

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520 465.5400 Fax  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460 269.0263  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Frances Leach  
Department of Fish & Game

**FROM:** Scott Meriwether, Office of the Lieutenant Governor 465.4081 

**DATE:** April 20, 2017

**RE:** Filed Permanent Regulations: Department of Fish & Game  
  
Department of Fish and Game Regulation re: 2017 Saltwater and Freshwater Sport Fish Logbooks (5 AAC 75.076(a))

---

Attorney General File:	JU2016201019
Regulation Filed:	4/19/2017
Effective Date:	5/19/2017
Print:	222, July 2017

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

**ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF FISH AND GAME**

The attached one page of regulations, dealing with sport fishing services and sport fishing guides reporting and vessel registration requirements, are adopted and certified to be a correct copy of the regulation changes that the Department of Fish and Game adopts under the authority of AS 16.05.270, AS 16.05.050 and AS 16.05.251 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.

In considering public comments, the Department of Fish and Game paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under 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:

4/12/17  
Juneau, Alaska

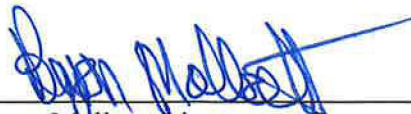


Charles O. Swanton, Deputy Commissioner  
Department of Fish and Game

**FILING CERTIFICATION**

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

April 12, 2017 at 1500 .m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Byron Mallott, Lieutenant Governor  
State of Alaska

Effective:

May 19, 2017

Register:

222, July 2017

STATE OF ALASKA  
DEPARTMENT OF FISH AND GAME  
P.O. BOX 115526  
JUNEAU, ALASKA 99811

DELEGATION OF AUTHORITY

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING  
REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA  
ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO CHARLES O. SWANTON,  
DEPUTY COMMISSIONER.

SIGNED:

Sam Cotten

SAM COTTEN

(Please print name)

SIGNED AND SWORN TO before me this 2 day of February, 2015

[NOTARY SEAL]

Abby Smith  
Notary Public in and for the  
State of Alaska

My commission expires: with office

STATE OF ALASKA  
OFFICIAL SEAL  
Abby Smith  
NOTARY PUBLIC  
My Commission Expires with office



**Title 5. Fish and Game.**

**Chapter 75. Statewide Provisions.**

**Article 4. Fishing Services and Sport Fishing Guides.**

5 AAC 75.076(a) is amended to read:

(a) A sport fishing guide shall obtain and complete a

(1) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2017  
[2016] *Saltwater Charter Logbook and Vessel Registration*, adopted by reference, if operating in  
salt water [WATERS];

(2) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2017  
[2016] *Freshwater Sport Fish Guide Logbook and Vessel Registration*, adopted by reference, if  
operating in fresh water [WATERS].

(Eff. 5/19/98, Register 146; am 9/23/98, Register 147; am 5/15/99, Register 150; am 4/16/2000,  
Register 154; am 5/20/2000, Register 154; am 3/11/2001, Register 157; am 4/5/2002, Register  
162; am 2/28/2003, Register 165; am 3/25/2004, Register 169; am 2/10/2005, Register 173; am  
5/19/2005, Register 174; am 5/26/2006, Register 178; am 8/12/2007, Register 183; am 1/1/2008,  
Register 184; am 4/25/2008, Register 186; am 5/23/2009, Register 190; am 6/20/2010, Register  
194; am 4/28/2011, Register 198; am 4/1/2012, Register 201; am 3/7/2013, Register 205; am  
4/9/2014, Register 210; am 3/4/2015, Register 213; am 3/2/2016, Register 217; am  
5 / 19 /2017, Register 222)

Authority: AS 16.05.050  AS 16.05.251

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Byron Mallott  
Lieutenant Governor  
(hand delivery)

**Date:** April 17, 2017

**File No.:** JU2016201019

**Tel. No.:** 465-3600

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

**Re:** Department of Fish and Game  
Regulation re: 2017 Saltwater and  
Freshwater Sport Fish Logbooks  
(5 AAC 75.076(a))

We have reviewed the attached regulations changes from the Department of Fish and Game under a delegation issued by the Board of Fisheries under AS 16.05.270 against the statutory standards of the Administrative Procedure Act. The regulations concern reporting requirements for sport fishing services and sport fishing guides, and adopt by reference the 2017 Saltwater Charter Logbook and Vessel Registration and the 2017 Freshwater Sport Fish Guide Logbook and Vessel Registration.

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 December 24, 2016 public notice and the April 12, 2017 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.

We have made a minor technical correction to conform the regulations in accordance with AS 44.62.125. The correction is shown on the attached copy of the regulations.

SRP:ljm  
cc w/enc: (via email)

Honorable Sam Cotten, Commissioner  
Dept. of Fish and Game

Glenn Haight, Executive Director  
Board of Fisheries  
Dept. of Fish and Game

Scott Kelley, Director  
Division of Commercial Fisheries  
Dept. of Fish and Game

Forrest Bowers, Deputy Director  
Division of Commercial Fisheries  
Dept. of Fish and Game

Tom Brookover, Director  
Division of Sport Fish  
Dept. of Fish and Game

Tom Taube, Deputy Director  
Division of Sport Fish  
Dept. of Fish and Game

Lisa Olson, Deputy Director  
Division of Subsistence  
Dept. of Fish and Game

Bob Powers, Program Coordinator  
Division of Sport Fish  
Dept. of Fish and Game

Frances Leach, Fishery Regulations  
Program Coordinator, AAC Contact  
Dept. of Fish and Game

Enforcement Commander  
Division of Wildlife Troopers  
Dept. of Public Safety

Vanessa Lamantia, Assistant Attorney  
General  
Natural Resources Section

**Title 5. Fish and Game.**

**Chapter 75. Statewide Provisions.**

**Article 4. Fishing Services and Sport Fishing Guides.**

5 AAC 75.076(a) is amended to read:

(a) A sport fishing guide shall obtain and complete a

(1) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2017  
[2016] *Saltwater Charter Logbook and Vessel Registration*, adopted by reference, if operating in  
salt water [WATERS];

(2) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2017  
[2016] *Freshwater Sport Fish Guide Logbook and Vessel Registration*, adopted by reference, if  
operating in fresh water [WATERS].

(Eff. 5/19/98, Register 146; am 9/23/98, Register 147; am 5/15/99, Register 150; am 4/16/2000,  
Register 154; am 5/20/2000, Register 154; am 3/11/2001, Register 157; am 4/5/2002, Register  
162; am 2/28/2003, Register 165; am 3/25/2004, Register 169; am 2/10/2005, Register 173; am  
5/19/2005, Register 174; am 5/26/2006, Register 178; am 8/12/2007, Register 183; am 1/1/2008,  
Register 184; am 4/25/2008, Register 186; am 5/23/2009, Register 190; am 6/20/2010, Register  
194; am 4/28/2011, Register 198; am 4/1/2012, Register 201; am 3/7/2013, Register 205; am  
4/9/2014, Register 210; am 3/4/2015, Register 213; am 3/2/2016, Register 217; am  
\_\_\_\_/\_\_\_\_/2017, Register \_\_\_\_\_)

Authority: AS 16.05.050  AS 16.05.251

**ALASKA BOARD OF FISHERIES  
DELEGATION OF AUTHORITY**

**Sport Fish Guiding Logbooks and Reports**

**#2004-231-FB**

Under the authority of AS 16.05.270, the Alaska Board of Fisheries delegates to the Commissioner of the Department of Fish and Game the authority under as 16.05.251 to adopt and amend regulations, including amendment of 5 AAC 75.076 to provide specific requirements and procedures for completion and submission of sport fishing guide logbooks, or comparable reports, by sport fishing services, operators, and sport fishing guides. This delegation includes authority to amend other regulations as necessary to acknowledge or otherwise conform to the regulations that specifically provide for the logbooks or comparable records.

This delegation of authority supercedes the previous delegation (board finding #98-178A-FB).

Adopted: November 13, 2004

  
\_\_\_\_\_  
Art Nelson, Chair  
Alaska Board of Fisheries

11/13/2004  
\_\_\_\_\_  
Date

**NOTICE OF PROPOSED CHANGES IN THE  
REGULATIONS OF THE DEPARTMENT OF FISH AND GAME**

Brief Description
<p style="text-align:center">BRIEF DESCRIPTION</p> <p>The Department of Fish and Game proposes to change regulations by adopting by reference the 2017 versions of the logbook and vessel registration requirements for sport fishing guides and sport fishing services operating in fresh and salt waters for the 2017 fishing season.</p>

The commissioner of the Department of Fish and Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code (AAC) related to reporting requirements for sport fishing services and sport fishing guides, including the following:

**5 AAC 75.076(a)** is proposed to be changed to adopt by reference the 2017 version of the Saltwater Charter Logbook and Vessel Registration for those services and guides operating in salt waters and the 2017 version of the Freshwater Sport Fish Guide Logbook and Vessel Registration for the services and guides operating in fresh waters.

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 Frances H. Leach, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept comments by facsimile at (907) 465-2604 and by electronic mail at [frances.leach@alaska.gov](mailto:frances.leach@alaska.gov). The comments must be received no later than 5:00 p.m. on January 25, 2017.

You may submit written questions relevant to the proposed action to Frances H. Leach, Regulations Program Coordinator, at Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526, or by electronic mail at [frances.leach@alaska.gov](mailto:frances.leach@alaska.gov). The questions must be received at least 10 days before the end of the public comment period. The Alaska Department of Fish and Game will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and [www.sf.adfg.alaska.gov](http://www.sf.adfg.alaska.gov).

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Frances H. Leach at (907) 465-6124 no later than January 16, 2017 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, including the logbooks being adopted by reference, contact Frances H. Leach, Regulations Program Coordinator at the mailing address, telephone number, or email address above. A copy is also available online on the State of Alaska's Online Public Notice System and at [www.sf.adfg.alaska.gov](http://www.sf.adfg.alaska.gov).

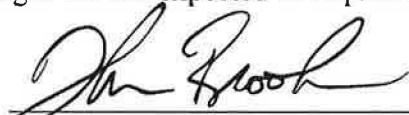
After the public comment period ends, the commissioner of the Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

**Statutory Authority:** AS 16.05.050; AS 16.05.251

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 16.05.050; AS 16.05.251

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

DATE:12/23/16

A handwritten signature in dark ink, appearing to read 'Th Brook', is written over a horizontal line.

Thomas Brookover, Director  
Division of Sport Fish  
Department of Fish and Game

ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(g))

1. Adopting agency: Alaska Department of Fish and Game
2. General subject of regulation: Sport Fish Guiding Services and Guides; Sport Fish Logbooks
3. Citation of regulation (may be grouped): 5 AAC 75.076
4. Department of Law file number, if any: JU2016201019
5. Reason for the proposed action: Development of program standards
6. Appropriation/Allocation: Fish and Game Funds
7. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>17</u>	Subsequent Years
Operating Cost	\$ <u>451.9</u>	\$ <u>465.5</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
1037 General fund/ mental health	\$ <u>0</u>	\$ <u>0</u>
Other	\$ <u>451.9</u>	\$ <u>465.5</u>

8. The name of the contact person for the regulations:

Name: Frances H. Leach  
Title: Regulations Program Coordinator  
Address: P.O. Box 115526  
Juneau, AK 99811-5526  
Telephone: (907) 465-6124  
E-mail address: frances.leach@alaska.gov

9. The origin of the proposed action: Staff of state agency

10. Date: 12/23/16

Prepared by:

  
Name: Frances H. Leach  
Title: Regulations Program Coordinator  
Telephone: (907) 465-6124

STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS  
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Frances H. Leach, Regulations Program Coordinator, of the Department of Fish and Game, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 5 AAC 75 dealing with sport fishing services and sport fishing guides reporting and vessel registration requirements has been given by being

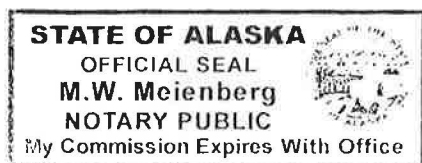
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (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);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

Date: 1/31/17  
Juneau, Alaska

  
\_\_\_\_\_  
Frances H. Leach, Regulations Program Coordinator  
Alaska Department of Fish and Game

SUBSCRIBED AND SWORN TO before me this 31<sup>st</sup> day of January, 2017.



  
\_\_\_\_\_  
Notary Public in and for the  
State of Alaska

My commission expires: with office


STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

## AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

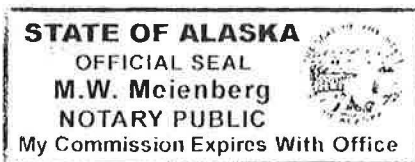
I, Frances H. Leach, Regulations Program Coordinator, of the Department of Fish and Game, being duly sworn, state the following:


In compliance with AS 44.62.215, the Department of Fish and Game has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Fish and Game, regulation on sport fishing services and sport fishing guides reporting and vessel registration requirements.

Date: 2/6/17  
Juneau, Alaska

  
 Frances H. Leach, Regulations Program Coordinator  
 Alaska Department of Fish and Game

SUBSCRIBED AND SWORN TO before me this 6<sup>Th</sup> day of February, 2017.



  
Notary Public in and for the  
State of Alaska

My commission expires: with office

270233  
0001397815  
\$308.78

R.C.A.  
RECEIVED

17 JAN -3 AM 11:21

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisa Robinson  
being first duly sworn on oath deposes and  
says that he/she is a representative of the  
Alaska Dispatch 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

December 24, 2016

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

*Lisa Robinson*

Subscribed and sworn to before me  
this 27th day of December, 2016

*Britney Thompson*

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

*2/23/2019*

## NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF FISH AND GAME

The commissioner of the Department of Fish and Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code (AAC) related to reporting requirements for sport fishing services and sport fishing guides, including the following:

**5 AAC 75.076(a)** is proposed to be changed to adopt by reference the 2017 version of the Saltwater Charter Logbook and Vessel Registration for those services and guides operating in salt waters and the 2017 version of the Freshwater Sport Fish Guide Logbook and Vessel Registration for the services and guides operating in fresh waters.

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 Frances H. Leach, Regulations Program Coordinator, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept comments by facsimile at (907) 465-2604 and by electronic mail at frances.leach@alaska.gov. The comments must be received no later than 5:00 p.m. on January 25, 2017.

You may submit written questions relevant to the proposed action to Frances H. Leach, Regulations Program Coordinator, at Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526, or by electronic mail at frances.leach@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Alaska Department of Fish and Game will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and [www.sf.adfg.alaska.gov](http://www.sf.adfg.alaska.gov).

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Frances H. Leach at (907) 465-6124 no later than January 16, 2017 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, including the logbooks being adopted by reference, contact Frances H. Leach, Regulations Program Coordinator at the mailing address, telephone number, or email address above. A copy is also available online on the State of Alaska's Online Public Notice System and at [www.sf.adfg.alaska.gov](http://www.sf.adfg.alaska.gov).

After the public comment period ends, the commissioner of the Department of Fish and Game 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.

**Statutory Authority:** AS 16.05.050; AS 16.05.251

**Statutes Being Implemented, Interpreted, or Made Specific:**  
AS 16.05.050; AS 16.05.251

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

DATE: 12/23/16

Thomas Brookover, Director  
Division of Sport Fish  
Department of Fish and Game

Published: December 24, 2016

Notary Public  
**BRITNEY L. THOMPSON**  
State of Alaska  
My Commission Expires Feb 23, 2019