

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

BIG GAME COMMERCIAL SERVICES BOARD

MINUTES OF MEETING

December 9-11, 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 December 9-11, 2014.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were approved by the board during the March 3, 2015 meeting.

Tuesday, December 9, 2014

AGENDA ITEM A CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 8:41 a.m.

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 *9:00am due to traffic crash
David Jones, Transporter
Tom Atkins, Transporter
Gene Peltola, Public Member
Henry D. Tiffany IV, Master Guide-Outfitter

Board staff present:

Sara Chambers, Division Director
Cindy Hansen, Licensing Examiner
Lee Strout, Investigator
Michelle Wall-Rood Investigator

Visitor's present:

Lee Benson United States Forest Service
Chris Hansen USFS
Carol Goularte USFS Tongass NF
Jennifer McDonald USFS Tongass NF
Tony Kavalok Department of Fish and Game
Lisa Fox-US National Park Service
Valerie Baxter, Department of Natural Resources
Cliff Larson Department of Natural Resources
Becky Schwanke
Nate Turner R#1036 & Board of Game member
Sam Rohrer M#204
Thor Stacey R#1194
Mel Gillis R#222
Jason Bunch R#1311
Aaron Bloomquist R#1259
Michael Litzen M#129
Chad Reel R#1032
Loren Karro R#941
Dan Montgomery M#173
Jim Kedrowski M#156
Wayne Kubat M#147
Tony Lee M#105
Tracy Vrem M#96
Cabot Pitts R#1299
Steve Perrins R#1295
Lyle Becker R#1276
Tony Lee M#105
Lance Kronberger R#1150
Matt Moskiewicz R#1319
Gary Wall R#1182
Robert Summers R#1338
Greg Acord R#789
Justin Horton R#1332
Matt Snyder R#882

AGENDA ITEM B REVIEW AND APPROVE AGENDA

On a motion duly made by Ms. Polley, seconded by Mr. Atkins and approved unanimously, the agenda was approved.

Upon a motion duly made by Mr. Polley, seconded by Mr. Atkins and approved unanimously, the agenda was approved.

AGENDA ITEM C REVIEW AND APPROVE MINUTES

Upon individual motions duly made by Ms. Polley, seconded by Mr. Henry D. Tiffany IV and approved with unanimous consent, it was:

RESOLVED to adopt, individually, the March 4-6 2014, April 21 2014, May 5 2014, July 10 2014, July 17 2014, July 21 2014, October 18, 2014, December 1 2014 minutes.

	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		

AGENDA ITEM D ETHICS REPORT

There was no comment when Chairman Vrem asked if there were any disclosures at this time.

AGENDA ITEM E BUDGET REPORT AND Q&A

The Budget Report was made by Ms. Chamber, Director of Corporations, Business and Professional Licensing Division. Ms. Chambers stated it was a thrill to meet with Chairman Vrem and Mr. Tiffany IV at the Legislative budget and audit meeting and at the Alaska Professional Hunters Association (APHA) and discuss the challenges. Thank you for sponsoring her visit there and for the collaboration, which Mr. Tiffany IV and she presented together as a united front on the different roles and responsibilities of a guide. She would first like to go over the points that she shared with the

APHA last week. We have worked, as a division, for the last few years to get our minds and resources around the various concerns, in particular the budget deficit; and work in different ways to attack that. She will start from the 30,000 foot view perspective. We have 40 license programs, 20 with boards, with another one coming on. We have similar processes within many of our boards and to have effectiveness we cross train examiners to avoid lapses in service despite staff turnover. A few of the accomplishments we have had is 54% cut of \$995,267 off of our direct expenses by looking at charges that had been charged as indirect expenses. We have been working on legal expenses with a 34% division reduction, in most part by internal controls, with access to legal advisors. This was done not to restrict, but to have levels of management by using internal knowledge and previous knowledge and reserve our legal attorneys. At a division level there is a surplus of funds for the first time in years. We have seen professional licensing increase which indicates our economy is strong and growing. We are able to add some additional manpower through fiscal notes in response to certain legislation such as House Bill 140 which require doing regulations differently. It's an excellent effort to make the regulations effort more transparent and makes the process more accessible. It's better for the state as a whole and our licensees who want to know how regulations will affect them. This board in particular is a leader in giving licensees access during the regulation period and now there are more tools available and staff training. These are good changes and it's one of the few times we've been able to secure additional funding. You will hear from our Investigators but she wants to give you some numbers from Chief Investigator Angela Birt, who provides a huge amount of resources for one person. She has seen an amazing increase of improvement in our investigation unit with her. She has been able to close 6.2% more cases in FY14 compared to FY13. This board has been concerned about cases languishing and not focusing on cases that matter most. A tier system with investigations with life and health safety is at the top and less egregious cases at the bottom. She has decreased the open and close time by 52% of cases. The responsiveness of licensees of items requested in a fair and transparent process has improved. We want to continue this improvement.

We are looking forward to your next legislative audit next year. For those unfamiliar, all of our boards are audited and all boards have a sunset date and if their audit is unfavorable, the legislature will sunset them. It's good to know what the process is. We have been taking time to respond since 2011, when she began with the division, and this board had its audit. Cost productions have been reduced from two to one licensing examiners. We also overhauled the hunt record system so it's more cost effective and more hands on. The current licensing examiner had experienced the very labor intensive and inefficient and costly old record scanning system. By asking the licensees and board members about changes in what was collected in the hunt record and transporter activity forms we streamlined them and it sounds like the new scanning data entry process is far faster and requires far less time and

money to accomplish. We saved money with board space, previously meeting in hotels was a cost of \$4500 and staying in this facility at BP and perhaps at the Atwood building are free options. These are a few areas in response to the 2011 audit as we prepare to go into the next legislative audit. You got right on these issues in your annual report. It's a measure of reassurance and the audit hasn't languished in a drawer somewhere and there has been measureable improvement. She forecast good things. One that is an issue is the deficit of this board and we will go over them but we are chipping away that shows in FY14. The need to raise fees and taking the recommendation wasn't an easy decision and there was heartfelt consideration and weighing the licensing fee and the cost and the implications of the workforce and industry. It's a conversation that will be kept alive and will be articulated to you with trends and number crunching. Do you have feedback?

Ms. Polley stated she thanks Ms. Chambers and she is glad they are doing well. The board is always concerned. One of the areas is the cost sharing revenue for use of information for hunt records. Is this the first year we have scanned the records? Ms. Chambers stated yes and we've taken most of the expenses off the board and it's now a licensing examiners task without pulling in another staff person which would be an additional costs. All agencies were interested in what would be fair for the users and at this point we are unable to discern a cost because it's kept in the database. A statutorily required signed paper allows users to look at the hunt record and transporter forms without taking up the examiners time. Ms. Polley stated that it's reduced our costs and there were a lot of old records that hadn't been archived yet. Is there a plan to scan and archive them? Chambers stated that we are constantly working on archiving and we are anticipating moving our system to a scanned one and it's a work in process. We have a spring launch in mind with all new data being scanned as it enters the work flow, but it doesn't take care of the current files so as staff gets to their archiving and when the documents reach their life span they are destroyed so there isn't expense for space. We are always going to have paper on the floor until we have a few years with the scanning system. Chairman Vrem stated he is going to put on his Government Conspiracy hat and ask who has access to this and what kind of vetting system is in place to determine who can go through our files. Ms. Chambers stated that state and law enforcement agencies have a legal right through statute to access the files. We require each user to sign a confidentiality agreement. Gone are the days to give the password to anyone who wants in. We don't give a password to anyone, for example a state agency who needs one particular set of data. We will pull that file make a copy, have them sign the confidentiality form and gave them a certified copy. Chairman Vrem asked if a state trooper or officer has the ability to look at our paperwork. Ms. Chambers stated that if anyone has a legal right we cannot restrict that right. We have had a few requests where she has wanted to make certain that agency has that threshold, so I went to the Chief Investigator for another level of vetting. Chairman Vrem stated if

an individual Fish and Wildlife officer can look at the hunt record reports. Ms. Chambers stated if that person has signed the confidentiality form then they can look at the hunt records. Chairman Vrem stated he finds that troubling. Ms. Chambers stated they cannot restrict others who have a statutory right to view hunt records. If an individual is sharing their password and going through the request and sign-off, then that would be a breach of confidential documents, even if that person has the right to see the document. We do not have any indication that this has happened. Previously there was one login for state troopers and while it was good for ease of access flow, it didn't meet the needs of this board and the troopers were more than happy to sign a confidentiality form. Mr. Tiffany IV stated it sounds like they are amiable to looking at data files. Is that reciprocated? If investigations go to another state agency are they allowed to look at their data? Ms. Chambers stated Angela Birt could answer that better as there are many layers to that question. We do not charge and we are not charged to look at data related to this board and other boards such as health care boards. Certainly that is data our agency does not have a legal right to and Chief Investigator Birt can make this determination. Ms. Polley stated that the overall question is most of the division is funded by revenue sales and what percentage is general funds? Ms. Chambers stated zero percent. You make an excellent point. The budget is due to be delivered in a few days and the Gov. and his administration will present his request to the legislature in their portion of the adoption of the FY16 budget. She is cautiously optimistic that we will make the budget levels we have now. Since we have zero percent general funds we have a buffer. If we are asked to make a cut we will work with our boards. Chairman Vrem asked how we give "Atta boys" for our tag fees that are added to the general funds. Ms. Chambers stated that was an area that was discussed at the legislative budget and audit and it was a strong point you made to the committee. You did an excellent job of showing the economy of revenue and economic activity that guides generate within the state and to think outside the box and look at revenues that currently are made. There was a fee setting mechanism as an outflow of HB187 which had failed to be adopted. She would recommend, because there isn't a bill yet as legislators have not pre filed, that this board consider, or APHS consider, looking for other funding sources, perhaps the tag fees or other sources. It's an idea that has not been deeply vetted. She doesn't want to be a state agency that recommends funds be taken from another state agency but perhaps the board or association can make a case to the legislature to look at this differently. Once a bill is filed then I will contact the board members and give that information and access to evaluate and provide feedback. One of the ideas that captured their interest is the investigative fines instead of going to the general funds are instead directed to the program. The board would need to defend itself against having high fines to get more money. It all begins January 20.

Ms. Rebne asked if there is a way to get other revenue through tags and fees. Is there a movement to do that? Ms. Chambers stated that this was suggested by your chairman and it's up to the legislature to make a statutory change. We aren't allowed to do that by law. The technical process would mean the effective agencies would need to come together to determine the impact. There would be agencies that would lose revenue and the fiscal notes would reflect that, the Department of Fish and Game would be impacted by that. Anyone could exert their influence to explore that possibility. The department can't until a bill until one has been filed. Ms. Rebne asked if the board is taking step in the right direction. Chairman Vrem stated the Legislative budget and audit committee incoming chair is Representative Hawker and it's in a very embryonic stage and it's going to continue to evolve. As Ms. Chambers stated, she thinks there's going to be some action during the legislative session and then it will be up for discussion. Ms. Chambers stated that this board could adopt a resolution to the legislature of any changes you would want to see. That would be up to the board to communicate, as a board, what recommendations you would like to see ahead of a bill being filed and after a bill has been filed to respond to that bill. You could contact the Legislative budget and audit or a friendly legislator and let your concerns and suggestions be known. Ms. Rebne stated it would be helpful if she could see a revenue wheel and where do the fees and other revenue that are generated by the guiding industry go and to which agency. Ms. Chambers stated that she doesn't know where all of the payments are made. Perhaps someone in the industry could take on this project. The McDowell Report shows \$1.5 million goes to the Department of Fish and Game; that's one piece of the puzzle. Ms. Chambers stated that it's important to know what the problems and reconciliations and shortfall was and where are we now. We learned in another audit in 2011 that there were some deficiencies with the fee setting process and our further digging into issues; we learned that our division had no discernable accounting practices. We quickly took action for some checks and balances by bringing in our department accountants and went through a couple of painful two years of checks and balances instead of one person having the power to make those stops. In the 2012 era one of the processes that occurred was looking at every report for all 40 licensing reports and the state accounting system and the receipts and expenses and reconciling them to the system. The problems were in the middle process so it went through this scrubbing between when the money came in and when it went out. In tandem parallel to that we also discovered that the professional licensing unit has paid 100% of the indirect fees without requiring any of our Corporations and Business Licensing sections to pay. We had an over payment by our professional licensees. The legislature decided \$3.4 million was allocated according to the number of licensees and each board received the correct amount beginning in 2001. The data had been incorrect and the decisions made were based on incorrect data. The fees had never increased so the revenues had never kept up with the expenses which were the reason for this program's shortfall. The board was

responsive in increasing fees to chip away at the deficit. The legislators are aware of the remaining deficit and could consider. It's my management style is to put everything on the table. We've been there for the past couple of years. What are your thoughts?

Chairman Vrem stated that from a private enterprise viewpoint he cannot write all of his hunters from the last three years and explain that he has under-charged his fees and he doesn't see how the state can do that either. Ms. Chambers stated that when the board had sunset, all of the work and fees fell to the division. The debt belongs to the program, not the board. Where the board may come and go for any particular program, the licensees for that particular program, if that board sunsets, it's still the same licensing program and now the state has a responsibility of that program. She doesn't have enough information as to how that program was managed when there wasn't a board. She hasn't seen where that happens. We can talk about the board's responsibilities and key roles but how the program is managed remains the same whether it's the board or the division. Chairman Vrem stated that he sees where we've whittled away of \$200,000 in debt and it's now at 50%. How long can we expect the legislator's indulgence or are we looking at another fee increase. Ms. Chambers stated there are many considerations in place. One of our conversations we had and an informal opinion by our legal attorney was an increase in fees over a period of time so the expectation of the law isn't to recover that debt in one fell swoop. Our attorney and legislature agreed that adding a surcharge over a period of time was more palatable in recovering that debt. There are other fees that we talked about in meetings that we can look at charging such as a guide use area registration fee. The department of law determined the board does not have statutory authority. The options are out there and now would be the time to consider a statutory change. . Ms. Rebne stated she is reluctant to increase fees for a past debt. This board and this industry should receive the credit for the revenue this industry generates. There wouldn't be a deficit if this industry received the credit for the revenue it generates. Chairman Vrem stated there are about 300 guides registering hunts, over 10 years with a \$281 increase per year. All of us have registered guides working for us who are acting as assistant guides and it wouldn't be fair to them. Half don't have a problem paying for the license fees and half feel it's excessive. He is frustrated that in no other business that past mistakes from an accounting office aren't paid for by that accounting office. Ms. Chambers stated that centralized statutes and regulations for fee setting do not change when the revenues do not keep up with the expenses. It wasn't mismanaged for how it was collected; it was mismanaged in how it was shared. The board was not increasing the fees because their data didn't show that they needed to. The department in consultation with the board determines the fees that go towards the program's expenditures. There are subjective elements in the division's proposal for fees when it is presented to the board. Chairman Vrem stated he was talking about registered guides and not the transporters.

Is there any way to come up with a cost to administer the guides and the transporters, perhaps a per client surcharge as a line item on an invoice to give the guides? Those costs can be captured. Does it cost more to be a guide than a transporter? Ms. Chambers stated that we don't track the Licensing Examiner's time as to how much time is spent on a transporter and how much on a guide. We can look at the physical transactions subjectively but we don't have that type of objective data. Chairman Vrem stated that because there are more ways to get into trouble as a guide, there are more guides being investigated compared to transporters. Ms. Chambers stated there would be another level of work load when thinking about how to collect data, with hiring staff to analyze hunt records. Ms. Rebne asked if the debt of \$830,000 was checked to see if it really belonged to this board. Maybe it wasn't this board's responsibility. Chairman Vrem stated that over the last couple of years there was about \$155,000 in legal and associated fees. Ms. Rebne stated that there's a reasonable explanation for these expenses but if this board had no control in the past then why should it be held liable for costs incurred but not authorized by this board? Ms. Chambers stated that, again, the debt does not belong to the board; the debt belongs to the program. During the sunset period, the responsibility fell to the division and anything that happens during the time there isn't a board is still the programs responsibility. Whether we like that or agree with that doesn't change the legislature's decision. The legislative budget and audit agree that it was their decision and whether or not we like it, they are not going to change their decision because the fees hadn't changed since 2008. Any changes that the board wants to see, it is the responsibility of the board to the appropriate legislator or friendly legislator this industry. Mr. Tiffany IV stated that he wanted to follow up and state it is not the guide board, it's the Big Game Commercial Services Board, which regulated the guiding and transporter industry and the latter has flown under the radar for some time. The points that Chairman Vrem brought up should be considered. This board pays for itself through licensing fees. Do any of the other boards receive any income? Ms. Chambers stated no, there is zero income from other sources. Mr. Tiffany IV stated he looked at surveyors and they have a deficit and asked how they are paying back their deficit. Ms. Chambers stated that there is a difference between an annual deficit and accumulative deficit. Every board has a deficit during a non-accumulating fee year. A board to look at is the mid-wives because it's spread over a smaller pool of people and it has \$2000 for license fees. They have looked at the impact on assistant mid-wives vs mid-wives. They are an example of one of the concerns with what we do for one we have to do for all. Some programs have raised their fees consistency over the years while others have not. These are the two programs that have the biggest cumulative deficit. The dental and AELS raised their fees, one was increased from \$200 to \$2000. Mr. Jones asked if there was an original debt for the board to consider and has that continued to grow? During our revenue years has our deficit continued to climb so regardless of this original debt we are still going backwards? Ms. Chambers stated the license fees

hadn't been increased since 2008. The operating expenses during non-renewable year's means the cumulative debt will increase. Mr. Jones asked if the first quarter FY15 are actual or projected numbers. Ms. Chambers stated they are actual numbers. Ms. Chambers stated that she appreciates the opportunity and there is still more information to share and discuss.

In order to stay on schedule Ms. Chambers agreed to finish the budget report later that afternoon.

AGENDA ITEM F STATE AND FEDERAL AGENCY REPORTS

- **USDA Forest Service Tongass National Forest Recreation Public Services Staff Officer Carol Goularte and Acting Outfitter and Guide Program Manager Jennifer MacDonald covered the following topics:**

Changing Roles: The Tongass Recreation Public Services Staff Officer and the Outfitter & Guide, Wilderness, Wild and Scenic Rivers, National Visitor Use and Recreation Fees Program Manager positions have been advertised and will be permanently filled this month. Ms. Goularte is retiring and Bill Tremblay, Outfitter and Guide program manager took a new position in the Regional Office.

Budget Reductions: Our recreation budget has gone down 20% in the last 5 years. We will be seeking partners and other sources of funding opportunities. We are very dependent on the Federal Lands Recreation Enhancement Act. 90% of the fees are retained on the National Forest for administration, planning and enhancements of the Outfitter and Guide program. The Act expired December 2014, an extension was granted until December 2015. The Forest Service is dependent on these fee dollars to manage the program. If the Act is not made permanent the fees collected would go to the general fund. Retaining the fees is critical for a successful program on the Tongass.

Brown Bear GMU4: Alaska Fish and Game and the Tongass are considering making the 15 + hunts on the books available through a prospectus. GUA locations of the hunts will be determined. A prospectus could take place in 2016.

Shoreline II: Commercial Outfitter and Guide environmental analysis covers Hoonah Ranger District, Juneau Ranger District, Admiralty National Monument and Sitka Ranger District. Alternatives are currently being developed. Service days/hunts are being identified in each GUA. Document for public review should be available late spring 2015.

Districts are making low use cabins available for Outfitter and Guide use, talk to your local district office.

Change of Ownership/Sale of Business: Discussions about selling hunts are taking place when a business is being advertised for sale. A special use permit is not real property, does not convey any interest in real property, and may not be used as collateral.

The Sale of an Outfitter and Guide Business or Change of Ownership
Guides are our partners providing visitor services to national forest users and it is the Agency's responsibility to ensure the new permit holder provides good service to the visiting public. If the seller is an established business, has been a good operator, and demonstrates a legitimate business sale (i.e., documentation indicates actual business assets being sold), the District Ranger has the sole discretion to consider issuing a new special use permit to the new owner. The District Ranger will obtain financial and technical capability information from the buyer and remind the buyer they are purchasing the assets to the business, not a special use permit, service days or hunts. A new permit is typically issued to the purchaser of the business. The purchaser is typically issued a 2-year permit and this probationary period is closely evaluated to determine if the new holder is a good operator.

Forest Service Handbook 2709.14, 53

7. When notified by a holder that a change in ownership of or a controlling interest in the holder's business entity is being considered, in form the holder that:
 - a. A priority use permit is a privilege acquired by demonstrated acceptable performance and is not transferable, either upon the sale of the business entity or the sale of a controlling interest in the business entity;
 - b. The permit is not real property, does not convey any interest in real property, and may not be used as collateral;
 - c. Upon consummation of a change of ownership of or controlling interest in the business entity, the holder's permit terminates; and
 - d. The party who acquires ownership of or a controlling interest in the business entity may be issued a permit if the authorized officer determines that the prospective holder meets Forest Service requirements, including financial and technical capability.
8. Instruct the holder to submit form FS-2700-3a, Request for Termination of an Application for Special-Use Permit, for relinquishment of the permit.
9. Instruct the party who acquires ownership of or a controlling interest in the business entity to submit:
 - a. An application for a permit on form SF-299 or the equivalent.
 - b. Documentation of the change in ownership, including properly executed documents showing a transfer of ownership of the equipment or other assets

used by the business, and for businesses based on private land, properly executed documents showing a transfer of ownership of the real and personal property used by the business; or

c. Documentation of a change in a controlling interest, including properly executed documents showing a transfer of a controlling interest in the business entity.

10. If the change of ownership or control is not consummated and the original holder has relinquished the permit, the permit may be reissued to the original holder. Prior to reissuing the permit, require the original holder to submit documentation establishing ownership of or a controlling interest in the business entity.

- **Bureau of Land Management: there was not a report.**
- **US Fish & Wildlife Service: there was not a report.**
- **FAA Regional Counsel for the Alaska Region** Howard Martin stated he doesn't have a lot to report but there was a congressional rule adapted to guides. He doesn't see the rule making happening in the near future. The good news is that there are not any notable accidents that have occurred from guiding. We look at the economic impact and burden and interestingly, the big game guides and lodges the level of certification was significantly higher than the general population. Their safety record has been great. This takes away the urgency from the rule making. A reoccurring discussion is what an assistant guide can do if you secure services from someone other than the registered guide. If you hire someone to provide air services for you, they must be 135 certified, except for drop-offs for guide-outfitters as long as you are not providing services in the field and only providing the outfitting. When violations are detected, that is how it's treated and it's been a situation. Generally we have compliance but we need to emphasize this. Criminal prosecutions were handled by the justice attorney against an air service provider who did not have a certificate. He encourages the verification of certification for those hired to provide transportation. Unmanned aircraft use them to harass guides and FAA is interested in being notified. That is going to be a new horizon and Alaska is on the forefront with the Arctic and primarily these activities will go along the ocean and up north. We don't think it will affect your industry. Chairman Vrem stated that there is a list of 124 transporters that could be checked for certification and Howard stated they are willing to look at their database and check.
- **Alaska Department of Fish & Game Assistant Director Division of Wildlife Conservation** Tony Kavalok stated Sam Cotton is their new Commissioner and he is sensitive to guide issues. He attended the banquet last night and his interests are right out of the gate. Our acting director is Bruce Dale and he wishes he could be here. He will be in acting

status for the next month or two. The budget general funds will be on the decline and the division of wildlife has smaller appropriations and we've been flat because we haven't had license fee increases in 21 years. The general fund over the past several years has made up the difference and the federal dollars for ammunition sales are critical to our operations. There are some concerns with the fish and game fund, which comes from the general fund. There has been a spike in federal dollars of ammunition sales and we are at the point where we are going to turn back federal fund because we won't be able to meet the match requirement. Alaska is one of the very few states that have the maximum allowed and it would be shame to turn back the federal funding. We are gathering information and providing it to the Governor and Legislators about the reduced general funds and huge reserve we will have to return without matching state funds. Ms. Rebne asked if there are guide fees with the tags, which she believes belong to this department. Mr. Kavalok stated he isn't the one to make that call. It would be difficult to use those dollars for another program as they are specific to wildlife restoration and the tag fees are a 1 to 3 match. Ms. Polley asked if the board of game discussed raising tag fees. Mr. Kavalok stated the three bodies can make suggestions. Ms. Rebne asked if a guide goes to Vegas and signs clients who pay for a non-resident tag fee, then that fee should go to this program. If a person in Florida pays for a tag fee on his own then that's another story. Does the guiding industry generate the tagging fee for the non-resident? Mr. Tiffany IV stated for clarification, to answer your question, non-residents are required to hire a guide for brown bear, sheep and mountain goat.

The Board of Game directed ADF&G to ramp up the information gathering for the sheep proposal in 2013 and to that end the department has been gathering information for a sheep summary report along with a UAF survey of sheep hunters and guides. A few weeks ago we summarized the results in meetings in Fairbanks and Anchorage. One fact was that of the professional guides over 70% believe that overcrowding issue was the #1 problem. That was also the #1 problem with resident hunters. The sheep population has been declining with fewer than we had twenty years ago, there are also fewer sheep hunters and most of them have been resident sheep hunters. 80% of any given year was resident, 40% harvested were resident and 60% were non-resident. 1972-2013 saw the non-residents had twice the success rate than residents. The non-residents were double the residents because the guides are putting the extra effort and time to be successful. Resident hunters don't always go by themselves and many times they will agree to take only a few sheep because of the labor involved. Residents probably approach the hunt a little differently than the non-resident. The average size ram is the same for both residents and non-residents. The days for hunters are more similar between successful hunters of residents and non-residents. Non-successful hunters were also similar. For the most part non-residents are hiring guides. Residents are hiring transporters. Their data indicated 20-30% is residents who go with a relative. This might not mean much because there are eight

categories and not everyone checks them. The non-resident hunter filling out his card probably doesn't correctly check all of the boxes that apply to him.

We worked with this board's subcommittee to identify the guide client agreement because two years ago we didn't have the authority to enforce this rule for draw hunts that require a contract. The Unique Verification Code would be provided by your office to guides who are registered during the year of the draw and year of the hunt. We encourage the guides to apply for the non-resident client. Hopefully someday this process can be automatically done when the drawing hunt application is being made. Ms. Rebne asked what the breakdown in the number of sheep guides in each area. Mr. Kavalok stated that information is available but because of time we didn't get down to that level. Joe Want did get guided use information which shows there were four units that clearly had a much higher proportion of hunts occurring than in other parts of the state. We are working with APHA and looking at sub-units. This information includes a lot of the data and is on the web but please understand that it is going to take some time to get into the weeds at that level of details. The deeper into the level the smaller the data is. For example, the four areas including GUA 20-4 had an average of only 56 guided sheep.

- **Alaska Fish and Wildlife Trooper Lt. Paul Fussey did not provide a report due to the lack of time.**
- **Alaska Department of Natural Resources: there was not a report.**
- **Alaska State Parks: there was not a report due to the lack of time.**

AGENDA ITEM

PUBLIC COMMENT FOR NON-BOARD PROPOSED ITEMS

Thor Stacey R#1194 is the paid lobbyist for the Alaska Professional Hunters Association and stated he intends to recap where APHA is this year from last year and start by looking at what happened and what the group's goals and objective are at this point. It takes time to set an agenda. With a new legislature and a new governor, APHA is working to set its agenda for the next two years. During the last legislative session there were some significant challenges and we were heartened to have the board's involvement that resulted in the packer bill and started the discussion on investigations and the board process and the guide concession program. This will have a huge impact and hopefully improve the economic impact. The APHA also contracted for an economic study and in summation we handled

the challenge with unlicensed persons doing guide duties with a packer bill. Both pieces of legislation for a concession program failed. The number one item the association has directed me to focus on is to assist the board. We have the ability to shape and adapt the professional guiding standards. This board is unique to the country. This is a state sanctioned board which essentially defines our industry. He is not speaking for transporters. The sunset is coming up and the legislative audit is looking at the books. He encourages an uptick in communication between this board and the division and this board and the audit committee. He encourages very frank and transparent conversations in accomplishing your mission. As a group we are absolutely committed to doing what it takes to make a fair process. Think about salient points to save money and improve the process.

We don't feel the board has consistently supported the department of law and you have to work with the division to accomplish this.

Issues specific to the guiding industry is that we are at peril and risk with sheep. One of the foundations is the sheep hunts. The issue has boiled down to crowding with a large number of guides on state lands. Mostly it has impacted resident hunters and their perception of their experience. Because guides assist non-residents, naturally we are targeted. 90% of guides are residents. As a board you are going to see issues that come about like this.

APHA doesn't have a specific piece of legislation but the group is looking at ways for a concession program bill. Please look at ways for the packer regulation. Some of your regulatory packer needs to be handled. Mr. Jones stated we have the statute in place and regulations have been proposed and could be adopted by the board. Mr. Stacey stated the statute states "defined by the board" and if it's not defined in regulation the department of law will find a way to define it by looking at a similar statute. Mr. Jones stated that at present with the statute in place, the industry can operate in place like it has by history without undue scrutiny by enforcement. Mr. Stacey stated the goal is to figure out a way to write a law that changes nothing but gives clear sideboards for what an unlicensed person can do in a guide camp without undercutting definitions. Mr. Stacey stated APHA will do whatever they can to support the process.

Ms. Polley stated she wants to commend the APHA economic study; she found it to be well-documented and long overdue. Well done.

BUDGET REPORT CONTINUED....

Ms. Chambers returned to continue the discussion of the program's fiscal position. The FY14 Budget: Revenues and Expenditures were reviewed. There was a reduction in deficit with under \$800,000 which was an improvement over FY12. The personnel services cost was \$45,000 less than

FY12. Travel for this board was \$22,000 for board meetings. There was recent discussion with travel to further the board's mission and with changes in travel policy to improve board travel, including the ability to accept travel payments from outside sources. The contractual costs for FY14 were slightly higher than in FY13, these are services outside the division, such as the department of law, Office of Administrative Hearings and the printing of hunt records and transporter activity forms. A breakdown of expenses by the Department of Law and the second page of the FY14 budget were reviewed and certain cases were quite expensive, legal advice on regulations was expensive with \$100,000 for legal regulation work and \$30,000 for legal advice. Chairman Vrem stated he doesn't understand who, if the department of law has an attorney on salary, is paying for the salary. He doesn't understand how the program can be billed for time that is already salaried. Ms. Chambers stated that attorneys are paid how the licensing examiners are paid. The licensing examiner deals only with the BGCSB. The attorney deals only with the BGCSB. We have some licensing examiners who work for multiple programs. The attorneys are not supported by the general fund, they are supported by whichever program or agency needs them the most. Harriet Milks works with the ABC board and the BGCSB so her time is split. Ms. Polley stated that many agencies bill under inner agency receipts so in the state budget you will see that it is inner-agency receipts. Many of the lawyers serve two or three state agencies. Quarterly reports are published regularly and show these charges. Programs do not have a lawyer on retainer. Ms. Rebne asked who determines which projects to work on? Ms. Chambers stated that their policy explains how program supervisors communicate with program supervisors across departments. The best attorney for each special area is selected and this program has two. We are initiating these projects through an action of the board. The second page of the FY14 breakdown under main revenue and expenditures was reviewed and the \$28,000 in mediation and also direct fees went down and indirect costs increased and we've been able to determine a more fair and equitable way. Total expenses were slightly down with an annual surplus of \$201,000. Mr. Tiffany IV stated Ms. Chambers explanation of the breakdown was helpful to understand and also that even if a lawyer doesn't have work for a board than they won't get paid. If an investigator doesn't work on cases then they don't get paid. Ms. Chambers stated this was true.

Chairman Vrem stated that he wants to know the nature of the violation from the list of suspended licensees. Ms. Chambers stated she would work on this and they could go over the list between now and the March meeting. They reviewed the Annual Report. At the end of the year they will produce this document and share it with others. The report walked through the process, when, how, who and what. Page 7 started the discussion on indirect expenses which are the ones that cannot be attributed, it must be shared. Page 8 shows a breakdown of indirect expenses with the methodology explained. There are several appendices. About Nov 7 it went out and we are

required by law to share it. The handiest document is appendix b and at a glance is the division's direct allocation and opportunity for comparison between FY13 and FY14. Appendix D is all of the account costs and items for indirect. Appendix E shows the division's recording page. Chairman Vrem stated that there is a lot more to understand than what he thought there was before he got on the board. He appreciates Ms. Chambers taking the time to compile and explain the information. Ms. Metz asked who authorizes the billing rate for the Government Agencies and the attorney's vacation and sick leave. Ms. Chambers stated this is the percentage of the pie for that particular division department. We don't have an overhead charge and we drill down to the state. The question about the attorneys is one she doesn't know. Ms. Rebne stated it almost sounds like you've established a forward pricing rate and do you true up on the actuals? Ms. Chambers stated that we take the previous year and use it as a placeholder so the board knows this expense is on its way. Before then there was no visual prompt and the programs were suddenly hit with a bill, the boards wished they had something that they could see and plan for. This is a longer way to say yes.

AGENDA ITEM G BOARD DISCUSSION

Change 12 AAC 75.235 GUIDE-OUTFITTER USE AREA MAPS for GUA 8 Halibut Cove: Chairman Vrem asked Greg Acord R#789 if his request would make the regulation go back to what it used to be. Mr. Acord stated yes, and U.S. Fish and Wildlife Service responded with an email that does not object to this change. If his proposal is successful then USFWS would re-align their boundaries. From the Department of Fish and Game came an email that has no objection to changing the halibut bay boundary back to its original boundary line. Scott Mileur has no objection, who is the refuge holder. Returning the boundary back to its original boundary will not impact him. Mr. Jones asked to look at the big map with the change. Chairman Vrem stated he is sympathetic and amiable to this only because the boundary has shifted. He doesn't want to re-visit every guide use area in the state. Mr. Acord understands and agreed and stated it was a concern of all of the agencies and guides involved. Mr. Mumford stated that ADF&G's Larry Van Daele opposed it at the last meeting discussion about this but before he would be willing to vote on it he wanted to talk to Mr. Van Daele about this. Mr. Acord stated Mr. Van Daele was never opposed to it during all of their conversations. Nate Svoboda is the new biologist who sent the ADF&G email that also supports the proposal. Mr. Mumford stated that he is a little reluctant to support this without support from Mr. Van Daele.

Repeal 12 AAC 75.340(d) (7) Field craft standards: "All classes of guides shall allow appropriate buffer areas between hunters and camps in order to

avoid disrupting hunts and hunting experiences; in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a legally permitted year-round structure being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties. Tim Booch M#176 was unavailable to speak. Chairman Vrem states that this pertains to the separation of camps in GMU 9. Tim Booch has submitted a proposal and Mr. Atkins has a proposal as well but they differ. Mr. Tiffany IV stated he is pretty familiar with that regulation and the intent behind it and its history. It is being abused. He thinks the first part of the regulation: "All classes of guides shall allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences" is important and he is probably not going to be in favor of repealing that part of the regulation. It may be hard to enforce but it's on the books and it's not a bad thing to remind ourselves that it's a good thing to separate ourselves. He likes the first part. The second part needs work. He doesn't have any comments about Tim's proposal at this time.

Amend 12 AAC 75.130 to include: "Unlicensed persons receiving training for purposes of experience necessary to apply for licensure as an assistant guide under AAC 75.130 may participate under the direct supervision of a licensed guide in activities under 08.54.790 (9)." Chairman Vrem stated this is about underage hunters and came at the suggestion of Dick Rohrer. It pertains only to particular acts such as spotting and stalking and pursuing. He believes the language is good enough to be clear about its intent. Mr. Tiffany IV stated there will be a subcommittee meeting tomorrow and he encourages them to review and suggest recommendations on the language. Chairman Vrem cautions the committee to not get too far out in the weeds and he believes that they did a pretty good job in crafting the language supported by the Legislature. Mr. Mumford stated he wants to think about it and hash it out before he commits to it. Ms. Polley stated that the alternatives involved a lot more word-smithing and definitions so this was an effort to put it under the direct supervision of the guide and not go into a new classification of license. Chairman Vrem stated that this is simply codifying what has been a long practice of training unlicensed packers. It stays as true as possible as to what the concept of what is a packer. Mr. Jones stated there is really specific language in statute that could almost be mimicked in regulation: 08.54.635 "GUIDE SERVICES PROVIDED BY UNLICENSED PERSONS (a) A registered guide-outfitter who contracts to guide a big game hunt may, under regulations adopted by the board, delegate to a person not licensed under this chapter the services of

- (1) packing, preparing, salvaging, or caring for a client's meat;
- (2) packing trophies; and
- (3) packing camping equipment.

(b) For training purposes established by the board in regulation, a person who is not licensed under this chapter may assist in providing the guide services of field preparation of trophies, 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. An unlicensed person may only assist in providing a guide service under this subsection if a licensed registered guide-outfitter, class-A assistant guide or assistant guide is physically present and the class-A assistant guide or assistant guide is employed by and under the supervision of the registered guide-outfitter who contracted for the big game hunt.

(c) A person who does not hold a license issued under this chapter may provide or assist in providing the services identified under this section only if the person meets requirements adopted by the board. A person who provides or assists in providing guide services under this section may receive compensation for providing the services.” Obviously we would have to define the requirements as tasked but the language in section A and B could almost be mimicked and to comply with section C would only state the required requirements. Chairman Vrem stated that we are only defining supervision. It accepts everything else at face value. Mr. Tiffany IV stated one of the key elements is to remember this is about the physical relationship between a packer and a client, not the guide or assistant guide. The intent of this is pretty clear but it’s been abused by some and a packer has acted as a guide by a client and they are not authorized to do that. This is for when we have a packer we are training and where they have to be with the client, specifically at the time of take, when an animal is about to be harvested. Where is the packer at that point? If the packer is going to be a part of the final stalk and harvest, they have to be under immediate and direct supervision so as they make decisions as they try to learn, the guide is in direct control.

Eliminate AS 08.54.790(12) (B) Transporter License exemption Sec. 08.54.790. DEFINITIONS. In this chapter, (12) “transportation services” means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; “transportation services” does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters ~~(B) 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 (i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or (ii) 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.~~ Chairman Vrem stated that this will required legislative action and is about where the client wants to go and not where the air taxi already goes to. This

change would require a license for anyone who drops off a client in the field for the purpose of hunting although scheduled airlines would not be affected. Mr. Atkins stated he is trying to close up a loophole for those who do not have a transporter license but still takes clients in the field because of this regulation. They leave trash in the field and they are not regulated like transporters. If you are putting people in the field to hunt then you should have to have a transporter license. This is also an issue of enforcement and makes it clear who needs to be licensed. Some of the worst offenders are licensed transporters but if everyone is playing under the same rules it will assist in enforcing the licensing regulations. Chairman Vrem stated that this would take a resolution making this request. Mr. Jones stated that he continues to be opposed to this idea. He believes there are a large number of pilots in the business of remote transportation who do not market hunting and there are a lot of Alaskan residents with remote properties and they may be out there for non-hunting purposes and decide to shoot a deer. With this repeal the person would have to call a transporter instead of a nearby pilot. He does not understand the problem we would fix with this proposal. Last meeting's testimony included transporter names that were a problem and in actuality they were already licensed transporters and legal. It seems to me bringing in another 300-400 licensed transporters might cost us in the end. He doesn't see a clearly defined problem. We are asking the legislature to do this in statute and he doesn't like to go to them without a clearly defined problem. The packer exemption was well founded but this is not and it's unnecessary. Mr. Atkins stated Mr. Jones concerns are valid. Another option is to completely do away with transporter license and maybe the problem is enforcement. Maybe it's not blatant on Kodiak but there are places where it's very much abused. A guy goes out and gets a 135, transporter license and tries to make a living. There are others who are not licensed and still advertise for drop off hunts. We need to do something and this was the best I could come up with. Mr. Tiffany IV stated he respectfully disagrees with Mr. Jones. There is a problem out there and he has seen it and its growing. Maybe not in all states. There was testimony showing general support to have the statute changed. Mr. Jones stated he would like to see specifics where this is being abused and has already looked at the visitor guides and hunt Alaska magazines and as he sees the drop off hunts or hunting he finds their names on the list of transporters. He has looked at websites and he hasn't seen any unlicensed transporters. If he could see a couple of air taxis who are abusing these exemptions he would be more amenable to this. What is the problem? What are we trying to fix? A clear definition would be appreciated. Mr. Atkins stated that the problem is responsibility. If he is a Licensed Transporter he has the same legal obligation to report violations of game laws. The non-licensed transporter does not live up to obligations. He abuses the regulations licensed transporters have to follow.

Amend 12 AAC 75.240. SUPERVISION. (C) “a location that is no further than 50 miles from the nearest boundary of an area or unit described in (A) or (B) of this paragraph;” Mr. Mumford stated that he doesn’t know if they can go anywhere with this proposal at the meeting; he still isn’t satisfied with it. He thinks the next administration will closely scrutinize this 50 mile exemption but at this point other than to keep it open for discussion he doesn’t know what else they can do. Chairman Vrem stated that they were boxed in by a legal definition. Mr. Mumford stated that perhaps this part of the regulation could be looked at again.

Change 12 AAC 75.460 to include “must have been involved with at least 3 harvests per species”. Justin Horton R#1332 stated he met with the board last spring and has more data that supports his proposal. Out of the 5 big game species required to provide 3 harvests on hunt record forms, mountain goat is by far the most restricted in opportunity to do so. In the 2014 Drawing hunt supplement 685 drawing tags were available for Mountain goat. (284 of those in GMU 8, or 41.5%) Only 60 non-resident hunters drew out of the 685, with 48 of them being in GMU 8. That is 80% of the non-residents that drew did so in GMU 8. He was not able to account for how many of these are second-degree of kindred non-resident hunters out of the 60, nor was he able to obtain numbers on non-resident registration hunts.

Goat hunting has only 8 game management units open out of 26 GMU’s, Brown/ Grizzly Bear has hunts in 25/26 GMU’s, Moose has hunts open in 22/26 GMU’s, Caribou has hunts open in 16/26 GMU’s and Sheep has hunts open in 14/26 GMU’s.

Guiding opportunity is limited to a very few guides as compared to the other four species. These guides are not willing to sign off on their competition. They are abusing the power that the state has given them and not using it for the purpose that it was designed for. Since 2010 no MG/RG has been willing to even give him the chance to guide a client on a “hunt record” for Mountain Goat. He has been turned down by eleven MG/RG with all but two of those operating out of GMU 8. He believes some of the guides don’t want more competition in Kodiak. He has been trying to find a guide who will take him on a contracted hunt so he can have it on his license.

Chairman Vrem stated he understands Mr. Horton’s frustration and believes he is a unique victim of circumstance, but he doesn’t see how the board can accommodate one person without being accused of the “good old boy” system. It dilutes the perceived experience level between guides and just anyone. Goats were eliminated from a guide requirement back in the 1950’s between the army and the territory, but that has changed and are hunted in GUAs 1,5,6,7,8,11,12,15. Mr. Tiffany IV stated Mr. Horton is in a tough spot. There is a huge difference between harvesting and hunting an animal and guiding someone else to do it. Asking the board to do three harvests yourself

instead of guiding a successful harvest is a distinct difference. He has harvested 12 goats himself but 0 for directly participating in the harvest of a goat.

Resolution to exclude guides under the Department of Fish and Game Sport Fish Guiding Regulations. Smokey Don Duncan M#136 was unavailable. Chairman Vrem stated that he wants to see guides exempted from fish and game regulations if their hunters sport fish and is inclined to say no at this time. There are sport fish regulations and this should be more vetted before he makes a decision. Mr. Jones stated he would agree with Chairman Vrem and this would be going to the legislature for an exemption and he doesn't see enough need. As a sport fish guide he isn't asking for an exemption to take his fisherman hunting. Mr. Atkins stated several years ago Commissioner of Labor Tom Cashen asked about the minimum wage/hour for guides but they did not exempt fishing guides.

Subcommittee Assignments: the budget and finance subcommittee was created with Michele Metz, Karen Polley and Thor Stacey.

"Judging and Aging Dall Sheep" presentation/seminar was provided by Becky Schwanke.

The meeting was adjourned at 4:30pm.

Wednesday, December 10, 2014

AGENDA ITEM H8 CALL TO ORDER/ROLL CALL

Call to Order

The meeting was called to order by Kelly Vrem, Chair, at 8:41 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:

Sara Chambers, Division Director
Angela Birt, Chief Investigator
Cindy Hansen, Licensing Examiner
Lee Strout, Investigator
Michelle Wall-Rood, Investigator

Visitor's present:

Chris Hansen USFS
Nate Turner R#1036 & Board of Game member
Chad Reel R#1032
Loren Karro R#941
Dan Montgomery M#173
Jim Kedrowski M#156
Dick Rohrer M#69
Wayne Kubat M#147
Tony Lee M#105
Tracy Vrem M#96
Cabot Pitts R#1299
Lyle Becker R#1276
Rick Kinmon R#1266
Matt Moskiewicz R#1319
Gary Wall R#1182
Robert Summers R#1338
Matt Snyder R#882

AGENDA ITEM I DISCIPLINARY MATRIX REVIEW

Investigator Lee Strout stated the conception of the matrix predates him and was to put the known precedence in writing as a tool for the reviewing board member and the investigator so that anytime we have an incident we didn't have to go back and research precedence. In 2010 we completed a draft and in 2012 it was presented to the board was adopted. The purpose was a guideline to show past precedence for past sanctions. The amounts were taken from the past precedence's in past cases. Ms. Polley stated that she went through the report and it should say "DISCIPLINE OF GUIDES AND TRANSPORTERS" at the top for the real title. On the following pages the headers should be at the top-first offense, second offense and so on so it's easier to read. She also noticed the criminal section is always empty. Is that

because we don't act until the court is done with its actions? Strout stated some are our statutes and some are criminal statutes. That section is only for when we are taking criminal action on a known sanction. Ms. Polley asked if this is for what may happen and Mr. Strout agreed. Ms. Polley asked if the fines were based on statutes and regulations and Strout stated the maximum is in there by statute. Mr. Strout stated we have no jurisdiction to put anyone in jail; we can only take their license. Ms. Polley stated that the courts can be all over the board. Mr. Strout stated per violation, the board can fine up to the maximum amount for each one. Ms. Polley stated some of these can be a combination of three violations with three independent fines. Mr. Strout stated to look at the administrative action. Strout stated this document was designed to be fluid and can be changed at the direction of the board, and there is wide-open discretion. Ms. Polley stated she likes that there are clear options. Chairman Vrem stated in his experience it looks like we need to take the first fine and probation and tweak it a little more, mostly for the benefit of the members of the guide business. Most of this looks very drastic for very minor offenses and perhaps we need to clear this up a little bit. AS 08.54.720. UNLAWFUL ACTS includes to knowingly engage in guide use services is a \$5000 fine. Knowingly guide and forgetting to renew it is an entirely different offense. Forgetting to renew it because you were on vacation or were in a car wreck is a different category. Mr. Strout stated the biggest hang-ups are with sections 08.54.720 (4) and (5): "person who holds any class of guide license or transporter license to knowingly enter or remain on private, state, or federal land without prior authorization during the course of providing big game hunting services or transportation services; and registered guide-outfitter to knowingly engage in providing big game hunting services outside of (A) a game management unit for which the registered guide-outfitter is certified; or (B) a use area for which the registered guide-outfitter is registered under AS 08.54.750 unless the registration requirement for the area has been suspended by the Department of Fish and Game;"

The matrix was based on past board decisions using the regulations. Ms. Polley asked who ordered the revocation of the license, the board or the court. Mr. Strout stated that only in the serious criminal cases will the judge revoke a license. Normally investigations will send the case to the board to adopt a revocation made by a judge. The board is the only entity that can take away a license. Ms. Rebne asked what the time was to register for a guide use area. She asked why some guides waited until the last minute. Mr. Strout stated some guides will register multiple years and then forget to renew. Ms. Rebne stated she believes they truly forget so how can we help them remember? Ms. Polley asked how we can differentiate between the ones who honestly forget and the ones who don't. Mr. Strout stated we want to curb that activity. This word "knowingly" is a legal catch-all to scoop up everyone and determine later who knew and who did not and we need to figure it out. Ms. Rebne stated we need to add "either or" for the honest mistakes with a happy

medium. Mr. Strout stated these three don't offer discretion which is why guides have a problem with the matrix. Ms. Polley pointed out the handy dandy field guide and the application check lists on the website. Chairman Vrem stated unfortunately there has to be a trigger to get everyone thinking about it. Forgetting to renew your GUA is something to check off and the multi-year registrations and the qualifications for the department of natural resources have a fair amount of steps with approving for 5 years and extending it for another five years. Ms. Rebne asked why the guide use area registrations couldn't be renewed every two years when they renewed their license. Vrem stated that like automobiles, renewing your guide license means you have to maintain it and there is a trigger to remind you. Mr. Tiffany IV stated contrary to popular belief there is a lot of paperwork with guiding and it's in the off season that we are the busiest. We see a pattern of people who unknowingly remember to register. They have a lot to remember to do to comply with the laws. This is why the board asks the division, at a small expense, to curb this; we asked the division to send out reminder letters. Chairman Vrem stated there was a lapse for a brief period of time when the reminder letters were not sent out and now they are. Chairman Vrem stated some of the senior members of this profession have stumbled during that time. Ms. Rebne stated that every single meeting this issue of too much paperwork comes up and we can make changes with hunt records but what else can we do. It seems like there is more paperwork than before when there wasn't so much required. How can we meet the department needs and basically other department needs and how they track stuff and the burden has fallen on this group. Chairman Vrem stated the paperwork has always been there since he's been in the business. The sport fisherman really has it much worse. If you are a guide, transporter and sport fisherman there are mountains of paperwork. He thinks what we need to do on this is take public notice with two guides and transporters and go through this matrix item by item. He was at the July meeting and reluctantly had gone through this and he always thought it was presumptive sentence so we don't get these widely different outcomes for these cases. He thinks an editing or review is in order.

Ms. Chambers stated she wanted to offer some high-level guidance, knowing it is an important discussion and has ramifications for the board and for the licensees. The board has the authority to make decisions within their scope of statute and regulation. By which authority, whether it's the board or the court and which order the go in, is a lot of detail A review committee is to ask what do you want this tool to accomplish. Do you want it to be a document that lists everything that could happen in a condensed version of the statute and really not use any judgment; here is the realm of possibility, or would you like the document, and she thinks it's where it is now, to reflect history and board action? You have to make disciplinary decisions that are consistent, made on the same violation and when there are enough mitigating circumstances, you have to go on the record and explain why you made the decision differently. It needs to be very transparent to the public;

so-and-so did this in 2012 and so-and-so did this in 2010 and this is why we are doing this. How the board uses the document and how bound you are to it really makes a difference in how you operate, how the investigation office operates and how the public sees it. If the board has a document but states they are going to listen to the cases or if it's a black and white document that the board shall not veer from then it has the effect of a regulation and it should be public noticed. Eric Clapton would say it's the way that you use it. If you want to use it as a handy tool then you use it. If it's black and white it should be a regulation. She has shared this with your attorney who has looked at what level of effort you want to put into it. We all want to provide you with as many resources as you can with your decisions. We defer to your guidance and want to receive it. The guides would appreciate knowing the mitigating element.

Chairman Vrem stated he wants the board to separate "knowingly" and "unknowingly". Mr. Jones asked how the board can change the matrix. Mr. Strout stated the best route would be to develop a committee to review it and public notice it and present something to the board to review and adopt. Mr. Jones asked if the end result is what the board adopts or rejects. Mr. Strout said yes.

Ms. Rebne stated all she cares about is our ability to use common sense. Mr. Tiffany IV stated the member review is the important thing; there can be lots of little nuances and at face value can seem minor but can be very critical in determining whether or not it's an oops or someone pulling the wool over the eyes. It is a lot of extra work but some of this work tasked by the board is serious. It can affect someone's livelihood. We can't have a strict liability type of system. It doesn't work in our industry that we are tasked to regulate. He is in support of a committee to review this. Chairman Vrem stated that at 9:15am tomorrow there is time for public comment. He would like to be able to make Mr. Strout's job easier so when he works on a violation he is able to ask a few more questions and get more information before the matrix kicks in because oftentimes one or two more questions will completely change the nature of the violations. He has full confidence in giving Mr. Strout a little more freedom and looks forward to revising the matrix. Ms. Chambers stated that she wants to back up what he had mentioned yesterday that our communication has increased and improved and our investigations is the best of the best. Some of the programs have a national industry with training such as real estate appraisal. She would think that Mr. Strout has a great body of experience and is a great fit but would also encourage you to offer our agency any additional guidance. As Mr. Stacey stated yesterday, Alaska's board is unique and if there is any training you believe would help we would appreciate having it. Chairman Vrem stated that Mr. Strout and Chief Investigator are working to categorize the nature of these violations so the board can tell the guide to quit unknowingly making

mistakes. Hopefully Mr. Strout's job will be reduced to throwing darts. He is constantly amazed at the new ways people can get into trouble.

PUBLIC COMMENT

Thor Stacey-Alaska Professional Hunters Association Lobbyist stated we have a clear obligation to be fair and consistent to the profession and protect ethical business from unethical business. We have a clear picture on the matrix and from a cautionary standpoint your disciplinary actions is what is going to keep the board going and it's your greatest risk if your disciplinary goes out of bounds. Past audits challenged the board. In the 1980's when the audits came out they cast a shadow on the board. The position on the matrix, whether it's a clear picture of the board's series of actions on cases or a concept, APHA would say that you refine other statutes and regulations, and have the matrix put forward for comment, whether or not it's a big picture thing or very descriptive and done as soon as possible since the concept of the matrix is out and while it's in the back of your mind. APHA would like to comment on the specifics of the matrix and how you shape it, over-arching with a lot of leeway or very descriptive and definite. Chairman Vrem stated that as a start at 1pm we have subcommittee with guide standards by Mr. Tiffany IV. Mr. Tiffany IV stated that he agrees that obviously the desire for participation is critical and while he's happy to start now, this is something that needs to be done in a timely fashion. We aren't going to create a subcommittee and in one afternoon come out with a result. He would encourage the public and anyone who is interested, and keep it a manageable size, to sign up. If you do, he can attest that if you should not be on a subcommittee just to see your name in black and white but because you have ideas and there will be teleconference calls and a lot of work. Many times there are a lot of people who sign up but don't show up. Mr. Stacey stated that first off, it doesn't need to be done next month. With something as important as licensing procedures, APHA isn't asking for a rush product. Secondly, he wants to commend Mr. Tiffany IV and the board chair because it is a lot of work and board work takes a lot of time and can be really frustrating coming to a consensus. He appreciates the discussion. Chairman Vrem stated if the committee is too large it is hard to make a quorum. It is a significant time commitment to fulfil committee assignments.

Mr. Mumford stated this document wasn't created in a dark room. We hashed it out and took years to put together. We looked at historical knowledge of past practices of other boards. It has been through a lot of guides and board members. If we are going to re-address this we need to do it very cautiously. He would hate to see this document thrown out completely. Several times down in the office with Mr. Strout and other guides we had a lot of input and we had a lot of historical knowledge. This

wasn't done lightly. At the time he thought we were constrained by not having a big enough hammer. He believes \$5000 is too light of a fine so you probably don't want him on the sub-committee. When he was a Fish and Wildlife State Troopers the violators continued to violate because the fine was less than what they could make while continuing to the game or fish. We can already sort out whether or not someone is negligent or criminal by working with Mr. Strout.

Mr. Stacey stated APHA supports the concept of the matrix, which is generally supported, but they want to comment on it and sometimes those licensure actions far outweigh the fine. He wants to clarify the general APHA position with the issue is full public process and concern about individual punishments and how they are going.

Steve Perrins II R#1295 stated we have many agencies to deal with and a lot of paperwork to it's a lot to keep in mind. He would like to know what we are up against and it sets a clear statement about what to avoid. He encourages leniency because of the amount of paperwork with an all of the statutes and regulations they have to deal with. 95% of the guides are good intentioned people and this is something to come out to get rid of the bad apples. He encourages the board to keep that leniency in mind and make it workable for the good honest guides and not punish them. He worked to get the moral turpitude language. Ms. Rebne stated the guidelines are a simplified version of the statutes and regulations and the field book is a simplified version of the matrix. We aren't deviating from them we are simply simplifying what is already in the field book.

Lance Kronberger R#1150 stated he doesn't see a big problem with the matrix but he sees a problem with the amount of paperwork. The reminders were pulled back because of the costs. He doesn't have a problem with paying extra for the guide use area registrations if he gets the reminders. Getting that reminder is a trigger to register. Perhaps we could spend a little more time being preventative instead of trying to figure out who is the bad guy. He probably goes on the website 3 to 4 times a year to make sure his name is on the GUA registration webpage. We are getting reminders from everyone else so it would be nice to get them for this. Most of us are trying to do the right thing. The guides license you issue us says "guide" and "in the field". I hate to see guys get into trouble and lose sleep because they forget to register and then thrown in with the rest of the bad apples. We come to the meeting for the proposed regulations and want it to keep it all simplified. Ms. Rebne asked Ms. Chambers about raising fees when there isn't a measurable outcome and it goes into the black hole. Could a fee increase be dedicated to this measurable service? Ms. Chambers stated your fees are dedicated to the board. That money stays with you; it doesn't go to other boards or general services. When there is a fee analysis, we analyze the license fee, the application fee and any other fees. We can adjust them with the idea that

this particular fee should support licensing operations and all that it encompasses such as a computer for the licensing examiner, your share of indirect costs for services you need to have. There isn't a way to dedicate a fee for a perfunctionary task. We are required by statute to send out notices for license renewals. We have cross trained staff to assist with mailing out reminders and notices and public notice regulations. If you had dedicated staff then you would have someone you would have to pay. We need feedback to know whether or not it's working.

Wayne Kubat M#147 stated he will reiterate about the amount of paperwork in his office and goes into a trance staring at it. He wakes up in the middle of the night and remembers it. The matrix needs a second column for a reprimand. When guides inadvertently forget to file they should not receive severe penalties and fines. This is why some of us bristle when something like this matrix comes out.

Dick Rohrer M#69 stated the board just had a prime example of two old guides who had to sign up to testify and fortunately were granted clemency for doing so after the deadline. There was one guy who was hammered pretty hard that forgot to register. He has done two seminars on paperwork with a room full of guides who somehow forgot to register. Under the matrix if he forgot to renew his license the first time, he should receive a letter and if he forgot again he should receive graduated fines. His thought is for investigators to consider someone who has committed violations for years, to look at their history because they are probably breaking other laws too. The Chief Investigator was interested in helped us not stub our toe. Sometimes when he has nothing else to do he will turn to the website to see who is registered where and who forgot to renew their guide use area and license. There was a trooper who knew there was guide who wasn't registered and the trooper let the guide continue to guide in order to build a greater history of violations. He encourages the troopers to let the guides know and to help them. One more thing to help the industry is for the essay test for the newly registered guide to include a list all of the things they need to have and do before they guide a client. He appreciates the budget report; it was very well done and he thanks the department for that. The Unique Verification Code has helped us and he appreciates the ease and promptness. He appreciates the guide use area registration reminder notifications. However, that isn't going to help everyone because it's easy to miss that reminder. Chairman Vrem stated on the subject of the budget review he doesn't think there isn't much getting around another fee increase. Mr. Rohrer stated he agrees and thinks the GUA registration fee will require a statute change and it needs to get done. Chairman Vrem stated in regards to Unit 9, if we start sticking our spoon in someone else's soup pot we have to proceed with caution. Mr. Rohrer stated to keep in mind in a year when he has to rebid for an area, in Kodiak he will lose if he has a \$500 fine. The points for fines are pretty severe. The state handed de facto control to the federal government for their

lack of guide program in 1989. The feds filled the vacuum and aren't inclined to listen. Their requirements boarder on lunacy. We dug our own grave on this one.

**AGENDA ITEM J APPLICATION REVIEW-EXECUTIVE
SESSION**

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and Matters which by law, municipal charter, or ordinance are required to be confidential and 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 into executive session at 10:15am exited out of executive session at 12:37pm with a lunch break until 1:00pm

AGENDA ITEM K BOARD DECISION

In the matter of the proposed decision Case No. 2011-000531

Ms. Polley moved to accept the consent agreement for 2011-000531 and Ms. Rebne seconded.

Discussion: Mr. Tiffany IV stated he will be voting to accept the consent agreement because this was a case of a guide who seemed to knowingly guide without a current license. It was not a brand new license, it was a license long enough to renew at least once, therefore, he knew the system but was found to be guiding without a license. Ms. Metz stated she will also vote in support of this consent agreement there were two separate years of guiding without a license and an incident each time so the penalty is appropriate

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

RESOLVED to accept the consent agreement for Case No. 2011-000531, Patrick M. Donelson:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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 L

In the matter of the proposed decision Case No. 2014-0021693

Ms. Polley moved to accept the consent agreement in Case No. 2014-0021693 and Mr. Atkins seconded.

Discussion: Tiffany stated he will vote to accept the consent agreement. This was a situation of a first time applicant applying for a license and the person was honest and forthcoming that he had violations in other states and agreed to accept a license with probation. Under the circumstances that is warranted and frankly, because of their honesty, it is appropriate to accept the agreement. Mr. Jones stated he will also support and vote to accept the consent agreement. He had a lot of trouble issuing the license to this person based on their past history and it would have been hard to deny him but also hard to approve him without this consent agreement. He thinks he volunteered to accept it and it makes him more comfortable knowing the person is going to make a good faith effort to change his behavior. Ms. Metz stated she will also vote to accept the consent agreement. She thinks a good deal of the previous violations in other states could be chalked up to youthful indiscretion and a person matures and learns and from this consent agreement this person can move forward. Chairman Vrem stated he will accept this reluctantly. He would have like to see a period of cooling off before

getting a guide license in Alaska but his acceptance of his consent agreement helps.

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

RESOLVED to accept the consent agreement for Case No. 2014-0021693, Mitchell R. Davis:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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 L2

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

Ms. Polley moved to revoke the license for violation of order and re-impose the full fine of \$5,500 in Case No. 2011-000695(OAH) and Mr. Peltola seconded.

Discussion: Mr. Tiffany IV stated in this particular case this individual violated his probation and after gracious extensions by this board and a great deal of effort for compliance by the division this individual still violated his probation; therefore it is appropriate for the full fine to be paid. Mr. Mumford stated he is going to approve this motion, this is a gentleman who has had a lot of chances to make good on a fine, asked for extensions and never paid. He believes the board is backed against the wall and has to revoke his license; this was forced on us by him.

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

RESOLVED to revoke the license for violation of order and re-impose the full fine of \$5,000 in Case No. 2011-000695(OAH), seconded by Mr. Peltola and approved by roll call vote:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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 15 SUBCOMMITTEE ACTIVITIES

Dave Jones left for a doctor's appointment at 3:30pm.

1. Supervision subcommittee is chaired by Wayne Kubat and currently inactive but if anyone wants to meet, Mr. Kubat is willing to chair it.
2. Cost Reduction & Revenue Generating subcommittee is chaired by Ms. Polley who looked at Ms. Chamber's reports. Ms. Polley stated that there was more information this time than even before on the budget. They will look at the legal costs of \$112,900 and see what types of violations and activities are causing them. This is the first time in five years we will be able to link it to law cases and see what is making that impact. The other item is about fee raises and the various kinds of fees such as investigative fees and late application fees. Ultimately we have tried for several years to eliminate that deficit and we haven't resolved anything but if anyone has any ideas they would be appreciated. Mr. Sam Rohrer stated that APHA will be looking into that and retaining legal counsel. Ms. Polley

stated that this would need to be a statute change and another area for revenue source. Ms. Rebne asked where it would go. Mr. Strout stated that these fees would go to our program. Chairman Vrem stated that he would like to see the legal department take over at some point with the \$100,000+ legal fees. If someone's character is besmirched they will fight like tigers so we aren't unique in that. The good news is that the legislators understand that we are truly unique in that there isn't another state with a national standard. The McDowell Report provides them with information. APHA also spends their money to see how we can save money with our program. Mr. Tiffany IV wants to be clear that this board has not asked for this help, we aren't soliciting for answers but we do appreciate their offer.

3. Hunting Guides & Practical Experience (12 AAC.75.920) subcommittee is fairly inactive and chaired by Mr. Tiffany IV who did not have anything to report. There were other subcommittees going on and no one attended this one.
4. Guide Standards and Matrix subcommittee is co-chaired by Mr. Tiffany IV and Joe Want and there was nothing to report.
5. Packer subcommittee is co-chaired by Sam Rohrer and Ms. Polley. Chairman Vrem stated that Packer subcommittee has matured to the point where only the word supervision is being discussed is where the physical proximity is in relation to the licensed guide during the actual hunt. There is new suggested language by the regulations specialist and attorney. Ms. Polley stated after much discussion and much wording they decided to leave it as presented and adopt it for regulation unlicensed persons receiving training. Lt. Fussey has been involved and may have more remarks for definition. Chairman Vrem stated that at some point and time the troopers will have to be content with what we have come up with and they will have to figure it out. We have bent over backwards to accommodate those guys and he is optimistic.
6. Unit 9 Department of Natural Resources subcommittee is chaired by Loren Karro. Chairman Vrem stated the unit 9 subcommittee has run its course but if anyone wants to meet, he is willing to chair it.

Mr. Atkins stated he is going to be working with DNR on Unit 9 to resolve the issues down there. There is DNR staff here now and hopefully we can work together on this. We have a proposal on the table to help ease the conflict and buffer zones are a big deal. It is not our intent to do away with the buffer zone but there is an issue with permanent structure. He is thankful for their cooperation and will be the liaison between the board and DNR. Chairman Vrem asked what the estimated cost will be and who will be affected with this motion, since this is now something that has to be in the minutes. Mr. Sam Rohrer stated he didn't think there would be a cost for the packer regulation.

Mr. Atkins asked the public what it would take to get people more involved. Mr. Sam Rohrer stated it would have to be an outrageous proposal to get them in. Mr. Kubat stated in the old days a public notice would be sent. Discussion about a Facebook page ensued and it was agreed to contact Ms. Chamber. Volunteer Proctors were encouraged to sign up.

The meeting was adjourned at 4:00pm.

Thursday, December 11, 2014

AGENDA ITEM M CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 8:47 a.m.

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
Bob Mumford, Board of Game Representative * 10:34am
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:

Sara Chambers, Division Director
Angela Birt, Chief Investigator
Cindy Hansen, Licensing Examiner
Lee Strout, Investigator
Beata Smith Licensing Examiner

Visitor's present:

Chris Hansen USFS
Chad Reel R#1032
Loren Karro R#941
Dan Montgomery M#173
Nate Turner R#1036 & Board of Game member
Lyle Becker R#1276
Rick Kinmon R#1266
Lance Kronberger R#1150
Jason Bunch R#1311
Gus Lamoureux M#85
Matt Snyder R#882

AGENDA ITEM **PUBLIC TESTIMONY FOR BOARD**
PROPOSED REGULATIONS

Greg Acord R#789 stated he thanks the board for this opportunity to speak again. Yesterday Mr. Mumford spoke about his concerns with a lack of support from ADF&G's Larry Van Daele's and so the three of us have talked with each other and Mr. Van Daele has emailed them:

Greg,

I have no biological concerns with your proposed change to the boundary between the Red Lake and Halibut Bay hunt areas. Bears freely move between those units and you are correct that there is a large discrepancy in the size and access opportunities in those units.

We are always hesitant to change bear hunt boundaries because it has the possibility of opening up unexpected consequences. The most obvious concerns are the impacts on adjacent areas and guides, and the fact that these hunt boundaries are also used as boundaries for guide use areas by both the state and the Refuge. Less obvious consequences include the possible desire of other guides, land managers, resident hunters, etc. seeing this as an opportunity to suggest boundary changes in other parts of the Unit, thereby opening a Pandora's Box.

I have not been in that area nearly as much as you and Joe Want, so I cannot say which geographic boundary is best, nor do I have detailed information on where resident hunters camp or hunt with regard to the proposed change area. I will, however, pass your information on to Alan Jones, Alaska Wildlife Trooper, and see if he has any opinion on those topics.

So in conclusion, it would not be accurate to say I was in favor of returning the lines to their original position. I would be fair to say that I had no problem with it biologically or from a bear manager's perspective. I'm just leery of the bureaucracy associated with what is seemingly a minor change.
Larry

Mr. Acord stated Mr. Van Daele can't say he supports this but he is confident and can say he has no objection. He doesn't have a problem with this. If the board makes this change, he is going to go along with this. The refuge will also go along with this. This is a positive thing. Resident hunters don't use it because it's too far. Greg provided an 8X12 photograph that he showed to the board members and explained the current and proposed border. Joe Want was the original guide to propose the change. Chairman Vrem stated that this is a unique and in his opinion to return the boundary to its original location. He is sympathetic but has the same reservations that Mr. Van Daele had and he is leery that this could lead to a cascade of boundary change requests. He is satisfied that this is a defensible one time deal but can't speak for the board. Mr. Acord stated he understands his concern, but he thinks the system is in place for certain times for valid reasons for the boundary to be changed. He shared a memo to Steve Machida, ADF&G Management Coordinator from ADF&G Biologist Larry Van Daele in November, 1999 that will answer your question about how it started. Mr. Acord stated another email from the Refuge goes along with the state decision. Mr. Jones stated he assumed they will go forward with public comment, deliberate and talk later.

Dick Rohrer M#69 thanked the board for opportunity for comment. He will comment on Mr. Acord's proposal. He has just met Mr. Acord at this meeting so there is no arm twisting to support this proposal but he does support it. He is in full agreement with the board that you are not going to do this very often. The reason this is a good one is because the one Mr. Acord wants to return to is the one ADF&G had made. What makes this acceptable is that the original boundary would be returned. It's acceptable in his mind because there's only one guide impacted who has been there for 30 years and he is okay with it. It helps access for the halibut and if anyone knows Kodiak you will know that is a big deal. I encourage the board to consider this special request. The whole Kodiak system he will be involved with making sure the federal government follows through and makes sure we are all on the same page. He will be happy to answer any questions.

He was a little bit confused to discuss some of these others. You have heard his concerns about clarifying "direction supervision" with the apprentice. He thinks anything the board comes up with he already does in his operation. After the sub-committee meeting the other day Lt. Fussey was in contact with Captain Chastain and they came up with some other wording and his concern is that whatever we end up with that it's clear that the apprentice is never in control of the client. He thinks Lt. Fussey is going to propose language such as physically present within 100 yards and remaining in direct control of the client. He does not care about the 100 yards but he cares about the direct control of the client. He doesn't think it's a good idea to eliminate transporters but that's in statute. The whole Unit 9 issue was over that 2 mile buffer when we put that in place as an experiment. My perception is that it hasn't been really successful and I don't know how it can be fixed. Chairman Vrem asked where "100 yards" came from. Is this when the guide and hunter are actively stalking an animal? Ms. Polley stated that direct supervision means physically present within 100 yards and remaining in direction control of the client. We could not in the committee group define what that meant. Chairman Vrem asked when it was valid-all the time or only just in the act of stalking? Mr. Dick Rohrer stated the troopers want a measurable distance and he believes 100 yards is in other regulation language. The second part of the language is to make clear the guide is in control of the client. Mr. Tiffany IV asked if the packer subcommittee will be reporting and Chairman Vrem stated yes.

Sam Rohrer, M#204 and President of APHA, stated for the first proposal APHA wouldn't comment on this type of proposal but since he is from Kodiak he will say that he supports this because it was set up in the beginning. It's time when you should make this change. The second proposal with field craft standards was an experiment and seemed like a good idea but we had some concerns. It seems like it has created more conflict then it's resolved. He wished Mr. Booch was here to talk about it but he's not so APHA believes it makes sense to repeal it for lack of another proposal. The third proposal for defining 08.54.790 part 9-the subcommittee will be reporting back but he is not sure if we are there yet, we still keep going back and forth and we haven't settled on anything. He hates to see us rush and make a regulation we don't agree on. He is not ready to table it but it wouldn't be the end of the world. It's still enforceable within the 100 yard requirement. Maybe by the time the subcommittee reports on it there will be a consensus. APHA also recommends Transporter exemption be tabled. There is hardly anyone from the transporter industry to comment on it and we need more time to consider it. With that he has no further comments but is happy to answer questions. Ms. Rebne stated you're in support of repealing field craft standards so while this may have been "let's see if this works" because there was a need, there is

still a need. We could repeal it but could also keep language that did work. She does not think it should fall off the map because the issue is still there. Mr. Atkins stated he has a proposal on this unit 9 2 mil with permanent structure and he does not intend to eliminate the buffer zone, only the permanent structure language would be eliminated. Mr. Tiffany IV asked Mr. Sam Rohrer if he is in favor of repealing the entire thing or only the section that deals with unit 9. Mr. Sam Rohrer stated in answer to Ms. Rebne's question, he thinks APHA would be happy if someone put forth other language to solve the problem but it doesn't mean he wants to be on the subcommittee. APHA doesn't have a firm position on the other proposals but that is where APHA is at right now. He appreciates the time and effort put forth by the board.

Wayne Kubat M#147 stated thank you for your time and effort. He apologizes if he sounds harsh and critical but this is how he feels. More and more he feels the guides are put under a microscope whenever we go before enforcement and legislature, for example, the packer language. We raised the guide standards and now we are creating all these hoops for someone who wants to be an assistant guide. If he is sleeping in the same tent and eating from the same tent he would like a little latitude with his packer if he is in control of the client. A lot of time and effort is put forth to make sure the client gets a good experience but you are tying his hands. On the transporter proposals, basically this is a guide board. There's a couple of pages in the book about transporters if having a transporter license enables them to advertise for hunts then give rid of the whole thing. Transporters advertise for hunts at triple the rate. Get rid of them since they are just a token part of this board. Rebne stated that transporters are important to her as a rural Alaska. There are a lot of transporters and air taxis and the guides take a hit for them. This is the one place the issue with transporters can be discussed. The guides are taking the hit for the problems of all carriers. She is not in support of the repeal until we can discuss it to become an effective tool.

David Lazer M#175 stated the Unit 9 two mile limit should be repealed because it's not working and unconstitutional. Two miles seems alright if you are looking in one direction but this area is in a circle and there are 12.5 square miles and it's a lot of country. Just the fact that he is flying along and sees a tent I'm going to fly somewhere else. Not everyone does this and that's life. He's against it and wishes it would be repealed.

Jason Bunch R#1311 stated the way this board works is awesome and it's almost unprecedented where everybody agrees, for example with Mr. Acord's case to change the gua boundary. It's the first time. He asked that the board support the boundary change. He is a Kodiaker, and has never talked to anyone who is opposed to this.

Chairman Vrem asked about the 100 yard distance, when would this occur during a hunt? AFWT Lt. Paul L. Fussey stated the 100 yards would be when the unlicensed person is assisting with guide services listed in regulation. You can leave the person with the meat because they aren't assisting with guide services. Our concern is "on-site". There are different definitions of "on-site" so our concern as enforcement is to define something else that isn't defined with something that's also not defined. When he talked to the subcommittee yesterday, before someone is issue a citation, a judge has to define it. We went with the 100 yards because it's already in there for 2nd degree of kindred and gives guide's latitude. If you are at the end of the air strip, the person could be back at the meat shed fleshing out the hide. Chairman Vrem stated he understand that he couldn't leave the packer in the spike camp doing the lips, ear, nose while he was ½ mile away from the camp with his client getting a grizzly bear. You can't be dragging a moose with the guide. It's already in statute that you have to be a guide to do these duties. You can't direct stalk with a client, the licensed guide has to be physically present and exclude the packer from that because by law the packer can't act as a guide because he doesn't have a guide license. He could reluctantly buy into the 100 yards if it's just during stalking. There are simply too many chores and this person has too many functions. He may be instructed in the craft of guiding but I'm reluctant to tether this person to a licensed guide. Lt. Fussey stated hauling water and packing meat can be done six miles away. Vrem stated that person reverts to part a instead of part b statute. Lt. Fussey stated field preparation is also listed. The board at this point is at a beautiful point where you can off-set field preparation. Since field preparation is in there, you guides have time to work on this. The committee and the board have the option to put 100 yards or something else. You asked for his opinion from enforcement and 100 yards provides levity. Correct him if he is wrong but you wanted it more restrictive so if he is wrong, he apologizes. Chairman Vrem stated the legislature doesn't want an untrained person to be left alone to prepare and finish the cape. A packer employed as raw labor can be pulled from the sidewalk or bar or in many cases, a nearby village, in exchange for money or meat. Raw labor is not allowed to cape or flesh a trophy. When this person is being instructed then this person gets different privileges and to his way of thinking, like Mr. Kubat, there are different levels of trust. The first time he will let the person do the skin, and he will do the rest, the second time he will let him do more and so on. He can talk anyone, ironically, a stranger off a bus stop and they pay \$75 if they are a taxidermist. He is having difficulty assigning a hard and fast 100 yards. He thinks supervision is perfectly adequate. One person's duties can change in an instant, for example once the moose is down the packer become raw labor and is no longer a student. How can the troopers tell when that happens? Lt. Fussey stated when they are packing moose; it's

obvious they are not being instructed. The board can add something to the definition. The 100 yards would settle some of the concerns from yesterday and it's already clearly defined. Mr. Peltola stated his concern is that the 100 yard criteria should prevent the packer from being left alone with the client. Mr. Tiffany IV stated as so often happens, we are creating problems from our solutions except from a few individuals who think they are going to bend the rules. It's his impression that this stems from someone who was clearly a packer and was instructed to take on the duties of a guide to pursue harvest and kill game. It should not have happened but it did. That brings us to here. He agrees with Chairman Vrem on the 100 yards. Lt. Fussey, if you came to camp, if he went down to the lake and greeted you, you could write him a ticket because he was teaching the packer to flesh and had he left to greet you. What he would like the subcommittee to do is the relationship between an unlicensed individual and the client and how much control does the individual have over the client. If we're going to put a hard and fast number on something, personally he can see something in the final stalk and harvest of an animal. This has nothing to do with the physical relationship between the guide and the client. The root of it is the relationship between the unlicensed individual and the client. It must be blatantly clear. Maybe all of this has been factored in but he would like it to be looked at again. There are no two operations alike and we could go on for days but we do have to create something that would work in all operations. He wants to compliment Lt. Fussy on his willingness to be a part of this discussion. Ms. Rebne stated the concern is that an unlicensed person cannot be alone with a client during a stalk and a kill, whether it's 100 yards or not. Would it be unlicensed persons must not be alone with a stalk and/or harvest without being in the physical vicinity of the guide? You are trying to prevent an unlicensed person doing the work of a licensed person. You want to be sure the packer isn't the one performing the hunt service. Did she capture this correctly? Chairman Vrem and Mr. Tiffany IV stated she had captured it correctly.

AGENDA ITEM N BOARD BUSINESS

Correspondence Review

Chairman Vrem stated -I am reluctant to discuss these two letters in a public session because it would be unfair to the correspondent because it would be an out of context. He thinks we should move into executive session.

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and Matters which by law, municipal charter, or ordinance are required to be confidential and for the purpose of discussing confidential disciplinary matters for the purpose of discussing investigations and reports.

Staff members remained during executive session.

The Board entered into executive session at 10:15am and exited out of executive session at 11:08am.

ITEM SUBCOMMITTEES FINAL UPDATE

1. Supervision subcommittee is chaired by Wayne Kubat and currently inactive.
2. Cost Reduction & Revenue Generating subcommittee is chaired by Ms. Polley and will report back in March after the subcommittee looks at Ms. Chamber's reports, the legal costs of \$112,900, fee raises and the various kinds of fees such as investigative fees and late application fees. APHA will retain legal counsel.
3. Hunting Guides & Practical Experience (12 AAC.75.920) subcommittee is chaired by Mr. Tiffany IV who did not have anything to report.
4. Guide Standards and Matrix subcommittee is co-chaired by Mr. Tiffany IV and Joe Want and there is a sign-up sheet in the back of the room now.
5. Packer subcommittee is co-chaired by Sam Rohrer and Ms. Polley and being worked on now.
6. Oral Test Rewrite subcommittee is chaired for Loren Karro and will report at the March meeting.
7. Unit 9 Department of Natural Resources subcommittee is chaired by Loren Karro and currently inactive.

AGENDA ITEM 18 REQUEST FOR REGULATIONS

In the matter of 12 AAC 75.235 GUIDE-OUTFITTER USE AREA MAPS.

Ms. Polley moved to change 12 AAC 75.235 GUIDE-OUTFITTER USE AREA MAPS for Halibut Bay as requested by Greg Acord and Ms. Rebne seconded.

Discussion: Ms. Polley stated that Mr. Acord had made a good case for this and there isn't an uprising it won't cost the public comment and receiving public comment and implementing that change. Mr. Jones stated that he intends to support that proposal; it is well made and supported by a lot of documentation and the individuals involved, and doesn't have a big impact on the public at large and resources. It is our business to look at this type of proposal and lines and he can see several upsides to this. It has broad support and he is not too afraid of hypothetical and at any rate he intends to support it. He agrees with Chairman Vrem that we aren't going to entertain moving the lines anywhere and this is a special circumstance. Mr. Mumford stated he has reconsidered his position that did not support this because his reluctance is that you open a can of worms when you propose to make a boundary move. It scares him because people will start to make similar requests. His fellow board members have made a good case and he is now on board but he does so with some reluctance. We should move cautiously. People will be lining up with special request and he has seen this with Board of Game. Mr. Peltola stated he will also be supporting this. He doesn't think it sets a precedent and he looks at all cases individually on their merits. Chairman Vrem stated he can recall a proposed change and he didn't see it would cause harm to the public or affect anyone. Ms. Polley stated the estimated cost will be \$700-\$500 for public notice. No member of the public should be affected.

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

RESOLVED to change 12 AAC 75.235 GUIDE-OUTFITTER USE AREA MAPS.

Roll Call Vote:

APPROVE	DENY	ABSTAIN	ABSENT
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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 12 AAC 75.340(d) (7) FIELD CRAFT STANDARDS

Ms. Polley moved to amend 12 AAC 75.340(d) (7) Field craft standards and delete the wording: “in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a legally permitted year-round structure being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties.” and Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV stated the board has listened to public testimony and we understand the intent of the language which was a bit of an experiment and well-intentioned but it failed to work as intended. The appropriate measure is to remove that language. He thinks it is important to keep an appropriate buffer. Ms. Rebne asked what the best action to take is if this happens again; will the board be notified? Chairman Vrem stated if we would have had an orderly guide area system on state land this never would have been an issue. It will continue to be an issue. Mr. Tiffany IV stated that Mr. Booch has submitted a proposal to address the issue. It could have merit and he thinks this is something the board should look at this as part of the public process, whether it is his proposal or someone else’s proposal on alternative solutions. Ms. Polley stated board will pay the \$500-700 costs for the public notice although this should not affect the public. Mr. Mumford is going to support this amendment. It directs unforeseen action and it is right to be supportive of it.

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

RESOLVED to amend 12 AAC 75.340(d) (7) Field craft standards and delete the wording: “in Game Management

Unit 9, a person holding any class of guide license may not place a camp within two miles of a legally permitted year-round structure being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties.”

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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) Transporter License exemption

Ms. Polley moved to propose to eliminate AS 08.54.790(12) (B) Transporter License exemption until the March 2015 board meeting. “In this chapter, (12) “transportation services” means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; “transportation services” does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters (B) 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 (i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or (ii) 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” and Ms. Rebne seconds.

Discussion: there was none.

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

RESOLVED to propose to eliminate AS 08.54.790(12) (B) Transporter License exemption until the March 2015 board meeting.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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 12 AAC 75.130

Ms. Polley moved to amend 12 AAC 75.130 as presented by adding section b “Unlicensed persons receiving training for purposes of experience necessary to apply for licensure as an assistant guide under AAC 75.130 may participate under the direct supervision of a licensed guide in activities under 08.54.790 (9).”and Mr. Tiffany IV seconds.

Discussion: there was none.

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

RESOLVED to amend 12 AAC 75.130 as presented by adding section b “Unlicensed persons receiving training for purposes of experience necessary to apply for licensure as an assistant guide under AAC 75.130 may

participate under the direct supervision of a licensed guide in activities under 08.54.790 (9)."

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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 08.53.635(b)

Ms. Metz moved to refer the proposed regulation for 08.53.635(b) to subcommittee and Ms. Rebne seconds.

Discussion: Ms. Polley stated this is as published and she would like to bring forth Sam Rohrer, her subcommittee chair. She moved to suspend the rules to allow the subcommittee to provide their report which was unanimously accepted.

Mr. Sam Rohrer stated this has not been thoroughly looked at but there has been much conversation in the hall and in subcommittee. Kurt Schwamm, the former Board of Game attorney, was quickly able to get to the nuts and bolts of the issue. We were struggling to define "presence" and his opinion for 08.54.635(b) it would mean the Registered Guide or Class-A Assistant Guide is within 100 yards of the client when providing the guide services of field preparation of trophies, 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.

If the licensed guide takes the client in the field, the guide must always be with the client. Ms. Polley asked if this would take the place of what supervision means. Mr. Rohrer stated no, this would define "physically present" in part b. Chairman Vrem stated mid-way through the hunt he will leave and everyone knows this. This proposal would make me have to take

the client. Mr. Rohrer stated that is incorrect. He could leave the packer and the client drinking coffee in the tent. Chairman Vrem stated that the packer couldn't flesh with the client there. Mr. Rohrer stated yes, that was true. Mr. Tiffany IV stated that he could if there was another guide there. Mr. Rohrer said sections (b) and (c) would be struck and there would be a new regulation language. Ms. Polley stated for the purpose of 08.53.635(b) for unlicensed persons to receive training, Mr. Rohrer as co-chair should review and discuss it before it goes to the board. Our interest is getting it in place and long term is better than short term but she would like to get this right. We need to be clear. She would rather work with the subcommittee first. Ms. Metz stated she wanted to make a motion that we refer it back to subcommittee for more work in a teleconference or at the March.

Mr. Tiffany IV stated after the subcommittee reports back to the board then the proposal will go to the regulation specialist and his proposal will go back to the co-chairs before it goes to the public.

Mr. Jones stated he is going to vote no for the proposal to go back to subcommittee as he would prefer to have the language as presented by the regulation specialist. He would like to point out that at the meeting yesterday afternoon, there were two sections to this one is packer.....those activities can be performed by a person hired by a guides without any supervision. The other activities are preparation of trophies and attempting to kill game. Section b is defined by the legislature for training purposes. In his mind we aren't going to be allowed guides to let unlicensed individuals perform as guides. All of the packing, preparing trophies, packing camping equipment are defined in statute and activities such as guiding are denied to a person in the village and to transporters, we can't do them under any circumstance. It would be illegal for a person in the village to kill a moose and hire his buddies to drag it out. Ms. Rebne stated she guesses with all due respect we are mixing apples and oranges. A village person could harvest an animal and have others pack it back in. It's irrelevant for this discussion unless the fish and game regulation's say that she can't harvest an animal. It's not a valid example to use. She is in support of putting this back to subcommittee. The further we drill this down the tighter the parameters will get and she thinks we should state the intent. Guides can't train anyone and won't be able to find anyone they can train because we've made training impossible unless they are hooked up to their belts. We are taking this beyond the original intent. We should start with what is the issue; to take hunters out and harvest. The committee needs to look at the real issue and we have statue to look at defining guidelines. She likes the 100 yard proposal because it makes it easier for the troopers but if that doesn't meet the needs of this group then that doesn't apply either.

Chairman Vrem stated that he agrees with Mr. Jones. He thinks the motion is sufficient and it meets the trooper needs and the guide needs. Ms. Polley stated the subcommittee will meet on this and bring it back to the board in March meeting.

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

RESOLVED to refer the proposed regulation for 08.53.635 to subcommittee.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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 12 AAC 75.340(d) (7)

Mr. Mumford moved to repeal 12 AAC 75.340(d) (7) Field craft standards. All classes of guides shall allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences; in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a legally permitted year-round structure being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties and Mr. Jones seconds.

Discussion: Chairman Vrem stated he will table Mr. Booch's proposal until the March meeting. On the face it has some merit but it also has some ambiguity and he wants to offer him the opportunity to speak. Mr. Jones stated that at the Board of Game meetings they will talk about the same issue and a lot of times will pass something to resolve the issue and other

issues will go away. Mr. Mumford stated he thinks it should be removed in light of the one they passed.

Mr. Tiffany IV stated that this is a vote regarding the regulation proposal for spatial distribution units in unit 9 and the motion is to either accept it as written or to deny it. Personally he would like to table it until the March meeting and as that is not an option he will be voting in support of this proposal. Bob Mumford stated he will vote to deny because we've already taken action on this. Mr. Atkins stated he will oppose accepting this proposal because we have already addressed this issue. Chairman Vrem stated it has some merit and ambiguity and Mr. Booch is welcome to resubmit it. There's plenty of time in March. He is going to vote no, but he's not rejecting it outright. Mr. Jones will vote no on this as well. He thinks the previous action on unit 9 wording should mature and have Mr. Booch look at that and if he wants to resubmit it again he can do that.

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

RESOLVED to deny the repeal of 12 AAC 75.340(d) (7).

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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		

Chairman Vrem stated he will table the Resolution to exclude guides under ADF&G sport fish guide regulations, Smokey Duncan's proposal, until the March meeting. Mr. Jones stated tabling it will give some time for the situation to mature.

Chairman Vrem states this would be the appropriate time to address the board on any outstanding matters. Mr. Peltola moved to suspend the rules to allow for public comment, Henry T. seconded and it was unanimously accepted.

Chad Reel R#1062 stated this board suspended his license for a period of three years in 2011. The decision was based on an ALJ recommendation of one year suspension and instead of accepting the recommendations of the ALJ, this board voted to take his license for three years. He appealed it and after 1 ½ years every one of the accusations was overturned. The burden of proof is by preponderance, not reasonable doubt, in a civil court. In Jan 2013 he wrote a letter to the licensing examiner and requested his license mailed to him as ordered by the court of Alaska. Ms. Hansen responded that the prosecutor or DA said that the board was going to appeal the judge's decision. So he lost his 2013 spring bear season. He appealed it and after multiple attempts in superior court a Judge reviewed his findings and in the summer of 2013 affirmed all of his previous decisions in overturning the accusations with the exception of one. Chairman Vrem stated the board is not here to debate and there are various components involved; the board is not a vigilance committee. We can't take things out of sequence and the process is agonizingly slow sometimes and he can understand Mr. Reel's frustration. Mr. Reel stated that the license suspension was done on August 4 of 2014 and he contacted Occupational Licensing and renewed his business license. He reapplied for his guide license and was assured that it would be processed. Effectively he has now lost the 2014 season as well. Chairman Vrem stated that every step of the process has been followed carefully.

Lance Kronburger R#1150 stated we all have different needs for packers and one thing to remember is that a transporter can get it without time in the field, the same as a resident. He isn't getting paid or trained. The packer issue is someone who is getting trained. I don't think it is apples to apples. We are making so many restrictions with Unit 9 that we should be very careful. When we made this in a subcommittee we knew these problems would come up.

Mr. Tiffany IV stated he wants to thank Loren Karro for all of her work and much of it was for re-writing the oral exams. We still need more proctors for tomorrow. Please remember that someone was there for us when we tested.

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and Matters which by law, municipal charter, or ordinance are required to be confidential and for the purpose of discussing confidential disciplinary matters for the purpose of discussing investigations and reports.

Ms. Chambers and Ms. Hansen remained during executive session.

The Board entered into executive session at 12:52pm and exited out of executive session at 1:25pm. Ms. Metz was appointed Chair when Chairman Vrem and Vice-Chairman left at 1:25pm.

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

Mr. Tiffany IV moved to reconsider the previous board motion to revoke the license for violation of order and re-impose the full fine of \$5,500 in Case No. 2011-000695(OAH) and Mr. Peltola seconded

Discussion: Mr. Jones stated he would like to support this but be perfectly clear that we rescind only the action taken during this December meeting. Mr. Tiffany IV stated he would agree based on the conversation in executive session; to rescind this action is the appropriate thing to do.

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

RESOLVED to reconsider the previous board motion to revoke the license for violation of order and re-impose the full fine of \$5,000 in Case No. 2011-000695(OAH).

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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			

Mr. Tiffany IV moved to rescind the previous board motion to revoke the license for violation of order and re-impose the full fine of \$5,500 in Case No. 2011-000695(OAH) and Mr. Peltola seconded.

Mr. Jones stated he amends the motion to add the suspended portion of the fine and Mr. Mumford seconded. Mr. Tiffany IV and Mr. Peltola stated they agreed to the amendment.

Discussion: There was none.

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

RESOLVED to rescind the previous board motion to revoke the license for violation of order and re-impose the full fine of \$5,000 in Case No. 2011-000695(OAH).

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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
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Mr. Tiffany IV moved to follow the procedures as set forth in AS 44.62.360 and file an accusation with Case No. 2011-000695(OAH) and Mr. Peltola seconded

Discussion: There was none.

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

RESOLVED to follow the procedures as set forth in AS 44.62.360 and file an accusation with Case No. 2011-000695(OAH).

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
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			

The Acting Chair, Ms. Metz adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 1:32p.m.

Respectfully submitted:



Cindy Hansen, Licensing Examiner



Kelly Vrem, Chairperson
Big Game Commercial Services
Board

Date 3/17/15

Approved Date: 3/3/15