

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

January 30, 2015

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a teleconference of the Big Game Commercial Services Board was held January 30, 2015.

The staff of the Division of Corporations, Business and Professional Licensing prepared these draft minutes. They were approved by the board at the March 3-5, 2015 meeting.

AGENDA ITEM 1 CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chairman at 9:30a.m. There was a quorum.

Board Members present:

Kelly Vrem, Master Guide-Outfitter
Karen Polley, Public Member
Tom Atkins, Transporter
Michele Metz, Large Private Landowner
David Brown, Board of Game Representative
Henry D. Tiffany IV, Master Guide-Outfitter
David Jones, Transporter

Board Members absent:

Gene Peltola, Public Member
Brenda Rebne, Large Private Landowner

Board staff present:

Cindy Hansen, Licensing Examiner

AGENDA ITEM 2 APPROVAL OF THE AGENDA

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

AGENDA ITEM 3 PACKER SUBCOMMITTEE PROPOSAL

Ms. Polley stated each of the board members should have a copy of the subcommittee regulation proposal. They worked on it at the December meeting and it did not pass because of the confusion with the details. Co-Chairman Sam Rohrer has worked on this with subcommittee members and the Alaska Professional Hunters Association to provide more precise information.

Mr. Rohrer stated the subcommittee spent a lot of time after the December meeting on wording to define different definitions for “physically present” for the various packer activities which is why it is so wordy. There is a section about why we define “physically present” in the proposal so as to allow a packer to work on a hide in an emergency when the guide has to leave. For example, if a guide had to fly to another camp in an emergency the packer could remain and work on a hide. We also wanted to be clear that under no circumstances could a packer be alone with a hunter on the final stalk. Senator Charlie Huggins was the sponsor of the bill last year so we ran the language by him and there were no concerns so we believe it passes the legislative intent. Ms. Polley stated they are working on this to get it out for public comment. Ms. Hansen explained how the board is currently in the first three steps of the process.

Ms. Polley stated she wants to acknowledge Mr. Rohrer’s work on this detail of close and immediate supervision. It had a lot of involvement with the public and with the board. She believes they have made it to the point where they are willing to adopt it and move forward. Mr. Atkins asked Mr. Rohrer whether or not there was language in the proposal over whether or not a guide may fly to another camp. Mr. Rohrer stated that yes, that language is expressly allowed under Sec. 08.54.635 (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.”

Chairman Vrem stated there are two parts to the statute; part one is the raw labor component to pack meat and to compensate someone to pack meat. The troopers consider the receipt of the meat as compensation. Part two is the training portion of being a packer and gaining knowledge to become an assistant guide. As soon as the guide left with the hunter the packer would revert to the first part.

Chairman Vrem stated that after public comment, he wants to see in the spike or main camp a close and immediate level of supervision by the licensed person while the apprentice is fleshing the hide where the guide is not required to stand and look at the packer fleshing the game. Mr. Rohrer stated in the regulation proposal (c) (1): "In this section, "physically present" means (1) while an unlicensed person is performing the activities of field preparation of trophies and using guiding or outfitting equipment, including spotting scopes and firearms; a licensed guide must be primarily in or near camp (A) If through unplanned circumstances, spoilage or loss of a trophy is believed to be likely, an unlicensed person may take necessary action to prevent the spoilage or loss while unsupervised" our effort is clear that the supervising guide doesn't have to be standing over the packer. He can be in the camp in or near but not at arm's length. Chairman Vrem stated he wanted to have intent so there aren't questions by the troopers.

Mr. Atkins asked if immediate supervision by a licensed guide included an assistant guide. And Mr. Rohrer replied yes. Mr. Tiffany IV asked if it was covered in in the proposal under (c)(1) the setting up or taking down a camp without direct supervision. Chairman Vrem stated that putting up a tent is permissible without expressly being addressed because it's not hunting. He believes it is covered in the language. Mr. Rohrer stated he believes it is in part (a) under delegated activities of packing of camping equipment. It's a delegated activity that doesn't require supervision. Mr. Tiffany stated he wants to be certain this is done correctly.

Mr. Jones stated he has a couple of concerns; this is fairly complicated and guides talk about how difficult it is to work within the regulations because they are hard to follow and understand. This proposal is a little bit ambiguous and he is not certain what it means. Maybe the Regulations Specialist and the Dept. of Law will know where to insert 100 yards so there is enforceable language. Secondly, he believes we already have similar definitions for distance from a second degree of kindred as to how far away a supervisor can be. To him it seems to make "physically present" the same as "support" in another regulation; it is muddy and hard to understand. He thinks the guide should not fly off and leave a trophy if it is going to spoil. He doesn't want to see the training opportunity turn into something for guides to hired

unlicensed persons do the work. He prefers the regulations specialist regulation proposal because it is clear.

Chairman Vrem stated the statute is clear about a licensed guide performing the duties of guiding. If we put the 100 yard requirement in there, someone will complain that the guide can stand back 100 yards. We are trying to make it very clear that a non-licensed person cannot guide. It's been understood since statehood that guides have to train their employee. We hire someone and demonstrate how to flesh and as the person's skill grows, he goes in the salt shed to prepare the trophies. About three years ago a guide was delivering hunters to another camp while a packer was fleshing a hide. A trooper told the guide when he returned that he could be cited for not supervising.

Ms. Polley stated that the importance of training people from Alaskan communities is to have these jobs and develop these skills. If we don't move forward with this, we will continue to have less Alaskan guides and more non-resident guides. Our legal problems come from out of state guides who do not follow regulations. It's important that we have this as both a labor and a training component, so we can train people from our state. Mr. Rohrer stated he is sympathetic to Mr. Jones comments about the proposal being overly confusing, wordy and bulky. Our goal as a subcommittee was to have this as clean and simple as possible but the more we worked on it we realized there would be areas of abuse if we were not specific. We were very concerned that if we went with 100 yards the packer could go on the stalk. Once you go on a stalk you also have an issue where you can't leave the packer behind anymore. If the regulation states you have to have the packer, you can't tell your packer to go behind and watch the boat. Another concern is the exemption language for the supervision of caping and fleshing. After being salted overnight, the hide has to be drained. If the guide gets weathered out, you still have to let the hide drain. Without this exemption the packer would not be allowed to drain the hide and put more salt on it. He would be prevented from preserving the hide if the guide can't be there. We struggled with the language.

Mr. Atkins stated he is also concerned about the wording and will support this but asked for a clear interpretation of the approved language be included somewhere, possible in the Field Guide. Chairman Vrem stated he agrees about the need to update the field guide as they are also working on some issues with the investigations office about record keeping. A lot could be explained in plain English and allow law enforcement a clear understanding of the board's intent. Mr. Tiffany IV stated he is going to be supporting this; the guiding industry in Alaska is more

than 100 years old and packers have been a part of that since the beginning. The screening and training process has been important; we all started out as packers. This work is because of the recent missteps and abuses of relatively few guides who abused the duties of packers and were caught by enforcement officers. A guide had sent a packer off with a hunter and that is wrong so because of situations like that we have to have these regulations to prevent it from happening again. It's wordy so we can allow packers to have that training. It needs to be wordy. Somewhere along the line we need to have a practical language so it is understandable.

Chairman Vrem stated that in the beginning you could have an Assistant Guide license based on a letter from a guide but over the course of time the public became concerned so we now have pretty strict requirements to become one. Now we are in the phrase where you have to be trained to be a guide. The reality is that you have to make a living and you have to compensate people even while you're training them. I am comfortable with this language and the subcommittee has done an excellent job and I'm going to support this.

Ms. Polley moves to accept the proposal as presented by this committee, Mr. Tiffany IV seconds.

Discussion: Mr. Tiffany IV stated he wants to be very clear that after the Regulation Specialist reviews this, it will go back to the board to make sure it's what we want before it becomes a regulation. Chairman Vrem stated that the entire board has to meet and discuss this after the Regulations Specialist review. There is no cost to the public. There will be a cost to the board to public notice the proposal.

In the matter of the Packer subcommittee proposal

Ms. Polley moved to accept the proposal as presented by the packer subcommittee and Mr. Tiffany IV seconded.

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

RESOLVED to accept the proposal as presented by presented by the packer subcommittee for 12 AAC 75.130(b):

Unlicensed persons receiving training for purposes of experience necessary to apply for licensure as an assistant guide under this section may participate in activities identified in AS 08.54.635 (b), when a licensed guide is physically present. (c) In this section, “physically present” means:

(1) while an unlicensed person is performing the activities of field preparation of trophies and using guiding or outfitting equipment, including spotting scopes and firearms; a licensed guide must be primarily in or near camp.

(A) If through unplanned circumstances, spoilage or loss of a trophy is believed to be likely, an unlicensed person may take necessary action to prevent the spoilage or loss while unsupervised.

(2) While an unlicensed person is accompanying a licensed guide and client during the final portion of stalking, pursuing, tracking, killing, or attempting to kill big game, the unlicensed person must act under the close and immediate supervision of the licensed guide.

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

AGENDA ITEM 4 PUBLIC COMMENT

There was none.

Ms. Polley stated she wants to thank everyone on the committee who worked on this. Mr. Tiffany IV stated he seconds it. A lot of work and effort went into this. Mr. Rohrer stated he would relay this back to the rest of the subcommittee. Chairman Vrem stated he shares Mr. Jones concerns with this but after much thought he thinks the way the board is doing it is the right way. Mr. Jones stated thank you to Mr. Rohrer and to everyone else who gives their time and works with other to move

the work forward. Just because he doesn't agree with everyone all of the time doesn't mean he doesn't appreciate their efforts. We will find out if the proposed language is enforceable. It is hard for him to understand which is why he opposed it.

Chairman Vrem stated that it is the state's loss that Sara Chambers is no longer the Director and given her experience as the Operations Supervisor, he is disappointed for her but he is glad we didn't lose her altogether. Mr. Tiffany IV seconds that.

AGENDA ITEM 5 ADJOURNMENT

The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 10:17a.m.

Respectfully submitted:
Cindy Hansen, Licensing Examiner

Kelly Vrem, Chairperson
Big Game Commercial Services Board

Date:_____

Date:_____