

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Jun Maiquis
Department of Commerce, Community & Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A blue ink signature of Scott Meriwether.

DATE: March 15, 2018

RE: Filed Permanent Regulations: Board of Marine Pilots

Board of Marine Pilots regulations re: initial tonnage limit for deputy marine pilots (12 AAC 56.011(a)(1),(e))

Attorney General File:	2017200775
Regulation Filed:	3/15/2018
Effective Date:	4/14/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF MARINE PILOTS

The attached one page of regulations, dealing with types of licenses and endorsements, is hereby certified to be a correct copy of the regulation changes that the Board of Marine Pilots adopted at its January 17, 2018 meeting, under the authority of AS 08.62.040, AS 08.62.093, AS 08.62.097, and AS 08.62.100 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Marine Pilots paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 1/25/18
Juneau, Alaska

Mike Navarre
Mike Navarre, Chair
Board of Marine Pilots

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on March 15, 2018 at 1005A m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

Byron Mallott
Byron Mallott, Lieutenant Governor

Effective: April 14, 2018.

Register: 226, July 2018.

Chapter 56. Board of Marine Pilots.

12 AAC 56.011(a)(1) is amended to read:

(1) deputy marine pilot license – to pilot vessels of not more than 50,000 [25,000] gross tons in the region for which the license is issued and limited to the geographical areas in that region for which the deputy marine pilot holds the required license endorsements;

12 AAC 56.011 is amended by adding a new subsection to read:

(e) On April 14, 2018 {fill in effective date of regulation} a deputy marine pilot who holds a less than 50,000 gross tons endorsement will be considered to hold a not more than 50,000 gross tons endorsement. The department will issue a new license to a deputy marine pilot that has a change in endorsement under this section reflecting the new endorsement. (Eff.

7/26/90, Register 115; am 10/2/93, Register 127; am 6/16/96, Register 138; am 3/21/99, Register 149; am 10/25/2002, Register 164; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 4/14/2018, Register 226)

Authority: AS 08.62.040 AS 08.62.097 AS 08.62.100
AS 08.62.093

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: March 13, 2018

File No.: 2017200775

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Board of Marine Pilots regulations re:
initial tonnage limit for deputy marine
pilots (12 AAC 56.011(a)(1), (e))

We have reviewed the attached regulations from the Board of Marine Pilots against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated March 13, 2018 from the Regulations Attorney. The regulations increase, from not more than 25,000 gross tons to not more than 50,000 gross tons, the initial tonnage of vessels on which a newly licensed deputy marine pilot may pilot. The regulations also add a companion provision providing, for existing holders of deputy marine pilot licenses with the initial tonnage limit, an automatic upgrade on the effective date of the regulations changes.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

Please note that 12 AAC 56.011(e) contains a placeholder for a date that is timed to the effective date of the regulations. Once the regulations are filed and the effective date thus established under AS 44.62.180, we request that your office make handwritten edits to substitute the correct date for the placeholder text. Though the placeholder is structured "___/___/___", please fill in the date using the name of the month, the day followed by a comma, and the year; for example, if the regulations are filed March 15, 2018, please set out the effective date as "April 14, 2018" rather than "4/14/2018".

The November 16, 2017 public notice and the January 25, 2018 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor
Our file: 2017200775

March 13, 2018
Page 2

We have made a technical correction to the footer of the regulations in accordance with AS 44.62.125, as shown on the attached copy. We have not made edits to the regulations themselves.

SCW

cc w/enc: (via email)

Mike Navarre, Chair
Board of Marine Pilots
(via e-mail through Jun Maiquis)

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Janey McCullough, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Charles Ward, Marine Pilot Coordinator
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

MEMORANDUM


State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: March 13, 2018

FILE NO.: 2017200775

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard 
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Board of Marine Pilots
regulations re: initial tonnage
limit for deputy marine pilots
(12 AAC 56.011(a)(1), (e))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

**NOTICE OF PROPOSED CHANGES TO TYPES OF LICENSES AND ENDORSEMENTS FOR
A DEPUTY MARINE PILOT LICENSE IN THE REGULATIONS OF
THE BOARD OF MARINE PILOTS**

BRIEF DESCRIPTION: The Board of Marine Pilots proposes to update regulations regarding initial tonnage limit for deputy marine pilots.

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

12 AAC 56.011. Types of licenses and endorsements, is proposed to be changed to increase the initial tonnage limit for deputy marine pilots from 25,000 gross tons to 50,000 gross tons.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/187797>, and using the comment link. **The comments must be received not later than 5:00 p.m. on December 18, 2017.** Comments received after this deadline will not be considered by the Board.

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than December 11, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAR-0817.pdf>.

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

Statutory Authority: AS 08.62.040; AS 08.62.093; AS 08.62.097; AS 08.62.100

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.62.040; AS 08.62.093; AS 08.62.097; AS 08.62.100

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

DATE: 11/15/17



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

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

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Marine Pilots – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Types of licenses and endorsements.
3. **Citation of regulation:** 12 AAC 56.011.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2018 or in subsequent years.
9. **The name of the contact person for the regulation:**
Charles Ward, Marine Pilot Coordinator
Board of Marine Pilots
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2548
E-mail: charles.ward@alaska.gov
10. **The origin of the proposed action:** Board of Marine Pilots.
11. **Date:** 11/15/17 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

FIRST JUDICIAL DISTRICT

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 56.011, dealing with types of licenses and endorsements, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 2/7/18
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 7 day of Feb, 2018.



Notary Public in and for the
State of Alaska
My commission expires: 11/01/2014

FIRST JUDICIAL DISTRICT

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Marine Pilots has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Marine Pilots regulations on dealing with types of licenses and endorsements.

DATE: 2/7/18
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 7 day of Feb, 2018.



James
Notary Public in and for the
State of Alaska
My commission expires: 11/01/16

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Juneau

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CBPL

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Lisa Hartlieb

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

November 16, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Subscribed and sworn to before me
this 16th day of November, 2017

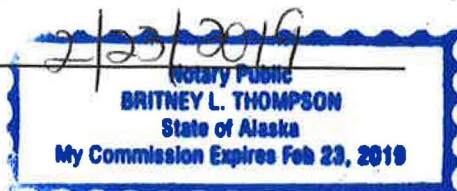
Britney Thompson

Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES



NOTICE OF PROPOSED CHANGES TO TYPES OF LICENSES AND ENDORSEMENTS FOR A DEPUTY MARINE PILOT LICENSE IN THE REGULATIONS OF THE BOARD OF MARINE PILOTS

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

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

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Statutory Authority: AS 08.62.040; AS 08.62.093; AS 08.62.097; AS 08.62.100

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.62.040; AS 08.62.093; AS 08.62.097; AS 08.62.100

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

DATE: 11/15/17

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

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

Published: November 16, 2017

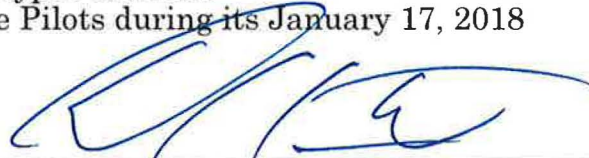
STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF BOARD ACTION

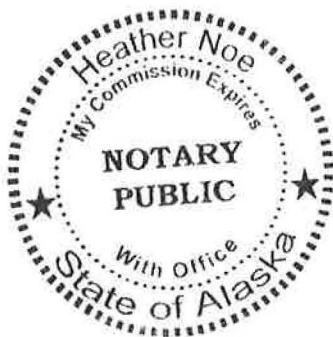
I, Charles Ward, Marine Pilot Coordinator for the Board of Marine Pilots, being duly sworn, state the following:

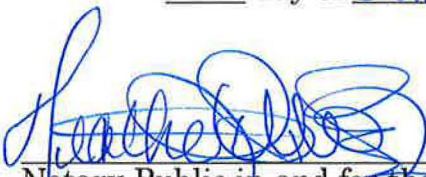
The attached motion dealing with types of licenses and endorsements was passed by the Board of Marine Pilots during its January 17, 2018 meeting.

Date: 1/25/18
Juneau, Alaska


Charles Ward, Marine Pilot Coordinator

SUBSCRIBED AND SWORN TO before me this 25th day of January, 2018.




Notary Public in and for the
State of Alaska
My commission expires: with office

Charles Ward said he had a family member who was fairly seriously ill down South, and that he may have to be called away from the office on short notice.

Erickson expressed his well wishes to Charles Ward.

Item 12. Regulation status report

Charles Ward said he had written a draft regulation, based on the Board's previous action. Said he had presented it to the Division's Regulations Specialist, who ensured it was in the proper format. Said that language was in the Board packet, and that language had been sent out for public comment. Said the proposed regulation was out for comment for 30 days, and the Board had chosen to receive written comments only. Said the Board had received one written comment. Said the Board needs to consider the financial impact, if any, on private persons.

Ronald Ward moved approval of the regulation as publicly noticed. Rueter seconded.

Harris asked for a brief explanation of the regulation change.

Erickson said the regulation currently allows a newly licensed deputy marine pilot to pilot a vessel of up to 25,000 gross tons. Said SEAPA asked the Board to increase that tonnage to 50,000 gross tons. Said the reason for that increase was that, especially in Southeast, not many ships requiring pilotage were under 25,000 gross tons. Said ships are becoming larger and have more tonnage. Said it was an opportunity to allow new deputy marine pilots to work on smaller cruise ships in Southeast that are more than 25,000 gross tons but still under 50,000 gross tons. Said a new deputy marine pilot would still need to serve as a pilot for 30 days before being eligible to upgrade to 65,000 gross tons.

Ronald Ward said the vessels in Southeast continue to become larger and larger, and there were fewer opportunities for new deputy marine pilots. Said in SWAPA's region, there was still sufficient traffic of vessels under 25,000 gross tons. Said new deputy pilots in SWAPA's region would not be dispatched to vessels larger than 25,000 gross tons until the pilots satisfied SWAPA's training criteria for new deputy pilots. Said SEAPA trainees, and SWAPA trainees, were training on ships much larger than 25,000 gross tons. Said SWAPA trainees would be restricted to ships no larger than 25,000 gross tons until they completed 30 movements on such ships.

Artz said the change was only to the tonnage limit for initial licensees. Said training had progressed to the point where new deputy pilots could pilot ships of up to 50,000 gross tons.

No financial impact to private persons was mentioned.

The motion passed unanimously.

Charles Ward said the next steps would be for him to certify the Board has approved the regulation as publicly noticed, and submit it to the Lieutenant Governor's Office through the Division's Regulations Specialist. Said once the lieutenant governor signed the regulation, it became effective 30 days later.

Item 13. Pilot association reports

SEAPA

Flury said SEAPA has 43 pilot members. Said SEAPA had two deputies, one at 90,000 gross tons and one that would be at 50,000 gross tons. Said SEAPA has 17 trainees. Said the first licensees to come from the current trainees would be in spring of 2019.