



State of Alaska

Department of Commerce, Community & Economic Development Division of Corporations, Business, and Professional Licensing

Big Game Commercial Services Board

3700 Airport Way, Fairbanks, AK (DNR Building; Large
Conference Room)

This document is supplemental information for the draft board packet prepared for the public. Please contact staff if you have any questions.

Items included

Draft minutes:

December 2019 meeting

February 2020 Teleconference (with Master Guide findings)

Regulations proposal – Assistant Guide examination

Public comment periods are:

1. 3/17/2020 at 9:40 am – regulations proposals (pages 73-76 of board packet)
2. 3/17/2020 at 3:00 pm – regulations proposals (pages 73-76 of board packet)
3. 3/18/2020 at 3:00 pm – Open comment
4. 3/19/2020 at 3:00 pm – Open comment

Call in information:

Phone number:

1-669-900-6833

Meeting ID's:

March 17 = 393-916-705

March 18 = 506-560-105

March 19 = 446-173-117

1 State of Alaska
2 Department of Commerce, Community and Economic Development
3 Division of Corporations, Business and Professional Licensing
4

5 BIG GAME COMMERCIAL SERVICES BOARD
6

7 MINUTES OF THE MEETING
8 Monday, December 2nd, 2019 – Wednesday, December 4th, 2019
9

10 *These are DRAFT minutes prepared by the staff of the Division of Corporation, Business*
11 *and Professional Licensing. These minutes have not been reviewed or approved by the*
12 *Board.*
13

14 By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions
15 of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was
16 held at the Robert Attwood Building, Room 102, Anchorage, Alaska.
17

18 Monday, December 2, 2019
19

20 **Agenda Item 1** Roll Call & Intro to New Staff
21

22 The meeting was called to order by acting Chairman, Jason Bunch, at 9:37 a.m. on Monday,
23 December 2nd, 2019. Mr. Bunch welcomed new staff Renee Hoffard and Jean Bennett. Board
24 members Henry Tiffany and Nicholas Jackson were not present; however, the rest of the board was
25 present, constituting a quorum.
26

27 Board Members Present Constituting a Quorum:
28

29 Jason Bunch – Registered Guide Outfitter (*acting Chair*)
30 Larry Van Daele – Board of Game Representative
31 Michelle Heun – Licensed Transporter
32 Cash Joyce – Licensed Transporter
33 Adam Trombley – Public Member (*via teleconference*)
34 Peter Buist – Public Member
35

36 Board Members absent:

37 Henry Tiffany – Master Guide Outfitter
38 Nicholas Jackson – Private Land Owner – UNEXCUSED
39

40 Staff Members present:

41 Renee Hoffard – Records and Licensing Supervisor
42 Jean Bennett – Occupational Licensing Examiner
43 Megyn Weigand – Department of Law
44

45 Present from the Public:

46 Wayne Kubat
47 Steve H. Perrins II

48 Mark Richards – Resident Hunters of Alaska
49 Mark Enyeart
50 Aaron Bloomquist
51 Tisha Valentine – Department of Natural Resources
52

53 **Agenda Item 2** Review the Agenda

54
55 Discussion: Acting Chair Jason Bunch asked the board to review the agenda for Monday.
56 Mr. Bunch had one recommendation under item 10 regulations review, would like to add 12 AAC
57 75.230.
58

59 **On a motion duly made by Larry Van Daele, seconded by Peter Buist, requesting**
60 **unanimous consent, and approved unanimously without any objections, it was**

61
62 **RESOLVED to approve the agenda as amended for Monday.**
63

64 **Agenda Item 3** Ethics Review

65
66 Acting Board Chair, Jason Bunch, asked if there were any issues regarding ethics that needed to be
67 brought forward. Hearing none, Mr. Bunch continued to approval of the minutes.
68

69
70 **Agenda Item 4** Review/Approve Meeting Minutes

71
72 Mr. Bunch moved the board's attention to the drafted meeting minutes from the April 2019 and July
73 2019 meetings. Peter Buist abstained from approving the April 2019 minutes, as he was not a board
74 member at that time.
75

76 **On a motion duly made by Larry Van Daele, seconded by Peter Buist, requesting**
77 **unanimous consent, and approved by roll call without any objections, it was**

78
79 **RESOLVED to approve the April 2019 minutes.**
80

81 **Pete Buist abstained from voting; he was not an appointed board member for the**
82 **April 2019 board meeting.**
83

84
85 **On a motion duly made by Larry Van Daele, seconded by Peter Buist, requesting**
86 **unanimous consent, and approved unanimously without any objections, it was**

87
88 **RESOLVED to approve the July 2019 minutes.**
89

90
91 **Agenda Item 5** Division/Fiscal Update

Time: 9:46 a.m.

92

93 Division Director Sara Chambers joined the meeting via telephone. Ms. Chambers discussed the
94 position of Executive Administrator that would take over supervision of the board's licensing
95 examiner as well as the Marine Pilot's program. Mr. Bunch asked about the cost of this position to
96 the board. Ms. Chambers discussed how this position would be splitting their time between this
97 board and the Marine Pilot's program. Ms. Chambers believes this will be a benefit to the program,
98 providing continuity and expertise; however, she reminded the board if it does not work out they
99 can reevaluate how they staff the board. Mr. Bunch agreed that this is something the board has
100 wanted and believes it will be successful.

101
102 Ms. Chambers reviewed the board's End of FY2019 and 1st Quarter 2020 fiscal reports. Ms.
103 Chambers went through all aspects of the report and commended the board again on their fiscal
104 conservancy. FY2018 was the board's first year in the black in many years. Ms. Chambers pointed
105 out that FY2019 is a renewal year resulting in lower revenues. Additionally, approximately 1,100
106 licensees at this time have still not renewed. Mr. Chambers reminded the board there is a year over
107 year deficit, so FY2020 should be a much higher number in revenue. Mr. Van Daele thanked the
108 division for their transparency.

109
110 Ms. Chambers said she could go over the next agenda item, the Salitan Settlement, in general for the
111 public, but to go into more detail the board should go into executive session. General comments
112 were that the board lost their appeal in this case. The cost of this case was approximately \$30,000 in
113 legal fees.

114
115 **In a motion duly made by Larry Van Daele, seconded by Peter Buist, with unanimous**
116 **consent, it was**

117
118 **RESOLVED to enter into executive session under AS 44.62.310(C)(2) to discuss**
119 **the Salitan Settlement. Director Sara Chambers, board staff, and Investigator Lee**
120 **Strout are requested to remain in the session. Public members at this time are**
121 **asked to vacate the room.**

122
123 *The board entered executive session at 10:25 a.m.*

124
125 *The board left executive session at 10:54 a.m.*

126
127 *Back on Record 11:02 a.m.*

128
129
130 **Agenda Item 6** **Public Comment**

131 Mr. Wayne Kubat was the only member of the public to sign up for the 10:30 a.m. public comment
132 period. Mr. Kubat offered to reserve his comments for the 3:30 p.m. public comment allowing the
133 board to proceed to the next agenda item and remain on schedule.

134
135
136 **Agenda Item 7** **Master Guide Regulations (Senate Bill 43)**

137 Megyn Weigand from Department of Law joined the meeting to discuss regulations. Investigator
138 Lee Strout also remained present. Mr. Bunch reviewed the changes of this statute with the addition

139 of the word “hold”. The board discussed the definition of “convicted” with Ms. Weigand to clarify
140 their understanding how it applies to the statute. The board also discussed the threshold for fines
141 and suspended fines to meet the restrictions of SB43 with Investigator Strout. There was a brief
142 overview of the new requirements and restrictions.
143

144 **In a motion duly made by Larry Van Daele, seconded by Peter Buist, with unanimous**
145 **consent, it was**

146
147 **RESOLVED to approve amendment to agenda to recess for lunch at 12:21 p.m.**
148 **and return at 1:30 p.m.**

149
150 *The board recesses for lunch at 12:21 p.m.*

151
152 *The board resumes at 1:32 p.m.*

153
154 *Adam Trombley not yet present. Jun Maiquis, Regulations Specialist is present via telephone.*

155
156 The board continued with discussion of Master Guide Regulations started before lunch.

157
158 **Agenda Item 8** **Regulation Review**

159 Update of Current Projects:

160 Website is up to date with current regulations. Mr. Bunch asked Mr. Maiquis for clarification on the
161 process of regulations review. Mr. Maiquis explained after the board adopts regulations, the
162 regulations specialist reviews the proposed regulation, then it goes to Department of Law for final
163 review. If approved from there, it goes to the Lieutenant Governor for filing.

164
165 **In a motion duly made by Larry Van Daele, seconded by Peter Buist, and approved by roll**
166 **call it was**

167
168 **RESOLVED to make structural changes as recommended by Department of Law**
169 **to 12 AAC 75.920(b) for clarity.**

170
171

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

172

173 Proposed Regulations Changes:

174

175 Mr. Bunch read a proposal asking that the board wave the three years of experience requirement for
176 a natural person to become a registered guide. Mr. Bunch was against adopting the regulation feeling

177 that the three-year requirement gives guides time to learn and mature. Mr. Joyce agrees with Mr.
178 Bunch. Ms. Heun noted how much she learned after her third and fourth year. Mr. Van Daele
179 agreed that this is a complex profession and three years is a fair amount of time to learn.

180

181 **On a motion duly made by Larry Van Daele, seconded by Cash Joyce, requesting**
182 **unanimous consent, it was**

183

184 **DENIED to adopt regulations proposal as outline in page 77 of the board packet.**

185

186 12 AAC 75.260(e) – RGO Contract Requirements

187 Ms. Weigand commented that end of hunt can be subjective and cause ambiguity.

188 She brought up this could cause some enforcement problems. The board discussed differing
189 opinions on when the hunt ends. The board concluded that the date complete as written on the
190 hunt record is sufficient.

191

192 **In a motion duly made by Larry Van Daele, seconded by Peter Buist, requesting unanimous**
193 **consent, it was proposed to amend of 12 AAC 75.260(e) to add a subsection as written in**
194 **page 78 of the board packet. Discussion took place; the motion failed.**

195

196 **In a motion duly made by Larry Van Daele, seconded by Cash Joyce, requesting unanimous**
197 **consent, it was**

198

199 **RESOLVED to table 12 AAC 75.260(e) to tomorrow.**

200

201 **12 AAC 75.400(e) – Transporter Activity Reports (TAR)**

202

203 Ms. Heun and Mr. Joyce discussed the purposed of transporter reports. Mr. Joyce, both a
204 transporter and registered guide, explained what is required on a TAR. Mr. Bunch asked for
205 clarification on what the differences are in requirements of hunt records and TARs. Mr. Joyce would
206 like to see a spot for pilot names on the TARs. He also discussed the lack of clarity between air taxis
207 versus transporters.

208

209 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun, requesting**
210 **unanimous consent, it was**

211

212 **RESOLVED to adopt 12 AAC 75.400(e) amended as written in page 79 of board**
213 **packet.**

214

215 *The board recesses at 3:20 p.m.*

216

217 *The board resumes at 3:35 p.m.*

218

219 **Agenda Item 9**

Public Comment

220

221 Wayne Kubat

222 “Okay, thank you board, thank you. You know you’ve got copies of certain regulations. We’ve all

223 struggled with supervision, statutes and regs forever, you know for decades. There's a lot of
224 different interpretations out there. I think a lot of the problem is that there have been some changes,
225 a lot of people are assuming stuff. And another issue that happens is that when you have a
226 supervision regulation dealing with an assistant, there's usually stuff written in the Class-A section
227 and then the statute, and then the registered guide section maybe in the supervision, and a regulation
228 someplace and we only deal with one statute and don't look where else its addressed so a change is
229 made to one place and is not made to another place so I'm just going to go through the regs and
230 point a couple things out. I know Tom Sullivan, we spent the whole day going through the whole
231 book and he had a bunch of recommended changes. We are all scared to death of opening up the
232 statutes. Jason did an OnBoard presentation in April where we kind of started on pretty much what
233 we you've got here on these pages. And we drew some stuff on the board but you know very few
234 people got to see that so I'm just going to start there and I'm going to start on page 3 of 08.54610
235 it's a registered guide statutes, if you go down to d(1) it's on page 3, it says a class-a assistant guide
236 and a game management unit, it says, well D1, d says notwithstanding 08.54750 with dealing with
237 registering for guide use areas, 'a person who is licensed as a registered guide-outfitter may be
238 employed by another registered guide-outfitter to provide the services of (1) a class-A assistant guide
239 in a game management unit if the registered guide-outfitter providing the services of a class-A
240 assistant guide is able to demonstrate, to the satisfaction of the board, adequate knowledge of and
241 experience in the game management unit.' You know, when I got my license in 1986 a registered
242 guide could be a, could provide guide services, take charge of a camp, supervise assistants any place
243 in the state. that changed in about 1995 when we had no board and this part 1 said a registered guide
244 can only perform the services of a class- a guide in game management units in which he is certified
245 in and that was in there for until 2013 and then it disappeared that was, when we got a board, that
246 was one of the first statue change we tried to make as a board. Was to make it back to a registered
247 guide to be a, to perform the services of, to take charge of a camp, I mean I don't know, I'm not
248 going to go there. But anyway, but anyhow that language disappeared so this deal on... I think that's
249 irrelevant and I'll get to that later when we get down to the class-a statute, there's already a statue
250 that allows that. So why do we need a regulation if we already have a statue? You know, they say
251 statue trumps regulation. Ok so I think when we go through that, I think that, just ignore that. I
252 mean it's there, don't change it, just there's another statue that applies more properly I think. So 2d
253 an assistant guide in any game management, ok now d, now e, 'A registered guide-outfitter who
254 contracts for a guided hunt shall be primarily in the field supervising and participating in the
255 contracted hunt. The contracting registered guide-outfitter shall also.' I'm going to stop there. So,
256 this is what changed in 2013 too. Prior to this you were required, the contracting guide was, required
257 to perform a once in the field participation, cause you know... you know. So, this was changed in
258 2013 too. But I mean it's confusing what it says. Take the second, so a registered guide outfitter who
259 contracts for a hunt shall be primarily in the field supervising and participating in the contract hunt.
260 Now I think that second sentence just needs to be ignored. It says that the contracting registered
261 guide outfitter shall also conduct the hunt, unless the hunt under regulations adopted by the board is
262 being conducted by a class a assistant. Well we got some definitions here. Supervises and conduct
263 mean the exactly the same thing. Conduct is a synonym of supervise, supervise is a synonym of
264 conduct. On the page... here I got 12 boxes that are synonyms, they both are just as confusing as all
265 get out and I would propose that you don't wanna establish those regulations, because if you did
266 then the contracting would no longer need to supervise those people. I don't think you want to go
267 there. So anyway, that's a couple points on that. Moving down to the class a section. A class a 'shall
268 be employed by and under the supervision of a registered guide-outfitter who has contracted with

269 the client for whom the class-A assistant guide is conducting the hunt' he '(3) may take charge of a
270 camp and provide guide services from the camp without the contracting registered guide-outfitter
271 being in the field and participating in the contracted hunt if the contracting registered guide-outfitter
272 is supervising the guiding activities' So this tells me, and I was part of a subcommittee, and Jason
273 was years ago, we were trying find a, where a guide had to be we settled on ...game management
274 unit, but so many people didn't like the idea of a guide, a contracting guide being in two parts of the
275 statement. Whether we like it or not statute says he can if he has a class a guide he doesn't have to
276 be in the field for participating. That's what the statutes says. You know, I go farther than that. I feel
277 a registered guide, can do anything an assistant, a class a assistant guide can. You know, supervision
278 was not, that was so a lower-class guide could have a little extra ... it was not for measure so anyway
279 I'm going to, ok, so that says that a class a guide can take charge of a camp without the registered
280 guide being in the field. The registered, the contracting guide, still has to supervise. Ok, so then we
281 go down to the assistant guide class licenses, on page 4, It says an assistant, b(2), 'shall be employed
282 by a registered guide-outfitter and under the supervision of a registered guide-outfitter or class-A
283 assistant guide while the assistant guide is in the field' Ok ' a registered guide outfitter, not a
284 registered guide outfitter...game management unit, not you know, not...just under the supervision
285 of a registered guide outfitter. That's what the statute says. Or a Class a assistant guide while an
286 assistant guide is in the field. Also, an assistant 'may not take charge of a camp or provide guide
287 services unless the contracting registered guide-outfitter is in the field and participating in the
288 contracted' so that means to me is if the contracting registered guide outfitter is in the field, and
289 participating in the contracted hunt, then an assistant guide can take charge to provide guide
290 services. Ok, the definition of in the field in the statue is anywhere in the state that is not been a city
291 town or village or on a road system. In our regulations, which we'll get to on page or two, is
292 game management unit plus 50 miles. So, by what that says there, if a contracting registered guide is
293 operating, in the same or neighboring game management unit, plus 50 miles, I don't feel the need to
294 ...class As or registered. ... just need consistency. However, the next part of it says, the second half
295 of three is, or a registered guide outfitter. Again ...certified in a game management unit registered
296 guide outfitter or Class A assistant guide employed by the is physically present. Well we don't
297 operate that way.

298
299
300 Mark Richards

301
302 "Good afternoon board members, my name is Mark Richards, I'm the executive director of
303 Resident Hunters of Alaska. A few things, and I don't mean any disrespect to this, but I was
304 completely offended when I walked in the room today, and saw the format of this meeting. I've
305 been to a lot of meetings, over the years: school board, Board of Game, Big Game Commercial
306 Services Board, and never have I seen where the board sits, away from the public and faces the wall,
307 and puts the public behind them. I urge you to change the format of this room in the next couple
308 days, because it's, I've never seen anything like it. Really, it's hard to hear you, you are talking away
309 from us, it's just I've never seen anything like that. I would like to bring your attention to a letter. I
310 received an anonymous letter this summer from somebody in Southeast Alaska about some guide
311 changes in unit 4. I've made Mr. Bunch aware of the letter, and we've communicated on this, maybe
312 he has some more information but in particular the handout you have, the Mitchel Bay section of
313 that, that's what caught my attention because in the Mitchell bay is closed to all brown bear hunting.
314 And so to see this on the Forest Service document that they had authorized this guide to take more

315 brown bear hunts in the Mitchell bay closed area, was, I wanted to bring it to your attention. I
316 notified Eddie Grasser about it. I've notified Chairman Speaker about it. Apparently, Mr. Bunch
317 looked into it, and it was a mistake on the Forest Service's part. But I would urge you guys, you have
318 , see you have an MOU with the Forest Service here in your document packet that's between this
319 board and the Department of Fish and Game and the U.S. Forest Service and there's things like
320 communicate, coordinate, process change of ownership requests and will contemplate the following
321 actions on a big game hunting permit, request to change guide use areas, requests to add or modify
322 contract registered guide outfitters, consult and seek advice and recognition from ADFG, it doesn't
323 seem like any of that is happening in assembly. Otherwise they would have, this would have been
324 fixed before it happened. If the Forest Service had contacted you or the department but, I don't
325 want anybody to get into trouble and there needs to some kind of public correction ...in Forest
326 Service so this guide knows if he actually cannot take brown bears from Mitchell Bay closed area,
327 you know. That the Forest Service cannot usurp the Board of Game or your regulations as well so
328 the other issue in that which was that the anonymous letter that I won't give you was concern about
329 was the selling of these permits. They're not supposed to be transferrable. It appears that this permit
330 was sold and unlike DNR the Forest Service doesn't have, doesn't issue these to a natural born
331 person. So you have LLCs, what's happening is say you have a guide starting a business, forms an
332 LLC, applies to a permit with the Forest Service and he hires a bunch of guides to take over the, the
333 permit so if that's something you guys are concerned with or that's ok with you that's fine, but if not
334 then I would like to see you guys talk to the Forest Service ..try to modify their permitting
335 requirements so it actually has to go to a natural born person, to a guide, who is issuing the permit.
336 Before I go on, Jason did you want to add any comments on that?

337

338 Cash Joyce: "I have a forest permit but I was a natural born person.

339

340 Jason Bunch: "I have an agenda change you know for when this is for old business so we can
341 discuss this. I have lots of information to pass on this. I applaud Mr. Richards for catching it and
342 bringing it to our attention.

343

344 Mark Richards: "Transporters, you guys brought up transporters again and there really is no reason
345 to ask for that information. That's already on the hunt record that the hunter fills out. It's on guide
346 reports and the reason that came about was back when you guys were reinstated in 2005, there was a
347 big push, oh my god we're going to regulate transporters. We're going to make them have
348 concessionaries like guides. We're finally going to get rid of all these bad apple guys that are
349 dumping people everywhere willy nilly. I was fully behind that. I remember I think we were the first
350 transporter members on this committee and we tried to deal with it and we found out that you can
351 not legally regulate and industry that's regulated by the FAA. You just can't do it. The only reason
352 that's still on the books is because nobody has sued you yet. I guarantee that if somebody sued you
353 the courts would decide, no you can't tell a private business whether they can advertise on the
354 internet or not. You can't tell them who, who they can bring and when and where. It's regulated by
355 the federal government. It's just, the whole transporter thing, I would really like to see you guys do
356 away with. Sara didn't mention this time but you know last year when these bills where up you lost
357 40% of the transporters after you raised your fees. And everybody knows, I mean that's why is not a
358 transporter. The biggest hunting air taxi in the state is not a transporter. Why? Because they don't
359 have to be. And everybody is starting to recognize that. Why should I fill out this paperwork? Why
360 should I pay these fees if I don't have to do it. So, I think that's eventually the road we're going to

361 see is that, I would like to see this board just be the guide board and realize that we're never going to
362 regulate transporters. It's just, there's no legal means to do it. And another thing Joe Shuster told me
363 at one of these meetings here Cash mentioned he's an air taxi and a transporter. And the way Joe
364 Shuster deals with this is if some guy calls him and he says 'I want to go out to XX Lake' and Joe
365 says okay then I'm an air taxi. But if the guy calls and says 'I want to go where the moose are, tell me
366 where the moose are' and Joe says okay I'm a transporter. And that's the definition he uses. Now I
367 work for an air taxi up north...and...happy valley, course hunters come in and they tell you 'I want
368 to go where the caribou are.' But we weren't a transporter, we were an air taxi so we had troopers
369 come out, come ask, they landed at all of our client's camps, asked them these questions and
370 Trooper Buck came back and we got into it again and the ...thing is statute. I said 'Look, my boss
371 wants you to take us to court. Take us to court. If you're saying that we have to be a transporter
372 when somebody says I want to go where the caribou are, then we have to be a transporter, well
373 that's fine. That's your interpretation of it. That's ridiculous really. Because that's what everybody
374 does. When you see where the caribou are, you tell them where the caribou are and you land and
375 that's where you go. I just think this whole transporter thing is out of hand and I think you guys are
376 going to lose more transporters and eventually you're going to have to get out of the transporter
377 aspect of this board. The guide concession program, so as you know, we have opposed the guide
378 concession program for many years, yet you guys keep supporting it. After all the years, 10 years
379 have gone by where this board has said there are too many guides on state land, there are too many
380 guides on state lands. They're hurting the wildlife, they're hurting resident hunter opportunities.
381 They're causing too much conflict. Yet you won't do anything about it. You're the board that has
382 the authority to do something about it. First time I saw you use that authority was in Unit 9. Well
383 you recently passed a regulation that if you're going to guide in Unit 9, you've got to sign up for
384 more than one year. However, you added this clause in there which is exemption which I thought
385 was ridiculous because that doesn't mean anything. A guide can opt out of it. But, in talking to Coke
386 Wallace, who is a friend, and others who live... they would happily sign on for a lifetime in Unit 20
387 and it's in Unit 20a and 19c where we have these issues. And RHAC our organization hasn't gone
388 and proposed this, but I mean if you guys are truly concerned as you said, for the last decade, that
389 there are too many guides and you have the authority to limit them, then why aren't you doing it? I
390 mean there's no reason not to do it other than you're afraid you're going to piss off the guides. Same
391 thing with the board of game. Same deal. They have the opportunity to limit nonresident hunters
392 that would solve it too but they won't do it. They keep pushing for this guide concession program
393 that will never happen so I would like to see you guys really consider, talk to the guys in 20a, 19c,
394 but I don't see why you couldn't pass the same regulation you did in Unit 9. And say look if you're
395 going to guide in 20a or 19c, five years commitment, no opt out though. And that's cause we do
396 have guides that are moving on just like in Unit 9 who move on to other areas, and they rape and
397 ruin and they don't have any stewardship responsibilities whatsoever. So I would really like to see
398 this board take action on that issue if you are truly concerned about it. Another thing, moving
399 forward, this board seems to move very slowly. Like you guys, I thought you had passed some of
400 these regulations last time you know I didn't realize they were tabled until this meeting again and it
401 just seems like you move slowly. I don't know why, but it would be nice if you could take care of
402 these issues and pass them and move them out and then you know come through with the next set
403 of regulations instead of tabling things all the time. Cause I really thought a lot of these things
404 already passed. I was shocked, actually, you guys hadn't actually passed them. And if your finances, I
405 see you're in the hole now about \$150,000 since it's not a biennial year but meetings in Fairbanks.
406 You stopped the meetings in Fairbanks because of your budget concern and I really feel it's a

407 disservice to the guides in the interior and up north. They can't afford to come down here or they
408 don't have the time, but I would really like to see you guy hold your two meetings again in Fairbanks
409 and Anchorage each year, December meeting here and the March meeting in Fairbanks, however
410 you wish to do it. I'm sure we can find some free state building. I mean I know its been a problem
411 in the past with some of the venues but it seems like it wouldn't be that much more to, you don't all
412 live here, I mean to fly well I guess a few of you do live close here, but I would really like to see you
413 guys do that again. I think it would be better all-around for the people you represent. That's it unless
414 you have any questions. Thank you for your service you guys. I do appreciate you. I really do."

415
416 Jason Bunch: "Thank you, Mr. Richards. Thank you."

417
418 Aaron Bloomquist: "Oh some of the stuff you guys went over answered some of my questions.
419 Aaron Bloomquist for the record. I guess one thing I just wanted to bring up, and I wasn't sure
420 when the appropriate time would be, but first of all Wayne has been harping on this supervision
421 thing for a hundred, how old are you Wayne? No, really but there's so much confusion and mess in
422 there and you know there's been, it feels like the troopers have tried in like fits and starts to if not
423 actually try to enforce some of the stuff at least to push a few guys around that they think might be
424 on the edges or something. I mean Wayne's the guy to go through that stuff. I've spent a ton of time
425 with him previously. I kind of took the year off last year on this stuff but do what you can to figure
426 out where we need to be as business owners and supervisors and make it clear because we could
427 probably sit down every person in this room and write down a whole bunch of scenarios and we
428 would all come up with a different answer to them. And we're the ones who pay attention. You
429 know we're not the ones that are out there, you know half our industry has probably never been to
430 one of these meetings. They just go about their business and they're honest business men and
431 women. So, just to back up what Wayne's saying. I mean its hard to sit down and explain, I mean
432 I've sat through dozens and dozens of meetings with Wayne about it and I didn't understand a word
433 he was saying when he was up here talking to you guys, but he's right. And that's the bottom line. So
434 on that issue I'll help out if you need me you know I'm sure Wayne will get another committee
435 going and we'll work on some of it. The other issue I want to talk about is assistant guides and I'm
436 pretty lucky. I have a situation where my spring camp kind of provides me with an assistant guide
437 factory and I can bring in a bunch of new guys that don't know anything and have them in my camp
438 and just help out teach them and you know I have a pretty ready supply of assistant guides but I've
439 got three or four friends in the industry this year that were really in panic mode when you know, a
440 guide couldn't make a hunt or somebody got hurt. Its getting really hard to find employees out there
441 and there's a couple of things I think one of them is just this whole regulatory mess that we're
442 dealing with, it's probably not going anywhere. But, and I missed the presentation on the financial
443 stuff this morning. From what I understand this year or next year we should be out of the red pretty
444 soon. The first place I want to see, if we can ease any fees, is in that assistant guide arena. I know
445 I've lost not this year and its you know it hasn't affected me and my business too much, but I've lost
446 three guys, that are local guys, Valley, Anchorage, you know some guys with gray in their hair that
447 are really good hunters and really good with people, but they have real day jobs. They can't afford to
448 feed their whole family on an assistant guide wage. They do one or two guide hunts a year and
449 they're valuable employees, really valuable employees. And they just said to heck with it because the
450 fees have gotten to the point that it's not worth it for one or two hunts a year. You know, it's just,
451 so anything we can do to make it where, I mean I could go into a whole tangent about I ought to be
452 able to hire whoever the heck I want, you know, but which is a way the assistant guide thing worked

453 for many, many years and worked ok. But anyway, we can make it easier for guys to get, to keep
454 their licenses especially and you know I think getting a license is fairly reasonable right now but
455 other than those fees, anything we can do to keep assistant guides in the system because we're you
456 know we're kind of losing, we're losing registered guides by attrition, you know I mean that's one
457 thing you know people don't mention is our numbers are dwindling. And as soon as you know guys
458 Pete's age and a little bit younger all decide to retire they're going to dwindle really fast. We're going
459 to have a lot less registered guides up here, but is happening ...again with assistant guides too and
460 maybe not so much by baby boomers retiring but just by guides not being able to make it and not
461 having as many guides to work for so anyway that's my two cents for the day guys. Thanks for
462 helping out. I'm heading home.

463

464 Jason Bunch: "Thank you."

465

466 Steve Perrins II: "My name is Steve Perrins II. Thanks to everybody that serves on this board. I
467 know it takes a lot of time and I appreciate it just got a few quick things. First of all I appreciate how
468 much detail we are starting to take and time on making sure that these regulations are done correctly
469 especially for people that are newer to the board or just haven't seen it. It seems like time and time
470 again we put something out there with a certain intent and it comes back at the last minute not how
471 we had written it or not how we intended it and so anything we can do to just double check that
472 stuff is going to be huge. We already have a mess with the way our statutes come back and trying to
473 regulate our industry. So in regards to that one of the things we talked about, that big issue this
474 morning, if you look on page 61 of your packet they changed it from 25 days to 45 days and you
475 guys probably already know this but we need to adjust something in the regs on page 12 which is 12
476 AAC 75.105 number three there needs to be changed 25 to 45. I don't know what it takes to change
477 that, but that'll just... with the statutes.

478

479 Jason Bunch: "What page was that?"

480

481 Steve Perrins II: "Page 12 of the regs. 75.105 number 3 says a list of 25 big game hunters and it
482 looks like we need to change that to 45 now because of the statute. And then the only thing I'd like
483 to bring up for people to think about is a guide license number. The division changed that a few
484 years ago without any notice or discussion they just changed the whole guide numbering system.
485 And that number was something that was important to a lot of guides. They use it in their
486 advertising. You know I'm guide number 1295 and I have it branded on my hat, on my scabbard,
487 Bucky who works for us is registered guide number 34. That's a really important thing in people's
488 business and now our new guides are 603217 and it's just meaningless. From what I was told by one
489 person the division can't change that back because it has to do with all of the other licensing. I
490 would like to try and find another way that we could have guide licenses, you know maybe the State
491 has their license number that they issue and the Big Game Commercial Service Board has a guide
492 number that's separate of that that they issue.

493

494 Renee Hoffard: "If I may address it?"

495 Jason Bunch: "Go ahead."

496 Renee Hoffard: "The numbers are automatically generated by the databased that we collect all of the
497 information in and record it. We have no say so on the number that's being issued. If Jean starts a
498 record for a new guide application that came in and then I open one for a chiropractor that came in,

499 their number is going to fall right after that guide number. That's where that number designation
500 came in. Those licenses were all issued before we moved to our paperless database which allows for
501 the online renewals and you guys being able to upload your hunt records and everything directly to
502 us without having to mail them in. We would pretty much have to create a whole new database just
503 for the guide program. The division may be able to give you a number as to how much money it
504 costs to do that because it was written in house and customized for the division for what we needed
505 it to do. So it would be almost impossible I think to be able to get that and I understand where
506 you're coming from, but this was a measure to make licensing more efficient for every profession
507 That is why it changed that numbering system and I know it's not the greatest thing, but its helped
508 with some other areas where they were having issues with getting everything sent in."
509

510 Steve Perrins II: "I'm wondering, I'm just trying to brain storm other options because I'm sure the
511 States not going to change that thing so I don't know if the Big Game Commercial Service Board on
512 its own, separate from that, just keep record of the guide numbers and have that added on as a line
513 call when you fill out your information or something. You know I'm trying to think of another way
514 where we can keep that going that's important to the guides and their ranking without costing a
515 bunch of money or messing with the State's system. So, if anyone else has any ideas you guys are
516 familiar system better and, but I just feel its very important to the industry and a lot of guides were
517 really hurt when the State had their own reasons for doing it, not blaming them, but it hurt a lot of
518 guides in the process so. Anyways those are my comments for now. If anyone has any questions or
519 anything? Alright thank you.

520
521 Jason Bunch: "Thank you Steve."

522
523 Steve Perrins II: "If I may say one more quick thing. As an APHA board member, one of the most
524 common complaints I hear is the lack of regulations on transporters and it's a huge issue and I don't
525 know the answer to it, but I would just encourage us to keep brainstorming ways that keep the
526 transporters having reputable people in, but also keep the riffraff out and I think it's important and
527 can be done. You know the Federal government says we can't regulate or can't sell pot yet the State
528 of Alaska says we can so I think that there's ways we can do what we need to. Thank you.

529
530 Jason Bunch: "Thank you."

531 Michelle Heun: "Through the chair can I make a comment?"

532 Jason Bunch: "Sure."

533 Michelle Heun: "Mr. Perrins on behalf of the transporters, and I understand there's a lot of concern
534 about what is out there and, but from my personal experience on the board I have only reviewed
535 one complaint in the two years that I've been on the board. So, if there is issues it could be a matter
536 of communication of somebody needs to report it. Just like with the guides. If you see it, and it's a
537 violation, then report it. Otherwise it don't, my language kind of regresses, it doesn't come back to
538 us and Cash and I don't see anything."

539 Steve Perrins II: "Ok, that's good to know."

540 Michell Heun: "Thanks."

541 Cash Joyce: "It's hearsay, but on paper it means a lot.

542 Steve Perrins II: "That's good to know."

543 Jason Bunch: "Thank you Steve."

544
545 Mel Gillis: Same old complaint. You know, you've got a cabin, been there a long time, I've got a pint
546 that's 1.2 miles from my cabin. We always go to the point and glass. This year 1.7 miles from the
547 cabin were four tents that were set up by another guide. You know, only thing I can do is more or
548 less abandon the cabin ...and move it someplace else. Number one you got ethics. Nobody's ever
549 done anything on ethics, ever. But that's kind of unethical. Another thing that's unethical is to have
550 a guide in an area right next to you, but also an air taxi and it's amazing how many people ask him to
551 drop, to be dropped off in my area instead of his. So that's something I would like to address. If
552 there's a guide that is an air taxi and a transporter, at one time we had it where they had to do all
553 their transporting in their own area. But you know when I get up every morning and look down the
554 beach and see other people walking around that's just a little too damn close. And again, should
555 have something in there about ethics. And I'd like to see something done about that. If you're gonna
556 guide and transport and you have a guide area, transport them in your own area instead of another
557 guides area. That's about all I have to say. I'll talk on the subcommittee tomorrow with Cash and get
558 something kind of hammered out. We've been, like he said, we've been talking about this and talking
559 about it and talking about it, that's all we ever do. Hell, it's time to either crap or get off the pot. So
560 let's get on with it."

561
562 Jason Bunch: "Thank you sir."

563
564 *The board ends public comment at 4:19 p.m.*

565
566
567 **Agenda Item 10** Regulation Review (Continued)

568
569 *To be continued tomorrow at the scheduled time.*

570
571 **Agenda Item 11** Recess

572
573 *The board recesses for the day at 4:20 p.m. to return at 9 a.m.*

574
575
576
577
578 Tuesday, December 3, 2019

579
580
581 **Agenda Item 12** Roll Call

582
583 The meeting was called to order by Chairman, Henry Tiffany, at 9:11 a.m. on Tuesday, December
584 3rd, 2019.

585
586 Board Members Present Constituting a Quorum:
587 Henry Tiffany – Master Guide Outfitter – Board Chair
588 Jason Bunch – Registered Guide Outfitter
589 Larry Van Daele – Board of Game Representative

590 Michelle Heun – Licensed Transporter
591 Cash Joyce – Licensed Transporter
592 Adam Trombley – Public Member – *(via teleconference)*
593 Peter Buist – Public Member
594
595 Board Members absent:
596 Nicholas Jackson – Private Land Owner – UNEXCUSED

597
598 Staff Members present:
599 Renee Hoffard – Records and Licensing Supervisor
600 Jean Bennett – Occupational Licensing Examiner
601 Jun Maiquis – Regulations Specialist

602
603 Present from the Public:

604 Wayne Kubat
605 Aaron Bloomquist
606 Tom Atkins
607 Loren Karro
608 Dan Montgomery
609 Mel Gillis
610 Steve H. Perrins II
611 Zach Decker - *Telephonically*
612 Steve Perrins - *Telephonically*

613
614 **Agenda Item 13** Review Agenda

615
616 Mr. Tiffany added 12 AAC 75.230 under regulation review.

617
618
619 **Agenda Item 14** Regulation Review

620
621 Mr. Tiffany reviewed with Mr. Maiquis what the public could and could not comment on without
622 sending out another public notice.

623
624 ***12 AAC 75.260***

625 The board discussed when is a hunt concluded. Mr. Tiffany feels it should be when the client is in
626 the field. Mr. Buist discussed the Board's intent for contracts to be amended before the client leaves
627 the field. Ms. Heun says in her experience she does not change the contract, but adds additional
628 information as needed. Mr. Van Daele echoed what Mr. Tiffany said on the Board's intent. Ms.
629 Hoffard reminded the board of yesterdays' discussion that it could be added "as per the hunt
630 record." Mr. Tiffany felt that that does not clarify. Mr. Joyce points out that guides can always write
631 a new contract so it does not matter what the Board changes the language to.

632
633 *Megan Weigand arrives at 9:35 a.m.*
634

635 It was discussed with Mr. Maiquis and Ms. Weigand whether or not it would require another public
636 notice to add “as indicated on the hunt record.” Both Mr. Maiquis and Ms. Weigand agreed it was
637 within the subject matter and would not require re-notice.

638

639 **On a motion duly made by Jason Bunch, seconded by Peter Buist, and approved unanimously,**
640 **it was**

641

642 **RESOLVED to amend 12 AAC 75.260(e) to add “as reported on the hunt record, with the**
643 **signature of the contracting guide.”**

644

645 *12 AAC 75.400(d)*

646

647 The Board took a moment to read comments sent to the Board regarding the regulations. This included
648 communication from Lieutenant Frenzel recommending removing the word filing as well as change the
649 word “sites”. Ms. Weigand recommended using language referencing the language they already have in
650 regulation, which would be location instead of site. Mr. Tiffany would like to add “under the
651 requirements of this section.” The Board discussed what is meant by third party and who is responsible
652 for filling out the transporter activity report and/or hunt record. Ms. Heun says regardless if someone is
653 being transported by under her supervision, she fills out a transporter activity report. In some cases, she
654 would fill out a transfer of possession form if needed. Ms. Weigand brings up another issue raised by
655 Lieutenant Frenzel regarding same day air travel. The board discussed the issue and felt it has already
656 been addressed but current regulations. The Board discussed another concern brought up by Lieutenant
657 Frenzel on whether the contract needs to be amended on the original contract or if it can be simply
658 written on a napkin for example. Ms. Weigand brought up the Board does not need to rewrite contract
659 law. Contract law already requires both parties to sign. The intent of the board is that contracts should
660 have 2 signatures, reference the original hunt contract that does not have to present, any amendments
661 made and must be available for inspection if requested. It was agreed that there should be more
662 education regarding contracts within the licensing program.

663

664 **On a motion duly made by Jason Bunch, seconded by Larry Van Daele, and approved**
665 **unanimously by a roll call, it was**

666

667 **RESOLVED to amend 12 AAC 75.400(e) to read “during portions of the hunt a transporter is**
668 **exempt from transporter activity report requirements of this section when providing**
669 **transportation services for a client to, from, or in between specific locations operated by another**
670 **transporter or registered guide who has contracted this same hunt with the same client.”**

671

672 *12 AAC 75.450(d)*

673

674 **On a motion duly made by Jason Bunch, seconded by Cash Joyce, and approved**
675 **unanimously, it was**

676

677 **RESOLVED to open discussion regarding amending 12 AAC 75.450(d)**

678

679 Chair Tiffany’s interpretation is that 12 AAC 75.450(e) is a mirror of 75.400(e) but to ensure that the
680 regulations are consistent the board should consider amending 450 as well.

681 **On a motion duly made by Jason Bunch, seconded by Larry Van Daele, and approved**
682 **unanimously by a roll call, it was**

683

684 **RESOLVED to amend 12 AAC 75.450(d) to read “during portions of the hunt a transporter is**

685 **exempt from transporter activity report requirements of this section when providing**
686 **transportation services for a client to, from, or in between specific locations operated by another**
687 **transporter or registered guide who has contracted this same hunt with the same client.”**
688

689 Ms. Heun asked if they need to do a new regulations project to make the regulation match the new
690 statute requiring to update the number of letters required for Master Guide license applications as
691 brought forward by Mr. Perrins during public comment the day before. SB43 increased the number
692 of letters from 25 to 45. Jun Maiquis stated that it would need to be a new regulations project. The
693 board determined the change would be brought forth by the statutes and regulations subcommittee.
694

695 Chair called recess at 10:25

696
697 *Off record at 10:25 am*

698 *Return to record at 10:47 am*

699

700 **12 AAC 75.230 (f)and(g)**

701

702 The board had previously adopted amendments of 12 AAC 75.230 but in light of new information
703 the board discussed the need to amend the section.
704

705 **On a motion duly made by Jason Bunch, seconded by Larry Van Daele, and approved**
706 **unanimously, it was**

707

708 **RESOLVED to adopt 12 AAC 75.230 for possible amendments.**

709

710 Mr. Bunch discussed the divisions administrative process regarding the application for guide use area
711 registrations and the history of why the amendments were proposed. He brought forth issues that
712 have been brought to the attention of the board by various other regions. The Board discuss a
713 natural person using a land permit vs. a corporation or entity. The board discussed this at length
714 and Ms. Weigand brings up that this could be dipping into Department of Natural Resources
715 territory. She would like to do further research regarding definitions used by other state and federal
716 agencies. The understanding of the board is that Guide Use Area registrations only apply to natural
717 persons as only natural persons can hold a registered guide-outfitter license.
718

719 The discussion moved to 12 AAC 75.230(g) and the addition of requiring 3 years of registration.

720 Mr. Van Daele and Chair Tiffany provided background information about why the board had
721 proposed the amendments. Mr. Van Daele also provided the solutions that the Board of Game
722 have proposed to address population of certain species. Mr. Bunch brings up what is known as
723 “prospecting.” He says it was never the Board’s intent to have guides move from area to area
724 providing services. Ms. Weigand says they would be on stronger ground to approach it from a
725 safety perspective. The Board discuss issues in Unit 9 and why that regulation should or shouldn’t
726 apply to all units. A member from the audience, Loren Karro , stated that it used to be statewide and
727 that it changed at some point. Mr. Joyce brought up that there are more issues in other areas than in
728 Unit 9. He goes on to say Unit 9 is hard to get to making it less of an issue than other areas. The
729 boards intent is that they are attempting to address issues that have been raised by many of the
730 licensees.
731

732 **In a motion duly made by Larry Van Daele, seconded by Peter Buist, and approved by roll**

733 call it was

734

735 **RESOLVED** to amend the proposed language for 12 AAC 75.230(g) to read; (g) A
736 registered guide-outfitter must register for three calendar years to obtain registration for
737 guide use areas statewide.

738

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

739

740

741 In a motion duly made by Peter Buist, seconded by Michelle Heun and approved
742 unanimously it was

743

744 **RESOLVED** to adopt 12 AAC 75.230(f) as written.

745

746 In a motion duly made by Larry Van Daele, seconded by Peter Buist, and unanimously it was,

747

748 **RESOLVED** to resolved to withdraw the proposed amendment to 12 AAC 75.230(g)
749 previously voted on so that it will be added to the new regulations project in order to accept public
750 comment.

751

752 Loren Karro, with permission from the board, addressed the public. She requested proctors for
753 reviewing caping videos during the board's scheduled executive session this afternoon. Chair
754 Tiffany reminded the public that it is imperative that licensees continue to give back to the industry
755 by being proctors for the practical exams. It has been proposed that the board will intend to require
756 continuing education in the future and that some of the continuing education will be accrued by
757 proctoring the exams.

758

759 *Lunch recess at 12:11 pm*

760 *Back on record at 1:30 pm*

761

762 **Agenda Item 15** **Subcommittee Meeting's**

763

764 Chair Tiffany announced that the subcommittee meetings for Assistant Guide Qualifications and
765 Survivorship will not occur; the following subcommittees will be meeting. The public was invited to
766 join any subcommittee meeting that interested them.

767 *A. Exam Re-write; Jason Bunch*

768 *B. Transporter; Michelle Heun and Cash Joyce*

769 *C. Statutes and Regulations/ Continuing Education; Henry Tiffany and Peter Buist*

770

771 *Off record at 1:41pm for subcommittee break-out.*

772 *Back on record at 2:32 pm*

773

774 **Agenda Item 16** **Public Comment**

775

776 The chair announced that due to the number of attendees signed up for comment, each person will
777 have 4 minutes to speak.

778

779 Wayne Kubat: Thanked the board. He spoke about 12 AAC 75.920(e) requirement for days of
780 experience. Board passed the regulation December 2015, it was brought back to the board January
781 2019. The language that passed was not what was intended by the industry. He referenced a hand-
782 out he provided of statutes and regulations. There are several statutes that refer to the requirements
783 that do not dictate experience. There may consequences for limiting who can provide supervision.

784

785 Aaron Bloomquist: Thank you to the board and committee. Has a request that the board write a
786 letter to Fish and Game. Currently when a hunter buys license online they do not automatically get
787 a harvest ticket. Clients do not know the difference between tags and harvest tickets. Would
788 appreciate the board addressing the issue as tickets are being issued for this. Addressed public
789 opinion of “prospecting”; he uses 2 to 3 guide use areas per year and rotates between areas
790 depending on how heavy an area was hunted/harvested the prior hunt season. He wants the board
791 to consider exceptions for the 3-year requirement discussed earlier in the day. Try to avoid a bunch
792 of different classes with the same license. Board member Pete Buist asked that Aaron provide a
793 draft letter regarding the harvest ticket issue for the board to consider.

794

795 Tom Atkins: Question for clarification. Guide use areas are established by the board; if you have a
796 guide use area and lease of native lands – if the native lands extend beyond your guide use area what
797 is your boundary? Some believe it is the boundary of the native land. Jason Bunch – guide use areas
798 do not apply to federal native lands. A guide can only hunt on that native land if they are registered
799 in the guide use area beside it. Jason Bunch also informed the group that if they know someone is
800 operating outside of their guide use area registration, they have the obligation to report illegal activity
801 to either Inv. Strout or the Alaska State Troopers. Chair Henry also reminded everyone that if
802 something doesn’t appear to be right and is never brought to the attention of the board or
803 investigations then it cannot be corrected.

804

805 Mel Gillis: State he was going to bring up the same topic he has brought up for last 10 years. The
806 space between cabins. When someone is in close proximity to his cabin, it makes it rough. The best
807 thing to do is just move. He has asked that anyone that has had a cabin in place since before 2010
808 should have a space of 5 miles around their cabin to reduce conflict between guides. He would like
809 to see the addition of a specific date and space to the regulations. Hopes the board will take some
810 action within the next 5 years. Chair Henry – either resurrect the proposal from 2010 and resubmit
811 it or submit a new proposal. The best way to take an action is for the public to bring it to the board.
812 Mr. Gillis stated the proposal had been presented to the board and tabled in July 2019. Renee was
813 tasked with adding the proposal to the March 2020 board meeting agenda.

814

815 Steve Perrins II: Agrees with Mr. Gillis, would like to see that un-tabled. When the board discusses
816 natural persons/corporations; he wants to make sure everyone understands that there are many

817 different kinds of businesses and it is important to offer that variety to clients. Some hunters want to
818 come and have more rustic camping experience; some want to stay in a luxury lodge or yacht.
819 Would like the board to keep that in mind moving forward. Should be looking to benefit the
820 industry. Chair Tiffany asked about the accountability – should a business or the guide be
821 disciplined when needed. Mr. Perrins stated that he feels the guide is the responsible party.

822

823 Zach Decker (*telephonically*): From Southeast, Alaska Glacier Guides, Inc., has been listening to
824 conversation this morning and feels that about 90% of what was said about Southeast and the
825 Forest Service is false. The perception is that you are a corporation and Forest Service is the land
826 manager. They manage the permit and the land. They give the authorization to conduct that
827 business in Southeast and at that point you have to demonstrate who is the operating guide. The
828 Forest service regulates the specific number of hunts per species. A permit has been issued to his
829 company every year since 1996. The last chair of Big Game Commercial Services was told that the
830 board cannot regulate corporations. He doesn't understand why every few years there is a push to
831 end a business that has been in place for over 50 years. He would be happy to sit down and talk
832 about this with anyone to clarify this. To the point of who is liable, both parties; the guide and the
833 corporation. He would be held accountable by this board and the Forest Service can take action
834 against him as a member of the corporation. Larry Van Daele asked if the contact number on Mr.
835 Decker's website is the best contact should anyone be available to discuss this further with him; he
836 confirmed that it was.

837

838 Steve Perrins I (*telephonically*): Mr. Perrins was not on the line so was skipped.

839

840 Mark Richards: Executive Director, Resident Hunters of Alaska. Wanted to speak on the board
841 discussion before lunch regarding unit 9 issue and will keep hammering on this issue the board has
842 known about for a long time but never taken care of. You sent letters acknowledging the problems
843 in 20A, specifically with too many guides and how it is hurting resident hunters and their success
844 rates; creating conflicts in the field. And yet the board has only ever supported this one solution, the
845 guide concession program; which for the last 10 years has been the pie in the sky and not likely to
846 happen. He did a lot of research on the decision from 1989, he believes Pete Buist was on the guide
847 license and control board when that happened. Jay Hammond stated, "If the board does not limit
848 guides to just one guide use area on state lands, we're gonna be screwed." He also recommended
849 that the size of the guide use area be reduced, make them smaller; this would make for less conflict.
850 He agrees with Cash Joyce – how can you make this change in unit 9 but not unit 20. He would like
851 to see a 5-year commitment. It would prevent these prospecting guides from coming in with this
852 rape, ruin and not stewardship thing. He would really like the board to come up with something to
853 address this for those units in the interior where there are these known problems that have been
854 acknowledged for the past decade. Jason Bunch – thank you for your testimony. Do you think the
855 discussion from earlier making the change to statewide doesn't address the issue? Mr. Richards – no
856 because this issue isn't in all areas. We don't have issues in all areas of the state, I don't think it is
857 necessary statewide, just address the problem areas. Chair Henry stated that he did vote against the
858 amendment before lunch but, that there may be a ripple effect of just addressing certain areas, if
859 there are restrictions on one area then people will move to the next one and cause the same problem
860 there. This would lead to the board potentially adopting new areas to the change each year. If the
861 board is going all in, just go all in. Mr. Richards stated that he wished the board had not added the
862 exemption for Unit 9, he was informed that during the vote before lunch that section as removed

863 and the amendment was withdrawn from the current regulations project so it will be sent out for
864 public comment before the board takes further action.

865
866 Chair Henry announced there would be another opportunity for public comment Wednesday at 1:30
867 pm, anyone interested should sign-up and sign-up early, don't wait until 1:30.

868
869 The board asked if Mr. Perrins as on the phone line; he was not. Chair Tiffany closed public
870 comment.

871

872 **Agenda Item 17** **Investigative Issues**

873

874 Investigator Lee Strout provided his report of investigative activities for the period of July 30, 2019
875 through November 1, 2019. There are 44 open cases for this review period. Chair Tiffany
876 commended Inv. Strout for his work and dedication for the program.

877

878 Probation monitor Ryan Gill presented the probation report. There are 26 licenses in probation
879 status which is down from 32, 18 of those are in-compliant and 8 are not in compliance. 2 of the
880 licenses will expire and he anticipates releasing 1 within this week. Chair Tiffany asked Mr. Gill to
881 explain what "probation on hold" means. Mr. Gill explained that while a license is on probation the
882 license must be current; if it is not renewed, that time does not count towards the time period the
883 license is required to be on probation. The time clock will start again once the license has been
884 renewed.

885

886 *Break, off record at 3:17 pm*

887 *On Record at 3:32 pm*

888

889 **On a motion duly made by Jason Bunch, seconded by Michelle Heun, requesting**
890 **unanimous consent, it was**

891

892 **RESOLVED to enter into executive session in accordance with the provision of**
893 **Alaska Statute 44.62.310(c) for the purpose of discussing subjects that tend to prejudice the**
894 **reputation and character of any person, provided the person may request a public**
895 **discussion. Board staff to remain during executive session.**

896

897 *Off record at 3:33 pm*

898 *On record at 4:20 pm*

899

900 Board member Peter Buist requested to be recused from discussion and/or action for case #149850.
901 Chair Tiffany thanked him for his candor and excused him from the meeting until the board
902 completes the discussion. Peter Buist left the meeting at 4:21 pm.

903

904 **On a motion duly made by Jason Bunch, seconded by Larry Van Daele, requesting**
905 **unanimous consent, it was**

906

907 **RESOLVED to enter into executive session in accordance with the provision of**
908 **Alaska Statute 44.62.310(c) for the purpose of discussing subjects that tend to prejudice the**

909 reputation and character of any person, provided the person may request a public
910 discussion. Board staff to remain during executive session.

911

912 *Off record at 4:23 pm*

913 *On record at 4:31 pm*

914

915 Pete Buist rejoined the board. Chair Tiffany thanked Ms. Weigand for her assistance and advise, the
916 board appreciates her insight and input. Chair Tiffany intends to request that she be in attendance
917 for future meetings.

918

919 **On a motion duly made by Jason Bunch, seconded by Larry Van Daele, requesting**
920 **unanimous consent, it was**

921

922 **RESOLVED to enter into executive session in accordance with the provision of**
923 **Alaska Statute 44.62.310(c) for the purpose of discussing subjects that tend to prejudice the**
924 **reputation and character of any person, provided the person may request a public**
925 **discussion. Board staff to remain during executive session.**

926

927 *Off record at 4:34 pm*

928 *On record at 5:01 pm*

929

930

931 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun and approved**
932 **unanimously it was**

933

934 **RESOLVED to adopt the consent agreement for case #2019-000626, Stanley**
935 **Parkerson.**

936

937

938 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun and approved**
939 **unanimously it was**

940

941 **RESOLVED to adopt the Voluntary Surrender of license for case #'s 2015-001251**
942 **and 2018-001428, Jacob Barnett.**

943

944

945 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun and approved**
946 **unanimously it was**

947

948 **RESOLVED to adopt the consent agreement for case #2015-001271, Daniel**
949 **Graham.**

950

951

952 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun and approved**
953 **unanimously it was**

954

955 **RESOLVED** to adopt the revocation of license for case #2019-000791, Joe. S.
956 Nichols.

957
958
959 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun and approved**
960 **unanimously it was**

961 **RESOLVED** to adopt the license surrender for case #2019-000914, Alaska Monster
962 Moose.

963
964
965
966 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun and approved**
967 **unanimously it was**

968 **RESOLVED** to table the consent agreement for case #2019-000473, until
969 12/4/2019 pending more information from the investigations and Department of Law staff.

970
971
972
973 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun and voted on by**
974 **roll-call it was**

975 **RESOLVED** to approve Assistant Guide license application for David Cornwall.
976 Motion Failed; license is denied.

978

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

979
980 **Board discussion: per 18 USC 922; Mr. Cornwall is not permitted to be in “possession” of a**
981 **firearm. This would not allow him to carry a firearm nor be in the presence of anyone**
982 **carrying a firearm; which would be in direct conflict of 12 AAC 75.340 and 12 AAC 75.440.**

983
984 In the matter of Joseph Miller, GUIM200. This license is currently suspended due to Mr. Miller not
985 paying his \$5,000 fine. Mr. Miller has made a single payment of \$1000 since the board extended his
986 suspension April 19, 2019. If Mr. Miller pays an additional \$4000 within 180 days that will make
987 him compliant with the original terms of his consent agreement. If he does so the board will un-
988 suspend his license for renewal; his license will be on probation and will suspend the remaining
989 \$5000 of the original fine.

990
991 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun and approved**
992 **unanimously it was**

993
994 **RESOLVED to the new conditions for Joseph Miller license GUIM200, as**
995 **discussed.**

996
997 Chair Tiffany calls recess until 9:00 am 12/4/2019.

998
999 *Off record at 5:14 pm*

1000

1001

1002

Wednesday, December 4, 2019

1003

1004

Agenda Item 19

Roll Call

1006

1007 The meeting was called to order by Chairman, Henry Tiffany, at 9:13 a.m. on Wednesday, December
1008 3, 2019.

1009

1010 Board Members Present Constituting a Quorum:

1011 Henry Tiffany – Master Guide Outfitter – Board Chair

1012 Jason Bunch – Registered Guide Outfitter

1013 Larry Van Daele – Board of Game Representative

1014 Michelle Heun – Licensed Transporter

1015 Adam Trombley – Public Member – *(via teleconference)*

1016 Peter Buist – Public Member

1017

1018 Board Members absent:

1019 Cash Joyce – Licensed Transporter - Excused

1020 Nicholas Jackson – Private Land Owner – UNEXCUSED

1021

1022 Staff Members present:

1023 Renee Hoffard – Records and Licensing Supervisor

1024 Jean Bennett – Occupational Licensing Examiner

1025

1026 Present from the Public:

1027 Wayne Kubat

1028 Tom Atkins

1029 Loren Karro

1030 Dan Montgomery

1031 Mel Gillis

1032 Steve Perrins Sr.

1033 Steve H. Perrins II

1034

Agenda Item 20

Review Agenda

1036

1037 Jason Bunch – Old Business; still working with Southeast and Tongass National Forest.

1038 Larry Van Daele – one Investigative decision tabled from 12/3/19 – will be added to old business.

1039
1040 Renee - Proposed regulations changes: SB43, draft FAQ's – if one board member should be
1041 appointed to work on those with Renee, the regulations specialist and M. Weigand?
1042

1043

1044 **Agenda Item 21** **Subcommittee Reports**

1045

1046 **A. Exam re-write:**

1047 Jason Bunch provided the subcommittee report. The subcommittee proposes that the registered
1048 guide-outfitter written exam reduce from 150 questions to 120. The plan is to have enough
1049 questions in the question bank to have 2 new exams so the exams can be rotated. The
1050 subcommittee plans to re-write the instructions for exam proctors and would like to clarify who
1051 can be proctors, the number of proctors needed. It was determined that board members with
1052 the knowledge and qualifications can serve as proctors. Chair Tiffany explained that board
1053 members could be trained to proctor the exams if they are interested in providing that service to
1054 the applicants. It was also determined that the maps provided for GMU exams need to be
1055 updated.

1056

1057

1058 **B. Transporter:**

1059 Michelle Heun provided the transporter subcommittee report. The subcommittee reviewed a
1060 draft question and answer form that Michelle had been tasked to create at the July 2019 meeting.
1061 All attendees had differing viewpoints; there are more questions than answers at this time. Mr.
1062 Atkins believe there was a pamphlet that was distributed several years ago. Michelle asked that
1063 anyone with more information forward it to Renee for distribution to the subcommittee. Lt.
1064 Franzel had specific questions regarding legalities that will require more in-depth review of
1065 transporter services.

1066

1067

1068 **C. Statutes/Regulations/Continuing Education**

1069 Peter Buist provided the subcommittee report. The committee discussed ways of promoting
1070 professional development for licensees such as requiring a time period of demonstrating you are
1071 working to developing yourself professionally. For example; testifying at BGCSB or Board of
1072 Game meetings, volunteering with various organizations, giving back to the guide and
1073 conservation communities. Chair Tiffany explained this is follow-up on a proposal that was
1074 previously submitted in 2017 and he anticipated a new proposal being submitted in the future
1075 for this topic. The industry is based on wildlife resources and hunting; it is shamefully how
1076 uninformed and un-involved the licensees are. The future of hunting and this profession
1077 involves active, involved groups and demographics of our society. There are many ways for
1078 individuals to be more involved.

1079

1080 Chair Tiffany called a recess;

1081 *Off record at 9:47 am*

1082 *Back on record at 10:36 am*

1083

1084 Jason Bunch stated that he would like to address a portion of the exam policy that needs board
1085 action.

1086

1087 **In a motion duly made by Jason Bunch, seconded by Peter Buist and approved**
1088 **unanimously it was**

1089

1090 **RESOLVED to the amend the exam scoring policy to read: There are three**
1091 **sections of the exam; written, practical and video. Each of the three sections of the exam**
1092 **must be passed with a score of 75%. Sections not passed with a 75% must be retaken at the**
1093 **next scheduled examination. This policy change is effective immediately.**

1094

1095 Board Discussion: Jason thanked the board for assisting with the draft of this policy. Previously an
1096 applicant could score very high on one section and fail another portion but still have an overall score
1097 high enough to pass the exam. The counter to that is an applicant could fail the exam based on one
1098 section and was required to re-take all three sections of the exam.

1099

1100 **Agenda Item 22**

Old Business

1101

1102 **A. UVC Issues**

1103 Jason Bunch states that there is no need for further discussion at the moment. He will continue
1104 to work with staff on this issue and will bring it back to the board when appropriate. The
1105 current regulations are true, accurate and precise. The application and co-operation between
1106 board staff and Fish & Game are the areas to be addressed.

1107

1108 **B. Felons and Firearms**

1109 Chair Tiffany led the discussion – the board has and continues to receive applications from
1110 convicted felons. This has been an issue the board has been tackling for some time. They feel
1111 they have been misdirected or misinformed on this issue in the past. The board's interpretation
1112 of their statutes and regulations are that a licensee must be able to legally carry a firearm; as
1113 guides the number one priority is safety of the client. In many situations this would require the
1114 guide to be in possession of a firearm.

1115

1116 Ms. Weigand from the Dept. of Law was asked to provide counsel to the board on this issue.
1117 Ms. Weigand stated that per Federal Code 18 US Code 922 sub-section G; an individual
1118 convicted of a felony not against a person is prohibited from possessing a firearm until at least
1119 10 years has passed from the unconditional discharge from probation and parole. That is the
1120 operative date that you count from; the former probationer will be issued a letter stating they
1121 have been released. The division would need to receive that letter to confirm the applicant is
1122 eligible to possess a firearm. Federal Code 18 US Code 922, sub-section G also states that an
1123 individual convicted of a felony against a person it is a lifetime ban.

1124

1125 If a person with a felony conviction asks that their judgment be set aside and that has been
1126 granted, this person would be eligible to possess a firearm. There is conflict with the state
1127 statutes as it applies to subsistence hunting; Ms. Weigand's statement to the board is that in this
1128 specific case the board follow the federal law. Professional licenses are not a right; they are a
1129 privilege.

1130

1131 Larry Van Daele and Peter Buist were asked to draft a position statement/policy regarding
1132 felons and firearms for the next board meeting.

1133

1134 Ms. Wiegand also recommended the board consider starting a statutory amendment to bring
1135 state statutes in-line with federal statute regarding this topic. Michelle Heun thanked Ms.
1136 Wigand for the clarity of her statements during this discussion.

1137

1138 **C. Wildlife judging/streaming**

1139 Chair Tiffany stated this has been on the board's agenda for some time. There is a written
1140 document on judging sheep but not a video, he asked Mr. Van Daele to encourage the Board of
1141 Game to work on providing the information in video format. Ms. Heun asked if this needed to
1142 stay on the agenda, Chair Tiffany stated that until there is some consistency with division staff it
1143 serves as a reminder for the board. Mr. Van Daele stated he would bring it before the Game
1144 Board during their scheduled work session in Nome that is coming up. He also suggested the
1145 board bring it to Commissioner Vincent-Lang's attention later today and follow that up with a
1146 letter. He would also like it to be kept in the highlights to keep it on everyone's radar. It was
1147 determined to keep it on the agenda for the time being.

1148

1149

1150 **D. Approved training courses**

1151 There have been no applications for approved training courses for a considerable amount of
1152 time. There are 2 schools but there is not current information on that. Mr. Bunch would like
1153 this to move forward; he would like to reach out to the 2 schools for a syllabus and to determine
1154 if they continue to have students. Chair Tiffany supported this effort as there has been no
1155 contact with either school for some time now.

1156

1157 **E. Tongass**

1158 Jason Bunch; the Tongass is continuing their efforts. They invited a board member to their
1159 January meeting. Jason has been working with them and would like to continue his efforts. The
1160 MOU was accepted and he would like to participate as much as possible on this. Chair Tiffany
1161 thanked Mr. Bunch for the time and energy he has put in on the MOU and is support of that
1162 work continuing.

1163

1164

1165 **F. SB43 Regulations Project**

1166 Chair Tiffany appointed himself and Jason Bunch to work with staff to move these projects
1167 forward.

1168

1169 Mr. Van Daele read a portion of the Tongass MOU to the group to clarify the expectations of the
1170 program. Mr. Bunch stated that those conditions are currently being met.

1171

1172

1173 Chair Tiffany asked the public in attendance to consider proctoring the examination; there are
1174 currently 14 applicants for the exam and only 7 proctors signed up. The new policy states that a
1175 minimum of 2 proctors per room are required. Chair Tiffany sincerely hopes the professional

1176 development regulations proposal that will be forthcoming will be approved and would like the
1177 industry to be proactive on accepting those responsibilities.

1178
1179 Investigator Strout asked the board to consider entering executive session to discuss a probation
1180 case and more information that was requested by the board.

1181
1182 Chair Tiffany thanked the public for their patience and reminded them that public comment would
1183 be held at 1:30 pm; anyone interested in providing comment should sign up as soon as possible. He
1184 would grant a few moments for that before entertaining a motion to enter into executive session.

1185
1186 Chair called recess

1187 *Off record at 11:20 am*

1188 *Back on record at 11:39 am*

1189
1190 **On a motion duly made by Jason Bunch, seconded by Michelle Heun, requesting**
1191 **unanimous consent, it was**

1192
1193 **RESOLVED to enter into executive session in accordance with the provision of**
1194 **Alaska Statute 44.62.310(c) for the purpose of discussing subjects that tend to prejudice the**
1195 **reputation and character of any person, provided the person may request a public**
1196 **discussion. Board staff to remain during executive session.**

1197
1198 *Off record at 11:39 am*

1199 *Back on record at 12:17 am*

1200
1201 Ms. Weigand let the board know that Jun had provided the re-typed regulations amendments. There
1202 as a phrase left out of the amendment for 12 AAC 75.260, “as recorded on the hunt record”. This
1203 will not require a new vote or public comment. A member of the public noted a conforming change
1204 that needs to be made; this was corrected on 12/2/19 of the meeting. Ms. Weigand also brought up
1205 the amendment to 12 AAC 75.230(g) that was withdrawn by the board 12/3/19. The board is clear
1206 on where the regulations are at as far as timelines. The board discussed the original intent of SB43;
1207 the board feels that the end statute is unfair and unduly harsh. The board will seek statutory
1208 amendment but may not be successful. Investigator Strout explained the process of how the master
1209 guide license will be revoked. The division understanding is that the issuance of the registered guide
1210 license will be part of the summary adjudication revoking the master guide license. The board
1211 discussed several scenarios for moving forward with the revocations and simultaneous issuance of
1212 registered guide-outfitters licenses.

1213
1214 **In a motion duly made by Larry Van Daele, seconded by Michelle Heun and voted on by**
1215 **roll-call it was**

1216
1217 **RESOLVED to approve application for licensure of James Wasillie. Motion**
1218 **Failed; license is denied.**

1219

Board Member	Approve	Deny	Recuse
Henry Tiffany		X	

Jason Bunch		X	
Larry Van Daele		X	
Peter Buist		X	
Michelle Heun		X	
Cash Joyce		X	
Adam Trombley		X	

1220

1221 **Board discussion: per 18 USC 922; Mr. Wasillie will not be permitted to be in “possession”**
 1222 **of a firearm until 2025. This would not allow him to carry a firearm nor be in the presence of**
 1223 **anyone carrying a firearm; which would be in direct conflict of 12 AAC 75.340 and 12 AAC**
 1224 **75.440. This denial of license removes the board’s authority to accept the consent**
 1225 **agreement presented for case #2019-000473 that was presented for board consideration at**
 1226 **this meeting; the board does not have authority over individuals not licensed by AS 08.54**

1227

1228 *Lunch recess at 12:43 pm*

1229 *Back on record at 1:31 pm*

1230

1231 **Agenda Item 23**

Public Comment

1232

1233 The chair announced that due to the number of attendees signed up for comment, each person will
 1234 have 10 minutes to speak.

1235

1236 Dan Montgomery: Master Guide 173 wanted to point out that on the Guide Use registration he
 1237 agrees with the board that the 3-year time commitment should be statewide. He feels the board
 1238 should develop a policy or process for withdrawing early from the commitment based on federal
 1239 permits and such. He agrees with Mr. Van Daele that at the time of application for any guide related
 1240 license, the applicant should be able to legally carry a fire-arm. He knows that in Alaska a muzzle-
 1241 loader is not considered a fire-arm.

1242

1243 Jason Bunch – Thank you for always being present and participating in board meetings. Appreciate
 1244 your support and guidance.

1245

1246 Wayne Kubat: Theodore Roosevelt “It is not the critic who counts; not the man who points out
 1247 how the strong man stumbles, or where the doer of deeds could have done them better. The credit
 1248 belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood;
 1249 who strives valiantly”, that’s you guys. We’re the critics. I’m Wayne Kubat, Master guide number
 1250 147. After talking to a lot of past and previous board member; they all agree with him that the
 1251 experience in the game management was never intended was never intended to downgrade or
 1252 measure against for registered guides. Registered guides should be able to do anything a class A
 1253 guide can without jumping through extra hoops. He believes the current statutes and regulations
 1254 allow them to do so. It doesn’t matter if you have hunted 10 or 20 miles away; if you haven’t had
 1255 boots on the ground in that camp it is going to be new to you. A 10 or 15-day hunt 200 miles away
 1256 in the same game unit 20 years ago doesn’t really qualify you to guide there; it is the total, over-all
 1257 experience that counts. Registered and master guides have a ton of experience, decades of it and
 1258 sometimes lifetimes. Already have numerous statutes and regulations that are confusing and in
 1259 conflict with each other, thinks we should correct those issues before adding new ones to the mix.

1260 The board passed an amendment to 75.920(e) in July that he thinks confuses the issue and he would
1261 like the board to reconsider that; pull it back before it goes any further.

1262
1263 Jason Bunch: Are you going to put forth a proposal for supervision and a proposed question and
1264 answer?

1265
1266 Mr. Kubat: Anticipates putting forth a question and answer page with questions that seem to be
1267 asked. Will try to have it submitted before the next meeting.

1268
1269 Mr. Bunch: Looks forward to that and hopes the DOL staff can assist with that to get resolution on
1270 the issue.

1271
1272 Mr. Kubat: Doesn't feel that it would require statute change; a couple of changes in regulation
1273 would clear up the issue.

1274
1275 Mr. Bunch: I would like to thank Mr. Kubat also for always being here and being so involved. He
1276 always finds things that need to be fixed and points them out to the board without being upset.

1277
1278 Steve Perrins Sr.: Steve Perrins, Master guide 123. Owns and operates the oldest hunting lodge in
1279 Alaska. Unfortunately, has not been in attendance the past couple of days but has been listening in
1280 on the teleconference and his son has been keeping him abreast of the situation. Wants it on the
1281 record that he feels the board has let them down in particular over the master guide issue with
1282 regulations for SB43. In his business when there is a failure the buck stops with him. If one of his
1283 guides takes a smaller animal that anticipated it is up to him to take responsibility and to correct the
1284 issue. We have a serious problem and it is much more a problem for him as a master guide than it is
1285 for registered guides. This new rule is giving the registered guide all the business authority where the
1286 intent was to fix things that were a problem with the master guide. His understanding was that
1287 SB43 was intended to get the board active again, to prevent sunseting. Yet, every time something is
1288 brought up we seem to get something else brought up and thrown down our throat that is
1289 detrimental to our industry. Feels this is the second time in a row we've had failure; part of him is
1290 glad that this board has until 2025 and part sees where the other side doesn't want us to have a
1291 board. He was better off before the board and we've got to get this fixed. Part of it is
1292 communication; he knows everyone is busy when this all takes place. This was started back in
1293 February but the repercussions of this weren't brought to the boards attention until Monday. His
1294 understanding is the board is going to get working on this immediately and there should be some
1295 harsh talks on this during the APHA meetings coming up on Friday and Saturday. We have to have
1296 a way of knowing what is going on. He is angry and upset about this, feels like he has been let down
1297 but needs to know where he can help. Everyone has resources that he feels weren't used. Have to
1298 find a way to get the communication out. Doesn't want to think that at the tail end of his career a
1299 paperwork violation could cause him to lose his license. Wants to end well and train his guides well.
1300 With his business and his clientele has never had to pull a contract; when a client says this is what
1301 you told me we make it right. He does the contracts because it is required by law because of the bad
1302 apples. It seems that there are always new rules because of the bad apples but we can't seem to get
1303 rid of the bad apples. We need to find a better way of doing that that doesn't strangle the rest of us.
1304 We are paper worked to death. It is disappointing, you say we have had a 20% decrease in guides
1305 from 2015-2018 from what I was told and a 40% decrease in transporters. That is wrong, those

1306 guys are just operating as air-taxi; providing the same service under a different title. Wants to know
1307 what the board is going to do to fix this problem and quickly, I've got meeting with 2 legislators
1308 tonight and I plan to get in touch with Natasha Von Imhof. I don't know if anyone else is because
1309 we just found out about this. I plan to get on this, this is my lively hood; I've got 42 years and a lot
1310 of money on the line that he doesn't need to be worries that a piece of paper could take his license
1311 and lively hood. There has been more than 1 failure where they thought 1 thing was going to be put
1312 in but it was something else. Dealing with the Kodiak permits right now and that mess with UVC
1313 code ramifications. You've just got this done until 2025 and we've got to do better. Willing to help
1314 get this fixed. Extremely disappointed.

1315
1316 Larry Van Daele: SB43 has 3 parts; the 1st part is the renewal of the Big Game Commercial Services
1317 board which you kinda agree with if we do our job right. The 2nd part raises the bar for the
1318 requirements for Master guides; do you have a problem with that 2nd part.

1319
1320 Mr. Perrins: I do and maybe it's because I'm not as familiar with the problems with master guides
1321 that I'm just hearing about. To me, a master guide in statues and regulations is exactly the same
1322 thing as a registered guide except the ability to advertise as an old fart and you've been doing this a
1323 long time, excuse my terminology. But it clearly says you cannot advertise as a master guide unless
1324 you are one. A master guide says you've been doing this a long time. So if we're having a problem
1325 with master guides maybe we needed to make a registered guide an assistant longer because all the
1326 problems I'm seeing seem to stem from that. Doesn't understand why the increases are such a focal
1327 point. Make the assistants have more experience before being registered guides. There is an
1328 advantage of saying you're a master guide but make them stay registered guides longer. If your
1329 wanting to fix the schools, get them out in the field. Get boots on the ground so they can learn.
1330 Tired of the life where people are complaining about a small percentage of the problem that we have
1331 to spend assets to go and put a band aid on it. What was the 3rd part?

1332
1333 Mr. Van Daele: The 3rd part, that you have clearly expressed your opinion of, was the revocation of
1334 master guide licenses for violations. The original idea behind this was to set the bar higher for
1335 master guides, not make it just a honorary title for more experience. That is where we need to think
1336 about is it worth it to raise that bar. What do you think about this part?

1337
1338 Mr. Perrins: If that is the issue, then I think there is some merit to it but I still think it goes back to
1339 the registered guide. You can be a registered guide for a long time, Bucky has been a registered
1340 guide and is 77 years old. He guides in the field still. But I would not contract clients to go in the
1341 field with him until I got another guide trained to go with him. The way the statutes are he has is
1342 clearer to stay in business than I am, he just can't advertise as a master guide. The year I took my
1343 test I was the only one the written test; the reaction was to make the test easier. Fix the issue at the
1344 registered guide level. Find a way to fix this before they make it as master guides. Practical time in
1345 the field and being trained in the field are what is important. I train all of our guides and I'm a little
1346 disappointed every year in August I get emails from APHA looking for guides to finish the season. I
1347 can probably guide a hunt almost anywhere but will be behind the curve of even an assistant guide
1348 that has been walking the trails with a registered guide for years. I think when someone pays me
1349 \$40,000 for a hunt the guide should know the trails and the area. If you want to set the bar higher
1350 then make the time as an assistant higher. If the guys had enough training some of these issues
1351 would be issues anymore.

1352
1353 Chair Tiffany: I appreciate your frustration, your anger and your fear. I am a master guide too, have
1354 been for a while and I'm scared. But I want the public to know, and many of you do, that has
1355 happened and can happen when you involve the legislature what you put into the hopper and make
1356 very clear. We have documentation of what the board's intention was and what you get out can be 2
1357 very different things. It was shocking and frustrating to the board. We thought we made it
1358 abundantly clear and that is not what we got. We are going to make efforts to educate the legislature
1359 on what the board's intentions were. Sitting here today it is what it is. We are making efforts and
1360 are going to make efforts at the statutory level and regulatory level to change it. But we should all be
1361 on notice that this is the law right now. Share and understand your frustration with the board. It
1362 was not intentional. What was generated in statute was not generated by the board.

1363
1364 Mr. Perrins: Where was that generated?
1365

1366 Jason Bunch: During the sunset process we were asked to look at the master guide requirements by
1367 the legislature to see if there was anything to expand on in light of cases they were hearing about.
1368 The legislators felt they needed to do something so everyone felt better about moving forward with
1369 this board. That is what sparked this statute change. We worked on it at the last meeting, spoke on
1370 it all 3 days. I appreciate your input, if we would have had it last year we may have changed our
1371 direction. We need experienced master guides, experienced registered guides who know the process
1372 and have a ton of information to pass on. If we would have had your testimony 6 months ago, I
1373 don't know that it would have changed anything but I would have felt better prepared. Appreciate
1374 your testimony today, I'm better for having heard it. We need your input.
1375

1376 Mr. Perrins: This points back to me, at some point you need to let others take on these issues. I'm
1377 at a point, my son is working towards taking over the business and I would rather spend time with
1378 my grandkids. Try to stay on top of myself and this industry.
1379

1380 Mr. Bunch: I think we are all pointing at ourselves on this.
1381

1382 Mr. Perrins: How many master guides are there? They need to be getting the notice and
1383 information out. Maybe that in itself, putting them on notice right now that there is a new sheriff in
1384 town. If you mess up your going to lose your license.
1385

1386 Renee Hoffard: Through the Chair; Mr. Perrins had asked me during the break how many Master
1387 guides and how many Registered guides we have. We have 127 Master Guides and 347 Registered
1388 Guides. That is everyone active through 12/31/2019 and 12/31/2021.
1389

1390 Mr. Perrins: I think we are in an era of text or email; mostly text. Change in way we communicate.
1391 I think this needs to be directed to the guides. We need to get this reversed and get this fixed.
1392

1393 Chair Tiffany: Thank you for your testimony, for us to stay on our agenda we need to move on.
1394

1395 Ms. Hoffard: If the board would like, we can send a letter to all master guides notifying them of the
1396 statute change.
1397

1398 Chair Tiffany: Yes, please send the letter out as soon as possible.
1399

1400 **Agenda Item 24** **State & Federal Agency Update**
1401

1402 **A. *Department of Fish & Game-Doug Vincent-Lang, Eddie Grasser and Tony Kavalok***

1403 Commissioner Vincent-Lang: Fish & Game supports a healthy guiding industry for the
1404 Alaskan residents and economy. Recognizes challenges coming in the next couple of years
1405 due to budget concerns. F&G recognizes the value of the board. Responded to questions
1406 from the board. Mr. Bunch asked about the UVC code issue. Mr. Bunch explained the
1407 UVC process to the group. The board would like to work with F&G on creating a system of
1408 reviewing the UVC's for draw permits. Mr. Van Daele brought up the issue heard about
1409 during public comment about the lack of harvest tickets for online hunting permits. Chair
1410 Tiffany explained the issue typically happens to non-resident hunters. When they purchase
1411 their permit and hunt tags – the website does not say that by issuance of the tag that the
1412 applicant has to have a harvest ticket. Most guides have at least 1 hunter per season that
1413 shows up without the harvest ticket and the hunter has no idea what the guide is asking for.
1414 Hunters have had to literally fly back to an office to get the harvest ticket. The harvest ticket
1415 should be issued when the hunt tag is purchased. F&G stated they would look into the
1416 situation. Chair Tiffany would also like F&G to look into updating the streaming videos to
1417 include judging dall sheep. Mr. Bunch thanked the Commissioner and his staff for attending
1418 the meeting.
1419

1420 **B. *Department of Natural Resources, South-central Regional Land office-Cliff Larsen,***
1421 ***Tisha Valentine and Nikki Potter***

1422 DNR explained briefly the services and permits they issue with explanations of each of the
1423 available permits. Fees have been increased and new fees will be charged at time of new
1424 contracts. Fees had not been increased since 2003. The new fees were provided. Bonding is
1425 being reassessed at time of permits; bonds are going up some. Working on a bear baiting
1426 permit; that will be coming in the future. Random check of hunt records for guides. This is
1427 not a punishment measure, just keeping guides in compliance. Filming – if you are filming
1428 yourself and your hunt that is fine; if you hire a company to film your hunt they will need a
1429 permit to be on the land as well. Mr. Buist was curious about the authority to issue bear
1430 baiting permits. Ms. Valentine explained it permits would not be for the bear baiting but the
1431 structure used on state land. There was a brief discussion as to the validity of such a permit.
1432 F&G representative spoke to F&G's concerns with temporary stands becoming
1433 "permanent" stands with hunters/guides claiming ownership. DNR's general use permit
1434 will be an attempt to avoid that issue on DNR lands. Chair Tiffany thanked DNR staff for
1435 their continued presence at meetings and the work they are doing with the mapping service.
1436 The board would like to enlist DNR to assist with new maps for the guide management unit
1437 exams. The board has been working for many years to update the exams, they have made
1438 improvements on the written exam but need assistance greatly with the maps. DNR stated
1439 they would be happy to help if they can; they will look into it and follow-up with staff.
1440

1441 **C. *Bureau of Land Management-Tom Bickauskau***

1442 Tom Bickauskau was unable to attend. Zack Milon spoke on behalf of BLM-Alaska. He
1443 provided a brief overview of services BLM offers with an overview of processes. He gave

1444 the fees; they don't anticipate the fees to change in the next few years. Chair Tiffany stated
1445 that it had been brought to his attention that a guide had notice activity on BLM lands that
1446 were not permitted and BLM was notified. The question is how strong is BLM enforcement
1447 and are they familiar with Inv. Strout. BLM does their best to do monitoring; they work
1448 with law enforcement for violations. They try to take the issues as serious as they can.

1449

1450 ***D. Mental Health Trust-Jusdi Doucet***

1451 Brief refresher of what the Mental Health Trust Authority is and what they do. Will be
1452 working on a guide access program. At this time there is no commercial guiding on trust
1453 land. Goal is to have program up and running by the fall 2020 season to benefit the trust
1454 and guides in the state. The program is going to start in 6 areas. He explained the program
1455 processes and fees. The plan is for the permit to be issued for 5 years with an option to
1456 renew for 5 additional years. The board encourage the trust to have expertise when
1457 reviewing the applications and perhaps use what the board has in line with guide use areas.

1458

1459 Chair called recess

1460 *Off record at 3:00 pm*

1461 *Back on record at 3:10 pm*

1462

1463 ***E. North Slope Borough Planning & Community Services Dept. - Allyson Atos***

1464 North Slope Borough did not attend to speak to the board.

1465

1466 ***F. US Forrest service-Jennifer Mac Donald; Jason Anderson***

1467 Forrest Service thanked the board for their involvement in some issues over the past few
1468 years. The engagement of the board has been a great demonstration with how all can work
1469 together to benefit everyone. Mr. Anderson spoke about the work conducted at stake
1470 holder meetings. The board would like to see consistency in permitting moving forward.

1471

1472 ***G. Board of Game-Larry Van Daele***

1473 Mr. Van Daele provided an update on proposals the Board of Game is working on. A
1474 planned work group session will be held in Nome and he will provide the Board of Game an
1475 update on the work the Big Game Commercial Services Board has done. He read a letter
1476 regarding a legal case. He also spoke to decisions for the Kodiak bears. Chair Tiffany was
1477 asked to write a letter in support of Mr. Van Daele's reappointment as the Board of Game
1478 designee if the Board chooses to retain him on this board after a brief discussion about the
1479 value of Mr. Van Daele's presence on the board and his interest in continuing to serve on
1480 the BGCSB.

1481

1482 ***H. Alaska Wildlife Trooper-Lt. Aaron Frenzel***

1483 Lt. Frenzel provided an update on trooper personnel. Troopers have noticed an increase in
1484 problems of failure to registers for GUAs. A plan is in place to cleans up regulations to be
1485 clear on what "previously purchased" means. Lt. Frenzel addressed the concerns regarding
1486 harvest tickets that have been spoken about during the meeting. Mr. Bunch thanked Lt.
1487 Frenzel for his attendance and the input he provided from the trooper's standpoint during
1488 the meeting. Mr. Van Daele thanked him for his input on the felons and firearms issue.

1489 Chair Tiffany also thanked him for his input and perspective. The board appreciates the
1490 work and thoughtfulness on the guide issues.

1491

1492 **Agenda Item 25** **Administrative Business**

1493 A. Correspondence – The board reviewed the letter sent by Chair Tiffany to the Board of
1494 Game on the Spraker issue.

1495 B. Review of tasks –

1496 1. Letter to Fish and Game regarding sheep video and harvest ticket – Chair Tiffany.

1497 2. Position statement felons and firearms – Buist/Van Daele and M. Weigand

1498 3. New questions for exams

1499 4. Matrix on transporter Q&A feedback for March meeting (subcommittee)

1500 5. Written policy

1501 6. SB43 regulations and correspondence to Sen. Von Imhof

1502

1503 The board discussed the March board meeting. Ms. Heun explained that she had spoken with
1504 Renee regarding the meeting being held in Fairbanks March 17-19, 2020. The board briefly
1505 spoke about the pros and cons of holding the meeting in either Fairbanks or March in regards to
1506 concerns of the board budget. If the state permits the March meeting will be held in Fairbanks.
1507 As the board moves forward they would like to consider rotating at least 1 meeting around the
1508 state in the future. Renee will work with Nikki Potter from DNR regarding meeting spaces in
1509 Fairbanks and submit travel requests.

1510

1511 **In a motion duly made by Michelle Heun, seconded by Peter Buist and approved**
1512 **unanimously. it was**

1513

1514 **RESOLVED to adjourn the meeting.**

1515

1516 *Off record at 3:50 pm*

1517

1518 Respectfully Submitted,

1519

1520

1521

1522

1523 _____
Renee Hoffard
1524 Executive Administrator

Date

1525

1526

1527

1528

1529 _____
Henry Tiffany IV
1530 Board Chair

Date

1531

1 State of Alaska
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING
4

5 BIG GAME COMMERCIAL SERVICES BOARD
6 Minutes of the teleconference held February 20, 2020.
7

8 By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62,
9 Article 6, a scheduled teleconference of the Big Game Commercial Services Board was held; originating
10 at 333 Willoughby Ave., Juneau, Alaska on February 20, 2020.
11

12 **These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and**
13 **Professional Licensing. These minutes have not been reviewed or approved by the Board.**
14

15 **Agenda Item - Roll Call**

16 The teleconference was called order at 9:00 am by acting Chairman, Jason Bunch.
17

18 **Board Members Present Constituting a Quorum:**

19 Jason Bunch-Registered Guide Outfitter – *Acting Chair*
20 Larry Van Daele-Board of Game Representative
21 Michelle Heun-Licensed Transporter
22 Cash Joyce – Licensed Transporter
23 Adam Trombley-Public Member-*Vice Chair*

24 **Board Members Absent:**

25 Henry Tiffany-Licensed Registered Guide-*Board Chair*-EXCUSED
26 Pete Buist – Public Member-EXCUSED
27 Nicholas Jackson- Private Land Owner-UNEXCUSED

28 **Staff Members present:**

29 Renee Hoffard – Executive Administrator
30 Megyn Weigand-AAG, Department of Law
31

32 Mr. Van Daele asked to clarify for the record what the intent is with the language once the board makes
33 a decision based on the discussion. Mr. Bunch explained that pending board discussion the intent is to
34 have the language proposed as an amendment to a bill that is active in legislation. If the board waits
35 until the March meeting they may miss the opportunity to move this forward for this legislative session.
36 Ms. Hoffard stated that the division has already been contacted by several representatives that have
37 expressed interest in sponsoring the amendment once the language has been approved by the board.
38 Mr. Bunch explained the process that the he and the division went through to vet the two proposals on
39 the table for the board to consider. Ms. Weigand reviewed several variations of the language to ensure
40 it captures the intent of the board as discussed at the December board meeting. The board discussed
41 the elements needed for consistency between the statutes. Mr. Trombley asked questions for clarify
42 what specific terms needed to be consistent and Mr. Van Daele asked questions regarding the need for
43 consistency between AS 08.54.610 and AS 08.54.710. Ms. Weigand explained various scenarios to
44 demonstrate the importance of consistent language throughout the statutes and regulations.

45 The board moved to discussion of 08.610(5) and the time frame for suspension of licenses at it would
46 apply. After board members spoke of concerns regarding making the time frame overly restrictive it was

47 determined to recommend that be changed to “has not had a hunting, guiding, outfitting, or
48 transportation services’ license suspended or revoked within the last five years.”

49 The board then moved to discussion of AS 08.54.710(k)(1) and (2). The board proposed changing “may”
50 to “shall” in efforts to realign the language with the original intent in AS 08.54.710(1). Ms. Weigand
51 explained to the board that use of “may” will take away the legislature’s intended effect of this statute.
52 The statute was intended to provide a route to summary adjudication. By removing the compulsory
53 “shall” and reintroducing the permissive “may” the Board will have to provide full evidentiary hearings
54 in every case. There would no longer be a need for the statue because the Board already had the
55 authority to impose all levels of discipline on a master guide license for these things. Changing it to
56 “may” means the Division will have to file an accusation and go through the hearing process in Alaska,
57 even if a person’s license has been revoked in other states. That will get very expensive for the Board.
58 The circumstances listed under the “shall revoke” power should be the most egregious that the Board
59 can agree should disqualify someone from holding a MG license.

60 The board reviewed the proposed language for AS 08.54.710(k)(2) and were in agreement with the
61 proposed language

62 The board proceeded to discussion of AS 08.54.710(l). It was determined that with leaving AS
63 08.54.710(k) as written no changes should be proposed for AS 08.54.710(l).

64 **On a motion duly made by Adam Trombley, seconded by Michelle Heun and approved unanimously**
65 **by roll call vote, it was**

66 **RESOLVED to approve the draft language as amended for AS 08.54.610 and AS**
67 **08.54.710.**

68 Ms. Hoffard notified the board she is working on the UVC audit and will have more information for the
69 board at the March meeting.

70 **On a motion duly made by Adam Trombley, seconded by Michelle Heun and approved unanimously**
71 **by roll call vote, it was**

72 **RESOLVED to adjourn this teleconference of the board.**

73

74 Off record at 12:08 pm

75 Respectfully Submitted,

76

77 _____
78 Renee Hoffard
79 Executive Administrator

Date

80

81

82 _____
83 Jason Bunch
84 Acting Chair

Date

Findings of the Alaska Big Game Commercial Services Board
Master Guide Statute Sec 08.54.710 and Sec 08.54.610

Purpose

Unintended consequences of SB43 Statute change for AS 08.54.710 (k)(2).

Discussion

Current language;

- (k) The board shall revoke the master guide-outfitter license of a person
- (1) whose right to obtain or exercise the privileges granted by a hunting, guiding, outfitting, or transportation services license is suspended or revoked in another state or in Canada; or
- (2) who is convicted of a violation of any state or federal law or regulation related to hunting or the provision of big game hunting or transportation services.

Example 1: A Master Guide who fails to physically possess a hunting license under 08.54.720 (a)(6) while in the field and actively guiding will trigger license revocation. A review of conviction history shows the result of such a charge can, and has, constituted a “conviction”. The board feels this example requires consideration before revocation is warranted.

Further consideration; Was an actual hunting license purchased or not? Was it intentional or accidental? Is there a trend in this licensee’s actions?

Example 2: A Master Guide forgets to register for a guide use area (GUA) but realizes once the hunt begins. Alaska Wildlife Troopers and Division of Commerce BGCS are immediately notified by the licensee. AWT charges the guide under 08.54.720 (a)(5)(B). This would result in a “conviction”.

Further consideration; What is the Master Guides historical GUA use? Are they consistent in the same area year after year? How many GUA’s are they currently registered for? How much time has transpired since the GUA was last registered? Was this intentional or accidental? This violation is often a simple administrative or human error the board believes was not intended to trigger license revocation.

There are many examples of administrative and human errors that may not warrant license revocation but are a violation of state hunting and guiding laws. December 2019, the BGCSB set out to identify the most inclusive method to capture “egregious acts” that would warrant revocation of a Master Guide license. The recommended language offered by the board is a result of hours of vetting with various licensees and invaluable assistance from the divisions dept. of law representative and investigators. The following information is provided to articulate the BGCSB intent of their unanimous recommendation.

Objective

- Construct statutes for attaining and maintaining a Master Guide license that substantiates the holder as an expert in the profession.
- Reduce the onerous burden of deciding what constitutes revocation for each conviction.
- Clearly define the BGCSB authority to revoke a Master Guide license by the results of the criminal law process without the costly and time-consuming requirement for an evidentiary hearing.
- Provide “a reasonable bold line” for revocation.
- Ensure language captures egregious violations.
- Ensure the board’s ability to respond to administrative or human errors that are not a public safety concern nor egregious can continue to be addressed with established Guidelines and Precedence.
- Ensure Title 8 Chapter 54 uses consistent language and criteria whenever possible.
- Ensure Alaska continues to provide the worlds most premier Big Game Guide Licensing program.
- Maintain and endeavor to grow a positive public perception.
- Provide fiscally responsible guidelines.

Recommendation

(k) The board shall revoke the master guide-outfitter license of a person

(1) whose right to obtain or exercise the privileges granted by a hunting, guiding, outfitting, or transportation services license is suspended or revoked in another state or in Canada; or

(2) who is convicted of **a violation of a state or federal hunting, guiding, or transportation services statute or regulation for which**

(A) the person is imprisoned for more than one day; or

(B) an unsuspended fine of more than \$1,500 is imposed.

1. In reference to BGCSB recommended language 08.54.710 (k); The board shall revoke the master guide-outfitter license of a person. “Shall revoke” more precisely meets board objectives. “Shall”;
 - Provides for a clear and concise threshold for both the board and licensees.
 - Alleviates the requirement for costly evidentiary hearings.
 - Alleviates repetitive work completed by the BGCSB and Investigations, providing the time and energy they need to be more effective in other aspects of their duties.
 - Establishes a more fiscally responsible standard.
 - Alleviates the burden of paying for the actions of “unlawful operators” for all classes of licensees.
 - Provides consistent language with other statutes (AS 08.54.605)

2. In reference to BGCSB recommended language 08.54.710 (k)(2) who is convicted of a violation of a state or federal hunting, guiding, or transportation services statute or regulation for which...
 - The BGCSB has not identified intent for “a state” to be interpreted as “Alaska state” or “any state” as of their last board meeting 2/20/20. The language was chosen solely because it was consistent with AS 08.54.605(a)(1)(A).
 3. In reference to BGCSB recommended language 08.54.710 (k)(2)(A) the person is imprisoned for more than one day; or
 - AS 08.54.605 (a)(1)(A)(i) states a license cannot be received, held or renewed if the person has served more than 5 days in jail in the previous 5 years from a conviction. “More than 1 day” meets the objective of providing for a higher standard for the Master Guide License ensuring positive public perception of the title.
 4. In reference to BGCSB recommended language 08.54.710 (k)(2)(B); an unsuspended fine of more than \$1,500 is imposed. Use the unsuspended fine that is a result of a criminal conviction in lieu of an unlawful act as the defining criteria for license revocation. An unsuspended fine of “more than \$1500.00” is recommended to meet objectives and capture egregious acts.
 - Under AS 08.54.605 an unsuspended fine of more than \$2,000.00 dictates all licenses be revoked. Lowering the fine amount under AS 08.54.710 (k) to unsuspended \$1500.00 places a higher standard on the Master Guide license. Furthermore, under provisions outlined in 08.54.710 (l) the board “may” authorize a Registered Guide license to a guide who has had their Master Guide license revoked under (k). It is the intent of the board to further define (l) under regulation to ensure a licensed professional does not lose their ability to operate their business without warrant or unless 08.54.605 revocation criteria is initiated.
 - Conviction case history reveals consistency of fines from one court to another. The higher the fine, the more egregious the violation.
 - Conviction case history reveals an unsuspended fine of more than \$1500.00 is the least likely marker to trigger revocation of a Master Guide license for administrative or human error while ensuring egregious acts are captured.
 - It allows for full advantage of due process at the criminal law level.
 - It creates a bold line for the BGCSB to adhere to.
 - It creates consistency with other disciplinary statutes (AS 08.54.605) within Title 8 Chapter 54.
 - Provides for a higher standard for the Master Guide License.
-

Purpose

Unintended consequences of SB43 Statute change under AS 08.54.610 (b)(4)(5).

Discussion

Current language;

(b)...A natural person is entitled to receive a renewable master guide-outfitter license if the person...

(4) has not been convicted of an offense under AS 08.54.720(a) or a similar law in another jurisdiction related to hunting or to the provision of big game hunting or transportation services within the 15 years preceding the date of the application; and;

- Under the current language of the statute (AS 08.54.610(b)(4) above), an administrative and/or human error (e.g. “paperwork” (non-egregious)) violation would cause a licensee to be required to wait fifteen years to get a Master Guide license. The BGCSB’s intent is to ensure that an administrative and/or human error is not a disqualifying criterion for a licensee to obtain a Master Guide license in the future.

Recommendation

(4) has not been convicted of

(A) a violation of a state or federal hunting, guiding, or transportation services statute or regulation for which

(i) the person was imprisoned for more than one day within the previous five years; or

(ii) an unsuspended fine of more than \$1,500 was imposed in the previous 5 years.

(B) a felony within the last 10 years; or

(C) a felony offense against the person under AS 11.41 within the last 15 years.

(5) has not had a hunting, guiding, outfitting, or transportation services’ license suspended or revoked within the last five years; and

- Meets objectives desired by the board to increase requirements to attain, maintain and re-attain a Master Guide license.
- This language is consistent with statute 08.54.605 and recommended language for statute 08.54.710 (K)
- (5) Provides an opportunity for a Master Guide to re-gain the title after “time served” and good behavior.

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. 08.54.630

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

If "yes", what is the regulation number? AAC 75. 130

Proposal: Require all assistant guide license applicants to pass a 35-50 question test with 70 percent or higher.

The test should include questions from Statutes and Regulations. Title 8 Chapter 54

The board will draft and adopt policies and procedures to administer this exam.

Who is it likely to benefit: Everyone including, Guide outfitters, license holders, general public, AWT and Criminal court system

Who is likely to suffer? No one

What will happen if nothing is done? A look at past convictions the board has acted on shows lack of knowlege of statutes and regulations by assistant guides. Assistant guides are criminally and administratively held accountable for laws that govern the guide profession but aren't required to prove they even know what these laws are.

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: Jason Bunch, BGCSB
(Printed Name)

Date: 3/10/20

Mailing Address: _____

Telephone Number (optional): _____

Email Address (optional): _____

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