

Kevin Meyer
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Shellene Hutter
Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor
465.4081 

DATE: April 26, 2019

RE: Filed Permanent Regulations: Department of Fish and Game

Department of Fish and Game Regulations re: Sport Fishing Guide and Charter
Logbook in the Freshwater Guide Program (5 AAC 75.075 - 5 AAC 75.076)

Attorney General File:	2019200218
Regulation Filed:	4/26/2019
Effective Date:	5/26/2019
Print:	230, July 2019

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 three pages 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: 4-15-19
Juneau, Alaska




Douglas Vincent-Lang, Commissioner
Department of Fish and Game

April Simpson for

FILING CERTIFICATION

I, ^AKevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 26th, 2019, at 8:35 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Kevin Meyer, Lieutenant Governor
State of Alaska

Effective: May 26, 2019

Register: 230, July 2019

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, 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:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**



Alaska Department of Fish and Game
Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526
(907) 465-4110
www.adfg.alaska.gov

ALASKA BOARD OF FISHERIES

DELEGATION OF AUTHORITY UNDER AS 16.05.270 TO THE COMMISSIONER TO ADOPT REGULATIONS FOR GUIDED SPORT FISHING REGISTRATION AND LOGBOOKS

2019-294-FB

The Board of Fisheries ("board") makes the following findings:

1. Whereas regulations at 5 AAC 75.075-.076 require registration and logbooks for sport fishing services and sport fishing guide services in fresh and salt waters; and
2. Whereas due to lack of program funding the department intends to discontinue the freshwater guided sport fishing registration and logbook program in 2020; and
3. Whereas with the freshwater guided sport fishing registration and logbook program being discontinued, the sport fish guide regulations at 5 AAC 75.075-.076 should be amended to provide for registration and logbooks for sport fishing services and sport fishing guide services in salt waters only;
4. Whereas making these regulations changes during the 2019-2020 Board of Fisheries meeting cycle and by way of the agenda change process would be an unnecessary and inefficient use of the board process.

NOW THEREFORE:

A. Pursuant to AS 16.05.270, the board delegates its authority under AS 16.05.251 to the commissioner to consider and, at the commissioner's discretion, to adopt and repeal regulations in accordance with the Administrative Procedure Act (AS 44.62) for registration and logbooks for sport fishing services and sport fishing guide services in freshwater and saltwater consistent with the department's program funding intentions and priorities.

B. This delegation of authority shall remain in effect unless revoked by the board.

Vote: 6-0 (Jensen absent)
January 19, 2019
Anchorage, Alaska


Reed Morisky, Chair
Alaska Board of Fisheries

Chapter 75. Statewide Provisions.

Article 4. Fishing Services and Sport Fishing Guides.

5 AAC 75.075(g)(1) is amended to read:

(1) the person's current

(A) sport fishing guide registration or card; and

(B) applicable logbooks as required in 5 AAC 75.076 **for sport fishing guides operating in salt water;**

(Eff. 4/18/86, Register 98; am 5/13/95, Register 134; am 4/23/98, Register 146; am 5/19/98, Register 146; am 2/10/2005, Register 173; am 1/1/2008, Register 184; am 3/4/2015, Register 213; am 3/15/2017, Register 221; am 3/28/2019, Register 229; am 5 / 26 / 2019, Register 230)

Authority: AS 16.05.251

5 AAC 75.076 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, 2019 *Saltwater Charter Logbook and Vessel Registration*, adopted by reference, if operating in salt water;

(2) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2019 [FRESHWATER SPORT FISH GUIDE LOGBOOK AND] *Vessel Registration*, adopted by reference, if operating in fresh water.

(b) A logbook requires information necessary for the management and conservation of fishery resources and regulation of the guided sport fishing industry, including

(1) the division of motor vehicles boat registration number, issued under 2 AAC 70, or United States Coast Guard documentation number, of the vessels that are used to provide sport fishing guide services in [FRESH OR] salt water;

(2) the locations where the sport fishing guide services were provided;

(3) the effort, catch, and harvest of sport fish by persons who are clients, owners, or employees of a business that conducts sport fishing services or by a person who provides sport fishing guide services; and

(4) any other information the department determines is necessary for the management and conservation of the fishery resource or the regulation of the guided sport fishing industry.

(c) A sport fishing guide operating in salt water shall complete a logbook in the manner and at the location specified in the logbook and present the guide's logbook for inspection as required in 5 AAC 75.075.

(d) A person may not make a false entry in the logbook required in (a) of this section.

(e) The holder of a sport fishing operator registration issued under 5 AAC 75.075 for a business that conducts sport fishing services in salt water shall return the completed logbook of each sport fishing guide employed by the business to the department in the manner and time frame specified in the logbook.

• • •
(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

Publisher: the remainder of 5 AAC 75.076 is unchanged.

Register 230, July 2019 FISH AND GAME

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 3/15/2017, Register 221; am 5/19/2017, Register 222; am 4/20/2018, Register 226; am 3/28/2019, Register ^{am 4/17/2019, Register 230;} 229; am [^] 5 / 26 / 2019, Register 230)

Authority: AS 16.05.251

MEMORANDUM


State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor
(hand delivery)

Date: April 24, 2019

File No.: 2019200218

Tel. No.: 465-3600

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

Re: Department of Fish and Game
Regulations re: Sport Fishing Guide
and Charter Logbook in the
Freshwater Guide Program
(5 AAC 75.075 – 5 AAC 75.076)

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 the elimination of the sport fish guide freshwater logbook program by the Department of Fish and Game.

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 March 7, 2019 public notice and the April 15, 2019 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 some minor technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

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

Honorable Douglas Vincent-Lang, Commissioner, Dept. of Fish and Game
Glenn Haight, Executive Director, Board of Fisheries, Dept. of Fish and Game
Sam Rabung, Director, Division of Commercial Fisheries, Dept. of Fish and Game
Forrest Bowers, Deputy Director, Division of Commercial Fisheries, Dept. of Fish and Game
Dave Rutz, Director, Division of Sport Fisheries, Dept. of Fish and Game
Tom Taube, Deputy Director, Division of Sport Fisheries, Dept. of Fish and Game
Lisa Olson, Director, Division of Subsistence, Dept. of Fish and Game
Shellene Hutter, Fishery Regulations Program Coordinator, AAC Contact, Dept. of Fish and Game
Enforcement Commander, Division of Wildlife Troopers, Dept. of Public Safety
Aaron Peterson, Assistant Attorney General, Office of Special Prosecution, Dept. of Law
Seth Beausang, Chief Assistant Attorney General, Natural Resources Section, Dept. of Law

**NOTICE OF PROPOSED CHANGES IN THE SPORT FISHING
GUIDE AND CHARTER LOGBOOK IN THE FRESHWATER GUIDE PROGRAM
REGULATIONS OF THE ALASKA DEPARTMENT OF FISH & GAME**

The Alaska Department of Fish and Game is proposing to end the freshwater logbook program by no longer requiring the completion of freshwater logbooks for sport fishing guide operations.

The commissioner of the Department of Fish and Game, under a delegation of authority issued by the Alaska Board of Fisheries (board) under AS 16.05.270, 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 75.075(g) and 5 AAC 75.076(a)(2); 5 AAC 75.076(b)(1); 5 AAC 75.076(c) and 5 AAC 75.076(e) are proposed to be changed to eliminate the requirement to obtain and complete Freshwater Sport Fish Guide Logbooks for those 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 Shellene L. Hutter, 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 shellene.hutter@alaska.gov. The comments must be received no later than 5:00 p.m. on April 8, 2019.

You may submit written questions relevant to the proposed action to Shellene L. Hutter, 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 questions by facsimile at (907) 465-2604 and by electronic mail at shellene.hutter@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The 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.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Shellene L. Hutter at (907) 465-6124 no later than April 4, 2019 to ensure that any necessary accommodations can be provided.

A copy of this notice of proposed regulation changes and the regulations proposed to be changed are available on the Alaska Online Public Notice System. For a copy of the proposed regulation changes contact Shellene L. Hutter, Regulations Program Coordinator at the mailing address, telephone number, or email address above or online on the department's website at: <http://www.adfg.alaska.gov/index.cfm?adfg=SFGuidesLicense.main>

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.** Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 16.05.251; AS 16.05.270

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.251

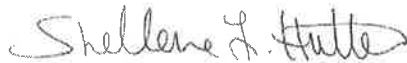
Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Fish and Game keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the department's notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Fish and Game Boards Support Section at P O Box 115526 Juneau, AK 99811, by phone at (907) 465-4110, or via our website at:

<http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.main>

giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: 3/6/2019



Shellene L. Hutter
Regulations Program Coordinator
Department of Fish and Game

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Fish & Game
2. General subject of regulation: Sport Fish Guiding Services and Guides; Sport Fish Logbooks
3. Citation of regulation (may be grouped): 5 AAC 75.075 and 5 AAC 75.076
4. Department of Law file number, if any: Currently not available
5. Reason for the proposed action: Development of program standards
6. Appropriation/Allocation: Fish and Game Funds
7. Estimated annual cost to comply with the proposed action to:

A private person: \$0

Another state agency: \$0

A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2019	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal receipts	\$0	\$0
1003 General fund match	\$0	\$0
1004 General fund	\$0	\$0
1005 General fund/ program	\$0	\$0
Other (identify)	\$0	\$0

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

Name: Shellene L. Hutter

Title: Regulations Program Coordinator

Address: P.O. Box 115526

Juneau, AK 99811-5526

Telephone: (907) 465-6124

E-mail address: shellene.hutter@alaska.gov

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



11. Date: 3/6/2019

Prepared by: _____

Name: Shellene L. Hutter

Title: Regulations Program Coordinator

Telephone: (907) 465-6124

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Shellene L. Hutter, Regulations program Coordinator, of 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 75.075 and 5 AAC 75.076, regarding sport fishing guide and charter logbook in the freshwater guide program has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

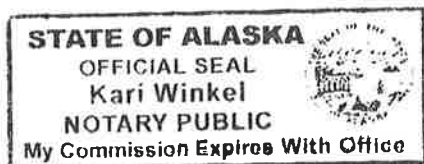
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 4/12/2019

Shellene Hutter

Shellene L. Hutter, Regulations Program
Coordinator

Subscribed and sworn to before me on April 12, 2019



[Signature]
Notary Public in and for the State of Alaska

My commission expires: W/office

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Shellene Louise Hutter, Regulations Program Coordinator for the Alaska Department of Fish & Game, being duly sworn, state the following:

In compliance with AS 44.62.215, the 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 & Game regulations on reporting requirements for sport fishing services and sport fishing guides in the Fresh water Logbook Program.

Date: 4/23/2019

Shellene Hutter

Shellene L. Hutter, Regulations Program
Coordinator

Subscribed and sworn to before me on April 23, 2019

[Signature]

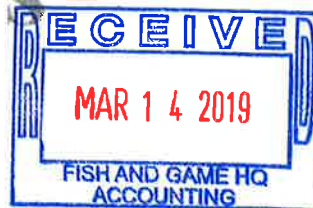
Notary Public in and for the State of Alaska

My commission expires: W/office



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THIRD JUDICIAL DISTRICT

Sarah Jennett

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily 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

March 07, 2019

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 _____
Sarah Jennett

Subscribed and sworn to before me
this 7th day of March, 2019

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

MY COMMISSION EXPIRES

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

NOTICE OF PROPOSED CHANGES IN THE SPORT FISHING GUIDE AND CHARTER LOGBOOK IN THE FRESHWATER GUIDE PROGRAM REGULATIONS OF THE ALASKA DEPARTMENT OF FISH & GAME

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