

**NOTICE OF PROPOSED CHANGES TO GENERAL REQUIREMENTS FOR MARINE PILOT  
LICENSE, NOTIFICATION OF VESSEL MOVEMENTS, DUTIES, AND DEFINITIONS IN  
THE REGULATIONS OF THE BOARD OF MARINE PILOTS**

**BRIEF DESCRIPTION:** The Board of Marine Pilots proposes to update various regulations relating to general requirements for marine pilot license, notification of vessel movements, marine pilot's duties, and clarifying the definition of "year".

The Board of Marine Pilots (Board) proposes to adopt regulation changes in Title 12, Chapter 56, of the Alaska Administrative Code, dealing with general requirements for marine pilot license, availability of pilots, duties of pilots, and definitions, including the following:

1. **12 AAC 56.029, General requirements for marine pilot license**, is proposed to be changed to alter the general requirements for a marine pilot license.
2. **12 AAC 56.205, Availability of pilots**, is proposed to be changed to alter the requirements for notification of vessel movements.
3. **12 AAC 56.960, Duties of pilots**, is proposed to be changed to clarify a marine pilot's duties.
4. **12 AAC 56.990, Definitions**, is proposed to be changed to further define terms used in AS 08.62 and 12 AAC 56.

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 Marilyn Zimmerman, Paralegal, 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 [marilyn.zimmerman@alaska.gov](mailto:marilyn.zimmerman@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/180839>, and using the comment link. **The comments must be received not later than 4:30 p.m. on April 29, 2016.**

Oral comments relevant to the proposed actions, including the potential costs to private persons of complying with the proposed action, may also be given at a hearing to be held on April 12, 2016, at the State Office Building, 333 Willoughby Avenue, 9th Floor, Conference Room A, Juneau, Alaska. If you wish to give your comments via telephone, please call 1-800-315-3668 access code 89061. The hearing will begin at 8:50 a.m. and will end when those who have signed up before 8:50 a.m. to give oral testimony have had the opportunity to comment. The chair of the Board may set a time limit for each participant's oral testimony, determined by the chair before the hearing begins, to allow enough time for all those present and timely registered to give testimony.

You may submit written questions relevant to the proposed action to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at [marilyn.zimmerman@alaska.gov](mailto:marilyn.zimmerman@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 Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMarinePilots.aspx> or on the Alaska Online Public Notice System. 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 Marilyn Zimmerman at (907) 465-2532 or [marilyn.zimmerman@alaska.gov](mailto:marilyn.zimmerman@alaska.gov) not later than April 22, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Marilyn Zimmerman at the address or phone number above, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAR-0316.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 regulations may be different from that of the proposed regulations. **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 08.62.100; AS 08.62.160; AS 08.62.190

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.62.040; AS 08.62.100; AS 08.62.160; AS 08.62.190

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

DATE: 3/29/16

/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.

### **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:** General requirements for marine pilot license, availability of pilots, duties of pilots, and definitions.
- 3. Citation of regulation:** 12 AAC 56.029, 12 AAC 56.205, 12 AAC 56.960, 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.  
Another state agency: None.  
A municipality: None.
- 8. Cost of implementation to the state agency and available funding (in thousands of dollars):**  
No costs are expected in FY 2016 or in subsequent years.
- 9. The name of the contact person for the regulation:**  
Crystal Dooley, 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: crystal.dooley@alaska.gov

**10. The origin of the proposed action:** Board of Marine Pilots.

**11. Date:** 3/29/16

**Prepared by:** \_\_\_\_\_ /s/

Jun Maiquis  
Regulations Specialist  
(907) 465-2537

**Chapter 56. Board of Marine Pilots.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 56.029(2) is amended to read:

(2) show that the applicant has held a valid deputy marine pilot license in Alaska for a minimum of three [CALENDAR] years while remaining eligible for license renewal during this period of service without use of the familiarization trips under AS 08.62.120;

(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 \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.62.040 AS 08.62.100

12 AAC 56.205(b) is repealed and readopted to read:

(b) Except as provided in (d) of this section,

(1) in Akutan of the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 48 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. A pilot will be considered unavailable for service only if the 48-hour notice required by this subsection is given and a pilot does not show up at the vessel to render service. If the agent, owner, or master of a vessel requests a pilot, and the pilot attempts to reach the vessel but cannot do so within 48 hours due to factors beyond the pilot's control, and the vessel then leaves without the pilot, the vessel or the vessel's owner may be charged for the actual expenses incurred by the pilot in attempting to reach the vessel. If the 48-hour notice is

not given as required by this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services;

(2) in the Pribilof Islands, Port Clarence, and the Kuskokwim Bay Region of the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 96 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. A pilot will be considered unavailable for service only if the 96-hour notice required by this subsection is given and a pilot does not show up at the vessel to render service. If the agent, owner, or master of a vessel requests a pilot, and the pilot attempts to reach the vessel but cannot do so within 96 hours due to factors beyond the pilot's control, and the vessel then leaves without the pilot, the vessel or the vessel's owner may be charged for the actual expenses incurred by the pilot in attempting to reach the vessel. If the 96-hour notice is not given as required by this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services;

(3) in all other locations of the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 72 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. A pilot will be considered unavailable for service only if the 72-hour notice required by this subsection is given and a pilot does not show up at the

vessel to render service. If the agent, owner, or master of a vessel requests a pilot, and the pilot attempts to reach the vessel but cannot do so within 72 hours due to factors beyond the pilot's control, and the vessel then leaves without the pilot, the vessel or the vessel's owner may be charged for the actual expenses incurred by the pilot in attempting to reach the vessel. If the 72-hour notice is not given as required by this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

(Eff. 11/7/93, Register 128; am 4/7/95, Register 134; am 8/9/97, Register 143; am 5/31/2000, Register 154; am 2/12/2005, Register 173; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.62.040 AS 08.62.190

12 AAC 56.960(d) is amended to read:

(d) If a vessel piloted by a state licensed pilot **is involved in a collision, allision, or grounding** [GOES AGROUND, COLLIDES WITH ANOTHER VESSEL OR DOCK, MEETS WITH ANY CASUALTY, OR IS DAMAGED IN ANY WAY], the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965. The marine pilot coordinator will, in the coordinator's discretion, investigate the reported incident.

(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 11/7/93, Register 128; am 5/17/95, Register 134; am 6/16/96, Register 138; am 1/23/99, Register

149; am 3/15/2002, Register 161; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.62.040 AS 08.62.160

12 AAC 56.990(a)(34) is amended to read:

(34) "year" as used in AS 08.62.093(b) means the same as year in 46 C.F.R.

10.103, **elsewhere, year means 365 days;**

(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 \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.62.040 AS 08.62.160