

**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
December 7-9, 2009**

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 7-9, 2009 in Anchorage, Alaska, Coast International Inn.

Monday, December 7, 2009

Item 1. Call to Order/Roll Call

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 8:30 a.m. Members present constituting a quorum were:

Brenda Rebne, Private landholder
Paul Johnson, Registered Guide-Outfitter, Chair
Robert Mumford, Public Member
Dick Rohrer, Registered Guide-Outfitter
Dirk Nickisch, Transporter
Ted Spraker, Board of Game
Leif Wilson, Transporter, Vice-Chair

Present from the Division of Corporations, Business and Professional Licensing were:

Karl Marx, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Cynthia Spencer, Licensing Examiner

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Chris Hansen, Special Agent, US Fish and Wildlife Service (USFS)
John Burick, USFS
Brian Anderson, USFWS
Lisa Fox, National Park Service (NPS)
Bruce Campbell, USFS
Erik Kenning, ASRC
Clark Cox, Natural Resource Manager, Dept. of Natural Resources (DNR)

Dianna Leinserger, DNR
Valerie Baxter, DNR
Lee A. Benson, USFS
Bill Trembley, USFS

Present from the public were:

Brad Dennison, Master Guide-Outfitter #138
Dale Adams, Master Guide-Outfitter #168
Paul Malone, Registered Guide-Outfitter #1163
Mel Gillis, Registered Guide-Outfitter #222
Jonah Stewart, Registered Guide-Outfitter #1271
Todd Kuster, Assistant Guide #3702
Tom Atkins, Registered Guide-Outfitter #727
Sam Fejes, Master Guide-Outfitter #73
Gary Gray, Registered Guide-Outfitter #592
Wayne Gray, Registered Guide-Outfitter #1261
Steve Perrins, Master Guide-Outfitter #123
Dick Gunlogson, Master Guide-Outfitter #59
Ben Holbrook, Registered Guide-Outfitter #1233
Luke Bastian, Assistant Guide #6840
Buckey Winkley, Registered Guide-Outfitter #34
Steve Perrins II, Assistant Guide #5450
Joey Klutsch, Registered Guide-Outfitter #1277
Tracy Vrem, Master Guide-Outfitter #96
Aaron Bloomquist, Registered Guide-Outfitter #1259
Ralph Miller, Master Guide-Outfitter #169
Loren Karro, Registered Guide-Outfitter #941
Dan Montgomery, Master Guide-Outfitter #173
Jim Weidner, Registered Guide-Outfitter #1004
Rick Kinmon, Registered Guide-Outfitter #1266
Matt Snyder, Registered Guide-Outfitter #882
Robert Fithian, Master Guide-Outfitter #128 (APHA)
Henry Tiffany, Master Guide-Outfitter #144
Frank A. Bishop, Registered Guide-Outfitter #933
Jonalyn Lawarias, Public
Chad Reel, Registered Guide-Outfitter #1062
Russell Davis, Master Guide-Outfitter #177
Arno Krumm, Registered Guide-Outfitter #1239
Jim Kedrowski, Registered Guide-Outfitter #956
David Walters, Registered Guide-Outfitter #1103
Wade Willis, Public
Virgil Umphenour, Master Guide-Outfitter #151
Jason Mogen, Registered Guide-Outfitter #1144
Dennis Byrne, Registered Guide-Outfitter #1056
Tom Shankster, Master Guide-Outfitter #148
Tony Lee, Master Guide-Outfitter #105

Mike Bowden, Master Guide-Outfitter #80
Coke Wallace, Master Guide-Outfitter #172
Layne Wilde, Registered Guide-Outfitter #1264
Sam Rohrer, Registered Guide-Outfitter #1082
Willie Dvorak, Registered Guide-Outfitter #1179
Julie Dvorak, Public
Dave Morris, Master Guide-Outfitter #133
Dave Brummel, Public
Dave Haeg, Public
Mike Richmond, Master Guide-Outfitter #137
Hugh Les Krank, Master Guide-Outfitter #154
Wayne Kubat, Master Guide-Outfitter #147
Sue Entsminger, Registered Guide-Outfitter #1058
Clint Mayeur, Registered Guide-Outfitter #666
Erik Salitan, Registered Guide-Outfitter #1273
Care Boyeen, Public
Frank Danford, Registered Guide-Outfitter #959
Mike McCrary, Public
Nate Turner, Registered Guide-Outfitter #1036
Creig Butler, Registered Guide-Outfitter #1106
Bill Bankston, Public
Gus Lamoureux, Master Guide-Outfitter #85
Koreen Lamoureux, Public
Jeff Burwell, Master Guide-Outfitter #162
Dwayne Magnusson, Assistant Guide #6646
Gary La Rose, Registered Guide-Outfitter #629
James Boyce, Master Guide-Outfitter #141

Item 2. Review/Amend Agenda

Mr. Paul Johnson, Chair asked if Board members had had a chance to review the proposed agenda and make any revisions. Ms. Spencer asked to remove Hunt Records communication requirement from Item 9. Mr. Johnson asked if there were any other amendments to the agenda. Hearing no other amendments or objections to the above change, the agenda was approved unanimously.

Item 3. Ethics Disclosure

The Board had no ethics violations to report.

Item 4. DNR Mapping Concession Update (Clark Cox)

Clark Cox introduced the concession area website: <http://www.dnr.alaska.gov/mlw/gcp/>
He encouraged all interested persons to attend the public meetings and make written comments. The current schedule is to make prospectus applications available by January of 2011 and the concession should be active by January 2012. Mr. Cox asked for an updated letter of support from the Board.

Mr. Johnson asked for clarification if they wanted the Board to wait to make any border changes to align with proposed concession areas. Mr. Cox answered yes.

Mr. Rohrer asked to clarify that the Board will be finishing up the mapping project. Mr. Johnson answered yes. There was discussion about matching lines with federal boundaries.

Mr. Johnson reminded the public who the different map heads were. Since Ms. Schmitz was absent he asked Mr. Spraker to also take GMU16 questions.

Mr. Johnson GMUs 1-5
Mr. Rohrer GMUs 6-10 and 15
Mr. Mumford GMUs 24-25
Mr. Wilson GMUs 12 and 20
Mr. Spraker GMUs 16-17, 19, and 21
Ms. Rebne GMUs 13-14
Mr. Nickisch GMUs 23 and 26

9:00 a.m. the Board was ahead of schedule so recessed in order to give the Board members time to review applications.

9:57 the Board reconvened.

Item 5. Application Review

1. David Fischer, Assistant guide applicant, without initial Yes answer
2. Lucas Bastian, Registered guide applicant with Yes answer
3. Steve Perrins, Registered guide applicant with Yes answer
4. Robert Tracey, Registered guide applicant with Yes answer
5. Steven Hicks, Registered guide applicant with Yes answer
6. Henry Tiffany, Portion of a 4th GUA application

Mr. Johnson asked Kevin Saxby from Department of Law how much discretion the Board had in moving on registered guide-outfitter application where the investigative staff did not finish reviewing them. Mr. Saxby answered that since the applicants applied in a timely manner the department "will" schedule the applicants to take the examinations in accordance with 12 AAC 75.100(e) and when the investigative staff is able to finish the review the candidates will need to be sent out as a mail vote for Board approval. Mr. Johnson asked Mr. Saxby if the Board could set a "reasonable" time requirement for investigative turnaround. Mr. Saxby stated that he would have to look into it.

Mr. Johnson asked Mr. Wilson for a brief explanation for the public's benefit so that they can see the direction that the Board is taking on violations. There was a discussion with Mr. Saxby about whether or not the Board could issue a new license under probationary conditions. Mr. Saxby answered that it would have to be dealt with as a separate administrative case so that the applicant would have an opportunity to be heard.

After reviewing information provided by staff regarding David Fischer's application the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Rohrer, and approved unanimously, it was

RESOLVED to approve the application for licensure as an Assistant guide for David Fischer.

Roll Call Vote

NAME	YES	NO
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Dirk Nickisch	X	

THE MOTION PASSED BY A MAJORITY VOTE.

After reviewing information provided by staff regarding the application for the registered guide-outfitter examinations for Lucas Bastian the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously, it was

RESOLVED to approve the application for taking the registered guide-outfitter examinations for Lucas Bastian.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	

THE MOTION PASSED BY A MAJORITY VOTE.

After reviewing information provided by staff regarding Steven Perrins, II application to take the registered guide-outfitter examination the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously, it was

RESOLVED to approve the application for taking the registered guide-outfitter examinations for Steven Perrins, II

Roll Call Vote

NAME	YES	NO
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Spraker had concerns about the assault charges for Robert Tracey.

After reviewing information provided by staff regarding Robert Tracey's registered guide-outfitter application the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, it was approved

RESOLVED to approve the applications for taking the registered guide-outfitter examinations for Robert Tracey.

Roll Call Vote

NAME	YES	NO
Dirk Nickisch	X	
Ted Spraker		X
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	

THE MOTION PASSED BY A MAJORITY VOTE.

After reviewing information provided by staff regarding the application for the registered guide-outfitter examinations for Stephen Hicks the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously, it was

RESOLVED to approve the application for taking the registered guide-outfitter examinations for Stephen Hicks.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	

THE MOTION PASSED BY A MAJORITY VOTE.

10:35 a.m. Mr. Johnson initiated a recess.

10:48 a.m. the Board reconvened.

Mr. Johnson introduced agency representatives: Clark Cox from DNR, AF&G, Brain Anderson from USFWS, Bruce Campbell and Bill Trembley from USFS, and Lt. Bernard Chastain from the Wildlife Troopers. Mr. Johnson expressed the Board's appreciation of their attendance.

Before breaking so that mapping committees could meet Mr. Johnson reminded speakers that the afternoon's testimony would be limited to 12 AAC 75.235 and that they must sign up by 1:00 p.m.

10:52 a.m. the Board was ahead of schedule so recessed to give the Board members time to meet for their mapping committee and lunch.

1:00 p.m. the Board reconvened.

Item 6. Public Testimony concerning public noticed regulations 12 ACC 75.235

Mr. Johnson requested those individuals who signed up to come forward in the order that they signed up. Sign up was closed at 1:00 p.m.

Coke Wallace, Master Guide 172.

Mr. Wallace asked to hold his testimony at this time.

Virgil Umphenour, Master Guide 151

Mr. Umphenour addressed Map 5 and the 21-02/24-01 boundary asking why the new drawn boundary would make 24-01 even smaller.

Tony Lee, Master Guide 105.

Mr. Lee had no problems.

Jason Mogen, Registered Guide 1144.

Not present.

Joe Bankston, public.

Not present.

Joe Klutsch, Master Guide 91.

Mr. Klutsch commented on the boundary between 09-19/09-99. He does not want the Mud Creek boundary moved.

Hugh Krank, Master Guide 154.

Mr. Krank had no comment.

Ralph Miller, Master Guide 169.

Mr. Miller commented on not wanting any changes to 26-06. Mr. Rohrer asked about aligning the GUA boundaries with the federal concession boundaries. Mr. Miller was against aligning federal concessions and GUAs due to different criteria. He stated that he had two federal concessions in one GUA.

Mel Gillis, Registered Guide 222.

Mr. Gillis had no comment at this time.

Sam Fejes, Master Guide 73.

Mr. Fejes commented on the boundaries of 06-01/06-02 and them being extended to the forest service boundary.

Don Duncan, Master Guide 136.

Mr. Duncan was concerned that boundary restrictions would make it harder to compete with transporters. He also had problems viewing the maps at the Fairbanks DNR office as posted. Mr. Johnson also discussed the history of the DNR mapping costs.

Henry Tiffany, Master Guide 144.

Mr. Tiffany had no comment.

Tom Kirstein, Master Guide 98

Mr. Kirstein commented on Map 3 and the Ugashik river.

Wayne Kubat, Master Guide 147.

Mr. Kubat commented on Map 6 and agrees with 16-04 following concession boundary as it is drawn now.

Dan Montgomery, Master Guide 173.

Mr. Montgomery agreed with Mud Creek remaining the boundary for 09-99/09-19. Mr. Rohrer asked to verify that this meant no change. Mr. Montgomery pointed out that native land near Port Heiden currently crossed into three different GUAs.

Loren Karro, Registered Guide 941.

Ms. Karro recommended that Mud Creek remain the boundary between 09-19/09-99. She stated that moving the boundary would not improve conservation in the area. She also suggested changes to the 09-19/09-25 boundary so as to consolidate the native lands into one GUA.

Sue Entsminger, Registered Guide 1058.

Ms. Entsminger commented on 06-02 but it would make sense to align with the GMU11 boundaries.

Dennis Harms, Master Guide 48.

Mr. Harms asked to hold his comments until Tuesday.

Creig Butler, Registered Guide 1106.

Not present.

Paul Malone, Registered Guide 1163.

Not present.

Joe Bankston, public.

Not present.

Jason Mogen, Registered Guide 1144.

Mr. Mogen asked that 17-03/17-04 boundary be left above the Noyukuk river to make it viable for moose hunts. Mr. Spraker asked to confirm that it was a Tier 1 area.

Mr. Rohrer requested the Bruce Campbell (USFS) help clarify the boundary issues between 6-02 and GMU 11 which now has private lands available to guides before the Board made a motion.

1:57 p.m. Mr. Johnson initiated a recess to check and update maps.

2:47 p.m. the Board reconvened with a quorum present.

Mr. Johnson announced that since Public Testimony regarding 12 AAC 75.235 was noticed to end at 4:30 p.m. that voting would not take place until then so that any absent speakers previously signed up have an opportunity to make input. The Board took this time to discuss new Board issues.

Mr. Johnson inquired about adding "moral turpitude" to the Board's discretionary powers when issuing licenses. Mr. Saxby pointed out that this is not currently part of the BGCSB statutes and would have to be added. Mr. Johnson suggested that like statutes that other boards be looked at.

Mr. Johnson clarified the Board's interpretation of 08.54.610(b)(2) as meaning that a Master Guide-Outfitter candidate must have been licensed for fifteen years in order to submit an application.

Mr. Johnson inquired on the status of the Alaska Professional Hunters Association (APHA) proposal to set a hard distance as what is reasonable between guide camps. Virgil Umphenour and the APHA members were still working on it.

On a motion made by Mr. Wilson, seconded by Mr. Mumford, with an amendment made by Mr. Wilson and seconded by Mr. Mumford, and approved unanimously by roll call vote, it was

RESOVLED to accept as Board policy that transporter licenses will not be issued without a copy of a valid FAA Part 135 Air Carrier Certification or USCG licenses with vehicle identification numbers as appropriate.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Dirk Nickisch	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	

THE MOTION PASSED BY A MAJORITY VOTE.

A regulation subcommittee was formed including Michael Litzen, Don Duncan, Tom Atkins, Dirk Nickisch, Leif Wilson, and Ted Spraker to determine the need for and wording of a regulation requiring Part 135 and USCG licenses for operators.

Mr. Rohrer discussed not aligning possible concession areas and GUA boundaries in GMU 8 (Kodiak). He agrees that this might be required in the interior and up north.

Mr. Johnson asked Mr. Spraker to write a letter describing the Board's position on the DNR concession area program to Mr. Cox since he recently wrote a similar letter on behalf of the board of game.

Mr. Rohrer asked that a hard copy of the DNR Guide Concession Area Program website address be posted in the room. <http://www.dnr.alaska.gov/mlw/gcp/>

Bill Bankston, public (lawyer)

Mr. Bankston arrived to speak at 3:42 p.m. urging the Board to change the boundary of 9-19/9-25 from Mud Creek. Mr. Spraker asked if this change was based on conservation issues. Mr. Bankston did not know.

3:49 p.m. Mr. Johnson initiated a break until 4:20 p.m. to ensure that everyone who signed up to testify would have a chance and to prepare for voting.

4:30 p.m. Mr. Johnson reconvened the meeting and asked that all maps be brought forward.

Map #1

Mr. Johnson turned the Chair over to Mr. Wilson so that he could present Map 1.

Since there has been no further input from land holders about moving the boundary between 04-11 and 04-12 east towards the cape, the boundary will remain unchanged.

On a motion duly made by Mr. Johnson, seconded by Mr. Spraker, and approved unanimously, it was

RESOVLED to accept Map #1, 12 AAC 75.235 as drawn.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Map #2

Mr. Rohrer made a motion to adopt Map 2 which was seconded by Mr. Spraker. Mr. Rohrer then amended his main motion to add parts of private lands in GMU 11 into GUA 06-02 which would reverse the action taken at the last Board meeting. This was seconded by Mr. Spraker. Ms. Rebne had questions on making motions. This boundary change will provide an opportunity for the private landholders to generate more income permitting guides to use their lands too.

Mr. Spraker suggested leaving GMU 16 as is. Mr. Wilson suggested leaving GMU 20 as is.

On a motion made by Mr. Rohrer, seconded by Mr. Spraker, to amend Map 2 so that part of GMU 11 would be included in GUA 06-02 as drawn, and approved unanimously by roll call vote, it was

RESOVLED to accept Map #2, 12 AAC 75.235 amendment.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch	X	

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion made by Mr. Rohrer, seconded by Mr. Spraker, and approved unanimously by roll call vote, it was

RESOVLED to accept Map #2, 12 AAC 75.235 as drawn with amendment.

Roll Call Vote

NAME	YES	NO
Ted Sprkaer	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Map #3

Mr. Rohrer made it clear that GMU 8 GUA boundaries coincide with brown bear permit areas.

Since there were still unresolved issues in GMU 9 Mr. Saxby made it clear that the Board could vote later at this meeting as posted. He recommended posting a sign stating that a vote on amendments to this map might be voted on later, to the door of the meeting room. Mr. Johnson set that 4:30 p.m. Tuesday 12/8/09 is when the vote might take place.

On a motion made by Mr. Rohrer, seconded by Mr. Spraker, and approved unanimously by roll call vote, it was

RESOVLED to accept Map #3, 12 AAC 75.235 as drawn.

Roll Call Vote

NAME	YES	NO
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Map #4

Map #4 is only a state wide representation and does not require a vote.

Map #5

On a motion made by Mr. Mumford, seconded by Mr. Spraker, to amend Map 5 so that the boundary between 21-02 and 24-01 match the GMU boundaries as drawn, and approved unanimously by roll call vote, it was

RESOVLED to accept Map #5, 12 AAC 75.235 amendment.

Roll Call Vote

NAME	YES	NO
Dirk Nickisch	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion made by Mr. Nickisch, seconded by Mr. Mumford, to amend Map 5 so that the boundary of 26-01 follows the Brooks Range and what is left of 25-07 be added to 25-08 as drawn, and approved unanimously by roll call vote, it was

RESOVLED to accept Map #5, 12 AAC 75.235 amendment.

Roll Call Vote

NAME	YES	NO
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Paul Johnson	X
Bob Mumford	X
Dick Rohrer	X
Ted Spraker	X
Dirk Nickisch	X
Leif Wilson	X
Brenda Rebne	X

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion made by Mr. Nickisch, seconded by Mr. Spraker, and approved unanimously by roll call vote, it was

RESOVLED to accept Map #5, 12 AAC 75.235 as drawn with two amendments.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Dirk Nickisch	X	
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Map #6

Mr. Spraker moved to adopt only GMU 17 and GMU 19 so as not to erase any previous changes to other GMUs.

On a motion made by Mr. Spraker, seconded by Mr. Wilson, and approved unanimously by roll call vote, it was

RESOVLED to accept Map #6, 12 AAC 75.235 with no amendments.

Roll Call Vote

NAME	YES	NO
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	

Leif Wilson X
Brenda Rebne X
Paul Johnson X
Bob Mumford X

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Johnson thanked the Board for their excellent job and thanked DNR and the public for all of the work that went into this mapping project. He reminded the public that there might be a re-vote on Map 3 at 4:30 p.m. on Tuesday the 8th of December, 2009 and briefly reviewed the next day's agenda.

The meeting adjourned at 5:10 p.m. until Tuesday at 8:30 a.m.

Tuesday, December 8, 2009

Item 8. Call to Order/Roll Call

The meeting of the Big Game Commercial Services Board was called to order by Mr. Johnson, Chair at 8:30 a.m. Members present constituting a quorum were:

Leif Wilson, Transporter, Vice-Chair
Dirk Nickisch, Transporter
Paul Johnson, Registered Guide-Outfitter, Chair
Robert Mumford, Public Member
Dick Rohrer, Registered Guide-Outfitter
Ted Spraker, Board of Game
Brenda Rebne, Private Land Holder (arrived at 8:33)

Present from the Division of Corporations, Business and Professional Licensing were:

Karl Marx, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Cynthia Spencer, Licensing Examiner

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Howard Martin, FAA
George Helfrich, NPS

Present from the public were:

Wayne Gray, Registered Guide-Outfitter #1261
Wayne Woods, Master Guide-Outfitter #108
Gary Gray, Registered Guide-Outfitter #592
Ben Holbrook, Registered Guide-Outfitter #1233
Hugh L. Krank, Master Guide-Outfitter #154
David Haeg, public
Willie Dvorak, Registered Guide-Outfitter #1179
Julie Dvorak, public
Mike McCrary, public
Arno Krumm, Registered Guide-Outfitter #1239
Matt Snyder, Registered Guide-Outfitter #882
Charlie Gretle, public
Jim Weidner, Registered Guide-Outfitter #1004
Jim Kedrowski, Registered Guide-Outfitter #959
Michael Litzen, Master Guide-Outfitter #129
Joe Klutsch, Master Guide-Outfitter #91
Sam Fejes, Master Guide-Outfitter #73
Rick Kinmon, Registered Guide-Outfitter #1266
Dan Montgomery, Master Guide-Outfitter #73
Sue Entsminger, Registered Guide-Outfitter #1058
Tom Shankster, Master Guide-Outfitter #148
Tom Kirstein, Master Guide-Outfitter #98
Erik Salitan, Registered Guide-Outfitter #1273
Michael Wade Renfro, Registered Guide-Outfitter #1140
Clint Mayeur, Registered Guide-Outfitter #666
Tom Atkins, Registered Guide-Outfitter #727
Tracy Vrem, Master Guide-Outfitter #96
Jason Mogen, Registered Guide-Outfitter #1144
Braun Kopsek, Master Guide-Outfitter #179
Mike McCann, Master Guide-Outfitter #107
Paul Malone, Registered Guide-Outfitter #1163
Russell Davis, Master Guide-Outfitter #177
Steve Perrins, Master Guide-Outfitter #123
Nate Turner, Registered Guide-Outfitter #1036
Dale Adams, Master Guide-Outfitter #168
Lyle Becker, Registered Guide-Outfitter #1276
Frank Danford, Registered Guide-Outfitter #959

Len Butler, the area biologist for GMU 9 and 10 was available to speak to the Board about bear populations in GMU 9 and the Mud Creek area. Mr. Butler began with some basic statistics such as the annual bear harvest for GMU 9 has been about 650 which is about 6% of the population, about 60% harvested are male, and the average skull is about 24".

Mr. Rohrer asked about subunit statistics. Mr. Butler answered that the bear population is pretty mobile. The Mud Creek area has had no significant changes since 2000 except that there might be a dip in the average age of the bears harvested. The bear population on the

peninsula was at a low in the 1960s and 1970s but has been on the rise and generally stable since 2000.

Mr. Rohrer asked about Defense of Life and Property (DLP) statistics and harvest in the Port Heiden area. Mr. Butler answered that it was hard to get a handle on since there is often a failure to report in the bush since they do not want to have to skin the bear and take time to file.

Mr. Spraker asked if an increase in harvest numbers or population has put the Mud Creek area "high on their radar." Mr. Butler answered that there is not much to worry about at this time but might recommend curbing harvest to improve future bear hunting opportunities. He does not see a reason to reduce seasons or go to permit drawings at this time.

Item 9. Board Discussion

A. Portions of a Fourth Guide Use Area (AS 08.54.750(d))

Mr. Rohrer referenced 12 AAC 75.230(e) emphasizing "portion", "federal", and "adjacent" as the key words showing the intent rather than giving a guide access to all of the land in a fourth GUA. Mr. Saxby agreed that he reads it the same way that the intent is to prevent part of a federal concession from going unused rather than to open up use of a whole fourth GUA.

These 4th area registrations and renewals will need to be presented to the Board for approval.

Ms. Rebne asked about adding native land concessions to this regulation. Mr. Saxby pointed out that this would require a statute change since it is directly related to S 08.54.750(d). Mr. Johnson suggested that adding native lands should be discussed during the 2:30 p.m. public comment period and that a subcommittee be formed including Brenda Rebne, Dick Rohrer, and Dirk Nickisch.

B. Discussion on Determining Full Curl Sheep

Matt Snyder, Lt. Bernard Chastain, and Michael Litzen came forward for a presentation. APHA tried to get wildlife troopers and AF&G together where they found some differences in judging after speaking with Anchorage, Palmer, Soldotna, and Homer. There has been an increase in sheep red tagged as not legal in 2009. Anchorage had 238 sheep sealed and 19 red tagged, Palmer 250 sealed and 6% red tagged, and the Kenia peninsula had 18 sealed with 6 red tagged. 70% of the red tags were resident hunters and only 30% were guided.

Mr. Johnson asked about broomed vs. broken. Lt. Chastain stated that broomed is not in their regulations and they strictly interpret them as broken. Only when it is very close do they consult with AF&G.

Mr. Spraker discussed with Lt. Chastain that AF&G sheep being plugged as a practice.

Mr. Nickisch stated that Books Range sheep are taken to public safety in Cold Foot to be sealed.

Mr. Litzen stated that in field measuring, McGrath, and Glenn Allen have stricter standards. Mr. Snyder stated that Tok has developed a state wide proposal for defining full curl but a user friendly system for in the field is still needed; discussed the stick system and different types of horns. Mr. Wilson stated that Tok also had considerably more red tagged sheep this year and that they have made a proposal to the Board of Game.

Mr. Spraker discussed some history of judging full curl sheep. Lt. Chastain agreed that there are more red tagged sheep this year. Mr. Johnson asked Mr. Spraker to take these findings to the January Board of Game meeting.

C. Budget Report

The budget report was moved up on the schedule in case Katherine Mason would need to be called. Mr. Rohrer explained that he reviewed the budget in detail and that this Board is self supported by license fees. Board expenses have been increasing primarily due to legal costs such as being charges \$135.00/hour by Department of law. He does not believe that some legal fees should have been charged to the Board such as a Freedom of Information Act (FOIA) request for confidential hunt record information by the city of Yakutat for tax purposed. When he asked Ms. Mason about how to correct these charges he was told that they are too old to reverse. He is not finished scrutinizing the budget and reminded the public that the Board does not raise license fees but that they were able to redirect increases to areas where the staff spends the most time such as processing new applications.

Ms. Rebne asked about sharing expenditures for FOIA requests. Mr. Rohrer will look into this and reminded the Board that the average hearing officer cost is \$30,000.00. Mr. Spraker expressed his concern over Ms. Mason's answer and asked what recourses the Board has. Mr. Rohrer stated that he was not finished and will keep the Board updated.

Mr. Johnson asked if the Board was in support of Mr. Rohrer; all said yes.

Mr. Johnson asked Mr. Saxby if the Board could reinstate the GUA registration fee and create a retired guide license fee. Mr. Saxby planned to give his views on these by the end of the meeting.

Mr. Rohrer noted that there was a \$1,171.00 legal fee to address a FOIA request from Defenders of Wildlife to access confidential hunt records. Mr. Johnson asked if this fee can be collected from the requestor. Mr. Saxby stated that while requestors could be charged for staff time required to meet public information requests that when attempts to collect legal fees has been argued in court and lost. Mr. Saxby went on to say that the attorney general is trying to change these procedures due to numerous abuses concerning ethics rules during the last administration.

Mr. Johnson asked Mr. Saxby how he interprets AS 8.54.495 Board Assistance and whether or not department of law can charge for FOIA requests. Mr. Saxby stated that he does not

direct this state agency but recommended that the Board approach the legislator about funding. Ms. Rebne asked if department of law billed other boards the same way. Mr. Saxby answered that rather than reserved services, attorneys who are assigned to board are paid out of the general fund.

Mr. Rohrer added that indirect cost split with other professions is based on the number of licensees. Ms. Rebne asked if this was based on the revenue of the license holders. Mr. Rohrer answered that it was only the number of licensees not the license costs.

Ms. Rebne asked how the general fund could be changed to cover some of these costs. Mr. Saxby stated that the norm throughout the state any agency that regulates an industry functions the same as this Board.

D. Assistant Transporter License

Mr. Wilson introduced this topic as a request from special prosecutor Andrew Peterson. The problem is that people banned from guiding can turn around and obtain a transporter license or work under someone else's transporter license continuing to break the same laws. He feels that we do not need to create a whole new class of license for these employees, packers, cooks, etc... This could get out of hand. AS 08.54.605 and 12 AAC 75.145 apply. He recommended that a regulation be added that requires all employees directly involved with transporting must comply with all statutes. Mr. Nickisch agreed with Mr. Wilson that it is not necessary to create a whole new license. Mr. Saxby asked for some clarification.

Lt. Chastain gave a little bit of history. Enforcement does not just want to hold the employer accountable but also the employee.

Mr. Johnson asked Mr. Nickisch for an update on the part 135 wording subcommittee. Mr. Nickisch said that he could present it tomorrow. USCG license requirements for navigable waters language would also be looked at.

10:11 a.m. the Board recessed.

10:30 a.m. the Board reconvened.

On a motion duly made by Mr. Wilson, seconded by Ms. Rebne, and approved unanimously, it was

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310, to hear 10. Investigative Report, 11. Judge Terry Thurbon's Administrative Law briefing, and 12. Hearing Officer Decisions in executive session.

10:31 a.m. the Board adjourned to executive session with a pause at 12:14 p.m. for a working lunch.

2:26 p.m. the Board returned from executive session.

Item 13. Public Comment

Mr. Johnson explained that due to the unusually large number of speakers who signed up the Board would have to ask that they limit their comments to 5 minutes or less. He also asked if anyone was willing to hold their comments today and speak during Wednesday's public comment period. The following speakers agreed to wait:

Coke Wallace
Rick Kinmon
Frank Bishop
Henry Tiffany
Hugh Krank
Joe Hendricks
Willie Dvorak
Ralph Miller

Wade Willis, public

Mr. Willis stated that he was disappointed in the lack of public participation in the state land subcommittee process. Teleconferences were not listed on website and he was upset that no attendance or notes were kept for DNR subcommittee. He said that Bobby Fithian limited his ability to speak and that it biased towards APHA requests. He recommended preference be given to concessionaires with part 135 and that assistant guides be limited.

Mr. Johnson stated that the subcommittee was handled the same as any other committee.

Mike McCrary, public (assistant guide?)

Mr. McCrary spoke about the confusion between air taxis and transporters. He feels that clients might be too trusting that the air taxi they hire to access hunts is in compliance.

Mr. Johnson asked if he found the public process yesterday helpful. Mr. McCrary answered yes, and that he appreciated the opportunity to sit in and provide input.

David Haeg, public

Mr. Haeg introduced himself as having been master guide #146. He began an explanation of losing his license and super cub five years ago for same day airborne wolf hunting. He feels that he was mistreated by the courts and mislead into incriminating himself.

Jackie Haeg, public

Mrs. Haeg introduced herself as David Haeg's wife and reiterated Mr. Haeg's testimony.

Mr. Johnson stated that the Board has no information besides what Mr. Haeg has provided; he has never been mentioned in any form to the Board. Since Mr. Haeg has not submitted an application for licensure the Board has no plans to take any action at this time.

Tim Twohy, public

Mr. Twohy introduced himself and spoke on Mr. Haeg's behalf. He feels that feels that Mr. Haeg's plane was illegally seized and that he was denied due process. He explained that Mr. Haeg used this plane for his livelihood outside of guiding such as sightseeing. He feels that it is the Board's duty to review this case.

Mr. Johnson again explained that that the Board is not involved with this decision.

Mr. Twohy asked about the Board policy to impose additional sanctions. Mr. Johnson explained that the Board "may" impose sanctions not "will."

Ellen Alden, public

She introduced herself as speaking on Mr. Haeg's behalf. She feels that Mr. Haeg has been punished enough and urged the Board to allow his licensure.

Mr. Johnson restated that the Board has no application to take any action on.

Drew Hildebrand, public

He introduced himself as having worked for Mr. Haeg and reiterated the five year history of this court case.

Dave Brummel, public

He introduced himself as being present to testify on Mr. Haeg's behalf. He feels that Mr. Haeg will be vindicated and will get his license back.

Mr. Johnson stated that the Board does not take this case lightly but that they cannot take any action until Mr. Haeg submits an application.

Doug Boykin, public

He introduced himself and stated that he flew in from Texas to speak on Mr. Haeg's behalf. Mr. Boykin also handed out copies of a letter from a former Alaska Trooper who felt that Mr. Haeg's case had been mishandled.

Mr. Johnson restated that Mr. Haeg must hand in an application before the Board can take any action.

James Isaak, public

He asked that that the Board require Andrew Peterson to answer questions for Mr. Haeg.

Michael Litzen, Master Guide-Outfitter 129 and Transporter 647

Mr. Litzen suggested that if a guide provides transportation services or air drop off only hunts, as the regulations allow, that they also be required to hold an FAA part 135.

Mr. Johnson asked that Mr. Litzen keep in touch with Mr. Wilson and Mr. Nickisch on this subject.

Sally Perkins, public

She introduced herself and read an affidavit from Wendell L. Jones from Cordova on Mr. Haeg's behalf.

Sam Fejes, Master Guide-Outfitter 73

He handed out a packet for the Board concerning his 4th GUA and explained that Ms. Roccodero had said that it qualified and registered it.

Tracy Vrem, Master Guide-Outfitter 97

He asked that the Board either removed references to using a plane to spot game the day before or amend it to include using any vehicle to spot game.

Tom Atkins, Registered Guide-Outfitter 727

He followed up what Mr. Litzen said about there being confusion on guides transporting.

Mr. Wilson stated that while regulations allow a guide to also transport in his registered GUAs, FAA has separate rules requiring a part 135.

Ms. Rebne asked how air taxis could be made more accountable like transporters. Mr. Atkins answered that currently the term "incidental" creates a huge loophole to allow air taxis to avoid licensure and accountability.

Tom Kirstein, Master Guide-Outfitter 98

No comment.

Mike McCann, Master Guide-Outfitter 107

No Comment

Wayne Kubat, Master Guide-Outfitter 147

He suggested removing AS 08.54.610(e)(1) which requires a contracting guide to be physically present in the field at least once but keep (2) which still requires the contracting guide to be in the field and participating unless they employ a class-A assistant or registered guide. 12AAC 75.250(a) would also need to be changed to match.

Mr. Kubat also suggested that registered guides employed by other contracting guides be allowed to act as a class-A assistant in any GMU in the state.

He wanted to emphasize that DNR needs to make provisions for "right of ways" through some concession areas to be able to access others or some will be useless.

He also wanted to second Mr. Vrem's suggestion that no motorized vehicles be allowed to spot game with the exception of spring bear hunts.

Kelly Vrem, Master Guide-Outfitter 102

Mr. Vrem is in support of the DNR concession area program and strongly suggested regulating air taxis acting as transporters.

3:50 p.m. the Board recessed.

4:05 p.m. the Board reconvened.

Item 14. State & Federal Agency Testimony

A. Federal Aviation Administration (FAA)

Howard Martin spoke representing the FAA. He stated that while a guide-outfitter can transport only in his registered GUAs, if he is dropping clients off by plane he will need a part 135. A lodge can use a plane to and from their lodge under part 91. Any pilot hired to fly clients for a guide must have a part 135. If an assistant guide flies clients under part 91 then he must actually guide as well. Mr. Wilson asked what the FAA's definition of "providing guide services" might be. Mr. Martin said that they would defer to the Wildlife Troopers or they could check with this Board.

Ms. Rebne asked how the FAA handles air taxi concerns such as dropping off an unlimited number of clients, trespassing, and facilitating wanton waste of game. Mr. Martin said that this might be the responsibility of the land holders, board of game, or this Board.

Mr. Johnson stated that the word "incidental" would need to be removed from statutes so that air taxis would be responsible for wanton waste, trespassing, and other concerns.

Mr. Martin explained that if an assistant guide used his own airplane then he would have to be under part 135 but if he flew the contracting guide's plane he would be under part 91. Mr. Wilson asked about this distinction. Mr. Martin said that the FAA would have to look at each situation on a case by case basis.

B. Bureau of Land Management (BLM)

Bob Schneider, District Manager for the Fairbanks District gave an update on statewide activities and provided copies of the most current planning letter on the sign-in table.

BLM intends to require transporters to have permitting for the Squirrel river area. Mr. Spraker asked if they have the ability to regulate these numbers. Mr. Schneider answered that it is still in the works.

They are intending to provide access to state and private lands. Mr. Wilson asked about the 40-Mile area. Mr. Schneider answered that access at Molly field to the Doyon Native Corp lands is in appeal and could take 1-3 years to resolve until then, public use is still allowed.

Mr. Johnson thanked Mr. Schneider and BLM then asked if remaining agencies would be willing to wait until tomorrow.

Item12. Hearing Officer Decisions Continued

Mr. Wilson clarified that by accepting this 2nd decision in the case of Don Fernandez there was no reason to deal with the 1st decision since it was a mute point.

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously, it was

RESOLVED to accept the November 19, 2009 Hearing Officer Decision for Don Fernandez.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson		ABSTAIN
Bob Mumford	X	
Dick Rohrer	X	

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to accept the Hearing Officer Decision for John Katzeek.

Roll Call Vote

NAME	YES	NO
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford		ABSTAIN

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously, it was

RESOLVED to accept the Hearing Officer Decision for Chad Reel.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Dirk Nickisch	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously, it was

RESOLVED to accept the Hearing Officer Decision for Edward E. Toribio.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch	X	

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously, it was

RESOLVED to accept the Hearing Officer Decision for James Bailey.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer		ABSTAIN
Dirk Nickisch	X	
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Item7. Adopt/Amend Regulations (12 AAC 75.235 Mapping) Continued

On a motion duly made by Mr. Rohrer, seconded by Mr. Mumford, and approved unanimously, Map 2 was opened to reconsideration.

Mr. Rohrer explained that parts of GMU 11 have never had a GUA designation and have been included in GUA 06-02 registrations. It has been brought to his attention that portions of GMU 11 previously closed to guiding are now private and that there are ongoing land conveyances which could be leased by guides.

Mr. Rohrer also suggested moving the 06-01 and 06-02 boundary to coincide with UTS or Forest Service (USFS) lines.

RESOLVED to amend Map 2 by adjusting the 06-01/06-02 boundary to coincide with the USFS boundary.

Roll Call Vote

NAME	YES	NO
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Dirk Nickisch	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Ms. Rebne asked about the private lands in GMU 11. Mr. Johnson asked Mr. Saxby if the Board could call expert witnesses and made it clear that this is not the same as public testimony. Mr. Saxby answered yes. The Board asked Master Guide-Outfitter 108 Wayne Woods how much private land was available as a guiding opportunity in 11-05. Mr. Woods answered about 26,000 acres with being conveyed but that these lands are not worth "burning a bean" or using up one of a guides three GUA registrations on. Ms. Rebne asked what option would do the least harm. She suggested that extending the 06-02 boundary into 11-05 would provide more opportunities to native corporations to generate revenue. Mr. Nickisch made it clear that this would be a unique change to allow private land holders an opportunity.

On a motion duly made by Mr. Nickisch, seconded by Mr. Rohrer, and approved unanimously,

RESOLVED to amend Map 2 by including all of 11-05 in 06-02 registrations.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Mr. Rohrer, seconded by Mr. Mumford, and approved unanimously,

RESOLVED to accept Map 2 with two amendments.

Roll Call Vote

NAME	YES	NO
Dirk Nickisch	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Spraker asked to speak while the Board was between maps about his strong feelings on David Haeg's series of public comments. He was extremely upset that he was cited as the member of the Board of Game who Mr. Haeg claims misdirected his wolf control. He recalls quite the opposite and instructed Mr. Haeg to be extremely careful with this then new predator control initiative so as not to jeopardize the whole effort.

On a motion duly made by Mr. Rohrer, seconded by Mr. Mumford, and approved unanimously, Map 3 was opened to reconsideration.

Mr. Rohrer moved that the 09-19/09-23 boundary remain as it is down Mud Creek. He also suggested that the boundaries around Port Heiden remain unchanged. Mr. Rohrer stated that it will be best to leave the boundary unchanged so as to not also change ongoing harvest pattern studies. Mr. Spraker agreed. Mr. Rohrer stated that he finds no compelling

reason to change this boundary. Mr. Johnson added that he hopes that guides take biologists concerns for this area to heart.

On a motion duly made by Mr. Rohrer, seconded by Mr. Mumford, and approved by a vote of 4:3,

RESOLVED to accept Map 3 leaving the 09-19/09-23 boundary at Mud Creek.

Roll Call Vote

NAME	YES	NO
Paul Johnson		X
Bob Mumford		X
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch		X
Leif Wilson	X	
Brenda Rebne	X	

THE MOTION PASSED BY A MAJORITY VOTE.

5:32 p.m. the Board meeting adjourned until Wednesday at 8:30 a.m.

Wednesday, December 9, 2009

Item 15. Call to Order/Roll Call

The meeting of the Big Game Commercial Services Board was called to order by Mr. Johnson, Chair at 8:30 a.m. Members present constituting a quorum were:

Leif Wilson, Transporter, Vice-Chair
Brenda Rebne, Private Land Holder
Paul Johnson, Registered Guide-Outfitter, Chair
Robert Mumford, Public Member
Dick Rohrer, Registered Guide-Outfitter
Ted Spraker, Board of Game
Dirk Nickisch, Transporter

Present from the Division of Corporations, Business and Professional Licensing were:

Karl Marx, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Cynthia Spencer, Licensing Examiner

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Heather Knudsen, USFWS
Brian Anderson, USFWS
Lt. Bernard Chastain, Wildlife Troopers
George Helfrich, NPS
Lisa Fox, NPS
Steve Machita, AFG
Pat Volkenberg, AFG
Bill Tremblay, USFS

Present from the public were:

Nate Turner, Registered Guide-Outfitter 1036
Mark Eryeart, Assistant Guide 4436
Robert Jewett, Registered Guide-Outfitter 1231
Charlie Gregg, public
Tracy Vrem, Master Guide-Outfitter 96
Dale Adams, Master Guide-Outfitter 168
Brad Dennison, Master Guide-Outfitter 138
Joe Klutsch, Master Guide-Outfitter 91
Joey Klutsch, Registered Guide-Outfitter 1277
Braun Kopsack, Master Guide-Outfitter 179
Seth Kroenke, Registered Guide-Outfitter 1267
Israel Payton, Registered Guide-Outfitter 1111
Sam Fejes, Master Guide-Outfitter 73
Dan Suprak, Registered Guide-Outfitter 1254
Tom Shankster, Master Guide-Outfitter 148
Joe Hendricks, Master Guide-Outfitter 32
Tom Atkins, Registered Guide-Outfitter 727
Jeff Christy, public
Paul Malone, Registered Guide-Outfitter 1163
David Walters, Registered Guide-Outfitter 1103
Duane Halverson, Class-A Assistant Guide 674
Ward Havens, Class-A Assistant Guide 723
Arno Krumm, Registered Guide-Outfitter 1239
Luke Bastian, Assistant Guide 6840
Mark Romo, Assistant Guide 2866
Brett Weaver, Assistant Guide 6644
Jacob Hannon, Assistant Guide 6843
Lola Hannon, Assistant Guide 4425
Jason Vogel, Assistant Guide 4848
Jim Weidner, Registered Guide Outfitter 1004

Rick Kinmon, Registered Guide-Outfitter 1266
 Frank Bishop, Registered Guide-Outfitter 933
 Tom Kirstein, Master Guide-Outfitter 98
 Jim Kedrowski, Registered Guide-Outfitter 956
 Ben Holbrook, Registered Guide-Outfitter 1233
 Matt Snyder, Registered Guide-Outfitter 882
 Tony Lee, Master Guide-Outfitter 105
 Loren Karro, Registered Guide-Outfitter 941
 Dan Montgomery, Master Guide-Outfitter 173
 Willie Dvorak, Registered Guide-Outfitter 1179
 Hugh Les Krank, Master Guide-Outfitter 154
 Dave Morris, Master Guide-Outfitter 133
 Erik Salitan, Registered Guide-Outfitter 1273
 Creig Butler, Registered Guide-Outfitter 1106
 Todd Kuster, Assistant Guide 3702

Item 10. Investigative Report (Continued from closed executive session)

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously, it was

RESOLVED to adopt the consent agreement for James Hodges.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Dirk Nickisch	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously, it was

RESOLVED to accept the surrender of Transporter license 567 for Rudolph Demoski.

Roll Call Vote

NAME	YES	NO
Dick Rohrer	X	

Ted Spraker	X
Dirk Nickisch	X
Leif Wilson	X
Brenda Rebne	X
Dirk Nickisch	X
Paul Johnson	X
Bob Mumford	X

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Mr. Wilson, seconded by Mr. Spraker, and approved unanimously, it was

RESOLVED to adopt the consent agreement for Teri Scott Blondin dba Kodiak Charters.

Roll Call Vote

NAME	YES	NO
Dirk Nickisch	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Item 14. State & Federal Agency Testimony Continued

C. Alaska Bureau of Wildlife Enforcement

Lt. Bernard Chastain, the liaison from Wildlife Troopers, first spoke about statewide trends in guide violations this year.

He stated that there were several cases of guides following specific game outside of their registered GUA; in some cases, 10-15 miles outside.

Lt. Chastain said that there has been some trouble with a new regulation requiring black bear tags. He encourages guides to verify that clients have all required tags and licenses in their possession. For this year only, these two violations have been forwarded to Quinten Warren to be handled by the Board.

Enforcement has a problem with transporter activity reports where the instructions say: "top portion of transporter activity report must be completed prior to going into the field" but 12 AAC 75.400(b) states "On the day a client is transported, a transporter shall complete ..." Lt.

Chastain asked that the Board consider changing the regulation to match the form. He had a question about how to find which GUAs a guide is registered in. Ms. Spencer answered that she will fix this problem.

Lt. Chastain stated that enforcement's online access to hunt records and transporter activity reports has been great. It is much easier, faster, and does not take as much time from licensing staff. He encouraged the Board to continue supporting this system.

Mr. Johnson took this opportunity to remind enforcement that at the first Board meeting where this online system was proposed that agencies agreed to pay for this online system access which up until now has been paid for out of guide license fees. He went on to say that it is nice to hear on the record that the system is working.

Water taxis have been challenging their need to have a transporter license to drop off and pick up big game hunters because AS 08.54.790(10) exempts aircraft. Mr. Rohrer stated that there are no exemptions for water craft and that they should be ticketed. Ms. Rebne asked about just removing the air taxi exemption. Mr. Johnson stated that this will need to be taken to the legislature. There was discussion about the state ferry system needing a transporter license. Mr. Nickisch pointed out that they are public transportation only going to ports on regularly scheduled trips like Alaska Airlines or Pen Air.

Mr. Wilson went back to the earlier issue of transporter activity report wording. He was worried that an amendment would create a problem with (4) where the transporter would have to set a specific location. Lt. Chastain stated that this was enforcement's problem; by leaving it blank they are free to cruise shore lines and look for game before dropping the client off. This infringes on guiding where the client is responsible for telling the transporter where they want to go. He offered that the only provisions should be for weather and safety in case the original location is not open. Mr. Johnson instructed Mr. Wilson and Mr. Nickisch to add this issue to their subcommittee.

Mr. Rohrer asked if guides and transporters can both be held accountable for clients having proper land use documentation. Mr. Saxby stated that it is only a crime for the guide and under ethics they must advise clients on laws. Lt. Chastain stated that it is very rare for clients to not have proper documentation. Ms. Rebne asked if anything can be done addressing air taxis. Mr. Saxby stated that these requirements only apply to those that the Board regulates.

Lt. Chastain passed out copies of three options for strict liability:

Option 1.

AS 08.54 is amended by adding a new section to read:

Sec. 08.54.722. Strict liability big game guiding penalties.

- (a) A person who without any culpable mental state violates AS 08.54.605-AS 08.54.790, or regulation of the Big Game Commercial Services Board or the

- department governing big game guiding, outfitting, or transportation services, is guilty of a violation and upon conviction is punishable by a fine of not more than
- (1) \$1,000 for a first conviction;
 - (2) \$2,000 for a second conviction or for a subsequent conviction not described in (3) of this subsection; and
 - (3) \$3,000 for a third subsequent conviction within a 10-year period.
- (b) A person charged with a violation under this section is entitled to a trial by court but not a jury, and is not entitled to representation at public expense.

Option 2.

AS 08.54 is amended by adding a new section to read:

Sec. 08.54.723. Form and issuance of citation.

- (a) When a stops or contacts a person concerning a violation of this title or of a regulation adopted under this title that is a misdemeanor, the peace officer may, in the officer's discretion, issue a citation to the person as provided in AS 12.25.180.
- (b) The supreme court shall specify by rule or order those misdemeanors that are appropriate for disposition without court appearance, and shall establish a schedule of bail amounts. The maximum bail amount for an offense may not exceed the maximum fine specified by law for that offense. If the misdemeanor for which the citation is issued may be disposed of without a court appearance, the issuing officer shall write on the citation the amount of bail applicable to the violation.
- (c) A person cited for a misdemeanor for which a bail amount has been established under (b) of this section may, within 15 days after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer
 - (1) The amount of the bail indicated on the citation for that offense; and
 - (2) A copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail is forfeited.
- (d) When bail has been forfeited under (c) of this section, a judgment of conviction shall be entered. Forfeiture of bail and all seized items is a complete satisfaction of the misdemeanor. The clerk of the court accepting the bail shall provide the offender with a receipt stating that fact if requested.
- (e) If the person cited fails to pay the bail amount established under (b) of this section or to appear in court as required, the citation is considered a summons for a misdemeanor.
- (f) Notwithstanding any of her provisions of law, if a person cited for a misdemeanor for which a bail amount has been established under (b) of this section appears in court and is found guilty, the penalty that is imposed for the offense may not exceed the bail amount for that offense established under (b) of this section.

Option 3.

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

12 AAC 75.940. Liability for violations.

Unless otherwise provided in this chapter or in AS 08, a person who violates a provision of 12 AAC 75.100-12 AAC 75.990 is strictly liable for the offense, regardless of that person's intent.

Mr. Johnson stated that the Board would review these options.

Item 16. Public Comment

Coke Wallace, Master Guide 172

Mr. Wallace feels that the Board not DNR should be responsible for cleaning up guide problems. He stated that trespassing was an issue in his area. Ms. Rebne discussed his trespassing issues.

Ron Davis,
Not present.

Rick Kinmon, Registered Guide-Outfitter 1266

Mr. Kinmon introduced himself as a guide and predator hunter. He feels that the Board is basically going the right direction on predator management and concession area support.

While he thinks that the state is doing a good job managing wolves and bears he believes that coyotes are a very serious threat to game population and have been under the radar too long. He pointed out that Alaska is the only state that he knows of that has a season limiting coyote. He stated that they are very efficient predators and can kill even large unguent young. He asked for a show of hands from other guides who have seen problems with coyote predation. An estimated ten guides raised their hands. Mr. Kinmon invited anyone interested in sharing information on this project to call (907) 355-WOLF(9653).

Dave Morris, Master Guide-Outfitter 133

Mr. Morris had nothing to say at this time.

Henry Tiffany, Master Guide-Outfitter 144

He stated that he was in support of the stick method for measuring full curl sheep in the field. He had questions about packers and assistant guides claiming their three required harvest in order to later contract hunts for that species under 12 AAC 75.100(1)(D)(iii). Mr. Rohrer answered that they must be licensed and on the hunt record in accordance with 12 AAC 75.460. Mr. Tiffany also asked that the Board get back on 4th GUA registrations faster.

Frank Bishop, Registered Guide-Outfitter 933

Mr. Bishop stated that it was so congested on Kodiak this year that he had to re-book or refund payment to some clients. He is in support of camp displacement standards. As a vendor for a native corporation on Kodiak he stated that there are trespass issues. Since some lands were in litigation trespassing is still being ignored.

Mr. Rohrer commented that he is well aware of these issues and complimented Mr. Bishop on his professionalism refunding his clients' money. He encouraged any road system hunters to who have questions on land ownership to contact Mr. Bishop who is very knowledgeable.

Mr. Spraker asked if the camp displacement problems were between resident hunters or guides. Mr. Bishop answered guides.

Ms. Rebne thanked Mr. Bishop for his private land use comments and handling his clients so professionally. She understands that the land conveyance should be finalized by the end of the years which will allow enforcement to curtail the problem.

Hugh Les Krank, Master Guide-Outfitter 154

Mr. Krank stated that he was glad that the Board and DNR had decided not to disband the land use subcommittee. He basically likes enforcement's proposed strict liability system but is concerned that the fines might be too high for some paperwork offenses and that this could impact licensing.

Mr. Krank thought that class-A assistant guides could also make prospectus bids on concession areas. Mr. Johnson answered no. Mr. Krank asked if GUAs would be changed to match DNR concession areas. Mr. Johnson answered that it was undecided at this time but he was in favor of doing this and it would likely be handled on an area by area basis.

Ms. Rebne asked if there was any proposal to limit the number of assistant guides under one contracting guide. Mr. Krank answered that it might be handled in the prospectus bid or by the number of animals permitted to be harvested.

Mr. Spraker pointed out that GMU 18 while not specifically addressed was included in map 6.

Joe Hendricks, Master Guide-Outfitter 32

Mr. Hendricks began by saying that 90% of the people attending this Board meeting were here for selfish reasons and 10% were looking out for everyone else. If you do not look out for yourself no one else might but if you only look out for yourself what sort of person are you? He thanked the Board for looking out for us.

He has not seen coyote in the high country but he has seen wolves and bear so maybe there are coyote too.

Mr. Hendricks suggested being extremely careful with 4th area registrations.

He explained that fifty years ago assistant guide just assisted but now they guide while the contracting guide is just a pilot. Even top executives do not have unlimited assistants. The Pope is limited to three assistants so he suggests that each guide be limited to three under them. A registered guide working for a contracting guide could then have another three assistants. Mr. Rohrer discussed this limit of three.

He is worried that the strict liability could be used to impose high fines for frivolous infractions such as leaving a wallet back in camp. A fine schedule should stay away from such frivolous rules.

Mr. Hendricks agreed with Kelly Vrem that no vehicle should be used to spot or harvest big game.

Mr. Hendricks agreed that air taxi should not be allowed to suggest a location to their clients. Mr. Mumford discussed allowing reasonable deviations for safety only. Ms. Rebne also agreed that air taxis should held to taking clients where they want to go.

Mr. Mumford stated that it is expensive to get enforcement out in the field but that any fines go into the general fund. He asked about fines going into a directed fund.

Mr. Hendricks also wanted to see moose require a guide for nonresident hunters.

Willie Dvorak, Registered Guide-Outfitter 1179

Mr. Dvorak passed at this time.

Tom Kirstein, master Guide-Outfitter 98

Mr. Kirstein stated that the impact on interior guides has been growing and encouraged the board of game to require guides for additional species. He feels that transporter issues still need dealt with. Mr. Spraker discussed the DNR proposals which Mr. Kirstein supports.

Tony Zellers, Registered Guide-Outfitter 1122

Mr. Zeller introduced himself as a co-defendant with David Haeg.

Nate Turner, Registered Guide-Outfitter 1036

He was representing the APHA subcommittee which suggests that the "appropriate buffer" between any class of guide camp be set at two miles, without prior permission, in 12 AAC 75.340((d)(7)).

Mr. Spraker asked why two miles rather than five miles. Mr. Turner explained that they were trying to find a standard that could work for the whole state. Ms. Rebne asked if this could apply to resident camps. Mr. Wilson pointed out that transporters could not be included since they are never allowed to set up any camp. Mr. Johnson explained the explained the proposed regulation and public comment procedures.

10:30 a.m. the Board recessed.

10:49 a.m. the Board reconvened.

Item14. State & Federal Agency Testimony (Continued)

D. Department of Fish and Game

Pat Volkenberg of Alaska Fish and Game introduced himself as the lead for guide issues and he has been working with the DNR concession proposal. He invited the Board to use their biologists whenever it would help. Ms. Rebne asked about using them to help track the impact of transporters and air taxis on private land holders. Mr. Volkenberg agreed that they will try and be more help to private land holders in the future.

E. National Park Service (NPS)

Lisa Fox introduced herself as the new lake Clark area manager and gave her new phone number: (907) 644-3644. She stated that her predecessor had a close working relationship with the Board which she is looking forward to continuing.

George Helfrich gave a brief update on the GMU 23 working group. He announced that the use permits will be limited to eight through a competitive process. He explained that the board of game has set cap limits on harvests. Mr. Spraker asked if there was still a 357 client limit. Ms. Rebne asked about tracking harvest numbers. Mr. Helfrich stated that this is not a biological issue but a social issue and that there are plenty of caribou. Mr. Spraker pointed out that the number of non-resident caribou hunters using transporters might increase again now that the limit has been raised to two.

Steve Machita introduced himself as the regional supervisor for region five. He stated that at this time transporters are taking roughly 50% resident hunters and that subsistence hunters are harvesting 10,000-12,000 caribou per year. Ms. Rebne asked about wanton waste complaints. Mr. Machita answered that due to educational materials incidents of wanton waste from non-local hunters has declined dramatically over the past two years.

F. United States Forest Service (USFS)

Bill Trembley from the Petersburg office stated that there will be new fees this year but that 95% of the fees are going towards local improvements and enforcement. He feels that there might be problems with salt water transporters providing overnight accommodations and possibly skiffs. He also suggests that the client choose a specific drop off location in advance rather than cruising in search of game. Mr. Trembley asked for more help doing detailed searches in the hunt record and transporter activity report data base.

Mr. Johnson asked Ms. Hondolero to provide assistance and reminded Mr. Trembley that the USFS also promised to pay an access fee for this information which has been paid for out of licensing fees up to this point.

Item 17. Adopt/Amend Regulations (12 AAC 75.205 – hunt records)

On a motion made by Mr. Wilson, seconded by Mr. Mumford, and approved unanimously by roll call vote, it was

RESOLVED to accept amendments to regulation, 12 AAC 75.205 as public noticed,

Roll Call Vote

NAME	YES	NO
Ted Sprkaer	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Johnson asked if enforcement had any questions about the changes.

Mr. Rohrer pointed out that the language is that the Board "may" discipline registered guide-outfitters for lost books and other hunt records violations. He added that the industry should know that the Board intends to be reasonable so cooperate with staff.

Item 18. Board Discussion

A. Retired/Inactive Guide License (and GUA Registration Fee)

Mr. Johnson addressed Mr. Saxby what would be required to create a retired or "gentleman's" guide license and how to go about charging a \$100.00 GUA registration fee again. Mr. Saxby answered that both will require statutory changes by the legislature. He stated that the GUA registration fee could be added to AS 08.54.750 and the retired license between AS 08.54.620 and 08.54.630.

Mr. Spraker asked about creating two license fees instead and what would the new license fee be. Mr. Johnson answered that we are still working on that.

11:42 a.m. The Board recessed for lunch.

1:00 p.m. the Board reconvened.

Mr. Johnson asked that, if there were no Board objections, he would get together with Mr. Marx to write a letter proposing legislative changes for the gentleman's license and a GUA registration fee. He went on to explain that these additional fees would go towards proctors and investigative review costs.

B. Transporter Subcommittee Update

Mr. Nickisch stated that they see no reason to make a statutory change specifying that air transporters have a part 135 air carrier certificate so long as staff knows. The statute already says that they must have applicable licenses. No new transporter licenses will be issued without proof of a part 135. Mr. Saxby pointed out that it might be difficult to correct old

transporters. Staff may need to do a mass mailing to transporters to inform them of this rule. Mr. Saxby suggested something like: " As we have been informed by the FAA a part 135 air carrier certificate is required if you fail to submit a copy of your air carrier certificate to show compliance with part 135 you will be in violation of 12 AAC 75.145(a)(4)."

Mr. Nickisch pointed out that the online renewal needs to be changed to accept both letters and numbers for a air carrier certificate. Currently it only accepts numbers for a pilot's license.

Item7. Adopt/Amend Regulations (12 AAC 75.235 Mapping) Continued

On a motion duly made by Mr. Rohrer, seconded by Ms. Rebne, and approved by a majority vote of 4:3, Map 3 was opened to reconsideration.

RESOLVED to open Map 3 for amendments.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson		X
Bob Mumford		X
Dick Rohrer	X	
Dirk Nickisch		X
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Rohrer explained that there is a section of private land around the town of Port Heiden which is currently in three GUAs. He proposed altering the boundary of 09-19 and 09-23 so that it would all be in 09-19. He went on to clarify that this will not follow the brown line to the west of Port Heiden.

On a motion duly made by Mr. Rohrer, seconded by Mr. Spraker, and approved unanimously,

RESOLVED to amend Map 3 by moving the 09-19 boundary around the town of Port Heiden to include all private lands.

Roll Call Vote

NAME	YES	NO
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	

Leif Wilson	X
Brenda Rebne	X
Paul Johnson	X
Dirk Nickisch	X

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Spraker asked if the entire map was now open including the Mud Creek boundary. Mr. Johnson answered that yes that all of map 3 was open. Mr. Spraker clarified that his motion did not include changing the Mud Creek boundary of 09-19 and 09-99.

On a motion duly made by Mr. Rohrer, seconded by Ms. Rebne, and approved by a majority vote of 5:2,

RESOLVED to accept Map 3 with the new amendment.

Roll Call Vote

NAME	YES	NO
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson		X
Bob Mumford		X

THE MOTION PASSED BY A MAJORITY VOTE.

Item 5. Application Review Continued

On a motion duly made by Mr. Wilson, seconded by Mr. Rohrer, and approved unanimously,

Ms. Spencer explained the application to register a 4th GUA. Mr. Rohrer stated that based on the maps and other information provided this application clearly does not meet portion of a 4th area statute AS 08.54.750(d). He pointed out that the area requested is within an entire unit and is not a portion overlapping from another unit. Mr. Wilson agreed that the concession does not cross a GUA boundary.

RESOLVED to accept Henry Tiffany's 4th GUA registration.

Roll Call Vote

NAME	YES	NO
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Paul Johnson		ABSTAIN
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	
Dirk Nickisch		ABSTAIN
Leif Wilson	X	
Brenda Rebne		ABSTAIN

THE MOTION PASSED BY A MAJORITY VOTE.

Item 18. Board Discussion Continued

C. Camp Spacing Amendment Proposed by APHA

Mr. Rohrer moved to put the camp distance on the floor which was seconded by Mr. Spraker. Mr. Rohrer stated that the proposed 12 AAC 75.440 Transporter Camp Spacing would have to be struck since transporters cannot set up any camps. Mr. Spraker concurred.

Mr. Johnson asked if the Board had the authority to set this distance. Mr. Saxby answered yes they can determine what is ethical and can set different distances for each area.

12 AAC 75.340 Guide Camp Spacing

Amend section (c)(7) to read:

(c)(7) allow appropriate buffer areas between hunters and camps so as to avoid disrupting hunts and hunt experience; no one holding any class of guide license shall place a camp within two miles of a permanent structure being utilized for big game guiding purposes within the same guide use area, unless agreed upon by a written agreement between the involved parties, excluding those permanent camps already in existence at the time of passage of this amendment. This regulation is subject to sunset upon implementation of the proposed Department of Natural Resources guide concession program.

On a motion duly made by Mr. Rohrer, seconded by Mr. Spraker, and approved unanimously,

RESOLVED to public notice and review proposed regulation 12 AAC 75.340 setting a two mile spacing between guide camps.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	

Paul Johnson	X
Bob Mumford	X
Dick Rohrer	X

THE MOTION PASSED BY A MAJORITY VOTE.

D. Amend/Adopt May 18, 2009 Board Teleconference Minutes

The Board reviewed the draft minutes.

On a motion duly made by Mr. Wilson, seconded by Mr. Rohrer, and approved unanimously, it was

RESOLVED to adopt the May 18, 2009 board teleconference minutes as written.

Mr. Johnson gave direction to subcommittees and asked members to consider how best to handle mail votes before going on break.

2:16 p.m. the Board recessed.

3:37 p.m. the Board reconvened.

E. Assistant Transporter License

Mr. Nickisch stated that the transporter activity report instructions need to be changed to match 12 AAC 75.400(b) which specifies that a transporter will complete parts the day of rather than prior to going to the field:

Mr. Nickisch stated that water taxis and providing accommodations aboard salt water vessels is big enough to put on the March agenda. He encouraged salt water transporters and guides to attend.

After consulting with Mr. Saxby, Mr. Nickisch would like to see an endorsement added to the current transporter applications for all employees providing transporting services. Ultimately each of these employees would receive a pocket license. This should help enforcement. Mr. Rohrer asked what the consequences would be. Mr. Saxby answered that once they are issued an endorsement license then they must meet all licensee requirements.

Mr. Nickisch requested a list of any air transporters who have already renewed online to see if copies of the part 135 air carrier certificates can be added to their files.

Mr. Nickisch advises changing the guide-outfitter applications to read: "If you are transporting in your areas you will need to provide a copy of your part 135 air carrier certification."

F. Strict Liability Proposals

Mr. Mumford asked when would these strict liability fines and enforcement's subjective judgment in the field effect prospectus bids. Mr. Johnson instructed Mr. Mumford to write letters to DNR and federal land holders for their response to how this would affect their bids. This topic needs put on the March agenda.

Mr. Rohrer asked that if option 1 was adopted would a schedule of fines be developed and if so, by whom. Lt. Chastain answered that there are established bail schedules subjective up to a maximum amount.

Mr. Saxby stated that statutes create the option for a fine at the judgment of the courts based on the trooper's recommendation but would not carry a record. This would be option 1. Option 2 would have a bailable fine schedule but where violators would plead no contest and receive a misdemeanor on their record. Option 3 he will need to research since he is not sure that the Board has this authority.

G. Mail Vote Procedures

Mr. Johnson asked each Board member present how would be the best way to contact them for timely mail votes on applications with "yes" answers. He went on to emphasize the importance of voting on these applications for the industry and encouraged Board members to respond ASAP since these applications may have already been in investigative staff's hands for 4-5 month. Ms. Rebne and all Board members present answered that the current e-mail form was working best for them.

Mr. Mumford asked if two or three Board members could be designated to respond. Mr. Johnson answered no it will require a quorum of at least five votes.

Mr. Johnson took this opportunity to ask if the Board members were comfortable with him as chair and Mr. Wilson as vice-chair. The consensus was that they are both doing a good job.

H. Supervision Subcommittee

Mr. Rohrer discussed a potential statute change to 08.54.610(e)(1) deleting the requirement that a guide must be physically present in the field at least once during a contracted hunt. Other corresponding changes to 12 AAC 75.250 would require that they stay in daily communication by satellite telephone or other means.

Mr. Johnson asked if there were any Board objection and seeing none instructed Mr. Rohrer to work with regulation specialist, Jun Maiquis, in order to public notice it by the March Board meeting.


I. Moral Turpitude

Ms. Rebne asked if the Board could address adding a moral turpitude regulation. Mr. Saxby answered that the Board does not have this authority and that it will require a legislative change to statutes. Mr. Johnson asked if the Board members had any objection and seeing none will write a letter requesting a statute addition.

Ms. Rebne moved to adjourn.


The Board adjourned at 4:16p.m.

Respectfully submitted:



Karl Marx, Licensing Examiner

Approved:



Paul Johnson, Chairperson
Big Game Commercial Services Board

Date: 3-26-10