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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: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: August 7, 2024

RE: Filed Permanent Regulations: Board of Marine Pilots

Board of Marine Pilots regulations re: Regional requirements for deputy marine pilot licenses (12 AAC 56.028)

Attorney General File:	2024200215
Regulation Filed:	8/7/2024
Effective Date:	9/6/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Sylvan Robb, Division Director
Stefanie Davis, Regulations Specialist



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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Juneau, Alaska 99811
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August 7, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *12 AAC 56.028: Board of Marine Pilots: Regional requirements for deputy
marine pilot licenses*
Our file: 2024200215

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Commerce, Community and Economic Development, Board of Marine Pilots against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter 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.

The regulations concern updating the regional requirements for deputy marine pilots to authorize the use of manned model facilities to complete certain training requirements. Under the adopted regulations, deputy marine pilots may apply up to three dockings or moorings from manned model facilities to the physical site docking or mooring requirement.

The June 21, 2024, public notice and the July 31, 2024 order certifying changes both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060, however, the removal of the public notice headers resulted in the page count of the project decreasing from two pages—as indicated in the certification of adoption order—to one page.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Digitally signed by
Rebecca C. Polizzotto
Date: 2024.08.07
09:55:57 -08'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/kmd

CC w/enclosure: Stefanie Davis, Regulations Specialist 2
Department of Commerce, Community and Economic Development
Division of Corporations, Business, and Professional Licensing

Thomas Bay, Marine Pilot Coordinator
Department of Commerce, Community and Economic Development
Alaska Board of Marine Pilots

Harriet Dinegar, Assistant Attorney General
Department of Law

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

The attached ^{one} ~~two~~ pages of regulations, dealing with updating regional requirements for deputy marine pilot licenses, are certified to be a correct copy of the regulation changes that the Board of Marine Pilots adopted at its July 24, 2024 meeting, under the authority of AS 08.62.040, and AS 08.62.097, 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.

Although no public comments were received, 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: 07/31/2024

Digitally signed by
Thomas Bay
Date: 2024.07.31
11:57:49 -08'00'

Thomas Bay, Marine Pilot Coordinator
Alaska Board of Marine Pilots

← April Simpson for FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on August 7, 2024 at 2:57 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Nancy Dahlstrom, Lieutenant Governor

Effective: September 6, 2024.

Register: 25, October 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

12 AAC 56.028(a)(1)(D) is amended to read:

(D) in addition to the other dockings and undockings required under (A) - (C) of this paragraph, 10 dockings and 10 undockings performed at any combination of ports in the region not listed in (A) - (C) of this paragraph; performed in accordance with the regional training program approved by the board under 12 AAC 56.035, except that **not** [NO] more than four dockings and four undockings may be performed at any one port[;] **and** not more than three dockings and three undockings performed in a board approved simulator **or a manned model facility** may be substituted for dockings and undockings at the physical site;

12 AAC 56.028(a)(1)(E) is amended to read:

(E) at least four moorings and four unmoorings at any mooring in the Southeastern Alaska Region as provided in the regional training program approved by the board under 12 AAC 56.035; not more than three moorings and three unmoorings performed in a board approved simulator **or a manned model facility** may be substituted for moorings or unmoorings at the physical site;

(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; am 9 / 6 / 2024, Register 251)

Authority: AS 08.62.040 AS 08.62.097