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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: August 20, 2020

RE: Filed Permanent Regulations: Board of Marine Pilots

Board of Marine Pilots Regulation re: Gross Tons Endorsement, Training Experience in Apprenticeship Program, and Definitions (12 AAC 56.011 - 12 AAC 56.990)

Attorney General File:	2020101086.001
Regulation Filed:	8/20/2020
Effective Date:	9/19/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

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

The attached seven pages of regulations, dealing with qualifications and gross tons endorsement requirements for deputy marine pilots, training program, general and regional requirements for marine pilots, training experience in an apprenticeship program, and definitions, are hereby certified to be a correct copy of the regulation changes that the Board of Marine Pilots adopted at its April 29, 2020 zoom meeting, under the authority of AS 08.62.040, AS 08.62.093, AS 08.62.097, AS 08.62.100, AS 08.62.160, and AS 08.62.175, 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: April 29, 2020
Juneau, Alaska

Renee Hoffard
Renee Hoffard, Marine Pilot Coordinator
Board of Marine Pilots

April Simpson for FILING CERTIFICATION

I, [↑]Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on August 20, 2020 at 2:46 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

April Simpson
for Kevin Meyer, Lieutenant Governor

Effective: September 19, 2020.

Register: 235, October 2020.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



A handwritten signature in blue ink, appearing to read "K-Meyer", followed by a dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 56. Board of Marine Pilots.

12 AAC 56.011(a)(3) is amended to read:

(3) not more than 95,000 [65,000] gross tons endorsement – authorizing a deputy marine pilot to pilot vessels of not more than 95,000 [65,000] gross tons;

12 AAC 56.011(a)(7) is amended to read:

(7) not more than 110,000 [90,000] gross ton endorsement – authorizing a deputy marine pilot to pilot vessels of not more than 110,000 [90,000] gross tons;

12 AAC 56.011(c) is amended to read:

(c) On 9 / 19 / 2020 {fill in effective date of regulation} [JANUARY 29, 2009], a deputy marine pilot who holds a less than 65,000 [60,000] gross tons endorsement will be considered to hold a not more than 95,000 [65,000] gross tons endorsement and a deputy marine pilot who holds a less than 90,000 [80,000] gross tons endorsement will be considered to hold a not more than 110,000 [90,000] 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.

12 AAC 56.011(d) is amended to read:

(d) On 9 / 19 / 2020 {fill in effective date of regulation} [JANUARY 29, 2009], experience toward an increased tonnage endorsement obtained by a deputy marine pilot while holding a less than 65,000 [60,000] gross tons endorsement will be counted as experience

obtained while holding a not more than 95,000 [65,000] gross tons endorsement, and experience toward an increased tonnage endorsement obtained by a deputy marine pilot while holding a less than 90,000 [80,000] gross tons endorsement will be counted as experience obtained while holding a not more than 110,000 [90,000] gross tons 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; am 9 / 19 / 2020, Register 235)

Authority: AS 08.62.040 AS 08.62.097 AS 08.62.100
AS 08.62.093

The section heading of 12 AAC 56.018 and the introductory language of 12 AAC 56.018(a) are amended to read:

12 AAC 56.018. Qualifications for not more than 95,000 [65,000] gross tons endorsement. (a) To qualify for an endorsement to pilot vessels of not more than 95,000 [65,000] gross tons, a deputy marine pilot must

...

(Eff. 11/7/93, Register 128; am 6/16/96, Register 138; am 1/23/99, Register 149; am 10/25/2002, Register 164; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 9 / 19 / 2020, Register 235)

Authority: AS 08.62.040 AS 08.62.093

The section heading of 12 AAC 56.019 and the introductory language of 12 AAC 56.019(a) are

amended to read:

12 AAC 56.019. Qualifications for not more than 110,000 [90,000] gross tons endorsement. (a) To qualify for an endorsement to pilot vessels of not more than 110,000 [90,000] gross tons, a deputy marine pilot must

• • •

12 AAC 56.019(a)(3) is amended to read:

(3) while holding a deputy marine pilot license of not more than 95,000 [65,000] gross tons, have performed at least 60 days of vessel movements onboard vessels requiring a state licensed marine pilot.

12 AAC 56.019(b) is repealed:

(b) Repealed 9 / 19 / 2020.

(Eff. 3/21/99, Register 149; am 10/25/2002, Register 164; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 9 / 19 / 2020, Register 235)

Authority: AS 08.62.040 AS 08.62.093

12 AAC 56.026(a)(2) is amended to read:

(2) possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for

[(A) EXCEPT AS PROVIDED IN (B) OF THIS PARAGRAPH,] at least one area within the pilotage region in which the training will occur;

[(B) TRAINING OCCURRING IN THE SOUTHEASTERN ALASKA REGION, IN THE FOLLOWING FEDERAL PILOTAGE ROUTES AS DEFINED IN THE COAST GUARD SOUTHEAST ALASKA FEDERAL PILOT REQUIREMENTS UNDER 46 C.F.R. 10.705:

- (i) REVILLAGIGEDO CHANNEL;
- (ii) TONGASS NARROWS SOUTH;
- (iii) TONGASS NARROWS NORTH;
- (iv) SNOW PASSAGE;
- (v) SUMNER STRAIT WEST;
- (vi) FREDERICK SOUND;
- (vii) STEPHENS PASSAGE SOUTH;
- (viii) STEPHENS PASSAGE NORTH;
- (ix) GASTINEAU CHANNEL;
- (x) ICY STRAIT EAST AND THE PORT OF HOONAH;
- (xi) LYNN CANAL;
- (xii) ICY STRAIT/CROSS SOUND;
- (xii) GLACIER BAY]; and

(Eff. 10/2/93, Register 127; am 7/15/95, Register 135; am 5/29/96, Register 138; am 8/9/97, Register 143; am 10/24/2002, Register 164; am 9/12/2006, Register 179; am 1/29/2009, Register 189; am 9 / 19 / 2020, Register 235)

Authority: AS 08.62.040 AS 08.62.097

12 AAC 56.029(9) is amended to read:

(9) show that the applicant has held a valid deputy marine pilot endorsement to pilot vessels of not more than **110,000** [90,000] gross tons. (Eff. 11/1/93, Register 128; am 5/29/96, Register 138; am 3/21/99, Register 149; am 10/24/2002, Register 164; am 10/25/2002, Register 164; am 9/12/2006, Register 179; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 10/9/2016, Register 220; am 9 / 19 / 2020, Register 235)

Authority: AS 08.62.040 AS 08.62.100

12 AAC 56.031(a)(1) is amended to read:

(1) while holding a deputy marine pilot endorsement to pilot vessels of not more than **110,000** [90,000] gross tons, complete at least 60 days of vessel movements on board vessels requiring a state licensed marine pilot, including three assessed dockings, three assessed undockings, and three assessed transits on vessels of 60,000 gross tons or greater; no more than 40 percent of the dockings and undockings may be assessed by the same training pilot; an assessment required under this paragraph is a pass/fail evaluation, conducted by a training pilot, of an unassisted, supervised movement documented on a form included in the regional training program approved by the board under 12 AAC 56.035;

12 AAC 56.031(b)(1) is amended to read:

(1) while holding an endorsement to pilot vessels of not more than **110,000** [90,000] gross tons, complete a total of 20 supervised dockings and 20 supervised undockings at the available operational berths at the Alyeska Terminal; the dockings and undockings at the Alyeska Terminal must include four dockings and four undockings at night; at least half of the dockings and undockings must be performed within the period beginning October 1 and ending

April 1;

12 AAC 56.031(b)(2) is amended to read:

(2) the applicant must have held a valid deputy marine pilot endorsement to pilot vessels of not more than 110,000 [90,000] gross tons for at least one year.

12 AAC 56.031(c)(3) is amended to read:

(3) the applicant must have held a valid deputy marine pilot endorsement to pilot vessels of not more than 110,000 [90,000] gross tons for at least one year. (Eff. 11/7/93, Register 128; am 1/23/99, Register 149; am 5/31/2000, Register 154; am 10/24/2002, Register 164; am 10/25/2002, Register 164; am 4/28/2005, Register 174; am 9/12/2006, Register 179; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 9 / 19 / 2020, Register 235)

Authority: AS 08.62.040 AS 08.62.100

~~12 AAC 56.033(b)(2) is amended to read:~~

((1 Publisher: The amendment to 12 AAC 56.033(b)(2) is withdrawn, so no changes to 12 AAC 56.033(b)(2)))

~~(2) has completed a minimum of four years of training experience as an~~ Withdrawn
~~apprentice in a deputy marine pilot apprenticeship program approved under this section in the pilotage region for which the deputy marine pilot license is sought;~~

12 AAC 56.033(c)(1) is repealed:

(1) repealed 9 / 19 / 2020;

(Eff. 6/16/96, Register 138; am 1/29/2009, Register 189; am 9 / 19 / 2020, Register 235)

Authority: AS 08.62.040 AS 08.62.097 AS 08.62.175

AS 08.62.093

~~12 AAC 56.990 is amended by adding a new subsection to read:~~

Withdrawn

(f) As used in AS 08.62.093(b)(6) and 12 AAC 56.033(b)(2), "experience" regarding the time spent in a deputy marine pilot apprenticeship program means the practical service in the position or duty specified. In accordance with the standards of 46 C.F.R. 10.107 which recognizes additional service by means of a time credit, an apprentice who completes an excess of 25 percent or more of all the supervised dockings and undockings required by 12 AAC 56.028, will be considered to have completed one year's experience. (Eff. 6/11/71, Register 38; am 6/19/74, Register 50; am 5/12/78, Register 66; am 7/24/83, Register 87; am 12/26/86, Register 100; am 8/29/87, Register 103; am 7/26/90, Register 115; am 5/13/92, Register 122; am 4/7/93, Register 126; am 10/2/93, Register 127; am 7/15/95, Register 135; am 6/16/96, Register 138; am 6/17/96, Register 138; am 1/23/99, Register 149; am 3/21/99, Register 149; am 5/31/2000, Register 154; am 3/15/2002, Register 161; am 10/24/2002, Register 164; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 11/4/2009, Register 192; am 10/28/2010, Register 196; am 10/9/2016, Register 220; am 2/22/2017, Register 221; am ____/____/____, Register ____)

Authority: AS 08.62.040 AS 08.62.160

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: August 14, 2020

File No.: 2020101086.001

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Board of Marine Pilots Regulation re:
12 AAC 56.011 – 12 AAC 56.990:
Gross Tons Endorsement, Training
Experience in Apprenticeship
Program, Definitions

The Department of Law has reviewed the attached regulations of the Board of Marine Pilots against the statutory standards of the Administrative Procedure Act. Based upon our review, 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 for 12 AAC 56.001(b) on page 1, the effective date of the regulation must be filled in. Also, there is a repeal in 12 AAC 56.019 that will need the repeal date penned in.

The regulations were adopted by the Board of Marine Pilots after the close of the public comment period. The regulations concern changes to the gross tonnage endorsements for pilots to account for larger ships and changes related to training requirements. Most of the regulation changes address the fact that ships are getting bigger, and accordingly, the tonnage requirements must reflect this. Amendments to delete 12 identified pilot routes in Southeast Alaska reflect that these specific routes are no longer identified by the United States Coast Guard training program as it interprets the federal piloting requirements. The Marine Pilot Coordinator has agreed that the board will withdraw changes to 12 AAC 56.033(b)(2) and 12 AAC 56.990 for further review and revisions by the board to better clarify the board's intent.

The March 26, 2020, public notice and the April 29, 2020, 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.

There are no technical corrections to the regulations needed, but we have penned in the regulation changes to be withdrawn for further work.

SRP:sjw

cc:

Curtis Thayer, Chair
Board of Marine Pilots
Department of Commerce, Community, and Economic Development
(*via email through Jun Maiquis*)

Amy Demboski, Assistant Commissioner
Department of Commerce, Community & Economic Development

Glenn Hoskinson, Special Assistant to the Commissioner
Department of Commerce, Community & Economic Development

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

Renee Hoffard, Marine Pilot Program Coordinator
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Harriet Milks, Senior Assistant Attorney General
Department of Law

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

BRIEF DESCRIPTION: The Board of Marine Pilots proposes to update various regulations relating to increase in gross tons endorsement requirements, training experience in an apprenticeship program, and clarifying the definition of “experience”.

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

1. **12 AAC 56.011. Types of licenses and endorsements**, is proposed to increase the gross tons endorsement requirements for deputy marine pilots; and providing for an effective date.
2. **12 AAC 56.018. Qualifications for not more than 65,000 gross tons endorsement**, is proposed to increase the gross tons endorsement requirements for deputy marine pilots.
3. **12 AAC 56.019. Qualifications for not more than 90,000 gross tons endorsement**, is proposed to increase the gross tons endorsement requirements for deputy marine pilots; and repeal obsolete provisions.
4. **12 AAC 56.026. Deputy marine pilot training program**, is proposed to be changed to amend the provisions related to deputy marine pilot training program requirements.
5. **12 AAC 56.029. General requirements for marine pilot license**, is proposed to increase the gross tons endorsement requirements for marine pilots.
6. **12 AAC 56.031. Regional requirements for marine pilot license**, is proposed to increase the gross tons endorsement requirements for marine pilots.
7. **12 AAC 56.033 Deputy marine pilot apprenticeship program**, is proposed to be changed to amend the provisions related to apprenticeship training experience requirements.
8. **12 AAC 56.990. Definitions**, is proposed to establish a definition for “experience” for purposes of the time spent in a deputy marine pilot apprenticeship program under AS 08.62.093(b)(6) and 12 AAC 56.033(b)(2).

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/197600>, and using the comment link. **The comments must be received not later than 4:30 p.m. on April 27, 2020.**

Oral comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, may also be given **via telephone by calling 408-638-0968 or 669-900-6833** during the telephonic hearing to be held on April 9, 2020. **Due to the COVID-19 outbreak no in-person testimony or written comments will be accepted at the hearing.** Callers should be on the line before the hearing begins at 1:30 p.m. if they would like to provide oral testimony. Priority will be given to those who called in before 1:30 p.m., and the chair of the Board may limit each participant’s length of oral testimony, determined before the hearing begins, to provide for those who timely called in to participate.

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 April 20, 2020 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-0320.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; AS 08.62.160; AS 08.62.175

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.62.040; AS 08.62.093; AS 08.62.097; AS 08.62.100; AS 08.62.160; AS 08.62.175

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

DATE:


3/25/2020



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:** Qualifications and gross tons endorsement requirements for deputy marine pilots, general and regional requirements for marine pilots, and definitions.
3. **Citation of regulation:** 12 AAC 56.011, 12 AAC 56.018, 12 AAC 56.019, 12 AAC 56.026, 12 AAC 56.029, 12 AAC 56.031, 12 AAC 56.033, and 12 AAC 56.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None 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 2020 or in subsequent years.
9. **The name of the contact person for the regulation:**
Renee Hoffard, Marine Pilot Coordinator
Board of Marine Pilots
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2525
E-mail: renee.hoffard@alaska.gov
10. **The origin of the proposed action:** Board of Marine Pilots.
11. **Date:** 3/25/2020 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

FIRST JUDICIAL DISTRICT

**AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
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 through 12 AAC 56.990, dealing with qualifications and gross tons endorsement requirements for deputy marine pilots, training program, general and regional requirements for marine pilots, training experience in an apprenticeship program, and definitions, has been given by being

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
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).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

DATE: 5/1/2020
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 1 day of May, 2020.



John Sivila
Notary Public in and for the
State of Alaska
My commission expires: _____

My commission expires: W/ office

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

} ss.
}

AFFIDAVIT OF ORAL HEARING

I, Renee Hoffard, Marine Pilot Coordinator for the Board of Marine Pilots, being sworn, state the following:

The Board of Marine Pilots presided over the following public hearing held in accordance with AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 12 AAC 56.011 – 12 AAC 56.990 dealing with qualifications and gross tons endorsement requirements for deputy marine pilots, training program, general and regional requirements for marine pilots, training experience in an apprenticeship program, and definitions.

April 9, 2020, at 1:30 p.m., via telephone.

Date:

April 29, 2020
Juneau, Alaska

Renee Hoffard, mpc
Renee Hoffard, Marine Pilot Coordinator

SUBSCRIBED AND SWORN TO before me this 29 day of April, 2020.



Jean Bennett
Notary Public in and for the
State of Alaska
My Commission Expires: W/office

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

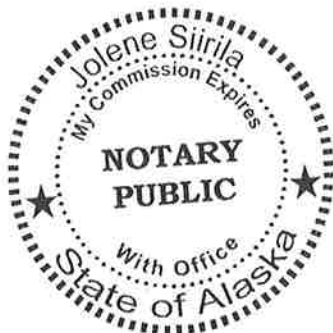
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

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 or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Marine Pilots regulations on dealing with qualifications and gross tons endorsement requirements for deputy marine pilots, training program, general and regional requirements for marine pilots, training experience in an apprenticeship program, and definitions.

DATE: 5/1/2020
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 1 day of May, 2020.



Jolene Siivila
Notary Public in and for the
State of Alaska
My commission expires: 12/1/2016

Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)
Paul Axelson, Northern Pacific Maritime
Rick Erikson, Cruise Line Agencies of Alaska
Captain Jon Cornelius
Captain John Stewart
Captain Aaron Golczynski

Agenda Item 2 – Review Agenda

Upon a motion duly made by Rick Harris, seconded by Les Cronk, and approved unanimously, it was:

RESOLVED to approve the agenda as written.

Agenda Item 2(B) – Declarations/Recusals

The board had no declarations or recusals.

Agenda Item 3 – Regulations Project

The Board reviewed the proposed regulation amendments and the public comments received for the amendments. No written comments were submitted, there were 2 oral testimonies at the board's April 9, 2020 board meeting.

Upon a motion duly made by Captain Ward, seconded by Captain Sinclair, and approved via roll call, it was:

RESOLVED to adopt the regulation amendments as public noticed and discussed. The regulations amended are:

12 AAC 56.011(a)(3), (a)(7), (c), (d)
12 AAC 56.018(a)
12 AAC 56.019(a), (a)(3)
12 AAC 56.026(a)(2)
12 AAC 56.029(9)
12 AAC 56.031(a)(1), (b)(1), (b)(2), (c)(3)
12 AAC 56.033(b)(2), (c)(1)
12 AAC 56.990(f)

Agenda Item 4 – Cruise Line Association update, COVID-19

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA) joined the board to provide an update of the cruise industry response to COVID-19. He updated the board on announcements that have been made for cancellations since he addressed the board on April 9. The majority of CLIA members have suspended voyages through June. The total number of canceled voyages is 408 which represents approximately 68% of the expected season. This is just over 800,000 passengers that will not be coming this season. Canada will have a slow, phased in re-opening, there has not been clear information about that at this time; they will

)

) ss.

FIRST JUDICIAL DISTRICT

AFFIDAVIT OF BOARD ACTION

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

The attached motion dealing with qualifications and gross tons endorsement requirements for deputy marine pilots, training program, general and regional requirements for marine pilots, training experience in an apprenticeship program, and definitions was passed by the Board of Marine Pilots during its April 29, 2020 zoom meeting.

Date:

April 29, 2020
Juneau, Alaska

Kendall, mpc

Renee Hoffard, Marine Pilot Coordinator

SUBSCRIBED AND SWORN TO before me this 29 day of April, 2020.



Jan Bennett

Notary Public in and for the
State of Alaska

My commission expires: w/office

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

Order #: W0014243

Cost: \$602.62

RECEIVED
Juneau
AUG 20 2020

CBPL

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily 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

03/26/2020

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 17th day of August 2020.

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2024

NOTARY PUBLIC
JADA L. NOWLING
STATE OF ALASKA
MY COMMISSION EXPIRES July 14, 2024

NOTICE OF PROPOSED CHANGES 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:

1. 12 AAC 56.011. Types of licenses and endorsements, is proposed to increase the gross tons endorsement requirements for deputy marine pilots; and providing for an effective date.
2. 12 AAC 56.018. Qualifications for not more than 45,000 gross tons endorsement, is proposed to increase the gross tons endorsement requirements for deputy marine pilots.
3. 12 AAC 56.019. Qualifications for not more than 90,000 gross tons endorsement, is proposed to increase the gross tons endorsement requirements for deputy marine pilots; and repeal obsolete provisions.
4. 12 AAC 56.026. Deputy marine pilot training program, is proposed to be changed to amend the provisions related to deputy marine pilot training program requirements.
5. 12 AAC 56.029. General requirements for marine pilot license, is proposed to increase the gross tons endorsement requirements for marine pilots.
6. 12 AAC 56.031. Regional requirements for marine pilot license, is proposed to increase the gross tons endorsement requirements for marine pilots.
7. 12 AAC 56.033. Deputy marine pilot apprenticeship program, is proposed to be changed to amend the provisions related to apprenticeship training experience requirements.
8. 12 AAC 56.990. Definitions, is proposed to establish a definition for "experience" for purposes of the time spent in a deputy marine pilot apprenticeship program under AS 08.62.093(b)(6) and 12 AAC 56.033(b)(7).

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 RegulationsAndPublicComments@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/197600>, and using the comment link. The comments must be received not later than 4:30 p.m. on April 27, 2020.

Oral comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, may also be given via telephone by calling 408-638-0968 or 609-900-6833 during the telephonic hearing to be held on April 9, 2020. Due to the COVID-19 outbreak no in-person testimony or written comments will be accepted at the hearing. Callers should be on the line before the hearing begins at 1:30 p.m. If they would like to provide oral testimony, priority will be given to those who called in before 1:30 p.m., and the chair of the Board may limit each participant's length of oral testimony, determined before the hearing begins, to provide for those who timely called in to participate.

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 RegulationsAndPublicComments@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 RegulationsAndPublicComments@alaska.gov not later than April 20, 2020 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 RegulationsAndPublicComments@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAR-0320.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; AS 08.62.160; AS 08.62.175
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.62.040; AS 08.62.093; AS 08.62.097; AS 08.62.100; AS 08.62.160; AS 08.62.175

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

DATE: 3/25/2020
By: /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: March 26, 2020