

Kevin Meyer
Lieutenant Governor
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907.465.3520
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Anchorage, Alaska 99501
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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: February 4, 2020

RE: Filed Permanent Regulations: Department of Fish and Game

Department of Fish and Game Regulation re: Annual Year Change to Sport Fishing
Logbooks (5 AAC 75.076(a))

Attorney General File:	2019200769
Regulation Filed:	2/4/2020
Effective Date:	3/5/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

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


The attached 1 page of regulations, dealing with regulations to update the year from 2019 to 2020 in material adopted by reference for the *Saltwater Charter Logbook and Vessel Registration* and fresh water *Vessel Registration* forms, 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 16.05.050, AS 16.05.251, AS 16.05.255 and AS 16.05.270 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: Jan 7, 2020
Anchorage, Alaska



Douglas Vincent-Lang, Commissioner
Department of Fish and Game

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on Febr. 4th, 2020, at 1:44 P.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: March 5, 2020.

Register: 233, April 2020.

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, 2020
[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, 2020
[2019] *Vessel Registration*, adopted by reference, if operating in fresh water.

(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 3/15/2017,
Register 221; am 5/19/2017, Register 222; am 4/20/2018, Register 226; am 3/28/2019, Register
229; am 4/17/2019, Register 230; am 5/26/2019, Register 230; am 3/5 ²⁰/2019,
Register 233.)

Authority: AS 16.05.251

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: January 29, 2020

File No.: 2019200769

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: 5 AAC 75.076(a) -
Annual Year Change to Sport Fishing
Logbooks

The Department of Law has reviewed the attached regulations of the Department of Fish and Game against the statutory standards of the Administrative Procedure Act. Based upon our review, 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 regulations were adopted by the Department of Fish and Game after the close of the public comment period. The regulations concern the annual update to the *Saltwater Charter Logbook and Vessel Registration* and *Freshwater Vessel Registration* forms.

The public notice and 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 the history note as shown on the attached copy of the regulations.

SRP:hjh

**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 UPDATING THE YEAR REFERENCE OF
THE SPORT FISHING CHARTER LOGBOOK AND VESSEL REGISTRATION
REPORTING FORMS IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF
FISH & GAME**

The Alaska Department of Fish and Game is proposing to change the year printed in the Saltwater Charter Logbook and Vessel Registration reporting forms and in the Freshwater Vessel Registration reporting forms from 2019 to 2020 for sport fishing guide operators.

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, adopted by reference, for sport fishing guide operators, specifically:

5 AAC 75.076(a) is proposed to be changed to update the year printed in the Saltwater Charter Logbook and Vessel Registration forms and the Freshwater Sport Fish Guide Vessel Registration forms, adopted by reference from 2019 to 2020. Please note that beginning in 2021, all Sportfishing Guide businesses and guides operating in Southeast Alaska will be required to use an eLogbook to report sportfish guiding activities.

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. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link:

<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=196317>

The comments must be received no later than 5:00 p.m. on January 6, 2020.

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 December 27, 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. A copy of material proposed for adoption by reference is also available on the Alaska Online Public Notice System. For a physical copy of the proposed regulation changes contact Shellene L. Hutter, Regulations Program Coordinator at the mailing address, telephone number, or email address above.

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: 12/2/2019



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: Annual regulation project to update the year in the Saltwater Charter Logbook and Vessel Registration forms and the Freshwater Sport Fish Guide Vessel Registration forms, adopted by reference from 2019 to 2020.
3. Citation of regulation: 5 AAC 75.076
4. Department of Law file number, if any: 2019200769
5. Reason for the proposed action: Select one and type just that one here

☐ Compliance with federal law or action (identify): _____
☐ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify): _____
☒ Development of program standards
☐ Other (identify): _____
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 2020	Subsequent Years
Operating Cost	\$600.00	\$600.00
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)	\$600.00	\$600.00

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: Select One and type here

- ☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify):

11. Date: 12/2/2019

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

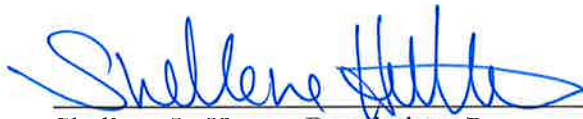
I, Shellene L. Hutter, Regulations program Coordinator, of Department of Fish and Game, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 5 AAC 75.076(a) to update the year from 2019 to 2020 in material adopted by reference for the *Saltwater Charter Logbook and Vessel Registration* and fresh water *Vessel Registration* forms 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).

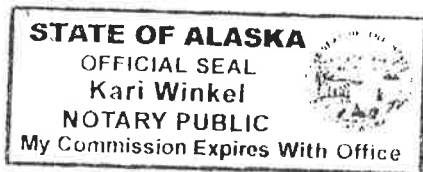
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on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

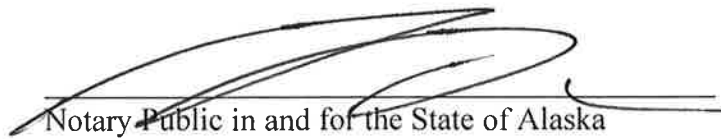
Date: 1/22/2020



Shellene L. Hutter, Regulations Program
Coordinator

Subscribed and sworn to before me on January 22, 2020.





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 Alaska 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 & Game regulations on the annual update to the year from 2019 to 2020 in material adopted by reference for the *Saltwater Charter Logbook and Vessel Registration* and fresh water *Vessel Registration* forms.

Date:

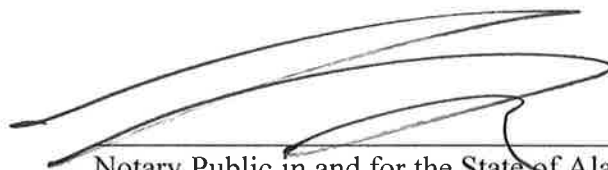
1/22/2020



Shellene L. Hutter, Regulations Program
Coordinator

Subscribed and sworn to before me on

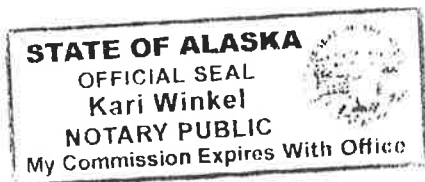
January 22, 2020



Notary Public in and for the State of Alaska

My commission expires:

w/o office



ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270233 ST OF AK/DEPT OF FISH AND GAME
COMMERCIAL FISHERIES DIVISION, JUNEAU, AK 99811-5526

Order #: W0012586

Cost: \$508

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 afore-said 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

12/03/2019

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



Subscribed and sworn to before me
this 3rd day of December 2019.

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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

NOTICE OF PROPOSED CHANGES IN UPDATING THE YEAR REFERENCE OF THE SPORT FISHING CHARTER LOGBOOK AND VESSEL REGISTRATION REPORTING FORMS IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF FISH & GAME

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DATE: 12/2/2019
By: /s/ Shellen L. Hutter
Regulations Program Coordinator
Department of Fish and Game

Published: December 3, 2019