

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11219 SENATE LABOR & COMMERCE

CONVENTION MEASUREMENT SYSTEM



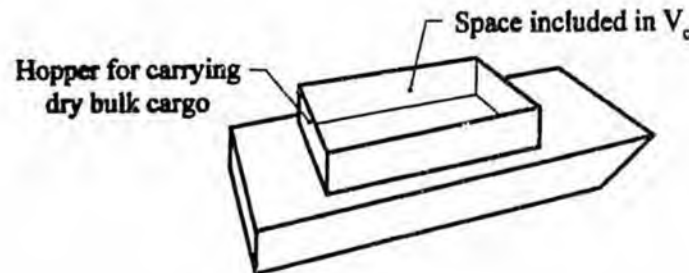
INTERPRETATIONS

For vessel tonnage

TABLE OF CONTENTS

| | |
|--|-----------|
| 69.51 PURPOSE | 3 |
| 69.53 DEFINITIONS | 3 |
| 69.57 GROSS TONNAGE | 9 |
| 69.59 ENCLOSED SPACES | 9 |
| 69.61 Excluded Spaces | 11 |
| (a) General | 11 |
| (b) Space Opposite End Openings | 11 |
| (c) Covered Space Open on Sides | 14 |
| (d) Covered Space in Way of Side Openings | 14 |
| (e) Space Below Uncovered Opening | 15 |
| (f) Recesses | 15 |
| (f) Space Open to the Sea | 16 |
| (g) Additional Restrictions on Excluded Spaces | 16 |
| 69.62 CARGO SPACES | 16 |
| (a) Spaces Included In Vc | 16 |
| (b) Spaces Not Included in Vc | 18 |
| 69.63 NET TONNAGE | 18 |
| 69.65 CALCULATION OF VOLUMES | 19 |
| (a) Naval Architectural Practices | 19 |
| (b) Hull Volume | 19 |
| (c) Deck Structure Volume | 19 |
| (d) Termination of Measurements | 22 |
| (e) Measuring Cargo Spaces | 22 |
| (f) Precision of Measurements | 22 |
| (g) Calculation Worksheet | 23 |
| (h) Spaces Ignored From Volume Calculations | 23 |
| 69.67 MARKING OF CARGO SPACES | 23 |
| 69.69 ISSUANCE OF AN INTERNATIONAL TONNAGE CERTIFICATE (1969) | 23 |
| 69.71 CHANGE OF NET TONNAGE | 24 |
| (a) Net Tonnage Increases | 24 |
| (b) Vessel With Different Load Line Assignments | 24 |
| (c) Net Tonnage Decreases | 24 |
| 69.73 VARIANCE FROM THE PRESCRIBED METHOD OF MEASUREMENT | 24 |
| (a) Novel Vessel Determination | 24 |
| (b) Submittal of Determination Requests | 24 |
| 69.80 OPEN-TOP CONTAINERSHIPS | 25 |
| (a) Upper Deck Determination | 25 |
| (b) Enclosed Spaces | 25 |
| (c) Treatment of Shelter Above Container Stacks | 25 |
| 69.81 OFFSHORE SUPPLY VESSELS (OSV'S) | 25 |
| 69.85 REDUCED GROSS TONNAGE | 26 |
| (a) Vessels with Qualifying Segregated Ballast Tanks | 26 |
| (b) Open-Top Containerships | 26 |

- (11) *Hoppers on Deck Barges* Cargo spaces within a hopper or similar structure on deck barges. Note that under the provisions of Section 69.59, these spaces should be ignored from volume calculations if the height of the hopper above the deck does not exceed 5 feet (1.5 meters).



(b) **SPACES NOT INCLUDED IN V_c**

Cargo related spaces that are not included in the total volume of cargo spaces V_c:

- (1) *Segregated Ballast Tanks*
- (2) *Dedicated Clean Ballast Tanks*
- (3) *Converted Tanks on Combination Carriers* On combination carriers, dual purpose oil/ballast tanks that have been converted to ballast tanks provided the ballast tanks are: 1) permanently disconnected from the oil cargo system; 2) connected to an independent ballast system; and 3) solely allocated to carry ballast.
- (4) *Provision Rooms/Bonded Stores* Provision rooms for crew or passengers and bonded stores for crew.
- (5) *Fishing Gear* In fishing vessels, spaces used exclusively for storing fishing gear.
- (6) *Passenger Accommodations* Spaces utilized for passenger accommodations.
- (7) *Deck Cargo* Any deck cargo carried aboard the vessel.

69.63 NET TONNAGE

Net tonnage (NT) is determined by the formula:

$$NT = K_2 V_c (4d/3D)^2 + K_3 (N_1 + N_2/10)$$

in which,

V_c = total volume of cargo spaces (excluding passenger spaces) in cubic meters

$K_2 = 0.2 + 0.02 \log_{10} V_c$

$K_3 = 1.25 [(GT + 10,000) / 10,000]$

D = molded depth amidships in meters, as "molded Depth" is defined in § 69.53

d = molded draft amidships in meters, as "molded draft" is defined in § 69.53

N_1 = number of passengers in cabins with not more than eight berths, as "passenger" is defined in § 69.53

N_2 = number of other passengers, as "passenger" is defined in § 69.53

GT = gross tonnage as determined under § 69.57

and with the following restrictions:

N_1 plus N_2 must equal the total number of passengers the vessel is permitted to carry as indicated on the Ship's Passenger Certificate (*i.e. SOLAS Certificate or similar document*). If N_1 plus N_2 is less than 13, both N_1 and N_2 are zero.

$(4d/3D)^2$ must not be greater than unity.

$K_2 V_c (4d/3D)^2$ must not be less than 0.25 GT

NT must not be less than 0.30 GT.

The final figures determined by the above formula and stated on the appropriate tonnage certificate(s) should be given in rounded down figures without decimals.

69.65 CALCULATION OF VOLUMES

(a) NAVAL ARCHITECTURAL PRACTICES

Volumes V and V used in calculating gross and net tonnages, respectively, must be measured and calculated according to accepted naval architectural practices for the spaces concerned.

(b) HULL VOLUME

The volume of the hull below the upper deck is determined as follows. *As an alternative to §69.65(b)(1)-(4) below, any method that is accepted naval architectural practice may be used to determine the volume of the hull below the upper deck.*

- (1) **Existing Stations** If the number and location of sections originally used in making other calculations which relate to the form of the vessel (such as displacement volumes and center of buoyancy) are reasonably available, Simpson's first rule, or any other integration method that is acceptable naval architectural practice, may be applied using those sections.
- (2) **Moorsom Method** If the number and location of stations originally used are not reasonably available or do not exist and the hull is of conventional design with faired lines, Simpson's first rule may be applied using a number and location of stations not less than those indicated in §69.109(g)(1). *Faired lines in this context means that the hull does not have chines, longitudinal discontinuities, or any other knuckles or similar discontinuities that would render use of Simpson's first rule inappropriate.*
- (3) **Standard Geometric Shape** If the hull is of standard geometric shape, a simple geometric formula that yields a more accurate volume may be used.
- (4) **Hull Not Fair** If the lines of the hull are not fair, the volume may be measured by using a combination of methods under this section, or any other method, provided that the volume so measured is calculated according to acceptable naval architectural practices.

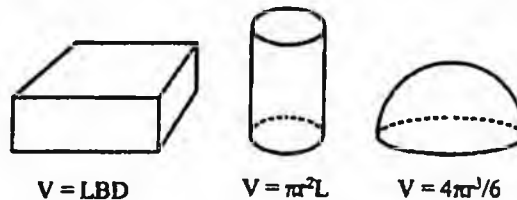
(c) DECK STRUCTURE VOLUME

The volume of structures above the upper deck may be measured by applying the superstructure provisions in §69.113 (*if applicable*) or by any accepted method or combinations of methods. *In*

general, the same longitudinal and vertical integration schemes that are accepted naval architecture practices used in the calculation of full volumes may be used for deriving volumes of deck structures.

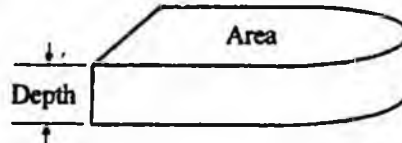
(1) **Volume Calculation Methods.** Structures may be modeled in parts using several mathematical methods such as:

(i) **Simple geometric shape formulae for areas or solids.** Geometric shapes may be used to model structures or their components only if the dimensions and form are identical.

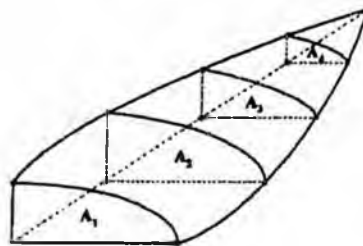


(ii) **Mechanical or electronic instrumentation.** Planimeters or electronic digitizing may be used to calculate complex area shapes that render manual integration impracticable.

(iii) **Two-dimensional integration.** Two-dimensional integration first determines the sectional area and then multiplies the area by the depth or thickness to derive the volume. It can be used for prismatic forms where the cross-sectional shape, dimensions and area remain the same at all levels of thickness. The cross-sectional area may be modeled using simple geometric area formulae, in whole or in parts, and then multiplied by thickness to derive the volume. If the cross-sectional area is not a standard geometric shape, it should be integrated in whole or in parts.



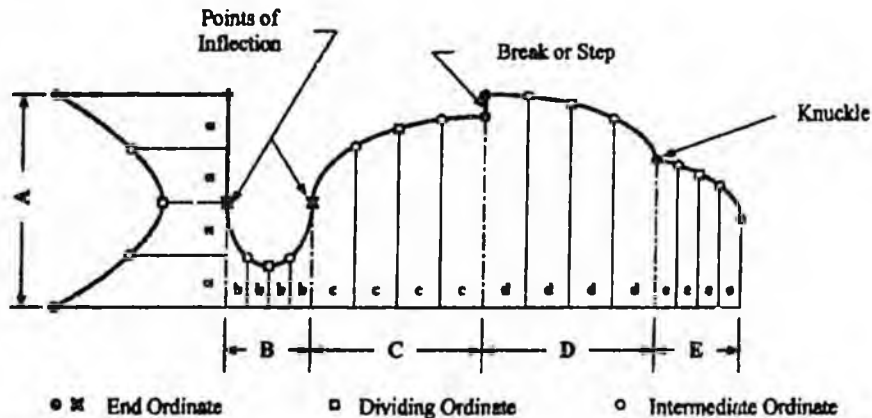
(iv) **Three-dimensional integration.** Three dimensional integration is used for complex shapes which cannot be modeled by simple geometric formulae or two-dimensional integration. In this method, area integration (two-dimensional) is followed by volume integration.



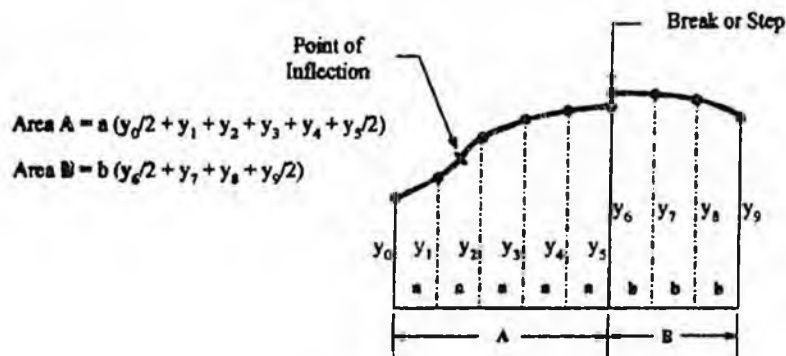
Any mathematical method may be used, provided it accurately models the configuration being measured. Any appropriate area or volume integration method may be used, such as Simpson's First Rule, Trapezoidal Rule, etc. Also, areas or volumes may be integrated along

any axis (vertical, horizontal and/or longitudinal) on the vessel as convenient to capture the actual total structure volume.

- (2) **Simpson's First Rule.** Simpson's First Rule is intended for integrating areas or volumes under parabolic (second order) curves. When using Simpson's Rule, the end ordinates (those at the "1" multiplier) and the dividing ordinates (those at the "2" multiplier) should coincide with discontinuities and points of inflection in the structure. Discontinuities include breakpoints (knuckles) and steps. Inflections are changes in the direction of a faired curve. Intervals (distances between ordinates) should be adjusted to provide additional ordinates to define extreme curves (rapid changes in the shape).



- (3) **Moorsom Method.** The Moorsom method (a variation of Simpson's First Rule described in 69.109, 69.111 and 69.113) is not an acceptable method for most convention system applications. This is because there are no provisions for placing end or dividing ordinates on discontinuities or inflections or adjustment of intervals (ordinate spacing) for extreme curves, as should be done, unless the structure is properly modeled or measured in parts.
- (4) **Trapezoidal Rule.** If the Trapezoidal Rule is used to integrate areas under curves, smaller intervals should be used in comparison to those under Simpson's Rule to increase accuracy. The placement of ordinates is not critical except that they must be coincident with discontinuities (chines, breaks, knuckles, etc.)



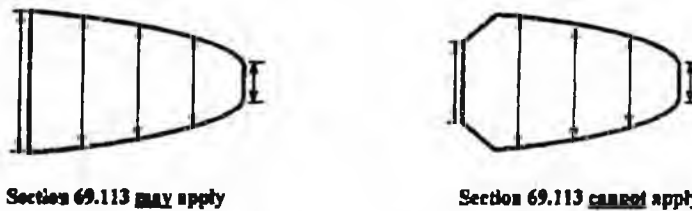
(5) **Division by Tiers.** Volume accounting does not have to be categorized or broken down by tiers or levels as implied on tonnage certificates. Volumes may be determined by individual structures or erections as necessary and may be itemized as such, in lieu of tier levels.

(6) **Restrictions on using § 69.113.** The two-dimensional integration scheme described in § 69.113 may be used for convention measurement only if the:

(i) sides of the tier are "wall-sided" with no curved flare or tumble-home,



(ii) deck in plan view does not have discontinuities, inflection points (unless they coincide with end or dividing ordinates) or extreme curves, which would render the suggested Moorsom integration scheme inappropriate, unless the structure is properly modeled or measured in parts.



(iii) decks are parallel.



(d) TERMINATION OF MEASUREMENTS

Measurements must be taken regardless of the fitting of insulation or the like -

- (1) To the inner side of the shell of the hull (or to the inner side of the structural boundary plating for deck structures) in vessels constructed of metal; and
- (2) To the outer surface of the shell of the hull (or to the inner side of the structural boundary surfaces for deck structures) in all other vessels.

(e) MEASURING CARGO SPACES

When determining the volume of a cargo space, measurements must be taken without consideration for insulation, sparring, or ceiling fitted within the space. For vessels which have permanent independent cargo tanks constructed within the vessel, (e.g. gas carriers) the volume to be included should be calculated to the structural boundary of such tanks, irrespective of insulation which may be fitted to the tank boundary.

(f) PRECISION OF MEASUREMENTS

Measurements must be to the nearest one-twentieth of a foot (english units), or the nearest centimeter (metric units).

Additional Correspondence
For SB20

EXTRA

~~XXXXXXXXXX~~



**CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY**

OFFICE OF THE MAYOR

Telephone: (907) 586-3240; Facsimile: (907) 586-3315
Sally_Smith@ci.juneau.ak.us

February 10, 2003

The Honorable Gene Therriault
President of the Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Re: SB 20

Dear Mr. President:

Over the past few years Juneau has invested heavily to upgrade our docks and harbors. Part of that effort has included the development of a more hospitable welcome to private yachts. As a longtime tourist destination, we understand the economic opportunity derived from these vessels. Benefits accrue both to the city, through docking fees, and to many small businesses that offer goods and services to the owners, passengers, and crewmembers.

It is my understanding that there is currently a proposal to change state law to allow large, foreign flagged private yachts to travel in Alaska without marine pilots. Juneau endorses that change, believing it will encourage more yacht traffic.

Given the current situation, we are losing a portion of potential business from this affluent group, all because of a basically unenforceable state law. We just cannot afford to lose such lucrative business to other coastal states.

Your consideration of this issue will be greatly appreciated. The commerce is important to all coastal communities.

Sincerely,

Sally Smith
Sally Smith
Mayor



3100 Channel Drive, Suite 300 • Juneau AK 99801
(907) 463-3488 • Fax (907) 463-3489

February 12, 2003

Senator Gene Theriault
Senate President
State Capitol
Juneau, AK 99801-1082

Dear Senator Theriault:

As the Executive Director of the Juneau Chamber of Commerce, I would like to add the support of our organization for a change in Alaska statutes that will allow additional private yachts to travel into Alaskan waters without a marine pilot aboard.

Although Juneau is enjoying a stable economy at this time based on a combination of government and private employment and summer tourism positions, other areas of Southeast are not as lucky. In communities where timber and fish were once the mainstays, the tourism industry is becoming an important partner. In Juneau, a community which hosts nearly one million visitors a year, we have long understood the value of these independent travelers to our economy.

As you may know, a private sector group in Juneau is in the permitting stage for construction of a new dock to provide additional moorage space for yachts, small cruise ships and lightering vessels. There is no better way to gauge business opportunities than by those who are willing to invest in the infrastructure of our community.

The Chamber supports the efforts by Alaska Yacht Services and Provisioning to change this state law which significantly discourages yacht visitation. Without an amendment to the current marine pilot regulation that states that "all pleasure craft foreign flagged must hire a state marine pilot onboard," Southeast Alaska is missing out on a wonderful economic opportunity. Please consider this change in direction that will help stimulate the economy for many small businesses in Juneau, as well as throughout Southeast and coastal Alaska.

Thank you for your consideration of this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Parsons', is written over a large, stylized circular flourish.

Jamie Parsons
Executive Director
Juneau Chamber of Commerce

CC: Governor Murkowski

Southeast Conference

P.O. Box 21989 Juneau Alaska 99802-1989 Tel. (907) 463-3445 Fax (907) 463-5679

February 7, 2003

Senator Gene Therriault
Senate President
State Capitol, Room 107
Juneau, AK 99801-1082

Re: exemptions from marine pilotage statutes for large yachts

Dear Senator Therriault:

On behalf of the Southeast Conference we would like to voice out support for changes to state pilotage laws to allow private foreign flagged yachts up to 200 feet in length, to cruise in Alaskan waters without a marine pilot aboard. Current law requires foreign vessels over 300 tons to employ a state licensed marine pilot from one of the pilot associations. These associations are quite busy in the typical summer season, servicing the large contingent of cruise ships that deploy in Alaska. It is appropriate for these ships to have state licensed pilots aboard, as they are quite large, operate largely at night, and have much greater potential for significant damage to other shipping, and the environment. We believe that the language in the current law reached too far down in size to a ship type for which the perceived protection to state waters is out of scale related to its costs and inconvenience to the vessels. Adding the pilotage requirement on a 300 ton motor yacht in the same fashion as on a 100,000 ton cruise ship, adds about \$1800 per day in fees, plus the costs to carry an extra, unfamiliar person on what is usually a pleasure charter. On these yachts, a pilot is typically underutilized, as these vessels operate with a much more relaxed itinerary, daytime cruising, and with longer stays on anchor and in port calls. Because of the added costs, and especially the burden of eliminating a berth in very limited capacity vessels, charterers are motivated to cruise elsewhere around the world, to the detriment of our port communities and businesses who could benefit from this traffic. The State of Washington currently allows waivers to State pilotage requirements for this type of vessel, so they are getting some of the business that would otherwise come to our state.

Southeast Conference members include representatives from most Southeast community governments and Chambers of Commerce, visitor's bureaus, non-profits, utilities, businesses, and concerned citizens. (We currently have over 100 members, including 28 communities, 9 Chambers of Commerce, 9 Native Organizations, 18 non-profits and community organizations, and 9 transportation organizations.) Our goals include developing strong economies, improving the region as a good place to live and work, and encouraging and assisting in responsible development in the tourism sector.

Senator Therriault

February 6, 2002

Page 1 of 2

Southeast Conference

P.O. Box 21569 Juneau Alaska 99802-1569 Tel (907) 463-3443 Fax (907) 463-5678

We would appreciate it if you could review the language in the Alaska Marine Pilotage Act, passed in 1995, with a mind to possible changes that could resolve what we think was an unintended consequence. We believe it is in the best interests of our member communities, and for commerce in our state, with minimal impact on the level of protection to our waters. We are hopeful you can initiate legislation to either change this law, or allow the relevant agencies to grant waivers. We stand ready to support these changes in whatever manner you consider appropriate.

Sincerely,



Loren Gerhard
Projects & Policy Director
cc: Amy Wachman, Kate Tesar



**City of
Ketchikan**

334 Front Street
Ketchikan, Alaska 99901
Phone 907-225-3111
Fax 907-225-5075

February 7, 2003

Senator Gene Therriault
Senate President
State Capitol, Room 111
Juneau, Alaska 99801-1182

Re: Statutory change regarding requirement for marine pilots on large yachts

Dear Senator Therriault:

I am writing regarding the above-referenced subject. I am generally in support of a statutory change, which would allow large noncommercial private yachts to travel in Alaska without marine pilots to the extent that safety and other issues are not compromised. I would, however, want to see specific legislative language prior to endorsing a particular concept.

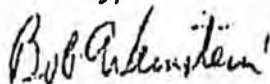
As you know, Ketchikan's economy has been hard hit by the decline in the timber industry, as well as by the challenges currently facing the fishing industry. Fortunately, on the other hand, our tourism industry is continuing to provide economic opportunities for local businesses and residents.

Ketchikan is in the process of completing a comprehensive development plan for our port and harbor facilities. I believe that this will result in a number of improvements in our infrastructure to better accommodate various classes of vessels, particularly including large yachts, and thereby enhance our economy. I also believe that, in addition to the goods and services that yacht passengers and crew might typically spend while visiting a community, we will be in a unique position to perform routine vessel maintenance/repair as the capacity of our shipyard increases.

In closing, I would appreciate your support for legislation that removes barriers to vessel traffic through an appropriate mechanism which can be supported by concerned parties, including marine pilots and yacht owners.

Thank you for your consideration of this issue.

Sincerely,



Bob Weinstein
Mayor



Juneau Economic Development Council

February 12, 2003

Senator Gene Theriault
Senate President
State Capitol
Juneau, AK 99801-1082

Re: exemptions from marine pilotage statutes for large yachts

Dear Senator:

I am writing on behalf of the Juneau Economic Development Council (JEDC) to voice our support for changes to state pilotage laws to allow large, private foreign flagged private yachts to cruise in Alaska waters without a marine pilot aboard.

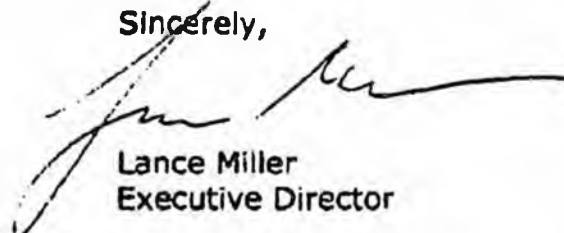
The JEDC works to enhance quality of life by actively promoting economic diversity and sustainable development in all of Southeast Alaska. We assist businesses in creating family-wage jobs with our business counseling and loan programs, as well as serving as the Overall Economic Development Planning agency for the City and Borough of Juneau.

It is a goal of JEDC to work with residents of Juneau and Southeast Alaska to help utilize our natural, cultural and intellectual resources wisely in order for our economy to be competitive in a national and international market place. The challenge is to help create family-wage jobs in a sustainable economy while at the same time maintaining our unique quality of life.

Tourism has now become one of the main economic engines in SE Alaska for communities that had previously relied only on resource development. It is my understanding that many coastal communities are missing out on the economic opportunity brought about by the visitation of independent visitors aboard these yachts. If a change in state law can help stimulate these areas towards an improved economy, we are committed to supporting this effort.

Thank you for addressing this important economic issue.

Sincerely,



Lance Miller
Executive Director

Diversifying our Economy • Assisting Business Development • Enriching our Quality of Life

612 Willoughby Avenue Suite A • Juneau, Alaska 99801-1742
Tel 907-463-3662 • Fax 907-463-3929 • Toll Free 888-393-3662 • www.jedc.org



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

February 12, 2003

The Honorable
Senator Gene Therriault
Senate President
State Capitol, Room 111
Juneau, Alaska 99801-1182

Re: Changes in marine pilotage laws re: foreign flagged yachts

Dear Senator Therriault:

The City and Borough of Sitka would like to join other SE communities in supporting a statutory change that would allow certain pleasure yachts to travel in Alaska without marine pilots. Facilitating a boost to our economy while maintaining safety and environmental standards is what I feel most residents of Sitka could support.

As you know, Sitka is still in the process of redefining itself after many decades with a primarily resource-based economy. Fortunately for us, as the timber industry was receding in our area, the tourism industry in Alaska was developing. Although we are taking a very deliberate look at how this industry should progress in our community and how any changes may affect our citizens and their way of life, it is generally agreed that many opportunities for local businesses and residents may be tied to the tourism industry.

As a port community, we realize the positive financial impact visitors aboard these large yachts can have in Sitka. Some yachts currently use our port as their home base during their summers in Alaska. It makes sense to allow these vessels; and their foreign flagged counterparts, to travel freely in Alaska without another marine pilot aboard, as long as competent and experienced masters are in charge. As this pilotage law has never been enforced, it only makes common sense to change the law to reflect the actual reality of today's yacht cruising public.

I would appreciate your support for legislation that removes this barrier to commerce in Sitka and other coastal communities of Southeast. Thank you for your consideration of this issue.

Sincerely,

Fred Reeder
Mayor



HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-2231 * FAX (907) 766-3179

COPY

February 7, 2003

Senator Gene Therriault
Senate President
State Capitol
Juneau, AK 99801-1082

Re: Private Foreign-Flagged Yachts

Dear Senator Therriault:

On behalf of the newly-formed Haines Borough, I would like to add my support to a proposal to change a state law that could help the economy of our small community. I am referring to the current attempt to put a waiver system in place to allow private foreign-flagged yachts to cruise in Alaskan waters without a marine pilot aboard.

Haines has felt the devastating effects of a general downturn in our economy for many years. With the loss of the timber industry and the low return for our fisheries resources, we have turned to tourism as one way to help rebuild our community. The impact of the spending by guests and crew on these large yachts in a small coastal community such as Haines cannot be overstated.

Haines is open for business and we welcome any changes in state law that will help bring new customers here. Thank you for your consideration of these changes. They could have a very positive impact on the economy of our community.

Sincerely,

Jerry Lapp
Deputy Mayor
HAINES BOROUGH



GOLDBELT
SEADROME
MARINE COMPLEX

February 7, 2003

The Honorable Gene Theriault
Senate President
State Capitol
Juneau, AK 99801-1182

Dear Senator Theriault:

I am writing in support of the proposed change to the marine pilotage law concerning foreign flagged yachts. As manager of the Seadrome Marine Complex a docking facility owned by Goldbelt in downtown Juneau, I have observed vessels that become very frustrated with the current regulations and head for friendlier ports. Our customer base is made up of small cruise vessels, day boats and yachts. This past year, approximately 25% of our moorage business came from yachts and transient vessels. Most of these vessels travel from the east coast specifically to visit Alaska while others are on their maiden voyage after leaving one of the boat builders in the Puget Sound area.

We have noticed a steady increase of yachts visiting Alaska over the past five years and hear about many more that decide not to make the trip because of the costly pilotage requirements. Although I have no way of knowing the potential market that is discouraged from visiting Alaska because of the current regulations, my feeling is that it is considerable. The limited availability of pilots is also problematic for vessels such as yachts with an ever-changing schedule.

The independent yacht visitor has a comparably greater positive economic impact by spending days if not weeks in Alaska and spreading their purchasing power over numerous businesses and communities. This positively impacts a wide variety of businesses from groceries to carpet cleaners and flower shops and fuel companies.

I urge you to consider an exemption or similar action to allow this market to reach its potential in Alaska. Many businesses and communities throughout the region will realize the benefits.

Best regards,

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

Jeff White
Manager
Seadrome Marine Complex



Summit Restaurant/Inn at the Waterfront
455 South Franklin Street
Juneau, AK 99801
Phone 907-586-2050 Fax 907-586-2999
E-mail: AN1898INN@AOL.COM

February 12, 2003

Senator Gene Therriault
Senate President
State Capital
Juneau, AK 99811-3100

Dear Senator Therriault:

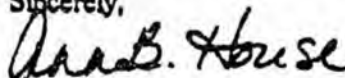
As the long time owner of a small hotel and restaurant in downtown Juneau, I am supporting a change in Alaska's Marine pilotage laws to allow large pleasure yachts to operate without additional marine pilots while in Alaska. I cannot stress strongly enough the impact the private yacht traffic has on my business.

The Summit Restaurant and the Inn at the Waterfront is one of the few businesses on the South end of Franklin Street that stays open throughout the winter months to better help serve our visitors and legislative friends from all over the state. Many companies in the downtown area enjoy business brought from all sectors of our cruise ship industry. As you may know when passage is booked on one of the larger cruise ships, all meals are included. (As are the midnight buffets the ships are so famous for!). For this reason, the independent visitor traffic is of the utmost importance to my economic viability.

The amount of money that is spent these yachts in a community can be staggering. I have witnessed this first hand on numerous occasions. It would seem that the legislature should do all it can to attract these desirable tourist to Alaska; ones that spend freely and leave no negative impacts behind.

Thank you for your consideration to these charges that will have a very positive impact on my small business.

Sincerely,



Ann B. House
Owner

Miss Scarlett's Greenery

124 Seward Street Juneau, Alaska 99801 907-586-1766 Fax: 907-586-6545 800-586-1767

February 10, 2003

Senator Gene Therriault
Senate President
State Capitol
Juneau, AK 99801-1082

Dear Senator Therriault:

As the co-owner of a local, family owned business that depends on Juneau's summer visitors for our economic viability, I would like to add my voice of support to a change in Alaska's marine pilotage laws to allow large pleasure yachts to operate without additional pilots aboard while in our waters.

Although Miss Scarlett's Greenery enjoys a steady local business during most of the year, I can truthfully state that the income we derive from independent yacht traffic is crucial to our bottom line. It makes the difference between having a great season and having one in which we wonder how we'll make it through the very slow fall and winter until the legislature arrives.

We are one of many small businesses in Southeast that wouldn't typically come to mind when you think of these affluent visitors. But we supply a product that can only be enjoyed while fresh, not unlike produce, dairy and meat, which must be purchased while in port.

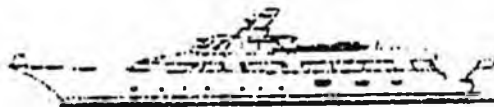
Please bear in mind the impact your decision will have on our livelihood. Alaska is the destination of a lifetime for many of the customers we come in contact with each summer. The government should be doing all it can to attract these desirable visitors to our state, especially during these times of economic uncertainty.

Thank you for your consideration of this issue. Please let me know if you would like any further information regarding our reliance on this important sector of the tourism industry-but please call after Valentine's Day.

Sincerely,



Samra Green
Co-owner
Miss Scarlett's Greenery



M/Y ALLIANCE

PACCAR Inc
P.O. Box 1618
Bellevue, WA 98006
(425) 453-2329

Skip Sethmann, Captain

Lloyd Harris, Engineer

February 6, 2003

Senator Gene Theriault
Senate President
State Capitol
Juneau, AK 99801-1062

Dear Senator Theriault:

I am writing to you in my position as the captain of the M/Y Alliance, a 136ft American flagged private yacht homeported in Seattle. Although my vessel is exempted from the current Alaska marine pilotage laws, I would like to add my support to the effort underway to expand this exemption to allow larger foreign flagged yachts into Alaska waters without an additional marine pilot.

I have two years of experience cruising in Alaska, and have sailed in nearly every body of water in the world. With a crew of four and eight guests, the economic impact of a visit from our yacht is a significant one. We regularly take on 12,500 gallons of fuel during a typical season. Our crew and guest eat in local restaurants on an average of 5 nights during a 3 week trip and shop heavily whenever we are in port. I would estimate our spending during a normal cruising season to be in excess of \$100,000. In the communities visited by our vessel.

I have recently had contact with other captains and owners who are in the process of making alternative cruising plans because of the restrictive pilotage regulations in Alaska. It is unreasonable to expect them to accommodate an additional and unknown crewperson for the length of time they generally spend on a cruise in Southeast. Owners typically keep their yacht and crew on 24 hour standby, as to be available to ship out within a period of a few days or less. This also contributes to the impracticality of hiring a marine pilot. It is my understanding that the pilot organization in Southeast prefers to schedule their trips many weeks, if not months, in advance. It must be very hard to accommodate our yachts that are required to notify them only 48 hours in advance of entering a pilotage region.

As this law has never been enforced, it is serving only to impede commerce in Alaska. Thank you for your consideration of these changes. I look forward to visiting your beautiful state again in the near future.

Sincerely,

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

Captain Skip Sethmann

**Douglas Island Pink and Chum, Inc.**

2697 Channel Dr. • Juneau, Alaska 99801

Telephone: (907) 463-5114 • Fax: (907) 463-3213

Senator Gene Theriault
Senate President
State Capitol
Juneau, AK 99801-1082

February 10, 2003

Dear Senator Theriault:

As the Executive Director of the Douglas Island Pink and Chum Corporation (DIPAC) in Juneau, I am writing to support a change in Alaska law that will allow large private yachts to travel into Alaskan waters without an additional marine pilot aboard.

As the main producer of enhanced salmon for the communities of northern Southeast, we are very aware of and concerned about issues affecting sport fishing in the inside waters. We produce salmon for sport and commercial fishermen, as well as the expanding local salmon charter business. Although most of our operating funds are earned in a traditional manner through cost recovery of our fish, a percentage of our expenses are covered each year by money brought in through the tourism attraction attached to our hatchery. We host over 100,000 visitors at our facility each summer, with a growing number originating from non-cruise ship travel.

We in Juneau understand the economic opportunity associated with independent travelers to Alaska. The cruiseships provide the majority of our client base, but locals, their relatives and other tourists visiting Juneau have a significant impact. The money spent in our community by developing the private yacht industry is welcome and needed. I am in total support of any changes in statute which will increase the traffic to our area by these desirable tourists. It is my understanding that the current law has never been enforced, and this is all the more reason to investigate changes at this time.

Thank you for your consideration of these changes in statute which benefit all the coastal communities in Southeast Alaska.

Sincerely,

A handwritten signature in black ink that reads "Jon Carter". The signature is written in a cursive, slightly slanted style.

Jon Carter
Executive Director



February 5, 2003

Senator Gene Therriault
Senate President
State Capitol
Juneau, AK 99801-1182

Dear Senator,

Delta Marine, located in Seattle, Washington is a manufacturer of custom luxury yachts with a complete refit & repair division. Our operation builds and services yachts of up to 225-feet and 1300 gross tons for a global clientele.

Many of our customers look forward to cruising Alaska when departing from Delta. However, several recent customers have decided to cancel their Alaska trips due to the stringent pilotage requirements of the State of Alaska. This affects Delta and our community as well as the waterfront communities of Alaska.

The following are three cases in particular that I wanted to bring to your attention:

- The 151' *Sally Ann* (498 gross international tonnage), after completing a five-year circumnavigation in 2001, returned to Delta for some routine maintenance work. The last leg of their amazing journey was to take them to Alaska. However, due to the rigorous pilotage requirements of the State of Alaska they canceled their trip and headed south instead.
- The 165' *Georgia* (381 gross international tonnage), is yet another a foreign flagged yacht that had plans to cruise Alaska. This story is unique, as this yacht sailed from the Mediterranean for a complete re-paint at Delta in 2002, as well as the opportunity to cruise the beautiful waters of the North Pacific. Once here, they were made aware of the strict pilotage requirements and too, canceled their plans to cruise to Alaska.
- Finally, the 126' *Andrea* (456 gross international tonnage), is a tough, seaworthy expedition yacht due to be delivered by Delta late this spring. Delta has quickly become known around the world for building these types of yachts and this client has come from Europe to Seattle to build. Although they would like to spend the summer cruising Alaska, taking this yacht to the far places it was built to see, they are planning to cancel their cruise to Alaska, again due to the strict Alaska pilotage requirements.

This is an issue that will continue to affect Delta, our customers, and the coastal communities of Alaska. We believe that changes to the law should be addressed as part

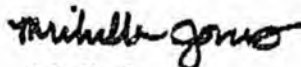
DELTA MARINE INDUSTRIES
1608 SOUTH 96TH STREET
SEATTLE, WASHINGTON 98108 USA
T: 206.763.2383 F: 206.762.2627

of your current work on SB 20, the Board of Marine Pilots extension legislation. The requirement for pilotage of yachts should be thoroughly reviewed, with a goal of eliminating or narrowing this requirement.

The large yachts Delta builds and services are well maintained and well run. As a group, these yachts have an outstanding safety record. Removal of the pilotage requirement for these private pleasure craft is consistent with both maintaining environmental protection and encouraging economic opportunity, as well as standardizing marine pilotage law along the entire coastline from Washington to Alaska.

Your attention and efforts are appreciated. If I can be of any further assistance or answers any questions please let me know.

Sincerely,



Michelle Jones
Marketing Manager



DAVID L. SOKOL
CHAIRMAN AND
CHIEF EXECUTIVE OFFICER

January 28, 2003

Senator Gene Therriault
State President
State Capitol
Juneau, AK 99801-1182

Re: SB20 – Board of Marine Pilots

Dear Senator Therriault:

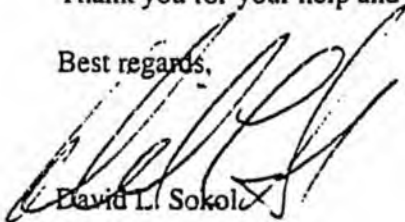
The purpose of this letter is to offer my strong support in regard to an amendment to SB20 – Board of Marine Pilots that would provide an exemption for pleasure craft of foreign registry of less than 200 feet in length.

I, and several other boat owners who used to cruise the Southeastern Alaskan waters, have been unable to do so in recent years due to an inadvertent change in the statute in 1995.

We are hopeful to enjoy your beautiful state this summer if such an amendment could be approved. I have attached some prior correspondence that may be of use to your staff as they consider this request.

Thank you for your help and consideration.

Best regards,



David L. Sokol

Encl.
:bt

MIDAMERICAN ENERGY HOLDINGS COMPANY

302 SOUTH 36TH STREET • SUITE 400 • OMAHA, NEBRASKA 68131-3845 • 402-341-4500 • FAX: 402-231-1403

DAVID L. SOKOL
302 SOUTH 36TH STREET
SUITE 400
OMAHA, NEBRASKA 68131

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OCCUPATIONAL LICENSING
JUNEAU

June 14, 2002

The Honorable Tony Knowles
State Capitol
P. O. Box 110001
Juneau, AK 99811-0001

Dear Governor Knowles:

I would like to bring to your attention a situation which I believe may have been caused inadvertently; however, it has the potential to significantly impact the economy of several southeastern communities in Alaska.

Several years ago I had the privilege of being a guest on a private motor yacht that cruised the waterways of southeastern Alaska, primarily in the areas between Ketchikan, Sitka and Juneau. I, and the other seven guests, had a wonderful time shopping in Sitka and Juneau, fishing and sightseeing in some of America's most beautiful waterways. Following on this experience, two years ago I had the opportunity to purchase my own boat and it was our intention to spend this summer in southeastern Alaska. Unfortunately, when my captain was preparing the cruise this spring he came across *Alaska Statute 08.62.180* which deals with marine pilotage requirements in Alaska. While we are familiar with typical pilotage requirements in other states and countries, this law is unique, in our understanding, in that it essentially requires full time pilotage not just in and out of harbors, but also throughout the waterways. Further, there are no qualification exemptions for demonstrated captain proficiency.

As such, pursuant to this statute we must essentially hire a pilot from one of the two companies providing this service for the entirety of our cruise. I contacted both of these firms in Ketchikan and was informed that the cost would be \$1,400.00 to \$2,200.00 per day depending on our schedule. This would equate to approximately \$72,000.00 for our summer cruise. Because of this requirement we have altered our plans and we are going to spend the summer in British Columbia. This is obviously a severe disappointment given that I am an American citizen.

I do fully understand the need for appropriate pilotage requirements under certain circumstances; however I believe that this statute's lack of flexibility is unreasonable. By way of example, our boat is approximately 135 feet in length and we have three licensed captains as part of our seven-person crew. Our captain is fully licensed to 1600 gross

Page Two
Governor Tony Knowles
June 14, 2002

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OCCUPATIONAL LICENSING
JUNEAU

tons and is intimately familiar with the Alaskan waterways. Under *AK 08.62.180* those qualifications are irrelevant; however, in British Columbia we received a pilotage exemption in less than two weeks.

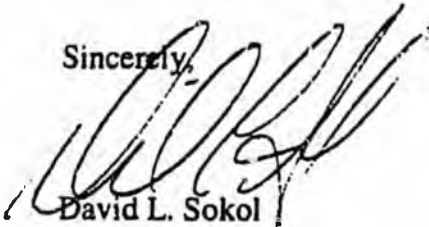
We would recommend to you a change in *AK 08.62.180* to either allow an exemption process for qualified captains or to place a reasonable length limitation (possibly 200 feet or less) exemption for pleasure craft with properly licensed captains. While the statute currently has gross tonnage limitations, I believe you will find such measurements inconsistent and difficult to administer due to the many tonnage conventions utilized in the United States and Internationally.

The real damage caused by making these pilotage requirements unreasonable is to the small towns of southeast Alaska. I have become aware of eleven vessels that have chosen to not cruise in Alaskan waters this summer. I am certain there are others as well. In our own case we would have had 48 guests (6 cruises with 8 guests) over the summer, seven crew living with the boat all summer, fuel, food, fishing licenses, tackle, airline traffic, souvenir shopping, restaurants, cabs, etc. Just our boat alone would have generated over \$250,000 in economic activity in Ketchikan, Sitka and Juneau. If we assume 20 boats avoid Alaska because of unnecessary pilotage requirements, \$5,000,000 of economic activity will be lost.

Please understand, we are fully in favor of proper safety and environmental standards, and we wish for Alaskan waterways to be kept clean and safe for all future generations. Providing reasonable exemptions, as is done throughout the rest of the United States and around the world, will not require these standards to be lessened.

I recognize that since this will require a legislative solution, you cannot resolve this situation for this summer. I hope that something can be done before next spring. Please call me if I can provide additional information, or if I can help you in dealing with this situation.

Sincerely,



David L. Sokol

CC: Peter Christensen, Pilot Coordinator
Board of Marine Pilots
P. O. Box 110806
Juneau, AK 99811-0806

Enhancing maritime security

A new, comprehensive security regime for international shipping is set to enter into force in July 2004 following the adoption by a week-long Diplomatic Conference of a series of measures to strengthen maritime security and prevent and suppress acts of terrorism against shipping. The Conference, held at the London headquarters of the International Maritime Organization (IMO) from 9 to 13 December, was of crucial significance not only to the international maritime community but the world community as a whole, given the pivotal role shipping plays in the conduct of world trade. The measures represent the culmination of just over a year's intense work by IMO's Maritime Safety Committee and its Intersessional Working Group on Maritime Security since the terrorist atrocities in the United States in September 2001.

The Conference adopted a number of amendments to the 1974 Safety of Life at Sea Convention (SOLAS), the most far-reaching of which enshrines the new International Ship and Port Facility Security Code (ISPS Code). The Code contains detailed security-related requirements for Governments, port authorities and shipping companies in a mandatory section (Part A), together with a series of guidelines about how to meet these requirements in a second, non-mandatory section (Part B). The Conference also adopted a series of resolutions designed to add weight to the amendments, encourage the application of the measures to ships and port facilities not covered by the Code and pave the way for future work on the subject.

Speaking at the end of the conference, IMO Secretary-General William O'Neil told delegates, "You have also succeeded, through the interest the Conference has generated worldwide, in highlighting and promoting the need for the development of a security consciousness in all that we do to complement IMO's existing objectives of developing a safety culture and an environmental conscience." He strongly urged all parties concerned to start putting in place all the necessary legislative, administrative and operational provisions needed to give effect to the decisions of the Conference as soon as possible.

In a call for continued vigilance, he added, "In the meantime, all involved in the operation of ships and ports should continue to be aware of the potential dangers to shipping through acts of terrorism and the need to be extremely vigilant and alert to any security threat they might encounter in port, at offshore terminals or when underway at sea."

The Conference has been referred to in the United Nations General Assembly. In December 2002, the General Assembly adopted a resolution on "Oceans and the law of the sea", which specifically welcomed initiatives at the International Maritime Organization to counter the threat to maritime security from terrorism and encouraged States fully to support this endeavour.

[\(Click here for full details of the outcome of the Conference on Maritime Security.\)](#)

Background to the adoption of measures to enhance maritime security

IMO has as an integral part of its mandate the duty to make travel and transport by sea as safe as possible.



In the wake of the tragic events of 11 September 2001 in the United States of America, IMO Secretary-General Mr. William A. O'Neil consulted on the need to review the measures already adopted by IMO to combat acts of violence and crime at sea. The 22nd Assembly of IMO, which met at the Organization's London headquarters from 19-30 November 2001, agreed to hold a Conference on Maritime Security in December 2002, to adopt new regulations to enhance ship and port security and avert shipping from becoming a target of international terrorism.

This decision followed the adoption of a resolution put forward by Secretary-General William O'Neil on **Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships.**

The Assembly also agreed to a significant boost to the Organization's technical co-operation programme of UK£1.5 million, to help developing countries address maritime security issues.

The resolution calls for a review of the existing international legal and technical measures to prevent and suppress terrorist acts against ships at sea and in port and improve security aboard and ashore. The aim is to reduce risks to passengers, crews and port personnel on board ships and in port areas and to the vessels and their cargoes.

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- Johanne

The Conference on Maritime Security is scheduled to meet alongside the scheduled session of the Maritime Safety Committee (MSC) in December 2002, and is to consider any new or amended regulations proposed by the MSC.

These would involve the International Convention for the Safety of Life at Sea (SOLAS) chapter XI on Special Measures to Enhance Maritime Safety - the title of which might need to be amended to include maritime security. Other amendments might be proposed in relation to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW).

An Intersessional Working Group on Maritime Security, which met from 11 to 15 February, produced a series of recommendations which were further elaborated by the May 2002 meeting of the Maritime Safety Committee (MSC 75) as well as other IMO bodies. A second ISWG was held in September 2002, and the MSC met again for its 76th session in December 2002, concurrently with the Diplomatic conference on Maritime Security which adopted the new measures to enhance maritime security.

Apart from revision of practical preventative measures advocated by IMO, it is also important to ensure that criminals who have perpetrated acts of violence at sea be properly brought to trial and punished. IMO's Legal Committee is reviewing the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1980 (the SUA treaties).

The main purpose of the SUA convention is to ensure that appropriate judicial action is taken against persons committing unlawful acts against ships, which include the seizure of ships by force, acts of violence against persons on board ships, and the placing of devices on board a ship which are likely to destroy or damage it. The convention obliges Contracting Governments either to extradite or prosecute alleged offenders. The Protocol provides similar regulations relating to fixed platforms located on the Continental Shelf.



Concern about unlawful acts which threaten shipping since the 1980s

Concern about unlawful acts which threaten the safety of ships and the security of their passengers and crews has been addressed by IMO since the 1980s.

Pursuant to the Achille Lauro incident in 1983, IMO adopted Assembly resolution A.545(13) Measures to prevent acts of piracy and armed robbery against ships, to address the specific problems relating to piracy and armed robbery.

In 1985, IMO's 14th Assembly adopted resolution A.584(14) on Measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews.

Resolution A. 584(14) notes "with great concern the danger to passengers and crews resulting from the increasing number of incidents involving piracy, armed robbery and other unlawful acts against or on board ships, including small craft, both at anchor and under way".

The resolution invited the Maritime Safety Committee (MSC) to develop detailed and practical technical measures to ensure the security of passengers and crews on board ships, taking into account the work of the International Civil Aviation Organization (ICAO) in the development of standards and recommended practices for airport and aircraft security.

In December 1985 the United Nations General Assembly called upon IMO "to study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures".



In September 1986, the MSC approved MSC/Circ.443 on Measures to prevent unlawful acts against passengers and crew on board ships, intended for application to passenger ships engaged on international voyages of 24 hours or more and the port facilities which service them.

The measures state that Governments, port authorities, administrations, shipowners, shipmasters and crews should take appropriate measures to prevent unlawful acts which may threaten passengers and crews. The measures stress the need for port facilities and individual ships to have a security plan and

Another section covers security training.

Development of SUA convention

In November 1986 the Governments of Austria, Egypt and Italy proposed that IMO prepare a convention on the subject of unlawful acts against the safety of maritime navigation and submitted a draft proposed convention which would aim to fill the gap in the present system regarding the suppression of such acts. The proposed convention would provide for a comprehensive suppression of unlawful acts committed against the safety of maritime navigation which endanger innocent human lives, jeopardize the safety of persons and property, seriously affect the operation of maritime services and thus are of grave concern to the international community as a whole.

As a result, in March 1988, a conference in Rome adopted the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA). It includes provisions for the absolute and unconditional application of the principle either to punish or to extradite persons who commit or who are alleged to have committed offences specified in the convention.

A protocol extends the provisions of the convention to unlawful acts against fixed platforms located on the Continental Shelf (Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988).

The two instruments both entered into force on 1 March 1992.

The main purpose of the SUA treaties is to ensure that appropriate action is taken against persons committing unlawful acts against ships (and fixed platforms on the continental Shelf), which include the seizure of ships by force, acts of violence against persons on board ships, and the placing of devices on board a ship which are likely to destroy or damage it. The treaties oblige Contracting Governments either to extradite or prosecute alleged offenders.

In 1996, the MSC approved MSC/Circ.754 on Passenger Ferry Security gives recommendations on security measures for international passenger ferries and ports, which is aimed at ferry journeys shorter than 24 hours.

Further Information

Latest news from IMO

Piracy and armed robbery against ships

Stowaways

Illegal migrants

MSC/Circ. 443 Measures to prevent unlawful acts against passengers and crew on board ships

MSC/Circ.754 July 1996 Passenger Ferry Security gives recommendations on security measures for international passenger ferries and ports

Status of IMO Conventions

Ship/port interface

The United Nations web page on international Conventions on terrorism
<http://untreaty.un.org/English/Terrorism.asp>

Information Resources on current topics, including Information Resources on Maritime Security

TO: Jane FROM: Ann

The 'Lectric Law Library's Lexicon On
*** Tonnage, Tonnage, Gross ***

TONNAGE - The capacity of a ship or vessel.

The act of congress of March 2, 1799, directs that to ascertain the tonnage of any ship or vessel, the surveyor, etc. shall, if the said ship or vessel be double decked, take the length thereof from the forepart of the main stem, to the afterpart of the stern post, above the upper deck, the breadth thereof, at the broadest part above the mainwales, half of which breadth shall be accounted the depth of such vessel, and then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth and the product of the depth, and shall divide this last product by ninety-five, the quotients whereof shall be deemed the true contents or tonnage of such ship or vessel. And if such ship or vessel shall be single decked, the said, surveyor shall take the length and breadth as above directed, in respect to a double deck ship or vessel, and shall deduct from the length three-fifths of the breadth, and taking the depth from the under-side of the deck plank to the ceiling of the hold, shall multiply and divide as aforesaid, and the quotient shall be deemed the tonnage of such ship or vessel.

The duties paid on the tonnage of a ship or vessel are also called tonnage.




These duties are altogether abolished in relation. to American vessels by the act of May 31, 1830,. And by the second section of the same act, all tonnage duties on foreign vessels are abolished, provided the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage. of the United States, have been abolished.

The Constitution of the United States provides, Art. I, that no state shall, without the consent of Congress, lay any duty on tonnage.

TONNAGE, GROSS - Total internal carrying capacity of a vessel expressed in measurement tons (one measurement ton = 100 cu. ft.).

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Back To The Letter * T *

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ASVTS: GMDSS as a Maritime Security Tool: ASVTS Graphics

Introduction
System
Sample
Info and
Sales

GMDSS (Global Marine Distress Signaling System) as a Maritime Security Tool

Published in Pacific Maritime September 2002

Login

ASVTS as
a Maritime
Security
Tool
NMFS
Authorizes
Alternative
Satellite
System
Automated
Secure
Vessel
Tracking
System

Fortunately, there are already easy, low cost and timely options in place that can help provide Maritime Domain Awareness now. Vessels equipped with GMDSS (Global Marine Distress Signaling System) are capable of automatically sending their vessel's position on a regular or modified schedule to a centralized tracking system for dissemination to the Coast Guard and other federal, state and private entities charged with addressing maritime security. The International Maritime Organization (IMO) has prescribed all vessels over 300 gross tons engaged in international trade be equipped with GMDSS to aid notification of maritime emergencies. Polling of vessels' positions can be initiated when a vessel provides its 96 hour Advance Notice of Arrival, which for many vessels is 2,000 miles offshore. The position information on participating vessels can be compared to other data sources, such as satellite imagery, to identify vessels that have no correlating advance notice of arrival or vessel tracking information. These few vessels, the needles in the haystack, become the focus of interest and become subject to additional control measures exercised by the Coast Guard, such as prior boarding, interception at sea, etc. The fastest and least expensive way to bring this Maritime Domain Awareness tool on line is to tap the maritime community who has a "shared commitment" to aid homeland security. The non-profit Maritime Information Service of North America's (MISNA) network of marine exchanges can use available secure chart display software such as Secure Asset Reporting System (SARS) to process and disseminate the GMDSS generated vessel position reports to the Coast Guard and other agencies to aid Maritime Domain Awareness. As the equipment, organizational infrastructure and software are all in place, this vessel tracking system can be in place in a matter of months. The cost to the marine industry would be minimal, averaging less than \$30 per month/ per vessel for the satellite communication fees incurred in sending position reports. MISNA refers to this vessel locating system as the "Automated Secure Vessel Tracking System".



Ed Page is the Executive Director of the Marine Exchange of Alaska, and was previously the Captain of the Port of Los Angeles/Long Beach

When implemented it will complement the existing and developing VTS and AIS systems, providing the long range strategic input needed for Maritime Domain Awareness. Example of ASVTS Tracking.

The satellite component uses the IMO approved Inmarsat worldwide satellite communications network to send and receive messages. Once the owner/operator authorizes access, a vessel tracking entity such as MISNA can remotely, through a satellite transmission, download a program into the transceiver directing it to periodically transmit the vessel's position to a satellite. The information is then relayed from the satellite to a Land User Terminal to the end user, i.e. marine exchange, via e-mail for display on a chart or database and further dissemination to authorized entities. As the proposed legislation also addresses the tracking of domestic vessels, there are a number of other satellite or other communications equipment vessel tracking options available for a reasonable fee.

Reporting Service have been testing this system for the last year on CG vessels, the Alaska Marine Highway System ferries, tug boats, fishing vessels and a cruise ship. It works!

Coast Guard personnel are already fully tapped assigning their limited and stretched work force to operate their vessels and aircraft, conduct security boardings, inspect ships, and patrol our ports. They are not in the position to now stand up a nationwide vessel tracking system. The added information/data management workload can quickly and adequately be done by the Maritime Information Service of North America and member marine exchanges that can serve as the "trusted agents".

As President Bush has stated, we must push our borders further out. Requiring vessels to operate transponders only when operating in U.S. navigable waters, extending 12 miles off our shores is not providing adequate Maritime Domain Awareness. International maritime law and Freedom of Navigation issues may lead the U.S. to hesitate to require the operation of transponders out to our territorial sea limit of 200 miles, or a vessel's position some 2,000 miles offshore when it provides its 96 hour advance notice of arrival. Security processing incentives can lead vessel owners and operators to keep their transponders on at all times, even when they are in foreign ports and waters. A vessel cooperating with the U.S. ASVTS program can receive "express lane" privileges, and receive a lower security threat risk rating. The old adage "Time is Money" applies. A majority of vessels will voluntarily cooperate.

The above provides a straightforward and easy way to implement Maritime Domain Awareness option. While this is not the panacea and many other maritime security issues remain to be addressed, the proposed Maritime Information Service of North America's ASVTS can address one of the more vexing aspects of our homeland defense issues today.



Washington State

RCW 88.16.070**Vessels exempted and included under chapter -- Fee -- Penalty.**

A United States vessel on a voyage in which it is operating exclusively on its coastwise endorsement, its fishery endorsement (including catching and processing its own catch outside United States waters and economic zone for delivery in the United States), and/or its recreational (or pleasure) endorsement, and all United States and Canadian vessels engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter shall apply. However, the board shall, upon the written petition of any interested party, and upon notice and opportunity for hearing, grant an exemption from the provisions of this chapter to any vessel that the board finds is a small passenger vessel or yacht which is not more than five hundred gross tons (international), does not exceed two hundred feet in length, and is operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia. Such an exemption shall not be detrimental to the public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the state of Washington. Such petition shall set out the general description of the vessel, the contemplated use of same, the proposed area of operation, and the name and address of the vessel's owner. The board shall annually, or at any other time when in the public interest, review any exemptions granted to this specified class of small vessels to insure that each exempted vessel remains in compliance with the original exemption. The board shall have the authority to revoke such exemption where there is not continued compliance with the requirements for exemption. The board shall maintain a file which shall include all petitions for exemption, a roster of vessels granted exemption, and the board's written decisions which shall set forth the findings for grants of exemption. Each applicant for exemption or annual renewal shall pay a fee, payable to the pilotage account. Fees for initial applications and for renewals shall be established by rule, and shall not exceed one thousand five hundred dollars. The board shall report annually to the legislature on such exemptions. Every vessel not so exempt, shall while navigating the Puget Sound and Grays Harbor and Willapa Bay pilotage districts, employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter: PROVIDED, That any vessel inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the western district of Canada), and if it is communicating with the vessel traffic system and has appropriate navigational charts, and if said vessel uses only those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary. The board shall correspond with the Pacific pilotage authority from time to time to ensure the provisions of this section are enforced. If any exempted vessel does not comply with these provisions it shall be deemed to be in violation of this section and subject to the penalties provided in RCW 88.16.150 as now or hereafter amended and liable to pilotage fees as determined by the board. The board shall investigate any accident on the waters covered by this chapter involving a Canadian pilot and shall include the results in its annual report.

[1996 c 144 § 1; 1995 c 174 § 1; 1987 c 194 § 2; 1977 ex.s. c 337 § 6; 1971 ex.s. c 297 § 3; 1967 c 15 § 3; 1935 c 18 § 4; RRS § 9871-4.]

NOTES:

Intent – 1987 c 194: "The legislature intends to provide a limited exemption from the provisions of this chapter for a specified class of small vessels registered as passenger vessels or yachts. It is not the intent of the legislature that such an exemption shall be a precedent for future exemptions of vessels from the provisions of this chapter." [1987 c 194 § 1.]

Severability – 1977 ex.s. c 337: See note following RCW 88.16.005.

STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS
2911 2nd Avenue, Suite 100
Seattle, Washington 98121
(206) 515-3904
(206) 515-3969 FAX

PETITION FOR VESSEL EXEMPTION FROM PILOTAGE REQUIREMENTS

_____ (DATE) _____ NEW _____ RENEWAL

1. Applicant:

Name _____

Address _____

Telephone _____

2. Owner of vessel, if different from applicant:

Name _____

Address _____

Telephone _____

3. Name of vessel and country of registry:

4. Type and use of vessel, including length (LOA) and gross tonnage (international):

5. Length of time sought for exemption when vessel will be exclusively in the waters of the Puget Sound Pilotage District and lower British Columbia:

6. Purpose of visit:

7. Names and addresses of captain, crew and passengers: (use additional sheets if necessary)

8. Experience of master and crew in waters of Puget Sound and lower British Columbia: (attach any government licenses)

9. Identities of the captain and/or crew who speak English:

10. Type and quantity of fuel and any other potentially environmentally damaging substances on board:

11. Brief description of navigational aids on board:

12. Brief description of communications equipment: (list accessible VHF channels)

13. List any propulsion, navigation or communication equipment not currently operational:

LEGISLATIVE REFERENCE LIBRARY

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Labor & Commerce Committee :

2/6/03 1:30 p.m.

2/13/03 1:35 p.m.

Audit Report

DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF MARINE PILOTS
SUNSET REVIEW

November 1, 2002



Audit Control Number:

08-20015-02

Division of Legislative Audit
P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from the Senate and two from the House. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$6 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed as mandated by Alaska Statutes or at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in Juneau, Anchorage, or at our web site <http://www.legis.state.ak.us/legaud/web/default.htm>.

BUDGET AND AUDIT COMMITTEE

Senator Gene Therriault, Chair
Senator Dave Donley
Senator Lyman Hoffman
Senator Randy Phillips
Senator Jerry Ward
Senator Gary Wilken (alternate)

Representative Hugh Fate, Vice Chair
Representative John Harris
Representative Reggie Joule
Representative Ken Lancaster
Representative Eldon Mulder
Representative Bill Williams (alternate)
Representative John Davies (alternate)

DIVISION OF LEGISLATIVE AUDIT

Pat Davidson, CPA
Legislative Auditor

P.O. Box 113309
Juneau, AK 99811-3300

(907)465-3830, Juneau
(907)561-1445, Anchorage
(907)465-2347, Juneau Fax
(907)561-1452 Anchorage Fax

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 20
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title An Act extending the termination date of the BRU Occupational Licensing (117)
Board of Marine Pilots; and providing for an effective date. Component Occupational Licensing
 Sponsor Senator Therriault
 Requester Senate Labor and Commerce Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2004 | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 |
|------------------------|--------------|--------------|--------------|--------------|--------------|------------|
| Personal Services | 78.5 | 78.5 | 78.5 | 78.5 | 78.5 | |
| Travel | 15.9 | 15.9 | 15.9 | 15.9 | 15.9 | |
| Contractual | 17.0 | 17.0 | 17.0 | 17.0 | 17.0 | |
| Supplies | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 111.5 | 111.5 | 111.5 | 111.5 | 111.5 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|--|
| CHANGE IN REVENUES (1156) | 111.5 | 111.5 | 111.5 | 111.5 | 111.5 | |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other 1156- Receipt Supported Services | 111.5 | 111.5 | 111.5 | 111.5 | 111.5 | |
| TOTAL | 111.5 | 111.5 | 111.5 | 111.5 | 111.5 | 0.0 |

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|--|--|
| Full-time | 1 | 1 | 1 | 1 | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The bill extends the Board of Marine Pilots to June 30, 2007. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the board to conclude its affairs. The information above identifies direct expenditure and revenue information included in the FY 2004 Operating Budget request. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
 Division: Occupational Licensing Date/Time 2/5/03 4:18 PM
 Approved by: Edgar Blatchford, Commissioner Date 2/5/2003
 Agency: Department of Community & Economic Development

Other Correspondence



January 21, 2003

Senator Gene Therriault
State Capitol
Juneau, AK 99801-1182

RE: Private yachts in Alaska and marine pilot statutes/SB 20

Dear Senator:

I recently began a small business that works with owners of large pleasure yachts who desire to cruise in Alaska, although I've worked in the business for the past 8 years. I book and coordinate trips and service guests and crew while in port. I would like to bring to your attention a situation which I understand may have been caused inadvertently when Alaska's marine pilotage statutes were last revised in 1995. It has, however, the potential to significantly impact the economy of several communities in Alaska.

At that time, language was included in the Alaska Marine Pilotage Act (in SB 130), which mandated employment of state licensed marine pilots on all foreign flagged pleasure craft larger than 300 gross tons. At the same time, all American flagged pleasure craft of every size were exempted from pilotage laws. (Washington state currently may exempt yachts under 500 gross tons and 200' after a review process, and Canada allows applications for waivers on an individual basis.) In 1995, visits to Alaskan ports by large yachts were not a common occurrence, and no one could have foreseen the rapid expansion in this lucrative segment of the boating community.

After conversations with a variety of people involved with the legislation in 1995, it has become clear that the level of the 300 gross tonnage exemption was arbitrarily selected. Eight years later, this tonnage level has become even less workable considering the present trend in pleasure craft. There are 507 yachts of over 80' currently under construction worldwide, with an average length of 120'. Although a significant portion of these vessels are being constructed in US shipyards, owners may prefer to flag (register) these pleasure craft in other countries for any number of reasons. In addition, tonnage measurements are inconsistent internationally. What is measured at 300 gross tons in the US is weighed differently in other regions of the world.

The economic impact of this state mandate to the port communities in Alaska is substantial. Because of the current law, a number of yacht owners and brokers are choosing other areas of the Pacific Northwest for cruising opportunities. Although Alaska is the premier destination, many in the yachting community choose not to pay the cost of hiring a marine pilot (\$1400.00-\$2200.00 per day out of Ketchikan) and paying for the inconvenience of including an extra, unfamiliar, crewperson aboard for an extended cruise of many weeks. It is estimated that these yachts, which may charter for ten of thousands of dollars per week, spend an additional 30% to pay for food, beverages, dockage, and fuel in ports during their cruise. This does not include personal shopping, restaurants, or local tours.

Alaska Yacht Services And Provisioning

P.O. Box 32320, Juneau, AK 99803 tel: 907.789.2491 cel: 954-683-0983 fax: 907.789.2492 email: aysap1@aol.com

January 21, 2003

Page 2

Alaska's small coastal communities, many who are struggling from the loss of timber jobs and the decline in commercial fishing, are missing out on the possibility of millions of dollars of economic opportunity. From florists to liquor stores, from hair salons to car rentals- literally dozens of small business in these ports can participate in the economic benefits brought by these yachts.

Although it has not yet been defined in regulation, a statute is in place that allows these yachts to travel in Alaska without a pilot if one is not available. This is commonly the case, as a shortage of pilots may exist in Southeast during the summer when large cruiseship traffic in Alaska is at its peak. Others may cruise illegally, as enforcement of the current law is impossible and non-existent.

I am proposing a change be made to the Marine Pilotage Act to either grant waivers to these foreign flagged yachts or amend the statute to exempt vessels of less than 200'. The recent legislative audit (#08-20015-02 November 1, 2002) from the Legislative Budget and Audit Committee states, under Recommendation No. 4, "The Board of Marine Pilots should seek statutory authority to allow the board the discretion to grant waivers of pilotage requirements to large pleasure crafts." In their response, the representative of the Commissioner of the Department of Community and Economic Development, a board member of 8 years, agreed.

As a small business person raised in Alaska, I also want to guarantee that the vessels are safely navigated, ensuring the protection of life, property and the marine environment. Owners of multi-million dollar vessels do not entrust them to captains or masters without the proper knowledge, education and experience to competently operate them. The state could put criteria in regulation regarding experience, licensing, insurance or oil spill contingency plans to help ensure that incidents do not occur, and fees could be charged to apply for this exemption or waiver (Washington charges up to \$1,500.00 per application).

I hope to be working with you as the sponsor of SB 20, and with port communities and marine pilots to draft an amendment to end the inequity of this law. I thank you for your consideration on this issue, and please feel free to contact me if you need any further information.

Sincerely,



Amy Wachmann

Alaska Yacht Services & Provisioning



February 3, 2003

Senator Con Bunde
State Capitol
Juneau, AK 99801-1182

RE: Private yachts in Alaska and marine pilot statutes/SB 20

Dear Senator:

I recently began a small business that works with owners of large pleasure yachts who desire to cruise in Alaska, although I've worked in the yacht industry for the past 8 years. I book and coordinate trips and service guests and crew while in port. I would like to bring to your attention a situation which I understand may have been caused inadvertently when Alaska's marine pilotage statutes were last revised in 1995. It has, however, the potential to significantly impact the economy of several communities in Alaska.

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After conversations with a variety of people involved with the legislation, it has become clear that the level of the 300 gross tonnage exemption was somewhat arbitrarily selected. Eight years later, this tonnage level has become even less workable considering the present trend in pleasure craft. There are 507 yachts of over 80' currently under construction worldwide, with an average length of 120'. Although a significant number of these vessels are being constructed in US shipyards, owners may prefer to flag (register) these pleasure craft in other countries for any number of reasons. In addition, tonnage measurements are inconsistent internationally. What is measured at 300 gross tons in the US is weighed differently in other regions of the world.

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February 3, 2003
Page 2

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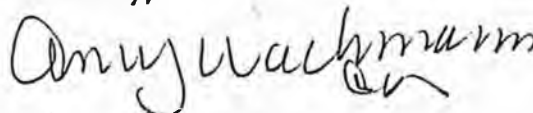
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With an application process in place, the State of Alaska would have information, which is currently not available in any form, regarding what yachts are cruising in Alaska waters. During these times of heightened security, information regarding visitors to our state might be important.

We will be working with the sponsors of SB 20, which extends the Board of Marine Pilots, with yacht owners, marine pilots and port communities to draft an amendment to end the inequity of this law. Thank you for your consideration of this issue, and please feel free to contact me, or Kate Tesar at 463-5657, if you need any further information.

Sincerely,



Amy Wachmann, Owner
Alaska Yacht Services & Provisioning



DAVID L. SOKOL
CHAIRMAN AND
CHIEF EXECUTIVE OFFICER

January 28, 2003

Senator Gene Therriault
State President
State Capitol
Juneau, AK 99801-1182

Re: SB20 – Board of Marine Pilots

Dear Senator Therriault:

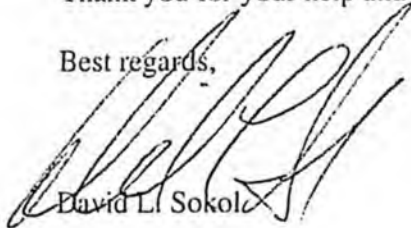
The purpose of this letter is to offer my strong support in regard to an amendment to SB20 – Board of Marine Pilots that would provide an exemption for pleasure craft of foreign registry of less than 200 feet in length.

I, and several other boat owners who used to cruise the Southeastern Alaskan waters, have been unable to do so in recent years due to an inadvertent change in the statute in 1995.

We are hopeful to enjoy your beautiful state this summer if such an amendment could be approved. I have attached some prior correspondence that may be of use to your staff as they consider this request.

Thank you for your help and consideration.

Best regards,



David L. Sokol

Encl.

:bt

MIDAMERICAN ENERGY HOLDINGS COMPANY

302 SOUTH 36TH STREET • SUITE 400 • OMAHA, NEBRASKA 68131-3845 • 402-341-4500 • FAX: 402-231-1403

DAVID L. SOKOL
302 SOUTH 36TH STREET
SUITE 400
OMAHA, NEBRASKA 68131

June 14, 2002

The Honorable Tony Knowles
State Capitol
P. O. Box 110001
Juneau, AK 99811-0001

Dear Governor Knowles:

I would like to bring to your attention a situation which I believe may have been caused inadvertently; however, it has the potential to significantly impact the economy of several southeastern communities in Alaska.

Several years ago I had the privilege of being a guest on a private motor yacht that cruised the waterways of southeastern Alaska, primarily in the areas between Ketchikan, Sitka and Juneau. I, and the other seven guests, had a wonderful time shopping in Sitka and Juneau, fishing and sightseeing in some of America's most beautiful waterways. Following on this experience, two years ago I had the opportunity to purchase my own boat and it was our intention to spend this summer in southeastern Alaska. Unfortunately, when my captain was preparing the cruise this spring he came across *Alaska Statute 08.62.180* which deals with marine pilotage requirements in Alaska. While we are familiar with typical pilotage requirements in other states and countries, this law is unique, in our understanding, in that it essentially requires full time pilotage not just in and out of harbors, but also throughout the waterways. Further, there are no qualification exemptions for demonstrated captain proficiency.

As such, pursuant to this statute we must essentially hire a pilot from one of the two companies providing this service for the entirety of our cruise. I contacted both of these firms in Ketchikan and was informed that the cost would be \$1,400.00 to \$2,200.00 per day depending on our schedule. This would equate to approximately \$72,000.00 for our summer cruise. Because of this requirement we have altered our plans and we are going to spend the summer in British Columbia. This is obviously a severe disappointment given that I am an American citizen.

I do fully understand the need for appropriate pilotage requirements under certain circumstances; however I believe that this statute's lack of flexibility is unreasonable. By way of example, our boat is approximately 135 feet in length and we have three licensed captains as part of our seven-person crew. Our captain is fully licensed to 1600 gross

Page Two
Governor Tony Knowles
June 14, 2002

tons and is intimately familiar with the Alaskan waterways. Under *AK 08.62.180* those qualifications are irrelevant; however, in British Columbia we received a pilotage exemption in less than two weeks.

We would recommend to you a change in *AK 08.62.180* to either allow an exemption process for qualified captains or to place a reasonable length limitation (possibly 200 feet or less) exemption for pleasure craft with properly licensed captains. While the statute currently has gross tonnage limitations, I believe you will find such measurements inconsistent and difficult to administer due to the many tonnage conventions utilized in the United States and Internationally.

The real damage caused by making these pilotage requirements unreasonable is to the small towns of southeast Alaska. I have become aware of eleven vessels that have chosen to not cruise in Alaskan waters this summer. I am certain there are others as well. In our own case we would have had 48 guests (6 cruises with 8 guests) over the summer, seven crew living with the boat all summer, fuel, food, fishing licenses, tackle, airline traffic, souvenir shopping, restaurants, cabs, etc. Just our boat alone would have generated over \$250,000 in economic activity in Ketchikan, Sitka and Juneau. If we assume 20 boats avoid Alaska because of unnecessary pilotage requirements, \$5,000,000 of economic activity will be lost.

Please understand, we are fully in favor of proper safety and environmental standards, and we wish for Alaskan waterways to be kept clean and safe for all future generations. Providing reasonable exemptions, as is done throughout the rest of the United States and around the world, will not require these standards to be lessened.

I recognize that since this will require a legislative solution, you cannot resolve this situation for this summer. I hope that something can be done before next spring. Please call me if I can provide additional information, or if I can help you in dealing with this situation.

Sincerely,



David L. Sokol

CC: Peter Christensen, Pilot Coordinator
Board of Marine Pilots
P. O. Box 110806
Juneau, AK 99811-0806

This same letter was also sent to:

The Honorable Rick Halford
President of the Senate
State Capitol
Juneau, AK 99801-1182

The Honorable Brian S. Porter
Speaker of the House of Representatives
State Capitol
Juneau, AK 99801-1182

The Honorable Frank H. Murkowski
United States Senate
322 Hart Senate Office Building
Washington, DC 20510



ALASKA STATE LEGISLATURE

SPEAKER OF THE HOUSE BRIAN PORTER

OCT 21 2002

October 16, 2002

Mr. David Sokol
302 S 36th St Ste 400
Omaha, NE 68131-3845

Dear Mr. Sokol,

Thank you for your letter regarding marine pilotage and suggested changes. It is rare that I receive letters containing such detail and insight, and I genuinely appreciate your input.

For your review, I have enclosed a response to your suggestions from our legislative legal office. As you will note, the changes you suggest could create some significant new issues and would signal a substantial deviation from our current approach to vessel pilotage. I am sure you are aware of how sensitive this topic is, given the grandeur of Alaska's waterways and considering the terrible results that may ensue when marine vessels encounter trouble. At the same time, it is of course important to continue to encourage positive economic development for Alaska.

Therefore, I will provide copies of your letter to key legislators who may wish to consider spearheading an effort toward some of your suggestions. You may not be aware, but I will not be returning to public office after the first of the year, and will therefore not be present during the next legislative session. Again, thank you for your comments and I wish you good luck and safe travels.

Sincerely,

A handwritten signature in cursive script that reads "Brian S. Porter".

Brian S. Porter
Speaker of the House

Enclosure

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 8th St., Rm. 329

MEMORANDUM

July 10, 2002

SUBJECT: Marine Pilotage Requirements (Work Order No. 23-LS0015)

TO: Representative Brian Porter
Attn: Jennifer Strickland

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum is in response to your request for comments on a proposal to amend the requirement that certain vessels employ marine pilots when present in certain waters of Alaska.

The State of Alaska has adopted the policy to "prevent the loss of lives and property, and to protect the marine environment of the state by requiring compulsory pilotage on the inland and coastal water of and adjacent to the state." Section 1(a), ch. 89, SLA 1991.

All vessels navigating certain waters of Alaska are required to employ a state licensed marine pilot.¹ The Board of Marine Pilots has defined the mandatory pilotage waters of the state (waters where a vessel is required to employ a marine pilot) in regulations set out under 12 AAC 56.090 - .100. The inland and near shore waters of Southeast Alaska are mandatory pilotage waters. 12 AAC 56.100(1).

Under AS 08.62.180, several classes of vessels are exempt from the marine pilot requirement. The following vessels are not required to employ a state licensed marine pilot:

- (1) vessels subject to federal pilot requirements under 46 U.S.C. 8502 except as provided in AS 08.62.185;
- (2) fishing vessels, including fish processing and fish tender vessels, registered in the United States or in British Columbia, Canada;
- (3) vessels propelled by machinery and not more than 65 feet in length over deck, except tugboats and towboats propelled by steam;

¹ AS 08.62.160 states:

Mandatory employment of licensed pilots. A vessel subject to this chapter navigating the inland or coastal water of or adjacent to the state as determined by the board in regulation shall employ a pilot holding a valid license under this chapter. The board shall define the mandatory pilotage water of the state.

Representative Brian Porter
July 10, 2002
Page 2

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

(A) on the rivers of Alaska; or

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

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

(A) British Columbia and Southeastern Alaska south of 58 degrees, 10 minutes North latitude, if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; or

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

(6) pleasure craft of United States registry; and

(7) pleasure craft of foreign registry of less than 300 gross tons as measured under 46 C.F.R. 69.51 - 69.75.

AS 08.62.180.

In his letter to you, Mr. David L. Sokol has stated that the marine pilotage requirements place a substantial economic burden on a vessel that he owns and would like to operate in Southeast Alaska. Mr. Sokol would like to use his vessel to make six cruises to Alaska annually with a total of 48 guests on those cruises. The vessel is approximately 135 feet in length and has a crew of seven. The cost of employing a marine pilot is estimated to be about \$72,000 for the six cruises. In order to exempt his vessel and other similarly situated vessels from the marine pilot requirement, Mr. Sokol proposes that AS 08.62.180 be amended to "either allow an exemption process for qualified captains or to place a reasonable length limitation (possibly 200 feet or less) exemption for pleasure craft with properly licensed captains."

Either approach proposed by Mr. Sokol could be made to work so that his vessel would be exempt from the marine pilot requirement. An exemption based solely on the qualifications of the vessel's captain would be a significant departure from the current policy of exempting classes of vessels based on vessel characteristics. Also, it may be difficult to establish workable criteria that could be used to exempt vessels from the pilotage requirement based on the qualifications of the vessel's captain. All of the vessels subject to the marine pilotage requirement are required to have qualified officers on board the vessel. If a qualified officer was all that is necessary to exempt a vessel from the pilotage requirement then how would that exemption not be applicable to small pleasure vessels such as Mr. Sokol's as well as to large cruise ships, merchant ships, and tankers.

Any exemption from the mandatory pilotage requirement would best be tied to the characteristics of the vessel. Exemptions based on the use of the vessel and the length or

Representative Brian Porter
July 10, 2002
Page 3

tonnage of the vessel would seem to be most appropriate. Additional requirements as to the licensure, training, experience, or skills of the captain of the vessel may also be appropriate.

Additional information would be required before language could be drafted to exempt Mr. Sokol's vessel from the marine pilotage requirement. State law already wholly exempts pleasure craft of United States registry from the pilotage requirement. See AS 08.62.180(6). If the vessel in question does not qualify for this exemption, then it is either not a pleasure craft or it is not a United States registered vessel. State law also exempts a foreign registered vessel from the pilotage requirement if it is a pleasure craft of less than 300 gross tons. See AS 08.62.180(7). If the vessel does not qualify for this exemption for foreign registered pleasure craft then it either is not a pleasure craft or is larger than 300 gross tons.

Though there is nothing mentioned in Mr. Sokol's letter about the status of the guests on his vessel, there is a possibility that they may be paying guests. If they are indeed paying guests then the vessel may not qualify as a pleasure craft. Under federal vessel documentation requirements, a vessel that is operating under a recreational endorsement (formerly referred to as a pleasure vessel license) may be operated only for pleasure. 46 U.S.C. 12109(c) and 46 U.S.C. 12110(c). A vessel carrying passengers for hire is not a pleasure vessel. If the vessel at issue here is not a pleasure craft (but is instead a very small cruise ship) then the exemptions for pleasure craft under AS 08.62.180(6) and (7) will not provide a useful starting point and an exemption for the vessel must be created by amending another existing provision of AS 08.62.180 or by creating an entirely new exemption.

If you wish to proceed with developing an exemption to cover vessels such as that owned by Mr. Sokol, it will be necessary to obtain additional specific information regarding the purpose for which the vessel is used, the size of the vessel in length and/or tonnage, the country in which masters of the vessel are licensed, and nation of registry. It would also be useful to involve the marine pilot coordinator in the Department of Community and Economic Development in the development of any exemption from the mandatory pilotage requirement because of the possibility for inadvertent adverse consequences to the pilotage system in the state if the exception is not precisely drafted. The marine pilot coordinator would also be able to provide invaluable expertise and assistance on complicated and arcane federal requirements regarding vessel documentation, master and crew licensing, and vessel measurement conventions and on the degree of skill and knowledge necessary to safely navigate Southeast Alaska.

If I may be of further assistance, please advise.

GU:pjc
02-112.pjc



DAVID L. SOKOL
CHAIRMAN AND
CHIEF EXECUTIVE OFFICER

October 25, 2002

Mr. Brian S. Porter
Alaska State Legislature
Speaker of the House
State Capitol
Juneau, AK 99801-1182

RE: Marine Pilotage Requirements

Dear Speaker Porter:

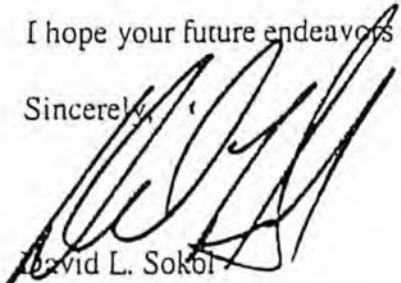
Thank you very much for your letter of October 16, 2002 and the attached memorandum from George Utermohle. I appreciate your attention to the matter and I wanted to answer a few questions raised in Mr. Utermohle's memo.

Our vessel is 354 gross tons and is utilized exclusively as a pleasure vessel. All of our guests are friends and no fee of any kind is charged to them. Our vessel is registered in the Cayman Islands.

We are hopeful that an accommodation can be found by the legislature so that we could cruise the beautiful waters of Alaska once again as we have in the past.

I hope your future endeavors are successful and enjoyable.

Sincerely,



David L. Sokol

CC: George Utermohle
Peter Christensen
Honorable Rick Halford
Honorable Frank Murkowski
Honorable Tony Knowles

MIDAMERICAN ENERGY HOLDINGS COMPANY

302 SOUTH 36TH STREET • SUITE 400 • OMAHA, NEBRASKA 68131-3845 • 402-341-4500 • FAX: 402-231-1403

BILL BACKUP

November 9, 2002

**Members of the Legislative Budget
and Audit Committee:**

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF MARINE PILOTS
SUNSET REVIEW**

November 1, 2002

Audit Control Number

08-20015-02

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(a) lists criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Currently, AS 08.03.010 (c)(10) states that the board will terminate on June 30, 2003, and will have one year from that date to conclude its administrative operations. .

In our opinion, the termination date for the Board of Marine Pilots should be extended. The regulation and licensing of qualified marine pilots benefits the public's safety and welfare. We recommend the legislature extend the termination date of the Board of Marine Pilots to June 30, 2007.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section of this report.

Pat Davidson, CPA
Legislative Auditor

Recommendation No. 3

The legislature should consider amending current statutes in order to extend mandatory drug and alcohol testing to pilot organization trainees and apprentices.

Currently, trainees and apprentices do not participate in the random drug testing programs. This can be attributed to the language of the statute related to alcohol and drug testing programs administered by the Board of Marine Pilots. Alaska Statute 08.62.040(b)(2) states:

The board, may, by regulation make any other provision for proper and safe pilotage upon the inland and coastal water of and adjacent to the state and for the efficient administration of this chapter, including establishing a mandatory drug and alcohol testing program, including random tests, post-incident tests, and tests based upon reasonable cause, for pilots licensed [by the Board of Marine Pilots]. [Emphasis added]

Since the statute relates only to licensed pilots, individuals who are involved with associations as either trainees or apprentices are not subject random testing. Pilot associations report that most trainees and apprentices work for other employers involved in maritime activities. As such, they are likely to be subject to employer testing under federal regulations.

In our view, it would be better for apprentices and trainees to participate in random testing in conjunction with their training with the local association. This would ensure that all individuals who board and train on vessels in conjunction with the State's marine pilotage requirements are subject to random testing. It would also ensure that test results have been appropriately filed and reported. Accordingly, we recommend the legislature consider amending the current statute to extend the board's authority for alcohol and drug testing to include individuals who are in the process of becoming licensed pilots under the supervision of the local association.

Recommendation No. 4

The Board of Marine Pilots should seek statutory authority to allow the board the discretion to grant waivers of pilotage requirements to large pleasure crafts.

Under AS 08.62.180(7), foreign-registered pleasure craft of "less than 300 gross tons as measured [as specified in federal regulations]" are exempted from obtaining a licensed marine pilot. Therefore, pleasure crafts of 300 gross tons do require a marine pilot. As we have discussed in prior BMP sunset audits, effective enforcement of this particular statutory provision has historically been inconsistent, if not impossible. Reportedly, the number of private foreign-registered yachts that exceed the 300 gross ton limit is steadily increasing. Currently, these large vessels are generally either plying Alaska waters without the required pilot on board, or are being discouraged from coming to the state altogether because of the

prohibitive pilotage costs,⁴ and the impracticality of maintaining a pilot on board over an extended period of time.

A Juneau contractor who specializes in provisioning pleasure yachts, has contacted the MPC and BMP chair to suggest the board consider granting waivers on a case-by-case basis. The contractor cites Washington state law that permits the State's pilotage board to grant exemptions to yachts that do not exceed 500 gross tons and 200 feet in length. The waiver statute applies only to waters of the Puget Sound pilotage district, which suggests that BMP or the legislature could limit waivers to specified waterways.

It appears most pilots want the statute better enforced. As discussed in the survey results section of this report, over two-thirds of the pilots responding to our survey opposed exempting foreign-registered yachts from pilotage requirements.

With enforcement problematic, discretionary waivers provide a way to track impact

In practice, the statute is difficult to enforce. Scofflaws face little risk of sanction, while conscientious cruisers may be discouraged from traveling through state waters by the cost of compliance. If enforcement of the statute is unrealistic or given a low priority, the law should be modified to be more workable.

If the board was granted more discretion in statute to provide waivers to large yachts (similar to the situation involving vessels in Puget Sound), there would be documented evidence of the nature and extent of the potential impact.

By being able to consider and issue waivers on a case-by-case basis, the board could develop a sense of the impact of high-end pleasure cruising in the state. BMP could tabulate the average size involved with these larger yachts, and if there were perceived abuses, could begin limiting or eliminating waivers altogether on a discretionary basis. Such action would seem to be preferable to current situation whereby the individuals involved are either flaunting the statute with no effective consequence, or are avoiding Alaska waters due to the cost prohibitive nature of the fees involved.

Accordingly, we suggest the BMP seek authority from the legislature to amend this section of the pilotage statutes to allow it the discretion to grant waivers for foreign-registered pleasure craft that exceed an established size.

⁴ An individual who had been dissuaded from cruising through the waterways of Southeast Alaska stated in a June 14, 2002, letter to Governor Knowles, that he had been quoted a cost of "\$1,400 to \$2,200 per day depending on [the yacht's schedule]." The letter went on to estimate that this rate would result in a total cost of "approximately \$72,000 for [the] summer cruise."



Alaska Division of Legislative Audit Audit Digest #08-20015-02

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SUMMARY OF: A Special Report on the Department of Community and Economic Development, Board of Marine Pilots, Sunset Review, November 1, 2002.

PURPOSE OF THE REPORT

In accordance with the intent of Title 24 and 44 of the Alaska Statutes, we have reviewed the activities of the Board of Marine Pilots (BMP). Under AS 44.66.050(a), the legislative committee of reference is to consider this report during the oversight process to determine whether the termination date of the board should be extended. Currently, AS 08.03.010 (c)(10) states that the board will terminate on June 30, 2003, and will have one year from that date to conclude its administrative operations.

REPORT CONCLUSIONS

The regulation and licensing of qualified marine pilots benefits the public's safety and welfare. The board provides reasonable assurance that the individuals licensed to pilot passenger and cargo ships in Alaska waters are qualified to do so. BMP has continued to put in place requirements that pilots demonstrate continuing professional proficiency. The board has successfully worked with the pilot associations in resolving many of the problems identified in prior sunset audits, and has contributed to improving marine safety in Alaska waters.

The board's administration of the mandatory random drug testing program is not consistent with established regulatory standards, and needs to be improved. Additionally, we suggest the board address issues raised by requiring large, privately-owned pleasure craft have pilots on board.

In our opinion, the Board of Marine Pilots serves a valid public purpose. The termination date for the board should be extended until June 30, 2007.

FINDINGS AND RECOMMENDATIONS

1. The Board of Marine Pilots (BMP) should take action to ensure regional pilot associations administer mandatory random drug testing programs in a manner consistent with established regulatory standards.

Under AS 08.62.040(b)(2), the board is authorized to develop a mandatory drug and alcohol testing program for licensed pilots. The board adopted regulations that delegated the responsibility for administering a mandatory random drug testing program to the local pilot associations. Further, BMP regulations required that local associations administer their programs in accordance with requirements set out in Titles 46 and 49 of the Code of Federal Regulations.

We reviewed the relevant detailed records related to the mandatory random drug testing programs maintained by the local piloting associations. From our review we determined that some of the testing was incomplete, and inconsistent with federal regulatory requirements.

2. The BMP should establish more informative and comprehensive reporting requirements so the Marine Pilot Coordinator (MPC) can confirm that an appropriate number of licensed pilots are consistently being subjected to random testing.

BMP should develop or amend regulations to provide for more specificity regarding what constitutes "participation" in a drug testing program, and that provisions be made for associations to report the pilots selected for testing, the pilots who have completed testing, and the results of all completed tests.

3. The legislature should consider amending current statutes in order to extend mandatory drug and alcohol testing to pilot organization trainees and apprentices.
4. The Board of Marine Pilots should seek statutory authority to allow the board the discretion to grant waivers of pilotage requirements to large pleasure crafts.

Under AS 08.62.180(7), foreign-registered pleasure craft of "*less than 300 gross tons as measured [as specified in federal regulations]*" are exempted from obtaining a licensed marine pilot. Therefore, privately-owned yachts in excess of 300 gross tons require a marine pilot to navigate specified waters within the State. Effective enforcement of this particular statutory provision has historically been inconsistent, if not impossible.

Reportedly, the number of private foreign-registered yachts that exceed the 300 gross ton limit is steadily increasing. Currently, these large vessels are generally either plying Alaska waters without the required pilot on board, or are being discouraged from coming to the state altogether because of the prohibitive pilotage costs, and the impracticality of maintaining a pilot on board over an extended period of time.

If the board had authority to consider and issue waivers on a case-by-case basis, the board could develop a sense of the demand for high-end pleasure cruising in the state. BMP could tabulate the average size involved with these larger yachts, and if there were perceived abuses, could begin limiting or eliminating waivers altogether on a discretionary basis.

Such action would seem to be preferable to current situation whereby the individuals involved are either flaunting the statute with no effective consequence, or are avoiding Alaska waters due to cost prohibitive pilotage nature of the fees involved.



* Requires Acrobat Reader 

(3) by the monitor observing the pilot's performance and documenting the performance for each item on the monitoring form; the monitoring form shall be approved by the board and shall reflect that the performance monitoring included the following criteria:

(A) a pre-planning conference during which route planning, deviation from planned route, docking and undocking maneuvers, tides, currents, and weather are discussed;

(B) ship handling skills;

(C) local knowledge;

(D) bridge resource management (BRM) skills; and

(E) decision making;

(4) by the monitor holding a debriefing conference with the pilot that includes a discussion of the pilot's observed performance.

(d) A marine pilot or deputy marine pilot attending a board approved simulator based pilot performance evaluation shall deliver to the facility's person in charge of training, copies of all pilot performance monitorings received in the last four years.

(e) A marine pilot or deputy marine pilot applying for license renewal for a license period that begins on or after January 1, 2003, shall document that the pilot has satisfactorily completed a board approved simulator based training and pilot performance evaluation within one of the three biennial license periods immediately preceding the license period for which renewal is sought.

12 AAC 56.085. LAPSED LICENSES. (a) To reinstate a deputy marine pilot or marine pilot license that has been lapsed for more than 60 days but less than one year, an applicant shall meet the requirements of 12 AAC 56.080 and pay the fees required in 12 AAC 02.105 and 12 AAC 02.240.

(b) Except as provided in (c) of this section, to reinstate a deputy marine pilot or marine pilot license that has been lapsed for one year or more, an applicant shall

(1) meet the requirements of 12 AAC 56.080;

(2) pay the fees required in 12 AAC 02.105 and 12 AAC 02.240; and

(3) take and pass the written and oral examinations required in 12 AAC 56.070 for the region where the applicant previously held a license.

(c) In accordance with AS 08.01.100(d), a deputy marine pilot license that has been lapsed for five years or more may not be reinstated. A person whose deputy marine pilot license has been lapsed for five years or more may reapply for a new deputy marine pilot license and shall meet the requirements of a new applicant.

Article 2. Compulsory Pilotage Waters

Section

090. General rule for determining boundaries of the compulsory pilotage waters of Alaska

100. Established boundaries of compulsory pilotage waters of Alaska

110. Exclusions for entering compulsory pilotage waters of Alaska

120. Pilot stations or pickup points

12 AAC 56.090. GENERAL RULE FOR DETERMINING BOUNDARIES OF THE COMPULSORY PILOTAGE WATERS OF ALASKA. Pilotage is compulsory at all entrances from seaward to Alaska bays, sounds, rivers, straits where the passage is within three nautical miles of this state, or other estuaries for which specific boundaries are not otherwise described in this chapter. The extent of waters subject to compulsory pilotage in such Alaska bays, sounds, rivers, straits within three nautical miles of this state, and other estuaries are those waters in-shore of a line drawn approximately parallel with the general trend of the shore through the outermost aid to navigation, or if no aid to navigation exists, then a line drawn from headland to headland across the mouth of the entrance.

12 AAC 56.100. ESTABLISHED BOUNDARIES OF COMPULSORY PILOTAGE WATERS OF ALASKA. Specific boundaries of the compulsory pilotage waters of Alaska are as follows:

(1) all waters inside a line drawn from Cape Spencer Light due south to a point of intersection which is due west of the southern extremity of Cape Cross; then to Cape Edgecumbe Light; then through Cape Bartolome Light and extended to a point of intersection which is due west of Cape Muzon Light; then due east to Cape Muzon Light; then to a point which is one mile, 180° true, from Cape Chacon Light; then to Barren Island Light; then to Lord Rock Light; then to the southern extremity of Garnet Point, Kanagunut Island; then to the southeastern extremity of Island Point, Sitklan Island; then from the northeastern extremity of Point Mansfield, Sitklan Island, 40° true, to the mainland;

(2) all waters of Prince William Sound and environs inside a line drawn from Cape Puget to Point Elrington; then to Cape Cleare; then Zaikof Point to Cape Hinchinbrook Light; then Point Bentinck to Okalee Spit;

- (3) all waters of Resurrection Bay inside a line extending from the southern tip of Aialik Cape to the southern tip of Cape Resurrection;
- (4) all waters of Cook Inlet inside a line extending from Cape Douglas to the western tip of Perl Island then northward to the shoreline of the Kenai Peninsula;
- (5) all waters of Chiniak Bay inside a line extending from Cape Chiniak to the eastern tip of Long Island then to Spruce Cape;
- (6) all waters of Marmot Bay and environs including eastern approaches, inside a line extending from Spruce Cape to the southern tip of Pillar Cape and western approaches, inside a line extending from Cape Nuniliak to the northern tip of Raspberry Island and also inside a line extending from Raspberry Cape to Miners Point;
- (7) all waters of Chignik Bay inside a line extending from the eastern tip of Castle Cape to the western tip of Nakchamik Island then to the eastern tip of Cape Kumhun;
- (8) all waters of Unalaska Bay inside a line extending from the tip of the west headland of Constantine Bay to Eider Point;
- (9) all waters of Port Moller and Herendeen Bay inside a line extending from Lagoon Point to Cape Kutuzof;
- (10) all waters of Bristol Bay inside a line extending from Cape Newenham to Cape Pierce, then to Cape Constantine, then to the southern extremity of Egegik Bay;
- (11) all waters of Kuskokwim Bay inside a line extending from Cape Newenham to Cape Avinof;
- (12) all waters of Norton Sound inside a line extending from the western tip of Stuart Island to Cape Darby, then to Cape Nome;
- (13) all waters of Port Clarence inside a line extending from Pt. Spencer Lt. North to the Seward Peninsula shore;
- (14) all waters of the Chukchi Sea and Kotzebue Sound inside a line extending from Cape Prince of Wales three miles due west (270° true) to a point approximately 65° 38' north latitude, 168° 15' west longitude; then due north (0° true) to a point approximately 66° 27' north latitude, 168° 15' west longitude; then 59° true to a point approximately 66° 45' north latitude, 167° 02' west longitude; then due east (90° true) to a point approximately 12 miles off the coast of Cape Espenberg at the intersection with a line drawn from Cape Espenberg to Cape Krusenstern, approximate position 66° 45' north latitude, 163° 40' west longitude; then to Cape Krusenstern; then to Point Hope;
- (15) all waters surrounding the Pribilof Islands of St. Paul and St. George from the shoreline seaward to the outer limit of the three-mile territorial seas;
- (16) all waters surrounding the Bering Sea Islands from shoreward to the outer limit of the three-mile territorial seas, including St. Lawrence Island, Nunivak Island, St. Matthew Island, and Little Diomed Island;
- (17) all waters encompassing the Aleutian Islands from the shoreline to the outer limit of the three-mile territorial seas, including any and all islands around the Fox Islands, Rat Islands, Near Islands, Andreanof Islands, and the Islands of Four Mountains;
- (18) all waters encompassing the south coast of the Alaska Peninsula from Cape Kanatak (Portage Bay) to Cape Pankof to the outer limit of the three-mile territorial seas, including any and all islands around the Shumagin Islands, Semedi Islands, Pavlof Islands, Sutwik Island, Sanak Island, and the Sandman Reefs;
- (19) all waters of the north coast of the Alaska Peninsula from Cape Krenzin to the southern extremity of Egegik Bay to the outer limit of the three-mile territorial seas, including Amak Island and Sea Lion Rocks.

12 AAC 56.110. EXCLUSIONS FOR ENTERING COMPULSORY PILOTAGE WATERS OF ALASKA. Vessels are excluded from the use of a state licensed marine pilot in compulsory pilotage waters when proceeding directly between points outside Alaska and an established pilot station for the express purpose of embarking or disembarking; a pilot in the following situations:

- (1) travel via Revillagigedo Channel to Twin Islands Pilot Station; in transiting Revillagigedo Channel, ships must stay west of longitude 131°05';
- (2) travel via Clarence Strait to the following:
 - (A) Guard Island Pilot Station;
 - (B) Point McCartney Pilot Station;
 - (C) Chasina Point Pilot Station;
- (3) *repealed 10/18/2001;*
- (4) travel via Cape Muzon in Cordova Bay;
 - (A) to Shoe Island Pilot Station for vessels proceeding to Long Island;
 - (B) to Mellen Rock Pilot Station for vessels proceeding to Hydaburg;
- (5) travel via Cape Bartolome in Bucareli Bay to Cabras Island Pilot Station;
- (6) travel via Cape Ommaney in Chatham Strait to Frederick Sound Pilot Station;
- (7) travel via Sitka Sound to Sitka Sound Pilot Station;
- (8) travel via Prince William Sound to the Cordova Pilot Station;
- (9) travel via Prince William Sound to the Valdez Pilot Station;
- (10) travel via Prince William Sound to the Whittier Pilot Station;
- (11) travel via Resurrection Bay to Seward Pilot Station;
- (12) travel via Cook Inlet to the Homer Pilot Station;
- (13) travel to Kodiak City or Womens Bay Pilot Station without transiting Whale Passage;

- (14) travel by the most direct safe route to a pilot station or pickup point arranged under 12 AAC 56.120(b);
- (15) travel via Yakutat Bay to Yakutat Pilot Station.

12 AAC 56.120. PILOT STATIONS OR PICKUP POINTS. (a) The established pilot stations for Alaska are as follows:

- (1) Guard Island — 1.0 miles 315° true from Guard Island Light; approximate position 55° 27.5' north latitude, 131° 53.9' west longitude;
- (2) Point McCartney — 1.0 miles 090° true from Point McCartney Light; approximate position 55° 06.8' north latitude, 131° 40.5' west longitude;
- (3) Cabras Island — 1.0 miles 315° true from Cabras Island; approximate position 55° 22.0' north latitude, 133° 24.8' west longitude;
- (4) Sitka Sound — 0.25 miles 000° true from the Eckholms Light; approximate position 57° 00.9' north latitude, 135° 21.4' west longitude;
- (5) *repealed 5/31/2000*;
- (6) Twin Island — 2.0 miles 045° true from Twin Island Light; approximate position 55° 10.0' north latitude, 131° 10.4' west longitude; this is a seasonal station open only during the period May 1 through September 30;
- (7) Yakutat — 1.0 miles 315° true from Yakutat Bay Lighted Whistle Buoy 4; approximate position 59° 36.3' north latitude, 139° 52.5' west longitude;
- (8) Icy Bay — 9.0 miles 180° true from Claybluff Point Light; approximate position 59° 49.0' north latitude, 141° 35.0' west longitude;
- (9) Cordova — 2.0 miles 180° true from Sheep Point; approximate position 60° 35' north latitude, 146° 00' west longitude;
- (10) Valdez and Whittier -- approximately 3.6 miles 246° true from Bligh Reef Buoy; approximate position 60° 49' north latitude, 147° 01' west longitude;
- (11) Seward -- 1.1 miles 152° true from Caines Head Light; approximate position 59° 58' north latitude, 149° 22' west longitude;
- (12) Cook Inlet — 1.0 miles 180° true from Lands End Light; approximate position 59° 35' north latitude, 151° 25' west longitude;
- (13) Kodiak (City) or Womens Bay — 2.0 miles 100° true from St. Paul Harbor Entrance Light; approximate position 57° 44' north latitude, 152° 22' west longitude;
- (14) Discoverer Bay — 2.0 miles 000° true from Posliedni Point; approximate position 58° 28' north latitude, 152° 20' west longitude;
- (15) Port Wakefield — 1.0 miles 298° true from Kekur Point; approximate position 57° 52' north latitude, 152° 49' west longitude;
- (16) Port Bailey — 1.5 miles 000° true from Dry Spruce Bay Light; approximate position 57° 59' north latitude, 153° 06' west longitude;
- (17) Uganik — 2.0 miles 284° true from East Point; approximate position 57° 51' north latitude, 153° 32' west longitude;
- (18) Larsen Bay — 1.0 miles 090° true from Harvester Island; approximate position 57° 39' north latitude, 153° 57' west longitude;
- (19) Alitak — 2.4 miles 131° true from Cape Alitak Light; approximate position 56° 49' north latitude, 154° 15' west longitude;
- (20) Old Harbor — 1.0 miles 082° true from Cape Liakik; approximate position 57° 07' north latitude, 153° 25' west longitude;
- (21) Chignik — 1.5 miles 020° true from Chignik Spit Light; approximate position 56° 20' north latitude, 158° 22' west longitude;
- (22) Sand Point-Squaw Harbor — 2.7 miles 235° true from Popof Head; approximate position 55° 13' north latitude, 160° 24' west longitude;
- (23) King Cove — 1.5 miles 157° true from Morgan Point Light; approximate position 55° 01' north latitude, 162° 19' west longitude;
- (24) Cold Bay — 4.3 miles 177° true from Kaslokan Point Light; approximate position 55° 02' north latitude, 162° 31' west longitude;
- (25) False Pass — 1.5 miles 315° true from Ikatan Point; approximate position 54° 48' north latitude, 163° 13' west longitude;
- (26) Akutan — 1.0 miles 073° true from Akutan Point Light; approximate position 54° 09' north latitude, 165° 42' west longitude;
- (27) Dutch Harbor-Captains Bay — 1.0 miles 060° true from Uiakta Head Light; approximate position 53° 56' north latitude, 166° 29' west longitude;
- (28) Adak — 2.0 miles 092° true from Gannet Rocks Light; approximate position 51° 52' north latitude, 176° 33' west longitude;
- (29) Attu — 1.5 miles 180° true from Murder Point; approximate position 52° 46' north latitude, 173° 11' east longitude;

- (30) St. Paul Island — 4.0 miles 263° true from Reef Point; approximate position 57° 06' north latitude, 170° 25' west longitude; or -4.0 miles 043° true from North Point; approximate position 57° 16' north latitude, 170° 13' west longitude;
- (31) Port Moller — 4.8 miles 048° true from Walrus Island; approximate position 56° 05' north latitude, 160° 43' west longitude;
- (32) Port Heiden — 5.0 miles 340° true from Strongonof Point; approximate position 56° 58' north latitude, 158° 55' west longitude;
- (33) Ugashik Bay — 6.2 miles 291° true from Smoky Point Light; approximate position 57° 38' north latitude, 157° 52' west longitude;
- (34) Egegik — 7.0 miles 285° true from Red Bluff Light; approximate position 58° 16' north latitude, 157° 42' west longitude;
- (35) Naknek — 9.0 miles 248° true from Naknek Light; approximate position 58° 39' north latitude, 157° 21' west longitude;
- (36) Nushagak Bay — 0.6 miles 180° true from Nushagak Bay Entrance Lighted Bell Buoy; approximate position 58° 33' north latitude, 158° 24' west longitude;
- (37) Kulukak Bay — 3.0 miles 180° true from Kulukak Point; approximate position 58° 47' north latitude, 159° 39' west longitude;
- (38) Togiak — 1.0 miles 180° true from Summit Island; approximate position 58° 48' north latitude, 160° 12' west longitude;
- (39) Kuskokwim River Region
- (A) Kuskokwim River — 59° 42' north latitude, 162° 19' west longitude;
- (B) Goodnews Bay — 7.5 miles 228° true from Platinum; approximate position 58° 55' north latitude, 162° 00' west longitude;
- (40) Kivalina/Cape Krusenstern — 14.0 miles 239° true from the barge loading terminal; approximate position 67° 27' north latitude, 164° 35' west longitude;
- (41) Cape Spencer — 3.2 miles 090° true from Cape Spencer Light; approximate position 58° 12' north latitude, 136° 32' west longitude; this is a seasonal station open only during the period May 1 through September 30;
- (42) St. George Island — either 3.0 miles 000° true from St. George village; approximate position 56° 39' north latitude, 169° 33' west longitude; or -3.0 miles 210° true from Rush Point; approximate position 56° 33' north latitude, 169° 47' west longitude.
- (43) Frederick Sound — 3.0 miles 310° true from Cornwallis Point Light; approximate position 56°58' north latitude, 134° 21' west longitude;
- (44) *repealed 5/31/2000;*
- (45) *repealed 5/31/2000;*
- (46) Chasina Point — 1.25 miles 013° true from Chasina Point; approximate position 55°18' north latitude, 132°01' west longitude;
- (47) Shoe Island — 2.0 miles 090° true from Shoe Island Light; approximate position 54°57' north latitude, 132°41' west longitude;
- (48) Mellen Rock — 0.6 miles 050° true from Mellen Rock Light; approximate position 55°02' north latitude, 132°39' west longitude;
- (49) Atka/Nazan Bay — 1.1 miles 134° true from Flat Point; approximate position 55°13' north latitude, 174°06' west longitude;
- (50) Tanaga Bay — 2.2 miles 202° true from Cape Agamsik; approximate position 51°45' north latitude, 178°04' west longitude;
- (51) Kiska Harbor — 1.0 mile 270° true from Little Kiska Head; approximate position 51°58.5' north latitude, 177°36.5' west longitude.
- (b) Inside compulsory pilotage waters, embarking or disembarking pilots at any location inside of an established pilot station may be undertaken only by agreement between a
- (1) pilot and a ship's master in an emergency or for reasons of safety when required by extreme weather or other unforeseeable circumstances; or
 - (2) pilot organization and a ship's agent on a trial basis to accommodate a newly established port, trade, or route.
- (c) If safe and reliable transportation cannot be provided to or from the pilot station, the nearest pilot station with safe and reliable transportation shall be used. If reasonable effort has been made to offer safe and reliable transportation and the vessel, equipment, or personnel do not meet the minimum standards set out in (d) of this section, the pilot may use the transportation provided.
- (d) In order to provide safe and reliable transportation for pilots, a vessel must have the following items onboard:
- (1) licensed operator;
 - (2) waterproof VHF radio in addition to the pilot's VHF radio;
 - (3) distress signals, including three parachute flares, three hand held flares, and one dye marker in a waterproof case;
 - (4) first aid kit;

- (5) spare fuel supply, if the vessel is propelled by an outboard motor;
- (6) radar reflector;
- (7) tool kit;
- (8) engine kill switch;
- (9) survival suits; one for each person onboard the vessel;
- (10) flashlight;
- (11) anchor and 30 fathoms of line;
- (12) sound producing device;
- (13) pilot retrieval system;
- (14) high-intensity strobe when a pilot transfer occurs at night.

(e) Before a trial pilot station established under (b) (2) of this section may be used, it must be preliminarily approved by the marine pilot coordinator. A trial pilot station that has been preliminarily approved by the marine pilot coordinator will remain valid unless the board disapproves the trial pilot station for further use. The board will approve the trial station for notice as an established pilot station if it determines that the trial station accommodates a newly established port, trade, or route and is in the public interest. The board will disapprove the trial station for further use if the board determines that the trial station is not necessary or not in the public interest.

Article 3. Tariffs

Section

205. Availability of pilots

250. Procedures for setting pilotage rates

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

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

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

(d) In the Aleutian Island ports that are west of Atka Island in the Western Alaska Region, an agent, owner, or master of a vessel shall inform a pilot of a vessel movement at least 96 hours before the movement in order to provide sufficient time for the 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

SB

27

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/03

FURTHER: Resources
 Finance

Date of 5-Day Notice: _____
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: _____

Labor and Commerce Committee considered SENATE BILL NO. 27

SB 27 TRACKING OF PESTICIDE USE

"An Act relating to pesticide use; relating to program receipts collected by the Department of Environmental Conservation for registrations and licenses relating to pesticides; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

- Senate Bill:**
 same title
 new title
- House Bill:**
 same title
 technical title
 new: SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Zero | FN# |
|------------|------|--------|------|-----|
| | | | | |
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| Department | Date | Fiscal | Zero | FN# |
|------------|------|--------|------|-----|
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APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | DO PASS | DO NOT PASS | NO REC | AMEND |
|---------------------------------|---------|-------------|--------|-------|
| <i>Ralph DeMarco</i> | | ✓ | | |
| <i>Betty Davis</i> | | | X | |
| <i>HOUSE</i> | X | | | |
| <i>[Signature]</i> | | | X | |
| CHAIR: <i>[Signature]</i> | | | ✓ | |

Comparison of Service Report/Reporting Requirements of SB 27

SB 27

Service Report

| | |
|--|--|
| #1-requires reporting product name and EPA registration number | listed on Service Report as chemical and EPA reg # |
| #2-total amount of product applied | listed on Service Report as amount |
| #3-identification number assigned by Department | not currently found on Service Report |
| #4-size of area treated | listed on Service Report as area treated |
| #5-application rate for each area treated | listed on Service Report as two separate items-area treated and amount, this piece of information is just the amount used divided by the area treated, for example, 3 gallons per acre |
| #6-location of application | listed on Service Report as Job Address |
| #7-date of application | listed on Service Report as Service Date |
| #8-application method | listed on Service Report as method |
| #9-target organism | listed on Service Report under description, for example, rodents/silverfish/aphids, etc. |

****** All items requested by DEC, with the exception of #3 (the identification number assigned by DEC) are currently found on the Service Report ******

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ANCHORAGE MUNICIPAL CHARTER, CODE AND REGULATIONS Municipality of ANCHORAGE, ALASKA Supplement No. MA 16 (All ordinances and resolutions passed and approved through December 31, 2001.)

Chapter 15.75 PESTICIDE CONTROL*

15.75.035 Failure of director to exercise authority not to constitute waiver.

(AO No. 86-112)

15.75.040 Issuance of applicator's permit; display; transfer.

- A. *Application.* An application for a permit under this chapter must state the name, address and telephone number of the applicant, each type of equipment to be used by the applicant, a complete list of every pesticide, broadcast chemical and method of application which the applicant intends to use, a description of the area in which the applicant wishes to conduct business, and such other information as the director reasonably requires.
- B. *Amendments.* A permit or an application for a permit may be amended without charge to include additional pesticides, broadcast chemicals or methods of application. The application to amend must be made to the director in the same manner as the original application and at least 30 days before the use of the pesticide, broadcast chemical or method of application.
- C. *Denial or revocation.* The director may refuse to issue or amend a permit or revoke a permit in part or in its entirety if the director is aware of any fact which reasonably indicates that the applicant has not or will not conduct business in a safe, scientific and proper manner, that one or more of the pesticides, broadcast chemicals or methods of application listed on the application is, or in the director's opinion is reasonably expected to be, hazardous to the public, including plant or animal life, or that other risk of harm is threatened.
- D. *Authority to impose restrictions.* The director may issue a permit subject to reasonable restrictions or may impose reasonable restrictions on an existing permit to reasonably limit the risk of harm to the public, including plants and animals.
- E. *Investigation of applicant.* The director may conduct a reasonable investigation before acting on any permit or application, including investigation of the applicant's training and the applicant's past, present or intended methods of conducting business.
- F. *Display.* The permit holder must prominently display the permit at the place of business or, if the permit holder does not have a place of business, at the permit holder's residence.
- G. *Transfer.* A permit may not be transferred.
- H. *Expiration.* The director shall issue permits on an annual basis and all permits shall expire on December 31 of the year of issuance.
- I. *Fee.* The director may set a permit fee.

(GAAB 16.75.030--16.75.050, 16.75.070; AO No. 86-112)

15.75.050 Commercial application prohibited during certain wind conditions.

A person who engages in the business of applying pesticides or broadcast chemicals may not apply by spraying any pesticide or broadcast chemicals out of doors if the wind speed exceeds five knots per hour at the site of application.

(AO No. 86-112)

15.75.060 Notice of application by commercial applicators.

- A. A person who engages in the business of applying pesticides or broadcast chemicals must give written notice as provided by this section every time that the person is going to apply by spraying a pesticide or broadcast chemical out of doors.
- B. Notice must be given at least 24 hours before application and not more than 96 hours before application.
- C. The person must post one or more copies of the notice on the property to be sprayed and at least one copy of the notice on each residence or commercial building located on property which is contiguous to the property to be sprayed.
- D. Notice need not be given if the pesticide or broadcast chemical will be applied only to the exterior surface of a building and if the pesticide or broadcast chemical will not be applied to plants or animals.
- E. The person must post the notice in a manner which is reasonably calculated to provide actual notice to persons living or doing business on property contiguous to the property to be sprayed.
- F. The notice must include the trade name of each pesticide or broadcast chemical, the chemical name, to the extent available, of the principal active ingredients in each pesticide or broadcast chemical, the exact date and approximate time that the pesticide or broadcast chemical will be sprayed, the name, address and telephone number of the permit holder, a warning that the pesticide or broadcast chemical is or may be harmful, and a statement of recommended precautions. The department will provide samples of such notices and substantial compliance with such notices will constitute compliance with this subsection.

(GAAB 16.75.120; AO No. 85-8; AO No. 86-112)

15.75.065 Notice of application by municipality.

- A. The municipality shall give written notice in the manner described in section 15.75.060.C and as described in this section before it applies in any manner any pesticide or broadcast chemical in public parks.
- B. Notice must be given at least 24 hours before application and not more than 96 hours before application.
- C. The municipality must post at least one copy of the notice in a manner which is reasonably calculated to provide actual notice to persons using the public parks.
- D. The notice must include the trade name of each pesticide or broadcast chemical, the chemical name, to the extent available, of the principal active ingredients in each pesticide or broadcast chemical, the exact date and approximate time that the pesticide or broadcast chemical will be applied, the name, address and telephone number of the municipal department in charge of application, a warning that the pesticide or broadcast chemical is or may be harmful, and a statement of recommended precautions.

(AO No. 86-112)

15.75.070 Applicability of other laws.



Title 37. PUBLIC FINANCE

Chapter 37.05. FISCAL PROCEDURES ACT

***ADMINISTRATIVE CODE.

For purchasing, see 2 AAC 15.

Article 01. ADMINISTRATION

Sec. 37.05.010. Bond of commissioner of administration.

The commissioner of administration, before entering upon official duties, shall execute a good and sufficient bond in the sum of \$10,000 payable to the state, conditioned upon the faithful performance of duties imposed by law. The premium on each bond shall be paid in the same manner as other expenses of the department.

Sec. 37.05.020. Regulations.

The Department of Administration shall adopt regulations for the performance of its powers or duties, the execution of its business, and its relations to and business with other state agencies.

Sec. 37.05.030. Financial reports and statements. [Repealed, Sec. 19 ch 6 SLA 1998].

Repealed or Renumbered

Sec. 37.05.035. Annual state loan reports.

Each state agency that makes or purchases a loan shall prepare an annual report of the aggregate of all loans, by type, made or purchased by the state agency during the preceding fiscal year. The report must include the estimated rate of interest that would have been charged if the loan had been made or purchased at prevailing market rates and must include the difference between the return on the loan that would have been realized under that estimated rate of interest and the return on the loans under the interest rate actually charged. In the absence of a prevailing market rate in the state, the state agency shall use a rate that, in the judgment of the agency, is comparable to a prevailing market rate. The report must also include an analysis of the income groups benefited under the loan programs. By January 30 of each year the state agency shall notify the legislature that the report prepared under this section is available.

Sec. 37.05.040. Legal custody of records.

The commissioner has the legal custody of all records, memoranda, writing, entries, prints, representations, or combinations of them, of any act, transaction, occurrence, or event of the department.

Sec. 37.05.050. Federal funds.

Federal funds received by an agency shall be deposited in the state treasury and disbursed in the same manner as other state money. Federal funds are subject to the fiscal controls imposed by this chapter, except where federal laws or regulations prevent the funds from being deposited, appropriated, allocated,

accounted for, or expended as provided by this chapter and other laws not inconsistent with this chapter.

Sec. 37.05.060. - 37.05.120 [Repealed, Sec. 3 ch 188 SLA 1970].

Repealed or Renumbered

Article 02. UNIFORM ACCOUNTING

Sec. 37.05.130. General powers.

The Department of Administration is responsible for all accounts and purchases.

Sec. 37.05.140. Accounting system.

(a) The Department of Administration shall maintain centralized accounting records that include the general and controlling accounts of the state. The state agencies shall prepare and transmit the documents prescribed by the department and shall submit the reports and statements required in order to carry out this chapter. Statistical or cost accounts related to the control accounts may be maintained by the department or by the agency as determined by the department, after consultation with the head of the agency concerned. Duplicate accounting records may not be maintained, except in the office of the Department of Administration as it directs.

(b) [Repealed, Sec. 18 ch 9 SLA 1994].

(c) [Repealed, Sec. 18 ch 9 SLA 1994].

(d) The Department of Administration after consultation with the head of the agency concerned may decide not to maintain all or any part of the accounting records for an agency if the department finds that to do so would result in an appreciable loss of federal grant-in-aid funds to defray the administrative costs of maintaining the records.

Sec. 37.05.142. Accounting for program receipts.

The Department of Administration shall establish and maintain separate accounts by program source for all program receipts that state agencies deposit under AS 37.10.050 or under another statute if the program receipts are exempted by law from the deposit requirements of AS 37.10.050.

Sec. 37.05.144. Appropriations based upon program receipts.

The annual estimated balance in each account maintained under AS 37.05.142 may be used by the legislature to make appropriations to state agencies to administer the programs generating the program receipts, to implement the laws related to the functions generating the program receipts, or to cover costs associated with the collection of the program receipts.

Sec. 37.05.146. Definition of program receipts and non-general fund program receipts.

(a) In AS 37.05.142 - 37.05.146 and AS 37.07.080, "program receipts" means fees, charges, income earned on assets, and other state money received by a state agency in connection with the performance of its functions. Unless otherwise provided in this section, program receipts are accounted for within, and appropriated from, the general fund of the state.

(b) The program receipts listed in this subsection are accounted for separately, and appropriations from these program receipts are not made from the unrestricted general fund:

(1) federal receipts;

(2) University of Alaska receipts (AS 14.40.491);

(3) designated program receipts; in this paragraph, "designated program receipts" means money received by the state from a source other than the state or federal government that is restricted to a specific use by the terms of a gift, grant, bequest, or contract;

(4) receipts of the following:

(A) highway working capital fund (AS 44.68.210);

(B) correctional industries fund (AS 33.32.020);

(C) loan funds;

(D) international airport revenue fund (AS 37.15.430);

(E) corporate receipts earned or managed by a public corporation of the state;

(F) fish and game fund (AS 16.05.100);

(G) school fund (AS 43.50.140);

(H) training and building fund (AS 23.20.130);

(I) retirement funds (AS 14.25, AS 22.25, AS 26.05.222, AS 39.35, and former AS 39.37);

(J) permanent fund (art. IX, sec. 15, Alaska Constitution);

(K) public school trust fund (AS 37.14.110);

(L) second injury fund (AS 23.30.040);

(M) fishermen's fund (AS 23.35.060);

(N) FICA administration fund (AS 39.30.050);

(O) receipts of the employee benefits program established under AS 39.30.150 - 39.30.180;

(P) receipts of the deferred compensation program established under AS 39.45;

(Q) clean air protection fund (AS 46.14.260);

(R) receipts of the group insurance programs established under AS 39.30.090;

(S) mental health trust fund (AS 37.14.031);

(T) Alaska children's trust (AS 37.14.200);

(U) commercial fisheries test fishing operations (AS 16.05.050(a)(15));

(V) Regulatory Commission of Alaska under AS 42.05 and AS 42.06;

(W) Alaska Oil and Gas Conservation Commission under AS 31.05;

(X) receipts of the Department of Community and Economic Development under AS 08.01.065 (a), (c), and (f);

(Y) receipts from the seafood marketing assessment under AS 16.51.120 - 16.51.170, the salmon marketing tax under AS 43.76.110 - 43.76.130, and other receipts of the Alaska Seafood Marketing Institute;

(Z) the administrative cost charge under AS 44.33.113 for the state's role in the federal community development quota program;

(AA) dive fishery management assessment receipts (AS 43.76.150);

(BB) process service fees collected by the Department of Public Safety;

(CC) Alaska Commercial Fisheries Entry Commission under AS 16.05.490, 16.05.530, and AS 16.43;

(DD) receipts of the Alaska Vocational Technical Center;

(EE) Alaska Pioneers' Home care and support receipts under AS 47.55.030;

(FF) receipts of the Department of Transportation and Public Facilities from tolls charged for use of the Whittier Tunnel;

(GG) receipts of the Department of Community and Economic Development, division of insurance, from license fees and fees for services;

(HH) receipts of the division of the Department of Community and Economic Development that regulates banking, securities, and corporations;

(II) receipts of the Department of Corrections from the electronic prisoner monitoring program under AS 33.30.065 (d);

(JJ) receipts of the Department of Corrections from the operation of community residential centers;

(KK) receipts of the Alaska Police Standards Council;

(LL) receipts of the Department of Public Safety from fees for fire and life safety plan checks under AS 18.70.080 (b);

(MM) receipts of the Department of Transportation and Public Facilities from the measurement standards and commercial vehicle enforcement program;

(NN) receipts of the Department of Education and Early Development for teacher certification under AS 14.20.020 ;

(OO) receipts of the Professional Teaching Practices Commission from professional certification fees;

(PP) receipts of the Department of Health and Social Services, Bureau of Vital Statistics;

(QQ) receipts of the Department of Corrections from the inmate telephone system;

(RR) receipts of the Department of Public Safety from the Alaska automated fingerprint system under AS 44.41.025 (b);

(SS) receipts of the Department of Administration from the boat registration program under AS 05.25.096 ;

(TT) state land disposal program (AS 38.04.022);

(UU) shore fisheries development lease program account (AS 38.05.082(f));

(VV) timber receipts account (AS 38.05.110);

(WW) workers' safety and compensation administration account (AS 23.05.067);

(XX) receipts of fees for recording and related services of the Department of Natural Resources (AS 40.17.030 (a)(10), 40.17.070; AS 44.37.025(b), 44.37.027(c); AS 45.29.303 (b), 45.29.525, and 45.29.619(b));

(YY) receipts described in AS 46.03.482 (b)(1) and (2) received under the commercial passenger vessel environmental compliance program;

(ZZ) receipts of the Department of Community and Economic Development for fees for business license endorsements for tobacco products (AS 43.70.075);

(5) receipts of or from the trust established by AS 37.14.400 - 37.14.450, except reimbursements described in AS 37.14.410 ;

(6) receipts of the Alaska Fire Standards Council for which a taxpayer is allowed a credit under AS 21.89.075 .

Sec. 37.05.150. Funds and accounts.

The accounting system shall be in accordance with accepted principles of governmental (fund) accounting and shall include both budgetary and property accounts. The system must provide records showing at all times by funds, accounts, and other pertinent classifications the amounts appropriated, the estimated revenue, actual revenue or receipts, the amounts available for expenditure, the total expenditures, the unliquidated obligations, actual balances on hand, and the unencumbered balances of appropriations for each state agency.

Sec. 37.05.151. [Renumbered as AS 37.05.500].

Repealed or Renumbered

Sec. 37.05.152. [Renumbered as AS 37.05.510].

Repealed or Renumbered

Sec. 37.05.153. [Renumbered as AS 37.05.520].

Repealed or Renumbered



Subject: [Fwd: SB27 and 2/26 letter to ADN]

Date: Thu, 26 Feb 2004 09:20:58 -0900

From: Senator Con Bunde <senator_con_bunde@legis.state.ak.us>

To: Jane Alberts <Jane_Alberts@Legis.state.ak.us>

Subject: SB27 and 2/26 letter to ADN

Date: Thu, 26 Feb 2004 09:14:31 -0900

From: "Ken(neth J) Perry" <Mail@Paratex-PP.com>

To: "AK Senate, Con Bunde" <Senator_Con_Bunde@legis.state.ak.us>,
"AK Senate, Ralph Seekins" <Senator_Ralph_Seekins@legis.state.ak.us>,
"AK Senate, Gary Stevens" <Senator_Gary_Stevens@legis.state.ak.us>,
"AK Senate, Bettye Davis" <Senator_Bettye_Davis@legis.state.ak.us>,
"AK Senate, Hollis French" <Senator_Hollis_French@legis.state.ak.us>

Honorable Senators: <?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Since (not surprisingly) the Anchorage Daily News elected to print Ms. Miller's letter this AM instead of mine, I wanted to clarify a couple of issues she raised therein. Please note, as I prophesied in my e-mail yesterday, her linking this Bill to the aerial spraying controversy. This is an untruth - SB27 is not about this type of very rare application AND the current State Regulations already require notification and a comment period for this.

Secondly, the reason that Governor Murkowski's staff has recommended a \$40 per label fee is that a large number of the currently registered labels will not renew if it is higher than that. The vast majority of the 5700 current registrations are for chemicals that are not now, and will likely never, be sold here in Alaska. They are registered as a matter of choice because it IS FREE. They can use that as a marketing tool "Registered in all 50 states". The educated consensus at ADEC is that the State will likely lose around 40% of the registrants at the \$40 level. It is not hard to imagine what impact a \$150 annual fee would have. What we must keep in mind is that is actually what Ms. Miller and her ilk want - the elimination of pesticides. Her statements to the public that her bill will put \$800,000 into the State coffers are deliberately false and misleading. Her request is to fund a new level of bureaucracy, NOT to benefit the Alaska economy!

Unfortunately, I doubt that my words will be heard by the public on this matter, so I trust in you their representatives in the Senate to listen for them. I still marvel at the wisdom of one of your fellow legislators (on the House side) who said of this Bill in 2002: "This is a solution looking for a problem". Honorable Senators, please do the right thing.

Respectfully,

Kenneth J (Ken) Perry General Manager

Mail@Paratex-PP.com

PARATEX Pied Piper Pest Control (est. 1965)

[Fwd: SB27 and 2/26 letter to ADN]

2440 E 88th Ave., Ste. A (907) 344-2538

Anchorage, AK 99507 (Fax) 344-9111

ICO, MSN, AIM, Yahoo available on Request



Senate bill 27 -Pesticide Right to Know Senate Labor & Commerce

810 N St, Ste 203, Anchorage Alaska 99501 / Ph. 907.258.6171 / Fax 907.258.6177
PO Box 22151, Juneau Alaska 99802 / Ph. 907.463.3366 / Fax 907.463.3312 / www.acvoters.org

To: Members of Senate Labor & Commerce
From: Matt Davidson, Legislative Director
Date: February 26, 2004
Subject: SB 27 'Pesticide Right to Know'

SB 27 makes an important step forward in protecting the public from the harmful effects of pesticides. This bill creates a mechanism to study the suspected link of pesticides exposure to increasing cancer rates, immune system disorders, reproductive health problems, respiratory illnesses, and allergies through public notice and a pesticide use tracking system.

**Please support this important legislation and move it from the Labor and Commerce Committee.*

Charges pesticide manufacturers- (Sec. 2) The Department of Environmental Conservation (DEC) may charge a registration fee of \$150.00 for a pesticide product registered for use in the state. *With nearly 5,500 pesticides registered, registration fees could bring the state upwards of \$825,000. Currently, there are no fees associated with registering pesticides. Alaska is the ONLY state that does not collect pesticide registration fees.*

Establishes a registration fee- (Sec.3) Requires certified pesticide applicators to pay \$25 per annum registration fee. *The Department provides training and licensure, but does not have the authority to charge a fee.*

Provides public notice of commercial pesticide spraying- (Sec. 4) Public notice is required 48 hours in advance of actual spraying. Public notice to nearby residents will include pesticide name, date and time pesticide will be sprayed and the contact information of the applicator.

Requires reporting of pesticide use to DEC- Requires certified pesticide applicators to document pesticide use to DEC. *They are currently required to collect the information, but not required to make information available.*

Establishes a pesticide tracking system- (Sec. 5) SB 27 mandates DEC to establish and implement a pesticide use tracking system. The idea behind pesticide tracking system is to create an efficient and cost-effective system that will make known the location and extent to which pesticides are applied. Under the tracking system section of SB 27 the department has the authority to impose a civil penalty on any pesticide applicator who fails to comply with reporting requirements. *Information can be cross-referenced with other databases like the Cancer Registry.*

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