Maiquis, Jun C (CED)

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

Good afternoon,

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

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

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

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

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

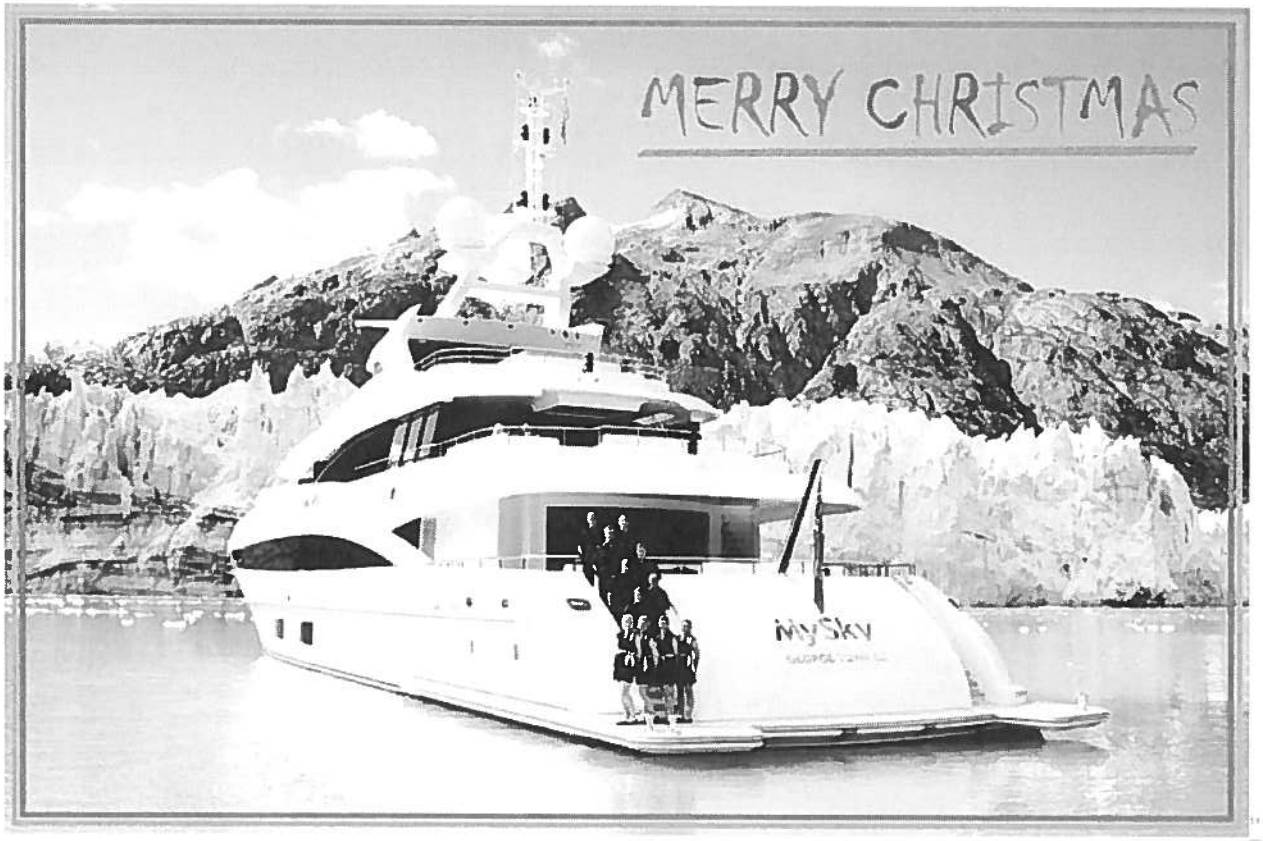
We spent over $250'000 during our visit to Alaska which was for only 1 month. This ranged from Fuel to berths, food, shopping and excursions for the owner and his guests. In many cases we spend more than the advertised cost to make sure we had a great experience for the guests who talk to their friends,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

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

Best regards

Richard Biscoe
Captain

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



MySky

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

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

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

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

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

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

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

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

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

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

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

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

DATE: 12/4/15

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

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

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

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

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

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

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

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

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

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

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

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

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

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

Chapter 56. Board of Marine Pilots.

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

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

. . .

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

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

Authority: AS 08.62.040 AS 08.62.160

December 4, 2015

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

RE: Foreign Pleasure Craft Marine Pilot Exemption Length Overall Definition

Good day,

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

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

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

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

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

Maiquis, Jun C (CED)

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

Hi Jun

Please see attached our letter concerning changes to Pilotage regulations.

Thanks

Dave

<<...>>

David Berg,

Viking Travel, Inc. / www.AlaskaFerryVacations.com

Box 787

101 N Nordic Drive

Petersburg AK 99833-0787

907-772-3818

907-772-3940 - Fax

mailto:David@AlaskaFerry.com

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

Thursday, December 17, 2015

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

State of Alaska Board of Marine Pilots Motion

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

Ladies and Gentlemen:

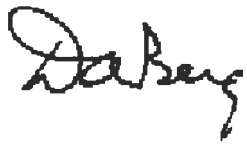
We're opposed to a change in regulations re the interpretation of the length of vessels requiring pilotage.

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

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

We urge you not to change the regulation as proposed.

Best regards,
Viking Travel, Inc.



David A. Berg
President

Maiquis, Jun C (CED)

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

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

Please confirm receipt via return email.

Thank you,

Captain Rich Preston

January 5th, 2016

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

By Email to: jun.maiquis@alaska.gov

Dear Chairman Hdalick & Board of Marine Pilots,

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

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

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

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

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

January 5th, 2016

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

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

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

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

Thank you for your hard work!

Sincerely,

Captain Rich Preston
Marine Pilot #201

Maiquis, Jun C (CED)

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

Good day,

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

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

Best regards,
Paul Axelson
Operations Manager

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

Phone: 907-225-2200

January 5, 2015

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

Mr. Maiquis,

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

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

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

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

Thanking you in advance for your consideration in this matter.

Best regards,

Paul Axelson

Operations Manager

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

Maiquis, Jun C (CED)

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

Mr. Maiquis,

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

Les Cronk

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

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

January 6, 2016

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

RE: Foreign Pleasure Craft Marine Pilot Exemption Length Overall Definition

Good day,

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

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

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

Sincerely,

Les Cronk, Vice President
North Pacific Maritime

Maiquis, Jun C (CED)

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

Good afternoon,

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

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

Thank you for your consideration.

Regards,

Matt

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

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

Commandant
United States Coast Guard

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

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

6 January 2016

Dear Jun Maiquis:

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

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

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

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

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

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

Sincerely,

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

Maiquis, Jun C (CED)

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

Jun,

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

Thank you,

Mike Tibbles
Alaska Steamship Association

ALASKA
STEAMSHIP
ASSOCIATION

217 SECOND ST
SUITE 202
JUNEAU, AK 99801

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

January 5, 2015

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

Mr. Maiquis,

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

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

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

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

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

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

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

Thank you,

Mike Tibbles

Mike Tibbles
Alaska Steamship Association

Maiquis, Jun C (CED)

From: Dooley, Crystal L (CED)
Sent: Wednesday, April 13, 2016 2:17 PM
To: Maiquis, Jun C (CED)
Subject: FW: Public Comment Vessel Length Restrictions
Attachments: image2016-04-13-090649.pdf

From: Ron Hildebrandt [mailto:ronh@TridentSeafoods.com]
Sent: Wednesday, April 13, 2016 2:01 PM
To: Dooley, Crystal L (CED)
Subject: 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

From: seacslx792@tridentseafoods.com [mailto:seacslx792@tridentseafoods.com]
Sent: Wednesday, April 13, 2016 9:07 AM
To: Ron Hildebrandt <ronh@TridentSeafoods.com>
Subject: Scan from Lexmark

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Trident Seafoods Corp.

5303 Shilshole Ave. NW, Seattle, WA 98107
(206) 783-3818
Fax: (206) 297-6585

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.

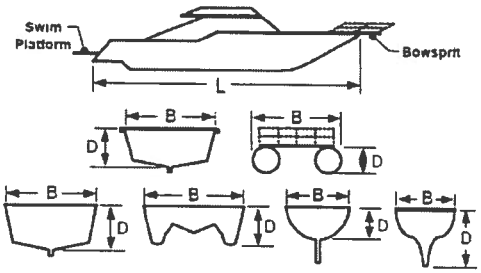
This should be done as part of a modification to the current application form, where the method to determine length is clearly shown. We suggest that the State uses the same calculation as the USCG, as shown in the "APPLICATION FOR SIMPLIFIED MEASUREMENT" Currently USCG form CG-5397. (copy attached) 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

U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. COAST GUARD
CG-5397 (Rev. 6-04) v1.0

APPLICATION FOR SIMPLIFIED MEASUREMENT

Use this form to apply to the National Vessel Documentation Center for tonnage assignment under the Simplified Measurement System

OMB APPROVED
1625-0022

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:

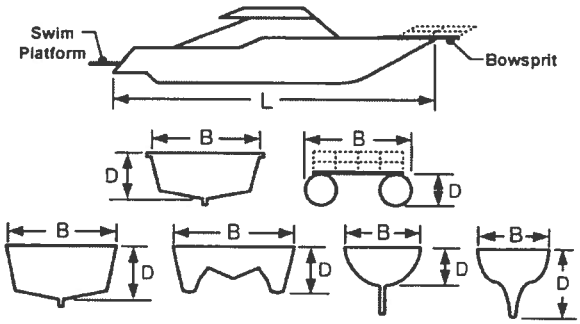
☐ Located inside hull *(e.g. inboard engine or stern drive)*
☐ Located entirely outside hull *(e.g. outboard motor)*
☐ Non-self-propelled *(not fitted with any propulsion machinery)*

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)*

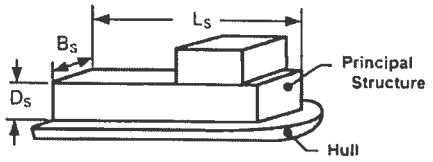
6. OVERALL DIMENSIONS:

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 (L_S) = _____ ft _____ in
Structure Breadth (B_S) = _____ ft _____ in
Structure Depth (D_S) = _____ ft _____ in

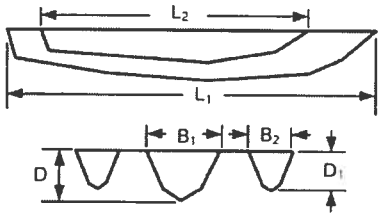


8. ADDITIONAL DIMENSION FOR TWIN HULL VESSELS:
(Applies only if there is no buoyant volume in the structure that connects the hulls together.)

Individual Hull Breadth (B_1) = _____ 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 (L_1) = _____ ft _____ in
Center Hull Breadth (B_1) = _____ ft _____ in
Center Hull Depth (D) = _____ ft _____ in
Outer Hull Length (L_2) = _____ ft _____ in
Outer Hull Breadth (B_2) = _____ ft _____ in
Outer Hull Depth (D_1) = _____ 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.

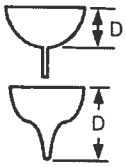
Owner's printed name_____ **Owner's signature**_____ **Date**_____

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, DC 20593, or Office of Management and Budget, Paperwork Reduction Project (1625-0022), Washington, DC 20503.