

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

ALASKA BOARD OF MARINE PILOTS

APRIL 12, 2016
STATE OFFICE BUILDING
JUNEAU, AK

MEETING AGENDA

<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>	<u>TAB</u>
0830	Call to Order – Roll Call	Chair	1
0840	Review Agenda Declarations / Recusals	Chair	
0845	Review / Approve Minutes: January 28, 2016	Chair	2
0850	Public Comment Proposed regulation changes: 12 AAC 56.205(b) 12 AAC 56.029(2) 12 AAC 56.990(a)(34) 12 AAC 56.960(d)	Chair	
0920	Discussion and possible 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 Budget issues/travel b.) Correspondence	Ms. Hewlett Chair Chair	4

*"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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1100	Pilot Organization Reports	Chair	
	a.) SEAPA		
	i.) Organization update		
	b.) SWAPA		
	i.) Organization update		
	c.) AMP		
	i.) Organization update		
1120	MTSF Report	Mr. John Larsen	
1130	Change to 12 AAC 56.120 (a)(50) Pilot Stations or Pickup Points	Chair	5
1145	Approval of agent navigation packet as per Sec. 08.62.180 (a)(c)	Chair	
1200	Lunch		
1300	Public Comment Other topics	Chair	
1330	Possible creation of casualty reporting requirements For foreign pleasure-craft	Chair	6
1430	Discussion of proposed regulation change to “day” as per 12 AC 56.012(c)(1)	Chair	7
1445	MPC/Investigator Report	MPC	
1500	Executive Session	Chair	
1530	Other Business: Next meeting Possible date: Thursday Oct 13	MPC	
1600	Adjournment	Chair	

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BOARD OF MARINE PILOTS**

DRAFT MINUTES OF MEETING

January 28, 2016

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 January 28, 2016 in Anchorage, Alaska.

Call to Order/Roll Call

The meeting was called to order at 8:45 AM by Chairman Shirley Marquardt. 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
Tom Rueter	- Agent Member
Shirley Marquardt	- Public Member, acting Chair

Staff present:

Crystal Dooley	Marine Pilot Coordinator (MPC)
Martha Hewlett	Administrative Officer II (teleconference)
Shalane Cedaberg	Boards and Commissions

Members of the public present:

Ed Sinclair	Southeast Alaska Pilot Association
Paul Merrill	Southeast Alaska Pilot Association
Rich Preston	Southeast Alaska Pilot Association
Scott Jones	Southeast Alaska Pilot Association
Jenni Zielinski	Southwest Alaska Pilot Association
Ron Ward	Southwest Alaska Pilot Association

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Michael O'Hara	Southwest Alaska Pilot Association
Keith Austin	Alaska Marine Pilots
Bill Gillespie	Alaska Marine Pilots
Bob Poe	Alaska Marine Pilots
Daniel Buchsbaum	AIR LLC
Bob Arts	ALAMAR
Jim Lee	Alaska Maritime
Mike Tibbles	Alaska Steamship Association
Ron Hildebrand	Trident Seafoods
Paul Axelson	North Pacific Maritime Institute- Yacht Services of Alaska
Gary Messer	Pacific Reefer Logistics

Bruce Wyrock from Southeast Alaska Pilot Association and Governor's Designee Chris Hladick attended via teleconference.

Agenda Item 1 Review and Set Agenda

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 October 27, 2015 meeting minutes, there were no objections to the content or convey of Board minutes.

Agenda Item 3 Safety Brief

The MPC briefed the Board and the audience on the muster location if the building needed to evacuate.

Public Comment for 12 AAC 56.990(a)(40) Definition for Length Overall

The Chair opened the floor to public comment pertaining to addition to regulation 12 AAC 56.990 (a)(40) Definition of Length Overall. There were none.

Discussion Concerning Regulation 12 AAC 56.990(a)(40) Definition for Length Overall

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Mr. Erickson stated that based on the public comment received and the comments during the last Board meeting, he moved to table the vote and recommended sending the language to the Foreign Yacht Committee. Mr. Rueter seconded the motion.

The Chair asked about the yacht committee. Captain Preston stated that he and Mr. Axelson were the co-chairs and that information could be forwarded to the Board. Captain Antonsen asked if the yacht committee would like be involved. Captain Preston stated that he thought there was a split vote with the Board and the time to send the regulation to the yacht committee had past. He stated that he thought if it went to the yacht committee, it would be the same conversation that the Board would have and he believed the vote would be delayed. Captain Preston stated that the written comments were effective and the yacht committee would not be. Mr. Axelson stated he thought it would be better at the yacht committee. He stated that Captain Winters did a good job creating the yacht committee and he didn't believe the time had passed. The Chair asked what was used in the past, and the Board had previously discussed dive platforms and swim ladders.

Captain Antonsen stated that the ship's regulations were used to determine fees. He stated that not every registry had length overall and that it's not defined or easy to determine, and there was a lot of discrepancy between vessels. Mr. Antonsen stated that this was in response to a formal complaint and there is a lack of clarity in the regulation. Mr. Erickson stated that back in 2012 the issue was addressed that the MPC would use the registry to use the overall length for billing purposes. He thought that, even though it's not in writing, the Board should use the ship's registry LOA. He stated that one vessel had the length of the registry within exemption guidelines but was transmitting a LOA on AIS above the registered length and shouldn't count for exemption. Mr. Rueter stated that the current definition of LOA affects all vessels subjected to pilotage, not just to yachts. By review of the tariffs, he stated the tariffs give a LOA component and the Board could adopt regulations that affect all of the shipping within the state, specifically in how they are charged in that LOA is used in fee-setting. He stated that this may be seen as only a solution to foreign yachts, the Board should broaden the discussion so it doesn't cause another issue.

The Chair asked if the new definition was conclusive of anything that might need fees. She asked if the concern was over swim-steps and things that extend. Mr. Rueter asked that there would be discussion about what was considered the hull. Captain Arzt states that the Board isn't hamstrung since the statute uses LOA but regulation hadn't defined it accurately. He stated he was not opposed for the yacht

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committee taking this on. He stated the Coast Guard gave a good example of a definition, the Board hadn't reached a consensus, and he personally disagreed with using the intent of the 2012 letter to extend into this conversation.

The Chair asked how insurance companies calculated yacht insurance. Mr. Rueter stated that he didn't believe there was anyone with an expert opinion, but that each flag state established their own method of determining LOA. He stated that he'd like to hear from someone in charge of setting that measurement for the particular flag state. Captain Antonsen stated there hasn't been tariffs for years, they are now published rates and are different from tariffs, and stated that the Board should ask the pilot association what they thought. Captain Sinclair stated that rates do include a formula with LOA, and those documents have a LOA definition approved by the Board. The Chair asked how the Board felt about using the registration documents for LOA. Captain Arzt stated there are certificates of documentation, and in the case of the British certificate of registry, some used to have lines for Length and Overall Length. He stated that British registry only supplies one measurement for Length and it's based off a tonnage calculation. Mr. Erickson said he agreed that using LOA on registry for fees and that past practice hadn't defined using the registry for the actual length. He stated that the Board was here to simplify it and to bring this business into the State so vessels knew they wouldn't get into trouble when they got here. He stated that the Board could determine if a swim ladder was part of the hull. Captain Antonsen stated that if Mr. Erickson's motion went through, this regulation change wouldn't be included for definitions section but under the exemption section with "Under this section, the definition for LOA is..." so that it only applied to yacht exemptions and not all vessels. He stated that, for simplicity sake, using the registry length is simple but is still ambiguous. He stated tabling the regulation would mean more public comment, and then the definition could be easily applied to a different section. Mr. Erickson stated the regulation should be public commented into 12 AAC 56.90 instead of the definition section. Captain Arzt stated he wanted to submit it to the yacht committee for public comment. The Chair stated that summer was approaching and to give the yacht committee some direction. Mr. Erickson asked the Board if they could add some language that the registered length for the summer. The MPC stated the Board could vote down the regulation, kick it to committee, and then start the process again.

Captain Antonsen stated that he would vote yes for the proposed regulation change and this would remove ambiguity. He stated that he agreed with the commerce side not to change anything in the middle of the summer. Captain Arzt

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stated that using the CFR definition under chapter 46 would give one measurement for the exemption and another measurement for fees. The Chair stated that the purpose of tabling this motion would be to send it to the yacht committee for further discussion at the Spring meeting. Captain Arzt stated that the Board was already past the timeline, and that the yachts have already made their plans and it would take about two months to make a regulation the deadline for the 2016 yacht season was already missed. Captain Arzt stated the Board could add an effective date. The Chair asked why the pilots would have an issue with that definition would apply to all vessels. Captain Arzt stated that the Associations should be asked. The Chair suggested the Board vote to table the motion to give to the yacht committee. She stated that the memberships could have internal discussions about pilotage and that the Board was looking for clarification. Captain Antonsen asked if there would be proposed public comment to put out in April to take action in October. Mr. Erickson stated if this were to be voted to table so that LOA would be used registry from the paperwork as a policy decision. Mr. Erickson asked what the process this summer would be for yachts. Captain Antonsen stated he wasn't comfortable with a policy statement. Mr. Erickson stated that nothing would change for the MPC. The MPC described the exemption application process to the Board and that registry length was used for collecting fees only, and that the LOA written down by the owner was used for exemption determination. Captain Arzt asked if an application is processed, and there is a definition yes or no, no one can change their vote after the exemption is granted. He stated that challenges had come up and thus topic needed discussion. He stated he didn't think it was up to the Board member to do research to see if it met the threshold to the MPC.

The Chair asked if in adding the definition would bow sprints, swim ladders and other objects count towards LOA. Mr. Reuter stated the yacht committee would discuss that point. Captain Antonsen stated the Board was concerned about removing ambiguity. He stated that Mr. Erickson stated that lack of ambiguity was making it more difficult for those planning their trips and didn't want something to change in the middle of the summer. The Chair stated that the Board may have to take action in April based on a Coast Guard regulations. Mr. Erickson stated he still wanted the motion to table and send along to the yacht committee for them to come up with the definition to be placed under the definitions for pleasure craft exemptions. The Chair stated that tabling the regulation would take it off the table completely.

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The Chair asked to clarify the motion with a friendly amendment and called for a roll call vote:

Motion: Table the action of purposed changes to regulation for the definition of LOA for exemptions in order for the language to go to the yacht committee for further deliberation for options and suggested changes and back to the State before the April meeting.

Moved by: Captain Arzt

Second: Mr. Rueter

Captain Antonsen – No

Captain Arzt - Yes

Mr. Rueter – Yes

Mr. Erickson - Yes

Ms. Shirley – No

The motion carried. Mr. Hladick joined the conversation at 0940. The Board took a break from 0940 to 1000.

Agenda Item 4

Business Items

a) Correspondence: The MPC directed the Board to the letter she wrote in response to redaction questions from the following meeting. The Chair stated that it was up to the MPC , and if there are no further or comments, and Board would move on. Captain Antonsen asked the Board for clarification in how the Board was supposed to communicate about these issues outside of a traditional meeting. The MPC directed the Board not to use “reply-all” when replying to the MPC on votes and that discussion over email is illegal. Mr. Rueter asked if the yacht committee was considered to be a component of the Board and subject to open meeting act. The Chair asked the MPC for guidance. The MPC read from the Boards & Commissions Manual that subcommittees such as the foreign yacht committee were considered committees and needed to properly notice all meetings.

b) Formal recognition of pilots receiving endorsements: The Chair announced that Captain Tomi Marsh had received her Marine pilot license, and the Chair knew her from when Captain Marsh was in charge of the F/V SAVAGE with an all-woman crew. The Chair stated that Captain Marsh was very responsible, steady as they come, and the Chair was delighted Captain Marsh was joining the ranks and sent her personal congratulations. The Chair thanked Mr. Richmond for his past service to the Board and to the State, and that in March the Board would be welcoming Mr. Andrew Mack to the Board to take that seat.

c) Introduction of Daniel Bushsbaum, Alaska Incident Response LLC: The MPC invited Mr. Bushsbaum to introduce himself to the Board. The MPC stated that Mr. Bushbaum was interested in serving as an expert witness for investigations, should the Board ever need his expertise. Mr. Bushbaum stated he recognized faces from the Coast Guard, and that he really enjoys professional mariners and the marine industry. He stated that the Board has his resume and CV, and that he's worked for both civilians and the Coast Guard, and he currently works for a private company as a marine investigator. He stated he started a company doing independent consulting and would appreciate helping the Board at any point. The Chair thanked Mr. Bushsbaum.

Agenda Item 5

Association Reports

a) SEAPA: Captain Paul Merrill, President of SEAPA, stated that very little had changed since the Fall meeting. He stated that SEAPA had 48 full pilots and seven trainees, and that one was expected to be licensed this Spring.

b) SWAPA: Captain Mike O'Hara, President of SWAPA, stated that SWAPA had 14 Unlimited Pilots, three deputies and a couple apprentices and observers. He stated that SWAPA expected 16 pilots by the summer.

c) AMP: Captain Bill Gillespie, representing AMP, stated that Captain John Schibel had retired, Captain Keith Austin was a new member, there were eight full pilots and one Deputy marine pilot with the one trainee entering the hands-on phase.

Proposed change to regulation 12 AAC 56.205 Availability of Pilots: Captain Gillespie stated the issue was the 48 hour and 96 hour notification to get a pilot to an outpost. He stated AMP was asking for more notification in that they've seen change in the traffic, there are more locations to dispatch pilots to, and AMP is having more problems flying into different ports. He said that if AMP can't provide a pilot, the ship can sail without a pilot. He stated that Togiak is currently a 48 hour notice, and under the best conditions, a pilot can get there with maybe six hours before the ship wants to sail. He states that most ships will wait a few hours, but if there is weather involved, the vessel will sail without the pilot. He stated that vessels leaving Togiak are most likely tankers carrying cargo and fuel. He stated that it's a 3.5 hour transit through pilotage waters and that it's an extremely environmentally sensitive place. He stated that it's an important fishery three seasons a year. He stated that, with one more day notice, AMP can stop

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these situations arising where ships could sail without a pilot. Captain Gillespie stated that many ships choose not to wait past the 48 hour notification window.

The Chair stated that there are many locations close to Unalaska but people have to travel to Anchorage, and that many flights can be booked two weeks ahead. Captain Arzt asked if any of the vessels were draft restrained or tidally restricted. Captain Gillespie stated that there can be under keel clearance issues. Mr. Rueter stated that there are two points of dispatch, in Anchorage and Dutch Harbor. Mr. Rueter asked if there had been any vessels that sailed without a pilot, and if AMP was trying to prevent a future issue or address a past issue. Captain Gillespie stated that it was a potential issue that would get bigger with different traffic. Captain Gillespie confirmed that a tanker has not sailed without a pilot; however fish vessels have sailed without a pilot. He stated there was more business in Kuskokwim Bay and Togiak. Mr. Rueter said this was to address a preventable issue. He asked how far the Board needed to go to approve dispatch times. Mr. Gillespie stated that one extra day would help all points. He stated that the Western Aleutians would be one timeframe and other places would be another. Mr. Reuter stated that AMP could also divide up the State by latitude/longitude. The MPC stated this would follow the same regulation process as other regulation changes. The Chair directed the Board to read through the language. Mr. Rueter stated that he preferred a regional assessment of times instead of a port since people might not understand where these locations were. Captain Arzt stated that some ports have limited flight availability. Mr. Rueter stated if someone wanted to go a different port that wasn't listed, how is that addressed? Captain Gillespie stated that the notification times are for both entry and departure, and that the pilot doesn't always stay with the ship. Captain Arzt stated that if it's not designated specifically in regulations as a pilot station, it's designated as another location. Captain Gillespie stated that there could be a regulation where it's differentiated by region and by location. The Chair asked if Mr. Reuter had suggested language and he did not. Mr. Erickson asked if vessels know when they plan to depart and Mr. Rueter states that is dependent on weather and activity. Captain Gillespie stated that they do not hold vessels back; however the issue is to prevent vessels sailing without a pilot. Captain Arzt stated that any ports not specifically named could be 96 hours. Captain Gillespie stated the Coast Guard requires a 96 hour notification for arrival. Captain Antonsen stated it's in the Board and Alaska's best interest to increase the notification time, and as a Board he leaned to extending the time so there is no excuse to sail without a pilot. Captain Arzt stated he saw this as being responsive to air travel and schedule, and he was starting to hear adding extra caveats may make it onerous. He stated that

Adak and Atka have only two flights a week, and the current time frames just aren't appropriate for the flight schedules. Captain Gillespie stated that tanker traffic can run from Nome to Dutch Harbor, and that AMP could bring a vessel into a safe harbor and lee, and that place may not be in the description. The Chair clarified that the pilot would have to be picked up somewhere. Mr. Rueter asked if AMP to revise all 48 hours to a different number, and additionally requiring specific numbers for the port listed below, and it was clarified that all 48 hours would be moved to 72 hours, and specific ports would be listed with different numbers. Captain Gillespie stated he thought that would work, and that Akutan would stay at 48 hours. Mr. Rueter stated there was a cooperative agreement between agents and pilots to work together. The Chair asked for a motion.

Motion: In 12 AAC 56.205(B), substitute "48 hours" with "72 hours" wherever applicable plus the insertion of a statement "Except for the following identified locations where minimum time is noted individually: (1) Akutan, 28 hours, (2) Kuskokwim, 96 hours (3) Pribilof Islands 96 hours (4) Port Clarence, 96 hours, and (5) Bethel, 96 hours". There will be no changes to (d).

Moved by: Mr. Reuter
Second: Mr. Erickson

The Chair asked for a roll call vote:

Captain Arzt – Yes
Captain Antonsen – Yes
Mr. Erickson – Yes
Ms. Marquardt – Yes
Mr. Rueter - Yes

Motion passed 5 – 0.

Agenda Item 6

Board Revenue and Expense Report

Ms. Hewlett attended the meeting via teleconference. She stated the report represented July 1 2015 through Dec 1 2015. She stated the Board asked for a breakdown of revenue at the last meeting. She said that for the first quarter, \$3,350.00 was for earned from FPC, and the other \$5,710.00 was generated by Marine Pilots. She stated that the Personal Services under Direct Expenditures is the MPC time, regulations specialists, paralegal, and office assistants. She stated that the contractual costs were under the 3000 series, listed on page 2. She listed that the Indirect Expenditures line is a placeholder since indirect costs would not be divvied out until the end of the year. She stated the Board was ending the first

quarter with the surplus with \$ 124,503.00. Mr. Rueter asked if there any chance from this report if we get a comparative from a previous quarter. The MPC stated that she would send that information out and include it in future Board pockets. Ms. Hewlett stated there would be an update on the travel process within this week. She stated that, in the initial phase when the Board does pre-approval, the Division staff will submit a waiver request with pre-approval process with justification that the Board needs to meet face-to-face. Ms. Hewlett stated that, even though the Division is receipt-supported everyone is looking at further cost savings measures, as per the Governor's directive. She stated the Division would be looking at other options, like video and telephonic conferences. She stated the Division understood that statute required face-to-face meetings once a year. She stated that, within seven days of the meeting, the Board will report what they accomplished at the meeting. Ms. Hewlett stated it would be a paper trail to justify the cost of travel since it would be scrutinized by Legislature. The Chair thanked Ms. Hewlett. Captain Antonsen asked if the Board was held to the same scrutiny if the Board would like to meet face-to-face in a "one size fits all" process. Ms. Hewlett stated that the Division still had to prescribe and follow the directive of the Governor but the Division did have a little more leeway than if they were general-funded. She stated the Division did had a waiver through the Chief of Staff for CBPL that allows for travel to take place for necessity and he would like a report after the meeting of what was achieved. Captain Antonsen stated that the Board was accountable to the licensees.

Agenda Item 7

12 AAC 56.029 General Requirements for Marine Pilot License use of "Calendar year"

The MPC stated that the interpretation of calendar year can impact someone's licensure based on the 365 days from a specific date instead of understanding calendar year to be January 1 – December 31. Mr. Reuter stated that it might be an anomaly in the regulations that needs to be cleaned up. He stated "year" is used multiple times and "calendar year" is used once. Mr. Rueter suggested a motion to strike "calendar". He stated that the rest of regulations/statute talk about "years of effectiveness" but there is no calendar year. The Chair stated that she thought this was taking the Board to where they wanted to be, in that someone who can apply for their license in April now has to wait for nine months to hit the counter, but that was never the intent. She asked if the Board could think of any use for "calendar". Captain Antonsen stated he agreed with striking "calendar", and the definition in law dictionary is 365.25 days. He stated that the Board should not

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delay a licensee upgrade. Mr. Rueter moved to remove “calendar” from 12 AAC 56.029(2).

Motion: Remove “calendar” from General Requirements for Marine Pilot License 12 AAC 56.029 (2).

Moved by: Mr. Rueter

Second: Mr. Erickson

The Chair confirmed that “year” was defined in regulation. The Chair requested a vote and it was unanimous.

Captain Arzt stated that the State regulation referenced the CFR, which listed 360 days. Mr. Rueter stated the intent the calendar year is 365 days and the CFR states that is 360 days.

Captain Arzt moved to reconsider the motion, and stated he would vote no on the motion, and to add a definition that a calendar year is 365 days. Captain Arzt states that PFD considers a calendar year starting January 1, where the Board of Marine Pilots states it’s a rolling year. Captain Antonsen stated that he thought it was a good idea to reconsider the vote. Mr. Arzt seconded it. The Chair asked if there was a reconsider the vote. It was unanimous.

The Chair stated the Board would have to vote to insert “calendar” and add a new definition. She recommended Captain Art to make a motion to re-insert calendar year and then add a new definition for “calendar year” so that “calendar year”, as used in 12 AAC 56.029 meant 365 days. Mr. Rueter argued that the Board should not define a term to a particular section. He stated that there are other places where “year” is used. He stated that it seems like “calendar year” only seems to be applicable to Deputy marine pilots in reference to their years of service. The Chair stated asked if the Board could stick with the Coast Guard’s definition. Captain Antonsen stated that he didn’t think the definition “year” did not apply to 12 AAC 56.029. Mr. Rueter stated that Regional Requirements for Pilot’s License all reference “year” in subsection 2, and in subsection 3(c), and that none of these sections has being subjected to the definitions regulations. He stated the Board had accepted that one year from the date to the date has been the accepted practice, as many would accept as calendar duration. He stated that adding definitions to each section of regulations would increase the regulation section by 50 pages and that it would add a significant burden to the Board. Mr. Rueter stated that the definition in (34) is only applicable to that section of statute. He stated that it was generally accepted that “year” is implied is duration is a normal period of time. He asked if the Board needed to add a new definition, and Mr.

Rueter would move that “calendar” is removed so that section could align with all the other sections of statute. Captain Antonsen stated that 360 days shouldn’t be applied to everything, and that Captain Arzt stated there was a definition. Mr. Rueter stated that he didn’t think there was any definition for year. The Chair stated she believed the definition of “year” was specifically directed towards AS 08.62.93(b) and that there was no definition of “year” for other sections so it’s completely clear. Captain Antonsen made a motion.

Motion: Add to the existing regulation 12 AAC 56.990(a)(34) “Elsewhere, year means 365 days” .

Moved by: Captain Antonsen

Second: Mr. Rueter.

The MPC clarified that 360 days is only used for sea service calculation, where the 365 days of a year definition would be used in other places. The Chair asked for a vote; it was unanimous. The Chair stated the Board would discuss a definition of “day” at the next meeting.

1140: Off record for lunch

1320: Back on record

Agenda Item 8

Public Comment – Other Topics:

Captain O’Hara had signed up for public comment but was not available.

Agenda Item 9

“Meets with any casualty” discussion as per 12 AAC 56.960(d) Duties of Pilots

The MPC reminded the Board that previous discussions of 12 AAC 56.960 Duties of Pilots had resulted in disagreement with what should be reported to the MPC.

The Chair stated that Duties of Pilots and the language should not be focused on foreign pleasure craft at this time. Mr. Erickson gave Board members a packet with proposed language for 12 AAC 56.960. He moved the Board accept the amendment to 12 AAC 56.960(d) and to 12 AAC 56.965. Mr. Erickson stated he created his addendums based on Board discussion from previous meetings and added “near miss” language to some of it. Captain Antonsen stated that he had issues with near-miss reporting and the proposed paragraph (f) described a different process than collision, allusion, or grounding. He stated that he thought a near-miss was that everything went well, and that he didn’t agree with the same

penalties as a collision, allision, or grounding. He stated that the language came from the Puget Sound pilots and he was uncomfortable having that in this section. Mr. Erickson stated that (d) stated that near-miss reporting shouldn't be used as disciplinary action and (f) could be removed. Mr. Rueter asks if this would change the level of reporting pilots must do to the Board based on the incidents they've been involved in. Captain Arzt stated it would impact how pilots report. He stated that he is not opposed to near-miss reporting, however the Board had changed the direction from the initial issue. He stated that pilots are most likely to have something involved in collision, allision, and grounding and then have near-miss reporting by vessels reported in state waters. Mr. Erickson said that if the Board isn't comfortable with near-miss, he would like to create an "incident" definition. He stated the Board wanted to incorporate the language of "collision, allision, and grounding", and brought that information in (c). Captain Antonsen stated that if the Board removed "meets with any casualty", the Board couldn't come up with another occurrence that would quickly and commonly be reported. Captain Antonsen stated that personal injury would be a bad thing to report in that if a vessel heeled to avoid whales, it could cause injury. He stated it was the normal cost of business. However, if the pilot ordered a very quick turn that caused injury, there could be a report made to the Board. Captain Artz said the complaint mechanism exists for masters and pilots, and that he wasn't opposed to having a different conversation about near-miss reporting. He stated he thought it could be used to enhance and improve the pilot system. The Chair stated that if someone's job was to move a vessel from Point A to Point B and something happened, it would be a bad day, and that collision, allision, and grounding explains it all. The Chair stated she understood why it would be helpful information to share, but she thought the pilots would probably discuss all this information anyway. Captain Antonsen stated that vessels may scrape ice because vessels have to go through the waters, but if there is something systemic, a marine safety task force can work with other government agencies for traffic separation. Mr. Erickson was unsure if the State didn't want to know about that, and if the State got that information, they could bring it to the marine safety task force. The Chair stated that she agreed with the information being shared but didn't want it to trigger investigations. Captain Arzt asked if the provided form from Washington State was a near-miss sheet or an incident report. Mr. Erickson stated it was a near-miss form. The Chair stated that the Board thought there was value in understanding near-miss but it may be something more addressed on the pilot association level. Captain Antonsen stated that pilot associations within Alaska and the APA level often discuss what type of information should be shared between regions or contiguous vessels traveling from the United States through

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Canada. The Chair asked if the Board wanted to put the proposed language into regulation. Captain Antonsen stated he would not be interested in putting this information in regulation. Mr. Erickson stated he'd like to hear from the public. The Chair stated the big question was if the Board should add near-miss. Mr. Rueter stated that he thought near-miss should be added due to extra concern for environmental protection and the public. He stated that it may lengthen the discussion but the Board would be remiss in not adding the language. The Chair requested public comment;

Captain Mike O'Hara from SWAPA stated he was extremely opposed for adding a reporting standard for near-miss. He had been a pilot for 40 years and that what he considered a near-miss and a new pilot's near-miss wouldn't be the same. He stated that trainees learn from senior pilots, and that they are in the business of near-miss. He stated that having the State take away a license for something deemed a near-miss would be ludicrous. He stated there is a Harbor Safety Committee in Cook Inlet where they discuss issues like fishing vessels on ranges. He stated conflict with fishing vessels is worked out at safety meetings and not with the State. Captain O'Hara thought the Board should stay focused on grounding, allision, and collision. Mr. Rueter stated that the definition of a near-miss could be different, and the Board was trying to receive the information in what was developing so the Board could look out for safety and environmental concerns for the State. Captain O'Hara said he understood and liked the Chair's idea of giving yearly report from the pilot associations. Captain Antonsen stated that marine safety task forces are involved in Southeast Alaska, and that all pilot associations are involved in their region with stakeholders. Captain Antonsen stated the State doesn't regulate fishing boats, so near-miss reporting could be done in a different place. Captain Antonsen stated the Coast Guard could influence user groups but the Board does not. Captain Arzt stated, as a Board member, he wants to know about any vessels that grounds and other valuable information.

Captain Ron Ward from SWAPA stated he is currently the Vice President of the Cook Inlet Safety Committee Managing Board. He stated that harbor safety committees bring together all the user groups to determine best practices. He stated there are 20 voting members, some government members like the Coast Guard, the State ferries, fishermen, and there are multiple committees, such as navigation and salvage, and all work together to make regulations to go to the Coast Guard. He stated the organization has existed for a year, and that the fishing boats are often fishing on the range. He stated the committee created corridors for

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the fishing vessels, and the Coast Guard could have created a safety zone. He stated it was very beneficial when near-miss conversations occur with fishermen. He stated that pilots do discuss information, and that the IMO requires ships to do near-miss reporting. He stated Mr. Rueter stated the statute to protect life and the marine environment through the licensing of qualified pilots. The MPC stated Chief Birt didn't want the Board to get involved with near-miss since it would cause too many investigations. He stated that he didn't think the Board had the purview to disseminate near-miss information. He stated that it would be a good idea for a natural forum where there would be no reporting requirements.

Captain Ward stated that the summer in Prince William Sound is where they navigate a lot around fishing vessels and it would be near-miss reporting all the time. Captain Antonsen asked Captain O'Hara if he would support a regulations change of just collision, allision, and grounding language and striking "meeting with any casualty". He stated that reporting a near-miss would be too complicated. Mr. Erickson asked if the harbor safety committee was voluntary. He stated that SWAPA went to everyone involved and put it out on a website as an open call. Mr. Erickson stated if the safety group was making voluntary recommendations, and Captain O'Hara stated that voluntary recommendations go to regulatory authorities. Mr. Erickson stated the Southeast Waterways Guide was created with different user groups in 2000, and it's voluntary, but if it is published it's hard to explain why people don't participate. Captain Antonsen stated that "best practices" can often become enforced policy if something goes wrong and no one follows it. Mr. Rueter stated that the Coast Guard said at a safety committee meeting that stakeholders need to come up with voluntary guidelines before the Coast Guard had to regulate it.

Captain Gillespie stated that Dutch Harbor was creating a harbor safety committee based on Ed Page's Marine Exchange. He stated that it's voluntary and people create standards of care, and it's quick. He stated he was a tanker captain and the tanker company had a near-miss program. He stated the program made the company a better company, and it was entirely no-fault and no one could be penalized for a near-miss. He stated that Alyeska also has a near-miss program, and if someone has a near-miss in Valdez, they will most likely be penalized. He stated the difference was that the tanker company was within one company while the Alyeska program was between many stakeholders, and that it didn't work well in a regulatory program. Captain Arzt asked Captain Gillespie if he saw a conflict between accident reporting and near-miss reporting. Captain Arzt stated that the Board could engage Chief Birt in how to create a near-miss reporting program.

Captain Gillespie stated that he didn't want penalties attached to reporting a near-miss. Mr. Rueter asked if the tanker company did any external reporting. Captain Arzt stated that he also sailed tankers in Valdez, and that he thought the near-miss reporting program was goal oriented. The goal was to extract the information to minimize near-miss and that it was an awkward program in the beginning. Captain Gillespie stated the company would make changes based on near-miss. Captain Antonsen asked Captain Gillespie if he would support amended existed language by striking "meets with any casualty" with allision, collision, and grounding. The Chair stated that voluntary reporting standards are really effective, and that Dutch Harbor created a basic map in how people behave in extremely foul weather. She stated that it was "in house" and it wasn't forced by the Coast Guard or the State. She stated she thought the associations could do a lot in house. The Chair stated she took Chief Birt's opinion seriously and the pilots stated that for simple, operational reasons near-miss reporting could be unrealistic, seem punitive, and is unhelpful. She states the primary motivation is that everyone wants the State to out of it.

Mr. Tibbles from Alaska Steamship Association said he thought Washington State published the near-misses as well as the incidents. He states that there is one or two per year, but the State of Washington realized its good policy to ensure safe pilotage and approve training programs. He stated it helped the State prevent them in the future and gave them research material to improve their statutes. He stated that he had researched it, and that it was important that if there was a near-miss program there should be no punishment. He also stated research that near-misses aren't positive, and they are near-hits, and that is definition of taking action in a non-routine action. He stated that the data shows the pilots aren't submitting a lot of reports. He stated that the ones they get are extremely helpful in prevent near-misses from preventing a hit. He said the State of Washington valued that information.

The Chair stated that 50% of the time it's probably another mariner's fault. She stated the investigative language is the poison pill. She stated that no one wants their name linked to an investigation. Mr. Erickson stated a near-miss doesn't mean the mariner is hitting another vessel, it may be something stationary. Mr. Erickson stated the Board didn't seem to want to move it forward. Captain Antonsen thought that harbor safety committees would be a better method. Captain Antonsen made a motion.

Motion: Change to regulation 12 AAC 56.960(d): If a vessel piloted by a state licensed pilot is involved in a collision, allision, or grounding, the pilot shall, no

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later than 72 hours after returning ashore after the incident file with the marine pilot coordinator an incident report described in 12 AAC 56.965. The marine pilot coordinator will, in coordinator's discretion, investigate the reported incident.

Moved by: Captain Antonsen
Seconded by: Captain Arzt

Captain Arzt asked if vessel masters could make a report. Mr. Erickson said yes. Mr. Erickson stated he'd like near-miss information reported somehow but recognized this wasn't the best place. Mr. Erickson asked if this lessened the reporting requirements for the pilot, and Captain Arzt stated it was clearer and that it wouldn't lessen it. He asked if there was anything else someone could report to the State and the Board couldn't think of anything. Mr. Erickson stated the Coast Guard had other reporting requirements. Captain Arzt stated that "damaged in any way" brought way too much information. The Chair stated that she's worked for Samson Tug and Barge and they do report incidents. Captain Arzt stated the Board could continue looking at this information and the Board may not know about damaged docks and vessels, which is also important.

Ron Hildebrandt from Trident Seafoods asked the Marine Pilot Coordinator how many Incident Reports she receives a year because he doesn't understand the scope. He stated it might be a good idea to track vessels covered by the Marine Pilot Act. The MPC stated that she received between 2 – 4 Incident Reports a year. He stated he'd like an annual report from the MPC.

The Chair asked for a roll call vote:

Captain Arzt – Yes
Captain Antonsen – Yes
Mr. Erickson – No
Mr. Rueter – No
Ms. Marquardt - Yes

Motion carries 3-2.

Agenda Item 10

Possible creation of casualty reporting requirements for foreign pleasure craft

Captain Arzt stated that he agreed with Mr. Hildebrandt's thoughts this should cover vessels under the Act and the State should know about collisions, allisions, and groundings for FPC. Mr. Erickson stated the Board should pass the regulation they just talked about before coming up if yachts should report. The Chair states

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the Board could discuss it later. Captain Arzt asked if the Chair would entertain language for the next agenda. Mr. Erickson stated that it could go to the yacht committee. The Chair asked Captain Preston if the yacht committee would be interested. Captain Preston stated that he thought was it was premature, and that the Board should settle the discussion first. Mr. Axelson stated he agreed. The Chair read to the Board an idea for 12 AAC 56.960 Duties of Pilot (d) "If a vessel piloted by a state licensed pilot or a vessel granted a pilotage exemption..." and stated it would be discussed in the Fall.

Agenda Item 10 MPC/Investigator Report

The MPC stated there was one open matter and one matter had been closed since the previous meeting.

Agenda Item 11 Other Business: Next meeting

The Board agreed the next tentative meeting would be in Juneau on April 12, 2016. The Board discussed holding the Fall meeting during the week of October 15 and Board members were directed to email the MPC with their availability.

On a motion by Mr. Rueter, seconded by Mr. Erickson, and carried without dissent, the Board RESOLVED to adjourn at 3:00pm.

Respectfully submitted:

Crystal Dooley

Marine Pilot Coordinator

Chris Hladick

Chairman

**NOTICE OF PROPOSED CHANGES TO GENERAL REQUIREMENTS FOR MARINE PILOT
LICENSE, NOTIFICATION OF VESSEL MOVEMENTS, DUTIES, AND DEFINITIONS IN
THE REGULATIONS OF THE BOARD OF MARINE PILOTS**

BRIEF DESCRIPTION: The Board of Marine Pilots proposes to update various regulations relating to general requirements for marine pilot license, notification of vessel movements, marine pilot's duties, and clarifying the definition of "year".

The Board of Marine Pilots (Board) proposes to adopt regulation changes in Title 12, Chapter 56, of the Alaska Administrative Code, dealing with general requirements for marine pilot license, availability of pilots, duties of pilots, and definitions, including the following:

1. **12 AAC 56.029, General requirements for marine pilot license**, is proposed to be changed to alter the general requirements for a marine pilot license.
2. **12 AAC 56.205, Availability of pilots**, is proposed to be changed to alter the requirements for notification of vessel movements.
3. **12 AAC 56.960, Duties of pilots**, is proposed to be changed to clarify a marine pilot's duties.
4. **12 AAC 56.990, Definitions**, is proposed to be changed to further define terms used in AS 08.62 and 12 AAC 56.

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 Marilyn Zimmerman, Paralegal, 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 marilyn.zimmerman@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/180839>, and using the comment link. **The comments must be received not later than 4:30 p.m. on April 29, 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 April 12, 2016, at the State Office Building, 333 Willoughby Avenue, 9th Floor, Conference Room A, Juneau, Alaska. If you wish to give your comments via telephone, please call 1-800-315-3668 access code 89061. The hearing will begin at 8:50 a.m. and will end when those who have signed up before 8:50 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 Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at marilyn.zimmerman@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 Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov not later than April 22, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Marilyn Zimmerman at the address or phone number above, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAR-0316.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 08.62.100; AS 08.62.160; AS 08.62.190

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.62.040; AS 08.62.100; AS 08.62.160; AS 08.62.190

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

DATE: 3/29/16

/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:** General requirements for marine pilot license, availability of pilots, duties of pilots, and definitions.
- 3. Citation of regulation:** 12 AAC 56.029, 12 AAC 56.205, 12 AAC 56.960, and 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 regulation:**
Crystal Dooley, Marine Pilot Coordinator
Board of Marine Pilots

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 56.029(2) is amended to read:

(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 the familiarization trips under AS 08.62.120;

(Eff. 11/1/93, Register 128; am 5/29/96, Register 138; am 3/21/99, Register 149; am 10/24/2002, Register 164; am 10/25/2002, Register 164; am 9/12/2006, Register 179; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am ___/___/___, Register ___)

Authority: AS 08.62.040 AS 08.62.100

12 AAC 56.205(b) is repealed and readopted to read:

(b) Except as provided in (d) of this section,

(1) in Akutan of 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;

(2) in the Pribilof Islands, Port Clarence, and the Kuskokwim Bay Region of 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;

(3) in all other locations of the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 72 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 72-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 72 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 72-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.

(Eff. 11/7/93, Register 128; am 4/7/95, Register 134; am 8/9/97, Register 143; am 5/31/2000, Register 154; am 2/12/2005, Register 173; am ___/___/___, Register ___)

Authority: AS 08.62.040 AS 08.62.190

12 AAC 56.960(d) is amended to read:

(d) If a vessel piloted by a state licensed pilot **is involved in a collision, allision, or grounding** [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 the coordinator's discretion, investigate the reported incident.

(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 11/7/93, Register 128; am 5/17/95, Register 134; am 6/16/96, Register 138; am 1/23/99, Register

Register _____, _____ 2016 PROFESSIONAL REGULATIONS

149; am 3/15/2002, Register 161; am ___/___/___, Register _____)

Authority: AS 08.62.040 AS 08.62.160

12 AAC 56.990(a)(34) is amended to read:

(34) "year" as used in AS 08.62.093(b) means the same as year in 46 C.F.R.

10.103, elsewhere, year means 365 days;

(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

Sec. 08.62.180. Exemptions. (a) This chapter does not apply to

(1) vessels subject to federal pilot requirements under 46 U.S.C. 8502 except as provided in AS 08.62.185;

(2) fishing vessels, including fish processing and fish tender vessels, registered in the United States or in British Columbia, Canada;

(3) vessels propelled by machinery and not more than 65 feet in length over deck, except tugboats and towboats propelled by steam;

(4) vessels of United States registry of less than 300 gross tons and towboats of United States registry and vessels owned by the State of Alaska, engaged exclusively

(A) on the rivers of Alaska; or

(B) in the coastwise trade on the west or north coast of the United States including Alaska and Hawaii, and including British Columbia, Yukon Territory, and Northwest Territories, Canada;

(5) vessels of Canada, built in Canada and manned by Canadian citizens, engaged in frequent trade between

(A) British Columbia and Southeastern Alaska on the inside water of Southeastern Alaska south of 59 degrees, 29 minutes North latitude, if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; or

(B) northern Alaska north of 68 degrees, 7 minutes North latitude and Yukon Territory or Northwest Territories;

(6) pleasure craft of United States registry;

(7) pleasure craft of foreign registry of 65 feet or less in overall length; and

(8) vessels of the Canadian Navy or Canadian Coast Guard that have a home port in British Columbia, Canada, while navigating the inside water of Southeast Alaska.

(b) The operator of a pleasure craft of foreign registry of more than 65 feet overall length but less than 175 feet overall length may apply for an exemption from the pilotage requirement of this chapter. If an exemption is applied for and the fee prescribed under AS 08.62.140(b) is paid, the board may issue the exemption to the operator of the vessel. The exemption is valid for one year from the date on which the exemption is issued. The application for an exemption must be submitted to the board at least 30 days before the vessel enters the state. The board shall approve or deny an application for the exemption within 10 working days after the application is received by the board. If the board does not approve or disapprove the application within 10 working days, the exemption is considered to be approved, and the board shall issue the exemption. The 10-day period for action by the board is suspended while the board is waiting for a response to a request by the board for additional information from the applicant. An exemption issued under this subsection may be revoked by the board if the vessel is not operated in a manner that is appropriate to protect human life, property, and the marine environment or if the vessel does not comply with all applicable local, state, and federal laws. The exemption must remain on the vessel while the vessel is in state water. An exemption issued under this subsection does not exempt a vessel from the requirement to employ a pilot licensed under this chapter while the vessel is in Wrangell Narrows or in the water between Chatham Strait and Sitka via Peril Strait.

(c) The operator of a pleasure craft of foreign registry of more than 65 feet overall length but not more than 125 feet overall length that has received an exemption under (b) of this section shall proceed upon initial entry into state water to the first port of call to receive navigational and

safety information from an agent registered under AS 08.62.040(a)(3) who is employed by the operator of the vessel. The navigational and safety information provided by the agent must be approved by the marine pilot coordinator and annually reviewed, revised, and approved as appropriate by the board at its spring meeting.

(d) The operator of a pleasure craft of foreign registry of more than 125 feet overall length but less than 175 feet overall length that has received an exemption under (b) of this section shall employ a pilot licensed under this chapter from initial entry into compulsory pilotage water of the state to the first port of call. The marine pilot shall provide navigational and safety information relating to the pilotage region to the operator of the vessel.

(e) In (b) - (d) of this section,

(1) "for hire" means for consideration contributed as a condition of carriage on a vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or other person having an interest in the vessel;

(2) "pleasure craft" means a vessel that does not carry passengers or freight for hire.

12 AAC 56.115. PLEASURE CRAFT EXEMPTIONS. (a) An operator of a pleasure craft applying under AS 08.62.180(b) – (e) for a pilotage exemption must

(1) employ a vessel agent registered in this state under AS 08.62.040(a)(3) and 08.62.187; the vessel agent must be identified on the pilotage exemption application;

(2) ensure that the pleasure craft is equipped with

(A) a class A or B automatic identification system (AIS);

(B) radar; if the vessel is over 125 feet long, the radar must be automatic radar plotting aides (ARPA) capable;

(C) a depth sounder with depth alarm;

(D) a magnetic compass with a deviation table created not later than one year before the date of the application for an exemption; and

(E) one or more VHF radios capable of simultaneously monitoring channels 13 and 16;

(3) ensure that the pleasure craft has aboard

(A) a current copy of a nautical chart for each area in the state to be transited, in the proper scale for the transit, or an electronic equivalent;

(B) a current *Coast Pilot* for each area in the state to be transited, or an electronic equivalent;

(C) a current tide table for each area in the state to be transited, or an electronic equivalent;

(D) a current tidal current table for each area in the state to be transited, or an electronic equivalent;

(E) if the vessel will be transiting in Southeast Alaska, a current copy of the *Southeast Alaska Voluntary Waterway Guide*;

(F) if the vessel will be transiting Tongass Narrows, a current copy of the *Tongass Narrows Users Guide*;

(G) if the vessel will be transiting Prince William Sound, a current copy of the vessel transit system (VTS) regulations for Prince William Sound and Valdez;

(H) if the vessel is required under AS 46.04 to provide proof of financial responsibility, a copy of the vessel's current certificate of financial responsibility or copy of the current application with the Department of Environmental Conservation for the vessel's certificate of

financial responsibility; a copy of the current certificate or application must also be submitted with the application under this section; and

(4) submit a copy of the vessel's registry to the marine pilot coordinator at time of application; the length overall (LOA) of the vessel identified on the vessel's registry shall be used to calculate the fee set out in AS 08.62.140(b).

(b) If a pleasure craft of foreign registry of more than 65 feet overall length enters compulsory pilotage waters without a pilot or a pilotage exemption under AS 08.62.180(b) – (e), the operator of the pleasure craft will not be granted a subsequent pilotage exemption until the operator provides the marine pilot coordinator satisfactory documentation detailing the pleasure craft's entry into compulsory pilotage waters and all subsequent voyages in violation of AS 08.62 and this chapter.

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

(d) While underway in compulsory pilotage waters, the master of a pleasure craft with a current pilotage exemption from the board must ensure that

(1) the vessel transmits via an automatic identification system (AIS) the vessel's name, length, beam, draft, course, speed, and destination;

(2) an individual who speaks and understands English is present on the bridge;

(3) the vessel crew simultaneously monitors VHF radio channels 13 and 16; and

(4) while the vessel is transiting the Prince William Sound VTS lanes, the vessel master is present on the bridge.

**MPC Ideas for the FPC Committee
LOA definitions – draft**

Definition Board Public Notice'd:

Basis: 46 CFR 170.055 (2) Definitions Concerning Vessels

12 AAC 56.990(a)(40): "Length Overall" means the horizontal distance between the forward-most and the after-most points on the hull

Pro: In step with Federal government

Cons: No strong definition of what "hull" is, unclear if swimsteps, bowsprits, attachments, etc. are including.

The MPC's recommendation I:

(If the Board wants to subject objects that protrude from the vessel as part of the LOA definition)

Basis: US Coast Guard Navigation and Vessel Inspection Circular, 2003

https://www.uscg.mil/hq/msc/tonnage/docs/nvic_11-93_CH-3.pdf

Length Overall means the horizontal distance between the forward-most and the after-most points on the hull, excluding all fittings and attachments.

(A) The bow is taken to include the watertight hull structure, the forecastle, stem and forward bulkhead but not to include bowsprits and safety rail.

(B) The stern is taken to include the watertight hull structure, transom, poop, trawl ramp and bulwark, but does not include safety rails, propulsion machinery, rudders and steering gear, and divers' ladders and platforms.

Pro: Definition of bow and stern given, in step with a US maritime authority

Con: Cumbersome, may lead to further definitions.

The MPC's recommendation II:

(If the Board does NOT want to subject objects that protrude from the vessel as part of the LOA definition)

Basis: Panama Canal

<https://www.pan Canal.com/eng/legal/reglamentos/acuerdo2-eng.pdf>

LOA = The Length overall, i.e., the length of the vessel in feet from the foremost to the aftermost points, including a bulbous bow if present.

Pro: Simple, created by leading maritime authority

Conn: Not in step with other US maritime authorities

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 & 2nd Qtr
Licensing Revenue	92,661	306,992	80,455	286,500	48,500	277,450	10,448
Allowable Third Party Reimbursement*	-	-	-	-	-	-	-
Total Revenue	92,661	306,992	80,455	286,500	48,500	277,450	10,448
Direct Expenditures							
Personal Services	116,502	119,314	121,210	80,201	94,567	80,155	30,509
Travel	17,541	10,528	17,931	14,535	14,262	14,410	2,987
Contractual	54,165	37,102	22,548	37,492	22,691	12,220	2,175
Supplies	313	1,661	436	472	108	734	-
Equipment	-	-	-	-	-	-	-
Total Direct Expenditures	188,521	168,605	162,125	132,699	131,627	107,520	35,671
Indirect Expenditures**	4,740	4,688	6,745	7,573	20,190	23,509	11,755
Total Expenses	193,261	173,293	168,870	140,273	151,818	131,029	47,426
Annual Surplus (Deficit)	(100,600)	133,699	(88,415)	146,227	(103,318)	146,421	(36,978)
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	99,828

*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
1028	Alaska Supplemental Benefit	1,227
1029	Public Employee's Retirement System Defined Benefits	67
1030	Public Employee's Retirement System Defined Contribution	899
1034	Public Employee's Retirement System Defined Cont Health Reim	503
1035	Public Employee's Retirement Sys Defined Cont Retiree Medical	289
1037	Public Employee's Retirement Sys Defined Benefit Unfnd Liab	2,122
1039	Unemployment Insurance	67
1040	Group Health Insurance	4,021
1041	Basic Life and Travel	10
1042	Worker's Compensation Insurance	228
1047	Leave Cash In Employer Charge	396
1048	Terminal Leave Employer Charge	201
1053	Medicare Tax	281
1077	ASEA Legal Trust	1
1079	ASEA Injury Leave Usage	0
1080	SU Legal Trst	0
2000	In-State Employee Airfare	812
2001	In-State Employee Surface Transportation	133
2002	In-State Employee Lodging	297
2003	In-State Employee Meals and Incidentals	320
2008	In-State Non-Employee Meals and Incidentals	240
2010	In-State Non-Employee Non-Taxable Reimbursement	1,185
3044	Courier	0
3046	Advertising	328
3057	Structure, Infrastructure and Land - Rentals/Leases	1,800
3067	Honorariums/Stipend	32
3069	Commission Sales	14
4002	Business Supplies	-
1011	Regular Compensation	18,869
1021	Allowances to Employees	180
1023	Leave Taken	1,147
Grand Total		35,671

Grand Total Equals Direct Expenditures on Board Report

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
Object Code	Object Name	Foreign Pleasure Craft
		Sum of Expenditures
0102	Regular Pay	10,061
0146	Electronic Prop Allo	72
0147	Holiday Pay	154
0151	Personal Leave	175
1028	AK Supplemntl Benefit	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

SOUTHWEST ALASKA PILOTS ASSOCIATION

P.O. Box 977
Homer, Alaska 99603

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

March 18, 2016

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

Dear Crystal,

Ref: "Star Merlin"

Thank you for your email dated March 11, 2016 in response to my emails of March 7th and 11th, 2016. Kindly be advised SWAPA does not agree that losing the plant amounts to "meets with any casualty". It has been categorically confirmed that the term "meets with any casualty" is not defined in State regulations, as is evidenced by October 27, 2015 and January 28, 2016 Board of Marine Pilot meeting minutes. In the January meeting the board voted to change the language in 12 AAC 56.960 (d) to a pilot only being required to report if they are involved in an "allision, collision or grounding".

Captain Antonsen stated at the October meeting that they "did not want to duplicate what is already reported to the Coast Guard".

In the case of the "Star Merlin" - there was no allision, collision or grounding and furthermore, there were no property, environmental or human casualties or damage. The loss of plant was reported to the USCG as required (in accordance with CG-2692) and the USCG inspected the vessel at anchor, as required, before it was allowed to proceed. Proper protocol was followed in accordance with federal regulation which already addresses the reporting to and potential investigation by the USCG of a shipboard incident. The loss of plant was not related in any way to the actions of the pilot and his job was to safely navigate the vessel, which he did. Under no circumstances could the loss of power of the vessel, properly reported to the USCG, result in a determination by the Alaska Board of Marine Pilots that the pilot was incompetent in the performance of pilotage duties which is a requirement for disciplinary actions to be imposed on a pilot licensed under the Act.

Based on the discussions at the October and January meetings, the Board is clearly in agreement that the current wording is gray and ambiguous at best and must be changed.

SOUTHWEST ALASKA PILOTS ASSOCIATION

Given the fact the vessel did not meet with any damage or casualty, I do not believe accident report form 08-4090 is required or relevant. This would unnecessarily generate a case number and open an inquiry which could affect a pilots' license and record (both federal and state). Due to the Board's decision that language in 12 AAC 56.960 (d) must be revised and the fact this amendment is currently in process, we respectfully request that a Pilot member of the Board ascertain if this warrants an incident report before mandating that one be filed.

Sincerely,

Captain Michael J. O'Hara

Captain Michael J. O'Hara *by AW*
President
SWAPA



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

31 March, 2015

Captain Mike O'Hara
C/O Southwest Alaska Pilot's Association
PO BOX 977
Homer, AK 99603

Captain O'Hara,

Thank you very much for your email self-reporting the events onboard the M/V STAR MERLIN on 7 March, 2016 and your follow-up letter sent on 18 March, 2016. No further documentation will be required. Please be advised that notifications are best given to the Marine Pilot Coordinator using the Accident/Incident Report form. A copy has been enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "CHLADICK".

Chris Hladick, Chair
Board of Marine Pilots

Enclosure: Accident/Incident Report Form, 08-4090

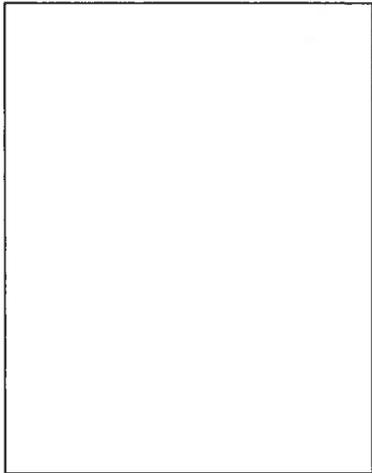


THE STATE of ALASKA

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: _____

From: [Lance Roddy - NOAA Federal](#)
To: [Dooley, Crystal L \(CED\); Occupational License \(CED sponsored\)](#)
Subject: Kiska Harbor Pilot Station Position - NOAA Comments
Date: Friday, January 29, 2016 5:45:34 AM
Attachments: [Kiska Harbor Pilot Station NOAA Comments.pdf](#)

Dear Ms. Dooley,

The United Kingdom Hydrographic Office (UKHO) has informed NOAA's Marine Chart Division of an error in the position of the Kiska Harbor Pilot Station as shown on NOAA nautical charts.

This station is currently depicted on NOAA nautical charts at 51° 58.5' north latitude, 177° 36.5' west longitude, approximately 6.5 nautical miles NW of Bobrof Island, AK. The station has been charted at this position since 2004.

The currently charted position matches the station's position as stated on page 25 of the *Alaska Statutes and Regulations; Marine Pilots*, dated August 2015.

The position in the statute should be stated in east longitude instead of west longitude. Please refer to the attached document for further information.

Best Regards,

Lance Roddy, Cartographer
Nautical Data Branch, Marine Chart Division
Office of Coast Survey, National Ocean Service, NOAA
301-713-2737 ext. 126
lance.rodny@noaa.gov



January 29, 2016

Crystal Dooley
State of Alaska
Marine Pilot Coordinator
PO Box 110806
Juneau, AK 99811-0806

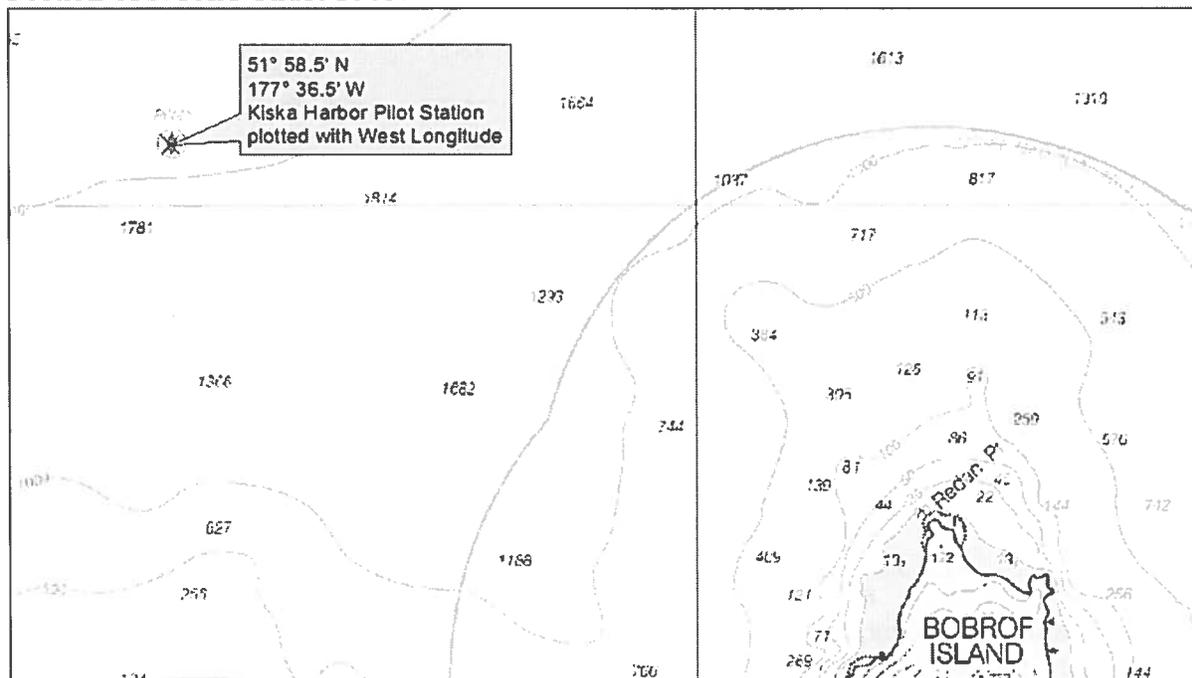
Subject: Kiska Harbor Pilot Station

Dear Ms. Dooley,

The United Kingdom Hydrographic Office (UKHO) has informed NOAA's Marine Chart Division of an error in the position of the Kiska Harbor Pilot Station as shown on NOAA nautical charts.

This station is currently depicted on NOAA nautical charts at 51° 58.5' north latitude, 177° 36.5' west longitude, approximately 6.5 nautical miles NW of Bobrof Island, AK. The station has been charted at this position since 2004.

Portion of NOAA Chart 16467



The currently charted position matches the station's position as stated on page 25 of the *Alaska Statutes and Regulations; Marine Pilots*, dated August 2015.

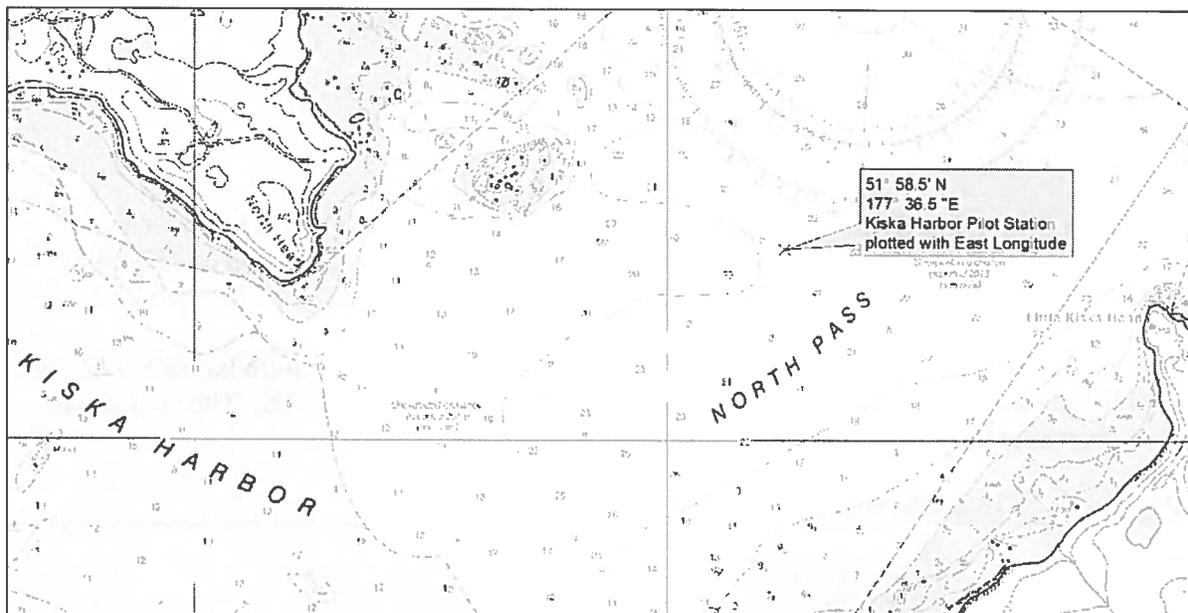


The position is stated in the Statutes and Regulations as follows:

“(50) Kiska Harbor – 1.0 mile 270° true from Little Kiska Head; approximate position 51° 58.5' north latitude, 177° 36.5' west longitude;”

When this pilot station is plotted on the charts at 51° 58.5' north latitude, 177° 36.5' east longitude, the pilot station is correctly positioned near Kiska Harbor.

Portion of NOAA Chart 16442



The Marine Chart Division will revise the charted position of the Kiska Harbor Pilot Station from 51° 58.5' north latitude, 177° 36.5' west longitude to 51° 58.5' north latitude, 177° 36.5' east longitude. This repositioning will result in the pilot station being charted near Kiska Harbor, as intended per *Statutes and Regulations; Marine Pilots*, dated August 2015.

I request that the next edition of the *Statutes and Regulations; Marine Pilots* be revised to state 51° 58.5' north latitude, 177° 36.5' east longitude for the Kiska Harbor Pilot Station.

Please inform me if you any questions or comments.

Regards,

Lance C. Roddy

Lance C. Roddy, Cartographer
Department of Commerce, NOAA
Nautical Data Branch
N/CS261, Station 7317
1315 East-West Highway
Silver Spring, MD 20910
301-713-2737 ext. 126 / lance.rodny@noaa.gov





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

February 1, 2016

Lance C. Roddy
Department of Commerce, NOAA
Nautical Data Branch
N/C S261, Station 7317
1315 East-West Highway
Silver Spring, MD 20910

Mr. Roddy,

I received your letter dated January 29, 2016 informing the Board of Marine Pilots of the error in the position of the Kiska Harbor Pilot station on NOAA nautical charts and to update the State of Alaska's statutes and regulations. The correction will be in the form of a regulation change at the Board of Marine Pilots meeting, scheduled for April 5, 2016. The information has also been forwarded to U.S. Coast Guard Sector Anchorage and the D17 Command Center. Please forward our most sincere appreciation to the United Kingdom Hydrographic Office for catching the error.

Sincerely,

A handwritten signature in black ink, appearing to read "CHLADICK".

Chris Hladick
Chairman, Board of Marine Pilots

CC: Alaska Marine Pilots
U.S. Coast Guard Sector Anchorage
U.S. D17 Command Center

Sec. 08.62.180. Exemptions. (a) This chapter does not apply to

(1) vessels subject to federal pilot requirements under 46 U.S.C. 8502 except as provided in AS 08.62.185;

(2) fishing vessels, including fish processing and fish tender vessels, registered in the United States or in British Columbia, Canada;

(3) vessels propelled by machinery and not more than 65 feet in length over deck, except tugboats and towboats propelled by steam;

(4) vessels of United States registry of less than 300 gross tons and towboats of United States registry and vessels owned by the State of Alaska, engaged exclusively

(A) on the rivers of Alaska; or

(B) in the coastwise trade on the west or north coast of the United States including Alaska and Hawaii, and including British Columbia, Yukon Territory, and Northwest Territories, Canada;

(5) vessels of Canada, built in Canada and manned by Canadian citizens, engaged in frequent trade between

(A) British Columbia and Southeastern Alaska on the inside water of Southeastern Alaska south of 59 degrees, 29 minutes North latitude, if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; or

(B) northern Alaska north of 68 degrees, 7 minutes North latitude and Yukon Territory or Northwest Territories;

(6) pleasure craft of United States registry;

(7) pleasure craft of foreign registry of 65 feet or less in overall length; and

(8) vessels of the Canadian Navy or Canadian Coast Guard that have a home port in British Columbia, Canada, while navigating the inside water of Southeast Alaska.

(b) The operator of a pleasure craft of foreign registry of more than 65 feet overall length but less than 175 feet overall length may apply for an exemption from the pilotage requirement of this chapter. If an exemption is applied for and the fee prescribed under AS 08.62.140(b) is paid, the board may issue the exemption to the operator of the vessel. The exemption is valid for one year from the date on which the exemption is issued. The application for an exemption must be submitted to the board at least 30 days before the vessel enters the state. The board shall approve or deny an application for the exemption within 10 working days after the application is received by the board. If the board does not approve or disapprove the application within 10 working days, the exemption is considered to be approved, and the board shall issue the exemption. The 10-day period for action by the board is suspended while the board is waiting for a response to a request by the board for additional information from the applicant. An exemption issued under this subsection may be revoked by the board if the vessel is not operated in a manner that is appropriate to protect human life, property, and the marine environment or if the vessel does not comply with all applicable local, state, and federal laws. The exemption must remain on the vessel while the vessel is in state water. An exemption issued under this subsection does not exempt a vessel from the requirement to employ a pilot licensed under this chapter while the vessel is in Wrangell Narrows or in the water between Chatham Strait and Sitka via Peril Strait.

(c) The operator of a pleasure craft of foreign registry of more than 65 feet overall length but not more than 125 feet overall length that has received an exemption under (b) of this section shall proceed upon initial entry into state water to the first port of call to receive navigational and safety information from an agent registered under AS 08.62.040(a)(3) who is employed by the operator of the vessel. The navigational and safety information provided by the agent must be approved by the marine pilot coordinator and annually reviewed, revised, and approved as appropriate by the board at its spring meeting.

(d) The operator of a pleasure craft of foreign registry of more than 125 feet overall length but less than 175 feet overall length that has received an exemption under (b) of this section shall employ a pilot licensed under this chapter from initial entry into compulsory pilotage water of the state to the first port of call. The marine pilot shall provide navigational and safety information relating to the pilotage region to the operator of the vessel.

(e) In (b) - (d) of this section,

(1) "for hire" means for consideration contributed as a condition of carriage on a vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or other person having an interest in the vessel;

(2) "pleasure craft" means a vessel that does not carry passengers or freight for hire.

12 AAC 56.960. DUTIES OF 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.

12 AAC 56.012. DOCUMENTATION OF SERVICE. (a) An applicant for a deputy marine pilot license may document the service required by AS 08.62.093 by submitting copies of

- (1) certificates of discharge;
- (2) discharge logs;
- (3) pilotage service and billing forms; or
- (4) letters substantiating the applicant's service or other official employment documents from marine companies signed by appropriate officials or licensed masters.

(b) All documentation submitted under (a) of this section must include the

- (1) amount, nature, and dates of the applicant's service;
- (2) vessel name and official numbers;
- (3) routes upon which the service was acquired; and
- (4) gross tonnage of the vessel and barge, if applicable.

(c) For the purposes of AS 08.62.093 and this section,

- (1) "day" means the same as "day" in 46 C.F.R. 10.104;
- (2) "service" means the time spent on duty on a vessel that is underway;
- (3) "underway" means that a vessel is not at anchor or made fast to the shore or aground;
- (4) "year" means the same as "year" in 46 C.F.R. 10.104.

12 AAC 56.990 Definitions (a)(9) "day" as used in the definition of year, means the same as "day" in 46 C.F.R. 10.103;

From the CFR's:

Day means, for the purpose of complying with the service requirements of this subchapter, 8 hours of watchstanding or day-working not to include overtime. On vessels authorized by 46 U.S.C. 8104 and 46 CFR 15.705, to operate a two-watch system, a 12-hour working day may be creditable as 1 1/2 days of service. On vessels of less than 100 GRT, a day is considered as 8 hours unless the Coast Guard determines that the vessel's operating schedule makes this criteria inappropriate; in no case will this period be less than 4 hours. When computing service on MODUs for any endorsement, a day of MODU service must be a minimum of 4 hours, and no additional credit is received for periods served over 8 hours. For cadet service on a training ship furnished by the Maritime Administration under 46 CFR 310.4, a day may be creditable as 1 1/2 days of service.