

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

**[GUIDES AND TRANSPORTERS].**

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

**Article 1. Guide License Qualifications.**

The section listing for Article 1 is amended to read:

**Section**

100. Application for registered **guide-outfitter** [GUIDE] examination

110. Registered **guide-outfitter** [GUIDE] examinations

**112. Game management unit certification examination**

115. Registered **guide-outfitter** [GUIDE] exempt from examination

120. Application for class-A assistant guide license

130. Application for assistant guide license

140. Term of guide licenses

12 AAC 75.100 is amended to read:

**12 AAC 75.100. Application for registered guide-outfitter [GUIDE] examination.**

(a) At least 120 days before the next registered **guide-outfitter** [GUIDE] examination,

an applicant for a registered **guide-outfitter** [GUIDE] license shall submit

(1) the **applicable** fees required in 12 AAC 02.230;

(2) a completed application on a form provided by the department;

(3) a list of hunters for whom the applicant has provided big game hunting

services in compliance with AS 08.54.610(a)(8);

(4) a written certification by the applicant on a form provided by the department certifying the applicant's

(A) practical field experience as required in AS 08.54.610(a)(2);

(B) capability to perform essential duties associated with guiding an outfitting as defined in 12 AAC 75.990;

(C) **successful experience guiding sheep, moose, brown bear, mountain goat, and caribou hunts; in order to be licensed for a species, the applicant must have guided a minimum of three successful hunts for that species;**

(5) a signed statement from the applicant certifying that the applicant meets the eligibility requirements of AS 08.54.605;

(6) a form completed by the applicant listing the dates the applicant has hunted in the state and certifying that the applicant meets the requirements of AS 08.54.610(a)(5); [AND]

(7) the applicant's license number and dates of licensure as a class-A assistant guide, class-A assistant guide-outfitter, assistant guide, or assistant guide-outfitter in the state.

(8) **proof of a background check including game and guiding violations; and**

(9) **verification of licensure in good standing in each state or province where the applicant has guided.**

(b) For the purposes of determining the applicable license fee **under (a) of this section,** the applicant shall state on the application form whether the applicant is a resident [OF THIS STATE. FOR THE PURPOSES OF THIS SUBSECTION, "RESIDENT" HAS THE SAME MEANING AS IN AS 16.05.940(26)].

(c) The department will not schedule an applicant for the registered **guide-outfitter** [GUIDE] examination unless the department has received all letters of recommendation required

under AS 08.54.610(a)(8) at least 45 days before the date of the examination.

(d) **In addition to the requirements of this section, an assistant guide applicant must**

(1) **have participated in contracted hunts for 125 days over a minimum of three years with at least eight clients; and**

(2) **submit an affidavit signed by the employing registered guide-outfitter attesting to the requirements of this subsection and including a completed form assessing the applicant's skills and abilities in the following areas. Negative responses must be explained.**

(A) **hunting regulations;**

(B) **guiding regulations;**

(C) **meat care and preservation;**

(D) **cape and trophy care;**

(E) **trophy judging;**

(F) **photography;**

(G) **ethics;**

(H) **logistics;**

(I) **stalking;**

(J) **safety procedures;**

(K) **first aid;**

(L) **emergency protocol;**

(M) **firearm use and safety.** (Eff. 5/24/96, Register 138; am 10/19/96,

Register 140; am 12/2/99, Register 152; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.605 AS 08.54.610

12 AAC 75.110 is amended to read:

**12 AAC 75.110. Registered guide-outfitter [GUIDE] examinations.** (a) To be eligible for a registered guide-outfitter [GUIDE] license, an applicant must pass the

(1) qualification examination, **which includes a practical examination covering**

(A) **trophy judging of actual antlers and horns;**

(B) **aging of animals;**

(C) **sexing of mountain goats and bears;**

(D) **capin, for which the applicant must provide a raw, unprocessed hide of a big game animal;** and

(2) game management unit examination for at least one game management unit.

(b) The minimum score required to pass the qualification and game management unit registered guide-outfitter [GUIDE] examinations is 75 percent on each examination.

(c) An applicant for a registered guide-outfitter [GUIDE] license who wishes to retake the next scheduled qualification or game management unit examination, or a registered guide-outfitter [GUIDE] applying to sit for a game management unit examination, shall make a written request and submit the required examination fee to the department no later than 45 days before the next examination.

(d) An applicant for a registered guide-outfitter [GUIDE] license who passes the qualification examination shall satisfy all other license requirements, including passing at least one game management unit examination, no later than 24 months after the date of the qualification examination or reapply under 12 AAC 75.100 and retake all examinations.

(e) The department will not schedule an applicant for more than six game management

unit examinations during the same examination session.

(f) The **department may**, [DEPARTMENT WILL, IN ITS DISCRETION AND] if staff resources allow, waive the application deadline in (c) of this section. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 12/2/99, Register 152; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.605 AS 08.56.610

12 AAC 75 is amended by adding a new section to read:

**12 AAC 75.112. Game management unit certification examination.** (a) To be eligible for certification in a game management unit an applicant must

(1) submit a written request and applicable examination fees established in 12 AAC 02.230 at least 45 days before the next scheduled examination;

(2) pass the appropriate regional examination testing the applicant's knowledge on terrain, game, geography, transportation, logistics, and land ownership; and

(3) submit proof of having guided at least 60 days within the region for which the applicant is requesting certification.

(b) An applicant may take examinations for no more than three regions at a time.

(c) Existing certifications for guide-outfitters remain in effect as long as all legal requirements are completed. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600

12 AAC 75.115 is amended to read:

**12 AAC 75.115. Registered guide-outfitter [GUIDE] exempt from examination.** (a)

At least 120 days before the next game management examination, an applicant for a registered **guide-outfitter** [GUIDE] license that is applying under AS 08.54.610(a)(3)(B) shall submit

- (1) the fees required in 12 AAC 02.230;
  - (2) a completed application on a form provided by the department;
  - (3) a list of hunters for whom the applicant has provided big game hunting services in compliance with AS 08.54.610(a)(8);
  - (4) a written certification by the applicant on a form provided by the department certifying the applicant's
    - (A) practical field experience as required in AS 08.54.610(a)(2);
    - (B) capability to perform “essential duties associated with guiding and outfitting” as defined in 12 AAC 75.990;
  - (5) a signed statement from the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605;
  - (6) a form completed by the applicant listing the dates that the applicant has hunted in the state and certifying that the applicant meets the requirements of AS 08.54.610(a)(5); and
  - (7) the applicant's license number and dates of licensure that meet the requirements of AS 08.54.610(a)(3)(B), verifying at least 25 years of qualifying experience.
- (b) For the purposes of determining the applicable license fee, the applicant shall state on the application form whether the applicant is a resident [OF THE STATE].
- (c) The department will not schedule an applicant for the game management unit examination unless the department has received all letters of recommendation required under AS 08.54.610(a)(8) at least 45 days before the date of the examination.

(d) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_ [IN THIS SECTION, "RESIDENT" HAS THE MEANING AS IN AS 16.05.940(26)]. Eff. 12/2/99, Register 152; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.605 AS 08.54.610

12 AAC 75.120 is amended to read:

**12 AAC 75.120. Application for class-A assistant guide license.** (a) **The department will issue a license** [TO QUALIFY] as a class-A assistant guide **to an applicant who meets** [, THE APPLICANT SHALL MEET] the requirements of AS 08.54.620 and this section.

(b) Before a class-A assistant guide license will be issued, the department must receive

(1) the fees required in 12 AAC 02.230;

(2) a completed application on a form provided by the department;

(3) verification of the applicant's applicable employment, residency, and hunting experience required under AS 08.54.620(a)(3); for verification of the

(A) employment experience in **AS 08.54.620(a)(4)(A)(i)** [AS 08.54.620(a)(3)(A)(i)], the department must receive certification of experience, on a form provided by the department, from a registered guide or guide-outfitter for whom the applicant has worked;

(B) hunting experience required in **AS 08.54.620(a)(4)(A)(ii)** [AS 08.54.620(a)(3)(A)(ii)], the applicant shall submit a written statement certifying that the applicant has hunted in the state at least once in each of 10 calendar years;

(C) hunting experience and physical residency required in **AS 08.54.620(a)(4)(B)** [AS 08.54.620(a)(3)(B)], the department must receive witnessed

statements from at least three individuals, each of whom certifies that the applicant has hunted in the game management unit for which the applicant is applying at least once in each of 15 calendar years and that the applicant physically resides in that game management unit;

**(D) a certified true copy of the applicant's valid first aid card issued by the Red Cross or similar organization;**

(4) for an applicant applying under **AS 08.54.620(a)(4)(B)** [AS 08.54.620(a)(3)(B)], a written recommendation as required in **AS 08.54.620(a)(4)(B)(iii)** [AS 08.54.620(a)(3)(B)(iii)]; and

(5) a signed statement from the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605.

(c) A class-A assistant guide licensed under **AS 08.54.620(a)(4)(B)** [AS 08.54.620(a)(3)(B)] may be certified for additional game management units in which the licensee does not reside if that licensee also meets the requirements of **AS 08.54.620(a)(4)(A)** [AS 08.54.620(a)(3)(A)]. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.605 AS 08.54.620

12 AAC 75.130 is amended to read:

**12 AAC 75.130. Application for assistant guide license.** An applicant for an assistant guide license shall submit

- (1) the fees required in 12 AAC 02.230;
- (2) a completed application on a form provided by the department;

(3) a certified true copy of the applicant's valid first aid card issued by the American Red Cross or an equivalent organization recognized by the department;

(4) a form completed by the applicant listing the dates the applicant has hunted in the state and certifying that the applicant meets the requirements in AS 08.54.630(a)(2);

(5) a written recommendation as required in AS 08.54.630(a)(4); [AND]

(6) a signed statement from the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605;

**(7) proof that the applicant has worked in the field for minimum of at least 60 days under the supervision of an assistant or registered guide-outfitter; proof of successful completion of a board approved course may reduce the required number of days in the field; and**

**(8) proof of having participated in a minimum of at least two successful guided hunts for each species that the applicant is seeking licensure.**

(Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.605 AS 08.64.630

12 AAC 75.140 is amended to read:

**12 AAC 75.140. Term of guide licenses. Registered guide-outfitter [EXCEPT FOR LICENSES ISSUED UNDER THE TRANSITIONAL PROVISIONS IN SEC. 13, CH. 33, SLA 1996, REGISTERED GUIDE], class-A assistant guide, and assistant guide licenses expire on December 31 of odd-numbered years. (Eff. 5/24/96, Register 138; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)**

**Authority:** [SEC. 13, CH. 33, AS 08.01.100 AS 08.54.600

SLA 1996]

Article 2 is amended to read:

**Article 2. Registered Guide-Outfitter [GUIDE] Operations.**

The section listing for Article 2 is amended to read:

**Section**

200. Registered guide-outfitter [GUIDE] providing services

...

230. Guide-outfitter [GUIDE] use area registration

**255. Registered guide-outfitter contract requirements**

12 AAC 75.200 is amended to read:

**12 AAC 75.200. Registered guide-outfitter [GUIDE] providing services.** (a) In addition to the restrictions in AS 08.54.720, a registered guide-outfitter [GUIDE] may provide transportation services only in a guide use area for which the guide-outfitter [GUIDE] is registered, unless the guide-outfitter [GUIDE] also holds a transporter license.

(b) A registered guide-outfitter [GUIDE] who provides transportation or outfitting services in a guide use area, for which the guide-outfitter [GUIDE] is registered, shall complete a hunt record for each client transported or outfitted. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 4/6/2001, Register 158; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.610 AS 08.54.750

12 AAC 75.210 is amended to read:

**12 AAC 75.210. Hunt record.** (a) Before a hunt, a registered guide-outfitter [GUIDE]

who contracts to guide, transport, or outfit a hunt shall complete or have completed the portions of the hunt record form provided by the department that will provide the following information:

(1) [REPEALED 4/6/2001];

(2) REPEALED 4/6/2001;

(3)] the client's name, address, and hunting license number;

**(2)** [(4)] the contracting registered **guide-outfitter's** [GUIDE'S] name, address, original signature attesting to the accuracy of the information supplied on the hunt record form, and registered **guide-outfitter** [GUIDE] license number;

**(3)** [(5)] big game tag numbers, by species;

**(4)** [(6)] harvest ticket numbers, by species; **and**

**(5)** [(7) REPEALED 4/6/2001;]

(8)] the names and guide license numbers of all registered **guide-outfitters** [GUIDE], class-A assistant guides, and assistant guides who will accompany the client in the field[; AND

(9) REPEALED 4/6/2001].

(b) **A** [THE] hunt record must be **available** in camp for the duration of **a** [THE] hunt.

(c) At the conclusion of the hunt, the registered **guide-outfitter** [GUIDE] shall complete the applicable remaining portions of the hunt record including

(1) the dates the client was in the field;

(2) the species of big game hunted;

(3) for each animal taken, the

(A) date taken;

(B) guide use area and specific location in which the animal was taken;

(C) sex; and

(D) estimated pounds of meat transported out of the field;

(4) [EFFECTIVE JANUARY 1, 1997,] the date the registered **guide-outfitter** [GUIDE] complied with the client communication requirements in 12 AAC 75.240;

(5) the client's original signature attesting to the accuracy of the information supplied on the hunt record form;

(6) the method of transportation used by the client during the hunt.

(d) [REPEALED 10/19/96.]

(e) The registered **guide-outfitter** [GUIDE] shall send the completed original hunt record to the department within 30 days after completion of the hunt. The registered **guide-outfitter** [GUIDE] shall furnish one copy of the completed hunt record to the client and retain one copy for four years at the registered **guide-outfitter's** [GUIDE'S] regular place of business.

(e) [(f)] A hunt record must be produced for inspection upon request by an agent of the **board or** department or any state or federal enforcement agent authorized to enforce guiding, game, or game management statutes or regulations.

(f) [(g)] To comply with AS 08.54.660, an applicant for renewal of a registered **guide-outfitter** [GUIDE] license shall certify on the renewal form provided by the department that all hunt records required under AS 08.54.760 have been submitted to the department in accordance with (d) [(e)] of this section.

(g) [(h)] When a big game hunting client contracts to hunt big game with more than one registered or master **guide-outfitter** [GUIDE], a separate hunt record must be completed by each registered or master **guide-outfitter** [GUIDE] and each client. The department will not accept hunt records signed by more than one **guide-outfitter** [GUIDE]. (Eff. 5/24/96, Register 138; am

10/19/96, Register 140; am 12/25/96, Register 140; am 12/2/99, Register 152; am 4/6/2001, Register 158; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.660 AS 08.54.760

12 AAC 75.220 is amended to read:

**12 AAC 75.220. Proof of financial responsibility.** (a) At the time of application for initial licensure or license renewal [FOR A LICENSING PERIOD THAT BEGINS ON OR AFTER JANUARY 1, 1997], an applicant for a registered **guide-outfitter** [GUIDE] license shall complete the financial responsibility section of the application form. The applicant shall indicate whether the applicant will contract to guide or outfit a big game hunt during the licensing period for which the applicant is applying.

**... Subsection (b) readopt.**

(c) A registered **guide-outfitter** [GUIDE] who indicated on the application for initial license or renewal that the registered **guide-outfitter** [GUIDE] would not contract to guide or outfit a big game hunt shall notify the department and provide the information required in (b) of this section before the registered **guide-outfitter** [GUIDE] may contract to guide or outfit a big game hunt.

(d) A registered **guide-outfitter** [GUIDE] shall notify the department within 10 days of any change to the information reported under (b) of this section.

(e) The department **may** [WILL, IN ITS DISCRETION,] require additional documentation to substantiate the information provided in (b) of this section before approving an applicant for initial licensure or license renewal. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am/readopt \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.610 AS 08.54.680

12 AAC 75.230 is amended to read:

**12 AAC 75.230. Guide use area registration.** (a) For each guide use area for which a registered **guide-outfitter** [GUIDE] is registering, the registered **guide-outfitter** [GUIDE] shall annually submit the following information on a form provided by the department:

(1) the applicant's registered **guide-outfitter** [GUIDE] license number;

(2) the guide use area for which the registered **guide-outfitter** [GUIDE] is registering; [AND]

(3) the location of the registered **guide-outfitter's** [GUIDE'S] camp; **and**

**(4) the documentation from the landowner or manager that the applicant has the authorization to guide-outfit hunts on a significant portion of the uplands in the guide use area.**

... **Subsection (b) readopt.**

**(c) In this section, "significant portion" means at least 5,000 contiguous acres.**

(Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 4/6/2001, Register 158; am/readopt \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.750

12 AAC 75.240 is amended to read:

**12 AAC 75.240. Supervision.** (a) A registered **guide-outfitter** [GUIDE] who contracts to guide or outfit 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** [GUIDE] who contracts to guide or outfit a hunt shall evaluate the performance of the assistant guide, class-A assistant guide, or registered **guide-outfitter** [GUIDE] involved in the hunt to determine whether the big game hunting services provided to the client were satisfactory.

(c) **To** [EFFECTIVE JANUARY 1, 1997, TO] comply with (b) of this section, the contracting registered **guide-outfitter** [GUIDE] shall verbally communicate, by telephone, radio, or in-person, with the client and the assistant guide, class-A assistant guide, or registered **guide-outfitter** [GUIDE] involved in the hunt, separately or together, at least once within 10 days after the conclusion of the hunt. The contracting registered **guide-outfitter** [GUIDE] shall obtain the necessary information to evaluate the performance of the assistant guide, the class-A assistant guide, or registered **guide-outfitter** [GUIDE] 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** [GUIDE] 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** [GUIDE]. If the attempt to verbally communicate with the client is unsuccessful, the contracting registered **guide-outfitter** [GUIDE] 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** [GUIDE]. The contracting registered **guide-outfitter** [GUIDE] shall write to the client within 60 days after the conclusion of the hunt.

(e) **A** [EFFECTIVE JANUARY 1, 1997, A] registered **guide-outfitter** [GUIDE] shall document on the hunt record the date the registered **guide-outfitter** [GUIDE] complied with the

verbal, or if applicable the written, client communication requirements in (c) and (d) of this section.

(f) A noncontracting registered **guide-outfitter** [GUIDE] or class-A assistant guide supervising an assistant guide shall be available in the 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.

(g) A licensee who fails to provide supervision or to make a good faith effort to make the verbal, or if applicable the written, client communication as required in this section is considered **incompetent** ["INCOMPETENT"] as defined in 12 AAC 75.300. (Eff. 12/25/96, Register 140; am 4/6/2001, Register 158; 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) A registered **guide-outfitter** [GUIDE] who contracts to guide a hunt and who is participating in a hunt as required in AS 08.54.630(b)(3) shall be present in the field in person with the client and the assistant guide at least once during the hunt to discuss with the client and the assistant guide the big game hunting services provided.

(b) **A** [EFFECTIVE JANUARY 1, 1997, A] registered **guide-outfitter** [GUIDE] who contracts to guide or outfit 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, at least once during the hunt if the hunt is

longer than five days. This communication is in addition to the in-person contact required in (a) of this section.

(c) In this section, “communication” includes in-person contact, radio contact, telephone contact, and signaling. (Eff. 8/2/96, Register 139; am 12/25/96, Register 140; am 4/6/2001, Register 158; 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 is amended by adding a new section to read:

**12 AAC 75.255. Registered guide-outfitter contract requirements.** (a) A contracting registered guide-outfitter shall deliver a contract to client within 90 days of receipt of deposit.

(b) A contract must include the following information:

- (1) name, license number, and signature of the guide-outfitter (business name also different);
- (2) name and signature of the client;
- (3) list each big game animal to be hunted, identify primary animal;
- (4) dates the client will be in the field;
- (5) number of hunting days and/or dates for each species, if appropriate;
- (6) cost and payment schedule;
- (7) trophy fee if any, responsibility for cost of license and tag;
- (8) extra transportation cost, if any;
- (9) statement of services provided, including lodging, meals, number of clients per guide, trophy care and shipping, care of meat and clarification of who is responsible for

what;

(10) deposit refund or transfer policy upon cancellation;

(11) statement about compensation for any delay of client arriving in the field on schedule or departing the field before the contracted hunt ends;

(12) who is responsible for private and federal land use fees. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600

### **Article 3. Professional Competence Standards for Guides.**

#### **Section**

...

#### **335. Guide-outfitter code of ethics**

12 AAC 75.300 is amended to read

**12 AAC 75.300. Professional competence standards for guides.** (a) **As used in AS 08.54.710(b) and this chapter, "incompetent"**, [“INCOMPETENT” AS USED IN AS 08.54.710(b) AND] as it relates to a registered **guide-outfitter** [GUIDE], assistant guide, or class-A assistant guide, includes failing to or being unfit to meet a professional standard of conduct that satisfactorily and safely implements, under field conditions, the knowledge, skills, qualifications, and judgment required for the license held and includes failure to comply with

(1) the standards in 12 AAC 75.310;

(2) a condition or requirement established as a disciplinary sanction in AS 08.54.710(c);

(3) the supervision and hunt participation requirements in AS 08.54, 12 AAC 75.240,

and 12 AAC 75.250.

(b) A registered **guide-outfitter** [GUIDE], class-A assistant guide, or assistant guide who makes guarantees as to the success of a hunt or the number of animals to be taken on a hunt is considered to be incompetent under (a) of this section. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 12/25/96, Register 140; am 4/6/2001, Register 158; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.710

12 AAC 75.310 is amended to read:

**12 AAC 75.310. Responsibilities of guides.** (a) It is the responsibility of a registered **guide-outfitter** [GUIDE], class-A assistant guide, and assistant guide to

(1) ensure that the appropriate tags are attached to any game taken by a client and all game is sealed or marked as required by 5 AAC 92;

(2) ensure that the proper hunting licenses, game tags, and harvest reports for the big game species being hunted are in the client's possession before the hunt begins;

(3) take every reasonable measure to assure the safety and comfort of the client, including ensuring that the following are present during the hunt;

(A) supplies that are adequate to provide first aid for injuries that are reasonably expected in the field;

(B) sufficient supplies to provide for emergencies, including food, clothing, and source of heat; and

(C) food and shelter that are normally considered satisfactory under field conditions;

- (4) provide any information to assist law enforcement or state and federal wildlife

officials;

- (5) use every lawful means at the licensee's disposal to bag a wounded animal while it is in danger of escaping, or, in a serious emergency, while human life or well being is endangered;

- (6) barring unforeseen conditions, properly prepare, according to generally accepted procedures, all antlers, horns, hides, and capes to be delivered to the taxidermist or to the client at the conclusion of a hunt in a satisfactory and unspoiled condition unless the guide is providing only outfitting and transportation services for the hunt;

- (7) endeavor to salvage all meat of trophies taken by clients, in accordance with state law;

- (8) advise clients and employees involved in a hunt of all applicable state and federal statutes and regulations related to hunting, land use, wildlife, big game hunting services, and conservation;

- (9) advise a client before a hunt of the game population in the hunting area and the chances of encountering the desired species in the time allotted based upon the registered **guide-outfitter's** [GUIDE'S] knowledge of the area; and

- (10) respond personally, or through an agent, to requests for assistance communicated by the assistant guide during the hunt; the contracting registered **guide-outfitter** [GUIDE] shall respond within a reasonable time based on the urgency of the request, weather conditions, and other safety factors.

- (b) Except for brown bear, grizzly bear, wolves, and wolverine, the contracting

registered **guide-outfitter** [GUIDE] and any registered **guide-outfitter** [GUIDE], class-A assistant guide, and assistant guide involved in a hunt are responsible for transporting the meat of a big game animal taken by the client in accordance with 5 AAC 92.135 and 5 AAC 92.220.

(Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 4/6/2001, Register 158; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.610 AS 08.54.710

12 AAC 75 is amended by adding a new section to read:

**12 AAC 75.335. Guide-outfitter code of ethics.** For the purposes of a guide-outfitter code of ethics, as established in AS 08.54.600(c)(1) and as it relates to guide-outfitter, unethical activity includes,

- (1) not complying with the appropriate and applicable state and federal laws and regulations;
- (2) disrespecting gear, equipment, food, shelter, and camps established by others;
- (3) staging unused or unattended camps and gear to discourage others from utilizing a location;
- (4) not allowing appropriate buffer areas between hunters and camps to not disrupt hunts and hunt experiences. (Eff. \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600

#### **Article 4. Transportation Services.**

##### **Section**

...

**435. Transporter contract requirements**

**440. Transporter code of ethics**

12 AAC 75.400(a) is amended to read:

**12 AAC 75.400. Transporter activity report.** (a) On or before February 1 of each year, a transporter shall submit to the **board** [DEPARTMENT] completed activity reports for each client transported during the previous calendar year, on a form provided by the department.

**... Subsection (b) – (e) readopt.**

(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 \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.650 AS 08.54.660

12 AAC 75.410 is amended to read:

**12 AAC 75.410. Term of transporter license.** **A** [EXCEPT FOR A LICENSE ISSUED UNDER THE TRANSITIONAL PROVISIONS IN SEC. 12, CH. 33, SLA 1996,] transporter license expires on December 31 of odd-numbered years. (Eff. 5/24/96, Register 138; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** [SEC. 13, CH 33 AS 08.01.100 AS 08.54.600  
SLA 1996]

12 AAC 75.420(a) and (d) are amended to read:

**12 AAC 75.420. Proof of transporter's financial responsibility.** (a) At the time of application for initial licensure or license renewal [FOR A LICENSING PERIOD THAT

BEGINS ON OR AFTER JANUARY 1, 1997], an applicant for a transporter license shall complete the financial responsibility section of the application form.

**. . . Subsection (b) and (c) readopt.**

(d) The department **may** [WILL, IN ITS DISCRETION,] require additional documentation to substantiate the information provided in (b) of this section before approving an applicant for licensure or license renewal. (Eff. 10/19/96, Register 140; am/readopt \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600            AS 08.54.660            AS 08.54.680  
AS 08.54.650

12 AAC 75.430 is amended to read:

**12 AAC 75.430. Professional competence standards for providers of transportation services.** (a) **As used in AS 08.54.710(b) and this chapter, "incompetent",**

["INCOMPETENT" AS USED IN AS 08.54.710(b) AND] as it relates to transporters and registered **guide-outfitters** [GUIDES] who provide transportation services, means failing to meet a professional standard of conduct that satisfactorily and safely implements, under field conditions, the knowledge, skills, qualifications, and judgment required for a transporter and includes failure to comply with

- (1) the standards in (b) of this section; and
- (2) a condition or requirement established as a disciplinary sanction in

AS 08.54.710(c).

(b) It is the responsibility of a transporter or registered **guide-outfitter** [GUIDE] providing transportation services to

(1) take every reasonable measure to ensure the safety and comfort of the client, including ensuring that the following are present while the licensee is providing transportation services;

(A) supplies that are adequate to provide first aid for injuries that are reasonably expected while providing transportation services; and

(B) sufficient supplies to provide for emergencies, including food, clothing, and source of heat;

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

(3) 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

(4) provide any information to assist law enforcement or state and federal wildlife officials.

(c) A transporter or registered **guide-outfitter** [GUIDE] who makes guarantees as to the success of a hunt or the number of animals to be taken on a hunt is considered to be incompetent under (a) of this section. (Eff. 10/19/96, Register 140; am 4/6/2001, Register 158; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.710

12 AAC 75 is amended by adding a new section to read:

**12 AAC 75.435. Transporter contract requirements.** (a) The contents of a written contract to provide transportation services to a client must include the following information:

(1) name, license number, and signature of transporter (business name if different);

(2) name and signature of client;

(3) big game animal(s) to be hunted;

(4) cost, payment schedule, and specific weight limitation, if any;

(5) deposit refund or transfer policy upon cancellation;

(6) statement that services are for transportation only;

(7) statement that no guide services are provided;

(8) statement that client is responsible for salvage of meat during the hunt;

(9) statement that client is responsible for salvage of the meat after the hunt unless legally transferred to a third party;

(10) statement to clarify methods of communication with transporter during the time clients are in the field, such as a satellite phone, VHF radio, over flight, and signal device;

(11) statement to clarify who is responsible for the cost of extra trips to transport meat if necessary.

(b) A licensed transporter may provide transportation service and accommodations only at a personally-owned permanent structure in the field, or on a boat on saltwater. A licensed transporter may not accompany or remain in the field with a big game hunter who is a client of the transporter except as necessary to perform transportation services.

(c) A licensed transporter may not provide for compensation vehicles, fuel, camping, hunting, or game processing equipment, or any hunting services such as skinning, caping, or

cleaning of game, glassing, and packing from a permanent structure in the field or on a boat on saltwater. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600

12 AAC 75 is amended by adding a new section to read:

**12 AAC 75.440. Transporter code of ethics.** For the purposes of transporter code of ethics, as established in AS 08.54.600(c)(1) and as it relates to transporter, unethical activity includes,

(1) not checking on or communicating with clients in the field for a minimum of five consecutive days;

(2) staging unused or unattended camps and gear to discourage others from utilizing a location;

(3) not complying with appropriate and applicable state and federal laws and regulations;

(4) not fully cooperating with state and federal wildlife officials or game laws and regulations;

(5) misrepresenting or not clearly defining rates and services to prospective clients prior to booking and acceptance of deposits, or otherwise misleading prospective clients through false or fictitious advertising;

(6) being unwilling or incapable of making financial restitution to a client for any breach of contract owing to no fault of the client;

(7) not advising clients of game populations in hunting areas and advising them of their chances of encountering the species in the time allotted;

(8) failing to endeavor to transport all meats of trophies taken by clients, in accordance with existing state law;

(9) herding, driving or chasing of animals with the use of any mechanically powered equipment;

(10) failing to practice sound wildlife conservation or failing to create an awareness of conservation needs and practices during his/her association with the public.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600

12 AAC 75.900 is repealed and readopted to read:

**12 AAC 75.900. License renewal.** (a) The license renewal requirements in AS 08.54.660 and 08.54.670 apply to individuals licensed under AS 08.54.591 – AS 08.54.790.

(b) The board will issue a registered guide-outfitter, class-A assistant guide, assistant guide, or transporter license to an individual who meets the requirements under AS 08.54.591 – AS 08.54.790 and who meets the requirements for renewal of the license in AS 08.54.660, 08.54.670, and this chapter.

(c) The board will renew licensee who meets the requirements for license renewal in AS 08.54.660, 08.54.670, and this chapter and pays the required license renewal fee established in 12 AAC 02.230. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.100            AS 08.54.660            AS 08.54.670  
AS 08.54.600

12 AAC 75.910 is readopted without change:

**12 AAC 75.910. Failure to file.**

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(Eff. 10/19/96, Register 140; readopt \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.710

**Editor's note:** Effective \_\_\_\_/\_\_\_\_/\_\_\_\_\_, the Big Game Commercial Services Board readopted 12 AAC 75.910, without change, to affirm the validity of that section following statutory amendments made in ch. 84, SLA 2005. Chapter 84, SLA 2005, transferred the Department of Commerce, Community, and Economic Development's authority to adopt regulations in 12 AAC 75 to the Big Game Commercial Services Board.

12 AAC 75.920(b) is amended to read:

**12 AAC 75.920. Hunting and guiding experience.**

**... Subsection (a) readopt.**

(b) The hunting or guiding experience obtained in (a) of this section will only be accepted by the **board** [DEPARTMENT] if the applicant's hunting license and guiding license in this state were valid and unencumbered during the time period for which experience is claimed. (Eff. 12/2/99, Register 152; am/readopt \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

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

12 AAC 75.990 is repealed and readopted to read:

**12 AAC 75.990. Definitions.** (a) Unless the context requires otherwise, in AS 08.54 and this chapter,

- (1) “board” means the Big Game Commercial Services Board;
- (2) “camp” means a primary base of operations in the field for the hunt;
- (3) “department” means the Department of Commerce, Community, and

Economic Development;

(4) “essential duties associated with guiding and outfitting” includes providing, in compliance with AS 08.54 and this chapter, the services listed in AS 08.54.790(8) – (10).

(b) Unless the context requires otherwise, in this chapter,

(1) "resident" has the meaning given in AS 16.05.940;

(2) “specific location” means the name commonly used for a drainage, mountain, lodge, camp, landing strip, or valley that is a documented place name or is commonly used by people frequenting the location;

(3) “witnessed” means the document includes a signature that has been verified by two witnesses or notarized. (Eff. 5/24/96, Register 138; am 8/2/96, Register 139; am 10/19/96, Register 140; am 12/25/96, Register 140; am 4/6/2001, Register 158; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

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