

## Important Information for Yachts & Agents

1. The Yacht Services of Alaska agent is your contact for all requests for pilotage and pilot boat services. Refer all communication regarding pilotage to them.
2. All requests for pilotage must meet the notice schedule below. Please insure your agent is provided timely information prior to any movement.
  - a. 48 hours notice to SEAPA is required prior to any movement.
    - i. The information will include;
      1. The vessel's intended daily itinerary and pilot duty hours per day.
      2. The date, time, and location the pilot is requested to board the vessel.
      3. The date, time, and location the pilot will disembark the vessel.
      4. SEAPA will notify the vessel of changes necessary due to tides/current/weather.
  - b. 24 hours' notice to SEAPA is required prior to any movement to,
    - i. confirm movement information provided 48 hours before the movement.
  - c. Changes to dates, time, and boarding locations following the first 48-hour requests for pilotage may require new 48-hour notice.
  - d. If 48 hours' notice of a movement, and or the required notice of changes or cancellation of a movement is not given, the vessel may be charged for the transportation costs incurred by the pilot including the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel.
3. The vessel will be under the direction and control of the pilot.
  - a. The pilot will discuss with the captain, the routing and transit schedule for the vessel.
  - b. The pilot will determine transit times for all requests to transit restricted waterways included Wrangell Narrows or Peril Strait.
4. Each pilot is required have a private room with private bath, no exceptions.
5. Pilot(s) must have a six (6) hour break between eight (8) hour shifts.
6. Pilotage exceeding 8 hours requires a second pilot to be dispatched or rotated. A vessel that fails to order a second pilot that exceed 8 hours of actual bridge time shall be charged for the second pilot's services.
7. Pilots may be rotated per SEAPA dispatch requirements
8. Pilot transportation will utilize approved pilot boat services, scheduled and charter air transportation.
9. We are unable to provide invoices until all documentation is received from pilots and transportation services.
10. Confirmation that the vessel transmits via an automatic identification system (AIS) the vessel's name, length, beam, draft, course, speed, and destination.
11. Confirmation that the vessel is equipped with an AIS pilot port including 120 AC volt power for the pilot's PPU navigation system in an adequate location for navigating on the vessel's bridge.
12. Internet access, vessel email, sat phone, and other contact information for the vessel and pilot use, if equipped.

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## Statutory and Regulatory Review

**Sec. 08.62.157. Duties of licensed pilots.** (a) A person licensed under this chapter has a primary duty to safely navigate vessels under the pilot's direction and control and to protect life and property and the marine environment while engaged in the provision of pilot services.

(b) A person licensed under this chapter shall report to the appropriate authority all violations of a federal or state pilotage law.

**Sec. 08.62.160. 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.

**Sec. 08.62.163. Pilots as independent contractors.** (a) Pilots licensed under this chapter are independent contractors and may not be employed as an employee of the owner or operator of a vessel subject to this chapter.

(b) The owner or operator of a vessel subject to this chapter may not employ a person licensed under this chapter as an employee.

**Sec. 08.62.165. Limitation of liability.** (a) A pilot licensed under this chapter is not liable for damages in excess of \$250,000 per incident for damages or loss occurring as a result of the error, omission, fault, or neglect of the pilot in performing pilotage services, except that the limitation does not apply in a case where

(1) the pilot is either grossly negligent or guilty of wilful misconduct; or

(2) the error, omission, fault, or neglect of the pilot constitutes an act for which the board shall impose a disciplinary sanction under AS 08.62.150(a)(2) or (3).

(b) Nothing in this section exempts a vessel, a vessel's cargo, or the owner or operator of a vessel or cargo from liability for damage or loss caused by the vessel, the vessel's cargo, or the owner or operator of the vessel or cargo to the vessel, the vessel's cargo, another person, or other property on the ground that

(1) the vessel was piloted by a pilot licensed under this chapter; or

(2) the damage or loss occurred as a result of the error, omission, fault, or neglect of a pilot licensed under this chapter.

(c) An organization of pilots is not liable for claims arising from acts or omissions of a pilot who is a member of the organization or for acts or omissions of another organization of pilots that relate to pilotage of a vessel. A pilot is not liable, directly or as a member of an organization of pilots, for claims arising from acts or omissions of another pilot or organization of pilots that relate to pilotage of a vessel. This subsection does not apply to acts or omissions relating to the ownership or operation of pilot boats or the transportation of pilots to and from a vessel to be piloted.

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**Sec. 08.62.170. Pilot's lien for compensation.** Each vessel, its tackle, apparel, and furniture and the owner of the vessel are jointly and severally liable for the compensation of a pilot employed on the vessel and the pilot has a lien on the vessel, the vessel's tackle, apparel, and furniture for the pilot's compensation.

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

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

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

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

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

(A) on the rivers of Alaska; or

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

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

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

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

(6) pleasure craft of United States registry;

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

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

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

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applicable local, state, and federal laws. The exemption must remain on the vessel while the vessel is in state water. An exemption issued under this subsection does not exempt a vessel from the requirement to employ a pilot licensed under this chapter while the vessel is in Wrangell Narrows or in the water between Chatham Strait and Sitka via Peril Strait.

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

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

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

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

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

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

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

(2) ensure that the pleasure craft is equipped with

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

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

(C) a depth sounder with depth alarm;

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

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

(3) ensure that the pleasure craft has aboard

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

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

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

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

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

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

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

(H) if the vessel is required under AS 46.04 to provide proof of financial responsibility, a copy of the vessel's current certificate of financial responsibility or copy of the current application with the Department of Environmental Conservation for the vessel's certificate of financial responsibility; a copy of the current certificate or application must also be submitted with the application under this section; and

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

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

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

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

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

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

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

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

**12 AAC 56.205. AVAILABILITY OF PILOTS.** (c) In the Southeastern Alaska region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 48 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. An agent, owner, or master of a vessel shall again inform the appropriate pilot organization of a vessel movement at least 24

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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.

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

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

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

(d) If a vessel piloted by a state licensed pilot is involved in a collision, allision, or grounding, the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965. The marine pilot coordinator may investigate the reported incident.

(e) A pilot shall report to the Aids to Navigation office of the United States Coast Guard, all changes in lights, range lights, buoys, and any dangers to navigation that may come to that pilot's knowledge.

(f) A pilot who fails to make a report to the marine pilot coordinator as required by this chapter, is subject to the disciplinary provisions of AS 08.62.150 and AS 08.62.155.

(g) A pilot when so notified in writing shall report in person to the board at any meeting specified in the notice.

(h) A pilot summoned to testify before the board shall appear in accordance with the summons and shall answer, under oath, any questions asked which deal with any matter connected with piloting or the pilotage waters over which the pilot is licensed to act. The pilot is entitled to have an attorney or advisor present during any such appearance and testimony.

(i) A pilot on boarding a ship, if required by the master, shall exhibit his or her state license or photostatic copy of it.

(j) A pilot on board a vessel must be provided access to an operable radio on the bridge at all times to use on channel 16 VHF for safety purposes.

(l) Upon boarding a ship, a pilot shall conduct a briefing with the master or other appropriate deck officers. The briefing may include a discussion of the proposed route, including courses, speeds, and planned maneuvers, and a discussion of the squat and unique maneuvering

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characteristics of the vessel. The pilot may conduct additional briefings throughout the transit of compulsory pilotage waters.

**Rates for SEAPA:** Rates for pilotage service rendered to vessels engaged in operations not covered by other published Region Ones.

SEAPA will charge \$167.00 per hour for each pilot assigned to a vessel engaged in operations not specifically covered by other published Rates in Region One. A minimum charge of 4 hours shall apply for all assignments. Chargeable time will include bridge time, travel time, detention time and standby time based on the most efficient means of travel to and from the vessel. Air charter services may be used when scheduled air transportation is not available within 6 hours of the vessels request for pilotage services, or completion of pilotage services. SEAPA may change out pilots, for vessels requiring pilotage service in excess of 72 hours, including travel and standby time.

SEAPA will charge for travel expenses at actual cost. SEAPA will charge per diem as revised annually by the federal government for Region One. SEAPA will charge a vessel unwilling or unable to furnish separate sleeping and bathroom accommodations at the per diem hotel rate for each pilot onboard the vessel more than 15 hours. A pilot carried out of region by a vessel may charge for first class return transportation and all applicable per diem.

A vessel that is required to employ a pilot under Alaska law shall be charged for all transportation costs incurred by the pilot, for the minimum pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services, even if the marine pilot services had not been rendered. A vessel that fails to order a second pilot for pilotage services that exceed 8 hours of actual bridge time shall be charged for the second pilot's services even though the second pilot's services had not been rendered. A vessel that fails to cancel a request for a pilot within 24 hours of the time requested for the vessel movement shall be charged the minimum pilotage charge and all other charges that would have incurred had the pilot reached the vessel and provided pilotage services, even though the pilotage services had not been rendered.

The vessel's captain, owner, or charterer shall accept service of process by SEAPA if the vessel operates in Region One.