

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**

**March 4-6, 2014**

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 March 4-6, 2014.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes which were approved by the board at the Annual Board meeting on December 9, 2014.

**Tuesday, March 4, 2014**

**Call to Order**

The meeting was called to order by Kelly Vrem, Chair, at 8:30 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 Strout, Investigator  
Michelle Wall-Rood Investigator

Visitor's present:

Valerie Baxter, Department of Natural Resources  
Kelly Egger Bureau of Land Management  
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  
Wayne Kubat M#147  
Tony Lee M#105  
Coke Wallace M#172  
Clint Mayeur R#666  
Lance Kronberger R#1150  
Joe Want R#006  
Virgil Umphenour M#151  
Tom Kirstein M#98  
Joe Klutsch M#91  
Brian Peterson M#114  
Gary Wall R#1182  
Jim Weidner M #203  
Robert Summers C#816  
Greg Acord R#789  
Justin Horton R#1332  
Matt Snyder R#882  
Eric Umphenour M#184  
Dave Morris M#133

#### **AGENDA ITEM 1 EXECUTIVE SESSION**

**On a motion duly made by Ms. Polley, seconded by Mr. Mumford 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.**

Staff members Ms. Hansen and Mr. Strout remained during executive session.

The Board entered executive session at 8:32a.m., exited at 11:30am with a break until 11:44a.m.

Chairman Vrem stated that in the interest of time the board decisions will take place tomorrow morning.

#### **AGENDA ITEM 2 GAME MANAGMENT UNIT EXAM 12**

Ms. Polley moved to adopt the updated GMU 12 exam and Mr. Mumford seconded.

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

**RESOLVED to adopt the updated GMU 12 exam.**

**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 3          REVIEW AGENDA**

Mr. Mumford motioned and Ms. Polley seconded to amend the agenda by removing 12 AAC 75.250(b) in the Field Contract and adopt the amended agenda.

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

**RESOLVED to approve the amended agenda.**

**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 4          REVIEW MINUTES**

Ms. Polley requested future action items be placed on a separate document and not included with the minutes. Mr. Tiffany IV motioned and Mr. Peltola seconded to adopt the November 2013, December 2013 and February 2014 minutes.

**Upon a motion duly made by Ms. Polley, seconded by Mr. Mumford and approved with unanimous consent, it was:**

**RESOLVED to adopt the November 27, 2013, December 13, 2013, February 19, 2014 minutes.**

|                            | <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>       |             |                |

**AGENDA ITEM 5            ETHICS REPORT**

Board members were provided copies of ethics forms. There were no ethical violations to report.

**AGENDA ITEM 6            BUDGET REPORT**

Ms. Polley reported a 4th quarter income of \$326,807 and expenditures of \$178,000. These figures do not reflect end of year charges which include the Department of Law costs. Ms. Polley stated that at some point the board may be able to eliminate an accumulating deficit. Support for HB 187 was provided in the form of a board resolution. Ms. Chambers, Administrative Operations Manager, stated that she and Ms. Hewlett, Administrative Officer, appreciated the presentation. Ms. Chambers clarified that there is additional back-up information for direct account charges located on page 2, the indirect expenses on page 13 and she and Ms. Hewlett are both available to answer any questions. The Department of Law costs and indirect costs are reviewed regularly and quarterly. The indirect costs are averaged up, and trued up, at the end of the year. The last item is the license renewal which occurred after the 12/31 expiration. Ms. Hewlett reported that 1,036 licensees have renewed with \$200,000 more than what was provided in the

2014 2nd quarter report. Mr. Tiffany IV stated that except for the accumulative deficit, the board is in the black. Ms. Polley stated that the only perspective that one has to keep is that this is a two year cycle and this is the first year, so by the end of the second year the board may not look as good. Ms. Chambers stated that a way to look at the FY12 and FY13 Biennium is in the fee analysis, which show the board expenses in total running from \$.5 to \$.6 million a year or 1.2 million for two years Ms. Chambers stated that the board would want to see their revenue covering that amount. Chairman Vrem asked about HB 187 and Ms. Chambers stated that it is a hot topic and has gained a lot of interest from the legislature. Currently the finance committee is looking at fee setting and fee stabilization solutions, with a variety of ways already put forward in HB 187. There is slightly more than a month in the session so if it does not pass then the bill will die and would have to be put forth as a new bill in the next legislative session. It's a lively discussion with many stakeholders and much interest in seeing this issue resolved. Ms. Rebne asked where to locate the contractual information and Ms. Chambers stated it was on page 2 of the quarterly report titled, "Collocation- Guide-Outfitters" There is a section for Hearings and Legal Costs which are contractual. Mr. Tiffany IV asked why the cost was so low and Ms. Hewlett explained that not all of the legal mediation has been included yet but will in the 3rd quarter.

Chairman Vrem adjourned for lunch at 12:13pm- 1:00pm.

## **AGENDA ITEM 7 BOARD DISCUSSIONS**

12 AAC 75.260. REGISTERED GUIDE-OUTFITTER CONTRACT REQUIREMENTS- Mr. Tiffany IV stated this discussion is about the problem of the Department of Fish and Game hunt drawings. Three meetings were held and teleconferences with 12-16 participating guides, troopers, Department of Fish and Game and Department of Commerce and Economic Development division agency representatives discussing solutions. The Department of Fish and Game submitted a proposal to eliminate the guide-client agreements and revise 75.260 to add language that the hunt contract could be the agreement used in the DF&G Drawing system for the guide to certify as and the DF&G would issue a pin number to the guide who could then apply for a drawing permit for the client. The hunt contract would replace the guide-client agreement. The board cannot draft or adopt language to support a regulation that doesn't exist. The Board of Game would need to create the regulation and the BGCSB could then support the regulation. The Board of Game will meet in March and the BGCSB usually holds a teleconference in July. Mr. Mumford stated that he is thankful for Mr. Tiffany IV and Mr. Kavalok for their work. The Board of Game will be looking at a proposal that could see amendments to support this.

12 AAC 75.265. GUIDE USE AREA BOUNDARY CHANGES- Chairman Vrem stated this is a request for a boundary change in guide use area 11 in Halibut Bay by Greg Acord R#789. Mr. Acord thanked the board for listening to his petition for a board to return the guide use area to its original location. It had been changed in 2000 at the request of Joe Want with Larry Van Dale, from the Department of Fish and Game who wrote a memo stating that the revision would better reflect the hunt in that area. When this change took place Mr. Want was the permit holder and it never had an impact on him. Shortly after that change Mr. Want retired. Mr. Acord won the permit in 2003 and began hunting in that area in 2004. He lost the area to Mr. Chervenak in 2005 and won Mr. the area this year. Mr. Acord provided a large map for the board to view. Mr. Tiffany IV asked if the Fish and Game UCU lines were the same as the guide use area 11 boundaries and Mr. Accord stated they were the same. Mr. Tiffany stated that the 2000 Department of Fish and Game memo states the change would reflect fish and hunting conditions and Mr. Acord showed on the map where it did not. Red Lake hunters do not hunt and fish in the area that he has requested be changed back to its original guide use area. Scott Mileur R#527 is the refuge permit holder and wrote a letter of support for this petition. Ms. Rebne asked if there were private property owners or ANCSA land and Mr. Acord stated that were only a couple of private owners. Mr. Mumford asked how Mr. Cervinak was impacted and Mr. Acord stated that Mr. Cervinak won the area by permit drawings 2005-2013 but did not utilize it very much, with only six hunters. The permits were re-issued in 2013 and Mr. Acord was awarded the guide use area.

Mr. Jones stated that he plans to make a motion to public notice the request for a boundary change with guide use area 11 at the next board meeting. Mr. Peltola stated that he would support a motion. Chairman Vrem stated that without endorsing this or not, public noticing is an acceptable action and he supports that. Mr. Mumford stated that his desire is to public notice it for discussion and entertain it seriously. Mr. Jones stated that he agreed with Mr. Mumford. Mr. Tiffany IV stated that there is a benefit for agencies and guides to identify and align the unaligned 5 percent of the Department of Fish and Game UCU and Department of Commerce and Economic Development guide use area boundary lines. Chairman Vrem stated that when the Department of Natural Resources created a map for the Guide Concession area they blended the Department of Fish and Game and the Department of Commerce and Economic Development maps but there are errors. Most UCU's are actually drainages.

Mr. Atkins stated that he would like to see a period of time every day of the meetings for comments and concerns. It might increase participation if there was more time for public comment. Mr. Peltola stated that in Robert's Rule of Order the meeting must have a place for public comment with sign-up.

Break 1:50-2:05pm

## **AGENDA ITEM 8            ENFORCEMENT CONCERNS**

Chairman Vrem stated that he asked Investigator Strout to provide a list of concerns from clients and concerns from enforcement:

### **Client Concerns**

- #1 hunting for fewer days than agreed to in the contract.
- #2 contracting for a 1 by 1 hunt and getting a 2 by 1 hunt.
- #3 being left in the field for extra days.
- #4 inexperienced guides and a perceived lack of effort by the outfitter.
- #5 the quality of food.
- #6 camp cleanliness.

### **Trooper Concerns**

- #1 sublegal animal.
- #2 salvaging antlers before meat or not salvaging meat at all.
- #3 failure to renew the GUA registration.
- #4 consolidating guide areas.
- #5 hunting in closed areas and closed dates.

Captain Chastain stated he agreed with Investigator Strout's representative sample. The Trooper concerns are very real; particularly #1 and #3. It becomes a bigger issue when there are multiple animals and out of state hunters. Some of the investigations required up to two years for cases to be heard. Chairman Vrem asked if troopers encourage guides to not violate if the troopers observe what could become a potential violation. Captain Chastain stated that he can't speak for all troopers but if they can prevent a violation they will speak up. Troopers take the effort to prevent violations by education of statutes and regulations. Ms. Rebne asked about the consolidated guide areas because she provided information about groups registering for guide use areas and it was shot down by the legal department and there is an opinion. Ms. Rebne stated that the legal opinion does not get rid of the issue. Chairman Vrem agreed but stated that it is complicated. Captain Chastain agreed that this is a complicated issue only in the way that hunts are booked; a person acting as a booking agent can be anyone with or without a license, but not when a person represents themselves as a contracting guide for a hunt where they are not registered to hunt. The registered guide who has that area may sign or may not sign the hunter, with the person misrepresenting that as becoming the guide for that hunt. Chairman Vrem stated that when the board sunset in the 1970's guides could have three guide use areas and any number of assistants. Later the legislature passed a law that allowed guides to have only three assistants. Chairman Vrem stated that inept outfitters are the biggest problem and he doesn't know if increased education or increased sanctions would help. Mr.

Tiffany IV asked if the #1 problem of clients was because of frustration when the weather kept them from hunting their total number of days or were they restricted because the deal was for 5 days and they could only get 5 days. Mr. Strout stated that weather was a big complaint, as well as not enough guides, and being very disorganized. The majority complaint was: "I didn't hunt my full contracted days (for whatever reason)." Mr. Tiffany IV asked for the number of complaints and Mr. Strout stated that perhaps on average ten telephone calls a week and double/triple after the season. Of those, maybe thirty percent follow up with a written complaint and of them, ten percent will generate into investigations.

## AGENDA ITEM 8            REGULATION PROPOSALS

To change AS 08.54.610 (1) (d) Registered Guide-Outfitter License  
"Notwithstanding AS 08.54.750, a person who is licensed as a registered guide-outfitter may be employed by another registered guide-outfitter to provide the services of a class-A assistant guide in a game management unit if the registered guide-outfitter providing the services of a class-A assistant guide is able to demonstrate, to the satisfaction of the board, adequate knowledge of and experience in the game management unit;" and add a new section in 12 AAC 75.260 which would define districts where a registered guide-outfitter may serve as a class-A assistant guide in a game management unit if he is able to demonstrate, to the satisfaction of the board, adequate knowledge of and experience in the game management unit.

Chairman Vrem stated the board had proposed three districts where guides could demonstrate their ability to act as class-A guides anywhere in a district by passing a GMU exam within that district; however, the department of law did not approve it. Ms. Rebne asked if registered guides would be allowed to guide as class-A guides as long as they can show experience in a game management unit but they wouldn't have to be registered in the guide use area. Chairman Vrem stated that the game management unit would need to be similar in geography to the registered guide's three guide use areas and someone with supervisory credentials would need to monitor the hunt. Ms. Rebne did not understand so Chairman Vrem and Mr. Tiffany IV provided examples. Chairman Vrem provided the history of Class-A assistant guides. Mr. Mumford stated that he believed the regulation is already specific enough and does the job. Mr. Peltola asked if a guide could have an exclusive permit with the village landowners and Chairman Vrem stated yes, there are several guides who have such a permit. Chairman Vrem stated there will be public comment on this tomorrow. Captain Chastain stated that he could shed a little bit of light on this situation as he was part of the legislative process when this changed for AS 08.54.610 (d) and (e) was because the legislature wanted the board to define adequate knowledge of and experience in the game management unit.

To amend 12 AAC 75.240 (i) Supervision “For purposes of the requirement in AS 08.54.610(e) for supervision of a contracted hunt, and in addition to the requirements of this section, the contracting registered guide-outfitter may plan, direct, and monitor a contracted hunt (1) while in the field and present in (A) the same game management unit in which the contracted hunt is taking place; (B) a game management unit adjacent to and sharing a common border with the unit in which the contracted hunt is taking place; or (C) a location that is no further than 50 miles from the nearest boundary (or) of an area or unit described in (A) I (B) of this paragraph; and (2) if performing those activities, while in the field and present in a location listed in (1) of this subsection, is practicable; for purposes of this paragraph, planning, directing, and monitoring the contracted hunt is not practicable if the contracting registered guide-outfitter cannot communicate in person, communicate personally by telephone, or communicate personally by radio with the assistant guide, class-A assistant guide, or registered guide-outfitter involved in the contracted hunt.”

Mr. Mumford stated that he was dissatisfied with 240(i), had heard negative feedback and provided an amendment, which he read for the record: “Supervision:12 AAC 75.240(f) amendment: A contracting master or registered guide shall be available within the same guide use area or an adjoining guide use area with a common boarder that the contracting guide is currently registered to conduct guided hunts within, whenever; a contracted hunt is being conducted and the hunter is being guided by an assistant guide with less than five years of documented experience as an assistant guide, as required by 12 AAC 75.920(a)(c)(d).The contracting guide must maintain verbal communication with the assistant guide every 48 hours and have the means necessary to travel to the contracted hunt in an efficient manner, if an emergency arises.

If the contracting master or registered guide is outside of the guide use or adjacent guide use area, for reasons other than those listed under (f)(2) of this section, the contracted hunt must be conducted by a registered or class A assistant guide under the employment of the contracting guide. The registered guide conducting the hunt must be qualified to guide within the game management unit and be certified for the species hunted if otherwise required by 12 AAC 75.460, or: If the contracting guide is outside of the guide use area or adjacent guide use area with a common boarder, for reasons other than those listed under (f)(2) of this section, the contracted hunt may be conducted by no fewer than two assistant guides, one of which must have 5 years or more of documented assistant guiding experience of the species being hunted, as required by 12 AAC 75.920(a)(c)(d).Both assistant guides would be required to accompany the hunter in the field. If an emergency situation exists. under (f) (1) of this section, the contracting guide is required to provide an otherwise qualified master or registered guide {or two assistant guides, one of which must have 5 years or more of documented experience of the

species being hunted} in his/her place to plan, direct and monitor the hunt from within the applicable guide use area or adjacent guide use area prior to the contracting guide departing those areas. [Delete subsection i]. INTENT: The big game guiding industry in Alaska is of interest and service to a world-wide clientele. The resources of Alaska have attracted hunters, fishermen, viewers and enthusiasts from every walk of life and from most countries. The guiding industry brings countless dollars into Alaska every year. That money comes from people that depend heavily upon the professionalism and expertise of the guides that provide the services they seek. My goal is to assure that the public's trust, in as much as possible, is never violated. Further, I want to assure that the Big Game Commercial Services Board never loses respect of those that oversee us and the decisions we make and the regulations we create. This board must strive to be as professional as possible in the responsibilities we have been granted. I believe this amendment to regulation provides that assurance."

Mr. Mumford stated incompetent guides are on the list of complaints, it is the board's duty to protect the client and this language is meant to spur the conversation of experience levels for public comment. Joe Klutsch asked for copies. Copies were made for the public. Ms. Polley stated that she is inclined to table this until time has passed. Mr. Mumford stated he had a Senator who was willing to stop what was proposed at the last meeting because they were not happy with what the board had come up with. Chairman Vrem stated that the Department of Law approved and the Lt. Governor signed the recent Supervision change. Mr. Tiffany IV stated that he agrees with Mr. Atkins and wants to give the public time to digest and comment on it.

To remove 12 AAC 75.460 (b)(2) Species-Specific licensing "To qualify for the species to be added to an existing license, the registered guide-outfitter must submit an affidavit signed by the registered guide-outfitter certifying that the registered guide-outfitter has been involved in a minimum of three harvests on guided hunts for that species".

Justin Horton R#1332 stated that he began guiding in 2009 and became a Registered Guide last year and found it problematic to guide for goats because of the current regulation. His proposal to change the regulation is because "practical experience" should be allowed to guide under a registered guide. Mr. Tiffany IV asked if it was easier to harvest a goat –or any game-alone or with a client. Mr. Horton stated it was easier alone because sometimes the hunters pace is slower. Ms. Polley stated that she was surprised nobody wanted to have free assistance on a goat hunt. Mr. Mumford stated that he appreciated Mr. Horton bringing this to the board's attention and while he probably would not support a change at this moment, it is something to think about. Mr. Tiffany IV asked what if it was the combination of the current and proposed language. Mr. Horton stated that could be a great idea; he wants to do what is best for the client. Chairman

Vrem stated that he can recall this as becoming a problem and now the board is being told that it is not hard enough on assistant guides; he will ruminate on this tonight.

To remove AS 08.54.790(12) (B) (ii) Definitions “by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its business; in this subparagraph, “incidental” means transportation provided to a big game hunter by an air taxi operator or air carrier who does not advertise transportation services or big game hunting services to the public; in this sub-subparagraph, “advertise” means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services.”

Mr. Atkins stated that this proposal is because there are air taxis that do not have a transporter license but transport hunters, guides and equipment, claiming these are incidental trips under the B (ii) exemption. Also, transporters must report illegal activity of guides and hunters but air taxis do not have report this. He is trying to get everything on an even board. Chairman Vrem stated he would support asking the legislature to repeal this exemption, believes there would be legislative support and pointed out that SB 160 specifically addresses transporters. Mr. Jones stated he does not support that exemption because he knows air taxi operators in Kodiak who transport for groups going to public cabins who will also hunt and for groups going to a lodge who also hunt; hence hunting is incidental. He believes this exemption is a standard in the industry for 50 years. At the December meeting Mr. Jones asked Captain Chastain if this was a big problem and he believes Captain Chastain stated no, it was not. Mr. Jones believes this exemption works. Mr. Tiffany IV stated that he is reminded of the 85/15 rule; that 85 percent will find it helpful and 15 percent will not. Mr. Atkins stated that whether it is for one or 50 clients, everyone should either have a license or not

## **AGENDA ITEM 9            STATE AND FEDERAL AGENCY REPORTS**

Alaska Department of Fish & Game Assistant Director Tony Kavalok stated there are a few updates of personnel positions-Bruce Dale is the Deputy Director under Doug Larson, who is retiring in May or September. Four of five Regional Supervisors are at or beyond retirement date. There is a situation with PR funds which require a three to one match. The Department of Fish and Game received a \$175,000 from the sale of sheep tags. The license modernization is coming to a head with their division of

Administration Services interacting with the other divisions for the drawings and internal record keeping. Currently there is not real time ability to validate permit holders. Web page design and layout building a more traditional design like the Amazon model with a shopping cart but there are issues with security and it's complicated because of the many permits and licenses. Chairman Vrem stated that every one of his clients did not have a harvest ticket after purchasing their hunting tickets on the fish and game website. Mr. Kavalok stated that the department is not supportive of guide client agreement. Mr. Tiffany IV stated that he is impressed with the general cooperation between the agencies with open and clear communication it has been a benefit to work with these departments. Mr. Kavalok read his report: The Big Game Commercial Services Board with support from the Alaska Professional Hunters Association formed a sub-committee to address several guides' concerns regarding Proposal 146 (Board of Game 2013-2014) which was submitted by the Department. This proposal is scheduled to be addressed at the statewide Board of Game meeting in Anchorage next month. The purpose for this report is to inform this Board of the activities and direction of the sub-committee regarding this topic.

In short, proposal 146 eliminates the requirement for a "guide-client" agreement – which essentially requires the non-resident drawing applicant to hire a guide prior to applying for specific sheep, goat, brown bear, and moose hunts. Among the reasons for this proposal is that the currently described requirements and regulation are un-enforceable and therefore ineffective. In addition, the hired guide is required to have a current guide use area (GUA) registration in the drawing permit area on file with the Department of Commerce, Community, and Economic Development. This registration is supposed to be in effect the day the application is submitted ("proof at time of application) and for the season which the drawing permits is valid (Department of Fish and Game regulation). Under the current system, it is very difficult and in some cases impossible for the Division of Wildlife Conservation to determine eligibility of the listed guide at the time of application.

The sub-committee, which included guides, Alaska Professional Hunters Association representatives, Board of Game and BGCSB members, Fish and Game staff as well as Economic Development staff, met via teleconference twice over the last two months. Several additional conversations also occurred between various representatives on the sub-committee. Alternatives to proposal 146 were discussed relative to agency IT capacity, data sharing, License Modernization at fish and game, and guide concerns regarding the draw areas that currently require guide-client agreements. The following suggestions have been discussed and provide a path to a possible solution to the current situation:

- Require Registered or Master Guides to apply for non-residents that are not hunting with relatives in the current guide-client agreement required (GCA) drawing permit areas.
- These GCA applications will require the Registered or Master Guide to have earlier contacted the Division of Occupational Licensing (Occ. Licensing) to possibly acquire a PIN number in order to complete the application. The PIN or some other confirmation number will provide the guide with verification that he/she is registered for at least one of the Guide Use Areas (GUA) within the drawing permit area applied for both the application year and the drawing permit hunt period (the following year).
- The verification provided by the “electronic signature” of the guide will also be the guide’s confirmation record that he/she has a contract or “agreement” with the non-resident client that is being applied for.
- Guides may also have to provide their Guide License Number and possibly other “demographic” data in the application to provide additional verification.
- Investigations and/or enforcement activities that may occur during or after the drawing will by default obligate the guide to produce a signed contract or “agreement” to verify his/her confirmation that such a document exists.
- Occupational Licensing will have the GUA registration information for any investigations or questions that may come up during either the application or drawing period.
- In the future, DWC hopes to have the web capacity to access Occupational Licensing data on current and “future” GUA registration *during* the application period.
- The confirmation numbers that the guides have or use to apply with will be kept and archived within the Division of Occupational Licensing – this will not be the Division of Wildlife Conservation’s responsibility.

In summary, we have discussed the mechanics and technical aspects of what is proposed above with IT staff from DWC and Occ. Licensing and all have agreed that this is doable. It is not perfect, but until we have full IT capacity (e.g., web service capacity or similar) the proposed solutions above will work. This will result in drawing requirements that place the responsibility on the guide who is applying for the non-resident that may or may not understand the guide requirement or the specific requirements for application to a what is now known as at guide-client agreement required area. With limited modification to the existing language in 5 AAC 92.057, 92.061, 92.069, 92.050 and 12 AAC 75.260, the result will be an enforceable regulation, significantly more guide responsibility, a more defined role for Occupational Licensing and with limited DWC oversight and follow-up requirements.

\*NOTE\* Resident relatives (non-residents not hunting with guides for guide-required species) would still apply for drawing hunts in the same manner as they do currently.

Alaska Wildlife Troopers Captain Bernard Chastain stated this will be his last appearance at the meetings and in the future Lt. Paul Fussey will represent the agency. HB 190, the Packer bill, has been put into the legislative process and will likely begin to quickly move through the committees. One of the identified trends is what they are waiting several months after the new year to renew their license but are still booking hunts, so if there is way to get the reminder before they book their hunts that would save them from getting a call from AWT. There is a fair amount of misrepresentation of how guides are filling out their forms so perhaps clarity of the questions on the forms would prevent this. The exemption of air taxis and Captain Chastain did say there are not a lot of cases but only because it's difficult to enforce. It is difficult to know what is incidental for an air taxi to act as a transporter. Captain Chastain stated there are legitimate air taxis and transporters and the board's regulations are very clear but there is some ambiguity. Mr. Tiffany IV stated that he wanted to thank Captain Chastain for the time he spent with the board and Chairman Vrem seconded that.

Department of Natural Resources Valerie Baxter stated there is Guide Concession Program information sharing with Rep. Costello's HB 150 and Senator Coghill's SB160 who have the concession program bills and expect them to move forward. The legislators are interested in the transporters part of the concession program.

#### **AGENDA ITEM 10      REVIEW OF MATRIX EXAMPLE**

Mr. Strout stated that he was not aware he was supposed to provide a matrix example. Chairman Vrem stated that work needs to be done in a sub-committee on the matrix between negligent and willful violations.

#### **AGENDA ITEM 11      SUBCOMMITTEE ASSIGNMENTS**

A Matrix sub-committee will be considered at the next meeting. Mr. Tiffany IV stated the guide client agreement should be kept alive.

1. The NEW Consolidated Guide Use subcommittee was chaired by Ms. Rebne to re-write the forms with AST Lt. Paul Fussey, Kelly Vrem and Smokey Don Duncan.

2. The Supervision subcommittee was chaired by Wayne Kubat with Loren Karro, Joe Klutsch and Brian Peterson.
3. The Cost Reduction & Revenue Generating subcommittee was chaired by Ms. Polley with Smokey Don Duncan.
4. The Hunting Guides and Practical Experience (12 AAC.75.920) subcommittee was chaired by Mr. Tiffany IV with Brian Peterson and Cabot Pitts.
5. The Guide Standards subcommittee was co-chaired by Mr. Tiffany IV and Joe Want with Nate Turner, Dan Montgomery, Cabot Pitts and Smokey Don Duncan.
6. The Packer subcommittee was chaired by Sam Rohrer and Ms. Polley with Kelly Vrem.
7. The Unit 9 Department of Natural Resources subcommittee was chaired by Loren Karro with Lance Kronberger, Dan Montgomery, Clint Mayeur, Joe Klutsch, Valerie Baxter, Tom Kirstein and Jim Kedrowski.

Chairman Vrem adjourned the meeting at 4:56pm.

### Wednesday, March 5, 2014

#### **Call to Order**

The meeting was called to order by Kelly Vrem, Chair, at 8:30 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:

Valerie Baxter, Department of Natural Resources  
Loren Karro R#941  
Dan Montgomery M#173  
Smokey Don Duncan, M#136  
Jim Kedrowski M#156  
Wayne Kubat M#147  
Tony Lee M#105  
Coke Wallace M#172  
Clint Mayeur R#666  
Virgil Umphenour M#151  
Tom Kirstein M#98  
Joe Klutsch M#91  
Brian Peterson M#114  
Gary Wall R#1182  
Jim Weidner M #203  
Matt Snyder R#882  
Eric Umphenour M#184  
Cabot Pitts R#1299  
Justin Moody A#7299  
Deb Curnow R#1285  
Rick Kinmon R#1266  
Joe Want R#006

## **AGENDA ITEM 12      BOARD DECISION**

In the matter of the proposed decision Case No. 2011-000695

Ms. Polley moved to adopt the recommended decision by the Administrative Law Judge for Case No. 2011-000695 and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated this has been very thoroughly reviewed several times and is relieved that they can move on with it. Mr. Atkins stated he understands the board has been directed on this but he believes it's not harsh enough and he doesn't think we need this individual representing the guiding industry in the state of Alaska. Chairman Vrem stated that he appreciates and shares some of Mr. Atkins concerns. He believes the Administrative Law Judge had taken a complicated case, sorted it out and provided

recommendations and he appreciates the help. Mr. Tiffany IV stated that he appreciates Mr. Atkins comments and he agrees with some of them. He also appreciates the Judge's comments and time will tell what happens.

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

**RESOLVED to adopt the recommended decision by the Administrative Law Judge for Case No. 2011-000695, Clarence K. Skaflestad.**

**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 Surrender of License Case No. 1704 09 006 & Case No. 2013-001275

Ms. Polley moved to accept the Surrender of the License of Kale A. Trangmoe A# 5559 in Case No. 1704 09 006 & Case No. 2013-001275 and Mr. Tiffany IV seconded.

Discussion: Mr. Mumford stated he is going to accept the license surrender based on the egregious case. Ms. Polley stated it is important we accept it because it was pretty egregious with taking advantage of available public resources.

**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 Surrender of License for Case No. 1704 09 006 & Case No. 2013-001275.**

**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 Douglas M. Corl

Ms. Polley moved to accept the consent agreement of Douglas M. Corl R#991 in Case No. 2014-000071 and Mr. Peltola seconded.

Discussion: there was none.

**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 Douglas M. Corl R#991.**

**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 Jeremy S. Davis

Ms. Polley moved to accept the consent agreement of Jeremy S. Davis R#1013 in Case No. 2014-000069 & Case No. 2014-000075 and Mr. Mumford seconded.

Discussion: there was none.

**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 Jeremy S. Davis R#1013.**

**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 Carl F. Black

Ms. Polley moved to accept the consent agreement of Carl F. Black A#6887 in Case No. 2012-001014 and Mr. Peltola seconded.

Discussion: Ms. Polley stated this was a matter of failing getting all of the pieces together, to supervise and thinking things had been done when they were not. This consent agreement is reasonable.

**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 Carl F. Black A#6887.**

**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 Tony Kirby

Ms. Polley moved to accept the consent agreement in Case No. 2013-001169 and Ms. Metz seconded.

Discussion: Chairman Vrem stated this is a straightforward case. Ms. Polley stated the consent agreement is appropriate and fair. She is concerned about making sure we provide education with people new to the industry.

**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 Tony Kirby A#6887.**

**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 Bobby L. Graham

Ms. Polley moved to accept the consent agreement in Case No. 2014-000088 and Ms. Metz seconded.

Discussion: Mr. Jones stated that the consent agreement is consistent with others and is a similar and reoccurring theme, which is a sheep that is not quite legal. Mr. Jones stated he wants to stress the importance of education in an area where this is happening more and more. He is in favor of and supports this 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 Bobby L. Graham A#2634.**

**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 Randall A. Smith

Ms. Polley moved to accept the consent agreement in Case No. 2014-000091 and Ms. Metz seconded. Mr. Tiffany offered a friendly amendment to the consent agreement with \$6,000 and \$5,000 suspended, a two year probation and a letter of reprimand. Ms. Polley and Ms. Metz approved the friendly agreement.

Discussion: Chairman Vrem stated that he is happy this is one case that the board was able to determine there were some omissions from the investigation that made it obvious there was not nefarious intent. I satisfied with the results. Ms. Polley stated that there is not a record of prior violations, this is the first violation and the person has been in the business for over 20 years. Mr. Mumford stated that he is supporting this amended consent agreement but wants to be certain that the board is being cautious in reducing sanctions within the matrix only when appropriate. Mr. Mumford stated that in this case it is, but he does not believe it will be a habit.

**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 Randall A. Smith R#1022.**

**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 application review of Thomas C. Hutton

Ms. Polley moved to accept the consent agreement in Case No. 2013-002268 and Ms. Metz seconded.

Discussion: Mr. Mumford stated this case imposes additional training with a guide responsibility seminar in 2014-15 and if the licensee complies then he will support the consent agreement. Ms. Polley stated that she appreciates the probation list and is more comfortable with the training as it is an opportunity to make things right and also it is not a long probation. Chairman Vrem stated that he believes the licensee won't make this mistake twice and he is ready to support it.

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 Thomas C. Hutton A#7425.**

**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 Lingo Nicklie

Ms. Polley moved to accept the Assistant Guide license application in Case No. 2012-00026 and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated she will vote to accept the application because the application has put a lot of effort into finding the documents of public institutions and the applicant has a lot of recommendations for guides he has worked for and will be well supervised. Mr. Mumford stated he will abstain based on the rules of ex parte communication. Chairman Vrem stated he is inclined to accept it because the applicant has shown a remarkable amount of patience and will make a great guide. Mr. Tiffany IV stated he will also

accept it for the reasons already stated; the applicant made his best effort to produce what was required of him and the failure of the state agency is not the applicant's fault. Ms. Rebne will abstain because she knows the individual.

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 Assistant Guide license application of Lingo Nicklie.**

**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 application review of Casey Stallings

Ms. Polley moved to accept the Assistant Guide License application of Casey Stallings and Ms. Metz seconded.

Discussion: Mr. Jones stated he will not vote to accept the application because the experience listed on the application does not come close to meeting the license requirement. The applicant needs to submit a new application based on more recent experience; therefore, he will be supporting this application. Mr. Tiffany stated he also will not be supporting the current application for the same reasons as Mr. Jones; however, a new application will be supported. Mr. Peltola stated that he doesn't believe the applicant met the new requirements and he will not be voting in support of this application. Mr. Mumford stated he will also vote to deny the application because he doesn't have the amount of time necessary for this application.

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

**RESOLVED to deny the Assistant Guide license application of Casey Stallings.**

**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>    |                |

**AGENDA ITEM 13      BOARD DISCUSSION**

Chairman Vrem stated that a packer bill has been introduced and he encourages other guides to support Senator Huggins bill. The bill explains that packers can pack and be compensated while they learn. Packers have to be under the direct supervision of a license guide while spotting, stalking and skinning. This board has the authority of determining which chores the packer could do without the supervision of a license guide.

Mr. Atkins stated that yesterday he brought up the Transporters exemption and wanted to clarify that to do away with the exemption would tighten up the duties of the transporters of hunters and guides. It will not cover everyone but the guide is the one who puts the hunter in the field. The intent is not to put everyone under the transporter license.

Mr. Tiffany IV stated that Mr. Kavalok had to return to Anchorage for other duties but wanted to let others know that the guide client subcommittee is acting re-actively to the Dept. of Fish and Game's proposal and would encourage anyone interested to participate in the March Board of Game meetings, which will occur in about two weeks, and to voice support of the subcommittee's proposal.

Mr. Tiffany IV read a portion of Senate Bill 190, which was a result of the resolution the board passed in December: "Section 1. AS 08.54 is amended by adding a new section to read: Sec. 08.54.635. Delegation of guide services: A registered guide-outfitter may, under regulations adopted by the board, delegate to a person not licensed under this chapter the service of packing, preparing, salvaging, or caring for a client's meat, except for the packing and preparing of meat that is required to properly and safely load the meat onto a mode of transportation used by a transporter. For training purposes established by the board in regulation, a guide outfitter may delegate to a

person who is not licensed under this chapter the guide services of stalking, pursuing, tracking, killing, or attempting to kill big game and using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter. Tasks delegated under this subsection may only be delegated while the guide-outfitter is physically present with the unlicensed person who is performing the guide services. A person who does not hold a license issued under this chapter may provide the services identified under this section only if the person meets requirements adopted by the board. A person who provides guide services delegated under this section may receive compensation for providing the services.”

Chairman Vrem stated the word “Assistant Guide” is missing and instead, “Licensed Registered Guide” is used. “Assistant Guide” needs to be inserted, or use “Licensed Guides”. Mr. Tiffany stated that he wonders under section 1 subparagraph B if a licensed registered or Class-A assistant guide is physically present and licensed in the game management area, then does that indicate the Class-A Assistant Guide has to be licensed in the game management unit, because currently they do not. Chairman Vrem stated that, currently, yes, Class-A Assistant Guides are licensed in game management units. The word “Licensed Guide” would take care of everything and better suit the board’s purposes. He stated to possibly delete #2. Mr. Tiffany IV stated that it should be noted that this bill is an attempt to make people in compliance. Packers have been a major part of this industry and an integral part of the training process. There have been small percentages who have abused the rules. The board is trying to create rules so the majority is in compliance. He agrees that “licensed” is probably the best word choice, since we are not trying to loosen up the rules, we are trying to make people in compliance. Chairman Vrem stated that we are trying to prevent those who use loopholes and take advantage. Mr. Atkins asked Chairman Vrem to explain the definition under B for training purposed established by the board, stalking, killing pursuing, etc. and Chairman Vrem explained this language would be an exemption for a license.

Ms. Rebne stated that she is wondering about training for board members because it has taken her years to understand the issue of guides. There are a lot of decisions to make and she can make them from the perspective of a landowner but not from the perspective of a guide. There are a lot of times the board will be discussing proposed regulations which have a lot of impact and it’s not easy to understand for a person who is not in the industry. The ex parte communication needs to be followed but so does open discussion to feel comfortable to vote on these issues. Chairman Vrem stated this is a great suggestion to provide guide briefing to the board, perhaps by him and Mr. Tiffany IV. He has asked Lee for the core common problems and the biggest problem for guides relating to non-game violations are sloppy business practices and an unclear understanding of the regulations. Education is the key to preventing these problems and would go a long ways to explaining how

the guide world works. Mr. Tiffany IV stated that the fun part is being out in the field guiding but he doesn't know of any guide who enjoys the regulation paperwork. He constantly refers to the regulation book and believes it is the responsibility of every guide, including the assistant guides. He believes that the assistant guides should have to know what is in the book because it will save a lot of sloppiness and as a registered guide training an assistant and packer, it's important to highlight the main concerns. He encouraged guides to try to find the answers to the questions of their assistants in the regulation book. Mr. Tiffany IV stated that he encourages everyone to make an effort so they do not get caught with an "oops" because those simple "oops" can hit them later down the line. Mr. Atkins stated that when he is asked questions about the regulation book he does not like to give the answers. Chairman Vrem suggested the person with the question needs to look at the regulations. It's best to refer people to their nearest Alaska Fish and Wildlife State Trooper or Captain Chastain and now Lt. Fussey. Chairman Vrem stated he would like to see this kind of education and will work on a Regulations and Business Management Seminar.

Mr. Tiffany IV stated there have been issues of guide use area registrations and reminded everyone to turn in their guide use area registrations with the spring bear hunts approaching.

### AGENDA ITEM 13      PUBLIC COMMENT

Brian Peterson M#114 stated that guide client agreements are necessary to legitimize the drawings of the state and we have to have a client agreement. He would disagree with legal opinion for permission from the Board of Game for pin numbers to show when they have their guide use area registration. It's important to know the Kodiak model has never been applied in the rest of the state. One of the most important things is that its limited to the number of permits by the Department of Fish and Game in Kodiak and it's overwhelming them for the rest of the state. Mr. Horton has insurance and a pension and wants to take two weeks to compete and put me out of business. Some of us have been there 30-40 years and have spent years trying to keep this process. Mr. Peterson stated that he proposed if you can do the three animal species he thinks you should be able to register for a guide use area and there has to be some way to register through experience. Whether it's species specific or number of days or years, it should be explored to solve this problem. The supervision proposal of Mr. Mumford's is so complex that it needs to go to sub-committee and public comments because at this time is premature, with all respect to Mr. Mumford. It needs a lot of work to be understandable. The APHA study shows that almost three times the concentration of hunters is on state land. Forty percent of guides are doing less than 5 hunts. They do it as a hobby. Does the board want a profession of

guides or an industry of hobby guides? A way to help would be through registration and experience. Mr. Jones asked about proposals Mr. Peterson has sent in the past and wants to see the board do something with it by either taking action or not taking action. Mr. Peterson stated that the Board of Game SHALL take up all proposals and this board MAY take up proposals. Mr. Jones asked if the proposal were put forward on paper and Mr. Peterson stated that yes they were.

Smokey Don Duncan M#136 stated sub-contracting is not the proper term, it should be encouraged and not outlawed. It's what the industry needs and wants. The Department of Natural Resources stated it expects cooperation from guides with the concession program but when you have a registered license, you have the privilege to have guide use area and the right to work for anyone you wish. The Department of Natural Resources requires a separate land use issued to the contracting guide and it's questionably legal because it's the only industry that has the guide receive the permit and not the business. The guide has to sign the guide-client agreement. There is no sub-contract. Whatever deal the guide has with an employing guide is really none of this board's business. Gross negligence is not covered by insurance and the only one who will benefit will be the insurance industry. Concerning Transporters, if we get rid of them then we get rid of two board members. If the guide concession program does not address transporters then we cannot begin to address conservation concerns. I support the exemption removal. The board might need to hold an emergency meeting if SB 190 does not pass because people are being held up. As the chairman of the Violations Matrix subcommittee, there are intentional and unintentional violations and cases need to be addressed on a case by case basis and the investigator has to provide leeway with the board. When this board stands in judgment, the person should have the right to plead his case. I believe it is this boards' duty to perform this function open to the public. In most cases the victim has been already beaten up explicitly with no contract pleas. In Alaska we have a situation with the cost of going to court, especially in remote places like Nome or Barrow. Recently I've heard of cases where the charge would have failed but the cost of going to court was too great. The doubling and tripling of fines is questionable and perhaps the judges and prosecutors are unaware of the results of the fines to preventing the ability to receive a license. This past Board of Game meeting we heard the number of guides this board is licensing this year and since 1990 we have 655 Registered Guide licenses which are about 27 new licenses a year. As of Monday we have 380 Registered Guides. In 1987 there were 5,000 licenses issued since mine, which is about 7,500 licenses. Currently Class-A and Assistant Guide licenses, as of Monday, was 408. Can the board certify my sanity for staying in this business? Ms. Rebne asked about how Mr. Duncan felt with Registered Guides supervising from another area and he stated that giving the supervisor a little leeway for guides would help. Mr. Tiffany IV stated that a person is given the opportunity, in writing for a hearing. Mr. Duncan stated that the public part

would educate the audience. It's hard to hide stuff when there is no rug on the floor.

Loren Karro R#941 stated she's thankful for the 15 percent bad guide/85 percent good guide of Mr. Tiffany IV's comments from yesterday. She asked for a committee to re-write the aging and sexing on the exams and make sure to check every reference with the department when there are instance of contradiction. She would be willing to chair this subcommittee. The supervision regulation took a long time and the board should let it stand to see how it operates before making any major changes. She stated she would like to see the board members look into training instead of continuously creating regulations to keep the lousy guides in line. The Department of Public Safety is doing a good job but we need to get the bad guys out. Ms. Karro stated she hopes to see work on education, ethics, and cooperation instead of new regulations. We are regulating ourselves out of existence. She likes the packer bill and there needs to be a way to train them somehow. She stated she wanted to thank all the people who proctored in the past. Mr. Tiffany IV asked how to educate the ones who don't show up or have recently received a license. Ms. Karro stated perhaps something could be sent about trainings and seminars including education on regulations. Mr. Tiffany IV stated that he agrees and learning on the front end is greater than learning through the ramifications of violating a regulation. Mr. Tiffany IV asked if Registered Guide applicants should be required to attend the seminars. Ms. Karro stated that perhaps it would help to have applicants come a day before the exams to learn about regulations and enforcement.

Lance Kronberger R#1150 stated the supervision proposal has been going on for a long time and the board needs to eliminate the token handshake because it's evolved into a mess, including the packer issue. The Supervision pigeonholes how a guide operates and not every guide operates the same way. Guides now must document experience and communicate every 48 hours. He hunts in a no fly zone and has to hike; therefore, the definition of an emergency is not the same for him as it is for another guide in another zone. Assistant guide and Class-A guides are not registered for species and Registered guides would have to register for species. It's too much paperwork. Accompanying a hunter in the field at all times by a guide is unnecessary and it would cause problems. The worldwide clientele is losing respect for Alaska because of the over regulation compared to other countries and states. Our goal is to ensure the public trust and no regulation can ensure that. The regulations you create will impact others in this room and outside by the guide who supports his family and not the hobby guide. We should leave the Supervision regulation alone. Registered guides should require continued education every two years like other industries.

Joe Want R#006 stated that everyone in the room seems to be responsible but enforcement says otherwise. SB 190 opens the door to a mess with a giant

loophole. Education is an important component but there is not a delivery mechanism. The Department of Fish and Game is not in a position to educate. The bear and sheep education videos are not sensible and do not assist the applicants. The supervision regulation just passed means a Registered guide can supervise from other guide use areas and does not contribute to the industry. The bottom line is not supervision but training on the day to day decisions with trophy judging and caring for the hunter. This board cannot legislate ethics but can legislate standards. I don't know how to get information to applicants but recently a sheep poster about aging was displayed at the Board of Game meeting and I believe the young people would benefit from something like that. Mr. Tiffany IV stated that he appreciates the desire to raise the standards of education and wants to know if that poster is available to others. Mr. Want stated that it's available on amazon. Ms. Rebne asked what a person should know taking the registered test and shouldn't it come from the guides and not a video or another registration. Mr. Want stated there is no continuing training and it has to come from the industry. There are other individuals who share this concern about the observations of individuals taking the test. Ms. Polley stated that there seems to be concerns about a lack of training and perhaps a training plan of guides for their assistants but she did not believe it's the responsibility of this board to assure they have training, although the board could assist. Mr. Want clarified that it's not the board responsibility to provide the training but rather the industry. The board could provide the structure. Mr. Mumford asked about the guide school. Mr. Want said the concept is good but the board should look carefully at the material and the curriculum provide to the students.

Jim Kedrowski M#186 stated on line 8 of the packer bill salvaging and caring for the clients is needed but it doesn't include trophy which should be covered. Hopefully it will be brought to the sponsor's attention. Chairman Vrem and Ms. Polley agreed. Mr. Kedrowski asked if members could be notified of the meeting via email trees with a notice and agenda. Chairman Vrem stated that the meetings are published in the Anchorage Daily News. Mr. Kedrowski stated that he thinks if even one pilot takes a hunter then they should have a transporter license. It's not too big of a burden and it's a good idea for everyone to be held accountable. He supports this and hopes it goes forward. Regarding Mr. Horton's three species requirement, he thinks Mr. Horton should do a little more work on that because he talked to a guy in Cordova who didn't have someone to go with him. The guide needs to do some more work on finding someone to guide for in order to get a big game species. He thinks three species should remain a requirement. Mr. Tiffany IV asked Ms. Hansen if she could send out an email and Ms. Hansen reminded them that the website already contains this information.

Alaska Professional Hunters Association Board members Dan Montgomery M#173 and Vice President Tony Lee M#105 stated that the animals are a

public trust and belong to the state and not the guides. APHA provided an economic impact study on Alaska's big game industry. APHA believes there are problems with the supervision proposal and the way to deal with it, if it is carried forward, is in sub-committee to get as much industry involvement as possible, preferable with multiple board members and not just one. APHA wants to see high standards and the clientele protected. Most are viewed as repeat clients and important to the longevity of the business. APHA has a commitment to working on this proposal if the board wants to see it go further but at this time we see problem with it. Mr. Montgomery stated that the guide-client proposal #146 from the Department of Fish and Game came out of the blue because the department does not want to be responsible for the guide-client agreements. During the December APHA meeting the Department of Fish and Wildlife Conservation Director Mr. Vincent-Lang was surprised and pleased to learn APHA wanted to take on the burden of this responsibility. APHA is working on the solution with others through a sub-committee. APHA supports HB 187 for general funds to cover investigative costs and are actively lobbying for it. Ms. Polley stated she appreciates the study, it is well done and she appreciates the APHA contracting for it since this will provide helpful information for the board to make better decisions. Chairman Vrem stated that former Chairman Johnson said the tourism likes to include big game industry in their tourism income but won't assist the industry with advertising.

Tony Lee M#105 stated that his personal comments are that there are too many enforced supervision regulations with 85 percent of the guides doing the right thing with a number of guides who are really bad. Six or seven years ago he asked then Chairman Johnson to slow down on the regulations and the chairman said next year and he would ask him next year and he would say next year. Well, next year is here and it's getting pretty tough. A concern he has is that our assistant guide pool is relatively small. If you look up the numbers in the report you will see we don't have enough and so many of us are trying to train the ones we have. He stated a total of seven years of experience for guides is excessive. Doctors need only eight years. What is not covered in the matrix is "intent" and he would like to see that included and the person being investigated have his say. A transporter license should be required if the transportation of guides or hunters involve a state-maintained airport. It would put a lot of pilots on the level playing field with transporters. Currently there is no accountability. There are 69 signups for Game Management Unit 9 and in response the Board of Game removed bears from the predator list for some IM areas when they shouldn't have been removed. Mr. Lee proposes that guides work with the Board of Game on the intent for each IM area and not put them in for the additional 4<sup>th</sup> area. Mr. Atkins stated that he put out the alternative exemption as a challenge to get accountability for everyone who transports guides and hunters.

Wayne Kubat M#147 stated he has attended every board meeting since 2007 except for March of 2013 when he was in Juneau testifying in support of the guide concession bill. . He has been involved with the Supervision subcommittee and remains willing to be involved. Concerning member Mumford's proposed amendment to 12AAC 75.240 (f), he thinks the board and the public has spent a tremendous amount of time on this issue. When 12AAC 75.240 (i) – dealing with same or neighboring game management units + 50 miles – passed last December, essentially for the second time, many of us thought an effort that had started five or six years ago, had finally been accomplished for the most part. Many of the statutes and regulations on the books at that time; negatively impacted the clients and operators of small to medium operations, who guide themselves and are also the contracting and supervising guides. We worked in numerous subcommittees with the board to accomplish 3 things. On Pages 38- 39 of the December 2010 BGCSB minutes – 12AAC 75.240 (f) as it currently reads - which member Mumford wants to substantially amend – was the first step, and was unanimously adopted by the board in December 2010. Board members at that time were Dick Rohrer, Dirk Nickish, Leif Wilson, Bob Mumford, Paul Johnson, and Ted Spraker. This regulation allowed us as the supervising guide, to be outside the same or neighboring GUA while performing specific duties such as hauling meat, clients or in the event of an emergency. One Page 47 of the December 2010 BGCSB minutes, the second issue, was statute 08.54.610 (e), which required the contracting guide to be in the field with the guide and client once during the hunt. There was a lot of testimony that this was no longer necessary for numerous reasons, and the 2010 board members agreed to further pursue statute changes to delete this requirement. On Page 47 of the December 2010 BGCSB minutes, the third issue, was statute 08.54.610 (d) which stated that a registered guide could only perform the duties of a class A guide in the GMUs in which he was certified. We wanted non contracting registered guides to be able to take charge of a camp and guide a client on their own - anywhere in the state. The 2010 BGCSB again agreed to pursue this change in statute. Member Mumford was the board member that presented these suggested statute changes. On page 94 & 95 of the December 2012 BGCSB minutes, all of the language in 12 AAC 75.240 (i), same or neighboring GMU + 50 miles – which passed in Dec. 2013, was also approved unanimously by the board in December 2012. That board consisted of Kelly Vrem, Karen Polley, Ted Spraker, Michele Metz, Brenda Rebne, Paul Johnson and Dirk Nickisch. It didn't become law after that meeting, because the Department of Law took issue with an additional sentence which included a guide that was present in any of his currently registered guide use areas that could be anywhere in the state. The proposed regulation, minus the additional sentence was supposed to be addressed at the March 2013 meeting but was never public noticed, so got kicked down the road again to the December 2013 meeting where it eventually passed 5 to 3. Member Mumford testified during deliberation on that regulation at the Dec. 2013 meeting that the language to add 50 miles,

reeked of “good old boys” language (see page 32 of the December 2013 minutes). Mr. Kubat stated that he thinks member Mumford is a good guy, and appreciates his public service. He chaired the Dec. 2012 Supervision committee, and sincerely feels that had Member Mumford been present for that, he would not have felt that way and said that. We had lengthy and intense discussions with about 30 participants. The original public noticed regulation was much more liberal than the “same or neighboring GMU + 50 miles language” that we endorsed. It mentioned much larger “districts”. Additionally, at the same time, our committee recommended changes to the board that later passed that increased assistant guide qualifications significantly. He personally feels that member Mumford’s proposed amendment to 12 AAC 75.240 (f), would undo much of what was accomplished by passing 12 AAC 75.240 (i) last December, and would add a lot of additional and burdensome requirements to legitimate outfitters who are already overwhelmed with too many regulations. The + 50 miles” language, certainly isn’t about giving favoritism to “Good Old Boys”. It’s about addressing a legitimate, present day concern. If you look at a GUA map and a GMU map, you will find several places where the distance between furthest boundaries of 3 GMUs, is less than the distance between the furthest boundaries of 2 Guide Use Areas. This is the purpose of the + 50 miles. He can explain further if you wish. He agrees with Vice Chair Polley’s comments yesterday, and hope that he is interpreting them correctly, that more regulations doesn’t necessarily equate to better business practices. I think we need to give this topic a rest for at least a couple of years before addressing it again. I think the public and board are worn out on this issue. Concerning Non Contracting Guides, he thinks they should be allowed to take charge of a camp and guide clients on their own anywhere in the state. Some non-contracting registered guides may not have the experience in the area that some class A’s have, but most of them have a lot more guiding experience, and the contracting guide will still be supervising them. Plus, this is our highest level of license. Why are we demoting them below what a lesser qualified Class A guide can do? With Senator Bill 190 (Packer Bill), he thinks that we should be allowed to also delegate caping and fleshing.

Dan Montgomery M#173 stated that seven or eight years ago he had a problem with the professional standards for guides to avoid using air carriers unless hunting for one or more grizzly bears and to allow hunters to spot brown bear and hunt them that same day. The board hoped that the Board of Game would restrict this to a three day waiting period but this has not happened. Number 6 states to advise a client but this would be impossible as his experience has been that the number of legal rams has declined and if he didn’t know beforehand then he would have taken clients on unsuccessful hunts. He does not believe this restrictive regulation is necessary. Number 9 requires avoiding or utilizing any manner of any GPS to assist in the taking of a big game animal but that is so vague that guides could not put a GPS on a mountain to go on a hunt without violating the regulation. A guide does

not GPS an animal but a position, however, the regulation language is too broad. He is considering a proposal to eliminate number 8 because "avoid" is too vague and covers too much. We already have another regulation that prevents us from hunting on the same day as spotting. Ms. Rebne asked how GPS works for guides and Mr. Montgomery explained that the regulation intent is to prevent GPS hits on big game and hunting the next day at the GPS spot. Mr. Peltola asked if this regulation applies to individual hunters and Mr. Montgomery replied that it applies only to guides. Chairman Vrem stated that it is illegal to use coordinates to find big game but the regulation is so broad as to be able to use it for anything else.

Virgil Umphenour M#151 stated he wanted to talk about the Administrative Procedures Act which governs all of the state departments. The legislature was too busy so they formed the boards and served on the Board of Fisheries. One of the goals is to provide user friendly regulations, so you don't have to be an attorney or have a doctorate in English to understand what they mean. He stated that are some things in his handout that should not be shared. The supervision issue and the guide use area registrations as Class-A and assistant guide. He was an Air Force Ranger and a Marine and a Marine Platoon Officer does not have to be in the place he is leading his people into combat. To say that a registered guide cannot be a Class-A assistant guide throughout the state is the same as saying that Norman Schwarzkopf should not lead the war into Iraq because he's never been there. Guides are treated like convicted felons on parole because the regulations are too heavy. The student who goes to medical school and graduated last in his class is called a doctor. That's the way it is with guides. The five percent of people who break guide regulations are the same people who break the gun laws. To make more regulations for those guides who break laws anyways is crazy. He stated that he believes it is actually one percent and not five percent. These people are going to break laws anyways. The Administrative Procedures Act requires forthrightness and truthfulness. One of the processes is that a member of the public sees something that needs attention and cannot wait for the next board meeting then that member can petition the board to address the issue. Mr. Umphenour stated the board is required to address his petition within thirty days. If the board determines it's valid then the board will schedule and public notice it. Per policy, the board must address an emergency petition immediately after preparing an analysis with a joint board. He hereby petitions the board to amend the board policy to reflect the board's intent when a regulation is passed to codify the board's regulation. Regulation 12 AAC 75.930- Department Request for Copy of Contract states, "Upon opening an investigation or receiving a complaint on behalf of the board, the department may request a copy of the client contract required under AS 08.54.680. The department will make that request in writing, and will identify the name of the client whose contract is being requested. Within 30 days after receiving the request, the registered guide-outfitter or transporter shall provide a copy of the requested contract to the department.

The department may extend that deadline by an additional 30 days.” This regulation about the guide client agreement is to protect the consumer. In the regulation states that the department will provide a guide with the name of the client who made the complaint and then the guide has 30 days to produce the contract with that client. He wants that clarified. The department did not prepare the board with that information before the meeting. The prior department of law attorney told the board to make clear the board’s intent when voting on an issue. The department has not provided the recording and transcriptions for the language of intent in regards to the passage of 12 AAC 75.930.

Joe Klutsch M#91 stated the supervision requirement has a board and legislative mix and he is impressed with the amount of work both the board and Mr. Mumford have put into this proposal. There are some holes such as the five years’ experience. He has more experience in two years then other guides with five years. It’s a number that looks like one is qualified but it needs guidelines. He does not know if the board should amend this or not but there are legislators who are ready to get after us. The board currently does not certify Class-A assistant guides by species so that will need to be amended. The regulations burden us with rules that weigh us down because of the five percent that do not follow regulations. This is in any profession and calling. There will always be people who go in another direction of the intent of the statute. The supervision is meant to amend and make it easier for guides, the same with SB 190. Now we are in a quandary about what we can and cannot do. If he had to live with the supervision proposal he probably would not have made it in this industry. Five years in the Wrangell Mountains with these regulations instead of self-reliance would be impossible. We keep creating safety nets. He stated that he thinks this proposal, with some work; it’s a great step in the right direction. I think it’s important that this board takes some action on this proposal to send a signal to the legislature that we are not hyper regulation but we want to do what’s right. If it were not for that five percent this industry would be in pretty good shape. His greatest fear is death by clerical error. Mr. Mumford stated that so far the supervision proposal was authored by several people including longtime master guides and is a document to be worked on and not voted on anytime soon. He did not like the new supervision revision. Some of these guides will always be assistant guides and do not intend to become Registered guides. This is an attempt to look better to the people who oversee us and it’s a public trust issue. He believes it is a workable document and takes us where we should go. He knows some of the board and some in the audience disagree with him but he will stand by this proposal. Ms. Metz stated she is concerned because this is a public meeting but she hears talk about legislators who are watching them and she feels threatened. She wants to know who is watching the board and why. The regulation change went through a process of several subcommittees and public discussion on the supervision changes and this new proposal needs to go through the same

process. She supports the board's action and believes the board should give those regulations time to see if they work or not before they are changed Ms. Polley stated that Ms. Metz said what she wanted to say and she said it well. She does not think being threatened was something she would have been willing to deal with. The board is making the decisions to the best of our knowledge and spent a lot of time went into working on this regulation and she will take any threats as they come. Chairman Vrem stated he agrees with Ms. Metz and is uncomfortable when he is told to "do the right thing" because it implies that he has not been doing the right thing. He agrees with a lot of items in this proposal but he agrees with Ms. Metz in that time needs to pass to see if the revision is working. We received a list from investigations of problems and this one falls in the fourth category. He is comfortable with putting this in subcommittee for more discussion. He is not intimidated by threats and accusations because he owns his own comments and he can take it. Mr. Klutsch stated that it's not the five percent of the assistant guides but the five percent of the registered guides who should never have been licensed to begin with. Mr. Tiffany IV stated that Mr. Klutsch has great institutional knowledge and asked about the intent of the supervision proposal. Mr. Klutsch stated that the intent was to have reasonably direct contact with levels of communication. He does not see that happening if he is in Anchorage and his hunter is trying to hunt in GMU 19. One must be hard wired to do this. He has good air logistics and that is how he operates. The intent was to provide safety and provide professional services from stalking, pursuing, caping, skinning and honest presentation in marketing. In terms of longevity, a guide had better be able to back up what they say they are going to do ethically and professionally. It doesn't mean you have to do it in five years but I can only speak to my personal experience.

Tom Kirstein M#98 stated he lives on Kodiak Island, in guide use area 20-4, the most contested area in the Dept. of Natural Resource history. He has been there since 1973 and began guiding in 1974. There are twenty guides signed up for guide use area 20-4. The sheep and moose are being targeted so heavily with vehicles and horses so there are no remaining trophy sheep. Prior to the 1990's there were not any problems with illegal rams because there were many trophy sheep. Now there are only a few legal sheep. Field craft of standards avoid using aircraft to take a specific animal and what I have heard is there are relentless pursuers of moose through aircraft. It's gotten to a point that people are pressured and taking too many clients to get a trophy moose or sheep. You end up with hunters who do not have experience so you try to help them but these hunters shouldn't be out in the field. Guides do not have to operate this way. They may need aircraft to fly clients but the rest is called hunting. He is supposed to have a quality ethic and fair chase but he is to the point where he is going to pursue, if the Department of Natural Resources does not take action, a closure of non-resident hunting for that unit or a permit system until Board of Game gets a handle on what is going on. When he is hunting in the mountains he watches

the illegal pursuit that goes on daily by guides who believe they are oblivious to others observing them. These guides do not care about the ethics or of being seen, but perhaps this could change if the board would pursue it. Chairman Vrem stated he appreciated Mr. Kirstein's concerns and as far as dealing with the ethics issues, he doesn't believe the board has the power so it has to first go through investigations. Back in the 1970s the board could self-initiate investigations but not now. Mr. Tiffany IV stated that he was thankful for this testimony and could hear the passion and conviction for ethics and responsibility of his industry. He encouraged Mr. Kirstein to follow the process which ultimately leads to the board. Mr. Peltola asked if it were true that the board cannot send Investigations a complaint since Mr. Umphenour had showed them the regulation. Chairman Vrem told Mr. Kirstein that he will look into the procedure and let him know. Mr. Mumford stated that legislating ethics is a difficult task. What is unethical to him is normal to another person. If Mr. Kirstein has videos of these violations to please file a complaint with the board because Mr. Mumford would like to see something come forward.

Coke Wallace M#172 stated that he shares the same area that Mr. Kirstein was referencing. It's the same group of people here who care and are not the problem. He transports and uses horseback for his clients but he does it ethically. It takes forever to get a big game animal. He gets accused of being too friendly with the troopers but he is just a good citizen. He has been frustrated for the past twenty years about the unethical behavior of some guides and hunters. His camps have been burned and vandalized a few times but he does not know who did it. Mr. Klutsch stated a couple of Decembers ago that falling in the river with a wounded bear used to be his greatest fear but now it's clerical error. It had been brought to his attention that his guide use areas had been expired so he immediately called Juneau, found out he was expired and arranged for another guide, Ray Atkins, after clearing it with Troopers Ellison and Rogers, to sign his registered guide agreements. Then in November he received a notice that his areas had not expired in 2013. The sheep allocation is what has caused the supervision proposal but the sheep have never come over the mountain so the guides cannot hunt them, only the locals. The state tells me the contract with guides on private land is unpunishable and can't be enforced. More layers of bureaucracy have not improved the situation. He just learned the wild animal attacks are not covered by workers compensation. Insurance companies have every excuse in the book to not pay; we need to do something and it needs to be a hammer by the board. He was fortunate enough to work for the classical guides and it hurts when he gets his toes stomped on by a clerical error. We are held to a higher standard but some troopers come into the camp and act as if he has done something wrong until he explains the rules and regulations to the trooper.

#### **AGENDA ITEM 14      SHEEP JUDGING SEMINAR**

Sheep Judging Seminar provided by the Department of Fish and Game  
Wildlife Biologists Tony Hollis & Jason Caikoski.

## AGENDA ITEM 15      SUBCOMMITTEE ACTIVITIES

1. The Supervision subcommittee was chaired by Wayne Kubat and currently inactive.
2. The Cost Reduction & Revenue Generating subcommittee was co-chaired by Ms. Polley and Dan Montgomery and provided the board Resolution of Support for HB 187.
3. The Hunting Guides and Practical Experience (12 AAC.75.920) subcommittee was chaired by Mr. Nate Turner, assisted by Mr. Want and Mr. Tiffany IV who provided a report in December 2010. Little was done with their work; however, there is currently interest in revisiting their work and this regulation. Mr. Peltola stated he believes it is imperative that it become active again. Chairman Vrem stated he would like to see education proposed to the board. He has observed committees tend to go adrift. Mr. Tiffany IV stated that perhaps seminars and education up front could solve the problem. He asked if the subcommittee should begin afresh with education or revisit the proposals from 2010. Mr. Peltola stated that an educational seminar is a good idea but would the unethical guides attend them. Chairman Vrem stated that the guides tend to end up with consent agreements for violations that would require them to attend.
4. The Guide Standards subcommittee was co-chaired by Mr. Tiffany IV and Joe Want and will review the work previously done and receive direction from the board tomorrow. Ms. Hansen reported to the board on behalf of Ms. Chambers that the department needs three questions answered in order to begin the procurement process of submitting a proposal to testing companies.
  1. Clarification is needed about which exams to be developed,
  2. whether they would like them administered by the texting company and
  3. in which locations and any other preferences the board may have regarding testing.Ms. Polley and Mr. Tiffany IV discussed the history of the registered written exams, which had last been updated two or three years ago. Chairman Vrem stated that most of the protested questions were for the GMU exams, which have been updated. Chairman Vrem will work with Ms. Johnston and go over the written exams.
5. The Packer subcommittee was chaired by Sam Rohrer and Ms. Polley who will provide a final 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 prepare to discuss this at the APHA March meeting.

7. Consolidated Guide Use Area subcommittee is new and will be chaired by Brenda Rebne.
8. The Sexing, Aging & Scoring subcommittee is new and will be chaired by Loren Karro for re-writing that part of the Registered Guide oral exams.
9. The Education subcommittee will be chaired by Karen Polley to begin provide educational seminars beginning with the December 2014 meeting.

The chair adjourned at 4:27pm.

### Thursday, March 6 2014

#### 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 Strout, Investigator

Visitor's present:

Gary Wall R#1182  
Wayne Kubat M#147  
Loren Karro R#941  
Dan Montgomery M#173  
Jim Kedrowski M#186  
Jim Weidner M#203  
Tim Nelson C#777  
Adam Tschappat C#797

Tom Kirstein M#98  
Aaron Bloomquist R#1259  
Smokey Don Duncan M#136  
Tony Lee M#105  
Coke Wallace M#172  
Cabot Pitts R#1299

## **AGENDA ITEM 16      BOARD BUSINESS**

- Election of Officers

Mr. Peltola motioned to accept the current chair and vice chair, Kelly Vrem and Karen Polley, for these positions in 2014 and Mr. Jones seconded. Chairman Vrem asked if there any objections, there were none and the motion passed unanimously.

- Dates for 2015 board meetings

Mr. Peltola moved to hold the board meetings on March 3-5, 2015 in Fairbanks, December 8-11, 2015 in Anchorage and March 8-11, 2016 in Fairbanks and Mr. Tiffany seconded. Chairman Vrem asked if there any objections, there were none and the motion passed unanimously.

Mr. Tiffany asked if Ms. Johnston could look at the Fairbanks Library for future meetings and he would serve as the contact person for Ms. Johnston to work with in getting the Fairbanks Library meetings.

- Correspondence Review

There were no correspondence reviews.

- Task List

Chairman Vrem stated that for the Task List there would be two resolutions for SB 190 and the proposed regulation for section 08.54.790.

There was no discussion on the repealed 12 AAC 74.400(a) (4) TRANSPORTER ACTIVITY REPORT, which had been on the agenda.

## **AGENDA ITEM 17      SUBCOMMITTEE FINAL UPDATE**

1. The Supervision subcommittee was chaired by Wayne Kubat and

currently inactive. Mr. Mumford stated that the supervision proposal will be brought forward with an actual proposal to be made during the December meeting. The past subcommittee members were David Byrd, Tom Kirstein, Joe Want and Nate Turner and will be encouraged to remain on the subcommittee.

2. The Cost Reduction & Revenue Generating subcommittee was co-chaired by Ms. Polley and Dan Montgomery. Ms. Polley stated that she and Smokey discussed combining this subcommittee with the Education subcommittee and offer video-taped seminars for people in training for a fee. If there is an increase in transporter licenses there will be an increase of fees, however most of the time if you create a product for sale a board is not allowed to keep the fees, which would go into the state general fund. The Administration's HB 187 has been going through the committee process. Our big expense, and one we've never been able to control, is the legal costs of disciplinary actions, so if that bill passes we will have some relief and licensees will be paying for services of the board without having to pay for excessive legal costs. Under education it is her understanding that she is to continue work with the department to see about online test taking for the registered guide license and the game management unit exams. There are testing centers with timed exams all over the state. Chairman Vrem stated that the McDowell Group study shows there are a substantial number of rural licensees who would benefit from this.

4. The Guide Standards subcommittee was co-chaired by Mr. Tiffany IV and Joe Want. Mr. Tiffany IV would like direction from the board on whether any of their 2010 report should be used as a foundation and starting point to move forward or should they start over. The report states the goal is to raise the standards of all classes of licensees. Chairman Vrem stated that SB 190 addresses some of this work and this subcommittee needs to stand at this time to see if there are duplication efforts. Mr. Tiffany IV agreed.

5. The Packer subcommittee was chaired by Sam Rohrer. Ms. Polley stated she is currently submitting a resolution of support for SB 190 which enables all classes of guides to delegate duties and supervise duties training duties for packers. There were concerns from licensees about skinning and caping. Mr. Tiffany IV and Chairman Vrem stated this is covered under section b.

6. The Unit 9 Department of Natural Resources subcommittee was chaired by Loren Karro. Ms. Karro stated the subcommittee recommends that changes occur in a new section of 12.75.240 (i) to address special distributions between cabins and camps in unit 9. The 3 changes are: 1) apply to cabins and camps in the same guide use are. 2) be limited to existing

structure as of the date this passes. 3) for 5 years. Currently in game management unit 9 a person holding any class of license may not place a camp in any guide use area within 5 miles of a legal permitted year round structure. Chairman Vrem stated that it should be tuned up more before it is sent to legal and Ms. Karro stated the subcommittee will provide proposed language after conducting preliminary legal research.

7. \*NEW Consolidated Guide Use Area subcommittee will chaired by Brenda Rebne. Lt. Fussey, Chairman Vrem, Ms. Rebne and Smokey Duncan are on this subcommittee and will make an attempt to clarify what appear to be guides joining together on partnerships in multiple guide use areas.

8. \*NEW Sexing, Aging & Scoring subcommittee will be chaired by Loren Karro.

9. \*NEW The Education subcommittee will be chaired by Karen Polley.

10. The Guide-Client subcommittee chaired by Mr. Tiffany IV will be working with the Department of Fish and Game.

## **AGENDA ITEM 18      REQUEST FOR REGULATIONS**

### **In the matter of Senate Bill 190**

Mr. Tiffany IV motioned that the board adopt a resolution to support Senator Huggins Senate Bill 190 and Ms. Rebne seconded.

Discussion: Ms. Polley stated she is going to support the resolution; it makes it very clear that all classes of license guides can supervise a training effort by a packer. Chairman Vrem stated he agrees and this appears to be the safest way to accomplish that and he will support it also. Mr. Jones stated he can support this too as the bill basically follows the intention of the board in the last meeting with the amendment.

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

**RESOLVED to adopt a resolution of support of Senate Bill 190.**

**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        | X       |      |         |

In the matter of AS 08.54.790(12) (B) (ii) Definitions

Mr. Tiffany IV motioned that the proposal to eliminate section 08.54.12 (B) (ii) be placed under advisement and referred to legal counsel for an opinion and Ms. Polley seconded. Mr. Peltola made a friendly amendment that the motion end with “it is not the intent to eliminate transporters in the state of Alaska”; Mr. Tiffany IV and Ms. Polley accepted the friendly amendment.

Discussion: Mr. Peltola stated that he will take this issue to his elected Senator Hoffman and Representative Herron for legislative research. Chairman Vrem stated he will talk with Senator Coghill about this issue. Ms. Rebne stated she will not support a research result to put everything on the playing field. It would reduce the board’s authority and we could do very little regulation. Mr. Atkins stated that it wasn’t his intent to eliminate the transporter license but rather to have everyone on the same playing field and he wants the board to have control of those who are putting guides in the field. Mr. Tiffany stated he looks forward to learning about the details and he general supports putting everyone on the same playing field and he doesn’t believe the exemption removal is too difficult but with careful consideration a lot of concerns could be alleviated and he hopes to move along with this at a rapid pace. Mr. Jones stated that he is not in favor of eliminating the air taxi exemption in its entirety but he believes there is a problem with air taxis’ acting as transporters without a license. He would like the board to create a sub-committee to look into what the best fix would be, perhaps a combination of statute and regulation changes of transporter paperwork requirements. It’s important that the board does not let this issue die and when the board does pursue it, all of the ducks in a row with a compromise that most of the people can get behind. If the board wants to put it in front of the legislature the board will need to find a workable middle ground and he volunteered to be on the that committee. Chairman Vrem stated there are water, horse and other typed of transporters so this committee could be formed that recognizes them too. Mr. Atkins stated the

exemption only covers air carriers. Chairman Vrem stated that while we are asking for that we need positive reinforcement.

Mr. Jones, Mr. Peltola, Mr. Tiffany IV and Mr. Atkins will be on this subcommittee. Chairman Vrem will be an observer and supporter of the subcommittee.

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

**RESOLVED to obtain legal counsel to eliminate section 08.54.12 but not to eliminate transporters in the state of Alaska.**

**Roll Call Vote:**

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

In the matter of 12 AAC 75.460 (2) Species-Specific licensing

Ms. Polley motioned to table the proposal for 12 AAC 75.460 (2) Species-Specific licensing and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated that it is her recommendation that the board bring the proposal back for discussion after we have had time to look at it. Chairman Vrem stated that it does not rise to the level of a board concern. Mr. Tiffany IV stated that he agrees and he understands the situation of the guides being more in opposition than in favor of the proposal.

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

**RESOLVED to table the proposal for 12 AAC 75.460 (2)  
Species-Specific licensing.**

**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 12 AAC 75.265 GUIDE USE AREA BOUNDARY CHANGES  
for GUA 8

Mr. Jones motioned to public notice 12 AAC 75.265 GUIDE USE AREA BOUNDARY CHANGES for GUA 8 boundary change in Halibut Bay and Mr. Tiffany IV seconded.

Discussion: Mr. Jones stated that Mr. Acord brought this before the board which is the body that makes this boundary change and asked for consideration. The board did not hear a lot of public testimony. Mr. Acord provided information about the guide near him who would be affected and who supported the change. He did not hear a lot of opposition so we might hear more through public notice. Chairman Vrem suggested the board tread carefully because it can't be amending boundaries every time a couple of guides propose to change boundaries. The board needs to look at the UCU boundaries. He understands the reasons and does not have an opinion but the process calls for the board to evaluate it and he is comfortable doing that. Mr. Tiffany IV stated it is under the authority of this board to move a guide use area boundary and this individual has gone through the process to change it and unless there is a good reason, he does not like to put this on the back burner and so it's appropriate to put this up for public notice but I also see that this should be taken carefully. Mr. Peltola asked if this were to be adopted would it be put on a subcommittee. Chairman Vrem stated that after it has been public noticed, the proposal will be put into a subcommittee during the December board meeting and voted on at the end of the meeting. Mr. Mumford stated that he agrees with the previous comments although he

wonders if it might not be appropriate for a specific boundary line going to a subcommittee. He doesn't know if he supports it or not at this time but he would like to hear from the public, including the ones who would be impacted by the change. We need to have a lot more information than what we have now. Mr. Acord did a good job of providing information and presenting his request.

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

**RESOLVED to public notice 12 AAC 75.265 GUIDE USE AREA BOUNDARY CHANGES for GUA 8 boundary change in Halibut Bay.**

**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>       |             |                |

Mr. Mumford stated that the Board of Game meetings in Kotzebue and Fairbanks were not contentious. Sheep season opening earlier for resident vs. nonresident and the board generally disapproved them or moved them to the March meeting. There is a Vancouver meeting on dall sheep and is the most continuous for managing and moving forward with an ongoing survey. The Board of Game opened a directed hunt for cow moose, a hot spot hunt, which will have good success in Palmer, the valley area and Fairbanks and was generally well accepted. He has a list of the meeting votes for those who want to talk to him after the meeting. There is an intensive management area with added black bears which has been expanded a bit. To him it was the holy grail of intensive management with fixed wings and helicopters, resulting in the salvaging of 4000 lbs of bear meat to local villagers and a positive impact on the moose. One project in Tok which was not done would have included bear snaring but the Department of Fish and Game stated that

did not have the funding for another intensive bear program. There is another Board of Game meeting next Friday in Anchorage.

Chairman Vrem stated that there is a great deal of confusion about the 4<sup>th</sup> area of unit 14 or 16 and if they are still eligible for predator control for bonus area. Tony Lee noted that there is a recent letter from the Department of Fish and Game available online about the guide use areas that allow predator control. He asked for Board of Game to look at the intent and make it known. Valerie Baxter from the Department of Natural Resources stated this is very important for her agency because they will be handing out permits for guide use area 14. Mr. Mumford stated there are three units, including 26b - 26c that will be looked at because of the problems with comparing the maps. Different villages want different lines. Mr. Peltola stated that Aniak and Kaltag requested changes. Smokey Duncan stated the Board of Game postponed the salvage of brown bear meat and wanted to know if that requirement will pass and Mr. Mumford stated he was not aware of this and had not seen a proposal for this. He does not see that happening. Chairman Vrem asked if there was a request for the Board of Game to be briefed by a member and Mr. Mumford stated that he briefed the board.

Mr. Tiffany IV stated that the question of re-writing the renewal application was still up in the air since he and Captain Chastain believe the current application is pretty clear and understandable. He wants to know if the board wants to see action. Chairman Vrem stated that based on past investigated guides he can see why there is confusion on how to fill out the form. It could result in coming up before the board so there is a bit of confusion and so it bears investigating in an informal way. Ms. Rebne stated that when a complaint has been lodged the board requires the guide to provide all client contracts and agreements instead of ones for that particular grievance. Chairman Vrem stated that in the 12 AAC 690 regulation there appears to be a difference of interpretation of the meaning of "through the board". Chairman Vrem stated he is trying to get an interpretation through the Department of Law if perhaps this was not worded properly. "Through the board" could mean an automatic authority to request records or each case needs to be reviewed specifically through the board. Investigator Strout stated that not every complaint generates a request form; it's the substance of the complaint. If his office receives a complaint pertaining to hunts then the investigator will ask for hunts records only for that particular complaint. If the complaint is about contracts that then investigators will request a copy of all contracts. Their office is required to ask for the contract by name since this is a contract issue and they then ask for each client with a name on that contract and conduct an investigation. No every complaint generates a request for all copies of hunt records. Chairman Vrem stated that he thought

the name of the complainant has to be revealed and Mr. Strout stated that is not true; it does not have to be revealed, nor does the investigation have to be revealed during its initial stages, until a later date at a hearing. Chairman Vrem stated that he believes that contradicts regulation and Investigator Strout stated there are a couple of interpretations which state it does not have to be revealed or the subject to know he is being investigated. Chairman Vrem stated that he does not believe there is any nefarious intent on the part of investigations. Investigator Strout stated that by law, the hunt contract has to be requested by the hunter names but that does not mean the hunters are the ones who are the complainant. Chairman Vrem asked if there were mistakes found on the hunt records could that trigger other charges. Investigator Strout stated that speaking for himself; that usually does not add a new charge. A trooper or another investigating agent could do that if they wished. Chairman Vrem stated that generally speaking, violating the terms of a contract and injury, guides are pretty safe. The blanket demand to "let me see all of your records" causes great fear. Mr. Tiffany IV stated that some of the confusion under 12 AAC 74.930 is because the department shall make that request in writing and the name of the client in writing. It seems clear but it's not clear that that person is not the complainant.

**The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 11:47 a.m.**

Respectfully submitted:

  
Cindy Hansen, Licensing Examiner

  
Kelly Vrem, Chairperson  
Big Game Commercial Services  
Board

Date 12/30/14

Approved Date: 12/30/14