

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

**BIG GAME COMMERCIAL SERVICES BOARD**

**MINUTES OF MEETING  
March 8-10, 2016**

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held March 8-10, 2016.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were approved by a majority of the board in an email vote from June 28 to July 21, 2016.

**Tuesday, March 8, 2016**

**AGENDA ITEM                      CALL TO ORDER/ROLL CALL**

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

**Board members present:**

Kelly Vrem, Master Guide-Outfitter, Chair  
Michele Metz, Large Private Landowner  
Nicholas Jackson, Large Private Landowner  
David Jones, Transporter  
Tom Atkins, Transporter  
Henry D. Tiffany IV, Master Guide-Outfitter

**Board members absent:**

Karen Polley, Public Member  
David Brown, Board of Game Representative  
Gene Peltola, Public Member

**Board staff present:**

Cindy Hansen, Licensing Examiner  
Lee Strout, Investigator

Visitors present:

Valerie Baxter                      Dept. of Natural Resources  
Tony Kavalok                        Dept. of Fish and Game  
Coke Wallace M#172  
Bobby Fithian M#126  
Dan Montgomery M#173  
Loren Karro R#941  
Wayne Kubat M#147  
Mark Richards                      Resident Hunters of Alaska  
Dan Bunsel Meier, R#1321  
Wayne Haimer  
Virgil Umphenour, M#151  
Tony Lee, M#185  
Lyle Becker, R#1276  
Lance Kronberger, M#221  
Rolan Ruoss, T#85  
Henrik Wessel, R#994

**AGENDA ITEM                      REVIEW AGENDA**

Mr. Tiffany motioned to amend and Mr. Jones seconded to add additional public comment for 9:30-10:00am and 10:15-11:00am on Thursday with unanimous consent.

**AGENDA ITEM A                      REVIEW MINUTES**

Mr. Jones moved to approve the 12/20/15 meeting minutes and Mr. Tiffany seconded with unanimous consent.

**AGENDA ITEM B                      ETHICS REPORT**

The ethics information was reviewed; there were no issues or conflicts to report.

**AGENDA ITEM C                      PROBATION REPORT**

The probation report was provided via teleconference by Ms. Bundick and Ms. Akers. There are currently 34 probationers with two going off probation and two out of compliance. James Smith is non-compliant and Joseph Demmert cannot be reached.

Mr. Canoy emailed on Friday requesting to have his fines reduced to zero. Ms. Akers stated he has made a good faith payment of \$250, which is not due until June

6 so he is compliant. Chairman Vrem stated this request will be reviewed in executive session.

**AGENDA ITEM D INVESTIGATIVE REPORT**

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

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

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

The Board entered into executive session at 9:19am and exited out of executive session at 11:00am.

**Case No. 2015-000070**

Mr. Tiffany moved to accept the consent agreement in Case No. 2015-000070 and Ms. Metz seconded.

Discussion: Mr. Jones stated he will support the consent agreement because it is consistent with other employee consent agreements of the guide and consistency is important. Mr. Tiffany stated he agrees and will also support it

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

**RESOLVED** to accept the consent agreement for Case No. 2015-000070, Ryan L. Krank, R#1184.

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			

<b>Nicholas Jackson</b>	<b>X</b>	
<b>David Jones</b>	<b>X</b>	
<b>Tom Atkins</b>	<b>X</b>	
<b>Henry D. Tiffany IV</b>	<b>X</b>	
<b>Gene Peltola</b>		<b>X</b>

**Case No.2015-000062**

Mr. Tiffany moved to accept the consent agreement in Case No. 2015-000062 and Ms. Metz seconded.

Discussion: Mr. Jones stated he will support the consent agreement even though the fine is lenient.

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

**RESOLVED to accept the consent agreement for Case No. 2015-000062, Ronald Lind, R#1011.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			
<b>Nicholas Jackson</b>	<b>X</b>			
<b>David Jones</b>	<b>X</b>			
<b>Tom Atkins</b>	<b>X</b>			
<b>Henry D. Tiffany IV</b>	<b>X</b>			
<b>Gene Peltola</b>				<b>X</b>

**Case No. 2011-001244 and 2014-001304**

Mr. Tiffany moved to accept the surrender in Case No. 2011-001244 and Case No. 2014-001304 and Ms. Metz seconded.

Discussion: Mr. Jones stated this is a voluntary surrender and the person has this option instead of paying a fine and fulfilling the obligations of a consent agreement.

He intends to accept it. Mr. Tiffany stated this is a voluntary surrender and sees no reason to not accept it.

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

**RESOLVED to accept the surrender for Case No. 2011-001244 and 2014-001304, David Mandich, T#530**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			
<b>Nicholas Jackson</b>	<b>X</b>			
<b>David Jones</b>	<b>X</b>			
<b>Tom Atkins</b>	<b>X</b>			
<b>Henry D. Tiffany IV</b>	<b>X</b>			
<b>Gene Peltola</b>				<b>X</b>

**Case No. 2015-000617**

Mr. Tiffany moved to accept the surrender in Case No. 2015-000617 and Ms. Metz seconded.

Discussion: Mr. Tiffany stated he sees no reason to not accept the voluntary surrender.

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

**RESOLVED to accept the surrender for Case No. 2015-000617, Arthur W. Weter, A#4182.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>

<b>David Brown</b>		<b>X</b>
<b>Michele Metz</b>	<b>X</b>	
<b>Nicholas Jackson</b>	<b>X</b>	
<b>David Jones</b>	<b>X</b>	
<b>Tom Atkins</b>	<b>X</b>	
<b>Henry D. Tiffany IV</b>	<b>X</b>	
<b>Gene Peltola</b>		<b>X</b>

**Case No. 2015-001662**

Mr. Tiffany moved to accept the consent agreement in Case No. 2015-001662 and Ms. Metz seconded.

Discussion: Mr. Jones stated he will support this agreement which was created in conjunction with a plea agreement in criminal court and similar with other offenses. This saves time and funds for the investigation and lets the respondent know what his obligations are in both criminal court and with this board so he can move on with his life. Chairman Vrem stated he will accept it but has mixed feeling. He likes the people to know what is coming from the guide board but the size of the fine is troubling and one of the secondary violations. Mr. Tiffany stated he will approve this because it's a classic example of consequences; if they had been honest and forthcoming in the beginning the fine would have been smaller. They chose dishonesty and it snowballed. Honesty is the best policy.

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

**RESOLVED to accept the consent agreement for Case No. 2015-001662, Michael W. Renfro, M#218 and T#796.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			
<b>Nicholas Jackson</b>	<b>X</b>			
<b>David Jones</b>	<b>X</b>			
<b>Tom Atkins</b>	<b>X</b>			
<b>Henry D. Tiffany IV</b>	<b>X</b>			

<b>Gene Peltola</b>	<b>X</b>
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**Case No. 2014-000161**

Mr. Tiffany moved to accept the consent agreement in Case No. 2014-000161 and Ms. Metz seconded.

Discussion: Mr. Tiffany will vote to accept the consent agreement. A mistake was made and an error in judgement and the fine is appropriate. He hopes the person will learn from the mistake. Chairman Vrem agrees. He should have turned himself in when he realized he had committed a violation.

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

**RESOLVED to accept the consent agreement for Case No. 2014-000161, Aaron R. Wages, A#6704.**

**Roll Call Vote:**

	APPROVE	DENY	ABSTAIN	ABSENT
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			
<b>Nicholas Jackson</b>	<b>X</b>			
<b>David Jones</b>	<b>X</b>			
<b>Tom Atkins</b>	<b>X</b>			
<b>Henry D. Tiffany IV</b>	<b>X</b>			
<b>Gene Peltola</b>				<b>X</b>

**Case No. 2015-001665**

Mr. Tiffany moved to accept the consent agreement in Case No. 2015-001665 and Ms. Metz seconded.

Discussion: Mr. Jones stated he intends to approve the consent agreement; he likes that it was developed with proceedings in criminal court and consistent with what

the board has done in the past with similar violations. This is an efficient combination with criminal court.

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

**RESOLVED to accept the consent agreement for Case No. 2015-001665, Joseph Miller, M#200.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			
<b>Nicholas Jackson</b>	<b>X</b>			
<b>David Jones</b>	<b>X</b>			
<b>Tom Atkins</b>	<b>X</b>			
<b>Henry D. Tiffany IV</b>	<b>X</b>			
<b>Gene Peltola</b>				<b>X</b>

**Case No. 2015-002121**

Mr. Tiffany moved to accept the consent agreement in Case No. 2015-002121 and Ms. Metz seconded.

Discussion: Chairman Vrem stated he will reluctantly vote in favor because, to an extent, it's a paperwork violation. The fine is reasonable. He wishes this person had paid a little more attention to the contracting requirements. Mr. Tiffany agrees.

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

**RESOLVED to accept the consent agreement for Case No. 2015-002121, Stephen J. Hicks, R#1298.**

**Roll Call Vote:**

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

<b>Karen Polley</b>		<b>X</b>
<b>David Brown</b>		<b>X</b>
<b>Michele Metz</b>	<b>X</b>	
<b>Nicholas Jackson</b>	<b>X</b>	
<b>David Jones</b>	<b>X</b>	
<b>Tom Atkins</b>	<b>X</b>	
<b>Henry D. Tiffany IV</b>	<b>X</b>	
<b>Gene Peltola</b>		<b>X</b>

**Case No. 2011-000522, 2015-000104, 2015-000121, 2015-000645**

Mr. Tiffany moved to accept the consent agreement in Case No. 2011-000522, 2015-000104, 2015-000121, 2015-000645 and Ms. Metz seconded.

Discussion: Mr. Tiffany stated this is a case where it could have been sloppy paperwork but he thinks it is more of a general disregard. He is going to vote in support of the consent agreement which is appropriate in this case. Chairman Vrem stated he thinks this person dodged a bullet and was treated relatively lenient compared to others. This is an old case and since then the respondent has been in complete compliance.

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

**RESOLVED to accept the consent agreement for Case No. 2011-000522, 2015-000104, 2015-000121, 2015-000645, J. Scott McRae, R#1149.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			
<b>Nicholas Jackson</b>	<b>X</b>			
<b>David Jones</b>	<b>X</b>			
<b>Tom Atkins</b>	<b>X</b>			
<b>Henry D. Tiffany IV</b>	<b>X</b>			

<b>Gene Peltola</b>	<b>X</b>
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**OAH No. 15-1068-GUI**

Mr. Tiffany moved to accept the Administrative Law Judge’s decision in OAH No. 15-1068-GUI and Ms. Metz seconded.

Discussion: Mr. Tiffany stated in this particular case it’s a matter of whether the division had the authority to deny the guide use area due to lack of landowner permission. He agrees that the division did the right thing to deny it. Chairman Vrem said this is a cut and dried case, although he understands the guide’s frustration, he is going to support the ALJ decision.

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

**RESOLVED to accept the Administrative Law Judge’s decision in OAH No. 15-1068-GUI, Larry C. Hooton, R#844.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			
<b>Nicholas Jackson</b>	<b>X</b>			
<b>David Jones</b>	<b>X</b>			
<b>Tom Atkins</b>	<b>X</b>			
<b>Henry D. Tiffany IV</b>	<b>X</b>			
<b>Gene Peltola</b>				<b>X</b>

**Case No. 2014-001686 and 2015-002136**

Mr. Tiffany moved to accept the request for leniency in Case No. 2014-001686 and 2015-002136 and Ms. Metz seconded.

Discussion: Mr. Jones will vote no because the respondent was a party to a violation and signed a consent agreement. He believes when you enter into a consent

agreement you should uphold your obligations under that agreement. If you apply for leniency there should be a very good reason. Mr. Tiffany stated he will also vote no for the same reasons. The fine is consistent with other cases; the licensee should pay the fine and move on with his life. Chairman Vrem stated the consent agreement is moderate, fair and reasonable. He is going to vote no.

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

**RESOLVED to accept the request for leniency in Case No. 2014-001686 and 2015-002136, Vance Canoy, #7455.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>		<b>X</b>		
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>		<b>X</b>		
<b>Nicholas Jackson</b>		<b>X</b>		
<b>David Jones</b>		<b>X</b>		
<b>Tom Atkins</b>		<b>X</b>		
<b>Henry D. Tiffany IV</b>		<b>X</b>		
<b>Gene Peltola</b>				<b>X</b>

**AGENDA ITEM STATE & FEDERAL AGENCY REPORTS**

Tony Kavalok, Assistant Director of Wildlife Conservation (DWC), Alaska Department of Fish & Game, stated they have requested Governor Walker's approval for two vacant regional supervisor positions.

The McNeil seasonal viewing program is on hold and they might have to use permanent staff for those camps. There might be some lag time for documents. Other challenges are mid-level staff eligible for retirement. There is a high level of federal funding and volunteer hours might be necessary to meet the match. This is what other states have done for years.

House Bill 137 is a fee increase bill which will help make up some of the difference. Their division is the only entity in the state that deals with endangered animals but they cannot use state and federal Robertson funds. They use another type of fund

which requires state matching funds. They used to have eight million of general funds but that has been reduced to almost zero. There are major ramifications for not managing endangered species.

The Board of Game sheep work group has held meetings in December, January and February with probably another in April, if travel is approved. Next week the Board of Game will address 143 proposals of which 29 are specific to sheep.

Proposal 207 includes aircraft restriction. The sheep workgroup did not make any decisions. One proposal is a resident five- day earlier start beginning on the 10th of August with non-residents starting on the August 15<sup>th</sup>.

They developed the Unique Verification Code (UVC) for guides who apply for certain hunts and it's come to our attention that a hunter had drawn a permit for sheep with a UVC he had made up. He did not abide by the terms of the process that's explained in the supplement so we have decided after the draw next year if they apply and provide false information or attempt to deceive then they will be withdrawn from the hunt. They will verify the UVC from the licensing examiner. The Sturgeon case with the Parks Service recently went to the Supreme Court. The passing of Justice Scalia will probably cause some challenges.

Mr. Jones asked if they have considered a concession for the McNeil River so they didn't have to fund for people to be onsite. Mr. Kavalok stated it had been discussed. They have been looking at volunteers, donations for infrastructure and maintenance in other creative ways. Mr. Jones asked if there were any funds from the wildlife users for endangered species. Mr. Kavalok stated no, the fish and game fund is specific to the harvest and consumption of wildlife. It has been attempted in other states without success because consumptive users are generally more willing to provide funds and less willing to provide funds for the programs that they do not benefit from. The department is open to suggestions.

The latest draft of the Dall Sheep Guide will summarize the comments of the groups to provide guidance and protocol. It will include a series of techniques by fish and game employees in evaluating what determines a legal sheep for a full curl. We have to "get our act together" and be on the same page before we share this externally. This document is for internal purposes and later we will provide a public document. We hope to have an inner active website with a series of photos and diagrams and a guide booklet. People appreciate the opportunity to learn about how to determine a full-curl sheep. We are talking about putting together a series of classes led by experienced hunters and guides for staff. Chairman Vrem asked if it will taint a local official's judgment if a registered guide tells him he thinks it's close. Mr. Kavalok stated he would try to be objective and believes honesty is good. Troopers have agreed to have a Fish and Wildlife Conservation official determine the legality of the horns. The troopers will be taking the same courses as FWC.

Alaska Wildlife Trooper Lt. Paul Fussey stated their budget has decreased with every year and currently they have a budget of \$23 million, fifteen percent less than last year, with another twenty percent reduction in the forecast. Travel must be approved by the Commissioner, overtime is not allowed and wildlife troopers are selling their equipment. One helicopter is in storage and one is still in use for search and rescue. They have 92 commissioned positions with seven commissioned and thirteen civilian vacancies. We have one recruit in the academy. We will have one wildlife trooper per 88 square miles. Guiding and hunting complaints will be pushed back to the next day over life-saving calls. Chairman Vrem asked if troopers were paid to enforce laws on fish and wildlife refuge lands. Lt Fussey stated there is a joint agreement. They receive \$1.2 million from National Marine Fisheries. In Southeast Alaska they have a forest service agreement for some overtime. They are doing more joint patrols with federal enforcement officers. From March 8, 2015 to March 6 2016 wildlife troopers conducted 34 investigations, 29 were determined to be non-criminal and five were charged.

He has been talking to constituents about what is allowed per regulation and statute and encouraging questions be directed to their agency to ensure everyone has the same answers -guides, transporters and clients. It appears that over the last two years more individuals are self-reporting due to increased communication. Chairman Vrem asked how their work week is figured out and Fussey stated their schedules are staggered. Lt. Fussey stated their unit received complaints about an unlicensed transporter out west and they investigated and found the violator via an undercover operation, who was charged and found guilty. We receive complaints and work closely with Investigator Strout. Some we handle while others are handled by Investigator Strout. They do follow-up and undercover investigations for air taxi complaints.

Mr. Tiffany stated it's encouraging that they are receiving more calls and helpful everyone is reading from the same play book. He wondered if this board should also be at the same table. Lt. Fussey stated they advise ADF&G and Investigator Strout of situations but doesn't see involving this board, nor the Board of Game. Chairman Vrem stated he has a different interpretation for certain procedures like transfer possession paperwork and would like to see some discussion between this board and the troopers so they can educate the licensees. There should be fewer steps in the transporting of meat from the kill site to the camp to the transportation out of camp. A common ground would make everyone's job easier. Lt. Fussey suggested the Board of Game might be the involved, not the troopers.

Mr. Atkins stated they have a transporter subcommittee trying to get clear understanding of what and what is not allowed. They need trooper help. Hopefully this will result in less conflict. Lt. Fussey stated they have a cheat sheet of a matrix that the BOG/AST could share with this board. Mr. Tiffany asked if the investigations were on a decline or maintaining. Lt. Fussey stated the numbers of

complaints have increased but the number of valid complaints has stayed the same over the last two years.

Valerie Baxter from the Department of Natural Resources permit section stated the only change since December has been a new commissioner. They received verification of a match for the trails for post hunting season and into next summer near 7 mile lake for moose hunting. They have had some permits and structures on state land which have caused discussion if it is on a mining claim and the claim owner has agreed. This is looked at on a case by case basis. Structures on state land with a lot of hunting are carefully considered. Mr. Atkins asked about the Unit 9 structure incident and Ms. Baxter stated this is discussed on a case-by-case basis. They don't have rules or regulations that allow them to prevent someone from setting up a structure like the Unit 9 incident. Mr. Tiffany asked if there is a trend in the number of guiding permit application and Ms. Baxter stated there may be a slight uptick. What she has seen is a desire to have structures. There are four-five requests where folks have existing camps with tents for many years and now want a permanent structure. New guides typically begin with short time permits until they decide where they want to go, then get a tent and eventually establish a cabin. They have not been as restricted as other agencies because they are revenue generating. They continue to work closely with the troopers, such as paying for the AST helicopter gas.

Chairman Vrem suspended the rules to allow Mr. Renfro to speak to the board: Mr. Wade Renfro stated he broke a game law knowingly and willingly and accepts the consequences. He has spent his entire career doing the best he can and if he could do it over again he would have done it differently. When he got the text about the client shooting the second bear he knew something bad had happened and it would be a big deal. He knew it was wrong when he had the second tag flew in. This wasn't the first time he had been faced with the situation but it was the first time he made the wrong decision. He doesn't like to operate in the grey, close to the line. He does everything in his power to do everything as correctly as he can. He flew here just to say that this isn't how he does business and he doesn't want to be remembered for this. Mr. Atkins stated he appreciates Mr. Renfro coming all this way and spending travel money and admitting he made a mistake and he's sure it won't happen again. It speaks a lot for his character. Mr. Renfro stated his guide, Joe Miller, had never done anything like that before, he is a retired firefighter. If there had been time for discussion this would not have happened. Mr. Miller went along with it because he had complete faith in Mr. Renfro. Chairman Vrem stated he is sure we have all started something with the proper intentions that unraveled as it went and Mr. Renfro's unraveled a lot quicker.

**AGENDA ITEM**

**BOARD DISCUSSION**

Mr. Jones stated the transporter subcommittee had a recent teleconference with about twenty open lines and a lot of interest, much of it fueled by the new fee structure. There is a lot of misunderstanding and animosity over the unorthodox way it came into play. They heard a lot of public testimony but were unable to reach a consensus.

The air taxi issue has always been divisive so he created a "KISS" plan-"Keeping It Simple Stupid", a series of chronological steps as eventually providing educational outreach after being vetted by the legal department and troopers.

Mr. Jones stated the air taxi exemption proposal is contentious and he wants to define it in regulation, like the packer bill. Chairman Vrem stated the draft FAQ document is incorrect. The state, like many states, has to follow federal commerce regulations about where aircraft is and is not permitted, but the state is entitled as to where it can and cannot operate. The state cannot determine where a commercial operator can and cannot go.

Mr. Jones stated he wants a correct FAQ document placed on the website. Chairman Vrem stated he is willing to retract the exemption proposal and give the regulation process time to play out. Mr. Atkins stated he was tasked with writing a resolution but did not do it. He's willing to table the creation of a resolution and work with the committee to get everyone on the same page. There is a lot of illegal advertising by air taxis; he easily found five violations on the internet.

Mr. Tiffany stated aircraft is integral to his operation. There are three major contributors, the guides of Alaska and non-resident clients, resident hunters and air taxis/transporters. The latter group has been flying under the radar during his entire 30 year career and as contributors to the industry; it is time they pony up. They need to play a more equitable part in the industry costs. Mr. Atkins stated the guide typically has a \$25,000 brown bear hunt and turns in a \$50 hunt record fee and a transporter would probably make only \$1000 on the trip and has to pay the same \$50.00 filing fee. Mr. Tiffany stated the transporter should do the same as guides with a line item fee to the client.

Mr. Jones stated air taxis are pillars of the community and not opposed to paying their fair share but what their fair share is a question. The cost of administering transporters is different than guides. There are more legal cases that come from the guide industry than the transporter industry. When was the last time the board reviewed a transporter case? There is very little turnover in transporters. A transporter is going to be one for a long time. The assistant guides have a high turnover. For transporters to have to step up and pay the same rate as guides is wrong. In the KISS plan he addresses that and would like the department do an audit of the costs for transporters vs. guides. If the math turns out the transporter costs should be doubled, then so be it.

Chairman Vrem stated he submits only fifteen hunt records in a year and it takes a certain amount of the examiners time to process them. A transporter will turn in as many as 300 300 transporter activity reports which take a lot more time to process. We have not had a lot of transporter cases because they get a free ride on their transgressions. Maybe some education would help. Kodiak is different, with a lot of transporters. On the other hand there are other areas that have air taxis which do nothing but fly hunters around. They flood an area without good infrastructure and have inadequate meat containers. They need to be accountable to the impact they cause in a community.

He understood the point about the \$50 filing fee but agreed with Mr. Tiffany. If someone is going to pay \$1000 for a flight they will pay \$1050 for a flight. They can have up to six clients on a transporter activity report form while guides can have only one client per hunt record form. If a guide makes a violation and he is investigated and ends up with a consent agreement but if it's a transporter we really don't do anything.

Mr. Atkins spoke about finding illegal air taxis illegally advertising online. Examples were passed out to the board. Chairman Vrem pointed out the license requirements for guides are more stringent than transporters, such as passing exams and having first aid cards. Mr. Jones stated when he gets into a 135 airplane he is told the location of the first aid kit and fire extinguisher. The pilots may not have a first aid card but he suspects they do. He knows marine transporters have to have one. Also, transporters are quite frequently not individuals, they are businesses. Chairman Vrem stated that the last two audits have included the first aid card not being a requirement to all licensees. The transporters need to participate in these meetings if they want to be heard. Mr. Jones stated that with his KISS plan these air taxis would be contacted and warned not to do it again. Investigator Strout often writes a letter when he receives a complaint and usually the illegal advertising quickly ceases. If this does not occur then the troopers could be contacted. Chairman Vrem stated he agrees with Mr. Jones; he doesn't see a problem with an air taxi advertising hunting charters; they just need to tweak the language; however, he has a problem with a squadron of air taxis that do nothing but fly hunters.

## **AGENDA ITEM E      BUDGET REPORT**

Division Administrative Officer Martha Hewlett provided the FY16 1st and 2nd quarter review. Lic revenue ended in the 1<sup>st</sup> and 2<sup>nd</sup> quarter of FY16 with \$393,090.00. This is a renewal year but majority is not yet reflected. Direct expenditure is \$111,752 and on page two it will correspond with the 1000 series.

Contractual is 3000 series. Mr. Jones asked who is included in the direct personnel services and Ms. Hewlett stated the examiner, supervisor, investigator, regulation specialist and office assistant that spent time on GUI tasks. Mr. Jones asked if it could be broken out and Ms. Hewlett stated yes. Ms. Hewlett stated \$54,000 was listed under indirect services as a place holder. Indirect costs aren't billed until the end of the year but this is done to prevent alarm, based on the prior budget.

Director Janey Hovenden was unable to attend as she was in a legislative hearing; the fee analysis will be sent for tomorrow morning.

Operations Manager Ms. Chambers dialed in and Mr. Jones stated he wanted to see a fee analysis between guide and transporters. Ms. Chambers stated the accounting system isn't set up for that. It is not required to track fees down to that level. No program does that. She agrees it is something they can work toward. Chairman Vrem asked if the fees could be retroactive. Ms. Chambers stated the audit report shows the deficit must be taken care of and if the board wants to take away fees, this is really not an option. This was discussed at the transporter subcommittee and the department is open to new ideas.

Chairman Vrem stated the concern is the speed at which it was adopted. Mr. Jones stated it seemed like the fee went through the system very quickly considering it takes a regulation about three years. The board's experience is that we see it for two years at different meetings. The department can move through the regulation process without waiting on the board's schedule. Ms. Chambers stated it seemed like it went faster because it's one director and not an entire board which is why it takes longer. The board regulations are more sophisticated and take discussion while fees are fairly straightforward. Since the division has the fee authority, they can initiate the cost of proposing and hearing public comment. We would be open to raising and lowering the fees without losing the board's ability to pay off the deficit. Mr. Jones stated changing the fee regulation would probably be contentious and it would not be done quickly. By the time they got around to actually doing it they would have a year of the current fees to study and then could see if they were making headway with the new fee. Chairman Vrem stated it's going to make the transporters parcel out exactly what they are going to do minus what they do as air taxis. They will have to make some adaptations for a year.

Investigator Strout provided the Investigation Board report. The office opened forty-six files and closed fifty one files. There are fifty-nine open cases not including the intakes and probation. The office closed seventeen cases, not including intakes and probation matters, just complaints and investigations. We closed six license actions during the Dec meeting and seven during this meeting for a total of thirteen. Chairman Vrem asked if there is a majority of a certain type of violations. Investigator Strout stated they see a lot of real time investigations from wildlife trooper monitoring, which has not been typical in the past. There are quite a few lot sub-legal animals. The guide use area registration is not as bad as it was. Either not reporting or incorrectly reporting on an application is pretty prevalent. It has been pretty much across the

board.

The meeting adjourned at 4:03pm.

**Wednesday, March 9, 2016**

**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  
Michele Metz, Large Private Landowner  
Nicholas Jackson, Large Private Landowner  
David Jones, Transporter  
Tom Atkins, Transporter  
Henry D. Tiffany IV, Master Guide-Outfitter

Board members absent:

Karen Polley, Public Member  
David Brown, Board of Game Representative  
Gene Peltola, Public Member

Board staff present:

Cindy Hansen, Licensing Examiner  
Lee Strout, Investigator

Visitors present:

Valerie Baxter	Dept. of Natural Resources
Tony Kavalok	Dept. of Fish and Game
Coke Wallace M#172	
Bobby Fithian M#126	
Dan Montgomery M#173	
Loren Karro R#941	
Wayne Kubat M#147	
Mark Richards	Resident Hunters of Alaska
Dan Bunsel Meier, R#1321	
Wayne Haimer	

Virgil Umphenour, M#151  
Tony Lee, M#185  
Lyle Becker, R#1276  
Lance Kronberger, M#221  
Aaron Bloomquist, R#1259  
Art Andreis, M#95  
Gary Wall, R#1182  
Rolan Ruoss, T#85  
Henrik Wessel, R#994  
Phil Byrd, R#1291  
Richard Stewart, A#5513

**AGENDA ITEM                      PUBLIC COMMENT**

Mark Richards, Executive Director of "Resident Hunters of Alaska" (RHAK) stated the organization was created because of lack of action by the Board of Game over sheep issues. The sheep working group is kicking the can down the road again. The city of Austin has an ordinance of who can provide emergency services. Air taxis could not operate because of this ordinance. The state of Alaska is also trying to regulate air taxis that try to operate. This tends to prove that cities cannot regulate federally regulated operations. The transporter fees will provide a backlash. We don't believe resident hunters should provide the brunt of the program costs. RHAK would like to do away with the fee and concentrate on the guide industry.

Mr. Tiffany asked for the source of Mr. Richards's salary. Mr. Richards stated RHAK. He is not in a leadership position with "Back Country". Chairman Vrem stated the legislature determined who is a transporter and who is an air taxi and we can modify the definition by regulation but as far as dealing with the statute that would be with the legislature. Mr. Richards stated RHAK plans to do so. Mr. Jones stated doing away with transporter licenses altogether would affect the air taxis more than the marine transporters. Their clients are also flown in and with this similar close proximity they have also the opportunity to cross the line into guiding. Mr. Richards stated both transporters have gotten cross-wise with the troopers on crossing the line. Mr. Jones stated the exemption requirement deals only with air taxis, not water transportation or any other form of transportation.

Bobby Fithian, M#126, thanked the board for its work. Eleven years ago then Governor Murkowski asked him to participate in the creation of the board. The transporter exemption was the result of a number of requests to deal with the issue of air taxis spotting animals through a subcommittee. The proposal to eliminate the exemption supports bad actions by guiding transporters who move around and spot to compete with guides on the ground. Guides should know their area well enough to not have to jump in a plane to look. A recent letter from Boone and Crocket to the Board of Game clearly defines the "fair chase". Do not relax these standards for short term gain.

Lance Kronberger, M#221, stated the assistant guide application is much more lenient than what is in statute, nowhere in statute or regulation does it state the guide has to be on three big game kills.

The Unique Verification Code is integrated with the department of fish and game and become a fish and game violation if there isn't land authorization. He would hate to see this prevent a guide from obtaining a UVC. There is going to be some transfers of business that take place and there are drawing units. The way it is written you can't sign up for the unit until the transfer takes place; however, if you are not signed up you cannot register. This is in conflict with regulation.

Wayne Kubat, M#147, stated he represents the Alaska Professional Hunters Association and thanked the board. The increased license fees for 2016-17 happened fast and there may need to be reconsideration and adjustment later this year. The transporter use area is being discussed in subcommittee to clarify, educate and enforce transporters regulations and air taxis operating as transporters. There seems to be movement towards a middle ground. Spotting can be done ethically and unethically. His area is far removed and to walk there would take a month so he spends time looking at pockets of areas.

Rolan Ruoss from Seahawk Air, T#85, stated they have been licensed transporters for thirty years and always thought this was a guide board and the license was an additional burden on his business. We submit TAR forms. Kodiak Island transporters account for thirty-seven percent of the TAR reports. Most air taxis normally transport a lot of hunters, under the exemption, so this proposal will directly affect Kodiak businesses. The TAR filing fee will affect us and is a big deal. He read the letter with the July meeting reference and was surprised there wasn't a quorum and there wasn't a fee analysis available for licensees. He was unaware of the fee structure. Then it was clarified that the fees would not apply for activity before November 20, 2015. We believe the public process was not rigorous. He has communicated with the board, the director and Ms. Chambers, who state their hands are tied because it is already in regulation. He suggested the board tell the division there wasn't a public process and licensees did not have a fee schedule to respond to. He suggested in a letter to the Director that the division rescinds the fees until further discussion. According to regulation, if he advertises as a transporter then he is required to fill out a TAR form for every hunter group.

He could live with transporter use areas but believe it is unnecessary. He recommended keeping the air taxi exemption. Mr. Atkins stated the Kodiak Transporters are working together on this issue for clarification with the troopers, the board and division. Chairman Vrem stated this board has struggled over the years to deal with a growing transporter issue. The two transporter board members have done a very good job of basically blocking anything too onerous. The

subcommittee should permanent members with a mainland air taxi and mainland marine operator.

Mr. Tiffany stated he is on this board because he did not agree with some of the rules. He has learned it is who shows up that makes the rules.

Dan Montgomery, M#173, stated there is good discussion in the ethics subcommittee and he supports the new language for ethics and behavior. He would like to see three guided hunts for an animal on the assistant guide application just like the registered guide, instead of so many days.

Loren Karro, R#941, stated she supports the ethics subcommittee proposals and several boat operators also support this. It keeps guides at a higher ethical level, which we should be. The resource has got to come first and the subcommittee has come up with language with that in mind.

Jeff Burwell, M#162, stated the way they hunt in southeast crosses the section of a beach and difficult to tell the location of the boundary. Point Adolphus is the most recognizable and reasonable. He has spoken with the department of fish and game and Guide Paul Johnson and learned when the guide use area was created they followed old fish and game UCU's. Fish and Game liked to fill the UCUs into small groups with drainage designation, but this one cuts off on a ridge. Their comment was that maybe it was done wrong. About five years ago Paul Johnson and he agreed to stay on either side of the point. Chairman Vrem stated the board will do its best for due deliberation.

Virgil Umphenour, M#151, stated the division is not following the administrative procedures act. Three years ago he submitted a petition for clarification and the division told the board they could not address it so he is resubmitting it now. They did not have proper public notice, which is in the administrative procedures act. It is not reasonable public notice to send out notice letters with a deadline while guides were out in the field. The discipline of guides and transporters states the board "may", which means the board does not have to discipline while "shall" means the board has to do it. The board must lead by example with ethics. Allowing prosecutors to lie and provide false information to courts is like running a stop sign and being falsely charged with a major crime. The ethics proposal is playing into the hands of the people who want to do us out of business. He is in favor of transporter use areas. His request requires two board members to vote to meet. Public redress allows the public to complain about a regulation that was done wrong.

**AGENDA ITEM F                      BOARD DISCUSSION: REGULATION PROPOSAL  
FOR ASSISTANT GUIDE SCHOOLS**

Bobby Fithian, M#126, stated he requested increasing the benefits received after graduating from big game guide board. Currently there is only ten days of credit for fifteen days of guiding school for an assistant guide license. He proposed a board sanctioned school graduate receive one year credit towards the two year hunting requirement. The school should provide an annual report. Currently he cannot facilitate the school because it is not worth it. This proposal will provide the industry with good assistant guides.

Chairman Vrem stated he has grappled with this and is sympathetic. The board had two approved guide schools with a third one being requested. Should the board delve into specifics or address these schools on their own merits? Should we have an overlying set of regulations requirements that we want to see met? His inclination is to allow for school in regulation and then evaluate each school on their individual merits. Mr. Tiffany stated there is a current lack of credit. Mr. Fithian stated a one year/thirty day credit would make the schooling worthwhile. Non-resident ex-military contact him at least once a week. They want to use their GI bill to participate in the school. He has encouraged them not to come until this is fleshed out. Mr. Tiffany stated it should be a case by case basis using a set of standards with an annual report. How would it affect the school if a graduate violates regulations 1-5 years later? Mr. Fithian stated this might happen but not every graduate will be the best guide. His school has a test like the registered guide exam that they have to pass to get their certificate. Perhaps the board could come up with two or three categories for training. It would be thirty days in the school with another thirty days in the field. Currently the students are divided equally between residents and non-residents with residents either retiring or new Alaskans.

Ms. Metz asked how the board evaluates the current schools. Chairman Vrem stated Ms. Polley has educational experience. He has no doubt Mr. Byrd and Mr. Fithian would run professional programs but he is ignorant on how to shape this. Montana has a required number of days in the field and it's a two to one offset. They do not spend their time picking up cigarette butts and chopping kindling. It's very hands-on. Mr. Jones stated he could support the concept of a guide school that is technical, regulatory and physical. Mr. Tiffany stated he could support the two to one ratio, not to exceed the thirty day credit with a thirty day requirement for in the field. Mr. Atkins stated he has noticed a spike in the violations among assistant guides and additional training would be helpful. Mr. Fithian stated the difficulty will be the sanctioning and oversight of the schools. Perhaps the two course outline he has provided could help the board select required areas.

#### **AGENDA ITEM G            BOARD DISCUSSION: HUNTING GUIDE SCHOOL**

Captain Phil Byrd, R#1291, stated his goal is also a two for one school with an additional thirty days in the field and deleting the year of hunting experience

because the non-resident assistant guides have a hard time making the two year experience. Chairman Vrem asked if they could look at Wyoming and Idaho school requirements. Mr. Tiffany asked if there could be more information about Captain Byrd's guide school and Byrd stated yes. Chairman Vrem stated the learning curve for registered guides in other states should not be the same as a resident with no experience. Mr. Fithian stated that originally there were two petitions of which his was one, and the board sanctioned both. They were approved based on their merits. Chairman Vrem stated the regulation provides flexibility with regulation language "to the satisfaction of the board". One school is in lower Tonsina and the other is Shushanna. Mr. Fithian stated the two schools are different; his is a learning school and the other is a hands-on school.

**AGENDA ITEM H            BOARD DISCUSSION: AAC 75.260 & 450- ADD  
VERBAGE**

Brian Rethage stated the proposal would identify big game by sex and characteristic and provide an expectation of management: 12 AAC 75.260. **REGISTERED GUIDE-OUTFITTER CONTRACT REQUIREMENTS.** (a) A contracting registered guide-outfitter shall deliver a written contract to the client within 90 days after receipt of a deposit, or before services are provided, whichever is earlier. (b) A contract must (1) include the name, license number, and signature of the guide-outfitter, and must include the name of the guide-outfitter's business if it is different from the name of the individual guide-outfitter; (2) include the name and signature of the client; (3) list each big game animal to be hunted, and must identify the primary animal to be hunted **by species, sex, and any characteristics above that defined by the Dept of Fish and Game as legal game to include but not limited to age, spread, size and points as it pertains to the species hunted;** (4) list the approximate times and dates that the client will be in the field; (5) list the number of hunting days and dates for each species, if appropriate; (6) state the cost and payment schedule; (7) state the amount of the trophy fee, if any, and must identify who is responsible for the cost of the license and tags; (8) state the extra transportation cost, if any; (9) include a statement of services provided, including lodging, meals, number of clients per guide, trophy;.

Chairman Vrem asked if this meant he wanted specific types of game listed on the contract instead of sorting it out in camp. Mr. Rethage stated yes. If a transporter lists deer it is vague if it's only for a buck. Chairman Vrem asked if there was an agreement when it was arranged with the transporter and Mr. Rethage stated yes, for deer but did not clarify if it was does or bucks. Mr. Jones stated transporters do not have the right to tell a hunter which animal to shoot. They can only transport a hunter. The hunting of game is the guide's job. Mr. Rethage stated both parties must be in full agreement about which game can be transported and not find out

during the transportation that the transporter will not transport certain kinds of game such as does. Chairman Vrem stated he agreed and sees a benefit for guided hunts but he's conflicted for transporters. He doesn't know if it is board business to tell transporters what species their clients can transport. Mr. Tiffany stated he isn't opposed to adding species or sex but he's uncomfortable with age, spread and points. Would he be in violation of his own contract if he only listed male bears and a client accidentally shot a female? Chairman Vrem stated the proposal is "List each big game animal to be hunted". Chairman Vrem stated the transporter overstepped his boundaries. Mr. Atkins stated it is none of the transporters business. Chairman Vrem stated the transporter was remiss in not relaying this information up front. Mr. Rethage stated there are some transporters who are not living up to the standards expected by the board and he would hate to see future clients get the same treatment by transporters like this. Mr. Jones stated he will not support the proposal. This transporter was out of line and if he had pushed the issue he would have been in violation of the regulation to disrupt a legal hunt but it's a single case. Contracts are cumbersome for some transporters. It's different for guides who have hunters with them for several days but a transporter transaction is quickly made after walking through the door. Mr. Rethage asked if there is an ethics committee he could address this in and Chairman Vrem stated yes but perhaps an ethics complaint should be directed to Lee Strout.

**AGENDA ITEM                      HUNT RECORD AND TRANSPORTER ACTIVITY  
REPORT FEES**

Mr. Jones stated the FY15 fee analysis provided by Director Hovenden this morning is because people were unhappy about the lack of a public process. They did not realize it was going to be effective in the current license cycle. It affected business they had already conducted so there wasn't any way for transporters and guides to recover the costs. In effect the fee was retroactive. Moving forward, the transporter subcommittee is moving forward with recommendations. His thoughts are to revisit the fee analysis and hold the transporters accountable with regulatory costs. Most transporters are willing to pay for these costs but there's a difference between the guide and transporter costs. Transporter costs are less and should be reflected in the fees. Mr. Atkins stated Mr. Jones has done a tremendous job getting the discussion going and we now realize there's a misconception about the rules. He would like to table the exemption issue right now to see what the subcommittee comes up with it.

Mr. Atkins stated the fee increases is another fight. He was one of the first to complain to the division in the way they handled it during the busiest time of season and lack of decision during the July meeting. Hopefully guides and transporters can work together on this. Mr. Tiffany doesn't like having his name attached to something he did not vote in favor or against. The board knows how this

debt was incurred and while unjustified; it is our duty to pay it back. Under the current fee structure, it's projected in 2018-19 we could have a surplus of \$25,000 and in 2020-21 we could have a surplus of more than \$500,000. He wonders if they should bite the bullet until FY18 and revisit the fee structure. He is inclined to just bite the bullet and hopes it doesn't put anyone out of business. Chairman Vrem stated our first strike was when we had to pay for our discipline without knowing what that cost would be. Strike two was the division not acknowledging our data collection as limited. The proposed fee increase was based on an economic study done by APHA. We need better data collection. State statute requires a fee for the privilege of holding a license and it's only fair that transporters are included. Mr. Atkins stated he appreciates the remarks and understands the frustration; we were all taken by surprise. Chairman Vrem stated the Medallion Foundation has information about air carriers. We need to be careful to avoid the appearance of ducking a contribution to the budget crises. These excess fees were theory in getting our debt down and taking a pro-active step in view of the sunset.

**AGENDA ITEM I                      BOARD DISCUSSION: AAC 75.265-CHANGE GUI 4-11 AND 4-16**

Jeff Burwell, M#162, stated the land belongs to the forest service and the EIS is coming out after the current comment period. Mr. Tiffany stated it would become messy to move away from a UCU line but perhaps the department of fish and game could move it which would be easier for the board. Mr. Jones asked if the boundary line cuts through the middle of a beach. Mr. Burwell stated the line on the map is  $\frac{1}{4}$  of a mile wide and runs somewhere along the beach. Mr. Tiffany asked how long have you been operating in that area and why the change request now? Mr. Burwell stated about 10 years said about a decade with increased pressure to hunt right on the edge from the whale watching businesses and local Hoonah activities.

**AGENDA ITEM                      SURVIVORSHIP FOR EMERGENCY TRANSFERS**

Subcommittee Chairman Vrem stated they need to know from the department of law if the board can have a regulation for a spouse or partner to survive the loss of a natural person holding the license by allowing a provisional or temporary license to allow a person, preferable the natural person's employee, to finish out the season of contracts. Mr. Jones stated that often these hunts have been scheduled in advance and the customer and public would also benefit. Kelly stated the federal and wildlife owners are willing to support such a license. One bad accident could bankrupt a family. The current regulations do not allow for unforeseen circumstances.

**AGENDA ITEM J            TRANSPORTER SUBCOMMITTEE**

Subcommittee chairman Mr. Jones stated they have a list of names for working members of this subcommittee:

1. James David Jones, transporter board member
2. Tom Atkins, transporter board member
3. Joe Schuster public and air taxi and guide and transporter
4. Aaron Bloomquist, guide
5. Mark Richards, Director of RHAK
6. Rolan Ruoss, air taxi and transporter from Kodiak

The subcommittee used the KISS document and adopted all of the actions to ask this board to rescind its current resolution to remove the air taxi exemption, develop a letter to go out to air taxis and transporters to identify areas of rampant non-compliance, develop a FAQ list and explore current law, submit to department of law for vetting and ask for board support. They will supply a letter and FAQ to the industry to come into compliance over a period of a year and explore further action. At this time this isn't any regulation proposals but perhaps in the future.

No action was taken on the proposed transporter use areas. No action was taken on the transporter license fees. We ask that we be given time to digest the fee analysis and return later with a proposal to adjust transporter licenses and use fees.

**AGENDA ITEM K            TESTING REWRITE SUBCOMMITTEE**

Subcommittee chairman Ms. Karro stated they will have new scoring tests ready for approval.

**AGENDA ITEM L            ETHICS SUBCOMMITTEE**

Subcommittee chairman Mr. Tiffany stated they worked for two and one half hours fine tuning the subcommittee's proposal:

12 AAC 75.340 (d) Field craft standards. All classes of guides shall **(1) conduct themselves in a professional sportsman like manner that shows high standards and regard to the traditions of hunting, and treats wildlife, wild lands and all users with courtesy and respect; [(1)](2) use every lawful means at a licensee's disposal to bag a wounded animal while it is in danger of escaping, or in a serious emergency, while human life or well-being is endangered; [(2)] (3) barring unforeseen conditions, properly prepare according to generally accepted procedures, all antlers, horns, hides, and capes to be delivered to the taxidermist or to the client at the conclusion of a hunt in a satisfactory and unspoiled condition, unless the guide is providing only outfitting and transportation services for the client; [(3)] (4) endeavor to salvage all meat of animals taken by clients, in accordance with state statutes and regulations; [(4)] (5) except for brown bear, grizzly bear, wolves, and wolverine, transport the meat of a big game animal taken by the client in accordance with 5 AAC 92; [(5)] (6) respect gear, equipment, food, shelter, and camps established by other users; [(6)] (7) avoid staging unused or unattended camps and gear to discourage other users from utilizing a location; [(7)] (8) allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences; [(8) AVOID USING AN AIRCRAFT IN ANY MANNER TO SPOT BIG GAME FOR THE PURPOSE OF TAKING A SPECIFIC ANIMAL] (9) refrain from using any mechanical powered equipment to knowingly herd, drive, chase or harass big game animals; (10) refrain from making multiple, consecutive approaches in any mechanical powered equipment, near any game animal or group of game animals during any open hunting season for that species, to avoid altering the hunting experience of other hunters; 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 Ethics Subcommittee Big Game Commercial Services Board meeting February 26, 2016 6 (B) specifically authorized under another statute or regulation; but still avoid altering the hunting experience of other hunters; [(9) AVOID UTILIZING, IN ANY MANNER, GLOBAL POSITIONING SYSTEM (GPS) OR OTHER ELECTRONIC DEVICES TO ASSIST IN THE TAKING OF A BIG GAME ANIMAL] (11) avoid utilizing global positioning systems (GPS) or other electronic devices to locate and stalk a big game animal for the purpose of harvest; and [(10)] (12) respond personally or through an assistant to requests for assistance communicated during the hunt; a contracting or employing guide must respond within a reasonable time based on the urgency of the request, weather conditions, and other safety factors.**

The meeting adjourned at 4:30pm.

**Thursday, March 10, 2016**

**AGENDA ITEM                      CALL TO ORDER/ROLL CALL**

The meeting was called to order by Kelly Vrem, Chair, at 9:07 a.m.

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair  
Michele Metz, Large Private Landowner  
Nicholas Jackson, Large Private Landowner  
David Jones, Transporter  
Tom Atkins, Transporter  
Henry D. Tiffany IV, Master Guide-Outfitter

Board members absent:

Karen Polley, Public Member  
David Brown, Board of Game Representative  
Gene Peltola, Public Member

Board staff present:

Cindy Hansen, Licensing Examiner  
Lee Strout, Investigator

Visitors present:

Valerie Baxter	Dept. of Natural Resources
Tony Kavalok	Dept. of Fish and Game
Coke Wallace M#172	
Bobby Fithian M#126	
Dan Montgomery M#173	
Loren Karro R#941	
Wayne Kubat M#147	
Mark Richards	Resident Hunters of Alaska
Dan Bunsel Meier, R#1321	
Wayne Haimer	
Virgil Umphenour, M#151	
Tony Lee, M#185	
Lyle Becker, R#1276	
Lance Kronberger, M#221	

Aaron Bloomquist, R#1259  
Art Andreis, M#95  
Gary Wall, R#1182  
Phil Byrd, R#1291  
Richard Stewart, A#5513  
Tim Buechle, R#1308  
Rolan Ruoss, T#85  
Henrik Wessel, R#994

**AGENDA ITEM                      SUBCOMMITTEE REPORTS**

Survivorship for Emergency Transfers subcommittee chairman Vrem stated they a department of law input before they can proceed.

Transporter subcommittee chairman Jones stated they have a motion prepared for the board for a regulation proposal.

Ethics subcommittee chairman Tiffany stated they have a regulation proposal.

Testing Rewrite subcommittee chairman Karro asked for discussion in executive session to review proposed exams.

Henry moved into Executive Session at 9:11am and Nathan Jackson seconded.

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

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

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

The Board entered into executive session at 9:11am and exited out of executive session at 9:50am.

**AGENDA ITEM                      PUBLIC COMMENT**

Coke Wallace, M#172, stated there are repetitive violators in his area and one of them was recently cited for an illegal bear bate site which he believes gives all the

guides in that area a bad reputation. It is frustrating that the board cannot do more. There is another violator who flies an old plane without a radio and continues to almost collide with several air taxis.

Tony Lee MG#105, stated the guide school is really important. He has a guide from Montana who works for him but does not know about the Alaska statutes and regulations. This needs to be taught in a guide school. We concentrate on field craft and not enough on the regulations. Maybe Alaska Professional Hunters Association could become involved. When a regulation or litigation changes the way we perceive doing business then this information must be shared with us. Unfortunately much of the information is done by word of mouth. More education would result in fewer investigations. Chairman Vrem stated the troopers have decided that the way we complete bear certificates is incorrect and could result in a citation; however, they did not let anyone, including the board, know about this. Mr. Lee stated there are some serious changes in Title 16 that are not in the licensed vendor book. Mr. Tiffany stated He should know this information but word of mouth is the only way he hears of it. As the regulatory board member, he does not want the trooper dictating to the board how guides should fill out a form. He does not want to see the board's duties being relinquished to the troopers. Mr. Lee stated he uses a checklist for the hunters he transports but he doesn't feel like he is on the same page with the enforcement. Mr. Tiffany stated it would be beneficial if Lt. Fussey was sitting in this room right now for it would be helpful for him to hear as this is an example of the disconnect between the board and enforcement.

Mr. Tiffany motioned to suspend the rules and Mr. Jones seconded to continue the public comment period.

Mr. Montgomery stated he encourages the board to pass the proposal for the ethic subcommittee. With this new language they can survey their area without being unethical.

Mr. Kubat stated he agrees the committee has made a lot of progress and APHA appreciates the work of the board.

Rolan Ruoss stated he appreciates the work of the transporter subcommittee to rescind the resolution for exemption.

Joe Want stated last year there was a petition to modify the areas of the area in Kodiak. The concern stems from a historical standpoint. Because a guide retires does not mean another guide should be able to change the boundary. There needs to be a strong reason for a boundary change. There are no professional standards. I worked on this several years ago with excellent reference material on the history of guiding. Guides are still asking basic questions which they should already know. We are doing nothing to develop the quality of these guides. If we are going to have guide schools then they need to include this standard.

**AGENDA ITEM M      REQUEST FOR REGULATIONS**

Mr. Tiffany moved to accept the request for regulation for 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 and Mr. Jones seconded.

Discussion: Dave Jones stated this is a procedural maneuver and he does not intend to change his position and will vote in favor. Mr. Tiffany stated he agrees with Mr. Jones and his position does not change. He appreciates the person's patience; it was a well-presented case for the boundary change. Chairman Vrem stated he is also not going to change his vote as he believes the guides know what they are doing.

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

**RESOLVED** to accept the request for regulation for 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.

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			
<b>Nicholas Jackson</b>	<b>X</b>			
<b>David Jones</b>	<b>X</b>			
<b>Tom Atkins</b>	<b>X</b>			
<b>Henry D. Tiffany IV</b>	<b>X</b>			
<b>Gene Peltola</b>				<b>X</b>

Mr. Tiffany moved to modify 12 AAC 75.340 (d) Field craft standards and Ms. Metz seconded:

**12 AAC 75.340 (d) Field craft standards.** All classes of guides shall

**(1) *conduct themselves in a professional sportsman like manner that shows high standards and regard to the traditions of hunting, and treats wildlife, wild lands and all users with courtesy and respect;***

**[(1)](2) use every lawful means at a licensee's disposal to bag a wounded animal while it is in danger of escaping, or in a serious emergency, while human life or well-being is endangered;**

**[(2)] (3) barring unforeseen conditions, properly prepare according to generally accepted procedures, all antlers, horns, hides, and capes to be delivered to the taxidermist or to the client at the conclusion of a hunt in a satisfactory and unspoiled condition, unless the guide is providing only outfitting and transportation services for the client;**

**[(3)] (4) endeavor to salvage all meat of animals taken by clients, in accordance with state statutes and regulations;**

**[(4)] (5) except for brown bear, grizzly bear, wolves, and wolverine, transport the meat of a big game animal taken by the client in accordance with 5 AAC 92;**

**[(5)] (6) respect gear, equipment, food, shelter, and camps established by other users;**

**[(6)] (7) avoid staging unused or unattended camps and gear to discourage other users from utilizing a location;**

**[(7)] (8) allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences;**

**[(8) AVOID USING AN AIRCRAFT IN ANY MANNER TO SPOT BIG GAME FOR THE PURPOSE OF TAKING A SPECIFIC ANIMAL]**

**(9) *refrain from using any mechanical powered equipment to knowingly herd, drive, chase or harass big game animals;***

**(10) *refrain from making multiple, consecutive approaches in any mechanical powered equipment, near any game animal or group of game animals during any open hunting season for that species, to avoid altering the hunting experience of other hunters;* 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;**

***but still avoid altering the hunting experience of other hunters;***

**[(9) AVOID UTILIZING, IN ANY MANNER, GLOBAL POSITIONING SYSTEM (GPS) OR OTHER ELECTRONIC DEVICES TO ASSIST IN THE TAKING OF A BIG GAME ANIMAL]**

***(11) avoid utilizing global positioning systems (GPS) or other electronic devices to locate and stalk a big game animal for the purpose of harvest;***  
and

***[(10)] (12) respond personally or through an assistant to requests for assistance communicated during the hunt; a contracting or employing guide must respond within a reasonable time based on the urgency of the request, weather conditions, and other safety factors.***

Discussion: Mr. Tiffany said they believe they have found a solid middle ground through subcommittee members. It is already illegal to harass an animal so in this proposal they made it clear it is illegal to make consecutive multiple approaches, not passes, near any game animal or group of animals. The subcommittee's clear intent is that if he sees an animal or group and being making multiple consecutive approaches he is breaking this proposed ethical regulation during any open season. Before the season he could go out and survey the area in this manner but once the season opens it would be unethical. The root of the issue is the behavior and focused on not disturbing the animals and other users. Chairman Vrem stated he has been fully briefed and comfortable with it. Mr. Jones stated he is going to approve this motion and respects the work the subcommittee has done as it's been a very emotional subject for many. At this stage he is comfortable supporting this. These field craft standards are mimicked in the transporter regulations. The transporter regulations would differ if this proposal becomes regulation. It was decided for the transporter subcommittee to review this for a possible transporter regulation change proposal.

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

**RESOLVED to modify 12 AAC 75.340 (d) Field craft standards.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	X			
<b>Karen Polley</b>				X
<b>David Brown</b>				X
<b>Michele Metz</b>	X			
<b>Nicholas Jackson</b>	X			
<b>David Jones</b>	X			
<b>Tom Atkins</b>	X			
<b>Henry D. Tiffany IV</b>	X			

**Gene Peltola**

**X**

Chairman Vrem appointed a **GUIDE SCHOOL SUBCOMMITTEE** to develop a set of criteria to create a guide school for applicants to demonstrate they meet the expectations of the board. This should include more credit for school days and what should be in the core curriculum. He appointed himself and Ms. Polley as co-chairs. Robert Fithian and Phil Byrd will be public members and the two board sanctioned schools.

Chairman Vrem stated there will no action taken for the proposal with AAC 75.260 and 450 to add verbiage by "species" because it would be premature in view of the work being done by the transporter subcommittee. Mr. Jones stated the subcommittee would take a look at this proposal. He has heard continuous testimony about how conjugated the regulations already are and he wants to hear a clear problem behind a regulation proposal. He sympathizes for the person but it would add a lot to the contract.

Chairman Vrem stated hunt record and transporter activity report form fees are being researched and taken under advisement at this time.

Chairman Vrem stated there will be no action taken for AAC 75.265 GUI 4-11 and 4-16 because the board needs to hear from the applicant about the department of fish and game related questions. Mr. Tiffany stated the first Halibut Bay map proposal was presented twice with several letters of support and at this point this proposal is not that thorough. A lot of thought and effort was put into the creation of this boundary so the board will need a strong reason to change it.

## **AGENDA ITEM**

## **BOARD BUSINESS**

Mr. Tiffany motioned to eliminate the AS 08.54.790 (12) (B) Transporter License Exemption as referenced in the board minutes of March 3-5, 2015 meeting, pg. 51 & 52 and Mr. Jones seconds.

Discussion: Mr. Atkins stated he made this proposal in 2014, at the time he was concerned about air taxis operating as transporters. He now realizes the ramification with marine operators and likes the direction of the subcommittee. Mr. Tiffany stated he will vote no to rescind the resolution because the board already voted on this and he still supports it. The resolution was never sent and for those two reasons he will vote against it. Mr. Jones stated he supports the motion to rescind the resolution. The board's original action was approved in a split decision in March 2015. Since then we have become aware of a myriad of statute

interpretations. We have created a subcommittee to look at this grey area. The subcommittee will send a letter and FAQ document to the industry after being vetted by the board and legal department. A resolution has very little chance of being considered by the legislature and it's de-stabilizing. He will put his concern to rest and go through the committee process. This can always be readdressed later to see how effective the subcommittee efforts were. Chairman Vrem stated subcommittee work is appropriate.

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

**RESOLVED** to rescind the boards resolution to eliminate the AS 08.54.790 (12) (B) Transporter License Exemption as referenced in the board minutes of March 3-5, 2015 meeting.

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Kelly Vrem	X			
Karen Polley				X
David Brown				X
Michele Metz	X			
Nicholas Jackson		X		
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV		X		
Gene Peltola				X

Mr. Jones motioned to accept the Transporter subcommittee minutes of February 23, 2016 and Mr. Tiffany seconds.

**RESOLVED** to accept the Transporter subcommittee minutes of February 23, 2016.

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Kelly Vrem	X			
Karen Polley				X
David Brown				X

<b>Michele Metz</b>	<b>X</b>	
<b>Nicholas Jackson</b>	<b>X</b>	
<b>David Jones</b>	<b>X</b>	
<b>Tom Atkins</b>	<b>X</b>	
<b>Henry D. Tiffany IV</b>	<b>X</b>	
<b>Gene Peltola</b>		<b>X</b>

Mr. Tiffany motioned to accept the Ethics subcommittee minutes of February 26, 2016 and Ms. Metz seconds.

**RESOLVED** to accept the Ethics subcommittee minutes of February 23, 2016.

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kelly Vrem</b>	<b>X</b>			
<b>Karen Polley</b>				<b>X</b>
<b>David Brown</b>				<b>X</b>
<b>Michele Metz</b>	<b>X</b>			
<b>Nicholas Jackson</b>	<b>X</b>			
<b>David Jones</b>	<b>X</b>			
<b>Tom Atkins</b>	<b>X</b>			
<b>Henry D. Tiffany IV</b>	<b>X</b>			
<b>Gene Peltola</b>				<b>X</b>

Chairman Vrem stated the Survivorship subcommittee will wait until July.

**AGENDA ITEM                      ELECTIONS FOR 2016 CHAIRMAN AND VICE-CHAIRMAN**

Mr. Tiffany motioned and Mr. Jones seconded to elect Kelly Vrem as Chairman and Karen Polley as Vice Chair.

**Roll Call Vote:**

<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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<b>Kelly Vrem</b>	<b>X</b>	
<b>Karen Polley</b>		<b>X</b>
<b>David Brown</b>		<b>X</b>
<b>Michele Metz</b>	<b>X</b>	
<b>Nicholas Jackson</b>	<b>X</b>	
<b>David Jones</b>	<b>X</b>	
<b>Tom Atkins</b>	<b>X</b>	
<b>Henry D. Tiffany IV</b>	<b>X</b>	
<b>Gene Peltola</b>		<b>X</b>

**AGENDA ITEM N            CORRESPONDENCE REVIEW**

The letter from past Transporter board member Leif Wilson was reviewed by the board and Mr. Jones stated that Mr. Wilson’s concerns were shared by others who have written letters to Ms. Chambers. The subcommittee is discussing these issues and Mr. Wilson is a valuable contributor. Chairman Vrem stated he will not debate this and acknowledged Mr. Wilson’s concerns and accepts his opinion. Mr. Tiffany stated he agrees with Chairman Vrem and acknowledged Mr. Wilson’s concerns. The transporter use area is already in regulation and at any time the board could have used that regulation. The board is not trying to unnecessarily add new regulations. Chairman Vrem stated attention and action on this is good. Mr. Atkins stated Mr. Wilson’s letter and those of others is representative of the frustration of the way the fees were handled, to the surprise of the transporters.

**AGENDA ITEM            TASK LIST**

- Chairman Vrem will contact department of law for subcommittee survivorship issues.
- Mr. Jones will provide a transporter subcommittee draft letter and FAQ to the board at the next meeting.
- Lance Kronberger will be on the guide school subcommittee and meet in July.

Mr. Tiffany motioned to accept the new Judging and Scoring exam and Mr. Atkins seconds.

Mr. Tiffany and Chairman Vrem thanked Ms. Karro and her subcommittee for updating and re-writing the exams. Mr. Jones stated hey heard from the public that nothing is being done to improve the guide in the field and although people are frustrated at the speed in which that happens, he pointed out there is a lot being done, perhaps some of it in executive session. The work is for a higher level of

professionalism. Chairman Vrem stated this is one of the longest standing subcommittees but it often gets overshadowed.

**RESOLVED to accept the new Judging and Scoring exam.**

**Roll Call Vote:**

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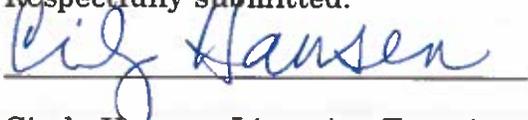
	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown				X
Michele Metz	X			
Nicholas Jackson	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

**AGENDA ITEM O TRAVEL ACTION SUMMARY REPORT**

The state did not pay for coffee or tea. Mr. Tiffany stated in the interest of saving money the division investigate holding future meetings and exams in Anchorage and Fairbanks state office building for the state authorized board. Chairman Vrem stated it could even be in an unused state building such as those near the airport.

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 7/21/16

Approved Date: 7/20/16