

Big Game Commercial Services Board
REGULATION PROPOSAL

PACKER SUBCOMMITTEE
January 2015

Is this a proposal for a new regulation? YES.

08.54.790 (9) DEFINITIONS. In this chapter,

(9) "guide" means to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment, or facilities to a big game hunter in the field by a person who accompanies or is present with the big game hunter in the field either personally or through an assistant; in this paragraph, "services" includes

- (A) contracting to guide or outfit big game hunts;
- (B) stalking, pursuing, tracking, killing, or attempting to kill big game;
- (C) packing, preparing, salvaging, or caring for meat, except that which is required to properly and safely load the meat on the mode of transportation being used by a transporter;
- (D) field preparation of trophies, including skinning and capping;
- (E) selling, leasing, or renting goods when the transaction occurs in the field;
- (F) using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter; and
- (G) providing camping or hunting equipment or supplies that are already located in the field;

Is this proposal an amendment to an existing regulation? YES.

12 AAC 75.130. APPLICATION FOR ASSISTANT GUIDE LICENSE. The department will issue a license as an assistant guide to an applicant who meets the requirements of AS 08.54.630 and this section. An assistant guide license applicant shall submit

- (1) the fees required in 12 AAC 02.230;
- (2) a completed application on a form provided by the department;
- (3) a copy of the applicant's valid first aid card issued by the American Red Cross or a similar organization recognized by the department;
- (4) a form completed by the applicant listing the dates the applicant has hunted in the state and certifying that the applicant meets the requirements in AS 08.54.630(a)(2);
- (5) a written recommendation or evidence as required in AS 08.54.630(a)(4);
- (6) a signed statement from the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605;
- (7) a complete report of criminal justice information under AS 12.62, including fish and wildlife violations, and if a state other than this state is the applicant's primary state of residence, an equivalent report issued by that other state; and
- (8) for each guiding, outfitting, transportation, or other hunting services license, if any, issued to the applicant by another state or by a jurisdiction of Canada, verification from the issuing government body that the license has not been suspended or revoked.

Authority: AS 08.54.600 AS 08.54.605 AS 08.54.630

Proposal: **12 AAC 75.130(b) Unlicensed persons receiving training for purposes of experience necessary to apply for licensure as an assistant guide under this section may participate in activities identified in AS 08.54.635 (b), when a licensed guide is physically present.**

(c) In this section, "physically present" means:

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

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

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

Notes and Explanations:

The current section, 12 AAC 75.130 will become 12 AAC 75.130(a). The new wording (above) will become (b).

Basically "physically present" is defined in two ways:

The first way is in (1). This section is LESS restrictive, because it refers to activities that don't require as much supervision, for example: setting up tents, skinning and fleshing, and salting trophies, using binoculars and spotting scopes, etc.... We include (A), so that in an emergency, a packer could flesh or salt a hide, if the guide was off with the hunter or flying and there was a chance of the hide spoiling...

The second way is in (2). This section is MUCH more restrictive, because it refers to the actual final stalk. We were trying to make clear that a packer MAY NOT, under any circumstances, be alone with the hunter during the actual stalk, or attempted taking of an animal. We could not simply say "take" instead of "final portion of stalking, pursuing, tracking, killing, or attempting to kill big game", because "take" could be interpreted very broadly.

Submitted by Sam Rohrer and Karen Poliey, Co-chair of the Packer Subcommittee

Acord Guide Service

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02/24/2014

Big Game Commercial Services Board

Dear Chairman Vrem and members of the Big Game Commercial Services Board,

I am writing in regards to the guide use area border between the areas of 11 (Red Lake) and 14 (Halibut Bay) in Game management unit 8. I am petitioning the Board to initiate returning this area border back to its original location. The border between Red Lake and Halibut Bay was changed in 2000 and I am requesting this change to be reversed. In January, I was awarded the Halibut Bay guide use area. The reversal of the boundaries is important to the success of any hunting operation in the Halibut Bay guide area. It will have a positive impact on any user of the Halibut Bay area. And have no negative impact on any Red lake refuge user.

Joe Want was the permit holder for the Halibut Bay area at the time of the change. In 1999 Joe Want requested, and Larry Van Daele approved, as head wildlife biologist for the Department of F&G, the change of the border between Red Lake and Halibut Bay. I am not sure how the process proceeded after that. The reasons given at the time in support of the border change were: "The revision would better reflect hunting and access conditions in the units and it would also provide boundaries that are more easily recognizable in the field. Hunt area 14 (Halibut Bay) would "forfeit" about 13 mi² to area 11 (Red Lake)" (see attachment).

These are three reasons supporting the request for reversal.

1. It would improve access conditions

The access point to the upper Red River flats in the Halibut Bay area is the Upper Ayakulik River. This is one of the very few access points, because it provides the only strait stretch of river to land an airplane on. It would be my main point of access to the Halibut Bay area, in using this location I will avoid most contact with both Red Lake and Halibut Bay users. When the border changed, one side of the river and a large percentage of the Halibut Bay area became part of the Red Lake area. This has limited access and taken away a large section of the hunting area for all Halibut Bay hunters. The Red Lake area already has more access points than any other guide area on the island. There are several large lakes; the lower Ayakulik River and Olga Bay are all access points. The Ayakulik River and Olga Bay are accessible even when all of the lakes on the island are frozen. To the best of my knowledge, in the past 35+ years, Red Lake area users have never accessed this location. The only hunters that have accessed this location are Paul Chervenack, and myself while hunting the Halibut Bay area and a couple parties of resident Deer hunters.

2. It would return the boundaries making them more recognizable

The change in borders did not translate into making the boundaries more easily recognizable in the field. Putting the boundary where they are now has made it very

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difficult and confusing while pursuing game in the field. The old boundaries, from ridge to ridge, were easier to recognize and less confusing while on the ground. Reversing to the old boundaries will positively affected all refuge area users by making a more realistic boarder for on the ground hunting conditions.

3. This change also took away a significant and important portion of a very small guide use area and added to one of the largest guide use areas on Kodiak.

The Red Lake area is one of the largest and most diverse areas on the Island. This area has one of the highest denning concentrations of bears, the most salmon and salmon spawning habitat, and the most options for hunters to access and not concentrate at any one location. For many reasons Red Lake is considered one of the best hunting areas on Kodiak, whether to operate as a guide or to hunt as a resident hunter.

On the other hand the Halibut Bay area is just the opposite. It has very limited access and is one of the smallest and least diverse guide areas on Kodiak. Halibut Bay has very little salmon spawning habitat and low bear concentrations. The 13 square miles removed from Halibut Bay was a significant portion of the area and was the only late season salmon spawning habitat in this area. Reversal would restore the area to the intended size and use, thus providing for the best quality experience for all refuge users.

The only guide affected by returning the boarder to its original location is Scott Mileur. Scott has been guiding in the Red Lake area for 35+ years and has been the refuge permit holder for the past 20 years and is the current permit holder.. Scott will give full support to returning the borders to their original locations, because he knows the change will have no negative impact on his operation. I have been guiding in the Red Lake area with Scott for the past 26 years and have never seen or heard of a resident hunter using the area affected by this proposed change. It will not have any negative impact on any resident Red Lake area hunters or Kodiak Wildlife refuge users in general.

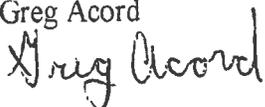
This border change happened more than 10 years ago. I wanted to initiate the reversal in 2003 after I was awarded the Halibut Bay area. My permit was re-awarded to Paul Chervenak due to some appeals in other areas, so I did not pursue the border reversal at that time. The existing border did not have much impact on Mr. Chervenak's operation, because he operated very few hunts in the area.

I have been in contact with Larry Van Daele concerning this proposed reversal. Larry has stated in communication with me that there is no biological reason why this change should not occur. He also sent me the attached memo and map. I have also contacted AnneMarie Larosa, the Kodiak Wildlife Refuge manager concerning this proposed change.

Your support of the proposed change would be greatly appreciated. If you have questions or would like more clarification on any details please give me a call.

Sincerely,

Greg Acord



STATE OF ALASKA

DEPARTMENT OF FISH AND GAME DIVISION OF WILDLIFE CONSERVATION

TONY KNOWLES, GOVERNOR

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MEMORANDUM

TO: Steve Machida, Management Coordinator, Anchorage
FROM: Larry Van Daele, Wildlife Biologist, Kodiak archipelago
DATE: November 19, 1999
SUBJECT: Bear hunt boundary revision – Southwest Kodiak

After several discussions with bear guide Joe Want and refuge manager Jay Bellinger, I would like to make some minor modifications to the boundaries of bear hunt areas 11, 12, 14 and 15 in southwest Kodiak Island (GMU 8). The revision would better reflect hunting and access conditions in the units and it would also provide boundaries that are more easily recognizable in the field. Hunt area 14 (Halibut Bay) would “forfeit” about 13 mi² to area 11 (Red Lake), and area 15 (Sturgeon River) would forfeit about 1.5 mi² to area 11.

The net result of this change would not be beneficial to Mr. Want’s business or clients because he would end up losing land from his guide areas. This is not the first time he has proposed changes that were somewhat detrimental personally for the benefit of the program as a whole. Consequently, I trust his motives and I concur with the proposed revision, even though I am normally reluctant to change hunt boundaries.

The Kodiak National Wildlife Refuge staff have no problems with the proposed change, assuming it would not impact historic harvest data analysis (it wouldn’t). If we decide to make the change they would follow suit by changing their commercial use area boundaries.

If we decided to make these changes we would also have to notify the Division of Occupational Licensing so that they could consider changing the Guide Use boundaries. I’m not sure how difficult that would be.

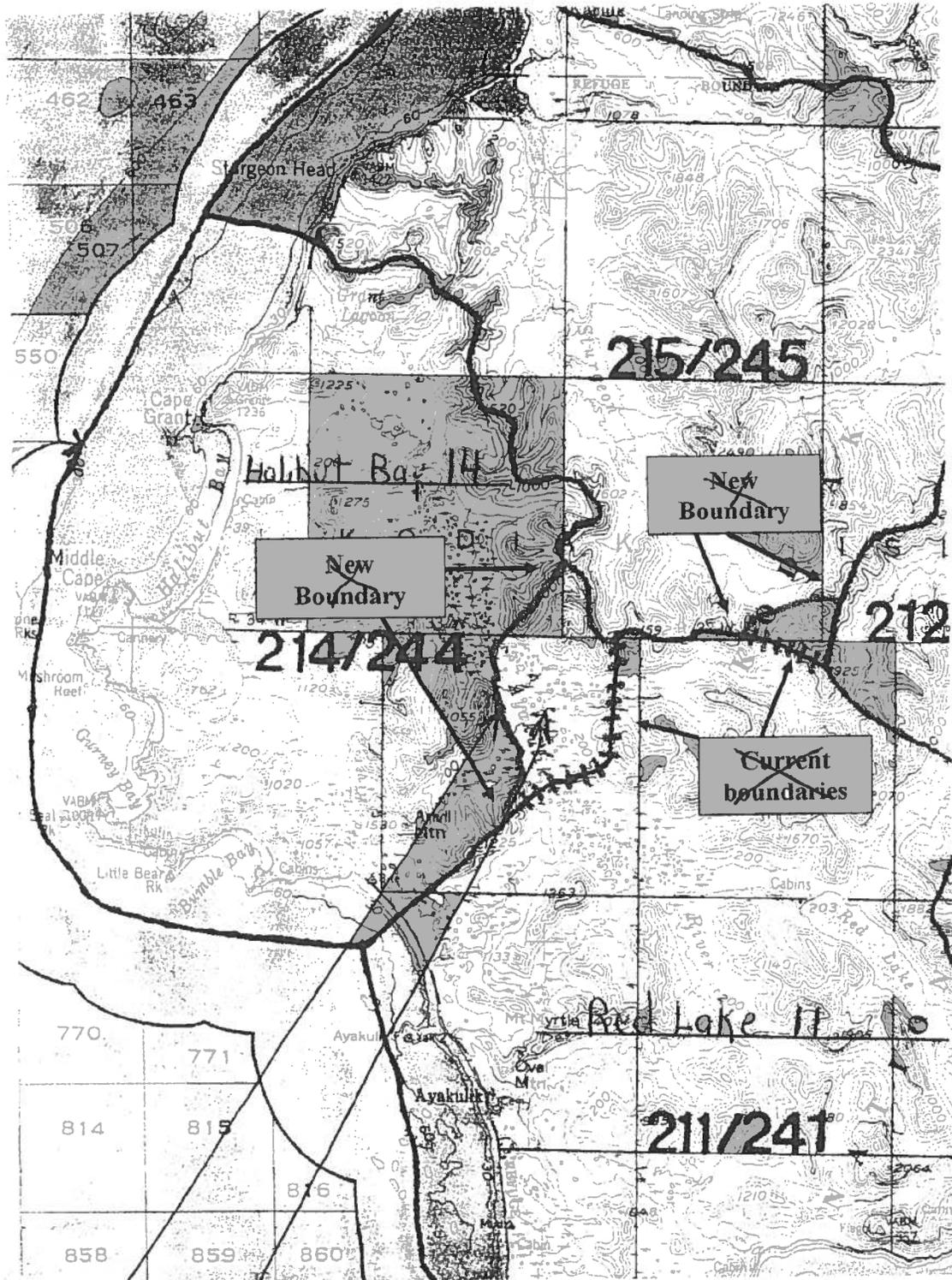
Please let me know your thoughts on this matter and I will proceed accordingly.

19 November 1999

Proposed boundary changes

19 November 99

2



13² miles removed from Halibut Bay Area 14

Ayakulik River access

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If you wish your proposal to be considered by the Board at the next scheduled meeting, the proposal must be received by the Division by close of business 45 days before the first day of the scheduled meeting. You may photocopy this form if necessary.

Proposals must be typed or printed legibly in ink.

Is this a proposal for a new regulation? YES NO

If "yes", which Alaska Statute (AS) under 08.54 supports your new regulation? AS 08.54. _____

Is this proposal an amendment to an existing regulation? YES NO

If "yes", what is the regulation number? AAC 75. 340(d) Fieldcraft standards (7)

Proposal: Change the existing language "within two miles" to "within four miles"
"change legally permitted year-round structure" to "a government Land
management agency issued Land Use Permitted camp that has been Publicly
noticed identifying the site by a GPS coordinate, Latitude, longitude, township and

Who is it likely to benefit? The Land Use Permit holder, MASTER or Registered Guide who has
established the camp location and his or her business in the GVA 2) The government Land
management agencies that issue the commercial use permits will have a clear, unambiguous requi
rence when issuing a commercial land use permit to an applicant who is regulated under this regi
Who is likely to suffer? unethical and irresponsible master and Registered Guide who operates on state land

a DNR Temporary Recreational camp Permit that has no specific camp location
identified in their Permit so that they could save money and move from area to another

What will happen if nothing is done? The result of doing nothing will diminish the status and
credibility of the BGCSB in the eyes of the Public. The existing regulation will ena
ble unethical guides to continue to eliminate their competition for high producing local
they can conduct their hunts if that competing guide does not have a "legally Peri
mitted structure" present in that location even if the competing guide has establis
hed with a DNR Land Use Permit that specifies its location on the Permit and has been Publicly

If your proposal is an amendment to an existing regulation, you must provide the regulation number to the proposed amendment. If your proposal is for new regulation you must provide the Alaska Statute number under 08.54 that supports your proposal. Failure to provide this information along with your printed name will result in your proposal not being submitted to the Board for consideration.

Proposed by: Timothy L. Booch Date: 11-4-14
(Printed Name)

Mailing Address: P.O. Box 2669 Kodiak, AK 99615

Telephone Number (optional): 907-487-4984

Email Address (optional): booch@ptialaska.net

Mail To: Big Game Commercial Services Board

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Is this a proposal for a new regulation? YES NO

If "yes", which Alaska Statute (AS) under 08.54 supports your new regulation? AS 08.54. 790

Is this proposal an amendment to an existing regulation? YES NO

If "yes", what is the regulation number? AAC 75. _____

Proposal: Eliminate Sec. 08.54.790 , subsection (10) (B) in it's entirety.

Or eliminate the Transporter License in its entirety!

Who is it likely to benefit: Everyone! The State will have a better record of who, when and where hunters were put in the field. Hunters and Transporters will have a written contract between the parties that describes the responsibilities of both parties. All transportation providers will be held to the same standards and fees.

Who is likely to suffer? No one.

What will happen if nothing is done? Only licensed transporters will be held accountable for clients who violate State or Federal laws. The law requires Transporters to operate under the Statutes and Regulations of the State of Alaska, but with the loop hole allowed in Sec. 08.54.790 subsection (10) (B), only licensed Transporters will be regulated and violations may not be reported and some unethical acts may occur.

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Proposed by: James A. (Tom) Atkins Date: 2/5/2014
(Printed Name)

Mailing Address: 12321 Audubon Circle, Anchorage, Alaska 99516

Telephone Number (optional): _____

Email Address (optional): _____

**Mail To: Big Game Commercial Services Board
PO Box 110806
Juneau, AK 99811-0806**

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PROPOSAL

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Is this a proposal for a new regulation? YES NO

If "yes", which Alaska Statute (AS) under 08.54 supports your new regulation? AS 08.54. NONE

Is this proposal an amendment to an existing regulation? YES NO

If "yes", what is the regulation number? AAC 75. _____

Proposal: Adopt a resolution to change the definition of "remuneration" to exclude big game guides who provide / take in a little incidental sport fishing, during a big game hunt. On Jan. 1 2015 the sport fish guides statutes are effectively repealed. Therefor F&G is proposing to place the SFG under regulation and they are proposing to adopt/establish regulations paralleling the repealed Statutes and definitions.

Who is it likely to benefit: Guides.

The amount of data generated from incidental sport fish activity during a guided hunt is minima and may cost ADF&G. Hunting guides, who provide sport fish guide services for a fishing only trip, will still register.

Who is likely to suffer? Nobody.

What will happen if nothing is done? Hunting guides find it hard to submit paperwork from remote locations on a weekly basis by mail from village post offices that are open at irregular times. Many of those post offices may be closed in the near future.. The deadline to comment is December 29th 2013.

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Proposed by: Smokey Don Duncan Date: 11/26/2014
(Printed Name)

Mailing Address: _____

Telephone Number (optional): _____

Email Address (optional): _____

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