

State of Alaska

Big Game Commercial

Services Board



Proposal Packet
March 29-31, 2022
Board meeting

Big Game Commercial Services Board
REGULATION PROPOSAL

If you wish your proposal to be considered by the Board at the next scheduled meeting, the proposal must be received by the Division by close of business 45 days before the first day of the scheduled meeting. You may photocopy this form if necessary.

Proposals must be typed or printed legibly in ink.

Is this a proposal for a new regulation? YES NO

If "yes", which Alaska Statute (AS) under 08.54 supports your new regulation? AS 08.54. _____

Is this proposal an amendment to an existing regulation? YES NO

If "yes", what is the regulation number? AAC 75. _____

Proposal: _____

Who is it likely to benefit: _____

Who is likely to suffer? _____

What will happen if nothing is done? _____

If your proposal is an amendment to an existing regulation, you must provide the regulation number to the proposed amendment. If your proposal is for new regulation you must provide the Alaska Statute number under 08.54 that supports your proposal. Failure to provide this information along with your printed name will result in your proposal not being submitted to the Board for consideration.

Proposed by: _____ Date: _____
(Printed Name)

Mailing Address: _____

Telephone Number (optional): _____

Email Address (optional): _____

**Mail To: Big Game Commercial Services Board
PO Box 110806
Juneau, AK 99811-0806**

Proposals: Contracting RGO'S and Transporters must have employment contracts with their employees.

- The contract must include the rate of pay and the term of pay (by the day/week/month).
- The contract must state if travel days and additional days of employment while not accompanying clients are paid at the same rate or a different rate.
- The contract must state if employees are paid for the entire hunt or just the days of service if the hunt gets done early.
- The contract must state when the employee will be paid (eg. Every two weeks, at the end of the season, etc).
- The contracts must state the duties of the employee.
- The contract may include other stipulations as deemed appropriate by the RGO.
- The contract must be provided to the Board or staff upon receipt of a complaint from an employee. Only that contract of an employee that has filed a formal complaint may be requested.

Justification: The Big Game Commercial services Industry has an ongoing problem with timely and appropriate compensation for employees. Common examples are: employees only being paid for the days the client is in the field rather than the contracted days of the hunt; late payment far beyond reasonable; extra duties pre-or post season that are not compensated for; keeping a guide on the hook to guide a hunt even though a hunter is not booked or has cancelled, then not paying; and disagreements about travel pay.

Proposal:

12 AAC 75.230. GUIDE USE AREA REGISTRATION. (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;
- (4) a sworn statement by the applicant attesting to the required land use authorization;
- (5) a 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;
- (6) ~~whether registration is for a single calendar year or multiple calendar years.~~

~~(b) Unless it is issued for multiple calendar years, a guide use area registration issued under AS 08.54.750 and this section expires on December 31 of each year. A registration for multiple calendar years expires on December 31 of the last year for which it is issued. To re-register, the registered guide-outfitter must again submit a complete application under (a) of this section.~~

(c) A registered guide-outfitter may register for a maximum of five calendar years ending on December 31, including the calendar year in which the registration becomes effective. A registration for multiple calendar years may be withdrawn or changed annually ***if the GUA being withdrawn or changed has not been used in the that year. This includes attempting to get hunters drawn for limited entry drawings for that GUA, in which case the guide must have been registered for the GUA in the year of the December draw application period AND the year the hunt would have taken place. Both of these years will be considered used and may not be withdrawn. No refunds will be issued for the years left on a multiple year registration if it is withdrawn.*** ~~with the withdrawal or change to take effect on or after January 1 of the next calendar year.~~

(d) In accordance with AS 08.54.750, a registration will be considered effective 30 days after the date the registration is submitted to the department, or 30 days after the date the application is considered complete, whichever is later.

(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) of this section, and submits

(1) the guide use area map that identifies the portion of the additional guide use area that is located on federal land and is adjacent to a guide use area for which the registered guide-outfitter is currently registered; and

(2) a letter from the federal landholder that states that the area would otherwise remain unused by a registered guide-outfitter because the boundaries do not coincide with boundaries of a federal big game guide concession or permit area.

(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.

~~(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 indicating that 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 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.

Who is likely benefit? All Licensees. This is largely a housekeeping proposal with one substantive change. That substantive change is to allow guides to change or withdraw a GUA that they have not used, at any time, rather than having that withdrawal or change wait until Jan 1 of the following year. The Jan 1 date is arbitrary and has caused a hardship for licensees that have had situations change after January 1 but need to make changes before hunting season. An example of this is if someone buys a new business or gets a new Federal Concession after Jan1. Some of these business sales involve hundreds of thousands of dollars and great financial hardship may be encountered if they are not allowed to operate simply because the deal closed after January 1 but well before any hunting seasons. The current regulation essentially makes them take a year of from guiding in those areas. It also makes clear that there will be no refunds for withdrawals. This has been the practice but was not in regulation so some licensees didn't know. We are also removing any reference to a single year registration and the covid specific regulations that applied to 2020 and 2021.

Who is likely to suffer? No one will suffer any more than they already have. The non-refund for withdrawals of GUA's could be seen as financial suffering for some but this has already been the practice. The fee is to register the GUA's, not for the use of the GUA.

What will happen if nothing is done? People will suffer the ramifications of not being able to guide in areas in which they are authorized by the land manager but not able to register a GUA simply because they got authorization after January 1 of the year they plan to hunt. There will also be confusion with reference to single year registrations and unnecessary covid-specific regs on the books.

Submitted By Aaron Bloomquist
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