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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

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

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 27, 2023

RE: Filed Emergency Regulations: Big Game Commercial Services Board

Big Game Commercial Services Board Emergency Regulations re: special federal use permits (12 AAC 75.230, .260)

Attorney General File:	Emergency Regulations
Regulation Filed:	11/27/2023
Effective Date:	11/27/2023
Expiration Date:	March 25, 2024 unless made permanent by the adopting agency
Print:	248, January 2024

cc with enclosures:

Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Sylvan Robb, Division Director
Alison Osborne, Regulations Specialist
Stefanie Davis, Regulations Specialist

FINDING OF EMERGENCY

The Big Game Commercial Services Board finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The nature of the emergency is one of general welfare relating to the livelihoods of Registered Guide-Outfitters and Master Guide-Outfitters (“guides”). Guides who have been awarded special federal use permits by the United State Fish and Wildlife Service (USFWS), the Bureau of Land Management (BLM), and/or the United States Dept. of Agriculture (USDA) (collectively, “federal concessions”) to conduct guided hunting in specific locations in Alaska are caught in an impossible situation due to inherent conflicts in the timing required by the federal permits and what is required by state regulations. (A project amending the state regulations is in process but will not be in effect in time to remedy this situation for the permits in 2024.) The board requests emergency regulations be granted to remedy this situation in advance of the change in its regulations currently in process.

The federal concession permits have start dates of January 1, 2024. In order for a guide to put his or her clients into the state drawing that opened November 1, 2023, and closes December 15, 2023, for a 2024 permit, the guide must have a Unique Verification Code (UVC) issued by the Big Game Commercial Services Board (“board”). To obtain a UVC code, the guide must be registered to work in the Guide Use Area (GUA) where the hunt is occurring. Current regulations only allow guides to change their GUAs (they may be registered in three at any one time) on an annual basis at the beginning of the calendar year. Applications for the federal concession permits are competitive so guides cannot count on being awarded one. Under the existing regulations (those being changed), a guide who is registered in the maximum three GUAs would have had to change his or her GUAs in late 2022 for 2023 to accommodate his or her potentially being awarded a federal concession permit for work to be performed in 2024 thus depriving them of operating in a preferred GUA for all of 2023, just in case they prevail in the federal concession permit process.

Guides who have been awarded a federal concession permit -- that absent an emergency regulation they will be unable to use in 2024 -- will suffer severe financial impacts in 2024 and potentially into the future due to their inability to use the permits. Not being able to utilize a permit in 2024 would cause a significant financial impact on guides’ businesses as well as losses for the communities near these hunting areas as detailed below.

1) As an example, in one federal concession (USFWS) there are six bear permits for non-resident hunters per year in Guide Use Area (GUA) 8-07. The price of a bear hunt averages around \$30,000, meaning a potential loss of \$180,000 of income for guide businesses in that area. There are over 100 USFWS permits alone, plus those issued by BLM, USDA, and state lands. Over one-third of the industry operates in areas that require these concessions. Similar income losses will impact guides who were successfully awarded other federal concessions. This has a financial impact for the economy in these communities, but especially for these small businesses.

APPENDIX Q: Finding of Emergency and Certification Order

2) Non-resident hunters must have a guide to hunt, so non-resident hunters are deprived of the opportunity to hunt on the federal concession permit land in this GUA. This impacts other local businesses that benefit from these non-resident hunters such as hotels, airlines, taxidermists, restaurants, transporters, and local stores.

3) The state receives federal Pittman-Robertson Act funding to manage wildlife in at least one of the areas with the USFWS permits. The state is required to provide a 25 percent match to the federal funds. The state meets the match with funds from hunting tags. A state brown bear tag is \$1,000. Thus, each tag generates \$4,000 of revenue for the state. As an example, one area has six tags yielding a potential of \$24,000 lost revenue for the state. Other federal concessions represent additional lost state revenue.

4) Finally, some of the federal concession special use permits are issued for five years, with an additional five-year renewal. A guide's inability to enter clients in the state drawing (since a UVC code for 2024 is needed) results in him or her only being able to use the permit for nine of the 10 years. When the next prospectus offering for the same permit area occurs in 10 years, a guide will be at a disadvantage due to the reduced usage of the permit. When scoring permit applications, much weight is given to experience in the area. Being unable to use the permit for 10 percent of its time, would result in lost points that would disadvantage a guide when competing for the permit in the future.

ORDER CERTIFYING ADOPTION

I certify that the Big Game Commercial Services Board, under the authority of AS 12 AAC 75.230(a)(6), (b), (c), and 12 AAC 75.260(d), adopted at its November 14, 2023, meeting the attached 3 pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date: 11/15/2023



Jason Bunch, Chair, Big Game Commercial Services Board

 Tipik Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

November 27, 2023, at 9:03 a.m., I filed the attached regulation according to the provisions of AS 44.62.



for Lieutenant Governor Nancy Dahlstrom

Effective:

November 27, 2023.

Register:

248, January 2024

Expires March 25, 2024
unless made "permanent"
by the adopting agency

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**

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Chapter 75. Big Game Commercial Services Board.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 75.230(a)(6) is repealed:

[(6) WHETHER REGISTRATION IS FOR A SINGLE CALENDAR YEAR OR
MULTIPLE CALENDAR YEARS.]

12 AAC 75.230 (b) is amended to read:

(b) [UNLESS IT IS ISSUED FOR MULTIPLE CALENDAR YEARS, A GUIDE USE
AREA REGISTRATION ISSUED UNDER AS 08.54.750 AND THIS SECTION EXPIRES ON
DECEMBER 31 OF EACH YEAR.] A registration [FOR MULTIPLE CALENDAR YEARS]
expires on December 31 of the last year for which it is issued. To re-register, the registered
guide-outfitter must again submit a complete application under (a) of this section.

12 AAC 75.230 (c) is amended to read:

(c) A registered guide-outfitter may register for a maximum of five calendar years ending
on December 31, including the calendar year in which the registration becomes effective. A
registration for multiple calendar years may be withdrawn or changed annually **before April 1, if**
the GUA being withdrawn or changed has not been used in the that year. This includes
attempting to get hunters drawn for limited entry drawings for that GUA, in which case
the guide must have been registered for the GUA in the year of the December draw

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application period AND the year the hunt would have taken place. Both of these years will be considered used and may not be withdrawn. No refunds will be issued for the years left on a multiple year registration if it is withdrawn [WITH THE WITHDRAWAL OR CHANGE TO TAKE EFFECT ON OR AFTER JANUARY 1 OF THE NEXT CALENDAR YEAR].

12 AAC 75.260(d) is amended to read:

(d) A contracting registered or master guide who is signing the hunt contract, and who intends to apply a client for a drawing hunt permit for a hunt conducted under regulations required under AS 16.05, shall obtain a unique verification code for each guide use area in which a unique verification code is required from the department before entering an application for the client. Unique verification codes will only be issued to registered or master guides who are registered in a guide use area located in the hunt area the year the application is made and the years the permit is valid; **except a contracting guide may receive a code and apply a client in a new concession area in which the permit for the concession is authorized but not valid until the year of the hunt as long as the Concessionaire registers for the guide use area before providing services.** Unique verification codes will be current until the associated guide use area registration expires or is withdrawn or amended. Unique verification codes can only be utilized by the contracting registered or master guide who is applying clients for a drawing hunt permit.

(Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am 4/16/2016, Register 218; am 7/16/2020, Register 235; am 3/24/2022, Register 241; am 11 / 27 / 2023 , Register 248)

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Authority: AS 08.54.600 AS 08.54.720 AS 08.54.790
AS 08.54.680