Deficit)	(100,600)	133,699	(88,415)	146,227	(103,318)	146,421	(12,303)
Beginning Cumulative Surplus (Deficit)	2,792	(97,808)	35,891	(52,524)	93,703	(9,615)	136,806
Ending Cumulative Surplus (Deficit)	(97,808)	35,891	(52,524)	93,703	(9,615)	136,806	124,503

*The allocation of the $20,000 in allowable third party reimbursements will be completed at year-end

**Current year indirect costs are based on the prior fiscal year's total budgeted amount. These costs are averaged over the current fiscal year, then adjusted after the close of the year.

Activity Name	(Multiple Items)	Board of Marine Pilots
		Foreign Pleasure Craft
Object Code	**Object Name**	**Sum of Expenditures**
0102	Regular Pay	10,061
0146	Electronic Prop Allo	72
0147	Holiday Pay	154
0151	Personal Leave	175
1028	AK Supplemntl Beneft	637
1029	Pers DB	29
1030	Pers DCR	405
1034	Pers DCR HRA	256
1035	Pers DCR RMP	130
1037	Pers DB Unf'D Liab	942
1039	Unemplymnt Insurance	35
1040	Group Hlth Insurance	1,921
1041	Basic Life & Travel	5
1042	Workers' Comp Ins	131
1047	Leave Cashin Empr Ch	178
1048	Terminal Lv Empr Chg	91
1053	Medicare Tax	146
1077	ASEA Legal Trust	1
1079	ASEA Injury Lv Usage	0
3044	Courier	0
3046	Advertising	117
3057	Structure, Infrastructure and Land - Rentals/Leases	0
Grand Total		**15,486**

Grand Total Equals Direct Expenditures on Board Report

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development
BOARD OF MARINE PILOTS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2548
Fax: 907.465.2974

23 November, 2015

Board of Marine Pilots,

As per the direction at the October 27, 2015 Board of Marine Pilots meeting, the following is an explanation on the redaction decisions:

> **AS 40.25.110. Public Records Open to Inspection and Copying; Fees.**
>
> **(a)** Unless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of the fee established under this section or AS 40.25.115 a certified copy of the public record.

Therefore, all documentation written to and from the Board of Marine Pilots is considered a public record and can be inspected by the public. Board packets are considered a public record. Any personally identifiable information on pilot applications is given only in Executive Session and then collected at the end of the meeting.

> **AS 40.25.120. Public Records; Exceptions; Certified Copies.**
>
> **(a)** Every person has a right to inspect a public record in the state, including public records in recorders' offices, except
> **(1)** records of vital statistics and adoption proceedings, which shall be treated in the manner required by AS 18.50;
> **(2)** records pertaining to juveniles unless disclosure is authorized by law;
> **(3)** medical and related public health records;
> **(4)** records required to be kept confidential by a federal law or regulation or by state law;
> **(5)** to the extent the records are required to be kept confidential under 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure or retain federal assistance;
> **(6)** records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information
> **(A)** could reasonably be expected to interfere with enforcement proceedings;
> **(B)** would deprive a person of a right to a fair trial or an impartial adjudication;

(C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness;
(D) could reasonably be expected to disclose the identity of a confidential source;
(E) would disclose confidential techniques and procedures for law enforcement investigations or prosecutions;
(F) would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or
(G) could reasonably be expected to endanger the life or physical safety of an individual;

Therefore, if a Board packet is considered a public record, information "compiled for law enforcement purposes" as part of an investigation is not considered a public record. Therefore the Division could choose to completely remove the document OR redact parts of the document pertaining to "law enforcement purposes".

Please let me know if you have any questions.

Very respectfully,

Crystal Dooley

Marine Pilot Coordinator

Division of Corporations, Business and Professional Licensing

2016 Legislative Guidance for Professional Licensing Board & Commission Members

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program's enabling statutes. Members of the public, consumers, other professionals, and your industry's association confidently approach members of the legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an active bill, board members need to be prepared to champion their cause!

THE OPEN MEETINGS ACT ALWAYS APPLIES

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject that the body is authorized to act and set policy on and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator.

Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public's business.

This information is contained in the CBPL Orientation Manual for Members of Professional Licensing Boards and Commissions. If you need another copy, please let your program staff know.

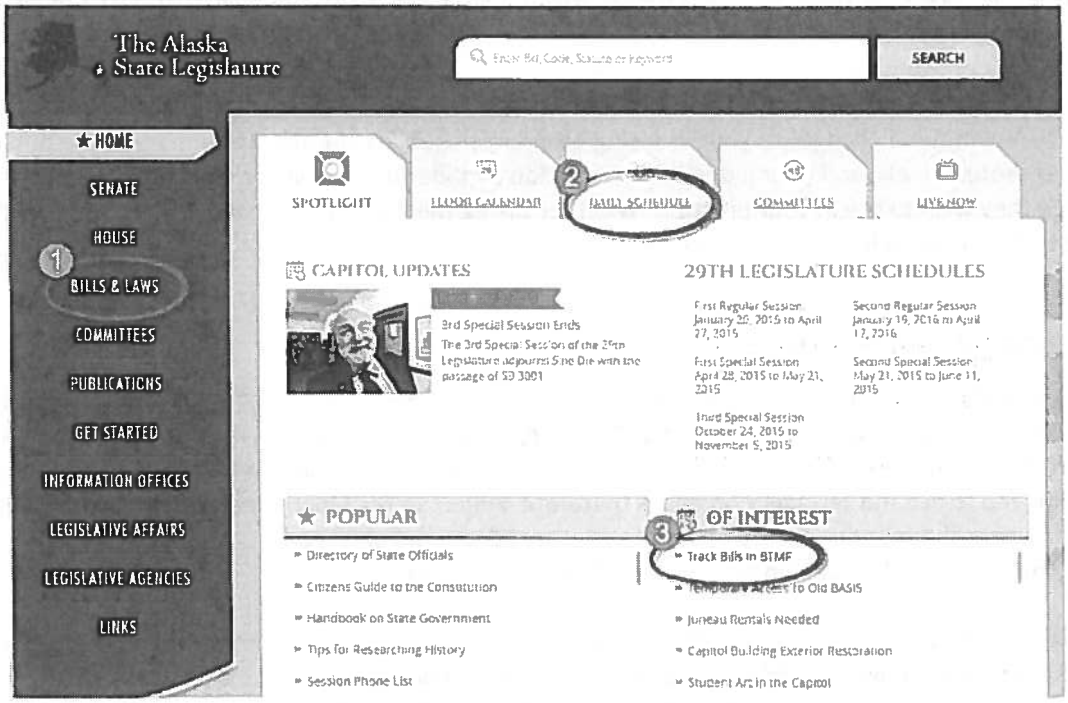
BE INFORMED: IF NOT YOU, THEN WHO?

- Ahead of the legislative season, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the Division will look to the Chair of the board for input and interpretation. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board's perspective should be compiled by this leader and made available to board members and Division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.

- When a bill is filed, the Division Director or Operations Manager will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes close to 50 bills to track, analyze, and testify on, Division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.

- Know where to find your bill using the Alaska State Legislature's web page: akleg.gov. (See graphic below.)
    1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
    2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.

3. The **BTMF**—or Bill Tracking Management Facility is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.



GUIDELINES FOR BOARD MEMBER TESTIMONY

- Encourage the board to become engaged: Track the bill online, participate in hearings, write a letter, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with "one voice." Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.

- Staff may not express opinions on behalf of the board or discuss legislation with elected officials without prior arrangements with Division management and clearance from the Governor's Legislative Office. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures.

- Individual board members may offer their personal or professional opinions on the legislation by clarifying that while they are appointed to a board, they do not speak on behalf of the board.

- Boards <u>must</u> provide a member to testify at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission's continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.

- Nervous? Don't worry! Please email or call the Division Operations Manager to discuss tips or even run through some potential questions.

LEGISLATIVE TESTIMONY CALL-IN DO'S AND DON'TS

Do remember this "off-net"system is designed to serve those who do not have any other way to testify or have a legitimate reason for using the system.

Do remember that off-net calls to the committee must be authorized prior to the meeting by the chairman. A minimum of 24 hours in advance is appreciated. Please work through the Director, Division Operations Manager, or the committee chairman's office for authorization.

Do use the streaming video available at http://akl.tv/ to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up. If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early. Once the bill is before the committee, call 844-586-9085, give your name, bill number and ask to be connected to the _____ Committee.

Do Not call in before the bill you are testifying on comes before the committee.

Do remember the off net call-in lines are for testifiers only. If you wish to listen in, please use the live streaming at http://akl.tv/.

Do use the "mute" function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.

Do Not use the "hold" function.

Do try to be in a quiet room without distractions or interruptions. Car noise, open windows, and barking dogs can all be heard by the legislative committee and guests at the hearing. These avoidable disturbances will detract from the credibility of your message. Please treat the important responsibility of testifying with utmost respect and professionalism.

Do remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

Do remember to be in a location with good reception if using a cell phone,. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio "loop."

Do try to adhere to time limits imposed by the chairman.

Remember: There are a limited number of phone lines coming into the Capitol. These lines are also used by LIO's around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.

Alaska Incident Response LLC.
12231 Shiloh Rd
Anchorage, AK 99516
Phone (907) 764-1505

12.16.2015

Pilot Board Assistance

Dear Crystal,

I am a retired Coast Guard officer with nearly 30 years of maritime experience, 10 of which have been in Alaska. I would like to continue to use my knowledge and experience to promote maritime safety, which is why I am forwarding you my resume and CV. The marine surveyor and investigator background that I possess would provide excellent support to marine board for pilot investigations. While serving at 3D Marine I acted on behalf of the local Pilot Association in Houston, Texas to collect information and provide reports on marine accidents involving pilots. I have done similar investigative work throughout my career for the Coast Guard and for marine insurance interests.

My knowledge and experience in regulatory compliance inspections and marine surveying will provide the Alaska Pilot Board with the skills needed to perform investigative tasks effectively and impartially. My training and experience in all varieties of vessel inspections for the Coast Guard has provided me with the foundational understanding of ship operations and navigation essential to investigating pilot actions. The strong interpersonal skills I developed in the Coast Guard and as a marine surveyor will be essential to interacting with pilots and marine industry in a manner that will elicit honest feed back and help solidify confidence in the investigative process of the Board.

Should you have any questions regarding any specific experience that I have and how it might apply to your job requirements, please contact me at any time at (907) 764-1505.

Sincerely,

Daniel G. Buchsbaum
Principal Consultant

Enclosure: Resume
CV

Daniel Buchsbaum

12231 Shiloh, Rd.
Anchorage, AK 99516
cell: (907) 764-1505
dbuchsbaum@outlook.com

PERSONAL	**Citizenship**: USA **Visa Status**: Permanent Resident

SUMMARY	Maritime Professional with nearly 30 years experience in Marine Casualty Investigations, Regulatory Compliance, Incident Response, Insurance Claims and Legal Support. A successful problem solver that can work independently or lead teams to successfully complete projects.

EMPLOYMENT

U.S. Coast Guard Sector/Anchorage, Alaska
July 7, 2012 – September 30, 2015
Inspection Department Chief

- Supervised 20 person staff conducting foreign and domestic vessel inspections, 432 facility and regular container inspections, and provided waterways management oversight in the largest Coast Guard Sector in the U.S.
- KULLUK grounding: led the crew in initial Incident Command Post stand-up that rescued 18 crew members aboard, coordinate salvage plan to prevent 138K gallon diesel spill
- NOBLE DISCOVERER grand jury investigation, reviewed over 10K documents and 2 Tera bytes of data to support eight criminal charges resulting in $12.2M in fines and four years probation

U.S. Coast Guard Marine Safety Detachment/St Thomas, U.S. Virgin Islands
July 1, 2010 - July 2, 2012
Marine Safety Detachment Supervisor

- Supervised six person staff conducting all Prevention missions in the U.S. Virgin Islands of St Thomas, St John and Water Island additional responsibility for a ten person tenant command
- KLM PEARL engine room fire on new wood hull pirate replica vessel, developed strategy to extinguish blaze and save vessel with local Fire Department
- Hurricane Earl effectively implemented storm plans to restore maritime commerce to support island devastated by a category four hurricane and suffering $13.2M in damages. Performed similarly for hurricane Tomas the same year
- TURTLE para-sail vessel casualty: managed incident and investigation, expedited emergency services for two victims and led the investigation with successful license actions against master and deckhand and criminal penalties of $5K fine and 1 year in prison for the master and $250K fine and 5 years probation for the owner

U.S. Coast Guard District 17/Juneau, Alaska
July 2006 – July 2010
Port Security Program Manager

- Prepared counter terrorism contingency plans and manged 100% of all counter terrorism operations for the state of Alaska
- Participated in Exercise Golden Guardian JFO stand-up in response to terrorism, exercised use of four pre-scripted mission assignments for Coast Guard resources to obtain Stafford Act reimbursement
- F/V ARVID was conducting high seas drift net fishing in violation of international treaties, discovered vessel via planned air patrol and vectored cutter to interdict, worked with flag state to seize the vessel and destroyed nets with a subsequent sale of the vessel for scrap
- USNS BOB HOPE provided sea-lift support for Alaska Stryker unit for deployment to Persian Gulf, developed plans and executed security support operations including over 100 nautical mile escorts using helicopter support

U.S. Coast Guard Sector/Juneau, Alaska
July 2003 – July 2006
Marine Inspector

- Supervised seven person staff to conduct domestic and foreign vessel safety inspections in Juneau, AK
- Hurricane Katrina Emergency Support Function 10 Deputy Ops Section Chief, provided simultaneous management of eight major oil spills, established alternative spill measures, and developed and implemented an Incident Command post move for hurricane Rita
- Ferry vessel LECONTE grounding: managed 24x7 operations of the Joint Information Center provided info on over 100 passengers and crew accounted for from the vessel
- Managed over 30 cruise ships in a waste water discharge program, implemented tracking system that provided credit for workload and Co-Aurthur Proceedings of the Marine Safety and Security Counsel article on the cruise ship wastewater discharge program

U.S. Coast Guard Marine Safety Unit/Galveston, Texas
September 16, 2001 - July , 2003
Tactical Action Control Officer

- Managed Homeland Security mission for ports in eight Southeast Texas and Southwest Louisiana ports using two Navy patrol craft, four Coast Guard cutters, four helicopters and eight small boats with a 24 x 7 watch center staff of eight persons
- Establish first ever Fusion Center in Coast Guard which served as a model to establish same Nation wide that Tracked & Managed Homeland Security mission for all East Texas & Southwest Louisiana Provided critical mission sensitive intelligence to operational units and intelligence information gathered back to the Intelligence Community
- Completed a comprehensive terrorism risk assessment for seven Ports involving more than 2000 risk scenarios

3D Marine USA/Houston, Texas
January 1, 1996 – September 16, 2001
Marine Investigator Consultant

- Provided surveys and investigation for 3rd Party liability insurance that included spill contractor oversight, cargo salvage, incident management team member and expert witness litigation testimony and support
- Responsible party Incident Commander for two major inland spills
- Expert Witness in TX State court for Dredge Recreational vessel collision resulted in 1% plaintiff recovery
- Managed 30K Deadweight tonne tanker seized for non-payment of the mortgage gained additional $3M at Marshall sale

S. T. Hudson International/Freeport, Texas
January 1, 1995 - December 31, 1995
Offshore Quality Control Representative

- Provided daily Quality Control documentation for construction of a three mile brine disposal pipe line for the Strategic Petroleum Reserve, responsible for hiring/vetting sub-contractors
- Planned and executed a five mile pipeline tow in conformance with contract bend radius specifications, that placed the loose pipe in close proximity to fixed end to complete installation

Royston Rayzor/Houston, Texas
August 1, 1990 - December 31, 1994
Investigator

- Provided P and I insurance claims handling services for five Southeast Texas ports, including monitoring spill contractors, sub-contact services invoice approval and litigation support
- Key team member for Chief Engineer license defense resulting in charges being dismissed with prejudice
- Key team member in civil penalty mitigation resulting in reduction of $1.2M penalty to $2500
- Successful identification and repatriation of nine African stowaways from a single vessel

U.S. Coast Guard Marine Safety Detachment/Lake Charles, Louisiana
July 1, 1987 - July 31, 1990
Port Operations Section Chief

- Supervised a 14 person staff to complete all Port State, Facility Inspections and Waterways management functions for over 200 miles of navigable waterways with a five vehicles and four small boats
- Restarted Trunkline Liquefied Natural Gas terminal, including providing weekly moving safety zone tanker escorts
- Responded to a medium inland spill as Federal OSC and conducted an investigation that successfully identified the responsible party

EDUCATION

Coast Guard Academy/New London, Connecticut
Mid-Grade Officer Career Transition
April 2013
Focus on Leadership

Liberty University/Lynchburg Virgina
B.S. in Psychology
June 2004
Focus on Counseling

Incident Management Training/Various Locations
ICS: 100, 200, 205, 210, 300, 320, 341, 346, 347, 348, 351, 400, 440, 450, 620, 700, and 800

Additional Marine Inspection Training Various Locations
BoatUS Foundation Boating Safety 2015
Liquefied Gas Tanker Inspections Course 2014
Instructor Development Course 2011
Marine Casualty Investigators Course 2009
Alaska Commercial Fisheries Enforcement 2008
Methods of Instruction Level One 2006
Cruise Ship Inspection Course 2005
Diesel Steam Engine Automation Course 2005
Wood Vessel Inspection Course 2005
Inspection of Marine Composites 2005
Shore Based Confined Space Entry 2005
Advanced Marine Firefighting 2004
Vessel and Company Security Officer 2003
Marine Firefighting for Land Based Firefighters 2002
Chemical Distribution Institute Ship Inspector 1996
Rules of the Road 1991
Crane Operation and Safety 1989
Weld Inspection 1989
Liquefied Natural Gas Fire Prevention and Spill Control Course 1988
Marine Inspection Department Course 1988
Crude Oil Washing & Inert Gas Systems 1988
Marine Safety Port Operations Dept Course 1987
Coast Guard Officer Candidate School 1987
Coast Guard Basic Training 1986

SKILLS	**Language** – English Fluent **Computer Skills** - Microsoft Office, Ubuntu (Linux) **Incident Management Skills** – Type 3 Incident Operations and Planning Section Chief, Situation, Resources Demobilization, Environmental Unit Leader, Division or Group Supervisor, ICS Instructor and Coach **Other Emergency Management Skills** Contingency Preparedness Officer, Pollution Responser, Federal On-Scene Coordinator's Representative, Marine Firefighting Coordinator **Marine Inspection Skills** Hull, Barge, Foreign Freight, Petroleum, Chemical and Gas Tankers, Passenger Vessels, Facility Safety and Security Inspector, Marine Casualty Investigator **Volunteer Service** - Member, U.S. Coast Guard Auxiliary (Current) Member – Houston-Galveston Navigation Safety Advisory Committee April 1997 to April 2002
PUBLICATIONS	**Publications** – Co-authored "Cleaning up Waste Water" article in the Proceedings of the Marine Safety and Security Council Volume .62 (Winter 2005) **Expert Witness** – C.A. No. 1:999-CV-0041 C.A. No. H97-4048 C.A. No. H97-0613 C.A. No. 92-07212-00-0-C

Daniel Buchsbaum
12231 Shiloh Rd • Anchorage, AK, 99516
907-336-1961 • home • 907-209-4517 • cell • dbuchsbaum@gmail.com

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Summary

Maritime Professional with nearly 30 years experience in Marine Casualty Investigations, Regulatory Compliance, Incident Response, Insurance Claims and Legal Support. A successful problem solver that can work independently or lead teams to successfully complete projects.

Skills:

- Coast Guard vessel inspection qualifications: Hull and Barge
- Coast Guard issued Foreign vessel inspection qualifications: Freight vessel, Chemical, Gas and Petroleum Tankers and Cruise Ships
- Coast Guard Facility Safety and Security Inspector, Pollution Responder, Federal On-Scene Coordinator and Marine Casualty Investigator
- Type 3 Incident Command System Ops and Planning Section Chief, Situation, Resources, Demobilization Unit Leader, Division or Group Supervisor, and ICS 300/400 level course instructor
- Proficient with Microsoft Office suite, Windows & Ubuntu (Linux) operating systems.
- A flexible multi-tasker with strong verbal and written communications skills including co-author of an article in *Proceedings of the Marine Safety & Security Council*

Experience:

USCG Chief Inspections Division July 2012 to October 2015
USCG Sector Anchorage, AK

Supervise a 20 person staff of active duty and civilians to Manage Officer In Charge Marine Inspection (OCMI), Captain of the Port (COTP) and Waterways Management (WWM) functions in the largest geographic Sector area of operation in the Coast Guard. Responsible for inspecting the largest high profile commercial fishing vessel fleet with over 2K vessels and conducting facility inspections for 432 widely dispersed/remote facilities. Coordinate OCMI\COTP and WWM activities with three Marine Safety Detachments. Manage a $340K budget in compliance with federal policies to complete statutorily required vessel, facility and container inspections in remote\road-less areas of Alaska.

USCG Supervisor July 2010 to July 2012
USCG St Thomas USVI

Direct supervisor for six person staff and responsible for ten member detached boat unit including maintaining vessel readiness. Managed all OCMI/COTP responsibilities on St. Thomas and St. John U.S. Virgin Islands Territory, the nation's #1 cruise ship destination port. Lead domestic inspections, including dry dock repairs and engineering changes as well as foreign flag vessel inspections. Responded to marine pollution and casualty incidents. Liaised with Territorial Governors Office and British Virgin Islands Shipping Registry.

USCG Port Security Program Manager July 2006 to July 2010
USCG District 17 Juneau, AK

Prepared and managed contingency plans and operations for Counter Terrorism, Ports Waterways and Coastal Security. Liaised with Sector Commands and District 17 staff to detect, deter and disrupt terrorist planning and execution throughout the D17's expansive area of operation. Resource program manager for Operation Neptune Shield to support High Value Unit escorts, High Capacity Passenger Vessel escorts, High Interest Vessel boardings, and security zone support for military out-load operations. Stood Law Enforcement Duty Office watch and Joint Field Office Stand-up Team member in support of FEMA disaster response. Incident Command System Instructor and Human Relations Committee member. Provided oversight and management for eight Coast Guard cutters operating in Alaska, and mission support training for rotating High Endurance cutter fleet operating in the Bering Sea.

USCG Marine Inspector July 2003 to July 2006
USCG Sector Juneau, AK

Supervised seven personnel to conduct commercial vessel safety and security inspections for the Alaska Marine Highway ferries, 150 small passenger vessels including maintenance of all vessel files, 30 cruise ships in a zone the size of Florida and the nation's premier cruise ship destination receiving over 960K passengers each year. Managed the Port State Control program. Enforced U.S. Laws regulations and International Treaties. Eliminated substandard foreign vessels from U.S. waters through oversight exams, and audits. Served as Cruise Ship Wastewater Program Coordinator and Public Affairs Officer providing press interviews and releases. Co-authored magazine article "Cleaning up Wastewater" in the *Proceedings of the Marine Safety & Security Council*

USCG Tactical Action Control Officer September 2001 to July 2003
Galveston, TX

Managed 24 hour a day operations of the Texas Regional Fusion Center, trained and supervised a 21 person staff for Commanding Officer Marine Safety Unit and Commander Task Unit Galveston in support of homeland security operations. Directed daily operations of two Navy patrol craft, four Coast Guard cutters, four helicopters and eight small boats to coordinate homeland security mission support for seven ports in southeast Texas and southwest Louisiana including scheduling for vessels and staff rotation. Established and enforced security zones for high risk areas. Developed guidelines for Regional Fusion Center operations. Provided an effective industry government liaison.

Investigator Consultant January 1996 to September 2001
3D Marine USA Houston, TX

Provided surveys and investigations for insurers of vessels and their cargoes, creating detailed reports including estimates of damages observed, cost of repairs, and corrective actions. Found a means of disposal for damaged goods or totaled vessels including salvage sales. Managed oil spill responses and provided cost documentation. Provided research and consulting services to underwriters and attorneys on vessel design, operation, personnel competency, and cargo carriage condition. Provided expert witness reports and testimony for civil litigation. Vet for on-hire containers and contract services. Provided complete vessel management for seized vessel including selecting vendors to optimize the repair schedule, motivating crew and providing surveyor access prior to U.S. Marshal's sale.

Offshore Quality Control May 1995 to December 1995
ST Hudson International Freeport, TX

Monitored subcontractor compliance with contract specifications during offshore construction phase of a brine disposal pipeline and provided daily progress reports. Obtained launch and salvage services; planned and executed positioning of equipment used on the work site. Maintained customer and regulatory body relations. Planned and executed a three and five mile tow for a 1000 foot section of the pipeline in compliance with the 3000 foot bend radius restriction. Positioned a drilling rig as a work platform in the work area. Approved anchor movements for a four anchor dive boat and a six anchor lay barge ensuring that other submerged pipelines were avoided.

Investigator July 1990 to May 1995
Royston Rayzor Houston, TX

Provided P & I Insurance correspondent services to vessels calling at five local ports in southeast Texas. Investigated third party damages and potential liabilities and made

confidential written reports on facts and information gathered. Assisted vessels with mutinies, stowaways, cargo damages, deserters, crew death, injuries and repatriations. Carried out process service, general background investigations and civil penalty case mitigation. Reviewed and approved billing for external services including pollution response, medical, and launch service. Reviewed vessel logs and documents for civil litigation.

USCG Port Operations Section Chief July 1987 to July 1990
Lake Charles, LA

Supervised 14 enlisted personnel maintaining readiness of unit's five small boats to conduct harbor patrols on over 200 miles of highly trafficked waterways. Conducted port state control inspections for chemical, gas and petroleum tankers and freight ships. Carried out facility inspections for over 100 remotely located facilities. Performed domestic vessel inspections and marine casualty investigations.

Education:

Mid-Grade Officer Career Transition
Coast Guard Academy Leadership School, April 2013

Bachelor of Science: Psychology
Liberty University, 1984

- USCG Marine Safety Schools: Marine Inspection, Port State Inspection, Crude Oil Washing/Inert Gas, Diesel Steam Automation, Cruise Ship Inspection, Gas Carrier Inspector, Weld Inspector, Wood and Marine Composite Vessel Inspector, Confined Space Entry, Basic and Advanced Marine Fire Fighting
- ICS Training: 100, 200, 300, 320, 341, 346, 347, 348, 351, 400, 440, 450, 620, 700, and 800
- Other Training: Instructional Development, Marine Casualty Investigator, Chemical Distribution Institute Ship Inspector and Alaska Fisheries Enforcement, Coast Guard Public Affairs Officer.

References: Available upon request

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

To be good Stewards over the waters which we are licensed to protect.

December 31, 2015

Alaska Maritime Agencies, Crowley Maritime, Vitus Marine
Inchcape, Shell Alaska Exploration Group, Alaska Vessel Agency,
Crowley Marine Services

Increased Notification Times for Out Ports in Western Alaska

To Whom It May Concern:

In recent years there has been a significant change with regards to shipping traffic in Western Alaska. This shift in commerce is most noticeable in several out port regions that historically had very little shipping traffic. As a result of these changes, our association must make adjustments to accommodate and satisfy these new demands in the interest of providing safe and efficient pilotage service throughout western Alaska. Specifically speaking, our region is seeing an increase in the number of ships calling on ports and anchorages along the Northwest Coast of Alaska, the Arctic region, Togiak and Atka.

AMP has made an evaluation of the times and frequency that a pilot is required in the regions fore-mentioned. With much of our dispatching originating in the Port of Dutch Harbor, we conclude that the notification times for out port pilotage service is inadequate. There are several factors that support this conclusion.

Atka	Grant Aviation provides service three days per week. (Monday, Wednesday, Friday)
Adak	Alaska Airlines provides two flights per week. (Thursday, Sunday)
Togiak	Availability of transportation from the airstrip to the skiff and sufficient tides to transit to and from the ships are also a factor. Arranging and providing both the Pilot and pilot boat often require more time than is currently available under existing notification times.
Bethel	There are currently five flights per day.

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St. Paul	There are currently three flights per week. (Wednesday, Friday, Sunday)
Kotzebue	There are currently two flights per day.
Nome	There are currently two flights per day, seven days a week.
Sand Point	PenAir runs daily, except Sunday, with service between Sand Point and Anchorage. Depending on the season, twice-daily flights are sometimes scheduled.
King Salmon (Naknek)	PenAir provides service 7 days a week having two flights per day on the weekdays and one flight per day on the weekends. Seats are difficult to secure at the start of the season.

Given the consistency and frequency of shipping traffic in and around the Port of Dutch Harbor, in many cases the pilot dispatched to provide services in out port regions originates from Dutch Harbor. In recent years, flight availability and dependability in getting from Dutch Harbor to Anchorage has declined. It's common to require a couple days just to get a pilot to Anchorage. Coupled with the inclement weather that complicates travel to ports such as Togiak, Nome, Bethel, Adak, Kotzebue, Barrow, St. Paul, King Salmon, and Sand Point, it is often not possible to provide a pilot to these places within 48 to 72 hours.

Western Alaska has seen the introduction of foreign tankers delivering fuel oil to villages from Bristol Bay to Barrow. The lightering operations they conduct are as weather dependent as the means of travel we use to get to them and board them safely. Given the continuously changing conditions on scene, and the use of tugs and ATB vessels from considerable distance to board these tankers farther offshore, it makes providing a properly rested pilot difficult in many situations.

Listed below are the Increased Notification Times that AMP Intends to propose before the Board of Marine Pilots during January's meeting.

Atka (96), Adak (96), Kuskokwim (96), Pribilofs (96), Port Clarence (96), Bethel (96), Port Moller (72), Togiak (72), Nome (72), Kotzebue (72), Barrow (72), Naknek (72), Clark's Point (72), and Sand Point (72).

In summary, our region has both diversified and expanded with respect to shipping in the remote out port areas. Some port areas offer few options for travel. Covering great distances across the

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state while depending on the weather proves our greatest challenge. And the introduction of seasonal traffic to the Northwest Coast and Arctic Coast of Alaska coupled with the fact that our largest volume of traffic remains in Dutch Harbor requires that we adjust these notification times in the interest of providing safe and efficient pilotage.

Our association wanted to bring these proposed changes to the agencies involved prior to the January Board meeting in the interest of maintaining the clear lines of communication we all benefit from. Please call and discuss this matter at any time. We hope we can address any questions or concerns you might have.

Sincerely, Carter Whalen

Carter Whalen
Alaska Marine Pilots LLC

ALASKA MARINE PILOTS LLC
P.O. Box 920226 - Dutch Harbor, AK 99692
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To be good Stewards over the waters which we are licensed to protect

NOTICE OF PROPOSED INCREASE OF NOTIFICATION TIMES FOR OUT PORTS IN WESTERN ALASKA

The original language from sub parts (b) and (d) within the Statutes and Regulations of Marine Pilots are written in red with proposed language changes, written in blue, directly below its respective section:

12 AAC 56.205. AVAILABILITY OF PILOTS. (a) In the Southcentral Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 36 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. An agent, owner, or master of a vessel shall again inform the appropriate pilot organization of a vessel movement at least 24 hours before the movement. A pilot will be considered unavailable for service only if the timely notice under this subsection is given and a pilot does not show up at the vessel to render service. If notice is not given as required under this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

(b) Except as provided in (d) of this section, in the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 48 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. A pilot will be considered unavailable for service only if the 48-hour notice required by this subsection is given and a pilot does not show up at the vessel to render service. If the agent, owner, or master of a vessel requests a pilot, and the pilot attempts to reach the vessel but cannot do so within 48 hours due to factors beyond the pilot's control, and the vessel then leaves without the pilot, the vessel or the vessel's owner may be charged for the actual expenses incurred by the pilot in attempting to reach the vessel. If the 48-hour notice is not given as required by this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

(b) Except as provided in (d) of this section, in the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement in accordance with the notification time specific to that port in order to provide sufficient time for a pilot to arrive by the available means of transportation. A pilot will be considered unavailable for service only if the required notice time for the subsection is given and a pilot does not show up at the vessel to render service. If the required notice is not given as required by this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

Akutan (48), Kuskokwim (96), Pribilof Is. (96), Port Clarence (96), Bethel (96), Port Moller (72), Togiak (72), Nome (72), Kotzebue (72), Barrow (72), Naknek (72), Nushagak (72), Clark's Point, (72), Sand Point (72)

ALASKA MARINE PILOTS LLC
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To be good Stewards over the waters which we are licensed to protect

(c) In the Southeastern Alaska region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 48 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. An agent, owner, or master of a vessel shall again inform the appropriate pilot organization of a vessel movement at least 24 hours before the movement. A pilot will be considered unavailable for service only if the timely notice required by this subsection is given and a pilot does not show up at the vessel to render service. If notice is not given as required under this subsection and the pilot is unable to reach the vessel to render pilot services, the vessel or vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and for the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

(d) In the Aleutian Island ports that are west of Atka Island in the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 96 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. A pilot will be considered unavailable for service only if the 96-hour notice required by this subsection is given and a pilot does not show up at the vessel to render service. If the agent, owner, or master of a vessel requests a pilot, and the pilot attempts to reach the vessel but cannot do so within 96 hours due to factors beyond the pilot's control, and the vessel then leaves without the pilot, the vessel or the vessel's owner may be charged for the actual expenses incurred by the pilot in attempting to reach the vessel. If the 96-hour notice is not given as required by this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

(d) In the Aleutian Island ports from Atka West including but not limited to Atka, Adak, Tanaga, and Kiska,

12 AAC 56.960. DUTIES OF PILOTS. (a) A pilot shall be on duty, at the conn, piloting the vessel at all times when the vessel is in transit or maneuvering in compulsory pilotage waters. A pilot at the conn may only be relieved for cause by the vessel's master or the officer in charge of the navigational watch when the master is absent from the bridge. The pilot may voluntarily relinquish the conn to a ship's officer, but may reassume the conn at any time.

(b) A passenger vessel in transit of compulsory pilotage waters not excluded under 12 AAC 56.110 must carry two pilots on board except during an entry transit between a pilot station and a harbor or anchorage within compulsory pilotage waters, or an exit from compulsory pilotage waters where the entry or exit transit is normally less than eight hours.

(c) A non-passenger vessel in a continuous transit of compulsory pilotage waters of Southeast Alaska that is expected to exceed eight hours must employ two pilots.

(d) If a vessel piloted by a state licensed pilot goes aground, collides with another vessel or dock, meets with any casualty, or is damaged in any way, the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965. The marine pilot coordinator will, in coordinator's discretion, investigate the reported incident.

12 AAC 56.965. INCIDENT REPORT. (a) The written incident report required by 12 AAC 56.960(d) must be in writing on the form provided by the department. All applicable sections of the form shall be completed. The required information shall be obtained as soon as the situation stabilizes and the pilot can dedicate his or her time and attention to providing the information.

(b) The report shall include

(1) identification of the pilot;

(2) date and time of the incident;

(3) identification and description of the piloted vessel and its cargo;

(4) identification of the vessel's master and agent;

(5) a detailed description of the location of the incident;

(6) a description of the weather and sea conditions at the time of the incident;

(7) identification of all other persons and vessels involved in the incident;

(8) identification of witnesses; and

(9) an illustrated and narrative description of the incident.

Authority: AS 08.62.040

MAR

THE STATE of ALASKA

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

Board of Marine Pilots
State Office Building, 333 Willoughby Avenue, 9th Floor
PO Box 110806, Juneau, AK 99811-0806
Phone: (907) 465-2548 ★ *Fax:* (907) 465-2974
Email: license@alaska.gov
Website: http://commerce.alaska.gov/dnn/cbpl/ProfessionalLicensing/BoardofMarinePilots.aspx

ALASKA BOARD OF MARINE PILOTS ACCIDENT/INCIDENT REPORT FORM

Alaska law (12 AAC 56.960(d)) requires a written report from the Pilot, within 72 hours after returning ashore after an incident, of any case where a vessel being piloted by a state licensed pilot goes aground, collides with another vessel or dock, or meets with any casualty, or is injured or damaged in any way.

In accordance with 12 AAC 56.960(f), a pilot who fails, neglects or refuses to make a report to the board is subject to disciplinary provisions of AS 08.62.150 and 08.62.155.

THIS IS THE REPORTING FORM REQUIRED BY THE BOARD

Submit this report to:

Alaska Board of Marine Pilots
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806 * Fax: (907) 465-2974

Name of pilot: _____ License No.: _____

Address: _____

Telephone: _____

Date and time of accident/incident: _____

Name of vessel piloted: _____ Flag: _____

IMO Number: _____ Port of registry: _____ Radio call sign: _____

Description of vessel's cargo: _____

Type: _____ Length overall: _____

Gross registered tonnage: _____ Deadweight tonnage: _____

Drafts at time of accident/incident: forward: _____ aft: _____

Master's name and address: _____

_____

Vessel Agent's name and address: _____

_____

Where did the accident/incident occur? Latitude: _____ Longitude: _____

Fathometer reading: _____

At or near what port, waterway or channel: _____

Name and number of chart in use at the time: _____

This accident/incident was a ☐ grounding; ☐ stranding; ☐ collision/allision with another vessel or vessels; ☐ allision with a floating aid to navigation; ☐ allision with a fixed object or objects such as a dock or wharf or fixed aid to navigation; ☐ allision with a gillnet; ☐ other (describe). _____

Gyro course at time of accident/incident: _____

This accident/incident took place while: ☐ anchoring; ☐ getting underway from anchor; ☐ docking or maneuvering to dock; ☐ undocking; ☐ in transit of pilotage waters; ☐ other (describe). _____

Exact course: _____

Weather Conditions:

Wind direction and velocity: _____

Visibility: _____

Tide was ☐ rising; ☐ falling; ☐ slack

Time and height of last high or low water: _____

Time and height of next high or low water: _____

Direction and velocity of tidal current, if any: _____

Time and date you notified US Coast Guard _____,

Notification to US Coast Guard by: ☐ Phone ☐ Form 2692

Did the ships officers or company representative initiate any investigative action or repairs? _____

Explain: _____

If this accident/incident was a collision with another vessel or vessels, give name, flag, type and gross registered tonnage, if known:

If this accident/incident was an allision with a dock, wharf, or other fixed man-made object, give name of object or facility and name of owner or operator:

Describe the damage, if any, to the vessel you were piloting:

Describe the damage, if any, to the other vessel, its equipment or fishing gear:

Describe the damage, if any, to the dock, wharf, or other fixed object:

Was there death, physical injury, oil spillage or pollution as a result of this accident/incident? ☐ No ☐ Yes
If yes, describe:

Were tugs in use during this accident/incident? ☐ No ☐ Yes
If yes, give name(s) of tug(s), name of tug master and full details of how tug(s) were used:

Who had the conn? _____

Give a full narrative description with a sketch, if appropriate, of the accident/incident (attach on separate page.)

Narrative/sketch attachment provided with this report? ☐ No ☐ Yes

Attach a fascimile of the chart in use at the time of accident/incident.

List these items on separate piece of paper:

1. List names and positions of ships officers who were present on the bridge when the accident/incident occurred.
2. List names, addresses, and phone numbers of all other persons involved in the incident.
3. List names, addresses and phone numbers of any witnesses to the accident/incident.

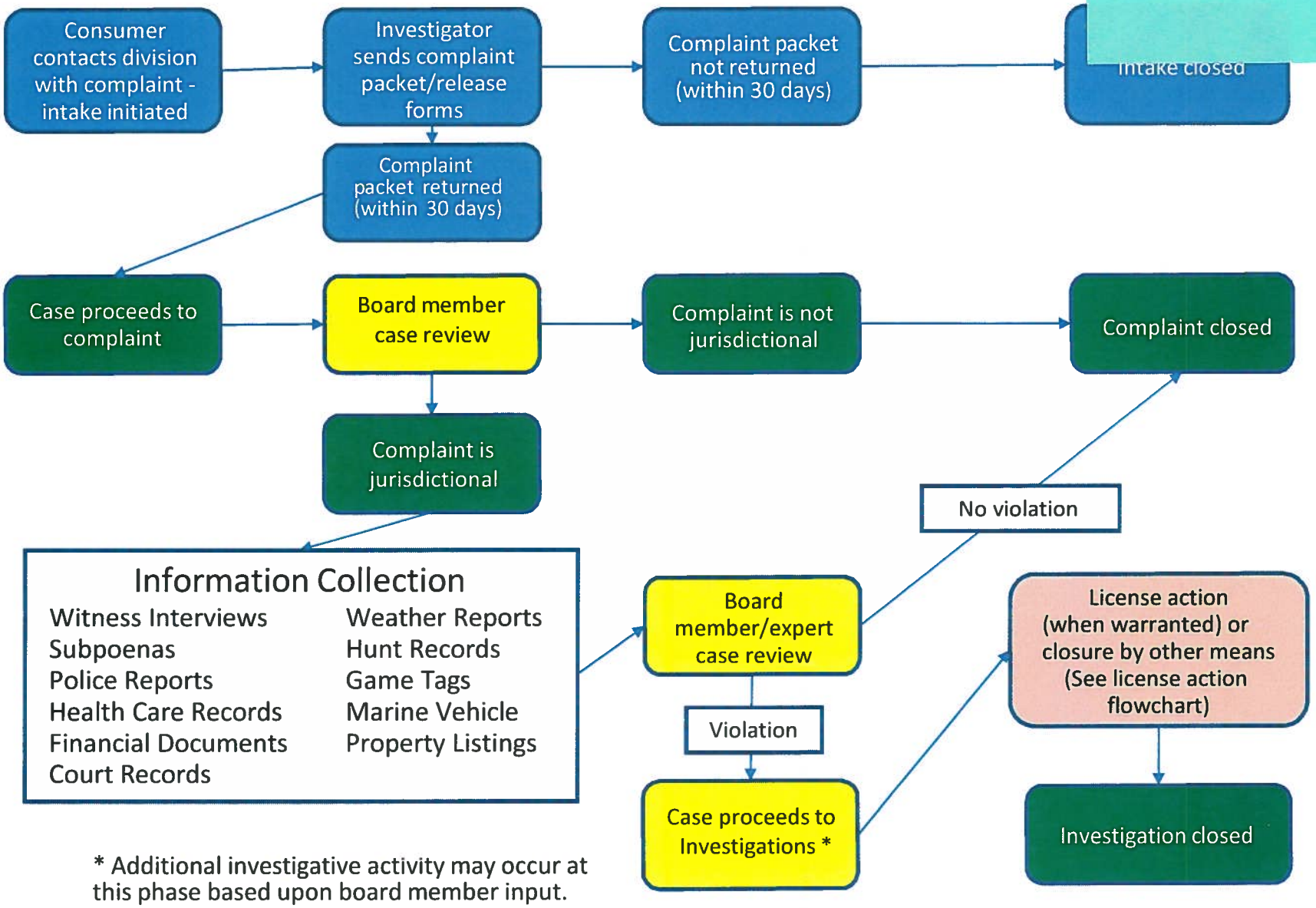
Signature: _____

Please print name: _____

Date: _____

Investigative Process

Crystal :)



* Additional investigative activity may occur at this phase based upon board member input.

12 AAC 56.029. GENERAL REQUIREMENTS FOR MARINE PILOT LICENSE. To qualify for a marine pilot license under AS 08.62.100(a), an applicant must

(1) possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the entire region for which a marine pilot license is sought;

(2) show that the applicant has held a valid deputy marine pilot license in Alaska for a minimum of three calendar years while remaining eligible for license renewal during this period of service without use of familiarization trips under AS 08.62.120;

(3) *repealed 10/25/2002;*

(4) possess a valid deputy marine pilot license without geographical exclusions in the region for which the marine pilot license is sought;

(5) have completed a manned ship model course or a simulator course approved by the board within the three years before the date of application for a marine pilot license;

(6) satisfy the regional experience requirements established in 12 AAC 56.031 for the region for which the marine pilot license is sought;

(7) satisfy all additional licensure requirements established by the board in this chapter, including a passing grade on written and oral examinations required by the board in 12 AAC 56.070;

(8) be a citizen of the United States;

(9) show that the applicant has held a valid deputy marine pilot endorsement to pilot vessels of not more than 90,000 gross tons.

Authority: AS 08.62.040 AS 08.62.100