

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

BIG GAME COMMERCIAL SERVICES BOARD

MINUTES OF THE TELECONFERENCE MEETING ON
APRIL 28th, 2017

Friday, April 28th, 2017

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 on March 6th, 2017 at the Department of Environmental Conservation building located at 610 University Drive in Fairbanks, Alaska.

These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and Professional Licensing. These minutes have not been reviewed or approved by the Board.

Board Members Present, Constituting a Quorum:

Nicholas Jackson, *Private Landholder*

James David Jones, *Transporter (GUIT1003)*

Henry D. Tiffany IV, *Master Guide (GUIM144)*

Michele Metz, - Vice President - *Private Landholder* joined at 9:16am

Kelly Vrem, *President - Master Guide (GUIM102)*

James "Tom" Atkins, *Transporter (GUIT978)*

Thomas Sullivan, *Public Member*

Adam Trombley, *Public Member*

Staff Members Present

Sara Chambers, *Divisions Operations Manager*

Laura Carrillo, *Records & Licensing Supervisor*

Heather Noe, *Occupational Licensing Examiner*

Lee Strout, *Investigator*

Public/Licensees Present:

Michelle Metz, private land board member, joined in at 9:19 am

Henry Tiffany has a question for Sara for clarification and he asked about the guide use area registration application and on page 8 its authorization to provide big game hunting services and it states that this form must be filled out by a landowner or manager only or a copy of your land use authorization may be substituted in place of this form. Henry Tiffany IV asks, "Am I correct they can either include a copy of their land use permit or not fill this form, they can have the land manager fill this form out, or they can provide the sworn statement. Sara chambers responding, "No we need to see the land authorization or the valid previously used authorization. We need the land manager authorization and the sworn statement, all it really speaks to is saying staff you don't need to dig any further to make the connection between the land managers and the specific guide use area. The guides will still have to provide the land authorization whether it was for right now or previous years to show it is still valid. Laura Carrillo, records and licensing supervisor, states, if they are submitting a copy of their permit, or registration or land use in lieu of the authorization form included in the packet the information still has to comply with regulation, which is naming the specific guide use area, whether it is 5,000 contiguous acres and whether it is current.

Henry Tiffany IV, states that this is going to be problematic for us because we still haven't solved it. Sara chambers does not require it to state the guide use area that is what the sworn statement does. It can have coordinates it can say ANWR and at this point while we are trying to reconcile those types of authorizations with what we have which is guide use areas, the sworn statement bridges that gap and says yes this ANWR authorization is guide use area so and so and we are not going to delay for authorization to do research we are going to take the guides word for it and move on but it does have to be a land managers document. Henry Tiffany IV responded that's fine I understand that the sticky point was going to be for a lot of people particularly on state land they will just have a LAS permit or a 14 day permit and at best it will say game management 2 and it's not going to tell you a guide use area or any of that but if you are telling me that this sworn statement solves that then I am satisfied. Sara and Laura confirmed that yes this will solve however the guide still needs to submit the permit from the land manager.

Board member, Henry Tiffany IV, also asked is the sworn statement going to be included in the online packet or available on line.

Sara Chambers wanted to clarify that we are already seeing and does not want to speak to specifically because it may be something that comes before the board. We are already seeing issues where guide use area registrations were issued for the wrong or the guides have submitted land manager authorization that was not for their guide use area and we were not following regulation to check that and so guides are getting in big trouble because they are guiding in areas they did not have land permission for and that is going to become a board problem because the board gave them a documentation saying you are registered in this guide use area. We are trying to make sure regulations are followed because there is a real risk to the board, but guides especially if they are in some confusion and they are on land they are not authorized and we told them they were authorized. I am glad that we have a process that is sort of a placeholder, we have had great conversations with DNR about getting us some additional tools. Like Heather was saying this new process is working.

Henry Tiffany IV, board member asked if the sworn statement put the responsibility back on the guide for the guide should be the one responsible. Laura and Sara agreed that yes this sworn statement will put the responsibility back on the guide. Laura Carrillo states that the sworn statement actually includes language that says that the guide by signing the form they will not hold the board liable because of their guide use activity.

Chairman Kelly Vrem, as far as these potential future problems we are going to have to look to intent. If the guide honestly thought that he had the necessary permission. I personally am not going to throw the guide under the bus, because of any misunderstanding that this board or staff or land manager may have contributed to. We will have to work this case by case issue. I have not heard of any issue personally to where this has been a problem in the past. Going back to what I said before, I am assuming that you guys are going to be creating a database to make that correlation and to verify it.

Sara chambers, Divisions Operations Manager, stated that we are at the very beginning of trying to understand what we don't understand. DNR has provided us with tools over the years that are helpful but there are plenty of different land managers whether it state or federal agencies. I would expect that we can work together and that is our goal to make it easier for staff in the future. As we continue to work on that goal it will depend on the other agencies collaboration and as time permits.

Chairman Kelly Vrem states, here is something to keep in mind with these guide use areas, as far as the other land managers concerned are completely arbitrary. They don't fit that land manager's profile of what property they own to manage. Our guide use areas used to be drawn by the guides, they were kept on a map. Then when we lost guide use areas in a decision the state just stood there like a deer in headlights and froze. So the FEDS gave us ample opportunity to come up with a guide use area system the State failed to do that so the FEDS took it upon themselves to come up with their own guide use areas authorization and set their own boundaries and named them accordingly then we got back in the game rather late and what we did was we took some accounting units from the Alaska Dept. of Fish and Game to determine that these were the guide use areas and we used their numbering system. Then we changed it once again and shifted the boundaries and the boundary shifts were completely arbitrary to come up with a different set of maps that we found at ADF&G had and then ADF&G has since moved one and abandoned those numbers so we are stuck with a relic. It is really arbitrary and it is not the land owner's responsibility to comply with our arbitrarily, non-cynical in many ways for guide use area boundaries and we are going to have to give more on our side than the land owner is going to have to give. I have always thought our guide use area was basically just an acknowledgement of land use from the land owner and a way to charge a fee to the guide.

Sara Chambers, responded that we do understand that land managers position and that we don't want to burden the land manager or the guide who is the innocent bystander with the responsibility of matching these things up if we don't have to, but we do have to follow the board's regulations. So we are trying to move in that direction and we want to recognize of course that the land managers don't have responsibility to recognize or let us know the guide use area but it puts additional responsibility on us to learn all of their different systems and to become more familiar with the maps and guas and so forth and we will get there. We want to make sure guides get registered and so this will be a longer process but we are sympathetic to land managers and appreciate your reminder of that.

Task: Heather Noe, license examiner will have the sworn statement included in the guide use area registration application online.

GUA Change from Predator to Regular registration

9:30AM

Chairman, Kelly Vrem, moves on to the GUA change from predator to regular guide use area. What is that about? Laura Carrillo, records supervisor explains that currently in regulation any change to any guide use area takes effect January 1st of next year, but we are not understanding if that date also applies to change of application type, regular registration vs. predator. What would be the effective date of a guide use area registration change from a predator to regular registration and new effective date? Does the date only apply to the gua change or is it also for type of registration?

Henry Tiffany IV, board member, one thing that complicates it a bit, most guides are limited to three (3) guide use areas and those are the ones they can conduct hunts for any species, but as an example, if I am going to reregister for three (3) areas, then I decide that there is also a predator gua as a fourth (4th) area that I would like to register for wolf, bear or predator control. The intent of this is to keep from guides from bouncing around. I know that I am not answering your question as much as throwing in another example.

Heather Noe, licensing examiner stated, that was kind of the example on the application we received where a guide was registered in three (3) guide use areas and a predator control guide use area and wanted to withdraw a guide use area and change his predator control to a regular registration.

Laura Carrillo, Records and Licensing Supervisor, asked, would that be considered a change?

Chairman Kelly Vrem replied yes they are two different programs. You drop the predator areas and they don't have any effect on the primary areas and the predator control areas was not this boards doing it was a Senator that came up with this brilliant idea and then the board jumped on it and to me it has caused nothing but pain and heartache, but it is regulation and law we got to live with it so if the guide wants to make his predator area into his primary so the guide needs to relinquish the predator area and then register it as the primary.

Heather Noe, licensing examiner, then asks, so then we would not put the change to the guide use area as a withdraw and not put the effective date as 1/1/18 like a regular registration. We would have him completely withdraw from predator and register as a regular registration. So it would not be a change it would be a new registration?

Laura Carrillo, records and licensing supervisor, asked would if they withdrew and paid for a five (5) year registration but in the middle after two years makes the change they are completely withdrawing does their balance get applied to the new registration.

Henry Tiffany IV, board member, states that I don't see why, it is the price of doing business if you made an error in judgement or calculation and thought you were going to register for five years and got there and realized there are no wolves out there well you made a mistake.

Chairman, Kelly Vrem states that this is only a state program. There is no federal land with predator.

Henry Tiffany IV, board member addresses Kelly Vrem, to the most recent question if an individual is already registered in their three (3) guide use areas and added a 4th as a predator control and then wanted to make that 4th as one of their three (3) then the guide would have to wait until 1/1/2018.

Chairman, Kelly Vrem, agreed with Henry Tiffany IV and think it was proper to keep it as a change to guide use area.

Chairman, Kelly Vrem, stated that before we go any further here he would like to bend the rules and get right straight over to Mr. Jones items because he thinks is more pressing and worried about running out of time.

12 AAC 75.400

9:45am

James "David" Jones, board member, at our December board meeting the board passed a resolution to change 12AAC 75.400 basically adding a paragraph trying to alleviate double reporting when an air transporter flies a client to a guide or to a marine transporter in the field. At the December meeting we decided to add a paragraph that says that during portions of a hunt a transporter is exempt from transporter activity report filing requirement when providing transportation services to for a client to from or in between sites operated by another transporter or registered guide who has contracted this same hunt with the same client. Basically if another transporter, marine transporter, or a land based transporter who has a client who flies in on air taxi to fly in this client they wanted to prevent dual filing. At the March meeting we were informed from legal, Harriet, her problem with the regulation is ambiguous and it didn't really clarify in the case of several transporters working on the same hunt which one was going to be responsible for filing the report and she didn't feel it was appropriate for us to exempt a transporter from a report that is required in statute. Mr. Jones kind of concurred with her to some extent on her objections and put forward to her some other language that Mr. Jones felt would accomplish our tasks and clarify a little better who would be filing the report. Also what we are dealing with here is generally a part 135 air taxi who is also a transporter so Mr. Jones proposed other language to Harriet that says during portions of a hunt that a transporter also a FAA certified part 135 air taxi should not report air transportation services for a client to from

or in between sites operated to a marine transporter a ground based transporter or registered guide who is required to complete a hunt record or transporter activity report for this same hunt for this same client. The new language basically clarifies that the transporter is a FAA certified part 135 air taxi it says air transportation services and it also clarifies that the person is being transferred to ground based transporter or a regular guide who is required to complete a hunt record or transporter activity for the same report. Harriet got back to Mr. Jones and she still feels that every aspect of transporter activity needs to be reported as required by statute. The statute requires a transporter to complete an annual report and goes on to say what is going to be in the annual report is at the discretion of the board. Currently our reporting system has taken quite a bit of liberty with the term annual report for instance we have a per incident report and it is no longer annual. The statute also goes on to say that what is in a report is at the discretion of the board to decide what is in the report. In Mr. Jones opinion it also gives the board the discretion of what the board does not want in the report. Mr. Jones has not heard back from Harriet to his email that was sent this morning. Mr. Jones opinion is different than Harriet he does believe the board does have authority in statute to tell a transporter what activity we do not want reported in their report. Harriet seems to think that because the statute that requires them to provide an annual report prevents an exemption. Mr. Jones states that his new language clarifies that this is a FAA certified part 135 air taxi, air transportation only and the only time the transporter does not report is if dropping a client off with another license that is reporting. Mr. Jones is not opposed to amending the language.

Discussion: Mr. Jones stated that at this time he does not feel ready to pass a resolution at this time until they hear back from Harriet since she may have a better understanding.

Task: James "David" Jones will continue to work with Harriet on 12 AAC 75.400 and present at the July 2017 Meeting.

Annual report 10:15am

Laura Carrillo, records and licensing supervisor, annual report is due by June, 1st, 2017 and wanted to remind them to keep it on their radar.

Legislative Audit 10:17am

Laura Carrillo, records and licensing supervisor, just wanted to remind the board to keep this on the radar as well for it will be coming up fast.

Chairman, Kelly Vrem, requests that the auditors keep in mind that the board members are volunteers and that the auditors need to work with the board members schedule.

Henry Tiffany IV, board member agrees that the auditors do need to be reminded that this is a volunteer position and that we do have jobs separate from volunteering on the board.

Sara Chambers, Divisions operations manager, responded that we will do our best to relay the message to the legislation auditors.

James "David" Jones, board member, has a question for Sara Chambers, Division Operations Manager. On the 3rd quarter report and there is a deficit of 469,600 and if checked against calculations on current fees and for our 3rd quarter for FY17 we are already over 457,000 so is it correct for me to make the statement, that our attempt to get ourselves out of the whole are falling behind.

Sara Chambers, Division Operations Manager, asked chairman, Kelly Vrem if he is ready to talk about fiscal now?

HB No. 211

10:30am

Chairman, Kelly Vrem, responded that we can jump ahead for the reversal of federal hunting regulations has no bearing for this board. I do however would like to know a little more about the HB No. 211.

Sara Chambers, Division Operations Manager, stated that this bill is not enacted yet but it is going through legislation and it is about adding certain species of caribou to the big game requiring a non-resident to be accompanied by a guide or resident spouse.

Discussion: Chairman, Kelly Vrem is uneasy about it and still wants to make it clear that the board did not initiate this action.

Agenda Item 4

Review/Approve Meeting Minutes

10:37 a.m.

On a motion duly made by Kelly Vrem, seconded by Michelle Metz, and approved unanimously, it was

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			
Nicholas Jackson	X			
James (David) Jones	X			
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

RESOLVED to approve the March 6-8th, 2017 meeting minutes.

Budget Report/Division Updates

Chairman, Kelly Vrem, asked Thomas Sullivan if he had specific questions or any thoughts on our budget process.

Thomas Sullivan, board member, stated that he has not received the information that he requested for previous years. What we have is up to 2010 and he is concerned over the average years our expenditures is about \$16,000 more than our revenue year to year and that we are losing ground. He doesn't have all the data yet to complete the analysis that he was trying to accomplish to properly ask questions of the division.

Chairman, Kelly Vrem asks if someone from the division to give us a briefing on how we are doing on our debt reduction.

Sara Chambers, Division operations manager, stated she would be happy to go over the budget, FY17 reports that were just released yesterday, clarify the boards revenues and expenditures through the 3rd quarter, which is March 31st and in the interest of time she will go through them briefly but encourages any new board members to contact her to go through this in more detailed off line. As you can see from the revenues and expenditures during the non-renewal stage through the 3rd quarter is \$378,674 and compared to FY15 which was the last non-renewal year, has already increased since then in comparison in part of the any new application fees and the new hunt record/guide use area fees that have been submitted so far. The fact that the board is in an annual surplus during a non-renewal year right now of 129,844 is amazing and if the revenues are higher than FY16 the board will be making huge headway.

Discussion: Chairman, Kelly Vrem, his big concern was the extra steps to reduce the debt he has always regarded these expenditures and that you guys are the experts in that and completely trust your judgement. The 3000 series is what really concerns him. He would also like to express his appreciation to Lee Strout, investigator, for plowing through outstanding and left over legal issues here and get us down to a really streamline and manageable amount. Nearly all of our debt was unaccounted for in previous years due to past accounting staff. He will defer to Sara and Jamey's judgement on this but reserves the right to panic to increase fees if it needs to.

Sara Chambers, Division Operations Manager, suggested that the fee changes should happen in July and not before renewal when the guides are still out in the field, because previously when this happen it did not go so well.

TASK: July fee restructure to be added to the July agenda

Elections of Officers

11:22am

Chairman, Kelly Vrem, stated that his schedule was getting too complicated and he feels that he cannot give the amount of attention that the board deserves. He would like to step down from chairman and nominate Henry Tiffany IV as the new chairman.

Alaska Big Game Commercial Services Board
Teleconference Meeting of April 28th, 2017
Juneau, Alaska

James "David" Jones makes a motions to nominate Henry Tiffany IV as board chair.

Tom Atkins, seconds the motion

Henry Tiffany IV, accepts the nomination to become the board's chair.

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			
Nicholas Jackson	X			
James (David) Jones	X			
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

Motion carries.

Michelle Metz moves to close elections.

Nicholas Jackson seconds it.

Michelle Metz, makes a motion to move into Executive Session

Adam Trombley, seconds the motion.

Entered into executive session at 11:33am

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			
Nicholas Jackson	X			

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James (David) Jones	X			
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

Returned form Executive session at 11:52 am

Henry Tiffany Iv, states for the record that no motions were made in executive session

Consent agreement 2016-000450

Michelle Metz, makes a motion to accept consent agreement 2016-000450

James "David" Jones, seconds the motion

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			
Nicholas Jackson	X			
James (David) Jones	X			
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

Motion carries to accept consent agreement 2016-000450.

Laura Carrillo, records and licensing supervisor, asked a question about the approved assistant guide course in lieu of sending in a recommendation.

Kelly Vrem, board member stated the approved course is a one day instruction which will qualify for 1 day.

Laura Carrillo, records and licensing supervisor, addressed the board about calling LAW which does costs the board every time LAW is contacted by licensees and that the matter should be brought to the board and allow the board to try to resolve the issue before going to LAW.

Chairman, Henry Tiffany IV, agreed that the board should be addressed first and if the licensee or person who goes directly to LAW should be billed and not the board.

Laura Carrillo, asks for clarification on the next board meeting is it in June or July and for the next conference we would be able to do a video conference.

Discussion: Chairman, Henry Tiffany IV, states that we will have an executive session meeting on June 19th, 2017.

April 28th, 2017 teleconference meeting adjourned at 12:12pm

Respectfully submitted:

Laura Carrillo, Records & Licensing Supervisor

Heather Noe, Licensing Examiner



Kelly Vrem, Board President