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

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely belonging to April Simpson, the author of the memorandum.

DATE: April 6, 2021

RE: Filed Permanent Regulations: Board of Marine Pilots

Board of Marine Pilots Regulation re: Experience in Apprenticeship Program (12 AAC
56.011 - .990)

Attorney General File: 2020101086.002

Regulation Filed: 4/6/2021

Effective Date: 5/6/2021

Print: 238, July 2021

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

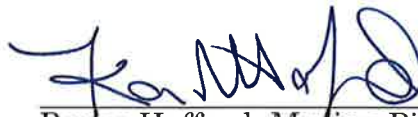
The attached two pages of regulations, dealing with regional requirements and apprenticeship program for deputy marine pilots, are hereby certified to be a correct copy of the regulation changes that the Board of Marine Pilots adopted at its January 20, 2021 teleconference meeting, under the authority of AS 08.62.040, AS 08.62.093, AS 08.62.097, 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: January 20, 2021
Juneau, Alaska



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 April 6, 2021 at 1:38 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



for Kevin Meyer, Lieutenant Governor

Effective: May 6, 2021

Register: 238, July 2021

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.**



K. Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 56. Board of Marine Pilots.

12 AAC 56.028 is amended by adding a new subsection to read:

(j) An apprentice who has completed not less than 12 months of apprenticeship training may make a request to receive credit for one year's experience under ^{12 AAC 56.033} ~~this section~~ by submitting to the marine pilot coordinator documentation that demonstrates the trainee has completed 125 percent of supervised movements in (a)(1), (b)(1), or (c)(1) of this section. The marine pilot coordinator shall forward the request and documentation to the board. The board may grant credit equal to one year's experience to the trainee for the region for which the trainee has requested credit. A trainee may not request experience credit more than one time and ^{the request may pertain to} ~~for~~ only one region specified in this section. (Eff. 10/2/93, Register 127; am 11/10/93, Register 128; am 7/15/95, Register 135; am 5/26/96, Register 138; am 6/16/96, Register 138; am 8/9/97, Register 143; am 1/23/99, Register 149; am 10/18/2001, Register 160; am 10/24/2002, Register 164; am 12/1/2002, 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 10/28/2010, Register 196; am 6/1/2013, Register 206; am 9/29/2017, Register 223; am 5 / 6 / 2021, Register 238)

Authority: AS 08.62.040 AS 08.62.097

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

(2) has completed a minimum of four years of training as an 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; an apprentice may receive credit equal to one year's training for documented experience approved by the board under 12 AAC 56.028;

Register 238, July 2021 **PROFESSIONAL REGULATIONS**

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

5 / 6 / 2021, Register 238)

Authority: AS 08.62.040 AS 08.62.097 AS 08.62.175
AS 08.62.093

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: April 5, 2021

File No.: 2020101086.002

Tel. No.: 907-465-3600

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

DS
SRP

Re: Board of Marine Pilots Regulation re:
12 AAC 56.011 - .990: Experience in
Apprenticeship Program

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.

The regulations were adopted by the Board of Marine Pilots after the close of the public comment period pursuant to the supplemental notice of proposed changes issued on November 3, 2020. The regulations concern amendment of two sections of 12 AAC 56 to permit an apprentice to receive credit equal to one year's documented experience approved by the board to apply towards one of the four years of training required to obtain a deputy marine pilot license under 12 AAC 56.028. The first amendment adds an additional subsection to 12 AAC 56.028 specifying the standards by which an apprentice qualifies for the credit and application procedure while the second amendment adds a provision to 12 AAC 56.033(b)(2) under which an apprentice is authorized to receive the credit. Pursuant to AS 08.62.040(a)(2), the Board of Marine Pilots is authorized to adopt regulations establishing qualifications and required training for pilots, subject to the Administrative Procedure Act.

The public notice states that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We made two minor technical corrections to clarify that 12 AAC 56.028 and 12 AAC 56.033 work together, and to clarify that a request under 12 AAC 56.028 may only be made once and pertain to only one region specified in the regulation.

SRP:smr

cc:

Curtis Thayer, Chair
Board of Marine Pilots
Department of Commerce, Community, and Economic Development
(via e-mail from Jun Maiquis)

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

Glenn Hoskinson, Special Assistant to the Commissioner
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

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

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

BRIEF DESCRIPTION: The Board of Marine Pilots proposes to update regulations relating to regional requirements and apprenticeship program 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:

1. **12 AAC 56.028. Regional requirements for deputy marine pilot license**, is proposed to amend the regional training experience requirements for deputy marine pilot license.
2. **12 AAC 56.033 Deputy marine pilot apprenticeship program**, is proposed to amend the apprenticeship training experience requirements, and to conform with the changes made in 12 AAC 56.028.

This is a **SUPPLEMENTAL NOTICE** adding to the **NOTICE OF PROPOSED CHANGES** that was issued on March 26, 2020, concerning these proposed regulation revisions contained in the Department of Law file number 2020101086. This **SUPPLEMENTAL NOTICE** is being issued because the Board tabled its proposed changes dealing with deputy marine pilot apprenticeship program under its initial **NOTICE OF PROPOSED CHANGES**, added conforming amendments to regional requirements for deputy marine pilot license, and is extending the written comment period regarding these proposed regulation changes. If you previously submitted written comments under the March 26, 2020 **NOTICE OF PROPOSED CHANGES**, you need not resubmit those comments under this notice as those comments are part of the record and will be considered by the Board.

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/200001>, and using the comment link. **The comments must be received not later than 4:30 p.m. on December 9, 2020.** 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 2, 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-1020-Part2.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 08.62.175

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

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


DATE: 11/3/2020



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:** Regional requirements for deputy marine pilot license and deputy marine pilot apprenticeship program.
3. **Citation of regulation:** 12 AAC 56.028 and 12 AAC 56.033.
4. **Department of Law file number:** 2020101086 (Part 2).
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 2021 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:** 11/3/2020 **Prepared by:** 
Jun Maiquis
Regulations Specialist

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

RECEIVED
Juneau

NOV 09 2020

CBPL

Order #: W0018815

Cost: \$532.9

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 afore-said 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

11/04/2020

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 5th day of November 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

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA 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 56.028. Regional requirements for deputy marine pilot license, is proposed to amend the regional training experience requirements for deputy marine pilot license.
2. 12 AAC 56.033 Deputy marine pilot apprenticeship program, is proposed to amend the apprenticeship training experience requirements, and to conform with the changes made in 12 AAC 56.028.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on March 26, 2020, concerning these proposed regulation revisions contained in the Department of Law file number 2020101086. This SUPPLEMENTAL NOTICE is being issued because the Board tabled its proposed changes dealing with deputy marine pilot apprenticeship program under its initial Notice of Proposed changes, added conforming amendments to regional requirements for deputy marine pilot license, and is extending the written comment period regarding these proposed regulation changes. If you previously submitted written comments under the March 26, 2020 Notice of proposed Changes, you need not resubmit those comments under this notice as those comments are part of the record and will be considered by the Board.

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/200001>, and using the comment link. The comments must be received not later than 4:30 p.m. on December 9, 2020. 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 2, 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-1020-Part2.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 08.62.175

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

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

DATE: 11/3/2020
/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 4, 2020

**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, supplemental notice of the proposed adoption of changes to 12 AAC 56.028 and 12 AAC 56.033, dealing with regional requirements and apprenticeship program for deputy marine pilots, 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: 2/12/21
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 12 day of February, 2021.



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



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:

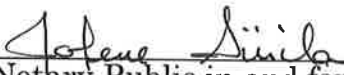
In compliance with AS 44.62.215, the Board of Marine Pilots has kept a record of its use or rejection of factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Marine Pilots regulations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

2/12/21
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 12 day of February, 2021.


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



AFFIDAVIT OF BOARD ACTION

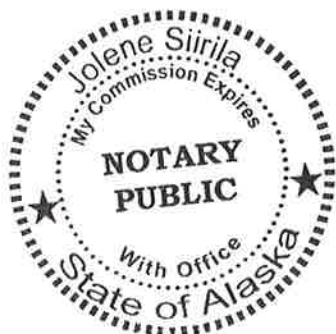
I, Renee Hoffard, Marine Pilot Coordinator for the Board of Marine Pilots, being duly sworn, state the following:


The attached motion dealing with regional requirements and apprenticeship program for deputy marine pilots was passed by the Board of Marine Pilots during its January 20, 2021 teleconference meeting.

Date: January 20, 2021
Juneau, Alaska


Renee Hoffard, Marine Pilot Coordinator

SUBSCRIBED AND SWORN TO before me this 20 day of January, 2021.




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

to the CDC. In addition, the industry came together not only supporting the healthy sail recommendations but to adopt a global policy. There have been approximately 200 successful cruises outside the United States that have taken place to date, of course, right now those are mostly on hold, due to spikes in COVID cases around the world. Those cruises are anticipated to be resuming targeted sometime within the next few months. There are several phases for the resumption of cruising to test the protocols; the industry looks forward to guidance from the CDC as they move forward. But at this point there has been about 10 ships that have canceled the entire season and about 11 ships that have canceled partial season. Some of these are just moving their start dates back and canceling a few voyages. CLIA anticipates more announcements coming given the pace that everyone has been on in discussions with various government entities and the current trajectory. Chair Thayer asked if there were any conversations regarding seeking a Jones Act waiver to allow bypassing Canada. Mr. Tibbles let the board know that at the industry is looking at the work being done in the port of Vancouver and working with CDC for the safest possible outcomes for all, a waiver has not been part of the discussions. Mr. Harris asked about involvement with local communities. Mr. Tibbles informed the board that the industry has been working closely with core communities since the onset of the pandemic and that will continue moving forward.

Agenda Item 6 – Investigations Report

Chief Investigator Greg Francois joined the meeting to provide the investigative report. October 9, 2020 – January 20, 2021 there have been 4 investigations closed with 1 investigation remaining as an open case. There were no disciplinary actions for the cases that were closed. Chair Thayer asked for clarification on one of the cases that had been closed. Captain Ward asked for an explanation as to why the 1 open case had not been sent to a reviewing board member yet as the case was opened in 2019. Chief Francois responded to the questions. The closed case had been reviewed by an expert witness who found no violation of program statutes and regulations. The open case was not a matter of public or maritime safety and was held for board member review opposed to hiring an expert witness at expense to the program.

Chief Francois informed the board that an investigator has been assigned the Marine Pilot program. Investigator Michael Bowles has been with the division for just over 1 year and will be assuming responsibility of the program investigations workload.

Agenda Item 7 – Current Regulations Project

The board reviewed the regulation amendments for 12 AAC 56.028 and 12 AAC 56.033(b)(2) as public noticed for written comment in a supplemental notice. No written comments were received for the supplemental notice.

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

RESOLVED to adopt the proposed amendments for 12 AAC 56.028 and 12 AAC 56.033(b)(2) as written.