

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 3-5, 2013**

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 3-5, 2013.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were reviewed and approved by the board on December 3, 2013.

**Tuesday, December 3, 2013**

**Call to Order**

The meeting was called to order by Kelly Vrem, Chair, at 8:38 a.m.

**Roll Call**

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair  
Karen Polley, Public Member  
Bob Mumford, Board of Game Representative  
Michele Metz, Large Private Landowner (arrived at 9:00am)  
Brenda Rebne, Large Private Landowner  
David Jones, Transporter  
Tom Atkins, Transporter  
Gene Peltola, Public Member  
Henry D. Tiffany IV, Master Guide-Outfitter

Board staff present:

Don Habeger, Division Director-(arrived at 9:30am)  
Sara Chambers, Division Operations Manager (arrived at 9:00am)  
Cindy Hansen, Licensing Examiner  
Lee Stout, Investigator  
Jeff Paff, Investigator  
Michele Wall-Rood, Investigator

William Harlan, Investigator

Visitor's present:

Valerie Baxter, Department of Natural Resources  
Tony Kavalok Department of Fish and Game  
Doug Vincent-Lang Department of Fish and Game  
Ted Spraker Board of Game President  
Nate Turner Board of Game member R#1036  
Loren Karro R#941  
Dan Montgomery M#173  
Smokey Don Duncan, M#136  
Sue Entsminger, R#1058  
Jim Kedrowski M#156  
Duane Halverson R#1297  
Cabot Pitts R#1299  
Kurt Whitehead R#1046  
Wayne Kubat M#147  
Todd Walton R#1199  
Mark Enyeart A#4436  
Frank Danford R#959  
Jon Burrows R#1307  
Sam Rohrer M#204  
Tony Lee M#105  
Charles Keeter C#811

**AGENDA ITEM 1            REVIEW AGENDA**

The board reviewed the agenda. A motion to approve the agenda was made by Ms. Polley, seconded by Mr. Tiffany IV and approved unanimously.

**AGENDA ITEM 2            ETHICS REPORT**

Ethics Report forms were provided. There were no disclosures.

**AGENDA ITEM 3            REVIEW MINUTES**

**Upon a motion duly made by Ms. Metz, seconded by Ms. Polley and approved by a majority of 2012 board members; with Ms. Rebne abstaining:**

**RESOLVED to accept the April 2, April 27, August and October, 2013 board meeting minutes.**

#### **AGENDA ITEM 4            BUDGET REPORT**

Ms. Polley reported that the Department proposed and passed the increase of fees and will watch for its effectiveness. Ms. Rebne stated that she was unaware that the fees had been increased and she didn't think that the department should be able to increase fees for a budget that does not explain where the costs come from. Chairman Vrem explained that there is a bill that will help lower program costs by having the state pay for the investigative cases.

Division Operations Manager Ms. Chambers stated the letter from Director Habeger and a FAQ page on HB 187 proposes to accomplish three major goals: 1. Lower fee costs by consolidating licensing types and/or administrative fees through streamlined charges, 2. Allow for fee collection for revenue expenses over several cycles to avoid spikes and valleys. 3. Use general funds to offset the costs of investigations and enforcement actions. This would take the burden off of the licensees. Personnel services costs of investigations would be included. Legal fees would still have to be covered by the guides. Ms. Polley asked if there could be an appropriation for the high costs of long running cases. Ms. Chambers stated that a general fund appropriation for cases could be articulated to the legislature as part of the bill. Ms. Chambers explained and clarified the detailed financial costs and broke down the investigative costs in a report she provided to the board at this meeting. Mr. Tiffany asked if general funds would or could be used. Ms. Chamber stated that general funds would be used if HB 187 passed.

Chairman Vrem asked who decides when the guides will begin to pay the bill. Ms. Chambers stated that this is a question best answered by Investigations. Ms. Polley stated that the quality of investigations has been very good.

Chairman Vrem asked if Investigator Clark will continue to conduct investigations. Ms. Chambers stated that this was an appropriation given by the legislator by authority to the board. Ms. Rebne asked what then did the board gain with legal costs tripling in costs. Ms. Chambers stated that these include the costs of reviews by the Department of Law for board requested

statute and regulation changes. Ms. Polley asked if other boards and commissions are affected by HB 187. Division Director Habeger arrived and stated that HB 187 addresses Centralized Licensing Regulations and encompasses all 40 of the licensing programs. Ms. Polley stated that this would be a good step forward. Program fees would be adjusted to balance the individual programs. Director Habeger stated that he had read every comment and discussed all concerns of increasing the fees and decided to go forward with the fee increase. Chairman Vrem asked if the investigations matrix will cost the licensees. Ms. Polley stated that the matrix produces better consent agreements.

Mr. Tiffany IV asked if general funds will pay for legal fees as he interprets HB 187-expert witness, legal mediation, etc. as detailed in FAQ paper. Director Habeger stated that there are known and unknown costs and knowing the labor costs makes it possible to place that into a budget cycle. Legal costs are not known until the end of the year and cannot be pinpointed. There is a subsection in the bill to include legal fees through the bill's language "and other appropriations". Ms. Rebne asked who pays for the cost of requests for information and Director Habeger stated that the department pays for those personal service costs. The statutes are clear about hunt records being confidential so the department did not provide the data in a format as requested by the researchers. Ms. Chambers explained the breakdown of the division's indirect expense chart and how they are allocated to each of the programs. She pointed out the different agencies of Corporations, Business and Professional licensing, Investigations and administrative services who perform IT, fiscal and budget support. Eighty-four percent of the division's fiscal year budget is provided to professional licensing programs, which is broken down to individual programs, based on the percentage of the number of licensees. Mr. Tiffany IV stated that this chart shows that the guides are not unique as it shows other professions are also operating in the deficit. Ms. Chambers stated that many of the programs have licenses on a biennial schedule so these will see a spike in revenue one year and a deficit the following year. Ms. Chambers stated that the division has an open door policy and a lot of data to provide at the last minute and will be available to answer questions.

Ms. Chambers asked the board for their thoughts and for the board's support on HB 187 in the form of a resolution. Each of the boards has been asked for a resolution of support. Chairman Vrem stated that this would be looked at on Thursday after a subcommittee develops language for a resolution.

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

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential disciplinary matters. For the purpose of discussing investigations and reports.**

Board staff members remained during the session.

The Board entered executive session at 10:10am and went back on record at 12:00pm with lunch until 1:00pm.

**AGENDA ITEM 5            APPLICATIONS & INVESTIGATIVE REVIEW**

In the matter of the surrender of license of Patrick J. Downey

Ms. Polley moved to accept the surrender in Case No. 2013-001205 and Mr. Mumford seconded.

Discussion: Ms. Polley stated she will accept the surrender which is being done for good reasons.

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

**RESOLVED to accept the Surrender of license A-3878 of Patrick J. Downey.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Gene Peltola	ABSENT		

In the matter of the surrender of license of David A. Bridges.

Ms. Polley moved to accept the surrender in Case No. 1700-10-014 and Mr. Atkins seconded.

Discussion: Mr. Mumford stated he will accept the surrender of this license for good reasons.

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

**RESOLVED to accept the surrender of license R-891 of David A. Bridges.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Gene Peltola	ABSENT		

In the matter of the investigative review of Jason J. Fee

Ms. Polley moved to accept the consent agreement in Case No. 2013-001097 and Ms. Metz seconded.

Discussion: Mr. Mumford stated this was a personal hunt, not a guided hunt and this is a fair consent agreement.

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

**RESOLVED to accept the consent agreement of Jason J. Fee, A-7166.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		

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

In the matter of the investigative review of Thomas F. Watkins

Ms. Polley moved to accept the consent agreement in Case No. 2013-001098 and Ms. Mumford seconded.

Discussion: Mr. Mumford stated this case is associated with the last individual's case and he has taken responsibility; therefore, he will be accepting it.

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

**RESOLVED to accept the consent agreement of Thomas F. Watkins, A-7023**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Gene Peltola	X		

In the matter of the investigative review of Gary A. Adkison, Jr.

Ms. Polley moved to accept the consent agreement in Case No. 2013-001237 and Mr. Peltola seconded.

Discussion: Mr. Peltola stated that this is a case of helping a friend recover a bear. Mr. Atkins stated that he failed to report 30 days after his conviction.

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

**RESOLVED to accept the consent agreement of Gary A. Adkison, Jr. T-870**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>	<b>X</b>		
<b>David Jones</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Gene Peltola</b>	<b>X</b>		

In the matter of the investigative review of Craig E. Hill

Ms. Polley moved to accept the consent agreement in Case No. 2012-001400 and Mr. Mumford seconded.

Discussion: Mr. Jones stated he will vote against the agreement. This applicant was on shaky ground and he was offered a way to proceed and become cooperative. He turned it down and forced a new stipulation. Mr. Mumford stated that with reservations he will be voting yes, because in some ways by accepting this agreement he will be on five-year probation, which is the best course. Chairman Vrem stated that he will vote in favor to dispense with this agreement; it has been percolating through the system for some time now and this is the best decision. Mr. Tiffany IV stated he will also be also vote in favor of this agreement.

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

**RESOLVED to accept the consent agreement of Craig E. Hill C-556.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones		X	
Tom Atkins	X		
Henry D. Tiffany IV	X		
Gene Peltola		X	

In the matter of the investigative review of Jeffrey L. Duck

Ms. Polley moved to accept the consent agreement in Case No. 1704-08-005 and Mr. Atkins seconded.

Discussion: Mr. Mumford stated he will vote to approve this agreement because this came in prior to our board and it's appropriate for an Assistant Guide License that had lapsed.

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

**RESOLVED to accept the consent agreement of Jeffrey L. Duck A-5220.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Gene Peltola	X		

In the matter of the investigative review of Glenn Elliott

Ms. Polley moved to accept the consent agreement in Case No. 2013-000354 and Ms. Metz seconded.

Discussion: Mr. Peltola stated he is abstaining because he is friends. Mr. Tiffany IV stated he is inclined to give him the benefit of the doubt. This is an individual making an effort to turn life around. Chairman Vrem stated he didn't have any reservations about accepting this agreement.

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

**RESOLVED to accept the consent agreement of Glenn Elliott A-5134.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>	<b>X</b>		
<b>David Jones</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Gene Peltola</b>			<b>X</b>

In the matter of the application review of Jesse Hammond

The board reviewed Case No. 2012-001003 and agreed that a motion was unnecessary. The license renewal for Jesse Hammond A-7232 had been issued on 8/8/2012 for 2012-2013.

**AGENDA ITEM 6 STATE & FEDERAL AGENCY REPORTS**

US National Park Service Katmai National Park Concessions Specialist Lisa Fox, along with Mark Vaughn, National Park Service Associate Regional Director, stated there has been a big turnover and they are trying to turn over ninety-six contracts as quickly as possible. They are extending many of the contracts. Their regional director is moving to the inner dept. region and

they will have an acting regional director for the next several months. The federal budget cuts have affected the hire of new positions. The concessions program has the number one priority for hiring new staff. The Katmai Concession contracts will be issued in the spring. Every park has taken at least a five percent cut. Without knowing what is going to happen between now and Jan 15 they have to take an eight point two percent cut in case Congress does not pass a budget. They are looking at their strategic plan to protect their resources and consolidating their information resources into a centralized location to save funding. Regardless the changes, they fully intend to accomplish their mission.

Forest Service Recreation Special Users Program Manager Bill Trombley was unavailable.

Bureau of Land Management Karen Kelleh was unavailable.

U.S. Fish & Wildlife Service Jennifer Spegon and Debbie Stein were unavailable.

FAA Director Regional Counsel Howard Martin stated that there was an attempt to regulate through administration which failed. Congress stalled the bill that allowed FAA to adopt basic rules on Rule 135 –Commercial pilots regarding basic medical supplies. Currently they are not rules. The Guide and Lodge safety record has been very good in comparison to the 1990s. The accident rate has been very good with the exception of this year. There is nothing going on in the adoption of new rules. If you hire someone to fly for you, it's not "incidental" and FAA will assume you have a commercial license-135. FAA charged a pilot with a felony who was flying hunters without the proper license. Mr. Martin stated he recommends verifying that pilots have their 135 certificate to Guides and Transporters. Chair Vrem asked if FAA allows a guide to lease an airplane and hires a certified pilot. Mr. Martin stated that this is okay as long as the pilot has a 135 certificate. FAA is looking to see if the person is an assistant or a pilot. If he is assisting as a guide and also happens to fly, FAA considered this as a subdefued, regardless of who owns the airplane. Mr. Mumford asked if it's true that their clients can't fly with compressed gasses and Mr. Martin said that was true.

Alaska Department of Fish & Game, Fish and Wildlife Conservation Director Doug Vincent-Lang, Assistant Director Tony Kavalok and Board of Game President Ted Spraker provided a quick summary. ADFG staff changes include several new biologists. Neil Barton moved from Juneau to Dillingham, Todd Renaldy moved to Palmer, Nathan is the Regional Supervisor and Bruce Dale is the new Deputy Director. There will be more retirements in the next 2-24 months. The sheep hunter survey is underway;

Bob Mumford is one of the surveyors to learn what Alaskans, including guides, want to see in the future on sheep proposals. Meetings will be held in Kotzebue, Fairbanks and Anchorage in the next year. The Department of Fish and Game signed a memorandum of understanding with the Department of Transportation and Public Facilities on transportation projects involving moose collisions. The department is continuing to work with Wildlife Troopers. A Wild Sheep conference in Reno, NV will be attended by DFG. The Thin Horn conference will be attended in Vancouver by state and Canada agencies and associations.

Mr. Kavalok stated the guide–hunter contracts are not certifiable with Fish and Wildlife because the guides often have not registered their guide use area with the Big Game Commercial Services Board when their fish and game permits for that guide use area are submitted in November for the following year. This is a problem. Therefore, the public and policy makers are encouraged to evaluate and consider options for the Board of Game to solve this problem. Chairman Vrem asked if the Department of Fish and Game and the Department of Commerce and Economic Development Information Technology offices can communicate. Mr. Kavalok stated no, this is not possible. A group would have to ask the legislature for funding if that was necessary and the Department of Fish and Game is not prepared to do that. Mr. Tiffany IV stated that it sounds as if this is become more of a problem; the information is all there and the key is to marry the two departments and work together to make the two department systems talk to each other. Mr. Kavalok stated that this is part of the answer. The other part of the answer is administration on the ground with guides who have contracts with hunters who draw Fish and Game permits that the guides do not have guide use area registration. What Fish and Game would like is an endorsement such as a number that would let Fish and Game and the Alaska State Troopers know the permit is in a registered guide use area.

Mr. Peltola asked about relocation and Mr. Kavalok stated May 30 is the date of the determination. Mr. Mumford asked if there is a subcommittee for a Client Contract and Chairman Vrem stated that there is currently a subcommittee but its goals are slightly different. Mr. Mumford and Mr. Tiffany IV volunteered to be on the subcommittee.

Alaska State Parks representative Pamela Russell was unavailable.

Department of Natural Resources Specialist Valerie Baxter reported instead of Clark Cox who is out of the office. Ms. Baxter stated that the department is working closely with the Alaska State Troopers and flying over the Natural Resources land together and investigating hunters and guides. They are more involved in complaints about hunting camps. The Guide Concession

Program's funding has been pulled so by last June they had combined all of the public comments into a file where it resides on a shelf until the legislature decides what to do with the program. Rep. Feige's HB 158 has been substantially changed so she encourages the industry to review them and talk to the legislator. Nothing has changed with the update of the maps. Ms. Baxter stated she will have to check and get back to the board about what is happening with the map project.

## **AGENDA ITEM 7            SUBCOMMITTEE ASSIGNMENTS**

The Chair assigned the following subcommittees:

1. Supervision will be chaired by Wayne Kubat.
2. Cost Reduction & Revenue Adopting will be chaired by Ms. Polley, who, along with Mr. Peltola and Ms. Metz will create a resolution in support of HB 187.
3. Hunting Guides and Practical Experience (12 AAC.75.920) will be chaired by Mr. Tiffany IV, who stated that the committee, including Joe Want and Nate Turner, had put a lot of work into the guidelines but was never acknowledged or adopted. The goal is to raise the standards of all classes of licenses. Mr. Tiffany IV suggested that the work be reviewed for future consideration.
4. Guide Client Agreement will be co-chaired Mr. Tiffany IV and Mr. Mumford for the sake of permit –guide verification.
5. Packer will be chaired by Sam Rohrer.
6. Unit 9-Dept of Natural Resources will be chaired by Loren Karro.

Mr. Atkins asked if a future committee could be formed to look at hosting seminars on statutes and regulations along with the current sheep/moose trophy & judging seminars. The Retired Guide Fee Committee has completed their work.

## **AGENDA ITEM 8            REVIEW OF FINAL APPLICATION INVESTIGATIONS MATRIX**

A review of the final "Application Investigations" matrix was provided by Investigator Strout to let the industry and public know what would likely occur after a guiding violation. Licensees often get into trouble because they don't or won't self-report a violation and it results in greater sanctions. Many are simply unaware of what happens when a violation occurs. Assistant Guides are expected to report violations even if their boss assures them they will report the violation. This is important. As long as its gets recorded then

both licensees are covered, nevertheless, it's important that the Assistant Guides self-report. The incident can be reported to a local trooper, even if it's on a message machine. Every licensee should have his local trooper contact information. This self-reporting will usually result in the bare minimum consequences, however, each scenario is unique and the matrix is meant to be a guideline when deciding cases. The board always has the right to suspend a portion or the entire fine and there is a minimum and maximum fine included in the matrix, considering what has occurred during and after his violation and whether or not it was self-reported. The matrix serves as a window of what the violator would be looking at. In Section 16.05.925 there is a list of the value of big game. Investigator Strout stated that since all of the violations fall under .720, second and third violations can be used for one licensee committing a variety of violations. Chairman Vrem stated he is leery about this becoming presumptive but he understands the need. Mr. Mumford stated that he worked on this matrix and believes it is an effective way to maintain consistency. Chairman Vrem asked if this would be placed on the website and Investigator Strout stated yes. Ms. Rebne stated that there isn't language in .720 about self-reporting and perhaps there should be, or perhaps an example of self-reporting and not reporting a violation.

Chairman Vrem stated that in the board member orientation there were examples of what was ethical and non-ethical behavior. Examples to accompany the matrix on the website were requested by the board. New licensees would benefit from this being included with their new license. Ms. Metz stated that she hopes the board will have the discretion because of the individual cases and their uniqueness. Ms. Rebne stated that people have made mistakes and because of their fear it has become worse. It is the board's goal to remove or prevent that fear through education by providing this matrix and examples to the licensees. Investigator Strout will develop examples for the board to choose.

The Chair adjourned at 4:45pm.

### Wednesday, December 4, 2013

#### Call to Order

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

#### Roll Call

Board members present:

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

Board staff present:

Cindy Hansen, Licensing Examiner  
Lee Stout, Investigator  
Jeff Paff, Investigator  
Harriet Milks, Department of Law Attorney

Visitor's present:

Valerie Baxter, Department of Natural Resources  
Chris Hansen U.S. Fish Service  
Loren Karro R#941  
Dan Montgomery M#173  
Smokey Don Duncan, M#136  
Sue Entsminger, R#1058  
Jim Kedrowski M#156  
Cabot Pitts R#1299  
Kurt Whitehead R#1046  
Wayne Kubat M#147  
Mark Enyeart A#4436  
Frank Danford R#959  
Jon Burrows R#1307  
Sam Rohrer M#204  
Tony Lee M#105  
Jason Bunch R#1311  
Dick Rohrer M#69  
Thor Stacey R#1194  
Glenn Elliott A#5134  
Bob Summers C#816  
James Weidner M#203  
Joe Klutsch M#91

## AGENDA ITEM 9

## BOARD DISCUSSIONS

Mr. Tiffany IV stated that there are several topics for the board to consider. Some are outstanding and some are developing. The first is the transporter issue and their impact on the guiding experience. In many areas there is overcrowding and the public has become more aware of transporter violations. It's not good for resources and for hunters and for the public. The second issue is the enforcement of participation in a hunt. This is connected with the "Supervision" issue. The third is a recent trapping issue of hunting wolves with a trapping license instead of a guiding license. Hunters could offer guided wolf hunts without a guiding license. The fourth issue is creating a notification system in June or July for guides to register their guide use areas which would help prevent violations. Chairman Vrem stated that the transporters have to agree to be governed and this would be a major step through legislation. The trapping issue can be solved by limiting trapping to fur bearers. Ms. Rebne stated that she supports Mr. Tiffany IV and she believes that transporters and hunters are not regulated like the guides are. She would like to see Chairman Vrem provide a presentation to the Alaska Federation of Natives about guiding regulations. Most guides are responsible and yet blamed for the violations committed by non-guides. She would like to see a study that shows who commits the hunting violations. The transporter issue needs to be explained to the Alaska Federation of Natives because it won't be an easy change and the board will need all of the help it can get. Mr. Peltola stated that the federal government has a Best Practice that works and he would like to see it in non-federal lands. Their federal regulations do not allow hunting and landing near communities and public use areas. Mr. Atkins stated that as a transporter he observes many non-transporters operating as a transporter. He believes that the transporter license should be required of everyone or completely delete the transporter license. On another issue, he believes the wolf trapping is a big problem. Chairman Vrem stated that some of the biggest violators in the state are guides who are hiding behind the 12(b) exemption as a transporter. He believes that whoever transports a big game hunter for compensation should be required to have a transporter license. Mr. Jones asked if there is current legislation regarding the air taxi exemption. Chairman Vrem stated that Representative Feige used to be a transporter and air taxi operator in Aniak; and is, therefore, familiar with the air transporter problems and wants to fix it. Mr. Atkins stated that as he understands it, if pilots are required to have transporter licenses, then the next step would be transporter use areas. Mr. Jones stated that living on Kodiak Island and as an air taxi operator in a remote land he often uses non-transporters to fly him after shooting a deer while working on his lodge. He believes the exemption is necessary. Chairman Vrem understands this. Mr. Tiffany IV stated that there are existing regulations that could be strengthened or enforced and the federal land managers could

better enforce them. Mr. Atkins stated that he operated on federal national park service and there are strict regulations, but how much enforcement is done is unknown.

## **AGENDA ITEM 10 PUBLIC COMMENTS**

Smokey Don Duncan, Master Guide #136, stated that he was glad to see the retired guide license but would like to see retired guides able to reinstate their license without having to start over as an assistant guide. He suggested there be a four year grace period for retired guides to reinstate their active license. Mr. Duncan stated that the Department of Natural Resources current unlimited plan for areas will not pass a court challenge. Locking up areas to one guide is not good. A checklist for the violations matrix on the back of the regulations booklet would be helpful. The Investigative fees from violators should go to the board instead of the general fund. The violators should pay back to the program. The fines are too high; he would like to see a comparative study of professions including doctors. He would like to see client restitution. Wolf guiding under a trapping license is a good thing for the villages; young people can afford to assist with predator management in this manner. Resident priority in areas should be given. He thinks all air taxis should be transporters. Chairman Vrem stated that including the matrix checklist along with the regulations is a great idea and he'd like to see the board carry through with this. Ms. Polley asked if young village men are taking others trapping for wolves. Mr. Duncan stated that he knows of one young villager with a trapping license who uses a snow machine and has developed a successful wolf hunting business. Mr. Mumford thanked Mr. Duncan for his comments. Chairman Vrem recognized Mr. Duncan for his hard work on updating the exams.

Thor Stacey, Lobbyist for the Alaska Professional Hunters Association, provided the board with a general picture of legislative issues relating to guides. House Bill 187 is sponsored by the Governor, has passed through the Labor & Commerce Committee and now sitting in the House Judiciary Committee awaiting testimony about how investigations of licensees will be paid. This affects board audits and is in the best interest of the public at large and those who use professional services, therefore the majority of investigative fees should come from the general fund. Advocacy is critical in the second year of the legislative session.

Another bill will resolve the packer issue. The Association needs to know the consensus before they ask for help so Mr. Stacey hopes that this meeting will come up with a solution to A) Create another license or B) create a statutory exemption. It must be legal, possible and have majority support.

House Bill 158 is the Guide Concession bill by the Department of Natural Resources and a draft that has seen five hearings and robust public

participation. The statutes exist to authorize the program however the legislature wants to be involved through a bill and public process.

A legal issue with the association is the result of the federal shut-down of refuges during hunting season; effectively ceasing brown bear season by the federal government. Governor Parnell strongly and accurately responded by suing and asking for injunctive relief and the association members have been asked to sign onto the lawsuit which they have done. This is an issue that has bearing on legislative issues.

The administrative issue with the guide client agreement is a tenant of the economic foundation of the guiding industry. The idea that people would put in for a tag without knowing if they have the area is destabilizing. The Association will be asked to help with this problem. "Datalac" means not knowing the importance of an item, so the association has contracted the McDowell Group to produce an economic report on the Guiding Industry in February. Transporters will not be part of this study. The Division has been helpful although there have been frustrations because of the difficulty in extracting data.

Wayne Kubat, Master Guide #147, stated that he is disappointed to see a lack of state legal experts in the room. He believes the board is not given credit for the work that is done with regulations. Participation and supervision does not include what is allowed in the field, only what is not allowed. This is a problem. Statutes 610, 620 and 630 contradict each other and need to be revised. 12 AAC 920 (d) (4) is contradicts the problem with packing without a license.

Dick Rohrer, Master Guide #69, stated that he is thankful for the online license renewals. He hopes this will be possible for guide use area registrations, which might assist with the guide client agreement. The fact that he was able to register and see it on the website is proof that the Department of Fish and Game can also see that information. He stated that the registration notice on the Big Game Commercial Services Board states registration is required when the guide client agreement is signed but the Department of Fish and Game states that the area must be registered at the time of the hunt. The critical date for the Department of Fish and Game is December 15<sup>th</sup> of that year. Mr. Rohrer stated he believes it is the responsibility of the guide to register in time for areas for the permits. House Bill 187 will be an uphill battle with the legislature so he encourages the board and the industry to support it. He strongly believes that an exemption for packers of contracting guides must be created. Ms. Rebne asked what made this an issue. Mr. Rohrer stated that it became an issue when an outlaw guide shot a moose, took off with another hunter, hired a packer who was supposed to but didn't pack out the meat and it resulted in wanton waste. Mr. Jones stated that last December the board created a resolution to

encourage legislation for a packer license with minimum qualifications and asked why Mr. Rohrer supported an exemption. Mr. Rohrer stated that often young teenagers are hired quickly during or right before a hunt in a small community or village when it's not possible to obtain a license. Often a packer is hired at the last minute. That is why he prefers an exemption. Chairman Vrem stated that often in the villages packing is casual labor and done immediately after a moose is shot. He thought it had been the Department of Public Safety who instigated the packing license so Mr. Rohrer's comment about the outlaw guide is new to him. He agrees that it would be easier to have an exemption for packers. Mr. Tiffany IV stated this issue was not broken but abused so he also prefers an exemption. The abusers will continue to go against the rules regardless of whether or not there is a packer license. Mr. Rohrer stated that Representative Alan Austerman of Kodiak favors an exemption. Mr. Mumford stated that he visited with the Troopers and discussed the packer problem and the troopers are unwilling to let it go. He doesn't know how an exemption will fit in and if the troopers will support it. Mr. Rohrer doesn't believe it would be difficult to have an exemption; he worked on ones for the contractor laws.

Loren Karro, Registered Guide-Outfitter #941, stated that she thanked the board for their time. Her first item is the definition in the field in Alaska Statute 08.54.790 "An area outside an established businesses or development". In order for her to help the village of Port Heiden get rid of bears, she shoots them but near the village.

The second item is the 12 AAC 75.340(d)(7) "Spatial distribution of existing camp boundaries"; she has been operating for 15-17 years with two Department of Natural Resources Land Administration System (LAS) permit cabins and another guide has registered in a guide use area next to her and within her boundary. If the other guide builds a cabin then she won't be able to put in a camp there. His guide use area is on the edge of her guide use area; within the boundaries of her guide use area, so she hopes that this regulation can be revised.

The third item is that she agrees with Mr. Rohrer and Chairman Vrem about an exemption for packers. An internet permit isn't often possible even with a satellite and it's not easy unless you're in an urban area. Mr. Tiffany IV thinks that this should not become a race to build a camp first and that the land managers should be involved. Ms. Karro stated that they are trying to be low impact because of the tundra and do not want to build a cabin. Mr. Atkins stated that he is very much aware of the situation there; he would think that the other guide's new structure would have to be permitted and the land owner would be aware of the situation. He thinks that the Department of Natural Resources would prevent the permitting of a structure. It's already a race for camps on the peninsula for months before the season actually opens. If we allow it to happen it will be worse than it is now. Ms. Karro stated that Department of Natural Resources told her that when someone puts in for a land administration system (LAS) permit the

Department will open it up for public comment but will still give out the permit unless the applicant is breaking the law. Ms. Rebne stated that this has been discussed during a Fairbanks board meeting and once the definitions were created, she asked the Department of Natural Resources if a permit would still be issued and the answer was yes, since DNR did not have a policy for a land administration system permits. Mr. Tiffany suggested that Valerie Baxter from the Department of Natural Resources assist on a subcommittee on this later.

Dan Montgomery, Master Guide #173, stated that a guide should be able to have a cabin in his guide use area regardless of where another guide has a cabin in the next guide use area. Concerning the guide client agreement with the Department of Fish and Game; their drawing hunt supplement instructions state that a guide has to be registered for that area when a guide draws for permits. He thinks the biggest problem is the general public; the client could use a guide's name to put himself in the drawing without the guide knowing. The guide should have to put in his client's permit. He would also like to see the board supply a certified list of guides registered in guide use areas to the Department of Fish and Game. The Kodiak model is working and should not be touched. It shouldn't be used statewide but should remain working in Kodiak. The Department of Fish and Game is notifying clients that their guide is not registered at the time of drawing permits. It is important that Fish and Game receive a certified letter from the Big Game Commercial Services Board of the guide use area list to fix this problem. When asked, the Department of Fish and Game does not seem to be aware of the online list of registered guide use areas

Frank Danford, Registered Guide-Outfitter #959, stated that the guide use area list is available on the Big Game Commercial Services Board website and he had explained this to the Department of Fish and Game. He knows of people who draw permits and use any guides name online in the guide use areas regardless of whether or not there is a guide client agreement. Clients will burn the tag or waste the tag every year. In his guide use area 13-2 the predator control use area registration is abused by those who register to take other big game instead of the predators. He hasn't seen enforcement of this violation of statute 08.54.750(e). Alaska State Trooper McManus has listened to Mr. Danford's concerns about guide use area 13-2 and has been provided videos but determined that it was not clear enough. There used to be six guides and currently there are twenty-two in guide use area 13-2.

Tony Lee, Master Guide #105, stated that he has a predator registration in guide use area 13-02 and he agrees with Mr. Mumford that this is an enforcement issue. He believes this is an effective tool to increase the caribou and moose population by taking out the wolves. He doesn't see the trapping of wolves as a big problem. The reminder for guide use area registrations was appreciated. Being able to do it online would be good. There is

inconsistency in how troopers look at packers. Some troopers let guides have packers as long as they aren't left alone. Other troopers are not allowing any packers on guided hunts until they look at the law and then agree that the packer can't be left alone. Mr. Lee stated that he supports an exemption to this that is black and white. Mr. Tiffany IV agreed that the trapping of wolves should not be an issue with guides. Mr. Mumford stated that in the early 80's the troopers and guides worked well together and after he retired it seems as though things changed. There are still troopers who work closely with guides but many do not. It seems as if the troopers do not spend time with the guides or understand their regulations. He would like to see the troopers and the guides get together and learn from each other. He noticed there are not any troopers in the room, even a young one. Mr. Lee stated that he sees a different type of trooper in the field; one who tends to want to write a citation and let the courts sort it out. He stated there are troopers whom he trusts and who understand their laws; but there are others whom he is afraid to talk to.

#### **AGENDA ITEM 10      PUBLIC TESTIMONIES for 12 AAC 75.240(i)**

\*Harriet Milks from Department of Law was in attendance.

Joe Klutsch, Master Guide #91 stated that he supports the regulation proposal for a new section in 12 AAC 75.240(i) "Supervision of a Contracted Hunt", and finds it simple and understandable. He thinks that in the past the regulations are complicated and difficult to understand. This might be a problem for the troopers. A subcommittee chaired by Wayne Kubat has worked on this regulation in the past. Mr. Klutsch stated that he believes that what is current works for him and what is being proposed would work for him but he understands that there are new communications technology but there still needs to be language in the regulation that provides for geographical difficulties in supervising a guided hunt in one area while in another area. He provided examples of adjoining guide use areas and supervising from far away. He thinks it's a stretch between what the public and the legislature will accept. He does not like supervising from far away but he understands that what works for him does not work for other guides. To him it is proximity and safety issues which could affect the longevity of the board. We could create jeopardy if the language is too loose, but would like to see people be able to work in a wider range of operation. There is a link between supervision of guided hunts and the multiple guide areas of guide corporations which does not reflect the intent of the original law for three guide use areas per guide. Mr. Kubat stated that he has been working on the supervision of guided hunts for a long time. It began in House Bill 229 because guides shouldn't be in Florida supervising hunts in Alaska. In most cases he believes the proposed regulation is pretty good. He pretty much

supports it with suggested changes to (i) section 1- “physically present” and in section 2 first lines “physically present”.

Lance Kronberger, Registered Guide-Outfitter #1150, stated he has also been involved with the changes to the supervision of guided hunts. The current regulation has section (f) that should be left alone. His guide use areas geographically prevent him from being in close vicinity from all of his hunts. He communicates with his guides while in spike camps that are not in close vicinity to them. The corporations of guides will increase if this proposed regulation is adopted. Mr. Tiffany IV asked Ms. Milks if there has been any mention of eliminating section (f) and creating a new subsection (i). Ms. Milks stated that there was a time last year when changes were proposed to section f but the board withdrew those changes. Mr. Kronberger was satisfied.

Thor Stacey, Lobbyist for the AK Professional Hunters Association, stated he was prepared to answer questions about the proposed regulation. Mr. Stacey was in the room during House Bill 299 as it moved through the legislature. There were several statute changes in the bill and supervision was one of them. There was a senate bill also in the legislature. The original request about meeting clients in the field was based on the industry’s statement that a guide can’t legally hold a client in the field if the guide is unable to meet the hunter in the field because of weather or other situations. The word “primarily” was inserted into section (e) but was not the intent of the legislature to make the guide remain in the hunt all of the time. Geographic proximity and supervision are linked and the legislature wanted to make sure they would remain that way. Mr. Stacey stated that he hopes the regulation will be accepted and this issue will not have to go through the legislative process again. Ms. Rebne asked if the majority of the guides think they should have to be in the field during a guided hunt. Mr. Stacey stated that all of the members are in the field and meet their clients in the field, which is all that the current statute requires. His members are asking for a regulation that allows them to use qualified guides to responsibly conduct guided hunts. Mr. Tiffany IV asked if the legislature gave the board authority to come up with definitions of supervision and will be expecting to see this. Mr. Stacey stated yes, as long as it follows the legislative intent. The board has leeway within the statute. Mr. Tiffany IV stated that it seems as though the board has been given an opportunity to provide useful definitions for regulation. Mr. Stacey stated that specifically the board is required to, based on the trust of the legislature towards the board. Ms. Milks stated that the board has authority to write regulation which interprets the statute, but regulation language is another matter. The proposed regulation for 12 AAC 75.240(i) and the board’s work and particularly with the Department of Law shows that the board is trying to embrace the legislative intent. Ms. Milks stated that changing the word “physically” would be as substantive change. If one of the words you want to change appears in a statute then that is

considered substantive. Punctuation would be okay but if you change anything that would make the public wonder if they had to change something then that is a substantive change.

Richard Rohrer, Master Guide #69, stated that Ms. Milk's explanation of regulation changes seems to be a much narrower one in changing a proposed regulation then when he was on the board. It is apparent to him that the most critical thing with the proposed regulation should be correct before it is public noticed. This is different from when he was on the board and he wants to be sure this is understood. Chairman Vrem stated that the board approved of this a year ago when he was new to the board. This proposal is what came out of the committee and reviewed by the Department of Law. He thought it could be approved much sooner. Ms. Polley stated that a little has changed but the process has not and explained that a lot of it is working with difficult terms that define their work. Mr. Rohrer understands this and wants to be sure everyone realizes the cost to constantly make changes. The proposed regulation works and it's necessary to give some definition so the troopers know what "primarily in the field" means. Chairman Vrem stated that as glacially slow as this has been, it's probably for the best. Ms. Milks stated that it's true what Mr. Rohrer said about it being difficult to tell what is substantive and what is not. This particular statute is dense and conveyed a lot of responsibility to the board with loaded terms like "in the field" and "primarily" and the board had to be consistent with the statute and what will work for the industry. She agreed that his recollection isn't at all wrong. Mr. Peltola stated that the phrase "while in the field" was to be amended to "physically present" but would require another public notice. Mr. Tiffany IV stated that for the sake of clarification, if this should pass, the board would have the authority to readdress and change it again. From a legal standpoint could a guide be "while in the field" and not "present"? Ms. Milks stated that a guide could be telephonically "present" but not "while in the field". Ms. Rebne stated that this is as if it's the first time she has ever seen this and it's all new to her. She would like to know when this came up. None of it makes sense to her. Chairman Vrem stated that the December 2012 minutes would show the discussion. Mr. Tiffany IV explained the meaning of what is practicable and what is not. Ms. Rebne still did not understand. Ms. Milks asked what exactly she did not understand. Ms. Rebne explained the link between this proposal and subsection (c). Ms. Rebne stated that that perhaps "and" could be used. Ms. Polley stated that Ms. Rebne asked this question during the March meeting as shown in the minutes. Chairman Vrem suggested looking at this during lunch and adjourned the meeting from 1:00-2:14pm.

Ms. Milks stated that the language in 12 AAC 240(i)(2) is meant to address the board's concern about what it would mean to be physically present and why the board does not the language of being physically present because it would be too limiting. Ms. Rebne stated that this help and thanked her.

## AGENDA ITEM 11      SUBCOMMITTEE UPDATES

Subcommittee breakout sessions occurred and at 4:15 pm provided updates on their work:

1. The “Supervision” subcommittee was chaired by Wayne Kubat. Mr. Kubat stated that nobody signed up for today’s subcommittee but last year there was 31 guides who participated on the subcommittee and everyone he has spoken with today has given it a thumbs up.
2. The Cost Reduction & Revenue Adopting subcommittee was chaired by Ms. Polley and along with Mr. Peltola and Ms. Metz created a Resolution in support of HB 187. It was placed on tomorrow’s agenda for board review and vote.
3. The Hunting Guides and Practical Experience (12 AAC.75.920) subcommittee was chaired by Mr. Tiffany IV to raise the standards of all classes of licenses. Chairman Vrem stated that the work of this subcommittee has already been done over the past year and a vote on the results will be required of the board tomorrow.
4. The Guide Client Agreement subcommittee was co-chaired by Mr. Tiffany IV and Mr. Mumford for the sake of Department of Fish and Game permit –guide verification. Mr. Mumford stated that they want to encourage collaboration by communication between the department and the Department of Commerce and Economic Development Information Technology agencies before the March board meeting. Currently the Board of Game’s Proposal 147 would remove the guide-client agreement responsibility from Fish and Game to avoid liability. Mr. Tiffany IV stated that he wants to thank Ms. Chambers for her time and willingness on behalf of her office to assist. The subcommittee has invited her to become part of their group.
5. The Packer subcommittee was chaired by Sam Rohrer. Chairman Vrem stated that the consensus of the committee is that they do not want to license the casual laborer or young employee. They are heavily supervised and do not rise to the level of licensure. Perhaps another resolution to send this message to the legislature could be drafted by tomorrow.
6. The Unit 9 Department of Natural Resources subcommittee was chaired by Loren Karro. Ms. Karro stated that this committee discussed the problem with the language in 12 AAC 75.340 (7) to allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences. In game management unit 9, a person holding any class of guide license may not place a camp within two mile of a legally permitted year-round structure “in existence as of the date of this regulatory”... The subcommittee also discussed whether or not it was

for permanent year round structure but decided to leave it alone as there had been discussion by past committees about this in the past. The third discussion was the two mile buffer.

Sheep and Moose Trophy Seminars were held between 3:40pm-5:00pm by Sue Entsminger and Dick Rohrer. One licensee attended for sheep and three for the moose & guide responsibility seminar.

### Thursday, December 5, 2013

#### Call to Order

The meeting was called to order by Kelly Vrem, Chair, at 8:45 a.m.

#### Roll Call

Board members present:

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

Board staff present:

Cindy Hansen, Licensing Examiner  
Lee Stout, Investigator

Visitor's present:

Chris Hansen U.S. Fish Service  
Loren Karro R#941  
Dan Montgomery M#173  
Sue Entsminger, R#1058  
Cabot Pitts R#1299  
Wayne Kubat M#147  
Sam Rohrer M#204  
Dick Rohrer M#69  
Thor Stacey R#1194  
James Weidner M#203

Joe Klutsch M#91  
Steve Perrins M#123  
Mont Mahoney R#1049  
Nate Turner R#1036

Alaska Bureau of Wildlife Enforcement Captain Bernard Chastain and Lieutenant Paul Fussey gave a report of an overview of the Alaska State Troopers. Jim Cockrell is the new Colonel for the Alaska State Troopers. The troopers have undergone organization changes as far as supervision and the regions in the state. There are four Detachments; A Detachment is in S.E. Alaska from Ketchikan with a Lieutenant in charge. B Detachment changed- it now encompasses Glenallen, Cantwell to the Anchorage bowl and now the Kenai Peninsula, but not Kodiak, with a Captain in Palmer and a Lieutenant in Kenai in charge. C Detachment includes Kodiak Island, the Aleutian Islands and west and now Bethel with a Captain in Anchorage and a Lieutenant in Kodiak. D Detachment is our Northern Region with a Lieutenant based in Fairbanks. These changes will allow us to better divide up the workload and provide much needed training around the state. We also have a newly appointed acting Commissioner, Keith Mallard, who will hopefully become appointed soon.

In the Fairbanks and north and east the Troopers handled over 200 game violations this year, mostly sport hunters, but some guides. This is more than normal. Not validating or not taking the meat but a lot of sub legal animals- sheep and moose- have increased. On the Kenai Peninsula there were quite a few sub legal animals taken because of the Board of Game changes with moose. Unlicensed activity is the #1 priority for guiding and sport fish and Troopers try to target that because it's not fair to the licensees who go through the licensing process. Troopers try to figure out where violators are operating and how to catch them, which takes up much of their time. A trend would be sub legal animals taken by clients. Captain Chastain recognizes that the board discourages this. It's pretty much a statewide issue, both for sheep and moose. Clients have shot them on the advice of the guide. Other violations are guiding outside the guide use area, possible going outside their own area or using another guide's guide use area. There aren't many but there is some fraud where a client's money is taken but the services are not provided, usually because the guide's license has been revoked. Those cases are usually civil but whenever possible the troopers will try to make it a criminal case.

Investigations is finishing up several years-long cases, most of which have gone through the court system and are have been either convicted or going through the appeals process. It often takes many years after a court case of appeals for the case to be completed. Ms. Polley asked if there has been a decrease in violations in the northern region, particularly the Northwest

Arctic area, with increased staff. Captain Chastain stated he did not have the numbers but he is unaware of an increase in complaints. Ms. Rebne asked how a guide can use another guide's guide use area registration and Captain Chastain and Chairman Vrem answered.

Chairman Vrem stated that the investigation matrix examples will be published with the statute and regulations booklet. He asked if the troopers could help investigations with creating the examples. He also asked what guides could do when they have a difference of opinion with a trooper about whether or not a violation has occurred or if a trooper shows up before the guide has had time to self-report, for example, the accidental taking of a sub-legal game. Captain Chastain stated that the Troopers would be happy to help with matrix examples. He recommended that guides contact the trooper's supervisor when a difference of opinion occurs. Captain Chastain stated that when a sub-legal game has been taken, it belongs to the state of Alaska. If a guide has a satellite phone then the guide should report the sub-legal. A phone call to the nearest Trooper's office is reasonable and the guide and the trooper can set up a time to meet that will not interfere with the next hunt but still be responsible in dealing with the violation.

Ms. Rebne asked if there was ever a time the troopers gave a warning instead of citing the guide for a sub legal animal. Captain Chastain stated that the legislature has established the value of the animal taken by the state. The troopers have to look at every case on an individual bases and there is discretion. Troopers will give written warnings but there is a difference between the commercial operator who is expected to have a much higher degree of knowledge in determining trophies and the public so the trooper gives the commercial operator less latitude. Mr. Jones asked about the troopers investigations of unlicensed transporter activity and Captain Chastain stated that they do focus on unlicensed air taxis operating as transporters. He continues to encourage reporting these violations and even though they are difficult to prosecute, troopers still check on the reports. He noted that many clients will lie for the air taxi operators. He believes that they have the necessary regulations and statutes in place such as the definitions which clarify the transporter jobs. Mr. Peltola asked if an air taxi can demand fuel in excess of that flight in exchange for services and Captain Chastain stated that once compensation and services have been provided then the definition of transporting as a transporter has been met. Chairman Vrem stated that if the fuel is only for that particular flight then it's not meeting the transporter definition. Captain Chastain stated, in response to a question from Mr. Atkins, that the troopers have more authority to handle transporters than air taxis. If the transporter exemptions were removed from statute they would have more authority over the violators. Mr. Tiffany IV asked if warnings were given by the troopers to air taxi violators who get away with transporting because of friends and clients who cover for them. Captain Chastain stated that most of the unlicensed activity that they are

unable to prosecute is because of reports from citizens. Because these investigations are confidential, the Troopers can't tell the citizens about the cases, but the citizen can call the Troopers to find out if the case is active. Mr. Tiffany IV asked if there is communication between federal park agencies and Captain Chastain stated that there is a lot of communication with the park agents; they know them by name and talk back and forth about wildlife activity. Ms. Polley asked about Village Police Safety Officers (VPSO) and Captain Chastain stated that the VPSOs main priority is people but they do report about wildlife activity to troopers who then investigate.

Ms. Polley asked if troopers were issuing violations for packer activity and Captain Chastain stated that they will be watching this activity very carefully but there have been no violations issued since the last March 2013 board meeting. Usually a guide is committing other violations that are cited. Chairman Vrem asked if troopers see guides with predator guide use areas in Unit 13 who are illegally taking other game, such as sheep. It's been reported that guides are being told by troopers that there isn't anything they can do. Captain Chastain stated that as he understands, that predator control registration is just that, only for predator control. Mr. Mumford asked if Captain Chastain will continue to represent the troopers for the board and Captain stated that it will eventually become Lieutenant Fussey who will report.

Mr. Rohrer asked if an exemption for apprentice work would satisfy the troopers and Captain Chastain stated that they have no preference. They are required to enforce the laws as long as they are enforceable.

Ms. Entsminger asked if guides with appeals could still operate. Captain Chastain stated that a person is innocent until proven guilty and the board has the ability to take action, often after but sometimes before a case. The troopers work closely with Investigations. It could be years before the case is completed but the justice system is set up that way so people are able to prove their innocence.

## **AGENDA ITEM 12      BOARD BUSINESSES**

Representative Lynn Gattis letter was acknowledged and the board had no objections and appreciated being included. Attempts to teleconference with Erick Cordero-Giorgana, aide to the Representative, were unsuccessful. Representative Gattis is considering pre-filing a bill that would allow for the display of proof of hunting, fishing, or trapping license on a mobile electronic device. This is similar to the recent bill that passed allowing drivers to show proof of their car insurance via an electronic device.

The bill would also include Hunting Guides being able to display proof of his or her license on a mobile electronic device, Alaska Residents over 60 years of age who acquire a permanent identification card to be used in lieu of a sport fishing, hunting or trapping license and residents holding a valid hunting or

fishing license who are hunting or fishing by proxy, on behalf of a person with a physical disability, or who is blind.

Mr. Jones provided a draft of a packer exemption letter to the legislator that could be used for a resolution. Chairman Vrem stated that he appreciates the letter and exempting the personnel

Ms. Polley moved and Ms. Metz seconded to forward the apprentice guide exemption request to the state legislature through the AK Prof. Hunters Association. Mr. Tiffany IV stated that he would like time to review if thoroughly before it's provided to the legislature. Chairman Vrem asked Thor Stacy for the best way to let the legislators know the board wants an exemption instead of an apprentice guide bill as was proposed last March 2013 meeting.

Thor Stacey, Lobbyist for the Alaska Professional Hunters Association, stated that nothing has yet been done by the legislature as the association had decided to wait until there had been public comment before deciding what action to take. If the position of the board has changed then this should be provided to the legislature. Mr. Stacy stated that the best legislation has strong consensus behind it and having this decision makes a statutory fix much higher. It helps the record and in committee. Legislation can be introduced through a committee or legislator and a willingness to be involved in the bill process. Rural economy is a very important issue with Bush caucus legislators and Senator Alan Austerman has expressed support for an exemption so Chairman Vrem asked Mr. Peltola to help. Mr. Stacey stated that a pre-filed bill accompanied by a companion bill in the Senate helps. He suggested that the legislative legal office could assist with the bill's language. Since this is the second year of a 2-year cycle so the odds of the bill being signed before April are low but it could happen. Mr. Tiffany IV asked if additional copies could be produced for public consumption.

Chairman Vrem tabled the motion.

Chairman Vrem directed Ms. Polley to work with the state to develop online written exams. Ms. Chambers stated that several boards have an online system set up at specific secure sites across the state. TSI from Utah could work with the board to set up the system at zero costs to the state and to the board. Ms. Polley stated that there are 10 secured sites by FAA.

**On a motion duly made by Ms. Polley, seconded by Mr. Jones and approved unanimously, it was**

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential disciplinary matters for the purpose of discussing investigations and reports.**

Board staff members remained during the session.

The Board entered executive session at 10:36am and went back on record at 11:16am

In the matter of Case 2013-000415

Ms. Polley moved to accept and Mr. Mumford seconded to accept the request for a 24 month extension to pay fines for Case 2013-000415.

Discussion: Chairman Vrem stated that any judicial entity in the state is able to extend fee payments. He will vote in support of this.

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

**RESOLVED to accept the proposal to accept the request for a 24 month extension to pay fines for Case 2013-000415 for Duane Halverson R#1297**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Gene Peltola	X		

**AGENDA ITEM 13      AMEND OR ADOPT REGULATIONS**

In the matter of a Resolution of Support for HB187

Ms. Polley moved to accept and Mr. Peltola seconded to adopt a Resolution of Support for HB 187.

Discussion: Ms. Polley stated that yesterday the committee created a resolution for HB 187 and recommended the board forward a letter and resolution to the House Labor & Commerce committee. Mr. Tiffany IV stated that there are a few grammatical errors and typographical errors and he pointed them out to Ms. Polley. Mr. Jones stated he intends to vote for this resolution because HB 187 offers relief to the board by helping to pay for the investigative fees. This is a good idea and the actions of this board in enforcing and creating regulations is in the best interest of the public at large and so the public could pay for some of these costs. Chairman Vrem stated he concurred.

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

**RESOLVED to accept a Resolution of Support for HB 187.**

<b>Roll Call Vote:</b>	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>	<b>X</b>		
<b>David Jones</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Gene Peltola</b>	<b>X</b>		

The Board thanked the GMU Exam Update subcommittee for the hard work in updating eight exams with a standardized template to make it easier for future updates: Henry D. Tiffany IV, Smokey Don Duncan, Joe Want, Virgil Umphenour and Tom Kirsten.

The Board thanked the Supervision Regulation subcommittee chaired by Wayne Kubat for their hard work.

The Board decided to vote by email on the 2015 proposed meeting dates to avoid conflicts with the Board of Game meetings and school vacations:

- March 10, 11, 12, 2015 Tuesday-Thursday was proposed for Fairbanks.
- December 8,9,10, 2015 Tuesday-Thursday was proposed for Anchorage.

In the matter of the proposed new section to 12 AAC 75.240(i) "Supervision of a Contracted Hunt"

Ms. Polley moved to accept and Ms. Tiffany IV seconded to accept the proposed new section to 12 AAC 75.240(i) "Supervision of a Contracted Hunt" as public noticed.

Discussion: Ms. Polley stated that this has been heard and public commented on twice, is well written and addresses the issues of board about supervision from far away. She will vote for it. Mr. Tiffany IV stated that he has given this proposal a great deal of thought and there are a number of different factors that have come into his decision. It has been disheartening to learn from Ms. Milks yesterday that we did not have the latitude to amend this as we thought we had and that anything substantive would have to be re-noticed and put out for public comment again. A lot of work by subcommittee has gone into this. The legislature put this into our court and entrusted us to come up with some meaningful language on geographical proximity to go along with the statute. He does not feel it's a perfect document, but he will vote yes with the clear understanding that because it's a regulation, in the future the board can amend it as necessary. He believes it helps relieve the concerns that the legislature, the public and the industry has regarding the proximity the guides have with supervision. He wants the legislature to know the board has not ignored the trust they have placed in us. He will be supporting it but he anticipates we will revisit this. Ms. Metz stated she will be voting in support of it. The committee work process and word-smith has been done; our job now is to vote it up or down. It may not be perfect but if it doesn't work the board can figure it out. Mr. Mumford stated that he respects the process and agrees with Mr. Tiffany IV. He has thought about this one at length and has talked to guides and legislators and he can't support it. He thinks it has enough issues in it that he can't support it. There are such significantly large expanses of areas that guides could supervise from far away. The issue under paragraph c with an extra 50 miles to let certain guides get into those areas reeks of "good old boy" language. Those two issues and a hobbling issue from the Department of Law, means he cannot support it. He feels that the board is violating a public trust. If the board brings in a product that we fully anticipate changing then he thinks it makes us look bad. The board still does not have a clear definition of "adjacent". There are some legal issues the board is going to be bound with. Until the board has something we know is going to work he cannot support this. Ms. Rebne stated she was prepared to vote in favor of it because this

language was created by qualified people who have to live by these regulations. She understands that someone in the legal department changed the language and she doesn't understand if these changes are still the intent of the subcommittee. She doesn't understand if the 50 miles tightened it up. Mr. Atkins stated he agrees with Mr. Mumford's statement and he talked to some of the committee members and they don't like it either. The parameters the Department of Law put on this was a big surprise. He guessed he is still up in the air about this. Chairman Vrem stated that this language was put up for public notice and the board can reject and amend it and put it up for public notice again or the board can accept it. He doesn't know if it's enhanced the current statute or not. Mr. Tiffany IV stated that under this proposal 12 AAC 75.240(i) (1) (a), unit 25 and 26 both share a border and cover a large expanse. A guide could supervise from perhaps 500-700 miles from his hunt. Chairman Vrem stated that the guide management units are defined by drainages and guides often have a camp between one ridge and another camp in another ridge within a mile of each other but in different game management units. Mr. Mumford stated that most of the regulations passed are to prevent the five percent of the guides who don't follow the laws. These five percent will exploit this proposed regulation. Ms. Polley stated her understanding is a little different; this was an effort to make sure that supervision occurred in the field and not in an office. The board tried to make it as specific as possible and only in emergencies can they not be in the field. The field is so huge that it's very difficult to pin it down and that is what the board struggles with. If the board doesn't have anything that states "in the field" then the board will continue to have guides who are not in the field guiding. For that reason she is going to support this. At least the board has something that requires guides to be in the field. The board's goal was to define "supervision" as "in the field". Ms. Rebne read the definition of "field" and asked if this proposal could still let a guide operate in Anchorage. Mr. Mumford stated that if the board could change "game management unit" to "guide use area" and remove the fifty mile buffer then he would support it. Ms. Rebne stated that she would rather make the changes and public notice it again. Mr. Mumford stated that he agreed. Chairman Vrem stated that his inclination is to support it because an amendment might be easier instead of a re-write. Mr. Jones stated that he is lost about why there is a proposed regulation. Chairman Vrem stated that he didn't think so; there may have been a push because the statute was passed; it adds fifty miles to what is currently allowed, it adds "while in the field" and also practical monitoring. The regulation is currently for "guide use area" and this proposal would change it to "game management area" because it is more restrictive. Mr. Jones stated that current regulation has "guide use area", which is more restrictive, but the proposal for "game management unit" would be extremely liberalizing for guides who want to supervise from great distances. The

legalese for paragraph number two is hard to understand; he think it makes it so guides have to communicate by telephone.

Ms. Milks from the Department of Law was contacted at 1:45pm. Ms. Polley asked her if the board could use “guide use area” instead of “game management unit”. Ms. Milks stated that at that time the question was how many licensees could use the guide use area of their employer. Ms. Polley read Ms. Milks comments from a prior meeting, “to natural persons, real flesh and bone people and therefore only human”. Chairman Vrem stated that the committee did say “game management unit” and not “guide use area”. The changes are in number two and the fifty miles language is as it was submitted. He stated he sees contrary testimony in there but he will have to go with what the subcommittee came up with to amend what we have. He would rather amend it then throwing it out and starting over. The board has worked on this for a long time. Ms. Rebne stated that that the existing language is more restrictive and now the proposal makes it less restrictive and she will be voting against it. She is sorry for all of the work that has been done on the proposal. Mr. Tiffany IV stated that he agrees with Ms. Rebne that the intent is to prevent the guide from supervising from Tulsa, Oklahoma but whether the board choses to make this more restrictive, if the “guide use area” is more restrictive than the “game management unit”, the board you can’t make it a “guide use area” and have it be practicable. The restriction is in the language of “participation in the hunt” and “primarily in the field”. Ms. Rebne stated that the definition “in the field” is in the current language. Mr. Tiffany IV stated that the proposal adds “primarily in the field”. Ms. Milks stated that “in the field” is in the statute and that’s where this new language comes from. Ms. Milks hung up at 2:01pm.

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

**RESOLVED to accept the proposed new section to 12 AAC 75.240(i) “Supervision of a Contracted Hunt” as public noticed.**

<b>Roll Call Vote:</b>	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>		<b>X</b>	
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>		<b>X</b>	

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

In the matter of a Resolution to exempt packers

Ms. Polley moved to accept and Ms. Metz seconded to forward a request in the form of a Resolution as amended to the State Legislature through the Alaska Professional Hunters Association to exempt packers

Discussion: Mr. Mumford stated that he appreciates the draft resolution, it has merit and with grammatical and description changes he will support it. Ms. Metz stated that instead of the word “exception” it should be “exemption”. Ms. Polley stated that she agreed. Ms. Hansen stated that the testimony of Mr. Stacey, the Lobbyist for the Alaska Professional Hunters Association will be part of this meeting’s minutes and will copy the board discussion during the March, 2013 meeting for resolution language:

*The guiding industry has operated in this fashion for decades. If nothing is done, guides and packers could receive violations for actions they perceive to be legal and legitimate in providing a client a quality hunt. If nothing is done, guides will be denied the ability to teach those new to the industry or who qualify for higher license levels.*

*Discussion: Mr. Jones asked why the board should use the term “apprentice”. Ms. Chambers stated that the terminology doesn’t matter as long as the language defining the position is clear. Mr. Atkins stated that this is similar to the apprenticeship of electricians and will assist with the labor industry in the state of Alaska. Chairman Vrem stated the purpose is to comply with section 8.54 and train new members of the industry. The training and supervision ability applies to all classes guides employed by the contracting guide. This will also allow rural residents to be employed as packers whose sole purpose is to pack meat. Mr. Mumford stated he will support this as it will fill a void and help those new to the industry to become educated in duties and responsibilities of the guiding industry. Ms. Metz stated she will also support the resolution because it supports rural jobs and economies.*

Mr. Jones stated he will provide Ms. Polley with the draft language and Ms. Polley will provide a final draft to the board for review.

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

**RESOLVED to forward a request in the form of a Resolution as amended to the State Legislature through the Alaska Professional Hunters Association to exempt packers**

Roll Call Vote:	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Gene Peltola			ABSENT

#### **AGENDA ITEM 14      SUBCOMMITTEE FINAL UPDATES**

Subcommittee breakout sessions occurred and at 4:15 pm provided updates on their work:

1. The "Supervision" subcommittee was chaired by Wayne Kubat
2. The Cost Reduction & Revenue Adopting subcommittee was chaired by Ms. Polley who will provide the rest of the board with a second draft Resolution of Support for HB 187.
3. The Hunting Guides and Practical Experience (12 AAC.75.920) subcommittee was chaired by Mr. Tiffany IV who will provide an update at the March meeting.
4. The Guide Client Agreement subcommittee was co-chaired by Mr. Tiffany IV and Joe Want who will provide a report on the exam updates at the March meeting.
5. The Packer subcommittee was chaired by Sam Rohrer and Ms. Polley will provide the rest of the board a second draft letter based on Mr. Jones's original draft letter.
6. The Unit 9 Department of Natural Resources subcommittee was chaired by Loren Karro who will provide information after meeting with APHA before the March meeting.

Mr. Mumford reported that on the Board of Game there is a Dall sheep committee who is working with DFG Tony Kavalok to create a sheep hunter survey for guides, hunters and transporters. DFG wants to better manage Dall sheep and is seeking input.

**The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 2:14pm.**

Respectfully submitted:



Cindy Hansen, Licensing Examiner



Kelly Vrem, Chairperson  
Big Game Commercial Services  
Board

Date 3/14/14

Approved Date: 3/14/14