

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

**BIG GAME COMMERCIAL SERVICES BOARD
ETHICS SUBCOMMITTEE**

**MINUTES OF MEETING
February 26, 2016**

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 teleconference of the Big Game Commercial Services Board ethics subcommittee was held February 26, 2016.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes, which were approved by the board during the March, 2016 meeting.

AGENDA ITEM 1 CALL TO ORDER/ROLL CALL

The meeting was called to order at 11:30am by Henry D. Tiffany IV, Ethics Subcommittee Chairman.

Subcommittee Members present:

Henry D. Tiffany IV	Wayne Kubat
Dick Rohrer	Michele Metz
Dan Montgomery	Sam Rohrer

Subcommittee Members absent:

Joe Klutsch

Participants:

Loren Karro	Tony Lee
Aaron Bloomquist	Phil Byrd

Board Staff Present:

Cindy Hansen, Licensing Examiner

AGENDA ITEM 2 REVIEW AGENDA

Completed.

AGENDA ITEM 3 DISCUSSION & PUBLIC COMMENT

Chairman Tiffany-stated a lot of thought and effort was placed in the proposed changes by non-board committee members.

Chairman Tiffany stated the following was new proposed language for 12 AAC 75.340 (d) Field craft standards: All classes of guides shall(1) strive to conduct themselves in a sportsman like manner that shows high regard to the traditions of hunting, and treats wildlife, wild lands and all users with courtesy and respect.

Chairman Tiffany asked about using the words “strive to” instead of “shall”? Guides either “are” or “are not.” Chairman Tiffany proposed removing the words “strive to” at the beginning of that sentence. Mr. Kubat stated he agrees with that but there might be situations when it’s not possible. Mr. Montgomery and Sam Rohrer stated they do not have a problem with that either.

Chairman Tiffany asked about adding “professionalism”. Ms. Karro suggested, “treats wildlife, wildlands and all users with professional courtesy and respect” in front of “courtesy”. Mr. Lee approved.

Chairman Tiffany suggested changing “avoid staging unused or unattended camps and gear to discourage other users from utilizing a location” and not use “avoid” because they either are or are not and they can or cannot. Camps might be left unattended because of unforeseen circumstances. He prefers “shall not unused or unattended camps.”

Ms. Karro stated the word “avoid” is strongly defined in the dictionary. Mr. Kubat stated there are a lot of times when it might be six or seven days before arriving at a camp because of inclement weather. Often camps are set up a week in advance. Mr. Lee stated he has spike camps that he supplies in advance with everything to hunters who hike in and hike out as a way to hunt more area. That type of camp could be misconstrued by law enforcement. Mr. Montgomery stated he also wants to leave “avoid” in; “dummy” camps are recognizable. Mr. Bloomquist stated he agrees because it is pretty clear about the intent of the language. Mr. Dick Rohrer stated they used positive language in this proposal. Chairman Tiffany said the argument was well made and he no longer objected to having “avoid” in this language.

Chairman Tiffany stated the following was the new proposed language for 12 AAC 75.340(d): (9) refrain from using any mechanical powered equipment to knowingly herd, drive, chase, harass or repeatedly approach game animals in a manner which results in significantly altered behavior; and refrain from making multiple consecutive approaches in any mechanical powered equipment, near any game animal or group of game animals

during any open hunting season for that species, to avoid altering the hunting experience of other hunters; unless (A) specifically allowed under another statute or regulation.

Chairman Tiffany stated he believed the word “and” was omitted between multiple, consecutive approaches. Mr. Kubat, Ms. Karro and Mr. Bloomquist agreed. Ms. Karro stated that “approaches” pertains to all vehicle types and Chairman Tiffany ~~IV~~ agreed.

Ms. Metz asked if “a manner which results in significantly altered behavior;” was necessary; if it meant this action was allowed if the animal did not change its behavior. Chairman Tiffany stated that if it does not alter the behavior then, yes, the activity would be acceptable. Multiple passes and, or, the altering of the animals behavior would be a violation. Mr. Kubat stated if they are 2000 feet above in an airplane there’s a good chance the animal will look up but if they are 200 feet above then the animal will probably run. Ms. Metz asked if it is okay for a guide to knowingly herd, drive, chase, harass or repeatedly approach game animals. Ms. Karro stated a semi-colon after “harass” means that making multiple approaches is a separate act. .

Chairman Tiffany stated the key word is “knowingly” so if they are going to land on a beach and cause an animal to bolt it cannot be helped. Ms. Metz stated the way she reads it is that they can harass an animal if it doesn’t change the animal’s behavior. Mr. Montgomery suggested a change in sentence structure. Mr. Bloomquist stated they need to be careful and not back themselves into a corner. If they are running a boat up river or landing on an airstrip with a bear or moose is standing in the way, the game is probably going to move. These instances can’t be seen as unethical. Mr. Kubat suggested “intentionally” instead of “knowingly” and Ms. Metz agreed. Mr. Bloomquist stated the troopers don’t like the word “intentionally” because it provides an out; however, in this case it is necessary. Mr. Sam Rohrer stated the word “intentionally” would not be as good as “knowingly” when they buzz a sheep to see if it’s legal; he wants to keep “knowingly”. Ms. Metz stated they need a comma instead or a semicolon between “harass” and “or”.

Chairman Tiffany asked about the word “deliberately”. Mr. Kubat read the definition of harass in the guidebook, “to repeatedly approach an animal to alter its behavior.” Chairman Tiffany stated redundancy might be necessary so all guides understand, in case they don’t know the meaning of “harass”. Mr. Dick Rohrer stated the troopers won’t make a case with the word “intentionally” because it is difficult to prove. “Recklessly” is easier and “negligently” is the easiest to prove. Mr. Montgomery and Chairman Tiffany ~~IV~~ agreed.

Mr. Kubat stated he thinks the current ethics language in 12 AAC 75.340 (d) (8) that prohibits spotting big game for the purpose of taking a specific animal with some exceptions for spring bear hunts is very unreasonable and biased towards only airplane users. Essentially what that says, is if they spot a specific animal from the air, it is unethical for them to hunt that animal ever. There was also an alternate option that limited it during hunting season, which essentially means they have to wait until the next year to hunt it, yet they can cover a bunch more miles per day in a boat or on 4 wheelers, 30 to 60 miles of valley floor or shore line is not extreme than they can on foot and shoot the very same day.

He has thousands of hours of Alaska flight experience and spends a lot of time during most summers, looking in remote regions for new areas to hunt. That is the only option in most of these areas, and much of interior Alaska is similar. To learn and or hunt these areas on

foot would take several months and a team of Sherpas, and one would be over his eye brows in alders the great majority of the time. If they did get a moose early on during one of these safaris, they would have it eaten by the time they returned. Maybe some people hunt in places that are one huge landing area but he does not.

To prohibit scouting for any game species, by labeling one as unethical if they hunt something they have seen while so doing, which is what their current ethics rule does, essentially turns much of his area and interior Alaska into a National monument, and there is way too much of that already. The idea that if they see it incidentally they are ethical and if they intentionally look for it they are unethical is absurd in his opinion!

He thinks hunters, guides and this board need to stop dividing themselves over the argument of whether spotting is ethical or not, and focus on behavior that adversely effects other hunters. He believes the proposed language in section 9 is a good start.

Chairman Tiffany stated the language encompasses all mechanical equipment.

Mr. Lee stated there is a lack of understanding between how other guides operate. Someone pointed out airplanes used to survey areas are used by some but misunderstood by others who don't live in that area. There was discussion on examples of surveys and tracking.

Mr. Dick Rohrer had to sign off at 12:30 for an advisory board meeting. His closing thoughts are that the proposed changes are adequate for putting up as a proposed regulation. Chairman Tiffany pointed out this document is a good starting point for public comment and board review.

Mr. Montgomery asked if section 9A and B should be kept or struck as suggested and Chairman Tiffany stated he likes the proposed changes, it's cleaner and simpler and allows surveys. Mr. Montgomery stated the original language in section 8 would not allow taking a wounded animal.

Mr. Sam Rohrer had to leave for the same meeting at 12:36pm. He stated they haven't actually prohibited anything that is already not illegal to harass. They are saying it is allowable to spot an animal but not harass. The spring bear hunts are different from other hunts because they are a predator hunt. He is also fine with the proposed GPS language.

Mr. Phil Byrd called in at 12:38pm.

Striking section 9A and B language was discussed. Mr. Lee stated he is a little uncomfortable because trooper perception might take it to mean that predator hunts would no longer be allowed. Mr. Kubat thinks they can come up with better language during the March meeting.

Proposed section 10 about GPS was discussed. Mr. Kubat stated that GPS is needed to mark areas and boundaries so language was proposed that specifically prohibits using GPS for taking big game.

Mr. Kubat suggested for section 9 to remove “unless” and add-“except that aircraft can be used for tracking brown, grizzly or black bears...” And keep the proposed 9B. Mr. Lee stated he didn’t think it was necessary as “tracking” means making a low pass to see if it’s a sow and cubs. It’s not too hard to tell with some sun when you spot a den. Mr. Tiffany stated he agrees with Mr. Bloomquist about keeping the original proposal as it provides wiggle room for situations specifically allowed under another statute or regulation.

Mr. Lee stated the troopers prefer clear language. Mr. Montgomery stated this was clarification language. Mr. Kubat stated he was fine either way but a little paranoid because he’s been around so long, like Mr. Lee.

Chairman Tiffany stated they have a good proposal to present to the board in March for consideration.

Mr. Byrd stated whatever is proposed must be very clear that aircraft can be used for tracking in the spring season.

Chairman Tiffany stated it is important that these regulations be enforced:

12 AAC 75.340 (d) Field craft standards. All classes of guides shall

(1) *conduct themselves in a sportsman like manner that shows high regard to the traditions of hunting, and treats wildlife, wild lands and all users with courtesy and respect;*

[(1)](2) use every lawful means at a licensee’s disposal to bag a wounded animal while it is in danger of escaping, or in a serious emergency, while human life or well-being is endangered;

[(2)] (3) barring unforeseen conditions, properly prepare according to generally accepted procedures, all antlers, horns, hides, and capes to be delivered to the taxidermist or to the client at the conclusion of a hunt in a satisfactory and unspoiled condition, unless the guide is providing only outfitting and transportation services for the client;

[(3)] (4) endeavor to salvage all meat of animals taken by clients, in accordance with state statutes and regulations;

[(4)] (5) except for brown bear, grizzly bear, wolves, and wolverine, transport the meat of a big game animal taken by the client in accordance with 5 AAC 92;

[(5)] (6) respect gear, equipment, food, shelter, and camps established by other users;

[(6)] (7) avoid staging unused or unattended camps and gear to discourage other users from utilizing a location;

[(7)] (8) allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences;

[(8) AVOID USING AN AIRCRAFT IN ANY MANNER TO SPOT BIG GAME FOR THE PURPOSE OF TAKING A SPECIFIC ANIMAL]

(9) refrain from using any mechanical powered equipment to knowingly herd, drive, chase, harass, or repeatedly approach game animals in a manner which results in significantly altered behavior; and refrain from making multiple, consecutive approaches in any mechanical powered equipment, near any game animal or group of game animals during any open hunting season for that species, to avoid altering the hunting experience of other hunters; unless

[(A) HUNTING BROWN, GRIZZLY, OR BLACK BEARS FROM JANUARY 1 THROUGH JUNE 30 IN AN AREA WITH AN ALLOWABLE HARVEST UNDER 5 AAC 85

[(B)] (A) specifically allowed under another statute or regulation;
[(9) AVOID UTILIZING, IN ANY MANNER, GLOBAL POSITIONING SYSTEM (GPS) OR OTHER ELECTRONIC DEVICES TO ASSIST IN THE TAKING OF A BIG GAME ANIMAL]

(10) avoid utilizing global positioning systems (GPS) or other electronic devices to locate and stalk a big game animal for the purpose of harvest; and

[(10)] (11) respond personally or through an assistant to requests for assistance communicated during the hunt; a contracting or employing guide must respond within a reasonable time based on the urgency of the request, weather conditions, and other safety factors.

AGENDA ITEM 4 ADJOURNMENT

The Subcommittee Chair adjourned the Ethics Subcommittee meeting of the Alaska Big Game Guides and Commercial Services Board at 1:00PM.



Respectfully submitted:
Cindy Hansen, Licensing Examiner

Date: 3/10/16



Henry D. Tiffany IV, Chairperson
Ethics Subcommittee
Big Game Commercial Services Board

Date: 03/10/16