

**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 11 - 13, 2006**

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held on December 11 – 13, 2006 in Anchorage, Alaska.

December 11, 2006

Call to Order/Roll Call

The meeting was called to order by Paul Johnson, Chair at 8:55 a.m.
Those present, constituting a quorum of the Board were:

Colin Brown, Transporter
Paul Johnson, Chair, Registered Guide-Outfitter
Robert Mumford, Public Member
Richard Rohrer, Master Guide-Outfitter
Ted Spraker, Board of Game
Raymond Stoney, Private Land Holder
Leif Wilson, Vice-Chair, Transporter

Excused from the meeting were Ralph Andersen and B.J. Schmitz.

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

Barbara Gabier, Program Coordinator
Cindy Roccodero, Licensing Examiner

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Dave Lorring, Alaska Bureau of Wildlife Enforcement
Clark Cox, Division of Mining, Land and Water
Lee Anne Ayres, US Fish and Wildlife Service
Bill Tremblay, US Forest Service

Terry Reid, US Forest Service
Michael Williams, US Forest Service
George Helfrich, US National Park Service
Joel Haro, US National Park Service

Visitors present were:

Dale Adams, Master Guide-Outfitter
Aaron Bloomquist, Assistant Guide
Dennis A. Byrne, Registered Guide-Outfitter
Frank Danford, Registered Guide-Outfitter
Brad Dennison, Registered Guide-Outfitter
Frank Dinello, Registered Guide-Outfitter
Jim Ehrhart, Registered Guide-Outfitter
Sue Entsminger, Registered Guide-Outfitter
Chris Erickson, Registered Guide-Outfitter
John Erickson, Master Guide-Outfitter
Robert Fithian, Master Guide-Outfitter
Richard Guthrie, Master Guide-Outfitter
Mike Hayes, Registered Guide-Outfitter
Steve Johnson, Registered Guide-Outfitter
Jim Kedrowski, Registered Guide-Outfitter
Joe Klutsch, Master Guide-Outfitter
Arno Krumm, Registered Guide-Outfitter
Tony Lee, Master Guide-Outfitter
Brian McJunkin, Registered Guide-Outfitter
Scott McRae, Registered Guide-Outfitter
John Mackie, Assistant Guide
Clint Mayeur, Registered Guide-Outfitter
Richard Metzger
Mike Odin, Class-A Assistant Guide
Steven H. Perrins, Master Guide-Outfitter
Brian Peterson, Master Guide-Outfitter
Sam Rohrer, Registered Guide-Outfitter
Joe Schuster, Registered Guide-Outfitter
Tom Shankster, Master Guide-Outfitter
Matt Snyder, Registered Guide-Outfitter
Fred Sorensen, Registered Guide-Outfitter
Kelly Vrem, Master Guide-Outfitter
Natalie Weber

Agenda Item 1

Review Agenda

A request was made to add to agenda item 7, the following subcommittees: Ethics, discussion concerning use of airplanes; Game Management Unit Examination, discussion concerning 60 days of "in-

field” experience; Transporters, discussion concerning development of use areas.

Mr. Rohrer requested to read into the record a letter from Kodiak Association of Charter Operators (KACO) during agenda item 13 – Public Comment.

Mr. Johnson made a request to write a letter to the administration in support of the State Lands Subcommittee effort. Request was added to agenda item 15.

Agenda Item 2 **Board Ethics Disclosures**
No disclosures to report.

Agenda Item 3 **State Lands Subcommittee Report**
Bobby Fithian, Chair of the State Lands Subcommittee provided the Board with a report concerning the progress made since the subcommittee last met in March 2006.

Below is a summation of Mr. Fithian’s report.

1. Department of Natural Resources has the authority to administer and develop guide-outfitter lease programs.
2. Developed a team of state agency personnel who are in support of the initiative.
3. The final program will be resource based, not just land based. The concerns of wildlife, wild land, industry, consumer and social stewardship will all be contained within the proposed program.
4. The effect of development and implementation of proposed program will lead the industry into an era where the industry use on state lands is sustainable for the long term.

Mr. Johnson asked Mr. Saxby if he had any comments concerning Mr. Fithian’s testimony. Mr. Saxby recommended beginning a pilot program in areas with greatest conflict.

Mr. Johnson stated that the state lands subcommittee will meet after agenda item 5 before lunch. Meeting is open to the public.

Agenda Item 5 **Supervision Subcommittee Meeting**
The Supervision Subcommittee did not meet during this meeting.

Mr. Johnson asked the industry and Board to provide feed back as to how it felt about 12 AAC 75.240 and 12 AAC 75.250. Mr. Johnson stated that he has heard from Registered Guide-Outfitters that the

current regulation concerning supervision of their guides is hard to comply with.

Mr. Johnson requested Alaska Bureau of Wildlife Law Enforcement, Liaison Dave Loring to come forward and provide the Board with his observations concerning 12 AAC 75.240 and 12 AAC 75.250.

Mr. Loring stated the each Registered Guide-Outfitters operation is different, therefore for some Registered Guide-Outfitters are able to comply with the requirements of 12 AAC 75.240 and 12 AAC 75.250, while others it is impossible for them to comply.

Break 10:15 a.m., back on record at 10:28 a.m. a quorum of the Board is present.

State Lands Subcommittee meeting: Off record from 10:29 a.m., back on record at 11:32 a.m. a quorum of the Board is present

Lunch Break 11:33 a.m., back on record at 1:07 p.m. a quorum of the Board is present.

Agenda Item 6

Public Testimony

1:07 p.m. to 3:08 p.m. the following persons testified before the Board, followed by a summation of their testimony:

Brain Peterson

- Informed the Board that there have been court rulings and federal legislation changing the professional hunting, game management and nonresident hunting environments.
Senator Reid introduced a bill (SB2978) which passed and created an exception to the commerce clause in order to give each state the right to regulate access to hunting and fishing.
- Requested the Board to pass regulations requiring Alaska residency in order to qualify for a Registered or Master Guide-Outfitter license.
- Requested the Board to send a resolution to the state legislature requesting a guide to accompany all nonresidents who are hunting any big game.

Kelly Vrem

- Need to be careful to not bind ourselves so tightly that we can not operate in the state.

- Feels the hunter has responsibility to research the Registered Guide-Outfitter he/she is interested in hiring before submitting a deposit.
- Too many Registered Guide-Outfitters in too small and area.
- Return sole use or joint use areas.
- Experienced guides should be able to waive the 60 days in-field guide experience to receive certification in a Game Management Unit.
- Registered Guide-Outfitters should not be authorized to provide transportation services only under their license. They need to hold the appropriate license.
- It is very difficult for Registered Guide-Outfitters to receive insurance in Alaska to cover their operations, especially if they are using horses.

Frank Dinello

- Requirements are becoming too difficult, which will make guides loose interest and decide to not pursue a Registered Guide-Outfitter license. This will make it difficult for Registered Guide-Outfitters to obtain help.
- Does not support species specific requirements.
- A person should not be permitted to guide or transport in an area that he/she has surveyed game.

Tom Shankster

- Would like to see the number of Registered Guide-Outfitters restricted to a specific area.

Tony Lee

- Believes hunt records and contracts, contains redundant information.
- Supports exclusive use areas. Will promote stewardship of the resources.
- Does not support species specific licensing.

Brian McJunkin

- Noted the Board has a tuff job, had to deal with many issues quickly and appreciates its position.
- Does not support 60 day in-field guide experience in order to receive certification in a Game Management Unit.

Break 2:55 p.m., back on record at 3:09 p.m. a quorum of the Board is present.

Steve Perrins

- Too many Registered Guide-Outfitters on state lands.
- Looking to the Board to start implementing sanctions to eliminate problem guides.
- Concerned about the requirement of having to keep the hunt records in the field.

J. Erickson

- Would like the Board to require a US Coast Guard license if operating a boat.

Dale Adams

- Would like the Board to consider an Assistant Guide applicant taking the Registered Guide-Outfitter examination in lieu of time in the field.
- Establishment of corporations has created loop holes, which has been allowing many Registered Guide-Outfitters to work together and utilize each others guide use areas and splitting off permits. Recommends restricting corporations to three guide use areas.
- Recommends the Board amending Transporter statute which authorizes the licensee to provide accommodations to big game hunters in the field on a boat with permanent living quarters living on salt water.

Brad Dennison

- Concerns regarding Transporters providing accommodations to big game hunters in the field on a boat with permanent living quarters living on salt water. The word "permanent" living quarters means not being able to move from one place to another as it applies to a permanent lodge or cabin.
- Supports raising the bar for all class of guides.
- Recommends a passing score of an examination higher than 75%.

Mr. Johnson asked Mr. Saxby if it was in the Boards purview to define "permanent living quarters." Mr. Saxby stated that it would be fine with in reason.

Frank Danford

- Provided recommendations to the Board regarding amendments to Department of Fish and Games statutes and regulations.

Sue Entsminger

- Supports raising the bar to become a Registered Guide-Outfitter; it is critical.
- Recommends requiring Assistant Guide applicants to have to take a test in order to receive a license.

Aaron Bloomquist

- What happen to the regional examinations that were proposed in March?
- Frustrated that he is required to have more time in the field and demonstrate harvests of animals, when his employing Registered Guide-Outfitter received his license with minimal time and can provide services for all species.
- There should be an Assistant Guide on the Board.

Chris Erickson

- Supports the Board in raising the bar for Assistant Guides to become a Registered Guide-Outfitter.
- Would like the Board to require proof of a US Coast Guard license if operating on water.
- Agrees with earlier testimony that a corporation should be limited to three guide use areas.

At the end of each testimony Mr. Johnson thanked the person for coming forward.

State Lands Subcommittee meeting: Off record at 3:09 p.m., back on record at 4:53 p.m., a quorum of the Board is present.

Meeting adjourned at 4:54 p.m.

December 12, 2006

Call to Order/Roll Call

The meeting was called to order by Paul Johnson, Chair at 9:03 a.m. Those present, constituting a quorum of the Board were:

Colin Brown, Transporter
Paul Johnson, Chair, Registered Guide-Outfitter
Robert Mumford, Public Member
Richard Rohrer, Master Guide-Outfitter
Ted Spraker, Board of Game
Raymond Stoney, Private Land Holder
Leif Wilson, Vice-Chair, Transporter

Excused from the meeting were Ralph Andersen and B.J. Schmitz.

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

Barbara Gabier, Program Coordinator
Cindy Roccodero, Licensing Examiner

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Commander Steven Arlow,
Alaska Bureau of Wildlife Enforcement
Dave Lorring, Alaska Bureau of Wildlife Enforcement
Kim Titus, Division of Wildlife Conservation
Jim Dau, Division of Wildlife Conservation
Clark Cox, Division of Mining, Land and Water
Adam Smith, Division of Mining, Land and Water
Brian Anderson, US Fish and Wildlife Service
Steve Olberholtzer, US Fish and Wildlife Service
Bill Tremblay, US Forest Service
George Helfrich, US National Park Service
Clarence Summers, US National Park Service

Visitors present were:

Dale Adams, Master Guide-Outfitter
Aaron Bloomquist, Assistant Guide
Ken Chase, Assistant Guide
Frank Danford, Registered Guide-Outfitter
Rudy Demoski
Brad Dennison, Registered Guide-Outfitter
W. Kirk Ellis, Master Guide-Outfitter
Sue Entsminger, Registered Guide-Outfitter
Chris Erickson, Registered Guide-Outfitter

John Erickson, Master Guide-Outfitter
Mike Hayes, Registered Guide-Outfitter
Lianna Jale
Steve Johnson, Registered Guide-Outfitter
Jim Kedrowski, Registered Guide-Outfitter
Lance Kronberger, Registered Guide-Outfitter
Arno Krumm, Registered Guide-Outfitter
Todd Kuster, Assistant Guide
Michael Lizten, Master Guide-Outfitter
Brian McJunkin, Registered Guide-Outfitter
Clint Mayeur, Registered Guide-Outfitter
Rick Metzger
Brian Peterson, Master Guide-Outfitter
Jimmie Rosenbruch, Master Guide-Outfitter
Mary Ann Rosenbruch, Registered Guide-Outfitter
Tom Shankster, Master Guide-Outfitter
Tom Swenor, Registered Guide-Outfitter
George Weaver

Agenda Item 9

**State & Federal Agency Testimony Regarding Recently
Public Noticed Regulations**

9:15 a.m. to 11:48 a.m. the following State and Federal agencies had representative(s) present to testify, followed by a summation of the agencies testimony.

Commander Arlow, Department of Public Safety,
Alaska Bureau of Wildlife Enforcement (ABWE)

- Supports 12 AAC 75.150 and 12 AAC 75 .155. Assigning hunt records to a specific Registered Guide-Outfitter will prevent a rewrite of the hunt record, using a hunt record to cover a violation that has occurred, hide a contract that may have occurred or an Assistant Guide who committed a violation while on the guided hunt.

Assigned numbered hunt records will make it almost impossible to have pre-signed hunt records in the field. The numbered hunt records will assist ABWE with investigations, preventing Assistant Guides from taking clients on their own.

Control the problem of the hunter not meeting and/or being in communication with the contracting Registered Guide-Outfitter.

ABWE is concerned about the support group that will be implementing, monitoring and keeping this process.

Kim Titus, Deputy Director, Division of Wildlife Conservation

- Department appreciates the work of the Big Game Commercial Services Board and staff over the past year.
- The Department foresees within a year or two that the Board will take regulatory action which will be helpful in raising the bar of the industry and protecting resources; in terms of lands and wildlife.
- The Department is looking at permits and the coordination of permits. The agency is heading towards permitting other areas of the state as it currently does in Tok and Kodiak.
- The Department has developed questions for the Registered Guide-Outfitter examination.

Clark Cox, Division of Mining, Land and Water

- No specific comments concerning the proposed regulations.
- Supports the efforts of the Board.
- Questions: 12 AAC 75.230 – concerning 5,000 contiguous acres of uplands.

“What is acceptable proof to the Board for landowner approval? It is the agencies opinion that the piece of paper we issue is acceptable and the on-line registration is not acceptable as there is no oversight by agency staff. The agency is not going to change its permitting language to fit the Boards regulation. Does the chart we created work for you?”

Mr. Johnson asked for Ms. Gabier, Mr. Rohrer, Mr. Cox and anyone from the public who has a permit issued through the Division of Mining, Land and Water to get together later during the meeting to workout how a Registered Guide-Outfitter will prove they have authorization from Division of Mining, Land and Water for 5,000 contiguous acres of uplands.

- Agency would like to confirm that a Registered Guide-Outfitter is required to submit proof of land use authorization from only one landholder regardless the number of land managers in the area. The Board said yes, however all Registered Guide-Outfitters are required by law to obtain land use authorization from every land owner/manger for which they intend to access.

No representative from BLM was present.

Brian Anderson and Leann Aires, US Fish and Wildlife

- Supports the Board and its efforts. “Looking forward to working with the Board and the associate goals.”

- AS 08.54.790(10), definition for transportation services should apply to all persons who provide transportation services in the field regardless if advertising.
- Recommends the Board delete the exception outlined in AS 08.54.790(10).
- Recommended defining "incidental."
- Recommends inserting into definition exceptions a "Registered Guide-Outfitter" as a cross reference since it is in AS 08.54.610 and AS 08.54.750(8).
- Agency likes the idea of Transporters informing the Department 60 days before transporting the use area in which the Transporter will be providing services.

Break 10:49 a.m., back on record at 11:08 a.m. a quorum of the Board is present.

Steve Oberholtzer, US Forest Service

- Seeing progress with the regulations that the Board has created.
- Recommends soliciting feedback from clients.
- Appreciates the cooperation between state and federal agencies regarding keeping the agencies apprised as to what is going on in the field.

George Helfrich, US National Park Service

- No comments regarding the proposed regulations.
- Continue to support the Board.
- Will provide financial support towards the program.
- There were 140 sport hunters in Game Management Unit 23 during 2006.

Mr. Spraker asked Mr. Helfrich if he could provide the Board with a break down as to the number of hunters that were nonresident and resident.

Mr. Helfrich stated that he would have the figures for the Board before the end of the meeting.

Lunch break 11:49 a.m., back on record at 1:30 p.m. a quorum of the Board is present.

Agenda Item 10 **Public Testimony Regarding Recently Public Noticed Regulations**
1:31 p.m. to 3:30 p.m. the following persons testified before the Board, followed by a summation of their testimony.

Dan Suprak

- Recommends awarding applicants pre-camp/after camp activities to be counted towards "in-field" experience.

Brian McJunkin

- Opposes 12 AAC 75.460, current licensees should be grandfathered in.
- 12 AAC 75.230 – Recommended deletion of "may not be withdrawn or changed."

Kelly Vrem

- How is a person who is applying for certification in a Game Management Unit to document species experience for past years'?
- Why not all species? Proposes an affidavit to document experience and provide for a cut-off date as to when experience would be accepted.

Brian Peterson

- 12 AAC 75.260 – Where are the contracts to be kept?

Todd Kuster

- Asked what is an appropriate buffer area? Looking to Board for suggestion. One days walking distance? Nine, 16, 19 miles?

Jimmie C. Rosenbruch

- Do not exclude certain species, require experience with all species.
- Some Registered Guide-Outfitters have the experience harvesting Mt. goat, sheep, moose, caribou and/or brown bear, but can not document through hunt records that they have been involved in a guided hunt, that the species have been harvested because files are destroyed 10 years' after a license lapses. Recommends the Board to grandfather currently licensed Registered Guide-Outfitters.

Rich Guthrie

- Guide use area boundary changes are good idea.
- Personal experience should not be excluded from the 60 day in-field requirement for certification in a Game Management Unit.
- Concerned about species specific licensing requirements.
- Multi year guide use area registration a good idea.

Joe Schuster

- 12 AAC 75.145(e) – Recommends Transporter applicants must provide proof of appropriate FAA or US Coast Guard licenses.
- Aircrafts should be permitted.
- Repeal species specific licensing requirement.

Ken Chase had signed-up to testify before the Board today. However, he was not present or did not come forward when his name was called to testify.

Tom Kirstien

- Registered Guide-Outfitter applicants should have experience with all big game before being eligible to test.
- What happens to the Registered Guide-Outfitter who has land use authorization that doesn't contain 5,000 contiguous acres of uplands? Does the Registered Guide-Outfitter get registered there?
- The 60 day experience requirement to apply for certification in a Game Management Unit can take years to achieve.

Frank Danford

- Initial Assistant Guide applicants should be required to take a test before receiving a license.
- Why should currently licensed Registered Guide-Outfitters have to show experience in harvesting specific species?

Rick Metzger

- Would like to rent his cabin to big game hunters without having to obtain a Registered Guide-Outfitter or Transporter license.

Upon conclusion of each persons' testimony Mr. Johnson thanked the person for coming forward.

Agenda Item 7

Subcommittee Break-Out Session

The Board held the following subcommittee break-out sessions during the meeting:

- Species Specific Licensing: Addressing the issue of requirements for currently licensed Registered Guide-Outfitters whose license were not issued under the species specific regulation, which became effective July 30, 2006.
- Transporters: Discussion concerning refrigeration of client harvested game and development of use areas.
- Ethics: Discussion concerning use of aircraft to spot game.

- Game Management Unit Examination: Discussion concerning 60 days of “in-field” experience.

The following subcommittees were unable to meet during this meeting:

- Continuing Education Requirements
- Assistant Guide Licensing Requirements
- Guide Use Area Boundaries. Item was tabled to the March 2007 meeting.

At 3:33 p.m. Mr. Johnson requested Guide Ethics and Game Management Unit Examination subcommittee break-out sessions.

Mr. Johnson appointed Mr. Brown as chair of today’s Guide Ethics subcommittee and appointed Mr. Rohrer as chair of today’s Game Management Unit Examination subcommittee.

Off record 3:34 p.m. back on record at 4:41 p.m. a quorum of the Board is present.

Game Management Unit Subcommittee Report

Mr. Rohrer stated that “the subcommittee had several recommendations to demonstrate or meet the 60 days in-field experience, such as being a master guide; five years of active guiding; instead of using hunt records to calculate the 60 days use the contracts instead, because sometimes the hunt ends before it was scheduled too.”

Ethics Subcommittee Report

Mr. Brown stated that “the subcommittee determined that airplane scouting is unethical, unless specifically authorized by other applicable laws, or in units that are under intensive management identified by the Board of Game. “

Agenda Item 11 Review Application

A. *Staff Request for Board Direction Regarding Application Processing*

In-Field Experience: Ms. Roccodero asked the Board if staff could award Registered Guide-Outfitter and Game Management Unit certification examination applicants two extra days per hunt for pre-camp and after camp activities, which are part of guide duties.

Mr. Johnson asked the Board if it had objections to Ms. Roccodero’s request in awarding applicants two extra days per

hunt for pre-camp and after camp activities. There were no objections. Mr. Johnson directed staff to award all examination applicants an additional two days for each hunt.

Verification of Species Specific Experience: Ms. Roccodero informed the Board that multiple Assistant Guides can be listed on the hunt record as accompanying the client in the field. Since the hunt record does not identify which Assistant Guide was with the client during the harvest, staff has been awarding the applicant credit for the harvested species identified on the hunt record.

Mr. Johnson asked the Board if it had objections concerning Ms. Roccodero's procedure in awarding credit to applicants for species specific licensing. There were no objections. Mr. Johnson directed staff to continue the process of awarding applicants credit for the species identified on the hunt record as being harvested.

Criminal History/Fish and Wildlife Violation Reports

Ms. Roccodero requested direction from the Board concerning criminal justice information and fish and wildlife violation reports received from applicants, which reflect that the applicant has a criminal record and/or fish and wildlife violation.

The Board directed staff to bring to its attention applicant files which reflect a criminal record and/or a fish and wildlife violation that occurred within the last five years.

Consideration of Past GMU Experience

Ms. Roccodero informed the Board that prior to the late 1970's Registered Guide-Outfitters were certified to provide big game commercial services in multiple Game Management Units.

In the late 1970's the law changed, restricting Registered Guide-Outfitters to holding three certified Game Management Units at any given time. Registered Guide-Outfitters did not lose their certified Game Management Units and could withdraw and exchange units by submitting application to the Board.

Ms. Roccodero stated with the establishment of 12 AAC 75.112(a)(3), she has received numerous telephone calls from licensed Registered Guide-Outfitters who were licensed during the three certified Game Management Unit restriction. Licensees are requesting that the Game Management Units for which they are certified to be placed back on to their license.

Mr. Johnson asked the Board if it agreed to add the certified Game Management Units back on to Registered Guide-Outfitter licenses. The Board unanimously agreed.

Ms. Roccodero informed the Board that staff will add pre-existing certified Game Management Units to a license upon receipt of a written request.

B. Assistant Guide License Application

Ms. Roccodero presented to the Board two Assistant Guide license applications for review.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to enter into executive session in accordance with Alaska Statute 44.62.310(c)(2) to review and discuss Assistant Guide license application for Fred M. Hecks and Jason Saunders.

Board entered into executive session at 3:15 p.m., back on record at 3:33 p.m.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by roll call vote, it was

RESOLVED to approve the issuance of an Assistant Guide license to Fred M. Hecks and Jason Saunders.

C. Registered Guide-Outfitter Applications for Review

Ms. Roccodero asked the Board to review pending applications for approval or denial to sit for the March 2007 examinations.

Applications presented to the Board for review were from Garrett Cox, Wayne Gray, Wesley A. Malcom, Lenny Kent McCollum, and David H. Stirling.

Mr. Johnson asked staff why the Board was being asked to review and either approve or deny the applications. Ms. Roccodero stated that regulation 12 AAC 75.100 does not give the Department authority to schedule applicants to sit for a Registered Guide-Outfitter qualification examination.

D. Master Guide-Outfitter Applications

Ms. Roccodero informed the Board that the Department does not have authority to issue Master Guide-Outfitter licenses.

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved by unanimous consent, it was

RESOLVED to grant to the Division of Corporations, Business and Professional Licensing authority to schedule examination applicants for the March 2007 examination as long as all pending documents are received prior to the Game Management Unit Certification examination deadline date and issue Master Guide-Outfitter and Registered Guide-Outfitter licenses.

Agenda Item 10B Written Correspondence Regarding Public Noticed Regulations

Mr. Johnson requested the Board to review written correspondence received concerning the recently public noticed regulations tonight for consideration during the meeting on March 13, 2007.

Written correspondence regarding the public noticed regulations for which the Board is taking oral testimony during this meeting were submitted from:

Brian McJunkin

- Opposes species specific licensing.
- Disagrees with the statement on the public noticed regulations that the "proposed regulation changes are not expected to require an increased appropriation." The creation of numbered hunt record and transporter activity report booklets will increase fees.
- Opposes replacing "will" to "may" in 12 AAC 75.230(a)(4).
- Opposes new subsection (c) of 12 AAC 75.230.
- Opposes new subsections (b) and (c) of 12 AAC 75.920.

Jimmie C. Rosenburch

- Recommends changing "brown bear" to "brown/grizzly bear" in 12 AAC 75.460.
- Requested the Board to "grandfather" guides with 30 years or more professional experience to fulfill the species specific licensing requirements of 12 AAC 75.460.

Tony Digness

- Opposes species specific licensing.
- Opposes amendment to 12 AAC 75.115(a)(4).
- Opposes adding new section.150.

- Opposes replacing “will” to “may” in 12 AAC 75.230(a)(4).
- Opposes new subsection (c) of 12 AAC 75.230.
- Opposes new subsections (b) and (c) of 12 AAC 75.920.

Gus Lamoureux

- Opposes species specific licensing.
- Opposes amendment to 12 AAC 75.115(a)(4).
- Opposes adding new section.150.
- Opposes replacing “will” to “may” in 12 AAC 75.230(a)(4).
- Opposes new subsection (c) of 12 AAC 75.230.
- Opposes new subsections (b) and (c) of 12 AAC 75.920.

Jake D. Jefferson

- Opposes species specific licensing.

Jim Pollack

- Opposes species specific licensing.
- Opposes amendment to 12 AAC 75.115(a)(4).
- Opposes adding new section.150.
- Opposes replacing “will” to “may” in 12 AAC 75.230(a)(4).
- Opposes new subsection (c) of 12 AAC 75.230.
- Opposes new subsections (b) and (c) of 12 AAC 75.920.

Wayne Kubat

- Opposes species specific licensing.
- Opposes 60 days in-field experience of 12 AAC 75.112.
- Opposes 12 AAC 75.340(d)(8).

Ken Powers

- Opposes species specific licensing.

Donald Duncan

- Disagrees with the statement on the public noticed regulations that the “proposed regulation changes are not expected to require an increased appropriation.” The proposed regulations will increase fees.
- Opposes amendment to 12 AAC 75.115(a)(4).
- Opposes 12 AAC 75.115(a)(8)(9) and (10).
- Opposes 12 AAC 75.120(b)(6)(7) and (8) .
- Opposes 12 AAC 75.150.

- Opposes 12 AAC 75.230 (c) and (d).
- Opposes 12 AAC 75.260.
- Opposes 12 AAC 75.340.

Adjourned at 5:30 p.m.

December 13, 2006

Call to Order/Roll Call

The meeting was called to order by Paul Johnson, Chair at 8:04 a.m.
Those present, constituting a quorum of the Board were:

Colin Brown, Transporter
Paul Johnson, Chair, Registered Guide-Outfitter
Robert Mumford, Public Member
Richard Rohrer, Master Guide-Outfitter
Ted Spraker, Board of Game
Raymond Stoney, Private Land Holder
Leif Wilson, Vice-Chair, Transporter

Excused from the meeting were Ralph Andersen and B.J. Schmitz.

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

Cynthia Cintra, Licensing Examiner
Barbara Gabier, Program Coordinator
Brian Howes, Investigator
Cindy Roccodero, Licensing Examiner

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Dave Lorring, Alaska Bureau of Wildlife Enforcement
Steve Bethune, Division of Mining, Land and Water

Visitors present were:

Dale Adams, Master Guide-Outfitter
Tom Atkins, Registered Guide-Outfitter
Aaron Bloomquist, Assistant Guide
Ken W. Chase, Assistant Guide

Frank Danford, Registered Guide-Outfitter
Bruce Eavenson, Safari Club International
Sue Entsminger, Registered Guide-Outfitter
Chris Erickson, Master Guide-Outfitter
John Erickson, Registered Guide-Outfitter
Michael Hayes, Registered Guide-Outfitter
Bob Jewett, Registered Guide-Outfitter
Cole Kramer, Assistant Guide
Lance Kronberger, Registered Guide-Outfitter
Jim Kedrowski, Registered Guide-Outfitter
Tom Kirstien, Master Guide-Outfitter
Arno Krumm, Registered Guide-Outfitter
Wayne Kubat, Master Guide-Outfitter
Todd Kuster, Registered Guide-Outfitter
Clint Mayeur, Registered Guide-Outfitter
Steven H. Perrins, Master Guide-Outfitter
Sam Rohrer, Registered Guide-Outfitter
Jimmie C. Rosenbruch, Master Guide-Outfitter
Mary Ann Rosenbruch, Registered Guide-Outfitter
Tom Shankster, Master Guide-Outfitter
Matt Snyder, Registered Guide-Outfitter
Fred Sorensen, Registered Guide-Outfitter
Ed Stratton, Assistant Guide
Dan Suprak, Assistant Guide
Tom Swenor, Registered Guide-Outfitter
Tracy Vrem, Master Guide-Outfitter
Glen Wysocki, Assistant guide

Mr. Johnson stated that he was not comfortable adopting any of the regulations before the Board without Mr. Saxby being present to provide guidance.

Ms. Roccodero recommended that the Board take this opportunity to address agenda item 16, Board business.

Agenda Item 16 **Board Business**

A. Confirm March Meeting Date(s)

The Board confirmed its 2007 meeting date of March 19-21 in Fairbanks, Alaska.

B. Confirm March Examination Date(s)

The Board confirmed that the Registered Guide-Outfitter qualification examination will be held March 22 and 23, 2007 and the Game Management Unit Certification examination will be held March 24, 2007. Both examinations will be held in Fairbanks, Alaska.

C. Review October 9-11, 2006 Minutes

The October 2006 meeting minutes were not ready for Board review at the time of this meeting.

Mr. Johnson asked the Board if it would give him approval to review the minutes and sign-off on the minutes once done without the Board as a whole reviewing the minutes. The Board unanimously agreed to allow Mr. Johnson to review and sign the October 2006 minutes upon completion.

D. Review Assigned Tasks

Tasks assigned to Board members during the meeting were not reviewed.

D. Review Budget Report

Ms. Gabier informed the Board that Jenny Strickler, Division Chief will be joining the meeting telephonically later today to review the budget with the Board. Ms. Strickler did not join the meeting as originally scheduled.

Agenda Item 12

Regulations

Mr. Saxby informed the Board to make clear on the record the Boards intent when making a motion and that staff through delegation of authority can develop the language, maintaining the Board's intent.

A. Public Notice Regulations

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously by roll call vote, it was

RESOLVED to adopt proposed changes to 12 AAC 75.100(a) as public noticed.

Mr. Wilson supports the changes and noted that there will be additional time spent in the field and cost to the applicant.

On a motion duly made by Leif Wilson, seconded by Ted Spaker, and approved unanimously by roll call vote, it was

RESOLVED to adopt proposed changes to 12 AAC 75.100(a)(8), (a)(9) and (d)(2) as public noticed.

Motion made by Leif Wilson, seconded by Colin Brown, to adopt the repeal of 12 AAC 75.110(c), (d), and (f) as public noticed.

Mr. Spraker stated that it is clear to repeal this regulation in order to take them up in a regulation later. No additional cost to the public.

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved by roll call vote, it was

RESOLVED to repeal 12 AAC 75. 110(c), (d), and (f) as public noticed.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.111 as public noticed.

Mr. Spraker supports the changes. No additional cost to the public

Motion made by Leif Wilson, seconded by Colin Brown, to adopt 12 AAC 75.112(a) as public noticed.

Motion made by Ted Spraker, seconded by Richard Rohrer to amend 12 AAC 75.112(a)(3) by removing the word “guided” and inserting “hunting” in its place.

Board discussed accepting hunting, guiding, trapping, surveying of game or camping as proof of having 60 days of in-field experience in order to apply for certification in a Game Management Unit.

On a motion duly made by Ted Spraker, seconded by Richard Rohrer, and approved unanimously by roll call vote, it was

RESOLVED to adopt the amendment to 12 AAC 75.112(a)(3) to read as follows: “... submitted at least 45 days before the next scheduled examination, proof of having guided, hunted, trapped, camped or surveyed game in the field at least 60 days within the game management unit for which the applicant is requesting certification.”

Mr. Rohrer feels the amended regulation is a good compromise, and supports the changes. Mr. Spraker supports the changes. Mr. Wilson supports relaxing the requirements that are in place, no additional cost to the public.

Mr. Brown stated that he will work with staff and state wildlife troopers to develop the affidavit for documentation of 60 days in-field experience.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.112(c) as public noticed.

Break 9:00 a.m., back on record at 9:10 a.m. a quorum of the Board is present.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt the amendment to 12 AAC 75.115(a)(4) and (a)(8), (9), and (10) as public noticed.

Mr. Rohrer supports the amendment and recognizes that there will be additional cost to the applicant.

Mr. Saxby noted to the Board that it just made changes to sections of 12 AAC 75.100 in where the applicant has a deadline to submit specific documents. Mr. Saxby recommended that the Board give staff direction to mirror 12 AAC 75.115 to that of 12 AAC 75.100.

For the record, it is noted that Mr. Wilson and Mr. Rohrer support's mirroring 12 AAC 75.115 to that of 12 AAC 75.100.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt amendment to 12 AAC 75.120(b) as public noticed.

Mr. Rohrer and Mr. Spraker support the amendment and recognize that there will be additional cost to the applicant.

Break 9:30 a.m., back on record at 9:47 a.m. a quorum of the Board is present. Raymond Stoney returned from break at 9:55 a.m.

On a motion duly made by Leif Wilson, seconded by Colin Brown and approved unanimously by roll call vote, it was

RESOLVED to adopt amendment to 12 AAC 75.130(7) and (8) as public noticed.

Mr. Mumford, Mr. Spraker and Mr. Johnson support the amendment and recognize that there will be additional cost to the applicant.

Motion made by Leif Wilson, seconded by Colin Brown, to adopt 12 AAC 75.145(a) as public noticed.

The Board discussed comments made during public testimony received on March 12, 2007 concerning Transporters not being required to submit documentation of certification issued through the Federal Aviation Administration or a license issued through the US Coast Guard.

Motion made by Leif Wilson, seconded by Colin Brown to amend 12 AAC 75.145(a) by adding a new subsection (4) to read as follows: "...copy of Federal Aviation Administration or US Coast Guard licenses as appropriate."

There was additional Board discussion concerning proper wording to 12 AAC 75.145(a)(4).

Motion made by Leif Wilson, seconded by Colin Brown to amend 12 AAC 75.145(a)(4) to read as follows: "...copies of the Federal Aviation Administration and US Coast Guard licenses applicable to the applicants operations."

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.145 as amended.

Mr. Spraker supports the motion as a whole. Mr. Spraker stated that the Board has heard testimony concerning Transporter operators not having the appropriate licenses. This regulation improves and raises the bar on the industry.

Break 10:04 a.m., back on record at 10:20 a.m. a quorum of the Board is present.

Motion made by Leif Wilson, seconded by Colin Brown to adopt amendment to 12 AAC 75 by adding section .150.

Motion made by Richard Rohrer, seconded by Ted Spraker, to amend 12 AAC 75.150 by adding to the end of section (a), "As of January 1, 2008 the pre-numbered hunt record booklets must be used."

On a motion duly made Richard Rohrer, seconded by Ted Spraker, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.150 as amended.

Mr. Rohrer supports motion as a whole. Mr. Mumford supports the motion as a whole because the regulation will help wildlife law enforcement officers.

Motion made by Richard Rohrer, seconded by Ted Spraker, to adopt 12 AAC 75.155 as public noticed.

Mr. Rohrer noted a typographical error in section (g), which should read transporter not Registered Guide-Outfitter. Ms. Roccodero noted that section (a) contains a typographical error in the first sentence, Transporters should not be plural. Ms. Roccodero also noted (g) reflects another typographical error by stating hunt record, should read transporter activity report.

Motion made to amend 12 AAC 75.155 by Leif Wilson, seconded by Colin Brown, for discussion and a friendly amendment.

There was Board discussion concerning the number of transporter activity reports that can be outstanding to a licensee.

Motion made by Leif Wilson, seconded by Colin Brown to amend 12 AAC 75.155(f) from 100 to 500 pre-numbered transporter activity reports.

There was additional Board discussion concerning the number of transporter activity reports that can be outstanding to a licensee.

Mr. Wilson accepted a friendly amendment to his amendment from 500 pre-numbered transporter activity reports to 150, accepted by second, Mr. Brown.

Mr. Rohrer votes in favor of the regulation. Mr. Spraker votes in favor and is assuming that Transporters will be required to use the pre-numbered transporter activity reports as of January 1, 2008.

Motion made by Leif Wilson, seconded by Colin Brown, to amend 12 AAC 75.155 by adding to the end of section (a), "As of January 1, 2008 the pre-numbered transporter activity report booklets must be used."

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.155 as amended.

Motion made by Leif Wilson, seconded by Colin Brown to amend Article 2 Registered Guide-Outfitters Operations by adding new section .265 and 12 AAC 75.230(a), (a)(4), (b), and adding new subsection (c) and (d) as public noticed.

Motion made by Richard Rohrer to amend 12 AAC 75.230(c) to delete the word “not” and add “annually,” seconded by Colin Brown.

Mr. Spraker requested clarification in regulation to add to the date when the guide use area registration may be withdrawn or changed.

Mr. Rohrer noted that January 1, should be December 31.

Mr. Rohrer accepted a friendly amendment to 12 AAC 75.230(c) to read “annually December 31,” seconded by Colin Brown.

Discussion concerning language in 12 AAC 75.230(a)(4), which reads, “...proof of prior year authorization may [WILL] be accepted to meet the requirements....”

Rohrer supports leaving in “may” in 12 AAC 75.230(a)(4), it gives staff discretion to register an area in case staff is informed of land use revocation.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.230 as amended.

Break 10:52 a.m., back on record at 11:11 a.m. a quorum of the Board is present.

Motion made by Leif Wilson, seconded by Colin Brown to adopt 12 AAC 75.260(c) as public noticed.

Motion made by Ted Spraker, seconded by Richard Rohrer to amend 12 AAC 75.260(c) to reflect a period of four years, not five years.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.260 as amended.

Motion made by Leif Wilson, seconded by Colin Brown to adopt 12 AAC 75.265 as public noticed.

Motion made by Richard Rohrer, seconded by Ted Spraker to amend 12 AAC 75.265(d) to read as follows: On odd numbered years, the board may open a 60 day period for petitions to be submitted from the public for consideration of certain guide use area boundary changes.

Motion by Richard Rohrer, seconded by Leif Wilson to amend 12 AAC 75.265(d) by changing “may” to “will.”

Motion made by Richard Rohrer, seconded by Colin Brown to amend 12 AAC 75.265(b)(4) to read as follows: “...currently registered guide-outfitters registered within the guide use area have been mailed notice of the proposed guide use area amendment.”

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.265 as amended.

Mr. Wilson supports amendments to 12 AAC 75.265.

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

RESOLVED to adopt 12 AAC 75.340(a)(2) as public noticed.

Mr. Spraker supports this regulation. 12 AAC 75.340(a)(2) is a house keeping regulation that places the onus on the licensee rather than the Board having to seek the information.

Motion made by Colin Brown, seconded by Ted Spraker to adopt 12 AAC 75.340(d)(8) as public noticed.

Motion made by Colin Brown, seconded by Leif Wilson to amend 12 AAC 75.340(d)(8) to read as follows: “...avoid using an aircraft in any manner to spot big game for the purpose of taking a specific animal, unless specifically authorized to do so under other applicable laws, or spring brown bear, grizzly bear units areas where more than one bear can be taken in a year.”

Mr. Rohrer and Mr. Spraker supports the amendment to 12 AAC 75.340(d)(8).

On a motion duly made by Colin Brown, seconded by Leif Wilson, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.340(d)(8) as amended.

Lunch break 11:52 a.m., back on record at 1:11 p.m. a quorum of the Board is present.

Motion made by Leif Wilson, seconded by Colin Brown to adopt 12 AAC 75.450(c) as public noticed.

Motion made by Leif Wilson, seconded by Colin Brown to amend 12 AAC 75.450(c) by changing five years to four years.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.450(c) as amended.

Mr. Rohrer supports the amendment to 12 AAC 75.450(c).

Mr. Wilson supports 12 AAC 75.450(c), it supports the needs of the Department and gives the licensee sufficient time to respond.

Motion made by Leif Wilson, seconded by Colin Brown to adopt Article 4 Transportation Services by adding new section .455 and .460 as public noticed.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AC 75.455 as public noticed.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to not adopt 12 AAC 75.460.

Motion made by Leif Wilson, seconded by Colin Brown to adopt 12 AAC 75.920 as public noticed.

Motion made by Ted Spraker, seconded by Richard Rohrer to amend 12 AAC 75.920 by adding to the end of (b) and (c) the following: "..., including at least one harvest in Alaska."

Mr. Saxby noted that the amended wording to 12 AAC 75.920(b) and (c) should read as follows: "..., including the harvest of one big game animal in Alaska" as discussed by the Board.

Mr. Rohrer requested to allow Assistant Guide and Class-A Assistant Guide applicants to receive credit for their "in-field" experience gained as a packer.

Mr. Saxby stated that the Board could amend 12 AAC 75.920(a) to read as follows: "The hunting or employment in the field by a contracting guide-outfitter or guiding experience requirements"

Mr. Spraker accepted a friendly amendment, seconded by Mr. Rohrer to amend 12 AAC 75.920(a) to read as follows: The hunting or employment in the field by a contracting guide-outfitter or guiding experience requirements 12 AAC 75.920(b) and (c) to read as follows: "..., including the harvest of one big game animal in Alaska."

Mr. Johnson informed the Board that 12 AAC 75.920 will be an added cost to the public and requested that the Board state the reason for its support or opposition to regulation 12 AAC 75.920.

Mr. Spraker stated that it is much easier to look up records that are available to determine if a person took an animal.

Mr. Rohrer supports the amendment to 12 AAC 75.920 recognizing that there is additional cost to the applicant and possibly the Department. The amendment is warranted by increased experience a brand new Assistant Guide will have.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.920 as amended.

Break 1:48 p.m., back on record at 1:55 p.m. a quorum of the Board is present.

Write Correspondence

Mr. Johnson assigned the task of writing a letter in support of the State Lands Subcommittees efforts to the administration to Mr. Spraker.

2:06 p.m. George Helfrich from US National Park Service joined the meeting to provide the Board with the figures requested on March 11, reflecting big game hunting activity in Game Management Unit 23.

Out of 140 sport hunters there were:

- 90 nonresident hunters
- 42 residents of Alaska who live outside of GMU 23
- 8 residents Alaskans who lived inside GMU 23

Mr. Johnson thanked Mr. Helfrich for taking the time to gather the numbers and providing the information to the Board.

B. New Regulations under 12 AAC 75. Direct staff to public notice as applicable.

Ms. Roccodero stated that there is a need to place into regulation the requirements to apply for a portion of an additional guide use area that is on federal land.

Mr. Johnson asked Mr. Saxby if the Board could have the information required, be a policy rather than a regulation.

Mr. Saxby stated that if the Board is requesting specific information to be submitted with an application for a portion of a guide use area, the required information will need to be placed into regulation.

The Board upon unanimous consent requested staff to submit to the Regulation Specialist for public noticing and take oral testimony at its March 2007 meeting, the following proposed regulations:

12 AAC 75.230. Guide Use Area.

(c) A registered guide-outfitter who is registered in three guide use areas may register for an conduct big game services in a portion of at least one additional guide use area on federal land adjacent to a guide use area for which the registered guide-outfitter is already registered if the applicant meets the requirements of (a)(1)-(4) of this section and submits

(1) a photocopy of the guide use area map that identifies the portion of an additional area is located on federal land and is adjacent to a guide use area the applicant is currently registered; and

(2) a letter from the federal landholder that states the area would otherwise remain unused by a registered guide-outfitter because the boundaries do not coincide with boundaries of federal big game guide concession or permit area.

12 AAC 75.250 Participation In A Hunt.

(f) A registered guide-outfitter who contracts to outfit a hunt shall

(1) before leaving a client in the field, advise the client of the date, time, and location at which the registered guide-outfitter will

pick up the client and the course of action the client should follow if the registered guide-outfitter is unable to pick up the client as planned;

(2) transport the client either personally or through an assistant or licensed transporter into and out of the field at the planned date, time, and location, unless prevented by weather, mechanical problems, or other safety concerns; and

(3) check on or communicate with a client in the field as agreed to before transporting the client.

Agenda Item 13 **Public Testimony**

2:05 p.m. to 3:49 p.m. the following persons testified before the Board, followed by a summation of their testimony.

Kelly Vrem

- Thanked the Board for its efforts to improve the quality of guides that are out in the field. However, Mr. Vrem feels that it would be prudent for the Board to keep in mind the consequences which will be affected by those who make their living as a Registered Guide-Outfitter.

Chris Erickson

- Buffer zone recommendations.
- Require Transporters to use a decal, this would let a guide know if she/he needs to go somewhere else.

Aaron Bloomquist

- Thank you to Cindy Roccodero for being helpful.
- Like decal idea as a means of identifying Transporters.
- Old guides should meet the same criteria as new guides.

Brian McJunkin

- Requested clarification of when the client is to sign contract.

Brian Peterson

- Require Transporter applicants to provide criminal justice information and fish and wildlife violation reports.

Jimmie Rosenbruch

- Clarification of "in-field."
- Need boat accountability, eliminate boat transporters.

Michael Hayes

- Two nonresident Assistant Guides guided each other for a species that requires them to be accompanied by a licensed guide in the field. Is this legal?

Ms. Roccodero stated that approximately four years ago, legislation was passed which requires any nonresident hunter who intends to hunt brown/grizzly bear, mountain goat or Dall sheep to enter into a contract with a licensed Registered Guide-Outfitter. Ms. Roccodero stated that this means if you are a licensed nonresident Registered Guide-Outfitter who intends to hunt a mountain goat, you must enter into a contract with a licensed Registered Guide-Outfitter, you can not accompany your self in the field. Ms. Roccodero stated this requirement is a Department of Fish and Game statute and to receive the proper interpretation of the statute to contact the agency.

- Recommended that the Board survey clients to learn how the guides are doing. This would assist the Board with creating and/or amending regulation.

Steve Perrin

- Thanked the Board for being here and doing the job it does.
- Too many hunters in areas, resulting in lack of stewardship of state resources.
- Encourages the Board to draft and sign the letter mentioned earlier in the meeting concerning DNR.

Mr. Perrins read a letter from Mike Cowan concerning transporters being able to take as many animals as they desire. Transporters move to where the game is until not much game is left then on to the next. They can move anywhere in the state without restriction.

Bobby Fithian read a letter from two licensees who were unable to attend the meeting. Staff was unable to take notes fast enough to obtain all the specific details concerning the letters including who the letters were from. After listening to the meeting recording staff was unable to obtain much information (testimony is indiscernible) other than what is presented below. Both letters are regulation proposals.

- Recommends policing of Assistant Guide workforce.
- Assistant guide leaves during the hunt and then falls through the wood work.
- 3 complaints against an Assistant Guide from an employing. Registered Guide-Outfitter would result (indiscernible).
- Transporter issues (indiscernible).

Much of Mr. Fithian's testimony is indiscernible too. Below is the information staff was able to extract from the meeting recording.

- Need to restrict Transporters to areas.
- Thank you to the Board and staff for what you have done for the industry.

Dick Rohrer read letters in to record for the following persons:

Eric Stirupp: Strongly encourages the Board to address Transporter issues with up most priority. Having no control over Transporter geographic scope of operations, people will see future season and bag limit changes, as a result of this more drawing permits. Transporters need to take stewardship of the resources, not the number of hunters they move.

Ken Newman: The Kodiak Association of Charter Operators (KACO) expressed its desire to make Game Management Unit 8 an exclusive registration for big game Transporters. KACO feels it would improve the quality of services offered and give local residents some control over local lands and game. KACO is requesting the Board to deal with land issues before it becomes a crisis.

Jake Jacobson: Limit Transporters to a specific area. Create regulations preventing a single entity from operating as a Registered Guide-Outfitter and Transporter in the same Game Management Unit.

Nate Turner

- Policing of Assistant Guides, file complaints on Assistant Guides, 3 complaints not eligible to apply for a Registered Guide-Outfitter license.

Edward Shavings

- Concerned about Transporters.
- Agrees with Mr. Fithian's comments.

Brian Peterson

- Recommended language for Transporter ethics.

Tom Atkins

- Need to be able to identify an air Transporter by having numbers or decals displayed on aircraft.

Sam Rohrer

- Thanked the Board for the good job it has done this afternoon and the last few days. Keep up the good work.
- Frustrated with the public testimony about raising the bar, then those who have testified to come back and say the bar has been raised to high. The bar has not been raised to high.

Kenneth Chase

- Recommended a statute change to increase the number of flying hours.
- Transporters should have areas.

Break 3:50 p.m., back on record at 4:00 p.m. a quorum of the Board is present.

Upon conclusion of each person's testimony Mr. Johnson thanked the person for coming before the Board.

Mr. Johnsons assigned task of writing a letter to the Governor on behalf of the Board requesting the return of wildlife troopers to Mr. Spraker.

Agenda Item 14

Investigative Unit

Brian Howes, Investigator for the Division of Corporations, Business and Professional Licensing presented to the Board its investigative report.

Mr. Howes' stated that there are:

- 17 open cases, 7-incompetence, 1- negligence, 1-unlicensed practice, 4-violating professional ethics, 1-fraud/misrepresentation, 1-criminal action with conviction, and 1-criminal action with no conviction.
- 23 open complaints, 4-unlicensed practice, 3-fraud/misrepresentation, 3-incompetence, 5-violating professional ethics, 8-criminal action conviction.
- 5 closed cases, 1-no action insufficient evidence, license action against Kenneth W. Chase-license denied, Gordon L. Bissell and Shawn Hooton-license revoked, 1-prohibited from renewal-court action/conviction.
- 6 closed complaints. When investigating a compliant the Division finds that the licensee has violated a statute or regulation under AS 08.54 or 12 AAC 75 the complaint is closed and becomes a case.

Agenda Item 15 Correspondence

Review

Mr. Johnson stated that rather than insert every correspondence the Board receives for review and possible response into the Board packets, he would like staff to select a Board member, alternating between Board members, to review the correspondence and inform staff if the correspondence should proceed to the Board for review.

Correspondences were received from:

- Department of Natural Resources
 - Notice of Final Finding & Decision RE: Land Lease Application for Richmond Guide Service, Inc.
 - Courtesy Notice of Proposed Land Use Permit for Daniel O'Connor
 - Courtesy Notice of Proposed Land Use Permit for David S. Morris
- USDA Forest Service, Proposal to Allocate Outfitter/Guide Use Trails
- B. Peterson, proposed licensing requirements

Agenda Item 4 Statute Changes/Amendments for Consideration

Legislative Proposals for Consideration

The following are the draft proposed statutes and language that the Board approved.

Amendment

AS 08.54.770 LICENSE AND EXAMINATION FEES.

(a) The Department shall set fees under AS 08.01.065 for each of the following:

- (5) license and unit certification application fees;
- (6) examination fees;
- (7) species endorsement fee; and
- (8) guide use area registration fee.

AS 08.54.600 DUITES OF THE BOARD.

(c) The Board may adopt regulations as the board considers appropriate to

- (4) require disclosure of booking agents authorized to act on behalf of a licensee; and
- (5) accommodate for medical emergencies.

Mr. Johnson asked Mr. Rohrer to work with Ms. Gabier on the language for medical emergencies.

Mr. Johnson assigned the task of writing a letter to Safari Club International concerning vendors booking Alaska hunts to Mr. Spraker. Mr. Johnson stated that he would work on the letter with Mr. Spraker.

Mr. Spraker stated that the Alaska Professional Hunters Association (APHA) is the ideal venue to take this on. Mr. Spraker stated that he is "not passing the buck, but they are the ones who should take this on."

AS 08.54.760 USE AREA REGISTRATION

(a) At least 30 days before conducting big game hunting services within a guide use area, a registered guide-outfitter shall inform the department, in person or by registered mail on a registration form provided by the department **and submitted the applicable registration fee**, that the guide-outfitter will be conducting big game hunting services in the use area. **Once the application has been processed, a** registered guide-outfitter may not withdraw or amend a guide use area registration.

AS 08.54.710 DISCIPLINE OF GUIDES AND TRANSPORTERS.

(i) The board may summarily suspend a licensee from practice of the profession under this chapter, [for a period of not more than 30 days] before a final hearing is held or during an appeal if the board finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing before the board to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the board on an appeal of summary suspension is issued. A person may appeal an adverse decision of the board on an appeal of summary suspension to a court of competent jurisdiction.

New Section

AS 08.54. ___ GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION.

The board may deny, suspend, or revoke the license of a person who has obtained or attempted to obtain a license under this chapter by fraud, deceit, or misrepresentation.

Agenda Item 18

Division Business

Staff collected signed travel authorizations and travel receipts from Board members.

Agenda Item 17

Subcommittee Reports

Subcommittee reports were presented to the Board during the course of the meeting.

Adjourned 5:03 p.m.

Respectfully Submitted:


Cindy Roccodero, Licensing Examiner

Approved:


Paul Johnson, Chair
Big Game Commercial Services Board

Date: 16-17-07