

State of Alaska

Big Game Commercial

Services Board



Current Regulations Project

Oral Comments March 30, 2022

Written Comment Deadline April 18, 2022

Chapter 75. Big Game Commercial Services Board.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 75.240 is amended to read:

12 AAC 75.240. Supervision. (a) A registered guide-outfitter who contracts to guide a hunt shall plan, direct, and monitor the big game hunting services provided to the client.

(b) At the conclusion of the hunt, a registered guide-outfitter who contracts to guide a hunt shall evaluate the performance of the assistant guide, class-A assistant guide, or registered guide-outfitter involved in the hunt to determine whether the big game hunting services provided to the client were satisfactory.

(c) To comply with (b) of this section, the contracting registered guide-outfitter shall [VERBALLY] communicate, by telephone, **electronically**, [OR] radio, or in person, with the client and the assistant guide, class-A assistant guide, or registered guide-outfitter involved in the hunt, separately or together, at least once within 10 days after the conclusion of the hunt. The contracting registered guide-outfitter shall obtain the necessary information to evaluate the performance of the assistant guide, the class-A assistant guide, or registered guide-outfitter and determine whether the big game hunting services were provided safely, in accordance with state and federal law, and to the satisfaction of the client.

(d) The contracting registered guide-outfitter shall make a good faith effort to [VERBALLY] communicate with the client to obtain the necessary information to evaluate the performance of the assistant guide, class-A assistant guide, or registered guide-outfitter. If the attempt to [VERBALLY] communicate with the client is unsuccessful, the contracting registered guide-outfitter shall write to the client and request the necessary information to evaluate the

performance of the assistant guide, the class-A assistant guide, or registered guide-outfitter. The contracting registered guide-outfitter shall write to the client within 60 days after the conclusion of the hunt.

(e) A registered guide-outfitter shall document on the hunt record the date the registered guide-outfitter complied with the [VERBAL, OR IF APPLICABLE THE WRITTEN,] client communication requirements in (c) and (d) of this section.

(f) **For the purposes of the requirements in AS 08.54.630(b)(3),** [THE CONTRACTING REGISTERED GUIDE-OUTFITTER OR] a noncontracting registered guide-outfitter or class-A assistant guide supervising an assistant guide shall be available in the **field** [SAME GUIDE USE AREA, OR AN ADJACENT GUIDE USE AREA WITH A COMMON BORDER,] to direct and monitor the big game hunting services provided to the client, except during times when

(1) an emergency situation exists that requires the guide's assistance; or

(2) the [CONTRACTING; REGISTERED GUIDE-OUTFITTER OR]

noncontracting registered guide-outfitter or class-A assistant guide supervising the hunt is [OUTSIDE THE GUIDE USE AREA OR NEIGHBORING GUIDE USE AREA WHILE]

(A) in transit with **or while processing** meat or trophies from **current season of contracted hunters** [THAT OR A NEIGHBORING GUIDE USE AREA];

(B) in transit with **or while acquiring** food, supplies, or clients directly associated **current season of contracted hunters** [WITH CONDUCTING GUIDED HUNTS IN THAT OR A NEIGHBORING GUIDE USE AREA]; [OR]

(C) conducting [IMPORTANT] duties that are **associated with the safe and satisfactory** [ESSENTIAL FOR] completion of current **season of** contracted hunts;

(D) conducting maintenance to equipment necessary to complete current season of contracted hunts;

(E) conducting a hunt that primarily takes place in a location defined as outside of the “field” as defined in 08.54.790(7); or

(F) conducting a hunt in which clients are primarily housed outside of the “field” as defined in 08.54.790(7).

(g) Repealed 7/30/2006.

(h) In this section, "emergency situation" means a situation in which a person is in a remote area and

(1) is involuntarily experiencing an absence of food, water, shelter, or medical care required to sustain life or health;

(2) is lost;

(3) is unable to perform the functions necessary for survival, leading to a high risk of death or serious and permanent health problems without the assistance of the guide; or

(4) the guide's presence is necessary for a family medical condition.

(i) For purposes of the requirement in AS 08.54.610(e), **“primarily in the field” means** [FOR SUPERVISION OF A CONTRACTED HUNT, AND IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, THE CONTRACTING REGISTERED GUIDE-OUTFITTER MAY PLAN, DIRECT, AND MONITOR A CONTRACTED HUNT]

(1) **the contracting registered guide-outfitters is in the field as defined in AS 08.54.790(a)(7);**

(2) the contracting registered guide-outfitter is present in a location where they can respond to the communication and needs of clients and employees participating in

currently contracted hunts; this location must be within the State of Alaska and within a proximity to ongoing hunts that provides for responsive logistics and clients care; or

(3) the contracting registered guide-outfitter is

(A) in transit with, or while processing meat or trophies from current season of contracted hunts;

(B) in transit with or while acquiring food, supplies, or clients directly associated current season of contracted hunts;

(C) conducting duties that are associated with the safe and satisfactory completion of current season of contracted hunts;

(D) conducting maintenance to equipment necessary to complete current season of contracted hunts;

(E) conducting a hunt that primarily takes place in a location defined as outside of the “field” as defined in 08.54.790(7);

(F) conducting a hunt in which clients are primarily housed outside of the “field” as defined in 08.54.790(7); or

(G) out of the field due to an emergency as defined in (h) of this section.

(j) As per language in 08.54.610(e), 08.54.620(b)(3), and 08.54.630(b)(3), a class-A guide or a non-contracting registered guide-outfitter may take charge of a camp and provide guide services from the camp without the contracting registered guide-outfitter being in the field and participating in the contracted hunt if the contracting registered guide-outfitter is supervising the guiding activities [WHILE IN THE FIELD AND PRESENT

IN

(A) THE SAME GAME MANAGEMENT UNIT IN WHICH THE CONTRACTED HUNT IS TAKING PLACE;

(B) A GAME MANAGEMENT UNIT ADJACENT TO AND SHARING A COMMON BORDER WITH THE UNIT IN WHICH THE CONTRACTED HUNT IS TAKING PLACE; OR

(C) A LOCATION THAT IS NO FURTHER THAN 50 MILES FROM THE NEAREST BOUNDARY OF AN AREA OR UNIT DESCRIBED IN (A) OR (B) OF THIS PARAGRAPH; AND

(2) IF PERFORMING THOSE ACTIVITIES, WHILE IN THE FIELD AND PRESENT IN A LOCATION LISTED IN (1) OF THIS SUBSECTION, IS PRACTICABLE; FOR PURPOSES OF THIS PARAGRAPH, PLANNING, DIRECTING, AND MONITORING THE CONTRACTED HUNT IS NOT PRACTICABLE IF THE CONTRACTING REGISTERED GUIDE-OUTFITTER CANNOT COMMUNICATE IN PERSON, COMMUNICATE PERSONALLY BY TELEPHONE, OR COMMUNICATE PERSONALLY BY RADIO WITH THE ASSISTANT GUIDE, CLASS-A ASSISTANT GUIDE, OR REGISTERED GUIDE-OUTFITTER INVOLVED IN THE CONTRACTED HUNT]. (Eff.

12/25/96, Register 140; am 4/6/2001, Register 158; am/readopt 7/30/2006, Register 179; am 6/2/2011, Register 198; am 12/2/2012, Register 204; am 3/19/2014, Register 209; am

_____/_____/_____, Register _____)

Authority: AS 08.54.600 AS 08.54.620 AS 08.54.710
AS 08.54.610 AS 08.54.630

12 AAC 75.250 is amended to read:

12 AAC 75.250. Participation in a hunt. (a) Repealed 6/2/2011.

(b) A registered guide-outfitter who contracts to guide a hunt and who is participating in a hunt as required in AS 08.54.630(b)(3) shall be in communication, either personally or through an agent, with the assistant guide, who is in the field with the client, **regularly** [AT LEAST ONCE DURING THE HUNT IF THE HUNT IS LONGER THAN FIVE] days.

(c) In this section, "communication" includes in-person contact, radio contact, telephone contact, **text messaging, email,** and signaling.

(d) A registered guide-outfitter who contracts to outfit a hunt shall

(1) before leaving a client in the field, advise the client of the date, time, and location at which the registered guide-outfitter will pick up the client and the course of action the client should follow if the registered guide-outfitter is unable to pick up the client as planned;

(2) either personally or through a class-A assistant guide, an assistant guide, **air taxi,** or a licensed transporter, transport the client into and out of the field at the planned date, time, and location, unless prevented by weather, mechanical problems, or other safety concerns; and

(3) check on or communicate with a client in the field as agreed to before transporting that client. (Eff. 8/2/96, Register 139; am 12/25/96, Register 140; am 4/6/2001, Register 158; am/readopt 7/30/2006, Register 179; am 12/1/2007, Register 184; am 6/2/2011, Register 198; am ___/___/_____, Register _____)

Authority: AS 08.54.600 AS 08.54.620 AS 08.54.710
AS 08.54.610 AS 08.54.630

12 AAC 75.340 is amended by adding a new subsection to read:

12 AAC 75.340. Professional ethics standards for guides.

...

(g) A contracting guide-outfitter shall make a good faith effort to provide for means of communication for each client with the contracting guide while in the field and

applicable instructions for use of that means of communication. (Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am 11/24/2007, Register 184; am 6/26/2010, Register 194; am 6/2/2011, Register 198; am 1/13/2012, Register 201; am 12/2/2012, Register 204; am 4/13/2013, Register 206; am 4/16/2016, Register 218; am 5/25/2017, Register 222; am ____/____/_____, Register _____)

Authority: AS 08.54.600 AS 08.54.680 AS 08.54.710

12 AAC 75.920(f) is amended to read:

12 AAC 75.920. Hunting, guiding, and practical experience.

...

(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 THE NON-CONTRACTING REGISTERED GUIDE-OUTFITTER HAS HAD AT LEAST 10 DAYS' HUNTING EXPERIENCE IN THE GAME MANAGEMENT UNIT THAT THE NON-CONTRACTING GUIDE WILL BE ASSISTING THE CONTRACTING GUIDE IN].

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(Eff. 12/2/99, Register 152; am 7/30/2006, Register 179; am 6/8/2007, Register 182; am

Register _____, _____ 2022 **PROFESSIONAL REGULATIONS**

11/24/2007, Register 184; am 4/13/2013, Register 206; am 6/29/2013, Register 206; am
7/16/2020, Register 235; am ____/____/_____, Register _____)

Authority: AS 08.54.600 AS 08.54.610 AS 08.54.630
AS 08.54.605 AS 08.54.620