

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BIG GAME COMMERCIAL SERVICES BOARD

MINUTES OF MEETING
March 3-5, 2015

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held December 9-11, 2014.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were approved by the board on December 7, 2015.

Tuesday, March 3, 2015

AGENDA ITEM CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 8:33 a.m.

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
David Brown, Board of Game Representative
Michele Metz, Large Private Landowner
Brenda Rebne, Large Private Landowner
David Jones, Transporter
Tom Atkins, Transporter
Henry D. Tiffany IV, Master Guide-Outfitter

Board members absent: Gene Peltola, Public Member

Board staff present:

Karen Hudson, Records and Licensing Supervisor
Cindy Hansen, Licensing Examiner
Lee Strout, Investigator

David Brown was introduced as the new Board of Game liaison. The crab fisherman and trapper is also a welding teacher in Wrangell.

Visitors present:

Chris Hansen, USFS
Brian Glaspell, USFS-Arctic Refuge
Lt. Paul Fussey, Department of Public Safety
Valerie Baxter, Department of Natural Resources
Jusdi McDonald, Department of Natural Resources
Natalie Weber, Department of Fish and Game
Mark Richards, Alaska Backcountry Hunters
Loren Karro R#941
Dan Montgomery M#173
Don Bunselmeier, R#1321
Smokey Don Duncan, M#136
Sue Entsminger, R#1058
Jim Kedrowski M#156
Coke Wallace M#172
Virgil Umphenour M#151
Capot Pitts, R#1299
Robert Summers R#1338
Justin Horton R#1332
Aaron Bloomquist R#1259
Hank Flatow R#1343
Gary Wall R#1182

AGENDA ITEM A REVIEW AGENDA

Ms. Metz moved and Ms. Rebne seconded and the agenda was approved by unanimous consent.

AGENDA ITEM B REVIEW MINUTES

Ms. Polley moved and Mr. Tiffany IV seconded and the 12/1/14 and 12/9/14 draft minutes were approved by unanimous consent.

AGENDA ITEM C BUDGET REPORT

Joined by Administrative Officer, Martha Hewlett, Ms. Chambers teleconferenced in and introduced Janey Hovenden as the new Director who recently moved from Fairbanks to Juneau. They began with an overview of the program's latest revenue and expenditures which were provided in the board packets. Ms. Hewlett stated the FY 15 second quarter was during a non-renewable year and went down the list of expenditures which included personal services, travel and contractual. Inner agency costs included legal expenditures such as the Department of Law's legal assistance or representation. Ms. Polley asked why the travel was unusually low. Ms.

Chambers stated that the second quarter ended on December 31st so the travel receipts for the board December travel will be reflected in the 3rd quarter report. Ms. Polley stated it was frustrating to see a deficit report but understandable. Ms. Chambers stated that they had talked at length during the December meeting about the legislature's posture with the budget and audit. They are moving forward in the discussion about how the deficit was accrued over a period of time. Certainly the board is welcome to interact with the members of the legislature and address the board's deficit. If there is an additional need to discuss this we can make sure the board is made aware of how the expenses were accrued. They are holding discussions with House Finance subcommittee to ensure fees are set to program costs. They are discussing the needs to increase fees with some of the tools in the tool box as fair and reasonably possible to chip away at the deficit. Chairman Vrem asked if there was a formal process for the board to the legislature to present their ideas because we feel isolated. Ms. Chambers stated that any formal proposal to amend a statute and affect the licensee practice or to separate this program from the current statute and be self-supporting will require a piece of legislature introduced by a legislature. Otherwise there is very little opportunity for the board without a vehicle. The legislative subcommittees are well versed in much detail about all of our licensing programs and the deficits. Legislative finance is working with us on those items. She knew that when Chairman Vrem and Mr. Tiffany IV met before the subcommittee there was an opportunity to introduce those items and the legislature provided a response. The fee process is cut in statute so it would need legislative action. She would recommend that the board contact the legislature with their desire and request for action.

Chairman Vrem asked what the result was about having a per client fee for the guides and transporters or a guide use area fee. He is personally in favor of a per client fee. Ms. Chambers stated the per client fee was brought up by you at the legislative audit and budget hearing and Senator Mackinnon heard from her staff that there was not an easy way or palatable way to charge a per client fee and set it in regulation. Fees are a way of doing business so that could be a cost you could pass along in your business. She is being aggressive on the guide use area fee and does not agree with the opinion that the Department of Law passed on to Director Habeger. She is pushing forward with a GUA fee which will be reviewed with her own analysis as she believes that could reduce the administrative costs. The guide use area registrations take up quite a bit of Ms. Hansen's time so it would certainly be reasonable to dig a little further into a GUA registration license. She has let them know that the deadline has passed to hammer this out and a fee analysis will be done this month. Mr. Tiffany IV stated with AS 08.58.750(f) it is within this board's power to create transporters areas and for those transporters to register those areas so it would be possible to have a fee. Ms. Chambers stated that it could certainly be added into the discussion to recoup costs. Chairman Vrem stated that he has been waiting for this report to determine his action and is going to pursue it. Thank you for that bit of information. Ms. Chambers stated that she appreciates

knowing about his course of action and if he could keep her in the loop she could be more prepared to answer questions from legislators and provide detailed information and research. Chairman Vrem stated he would perhaps use his own money to fly down to Juneau to stand in the hall. He believes it is the board's intention to aggressively pursue this. Mr. Tiffany IV asked Ms. Chambers to help him understand why FY13 deficit has increased and not decreased. It looks like the board has been doing a reasonable job controlling the expenditures. Mr. Chambers stated the current deficit is because licenses are renewed every two years and the cumulative tends to move forward while the board is spending the same amount. The accumulated deficit as revenue isn't receipted to offset expenses. We have constant expenses with the only variables being legal and appeals. The efforts made with fees were positive and the deficit is less than it was in FY13. However, this will change as expenses continue and the revenues are biennial. Annually the board goes into a surplus deficit which is fairly common with license programs that are biennial. Expenses continue to rise during that time and it is a lot to overcome.

Chairman Vrem stated that there are about 700 guides and 200 guide use areas and asked if the audit had taken that into consideration. There are 140 transporters and half use their licenses so there is a lot of arithmetic to set fees. He knows that personally he does not want to subject his assistant or registered guides to fees. We book our hunts one-two years out and have no way to recoup that cost. They could easily add a user or transaction fee, which is going to be his thrust because that would be an immediate pass-through to the clients. He is going to advocate for a user fee. Ms. Chambers stated it is complex and the activity of the program and the authority to set the fees rests in the law and not the decisions made by the guides. She does not mean to sound flippant but there is only so much structure that we are allowed and must follow the laws which set the fees. The guide use area issues will require quite a bit of number crunching and that is something that we do with legislative budget and audit. She hopes that this will help show some of the differences between what the law states and what the law allows. She believes there is a bigger discussion and one the board would need to think through and restricting someone's rights is not one she would encourage the board. Chairman Vrem stated that his idea is to levy the fees and it's going to take extraordinary measures. It is the debt that was handed to this board that is causing the problem and we have to do something outside of the normal housekeeping, outside of the normal fee structure and outside of ordinary methods in order to retire the debt. The board cannot have a bake sale or garage sale. He thinks the legislative audit and budget was resistant to retire the debt and the fees were not adjusted to cover that debt. We have had the same conversation for the past four years that Ms. Chambers has been here. I know that Ms. Hewlett and Ms. Hovenden would agree that we are under a lot of heat to make sure the programs are not in the deficit.

Ms. Rebne stated that during the December board meeting there was discussion about certain fees generated by this industry that do not go back to the board. The

reality is this industry generates that revenue and needs to get that funding despite the fact that it is used for federal funding match. This is the industry that needs to have those fees to eliminate that deficit. Chairman Vrem stated that non-resident tag sales have always gone to the Department of Fish and Game. Ms. Polley stated that there are three or four options for the board and we should pursue at least two or three of them. Ms. Chambers stated she thanked Ms. Rebne for raising that point and if fees were recovered or if tag fees were able to be increased or moved to our office it would have a big impact on the fish and game budget.

Ms. Chambers stated that she wants to mention the creation of a Facebook page since she had already let Mr. Tiffany IV know where the division was with social media. FB is something that many boards believe is valuable and has been a management strategy. Mr. Henry IV stated he found it humorous he is in charge of it since he doesn't do FB. He believed it is a great idea and another avenue to share knowledge and education. He asked Ms. Chambers if there was anything this board could provide to help make this happen. Ms. Chambers stated that there isn't anything formal since it is being managed in-house. She will communicate with the board to meet their needs as the time gets closer.

Chairman Vrem asked if the board could hire their own lawyers and Ms. Chambers stated they get to work with the department of law. Mr. Tiffany IV stated that in an effort to rid this debt there was consideration for the hearings to be contracted out. The average cost used to be \$3000 then the Murkowski administration decided to conduct hearings in-house, which increased the cost to \$30,000 per hearing. It might behoove us to contract the hearings and save considerable funds. It's another tool to consider because we do have precedent to do it that way. Ms. Chambers stated that she received from Deputy Commissioner Bittner the letter Mr. Tiffany IV wrote to the Governor's office to "provide boots on the ground". Director Hovenden stated she will look at it and send a response on to the Governor. She wanted to follow up with Ms. Hewlett and Mr. Tiffany IV to look at officer administrative bills for more factual data for hearing costs to compare. Ms. Chambers stated our attorneys are quite a bit less expensive than private attorneys. This is a topic that will take legislative change with more departments than this one and we will do what we can.

AGENDA ITEM

STATE AND FEDERAL AGENCY REPORTS

Brian Glaspell, the manager for the Arctic National Wildlife Refuge stated he would focus on the comprehensive plan. He brought a planning update-the final one. They had received about a million public comments, a lot of the conservation organizations and the personal ones are broken down in the update. The draft plan was completed in 2011 and then the department of interior sat on it. There was consternation of what came out, which was largely due to the delay between the

draft and the final update. But there was a lot of engagement with all parties involved and he believes they did an exceptional job engaging people but it was inevitably controversial. There are three main parts-the plan sets out a vision with a vision statement and a narrative laying out what this place is all about. The real meat of the plan is the goals and objectives; the day to day management of the refuge. The third part is the issues and alternatives. The preferred alternative is the one we've selected to go with and recommend the bulk of the refuge as designated wilderness. A couple of points: only congress can make wilderness, not the president or the department of interior. This plan only recommends it. In the interim there will be no changes to public access, subsistence opportunities, permitting program. That is an issue that has been misunderstood. There would be no changes to the big game guide program or current public authorized access. Furthermore, if congress did designate, there would still be no changes because the core programs of subsistent, private and guides hunting are protected by other laws. They won't go away and are currently authorized in the current plan and would be authorized in the future plan. It essentially states they retain the wild landscapes and will not authorize permanent roads and right now it's merely an administrative change.

Ms. Rebne asked about corporation lands and if there is not really a change then why makes one. Does it limit access? Mr. Glaspell stated that private lands wouldn't be impacted at all, only the reasonable access to lands through federal lands. Ms. Rebne asked if there are any wilderness lands to cross to get to private lands. Mr. Glaspell stated at present that is not the case. Ms. Rebne asked if a wilderness designation would affect development. Mr. Glaspell stated the net effect of change today would be zero but the potential would be significant to close potential development of oil. Nothing would change for the native corporation lands next to the federal lands; they would still have to follow compatibility requirements that currently exist. Ms. Metz stated she is opposed to any more Wilderness designation; we have historic sites from ANCSA and the Forest Service is giving the Tribe with traditional ties to the site a bad time with accessing the site because it is located in Wilderness. We have plenty of wildernesses and we rely on the resources to make our living and this is one more nail in the coffin to use our resources. Mr. Glaspell stated that he appreciates her comments and any access to private lands would remain unchanged. The difference is that the wilderness designation makes it permanent and fixed instead of administrative.

Mr. Tiffany IV stated this board is tasked with regulating the guiding and transporting industry so could you give us an overview of how the Wilderness designation will affect guides and transporters? Mr. Glaspell stated that they see it as a tool and not as an end in itself. The laws that guide their planning stated that the wilderness designation is the best way to protect the area they are responsible to protect. With respect to the guide and transporters is that the arctic refuge is a vast landscape and you are able to hunt for weeks without running into

another hunter and we want to protect that ability. The vision will influence the kinds of decision making we will make in the future. For example, there is not a mechanism to limit the number of transporters. If we see crowding over a period time then we will see that as a threat and can take care of it. This doesn't get into the weeds. Ms. Rebne asked who "we" is. Mr. Glaspell stated "we" means U.S. Fish and Wildlife Service, and the citizens of the U.S., through public comment, and congress who pass specific laws. "We" means you and everyone in this room. Ms. Rebne stated she didn't respond to the survey and she isn't in support of this plan, but who supports this in the majority? Ms. Glaspell stated that we have a majority rules system set up and at a community level there are arctic villages that strongly support a wilderness designation, they have told this to the secretary. Villages around Kaktovik and on the slope oppose the wilderness designation.

Chairman Vrem stated that right now for a registered guide with a commercial recreation permit, is a river rafting guide also under a permit like us. Mr. Glaspell stated they do not. Chairman Vrem asked if that was the same for transporters whether its horses or boat or plans. Mr. Glaspell stated that is correct, as long as they have the appropriate licenses and insurance. Chairman Vrem asked if you get to the point where you get to the point by controlling access by transporters, would you ask us to take some action first or would you initiate your action. Mr. Glaspell stated that is a good question and his first step would be to formally invite this board and other bodies that represent the user groups to discuss the best method. The tools they could use are pretty limited. There is a specific revenue producing service basically through a complex complicated process and it's not altogether clear what the unit would be or how to limit them in another fashion. Mr. Jones stated that competitively it is not unique to big game guides with sport fish guiding so how to apply it to a transporter shouldn't be that difficult. Mr. Glaspell stated that he is correct; it's not. They have limited entry permits. One challenge is that they haven't done it before. The second and greater challenge-fixed wing access is protected in 1110A people can use these means traditionally including airplanes. He believes we could restrict them but it hasn't been tested yet.

Chairman Vrem asked if they could have a forewarning before they come out with restrictions. This board moves at a glacial pace. Mr. Glaspell stated they are even more so. They could take pre-emptive steps. Mr. Glaspell stated that there are a number of priority actions which would take place and the top one would be a step down plan which would involve comments from participating bodies. Mr. Atkins asked if there was a distinction between transporters or air taxis. Mr. Glaspell stated they do not have a distinction and that was a very important point.

Mr. Glaspell stated that their program on the arctic refuge presently has sixteen big game guide areas and there are two adjacent to an arctic village with controversy over sheep hunting and commercial usage which is supported by everyone. There is another area that has had no applicants and now there are proposals on his desk.

The permits are issued for a ten year term, renewable at five years. They have some senior guides who they expect would retire and need to address how to transfer their permits. He has been around for the full process two times for ten years each and it has gotten much better than it was in 2001-2. Once all of the appeals have been reviewed it takes about two years to play out. They manage about 130 permits a year and we don't have enough staff. He expects in less than a year to convene a group to propose changes and will involve the board in this. This is a situation we built together and we need to work together to fix what is broken. Chairman Vrem stated that he was told age was not an issue for permits. Mr. Glaspell stated that there is a very clear set of guidelines and go to great lengths and it is reviewed by lawyers and there is no room to factor in age even if we wanted to.

Chairman Vrem asked if it would be better to camp in the same place every year instead of having to move around i from year to year. Mr. Glaspell stated that there is a lot of science behind "leave no trace" and the majority of an impact occurs with very little use so general speaking dispersal doesn't apply in all places. In some areas they have base came and in others it's a backpack tent and both work in their respective areas. Mr. Tiffany IV stated for disclosure purposes he holds a permit in ANWR and asked if there are any conservation concerns in the refuge. Mr. Glaspell stated that is a wonderful segue into his next topic about sheep.

The findings in the surveys are the same; there are substantial declines and therefore they have a conservation concern. They are ramping up their survey efforts. One challenge is that seeing a decline is not representative everywhere so they need to get a handle on that. The second part is how they would manage sheep hunting and guiding. At the end of the day their guide program is just a meaningful factor in the 20 million acres of the refuge. If they eliminated the permits for guides it would not make a difference. A larger threat is that it's hard to find a legal ram for both private and guided hunters. It seems pretty fair that they have had some late seasons and hard winters that put the hammer on these sheep so it is not a hold they can climb out of quickly. Mr. Atkins asked about the problem. Mr. Glaspell stated that they have seen some changes in other populations- the musk ox have left, moose numbers are down, the only thing left are caribou and they move. It is clear that the late season and icing is making it hard to forage. But once they reduce the number of one type of animal then predation become an issue. He believes it is weather that has been the principal factor.

Chairman Vrem asked about the Canadian border and Mr. Glaspell stated that on the Canadian border the porcupine caribou herd is not as protected as in ANWR. Mr. Atkins asked if there was a comparison between Canada. Mr. Glaspell stated yes, they work closely with the Yukon and share collar captures and data. For caribou specifically they have the Porcupine Caribou International board that talks about how they manage those animals. There is also a moose migration that spends

portions of their winter on the Canadian side. Their moose data is spotty but the caribou numbers look very good. Mr. Tiffany IV asked for an update on the refuge scoring process for the permit applicants and Mr. Glaspell stated that the panel reviews and scores and he reviews the results and contacts the top candidates.

Tony Kavalok, the assistant director for the Alaska Department of Fish & Game Wildlife Conservation stated Sam Cotton is their new commissioner and very interested in the wildlife side. Bruce Dale is their acting director and will hopefully be here and could speak, in particular to the Unique Verification Code. Natalie Weber was introduced to help navigate discussion on the UVC. He stated they are happy to have this board's new board of game liaison, David Brown, too. At the January Board of Game meeting they went to a three year board cycle, in part for the budget. The deadline for the proposals is May 1st. Proposals 207 and 208 passed and covered comprehensive options for a future program. This will be discussed in March in Anchorage. There is a desire by some to have a planning process; the previous plans of 1975-76 would be updated as a statewide or area wide plan. There was talk during the meeting about a sheep work group. He does not know about support but that may come out in March. There have been problems about evaluating what a legal sheep is so key staff and public members, as a group, will discuss universal protocols and a training format to staff and troopers so as to be well defined and mirror our regulations or perhaps tweaking regulations to better fit the protocols. He hopes to speak to it in March and hopes it will be implemented this summer for the sheep hunts in the fall. It won't be perfect but it will be better than what has been used. Chairman Vrem stated he is encouraged by this. Mr. Kavalok stated that the states intent is to share it with the public, including this body, to make sure it makes sense and if it will work. Eventually they hope to develop a tri-fold pamphlet for the general public especially the "Average Joe" who doesn't know how to evaluate a sheep. It will difficult to get 1500 sheep hunters logistically speaking so a pamphlet and an interactive course online would help.

The draw went fairly well this year with the UVC and the online store will be changing very soon. If anyone has comments please share them. Mr. Tiffany IV asked about the sheep evaluation and whether or not enforcement will be addressed and if there is a brooming issue? Mr. Kavalok stated the full curl has been the focus although the broom is part of the larger discussion. Mr. Tiffany IV stated that it is really important for the online store to have at the end of a hunter purchasing his online tag something to jump out like "click HERE to get your harvest ticket". He complimented the fish and game department and this board in developing the UVC.

Mr. Brown asked if they would have a video about determining legal sheep horns; for those who are visual learners that would be very helpful. Mr. Kavalok stated that he is a proponent of plugging sheep by his managers and they haven't talked

about a video but instead developing an interactive site with flashing photos asking if it's legal or not and showing why it's not with close up shots.

Lt. Paul Fussey of the Alaska Wildlife Troopers stated currently they are dealing with budget cuts. The Girdwood post is being closed. There are ten vacancies with three being filled from the academy. They are streamlining their process. There will be only two detachments with one captain in Palmer and one in Anchorage. There will be several retirements in the next year or two. We look forward to working with guides and transporters and since there are less than 100 troopers and a lot more guides and transporters, we want to foster a closer relationship to help us with violations. The failure to register in guide use areas is the most common violation. Chairman Vrem asked if the troopers consider the failure to renew different from the failure to obtain one in the first place. Is there a variation? Lt. Fussey stated the regulation is clearly defined and doesn't matter if the guide did not register or did not renew. However, we look at the intent; for example, there was one case where individuals forgot to renew and we worked with occupational licensing and the board handled it. It was negligence. We look at past criminal history and the totality of the case. Each situation is different and interviews are taken into account and turned over to the assistant district attorney or the office of special prosecutions. They decide what they are going to do from there. Chairman Vrem stated that this will come up in regard to the investigations revision.

Mr. Atkins stated he is confused about the lack of ethics enforcement. Fussy stated that 12 AAC 75.240 lists the unethical activities under 08.54.010 and states the discipline of guides and transporters through the professional ethics and standards of guides are sanctioned by the board. Chairman Vrem stated the board has felt constrained and reluctant to tell a guide on the street he isn't being nice and would prefer something concrete in writing that the board can work with. He believed Lt. Fussey seemed more interested in statutes than regulations. Lt. Fussey stated very carefully that the statutes state the board will enforce it. If someone complains about an assistant guide or transporter on their ethics standard, then he directs that individual to occupational licensing.

Lee Strout, Occupational Licensing investigator, stated he receives complaints all of the time and he has always emailed a board member to lay out the complaint. It comes down to what the state can prove. The board member decides if occupational license should take the next step. Chairman Vrem stated he has been reluctant to go further when he gets a complaint. Mr. Strout stated the complaints are supposed to go to him. Mr. Tiffany IV stated when he sees something that isn't right his first instinct is to call the troopers so he wants to make sure that if he calls the troopers about an ethic standard, that they would then forward the complaint to the investigative arm. Do the troopers understand they are a conduit to the investigative office? Lt. Fussey stated that is correct; when they receive a complaint

they look into it. When it falls under ethics, their next step is to call the occupational licensing investigator and share the information. If it is not something they can follow through they will always contact the investigator. Mr. Tiffany IV stated the ethics section is an area the board as a whole hasn't followed up on a lot. The board might need to consider creating sanctions for the more commonly violated ethics. Mr. Atkins stated he knows Mr. Strout's case load and the problem is if we see a violation out there, even ethical, we don't have anyone who can go out and investigate because of budget constraints and lack of staff. Lt. Fussey stated if it is something like a ghost camp, we HAVE to go out and check on it and we do. If it is an ethical violation then we turn it over to occupational licensing. We work hand in hand in guide use area unit 9, the most recent case to most of your questions. Mr. Tiffany IV stated Mr. Atkins is correct; the word on the street is that ethics can be violated because nobody is going to do anything. He wondered if there are other ways to know if it's a ghost camp. If the people could document it with videos, is that enough for the board to respond and let the violator know there is footage? He does not like the perception that it is never enforced. Compliance makes everyone job here easier. Mr. Jones stated that it might be up to us as a board to educate that these ethic exist and people could supply pictures and dates as evidence to use. Mr. Tiffany IV stated if there isn't any documentation or evidence then nothing can be done.

Valerie Baxter, the natural resource specialist for the Department of Natural Resources in the northern region stated she explained during the most recent board of game meeting about the sheep controversy that there is no funding for the guide concession plan. Last June DNR completed a clean-up on the Hillis site and hauled out a lot of garbage with helicopters. They collapsed the old log cabin because it was hazardous. The tent platform still exists for possible future use. Eight-ten miles away they inventoried the site that had been permitted to Mike Vanning and will let it come back up for bid but as a lease this time. They conducted several site inspections-two straight days of camp inspections with the Cold Foot Trooper. Most of the sites were pretty well kept, although there were some fuel jugs and barrels that were not in second containers. The issues we continue to hear about are guides who operate with seasonal 14 days or less permits which do not require documenting a certain location like a creek. We do not know where they are going to be on a given day. We receive the most complaints about these guides who are staying longer than 14 days. We hear allegations of blocking air strips with tents or someone lands and is run off by another guide. Any substantiated reports are sent to her or Lt. Fussey. They will be completing site inspections hopefully with troopers and helicopters.

Chairman Vrem stated that DNR has enforcement powers to issue citations and Ms. Baxter stated they have NO ability to issue citations. Chairman Vrem asked if there was a form they could issue for the board to have a copy for the basis of action. Ms. Baxter stated there is not a formal procedure but she could have a letter template to

give to the offender and cc Lee and the board. Chairman Vrem stated that some situations are slow moving train wrecks and this would help the board to stop it. It would serve as a warning to the guide/transporter who would know that if he continues he could be convicted of a violation. Ms. Baxter stated her permitting staff could talk about this to see if they wanted to pursue it.

Mr. Tiffany IV asked if there are funding sources for the concession plan and Ms. Baxter stated that this is a conversation to have with the Commissioner. Mr. Tiffany IV stated it is the general intent of the board to get everything in line with the UCU boundary lines. It is not the intent of the board to re-draw map lines and so should be an effort between DNR, DF&G and this board. Ms. Baxter stated that the DNR GSI shop ended up working on the maps and used guide concession funding through an RSA. It should probably take a conversation directly with GSI.

Mr. Atkins thanked DNR for setting up the meeting about the permitting process with cabins and camps where we decided to agree to disagree. Sometimes our rules are in conflict. One person had a year round camp, another party was issued a permit to set up a camp and that will not change with DNR. Our board has to make our rules fit those DNR rules. Ms. Baxter stated the permitting issue is done in the best interest of the state and we aren't bogged down in the minutia so it's helpful to communicate with multiply departments and the board.

AGENDA ITEM

PUBLIC COMMENT

Smokey Don Duncan stated his proposal to ask the board to consider making a recommendation for an exemption with the sport fish guide registration. There isn't a license-that was sunset this year by the legislature. The Department of Fish and Game wanted to collect data with the registration. At the time it was free and they only had to write down their license number and what they released and turn them in weekly. Fish and Game said they needed money to process the data so they want to pass a license with a fee. If a guide was paid to take them fishing, that information would go into a log book but if they were returning from a guiding trip and fished for an hour on the way back, they had to obtain a license. It made good money for Fish and Game. This program was never set up for a hunting guide; it was set up for a fishing guide. If the chance comes up again, he would like the board to consider a hunting guide exemption for those on big game contracts for the sport fish guide registration. Chairman Vrem asked when the next time this will come up. Mr. Jones stated that he has a competitively awarded permit for steel hunt that overlaps deer and bear season. He doesn't take his clients bear hunting but there are six-eight pools with a couple of fish in each pool and if someone who was exempt from big game registration let his clients fish in these few pools, he would see it as encroachment on his area. He kind of sympathizes with Smokey but he can see a lot of points of conflict. Smokey stated that he could see where in some

areas there would be a conflict. Mr. Jones guessed that they are sport fish guides first and transporting second. Mr. Atkins stated that the Commissioner of Labor asked him about the minimum wage law for assistant guides and you might want to think about getting covered under the minimum wage law, which is a big deal. Chairman Vrem stated that there is something about crab pots and fishing in S.E Alaska. and we've been the victim of a couple of things so this is one of those things where he understands Smokey's position but does not want to make a stance on it until we get more input.

Virgil Umphenour stated he wants to speak about what Smokey was talking about; he was on the Board of Fisheries years ago they were talking about the sport fish lodges and most of them were owned by non-residents and most of them were aliens. Black bear baiting was being done. There was no accountability and no reporting mechanism. There was no local hire and out of town college kids were working for lodging and food. It was about the pure extraction of the economy of Alaska and a committee was formed where several meetings were held. The out of state interests came to the table. We had the bill introduced by Senator Alan Austerman with co-chairs myself and Dan Coffey but Senator Halford had it killed in Senate Resources. The board needs to keep an eye on that. He agrees with Smokey. He encourages his clients to buy sport fishing licenses; the majority of funds come from non-residents for the sport fishing program.

Mr. Umphenour stated he had submitted a petition two years ago addressing the department's request of a copy of the contract. Dick Rohrer chaired that committee for developing the regulation language that required the department to notify the guide about the complaint and complainant in order to resolve the issue. The language does not follow the intent for 12.AAC75.930, instead the language requires the guide turn over contracts without knowing why or who filed the complaint.

Aaron Bloomquist stated he supports both Virgil and Smokey. He has a sport fish business and if he has bear hunters that grab a rod and fish, he doesn't want to fill out a log book. It's a guide trip if he does that. He saw the draft booklet of the contracting guide and it's interesting and good to have something that clarifies. He has a few questions. Question one is about the first page after the original memorandum-last sentence –multiple persons' names is not valid contracts under the law. What if you have a client that is a youth? At that point he is the hunter and the parent is paying for it.

His second question is about hunt books by a charitable organization, often those hunts are booked by the organization and he doesn't know who the hunter is until two weeks in advance.

The third question is when there is an individual who is not paying for the hunt, who is the hunter? The client who pays or the hunter?

Question four is in the second section the board recognized when emergencies arise such as having to transfer a client to a second guide. What do you do with the money? There have been guides who got into trouble when the contract and hunt record was in their name but the check went to someone else before they were paid.

Chairman Vrem stated he is glad Mr. Bloomquist took the time to look at the draft. It is the first attempt at clarifying the regulations and some of this is the opinion of the attorney in the Department of law. He really appreciates the input. Every time someone comes up and testifies, especially on contentious issues, there is always a pearl of wisdom. Mr. Tiffany IV stated that this is the key points to streamline and simply the laws. There are so many situations and variables. This is to help this board and enforcement with the standard procedure, even in unique situations. Mr. Bloomquist stated he was surprised to see this document because he was going to talk about the confusion with contracts and hunt record forms. Mr. Jones stated that the target vest of the cartoon character of a guide might not be the best one. Ms. Rebne asked if contract with multiple persons names or organizations are not valid so what is it supposed to be. Chairman Vrem stated his contract was drawn up by a lawyer and it has legal jargon that the parent must sign for the un-emancipated minor with the parent and minor both signing. This was mainly for two people running a business who want to sign a contract with a guide for one client. The law determines that guide is singular.

Mark Richards of the Back Country Anglers stated he wanted to talk about the sheep issues. As some are aware they put their issue before the Board of Game. They did this in the hopes of working with the Alaska Professional Hunters Association and the Big Game Commercial Services Board to resolve the problems. They support a formal sheep working group and a revision to the management plans. It was always about a conservation concern with the sheep and now they have conservation concerns in the state. Their primary concern was sheep and secondary was conservation. There is a lot of data and all along they have tried to work with guides and they were afraid that non-residents would go to ten percent allocation and they never went with that because they didn't think it was fair. He wanted to let everyone know that they are willing to work with everyone and do not have anything against guides or non-resident hunters. Their comprehensive solution has been an increase in taxi license fees. The guide violation issue will be discussed during their national rendezvous is this weekend in Spokane by Randy Newburg a guide speaker. A guide posted on his forum about a moose hunt with photos about never returning to get the meat after a guided hunt. How could this guy still be in business?

AGENDA ITEM D

BOARD DISCUSSION

Ms. Rebne stated for the record an email from Jeff Slaughter:

From: kkamps3@aol.com [mailto:kkamps3@aol.com]
Sent: Wednesday, February 25, 2015 10:42 AM
To: Hansen, Cindy L (CED)
Subject: Air Taxi exemption

Hello Cindy.

In regards to AS 08.54.790 air taxi exemption. If this exemption is eliminated, it should not affect Andrew Airways since we have a transporters license.

However after a discussion with Dean Andrew (owner) he feels the exemption should be kept in place.

One of several reasons we think there is a need for the exemption is after several days of not flying in the fall because of weather is; the extra expense and time for customers or locals in the field waiting to be picked up by a licensed transporter. So in the bigger picture the air taxi exemption was implemented for a reason.

So we would like to lobby to leave the Air Taxi Exemption in place.

Thanks

Jeff Slaughter

Mr. Tiffany IV stated for the record a hand written letter from Joe Want:

Big Game Commercial Services Board
Juneau, Alaska
Subject: Proposed amending of 12 AAC 75.130
2 March 2015

Chairman-Members of the BGCSB,

The proposed amending of 12 AAC 75.130. APPLICATION FOR ASSISTANT GUIDE LICENSE to include (b) will permit the following:

©(1) A "packer" setting on the hill spotting game with a client or providing other assistance directly to the client while the guide is in or around camp regardless of how far away from the camp the client and packer might be.

(2) A packer to direct the activities of a client assuming the guide is in the "immediate area". As worded the scenario of the guide being with one client and the packer with another client fifty (?) yards away the packer saying "I see the bear" and the guide saying to the packer "have him shot it" would be legal.

Concerns regarding the proposed changes to 12 AAC 75. 130 are further compounded by a regulatory structure that allows the following:

1. License guide accompanying the client need not have any experience with the species being hunter; even for those species requiring a non-resident be accompanied by a licensed guide.
2. Supervising guide may, in some scenarios, be 350 plus miles from the camp where the hunt being conducted
3. Realistically for residents no minimum amount of time spent in a guide camp required to qualify for an assistant guide license.

The suggested wording for 12 AAC 75.130 will create another class of "guide" with less training than currently required for an asset guide. Until the suggested wording for 12 AAC 75.130 was developed it was hard to imagine how the professional standards for big game guiding in Alaska could be further compromised. The proposed working illustrated those standards could be compromised; demonstrating one should never underestimate what can be accomplished with "perseverance".

In closing I would congratulate those members of this and past "boards" and professional organizations that for the past fifty years have struggled to strip the big game guiding industry of all professional standards. It has been a long and hard struggle, but with this suggested working, at last, **SUCCESS!**

Joe Want

907-750-4735

Ms. Polley stated there will be a meeting of the packer subcommittee who has worked pretty hard on dealing with this. Mr. Tiffany IV stated this would be language that would be added to Amend 12 AAC 75.130. **APPLICATION FOR ASSISTANT GUIDE LICENSE** to include (b): *"Unlicensed persons receiving training for purposes of experience necessary to apply for licensure as an assistant guide under this section may participate in activities identified in AS 08.54.635 (b), when a licensed guide is physically present.(c) In this section, "physically present" means: (1) while an unlicensed person is performing the activities of field preparation of trophies and using guiding or outfitting equipment, including spotting scopes and firearms; a licensed guide must be primarily in or near camp. (A) If through unplanned circumstances, spoilage or loss of a trophy is believed to be likely, an unlicensed person may take necessary action to prevent the spoilage or loss while unsupervised. (2) While an unlicensed person is accompanying a licensed guide and client during the final portion of stalking, pursuing, tracking, killing, or attempting to kill big game, the unlicensed person must act under the close and immediate supervision of the licensed guide."*

Chairman Vrem stated for clarification back when the subcommittee was crafting the language they were trying to make it clear that a packer or unlicensed person could not direct the action of the hunter at any time. The language that came back

from Department of law and Regulation Specialist held under field preparation and trophies that the person doing the skinning, paws and lips had to be supervised by the licensed guides at all times and he emailed them and explained that fleshing and trophy preparation wasn't necessary for the guide to be in the camp, if the guide gave the person permission. If this was a brown bear hunt and the guide had the packer flesh the bear, the hunt is done. The guide then has an obligation to move the hunter. They want the packer to be able to flesh the hide. A misunderstanding arose with Department of law who included language that needed to be edited out of the final bill.

Ms. Rebne stated the third sentence is out of context. Mr. Jones stated that it has become very wordy and hard to understand. He is going to look at how it began which is a statutory anomaly, where there was a historical use of packers by the industry without it being in statute and the troopers brought this to the attention of the board. Mr. Tiffany IV stated he is going to be looking at this from two viewpoints-the historical intent of a packer which is what he began as, and also clearly not allowing the packer to pursue an animal alone with clients. Ms. Polley stated they began with packers as an apprentice and there is now too much detail and it has become too convoluted. She can see the need for training people and meeting the requirements for becoming a guide and assistant guide. They have made it pretty difficult for people who work in this field part time to become licensed, particularly residents. They have to keep working on training for assistant guides and guides. If they are going to keep this as an Alaska industry they will keep pursuing this. Chairman Vrem stated in the last sentence there is language that is excess baggage. The only loosening of this that might possible be construed is letting a guide flesh a trophy. By deleting some of this he does not think it will change the nature of the regulations specialist. Ms. Rebne stated it needed to be clarified so they know what the packer is allowed to do. Ms. Polley stated they spent a lot of time defining physically present which can have a lot of meaning. Chairman Vrem stated that in the past this board has revoked or suspended for allowing a packer to take a moose because it's not a guide required species.

Mr. Tiffany IV stated the packer and client can do anything but pursue an animal unless a guide is there. A packer can tag along and learn but not direct. Mr. Jones stated he heard Dick Rohrer in the subcommittee session and perhaps Joe Want might be leading to it as well to make it perfectly clear that this trainee would never be under the direction of the client. I think what Dick did not want to see is for that trainee to take the hunter and be supervised from a distance. Mr. Tiffany IV and Mr. Jones provided examples of directing a trainee. Chairman Vrem stated these regulations are a give and take between practicalities. He stated that we can clean it up by dropping a sentence or two. He's comfortable with the concept but not all of the wording. He knows the subcommittee co-chairs worked really hard with others on coming up with the language and it is the same as the Regulation

Specialist and Department of Law proposal so he is inclined to not want to destroy it too much. He stated that the final version allows the packer to flesh a bear with the guide being primarily present. Ms. Rebne stated that she keeps reading it and presumably we are not going to knock down the moose at our tent but the second sentence needs to be revamped. Mr. Tiffany IV stated that the meat is not the trophy so the trainee could flesh the hide while the guide is not present. Mr. Jones stated that (c) is actually a definition of physically present. The regulation is (b). The regulation specialist might have had a problem with the constant definitions of "physically present" in the original proposal and created one subsection in (c).

Ms. Polley stated they talked a lot of about what is "physically present" and the circumstances and tried to describe with leeway for when a trooper flew in and a guide were up the hill and they were fleshing the hide by the river and the trooper didn't take out the yard stick and measure. Packers have typically taken the hide out and fleshed and caped it and they aren't going to learn unless they can turn a lip or ear. We wanted leeway but not be too lenient. Mr. Jones stated the field preparation is already in statute.

Mr. Tiffany IV read the statute defining physically present and stated they are not changing that. What they are doing is putting this into regulation for the purposes of training. Chairman Vrem stated they might want to loosen up to be immediately available to guide the stalk. The rest of it was to add clarity. This was meant to define the actions of the packer.

**AGENDA ITEM E Change 12 AAC 75.235 GUIDE USE AREA MAPS for
GUA 8**

There were no comments and it is ready for public comment.

Chairman Vrem stated they are going to strike the wording in 12 AAC 75.340(d) (7) Field craft standards: *"in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a legally permitted year-round structure being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties."*

**AGENDA ITEM F Delete wording in 12 AAC 75.340 (d) (7) FIELD
CRAFT STANDARDS**

See page 55:

Regulation Proposal for AAC 75. 340(d) (7) by Tim Booch

Mr. Tiffany IV stated the Regulation Proposal for AAC 75. 340(d) (7) by Tim Booch was not taken up because the earlier motion has negated the need for any changes to language that would be removed. Chairman Vrem wanted to make it clear that they have reviewed and considered Mr. Booch's proposal. They offered him two opportunities to defend his proposal and lacking any clarification they have decided to go with a different version.

AGENDA ITEM G Eliminate AS 08.54.790(12) (B) Transporter License exemption (Legislative action required):

"In this chapter, (12) "transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters (B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its business; in this subparagraph, "incidental" means transportation provided to a big game hunter by an air taxi operator or air carrier who does not (i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or (ii) advertise transportation services or big game hunting services to the public; in this sub-subparagraph, "advertise" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services".

Mr. Atkins stated that he submitted a proposal to eliminate the loophole which allows Part 135 Air Taxis to operate as Big Game Transporters on an incidental basis. Under the current language when placing hunters in the field they have none of the responsibilities that a Transporter has, and have no oversight by the Troopers. Under this proposal all Air Taxis would be required to become Transporters if they put hunters in the field. Transporters are required to obey game laws and report violations by their clients as well as submitting records of the hunt including the location of the hunt, days in the field, animals taken and the amount of meat recovered. In this proposal anyone putting hunters in the field should meet the same obligations of a transporter. Including a contract between the parties and operating by the ethics rules required of Transporters. He wants to put everyone in the same boat, or eliminate the Transporter requirement altogether. If he does not pick up his clients trash he is held liable but the air carrier is not because the troopers cannot enforce the violations of air carriers. If they are going to put hunters in the field, then the State will have a better idea of what animals are being taken as well as the property owner. The air taxis do not have any

regulations except under Part 135. He thinks it will help the industry and F&G with statistics.

Chairman Vrem stated it would account for hunters on a hunt record form. Mr. Atkins stated most of the clients that he transports are guided hunters and guides so he doesn't report them on the transporter form. He reports the drop off on the reports. Ms. Polley stated this would require legislation action with a legislator willing to fight for this. Mr. Jones stated he is opposed to this and firmly believes there is a difference between the air transporters in the business as opposed to a charter for a hunting trip. The air taxi history of bush pilots includes a whole spectrum of customers. They don't specialize in guiding and he does not think they are the same animal as a transporter by definition. That activity has been part of their business for many years to fly the occasional hunter as it is for the guide to use unguided packer to pack and skin. It's customary and traditional. Also, anytime you ask to change a statute what you put in is not always the product you end up with. Also, there will be a back-up of hunters trying to fly out after inclement weather with transporters and air taxis who would be unable to take them with this exemption. There are many cases of people who live in the bush who fly back and forth whether its mining camps or their home, who may or may not hunt and they may or may not need a ride to and from. They aren't a hunting customer but they might have hunted big game while in the field. I'm really afraid of what might happen if you light a fire under the legislature.

Mr. Tiffany IV stated he used as a reference the Department of Law spreadsheet on Air Taxis vs. Transporters. He stated that he respectfully disagrees with board member Jones and believes the benefits will far outweigh what the air taxi will suffer. Paperwork is a burden all of us have to share. He sees this from a regulatory, equality, public standpoint. He will continue to remain in support of this. Ms. Rebne stated she would have to abstain. She is in support of all carriers providing hunting transportation having to be licensed. Ms. Polley stated that this would make it fair. It would mean anyone transporting hunters would have to get a transporter license.

Chairman Vrem stated that in 1988-90 the Senate convened a task force on guiding and there were an explosion of people calling themselves transporters who sold guided tours but claimed to not be guides. Over a three year period a lot of hearings were held and this exemption was created to protect the resident air taxis that were on demand without intending to transporter hunters. The unintended consequence is that the biggest abusers are hiding behind this exemption that transport too many hunters into crowded hunting areas. Mr. Tiffany IV stated he encouraged Ms. Rebne to look at the Department of Law spreadsheet. Chairman Vrem stated all these folks that weren't guiding and weren't transporting and as a political concession were allowed to sit for the exams and all but a couple of them lost their licenses for ethical violations. Mr. Brown stated he wanted to understand if he

wanted to river raft he would pay a lot more than if he tells them he wanted to hunt caribou. Mr. Tiffany IV believed the fees will settle down because of the market.

Mr. Jones stated that a transporter costs and there is some paperwork. They talked about ethics and people and he could get behind this some more if he could see air taxis that are blatantly breaking the law. He thinks what guides see in the field is probably being created by transporters. He does not think there are that many air taxis who are booking a lot of hunts. Why can't we already prosecute them under current statute? Mr. Atkins stated we are trying to eliminate the exemption of incidental hunters the air taxi is putting into the field which would mean not that much paperwork since it's only a few hunters. If it's air taxis they can't control them. This gives us the opportunity to do that with this exemption. He appreciated Mr. Jones' points.

Ms. Polley stated she supports the elimination of this part of the statute and she has seen blatant advertising of air taxis as transporting hunters. She believes it is air taxis who work with the tourism industry in the spring and summer and the hunting industry in the fall and winter, which doesn't seem incidental. Chairman Vrem stated there is another school of thought to eliminate transporters altogether. It is his thought that perhaps some of the land managers view this as an inner state commerce issue and aren't under any obligation to regulate it and if we made this mandatory they might make it part of their checks.

AGENDA ITEM H Resolution to exclude guides under ADF&G sport fish guide regulations

Chairman Vrem stated they have address this a little in their handout but want to hear public comment about guides operating in affiliation with another guide in partnerships, joint ventures and other affiliations. To him it seems like such a fine profit margin he is not willing to split it himself. Is there any discussion on this?

Ms. Polley stated that sometime when a contracting guide books a hunt, the contract should be changed and signed by the actual hunter. In terms of license renewal the state send out license renewal reminder and GUA reminders so she thinks they have addressed that unless she is missing something. Chairman Vrem stated that he agrees; it's not broken. Ms. Rebne asked if this has anything to do with guides setting up corporations and Chairman Vrem stated it does. He thinks there has been enough concern expressed that there should be a chance for public comment during this board meeting. Mr. Brown stated for the fisheries they try to limit that by requiring the permit holder to be on board. Chairman Vrem stated that this is the same as the GUA registration. Mr. Atkins stated like the air carrier discussion, this would sweep some guides who want to go into business with their children. Chairman Vrem stated that it's amazing in the legislature a multi-family owned guiding business is reviled by some legislators as if it rankles them. Other

family-owned businesses are held up as great examples but not family owned guides.

Mr. Tiffany IV stated that the Investigations office has creating a memo of the required documents to mail to guides during the license renewal period. The example provided in the back is just an example to help understand what the law requires. It's not a prohibited as some people think. It might mean more paperwork but that's the price of doing business.

AGENDA ITEM I GUIDE OPERATING IN AFFILIATION WITH ANOTHER GUIDE IN PARTNERSHIPS, JOINT VENTURES AND OTHER AFFILIATIONS

The board reviewed a draft created by Investigations to mail to guides during the licensee renewal period. Suggestions were made and a revision will be forthcoming.

AGENDA ITEM J & K CONSIDER GOUA REGISTRATION FEES

Chairman Vrem stated they are looking at a guide fee increase and he wants to deflect that as much as possible and consider GOUA Registration Fee. Ms. Polley asked if there were a debt retirement plan and they have to accept the fees whether or not we like it so why not have it for certain based upon the number of customers and it would expire when the debt was resolved. Ms. Rebne stated that it sounds like a great idea but they won't go back and they already have a revenue stream and it needs to be reallocated; I'm not going to give up on that. Even if they retired the current debt they don't have stop measures from building up and starting again. Chairman Vrem stated that he believes a per hunter fee for both guides and transporters as a debt retirement measure is the best way to get ahead. Hopefully with the Supervisor here and the Administrator has a better handle on how this board is run and its budget. Mr. Jones stated that the fees currently going to dept. of F&G that are matched with federal funds, they are going to hold onto that as best as they can. The debt this board inherited continues to exist and he likes the user fee option that both guides and transporters use. Mr. Atkins stated they might have the ability to target certain groups such non-resident license fees. Mr. Tiffany IV stated that he agreed with Mr. Atkins that F&G's budget is being slashed but perhaps the Board of Game initiates a resident tag fee for sheep and increases the non-resident tag fee for sheep and a portion of the additional costs would go to Big Game's program. Chairman Vrem stated that DF&G will not give up any funds but this board might be able to take a portion of any new additional fees created by DF&G. Because the abnormally high costs of

policing themselves leaves them with the choice of increasing their fees again or another way. He stated that he and Mr. Tiffany IV pointed out the \$1.2 million in annual direct fees the big game guide industry brings into Alaska. The Pittman Roberts Act is probably off limits to this. He stated that there is a technical need to adjust certain GOUA lines to coincide with UCU lines because when you zoom in on certain GUA lines they will shift down ridges when the map scale is zoomed in. The board gave the Department of Natural Resources permission to make these obvious adjustments as they become evident and the board will be consulted when there is a large discrepancy.

AGENDA ITEM L CREATE A BGCSB FACEBOOK PAGE

Mr. Tiffany IV stated a BGCSB Facebook page is another avenue to share information is what the board wants and will wait to hear more from Ms. Chambers.

AGENDA ITEM M DISCLOSURE PROBLEM ON LICENSE RENEWAL FORMS

Chairman Vrem stated he wants guides to sign a disclosure agreement that they have had a recent violations so if they don't answer yes on license renewal forms when they should have they don't have an excuse.

Subcommittee Assignments were discussed. Mr. Tiffany IV stated Aaron Bloomquist and Steve Perrins are the only two guides who have signed up for the matrix subcommittee. They are changing the names and making some adjustments and moving forward but if the public isn't interested enough to participate then don't be frustrated by the decision if you don't want to participate. Chairman Vrem asked if a non-guide could participate and Mr. Tiffany IV stated he didn't see why not.

Kelly asked for Proctors for the Registered Guide Exams on Friday.

The meeting was adjourned at 4:48pm.

Wednesday, March 4, 2015

AGENDA ITEM CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 8:37 a.m.

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
David Brown, Board of Game Representative
Michele Metz, Large Private Landowner
Brenda Rebne, Large Private Landowner
David Jones, Transporter
Tom Atkins, Transporter
Henry D. Tiffany IV, Master Guide-Outfitter

Board members absent: Gene Peltola, Public Member

Board staff present:

Karen Hudson, Records and Licensing Supervisor
Cindy Hansen, Licensing Examiner
Lee Strout, Investigator

Visitors present:

Chris Hansen, USFS
Lt. Paul Fussey, Department of Public Safety
Valerie Baxter, Department of Natural Resources
Mark Richards, Alaska Backcountry Hunters
Loren Karro R#941
Dan Montgomery M#173
Don Bunselmeier, R#1321
Smokey Don Duncan, M#136
Sue Entsminger, R#1058
Jim Kedrowski M#156
Coke Wallace M#172
Capot Pitts, R#1299
Robert Summers R#1338
Mike Vanstrom A#6808
James Weidner M#203
Justin Horton R#1332

Ben Holbrook R#1233
Hank Flatow R#1343

Public Comment

Coke Wallace stated the gist of the problem in the industry is that we're not enforcing the rules that we have and the creating more rules puts a burden on those of us who follow them. DNR doesn't enforce the rules and hides behind their lack of enforcement. He brought DNR and state troopers into his camp because there are some mining people are running roughshod and guiding. One of the troopers was a former sniper and said that these guys give him the creeps. Some of these guys are real slobs and they have no respect for the animals. He has taken their garbage into DNR to show them. In March of 2015 he contacted Jim Ellis on a trespass issue and this board has heard him say before it's a big state but a small community since he knows for a fact that Jim has been jumping up and down because of people using his cabin commercially. In March of 2013 Valerie Baxter from DNR and Trooper Potter flew out there and actually caught someone in the act. They let him off the hook because he claimed he didn't know he couldn't be there in the winter. Apparently trespassing is seasonal.

This year both of these miners had two planes on top of my guides so I had to move two of my clients. A regular client left mad but fortunately he got a really nice sheep. The state overall has been derelict overall in their duties. He knows you are a small entity but someone needs to kick the ball in the right direction. He wants the law enforced. One of these pilots who is a menace to the industry never reports. He does not care if his plane is old and doesn't have a radio in it. If he is flying a commercially operation he should have a radio. In twenty-three years almost four guys have almost hit this pilot. There has to be some FAA violation but FAA claims there isn't. Chairman Vrem stated he knows Mr. Wallace's frustration and they are working on a few things with investigations and maybe they can get a little more proactive on it but they still need some kind of an evidentiary trail. They will work on that. He shared Mr. Wallace's frustration with these miners who have a guiding operation. Mr. Wallace stated the miners aren't happy he uses horses so they use a one hundred year old horse trail as an outhouse. Valerie Baxter is aware of this and this miner is trying to get a permit up the river. He would like to see someone do something somewhere because it isn't getting better.

Mr. Tiffany IV asked while things do run at a glacial pace, is he going the right route filing the complaints and getting the ball rolling? Mr. Wallace stated he would. He commended Trooper Lohring for bird dogging this out of Cantwell in the interior and getting a conviction. He does not think DNR is the answer because they can't handle what they have. A good profession is handled by those who are in the field, not a beaurocrat. Mr. Tiffany IV asked if his suggestion is to be more

aggressive in enforcing our current regulations. Mr. Wallace stated yes, he is a good steward to the land, the state and the industry. He sees the same people here all the time. Some have gotten tired and don't come anymore. He had brought three to four troopers over there and they were ready but DNR choose to be apathetic. Mr. Atkins stated he agreed and it's not just his area, it's all over. Unfortunately Lt. Fussey explained about our responsibility and their responsibility. They hadn't been doing what he thinks they should be doing. I think the board has an avenue now to take this on and if you guys will help them with evidence and background to give to our investigators, they will move in the right direction. He agrees it needs fixing. Mr. Wallace stated like Mr. Jones said it would be nice to get video but I am not going to interrupt a bear hunt to take a video of illegal activity. It is difficult to do and they can still deny it. He took the troopers to their site and the troopers told him it's not like the CSI show.

Ms. Polley asked if the miners had DNR mining permits and using them as camps for commercial hunting. Mr. Wallace stated yes and Eric Umphenour knows this too. The DNR contract isn't worth much. The three major tenements are offer, agreement and enforceable by law but they are agreeing while the laws aren't enforced. Ms. Polley asked how many are there in your area. Mr. Wallace stated maybe two or three. He tries to stay away from them. One of the guys has been doing it a long time. There are articles in magazines that show the camp. Chairman Vrem stated they are guides. Ms. Rebne stated she is a little confused. They are registered guides that are leasing mining permits but actually providing hunting services? What can the board do? It sounds like DNR cannot enforce guiding in a mining camp. Mr. Wallace stated they could but they will not. Ms. Rebne stated we can't do what DNR won't. Chairman Vrem stated if the landowner doesn't see it as trespass then the board can't do anything.

Ms. Rebne asked if there are any private lands and Coke stated the Ahtna lands stopped short of that area so there might be some but he's not familiar with southwest of Cantwell. Ms. Rebne stated they talked about putting some mechanisms in place like warnings and asked if they are registered in those areas? Mr. Wallace stated that they are hunting out of mining camps. Ms. Rebne asked what actions they could take. Chairman Vrem stated he guesses unethical activities, trespassing on unauthorized land and not registering a gua. Ms. Rebne stated there is a disconnect between DNR and this board but there still has to be away to communicate. Do they have the administrative ability to track?

Mr. Tiffany IV stated 75.340 is about ethics and is an area that they haven't delved into very much but he is hopeful that they will begin to do so. He thinks a lot of time and resources can be saved with what is already in the books, perhaps a violation of a state or federal statute related to hunting, guiding or transporting services. If a clear case can be made of trespassing, that is a state law. That could be an ethics violation which could begin to be enforced. Mr. Jones stated that it

wouldn't necessarily be trespassing; it could be a violation of a DNR regulation of using a mining claim as a guiding camp. Mr. Atkins stated it is covered on page 6-7 of our regulations under Unlawful acts, 8.54.720(4) and they have a hammer with it. Chairman Vrem stated that someone needs to cry ouch and nobody is crying ouch. Mr. Tiffany IV stated that when they have a public member who has cried ouch then it's in the public best interest to do something.

Jim Kedrowski stated he likes the location and the parking. He wants to support the resolution that Smokey Don was talking about. His three main camps have fishing. He has never picked up a rod but it is time filler for his clients. They usually bring their own rods and his cook has one. He thinks Smokey Don is touching on something that needs to be watched. Mr. Atkins proposal to delete the transporter license exemption and bring the air taxis into alignment will make it a lot easier. Otherwise we will keep having the same issues. He hunts on DNR land and watches young aggressive hunters who spot game and within two days the sheep will be dead. One pilot is 6 for 6 kills because he hunts with his airplane and it's not ethical. The troopers state they need videos and it's something we enforce, with the ethics regulation. He thinks a letter of support to the Board of Game about the airplane issue would go a long way. The one thing that Board of Game is thinking about is the airplane issue. A pilot would not be able to spot and stalk until August 20. This would sure make it a lot nicer for the hunters in the field. On the peninsula when he hunts brown bear there is a pilot that would fly through the valley three times a day; sometimes he lands and sometimes he doesn't. It is irritating and obnoxious. He thinks this resolution is only to deal with the sheep but it's a start. He hopes the board will take up this issue before the Board of Game meets again in ten days.

About trying to pay off this debt, something he would like to NOT see is raising the license fees. He would like to not see a burden on the assistant guides. He thinks the registered guides should bear more of the cost. The assistant guides don't have as much and don't work as long. He has some assistant guides who go on only one hunt. Also, is there any way a registered guide can go back to becoming an assistant guide? Chairman Vrem stated they were talking about differentiating between a contracting guide and a non-contracting guide. Chairman Vrem stated that it was his preference for guides to be able to go back to being an assistant guide if they don't want to pay the registered guide prices.

Mr. Jones asked for a sheep hunt is there a time when one can be in the air and on a hunt. Mr. Kedrowski stated one can land at midnight and shoot a sheep at 3:00am, per the regulations. The recommendation is to push that back to 2:00pm the next day. He would really like the board to support something like that; it might change some of the way these operators do their business. Mr. Jones stated that it's easier for him when someone comes up with an idea and needs language and tells us what to say so we don't have to author it ourselves. Mr. Kedrowski stated that a

letter to the Game Board would make a difference. It's a hard one to enforce. He stated that Ted Spraker, the Board of Game Chairman, has said that 85% obey the law and it's the rest who are the problem. Mr. Tiffany IV stated that a letter of support with general language about the concept would be all that is necessary. He asked if it was in Jim's experience the abuse of aircraft is perpetuated by resident hunters or guides? Mr. Kedrowski stated it's not unethical for a resident to spot sheep. He will have his assistant guide radio up to the pilot to let him know they were hunting that area and they will move to the next valley.

Mark Richards Chairman of the Backcountry Anglers, stated air carriers will oppose legislation because it would restrict resident hunters on hunting grounds. Our view is that the Board of Game has the authority to limit hunting. The charter rates will go up. He transports hundreds of hunters but it is only incidental. We are concerned about the rational with this and where it's going and how it's going to affect resident hunters. This will hurt the economy. Mr. Atkins stated he disagrees with Mr. Richards about the added costs. His intended proposal is to put everyone on the same playing field. He does not see how it's going to cost that much more. The paperwork only involves the hunter participating. It is not that a big of a deal in my eyes. Somewhere down the line people are reading into this that they are out to get them but that's not the case. Mr. Richards stated all he can tell them is that he talked with the air taxis and they claim it's going to increase the fees. What this board is trying to do is to regulate transporters and the only way they can do that is to limit the number of transporters and he would think hard about pushing this right now. Mr. Tiffany IV stated unless he is missing something in member Atkins proposal that would not limit or restrict the transporters. He disagrees that we are trying to limit it. Is it the responsibility of us to regulate it but we have not done this and we need to look at this. Mr. Richards stated he understands that it is a slippery slope and the only way you can regulate them is to limit them and that's what you guys have wanted to do all along.

Mr. Atkins stated that he for one would lead the charge against that; he has to take work where he can get it and he has a lot of competition. It's not the intent right now. Ms. Metz stated limiting the number of transporters never crossed her mind. Mr. Jones stated it might not be effectively the same as 100 transporters or 500 transporters but if we make it more cumbersome for air taxis with more fees and paperwork they will not do that anymore. They would eliminate them by making it a hassle. Chairman Vrem stated that he has picked up a lot of garbage from people that used the services of an airplane. There are air taxis operating as transporters while hiding under the incidental guise. He would think the air taxis would be supporting this to protect themselves. As far as the regulation goes, he has never seen a transporter come to our meetings. They operate in a vacuum. Clear back in the 20's people have used airplanes to hunt. There's not a blinding rush to get to this but it's out there so do you wait until it's too late or do you get ahead of it. This is about regulating behavior. He understands both sides of it. Mr. Atkins stated if

he wanted to look at over regulating, look at this crowd right here. He does not think the air carriers are regulated compared to the guides.

Mr. Tiffany stated Mr. Jones brought up a good point, the paperwork and the burden of being a big game guide has increased substantially and it's a choice to continue or not. Mr. Jones stated one of the reasons we don't see many transporters here is because guides are enthusiastic and look forward to moving up through the system. Most transporters have a license because they have to; they come to this room grudgingly. Ms. Rebne stated we touch on this at every meeting. Everyone wants to complain about it's always the transporters because they are providing a service and we are now looking at hundreds of air taxis who are providing the same services but aren't held to the same rules. We are looking at the same rules for everyone or no rules for anyone. If under threat of being sued, we still need to broach the subject. The guides in this room have something better to do than sit in this room too. Mr. Richards stated if the idea of the proposal is to get everyone on the same page, as Coke mentioned you can't even enforce the rules now. Many transporters aren't turning in the paperwork. It's more of a feel good thing and eventually limiting the number of transporters in the field. The board of game has dealt with this problem with their own regulation.

Ms. Polley stated for the record an email from Glen Eaton:

To Big Game Commercial Services Board C/O Cindy Hansen,

These comments are for the proposal to eliminate the "air taxi exemption". If implemented, would definitely cause a lot of unnecessary confusion among many Alaskans. It seems this is political in nature for some to force others by regulation that fly for hire (air taxi part 135) into being classified as an outfitter/ big game transporter. I previously had a big game transporter license before but gave it up because we do not fly the volume of hunters to justify the 700 dollar annual cost, plus triplicate forms not sent in absolute perfect order to managers in Juneau will result in resubmitting them and possible fines. One thing I never understood was that new applicant costs were lower to get a license than an annual renewal!

Many people that we transport are Alaskans who hunt incidental to fishing or other activities. As per the statute we do not advertise hunting or target Big Game hunters. A person who wants hunting advice we refer them to The Department of Fish and Game.

There are a couple of reasons that this proposal borders on frivolous. The most important one is people that live or work in remote areas wanting to hire an air taxi whether they may hunt or not. Costs will go up for the average Alaskan to

travel to non-scheduled airport and off airport to fill the winter freezer because new license and fees will be passed onto the consumer.

Second, the State of Alaska has a huge unplanned deficit because of low oil prices. Adding many more Big Game transporters to the list means more bureaucracy to be maintained and expanded. The new added transporter fees most likely will not be enough to cover the extra costs as is normal with government programs. A new requirement would end up costing the state more money when it cannot afford it, is not worth it.

The irony of the Big Game Guides submitting this proposal is they were against something almost identical when it targeted their business over 15 years ago. The FAA required any person hauling anyone for hire to get an air taxi certificate and comply with a host of new costs requirements and regulations. Many Commercial Big Game Guides with personal aircraft transporting their hunting camps and hunters now were faced with having to become "Air Taxis". They protested that they should not be included because the nature of the flying was "incidental" to their hunting business. With a few powerful lobbyists they overturned the requirement. Now they propose the "Air Taxis" must all become Big Game Transporters even though many only fly hunter's incidental to their other flying such as tourism, transport for small businesses, remote projects and supporting many Alaskans rural way of life.

In conclusion this change will:

Benefit Big Game Guides, cost most all Alaskans more to travel to rural areas for subsistence hunting and fishing and likely will cost the state government more money to implement, oversee and run.

Sincerely,
Glen Eaton

AGENDA ITEM N

INVESTIGATIVE REPORT

On a motion duly made by Mr. Polley, seconded by Mr. Tiffany IV and approved unanimously, it was

RESOLVED to enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and Matters which by law, municipal charter, or ordinance are required to be confidential and for the purpose of

discussing confidential disciplinary matters for the purpose of discussing investigations and reports.

Staff members Ms. Hansen and Mr. Strout remained during executive session.

The Board entered into executive session at 10:06am and exited out of executive session at 12:17pm with a lunch break until 1:00pm.

AGENDA ITEM O APPLICATION REVIEW

Case No. 2014-002360 was removed from the agenda by Investigator John Clark and BGCSB member Tom Atkins.

AGENDA ITEM P SURRENDER OF LICENSE

Case No. 2012-000637

Ms. Polley moved to accept the surrender in Case No. 2012-000637 and Mr. Atkins seconded.

Discussion: Chairman Vrem stated this is consistent with similar cases and he will vote to accept it.

Upon a motion duly made by Ms. Polley, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED to accept the surrender for Case No. 2012-000637, Randy Gurr, A-5485.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			

David Jones	X	
Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

AGENDA ITEM Q CONSENT AGREEMENT

Case No. 2014-000094

Ms. Polley moved to accept the consent agreement in Case No. 2014-000094 and Mr. Atkins seconded.

Discussion: Mr. Tiffany IV stated this is a consent agreement with some new details coming back and the respondent has accepted the consent agreement. I am going to vote to accept it. Mr. Atkins stated he will also support it. Chairman Vrem stated it is consistent with similar cases so he will also vote to accept it.

Upon a motion duly made by Ms. Polley, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED to accept the consent agreement for Case No. 2014-000094, Lavern R. Beier, R-611.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

Discussion: Mr. Tiffany IV stated this is a DUI case that they didn't mark yes on their renewal application and since they are comfortable with the consent agreement, so is he so he will vote to accept it.

Upon a motion duly made by Ms. Polley, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED to accept the surrender for Case No. 2014-001689, Michael K. Peterson, A-7186.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

AGENDA ITEM CONSENT AGREEMENT

Case No. 2014-002145

Ms. Polley moved to accept the consent agreement in Case No. 2014-002145 and Mr. Atkins seconded.

Discussion: Ms. Polley stated this was a full curl that was sub-legal by F&G and a consent agreement has been developed and signed. Mr. Tiffany IV stated this individual had had a previous violation so hence the reason for a slightly higher fine as in similar cases. Chairman Vrem stated it was a repeat and a pattern developing of this species.

Upon a motion duly made by Ms. Polley, seconded by Mr. Atkins and approved by roll call vote, it was:

**RESOLVED to accept the consent agreement for Case No. 2014-002145,
Glenn C. Elliott A-5134.**

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

AGENDA ITEM

CONSENT AGREEMENT

Case 2014-001690

Ms. Polley moved to accept the consent agreement in Case No. 2014-001690 and Mr. Atkins seconded.

Discussion: Mr. Jones stated he will support this in the case of a troubled past by an applicant who has agreed to enter into a probation period. The respondent did not have to do that but did so in good faith. Mr. Tiffany IV and Mr. Brown agreed.

Upon a motion duly made by Ms. Polley, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED to accept the consent agreement for Case No. 2014-001690, Joel T. Chasteen.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			

Karen Polley	X	
David Brown	X	
Michele Metz	X	
Brenda Rebne	X	
David Jones	X	
Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

AGENDA ITEM CONSENT AGREEMENT

Case 2011-000143

Ms. Polley moved to accept the consent agreement in Case No. 2011-000143 and Mr. Atkins seconded.

Discussion:

Mr. Tiffany IV stated he will vote to reject it because in reading through it an oversight occurred with a fine portion suspended but it would seem to go with consistency that in order to have a suspended portion you would have a probationary period and this is missing in this consent agreement. He would have a new consent agreement considered. Mr. Jones stated he would agree with it; the fine and suspended portion are reasonable and adequate and a probationary period to make the suspended fine applicable and consistent with other consent agreements we have done like this one. Chairman Vrem stated he is going to agree with this and reject the motion.

Upon a motion duly made by Ms. Polley, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED to deny the consent agreement for Case No. 2011-000143, Randall L. Quincy, R-1180.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem		X		
Karen Polley		X		
David Brown		X		
Michele Metz		X		
Brenda Rebne		X		
David Jones		X		
Tom Atkins		X		
Henry D. Tiffany IV		X		
Gene Peltola				X

AGENDA ITEM

ORAL TEST REWRITE

Ms. Polley moved to accept the changes recommended by the Oral Exam sub-committee so they might begin to implement that during this exam cycle and begin work on reviewing the written exams and Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV wants to compliment the committee for the work they have done and looks forward to the future revision. It's been a long time coming. Mr. Atkins stated he also wants to commend the work they have done and it's been a lot of effort. He has been watching this show and seeing the familiar faces do all of the work and he appreciates it.

Upon a motion duly made by Ms. Polley, seconded by Mr. Tiffany IV and approved by roll call vote, it was:

RESOLVED to accept the changes recommended by the Oral Exam sub-committee so they might begin to implement that during this exam cycle and begin work on reviewing the written exams.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			

David Brown	X	
Michele Metz	X	
Brenda Rebne	X	
David Jones	X	
Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

AGENDA ITEM STATE AND FEDERAL AGENCY REPORTS
continued...

Bruce Dale, the acting Director of the Department of Fish and Game Wildlife Conservation stated he wanted to say hi and state that whatever we can do to help please let them know. We are in each other's business, so to speak, and he wants to keep the positive relationship and improve it if we can. The guide-client contract and new Unique Verification Code (UVC) required at the time of application came back up for discussion at the Board of Game meeting. We had taken the regulation out when it sunset and the board decided to relax it for one more year. The department of law on our side thinks the regulation should be a Big Game Commercial Services Board regulation. The attorney for our board and your board and Ms. Chambers and the ADF&G regulations program coordinator, Natalie Weber, had discussed this. We recommend language we crafted which will replace our regulation with your regulation. Ms. Weber stated this recommendation is on the record to remove line 13 "include the drawing hunt application confirmation number assigned by the department pursuant to AS 16.05, if any".

Mr. Dale stated ADF&G attorneys hope this board will amend this and vote on it at this meeting. Chairman Vrem stated he appreciates it and will support it. With their help and suggested language he believed they can continue to cooperate and get this done. They will vote on this tomorrow and have their regulation specialist and attorney review it. Mr. Tiffany IV stated that he worked pretty closely with Ms. Chambers and Tony Kavalok and wanted to say again as to how encouraging it was to collaborate with the two departments. Is this the intent we started with? Ms. Weber stated that she believes it is as this is what this board had in policy. Mr. Dale stated that they could put on the Board of Game record their intent to ensure that during the review there would be no confusion.

AGENDA ITEM

SUBCOMMITTEE UPDATE

The Guide Standards subcommittee co-chaired by Mr. Tiffany IV and Joe Want was dissolved.

Cost Reduction & Revenue Generating subcommittee –Chairman Vrem stated they will work on this later.

Hunting Guides & Practical Experience (12 AAC.75.920) - Mr. Tiffany IV stated there was nothing to report.

“Guidelines and Precedence” ~~Matrix~~ subcommittee was chaired by Mr. Tiffany IV who stated it was better attended than before with seven-eight subcommittee members. This has been renamed as the BGCSB “Guidelines and Precedence” instead of “Matrix”. If a complaint or violation is against a guide or transporter than it goes through investigations and will quite possibly develop into a consent agreement If the respondent had a potential accusation and doesn’t like the consent agreement, they could be made aware of the option to come before the board and present their side of the story at their discretion, either in executive session or in a public session. The board would listen, enter into executive session and decide whether or not to change the consent agreement.

Investigator Strout stated that this is not legal. They would act as both judge and jury and hear only one side of the story, unless the other side was included. They would be surprised at how many hearings they would have, at least one per meeting. Mr. Tiffany IV asked if it is the legal right of the accused, don’t they have to comply? Investigator Strout stated they have a legal right to a hearing and that is what is in place. People are scared away from hearings because they are costly but both sides must formally be present. The board would be tainted and have ex-parte information after hearing the only accused version of the story. Chairman Vrem stated the legislature has delegated the authority to the board and the board has delegated the authority to the legal department. Ms. Polley stated that the board is the final decision maker and the Administrative Law Judge presents both sides. Chairman Vrem stated so the respondent has the opportunity to present evidence and their side of the story to an ALJ based on statute which is reviewed by the board that make the final decision. Mr. Tiffany IV stated that they looked at the guidelines and precedence and all agreed that there are many multiple offenses that are first offenses of different regulation. They want to see more regulations enforced particularly the ethics regulation.

Mr. Brown stated he suggests a point system, like the driver and commercial fishing licenses. One suggestion that was brought up was a reprimand equals a point on the system. There are a number of violations that shouldn’t occur; for example, if a guide forgets to register for a guide use area, then he would lose a point. There

would be a set number of points before a guide would get to zero and then he would be suspended for a year perhaps. Different first, second and third offenses would equal so many points. This is a system that is already in place in statute so we would not need to re-invent the wheel so it's one that we would like to investigate further. There is much work to be done and most of the meetings would be telephonically and ultimately create a point system and present this to the board for your consideration.

Investigator Strout stated that they created something new. The matrix is just the statute in a defined product. The AK Professional Hunters Association could successfully challenge the matrix. He thinks they should refine the matrix as the product that it is, stay within the statute and put it into a simplified product. The point system sounds interesting and perhaps should be kept outside the matrix. Chairman Vrem stated on the license renewal it is asked if any convictions occurred since the last renewal and wondered if this is only for the board's regulations and statutes. He stated it should be pointed out that this includes all type of convictions. Ms. Hudson read the license renewal application statement "since your last license was issued" for "yes" answers.

Packer subcommittee Co-Chairman Ms. Polley stated after a lot of discussion it was decided to go back to the regulations specialist with a definition of "physically present and in or near camp". "Unforeseen circumstances" will also need to be defined. She will take this back Mr. Rohrer, her co-chair and Regulation Specialist. Chairman Vrem stated he will speak for Lt. Fussey so the troopers won't write citations as long as they are working on regulation language.

Oral Test Rewrite subcommittee Chairman Loren Karro stated they re-wrote one amended section and are working on the trophy section of the oral exams.

Mr. Tiffany IV moved to recommend the board write a letter of support to the Board of Game for their proposal 207 and Ms. Polley seconded it.

BOARD OF GAME PROPOSAL 207 - 5 AAC 92.085. Unlawful methods of taking big game; exceptions.
Modify sheep hunting opportunities statewide.

Potential changes to use of aircraft for sheep hunting:

1. From August 10 to September 20 aircraft may only be used to place hunters and camps, maintain existing camps, and salvage meat and trophies while used for the purpose of Dall sheep hunting. Using an aircraft for the purpose of spotting sheep or locating Dall sheep during the open hunting season is prohibited.
2. It is against the law to hunt or help someone else take a Dall sheep until 2 PM the day following the day you have flown.

3. It is against the law to hunt or help someone else take a Dall sheep within 5 miles of the site where you were flown-in, until 24 (48) hours after you have flown.

Discussion: Mr. Tiffany IV stated that Mr. Kedrowski requested they support the concept that limits the use of aircraft during sheep season of changes one and two in Mr. Tiffany IV stated of the three options listed he personally supports one and two. Mr. Jones stated there is a time factor so he thinks if we want to support it we should make a decision. Ms. Rebne asked if the offenders usually are guides and transporters or the general public. Chairman Vrem stated it is everyone. Ms. Rebne stated that guides and transporters should know better. Chairman Vrem stated yes, guides are not supposed to use an airplane for spotting. Ms. Rebne stated that by voting on it broadly we are supporting the concept to the Board of Game. Mr. Tiffany IV stated he supports the concept and the details can be worked out by the Board of Game. Ms. Metz asked what the goal is and Chairman Vrem stated that it is a social behavior issue; some folks think it is not esthetically pleasing to search for a sheep in an airplane while others think it's about the success of the hunt and it doesn't matter what is used to get the sheep. Mr. Atkins stated it also disturbs on-going hunts. Mr. Brown state quite a lot of sheep hunters have stated at the Board of Game meeting that this is how they hunt; we land and the next day we go for it. That is a tool that they use. Mr. Atkins stated the only problem he has it that it's almost unenforceable because merely flying into a camp with groceries or materials he is looking around but he would still support it. Mr. Tiffany IV stated he has also heard it's hard to enforce. Ninety percent of sheep hunters have video cameras. This past season he was watching a super cub below him up in a valley who was disrupting sheep left and right. He thinks something needs to be addressed and he supports the concept. Chairman Vrem stated that he would be uncomfortable if #3 was adopted and would be opposed to it. He doesn't know about #2. He would be livid if #3 passed because it would preclude him from hunting out of his main camp. From a practical standpoint he understands #1 but he doesn't like it. He does not support #3 because it just so happens that the best sheep hunting is out of his main camp. Mr. Tiffany IV stated out of all of them, he also dislikes #3. The devil is in the details, for example with #2, if he landed at 8:00pm then he couldn't kill an animal until 2:00pm the following day. But if he hiked the next day to his spike camp, would that be hunting? Chairman Vrem stated this motion will be tabled until tomorrow.

The meeting was adjourned at 4:35pm.

Thursday, March 5, 2015

The meeting was called to order by Kelly Vrem, Chair, at 8:40 a.m.

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
David Brown, Board of Game Representative
Michele Metz, Large Private Landowner
Brenda Rebne, Large Private Landowner
David Jones, Transporter
Tom Atkins, Transporter
Henry D. Tiffany IV, Master Guide-Outfitter

Board members absent: Gene Peltola, Public Member

Board staff present:

Cindy Hansen, Licensing Examiner
Lee Strout, Investigator
Visitors present:

Visitors Present:

Chris Hansen, USFS
Lt. Paul Fussey, Department of Public Safety
Valerie Baxter, Department of Natural Resources
Justi McDonald, Department of Natural Resources
Mark Richards, Alaska Backcountry Hunters
Loren Karro R#941
Dan Montgomery M#173
Don Bunselmeier, R#1321
Smokey Don Duncan, M#136
Sue Entsminger, R#1058
Jim Kedrowski M#156
Coke Wallace M#172
Mike Vanstrom A#6808
James Weidner M#203
Justin Horton R#1332
Hank Flatow R#1343
Gary Wall R#1182
Art Andreis M#95

AGENDA ITEM

PUBLIC COMMENT

Smokey Don Duncan stated during the Board of Game meeting it was frustrating to hear members that he respected say that the guide concession program would have prevented the problems with the sheep even after they had said it was the direct result of weather and not guided hunting. BOG Chairman Spraker had said if you keep complaining we will have to do something. The complaints increased and an AK Professional Hunter Association representative said to complain to the legislature and basically bad mouth the industry. Many factors and viewpoints are at play here, mainly greed. It's all about "I me mine". It galls him that some people think they should have sole rights to a resource, because they have been here the longest and should be the chosen one. They want the resource for next to nothing. Who do these people think they are? At the first BGCSB meeting he told this board if they wanted to get back to an exclusive guide use area then first identify the area and how much game would be allocated and put it up for public bid. The second one is transporters have to regulated with a similar program and he would never support any guide concession program without transporters. Dick Rohrer has said we will never regulate transporters because they will just become air taxis. But today is the beginning of the end of the air taxi exemption. The first step is for the BGCSB BOG liaison, Mr. Brown to bring a resolution asking the BOG for a proposal. No legislative action would be required. This board has the ability to regulate transporters now.

If the people want a guide concession program it must be used with resource data and this can only be done with broad support from all sectors. It's his strong belief that this ten year delay has already cost us.

He asked this board to direct the department to review the matrix on violations to see if it is over penalizing for violations. This board had penalized for simple honest mistakes.

Chairman Vrem stated Smokey had influenced his opinion over several items he had ruminated about and has valid points. Not holding things over a guide's head for life and a point system that Mr. Brown suggested and some minor infractions eventually drop off. Smokey's suggestions about appearing before this board to get a say is a good idea. He does not know if the lawyers will let us but we are going to ask. Mr. Tiffany IV stated he echoes this. We do not always agree but Smokey is articulate and considerate so thanks for taking the time and effort and thought to come before the board. Ms. Rebne stated that she likes the sound of the point system and the ground work has already been done. The only thing is how to get this through public comment without taking three to six years. Mr. Atkins stated thank you for the support on his proposal but we have some problems out there and it is air taxis, transporters, residents, guides and all we can do is clean it up.

Ms. Karro stated she has four points about the board's consideration to write a letter of support for proposal 207; point # 1: what is the need? The sheep questionnaire asked about dissatisfaction, it did not ask what they thought. Even with that only 38% reported significant dissatisfaction with air transporters. The questionnaire itself was badly worded by just asking about dissatisfaction. With option 1-she believed this is an answer to a question that doesn't exist. She believed there are already laws in place. Point #2: The troopers state it is unenforceable and BOG Chairman Spraker stated that 85% of the hunters would follow it but she thinks they follow it anyways. We stay away from the sheep we don't harass them. We don't need more unenforceable laws. In all the years she has worked in the industry only once has there been an aircraft disturb a sheep and it was the national guard. She thinks it's an unenforceable solution to a problem that barely exists. Point #3: it might result in problems with dropping off and picking up hunters. Point #4: she is not sure that the BOG will take a stand on an issue that limits resident hunters. Everything we do they say hurts them. She thinks the real issue is not overcrowding. There are fewer hunters for sheep in the field than 20 years ago. There are less sheep and fewer resources. We need more research. It is climate controlled. A lot of people who use horses don't like airplanes because they think they are easier. It's proper use of what you use and the choice of what you use. Limiting choices is wrong. Unenforceable laws cause a lot of headaches. She does not want to see us limiting resident hunters.

Chairman Vrem Kelly stated she has given him kernels to reflect on and he appreciates it.

Dan Montgomery stated he has been a master guide since 1985 and has had his own business since 1993. He wants to address the Board of Game Proposal 207 and 208. The airborne hunting act already makes it illegal to harass big game. Our own ethics rule already prohibits that, for the purpose of taking a specific animal. Also in our ethics we advise a client before a hunt of the game population in the area. He has had to cancel hunts because he has gone out and seen there are no sheep left. He has an area that over 500 square miles and there are few sheep left. He thinks pro-active enforcement about buzzing the sheep, if Mr. Strout notified the troopers about these complaints, would go a long way to eliminate the problem. He believes Jim Kedrowski has a problem up there-with young and aggressive pilots getting six for six, half that are sub-or full curl rams. There is a lot of chatter on the internet about this. They weren't even close to being full curl but they are of age. There is a crowding problem on state land. Before we went to draws on the Chugach there were thirty-six guides for that one area. There are a lot of those who didn't care if they saw rams; they were up there for the money. He thinks it's very important to respond to that and they might have to take a hit. He took two hunters instead of six last year because there has been such a much reduction in sheep. I have talked to three troopers on proposal 207 and they all believe it is

absolutely unenforceable. It is too broad. If the board wants to restrict an activity they need to pass a regulation particular to that problem and not a broad one. .

Mr. Jones asked which agency is enforcing that law. Mr. Montgomery stated the troopers and our investigators could enforce it. If you have a video buzzing sheep-that's harassing wildlife. Kurt Lepping had a video of himself buzzing wildlife and they convicted him of harassing wildlife. This covers every state, not just Alaska. Ms. Metz asked why the federal law is more enforceable than a state law with a video. Mr. Montgomery stated with state law you have to prove intent. Are they spotting or buzzing sheep? You can't determine intent unless have proof. Ms. Rebne stated she is getting confused; is it legal for a guide or air taxi to spot? Chairman Vrem stated it is unethical for a guide to spot a certain animal and go after it. You can spot a flock but not a certain one. It's unethical for a transporter.

Mr. Montgomery stated that what they have now works. It has been in place for fifty years. It is not a big problem of people shooting sheep at 4-5am. Ms. Metz stated if you have to wait until 2:00pm then you've lost a day of hunting. Mr. Montgomery agreed; it is more like a 24 hour rule.

Mark Richards from Backcountry Anglers stated we have always been concerned about hunting ethics. We handed it out. It's a great little book. Where does this board have in its ethics that guides can't spot sheep in the air? The board supported individual brown bear spotting. How one fair chase and another is is not. For years we have tried to push this through the board. What we recommend to the board to put your language in the board's regulation. At least support option one; it is in line with what is already a fair hunt. We believe in fair chase hunting. That is our position.

Chairmen Vrem stated he wanted to clarify that in the ethics law the BOG exempts certain Intensive Management areas. Mr. Richards admitted he didn't know that because he is from another area. Mr. Atkins stated our ethics stated "avoid using an aircraft" and this doesn't sound like very strong language. "Appropriate buffer zone" also isn't very strong. We intend to work on this.

Jim Kedrowski stated we essentially lose a whole day of hunting and Lt. Fussey stated we can do anything except pull the trigger until 2:00pm. You can still hunt. I have a problem with the 2:00pm rule because he has two main camps. I want to know what is going on in both camps. I will fly over to the other camp; there are some people who will fly in, look for sheep and complain when planes fly over. You literally have someone fly and spot at 11:59am and begin shooting 4 hours later. There are some issues there that we need to be thinking about. This kind of levels the playing field if we support this. I don't like option 3 because it would hurt the ones like me that have base camps. If you need to go and do some spotting you can do it prior to the season. There are guides who do this-he spends nearly 200 hours

spotting and when he testified that he will go later in the season when it's less crowded and still finds the rams. He supports 1 & 2. Not 3.

Joe Want stated the subcommittee meeting on unlicensed individuals was very productive, but the recommendations we were considering to support the statute are not mandated in this. It looks like this board has the authority to pass criteria and operate without the convoluted stipulations concerning the final stage of the stalk. There isn't anything in the statute. It is in two portions, one is not being able to directly assist; it was never the board intention to be alone with the client. One to two simple sentences and the problem would be resolved. As for not taking care of the hide, if they observe the individual then that person should be signed off on. The board has the ability to break these things out. If we come out with all of these exceptions we will gut the original intent of the legislation. He thinks it was needed but we don't want it to end up being a giant loophole. Chairman Vrem stated he always appreciates Joe's comments and agrees about keeping it simple.

Coke Wallace stated he ran into a situation with a cohort who told him that he wasn't registered for his guide use areas. It was in August and he called Juneau and begged for exemption because he was not the only guide who forgets. Fortunately he had Ray Atkins who could sign off the hunters and notify the trooper in the region and he made it through the season with a lot of extra driving with the hunters from his home to Ray's place. He would like to see an exemption for someone who inadvertently forgets to register his GUA. Chairman Vrem stated that they have had talk about a \$500 fee for late registrations on repeat GUA's and he thinks that is not unreasonable. He appreciates his frustration.

Smokey Don Duncan stated he likes this place than the University of Alaska-Fairbanks.

AGENDA ITEM T

BOARD BUSINESS

1. Election of Officers:

Chairman Vrem opened the floor for nominations for Chair.

Mr. Tiffany IV nominated Kelly Vrem as Chairman and Mr. Jones seconded. Ms. Rebne moved and Mr. Atkins seconded to close the nominations. Chairman Vrem asked for and received unanimous consent with Chairman Vrem abstaining.

Chairman Vrem opened the floor for nominations for Vice-chairman.

Mr. Atkins nominated Karen Polley as Vice-Chairman and Mr. Jones seconded. Ms. Rebne moved and Mr. Atkins seconded to close the nominations. Chairman Vrem asked for and received unanimous consent with Ms. Polley abstaining.

2. Correspondence Review:

Three letters had already been reviewed and read into the minutes.

3. Ethics Report:

There were none to report.

4. Question Comments from December R and GMU exams:

These were shared with the board and will be turned over to the subcommittee for re-writing the exams.

5. Future meeting dates:

Approved dates: Anchorage M-TH Dec 5-8, 2016 by unanimous agreement.

Approved dates: Fairbanks M-TH March 6-9, 2017 by unanimous agreement.

AGENDA ITEM

SUBCOMMITTEES FINAL UPDATE

1. Cost Reduction & Revenue Generating subcommittee chaired by Ms. Polley
2. Hunting Guides & Practical Experience (12 AAC.75.920) subcommittee chaired by Mr. Tiffany IV took no action at this meeting and there was nothing to report
3. MATRIX subcommittee chaired by Mr. Tiffany IV-some work was done and changes have been proposed and Lee is going to send us an email copy of the proposal changes to review and comment before an email vote.
4. Packer subcommittee update-that is going to be sent back to the subcommittee for more work. There could be more public comment at the July meeting. The troopers will continue to not enforce this.
5. Oral Test Rewrite subcommittee chaired by Loren Karro-ready to implement the new changes.

Request for Regulations

1. Amend 12 AAC 75.130. APPLICATION FOR ASSISTANT GUIDE LICENSE

The board decided to take no action and send it back to subcommittee for further work.

2. Change 12 AAC 75.235 GUIDE USE AREA MAPS for GUA 8 Halibut Cove

Mr. Tiffany IV motioned to approve the requested change to 12 AAC 75.235. Guide-outfitter use area maps. The set of maps titled Guide-Outfitter Use Area Maps, dated June 22, 1994, as amended December 2009, July 2011, [AND] December 2011, and December 2014, also titled Guide-Outfitter Use Area Maps, is adopted by reference. This set of maps prepared by the Department of Natural Resources depicts the boundaries of the guide use areas established under AS 08.54.750(g). Authority: AS 08.54.600 and AS 08.54.750. Mr. Jones seconded. This is for public comment.

Discussion: Ms. Rebne asked for clarification of the proposed changes on the map which Mr. Tiffany IV provided. Mr. Jones stated he intends to vote for it; it had been covered extensively at the December meeting and the proposer had a lot of documentation that supported or at least not oppose the suggestion. He is familiar with the railroad track boundaries and they are practical and recognizable. He will support it. The board said yes in December and we are moving through the process of public noticing this. Mr. Atkins stated he will support this and the documentation and homework was done on this. Mr. Tiffany IV stated that it was a clear and compelling argument and no real opposition that he could see. He agrees with Mr. Jones and Mr. Atkins. Chairman Vrem stated that it's a 60/40 ratio for him; he is leery of changing an established guide use area and it seems like it's a boundary that was previously established and now moved back. He does not think there is any support but there is no objection. He will except this on its merits but does not want this construed as open season on changing guide use area maps.

Upon a motion duly made by Mr. Tiffany IV, seconded by Mr. Jones and approved by roll call vote, it was:

RESOLVED to approve the requested change for public comment to 12 AAC 75.235. Guide-outfitter use area maps.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

3. Delete wording in 112 AAC 75.340(d) (7) Field craft standards

Mr. Tiffany IV motioned to amend 12 AAC 75.340(d) (7) and delete “in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a legally permitted year-round structure being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties;” Mr. Jones seconded. This is for public comment.

Discussion: Mr. Tiffany IV stated that he was aware of the intent and it was good but people figured out a way to abuse it. We may need to revisit it but obviously our best intentions were bent and reversing what we did is our best course of action. With a more robust review in the future perhaps we can put something into place but he believes this is the right course of action currently. Mr. Atkins stated he will support this because it was well thought out, protected a lot of people and improved the hunting experience but some have found a way around it. He loves unit 9 and does not want to see shacks going up there for their own private guide use area. Chairman Vrem stated he is going to support it and this has gone through the regulation specialist and department of law. There is no cost to the public.

Upon a motion duly made by Mr. Tiffany IV, seconded by Mr. Jones and approved by roll call vote, it was:

RESOLVED to amend 12 AAC 75.340(d) (7) and delete “in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a legally permitted year-round structure being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties;

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

4. Eliminate AS 08.54.790(12) (B) Transporter License exemption

Mr. Tiffany IV motioned to submit a resolution to eliminate the AS 08.54.790(12) (B) Transporter License exemption and Ms. Rebne seconded.

Discussion: Mr. Tiffany IV stated there will be far greater benefits to eliminate this exemption. He does not think it will put an undue burden to hunters. This board is tasked with regulating guides and transporters and this will level the playing field. There won't be the inequality for aircraft for hire. If you aren't transporting hunters it won't change much; you will have to pay \$600 for the license and if you can't afford it then maybe you can't afford to transporter hunters. He supports the resolution for a statutory change. Mr. Atkins stated he made this proposal because we have this problem and want to get everyone on the same playing field with the same enforcement. He has a lot of time and money invested in what is right and has no intent to harm any resident hunter. We have a problem with air taxis and have no way to enforce them. It's not political; it is to take control of the air that provides hunters into areas. Mr. Jones stated that he is opposed to this resolution; he strongly believes there is a difference between an air taxi and an air transporter. The transporter sells hunts and a taxi merely provides bush transportation and

may on occasion to hunters who may hunt while living in bush Alaska in remote cabins or homes. He also thinks there is hauling of big game hunters' incidental to bush travel and this happens all of the time. Every time an air taxi takes a hunter to a camp he hasn't sold a hunt; he is only providing the transportation. He hears transporters shouldn't have to fill out a customer to another lodge but he does not see that represented in statute except for the air taxi exemption. Everyone hauling a hunter has to fill out a transporter activity report form and it will double the report. He would like to see the air taxis exemption continue.

Ms. Rebne stated she will support this. She likes the idea of leveling the playing field. She isn't sure about "incidental" and believes the board will kick a big hole in the hornet's nest but that nest needed to be kicked. It is in the best interest of the industry. There is some safety issue and transporters should be held to higher standards so all should be included. Ms. Rebne stated that this has been on our agenda for a while now and the air taxis have not made a huge outcry. Mr. Brown stated he's going to support it because of the conversations he has heard about leveling the playing field. Mr. Atkins stated to clarify to avoid duplicate reporting if you're hauling clients then you didn't need to fill out the transporter activity report form.

Chairman Vrem stated that he is going to go 180 degrees and he doesn't think it's an additional burden to become a transporter for air taxis. The change would be minimal and he has first-hand experience as an on-demand transporter, transporter and guide. It's a false assumption. He has heard loud and clear that we don't need new regulations and we already have enough. This is a regulation already on the books so in his thoughts we owe it to the air taxis to understand that we're not attacking them. What he wants to see is report sent to them about anyone that is acting as an air taxi contrary to compliance. They will be aggressively pursued. He thinks we need to pick our fights and this one has been around forever. The guides are going to get blamed for this but we have the most intimate knowledge. He has come 180 degrees on this and believes the first step should be enforcement of our existing regulations. He can't support this at this time. He has worn both hats. He is going to vote no on this. Mr. Atkins will set up a sub-committee to draft resolution.

Upon a motion duly made by Mr. Tiffany IV, seconded by Ms. Rebne and approved by roll call vote, it was:

RESOLVED to eliminate the AS 08.54.790(12) (B) Transporter License exemption.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem		X		
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones		X		
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

5 Resolution to exclude guides under ADF&G sport fish guide regulations.

Ms. Metz motioned and Mr. Jones seconded to table the resolution to exclude guides under ADF&G sport fish guide regulations.

Discussion: Chairman Vrem stated that this is premature and wanted it tabled. Mr. Jones stated one thing he doesn't want to see is an item coming up and heard public testimony on this so by taking no action then it could be removed from future agendas. Mr. Tiffany IV stated that for clarification to be excluded if it's just a registration. Chairman Vrem stated it would remove guides from the requirement to register. Mr. Tiffany IV stated if by tabling this will require hunting guides to register and hold log books for fishing on guided hunts, then isn't it our job to move forward? Chairman Vrem stated that is the nature of the situation nationwide compared to the S.E. Alaska. He is not comfortable enough to form a statewide exemption. The relative inconvenience of keeping a log book outweighs the need for a regulation requirement. Mr. Tiffany IV stated that he believed it would require guides to carry log books throughout the state. Chairman Vrem stated if your hunter brings his fishing pole and fishes during slack time then it is not a guided fishing trip. The guys who offer guided fishing trips know the rules and should following the regulation. Ms. Rebne stated she would vote against it because it

would be exclusion and if we are going to do this to the transporters and air taxis we should be the same as the regulations.

Upon a motion duly made by Mr. Tiffany IV, seconded by Ms. Rebne and approved by roll call vote, it was:

RESOLVED to table the resolution to exclude guides under ADF&G sport fish guide regulations.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley		X		
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

6. Guides operating in affiliation with another guide in partnerships, joint ventures and other affiliations.

Mr. Tiffany IV motioned and Ms. Metz seconded to table the discussion of guides operating in affiliation with another guide in partnerships, joint ventures and other affiliations.

Discussion: Chairman Vrem stated he does not see this as a big problem and sees it as none of his business so until we can get a firmer picture of what is going on then he would like to see it tabled. Mr. Tiffany IV stated that a lot of work and effort was put into the draft "Guide Contracting Process" and he encourages guides to grab copies for their friends. It makes the regulations easier to understand. Knowledge is power so please call the office for the regulation information.

Upon a motion duly made by Mr. Tiffany IV, seconded by Ms. Metz and approved by roll call vote, it was:

RESOLVED to table the discussion of guides operating in affiliation with another guide in partnerships, joint ventures and other affiliations

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley			X	
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

7. Consider GOUA Registration Fees.

Mr. Tiffany IV motioned and Ms. Rebne seconded to table the consideration of GOUA registration fees.

Discussion: Chairman Vrem stated this is a placeholder as an ongoing regulation and he recommend

Upon a motion duly made by Mr. Tiffany IV, seconded by Ms. Rebne and approved by roll call vote, it was:

RESOLVED to table the discussion the consideration of GOUA registration fees.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley			X	
David Brown	X			
Michele Metz	X			

Brenda Rebne	X	
David Jones	X	
Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

8. Adjust certain GOUA lines to coincide with UCU lines.

Mr. Jones motioned and Mr. Tiffany IV seconded to table the consideration to adjust certain GOUA lines to coincide with UCU lines.

Discussion: Chairman Vrem stated the department of Natural Resources can make the necessary adjustments on the maps where it's understood where the lines are met to be. We have dealt with about four issues about four meetings ago and we've given them permission to let us know when it occurs again. They have not come forward so he wants to table this.

Upon a motion duly made by Mr. Tiffany IV, seconded by Ms. Metz and approved by roll call vote, it was:

RESOLVED to table the consideration to adjust certain GOUA lines to coincide with UCU lines.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley			X	
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

9. Create a BGCSB Facebook page.

Mr. Tiffany IV motioned and Mr. Atkins seconded to table the creation of a BGCSB Facebook page.

Discussion: Mr. Tiffany IV stated this was put on the agenda as a placeholder as it is something that is being considered and worked on but hasn't happened yet. He believed Ms. Chambers and the division has been working on this. He continues to think it's a good idea. He moved to table it knowing it will be revisited it when IT and the division approaches the board. He thinks it's an administrative tool. Ms. Rebne stated that the interaction could be abusive and it's important to be careful. Ms. Metz stated where she works it is screwed down tight and there aren't any renegades posting on it. Mr. Tiffany IV stated this is a tool to alert the public to changes and public service announcements and not to engage in debates.

Upon a motion duly made by Mr. Tiffany IV, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED to table the creation of a BGCSB Facebook page.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley			X	
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

10. Disclosure problems on license renewal forms

Mr. Tiffany IV motioned and Mr. Atkins seconded to table discussion of disclosure problems on license renewal forms.

Chairman Vrem stated that this is one of his concerns and they need to take the time to remind licensees to disclose their actions. He does not have a problem with educating our licensees. Maybe we can cut down on the workload if we birddog this.

Upon a motion duly made by Mr. Tiffany IV, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED to table discussion of disclosure problems on license renewal forms.

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley			X	
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

11. Regulation Proposal for AAC 75. 340(d) (7) by Tim Booch

Mr. Tiffany IV stated the Regulation Proposal for AAC 75. 340(d) (7) by Tim Booch was not taken up because the earlier motion has negated the need for any changes to language that would be removed. Chairman Vrem wanted to make it clear that they have reviewed and considered Mr. Booch's proposal. They offered him two opportunities to defend his proposal and lacking any clarification they have decided to go with a different version.

12. The Department of Fish and Game proposal for 12.AAC 75.260

Mr. Tiffany IV motioned and Mr. Atkins seconded to adopt the amended language in 12 AAC 75.260 as presented by the Alaska Department of Fish and Game.

Mr. Tiffany IV amended the motion to adopt the amended language in 12 AAC 75.260 as presented by the Alaska Department of Fish and Game with the exception the proposed language in lines 12 and 13 “; and include the drawing hunt application confirmation number assigned by the department pursuant to AS 16.05, if any; which should not be included. Mr. Atkins seconded.

Ms. Chambers called in to listen.

Discussion: Mr. Tiffany IV stated that based upon testimony from the department of Fish and Game, he may need to amend the motion to eliminate the proposed language in lines 12 and 13 “; and include the drawing hunt application confirmation number assigned by the department pursuant to AS 16.05, if any. Mr. Tiffany IV stated this is about the unique verification code (UVC) and ADF&G had proposed the addition of (d): “A contracting registered or master guide that is signing the hunt contract, and who intends to apply a client for a drawing hunt permit for a hunt conducted under regulations required by AS 16, is required to obtain a Unique Verification Code from the Division of Corporations, Business, and Professional Licensing prior to entering an application for the client. Unique Verification Codes will only be issued to registered or master guides that are registered in the Guide Use Area located in the hunt area the year the application is made and the years the permit is valid.”

Chairman Vrem stated this is in addition to 2 AAC 260 that outlines the guide client agreement; this enables the registered guide to submit a drawing hunt for his clients and it was requested by the fish and game department to determine who is eligible and who is not. This is not the final form. It needs some work so we are looking at next march. It is not new, it’s about two years in progress and it’s not perfect. Mr. Tiffany IV stated that this has been a positive and collaborative effort and will have to remain a collaborative effort. If these regulations result in additional administrative work and enforcement then he strongly recommends that ADF&G signs an RSA to pay for the additional expenses collected in the process. In other words: if the Board of Game adds more drawing hunts and puts an additional burden on DCED then there be an agreement that some of those fees come back to support DCED. Ms. Chambers stated that this was a positive collaborative effort of all parties involved. She was thankful to be able to attend. Henry thanks her for her work and diligence on this. Chairman Vrem and Mr. Tiffany IV thanked them for their work.

Upon a motion duly made by Mr. Tiffany IV, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED adopt the amended language in 12 AAC 75.260 as presented by the Alaska Department of Fish and Game with the exception of the proposed language in lines 12 and 13 “; and include the drawing hunt application confirmation number assigned by the department pursuant to AS 16.05, if any; which should not be included.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

13. Board of Game letter of support for proposal 207.

Mr. Tiffany IV motioned for a resolution to write a letter of support to the Board of Game for proposal 207 and Mr. Jones seconded.

Discussion: Ms. Rebne stated she will vote in opposition of writing a letter of support because it is unenforceable and creates an additional burden on law enforcement. She has not heard enough from people that would be impacted. She is concerned that that there will be enough opposition by the general public which outnumber guides to the effect that it's potentially possible at the end of the day the guide and the transporters would be kept in the proposal and everyone else would be exempted. She is opposed to all three concepts because the end result is unclear with limited information. Chairman Vrem stated that he cannot support it right now because it's too nebulous He is 50/50 on it. Until the Board of Game comes up

with more information he cannot endorse it. Ms. Metz stated she will vote against this because we haven't heard enough about it yet. It would be voting blind.

Mr. Jones stated that it is a proposal generated by the Board of Game and loose in its term. He supports the concept in general and basically item 1 & 2 and would support a letter to them but not option 3. He thinks item #2 about delaying the time between landing and shooting is adequate. Five miles might be difficult for an older or disabled person. He heard testimony that item #1 is already in our ethics regulation for guides and transporters but not for air taxis and the general public, other than a federal law. It's been his experience that state enforcement enforces state law so unless there is federal enforcement you won't see federal laws enforced. He likes the concept of fair chase. He has a personal problem of airplanes landing and shooting game a few hours later.

Mr. Atkins stated that he worried this thing to death and while #1 is his main focus he is still undecided. He sees problems with #2 & 3. We already have laws in place that we aren't enforcing. He does see we have problems and understands why Jim Kedrowski brought this to us. Mr. Brown stated he is going to abstain because he wants to listen to comments on this. Chairman Vrem stated the guides who are already doing this are going to ignore this rule. He tries to avoid spotting a single animal and not to get close enough to identify a big ram. I understand but he doesn't think this is fleshed out enough on this.

Mr. Tiffany IV stated first of all we need to remember we aren't the Board of Game. We aren't passing or tanking it. The motion is to pass a letter of support. How much influence will it have he doesn't know. He does know that we aren't the decision makers on this proposal. He keeps hearing the enforcement side of things. Because something is difficult doesn't mean it can't be done. The majority of hunters have changed. We are all carrying video cameras of sorts. Smart phones are the primary camera. He was one of the few that taped their hunts years ago but nowadays many hunters do it. It can be difficult but it's not impossible. AWT has said they need evidence and if you don't have evidence then don't complain. Document it with log book and camera footage. There are ways to provide evidence. It's not going to be that much of a burden. Regarding proposal of 207, he is in support of it conceptually. Item #1 is already in law and regulations but as Mr. Jones pointed out it's not in regulations for everyone. It is in the guides and transporter regulations but it doesn't apply to everyone, just us. If it's already law, what is the problem with making it a hunting regulation? It levels the playing field. Same with #2: it's already a regulation; it's just changing the hour. He agrees

with Mr. Kedrowski; he is increasingly seeing a problem. If this is resource-based then give the sheep a few more hours. At 3:00am most sheep are bedded down and chewing their cud. By 2:00pm they have moved over the ridge. He does not like #3 for many reasons. What he is asking for is a letter of support for the concept of 207. The Board of Game forum is a much larger format to gain more public input than what we have.

Ms. Rebne asked Mr. Brown if this was going to be voted on in the next meeting. She stated she is afraid that a letter of support could be misunderstood to support all of the options. She hasn't heard enough from the user group about the options. If we are going to write a letter of support we are going to expand it to the general public and everyone else to follow our language that we already follow.

Mr. Tiffany IV stated he won't support our regulation language because all it states is "avoid" which is pointless to avoid looking for a specific animal. He wouldn't feel comfortable using our existing language. Ms. Rebne asked if he meant this language doesn't really effectively exist for us and Mr. Tiffany IV stated yes. Chairman Vrem stated that proposal 207 would put more teeth in it. Ms. Rebne stated that we should write a letter that includes a statement that we recognize we need to revise our own regulations. Ms. Metz stated that we are asking the Board of Game to write a regulation to regulate our own user group but isn't that our job? Shouldn't we look at our own regulations?

Chairman Vrem stated that this is more of a positive support for the BOG to work on proposal 207 and our idea about tightening up our own regulation is a separate issue and should not be included in a letter of support. Chairman Vrem stated that he doesn't care whether it's voted up or down.

Upon a motion duly made by Mr. Tiffany IV, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED to write a letter of support to the Board of Game for proposal 207

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem		X		
Karen Polley	X			
David Brown			X	

Michele Metz		X
Brenda Rebne		X
David Jones	X	
Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

Mr. Tiffany IV will draft a letter of support for board members to review.

Chairman Vrem adjourned the meeting of the Alaska Big Game Commercial Services Board at 1:16pm.

Respectfully submitted:



Cindy Hansen, Licensing Examiner



Kelly Vrem, Chairperson

Big Game Commercial Services Board

Date 1/26/16

Approved Date: 1/26/16