

NOTICE OF ADOPTION OF EMERGENCY REGULATION  
REGARDING FEDERAL CONCESSION PERMITS FOR GUIDE-OUTFITTERS AND MASTER  
GUIDE-OUTFITTERS IN THE REGULATIONS OF THE BIG GAME COMMERCIAL SERVICES  
BOARD OF ALASKA

**BRIEF DESCRIPTION:** The Big Game Commercial Services Board proposes to make permanent regulation changes made by emergency regulation in relation to the requirements for federal concession permits.

On November 15, 2023, the Big Game Commercial Services Board adopted, as an emergency regulation, changes in Title 12, Chapter 75 of the Alaska Administrative Code dealing with federal concession permits for guide-outfitters and master guide-outfitters, including the following:

- (1) 12 AAC 75.230 is proposed to be changed to allow a contracting registered guide-outfitter to change or withdraw a GUA before April 1 if the GUA has not been used at any time versus the change taking place after January 1 of the following year.
- (2) 12 AAC 75.260 is proposed to be changed to allow a contracting guide to receive a UVC code in a new concession area in which the permit for the concession is authorized but not valid the year of the hunt, if the concessionaire registers for the guide use area before hunting.

The emergency regulation took effect **November 27, 2023**, and will expire **March 25, 2024**, unless made permanent by the Board. The Board intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Alison Osborne, 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](mailto:RegulationsAndPublicComment@alaska.gov). Comments also may be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than **4:30 p.m. on January 5, 2024**.

You may submit written questions relevant to the proposed action to Alison Osborne, 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](mailto: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 Alison Osborne at (907) 465-6826 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) not later than December 29, 2023 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation is available on the Alaska Online Public Notice System and by contacting Alison Osborne at (907) 465-6826 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/GUI-EmergencyRegs-0723.pdf>.

Notice of Adoption of Emergency Regulation

The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 08.54.600; AS 08.54.720; AS 08.54.790 and AS 08.54.680.

**Statutes being implemented, interpreted, or made specific:** AS 08.54.600; AS 08.54.720; AS 08.54.790 and AS 08.54.680.

**Fiscal information:** The regulation is not expected to require an increased appropriation.

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals and organizations interested in its regulations. 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. To be added to or removed from the list, send a request to the 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.

Date: November 30, 2023

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/s/  
Alison Osborne, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing



FINDING OF EMERGENCY

The Big Game Commercial Services Board finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The nature of the emergency is one of general welfare relating to the livelihoods of Registered Guide-Outfitters and Master Guide-Outfitters (“guides”). Guides who have been awarded special federal use permits by the United State Fish and Wildlife Service (USFWS), the Bureau of Land Management (BLM), and/or the United States Dept. of Agriculture (USDA) (collectively, “federal concessions”) to conduct guided hunting in specific locations in Alaska are caught in an impossible situation due to inherent conflicts in the timing required by the federal permits and what is required by state regulations. (A project amending the state regulations is in process but will not be in effect in time to remedy this situation for the permits in 2024.) The board requests emergency regulations be granted to remedy this situation in advance of the change in its regulations currently in process.

The federal concession permits have start dates of January 1, 2024. In order for a guide to put his or her clients into the state drawing that opened November 1, 2023, and closes December 15, 2023, for a 2024 permit, the guide must have a Unique Verification Code (UVC) issued by the Big Game Commercial Services Board (“board”). To obtain a UVC code, the guide must be registered to work in the Guide Use Area (GUA) where the hunt is occurring. Current regulations only allow guides to change their GUAs (they may be registered in three at any one time) on an annual basis at the beginning of the calendar year. Applications for the federal concession permits are competitive so guides cannot count on being awarded one. Under the existing regulations (those being changed), a guide who is registered in the maximum three GUAs would have had to change his or her GUAs in late 2022 for 2023 to accommodate his or her potentially being awarded a federal concession permit for work to be performed in 2024 thus depriving them of operating in a preferred GUA for all of 2023, just in case they prevail in the federal concession permit process.

Guides who have been awarded a federal concession permit -- that absent an emergency regulation they will be unable to use in 2024 – will suffer severe financial impacts in 2024 and potentially into the future due to their inability to use the permits. Not being able to utilize a permit in 2024 would cause a significant financial impact on guides’ businesses as well as losses for the communities near these hunting areas as detailed below.

1) As an example, in one federal concession (USFWS) there are six bear permits for non-resident hunters per year in Guide Use Area (GUA) 8-07. The price of a bear hunt averages around \$30,000, meaning a potential loss of \$180,000 of income for guide businesses in that area. There are over 100 USFWS permits alone, plus those issued by BLM, USDA, and state lands. Over one-third of the industry operates in areas that require these concessions. Similar income losses will impact guides who were successfully awarded other federal concessions. This has a financial impact for the economy in these communities, but especially for these small businesses.

**APPENDIX Q: Finding of Emergency and Certification Order**

2) Non-resident hunters must have a guide to hunt, so non-resident hunters are deprived of the opportunity to hunt on the federal concession permit land in this GUA. This impacts other local businesses that benefit from these non-resident hunters such as hotels, airlines, taxidermists, restaurants, transporters, and local stores.

3) The state receives federal Pittman-Robertson Act funding to manage wildlife in at least one of the areas with the USFWS permits. The state is required to provide a 25 percent match to the federal funds. The state meets the match with funds from hunting tags. A state brown bear tag is \$1,000. Thus, each tag generates \$4,000 of revenue for the state. As an example, one area has six tags yielding a potential of \$24,000 lost revenue for the state. Other federal concessions represent additional lost state revenue.

4) Finally, some of the federal concession special use permits are issued for five years, with an additional five-year renewal. A guide's inability to enter clients in the state drawing (since a UVC code for 2024 is needed) results in him or her only being able to use the permit for nine of the 10 years. When the next prospectus offering for the same permit area occurs in 10 years, a guide will be at a disadvantage due to the reduced usage of the permit. When scoring permit applications, much weight is given to experience in the area. Being unable to use the permit for 10 percent of its time, would result in lost points that would disadvantage a guide when competing for the permit in the future.

ORDER CERTIFYING ADOPTION

I certify that the Big Game Commercial Services Board, under the authority of AS 12 AAC 75.230(a)(6), (b), (c), and 12 AAC 75.260(d), adopted at its November 14, 2023, meeting the attached 3 pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date: 11/15/2023



Jason Bunch, Chair, Big Game Commercial Services Board

*Tipik Simpson for*

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FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on November 27, 2023, at 9:08 a .m., I filed the attached regulation according to the provisions of AS 44.62.

  
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for Lieutenant Governor Nancy Dahlstrom

Effective: November 27, 2023.  
Register: 248, January 2024

Expires March 25, 2024  
unless made "permanent"  
by the adopting agency

## EMERGENCY REGULATION

Register 24B, January 2024 PROFESSIONAL REGULATIONS

### Chapter 75. Big Game Commercial Services Board.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 75.230(a)(6) is repealed:

[(6) WHETHER REGISTRATION IS FOR A SINGLE CALENDAR YEAR OR MULTIPLE CALENDAR YEARS.]

12 AAC 75.230 (b) is amended to read:

(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.

12 AAC 75.230 (c) is amended to read:

(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 **before April 1, 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**

## EMERGENCY REGULATION

Register 248, January 2024 PROFESSIONAL REGULATIONS

**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].

12 AAC 75.260(d) is amended to read:

(d) A contracting registered or master guide who is signing the hunt contract, and who intends to apply a client for a drawing hunt permit for a hunt conducted under regulations required under AS 16.05, shall obtain a unique verification code for each guide use area in which a unique verification code is required from the department before entering an application for the client. Unique verification codes will only be issued to registered or master guides who are registered in a guide use area located in the hunt area the year the application is made and the years the permit is valid; **except a contracting guide may receive a code and apply a client in a new concession area in which the permit for the concession is authorized but not valid until the year of the hunt as long as the Concessionaire registers for the guide use area before providing services.** Unique verification codes will be current until the associated guide use area registration expires or is withdrawn or amended. Unique verification codes can only be utilized by the contracting registered or master guide who is applying clients for a drawing hunt permit.

(Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am 4/16/2016, Register 218; am 7/16/2020, Register 235; am 3/24/2022, Register 241; am 11 / 27 / 2023 , Register 248 )

**EMERGENCY REGULATION**

Register 248, January 2024 **PROFESSIONAL REGULATIONS**

**Authority:** AS 08.54.600 AS 08.54.720 AS 08.54.790  
AS 08.54.680