

Byron Mallott  
Lieutenant Governor  
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Juneau, Alaska 99811  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

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

**TO:** Jun Maiquis  
Department of Commerce, Community & Economic Development

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

**DATE:** April 26, 2017

**RE:** Filed Permanent Regulations: Big Game Commercial Services Board  
  
Big Game Commercial Services Board regulations re: ethics provisions regarding field craft standards (12 AAC 75.340(d))

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Attorney General File:	JU2016200909
Regulation Filed:	4/25/2017
Effective Date:	5/25/2017
Print:	222, July 2017

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

ORDER CERTIFYING THE CHANGES TO REGULATIONS  
OF THE BIG GAME COMMERCIAL SERVICES BOARD

The attached two pages of regulations, dealing with professional ethics standards for guides, are hereby certified to be a correct copy of the regulation changes that the Big Game Commercial Services Board adopted at its December 5-7, 2016 meeting, under the authority of AS 08.54.600, AS 08.54.680, and AS 08.54.710 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 Big Game Commercial Services Board 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.

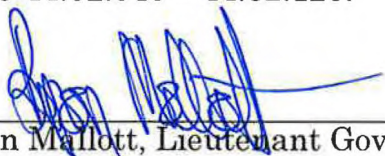
DATE:

3/5/17  
Fairbanks, Alaska

  
\_\_\_\_\_  
Kelly Vrem, Chairman  
Big Game Commercial Services Board

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on April 25, 2017 at 3:08p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
\_\_\_\_\_  
Byron Mallott, Lieutenant Governor

Effective: May 25, 2017

Register: 222, July 2017

**Chapter 75. Big Game Commercial Services Board.**

12 AAC 75.340(d) is amended to read:

(d) **Field craft standards.** All classes of guides shall

(1) **conduct themselves in a professional sportsman like manner, and treat wildlife, wild lands and all users with courtesy and respect;**

<sup>2</sup>  
(2) use every lawful means at the licensee's disposal to bag a wounded animal while it is in danger of escaping, or, in a serious emergency, while human life or well-being is endangered;

(3) [(2)] barring unforeseen conditions, properly prepare according to generally accepted procedures, all antlers, horns, hides, and capes to be delivered to the taxidermist or to the client at the conclusion of a hunt in a satisfactory and unspoiled condition, unless the guide is providing only outfitting and transportation services for the client;

(4) [(3)] endeavor to salvage all meat of animals taken by clients, in accordance with state statutes and regulations;

(5) [(4)] except for brown bear, grizzly bear, wolves, and wolverine, transport the meat of a big game animal taken by the client in accordance with 5 AAC 92;

(6) [(5)] respect gear, equipment, food, shelter, and camps established by other users;

(7) [(6)] avoid staging unused or unattended camps and gear to discourage other users from utilizing a location;

(8) [(7)] allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences;

(9) **refrain from using any mechanical powered equipment to knowingly**

**herd, drive, chase or harass big game animals;**

**(10) <sup>3</sup>refrain from making multiple, consecutive approaches in any mechanical powered equipment, near any <sup>big</sup>game animal or group of <sup>big</sup>game animals during any open hunting season for that species, to avoid altering the hunting experience of other hunters.** [(8) AVOID USING AN AIRCRAFT IN ANY MANNER TO SPOT BIG GAME FOR

THE PURPOSE OF TAKING A SPECIFIC ANIMAL.] unless

*(a transposed))*

(A) hunting brown, grizzly, or black bears from January 1 through June 30 in an area with an allowable harvest under 5 AAC 85 and 5 AAC 92, **of** [OR] one or more brown or grizzly bears per regulatory year; in this subparagraph, "regulatory year" has the meaning given in 5 AAC 92.990; or

(B) specifically authorized under another statute or regulation;

**(11)** [(9)] avoid utilizing [, IN ANY MANNER,] global positioning system (GPS) or other electronic devices to **locate and stalk** [ASSIST IN THE TAKING OF] a big game animal **for the purpose of harvest**; and

**(12)** [(10)] respond personally or through an assistant to requests for assistance communicated during the hunt; a contracting or employing guide must respond within a reasonable time based on the urgency of the request, weather conditions, and other safety factors.

(Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am 11/24/2007, Register 184; am 6/26/2010, Register 194; am 6/2/2011, Register 198; am 1/13/2012, Register 201; am 12/2/2012, Register 204; am 4/13/2013, Register 206; am 4/16/2016, Register 218; am 5/25/2017,

Register 222)

**Authority:** AS 08.54.600 AS 08.54.680 AS 08.54.710

# MEMORANDUM


## State of Alaska Department of Law

**To:** The Honorable Byron Mallott  
Lieutenant Governor

**Date:** April 21, 2017

**File No.:** JU2016200909

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

**From:** Steven C. Weaver   
Sr. Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

**Re:** Big Game Commercial Services  
Board regulations re: ethics provisions  
regarding field craft standards  
(12 AAC 75.340(d))

We have reviewed the attached regulations from the Big Game Commercial Services Board against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated April 20, 2017 from the Regulations Attorney. The regulations update the ethics field craft standards for all classes of guides.

We find no legal problems with the regulations. 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 October 22, 2016 public notice and the March 5, 2017 certification of 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.

Hon. Byron Mallott, Lieutenant Governor  
Our file: JU2016200909

April 21, 2017  
Page 2

We have made some technical corrections to the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: (via email)

Kelly Vrem, Chair  
Big Game Commercial Services Board  
(via email through Jun Maiquis)

Micaela Fowler, Regulations Contact  
Department of Commerce, Community, and Economic Development

Janey Hovenden, Director  
Division of Corporations, Business, and Professional Licensing  
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

Laura Carrillo  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Heather Noe  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General  
Commercial and Fair Business Section

# MEMORANDUM

## State of Alaska Department of Law

**TO:** Hon. Byron Mallott  
Lieutenant Governor

**DATE:** April 20, 2017

**FILE NO.:** JU2016200909

**TELEPHONE NO.:** 465-3600

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

**SUBJECT:** Specific delegation of authority  
regarding regulations review on  
Big Game Commercial Services  
Board regulations re: ethics  
provisions regarding field craft  
standards (12 AAC 75.340(d))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc:

Scott C. Meriwether, AAC Coordinator  
Office of the Lieutenant Governor

Steven C. Weaver  
Sr. Assistant Attorney General and Assistant Regulations Attorney  
Legislation/Regulations Section

## **NOTICE OF PROPOSED CHANGES TO ETHICS STANDARDS FOR GUIDES IN THE REGULATIONS OF THE BIG GAME COMMERCIAL SERVICES BOARD**

**BRIEF DESCRIPTION:** The Big Game Commercial Services Board proposes to update regulations regarding ethics standards for guides.

The Big Game Commercial Services Board (Board) proposes to adopt regulation changes in Title 12, Chapter 75, of the Alaska Administrative Code, dealing with professional ethics standards for guides, including the following:

**12 AAC 75.340, Professional ethics standards for guides**, is proposed to be changed to alter the ethics standards requirements for guides.

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](mailto: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/183326>, and using the comment link. **The comments must be received not later than 5:00 p.m. on November 23, 2016.**

Oral comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, may also be given at a hearing to be held on December 6, 2016, at the Atwood Building, 550 W. 7th Avenue, Room 104, Anchorage, Alaska. **Written comments will not be accepted at the hearing.** If you wish to give your comments via telephone, please call 1-800-315-6338 access code 24272. The hearing will begin at 9:05 a.m. and will end when those who have signed up before 9:05 a.m. to give oral testimony have had the opportunity to comment. The chair of the Board may limit each participant's length of oral testimony to a time limit, 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 Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [jun.maiquis@alaska.gov](mailto:jun.maiquis@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 or on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BigGameCommercialServicesBoard.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 [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov) not later than November 16, 2016 to ensure that any necessary accommodations 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 [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BGCSB-0716.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 08.54.600; AS 08.54.680; AS 08.54.710

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.54.600; AS 08.54.680; AS



08.54.710


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

DATE: 10/21/16

  
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:** Big Game Commercial Services Board – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Professional ethics standards for guides.
3. **Citation of regulation:** 12 AAC 75.340.
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 2017 or in subsequent years.
9. **The name of the contact person for the regulation:**  
Cindy Hansen, Licensing Examiner  
Big Game Commercial Services Board  
Division of Corporations, Business and Professional Licensing  
P.O. Box 110806, Juneau, AK 99811-0806  
Telephone: (907) 465-2543  
E-mail: cindy.hansen@alaska.gov
10. **The origin of the proposed action:** Big Game Commercial Services Board.
11. **Date:** 10/21/16      **Prepared by:**   
Jun Maiquis  
Regulations Specialist  
(907) 465-2537

## FIRST JUDICIAL DISTRICT

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS  
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, notice of the proposed adoption of changes to 12 AAC 75.340, dealing with professional ethics standards for guides, 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 Labor and Commerce 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: 4/6/17  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

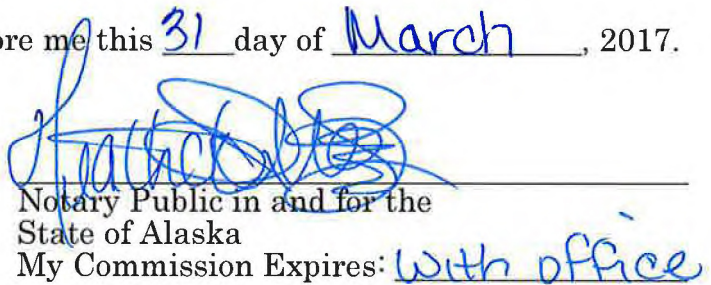
SUBSCRIBED AND SWORN TO before me this 6<sup>th</sup> day of April, 2017.



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

**FIRST JUDICIAL DISTRICT**

) ss.



## FIRST JUDICIAL DISTRICT

## 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:

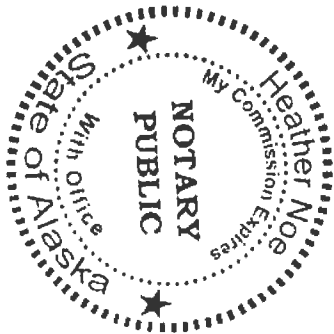
In compliance with AS 44.62.215, the Big Game Commercial Services Board has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Big Game Commercial Services Board regulations on dealing with professional ethics standards for guides.

DATE: 4/6/17  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

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

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





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RECEIVED  
Juneau

OCT 27 2016

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

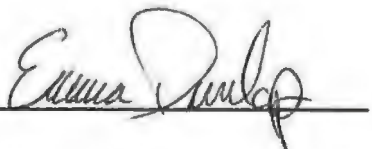
Emma Dunlap

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

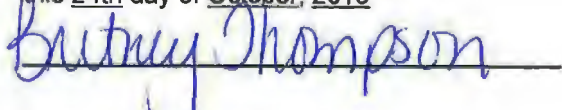
October 22, 2016

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



Subscribed and sworn to before me  
this 24th day of October, 2016



Notary Public in and for  
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

BRITNEY L. THOMPSON  
State of Alaska

My Commission Expires Feb 23, 2019

## NOTICE OF PROPOSED CHANGES TO ETHICS STANDARDS FOR GUIDES IN THE REGULATIONS OF THE BIG GAME COMMERCIAL SERVICES BOARD

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**Statutory Authority:** AS 08.54.600; AS 08.54.680; AS 08.54.710  
**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.54.600; AS 08.54.680; AS 08.54.710

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

DATE: 10/21/16

/s/

Jun Maiquis, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

regulated under the Division of Corporations,  
the Division keeps a list of

STATE OF ALASKA

**FIRST JUDICIAL DISTRICT**

SS.

## AFFIDAVIT OF BOARD ACTION

I, Laura Carrillo, Licensing Supervisor for the Big Game Commercial Services Board, being duly sworn, state the following:

The attached motion dealing with professional ethics standards for guides was passed by the Big Game Commercial Services Board during its December 5-7, 2016 meeting.

Date: 03/31/2017  
Juneau, Alaska

  
Laura Carrillo, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 31 day of March, 2017.



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

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

**BIG GAME COMMERCIAL SERVICES BOARD**

**MINUTES OF MEETING  
December 5-8, 2016**

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held December 5-8, 2016.

These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

**Monday, December 5, 2016**

**AGENDA ITEM A                      CALL TO ORDER/ROLL CALL                      9:02 am**

The meeting was called to order by Kelly Vrem, Chair, at 9:03 a.m.

**Board members present:**

Kelly Vrem, Master Guide-Outfitter, Chair  
Karen Polley, Public Member  
David Brown, Board of Game Representative  
Michele Metz, Large Private Landowner  
David Jones, Transporter  
Tom Atkins, Transporter  
Henry D. Tiffany IV, Master Guide-Outfitter

**Board and Division staff present:**

Laura Carrillo, Records & Licensing Supervisor  
Janey Hovenden, Division Director  
Sara Chambers, Division Operations Manager  
Martha Hewlett, Administrative Officer  
Lee Strout, Investigator  
Amber Whaley, Investigator  
Harriet Dinegar Milks, Assistant Attorney General

**State and Federal members present:**

Tony Kavalok, Department of Fish and Game  
Lt. Paul Fussey, Fish & Wildlife Troopers

**AGENDA ITEM C      BOARD BUSINESS**

**11:02 am**

**On a motion duly made by Karen Polley, seconded by Henry D. Tiffany IV, and approved unanimously, it was:**

RESOLVED to approve amendments to 12 AAC 75.340(d) – Field Standards as publically noticed.

Discussion: Mr. Tiffany stated he was the chair on the subcommittee that discussed field standards, and acknowledged that while it isn't perfect, the Board has found a middle ground. Mr. Tiffany expressed optimism for this change.

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	x			
Karen Polley	x			
David Brown	x			
Michele Metz	x			
David Jones	x			
Tom Atkins	x			
Henry D. Tiffany IV	x			

**On a motion duly made by Karen Polley, seconded by James Atkins, and approved unanimously, it was:**

RESOLVED to accept amendments proposed by the test writing committee for the registered guide test and exam.

Discussion: The test standards subcommittee has identified some weaknesses in the exam, and the proposed changes will make the test more relevant and accurate. The subcommittee acknowledge they were not at liberty to discuss what has been changed as tests are confidential.

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	x			
Karen Polley	x			
David Brown	x			
Michele Metz	x			
David Jones	x			
Tom Atkins	x			
Henry D. Tiffany IV	x			