

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

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: October 29, 2020

RE: Filed Permanent Regulations: Big Game Commercial Services Board

Big Game Commercial Services Board regulations re: jurisprudence examinations, spring brown bear hunts, and transportation services (12 AAC 75.120(b)(8); 12 AAC 75.130(a)(9); 12 AAC 75.145(a)(6); 12 AAC 75.230; 12 AAC 75.400(f))

Attorney General File:	2020200533.001
Regulation Filed:	10/29/2020
Effective Date:	11/28/2020
Print:	236, January 2021

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 three pages of regulations, dealing with licensure application for class-A assistant guide, assistant guide, and transporter, guide use area registration, and transporter activity report, are hereby certified to be a correct copy of the regulation changes that the Big Game Commercial Services Board adopted at its October 2, 2020 teleconference meeting, under the authority of AS 08.54.600, AS 08.54.605, AS 08.54.620, AS 08.54.630, AS 08.54.635, AS 08.54.650, AS 08.54.660, 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: 10/2/2020
Juneau, Alaska



Renee Hoffard, Executive Administrator
Big Game Commercial Services Board


for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on October 29, 2020 at 3:37 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


for

Kevin Meyer, Lieutenant Governor

Effective: November 28, 2020.

Register: 236, January 2021.

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.**



K. Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 75. Big Game Commercial Services Board.

12 AAC 75.120(b) is amended by adding a new paragraph to read:

(8) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.54 and this chapter, scoring a minimum of 70 percent.

(Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am/readopt 7/30/2006, Register 179; am

6/8/2007, Register 182; am 11 / 28 / 2020, Register 236)

Authority: AS 08.54.600

AS 08.54.605

AS 08.54.620

at the end of 12 AAC 75.120(b)(7) to a semicolon, and move the "and" connector from the end of 12 AAC 75.120(b)(6) to the end of 12 AAC 75.120(b)(7).))

« Publisher: To reflect the addition of 12 AAC 75.120(b)(8), please change the period

12 AAC 75.130(a) is amended by adding a new paragraph to read:

(9) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.54 and this chapter, scoring a minimum of 70 percent.

(Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am/readopt 7/30/2006, Register 179; am

6/8/2007, Register 182; am 4/16/2016, Register 218; am 11 / 28 / 2020, Register 236)

Authority: AS 08.54.600

AS 08.54.630

AS 08.54.790

AS 08.54.605

AS 08.54.635

at the end of 12 AAC 75.130(a)(8) to a semicolon, and move the "and" connector from the end of 12 AAC 75.130(a)(7) to the end of 12 AAC 75.130(a)(8).))

« Publisher: To reflect the addition of 12 AAC 75.130(a)(9), please change the period

12 AAC 75.145(a) is amended by adding a new paragraph to read:

(6) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.54 and this chapter, scoring a minimum of 70 percent.

(Eff. 6/8/2007, Register 182; am 11/24/2007, Register 184; am 11 / 28 / 2020, Register

236)

Authority: AS 08.54.600

AS 08.54.650

AS 08.54.660

at the end of 12 AAC 75.145(a)(5) to a semicolon, and move the "and" connector from the end of 12 AAC 75.145(a)(4) to the end of 12 AAC 75.145(a)(5).))

« Publisher: To reflect the addition of 12 AAC 75.145(a)(6), please change the period

12 AAC 75.230 is amended by adding new subsections to read:

(g) A registered guide-outfitter or master guide-outfitter who was unable to hunt a brown bear in game management unit 9 in the spring 2020 season may register for the 2021 spring brown bear season in game management unit 9, if

(1) the registered guide-outfitter or master guide-outfitter registers on a form provided by the department;

(2) the registered guide-outfitter or master guide-outfitter provides either

(A) a current registration, valid as of April 10, 2020, for the same guide use area for which the registration is submitted; or

(B) copies of completed, signed, and dated hunt contracts for the 2020 spring bear season in game management unit 9 ^{that} indicating the registered guide-outfitter or master guide-outfitter had booked clients who were later unable to complete the contracted hunt and an attestation that the registered guide-outfitter or master guide-outfitter would have registered ^{before} ~~prior to~~ the April 10, 2020 deadline; and

(3) the clients for whom the registered guide-outfitter or master guide-outfitter will provide services have not hunted brown bear in a guide use area within game management unit 9 since May 10, 2020.

(h) A registered guide-outfitter or master guide-outfitter must register for a minimum of three years in a guide use area at the time of registration. (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; am 11 / 28 / 2020, Register 236)

Authority: AS 08.54.600 AS 08.54.750

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

(f) To comply with the annual reporting requirement of AS 08.54.650(c), a transporter shall submit to the department a completed transporter activity report for each contracted transportation service within 75 days after the completion of the transportation service transporter services; (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; am 11 / 28 / 2020, Register 236)

Authority: AS 08.54.600 AS 08.54.660 AS 08.54.760
AS 08.54.650

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: October 28, 2020

File No.: 2020200533.001

Tel. No.: 465-3600

Re: Big Game Commercial Services
Board regulations re: jurisprudence
examinations, spring brown bear
hunts, and transportation services
(12 AAC 75.120(b)(8); 12 AAC
75.130(a)(9); 12 AAC 75.145(a)(6);
12 AAC 75.230; 12 AAC 75.400(f))

The Department of Law has reviewed the attached regulations of the 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 add requirements for jurisprudence examinations for knowledge of AS 08.54 and 12 AAC 75, set up procedures for a registered or master guide-outfitter, unable in the spring 2020 season to hunt brown bear in game management unit 9, to register for the hunt for the spring 2021 season, and clarify reporting requirements for a contracted transportation service.

The Big Game Commercial Services Board split this project into two parts, to address separately a section of proposed regulations and invite additional public comment on that section.

The August 13, 2020 public notice and the October 2, 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
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

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

Sher Zinn, 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 IN THE REGULATIONS OF THE ALASKA BIG GAME COMMERCIAL SERVICES BOARD

BRIEF DESCRIPTION: The Big Game Commercial Services Board proposes to update regulations relating to guide use area registration, transporter activity report, initial application requirements for class-A assistant guide, assistant guide, and transporter; and add professional public involvement requirements for license holders.

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 75.120. Application for class-A assistant guide license**, is proposed to require jurisprudence questionnaire for initial license as a class-A assistant guide.
2. **12 AAC 75.130. Application for assistant guide license**, is proposed to require jurisprudence questionnaire for initial license as an assistant guide.
3. **12 AAC 75.145. Application for a transporter license**, is proposed to require jurisprudence questionnaire for initial license as a transporter.
4. **12 AAC 75.150. Professional development for, master guide-outfitter, registered guide-outfitter, and transporter licensees**, is a proposed new section to add professional public involvement requirements for license holders.
5. **12 AAC 75.230. Guide use area registration**, is proposed to outline eligibility registration for game management unit 9 for the spring 2021 brown bear season adopted into regulation by the Board of Game; also, to require a minimum of three years in a guide use area at the time of registration.
6. **12 AAC 75.400. Transporter activity report**, is proposed to require transporter activity reports to be submitted to the department within a set time-frame to comply with annual reporting requirements of AS 08.54.650(c).

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/199143>, and using the comment link. **The comments must be received not later than 4:30 p.m. on September 16, 2020.** 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.a.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 September 9, 2020 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-0820.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 08.54.620; AS 08.54.630; AS 08.54.635; AS 08.54.650; AS 08.54.660; 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 08.54.620; AS 08.54.630; AS 08.54.635; AS 08.54.650; AS 08.54.660; 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:

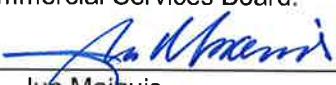
8/12/2020



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:** Application for class-A assistant guide, assistant guide, and transporter; guide license qualifications, guide use area registration, and transporter activity report.
3. **Citation of regulation:** 12 AAC 75.120, 12 AAC 75.130, 12 AAC 75.145, 12 AAC 75.150, 12 AAC 75.230, and 12 AAC 75.400.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations; compliance with state statute.
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 2021 or in subsequent years.
9. **The name of the contact person for the regulation:**
Renee Hoffard, Executive Administrator
Big Game Commercial Services Board
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2525
E-mail: renee.hoffard@alaska.gov
10. **The origin of the proposed action:** Big Game Commercial Services Board.
11. **Date:** 8/12/2020 **Prepared by:** 
Jun Maiquis
Regulations Specialist

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

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Juneau

AUG 20 2020

Order #: W0017308

Cost: \$552.82

CBPL

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

08/13/2020

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 15th day of August 2020.

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

MY COMMISSION EXPIRES

JADA L. NOWLING
Notary Public
State of Alaska
My Commission Expires Jul 14, 2024

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA 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 75.120. Application for class-A assistant guide license**, is proposed to require jurisprudence questionnaire for initial license as a class-A assistant guide.
2. **12 AAC 75.130. Application for assistant guide license**, is proposed to require jurisprudence questionnaire for initial license as an assistant guide.
3. **12 AAC 75.145. Application for a transporter license**, is proposed to require jurisprudence questionnaire for initial license as a transporter.
4. **12 AAC 75.150. Professional development for, master guide-outfitter, registered guide-outfitter, and transporter licensees**, is a proposed new section to add professional public involvement requirements for license holders.
5. **12 AAC 75.230. Guide use area registration**, is proposed to outline eligibility registration for game management unit 9 for the spring 2021 brown bear season adopted into regulation by the Board of Game; also, to require a minimum of three years in a guide use area at the time of registration.
6. **12 AAC 75.400. Transporter activity report**, is proposed to require transporter activity reports to be submitted to the department within a set time-frame to comply with annual reporting requirements of AS 08.54.650(c).

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/199143>, and using the comment link. The comments must be received not later than 4:30 p.m. on September 16, 2020. 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.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 RegulationsAndPublicComment@alaska.gov not later than September 9, 2020 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-0820.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 08.54.620; AS 08.54.630; AS 08.54.635; AS 08.54.650; AS 08.54.660; 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 08.54.620; AS 08.54.630; AS 08.54.635; AS 08.54.650; AS 08.54.660; 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: 8/12/2020
/s/ 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.

Published: August 13, 2020

**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 75.120, 12 AAC 75.130, 12 AAC 75.145, 12 AAC 75.150, 12 AAC 75.230, and 12 AAC 75.400, dealing with guide use area registration, transporter activity report, public involvement requirements for license holders, and initial licensure application requirements for class-A assistant guide, assistant guide, and transporter, 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).

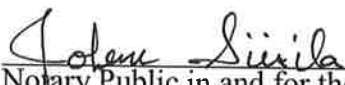
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to persons in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online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

DATE: 10/6/2020
Juneau, Alaska

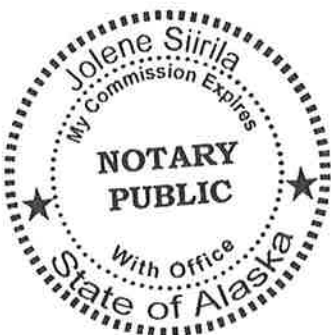


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 6 day of October, 2020.



Notary Public in and for the
State of Alaska
My commission expires: 10/office



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, transporter activity report, public involvement requirements for license holders, and initial licensure application requirements for class-A assistant guide, assistant guide, and transporter.

DATE: 10/6/2020
Juneau, Alaska

Jun Maiquis
Jun Maiquis Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 6 day of October, 2020.



Jolene Siirila
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 CORPORATION, BUSINESS AND PROFESSIONAL LICENSING

BIG GAME COMMERCIAL SERVICES BOARD
Minutes of the meeting on October 2, 2020

These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been 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 via teleconferencing October 2, 2020; originating at 333 Willoughby Ave., Juneau.

The Chair brought the meeting to order at 10:01 am

Board Members Present Constituting a Quorum:

Henry Tiffany - Licenses Registered Guide-Board Chair
Larry Van Daele - Board of Game Representative
Pete Buist - Public Member
Jason Bunch - Registered Guide Outfitter
Michelle Heun - Licensed Transporter
Adam Trombley – Public Member
Michael Flores – Licensed Transporter

Board Members Absent:

Nicholas Jackson- Private Land Owner **UNEXCUSED**

Staff Members present:

Renee Hoffard – Executive Administrator
Thomas Bay – Licensing Examiner
Jun Maiquis – Regulations Specialist

Public in attendance:

D. Rohr - Kodiak

Agenda Item: Review Agenda

The board reviewed the agenda provided by staff. Adam Trombley suggested moving agenda item 4 to follow agenda item 5; agenda item 4 requires executive session and is not open to the public.

In a motion duly made by Jason Bunch, seconded by Adam Trombley with unanimous consent, it was resolved to adopt the agenda as amended.

Agenda Item: Tabled Regulations Proposals – Buffer Areas

Ms. Hoffard informed the board that per their request, a review of the board's authority to regulate buffer areas had been submitted to the Department of Law. AAG Megyn Wiegand had responded that the board does not have the authority to enact such regulation. A regulation of this type would effectively give a property right – the right to exclude, to individuals that own cabins built before a

certain date. The proposals are not of uniform, universal, application but instead seems to benefit a narrow class of individuals to the commercial detriment of other market participants. The Board would need clear statutory authority showing a legislative intent to limit competition before adopting such a regulation. AS 08.54.720(a)(2) and 12 AAC 75.340(d)(8) give the Board authority to intervene when a crowded field leads to conflict between licensees. The Board cannot manage land in the way proposed in the regulation request. Ms. Hoffard will send a letter to the individuals that have submitted the buffer area proposals. She will also keep a record of that letter for staff to send if/when similar proposals are submitted in the future.

Agenda Item: Current Regulations Project:

The board reviewed written comment submitted to the division for the current proposed amendments to 12 AAC 75.120, 12 AAC 75.130, 12 AAC 75.145, 12 AAC 75.150, 12 AAC 75.230 and 12 AAC 75.400.

In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved to adopt the proposed amendment to 12 AAC 75.120 as written.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

The board determined the requirement of a jurisprudence exam at time of licensure would be a benefit to the program and potentially reduce investigative costs. Ms. Hoffard informed the board that she has had multiple conversations with applicants that are not aware of the regulations and statutes. She explained that the intention of this regulation is to ensure that applicants are aware and have in some capacity, reviewed the statutes and regulations that govern the license they seek.

In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved to adopt the proposed amendment to 12 AAC 75.130 as written.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved to adopt the proposed amendment to 12 AAC 75.145 as written.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		

Mike Flores	X		
Adam Trombley	X		

In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved to table the proposed amendment to 12 AAC 75.150. The public comment period for this amendment is to be extended to allow for more written comment and oral testimony at the scheduled November 30 – December 2, 2020 board meeting.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

The board determined that as the majority of written comments submitted pertained to this amendment they should hear from more of the industry. Mr. Van Daele asked that Chair Tiffany work with Fish and Game and the Wildlife Troopers to ensure that the agencies listed in the amendment are aware of what burden of responsibility lies with them and to explain the benefits the amendment would have for all involved.

In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved to adopt the proposed amendment to 12 AAC 75.230 as written.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

It was clarified that the amendment to 12 AAC 75.230(g) speaks specifically to special hunts for spring 2021 in Game Management Unit 9 only. The amendment to 12 AAC 75.230(h) will require a minimum guide use area registration of 3 years to all guide use areas in the state.

In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved to adopt the proposed amendment to 12 AAC 75.400 as written.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

Mr. Bunch asked for some explanation regarding the selection of 75 days for the time-frame to submit completed transporter activity reports. Ms. Heun explained that the original proposal was made in an effort to hold transporters accountable in a manner consistent with registered and master guides as hunt records are required to be submitted within 60 days. Ms. Hoffard explained that she has responded to questions from the industry struggling to determine when they should submit the annual report and what that report should consist of. After discussion it was decided that 75-days is an acceptable timeframe and would not cause undue burden on transporters or the administrative staff.

Chair Tiffany asked the board to consider the option of holding the November 30 – December 2 board meeting via Zoom. Some board members may spend time out of the state and it is not feasible for them to quarantine in Anchorage for 14 days before a 3-day board meeting. It was determined that board members and the public will attend the meeting via Zoom or teleconferencing and that staff will submit requests to travel to Anchorage to facilitate the meeting and exams. The intention is for Ms. Hoffard and Mr. Bay to carry out their regular duties for the meeting and exam without creating a burden to Anchorage administrative staff. This will allow the exam candidates to be sufficiently spaced for social distancing and for staff to appropriately monitor the practical exams that will be proctored remotely.

Agenda Item: Tabled Application(s):

In accordance with the provisions of Alaska Statute 44.62.310(c), I, Jason Bunch move to go into executive session for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Board staff to remain for the session. Michelle Heun seconded the motion. Motion passed via unanimous consent.

Off record at 11:45 am

Return to record 12:13 pm

On a motion duly made by Jason Bunch, seconded by Larry Van Daele, via roll call vote, it was **RESOLVED** to approve the assistant guide license for license 160202. Motion passed;

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

Mr. Bunch asked what the deadline for submitting proposals for the upcoming meeting is; he will be working on a proposal to more clearly outline the intention of the unique verification code.

Having completed the agenda as approved for the day, Chair Tiffany adjourned the meeting.

Off record at 12:32 pm.

Respectfully Submitted,

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148 Renee Hoffard

149 Executive Administrator

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153 Henry Tiffany

154 Board Chair

Date

Date

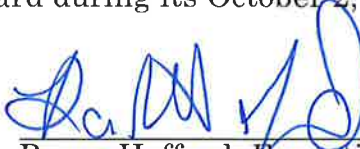
DRAFT

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 licensure application for class-A assistant guide, assistant guide, and transporter, guide use area registration, and transporter activity report was passed by the Big Game Commercial Services Board during its October 2, 2020 teleconference meeting.

Date: 10/2/2020
Juneau, Alaska


Renee Hoffard, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 2 day of October, 2020.




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