# DRAFT AGENDA
**TELECONFERENCE: JUNE 17, 2016**

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CALL TO ORDER / ROLL

Alaska Board of Marine Pilots
17 June 2016
Juneau, AK

Call to Order

Chair ___________________ called the meeting to order at __________AM / PM

Roll Call

BOARD MEMBERS

Mr. Tom Rueter ______
Captain David Arzt ______
Captain Hans Antonsen ______
Mr. Rick Erickson ______
Mr. Andrew Mack ______
Mr. Chris Hladick ______
Ms. Shirley Marquardt ______
CONSENT AGENDA
TELECONFERENCE JUNE 17, 2016

1. The meeting minutes from the following dates have been drafted and circulated to board members for review.

   Motion: By adopting this consent agenda, the board moves to adopt the meeting minutes as drafted for April 12, 2016, and May 17, 2016.

2. The board’s annual report has been drafted and circulated to board members for review. The remaining information will be completed at the end of the fiscal year, June 30, 2016.

   Motion: By adopting this consent agenda, the board moves to adopt the annual report with forthcoming statistical changes in compliance with AS 08.01.070(10).

3. The Acting Marine Pilot Coordinator has provided in the board packet the following training updates:
   a. Captain Maury’s progress toward completion of his pilotage requirements.
   b. Alaska Marine Pilot Association 1st Quarter Movement Report

   No board action required.

4. The Acting Marine Pilot Coordinator has provided in the board packet the year-to-date actions on Foreign Pleasure Craft Exemptions.

   No board action required.
DRAFT MINUTES OF MEETING
April 12, 2016
Juneau, 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 April 12, 2016 in Juneau, Alaska.

Call to Order/Roll Call

The meeting was called to order at 8:45 AM by Chairman Chris Hladick. The Marine Pilot Coordinator (MPC) conducted roll call.

Participating members constituting a quorum were:

Chris Hladick - Commissioner, Chair
Hans Antonsen - Pilot Member
David Arzt - Pilot Member
Richard Erickson - Agent Member
Tom Rueter - Agent Member
Shirley Marquardt - Public Member
Andrew Mack - Public Member

Staff present:

Crystal Dooley Marine Pilot Coordinator (MPC)
Martha Hewlett Administrative Officer II
Jun Marquis Regulations Specialist

Members of the public present:

Paul Merrill Southeast Alaska Pilot Association
John Larsen Southeast Alaska Pilot Association/Marine Safety Task Force
Bill Gillespie Alaska Marine Pilots
Mike Tibbles  Alaska Steamship Association  
Bob Berto  Cruise Line Agencies of Alaska  
Luke Hasenbank  Cruise Line Agencies of Alaska  
Ron Hildebrand  Trident Seafoods  
Paul Axelson  North Pacific Maritime Institute- Yacht Services of Alaska  
Gary Messer  Pacific Reefer Logistics  

Jenni Zielinski and Captain Mike O’Hara from Southwest Alaska Pilot Association 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 January 28, 2016 meeting minutes, there were no objections to the content and the Board corrected some typing errors.

Agenda Item 3  Public Comment on 12 AAC 56.205(b), 12 AAC 56.029(2)  
12 AAC 56.990(a)(34) & 12 AAC 56.960(d)

Captain Michael O’Hara, the president of SWAPA, stated that SWAPA supported the wording for 12 AAC 56.960(d) as written.

Mr. Ron Hildebrandt, representing Trident Seafoods, stated that he wasn’t speaking to the specific wording of proposed changes to 12 AAC 56.960(d), but to the general conditions of the pilots and the Board. Mr. Hildebrandt stated he personally saw a lack of transparency if pilots were only required to report allisions, collisions, and groundings. He stated the Board had taken up pleasure-craft reporting to decide what should and should not be reported but the information wasn’t flowing to the Board and the public. He stated that the Board’s decision to take action seemed to be decided before the Board even got to see the Incident Report. He stated he believed the Board should see all incidents even if the MPC doesn’t take action, regardless of if there is a pilot onboard. Mr. Hildebrandt suggested, in the report, the MPC should list the conditions, state whether there was a pilot onboard or not, and then give the findings to the Board.
on a quarterly basis to see if further action was needed. He suggested the MPC should provide a summary at each meeting and an annual report. He stated that public had an interest in seeing how many incidents occurred and the names of the pilots and yachts did not need to be provided.

Mr. Mike Tibbles, the executive director for Alaska Steamship Association, requested the Board hold the section of 12 AAC 56.960(d) from the regulation package and allow the other regulations to move forward. Mr. Tibbles stated the motion to adopt that specific regulation was out of order. He stated that the minutes had just been corrected accurately to reflect who made and seconded the motion, but there was not a vote on that regulation. He stated there was a subsequent motion to amend a motion that was on top of a different motion. He stated that Mr. Erickson spent time putting a packet with suggested definitions together and he deserved a vote on his proposal instead of getting overwritten by the Board. Mr. Tibbles stated he thought the current regulations were out of order and didn’t follow the correct protocol.

Mr. Tibbles stated he didn’t think the proposed change to regulations to 12 AAC 56.960(d) was consistent with direction from the Chair. He stated the Chair had tasked the Board to come up with a definition of marine casualty, and instead the Board came up with repealing the word casualty. He stated that he didn’t think coming up with a definition was that difficult. He read from a “casualty” definition from a Coast Guard document Navigation and Vessel Inspection Circular No. 0-15:

“[This circular] provide[s] concise policy interpretations to assist involved parties in the casualty reporting process. It is impossible to outline every scenario that may apply to this subject within the highly dynamic and complex maritime environment; however, this circular is intended to serve as a common framework of understanding for both Coast Guard and maritime industry personnel.”

Mr. Tibbles stated the definition was within the circular, as well as the option of having agents and pilots work together to come with a good definition of casualty was available, but the pending regulation were going in a different direction.

Mr. Tibbles said he thought the Board was taking language and removing requirements for reporting casualties, which he believed was bad policy. He stated that he understood that some incidents may have nothing to do with navigation,
but some may. He stated a thorough analysis was needed on those cases. He stated if there was an avoidance maneuver to avoid a vessel that resulted in an injured person; the public has the right to know. He stated he believed the proposed change to regulations will guarantee many incidents would never be reported, and that less reporting is not the right way for Alaska.

The Chair thanked the public for the comments and reiterated that the regulations were not up for action today,

Agenda Item 4  **Discussion and Possible Change to 12 AAC 56.990(a)(40) Length Overall**

The MPC explained that the foreign yacht committee did not meet between Board meetings, and that if the Board wanted to open public comment to allow the yacht committee to comment, the Board needed to open the public comment period for all public, and the yacht committee had to specifically notice their meetings. The MPC stated she created a document with other definitions for the yacht committee to brainstorm.

Mr. Erickson stated that last meeting the Board attempted to send this to the yacht committee and still believed involving agents and pilots was the best course of action.

Motion: Open public comment on 12 AAC 56.990(a)(40) to allow the Board to involve the yacht committee.

Moved by: Mr. Erickson  
Seconded by: Mr. Rueter

The Chair asked who was on the yacht committee. Mr. Erickson stated that Mr. Axelson and Captain Preston were the two Chairs, but they were unable to meet due to the Open Meetings Act. The MPC stated the Board had to open the Public Comment period and then the committee had to complete other public noticing requirements as per state law.

Captain Antonsen asked how designating something to a subcommittee had any advantages under state law, and it was almost better to have public comment at a Board meeting. He stated he thought it would be easier to have a teleconference.

Mr. Erickson stated he still recommended the yacht committee be involved. Captain Antonsen stated that the Board had previously decided they only wanted the hull to be part of the definition, not fixtures to the vessel.
Captain Arzt stated that the Board was not requesting the committee to create something new. He stated that length overall is by definition, the Board already has a proposal, and the Board can’t even act on a definition pulled from the Coast Guard. He stated there wasn’t enough agreement between Board members to accept the definition.

Mr. Rueter said that if the Board refers to the registry, some of the registries do not reference LOA, they reflect the length of the vessel, which is a different unit of measurement. He said the Board could spend a lot of time coming up with definitions but length overall does not adhere to the international community and if there is a document that reflects length overall, it should be produced. He stated the Board should make a pointed request to the yacht committee that no finding is unacceptable and the Board needs something to vote on at the next meeting.

The Chair asked for the problem statement.

Mr. Erickson answered that about four years ago, the Board identified the means of giving a definition of length overall and in the regulations; the registry was utilized for LOA. However, in the regulations packet it was used to determine the fees and the regulations don’t say anything towards granting exemptions based on LOA. There was an assumption from the Board but not in the regulations that the ship’s registry would be used to determine LOA and fees. He said that today the Board trying to determine whether or not language with the definition of LOA from outside the ship’s registry to determine whether or not a yacht would be granted an exemption.

The Chair asked the Board how often this was an issue.

Mr. Erickson said that the length of the vessel is different than what the registry states and that conflicting length information was an issue at least once last summer.

Captain Arzt stated he thought the core of the problem was using the registry document to extract LOA. Captain Arzt said, at last meeting, Captain Preston suggested the Board ask for the stated LOA and the registry is not relevant in that the registries haven’t been giving LOA. He stated the exemption application was changed in February, which compounds the issue even more because the Board is inferring the documentation of registry gives length overall and it does not. He stated he would appreciate more public comment. Captain Arzt said the Board needed to scrub where that number comes from and relay on testament of the
applicant and the agents, and if there is challenges to the length overall, the Board should address it on a case by case.

Captain Antonsen said that accepting a number on the registry for fees complicated the issue for the Board, and it isn’t relevant what the intent was. He stated the Board should go back to statute since statute uses LOA and regulations are needed to clarify.

Ms. Marquardt asked if the language was in statute and Mr. Rueter said. Captain Antonsen stated that LOA is used in statute but there was no definition of what LOA was. Ms. Marquardt stated if the LOA definition was changed to this definition, would the registry be needed?

Mr. Erickson stated the regulation requests the registry and read the application to the Board to illustrate that LOA is used to calculate fees. He stated the Board could use language “… and if an exemption will be granted”.

Captain Arzt stated that when the number given on the registry is registered length and not LOA, it flaws this approach. He stated the majority of certificates post-2012 do not give LOA and give registered length. Captain Arzt said that if this document gives an LOA, he’d be onboard, but the Board is trying to make language based on information that isn’t given.

Captain Antonsen said the Board was correct in getting this information consistent, and he personally believed length overall should be used for fees and exemptions. He stated that he understood Mr. Erickson was proposed fees and pilotage based on the length listed on the registry, which would complicate the issue. He said that captains would know the length of the vessel, but the length listed on the registry was different.

Ms. Marquardt asked the Board what to do if the yacht committee wasn’t interested in discussing the issue.

Mr. Axelson stated the yacht committee had asked for an opportunity to discuss and send it back to the Board. He stated he believed the Board was on the right track but he thought a registry length for fees and another document for LOA would be too confusing. He stated that Captain Preston wasn’t interested in the discussion and that the committee got lost in the Open Meeting Act process.

Captain Antonsen stated that he didn’t find a reason to put the issue before the yacht committee.
Ms. Marquardt stated she thought the Board could solve the issue and asked Mr. Erickson what information he thought would come from the meeting.

Mr. Erickson said that, originally, it was sent to the committee and their hands were tied based on the Open Meeting Act process since public comment was closed. He stated that the Board should send it back. He said the Board agreed that at the last meeting that if it related to any yacht exemption matters the Board would not change the process for this summer.

Captain Arzt asked if the Board was able to accept a proposal for length in regulation that does not align in statute. He stated the LOA uses statute, and if the registry does not give a LOA number, the Board cannot accept it.

The Chair asked the MPC for the process. The MPC stated the Board needed to make a motion to re-open the public notice period to start the regulation process. The MPC stated that lawyers would make sure the regulation was aligned with statute during the 13-step regulation process and the Board would not be able to pass the regulation.

The MPC confirmed the public comment period for this specific regulation ended on April 29, but there was not an open public comment period for the LOA regulations now.

Mr. Rueter stated, in statute, there is the LOA of a pleasure-craft of foreign registry. He asked if a vessel was more than 65-ft overall was a question for the port state where the vessel was flagged and not the registry document. He stated the statutes refer to a vessel that isn’t US-flagged, not for specific information from the port state, so the statute is really referring to a non-US flagged vessel.

Mr. Mack asked if the Board sent it back to the yacht committee, it would trigger public comment. The MPC requested to research if the Board needed to send out a specific regulation to discuss. The Chair recessed the Board at 0940.

At 0953, the Board was called back in order.

The Chair asked the Board if they had any suggested language to send out for public comment. Captain Antonsen stated the Board did, but the definition wasn’t complete if they solve the registry issue. The Chair requested a motion to re-open public comment so the yacht committee can meet. The MPC confirmed that the Board was required to send out a proposed regulation or topic for the public to discuss.
The Regulations Specialist, Mr. Jun Marquis, representing the Division, joined the meeting. Mr. Marquis stated the public comment period on the previous LOA project closed January 28, 2016. He asked if the Board would like to open the public comment on that topic at today’s meeting. He recommended re-noticing the project again to extend public testimony period. He stated the Board could not take public comment on LOA issues today because it was not public noticed.

Captain Antonsen asked how broad the topic needed to address the whole section for public comment in case the Board wanted to change other sections of the regulation too. Mr. Marquis stated he could make notes broader so the Board could take bigger changes to regulation.

Mr. Mack confirmed this motion would allow both the public and the yacht committee to make a comment. Mr. Erickson confirmed that was the case, and his goal was to get the pilots and agents together to discuss. The Chair confirmed with the MPC that a second motion would be needed to send the regulation to the yacht committee within the public comment period. The Chair asked Mr. Marquis how long the Board could open the public notice period. Mr. Marquis stated he was required to public notice regulations no less than 30 days, but could do longer.

Mr. Erickson amended his motion to read:

Motion: Move to open public comment to discuss proposed changes to regulation 12 AAC 56.990(a)(40) “‘Length Overall’ means the horizontal distance between the forward-most and the after-most points on the hull.” to public comment.

Moved by: Mr. Erickson
Second: Mr. Reuter

The Board APPROVED the motion 7 – 0.

The Chair asked for a second motion to send the proposed change to regulation to the yacht committee. Mr. Mack stated that he was concerned with sending to the yacht committee in that the expertise was within the table. Captain Antonsen asked if the yacht committee would need to public notice their meeting and the Chair said they did. The Chair stated the yacht committee did not preclude anyone from commenting. Mr. Mack asked for the benefit of sending it to the committee and asked for clarification on that process. Mr. Erickson stated it was an important venue for pilots and agents to get together. Captain Arzt stated the yacht committee would consolidate viewpoints between industry and the pilots, and that consolidation would be more effective to the Board.
Motion: send 12 AAC 56.990(a)(40) to the yacht committee for public comment within the public comment period.
Moved by: Mr. Erickson
Seconded by: Ms. Marquardt

The Chair called for a vote. Motion was APPROVED 5-1 by the Board. Dissenting vote was Captain Antonsen.

Mr. Rueter asked if the supplemental comment period had been established. Mr. Marquis stated that the standard notice was 30 days, but it was up to the Board. The Chair asked if the yacht committee could meet in that period. Mr. Axelson stated the yacht committee could meet before them. Mr. Rueter stated they wanted public comment over before the next meeting so the Board could take action at the Fall meeting. Mr. Marquis stated the Board could request only written testimony or only oral comment, but the Board did not have to wait until their next face-to-face comment. Captain Antonsen asked how fast the Division could put something out for public comment. Mr. Marquis stated that he could release the information tomorrow, but the public comment period was dependent on what the paper published it. He stated he needed to know when the Board was having their next meeting to advertise the information for the teleconference. Mr. Erickson asked if once a definition of LOA was determined, when would the Board take time to clean up 12 AAC 56.115(a)(4). Mr. Marquis stated that there might need to be a second regulation project to clean up those regulations.

The Board recessed at 10:05am.

The Board came to order at 10:00am.

The Chair stated that Mr. Marquis had confirmed there was no issue taking up other sections of the regulations while the Board was fixing a specific section.

**Agenda Item 5 Association Reports**

a) **SEAPA:** Captain Paul Merrill, President of SEAPA, stated SEAPA was gearing up for the summer with 47 pilots and a one new deputy after this meeting. He stated there were two retirements over the winter. He stated that some SEAPA members had attended the Marine Safety Task Force meeting yesterday and worked with the agents on scheduling. Captain Antonsen asked about trainees. Captain Merrill stated there were 5 trainees in the pipeline. Captain Merrill confirmed to Captain Arzt that “trainee” and “apprentice” were used interchangeably. The Chair asked if each organization had different training
standards. Captain Arzt stated there were different move requirements in each region.

b) **SWAPA:** Ms. Zielinski, representing SWAPA, stated that SWAPA had 14 full pilots, two Deputy pilots with one at 90KGT and one at 60KGT, and five people in the training program. She stated there was one should be taking the Local Knowledge Exam within a month to become a Deputy pilot and there were two trainees on the Deputy track and one trainee on the apprentice track.

c) **AMP:** Captain Bill Gillespie, representing AMP, stated they had nine pilots were determining how many pilots were needed for the Quintillion Project, the fiber-optic cable project in the Arctic. Captain Gillespie stated pilots would be required in Nome, Kotzebue, Wainwright, Barrow, and Prudhoe Bay. He stated there would be three ships moving around in pilotage waters and the organization had been in touch with them the last month. Captain Gillespie stated they were in contact with ALAMAR concerning expedition ships. He said it’s a challenge getting Russian VISAs and the paperwork is extremely complicated. Captain Gillespie explained that an expedition ship was approximately 300-ft long with 100 people onboard, and the ships went bird-watching, into World War II historical areas, and required zodiacs to transport people onboard. He stated AMP had one trainee, Derrick Nystrom, and finished Akutan transits the other day. Captain Gillespie stated that Captain Christy had completed manned model training in Louisiana, he was scheduled for an emergency ship handling class, and Captain Arzt had a manned model ship handling class coming up too.

Ms. Marquardt asked what manned model training was. Captain Gillespie stated it was the most realistic, accurate reproduction of a ship moving around where the ship could be banged up. He stated the training was very expensive, but comprehensive in that pilots could complete tasks in five days they wouldn’t see in years on a ship. Captain Gillespie stated that AMP had teamed up with the Ports and Waterways Committee of Unalaska to have a more effective waterways and safety commitment. He stated that Unalaska was a limited resource port and mostly fishing boats and Shell had stretched their limits. He stated that, with help from Captain Ed Page, AMP teamed up with the Department of Ports and Waterways to create a Waterways Safety Committee. He stated AMP is also a member of the Arctic Waters Safety Committee; and even though it hasn’t formed yet, there’s been a lot of interest in that committee and how it’s going to work. The Chair asked who was organizing the committee and Captain Gillespie said he thought the Coast Guard had started it and was continuing to run it. Mr. Tibbles stated that there were five subsistence groups and every industry was involved...
and the last meeting was in Juneau. Mr. Tibbles stated this was a different group than the one meeting in Nome, and there was White House congressional attendance.

Captain Gillespie stated that AMP meet with NOAA in Anchorage to discuss prioritizing charting requirements. He stated there were still places in the Arctic that weren’t surveyed and the template NOAA uses to prioritize charting requirements doesn’t fit with AMP’s traffic. He stated he was looking forward to meeting in Dutch Harbor to discuss annual emergency tow training.

The Chair asked if the Coast Guard had finished their fairways studies on the Bering Strait. Captain Gillespie stated that it had been finished but hadn’t appeared on the charts yet. He stated that AMP would be creating new rate contracts. The Chair asked about Marine Protected Areas in that 15% of the ocean would be designated as an MPA by the Obama Administration. Captain Gillespie stated that expedition cruises need flexibility and the Chair stated that Captain Page from Marine Exchange discussed using AIS as roving hot spots for whale avoidance.

Mr. Erickson asked Captain Gillespie if AMP was involved in the Crystal Serenity cruises exercise tomorrow. Captain Gillespie said no. Mr. Reuters stated it was a mass rescue tabletop drill. He stated it was originated by the Coast Guard to work with Transport Canada and how to get cities and boroughs to respond to a mass rescue. Mr. Erickson stated it was a two day event.

Mr. Rueter asked if Captain Gillespie thought AMP had enough trainees for the foreseeable future and Captain Gillespie said that they did.

**Agenda Item 6 MSTF Report**

Captain Larsen reported he would discuss the agenda of the previous day’s meeting with the Board. He stated the Glacier Bay observer program is an ongoing whale and wildlife program where people stand on the bow the whole time to boat is in Glacier Bay, sighting and mapping for the whole Southeast Alaska with humpback whales and orcas. He stated here is now a cell phone ap for uploading information about real time white sightings, however there’s a conflict with bridge cell phone protocol. Captain Larsen stated the MSTF discussed whale collision avoidance in that a couple pilots have gone to Seward in the simulation program. He said the harbor seal viewing guidelines for glacier areas is the same as last year, and to avoid areas where seal are pupping in specific months. Captain Larsen stated NOAA is now monitoring heart rate for
seals to tell when they’re stressed. He stated the new Hoonah deep water berth is ready to go and the cruise line agents suggest a second vessel can be brought in to anchor. Captain Larsen reported that a Juneau dock program update was given by the harbormaster and harbor engineer, and the dock should be operational in May, even though arrival and departure at the Franklin Dock could be more logistically difficult and ships would work together to reduce overtaking schedules so vessels arrive in the proper order to their next port.

Captain Larsen said the SEAPA introduced an alternative route to reduce traffic density in lower Lynn Canal to Mr. Kirby Day, Mr. Day accepted it, and the Northwest Cruiseship meeting will see it on April 19. He stated the Bridge team pilot relationship is an evolving atmosphere, and the current atmosphere between the pilot and the bridge team is going really well and he looks forward to more discussion in how the pilot fits with the bridge team. Captain Larsen said that safe anchoring is an issue in Hawk Inlet if there’s a heavy ship at the dock and the current anchorage isn’t sufficient. He stated the Voluntary Waterway Guide was reviewed with minor edits and a new version will be issued by May 1.

Captain Antonsen asked Captain Larsen if he knew the heading if the Icy Strait Point dock and he did not.

**Agenda Item 7**  
**Change to 12 AAC 56.120(a)(50) Pilot Stations or Pickup Points**

The MPC stated that the United Kingdom Hydrographic Office, the British version of NOAA, had discovered a typo in the location of the pilot station in Kiska. The MPC stated the Board had to follow the standard regulations process to fix the typo.

Motion: Change the language in 12 AAC 56.120(a)(50) “Kiska Harbor – 1.0 mile 270° true from Little Kiska Head; approximately position 51°58.5’ north latitude, 177°36.5’ west longitude” to “Kiska Harbor – 1.0 mile 270° true from Little Kiska Head; approximately position 52°58.5’ north latitude, 177°36.5’ east longitude”.

Moved by: Mr. Erickson  
Seconded by: Mr. Rueter

The Board APPROVED the motion 7 -0.

**Agenda Item 8**  
**Approval of agent navigation packet as per Sec. 08.62.180(c)**

The MPC stated that the Board was directed via statute to approve the navigation packet. The Chair asked if there were any changes from last year and Mr. Axelson, the representative of North Pacific Maritime, said there were not. Mr.
Axelson stated that the navigation packet was created by the yacht committee when Captain Winters was the co-chair, and in the past the agents had given the navigation packet to yachts upon their arrival. Mr. Axelson stated that pilots that are onboard yachts give similar briefs and the briefs should be aligned.

Motion: The Board shall accept the navigation packet as submitted.
Moved by: Mr. Rueter
Seconded by: Ms. Marquardt

The Chair asked for discussion. Captain Antonsen stated he had not had time to review the document. Captain Arzt asked when the document was last reviewed and Mr. Axelson stated he thought probably during Captain Winter’s tenure. Captain Antonsen requested the Board to wait until the next teleconference to officially approve the information to give more time to review. He stated the agents should keep issuing the information unless the Board directs otherwise.

The Chair requested a vote on the motion. The motion failed 5 -1 with Mr. Rueter the dissenting vote. The Chair stated that approving the agent packet would be on the next teleconference Board meeting.

Agenda Item 9  Board Revenue and Expense Report

Ms. Martha Hewlett, Administrative Office II for the Division, addressed the Board. She stated the Board had received $10,448.00 in revenue and that over $3,000.00 was from foreign pleasure-craft and the other was from pilot fees. She stated the Board had spent $30,509.00 in Personal Services, which corresponded to the 2000 object codes. She stated that Personal Services were broken into the MPC’s time, the Regulation Specialist’s time, and if investigators outside of the MPC were spending time on her project. Ms. Hewlett stated the Board had spent $2,987.00 on travel, which corresponded to other 2000 object codes. She stated the last line item was contractual expenses, in which the Board spent $2,175.00 on advertising for meetings and regulation changes, rentals and leases, and stipends if a Board member was attending a meeting within their community. Ms. Hewlett asked for questions and none.

Ms. Hewlett stated the Director would start analyzing fees for the next renewal cycle on May 1 to see if fees needed to be adjusted. Captain Antonsen asked if fees would drop and Ms. Hewlett said there would be an in depth analysis and the MPC would be contacted if there were any questions. She stated the goal was that revenue would cover the two-year licensing cycle.

Agenda Item 10  Possible creation of casualty reporting requirements of foreign pleasure-craft
Ms. Marquardt and Captain Antonsen stated there was nothing to discuss at the time. The Board declined to discuss the subject.

**Agenda Item 11**  
**Discussion of proposed regulation change to “day” as per 12 AAC 56.012(c)(1)**

Mr. Rueter stated that he had researched the CFR reference to “calendar year” and noted that there aren’t correct CFR references throughout the regulation.

Captain Antonsen stated that statutes refer to 360 days and 8 hours in a day for submitting time in licensing, and while he could not keep track of all the CFR’s, the big picture is the narrow area in licensing in the regulations and statutes where a year is supposed to be different than 365 days and a day is different than 24 hours.

Mr. Rueter stated he agreed, and suggested the MPC research all CFR references to find errors. The Chair suggested the MPC have the information for the next Board meeting for the Board to take action.

**Agenda Item 12**  
**MPC/Investigator Report**

The MPC stated she had no open investigations and received no intakes since the last meeting. She stated that the exemption process was working well and recognized North Pacific Maritime for their effort and working as a finely tuned machine. The MPC stated that last year the Board received 22 exemptions and she currently has four or five exemptions on her desk. She stated that she was coordinating with DEC and NOAA for wildlife information that might be helpful for the agent navigation packet, but no mandatory reporting requirements. She stated NOAA was creating a one page graphic with information for someone not familiar with Alaska’s marine life. The Chair asked if yachts received the navigation packet, and the MPC confirmed that the information will be in the packet. Mr. Rueter stated the agents will incorporation anything other agencies wanted to provide. He said he wasn’t sure if it was the MPC’s position to add things to the packet. The MPC stated she has asked the agent’s permission.

Captain Arzt stated that if this Board was approving the navigation packet but now submitting information for the agent’s approval to be added to the packet, there may be a conflict. Mr. Axelson stated the regulations/statutes are clear that the Board can give information to the agents for the navigation packet, and if the agents chose not to put it in the navigation packet, it would be breaking the law.

The Chair asked if people visiting Glacier Bay had requirements to learn specific information. Mr. Erickson stated people needed a permit to enter Glacier Bay. Captain Antonsen said they had multiple meetings with Park Service personnel.
Captain Antonsen asked if the Board should be reviewing the exemption form. Captain Antonsen stated the goal was to keep ambiguities out. The MPC stated the form was owned by the Division, so the MPC could send a form out for Board approval but the Division had the final say. The Chair requested the MPC provide the application the next time the Board discussed the issue.

Mr. Mack asked if the Board if vessels entering Glacier Bay needed Letters of Authorizations, or permits from NMFS or NOAA. Mr. Erickson stated the vessels enter into a contract with the Park Service to enter Glacier Bay, and that varies from operator to operator. Mr. Erickson stated vessels may need permits for landings. Mr. Mack stated the Arctic used Letters of Authorization and he was nervous about spreading the information around without an authorized source.

Mr. Rueter stated the Board was discussing the yacht navigation packet vs. commercial operations in Glacier Bay. It was stated that yachts do have to apply for a permit to enter Glacier Bay, but it’s not a contractual agreement. Captain Antonsen stated the Board is not generating the navigation packet, but giving approval to it. It was confirmed the Board would “revise and approve” the packet, but not generated, but the yacht committee does not generate the navigation packet.

Captain Arzt stated it was collaboration between different agencies to create advisory information, subject to Board approval. Captain Erickson stated that a wealth of information is given to bigger vessels via thumb drive. The Chair asked if there was a disclaimer and Mr. Erickson said there was not because it was all public information. Captain Antonsen said there was nothing in statute that requires anything specific.

The Board recessed at 11:15am.

The Board came to order at 11:30am.

Agenda Item 13  Correspondence

The Chair directed the Board to the correspondence section containing letters from Captain O’Hara to the Board. The Chair asked the Board if they had any questions. There were none.

The Board recessed at 11:35am.

The Board came back to order at 11:45am.

Agenda Item 14  Executive Session
The Board entered Executive Session under AS 44.62.310 Open Meetings Act for the purpose of subject’s undue prejudice, reputation, and character of any persons provided the person may request a public discussion.

The Board came out of executive session at 12:15pm.

Motion: Captain Palmer has satisfied all conditions and requirements to become a Deputy Pilot for 25,000 GT.
Moved By: Captain Antonsen
Seconded By: Mr. Erickson

The Board APPROVED the proposed the endorsement.

**Agenda Item 15 Other Business: Next meeting**

The Board agreed the next tentative in-person meeting would be October 12, 2016 in Anchorage and January 26, 2017 in Anchorage.

The Board RESOLVED to adjourn at 1:00pm.

Respectfully submitted:

___________________________
Crystal Dooley
Marine Pilot Coordinator

___________________________
Chris Hladick
Chairman
May 17, 2016

Call to Order/Roll Call

The meeting was called to order at 10:00 AM by Chairman Chris Hladick. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Hans Antonsen - Pilot Member
David Arzt - Pilot Member
Andrew Mack - Public Member
Shirley Marquardt - Public Member
Tom Rueter - Agent Member
Rick Erickson - Agent Member
Chris Hladick, Chair - Commissioner’s Designee

Staff present:

Crystal Dooley Marine Pilot Coordinator (MPC)

Agenda Item 1 Review and Set Agenda

Hearing no objections to the set agenda, it was:
RESOLVED to approve the agenda.

Agenda Item 2  Review/Approve Minutes for April 12, 2016

The MPC confirmed that the tentative date for the next meetings were October 12 and the January 26. Mr. Erickson stated that Mr. Tibbles had commented at the last meeting there was a no vote on a specific topic, but the MPC had recorded there was a vote. Since the Board had no clear recollection, the MPC stated she would listen to the recording and report back. The Chair called for a vote on the approval of the minutes:

Motion: Approve minutes for April 12, 2016

Moved by: Mr. Erickson
Second: Captain Arzt

The Chair called for the vote and there were no affirmative votes. The Chair stated the Board would vote on the minutes at the next meeting.

Agenda Item 3  Adoption of Regulations: 12 AAC 56.205(b), 12 AAC 56.029(2), 12 AAC 56.990(a)(34) & 12 AAC 56.960(d)

12 AAC 56.205(b)
Motion: Accept proposed change to regulation 12 AAC 56.205(b) (1):
“(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 piloting charge and all other charges that would have been incurred had the pilot reached the vessel and provided piloting 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.”

Moved by: Captain Antonsen:
Second: Mr. Rueter

The Chair requested a roll call vote:
Captain Arzt - Yes
Captain Antonsen - Yes
Mr. Erickson: - Yes
Mr. Mack - Yes
Mr. Rueter - Yes
Ms. Marquardt - Yes
Mr. Hladick - Yes
Motion passed 7 -0.

12 AAC 56.029(2)
Motion: Accept proposed change to regulation 12 AAC 56.029(2):
“(2) show that the applicant has held a valid deputy marine pilot license in Alaska for a minimum of three years while remaining eligible for license renewal during this period of service without use of the familiarization trips under AS 08.62.120”

Moved by: Ms. Marquardt
Second: Mr. Rueter:

The Chair requested a roll call vote:
Captain Arzt - Yes
Captain Antonsen - Yes
Mr. Erickson - Yes
Mr. Mack - Yes
Mr. Rueter - Yes
Ms. Marquardt - Yes
Mr. Hladick - Yes

Motion passed 7 -0.

12 AAC 56.990(a) (34)
Motion: Accept proposed change to regulation 12 AAC 56.990(a) (34):
“(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”

Moved by: Captain Antonsen
Second: Captain Arzt

The Chair asked for discussion. The Chair confirmed with the MPC that the only change to the regulation was adding “elsewhere, year means 365 days”. Captain Antonsen stated he was concerned about unintended consequence in other paragraphs detailing required sea time and sea service instead of years. He recommended waiting for feedback from the pilot associates before future clean-up efforts.

Mr. Rueter stated he believed the 46 CFR 10.103 does not refer to any definition, and the correct citation is 46CFR 10.107. Captain Antonsen asked if the Board would be looking at the citations later and the MPC stated she was hoping to have a project completed by the October meeting.
Captain Antonsen asked if the Board could table the issue until the October meeting. Mr. Reuter asked if the Board could amend the definition or use the MPC to research the issue. The Chair asked the MPC if amending the regulation would require re-starting the public notice process. Captain Antonsen stated, at the previous meeting, Mr. Marquis stated that a public notice can be broad or narrow, and that he thought the Board could amend it at the meeting and move on. The MPC stated that the regulation language could be changed provided the broad principle wasn’t changed. The Chair recommended the Board amended it.

Mr. Rueter stated the definition referred to in this section be referenced as 46 CFR 10.107.

Captain Antonsen requested a friendly amendment to add language “subparagraph 1 – 4”, so the regulation change only referred to the sea service paragraph. Captain Antonsen that nothing was changing and it could prevent future conflict. Mr. Reuter stated that “calendar” had been struck. Mr. Rueter stated he would accept the amendment. Captain Antonsen stated he would second the amendment:

Motion: Accept the amended proposed change to regulation 12 AAC 56.990(a) (34):
(34) “Year as used in AS 08.62.093(b) (1-4) means the same as year in 46 CFR 10.107. Elsewhere, year means 365 days.”

Moved by: Mr. Rueter
Second: Captain Antonsen

The Chair requested a roll call vote:
  Captain Arzt - Yes
  Captain Antonsen - Yes
  Mr. Erickson - Yes
  Mr. Mack - Yes
  Mr. Rueter - Yes
  Ms. Marquardt - Yes
  Mr. Hladick - Yes

Motion passed 7-0.

Motion: Accept to proposed change to regulation 12 AAC 56.990(a) (34):
“Year as used in AS 08.62.093(b) (1-4) means the same as year in 46 CFR 10.107. Elsewhere, year means 365 days.

The Chair requested a roll call vote:
  Captain Arzt - Yes
Captain Antonsen - Yes  
Mr. Erickson - Yes  
Mr. Mack - Yes  
Mr. Rueter - Yes  
Ms. Marquardt - Yes  
Mr. Hladick - Yes

Motion passed 7 -0.

12 AAC 56.960(d)  
Motion: Adopt proposed 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 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.”

Moved by: Captain Antonsen  
Second: Captain Arzt

The Chair asked for discussion. Mr. Rueter suggested adding an amendment of the wording “if a vessel piloted by a state licensed pilot is involved in a collision, allision, grounding, or any navigational occurrence that results in personal injury, property damage, or environment damage the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965. The marine pilot coordinator will, in the coordinator's discretion, investigate the reported incident.”

Mr. Erickson seconded the amendment. The Chair called for discussion.

Mr. Rueter stated the Board currently has a regulation with the wording “meets with any casualty”, but back in the Fall meeting there was an inquiry by the Chair on what constituted a reportable incident. Even though there was some discussion, the Board never came to a complete understanding. Mr. Reuter stated the wording addresses what happens when a pilot comes onboard the bridge and finds an impaired crew member or master and if that should be reported to the Board.

Mr. Reuter stated he was concerned that there had been too many significant reportable occurrences that were never reported to the Board. He stated that any incident may not even apply to the navigation of the vessel, so the Board is going from one extreme to the other by eliminating the reporting requirement. He stated the Board is charged with the safety of the environment on behalf of the State, the
pilots are the eyes and ears that are licensed to be watching for this and the Board would like to have a report of items of concern. He stated he thought it’s fitting to have the language added because it would not be overly burdensome to the pilots to report those types of incidents.

Mr. Erickson stated that adding additional language that Mr. Rueter proposed puts the Board in line with what can be found in statutes and the statutory authorization for this section from AS 08.62.040, creating “proficient and competent pilotage service”. He stated adding the additional language would be in line with statute and “assures the safety of shipping”.

Captain Antonsen stated that the “Protection of human life and property and of the marine environment” was in the context of an efficiently run pilot service, not in overlapping agencies. He stated that other agencies, such as the Coast Guard, maintain visibility and enforcement over those incidents and adding more language to this regulation would re-introduce ambiguity. He stated that it could create a catch-all for pilot conduct that the pilot didn’t directly contribute to.

Captain Arzt stated that the example of intoxicated crew members and officers does not speak to the proposed regulation or amended regulation, and that there is more ambiguity and inconsistency if the regulation was amended. He stated that the Board was still defining what a reportable incident was, and that he was not in favor of this new wording because it opened up more uncertainty.

The MPC stated she did not have enforcement authority over intoxicated crew members and would pass the information to the Coast Guard for enforcement. Captain Arzt stated that pilots did have reporting requirements under the Federal government.

Mr. Rueter stated that a key item of concern was this regulation was part of the Pilotage Act, and wasn’t it incumbent on the Board to be aware of the issues that may come, whether or not the Board could enforce it? He said if there was an increasing amount of problems or a pilot was present and could make the Board aware of, it was not burdensome to make the Board aware of the report. Mr. Rueter asked about a grounding report for the M/V FENNICA that received great notoriety but was not brought before the Board because it was deemed a charting error. Captain Antonsen stated the Board did not discuss it; however the Board through the MPC and the Chair acted with the Incident Report to follow up on the issue. Captain Arzt stated that some issues may be reportable but not reportable in the mechanism the Board was discussing.
The Chair asked Mr. Rueter what he wanted to have happen with the incident. Mr. Rueter stated he thought all issues were left to the MPC to determine if an Incident Report is suitable for further investigation. The Chair stated that was correct, however the MPC used the guidance of a reviewing board member. Mr. Rueter stated that, even though the issue was with the navigational chart, the vessel needed costly repairs in a drydock. Mr. Rueter stated he wasn’t sure if there was a further investigation or report from the MPC. The MPC asked if she could send out the investigation process chart to explain that when the MPC gets an Incident Report, it’s sent out to a Reviewing Board Member to see if there was a violation of statute and regulations. The MPC stated that, in this case, there was no violation of statute and regulations and the case was closed. It was confirmed that Captain Arzt was the reviewing board member for this case, and that this information could be discussed in open session after a case was closed. The MPC stated that cases would not be going before all Board members for deliberation because that was outside of the investigative process. Mr. Rueter stated that his purpose was not to seek a violation of a pilot’s license but there is a clear need for a report of an incident and the findings in result of the investigation. He stated the navigation charts were found at fault and determined there was no violation, but he would appreciate a report so the Board can improve their understanding. The Chair asked Mr. Rueter if he wanted a report. The Chair asked if the Coast Guard would have received a report, and the MPC said yes. She stated it would be public information via a FOIA or request by the MPC. Mr. Rueter stated the Board should be aware of incidents and activity, even if there is no enforcement power. Mr. Rueter stated the addition of the new language would require pilots to report incidents that do result in environmental and property damage while the vessel is under their command and it was not an excessive burden.

Captain Antonsen stated that the noticed language and the intent from the beginning was to clear the ambiguity, and this proposed language would add ambiguity back, and failure to report information the pilot may not be aware of puts them at risk for fines and penalties for not reporting the information. He stated that pilots needed clarity on what was needed to report.

Mr. Erickson stated the Board was tasked to define “meets with any casualty”, but the Board never solved the issue. He stated he proposed some language at the January meeting and it was never voted on. He stated Mr. Rueter’s proposed language limited the reportable incidents to something only occurring during navigation, and if a ship had to turn sharply to avoid an object and injuries
someone, the Board could know. He stated he didn’t want the Board to loosen the reporting requirements.

Captain Arzt stated that pilots have obligations to report oil pollution incidents to DEC since that’s where jurisdictional control on the State’s water lie. He stated there are mechanisms in place and the Board was far afield. The MPC re-read the amended regulation to confirm with Mr. Reuter that his vision was that reportable incidents were only related to navigation. Mr. Rueter said that was correct. Mr. Mack stated the MPC took the information to the RBM and there was a clear line if there was a state or federal law was violated, and if not, that was the end for the BOMP. The MPC stated his understanding was correct, and that the BOMP had statutes or regulations the incident pertained to. Mr. Mack stated there were clear examples, such as a marine pollution incident, and that it would be multiple agencies involved in the investigation. The MPC stated the BOMP would only be concerned with the pilot’s actions.

The Chair requested a vote on the amended language:

Motion: Adopt the amended language to the regulation:” If a vessel piloted by a state licensed pilot is involved in a collision, allision, grounding, or any navigational occurrence that results in personal injury, property damage, or environment damage the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965. The marine pilot coordinator will, in the coordinator's discretion, investigate the reported incident.”

Moved by: Mr. Rueter
Second: Mr. Erickson

The Chair called for a roll-call vote:
Captain Arzt - No
Captain Antonsen - No
Mr. Erickson - Yes
Mr. Mack - No
Mr. Rueter - Yes
Ms. Marquardt - No
Mr. Hladick – No

Motion failed 5 – 2.

The Chair asked for vote on the original motion:
Motion: Adopt proposed 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 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.”

Moved by: Captain Antonsen
Second: Captain Arzt

The Chair called for a roll-call vote:
Captain Arzt– Yes
Captain Antonsen – Yes
Mr. Erickson – No
Mr. Mack – Yes
Mr. Rueter – No
Ms. Marquardt – Yes
Mr. Hladick – Yes

Motion passed 5 – 2.

The Chair stated the Board should have a discussion at the next meeting concerning Mr. Rueter’s concerns and educate the new members on the investigation process.

Agenda Item 4  Approve the Navigation Packet

The Chair asked for a motion to approve the navigation packet. Captain Antonsen stated he appreciated the chance to look over the packet. He stated the packet could change in the future and thanked the agents for their effort. He stated the Voluntary Waterway Guide was the 2014 edition.

Motion: Approve the 2016 Agent Navigation packet as presented.

Moved by: Mr. Rueter
Second: Mr. Erickson.

Captain Arzt– Yes
Captain Antonsen – Yes
Mr. Erickson – Yes
Mr. Mack – Yes
Mr. Rueter – Yes
Ms. Marquardt – Yes
Mr. Hladick – Yes
Motion carries 7-0

**Agenda Item 5  U.S. Coast Guard Long Range Communication Study**

Mr. Rueter stated it was greatly appreciated the Coast Guard was using the MPC as a method of distribution and a minor point of order that, if the Board was instructing the pilot association and agents to participate, it should have been a statement from the Board and not the MPC. Captain Antonsen stated the SEAPA took the notification in the spirit it was offered, and it was not included in the pilot-master exchange in that it could be a distraction, and because there is no record of what pilot met with what master onboard what ship, it would be a better job for the agents. The MPC stated that the Coast Guard was researching Sea Areas 200NM offshore and the Arctic, and while it does not include pilotage waters, it will be pertinent 20 – 30 years from now. Mr. Mack stated he thought the spirit of the request was appropriate but it’s a better question for the pilot organizations and agents if they can do it safely and efficiently.

**Agenda Item 2  Oral Examination for Captain Maury**

On a motion by Captain Antonsen, seconded by Ms. Marquardt, and carried without dissent, the Board entered Executive Session at 11:15AM for the purposes of an oral examination for Captain Ian Maury.

**Agenda Item 3  Board Vote on the Licensure of Captain Maury**

Motion: Grant Captain Maury a Deputy Marine Pilot’s License for Region 2, exempting ice conditions in Nikiski and requiring a docking between October and April in Seward.

Moved by: Captain Antonsen
Seconded by: Mr. Reuter

The Chair asked for a roll-call vote.

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

Motion carries 7-0
The Chair dismissed the Board at 11:40 AM.

Respectfully submitted:

______________________________
Crystal Dooley
Marine Pilot Coordinator

______________________________
Chris Hladick
Chairman
This annual performance report is presented in accordance with Alaska statute AS 08.01.010. Its purpose is to report the accomplishments, activities, and the past and present needs of the licensing program.
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## Identification of the Board

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<th>Term Expires</th>
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<tr>
<td>Chris Hladick, Chairman</td>
<td>Mar 20, 2015</td>
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<td>DCCED Commissioner AS 08.62.010</td>
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<td>David Arzt</td>
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<td>Richard A. Erickson</td>
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<td>Tom W. Rueter</td>
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<td>Shirley R. Marquardt</td>
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<td>Andrew Mack</td>
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<tr>
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Click here to enter a date.
Identification of Staff

Sara Chambers
Acting Marine Pilot Coordinator/Division Operations Manager
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska  99811-0806
(907) 465-2144
Board of Marine Pilots met eight times during the fiscal year.

- February 25, 2015 by teleconference
- March 17, 2015 by teleconference
- July 24, 2015 by teleconference
- October 27, 2015 in Anchorage, Alaska
- January 28, 2016 in Anchorage, Alaska
- April 12, 2016 in Juneau, Alaska
- May 17, 2016 by teleconference
- June 17, 2016 by teleconference

Over the course of the year, the Board continued their work to establish, audit and enforce the standard as set in Alaska Statute 08.62 to:

- Ensure that persons entering the practice meet rigorous standards of competency, and maintain such standards during their practice;
- Assist the public in the knowledge of who is licensed;
- Approve the standards by which pilot organizations are operated and trainees are selected;
- Approve or disapprove rates for pilotage services;
- Ensure that drug and alcohol testing is compliant;
- Ensure that sufficient pilots are available to provide service; and
- Vessels subject to pilotage have a licensed pilot while transiting compulsory waters.

Throughout the year, the Board maintained their review of applications for pleasure craft of foreign registry seeking exemption from pilotage. For FY 16, XXX applications were received and issued an exemption for their pleasure craft between 65-ft and 175-ft in length, with XXX new exemption numbers issued to yachts visiting Alaska for the first time. The average LOA was XXX. A pleasure craft of foreign registry of more than 400 gross registered tons must also comply with Department of Environmental Conservation statutes regarding the proof of financial responsibility in the event of an oil spill. For FY15 XXX pleasure craft were issued exemptions once a Certificate of Financial Responsibility (COFR) was secured. XXX in application fees were generated.
Board Membership
The Board is comprised of two public members, two pilot members, two vessel agents and the Commissioner or his designee (AS 08.62.010). During FY16 one new public member seat was appointed by the Governor.

Investigations
In FY16 six investigations were opened. Two remain open. [Double check this with Angela closer to the date]

Public Information
The Board website makes it possible to provide online access to meeting and exam schedules, agendas, Board minutes, meeting materials, and notices for proposed regulation. Web based distribution helps the Board reduce costs and ensure accessibility for current and historical information and for ease of public access. The public may sign up to the Board’s ListServ to receive timely information from the Marine Pilot Coordinator.

Drug and Alcohol Monitoring
The Board continues to maintain their oversight of mandatory drug and alcohol testing by licensed Marine Pilots, Deputy Marine Pilots, trainees and apprentices. As administered by the pilot associations, results are monitored by the Marine Pilot Coordinator. The Board annually reviews this data to ensure compliance.

Regulations
The Board amended regulation 12 AAC 56.205 (b), 12 AAC 56.029(2), 12 AAC 56.990(a)(34), 12 AAC 56.960(d) and is in the process of amending 12 AAC 56.990(a)(40) that’s if the Board decides to public notice that suggestion at the June 17 meeting. The Board conducted a thirty day public comment period and received both written and oral comment on proposed regulation changes. The Foreign Yacht Committee was utilized for suggested on 12 AAC 12 AAC 56.990(a)(40).

Rate Filings
In FY16 the Board did not receive any proposals for their approval to change published tariffs for pilotage services.

Working Groups
The Foreign Yacht Committee is a sub-committee that meets at direction for the Board. During FY 15, the Yacht Committee met once to discuss a proposed regulation.
Pending Issues:
The next Board of Marine Pilots meeting is tentatively scheduled for October 12, 2016, in Anchorage. The Board recognizes the current fiscal climate and is engaging in the use of teleconferences and using State of Alaska meeting space instead of renting private conference rooms.

The Board of Marine Pilots will be hiring a staff member in FY17.
<table>
<thead>
<tr>
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<th>Location</th>
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<th># Staff</th>
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<td>$1,600.00</td>
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<td>✉️ Other: Meals</td>
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### Travel Required to Perform Examinations

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<tr>
<th>Date</th>
<th>Location</th>
<th># Board</th>
<th># Staff</th>
</tr>
</thead>
</table>

- Not applicable

**Description of meeting and its role in supporting the mission of the Board:**

- Airfare: $0.00
- Hotel: $0.00
- Ground: $0.00
- Conference: $0.00
- Other: $0.00

**Total Estimated Cost:** $0.00

### Out-of-State Meetings and Additional In-State Travel

- Not Applicable

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<tr>
<th>Date</th>
<th>Location</th>
<th># Board</th>
<th># Staff</th>
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<tbody>
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**Description of meeting and its role in supporting the mission of the Board:**

CLEAR NCIT Basic and Advanced training for new MPC.

- Airfare: $0.00
- Hotel: $0.00
- Ground: $0.00
- Conference: $0.00
- Other: $0.00
- Direct Third-Party Offset: $0.00
- Reimbursed Third-Party Offset: $0.00

**Net Total Estimated Cost:** $2,000.00
### Non-Travel Budget Requests

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<tr>
<td>Training</td>
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<tr>
<td>Other</td>
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Description of item and its role in supporting the mission of the Board:

### Other Items with a Fiscal Impact

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Description of item and its role in supporting the mission of the Board:

### Summary of FY 2017 Fiscal Requests

- Board Meetings: $8,500.00
- Travel for Exams: $0.00
- Out-of-State and Additional In-State Travel: $2,000.00
- Dues, Memberships, Resources, Training, Teleconferences: $0.00
- Total Potential Third-Party Offsets: $0.00
- Other: $0.00

Total Requested: **$10,500.00**
No Recommendations
The Board has no recommendations for proposed legislation at this time.

Recommendations
The Board has the following recommendations for proposed legislation:
The Board has no recommendations for proposed regulations at this time.

The Board has the following recommendations for proposed regulations:

Write something about the LOA regulation and where it’s at within the regulation process. Also, talk to Jun about the Kiska regulation. He may lump it with the LOA regulation so there’s two regulations in one project.
Part I

FY 2016’s goals and objectives, and how they were met:

The mission of the Alaska State Board of Marine Pilots’ is to provide efficient and competent pilotage service for the protection of shipping, the safety of human life and property, and the protection of the marine environment. The Board specifically focused on fair and equal access to experience necessary to obtain or upgrade a pilot’s license, equitable dispatch of pilots, and competency of marine pilots. The Board meets their goals through scheduled board meetings, teleconferences, and work groups. All board meetings are open to the public. Input from the public, licensees, pilot associations, registered agents, and industry on matters under the Board’s jurisdiction as defined by AS 08.62 is routine. The Board’s unique makeup allows for thorough issue deliberations and judicious decisions on Board matters and to meet their goals and objectives. The Marine Pilot Coordinator assists the Board in completing goals, objectives, and daily program administration as per AS 08.62.050.
Part II

FY 2017’s goals and objectives, and proposed methods to achieve them. Describe any strengths, weaknesses, opportunities, threats and required resources:

The Board continues to fine-tune regulations, especially in support of the foreign pleasure-craft exemption program. The Board of Marine Pilot’s greatest strength is the balance between pilots, agents, and public members in that multiple vantage points and experience is brought to the Board table. The Board requests continued discussion about the allocation of resources from the Legislative level for travel budgets in that the Board strongly urges that face-to-face meetings are more effective than teleconferences.

The Board’s staff member position (Marine Pilot Coordinator) is currently vacant and is expected to be filled in FY 17. The Board recommends the new Marine Pilot Coordinator attend CLEAR NCIT Basic Investigative training within their first six months of employment.
## Sunset Audit Recommendations

| Date of Last Legislative Audit: | 11/5/2012 |
| Board Sunset Date:              | 6/30/2019 |

### Audit Recommendation:
The Marine Pilot Coordinator should improve administration of BMP operational activities.

### Action Taken:
The Marine Pilot Coordinator (MPC) improves administration through program and statute/regulation familiarity and longevity, development and use of checklists, and persistence in obtaining licensing information.

### Next Steps:
Next Steps: Continual process and procedure review and making improvements when necessary.

### Date Completed:
June 7, 2016

Alaska Board of Marine Pilots
P.O. Box 110806
Juneau, Alaska 99811-0806

Attn: Interim Marine Pilot Coordinator

Via Mail and Email

Dear Ms. Chambers,

RE: CAPT. IAN MAURY – TRAINING PROGRAM UPDATE

Pursuant to our letter of April 14, 2016, kindly be advised Captain Ian Maury has now completed the two dockings and two undockings in Seward as required. These maneuvers were conducted on May 20th and May 22nd, 2016.

Captain Maury has now completed all the requirements of our SWAPA approved training program with the exception of winter and ice maneuvers as follows:

- Dockings and undockings under ice conditions in Nikiski (12 AAC 56.028 (b) (1) (A) (ii)) due to the lack of ice.
- Two dockings and undockings in Seward between the period Oct 1 to Apr 1 (12 AAC 56.028 (b) (1)). This is due to the lack of winter ship traffic in Seward.

Capt. Maury will complete the winter/ice requirements as and when shipping or weather conditions allow.

Sincerely,

[Signature]

Captain Donal J. Ryan
Chairman
SWAPA Training Committee.

c.c. Capt. J.D. Pierce
     Capt. C.V. Tillion
     Capt. M.J. O’Hara
### Alaska Marine Pilots, LLC
### Alaska State Quarterly Movement Report
#### 2016 JAN - MAR (1st Qtr)
#### Region Three - Western Alaska

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<th>Days @ Sea</th>
<th>Port</th>
<th>Place</th>
<th>Time Aboard</th>
<th>Place</th>
<th>Time Off</th>
<th>Vessel</th>
<th>Gross Tonnage</th>
<th>Vessel Type</th>
<th>IMO No.</th>
<th>Job No.</th>
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<td>1</td>
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### 2016 1st Qtr
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<th>Date</th>
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IN PROCESS
STAMPEDE
IN PROCESS
ANNASTAR

Total: $ 42,400.00
Chapter 56. Board of Marine Pilots.

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

... 

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

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

Authority: AS 08.62.040     AS 08.62.160
Good afternoon,

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

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

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

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

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

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

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

Best regards
Richard Biscoe
Captain

captain@my-mysky.com
GSM: +33 (0) 627 587 338
Voip: +1 (954) 526 5936
Voip: +33 186 265 893
Fleet: +870 773 153 094

MERRY CHRISTMAS

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

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

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

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

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

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

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

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

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

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

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

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


2. General subject of regulation: Definitions.

3. Citation of regulation: 12 AAC 56.990.

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

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


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

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

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

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

11. Date: 12/4/15 Prepared by: _______________ /s/ Jun Maiquis, Regulations Specialist
(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

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

...  

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

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

**Authority:**  
AS 08.62.040  
AS 08.62.160
December 4, 2015

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

RE: Foreign Pleasure Craft Marine Pilot Exemption Length Overall Definition

Good day,

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

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

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

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

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

Please see attached our letter concerning changes to Pilotage regulations.

Thanks

Dave

<<...>>

David Berg,

Viking Travel, Inc. / www.AlaskaFerryVacations.com

Box 787

101 N Nordic Drive

Petersburg AK 99833-0787

907-772-3818

907-772-3940 - Fax

mailto:David@AlaskaFerry.com
June 17, 2015

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

State of Alaska Board of Marine Pilots Motion
Motion: 12 AAC 56.990(a) (16) “Length Overall means the horizontal distance between the
forward-most and after-most points on the hull

Ladies and Gentlemen:

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

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

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

We urge you not to change the regulation as proposed.

Best regards,
Viking Travel, Inc.

[Signature]

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

Please confirm receipt via return email.

Thank you,

Captain Rich Preston
January 5th, 2016

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

By Email to: jun.maiquis@alaska.gov

Dear Chairman Hdalick & Board of Marine Pilots,

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

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

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

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

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

R. Preston 1/5/2016  Page 1 of 2
January 5th, 2016

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

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

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

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

Thank you for your hard work!

Sincerely,

Captain Rich Preston
Marine Pilot #201

R. Preston 1/5/2016  Page 2 of 2
Good day,

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

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

Best regards,
Paul Axelson
Operations Manager

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

Phone: 907-225-2200
January 5, 2015

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

Mr. Maiquis,

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

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

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

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

Thanking you in advance for your consideration in this matter.

Best regards,

[Signature]

Paul Axelosn  
Operations Manager
Mr. Maiquis,

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

Les Cronk
Vice President
North Pacific Maritime, Inc
P.O. Box 8080
Ketchikan, Alaska 99901
P-907-225-2200
F-907-225-8254
C-907-617-1207
lesc@norpac1.com
operations@norpac1.com
January 6, 2016

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

RE: Foreign Pleasure Craft Marine Pilot Exemption Length Overall Definition

Good day,

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

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

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

Sincerely,

Les Cronk, Vice President
North Pacific Maritime
Good afternoon,

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

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

Thank you for your consideration.

Regards,

Matt

CDR Matt Fay, USCG
Staff Judge Advocate
Coast Guard District 17 (dl)
Office: 907-463-2055
Mobile: 907-209-6743
Jun Maiquis  
Regulations Specialist  
Alaska Divisions of Corporations, Businesses and Professional Licensing  
Department of Commerce, Community, and Economic Development  
P.O. Box 110806  
Juneau, AK 99811-0806

Dear Jun Maiquis:

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

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

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

To promote uniformity of maritime law between state and federal regulations, the Coast Guard recommends that Alaska’s proposed definition of “length overall” cite directly to the definition in 46 C.F.R. § 170.055 rather than utilize identical language. There is precedent for this in that the definitions in 12 AAC 56.990 for “day,” “year,” and “territorial seas,” all of which already cite directly to the definitions contained in the Code of Federal Regulations.
Subj: U.S. COAST GUARD RESPONSE TO NOTICE OF PROPOSED CHANGES ON DEFINITIONS IN THE REGULATIONS OF THE BOARD OF MARINE PILOTS

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

Sincerely,

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

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

Thank you,

Mike Tibbles  
Alaska Steamship Association
January 5, 2015

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

Mr. Maiquis,

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

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

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

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

Visiting yachts provide much needed economic development in Alaska. Yachts visit communities of all sizes and owner and crew spending helps fuel local economies. The State of Alaska should be looking for ways to encourage more yachts to visit Alaska, not implementing new regulations
which make entrance more difficult, costly, and do nothing to improve the safety of Alaska's waters.

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

Thank you,

[Signature]

Mike Tibbles
Alaska Steamship Association
Dooley, Crystal L (CED)

Wednesday, April 13, 2016 2:17 PM

Maiquis, Jun C (CED)

FW: Public Comment Vessel Length Restrictions

image2016-04-13-090649.pdf

Ron Hildebrandt [mailto:ronh@TridentSeafoods.com]

Wednesday, April 13, 2016 2:01 PM

Dooley, Crystal L (CED)

Public Comment Vessel Length Restrictions

Crystal: Please find attached an advance copy of public comment, a hard copy is being mailed to your office.

Ronald Hildebrandt
VP Logistics/Purchasing

TRIDENT SEAFOODS CORPORATION
5303 Shilshole Avenue NW | Seattle, WA 98107
Phone: 206-297-6656 | Cell: 206-853-2589
Email: ronh@tridentseafoods.com

Facebook | Twitter | Instagram | Pinterest | YouTube | LinkedIn

CHECK OUT OUR NEW WEBSITE: www.TridentSeafoods.com

seacslx792@tridentseafoods.com [mailto:seacslx792@tridentseafoods.com]

Wednesday, April 13, 2016 9:07 AM

Ron Hildebrandt <ronh@TridentSeafoods.com>

Scan from Lexmark
Wednesday, April 13, 2016

Crystal Dooley
Marine Pilot Coordinator /State of Alaska
Division of Corporations, Business, and Professional Licensing
333 Willoughby Ave, 9th Floor
Juneau, AK 99801-1770

RE: Public Comment: Vessel Length Clarification – Yacht Exemptions

Trident Seafoods Corp. is in support of clarifying, and simplifying the regulations concerning vessel length and charges for yacht exemptions. The exemptions as well as the charges should be based on the same number, as supplied by the vessel master/owner.

This should be done as part of a modification to the current application form, where the method to determine length is clearly shown. We suggest that the State uses the same calculation as the USCG, as shown in the “APPLICATION FOR SIMPLIFIED MEASUREMENT” Currently USCG form CG-5397. (copy attached) The overall dimensions diagram (Part 6/shown below), should be copied onto the yacht exemption application, which should eliminate all questions concerning how to measure the length. This also follows the pattern of the Marine Pilot Board conform to USCG standards when possible. Creation of a different method would be unwarranted.

6. OVERALL DIMENSIONS:

Overall Length (L) = ______ ft ______ in
Overall Breadth (B) = ______ ft ______ in
Overall Depth (D) = ______ ft ______ in

Sincerely,

Ron Hildebrandt
VP Logistics/Purchasing

cc: Mike Tibbles / ASA
I. APPLICABILITY

A vessel is eligible to be measured under the Simplified Measurement System if it is either: 1) under 79 feet in overall length; or 2) a non-self-propelled or recreational vessel. **NOTE:** Some vessels that are 79 feet or over in overall length may also require measurement under the Convention Measurement System. This includes vessels that engage on foreign voyages, as well as recreational vessels that engage on voyages outside the Great Lakes and have keel laid dates after December 31, 1985.

II. VESSEL DATA AND DIMENSIONS

1. VESSEL NAME

2. HULL I.D. NO.
   (also provide Official Number, if available)

3. HULL MATERIAL:
   - Wood
   - Steel
   - FRP (Fiberglass)
   - Aluminum
   - Concrete
   - Other

4. PROPULSION MACHINERY:
   - Located inside hull (e.g. inboard engine or stern drive)
   - Located entirely outside hull (e.g. outboard motor)
   - Non-self-propelled (not fitted with any propulsion machinery)

5. SHAPE OF HULL(s): (for tri-hull vessels, check the block best describing the center hull)
   - Powerboat, ship or circular
   - Sailboat distinct keel (or no keel)
   - Box or barge
   - Sailboat integral keel (keel is faired to hull)

6. OVERALL DIMENSIONS:
   - Overall Length (L) = _____ ft _____ in
   - Overall Breadth (B) = _____ ft _____ in
   - Overall Depth (D) = _____ ft _____ in

7. ADDITIONAL DIMENSIONS FOR LARGE DECK STRUCTURES:
   (Complete only if the volume of the principal deckhouse, cabin or similar structure above the main deck exceeds the hull volume)
   - Structure Length (L2) = _____ ft _____ in
   - Structure Breadth (B2) = _____ ft _____ in
   - Structure Depth (D2) = _____ ft _____ in

8. ADDITIONAL DIMENSION FOR TWIN HULL VESSELS:
   (Applies only if there is no buoyant volume in the structure that connects the hulls together.)
   - Individual Hull Breadth (B1) = _____ ft _____ in

9. ADDITIONAL DIMENSIONS FOR TRI-HULL VESSELS:
   (Applies only if there is no buoyant volume in the structure that connects the hulls together.)
   - Center Hull Length (L1) = _____ ft _____ in
   - Center Hull Breadth (B1) = _____ ft _____ in
   - Center Hull Depth (D1) = _____ ft _____ in
   - Outer Hull Length (L2) = _____ ft _____ in
   - Outer Hull Breadth (B2) = _____ ft _____ in
   - Outer Hull Depth (D2) = _____ ft _____ in

III. STATEMENT OF REPRESENTATION

I understand that, under the provisions of 46 CFR 69.25, a person making a false statement or representation in this application may be fined up to $20,000. The vessel is also liable in rem for the penalty. I certify that the information provided by me in answering the questions above is correct.

Owner's printed name_________________________ Owner's signature_________________________ Date_________________________
OVERALL DIMENSIONS

LENGTH (L) is the horizontal distance between the outboard side of the foremost part (bow) of the hull and the outboard side of the aftermost part (stern) of the hull. It does not include bowsprits, rudders, outboard motor brackets, swim platforms that do not contain buoyant volume, and other similar fittings and attachments that are not part of the buoyant hull envelope.

BREADTH (B) is the horizontal distance taken at the widest part of the hull, excluding rub rails, from the outboard side of the skin (outside planking or plating) on one side of the hull to the outboard side of the skin on the other side of the hull.

DEPTH (D) is the vertical distance taken at or near amidships from a line drawn horizontally through the uppermost edges of the skin (outside planking or plating) at the sides of the hull (excluding the cap rail, trunks, cabins and deckhouses, and deck caps) to the outboard face of the bottom skin of the hull, excluding the keel. If your vessel is designed for sailing and the interface between the "keel" and the "bottom skin of the hull" is not at a clearly defined location (as is the case with an "integral" or "faired" keel), include the keel in the depth measurement.

SIMPLIFIED MEASUREMENT PROCEDURES

1. Under Simplified measurement, a vessel must be 5 net tons or greater to be eligible for documentation (issued a Certificate of Documentation). Gross and net tonnages are measures of volume, and should not be confused with the vessel’s weight, which may also be expressed in tons.

2. Gross and net tonnages are calculated by the Coast Guard using the information you provide on the front of this form. The formulas for these calculations are described in Title 46, Code of Federal Regulations (CFR), Part 69, Subpart E, and on the Coast Guard’s Homeport web site (http://homeport.uscg.mil; search on “Tonnage Measurement”). Monohull vessels that are less than 25 feet in length are often less than 5 net tons.

3. If your vessel is eligible for documentation using Simplified measurement, complete the front side of this form by printing or typing all required information. Provide dimensions in terms of feet and inches (to the nearest inch). After signing the form, send it to the USCG National Vessel Documentation Center (NVDC) along with application form CG-1258. Only the front side of this form need be submitted to the NVDC. Please notify the NVDC if your vessel will also be measured under the Convention system (as for vessels 79 feet or over in convention length engaged on foreign voyages).

4. If all applicable requirements are met for documentation, the NVDC will issue a Certificate of Documentation with the gross and net tonnage indicated on the certificate.

5. Other U.S. tonnage measurement systems, known as “formal” measurement systems, may yield different tonnages and may be used in lieu of Simplified measurement. Formal measurement requires the employment of a USCG authorized measurement organization and a physical inspection of the vessel by that organization’s surveyor. Information on how to contact these organizations is available on the Homeport web site.

MULTI-HULL VESSELS

For the purposes of Simplified measurement, twin hull and tri-hull vessels are defined as only those with no buoyant volume in the structure that connects the hulls together. In other words, the cross-structure, bridging, platform or “trampoline” connecting the hulls has no measurable depth or buoyancy as shown in the illustrations in Section II, Items 8 and 9 of this form. Cathedral hull forms and other similar configurations with no distinct separation of hulls are not considered multi-hulls in this context.

NOVEL/UNIQUE CRAFT

Certain novel or unique craft cannot be identified or categorized in the types described on the front of this form. If your vessel is in this category, you should complete Section II, Items 1-4, and Section III of this form and send the form, along with sketches, drawings and/or photographs showing the vessel geometry and overall dimensions, to the USCG Marine Safety Center (MSC) at the address listed below. Send Form CG-1258 and all other information required for vessel documentation to the NVDC, notifying them of your tonnage data submission to the MSC.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number.

The Coast Guard estimates that the average burden for this form is 2 hours. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to Commanding Officer, U.S. Coast Guard Marine Safety Center 2100 2nd Street S.W., Washington, D.C. 20593 or Office of Management and Budget, Paperwork Reduction Project (1625-0022), Washington, D.C. 20503.
STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
FOREIGN YACHT COMMITTEE

SUMMARY OF MEETING
May 09, 2016
Teleconference originating at the State Office Building
333 Willoughby Avenue
9th Floor Conference Room C-West
Juneau, Alaska

This draft summary has been prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Committee.

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 Foreign Yacht Subcommittee was held on May 9, 2016 in Juneau, Alaska.

Call to Order/Roll Call

The meeting was called to order at 2:30 PM by Co-Chairmen Captain Rich Preston and Mr. Axelson.

Participating members constituting a quorum were:
Paul Axelson - Agent Member
David Arzt - Pilot Member
Richard Erickson - Agent Member
Mike Tibbles - Public Member

Staff present:
Crystal Dooley Marine Pilot Coordinator (MPC)

Members of the public present:
Ed Sinclair Southeast Alaska Pilot Association
Shirley Marquardt Public Member

Agenda Item 1 Review and Set Agenda

Hearing no objections to the set agenda, it was:

RESOLVED to approve the agenda.
Agenda Item 2  

**Discussion of 12 AAC 56.990 (a)(40) Definition for Length Overall**

The Subcommittee determined that overall length and length overall were synonymous terms and could use the same definition. The Subcommittee agreed that naming all protruding objects such as bow-springs and swim ladders would be cumbersome and recommended a diagram be included with regulations. The MPC stated she would research a diagram.

The Subcommittee recommended that the changes to 12 AAC 56.990 Definitions be placed in alphabetical order, in which this definition would be inserted as 16 and the below definitions would be re-numbered.

The Subcommittee recommended the following suggestions:

1. 12 AAC 56.115(a)(4) is amended to read:
   (4) Report the vessel’s length overall (LOA) to the Marine Pilot Coordinator using the definition in 12 AAC 56.990(a)(16); this length shall be used to determine exemption status and to calculate the fees set out in AS 08.62.140(b).

2. 12 AAC 56.115(a)(5) is amended to read:
   (5) Copy of the vessel’s registry

3. 12 AAC 56.990(a) is amended to read:
   (16) “Overall length” and Length Overall as used in AS 08.62.180 and 12 AAC 56.115 means the horizontal distance of the hull between the forward-most part of the stem and the after-most part of the stern, excluding fittings and attachments.

The Subcommittee shall present their findings to the Board of Marine Pilots at a teleconference scheduled for June 17, 2016.

Respectfully submitted:

______________________________

Crystal Dooley
Marine Pilot Coordinator

______________________________

Captain Preston/ Mr. Axelson
Co-Chairmen
Good morning Miss Chambers,

The Southeast Alaska Pilots' Association has conducted a review of Capt. Palmer's training and dispatch. Capt. Palmer has completed all supervised maneuvers required by SEAPA Training Program Vol II, Part VII(a)(1)(i)&(ii) and 12 AAC 56.018 for upgrade to 65k ton. He has currently performed vessel movements on 21 of the 30 days required by the same references. With his scheduled dispatch, we project he will have completed 30 days of vessel movements on or before 29 June 2016.

We request consideration for pre-approval of his upgrade pending submission of proof of his completing the remaining days of vessel movements.

Thank you,
Capt. Michael Tamney
SEAPA Training Chair
DATE: June 15, 2016
TO: Board of Marine Pilots
FROM: Angela G. Birt, Chief Investigator
SUBJECT: Board of Marine Pilots Report for June 17, 2016 Meeting

The following information was compiled as an investigative report to the Board for the period from October 28, 2015 through June 15, 2016. The Division opened three (3) matters and closed two (2) matter. Two (2) matters remain on-going and one of those cases is with licensed Board Members for review.

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<th>ALLEGED VIOLATION</th>
<th>STATUS</th>
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<td>5/13/2016</td>
<td>Incompetence</td>
<td>Board Member Review</td>
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<tr>
<td>2016-000838</td>
<td>6/3/2016</td>
<td>Incompetence</td>
<td>Under Inquiry w/ USCG</td>
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Open Matters: Total = 2

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<td>5/20/16</td>
<td>Marine Pilot Incident Report</td>
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Closed Matters: Total = 2
## Roll Call

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<th>Disagree</th>
<th>Abstain</th>
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Additional Comments: 

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