

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

5 BIG GAME COMMERCIAL SERVICES BOARD
6 Minutes of the meeting on October 2, 2020
7

8 By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of
9 AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held
10 via teleconferencing October 2, 2020; originating at 333 Willoughby Ave., Juneau.
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12 **The Chair brought the meeting to order at 10:01 am**
13

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

15 Henry Tiffany - Licenses Registered Guide-Board Chair
16 Larry Van Daele - Board of Game Representative
17 Pete Buist - Public Member
18 Jason Bunch - Registered Guide Outfitter
19 Michelle Heun - Licensed Transporter
20 Adam Trombley – Public Member
21 Michael Flores – Licensed Transporter
22

23 **Board Members Absent:**

24 Nicholas Jackson- Private Land Owner **UNEXCUSED**
25

26 **Staff Members present:**

27 Renee Hoffard – Executive Administrator
28 Thomas Bay – Licensing Examiner
29 Jun Maiquis – Regulations Specialist
30

31 **Public in attendance:**

32 D. Rohr - Kodiak
33

34 **Agenda Item: Review Agenda**

35 The board reviewed the agenda provided by staff. Adam Trombley suggested moving agenda
36 item 4 to follow agenda item 5; agenda item 4 requires executive session and is not open to the
37 public.
38

39 **In a motion duly made by Jason Bunch, seconded by Adam Trombley with unanimous
40 consent, it was resolved to adopt the agenda as amended.**
41

42
43 **Agenda Item: Tabled Regulations Proposals – Buffer Areas**

44 Ms. Hoffard informed the board that per their request, a review of the board’s authority to
45 regulate buffer areas had been submitted to the Department of Law. AAG Megyn Wiegand had

46 responded that the board does not have the authority to enact such regulation. A regulation of
 47 this type would effectively give a property right – the right to exclude, to individuals that own
 48 cabins built before a certain date. The proposals are not of uniform, universal, application but
 49 instead seems to benefit a narrow class of individuals to the commercial detriment of other
 50 market participants. The Board would need clear statutory authority showing a legislative
 51 intent to limit competition before adopting such a regulation. AS 08.54.720(a)(2) and 12 AAC
 52 75.340(d)(8) give the Board authority to intervene when a crowded field leads to conflict
 53 between licensees. The Board cannot manage land in the way proposed in the regulation
 54 request. Ms. Hoffard will send a letter to the individuals that have submitted the buffer area
 55 proposals. She will also keep a record of that letter for staff to send if/when similar proposals
 56 are submitted in the future.

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 58 **Agenda Item: Current Regulations Project:**

59 The board reviewed written comment submitted to the division for the current proposed
 60 amendments to 12 AAC 75.120, 12 AAC 75.130, 12 AAC 75.145, 12 AAC 75.150, 12 AAC 75.230
 61 and 12 AAC 75.400.

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 63 **In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved**
 64 **to adopt the proposed amendment to 12 AAC 75.120 as written.**

65

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

66
 67 The board determined the requirement of a jurisprudence exam at time of licensure would be a
 68 benefit to the program and potentially reduce investigative costs. Ms. Hoffard informed the
 69 board that she has had multiple conversations with applicants that are not aware of the
 70 regulations and statutes. She explained that the intention of this regulation is to ensure that
 71 applicants are aware and have in some capacity, reviewed the statutes and regulations that
 72 govern the license they seek.

73
 74 **In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved**
 75 **to adopt the proposed amendment to 12 AAC 75.130 as written.**

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Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

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In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved to adopt the proposed amendment to 12 AAC 75.145 as written.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

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In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved to table the proposed amendment to 12 AAC 75.150. The public comment period for this amendment is to be extended to allow for more written comment and oral testimony at the scheduled November 30 – December 2, 2020 board meeting.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

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The board determined that as the majority of written comments submitted pertained to this amendment they should hear from more of the industry. Mr. Van Daele asked that Chair Tiffany work with Fish and Game and the Wildlife Troopers to ensure that the agencies listed in the amendment are aware of what burden of responsibility lies with them and to explain the benefits the amendment would have for all involved.

In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved to adopt the proposed amendment to 12 AAC 75.230 as written.

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

97

98 It was clarified that the amendment to 12 AAC 75.230(g) speaks specifically to special hunts for
99 spring 2021 in Game Management Unit 9 only. The amendment to 12 AAC 75.230(h) will
100 require a minimum guide use area registration of 3 years to all guide use areas in the state.

101
102 **In a motion duly made by Jason Bunch, seconded by Mike Flores, via roll call it was resolved**
103 **to adopt the proposed amendment to 12 AAC 75.400 as written.**
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Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

105
106 Mr. Bunch asked for some explanation regarding the selection of 75 days for the time-frame to
107 submit completed transporter activity reports. Ms. Heun explained that the original proposal
108 was made in an effort to hold transporters accountable in a manner consistent with registered
109 and master guides as hunt records are required to be submitted within 60 days. Ms. Hoffard
110 explained that she has responded to questions from the industry struggling to determine when
111 they should submit the annual report and what that report should consist of. After discussion it
112 was decided that 75-days is an acceptable timeframe and would not cause undue burden on
113 transporters or the administrative staff.

114
115 Chair Tiffany asked the board to consider the option of holding the November 30 – December 2
116 board meeting via Zoom. Some board members may spend time out of the state and it is not
117 feasible for them to quarantine in Anchorage for 14 days before a 3-day board meeting. It was
118 determined that board members and the public will attend the meeting via Zoom or
119 teleconferencing and that staff will submit requests to travel to Anchorage to facilitate the
120 meeting and exams. The intention is for Ms. Hoffard and Mr. Bay to carry out their regular
121 duties for the meeting and exam without creating a burden to Anchorage administrative staff.
122 This will allow the exam candidates to be sufficiently spaced for social distancing and for staff
123 to appropriately monitor the practical exams that will be proctored remotely.

124
125 **Agenda Item: Tabled Application(s):**

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127 **In accordance with the provisions of Alaska Statute 44.62.310(c), I, Jason Bunch move to go**
128 **into executive session for the purpose of discussing subjects that tend to prejudice the**
129 **reputation and character of any person, provided the person may request a public discussion.**
130 **Board staff to remain for the session. Michelle Heun seconded the motion. Motion passed**
131 **via unanimous consent.**

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133 **Off record at 11:45 am**
134 **Return to record 12:13 pm**
135

136 On a motion duly made by Jason Bunch, seconded by Larry Van Daele, via roll call vote, it was
 137 RESOLVED to approve the assistant guide license for license 160202. Motion passed;
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Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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141 Mr. Bunch asked what the deadline for submitting proposals for the upcoming meeting is; he
 142 will be working on a proposal to more clearly outline the intention of the unique verification
 143 code.

144

145 Having completed the agenda as approved for the day, Chair Tiffany adjourned the meeting.

146

147 *Off record at 12:32 pm.*

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149

150 Respectfully Submitted,

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152

Fannie Renee Hoffard

11/30/2020

153

Renee Hoffard

Date

154

Executive Administrator

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156

157

Henry Tiffany

11/30/2020
Date

159

Board Chair