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

MEMORANDUM

TO: Amy Demboski
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: June 16, 2020

RE: Filed Permanent Regulations: Big Game Commercial Services Board

Big Game Commercial Services Board regulations re: guide use areas, contracts, and transportation services (12 AAC 75.230; 12 AAC 75.260(e); 12 AAC 75.400(e); 12 AAC 75.450(d); 12 AAC 75.920)

Attorney General File:	2019200527
Regulation Filed:	6/16/2020
Effective Date:	7/16/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

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

The attached five pages of regulations, dealing with guide use area registration, registered guide-outfitter contract requirements, transporter activity report and contract requirements, and hunting experience requirements, are hereby certified to be a correct copy of the regulation changes that the Big Game Commercial Services Board adopted at its December 2-4, 2019 meeting, under the authority of AS 08.54.600, AS 08.54.605, AS 08.54.610, AS 08.54.620, AS 08.54.630, AS 08.54.650, AS 08.54.660, AS 08.54.680, AS 08.54.720, AS 08.54.750, AS 08.54.760, and AS 08.54.790, 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: 5/14/2020
Juneau, Alaska



Renee Hoffard, Executive Administrator
Big Game Commercial Services Board

April Simpson for

FILING CERTIFICATION

I, [↑]Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on June 16th, 2020 at 9:36 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for 

Kevin Meyer, Lieutenant Governor

Effective: July 16, 2020.

Register: 235, October 2020.

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**

Chapter 75. Big Game Commercial Services Board.

12 AAC 75.230(a) is amended to read:

(a) The department will register an applicant in a guide use area if the applicant meets the requirements of AS 08.54.750 and this section. For each guide use area for which a registered guide-outfitter is registering, the registered guide-outfitter shall submit the following information on a form provided by the department:

- (1) the applicant's registered guide-outfitter license number;
- (2) the guide use area for which the registered guide-outfitter is registering;
- (3) **certification in the game management unit in which the registered guide-**

outfitter is applying within [THE LOCATION OF THE REGISTERED GUIDE-OUTFITTER'S CAMP];

- (4) **sworn statement by the applicant attesting to the required land use**

authorization:

- (5) **sworn statement by the applicant attesting to the ability to provide**

services on at least 5,000 contiguous acres of uplands in the guide use area requested

[DOCUMENTATION FROM THE LANDOWNER OR LAND MANAGER THAT THE APPLICANT HAS THE AUTHORIZATION TO PROVIDE BIG GAME HUNTING SERVICES ON AT LEAST 5,000 CONTIGUOUS ACRES OF THE UPLANDS IN THE GUIDE USE AREA; PROOF OF PRIOR YEAR AUTHORIZATION, IF STILL VALID, WILL BE ACCEPTED TO MEET THE REQUIREMENT OF THIS PARAGRAPH; A LETTER OF INTENT TO AUTHORIZE USE FOR THE CURRENT YEAR, FROM THE LANDOWNER OR LAND MANAGER, WILL BE ACCEPTED TO MEET THE REQUIREMENT OF THIS

PARAGRAPH];

(6) [(5)] whether registration is for a single calendar year or multiple calendar years.

← ((insert new amendment to 12 AAC 75.230(e), written out on page 5, here)))

12 AAC 75.230 is amended by adding a new subsection to read:

(f) A registered guide-outfitter may not register for, or provide services within, a guide use area unless the applicant has written authorization by the landowner or appropriate representative in the form of a permit, registration or letter to provide big game hunting services on at least 5,000 contiguous acres of uplands in the guide use area. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 4/6/2001, Register 158; am/readopt 7/30/2006, Register 179; am 6/8/2007, Register 182; am 12/1/2007, Register 184; am 7 / 16 / 2020, Register 235)

Authority: AS 08.54.600 AS 08.54.750

12 AAC 75.260 is amended by adding a new subsection to read:

(e) A contract may be amended at any time before the conclusion of the hunt, as recorded on the hunt record, with the signature of the contracting guide and the client. (Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am 4/16/2016, Register 218; am 7 / 16 / 2020, Register 235)

Authority: AS 08.54.600 AS 08.54.720 AS 08.54.790
AS 08.54.680

12 AAC 75.400 is amended by adding a new subsection to read:

(e) During portions of a hunt, a transporter is exempt from transporter activity report

requirements of this section when providing transportation services for a client to, from, or in between specific locations operated by another transporter or registered guide ^{co-outfitter} who has contracted this same hunt with the same client. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 12/2/99, Register 152; am 4/6/2001, Register 158; am/readopt 7/30/2006, Register 179; am 11/24/2007, Register 184; am 12/2/2012, Register 204; am 4/13/2013, Register 206; am 7 / 16 / 2020, Register 235)

Authority: AS 08.54.600 AS 08.54.660 AS 08.54.760
AS 08.54.650

12 AAC 75.450 is amended by adding a new subsection to read:

(d) During portions of a hunt, a transporter is exempt from transporter contracting requirements of this section when providing transportation services for a client to, from, or in between specific locations operated by another transporter or registered guide ^{co-outfitter} who has contracted this same hunt with the same client. (Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am 7 / 16 / 2020, Register 235)

Authority: AS 08.54.600 AS 08.54.680 AS 08.54.790
AS 08.54.650 AS 08.54.720

12 AAC 75.920 is repealed and readopted to read:

12 AAC 75.920. Hunting, guiding, and practical experience. (a) The hunting, guiding, or practical field experience required under AS 08.54.610 – 08.54.630 will only be accepted by the board if the applicant's hunting and guiding licenses issued by this state were valid and unencumbered during the time period for which experience is claimed.

(b) For purposes of satisfying the hunting experience requirements in AS 08.54.620, the applicant must document at least 20 days of big game hunting activity in a calendar year in order to receive credit for one year.

(c) For the purposes of satisfying the guiding experience requirements in AS 08.54.620(a)(4)(A)(i), the applicant must document at least 60 days of big game guiding activity in three or more calendar years.

(d) For purposes of satisfying the requirements in AS 08.54.630(a)(2), the applicant must document at least 60 days of big game hunting activity during two or more calendar years. At least 30 of the 60 days must be in a guide camp or under the supervision of a licensed guide while performing guide-related duties. Documented passage of the assistant guide training course described in AS 08.54.630(a)(4)(B) may count for 10 days.

(e) For the purposes of the requirements in AS 08.54.630(a)(4)(A), the written recommendation must be signed by the registered guide-outfitter who intends to employ the person as an assistant guide and must attest to the fact that the applicant meets each of the following criteria:

- (1) has knowledge and experience in the safe operation of firearms;
- (2) has knowledge of guide statutes and regulations and game regulations;
- (3) has knowledge in trophy judging, capping, skinning, butchering, and meat and trophy care;
- (4) has directly participated in the spotting, stalking, and subsequent harvesting of at least three big game animals in this state;
- (5) has knowledge and experience concerning general safety and emergency protocol.

(f) For the purposes of the requirements in AS 08.54.610(d)(1), a person who is licensed as a registered guide-outfitter may be employed by another registered guide-outfitter to provide the services of a class-A assistant guide, statewide, ^{if} ~~providing that~~ the non-contracting registered guide-outfitter ^{the non-contracting guide} has had at least 10 days hunting experience in the game management unit that they will be assisting the contracting guide in.

(g) In this section, "big game hunting activity" includes working in a guide camp or under the supervision of a licensed guide while performing guide-related duties. (Eff. 12/2/99, Register 152; am 7/30/2006, Register 179; am 6/8/2007, Register 182; am 11/24/2007, Register 184; am 4/13/2013, Register 206; am 6/29/2013, Register 206; am 7/10/2020, Register 235)

Authority: AS 08.54.600

AS 08.54.610

AS 08.54.630

AS 08.54.605

AS 08.54.620

The introductory language of 12 AAC 75.230(e) is amended to read:

(e) A registered guide-outfitter who is registered in three guide use areas may register for and conduct big game hunting services in a portion of one additional guide use area on federal land adjacent to a guide use area for which the registered guide-outfitter is already registered if the registered guide-outfitter meets the requirements of (a)(1) - (5) and (f) [(a)(1) - (4)] of this section, and submits

...

«Insert circled text at place marked on page 2.»

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

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

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

Date: June 12, 2020

File No.: 2019200527

Tel. No.: 465-3600

Re: Big Game Commercial Services
Board regulations re: guide use areas,
contracts, and transportation services
12 AAC 75.230; 12 AAC 75.260(e);
12 AAC 75.400(e); 12 AAC
75.450(d); 12 AAC 75.920)

The Department of Law has reviewed the attached regulations of Big Game Commercial Services Board 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 Big Game Commercial Services Board after the close of the public comment period. The regulations concern guide use areas, contracts between guide-outfitters and clients, transportation services, and experience requirements.

The June 23, 2019 public notice and the May 14, 2020 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.

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

SCW

cc w/enc: Renee Hoffard, Executive Administrator
Big Game Commercial Services Board

Amy Demboski, Assistant Commissioner and Regulations Contact
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

Megyn Weigand, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

**NOTICE OF PROPOSED CHANGES RELATING TO GUIDE USE AREA REGISTRATION,
CONTRACT REQUIREMENTS, TRANSPORTER ACTIVITY REPORT, AND HUNTING
EXPERIENCE REQUIREMENTS IN THE REGULATIONS OF THE BIG GAME
COMMERCIAL SERVICES BOARD**

BRIEF DESCRIPTION: The Big Game Commercial Services Board proposes to update regulations relating to guide use area registration, contract requirements, transporter activity report, and hunting experience requirements.

The Big Game Commercial Services Board (Board) proposes to adopt regulation changes in Title 12, Chapter 75 of the Alaska Administrative Code including the following:

1. **12 AAC 75.230. Guide use area registration**, is proposed to be changed to alter the requirements for guide use area registration.
2. **12 AAC 75.260. Registered guide-outfitter contract requirements**, is proposed to be changed to alter the contract requirements for registered guide-outfitters.
3. **12 AAC 75.400. Transporter activity report**, is proposed to be amended to clarify the transporter activity report filing requirements.
4. **12 AAC 75.450. Transporter contract requirements**, is proposed to be amended to clarify the transporter contracting requirements.
5. **12 AAC 75.920. Hunting, guiding, and practical experience**, is proposed to be changed to alter the provisions related to hunting experience requirements.

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. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/194676>, and using the comment link. **The comments must be received not later than 4:30 p.m. on July 23, 2019.** Comments received after this deadline will not be considered by the Board.

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 RegulationsAndPublicComment@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 and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BigGameCommercialServicesBoard.spx>. 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 RegulationsAndPublicComment@alaska.gov not later than July 16, 2019 to ensure that any necessary accommodation 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 RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BGCSB-0619.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 regulation may be different from that of the proposed regulation. **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 08.54.605; AS 08.54.610; AS 08.54.620; AS 08.54.630; AS 08.54.650; AS 08.54.660; AS 08.54.680; AS 08.54.720; AS 08.54.750; AS 08.54.760; AS 08.54.790

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.54.600; AS 08.54.605; AS 08.54.610; AS 08.54.620; AS 08.54.630; AS 08.54.650; AS 08.54.660; AS 08.54.680; AS 08.54.720; AS 08.54.750; AS 08.54.760; AS 08.54.790

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


DATE: 6/21/19



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:** Guide use area registration, registered guide-outfitter contract requirements, transporter activity report, transporter contract requirements, and hunting experience requirements.
3. **Citation of regulation:** 12 AAC 75.230, 12 AAC 75.260, 12 AAC 75.400, 12 AAC 75.450, and 12 AAC 75.920.
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 known.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2019 or in subsequent years.
9. **The name of the contact person for the regulation:**
Dawn Hannasch, Licensing Supervisor
Big Game Commercial Services Board
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-6246
E-mail: dawn.hannasch@alaska.gov
10. **The origin of the proposed action:** Big Game Commercial Services Board.
11. **Date:** 6/21/19 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

FIRST JUDICIAL DISTRICT

$$\left. \begin{array}{l} \text{---} \\ \text{---} \\ \text{---} \end{array} \right\}$$

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
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 75.230, 12 AAC 75.260, 12 AAC 75.400, 12 AAC 75.450, and 12 AAC 75.920, dealing with guide use area registration, registered guide-outfitter contract requirements, transporter activity report and contract requirements, and hunting experience requirements, 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 persons 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.

11/22/19
Juneau, Alaska

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 22nd day of November, 2019.



Notary Public in and for the
State of Alaska

My commission expires: w/office

ANCHORAGE DAILY NEWS

RECEIVED
Juneau
JUN 27 2019

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AFFIDAVIT OF PUBLICATION

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Position 0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin

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

June 23, 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 Joleesa Stepetin
Joleesa Stepetin

Subscribed and sworn to before me
this 24th day of June, 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 RELATING TO GUIDE USE AREA REGISTRATION, CONTRACT REQUIREMENTS, TRANSPORTER ACTIVITY REPORT, AND HUNTING EXPERIENCE REQUIREMENTS IN THE REGULATIONS OF THE BIG GAME COMMERCIAL SERVICES BOARD

The Big Game Commercial Services Board (Board) proposes to adopt regulation changes in Title 12, Chapter 75 of the Alaska Administrative Code including the following:

1. **12 AAC 75.230. Guide use area registration**, is proposed to be changed to alter the requirements for guide use area registration.
2. **12 AAC 75.260. Registered guide-outfitter contract requirements**, is proposed to be changed to alter the contract requirements for registered guide-outfitters.
3. **12 AAC 75.400. Transporter activity report**, is proposed to be amended to clarify the transporter activity report filing requirements.
4. **12 AAC 75.450. Transporter contract requirements**, is proposed to be amended to clarify the transporter contracting requirements.
5. **12 AAC 75.920. Hunting, guiding, and practical experience**, is proposed to be changed to alter the provisions related to hunting experience requirements.

Manilaq Association on behalf of the Native landowner offering the following tract of land for sale by sealed bid:

Manilaq Association, on behalf of the Native landowner, offering the following tract of land for sale by sealed bid:	BY SEALED BID CASH SALE 301 Legals & Public Notices
Manilaq Association on behalf of the Native landowner offering the following tract of land for sale by sealed bid:	BY SEALED BID CASH SALE 301 Legals & Public Notices

Qualifications: Minimum: Qualification is a Bachelor's degree in Library Director or a course of study related such as Education, in accordance with the Alaska State Library guidelines for a Library Director in a community the size of Delta Junction. Master's degree in Library Information Science preferred. Five (5) years of progressively responsible experience in the library field, sufficient to thoroughly understand the work of subordinate positions and to be able to answer questions and resolve problems, including one year of supervisory experience. Possession of a valid driver's license issued by the State of Alaska for the type of vehicle or equipment operated is required. Compensation: The starting salary range is \$59,401 - \$63,019, with placement based upon experience. The benefit package includes retirement and health insurance. Further information: Application and job description are available at: <https://deltajunction.us/employment-2/>

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

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 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 guide use area registration, registered guide-outfitter contract requirements, transporter activity report and contract requirements, and hunting experience requirements.

DATE: 11/22/19
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 22nd day of November, 2019.

Jolene Sivila
Notary Public in and for the
State of Alaska
My commission expires: w/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 THE MEETING

Monday, December 2nd, 2019 – Wednesday, December 4th, 2019

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

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 at the Robert Attwood Building, Room 102, Anchorage, Alaska.

Monday, December 2, 2019

Agenda Item 1

Roll Call & Intro to New Staff

The meeting was called to order by acting Chairman, Jason Bunch, at 9:37 a.m. on Monday, December 2nd, 2019. Mr. Bunch welcomed new staff Renee Hoffard and Jean Bennett. Board members Henry Tiffany and Nicholas Jackson were not present; however, the rest of the board was present, constituting a quorum.

Board Members Present Constituting a Quorum:

Jason Bunch – Registered Guide Outfitter (*acting Chair*)
Larry Van Daele – Board of Game Representative
Michelle Heun – Licensed Transporter
Cash Joyce – Licensed Transporter
Adam Trombley – Public Member (*via teleconference*)
Peter Buist – Public Member

Board Members absent:

Henry Tiffany – Master Guide Outfitter
Nicholas Jackson – Private Land Owner – UNEXCUSED

Staff Members present:

Renee Hoffard – Records and Licensing Supervisor
Jean Bennett – Occupational Licensing Examiner
Megyn Weigand – Department of Law

Present from the Public:

Wayne Kubat
Steve H. Perrins II

of the word “hold”. The board discussed the definition of “convicted” with Ms. Weigand to clarify their understanding how it applies to the statute. The board also discussed the threshold for fines and suspended fines to meet the restrictions of SB43 with Investigator Strout. There was a brief overview of the new requirements and restrictions.

In a motion duly made by Larry Van Daele, seconded by Peter Buist, with unanimous consent, it was

RESOLVED to approve amendment to agenda to recess for lunch at 12:21 p.m. and return at 1:30 p.m.

The board recesses for lunch at 12:21 p.m.

The board resumes at 1:32 p.m.

Adam Trombley not yet present. Jun Maiquis, Regulations Specialist is present via telephone.

The board continued with discussion of Master Guide Regulations started before lunch.

Agenda Item 8 **Regulation Review**

Update of Current Projects:

Website is up to date with current regulations. Mr. Bunch asked Mr. Maiquis for clarification on the process of regulations review. Mr. Maiquis explained after the board adopts regulations, the regulations specialist reviews the proposed regulation, then it goes to Department of Law for final review. If approved from there, it goes to the Lieutenant Governor for filing.

In a motion duly made by Larry Van Daele, seconded by Peter Buist, and approved by roll call it was

RESOLVED to make structural changes as recommended by Department of Law to 12 AAC 75.920(b) for clarity.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Cash Joyce	X		
Adam Trombley		X	

Proposed Regulations Changes:

Mr. Bunch read a proposal asking that the board wave the three years of experience requirement for a natural person to become a registered guide. Mr. Bunch was against adopting the regulation feeling

that the three-year requirement gives guides time to learn and mature. Mr. Joyce agrees with Mr. Bunch. Ms. Heun noted how much she learned after her third and fourth year. Mr. Van Daele agreed that this is a complex profession and three years is a fair amount of time to learn.

On a motion duly made by Larry Van Daele, seconded by Cash Joyce, requesting unanimous consent, it was

DENIED to adopt regulations proposal as outline in page 77 of the board packet.

12 AAC 75.260(e) – RGO Contract Requirements

Ms. Weigand commented that end of hunt can be subjective and cause ambiguity. She brought up this could cause some enforcement problems. The board discussed differing opinions on when the hunt ends. The board concluded that the date complete as written on the hunt record is sufficient.

In a motion duly made by Larry Van Daele, seconded by Peter Buist, requesting unanimous consent, it was proposed to amend of 12 AAC 75.260(e) to add a subsection as written in page 78 of the board packet. Discussion took place; the motion failed.

In a motion duly made by Larry Van Daele, seconded by Cash Joyce, requesting unanimous consent, it was

RESOLVED to table 12 AAC 75.260(e) to tomorrow.

12 AAC 75.400(e) – Transporter Activity Reports (TAR)

Ms. Heun and Mr. Joyce discussed the purposed of transporter reports. Mr. Joyce, both a transporter and registered guide, explained what is required on a TAR. Mr. Bunch asked for clarification on what the differences are in requirements of hunt records and TARs. Mr. Joyce would like to see a spot for pilot names on the TARs. He also discussed the lack of clarity between air taxis versus transporters.

In a motion duly made by Larry Van Daele, seconded by Michelle Heun, requesting unanimous consent, it was

RESOLVED to adopt 12 AAC 75.400(e) amended as written in page 79 of board packet.

The board recesses at 3:20 p.m.

The board resumes at 3:35 p.m.

Agenda Item 9

Public Comment

Wayne Kubat

“Okay, thank you board, thank you. You know you’ve got copies of certain regulations. We’ve all

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Michelle Heun – Licensed Transporter
Cash Joyce – Licensed Transporter
Adam Trombley – Public Member – *(via teleconference)*
Peter Buist – Public Member
Board Members absent:
Nicholas Jackson – Private Land Owner – UNEXCUSED

Staff Members present:
Renee Hoffard – Records and Licensing Supervisor
Jean Bennett – Occupational Licensing Examiner
Jun Maiquis – Regulations Specialist

Present from the Public:
Wayne Kubat
Aaron Bloomquist
Tom Atkins
Loren Karro
Dan Montgomery
Mel Gillis
Steve H. Perrins II
Zach Decker - *Telephonically*
Steve Perrins - *Telephonically*

Agenda Item 13 **Review Agenda**

Mr. Tiffany added 12 AAC 75.230 under regulation review.

Agenda Item 14 **Regulation Review**

Mr. Tiffany reviewed with Mr. Maiquis what the public could and could not comment on without sending out another public notice.

12 AAC 75.260

The board discussed when is a hunt concluded. Mr. Tiffany feels it should be when the client is in the field. Mr. Buist discussed the Board's intent for contracts to be amended before the client leaves the field. Ms. Heun says in her experience she does not change the contract, but adds additional information as needed. Mr. Van Daele echoed what Mr. Tiffany said on the Board's intent. Ms. Hoffard reminded the board of yesterdays' discussion that it could be added "as per the hunt record." Mr. Tiffany felt that that does not clarify. Mr. Joyce points out that guides can always write a new contract so it does not matter what the Board changes the language to.

Megan Weigand arrives at 9:35 a.m.

It was discussed with Mr. Maiquis and Ms. Weigand whether or not it would require another public notice to add “as indicated on the hunt record.” Both Mr. Maiquis and Ms. Weigand agreed it was within the subject matter and would not require re-notice.

On a motion duly made by Jason Bunch, seconded by Peter Buist, and approved unanimously, it was

RESOLVED to amend 12 AAC 75.260(e) to add “as reported on the hunt record, with the signature of the contracting guide.”

12 AAC 75.400(d)

The Board took a moment to read comments sent to the Board regarding the regulations. This included communication from Lieutenant Frenzel recommending removing the word filing as well as change the word “sites”. Ms. Weigand recommended using language referencing the language they already have in regulation, which would be location instead of site. Mr. Tiffany would like to add “under the requirements of this section.” The Board discussed what is meant by third party and who is responsible for filling out the transporter activity report and/or hunt record. Ms. Heun says regardless if someone is being transported by under her supervision, she fills out a transporter activity report. In some cases, she would fill out a transfer of possession form if needed. Ms. Weigand brings up another issue raised by Lieutenant Frenzel regarding same day air travel. The board discussed the issue and felt it has already been addressed but current regulations. The Board discussed another concern brought up by Lieutenant Frenzel on whether the contract needs to be amended on the original contract or if it can be simply written on a napkin for example. Ms. Weigand brought up the Board does not need to rewrite contract law. Contract law already requires both parties to sign. The intent of the board is that contracts should have 2 signatures, reference the original hunt contract that does not have to present, any amendments made and must be available for inspection if requested. It was agreed that there should be more education regarding contracts within the licensing program.

On a motion duly made by Jason Bunch, seconded by Larry Van Daele, and approved unanimously by a roll call, it was

RESOLVED to amend 12 AAC 75.400(e) to read “during portions of the hunt a transporter is exempt from transporter activity report requirements of this section when providing transportation services for a client to, from, or in between specific locations operated by another transporter or registered guide who has contracted this same hunt with the same client.”

12 AAC 75.450(d)

On a motion duly made by Jason Bunch, seconded by Cash Joyce, and approved unanimously, it was

RESOLVED to open discussion regarding amending 12 AAC 75.450(d)

Chair Tiffany’s interpretation is that 12 AAC 75.450(e) is a mirror of 75.400(e) but to ensure that the regulations are consistent the board should consider amending 450 as well.

On a motion duly made by Jason Bunch, seconded by Larry Van Daele, and approved unanimously by a roll call, it was

RESOLVED to amend 12 AAC 75.450(d) to read “during portions of the hunt a transporter is

exempt from transporter activity report requirements of this section when providing transportation services for a client to, from, or in between specific locations operated by another transporter or registered guide who has contracted this same hunt with the same client.”

Ms. Heun asked if they need to do a new regulations project to make the regulation match the new statute requiring to update the number of letters required for Master Guide license applications as brought forward by Mr. Perrins during public comment the day before. SB43 increased the number of letters from 25 to 45. Jun Maiquis stated that it would need to be a new regulations project. The board determined the change would be brought forth by the statutes and regulations subcommittee.

Chair called recess at 10:25

Off record at 10:25 am

Return to record at 10:47 am

12 AAC 75.230 (f) and (g)

The board had previously adopted amendments of 12 AAC 75.230 but in light of new information the board discussed the need to amend the section.

On a motion duly made by Jason Bunch, seconded by Larry Van Daele, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.230 for possible amendments.

Mr. Bunch discussed the divisions administrative process regarding the application for guide use area registrations and the history of why the amendments were proposed. He brought forth issues that have been brought to the attention of the board by various other regions. The Board discuss a natural person using a land permit vs. a corporation or entity. The board discussed this at length and Ms. Weigand brings up that this could be dipping into Department of Natural Resources territory. She would like to do further research regarding definitions used by other state and federal agencies. The understanding of the board is that Guide Use Area registrations only apply to natural persons as only natural persons can hold a registered guide-outfitter license.

The discussion moved to 12 AAC 75.230(g) and the addition of requiring 3 years of registration. Mr. Van Daele and Chair Tiffany provided background information about why the board had proposed the amendments. Mr. Van Daele also provided the solutions that the Board of Game have proposed to address population of certain species. Mr. Bunch brings up what is known as “prospecting.” He says it was never the Board’s intent to have guides move from area to area providing services. Ms. Weigand says they would be on stronger ground to approach it from a safety perspective. The Board discuss issues in Unit 9 and why that regulation should or shouldn’t apply to all units. A member from the audience, Loren Karro, stated that it used to be statewide and that it changed at some point. Mr. Joyce brought up that there are more issues in other areas than in Unit 9. He goes on to say Unit 9 is hard to get to making it less of an issue than other areas. The boards intent is that they are attempting to address issues that have been raised by many of the licensees.

In a motion duly made by Larry Van Daele, seconded by Peter Buist, and approved by roll

call it was

RESOLVED to amend the proposed language for 12 AAC 75.230(g) to read; (g) A registered guide-outfitter must register for three calendar years to obtain registration for guide use areas statewide.

Board Member	Approve	Deny	Recuse
Henry Tiffany		X	
Jason Bunch	X		
Larry Van Daele		X	
Peter Buist	X		
Michelle Heun	X		
Cash Joyce	X		
Adam Trombley	X		

In a motion duly made by Peter Buist, seconded by Michelle Heun and approved unanimously it was

RESOLVED to adopt 12 AAC 75.230(f) as written.

In a motion duly made by Larry Van Daele, seconded by Peter Buist, and unanimously it was,

RESOLVED to resolved to withdraw the proposed amendment to 12 AAC 75.230(g) previously voted on so that it will be added to the new regulations project in order to accept public comment.

Loren Karro, with permission from the board, addressed the public. She requested proctors for reviewing caping videos during the board's scheduled executive session this afternoon. Chair Tiffany reminded the public that it is imperative that licensees continue to give back to the industry by being proctors for the practical exams. It has been proposed that the board will intend to require continuing education in the future and that some of the continuing education will be accrued by proctoring the exams.

Lunch recess at 12:11 pm

Back on record at 1:30 pm

Agenda Item 15 **Subcommittee Meeting's**

Chair Tiffany announced that the subcommittee meetings for Assistant Guide Qualifications and Survivorship will not occur; the following subcommittees will be meeting. The public was invited to join any subcommittee meeting that interested them.

A. *Exam Re-write; Jason Bunch*

B. *Transporter; Michelle Heun and Cash Joyce*

C. *Statutes and Regulations/Continuing Education; Henry Tiffany and Peter Buist*

AFFIDAVIT OF BOARD ACTION

I, Renee Hoffard, Executive Administrator for the Big Game Commercial Services Board, being duly sworn, state the following:

The attached motion dealing with guide use area registration, registered guide-outfitter contract requirements, transporter activity report and contract requirements, and hunting experience requirements was passed by the Big Game Commercial Services Board during its December 2-4, 2019 meeting.

Date: 5/14/2020
Juneau, Alaska

Renee Hoffard
Renee Hoffard, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 14 day of May, 2020.



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