

**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 7-10, 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 scheduled meeting of the Big Game Commercial Services Board was held December 7-10, 2015.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They have not been approved by the board.

Monday, December 7, 2015

AGENDA ITEM CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 9:03 a.m.

Board members present:

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

Board staff present:

Cindy Hansen, Licensing Examiner
Lee Strout, Investigator

Visitors present:

Lisa Fluharty Forest Service-Tongass

Chad Van Ormer	Forest Service-Tongass
Cavau Fitzsimmons	Forest Service-Tongass
Ted Spraker	Board of Game
Nate Turner	Board of Game –R#1036
Alan Bittner	Bureau of Land Management
Thor Stacy Alaska	Professional Hunters Association
Valerie Baxter	Dept. of Natural Resources
Tony Kavalok	Dept. of Fish and Game
Mark Enyeart R#1335	
Bob Summers R#1338	
Dick Rohrer M#69	
Jim Kedrowski M#186	
Coke Wallace M#172	
Doug Malone R#1276	
Lyle Becker R#1276	
Jason Bunch R#1311	
Bobby Fithian M#126	
Frank Danford R#959	
Aaron Bloomquist R#1259	
Dan Montgomery M#173	
Loren Karro R#941	
Brian Rethage	
Seth Stoddard	
Wayne Kubat M#147	
Joe Schuster R#912	

AGENDA ITEM A REVIEW AGENDA

Ms. Polley moved and Mr. Tiffany IV seconded and the agenda was approved by unanimous consent.

AGENDA ITEM A REVIEW MINUTES

Ms. Polley moved to approve the past meetings listed in the agenda and Mr. Tiffany IV seconded with unanimous consent.

January 2015
March 3-5, 2015
April 21, 2015
July 23, 2015
July 28, 2015
October 26, 2015

Mr. Atkins asked if there are minutes when there isn't a quorum. Chairman Vrem

stated it helps to have minutes. Ms. Polley stated she asked the same question and since it was an informational meeting it was critical to get the discussion on record. Ms. Metz stated it concerned her that there were minutes without a quorum.

Chairman Vrem stated that the division sets the budget and fees and in July a budget proposal was presented to the board to speed up the debt repayment process. The division was looking for ratification the board although it was strictly the division who implements the fees. In October the fee increases had already been implemented but the board thought it could still be discussed. He is frustrated that the board does not have more control over the agenda. Mr. Atkins stated his objection that a letter went out to all licensees that it was supported by all BGCSB members when there had not been a quorum at that meeting. Chairman Vrem stated this objection can be made known when the division reports on Wednesday. Mr. Tiffany IV stated the letter implied board support and had been carefully written. Chairman Vrem stated that basically the division took the ball and ran with it.

Ms. Polley stated she wants it noted that most of the minutes were audio conferenced and each lasted at least two and half hours, which shows this is an active board.

Chairman Vrem stated that the legislative budget and audit was final on Friday and there were only two blemishes. The report shows the board is doing a good job. We were chastised for two budget components; operating expenses such as the licensing examiner, toner, etc. but we will be operating within that. The department tracks that. The other component is investigations and it's funny that when this board was reinstated that was a deficit that had never been accounted until we were given a bill for \$600,000. This was met with anger and dismay. The board was never given an adequate explanation about why this bill was given to us. Some board members finally got the information that it was inherited from the time when there was no board. On one hand Commerce knows how many paper clips are used but not how much an investigation costs. In the past the practice was to throw the book at everyone and duke it out in court. If he has his way we are going to change that. It will be in the same manner at the end of the day; we want people to comply with the statutes instead of inducing people to lawyer up, which is counter-productive. The legislature is aware of this and has found a way to get our funds from fines, but it's pointless if we spend funds in front of an administrative judge and can only recoup half of that. We have to have a more realistic way of ensuring compliance. He is wondering if we should have a sub-committee process to ensure we have compliance and hold people accountable in a manner that isn't going to escalate legal costs. We can pay back our debt without interest so it's a principle payment. It still has some holes in it but it was adopted in its embryonic stated and it's too late to change it.

Mr. Atkins asked if we could discuss these fees. Chairman Vrem stated Ms. Chambers will be here on Wednesday but discussing it would simply be locking the barn door after the horse got out. Mr. Atkins stated there is a \$50 fee for each submitted Transporter Activity Report form and the 61 investigative reports for 2015 showed only one transporter case. He does not think transporters are a big problem and would like to discuss this since the fees will dramatically affect how they do business. Mr. Jones stated he thinks the fee increase for transporters is disproportionate. Usually the transporter is charging by the airplane charter whether he has one or four hunters. He thinks even an assistant guide has far more capabilities to do much more than a transporter. Primarily, their capabilities to provide services to a client are curtailed even when compared to an assistant but their licenses cost more than an assistant. Transporters don't have that level of capability. He agrees with Mr. Atkins in that he does not believe transporters cost as much as the guides in the industry. We don't have the testing, registrations, sub-units, scrutiny or the costs. He feels it is disproportionate. Chairman Vrem stated that he can appreciate that but the fees that were added on were a concept and theory that the division took off with. A healthy debate is hopefully what can involve this board. Mr. Atkins stated that what is disheartening to him is the biggest number of violations is by assistant guides. Apparently we aren't doing a good job of ensuring they follow the regulations. It looks to him as if it is the assistant guides who are costing us.

AGENDA ITEM STATE & FEDERAL AGENCY REPORTS

Lisa Flaherty & Chad Van Ormer from the USDA Forest Service, Tongass National Forest Admiralty Island National Monument stated they appreciated working with this board and the board of fish and game. Ms. Flaherty stated this was her first time addressing the board and they will see more new names and faces coming around. They want to provide an update to the board on the Shoreline II project that is on the northern end of the park. The Shoreline I was done in 2004. We had the public comment back in June and will be in the final throes of the final impact statement in January. We want to let you know about the 45 day public comment period in January. In general terms the project is an allocation of guide days. The project area encompasses the shoreline zone of about 5000 miles of access. We are covering non-motorized use that includes big game guiding. We try to address public issues. We had public comments who said it wasn't enough and some said it was too much use. We developed two alternatives: Alternative 3 with 64,000 service days and Alternative 4 with 13,600 service days. The actual use right now is 18,000-25,000 service days. Chairman Vrem asked if it was big game hunting and Mr. Van Ormer stated it was all hunting. Changes for permits will occur in unit 4 for brown bear strategy from the 2000-2001 collaborative effort. Recent meetings and discussions sound like it is still good and so the direction in the EIS we propose is to

stay the same for brown bear in unit 4. The project also includes game management unit (GMU) 1 –the Chilkat Peninsula. The bigger change is the policy letter for GMU 4 where we would hold back one-third of the hunts when there is a change of ownership. We would no longer issue permits to corporations and LLC's. We want to get the back to twenty guides and no longer need that letter since we will go back to the existing policy. Another item is that competitive interest will limit us to issue a prospective process so expect to see that. We are trying to align the four ranger district permit management process. Chairman Vrem stated first, he is glad that they have collaborated with the brown bear plan and are still on board with it. Second, what about the event of an inability of a guide because of a car wreck or similar incapacitation; is there a provision for the surviving spouse? What happens to the permit if the guide is incapacitated? He is also curious as to how their prospectus process and allocation line up with the Oksakek Decision. The state has been hamstrung about technical issues on state land but the federal land managers don't seem to have a problem with a competitive and sole use. Mr. Ormer stated they do not allow sole use on federal land; they allocate use. In terms of an incapacitated guide, there is nothing in our rule book about that but as a Ranger we would work with them as long we can work with what they propose and it follows state law.

Mr. Peltola asked how they deal with native allotters. Mr. Van Ormer stated they do not deal with allotters but if they had a complaint we would work with the guide to get them in compliance and if it's egregious they would turn the complaint into law enforcement. Ms. Polley stated that you are looking at increasing the service phases significantly. Where are you seeing the growth? Mr. Ormer stated the shoulder seasons, especially in the spring. The mid-size cruise ships want more access for walking around, photo safaris and walking up the creek. That is where the use increase is coming in. Mr. Tiffany IV stated that in the event of a government shutdown, how would that be addressed? Mr. Van Ormer stated that fortunately their fiscal year begins October 1 and there aren't many guides out there during that time of the year. Mr. Tiffany IV asked if they would write any violations during that time. Mr. Van Ormer stated they would not be doing that since it would not be considered mission critical work. Mr. Atkins asked if they could access the brown bear management guidelines and how are the transportation services into and out of the Tongass licensed. Mr. Van Ormer stated that the brown bear strategy is on their USFG website. It was a collaborative effort with the Alaska Department of Fish and Game (ADF&G) after over-crowding was occurring. Transporters would be included in the DEIS-allocation of service days. Chairman Vrem asked if they were concerned with on-demand air charters part 135. Mr. Van Ormer stated yes, we don't put them under permit. Ms. Rebne asked if they had an allocation of twenty registered guides. Mr. Van Ormer stated yes, a recommendation of 20 registered guides for GMU 4. They would work with each individual LLC and corporation application to ensure the recommended number of hunts and guides and how many are operating. The number of twenty guides would

be used against the corporation or LLC. Under the forest service they either guide or transport but not both. Chairman Vrem asked if twenty guides are assuming there is harvest guidelines, such as in the prospective; he would apply for five, Henry would apply for five, Gene would get six, etc. Mr. Van Ormer stated that they are still working out a lot of the details so, for example, with the brown bear strategy there is a recommendation of the number of hunts for each GUA ;three hunts in GUA 4-11, three hunts in GUA 4-5, etc. Chairman Vrem asked if his allocation was for four bears and he has five guides in an LLC, wouldn't that give him a bigger share? He would need to make a business decision. Mr. Van Ormer stated yes, they are trying to get out of making a business decision and remain flexible as they go along. Mr. Jones asked if there was a limit or cap on the number of transporters. Mr. Van Ormer stated no. Transporters would be limited in the allocation overall and would fit in the different use areas and service days. Mr. Atkins asked if they control part 135 air taxis at all. Mr. Van Ormer stated no. Ms. Rebne stated since you don't control them does their taken animal count at all. Mr. Van Ormer stated the allowable harvest is under ADF&G regulations. Residents don't need a guide. Chairman Vrem stated that a transporter can influence where a hunter goes and an air taxi does not. Ms. Metz stated that while it is an ADF&G regulation, there is a finite number they want to see every year. While they allocate the number of guides, do they include the guides that are allowed on private land- for example Sealaska? Mr. Van Ormer stated it isn't currently an issue but he understands it could become one. Originally it was just the forest service and the industry. There wasn't native land representation at the table. We would need to include them since they are including guiding on their lands. If a native corporation increases their hunts then the federal land owner would need to decrease their hunts.

Alan Bittner and Jorgena Daly from the Bureau of Land Management provided a power point presentation, including a NEPA analysis, and would like to report to the board in the spring of 2016. The Bering Sea Western Interior Resource Management Plan BSWI planning process has helpful appendices which lists all of the comments. This is a great resource to see what they have already heard. There were 893 substantive comments. Mr. Bittner spoke about the "step down" plan in the Squirrel River by Kotzebue. It would set capacity limits; we permit six outfitters and four transporters and this planning effort would set it for a 10 year period. Mr. Bittner sits on the GMU 23 working group. It's not about managing wildlife as it is about the user complex and how we would address that. They aren't doing this statewide but they are paying more attention to this area. Chairman Vrem stated on the Dalton Corridor there are some guides that operate on state lands, when they are parking their rigs on the highway and loading up horses to go through BLM land to get to state land do they require a permit? Ms. Daly stated that it's up in Fairbanks and she isn't familiar with that. Mr. Bittner stated there are trails and corridors they can use through BLM but it's a question for the central Yukon office. Mr. Atkins stated he has been working with Jeff at BLM and that the

land ownership was changing so it is a guessing game as to whose land they are landing with their planes. Mr. Bittner stated conveyances are happening and will continue to change. There are some native corporation lands that need to be conveyed and while it is a moving target, it is slowing down. Ms. Rebne asked if the presentation could be sent electronically and if there were mailing lists to native corporations? Ms. Daly stated yes, there are over 600 members on their mailing lists. Ms. Daly stated the state has come in and top-filed on the Dalton highway. If any PLO's get lifted then the state's filing would fall into place. Ms. Rebne asked that the BLM consider into their factor the impact of the lands for the subsistence users. Mr. Tiffany IV asked and Mr. Bittner stated that furloughs would act the same way as DFWS-they would be managing their offices and less likely out in the field. They would not restrict guides from operating.

Tony Kavalok, Assistant Director of Wildlife Conservation (DWC), Alaska Department of Fish & Game stated that there have been many changes. Bruce Dale is now "officially" the Director of the Division of Wildlife Conservation. All the other directors in ADF&G have been replaced except for Hazel Nelson, Division of Subsistence. Maria Gladziszewski is the new Deputy Director-Operations Chief. Lem Butler is the new Assistant Director for Juneau and replaced Maria. He will run DWC and Board of Game (BOG) activities. Larry Van Daele from Region II and David James from Region III have both retired with over 75 years total experience. Darren Bruning, a former Delta Area Biologist, is the new Region III Regional Supervisor. They are currently recruiting for a Regional Supervisor II and a Regional Supervisor IV in Palmer. Four of the five Regional Supervisor positions have been replaced in the last two years. Ryan Klimstra is the new Area Wildlife Biologist in Barrow and Brad Wendling, a Fairbanks Sheep Research Biologist has been hired to replace Steve Arthur, who resigned in 2014. Several of the Division's mid-level and senior staff are currently or soon will be eligible to retire

The Pittman-Robertson federal aid annual appropriation for Alaska is still very high; FY15 was \$31,130,000 and FY16 will be \$33,180,000. There are significant reductions in General Funds to DWC, hunting and trapping Trap license fees are stable but not enough to match. DWC is working with DNR and various NGOs (e.g., WSF) to come up with matching dollars and projects. The license fee legislation – fee increase bill (HB137) passed the House and is in Senate; we are hoping for action in this session.

The Board of Game Sheep Work Group held its first meeting this last weekend This is the first year of the new three year cycle beginning with only ONE Board meeting, the first time in decades. Of the BOG Proposals, 29 of 143 have to do specifically with sheep. The upcoming Board of Game statewide regulations meeting will be in Fairbanks March 18-28th.

DPS / AWT are continuing to work and communicate on issues of mutual interest and concern. NPS is considering alternatives for action with recent changes in regulations (e.g., bear baiting prohibited). USF&W has recent restrictions on the use of bait for brown bear on Kenai Refuge

The Dall Sheep Plan revision and update has a new five year plan to be completed by May 2017. The Legal Ram Evaluation protocol development and training will improve consistency and understanding. Baranof Island Goat Project has support from WSF and RM Goat Alliance.

They are working with public safety and experiencing difficulties with the DPS budget cuts. We have to find a way to enforce the statutes and regulations. At this time there are federal changes occurring such as the bear baiting. The bison transfer was successful and it was the first time a transfer has been introduced without mortality during their release. Twenty calves have been born this last spring. There were a couple of exploratory trips by bulls who then returned to their group. About nine fell through the ice and drowned.

This January the department staff will discuss the moose operational plan. We've had survey and inventory reports that track what we are doing-harvests, issues, actions; these are done in areas of the state managed by biologists. We are revising the reports that will have two plans that will last for a total of ten years. The moose and wolf plan this year, caribou and deer next year. The dept. has ramped up the sheep plan for May 2017 because of concerns. Once they are in place then it won't be a big deal but this first time involves the template building and data analysis. The plan will guide our operations with big game species. The Wild Sheep Foundation put money into the effort to work on the sheep effort. We went back to the original management plan in 1975-76 that had to do with sheep and made a spreadsheet about the data and the issues and the management. We have eight-fourteen plans underneath the overall sheep plan. They will probably be dictated by mountain ranges. There is sheep-ram overall training to train on the curl of the sheep horn and we have developed a draft manual with three methods. "broken" is not defined in legal language so "the loss of a lamb tip" will provide better clarity. We will be reviewing the final draft soon and running it through DPS and BGCSB.

Chairman Vrem asked what was Mr. Kavalok's take on the increased license and tag fees. Mr. Kavalok stated it passed the house in HB137 and has been modified. It's in the Senate and has support so we are optimistic it will happen. Chairman Vrem asked about sheep judging-is there a protest process if a guide disagrees with whoever decides the full curl? Mr. Kavalok stated that in a close call, the person making the decision will pull back and get another person's opinion. They will then decide if enforcement should be contacted. Mr. Kavalok stated they haven't talked about a protest process. They aren't to that point yet and he doesn't know if they want to get in between the public and the troopers. Lt. Fussey could probably

address that question.

Mr. Atkins asked if the wolf predator project will be ramped up. Mr. Kavalok stated the funds for intensive management is winding down and there won't be additional funds. Mr. Atkins asked about the private pilot part of it and Mr. Kavalok stated he anticipated they will probably use private pilots but some units have reached their goals of bringing down the wolf numbers. As the numbers go down it's harder to find the wolves so it costs more in time and resources. Mr. Tiffany IV asked how the Unique Verification Code (UVC) project was going. Mr. Kavalok stated the revamp of the draw page and permit page will hopefully be working more efficiently. There is a team of staff working to get it up to snuff. Not just the UVC but auto-fills will help the user time for multiple clients.

Mr. Jones asked if he had an opinion about a regulation proposal to create transporter use area with a benefit to ADF&G. Mr. Kavalok stated that they haven't had a chance to review it but on paper, theoretically, it might be a good idea, but he would need to discuss it with others. Mr. Jones asked if ADF&G gets any of the Transporter Activity Report form information. Mr. Kavalok stated he can't speak to the individual manager but he actually looked into getting that information. What he found is that it wasn't consistent. The information his office needed wasn't on the TAR forms. There is a wide variety between the diligent reports and others, not so much. It could be better at the statewide level but he felt it was incomplete. Mr. Jones asked if the ADF&G survey forms for hunters information is more consistent or useful. Mr. Kavalok stated yes, but it's also limited too.

Mr. Peltola asked if the state receives significant funds from federal taxes. Mr. Kavalok stated yes-California and Alaska receive the maximum amount of funds. In FY08 Alaska received \$10,771,000, in FY15 we received \$31,000,000 and next year will be \$33,000,000. Mr. Peltola stated that crime increased in the gun-regulated states. Mr. Kavalok stated 4C hunter education saw \$431,000 in FY08 and there will be 1.4 million this year for hunter education. ADF&G will be able to maintain and operate the range facilities with these funds.

Lt. Paul Fussey from the Alaska Wildlife Troopers stated they have been operating on a very severe budget with a three to four percent reduction last year and again this year. Lt. John Streifel from Juneau was moved to Kodiak and Lt. Matt Dobson is now the Sergeant. We currently have ten vacancies in Fish and Wildlife Services and have shut down the Yakutat post, which will be patrolled seasonally. We have moved all troopers out of Dutch Harbor except for one. Everyone else has been moved to Kodiak. Due to the budget cuts the A Star helicopter has been mothballed. We have one A Star helicopter in Anchorage. Currently we have seventy five wildlife troopers, not including command staff. We are also looking at selling major assets to meet the budget cuts, including aircraft and/or vessels. With the spring

academy we hope to hire two to three wildlife troopers. In the past year for guides and transporters we conducted multiple investigations into sub-legal animals including sheep, moose and bear and almost all of them were self-reports-either the guide or assistant guide called the troopers. With a self-report there is a reduced fine; the citation is a lot less, so kudos to the guides and assistant guides for taking ownership when something happens. Chairman Vrem asked if DPS decided it was best to sell the assets instead of holding on to it. Lt. Fussey stated that when the helicopter is mothballed, two clocks re ticking, one is monthly and one is hourly. We will still need to put it together with operating costs that have not been allocated. If we sell the assets the operating budget will be reduced. Mr. Tiffany IV asked if 75 wildlife troopers are down from ten years ago. Fussey stated that the high was 115 in the field. If you count the command staff, there are 9 positions.

Mr. Peltola moved to suspend the notice for public comment on non-public noticed items for the following Agency report.

Valerie Baxter from the Permits section in the Department of Natural Resources stated that Jusdi McDonald is the new Natural Resource Manager and replaced Clark Cox. For eight months they have not had a person handling the CRP camp permits but now they have a new hire. There is a new planning effort for the North Slope which includes Dalton Highway and to the south of the Dalton Highway. The scoping part ended in July and the draft part is now. There are online policy discussions going on about structures on land and permits vs. leases and user conflicts as they relate to structures that came out of unit 9 issues. They do some hunt access for recreation trails. The CIP state generated money with ADF&G updating the Recreation trail. We created a small re-route for small rigs. The next project is actually to make a road, re-route 7 mile lake and take the trail off and around a native allotment. This is the beginning of a cross-agency partnership to benefit hunter access. The state park has a proposed project for the same funding. Mr. Atkins asked if there has been movement for permitting structures and Ms. Baxter stated yes, statewide, DNR is trying to become more consistent about what is done on state land, can it be a lease or can it be through a permit and what are the pros and cons and what to do long-term. There was also preliminary discussion on a fee increase. Tom asked about the DNR definition of an outhouse. Ms. Baxter stated it can get tricky, they might have a difference in definition; if you don't leave anything, if you leave something, if it's a structure, how many structures, basically what is your impact on state land. There was conversation about a particular outhouse in Unit 9 and DNR has not made a final decision on that because there needs to be a public process. Basically DNR voided one permit for a long time campsite to allow another permit for a new outhouse, which is why BGCSB has a regulation proposal to remove that language. Ms. Baxter explained that it is the nature of beurocracy when following their regulations and polices.

Ryan Thomas from State Parks in the Department of Nat. Resources will email his

notes to share with the board as he had another meeting and the board ran out of time.

**AGENDA ITEM PUBLIC COMMENT FOR NON-PUBLIC NOTICED
ITEMS**

Thor Stacy, Alaska Professional Hunters Association (APHA), stated he has a couple of comments directed at the board, the agency and the public in general. His comments are critical in nature both for us, the division and the board. Our fees were just raised. What can be done to improve the trust of the agency? We have support for the board, without this board our professional industry is at peril. These comments are to make things better. The recent raise in fees is a complete breakdown in communication. There was no outreach. We had comments prepared to improve the fee structure. We have put our own money and effort to put an economic plan on board. We view that as an abject failure in communication. A better job could have been done. We are optimistic with the upcoming release of the audit report of the success and failures; we are optimistic that the division will take the time to go over them before the board. We are grateful to this board for the time to attend the meetings. However, not having a quorum during the July board meeting, with the critical issues that were at play, contributed to the communication breakdown.

There were also issues to be addressed of proposed transporter use areas during that meeting. It cost this board money, from each individual guide and transporter. APHA can do a better job at getting more assistance with exams so that we can provide the support you need. Moving forward, this board is absolutely essential. We want this board to advocate for a role and fee structure. We look to this board for the best hope for cost control measures and true regulatory oversight into the profession itself.

In regards to eliminating the transporter exemption and transporter use areas, we at APHA want to thank this board for putting these issues out for discussion; however, we don't have a firm position on how to move forward at this time. Everyone needs to wear the same hat or nobody wears the hat. We don't know if we support the exemption or get rid of it. One requires a transporter license and one does not. What we are debating is can we ever fix the transporter issue or is it better to do away with the license as a whole. We would like both of these to move forward to March. The timing is poor for a sunset year.

On the transporter use it seems simple but it's not that clear and we need to think them out. The two proposals for field craft standards, to avoid using aircraft to spot game; APHA supports the removal of the language. There is a divisive nature between guides who use different modes of hunting, neither one would change the prohibition to spot game. Mr. Atkins stated there are transporters who turn in

everything and transporters who do not and air taxis that do not do anything. His goal was to get everyone in the same boat. We have a problem with the transporters not filling out their transporter activity report forms. It is hard for him to decide what is best for the industry. It seems like the transporters get blamed but it could be the air taxis. Regarding the fee increase, he was very upset. He was on the teleconference and later learned that a letter went out that the board supported the increase when we did not. The comment period was during the hunting season, which made it almost impossible for us to respond. Chairman Vrem stated that this board has the regulatory and statutory authority to implement the fees, including the transporter use fees. He is amenable to have a subcommittee deal with both of the transporter issues. Ms. Rebne stated the guiding industry is still blamed for the abuses of the air taxis. The guides are blamed for bringing in non-residents and taking all the game. Nobody blames the non-residents who hire air taxis. She doesn't think getting rid of transporter licensing will solve the problem. She thinks transporter license for air taxis who take out hunters is the answer. There will be abuses but they will be under our regulations.

Mr. Stacey stated that her concerns are valid and it's hard, from the guiding industries perspective, as they don't want to harm the transporters business. What a transporter can do is advertise moose hunts beyond what they do as transporters to non-residents. An air taxi cannot do that. A transporter can sell big game hunts even though they will only provide the transportation. Mr. Jones stated the transporter issue has been identified in other places. One thing he has had trouble is finding transporters in other states and countries. Mr. Stacey stated that most states have more roads so they don't need a transporter license. In some northern areas there are packers-outfitters. Mr. Brown stated he only saw that in British Columbia but it's more difficult to get a transporter license there. Transporters can set up camps. Ms. Polley asked if an air taxi advertises that they transport hunters then they operate against guides. If the board eliminates the exemption would you be able to advertise? Mr. Stacy stated that the only person who would be allowed would be a licensed guide. Chairman Vrem stated in Dec 1975 a Nunavik Island guide, Mr. Sutcliff from Kenai, suggested they call them transporters and the board voted and that was it. At that time the board could make a regulation on the spot and the house was always packed.

Mr. Tiffany IV asked about the mission statement of APHA. Mr. Stacey stated it was to improve and exchange the industry as a whole and to advocate, on which its members rely. Mr. Tiffany IV stated that this singles out one mode of transporters. He asked if Mr. Stacey could explain the difference between boats and aircraft. Mr. Stacey stated he thinks there was discussion that airplane, four-wheeler, boat, horse and airplanes are no different. The big picture is about maintaining hunting. It's an ethical standard in our regulations but also the methods and means from board of game perspective. Mr. Tiffany IV stated he has a hard time when their

mission is for raising ethical standards but they recommend removing an ethical section. Mr. Atkins stated they just heard Lt. Fussey talk about the Department of Public Safety's big budget cut. Mr. Atkins is not sure that the air transporters are the bad guy. He thinks a lack of enforcement due to lack of manpower is a big issue. Chairman Vrem stated he wants to appoint a subcommittee during board discussion.

Frank Danford, R#959, stated he wanted to talk about safety. As everyone here knows, they changed the "no level flying" from August 10 to September 20. The same people in the same planes and they are transporters with numbers on the side that can be seen, they are so close. He has been to the State Troopers, FAA and Fish and Game and he has been told to come here. We've been up there guiding for over thirty years and for the planes to come in front of our camp at the head of the bowl. One pilot claimed that because he had floats on the regulations didn't pertain to him. This pilot had nine other aircraft around him. One of these days there will be a collision. Chairman Vrem stated the best he can do is talk to the investigations office. Mr. Tiffany IV asked what would be solution. Mr. Danford stated it is the same transporter pilots with the same airplanes. Mr. Atkins asked if he has positively identified them as transporters and Mr. Danford stated absolutely yes. He checked their license numbers with FAA. Chairman Vrem stated he had a situation with FAA where they told him that FAA has to physically identify the pilot in the plane before they could cite him. Mr. Tiffany IV stated he can understand Mr. Danford's frustration and doesn't want him to leave upset but investigations will be the way to get a case to the board so they can do something. Mr. Jones asked why there is a low level congestion, are they spotting animals? Mr. Danford stated yes.

Aaron Bloomquist, R#1259, stated he had three issues to talk about. He wanted to thank Chairman Vrem, Investigator Strout and Lt Fussey about their "Guide Contracting Process" brochure as a result of a recent court case with two guides in the same business. Mr. Bloomquist used the brochure and it worked. His wife had recently gotten her license and they created a contract that they can both use. A couple of attorneys have looked at it. He had talked to a couple of troopers and with their budget cuts; this education may ease their congestion.

A second issue is that if there is a violation, we are supposed to self-report specifically to the troopers, according to regulation. In a recent case in Fairbanks the guide had gone to the Department of Fish and Game instead of the troopers and fortunately was acquitted. Maybe it would help if a guide could self-report to other agencies and not just the troopers. Perhaps in the winter the troopers could then deal with the reports.

The laws that surround an illegal act by a guide and the appearance they have seem to conflict with the Fifth Amendment. He knows of two cases where a judge

has queried the attorneys. Chairman Vrem stated that a lot these regulatory penalties are stipulated in the department of Commerce. There are a lot of professions like Nurses where they are more severe than Guides. He knows many people perceive it as double jeopardy and we should try to keep it in mind. In the old days we threw the book but now we try to throw a few pages. He hopes we are a kinder gentler board. Mr. Bloomquist stated that is not what he meant. He's talking about regulations for multiple charges with a criminal conviction and a civil conviction.

Dan Montgomery, M#173, stated he has put forward two proposals. We have an ethics rule, so read it. Regulation 12 AAC 75.340, the Professional Ethics Standards for Guides states (a) Unethical activities. A master guide-outfitter, registered guide-outfitter, assistant guide, or class-A assistant guide may not participate in an unethical activity that may result in a disciplinary sanction under AS 08.54.710. In this subsection, "unethical activity" (2) includes (d) Field craft standards. All classes of guides shall (8) avoid using an aircraft in any manner to spot big game for the purpose of taking a specific animal, unless (A) hunting brown, grizzly, or black bears from January 1 through June 30 in an area with an allowable harvest under 5 AAC 85 and 5 AAC 92, of one or more brown or grizzly bears per regulatory year; in this subparagraph, "regulatory year" has the meaning given in 5 AAC 92.990; or (B) specifically authorized under another statute or regulation. It is not enforceable and should be rescinded. Mr. Atkins asked if it is not enforceable then is there a public perception. Mr. Montgomery stated he just went through a contentious Board of Game meeting about this issue and Boone and Crockett (B&C) won't prevent game taken but does not support game taken unethically. APHA has an ethics rule to promote hunting in a fair chase. This ethics rule states that it's all right to spot a bear one time but not another time. Mr. Tiffany IV stated animals can't be entered in B&C if it is in violation of a regulation and what is currently on the books. He asked if Mr. Montgomery did ariel surveys. Mr. Montgomery stated yes. Mr. Tiffany IV asked if that is the only effective way of getting the animal. Mr. Montgomery stated it is the only way. He paid an area wide biologist to do a sheep survey in his area and there was only one full-curl sheep. Chairman Vrem stated that keep in mind this is a proposal and there are three more swings before it goes any further. Mr. Rebne asked if it would help by adding 24 hours. Mr. Montgomery stated he has language about that in his proposal.

Loren Karro, R#330, stated she thanks the board for all the time and effort they put into this industry, she appreciates their sincere efforts even when doesn't agree. She wants to speak in support of rescinding AAC 75.340 (d) (8). She agrees with every one of the arguments that Mr. Montgomery has spoken to, so shall not spend time repeating them all. She heard testimony at an APHA teleconference from someone who had been active when this section was adopted and is in support of it today, that it was put in originally to answer problems with transporters. If so, why was it also included in the guide ethics? Certainly locating game for a client by air or

ground is specifically not within the purview of the transporter's duties. Finding game for a client, however, is definitely within the scope of a guide's duties. But when this section of the ethics regulations was added on, suddenly it was made unethical to see that game from the air and then hunt it later. It is okay to use any other means, or combination of means. An activity was suddenly called unethical, and then we can't reverse that decision because that would be unethical, which is circular reasoning. She has heard the argument that we must keep this section in to show the public that the guides put more stringent ethics on themselves than are required of other hunters. This stands true without this section, and in fact very few resident hunters even know we have ethical standards delineated under regulation, much less this specific limitation. No matter what the reason for it, it is discriminatory and somewhat arbitrary. Why is it okay to locate a bear on a beach using a watercraft, then land and sometimes even offload a 4 wheeler, then go find the bear and shoot it within hours or less of it being spotted while on a motorized vehicle? Airplane hunters must comply with the 'no same day airborne' regulation, which she fully supports. We also don't use helicopters; airplane pilots must find safe and suitable landing areas, and are prohibited (as are all hunters) from harassing or 'herding' game.

Ms. Karro stated she has heard of, and witnessed personally, as much game being disturbed by boats cruising rivers or shorelines, and snow machiners racing in pursuit, as she has seen animals disturbed by airplanes, although she doesn't deny that it does happen. It is illegal and has long been illegal to harass or pursue animals using a motorized vehicle of any sort, and this regulation is perhaps abused as much or more by ground and water vehicles as it is by airplanes. To her the key word here is "choice". If you are envious of those that have or can fly an airplane, learn how. Certainly it is no different than learning to be a good boat captain or a skilled snow machine driver. It is a matter of choice. To define one such choice as unethical while allowing the same general thing with other modes of transportation is discriminatory (there is that word again) and just plain wrong. On her personal hunts she has utilized the skills of her pilot friends, she has gone on hike in hunts and hiked over 20 miles each way for a sheep or hiked up a glacier for a full day, she has driven snow machines for late moose hunts in the arctic, she uses it to frequently drive her jet boat up the Kobuk river then camp and look for caribou or bear, and she owns an ATV, although she mostly uses it for transportation to hike or trap). Each form of transportation has its possibilities of use and abuse. As has been demonstrated all too often in recent years, some people abuse their right to own guns; are any of us behind restrictive gun control, to try and control the actions of a BAD few, and probably to no avail?

Ms. Karro stated Mr. Montgomery and Mr. Kubat have pointed out that the Boone and Crockett Club agree that hunting an animal that has been earlier spotted from the air is not unethical in itself. Boone and Crockett also state that ethics can be a personal interpretation. She knows of a couple of sheep hunters that want to

always walk in from the road as a matter of principle, that is their choice and they don't attempt to force it on others. She agrees that harassing animals or flying low and possibly disturbing other hunters is unethical. She strongly urges the BGCSB to work with the Department of Fish and Game on outlining and disseminating reasonable ethical standards that all hunters should be aware of, including not doing any activity that disturbs another hunter's stalk, crowds other hunters, or moves animals around. She also urges the board to rescind this portion of the ethics regulations and thereby put all legal modes of hunting on an equal footing. Then we can concentrate on the most serious issue, conserving the resource while maintain a viable business.

Mr. Tiffany IV stated that he appreciates the comments on the division between guides and pilot-guides and while he doesn't have the answer about how to unify the entire industry, let's work towards a solution. Do you do ariel surveys? Ms. Karro stated yes, she does and no, she doesn't think there's any other way. We probably spent well over a week on the ground because we didn't want to identify an animal by air. What we should be most concerned is resources right now and working with fish and game on resource.

Brian Rethage stated he put forth proposal #10 on the agenda to remove the language "who is not a client of the person" in statute 08.54.720. Unlawful Acts, (a) It is unlawful for a (2) person who is licensed under this chapter to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the person. He has run into an instance where he was told it would require a forty-five minute boat ride to legally harvest a doe. The transporter with a lodge did not want him to shoot the deer. In my proposal the statute "who is not a client" would be scratched from that section because he should have the right to legally harvest that animal. This is an obstruction and hindrance.

Mr. Jones stated a transporter may have a policy that they are a trophy animal transporter and only take people for trophy bucks. If that's the case it should be in writing before booking someone. Mr. Rethage stated they are required to do so. Mr. Atkins stated that he would tell a hunter he would get turned in if he shot a sub-legal moose and he has had to report people. It happens, but not very often. He has never heard of this situation. Mr. Jones stated the intent of the statute is that we should not interfere with other people's hunting and exerting themselves with people who are not our client. Guides and Transporters should not project their will on people who are not their clients. Chairman Vrem stated this requires a statute change and he will do more research on this.

Wayne Kubat, M#147, stated when the board adopted AAC 75.340(d) (8) eight to ten ago it caused people to draw battle lanes. He considers this language fluff and lace and does no good. He is not aware of any convictions to date. It is biased to boats, which have a big advantage over the planes. He bristles at the continued

accusations about being unethical because he will use his plane to scout and fair chase. This is what B&C states "personal choice is not intended to define or divide hunters". What about the clients? Most of our regulations are made to protect clients but this one cheats them. They might be in camp for six days and haven't seen squat. They have four days left. Their guide sees a trophy game but can't let them hunt because the game was spotted while flying in with supplies. This regulation needs to be rescinded. If there is a problem that needs fixing then form a subcommittee to fix it but there's nothing to fix on this one, just get rid of it. Mr. Tiffany IV asked when we are beholden to B&C. They are an important conservation organization and he supports them but he feels as if everything is centered on them. Mr. Kubat stated that the ones who set up the regulations used B&C to push the agenda but it is false testimony. B&C did not say it was unethical.

Bobby Fithian, M#126, stated he does not support these proposals about AAC 75.340 (d) (8). As professional guides and transporters dealing with the cream of Alaska's natural resources, we need to be held to a higher accountability. There is much at play here. There is hunter unrest and what the public will endure and to eliminate. When a resident or subsistence hunter plans a hunt and is exposed to aircraft spotting, they become anti-aircraft and anti-guide. This is not hunting and not what hunting should be. This is only a slight step before helicopter killing. Alaska's bush pilots are an integral part of our state. There are some concerns about the enforceability of this standard and he disagrees. Anyone with a camera can provide proof. There should be a process for enforcement. One of the most driving and moving reasons for the 1972 marine mammals act primarily in North America was the sport hunting of polar bears by aircraft. Think about what we could have had if we had secured our future as professional guides. These proposals before you add luster to the dollar with harvest and back home in a few days. One important way he has learned to think over the years is to put man aside and consider the impacts of mans' actions to the game who have no voice in this room. Without this ethical standard there is no way we can protect our resources. Do not loosen these standards for a gain by a few and a substantial loss to all. Mr. Tiffany IV asked do you do ariel surveys by air. Mr. Fithian stated he has never done that by air. We maintain a couple of airplanes but we don't look for animals. We are able to fly into our camp and get a clear idea of what our game situation is and we can forecast how many hunters we can have per year.

AGENDA ITEM B BOARD DISCUSSION

AAG Harriet Milks participated via teleconference.

1. PUBLIC NOTICED: Amend 12 AAC 75.130. APPLICATION FOR ASSISTANT GUIDE LICENSE. Including (a)(1)(c): "In this section, "physically present" means that the licensed guide must be primarily in or near camp while an

unlicensed person is performing the activities of field preparation of trophies and using guiding or outfitting equipment, including spotting scopes and firearms.

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Chairman Vrem stated he still isn't comfortable with this and wants a "." after "preparation". He doesn't want it to go forward unless there is explicit language that a packer can flesh without a license guide standing over him. It should be an allowable activity. He wants that understanding clear to everyone. Ms. Milks stated for the record in 08.53.645 it is stated in subsection b and to be sure to reference that section. Mr. Peltola asked if Chairman Vrem wanted to remove everything after "preparation". Chairman Vrem stated he doesn't personally have a problem with a trainee and a hunter using a spotting scope and binocular but under no way should that unlicensed person take a hunter under his wing and stalk or pursue a game. He believes we are unnecessarily blending these two. He is willing to drag this on as long as it takes to make this clear. Mr. Tiffany IV asked Chairman Vrem if he wanted the "." after "trophies". Chairman Vrem stated yes. Mr. Tiffany IV stated he kind of agrees with Chairman Vrem. The inclusion of spotting scopes and firearms makes him uncomfortable. Part b was completely overlooked. The wording clouds this. As devil's advocate he wants everyone to have a fire arms just for safety but as if he left the camp with a client and the unlicensed person remains and decides to target practice; that would be a violation. He is not comfortable with this either. Chairman Vrem stated one scenario is with moose and grizzly bear, if we get a moose and take the cape back to camp then we would want to hunt the bear and leave the trainee behind to do the moose cape. It doesn't make sense to have the trainee have to pack along the cape so he can watch the trainee while they hunt the bear.

Ms. Milks asked if he was proposing the language be deleted after the word "trophies". Chairman Vrem stated he wants the fleshing of an animal at camp should be allowed while the guide is at or near camp. But like it or not, the statute states they are under the immediate supervision while spotting or stalking. Chairman Vrem stated fleshing hides by packers has always been allowed. Ms. Milks stated that language is in statute so they can do that. That sticking point is "primarily present" and what they have right now allows at the very least an unlicensed person doing the caping and fleshing. Under no circumstances can a licensed person say let's go shoot that animal. You have made it very clear where that line is drawn.

Mr. Jones stated he thinks the unlicensed person fleshing hide is doing it for training purposes and a licensed guide should do that job. Chairman Vrem stated that he's right; it's that person's job. If we were paying this person to be an outboard mechanic and volunteered to be a packer then he could cape and flesh. They both did solo flying and that was training practice. Ms. Milks stated there is another assurance of law since the statute provides that this is for training purposes. You have the same language in statute and regulation that it is for training purposes and not as part of their regular job.

Mr. Jones stated because it is a job it should be the job of a licensed guide. Also "physically present" is not someone who is far away. An instructor who is physically present means the teacher is in the room. The teacher who is physically present is not 50 miles away dropping off hunters. When we were solo flying we weren't being

paid. This student is working on a client's hide and getting paid for it. Chairman Vrem stated he understands this. Another example is with 747's less than half of us had licenses and the rest of us were working with no licenses. A contractor with laborers on the job has the similar situation with guide and unlicensed workers. In his camp the unlicensed guides are trying to become licensed guides. Mr. Atkins stated that he agrees with Mr. Jones and while Chairman Vrem isn't going to agree with this, it has been beaten to death and we should be done with it.

2. PUBLIC NOTICED: Change 12 AAC 75.265 GUIDE USE AREA BOUNDARY for GUA 8 Halibut Cove.

Chairman Vrem stated he believes the board is comfortable with it. Mr. Tiffany IV stated he appreciates Greg Acord's patience. Mr. Jones stated he believes it has taken its course.

3. PUBLIC NOTICED: Delete wording in 112 AAC 75.340(d) (7) Field craft standards: "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;"

Chairman Vrem stated Unit 9 has been beat to death. Mr. Atkins stated he introduced it because he had some concerns about guides in unit 9 who have spent a lot of money on facilities and he still thinks they need some protection but does not know how to fix their problem. He hopes this will prevent this from happening to other guides. Mr. Tiffany IV stated he recalled from the March meeting it didn't get a lot of consideration at the time and Tim Booch also had a proposal. In the immediate short term they probably need to adopt the board's proposal while considering Mr. Booch's proposal, which warrants some serious consideration. The problem isn't going to go away. Chairman stated when we had pick-up sticks and we pick up one stick another one moves and that's what happens with multi-agency regulations. Despite their best intentions, they might end up hurting more people through other agency regulations. He urges Mr. Booch to continue on this and it will take a coordinated effort with DNR. Mr. Atkins stated it's like leaving a vacuum wide open. Mr. Booch's proposal has to do with a permit and a boundary which will take a lot of work but for a short term basis we can create this vacuum and do away with it.

4. PUBLIC NOTICED: Adopt the amended language in 12 AAC 75.260 as presented by the Alaska Department of Fish and Game with the exception of the proposed language in lines 12 and 13. It was agreed that this will be supposed by a motion.

5. Resolution for legislation to eliminate AS 08.54.790(12) (B) Transporter License exemption

Chairman Vrem stated this is hand in hand with item #7. Are they separate issues or together? Mr. Jones stated he didn't agree with it. There was discussion on what the board had to do. Ms. Hansen read page 51 from the March 3-5, 2015 minutes in regards to the board vote and the chair directed Mr. Atkins to form a subcommittee to draft a resolution. Mr. Atkins stated this was an attempt to make everyone equal but this could become political. With these added fees there will be more resistance to hold this back. Ms. Rebne stated as it stands they are subject to the fee or the rules and regulations and she doesn't think it's enough to not push it forward. She feels like it's the right thing to do. At least the majority to get this passed. The fact that it's going to be difficult doesn't mean it should be thrown out. Chairman Vrem stated he is a proponent of it but he voted no because given the budget situation and other things that play in the legislature it would be at best ignored and at worst used badly. It was strictly a timing issue with him. The board can vote to re-consider this and perhaps rescind it. Chairman Vrem stated he was warned that if this goes forward there would be a swift and immediate response.

6. Letter of Support for the Board of Game proposal 207.

Chairman Vrem stated this is water under the bridge. Chairman Vrem will send Ms. Hansen the letter of support he has already sent to the Board of Game.

7. NEW proposal to establish Transporter Use Areas AAC 75.400.

Mr. Atkins stated he is going to oppose this because as a transporter he would have to turn down a client if he was not registered in an area; he is an on-demand operator. If they are trying to bring the air taxis into the fold then this will be a stopping block to discourage them. He can register and pay the fee for those areas but it's another stopping block as far as his opportunity to do business. Chairman Vrem stated under definitions of 12(b) if the particular operation is for an on-demand air taxi then he would be exempt from a transporters license.

Mr. Tiffany IV pointed out there are a lot of air taxis who act as transporters. Mr. Atkins stated if he holds a transporter license and tells them where to go then he is a transporter. Chairman Vrem stated no, you are not. Mr. Tiffany IV stated that fundamentally looking at the budget he is generally in support of Transporter (TR) Use Areas. It has been under our authority but it has just never been done. It is a revenue source which this board needs. He doesn't know the specifics so it would be good in a subcommittee but it's almost a moot point if 790 12(b) doesn't happen then people will state they just won't be a transporter. He sees a potential mass exodus. Chairman Vrem pointed out that horses, 4-wheelers and boats don't have this exemption, just the pilots. Ms. Rebne stated she agrees with Mr. Tiffany IV. If we aren't going to approve the license exemption then she can't support TR Use Areas. Mr. Jones stated he would be opposed to a TR use area because they setting up a revenue source. He sees the packer bill as a pillar that was going to fall over. The troopers came to us about the hiring of unlicensed packers so we created a packer bill

to fix the problem. He doesn't see the transporter issue as a pillar that is falling over, or the fix as a TR Use Area. Are we going to collect more information? Because what we collect on TAR is how many, where the animals came from and how they were transporters. This is simply a revenue source he cannot get behind. Chairman Vrem stated he sees Mr. Jones point but doesn't subscribe to it. He thinks transporters should pay the same fees as guides. It is a basic matter of fairness. Currently transporter license is the only thing that is paid for, but guides have to pay for a guide use area and are contributing to the Osaycheck Decision. Transporters are enjoying the benefits of this land without having to pay for it. Mr. Atkins stated Chairman Vrem doesn't have a choice. Mr. Atkins has a choice; he can be an air taxi or a transporter.

Ms. Polley stated she thinks this should be tabled and build the case for it with a subcommittee. Mr. Jones asked Ms. Milks about transporters not stepping up to the plate and paying their fair share. He read the words from Director Hovenden's letter about being approximately equal to that occupation. He maintains that guiding and transporting are two different occupations. Creating extra fees to transporters is a budget problem that is generated more by the guiding industry more than the transporters when looking at guide cases, exams and scrutiny. He wanted Ms. Milks to be there as he made that observation. The fees are directly related to the occupation by law. Ms. Milks stated Ms. Jones could ask Ms. Hansen to ask the division with a breakdown report if one wasn't already available.

8. TWO NEW proposals to rescind or amend AAC 75.340(d) (8) FIELD CRAFT STANDARDS.

The board chose to discuss this at a later time.

9. NEW proposal to change GUA 4-11 and 4-16 boundary, 12 AAC 75.265 & 235.

Mr. Jones stated the line could have moved for access. Mr. Tiffany IV stated the proposal mentioned Paul Johnson as a neighbor so it might be worth getting Mr. Johnson's opinion. They could either take no action or public notice it. Mr. Jones stated he would not be able to support this proposal without strong reasoning except it would make more sense to follow the ridge line. Chairman Vrem stated he asked Ms. Hansen to ask ADF&G why this line did not follow the ridge

10. NEW proposal to request a statute change for AS 08.54.720(a) (2).

AGENDA ITEM SUBCOMMITTEE ASSIGNMENTS

Chairman Vrem stated the packer subcommittee has lived out its life. Ms. Polley stated she and Mr. Rohrer believe they have done all the tweaking they can do unless the board wants them to work on it some more. Chairman Vrem said to stand by.

Ms. Karro stated her subcommittee will be redoing the trophy judging and then starting the lengthy part of the written exam.

The meeting was adjourned at 4:49pm.

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Tuesday, December 8, 2015

AGENDA ITEM CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 9:05 a.m.

Board members present:

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

Board staff present:

Cindy Hansen, Licensing Examiner
Lee Strout, Investigator
Dawn Bundick, Probation Monitor

Visitors present:

Chris Hansen U.S. Forest Service
Nate Turner Board of Game –R#1036
Thor Stacy Alaska Professional Hunters Association
Cabot Pitts R#1299
Dan Suprak R#1254
Tracy Vrem M#96
Joe Schuster M#912
Dennis Zadra M#182
Gary Wall R#1182
Jason Bunch R#1311
Chad reel R#1062
Sam Rohrer M#204
Mark Enyeart R#1335
Bob Summers R#1338
Dick Rohrer M#69
Jim Kedrowski M#186
Coke Wallace M#172
Doug Malone R#1276

Lyle Becker R#1276
Jason Bunch R#1311
Bobby Fithian M#126
Frank Danford R#959
Aaron Bloomquist R#1259
Dan Montgomery M#173
Loren Karro R#941
Brian Rethage
Seth Stoddard
Wayne Kubat M#147

AGENDA ITEM PUBLIC COMMENT FOR NON-PUBLIC NOTICED

Mr. Kubat, M#147, stated he doesn't think either the ethics regulations or the GMU 9 proposal are problems. Good intentions don't always turn out good. If they would look on page 2 under Eligibility in Boone & Crockett it explains that item was adopted in the mid 1960's. He sent a copy of the proposed regulations to them so their case that airplane use is unethical is false. There is airplane use and then there is airplane use and he hopes someone on this board can see how many problems it causes and put this forward on the March meeting and form a subcommittee. Mr. Tiffany IV asked if he does ariel survey. Mr. Kubat stated he does a lot of scouting. They have to go by air to get to his area; it's not possible from boat or land. Mr. Tiffany IV stated he was asking everyone that question because one of the reasons for changing it was to get a good look at the area. Mr. Kubat stated that was a good argument but there are some areas that it is the only way to see the area. There is use and there is abuse. Mr. Atkins stated you mentioned there have been some problems with the language. Have there been citations? Mr. Kubat stated there have been no citations written but it has been divisive. Read the testimony with people going back and forth constantly. Mr. Atkins stated it is not just a guide issue. Mr. Kubat stated it is not an ethical issue; it is a competitive issue between guides. There are lots of situations where guides pop right on top of others but you can do it on foot too. If people were courteous it wouldn't be an issue. He is asking the board to form a subcommittee to form some middle ground for the subcommittee.

Chairman Vrem stated the board missed discussion item #8 and Mr. Brown's Board of Game briefing so they need to make some time for both of them. Mr. Peltola moved to suspend the rules and return to item #8 and the BOG briefing and Mr. Tiffany IV seconded.

Ms. Polley asked Mr. Kubat how it would change the ethical standards and Mr. Kubat stated it wouldn't but it's always been divisive and it would be good to have something that the majority agrees with. Chairman Vrem stated he has always been concerned because there's always a time when he is showing a packer where to cross the creek,

the lay of the land, where he can land and where he can't. To a bystander that could be misconstrued that he's searching. It is not uncommon to see a moose or caribou while doing this He has always made it a point to never scout for a specific sheep. Once while he was scouting for a place to land and came around a corner; lo and behold there's a ram and nearby a hunter with binoculars who quickly shot the ram. There's another guide who would scout and shoot and when he turned him in to enforcement nothing happened. When he confronted the guide he was laughed at. Ms. Polley stated she had sat on a commission for ethical standards and not doing the right thing is not a reason to do the wrong thing. She thinks if they can act quickly and promptly it would benefit the whole industry. There is a lot of concern out there. Mr. Kubat stated guides are always getting the blame. Mr. Polley stated from a perspective that compared to forty-five years ago there are a lot more airplanes out there now circling the field and she thinks this issue has to be discussed. Chairman Vrem stated he disagreed a little bit. When he began on the Alaska peninsula you could crash mid-air because the flying was rampant and aggressive. With the 3am following day regulation it diminished rapidly and while it still might happen, it is not as dangerous.

Mr. Kubat stated it is like the pick-up sticks. Mr. Brown stated ethics is what you do when nobody is watching, like putting rocks over a dead sheep. If you are doing the right thing, you know it and you shouldn't feel guilty about it. Both sides take it to the extreme and he doesn't think the troopers are going to cite anyone for being ethical. But if you're circling repeatedly that is another matter. There are guides who look for trophy sheep until they find one. Ms. Rebne asked if the language as it stands any stricter than any other pilot in a plane. Kelly stated yes, for us. Ms. Rebne stated she can't tell the difference between a guide and a hunter so she is a little concerned. She assumes that as soon as they are in the air they are spotting.

Mr. Atkins stated the only problem he has with this is it is kind of a worthless rule; it is unenforceable. The only problem he sees with doing away with it is public perception. The guide haters will run with it. Mr. Kubat stated the board has a four-five step process and it takes two years at best to get the changes through. Mr. Peltola asked if these regulations are loosened up won't it affect everyone with an aircraft? Chairman Vrem stated no, just the guides, since it is only the guides who can't spot from the air, even with a GPS. Although as a pilot you have to run the cursor over the canyon to see how far it is and that could be seen as a violation. He is irked to have this regulation but for the long-term survivability of guides he is worried about their reputation. Mr. Tiffany IV stated he is generally in favor of raising ethical standards in any manner rather than lowering them. There's a difference between use and abuse. If it's unenforceable then perhaps massage it, define it but I would be opposed to loosening it. The intent to keep it is stronger and but perhaps place it somewhere else in the regulations so it can be enforced. Everyone has a smart phone with video cameras so he thinks there are ways to make it enforceable so the abuses don't occur.

Mr. Peltola moved to delete the previous motion and Mr. Tiffany IV seconded.

Joe “with great frustration” Schuster, R#912 and air taxi operator, stated it was clear in the debate yesterday the board clearly doesn’t understand what it is taken to oversee and don’t have any more clear vision than thirty years ago when they let a couple of snow machine transporters begin the transporters program. He applauds the board for not sending the letter to the legislature yet because the board has to understand the problem. The point that doesn’t get brought up is if they remove the transporter license exemption there is nothing this board can do to stop him from flying hunters around. He is not saying they shouldn’t do this but until they define the air taxis they shouldn’t do anything. They don’t want to eliminate the air taxi exemption. If every air taxi becomes a transporter then they will begin to require them to have use areas and then begin to limit the use areas. Thirty-five years from now you will have two big game commercial industries, guides and transporters, both looking very similar. How are you going to allocate the resources? So if we’re going to hold air taxis to do what they are supposed to do, then he would make the argument to throw out the transporters. Why would they create an entirely different one? Transporters will whine and cry when they limit their use areas. Why doesn’t a transporter need to know where the nearest hospital is and the drainage on a simple test for a simple test like the guides?

Chairman Vrem stated he wants to form a committee on this and hopes Mr. Schuster will be on it. He has had a lot of the same thoughts. Mr. Jones thanked Mr. Schuster for coming; it’s rarely they see a transporter. He hopes he will take some time and sit in on a subcommittee. Mr. Brown stated it seemed to him it wouldn’t be very hard. They do it in S.E. where they can’t take a hunter and point out a bear. All it would take is a couple of troopers. It seems like there is a rule on the book so enforce it. Mr. Jones stated he agrees with him. Ms. Rebne asked who oversees the air taxis to oversee that rule. Chairman Vrem stated it is them. Mr. Rebne asked when are they going to start enforcing it? Mr. Schuster stated you can stop them when they start upselling big game. Mr. Tiffany IV stated they don’t have any authority over air taxis. Chairman Vrem stated they do-they can intercede with someone about to make a violation-they can send over their investigator. Mr. Atkins stated that is the very reason to start this up-they have two classes of airmen-air taxis and transporters. Mr. Schuster and he discussed this yesterday and he is 72 years old and still learning. All he knows is if he has a hunter on board and a trooper stops and check him he is going to want to see his license. If he has a transporter license and is transporting then he better show his documents. That was the reason for this language. He wanted to put people in the same boat. There are air taxis who have a booking agent and flying around the hunters. 9/10 of the hunters don’t know where they want to go and they depend on the pilot.

Mr. Brown stated if he hires Mr. Atkins to take him on a hunt and Mr. Atkins is talking about \$5000 to take care of a moose hunt then Mr. Atkins is a transporter. Mr. Schuster agreed and said Mr. Atkins would be a big game transporter provider. Mr. Brown stated he has had air taxis offer him a set fee for a sheep hunt/drop off.

Mr. Schuster stated if they want to do that have them get a transporter license.

Mr. Schuster had one more point; after Mr. Stacy's comments yesterday Ms. Rebne asked him if the guide industry needs to educate the public as to the difference between transporters and guides. He agrees with Ms. Rebne about the public perception of a guide is anyone with a hunter. Chairman Vrem stated there is a sunset review that includes the counseling of the law. Mr. Schuster has an interesting concept of reforming the unified transporting law. He hopes he can develop that in the subcommittee. Mr. Tiffany IV stated he appreciates Mr. Schuster and Mr. Schuster stated yes, he does scout. He agrees that there is a lot of abuse on the air taxi side with the bundled hunts. Someone needs to notify our investigator when it's going on. One of our biggest expenses is our investigations but we have a good investigation arm. There is a lot of complaints about the fee increases so as painful as it is to spend more money he hope they can appreciate his support of what they are saying. It comes at a cost and somewhere that cost has to be paid. Mr. Schuster stated it wouldn't be hard to enforce any of this. Chairman Vrem stated it's better to warn first and save hundreds of thousands of dollars. Mr. Schuster stated times have changed and if they public notice and let the air taxis know then they will comply. They know the bad guys; take one investigation and make it public and the air taxis will see that.

Ms. Rebne doesn't want to create a situation where a transporter becomes an air taxi. She doesn't understand the booking business and doesn't understand how they are getting away with it. It's the one area she feels like this user group has in common with subsistence users; we have a vested interest in our own area. Where are we going to go next year? However, transporters can take hundreds of people into the same areas and go to another area when it's gone. She continues to discuss the transporter and air taxi issue because she feels like they can go anywhere they want at any time while the guides are stuck in the same area. Mr. Jones has always felt there's a valid difference between air taxis and transporters and the reason the board hasn't gone after the air taxi is because they don't really have jurisdiction over them. The troopers are the only ones who can go after the air taxis. Chairman Vrem stated yes but air taxis are breaking one of our regulations and we can make them stop that. Mr. Atkins asked if that would be a trooper call. Chairman Vrem stated yes, we don't have subpoena but we could.

Mr. Rohrer, M#69 and a former board member, stated the former board spent money investigating air taxis operating as transporters. An investigator was hired for Squirrel River, around Anchorage, and he can't tell them what the outcome was but they did spend some specific money on that. He is going to focus on the proposal about ethics. He was on the board when they passed those ethics standards. The board heard hypothetical yesterday possibilities. He has real examples and why he is a strong supporter of this standard. He was in California when the first Governor's Sheep Standard was sold. There was a guy who jumped up and yelled that he would pay \$10,000 for it. A few years later a client drew a sheep tag and the guide said if you

come two to three days early we will look for the biggest ram and chase him. At the time it was legal. He could cite other examples. It still goes on today to a lesser degree since we put in this ethical standard. It's the same for transporters. He knows transporters who have a lodge who had begun showing hunters the location of reindeer. Those young guys became educated by talking to him and Trooper Alan Jones and are now respected air taxi guys. It's easier in Kodiak because it's small and someone will talk to you but it is difficult in the rest of state. That is his reason for supporting this ethical regulation. In looking at the proposal, surely there's some middle ground. He wouldn't be too opposed to the second proposal where it is clear that it's unethical to do it during the hunting season. Chairman Vrem stated those young men with the reindeer is a good example of providing a warning before a citation. Mr. Tiffany IV asked if Mr. Rohrer conducted aerial surveys. Mr. Rohrer stated no. Mr. Tiffany IV asked if he can still advise his clients to the areas of big game and Mr. Rohrer stated yes. Mr. Rebne asked if it's the second proposal he supports. Mr. Rohrer stated yes.

Lance Kronberger, M#221, stated last year a registered guide ended up in the hospital and he could not sign contracts for the guide even though they were in dire straits. It's an ugly place for a family to find itself in an emergency. Our family is not from Alaska and if his dad dies and he has to fly down south while he has hunters in the field he will have to shut down his operation. He thinks we need an alternative way to sign contracts in situations like this. Chairman Vrem stated he wants to address "spousal survival". He has a class-A guide and an assistant guide; there must be a way in cases of emergencies when an employee of a guide can take on the contractual obligations for that particular season without a penalty. They will see this issue come up at the March meeting. He asked the AFWS, Park Service and the Alaska State Troopers this question and even the federal government will give him time to settle the affairs, but not this program. If the client dies in a plane crash the guide would be liable for the contract but hasn't received any funds. Chairman Vrem stated commercial fisherman have emergency transfers that can happen overnight and we should have something similar. Mr. Brown agreed.

Mr. Tiffany IV asked if Mr. Kronberger does ariel surveys and Mr. Kronberger stated in the past he has in his remote area before the season. The areas he can do on foot, because he's not a pilot, he does so he will know the population density. He's not going to tell the client the he has found his animal. The tough thing about the hunter coming to Alaska is that they expect him to have found an animal from the air scouting before the hunt. He knows hunters who have bought the Governors tag who have asked how much flying do you do. He has had guys who didn't hunt with him because he is not a pilot and didn't find the game before the hunt. We have to remember that we need to figure out the rules. It's being done in Canada extensively and aggressively from the air looking for moose. There's not a good fix and he doesn't have the answers.

Cabot Pitts, R#1299, stated in reference to the ethics proposals by Mr. Montgomery,

he is a board member for the Alaska Professional Hunters Association but these are his personal comments. Changing the professional standards is very touchy. The public's view of the guiding community is skewed right now and removing ethics is a bad deal and not the best way. A medium compromise could help. It could be looked at as a poor decision by the public. He can see both sides of the fence. He can see planes but he doesn't need to do ariel surveys although he can see where in some places it might help. Mr. Tiffany IV asked if he does ariel surveys. Mr. Pitts stated no, mostly on foot. From prior hunting you can judge your sheep and moose. When he was awarded a new concession he flew to see the area for camp location but hunting them for a couple of years he knows where the animals are going to be. It's a natural hike.

Dan Montgomery, M#173, stated under this regulation he doesn't go up in the air looking for a specific ram; he is looking for anything that is legal in order to advise a client before the hunt begins. We've lost one third of the sheep in one winter three different times. He doesn't even know if they have anything left. That's one of the reasons he does ariel surveys. Mr. Fithian doesn't do ariel surveys but going back and forth he can see the sheep. He flew and every canyon had sheep. He didn't have to fly to know there was not a problem with sheep in his area. In one hunt an APHA member had passed up 27 legal rams in his area. In his area there are none. We had thirty-six guides in 2007 in area 13-05 and we are down to six guides now. They might be able to count on the rams being in the same place every year but these phenomenal weather events can change in one year and the rams are just gone. One time he flew into a valley with about 350 sheep and half of them rams. Last year we saw only eighteen lambs and three rams in that same valley. We were extensively talking about Boone & Crockett and how they explain their rule and Mr. Fithian still disputed that. He appreciates Mr. Tiffany IV's examination of the B & C letter. When he is flying he does not look for rams. Chairman Johnson stated he never intended that language to mean looking weeks in advance.

Mr. Peltola moved to suspend the rules and Mr. Tiffany IV seconded.

Coke Wallace, M#172, stated GMU 20-04 is a pretty contested horseback area and although he uses airplanes he doesn't survey. He has heard from a lot of brothers and believes the 207 was successful in the Brooks Range but in 20-4 it is not. One of the guides almost had another mid-air crash and he's hiding behind the reason that he has an old plane without a radio. When the pilots talk to him it doesn't go well. The guides that are going to do it are going to do it anyhow. He was surprised at the resident hunters that weren't too happy about it either. The sheep allocation is going to hit us eventually. We should be held to a higher standard. He thinks 207 is a good start. It is tough to compete with the guys in the Yukon who use choppers but at the same time he was flying on a commercial airline and a guy was bragging that his guide in Alaska had already found his sheep for him. There are a lot of guys in GMU 20-4 who aren't that reverent for the creatures. Mr. Brown stated he sees the trend with cameras on the outdoor channel. Mr. Tiffany IV stated it's a philosophy that

Roll Call Vote:

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

Case No. 2013-001452

Ms. Polley moved to accept the consent agreement in Case No. 2015-00452 and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated they have been trying to get this licensee to respond. Mr. Tiffany IV stated this individual has had multiple opportunities to respond and it doesn't seem to be a very high priority to keep his license.

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 consent agreement for Case No. 2013-001452, Todd G. Heidemann,A#3499.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			

Henry D. Tiffany IV	X
Gene Peltola	X

Case No. 1704-08-004, 2010-000733, 2014-001301

Ms. Polley moved to accept the voluntary surrender in Case No. 1704-08-004, 2010-000733, 2014-001301 and Mr. Peltola seconded.

Discussion: Mr. Tiffany IV stated he sees no reason to object to this surrender. Chairman Vrem stated he has no problem accepting this surrender.

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

RESOLVED to accept the voluntary surrender for Case No. 1704-08-004, 2010-000733, 2014-001301, Troy E. Wise, A#6673.

Roll Call Vote:

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

Case No. 2015-001897

Ms. Polley moved to accept the consent agreement in Case No. 2015-001897 and Ms. Metz seconded.

Mr. Tiffany moved to amend this consent agreement to reduce the fine to \$150 and remove the probation clause and Ms. Metz seconded. Ms. Polley accepted the amendment.

Discussion: Mr. Tiffany IV stated this individual holds a guide license, was not guiding, was forthcoming and accepted responsibility and made every effort to comply. It has nothing to do with them being a guide and for that reason it's warranted that the board does not sanction his guide license. Mr. Peltola stated he had not guided clients in the field. Chairman Vrem stated he supports this amended consent agreement.

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

RESOLVED to accept the amendment of the consent agreement for Case No. 2015-001897, Elias K. Lucas, R#900.

Roll Call Vote:

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

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

RESOLVED to accept the consent agreement for Case No. 2015-001897, Elias K. Lucas ,R#900.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			

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

Case No. 2014-001686

Ms. Polley moved to accept the consent agreement in Case No. 2014-001686 and Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV stated he will vote to accept this consent agreement. For the record a letter was attached, which was thoroughly considered and appreciated by the board. Mr. Jones states he too will also accept the consent agreement. He would like to point out that the circumstances have some parallel in which we lowered the fine and probation period. It's not proposed we do that in this case because, although similar, this occurred in a guided situation and the client didn't receive the expected services. This was not a sport hunt. Chairman Vrem stated that despite the violation in both cases, their ability to renew the license has not been impinged and self-reports are acceptable. We want to reduce them as much as possible but this had already been reduced in trial court and we have taken that into consideration. There was a thorough discussion about the letter.

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 consent agreement for Case No. 2014-001686, Vance A. Canoy,A#7455.

Roll Call Vote:

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

Dawn Bundick, the probation monitor for all non-health professions in Alaska, provided a list of thirty-seven probationers. Five are not in compliance with their consent agreements. After a consent agreement has been signed, her office monitors the probationers. Ms. Polley asked how the fines are collected when overdue. Ms. Bundick stated they have been successful with the Barbers and Hairdressers program to use pfd's to pay fines. Mr. Peltola asked if they used a court order for the pfd. Ms. Bundick stated no, they go through the board. We will offer a surrender of license and sometimes that is successful. Investigator Strout stated we had had individuals who did not respond or responded negatively so we went back to the board to revoke their license and they paid the fine. That's the kind of mechanism we would use and do a default revocation if there isn't a response. Chairman Vrem asked what a barber would have to do to lose his license and Investigator Strout stated he would be surprised.

AGENDA ITEM

SUBCOMMITTEE BREAKOUT

Ms. Karro stated her "Guide Test" subcommittee was meeting.

Chairman Vrem formed a new subcommittee with Mr. Jones, Mr. Peltola and Mr. Schuster, "Compliance with Regulations" or "Recommendation for Modification of the Transporter Regulation" to identify weaknesses and come up with proposals.

Chairman Vrem stated the Ethics subcommittee will be a separate group.

Chairman Vrem stated the Packer subcommittee will hear public comment and the board will review written comment.

Mr. Peltola moved to suspend the rules to address items #7 and #8. Mr. Tiffany IV seconded.

Mr. Brown stated the Board of Game (BOG) has gone to a three instead of a two year cycle as a cost saving measure. The BOG and Board of Fisheries (BOF) will meet on December 9th in Juneau on cost saving measures as the way they do business. There will be time for public comment. Yakutat's Kip Fanning is a new member. The new BOG Sheep Group held its first meeting on December 5th with more than forty members. A diverse group led by a dynamic facilitator, Alistair Bath who has a history to do a good job. It will be slow progress. The Dall sheep issues will begin in Fairbanks on Jan 2-3. Most everyone was positive. The next BOG meeting will be in March and there are more than 140 proposals. Chairman Vrem was leery but the brown bear plan was a collaborative effort and to this date all agencies including the legislature and guides can work with it so he is cautiously optimistic that the sheep

group can come up with something. Alistair Bath was a facilitator for the Wood Bison group. Ms. Polley asked if they are going to deal with the 29 sheep proposals out of the 140 proposals. Mr. Brown doesn't think those proposals will be worked on with the subcommittee, he thinks the subcommittee will work on solutions and bring them to the BOG. Chairman Vrem stated Mr. Peltola, Mr. Jones and Mr. Schuster are hopefully going to work on the transporter issue like that too.

Chairman Vrem stated Dan Montgomery will chair a subcommittee on his two proposals to Rescind and Amend AAC 75.340(d) (8) FIELD CRAFT STANDARDS. The board will decide what to do with it at the end of the meeting. His inclination is to accept the amendment as written for public notice. Ms. Rebne asked about which one would be accepted. Mr. Tiffany IV stated the first is to amend and the second is to rescind. He is opposed to rescinding or deleting but is open to amending.

Joe Klutsch, M#91, stated he is aware of the public notice regulations and just finished three days with the Board of Fisheries and federal regional counsel meetings so he is on the meeting edge right now. Chairman Vrem stated the four public noticed items could not be commented on during this time. Mr. Tiffany IV pointed out the four items could be testified on tomorrow at 9:15am. Mr. Schuster stated he's going to give support with Mr. Atkins on the Transporter exemption because he has a lot of good points. He had been worried about allocation fights yet had wanted to get a handle on transporters. There are good transporters, like good guides, and bad transporters, like bad guides. He doesn't know how far they want to go but he is open to suggestions.

As far as a Letter of Support regarding ADF&G's 207, he understands the issues. Chairman Vrem stated the letter had already been mailed to the legislature.

Mr. Schuster stated the use of aircraft can be abused and should be used with discretion. He made this testimony three years ago in Fairbanks. It has to be done with discretion but they can't count on people using discretion. They can survey an area by deliberately circling around, he calls them "killer bees" and it is unethical. We see them from the ground next to the hunters, both resident and subsistence. It's enforceable if it's on the books and tempered down since this is an issue for public safety. We have grown up with airplanes. It is a way to get out there. They look at the sheep proposals to try and eliminate the "killer bees". What about the ethics for people that have back-packed in? There's an ethics issue and a conservation issue, you can try to candy-coat it any way you want but he knows the difference when he sees it. It's a major issue especially with rural people. They blame the guides and a lot of times it is residents. That is a BOG issue and should be taken care of there. He agrees with what Mr. Atkins had to say about consequences going both ways, as much as he wants to see transporters held accountable. He knows many good transporters with good pilots. There are others who are sketchy.

Mr. Tiffany IV asked if Mr. Schuster does ariel survey and Mr. Schuster stated no. We

fly up and down the valley and have spike camps in a substantial area but he knows his turf and knows where the animals are. But they have to have air support. That's where this is delicate. Where he hunts they need a darn good pilot. But they don't have to go out there and drone around.

AGENDA ITEM SUBCOMMITTEE UPDATE

AS 08.54.790(12) (B) the renamed "Transporter License Exemption" subcommittee is chaired by David Jones. David Jones stated he, Joe Schuster, Tom Atkins, Gene Peltola, Valerie Baxter from DNR, Thor Stacy, Mark Enyeart and Aaron Bloomquist had extensive discussions on transporter issues in general especially on the exemption and there was a lot of different understandings. What they could agree on as a group was that it was not appropriate to move forward to the legislature with this request. They do not fully understand the scope of the effect of the exemption and would like to explore what a world without the transporter license would be. If that would make an even playing field and solve the inconsistencies between transporters and air taxis. Enforcement of current regulation is just not happening. They want to see the current statutes enforced. Investigator Strout had spoken about having air taxis operating outside the scope of their exemption and in many cases they cleaned up their act and practices. Lt. Fussey has looked at several cases of air taxis infringing on transporters so there is some enforcement effort at this time; however, they agreed that it was not enough and want to assert influence on the troopers to enforce the current situation. It may be that the people just don't know. It may behoove them to let air taxis know what is required and what is not of operating. Chairman Vrem asked if this subcommittee could meet outside of these meetings and if they see the need to split the committee because of different issue, try to make some sense of the confusion. Mr. Jones stated they tried to deal with the transporter use areas and he would be happy to chair that subcommittee.

AAC 75.340(d)(8) The "Ethics-Field Craft Standards" subcommittee to "rescind or amend" is chaired by Henry Tiffany who stated that everyone was passionate and agreed that the proposal to rescind should not have action taken but the proposal to amend should be public noticed. The subcommittee will continue to work on it. Dan Montgomery, Wayne Kubat, Brenda Rebne are among the members.

Mr. Sam Rohrer, M#204, asked Mr. Tiffany IV about the "Guideline and Precedence" (G&P) guideline for the matrix and Mr. Tiffany IV replied that nothing had occurred to create something like the fishermen with a point system for minor infractions. Chairman Vrem stated that something educational for their guide-client agreement brochure that is online. Mr. Tiffany IV stated that Mr. Jones subcommittee had a great idea about the blanket letter to all air taxis in Alaska. Chairman Vrem asked Mr. Schuster for air taxi information from the Medallion group. Chairman Vrem stated that Director Hovenden is looking at the request for information about transporters and their report forms.

The meeting was adjourned at 4:06pm.

DRAFT

Wednesday, December 9, 2015

AGENDA ITEM CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 9:16 a.m.

Board members present:

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

Board staff present:

Janey Hovenden, Division Director (teleconference)
Sara Chambers, Operations Manager
Cindy Hansen, Licensing Examiner
Lee Strout, Investigator
Dawn Bundick, Probation Monitor

Visitors present:

Chris Hansen U.S. Forest Service
Nate Turner Board of Game –R#1036
Thor Stacy Alaska Professional Hunters Association
Cabot Pitts R#1299
Dan Suprak R#1254
Tracy Vrem M#96
Joe Schuster M#912
Dennis Zadra M#182
Gary Wall R#1182
Chad Reel R#1062
Sam Rohrer M#204
Mark Enyeart R#1335
Bob Summers R#1338
Dick Rohrer M#69
Jim Kedrowski M#186

Coke Wallace M#172
Doug Malone R#1276
Lyle Becker R#1276
Jason Bunch R#1311
Bobby Fithian M#126
Frank Danford R#959
Aaron Bloomquist R#1259
Dan Montgomery M#173
Loren Karro R#941
Brian Rethage
Seth Stoddard
Wayne Kubat M#147
Duane Halverson R#1297
Luke Bastian R#1282
Spencer Pape R#1302
Craig Hill R31348
Brian Simpson M#152
Dennis Zadra M#182
Jason Bunch R#1311

Chairman Vrem stated that this is Ms. Rebne's last meeting as she has termed out and everyone will greatly miss her and presented her with a bouquet from the board. There was a standing ovation.

AGENDA ITEM D BUDGET REPORT Q&A

Division Operations manager Sara Chambers stated that she and Director Hovenden (online) will provide a budget report and talk about the legislative audit, of which the board should have a copy and afterwards open up any discussion. Copies are also available in the back and online on the legislative audit website.

Ms. Chambers stated the FY15 report should be a familiar format to the board. The division looks at the board's revenues at just under \$200,000 for FY14 which ended June 30th. They look at the merits of that year and compare it to a similar year of a two year cycle. So looking at another non-renewal year, the revenues were up so that is a good sign. The allowable third party line of \$300.00 was a payment of the Alaska Professional Hunters Association to defray some of the cost for her to travel to Anchorage and discuss some of the issues rather than ask for licensees to pay. They will see the breakdown on the next page starting with collocation line 7100 of all expenses of staff dedicated to the program such as the licensing examiner, the supervisor and anyone on staff who codes to the board. The next line is for travel which was down from the previous year. The travel expenses are reflected in the 72000 series. There are a couple of collocation codes that look like repeats, but are no, for meals and incidentals being staff vs. board travel expenses. It's the way the state

differentiates travel. Services provided by the department of law and office of admin (OAH) hearings are separate so while they are sister stated agencies they are not part of our staff. We contract with them through an RSA and they charge in a separate series. The series for mail, commission sales, may sound misleading but it is a fee for travel services. Business services on the 73000 series show the big expenses were department of law and OAH although those expenses were down quite a bit, about half from the previous year. We are looking at a considerable savings from the previous year. The total savings were about \$100,000 less with indirect costs about \$12,000 less. That said the deficit continued to grow. No board takes in expenses in a non-renewable year so every board will have a deficit that year which was \$839,480 in FY15, bringing the total to \$1.12 million dollars.

The current FY16 expenses at this time are shockingly low which is good. The revenue is also low which is expected during a non-revenue year. Personal expenses are at \$50,000, contractual for law and OAH is \$564,000. Other expenditures are an estimate based on the previous year for indirect costs. The cumulative deficit continues to grow without having revenue. The account codes have slightly changed, rather than having a "7" at the front; this is due to the new IRIS system. The code breakdown is the same between FY15 and FY16; they just do not have "7" in front of the numbers in FY16. Ms. Chambers asked for questions.

Chairman Vrem asked specifically what the legal series were for and Ms. Chambers stated those are expenses for legal advice for investigations and the disciplinary process from the department of law attorneys. She believes their hourly fee is approximately \$150, which is a lot less than a private attorney they would pay for the same support. The department of law's support staff is lower still. She stated she gives kudos to Ms. Hewlett and Chief Birt who developed a better way of looking at the department of law bill. They go through line by line and if we don't understand or identify the case or the issue we question it and are able to make sure that each of the 43 licensing programs are being correctly charged. Ms. Chambers stated she wants to credit Ms. Hewlett for watching this.

Chairman Vrem stated AAG Ms. Milks also has the marijuana and ABC boards. Ms. Chambers stated they have two attorneys whom they call "staff counsel", Ms. Milks and Mr. Araujo, and on a slightly different team, Bob Auth, who handles appeals and other litigation. It's necessary for those attorneys to be separate because Ms. Milks may have advised the board earlier on a case and may have a conflict of interest. They bill by the quarter hours and keep very good notes on who they are working with. Chairman Vrem stated he has asked for a meeting to determine a strategy for hearings and he has not heard back from Mr. Auth. Who is Mr. Auth getting his marching orders from? Ms. Chambers stated the investigative team may have some information on that process or Chief Birt. She can't answer that question right now on specific events that may have concerned the board.

Mr. Tiffany IV asked, after reviewing FY12 –FY15 and getting a better understanding of renewal vs. nonrenewal years, is he mistaken or is he seeing a very good trend in the reduction of expenditures and the savings and costs and ultimately reducing the debt? Ms. Chambers stated she would agree with him, that is also her takeaway. Having been involved since FY11 including previous audits, she sees the hard work they have contributed is paying off expenses in some areas and as we go into the next year the changes we have partnered on will also result in a revenue increase. Mr. Tiffany IV stated this shows we are bearing fruit and going in the right direction. Ms. Chambers stated it is an interesting observation to say it takes money to do the things that the board believes are important and the statutory responsibilities that come with having a professional license that are inherent, especially the ones that are complex. We are all tackling the growth of the cumulative deficit but there is a need to honor and recognize the work we have put into to streamline and reduce the expenses.

Chairman Vrem stated Ms. Chambers is to be commended for reducing this but, to him, our legal expenses are the elephant in the room. They have a good handle in reducing the operating expenses but the legal cost is unpredictable. How did a program deficit get to be that big before someone handed us the bill? It's been branded as our fault. Someone announced there's been an audit and dropped the bill in front of us. Ms. Chambers stated she agrees with him as does Director Hovenden. They too are frustrated by the PR that surrounds this issue. They want to sit down with the state auditor to walk through the criteria and impact that the audits have on our state programs. There is a disconnect or lack of full understanding on her part how a board that has structures in place but is not in full control of every detail and yet at the end of the day there is an audit that puts the board on the hook. In the four and half years since she has been with the division and going back that far 2009 when there wasn't a board and during the time the board was sunset there were growing expenses. Then the board came on and "oh by the way here's the deficit that you've inherited". She can't speak to the oversight of the director and manager before 2011 when they switched management. They plan to meet with the state auditor and discuss what appears to her to be unfair characterization.

Ms. Chambers stated we can transition into the audit findings if the board is ready. She can assure the board that she and Director Hovenden will be at the legislative meetings and express their dissatisfaction on the audit that threatens this board. Ms. Polley asked is the threat she is talking about the three year sunset recommendation or to continue the debt? Chairman Vrem stated he voiced his frustration one time. Two of his contributions to this were given to him by the auditors a day before they were due. He wasn't contacted until right before the audits were due. He found himself taking care of board business while working and not being physically present at a hunt and unable to take care of his business. He

wants to know where he can go to get this addressed. Ms. Chambers stated this audit will be in bill form very soon, the legislature gavel in on January 19 and this may be pre-filed ahead of that. The legislature usually takes legislative audits as a starting point and she and the Director will be at the hearings. She strongly advised the board to have a strategy session so there is a game plan to make the comments that need to be made. It's important that we go into the year showing we are a good partnership, and in order to plan that, perhaps with another board member, we could meet and brainstorm. She also hopes the APHA and other stakeholders be present at the hearings and give their viewpoints too on the disconnect in the audit findings.

Mr. Tiffany IV stated although we inherited this debt we have been demonstrating that we are working towards a nuanced way reducing the right hand corner; by getting rid of the board, history will repeat itself and the number in the right hand corner will repeat itself. Chairman Vrem stated he pointed that out in his three interviews. Mr. Atkins stated Ms. Chambers pointed out the board supported the fee increases and he took issue. They have already heard his complaint about the lack of a quorum at the July meeting, during hunting season, and in the future we don't have to hold public hearings during hunting season. To have a public comment season during hunting season is unworkable.

Mr. Jones asked Ms. Chambers about the implied threat for a three year sunset cycle. Ms. Chambers stated on the bottom line of the first page of the audit is where the rubber meets the road; a recommendation from legislative audit regarding the deficit by extending the board only three years with the deficit being the largest concern. The auditors recommend if the deficit is not addressed by FY17 the board be considered for termination. They think this board should be given three years to get its act together with this deficit otherwise they recommend it be terminated. We have three years to address the deficit and what "address" means in audit speak. She hopes it means significant improvement and not zero out because there are variables that are difficult to control. The board and division, whether through a vote or decision, in the last two renewal cycles, had recognized the need to increase the fees in a general sense.

Mr. Jones asked if there is a normal sunset time and Ms. Chambers stated eight years is the maximum and only if it is a clean audit, although she has never seen one in her time. If there aren't major deficits then auditors usually recommend six-eight years. The board's last audit was in 2011 and recommended a four year period. There were more findings in 2011 and many of them addressed the deficit issue as well. Ms. Rebne asked if there was a glimmer of hope that the legislature will recognize the situation. Could Ms. Hewlett review the expenditures of the last five years to make sure they were legitimate costs? This industry raises a lot in tag fees and she understands the department of fish and game can match federal dollars but she hopes this can be taken into account and recognize that this is the

industry that raises that money. There are a lot of factors that are getting fixed, your department has worked well, and the legal department has more structure. Chairman Vrem stated he, past-Chairman Johnson and Ms. Rebne have asked if there are other boards whose function brings revenue into the state but are not recognized. Mr. Jones stated it's kind of unique to this industry. Ms. Rebne stated she thinks this deficit could be reduced if they got this revenue. Chairman Vrem stated by only raising fees we are paying the minimum balance like on a credit card and by doubling down on the principle we can overcome it. Past Chairman Johnson had stated that is what is the problem, this debt in essence was a contrived thing, nobody was getting foreclosed on, there wasn't an eviction notice but apparently there is no chapter 11 for boards. Ms. Rebne stated it is not this board debt.

Ms. Chambers stated Ms. Rebne brought up excellent points on which she would like to comment. Ms. Chambers stated she wants to give credit to Chairman Vrem and Mr. Tiffany IV in engaging with the budget and audit committee and bringing up the committee that oversees legislative audit and their process. Despite flying to Anchorage seven times last year to meet with this committee and several leadership members there was no legislative action on the issues raised. The one that Chairman Vrem and Mr. Tiffany IV brought up is basically what Ms. Rebne stated, that there are expenses that are historical and is there an alternative method to wiping out these expenses. There was the question of moving the tag fees back to this board. She remembers talking with ADF&G about how that would impact their department and these are discussion we should continue. She agrees that fundamentally it is not the expense of the board; it is the expense of the program. It is the cost of running the licensing program and the program is what incurs these expenses. As they go hopefully into a united front that we go with the realization that it is not the board's expense. Director Hovenden and she take issue with this and want to go into the year with the message that the deficit is the product of the dynamics of the program and without the board's management, like Mr. Tiffany IV stated, history will repeat itself. The division does not want the board to go away; they want the board's expertise. Chairman Vrem stated the day to day business side of it he understands, that is our share of the licensing program. It looks like the bulk of our inherited debt is enforcement. If our guides would mind themselves we wouldn't be here. Ms. Rebne stated she thinks it is changing and going in the right direction.

Ms. Rebne asked if they could get the legislature to acknowledge the revenue that is coming from the industry and give us credit. Mr. Tiffany IV stated a couple of meetings ago we saw a breakdown of the other boards and it was refreshing to see there were other boards also in deficit. How does this three year threat compare with the other boards that are also in debt? The ones who are in deficit, are they also under a three year time period? Ms. Chambers stated there are twenty-one boards all on different cycles and audited one to eight years, depending on where they fall in the cycle and depending on their previous audit. She can't underscore

enough the concern that legislative finance has with the licensing program ability to cover expenses. There are a few points they heard loud and clear during “behind the scenes sausage making” discussions during the legislative session when our department leadership were meeting with legislative finance to talk about the big picture. We have several boards with reports that are online who are in long term deficit and the fact of the matter is that their programs are not covering their expenses. It’s not about cutting staff and turning off the lights, they are all staggered, with the programs in revenue generating years covering the expenses of the boards that are not in a revenue generating year. That gap is now less but for many years we were operating with barely enough cash flow. Last year we talked about when the point will come when the lights are turned off, so to speak, because so many of our boards aren’t making revenue. The other point, regarding the program comparisons, is that there are other programs under threat. The certified midwives program is paying \$2000 a license with less than fifty members and their disciplinary, investigations and office of special prosecutions issues raised an interest with legislative audit and they are now on a one year audit. Chief Birt is closely monitoring this one. That board also has a historical deficit and has the highest license fee, along with the marine pilots program which also has a small number of licensees. The professional counselor program is another one that comes to mind. Their board has taken a very strong position that we understand but we have to increase fees to get out of debt during the next cycle. We need that partnership of the division setting the fees with the board’s support.

Ms. Rebne asked if that board had inherited a debt after sunset. Ms. Chambers stated this board is the only one she knows of that was sunset in the last two decades. Ms. Rebne stated that the other boards had accountability while this board did not control their inherited debt. She has not heard much about increasing fees but we understand it is one over which they did not have control. Chairman Vrem stated the debt is a result of our investigations. It is the legal fees that have gotten us in trouble. Ms. Rebne stated there is no way to get restitution from violators. Chairman Vrem stated part of the problem has been to ensure compliance. Investigator Strout is caught in the middle; he has the board talking to him on one side and the division talking to him on the other side.

Chairman Vrem stated he cannot explain how much he appreciates Investigator Strout. He has been remarkably patient and Chief Birt has been a breath of fresh air. It wasn’t Ms. Chambers, but the cavalier manner the board was handed this bill that had a lot to do with the board not tackling it. One year we were doing well and patting ourselves on the back and the next year we were told to get our deadbeat acts together.

Ms. Chambers stated she has bad news from their division; both Commissioner Bell and now Hladick were advocating statutory changes with how fees are set and they may remember HB187 that contained one proposal for a general funding of

investigations because the public has a stake in their protection. It was stopped in committee and is no longer an active bill. We are continuing to review, refresh and repackage and hopefully will see a legislator for statutory change.

The other bad news is that we handed over to budget leadership the requirement that our division set last year that all of the fines through consent agreements be delivered to the program as revenues to cover the expenses of investigations. We were told it had been corrected and now we have learned it has not. There is no ability to offset these expenses and in her humble opinion that should be the torch that the boards should be carrying because this public protection mandate costs a lot of money and someone has to pay for that and right now the licensees who are sitting behind her right now are paying for the expenses, not the one who have their license revoked or suspended. It is a vicious cycle that, in their opinion, is contributing to the bottom right hand corner. Chairman Vrem stated he is opposed to this because if we have to spend \$20,000 and a guide gets to plead out for one of two charges and reduced to \$3000 and we only get \$1500 then no thank you. Ms. Polley stated this is a philosophy of the board not being unable to collect the fines because it would become a conflict of interest that they set a fine level to help pay for what they impose. It is not the right thing.

Chairman Vrem stated the board should change the fundamental way to discipline, through education, cooperation, discipline, if they provide a stern warning they could encourage compliance with the industry rather than hit them with a club. Ms. Chambers stated it's not her place to address those issues. She knows in the last one one-half year there have been constructive decisions to bring the board and division understanding closer together. She can pass on to Chief Birt and actively participated in partnership conversations about how to streamline these processes and ensure due process is maintained. Chairman Vrem asked if the buck stops with Ms. Chambers or do we need to go up? How do we proceed in our compliance or do we need to go above her. Ms. Chambers stated she is in the position as the manager of the investigative team and she's hearing this conversation and that would be the starting point. It's all going to point to her. There is a statutory requirement to be consistent in disciplinary issues. The board and Investigator Strout have worked hard to ensure this occurs. If the board wants to move to a different method that is within their realm of capability, but it would be a big PR effort to articulate about why we are moving to a different process. Chairman Vrem stated we aren't going to get anywhere if we keep doing it the way we are. Should we talk to Chief Birt or go higher? Ms. Chambers stated she has already been a change agent and a good person to start with, and Director Hovenden is also aware.

Chairman Vrem stated there is guiding without a license and there is being caught at a convention without an active license but we treat these two violations the same. They are very different and yet with precedence we find ourselves caught, as is our investigator. Ms. Chambers stated there are a couple of points about that concern.

We discussed one point with the APHA legal counsel who provided a letter to the board that the industry had about the guidelines and it's important and wise for all of our boards to remember that statute requires consistency but in statute it gives flexibility to veer from, with an explanation of why, so the public can see and know that they are the different investigations. The concerns APHA rose last year and one which we continue to raise is that unless the guidelines are in regulation, they are merely guidelines and the board has the ability and responsibility to let the past inform the present but remains a guideline. Chairman Vrem stated these infractions aren't a big deal and could be handled with a counseling session, and some are very important. We had a fairly recent high profile case where if the board could have seen it we could have said not to go down that rabbit hole. I think we need to sit back and have a conversation at a higher level as to how we're going to proceed with this. Ms. Chambers stated they could have a conversation with director and Chief Birt anytime; they have a very clear process in which we partner with boards so that the board is not tainted and you don't have to recuse yourself. The reviewing board member is engaged early on and the investigator does not pursue the case if he has been advised not to. We are going to take our cue in that vetting process. She wants the board to feel encouraged to discuss these issues with Chief Birt. Chairman Vrem stated we did and were told we were gutting the operations. Investigator Strout did a great job creating the contracting guide client agreement brochure and that will prevent potential problems. He thinks the change in direction needs to occur early before the investigator is out on a limb. Ms. Chambers stated it is important for the board to share these concerns in conversations with leadership and the investigator. There are statutes which set the division responsibility and the investigative unit and the board making the final decision and other areas of law that they can't ignore. She thinks it is a big important conversation that continues to be had and if there are changes the board would like to see in our articulation to our investigator, she is not as engaged in these conversations as she has been in the past so would defer to the Director and Chief. Sara stated it's worth pursuing. Putting an issue that is historical to rest is through communication.

Ms. Rebne asked if other fines go in to program accounts or do they go into the general fund? Ms. Chambers stated she doesn't know about the other departments. Ms. Rebne stated she supports the funds go back to the debt. There should be consistency in the fines. That responsibility has to be taken. I disagree with you, Chairman Vrem, that has to be consistent and this board is working in the right direction. This industry should get the credit for the fine. Ms. Chambers stated the audit finances document is in their packet and on our website. It is provided every year. It's handy especially for this board because it breaks out the investigative costs, personal services and encapsulates all of the expenses that incurred, whether its expert witnesses or mediation, those are all broken down into a subset. The attorney's costs went down 50 percent. She wants them all to know that tool is in their packets and on the website because investigations are a unique concern to this

board.

The audit finding #1 regarded staff procedures. We have worked hard to put into place a clear policy and procedures to create the behind the scenes you need to have done. It's unfortunately pretty much in all findings that someone makes an error and it will be called out but we are working on ways to address that issue. Chief Burt is working on finding #2 which is not a new one, looking back over a four year period, and it will take time to be moved along. Timeliness issues occur especially with this program that has a criminal investigation element as they all know. They work closely together with the troopers and licensees who may or may not return phone calls and these can get drawn out. Finding #3 has been checked off and #4 has been addressed; we are in compliance with the forms online.

Chairman Vrem stated the board took a lot of heat for the way their fee increases was handled. His proposal was theoretical with the concept that it needed selling to the industry. The blowback wasn't as bad as he thought it would be but he felt a little bit abandoned and left holding the bag. He felt surprised and some members felt ambushed. Ms. Chambers stated they can discuss fees and recommendations anytime. We typically go through this exercise six months before the renewal but we can discuss this at any time and make sure our expectations for the conversation are agreed on. In this instance we prepared for the July meeting, but the quorum was not met, we didn't receive any more board input nor was another meeting rescheduled, the law said it is the division's responsibility, in consultation with the board and time was running out. They need to let the division know there are certain times that will not work for them for budget proposals, otherwise the division will follow the administrative procedures act. She will also be articulating this at the Alaska Professional Hunters Association. The division doesn't know when people aren't available. We did our due diligence with the three board members who participated in the July meeting were there and then put it out for public comment and the director reviewed them. The cure to this is enhancing communication. I think they all have a responsibility to do it better next time but the division can't do it in a vacuum without communication from the board.

Chairman Vrem stated he thought they would have one more swing at it; he didn't understand the process. It's not personal it's institutional. Could the division keep in mind that December and March meetings are the best times? The mid-summer teleconference meetings are for housekeeping since the fleet is dispersed and everyone is out. When he got the public comment he was literally heading out the door to go hunting.

Mr. Atkins stated he was quite upset with the way a letter went out that stated the fee increases were supported by the board and they actually were not. He knows what the division is trying to accomplish and hopefully we can head down the same road. He know the divisions intent, unlike Chairman Vrem he did not have any backlash although he did hear about how it was the board that increased the fees.

Ms. Chambers stated his input was very valuable and they can look at how it can be repackaged. She has learned from Chairman Vrem to tell it like it is. Their division didn't explain in the letter that a quorum wasn't met and a meeting should have been rescheduled. They were trying to preserve the dignity of the process. Ms. Metz stated when the meeting scheduling happened some of them knew they weren't going to be available and it should have been rescheduled. Chairman Vrem said they couldn't because they were all going to be gone. Ms. Metz stated this should have been done at a regular meeting like this one. Mr. Jones stated when we are gone we are gone. It is a unique situation and if it could coincide with one of our two main meetings that would be great. Mr. Tiffany IV stated he took particular umbrage with the letter. He likes to write and the words chosen in that letter were that it implied that the board supported the fee increase. It was shameful that the board did not have a quorum but the division did not have to throw punches and instead could have said it like it was. Don't say what we didn't say. Chairman Vrem stated its okay to say we are out of options we haven't heard from the board and this is what the division decided. Ms. Chambers stated she recommended that wording to Director. She wants to recommend at the very least that renewal fees are considered during the March meetings in the future. We are open to another analysis to this coming March meeting to see how it is working. Chairman Vrem stated it is all about timing. It's like horse tack, it's done after they get off the horse, and they don't wait until they go to get back on the horse.

Mr. Atkins asked if there is information available that breaks down the guides and outfitters and the revenue generated in the different areas. Ms. Chambers stated this is one they reviewed during the July meeting.

AGENDA ITEM SUBCOMITTEE FINAL UPDATE

Mr. Tiffany IV stated the ethics subcommittee came to an agreement between the two proposals to rescind and amend. They agreed to take no action to rescind. They believe the proposal to amend is too premature for public comment. They don't want to cost the board and instead want to spend time on it before making a recommendation. They believe there will be significant revisions to Mr. Montgomery's proposal with one or two public subcommittee meetings. Chairman Vrem stated he also hopes this is what will occur with the Board of Game sheep subcommittee. Mr. Tiffany IV stated he hopes to have a proposal notice for a subcommittee meeting during the March meeting. We don't want the proposed language listed on the agenda because it will change.

Mr. Jones stated the transporter issue subcommittee didn't come up with a recommendation for the two items before the board, about requesting the legislature remove the air taxi exemption requirements currently in statute. The group agreed the long term affect is unknown and questioned its legality. Mr. Jones

stated several things were discussed about the transporter use issue. Many believe that a transporter game management unit would be ineffective and would not make any difference than a large one. Some suggested making the units the same size as the guide use areas but these do not fit very well in the transporter business model. They didn't come to any firm support or rejection of the proposal. There was also discussion in eliminating the transporter license as it currently exists and folding it into a guide license, much like Canada where the transporter takes a test, registers for certain areas, like the same requirements as a guide and leave the air taxi exemption in place. Someone who just flies someone around wouldn't need a transporter license. They considered a transporter license similar to a watered down version of a guide license. Chairman Vrem stated that would require statute change. Mr. Jones stated the committee wants to meet in mid -February. Chairman Vrem stated the board should rescind their earlier decision and table the transporter use area until the March meeting and Mr. Jones agreed. Mr. Jones also stated the status quo is what we operate under and we want to move forward with enforcement area of air taxis operating as transporters and encourage our investigators to look into them and send a letter of warning. Ms. Rebne asked if there was pushback in implementing the guide use area registration. Chairman Vrem stated both times there was fierce support and fierce opposition.

Ms. Karro, chair of the testing rewrite subcommittee stated they are working on rewriting the scoring and judging portion of the exam and hope to have it ready early in March. They are making it clearer and subjective. The registered guide written test will be next. Chairman Vrem stated she has his sincere thanks. He also appreciates Mr. Tiffany IV on re-writing the GMU exams. They are doing the grunt work and he appreciates their dedication.

Chairman Vrem asked Ms. Polley if an open book test would pass muster. Ms. Polley stated yes, the ability to find the answer is more critical than knowing the answer and that is what should be tested.

AGENDA ITEM

INVESTIGATIVE REPORT

On a motion duly made by Mr. Polley, seconded by Mr. Tiffany IV 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, Mr. Strout and Ms. Bundick remained during executive session.

The Board entered into executive session at 1:25pm and exited out of executive session at 1:41pm.

AGENDA ITEM PUBLIC TESTIMONY FOR PUBLIC NOTICED REGULATIONS

AAG Harriet Milks participated via teleconference.

1. PUBLIC NOTICED: Amend 12 AAC 75.130. APPLICATION FOR ASSISTANT GUIDE LICENSE.
2. PUBLIC NOTICED: Change 12 AAC 75.265 GUIDE USE AREA BOUNDARY for GUA 8 Halibut Cove.
3. PUBLIC NOTICED: Delete wording in 112 AAC 75.340(d) (7) FIELD CRAFT STANDARDS: “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;”.
4. PUBLIC NOTICED: Adopt the amended language in 12 AAC 75.260 REGISTERED GUIDE-OUTFITTER CONTRACT REQUIREMENTS as presented by the Alaska Department of Fish & Game with the exception of the proposed language in lines 12 & 13.

Wayne Kubat M#147 stated he is testifying on the amending 12 AAC 75.130 and was involved in it quite a bit. He likes it the way it is with “primarily” in the language. Make sure its gets in there.

Sam Rohrer M#204 stated he thanks the board for the time and energy; the industry appreciates their efforts. He want to speak briefly to proposal #2, 12 AAC 75 265 and proposal #4, 12 AAC 75.260. Proposal #2 was discussed in great detail and is a no-brainer. Everyone has been in agreement and it’s a little bit of a line clarification. Proposal #4 is about the unique verification code because of an action taken by the Department of Fish and Game. They have a pretty good functioning

system that worked very well in Kodiak. Fish and Game didn't like how it was being administered so they had to piece it back together, splitting out how it had done with some of the responsibilities done by this board and some by Board of Game. They also have proposals into BOG and with this they will have the system back together and functioning very well. Chairman Vrem stated to refresh their memory the department of fish and game gave us blended language to make it work. Mr. Rohrer stated it took countless hours of review to make it happen. Mr. Tiffany IV stated there is a section that will be voted no on and then the board can vote on the final public noticed language.

Dick Rohrer M#69 stated his recommendation is for the board to pass all four of the public noticed proposals, with the exception of the one mentioned by Mr. Tiffany IV. A couple of comments, wording sometimes disappears and not just in public noticed regulations, sometimes when they come back finalized. What he doesn't want to see is another word misplaced in the final proposal and then public noticed again. The word "primarily" must be in the language of the first proposed regulation. In this first regulation proposal the last part is the most critical about where the person has to be in the final stalk, the wording right now is perfect and shouldn't change. He is frustrated about the boundary change. It was one and a half years ago they proposed the boundary change and it has taken too long. Anytime there's a boundary change, there are two guides affected on federal lands, both affected guides agreed on the boundary change and that was critical. Don't ever make a boundary change with just one guides opinion. Proposal #3 with field craft standards had been a trial deal and it appears it didn't work and didn't do what they wanted it to.

Mr. Rohrer stated on page 12 the UVC code on the second page the third line-unique verification codes will only be issued to register or master guides registered in "the" should be changed to "a" guide use area. There is more than one permit in the GUA up in Tok. This is the start of a work that is in progress. I would make that change.

Mr. Jones stated he has heard this is half of something coming from ADF&G, if we make amendments to our half will we derail the other half? Is the language vetted in the process with fish and game regulation? Mr. Rohrer stated it was a pretty major change in Kodiak from a system that worked pretty well and he is not convinced it will work as well.

Thor Stacey from APHA stated APHA maintains support for the language in the first proposal about the packer regulation maintains with the inclusion of "primarily". While the language seems like a no-brainer it took a lot of time and work to get there. He believes it is time to pass the language, with the inclusion of the word "primarily" we support the passage of this proposal.

Mr. Stacy stated he wanted to emphasize the significance of passing the second proposal.

Mr. Stacy stated APHA supports the third proposal about field craft standards and the deletion of the language concerning permanent structures. This originated in state land areas competing for the same number of draw tags. It was a much simpler procedure and easier to administer when there wasn't state land guide areas. The unit 9 language was an attempt to help but failed because the Department of Natural Resources can issue an unlimited number of Land Administration Systems so we support the deletion.

Mr. Stacy stated he wanted to emphasize the significance of the fourth proposal concerning the UVC language. Right now there is language in the BOG that is designed to work here. There might be weaknesses but it is good enough to pass without doing any hardship. This language is designed to work with the regulations on the fish and game side. If you don't pass this as written the bog side won't meet for another three years. You won't do any harm by passing this but you could do great harm by not passing it today.

Chairman Vrem asked if the word "primarily" was a deal breaker. Mr. Stacy stated there was discussion and they would prefer the language to be passed without "primarily" to solve the problem but legal had already said it had been vetted.

Mr. Atkins asked about unit 9 and Mr. Stacy stated one of the problems about that unit is someone can build a cabin on the boundary of federal land theoretically draw a circle around the cabin. The intent was to prevent victimization and abuse but what they have heard is that guides were able to damage each other by springing up cabins. Mr. Atkins stated he knows of two guides who have been waiting to hear about this to build a cabin. Mr. Tiffany IV stated they all know the hostility behind unit 9 and it was a trial that was abused and nobody else had proposed another solution and finally Mr. Booch submitted a proposal. They shouldn't put this proposal behind them and assume there isn't another solution. Let's put some time and thought into it; Mr. Stacy brought up one about building on the edge of federal land. This should have some consideration. Chairman Vrem stated we have Mr. Booch's proposal and just didn't take any action. If anyone on the board wants to put it on the March agenda we can do it.

Chairman Vrem stated for him the word "primarily" is a deal breaker and that's the crux of this whole thing. Mr. Stacy stated if this was happening during the March meeting there would be a set of urgency since it is right before hunting season. We are in a gray area for passing something right now. It's probably okay but it's not a substantive change. Ms. Polley stated we have documentation that "primarily" is approved in our minutes and she doesn't think it is going to be a problem.

Brian Simpson M#152 stated the reason he came is to publically comment on the fourth proposal about 12.75.260 and adding subsection d. He encourages the board to pass it. His permit governs three guide use areas so change “the” to “a”. Mr. Tiffany IV stated the intent is through the UVC’s wherever there are drawings.

Joe Klutsch M#91 stated the crafted language in proposal #1 is good and it’s going to solve a big problem. Regarding the second proposal change to the guide boundaries in unit 8, he stays out of other area business unless he has good information so he is going to stay out of that one. He is familiar with people changing boundaries and they don’t realize the long term consequences. In terms of 112 AAC 75.340(d) (7) Field Craft Standards and where to set up camps, this goes back to the Osaycheck Decision by the state supreme court. We went through the legislative process with the idea to reduce conflicts, not just among guides but other users in the absence of the state guide area system. In unit 9 in particular there is a huge proliferation of people on state lands and a lot of them he believes are of a renegade element that public safety has taken care of. If spacial distribution isn’t provided on federal lands there are going to be problems. Air taxis don’t but guides go on federal lands. What happened as a result is that we have a land grab thing like the Oklahoma Sooners where a number of individuals took advantage of the DNR program to get a cabin and people slapped up cabins on state boundaries. He is in favor of elimination. Winston Churchill said, “let them steep in their own stew”. The problem is that the resources will suffer. That’s what bothers him about the state lands situation.

He concurs with Mr. Rohrer about 12 AAC 75.260 Registered Guide Contract Requirements. He would have not thought to change “the” to “a”. You have to be language specialist and he believes that Mr. Rohrer is correct because there are areas that aren’t under permit drawing that may become a permit drawing. Kodiak is a different universe where the draw permit areas coincide with the guide use areas and that may not be the case in other areas with state, federal and private lands. He is in support of adopting that proposal.

AAG Harriet Milks came online.

Mr. Rohrer asked Harriet about changing the proposed language for 12 AAC 75.260 from “the” to “a” because there are some permit areas that contain more than one guide use area or a portion of a guide use area. Ms. Milks stated she believed that would be fine and it was a very good catch. Mr. Jones asked if that minor of a change would slow things down. Ms. Milks stated no, it is a technical change so they would be good to go.

Ms. Polley stated 12 AAC 75.130 b unlicensed persons receiving training, section c- “physically present” means that the license guides must be “primarily” in camp but the word “primarily” was left out. The word was included when the board sent it to the regulations specialist but it was left out of the public notice. Ms. Milks stated

that part of the confusion is the board considered it in October so what needs to happen now is to amend that section to include “primarily” and put out again for a thirty day public notice. Ms. Polley stated the October minutes show that the word “primarily” was discussed two or three times in an effort to make sure it was in the proposal. The March minutes show that the word “primarily” was also discussed several times. She is not sure where it wasn’t included in the discussion since March. Ms. Milks stated she thinks they did discuss it but regulations writing must follow a very specific set of rules and what really matters is what goes out for public notice. What is discussed is important to lend context and we go back to the board minutes to make sure but so there is no reason why the context of their discussion would overcome what came out of the meeting. As far as the public was concerned “primarily” was not in the language. It’s not how it was left out but that it was left out. Mr. Tiffany IV stated he is on board with Chairman Vrem on this. He has yet to meet the perfect person. In the event there’s a clerical error to not include that word then we are stuck with that. Mr. Jones stated that if they amended it to approve “primarily” today could they public notice it next week. Ms. Milks stated said they would public notice another meeting, giving at least three to five days, for the special purpose of amending this meeting. You would have to have one of the board members chair and sign the affidavit and it could be a telephonic meeting. She thinks the board should consider if it’s a significant enough change for thirty days. Ms. Milks stated they the board could make the decision that the public already knows about this proposal so the board doesn’t think this really needs to public comment. That’s a policy call for them. She thinks it would be legally okay, perhaps not ideal, but if they think the public has had the time for public comment then they can have the shortened time frame and public notice without public comment. Mr. Tiffany IV stated we could meet in the next two days and adopt the current proposed regulation to include “primarily” for public comment for thirty days. For clarification we could amend the current public noticed language to include the word “primarily” at this meeting for public notice for thirty days and take final action in March. Mr. Tiffany IV stated that that the public would be more surprised if “primarily” was not included in the proposal.

The meeting was adjourned at 3:15pm.

THURSDAY, DECEMBER 10, 2015

AGENDA ITEM CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 9:00 a.m.

Board members present:

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

Board members absent:

Gene Peltola, Public Member

Board staff present:

Cindy Hansen, Licensing Examiner
Lee Strout, Investigator
Dawn Bundick, Probation Monitor

AAG Harriet Milks participated via teleconference.

Visitors present:

Valerie Baxter	Dept of Natural Resources
Nate Turner	Board of Game –R#1036
Thor Stacy Alaska	Professional Hunters Association
Cabot Pitts R#1299	
Dan Suprak R#1254	
Tracy Vrem M#96	

Joe Schuster M#912
Dennis Zadra M#182
Gary Wall R#1182
Chad Reel R#1062
Sam Rohrer M#204
Mark Enyeart R#1335
Bob Summers R#1338
Dick Rohrer M#69
Jim Kedrowski M#186
Coke Wallace M#172
Doug Malone R#1276
Lyle Becker R#1276
Jason Bunch R#1311
Bobby Fithian M#126
Frank Danford R#959
Aaron Bloomquist R#1259
Dan Montgomery M#173
Loren Karro R#941
Brian Rethage
Seth Stoddard
Wayne Kubat M#147
Duane Halverson R#1297
Luke Bastian R#1282
Spencer Pape R#1302
Craig Hill R31348
Brian Simpson M#152
Dennis Zadra M#182
Jason Bunch R#1311

AAG Harriet Milks stated she has some excellent news. Everything she said yesterday about the options by adding the word “primarily” is still true; the absolute bottom line of deliberation is whether the public will be surprised by it. Because of that and because they represented to her that they received public comment on public notice where the word “primarily” was included, we at the department of law slept on it and agreed that any surprise is minimal so they would be able to make that amendment at this meeting as long as they make it very clear on the record by making the word “primarily” is by public comment made at this meeting. Chairman Vrem stated that in the throughout the minutes “primarily” is used. Most of the industry members expected the language to be in there. (Applause) Ms. Milks stated that very often in the regulatory process there are rules, and rules about the rules, and sometimes it takes a little time to make a decision. As long as they make it clear on the record.

Chairman Vrem stated as a heavy equipment operator in another life, he learned

that the last pass is the one that could cause the most work. Ms. Polley stated the committee has been pretty thorough in making the decision to go forward. We need a step in between. Chairman Vrem stated a couple of times he has asked to look at it and was told a single board member could not look at it. Ms. Polley stated the teleconference meeting process is relatively easy.

Mr. Jones stated this is off agenda but Lt. Fussey brought it to his and Mr. Atkins attention that some transporters are still using old transporter activity report forms. The older report forms have the requirement to file annually, by February 1st, instead of the current one to file sixty days after completion. He could be turning them in late. Ms. Hansen stated that the old forms were in circulation for some time after the new forms came out and so there are few who still have old forms. The Alaska statute requires the forms be submitted annually forms but our regulations don't have any language so there is the assumption that annual forms are still okay. The sixty day requirement is found only on the form. He would like the department to send out a letter to transporters about voiding and turning in the old forms and getting new forms.

Ms. Polley stated currently the March meeting is scheduled for four days and some of us are feeling like we could shorten it to three days, starting on Tuesday. The Fairbanks meeting seems to have less going on; she doesn't see a lot of regulations that have to be dealt with so she is comfortable shortening that meeting. Chairman Vrem stated they could power through in two days but he wants ample opportunity for public participation. It's difficult to anticipate the level of interest.

AGENDA ITEM REQUEST FOR REGULATIONS

Ms. Polley stated they have received public comment on four regulation proposals including 12 AAC 75.130 section b and c for an unlicensed person receiving training on the application for assistant guide license.

Ms. Polley motioned and Mr. Tiffany IV seconded to adopt, after consideration of public comment, and with the action not expected to result in a fiscal increase, to amend 12 AAC 75.130 12 AAC 75.130 to read: (a) The department will issue a license as an assistant guide to an applicant who meets the requirements of AS 08.54.630 and this section. An assistant guide license applicant shall submit

- (1) the fees required in 12 AAC 02.230;
- (2) a completed application on a form provided by the department;
- (3) a copy of the applicant's valid first aid card issued by the American Red Cross or a similar organization recognized by the department;
- (4) a form completed by the applicant listing the dates the applicant has hunted in the state and certifying that the applicant meets the requirements in AS 08.54.630(a)(2);

- (5) a written recommendation or evidence as required in AS 08.54.630(a) (4);
 - (6) a signed statement from the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605;
 - (7) a complete report of criminal justice information under AS 12.62, including fish and wildlife violations, and if a state other than this state is the applicant's primary state of residence, an equivalent report issued by that other state; and
 - (8) for each guiding, outfitting, transportation, or other hunting services license, if any, issued to the applicant by another state or by a jurisdiction of Canada, verification from the issuing government body that the license has not been suspended or revoked.
- (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 that the licensed guide must be primarily in or near camp while an unlicensed person is performing the activities of field preparation of trophies and using guiding or outfitting equipment, including spotting scopes and firearms. An unlicensed person may take necessary action to prevent the spoilage or loss of a trophy while unsupervised. 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. Under no circumstance is an unlicensed person under this section permitted to direct the actions of a hunter to stalk, take, or attempt to take a big game animal.

Discussion: Mr. Tiffany IV stated he does not believe he heard the word "primarily" in section (c) and wants to verify that "primarily" in the first sentence of (c) which means that the licensed guides must be primarily in or near camp. The second sentence of (c) must include spoilage or loss "of a trophy animal". He wants it noted for the record that adding "primarily" and "trophy animal" is in response to public comment and it would be much more of a surprise if it were to pass without those additions. Chairman Vrem stated "primarily" in camp was understood to be in the regulation and means that the licensed guide must be in or near camp for the most part but does not include brief absence to take care of business. Mr. Jones asked if he was making an amendment and Mr. Tiffany stated yes. Mr. Jones stated those words could be included at this time and would not be a surprise to the public. He thinks it would fall within due process to include those words however he wants to put it on record his opposition to the word "primarily" and would vote against the amendment to the word "primarily" because he feels "physically present" is a strong term put in by the legislature and "primarily" waters it down and "physically present" is no longer required. He thinks the troopers will have a hard time enforcing it. For the record he wants my objection noted. Chairman Vrem stated in rebuttal since 1973 when he became a guide it has been the accepted norm that the junior members of the state get to flesh and if this person was a cook or outboard mechanic they could volunteer without ill effect. If it were taken to a taxidermist,

probably the person doing that chore is not a taxidermist. He notes Mr. Jones decision but disagrees with it. Ms. Rebne stated adding “animals” is unnecessary; it is already very clear and nobody will think they are going to be use a bowling ball in the field. She thinks they are pushing their luck. Chairman Vrem stated he thinks it was a mistake by the regulations specialist to leave out “trophies”.

Ms. Polley read the first board approved proposed regulation language and the subcommittee language and the latest proposed language. There was further discussion about adding the word “meat”.

Mr. Tiffany offered an amendment to the motion that in 12 AAC 75.130 section (c) the word “primarily” be inserted in the first sentence between “be” and “in” means that the license guides must be primarily in or near camp while the unlicensed camp person is performing the activities of field preparation of trophies and using guiding or outfitting equipment, including spotting scopes and firearms. He would also add three words “of a trophy” so it reads the “spoilage or loss of a trophy while unsupervised”. Ms. Metz seconded the amendment.

Discussion: Chairman Vrem stated that “of a trophy” was always in the language and was probably an oversight and wasn’t meant to alter the intent. In his opinion “primarily” means for the most part and only for a brief absence. The licensed guide at that location isn’t supposed to leave for long periods of time. It is to allow for the necessary chores that are required for that hunt. Mr. Atkins stated they could make it fourteen pages long but as long as they have it in their minutes he will support it.

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

RESOLVED to amend the proposed language 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 that the licensed guide must be primarily in or near camp while an unlicensed person is performing the activities of field preparation of trophies and using guiding or outfitting equipment, including spotting scopes and firearms. An unlicensed person may take necessary action to prevent the spoilage or loss of a trophy while unsupervised. 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. Under no circumstance is an unlicensed person under this section permitted to direct the actions of a hunter to stalk, take, or attempt to take a big game

animal.

Roll Call Vote:

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

Ms. Polley read the amended version again.

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

RESOLVED to adopt the proposed language 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 that the licensed guide must be in or near camp while an unlicensed person is performing the activities of field preparation of trophies and using guiding or outfitting equipment, including spotting scopes and firearms. An unlicensed person may take necessary action to prevent the spoilage or loss while unsupervised. 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. Under no circumstance is an unlicensed person under this section permitted to direct the actions of a hunter to stalk, take, or attempt to take a big game animal”.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			

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

Ms. Polley moved to adopt 12 AAC 75. 260 (d) as written and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated the proposal reads 12 AAC 75.260 (d) a contracting registered or master guide that is signing the hunt contract, and who intends to apply a client for a drawing hunt permit for a hunt conducted under regulations required by AS 16.05, is required to obtain a Unique Verification Code from the department prior to entering an application for the client. Unique Verification Codes will only be issued to registered or master guides that are registered in the guide use area located in the hunt area the year the application is made and the years the permit is valid.

Ms. Polley stated this action is not expected to result in a fiscal increase.

Ms. Rebne stated there needs to be a change from “the” to “a” in the last sentence. Mr. Tiffany IV stated what he heard in section d on the second page that UVC will only be issued to registered guides that are registered in the guide use area. Ms. Polley stated the board had this discussion yesterday and needs to change the word “the” to “a” under registered in “a” guide use area on line 3. Chairman Vrem stated permit areas are in more than one guide use area. Ms. Metz moved to change the word “the” to “a” under registered in “a” guide use area on line 3.

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

RESOLVED to amend the proposed language for 12 AAC 75.260 by adding a new subsection to read: (d) A contracting registered or master guide that is signing the hunt contract, and who intends to apply a client for a drawing hunt permit for a hunt conducted under regulations required by AS 16.05, is required to obtain a Unique Verification Code from the department prior to entering an application for the client. Unique Verification Codes will only be issued to registered or master guides that

are registered in a guide use area located in the hunt area the year the application is made and the years the permit is valid.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	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 delete the proposed language for 12 AAC 75.260(b): include the drawing hunt application confirmation number assigned by the department pursuant to AS 16.05, if any and Ms. Metz seconded.

Discussion: Ms. Rebne stated she is confused; this language states “to add”. Chairman Vrem stated part 13 was supposed to be removed and instead it was public noticed. It was a procedural error. Michele called for the question for the main motion as amended.

Ms. Polley stated this action is not expected to result in a fiscal increase.

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

RESOLVED to delete the proposed language for 12 AAC 75.260(b): include the drawing hunt application confirmation number assigned by the department pursuant to AS 16.05, if any

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			

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

Ms. Polley moved to adopt 12 AAC 74 340 (d) (7) as written and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated there is no physical note associated and the board is ready to move on adoption of this proposal. Chairman Vrem stated it was an honest attempt to help and we were sticking our nose in DNR's business without their cooperation or help. He is disappointed the board needs to take this action and he doesn't think we are done but we need to take this step. Mr. Atkins stated he agrees with Chairman Vrem. He does not want to get rid of this language; the board tried to protect people and due to the abuse we have no choice or alternative we have no option but to get rid of it. Chairman Vrem stated the other proposal was to take no action but that doesn't mean we can't put it back on the table. Mr. Tiffany IV stated he agrees that there is a problem while this proposal does not solve it, perhaps the previous proposal could be reconsidered in the future. At this time because of the abuses that have occurred this is the right thing to do.

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

RESOLVED to delete the language in 12 AAC 75.340(d)(7): 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			
David Brown	X			
Michele Metz	X			

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

Ms. Polley moved to adopt the proposal for 12 AAC 75.235 Guide Outfitter use area maps as public noticed and Mr. Tiffany IV seconded.

12 AAC 75.235. Guide-outfitter use area maps. The set of maps titled Guide-Outfitter Use Area Maps, dated June 22, 1994, as amended December 2009, July 2011, [AND] December 2011, and November 2015, also titled Guide-Outfitter Use Area Maps, is adopted by reference.

Ms. Polley stated this has been out for public comment and there is not expectation of any fiscal cost. Chairman Vrem wants to make a note that the board was cautious about this move back to the original boundary line and it was agreed by both parties. The board is not creating a different guide area than what existed before that. By doing this in no way infers this board will entertain moving lines without serious and deliberate reasons. This is a one-time event that only after careful consideration has decided to accept. Mr. Tiffany IV stated that for the record he wants to thank the originator of this request for his patience.

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

RESOLVED to adopt the proposal for 12 AAC 75.235 Guide Outfitter use area maps as public noticed.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			

Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

AGENDA ITEM E BOARD BUSINESS

Ethics Report:

The ethics report was reviewed and there were no conflicts of interest reported by board members. In the future this action will be done at the beginning of the meeting in the future in order to deal with conflict of interest. Mr. Tiffany IV stated for the record there was no conflict of interest. Mr. Atkins asked if a proposal is on the table and you are a witness to is that a conflict of interest. Chairman Vrem stated that is that board members call. He would explain the possible conflict at the start of the meeting.

Correspondence Review:

Mr. Tiffany IV stated there is a letter by Robert Fithian to the board regarding professional assistant guide schools that as a board sanctioned school, this board has granted so little credit that it doesn't make it a viable opportunity for a prospective student. Mr. Fithian has some valid points worth discussing and considering. Chairman Vrem asked if it would mean a regulation change and should be on a regulation proposal form. He is not opposed to this but the proper process should be observed. His recommendation is to have him send in a regulation proposal form. Ms. Polley stated she would like to do some research on this and has concerns about putting something in regulation that may cease to exist tomorrow. If they want to consider it after her research has been conducted then there could be a regulation proposal to be reviewed by legal if it was appropriate for us to do this. Mr. Tiffany IV stated the board had previously granted support for two schools and already on the record for supporting them. He doesn't see the reason to deny this individual creating a training program and submitting a proposal to increase the credit. Ms. Polley stated they could probably handle it through a policy but the credit comes through post-secondary as a credit. Chairman Vrem stated he would encourage this individual to submit a request for proposal form.

Task List:

Chairman Vrem stated the proposal to establish transporter use areas has been referred to a committee until the March meeting. Mr. Jones stated as the chair of the transporter committee we discussed that and were uncomfortable to move forward until further discussion. He would like to see it tabled until the March meeting and in the meantime the subcommittee will meet. Chairman Vrem asked if it was the subcommittee's opinion to also rescind the letter. Mr. Jones stated it was their opinion to not send the letter at this time. Tabling it would be fine. Mr. Jones

moved and Ms. Polley motioned to rescind the letter. Mr. Atkins stated he wants it tabled until the March meeting. Mr. Jones withdrew the motion and Ms. Polley withdrew the second.

Chairman Vrem stated there were two proposals to amend and rescind. Mr. Tiffany IV stated both went to a subcommittee and at this time we don't believe we should move forward to rescind. We recommend to the board the amended version be worked on in subcommittee and meet before the March meeting. He hopes to have a proposal for the board to consider for public notice at the March meeting.

Chairman Vrem stated he is not comfortable taking action on the GUA 4-11 boundary change at this time. He wants to see a little more research and justification from the originator. Mr. Jones stated he wants to get it off the schedule to send the message that anyone wanting a boundary change needs to be present it with a serious proposal. Mr. Tiffany IV stated that that is a valid point but if the board agrees that GUA changes have to be strongly justified and would like to see the individual present the proposal before us with a strong clear reason. Mr. Paul Johnson is the adjacent user and we have no idea if he would support or oppose this proposal. Chairman Vrem stated the board will not consider the action unless the proposer comes before the board with more information including adjacent guide input.

Chairman Vrem stated there is a proposal for a statute change for as 08.54.720 (a) (2) by Brian Rethage. This is about the line being blurred between company policy. He is sympathetic and admires the person for taking the steps. The board acknowledges the proposal and chooses to take no action.

Chairman Vrem stated a new subcommittee called "Survivorship for Emergency Transfers" shall be formed to come up with a process when something happens to a registered guide so someone could step in and keep the business going. There must be a process in regulation for that to happen. He stated either a class-A or assistant guide employed by the guide who qualifies as a class-A could fulfill the contracted hunts for the surviving spouse. This would not allow for new contracts. Mr. Tiffany IV stated he thinks that should be considered and addressed. He doesn't think it should be limited to survivorship. If a contracting guide is severely incapacitated and they can't be they in the field they could be held in violation. Not just death but incapacitating injuries. Mr. Brown stated the regulation language for commercial fisherman limited entry regulation could be used. Ms. Polley stated she would work on that and have something for the March meeting. The committee should include Chairman Vrem, Ms. Polley and Mr. Brown. Chairman Vrem stated unit 11 does not have that many guides who could step in as a "white knight", compared to other units. Ms. Rebne asked if the white knight should be registered in those areas. Chairman Vrem stated it could be problematic if they aren't registered in the same guide use areas. The park service allows this and explains that it's not their intention to wreck a guides business. The wildlife refuge has stated the same thing.

Transporters and Air taxis are not as problematic to transfer their business to another one.

Dawn Bundick, Probation Monitor, provided a letter to the board from Mr. Duane (Dewey) Halverson, R#1297, in reference to his probation. His consent agreement states Mr. Halverson is to pay a \$6500 fine by 12/5/2015 and in 2013 he had requested and was granted by the board a 24 month extension. He has not paid anything and is now requesting a reduction of the fine of \$500 to better reflect the magnitude of his violation. Ms. Rebne asked about the original case. Investigator Strout stated it was a guide use area violation where the individual guided fifteen clients during the entire 2012 season and but his registration had expired 12/31/2011. At the time the fine was \$5000 per count for a total of \$25,000 with \$18,500 suspended and a board reprimand. It was consistent with what the board was doing at the time but that has since changed. Mr. Atkins asked if it was a self-report. Investigator Strout stated it was reported by another guide. Mr. Tiffany IV stated that the guideline and matrix is a work in progress and evolving and changing and should that same violation occur now the sanctions would be different. When this case occurred there were a number of cases for other individuals who were equally penalized for those violations and paid their dues and fines.

Chairman Vrem stated no, they did not. Mr. Halverson's was the first case and as we worked through this, he was originally granted permission to work there and was on the only one who had a prior registration. The guides that came after him had the financial ability to retain counsel and through negotiating, the apparent seriousness of this was down-graded. This gentleman did not have the benefit. This occurred at the BP center. His fine was maintained by the board. Ms. Metz asked if he has paid anything. Ms. Bundick stated no. Ms. Metz stated she is struggling with this; he had a 24 month extension. Ms. Bundick stated his consent agreement was signed in 2013 and he was given a two year extension, due December 2015. Ms. Metz stated she thinks he will be back again because he has made no attempt to pay anything. Chairman Vrem stated this is another reason why they should have to have an open test book; so the guides will better understand their regulation requirements. Mr. Atkins stated he is worried about fairness; just because the person doesn't have the means to afford an attorney isn't fair but on the other hand he hasn't paid anything. Chairman Vrem stated people who are financially savvy will show an attempt to pay the fine because they understand making an effort counts but not everyone knows this. Mr. Atkins doesn't think another consent agreement is possible. Ms. Bundick stated most probationers make some kind of payment on a payment plan. When individuals do a letter of extension, they will work with them for a payment plan. Mr. Jones asked if Mr. Halverson had received a letter. Investigator Strout stated yes, on June 22, 2014 they had mailed Mr. Halverson a letter. Ms. Rebne stated she has a problem with him not making any effort. He wrote that he has complied but he hasn't done anything. Chairman Vrem

stated he registered his guide use area. Mr. Tiffany IV stated he doesn't want to keep kicking this down the road and wants to deal with it. Investigator Strout stated it is \$500-\$5000 per count. Chairman Vrem stated Mr. Halverson didn't sneak off and go to another unit and he didn't invade another guide's registration area. He forgot. Investigator Strout counted thirteen violations. Mr. Tiffany IV stated that $\$500 \times 13 = \6500 and it's not uncommon to reduce fifty percent which would be \$3,250, which is $\frac{1}{2}$ of his current fine. As a starting point he will offer that up as a motion.

Mr. Tiffany IV moved to suspend fifty percent of R#1297 Duane Halverson's total fine of \$6500. Ms. Metz seconded.

Discussion: Chairman Vrem stated Mr. Halverson will need a payment schedule. Investigator Strout asked the board to set a time for their office to tell him when the payment must be completed. Ms. Polley stated she thinks this is very lenient and if it were lower she would go back to the original. Mr. Atkins stated he agrees with Ms. Polley and believes our country is in the same situation and Mr. Halverson needs to do something. Chairman Vrem stated that the penalty of coming to us without a lawyer should not be a bad thing. People should not think they need to hire a lawyer and fight. Mr. Tiffany IV stated he agrees but this person is asking for the farm to be given away and has made no effort to pay. He thinks it's pretty generous. Ms. Metz said she agrees. This was for an entire season. This was part of his job. He should remember to do these things. Ms. Rebne stated she agrees with what Ms. Metz said and that the only reason she thinks it is okay is because they have done this for others whether they have lawyered up or not, and if he had done this a year later his fine would have been less. If he makes no payment his license should be suspended. Investigator stated the investigator had offered the consent agreement and was beat up by the board for being too lenient so when the matrix was set up, they took that case into account. The board set the fine for \$500-\$5000. Since then it has been reduced to \$500-\$1000. Chairman Vrem stated that this was back when "knowingly" was strict. Ms. Metz stated that all we have done is suspended half of his fine and if he doesn't pay it back by a certain date, it is a compromise. Mr. Tiffany IV stated it is defensible and within the parameters of the matrix.

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

RESOLVED to suspend fifty percent of R#1297 Duane Halverson's total fine of \$6500.

Roll Call Vote:

APPROVE	DENY	ABSTAIN	ABSENT
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Kelly Vrem	X	
Karen Polley	X	
David Brown	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 set a timeline for R#1297 Duane Halverson’s unsuspending portion of \$3250 be paid in its entirety by July 23, 2018 and that on or before a payment plan be worked out and some monies be received by January 23, 2016. Mr. Jones seconded.

Discussion: Mr. Jones stated he doesn’t want to extend it until the probation period. Ms. Bundick stated he would not be off probation because it’s only if all terms are met that a probation period ends. She stated that the probation monitor and licensees work on a plan around that deadline. We try to make it amicable to them. Chairman Vrem stated he needs to operate in a good faith manner.

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

RESOLVED to set a timeline for R#1297 Duane Halverson’s unsuspending portion of \$3250 be paid in its entirety by July 23, 2018 and that on or before a payment plan be worked out and some monies be received by January 23, 2016.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley	X			
David Brown	X			
Michele Metz	X			
Brenda Rebne	X			
David Jones	X			
Tom Atkins	X			

Henry D. Tiffany IV	X
Gene Peltola	X

Mr. Tiffany IV motioned to suspend the rules to go beyond the agenda time and Ms. Polley seconded.

Ms. Bundick provided a letter to the board from Randall Quincy, R#1180, who requested a reduction in his fine because he has found his missing hunt records. Investigator Strout stated in the letter Mr. Quincy explains that he was selling his home in willow and unable to find the hunt contracts until now. The troopers had requested a copy of sixteen of Mr. Quincy's contracts. Investigator Strout had requested a copy of the sixteen contracts. In his letter, Mr. Quincy wrote that on March 3, 2011, in a telephone conversation he informed the investigator that he would not be able to provide the contract because he discards them after the hunt. He had sent out sixteen letters to each of the individual clients requesting copies of their copies but he received only one or two back. The troopers tried to prove their case without the contracts but determined they did not have a case. The evidence was the contracts. Mr. Quincy claimed in the letter to the board today that he could not find them. Investigator Strout would have worked with Mr. Quincy if he had told him that, by giving him time to look for the contracts but Mr. Quincy told Investigator Strout that he discards his contracts. Mr. Tiffany IV stated that the IRS requires us to keep documents for seven years. If someone is destroying documents as a natural course every seven years they know they are doing it. Mr. Quincy said he destroyed them but now he has found them. That sounds like a lie. Investigator Strout stated by our statute guides are required to keep the contracts for four years. Chairman Vrem stated if we hold his feet to the fire and say we don't believe you, will the hunters be in trouble? Investigator Strout stated they were always clear it was never an issue with the hunters. When Mr. Quincy signed the consent agreement he claimed one thing and now a year later he writes that he has found them. He has signed a consent agreement and is bound to this. He is now asking the board to reduce the fine and remove the probation. Ms. Polley stated he should have known where the contracts were and kept them for a minimum of four years and didn't do any of that.

Ms. Polley moved to deny Mr. Quincy's request 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 deny the request of Mr. Randall Quincy, R#1180.

Roll Call Vote:

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

There was discussion on changing the March meeting from four to three days in Fairbanks.

Mr. Tiffany IV moved to alter the Fairbanks meeting dates from March 7-10 to March 8-10, 2016. Mr. Atkins seconded.

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

RESOLVED to alter the Fairbanks meeting dates from March 7-10 to March 8-10, 2016.

Roll Call Vote:

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

Chairman Vrem will write a letter to Chief Birt requesting that Ms. Bundick

remain in her position as the Big Game Commercial Services Board probation monitor.

Chairman Vrem adjourned the meeting of the Alaska Big Game Commercial Services Board at 12:28pm.

Respectfully submitted:

Cindy Hansen, Licensing Examiner

Kelly Vrem, Chairperson
Big Game Commercial Services Board

Date _____

Approved Date: _____

DRAFT