

Participants: Big Game Commercial Services Board Chairman Kelly Vrem, Vice-Chairman Karen Polley, Director Janey Hovenden, Operations Manager Sara Chambers, Chief Angela Birt, Licensing Supervisor Laura Carrillo and Licensing Examiner Cindy Hansen

Discussion: Chairman Vrem stated there is a growing need to establish an emergency waiver for a Registered or Class-A assistant guide to administer remaining contracts after the unexpected death of a contracting guide. Over the course of his career there have been several instances where guides have unexpectedly died before hunt contracts had been fulfilled. In the past it was easy for another Registered guide to act as a white knight and save the day for the widow by assuming the contracts and running the hunts. That is no longer always possible because of the current guide use area (GUA) registration 30 day effective date and the guide must be licensed in the area and have land use authorization. If a sudden death occurs at the wrong place or time, the surviving spouse must refund the clients. The National Parks Service and the Fish and Wildlife Service have stated they want to accommodate the survivor and have the obligated hunts completed. In popular areas like game management unit (GMU) 9, 16 or 19 there are a lot of guides who might be available, but areas like GMU 5, 11 or 26 are on federal land and there are not extra guides or pathways to guidable land. Guides would have to relinquish their registered GUAs to help out.

Ms. Polley stated from the public perspective the widow has to cancel and refund the hunt but often finances have already been expended and there is difficulty coming up the funds.

Chief Birt stated there are state agencies that have defined an emergency which could help us. There are two issues; first that our laws pertain to the contracted guide, therefore a white knight would require a contract and second, guides are allowed to register in only three GUAs, so there would need to be an exception to switch or register an additional GUA.

Ms. Chambers asked if AS 08.54.750 allowed for a waiver and Chief Birt replied no. A guide already registered in that area wouldn't need a waiver. Chairman Vrem stated it would not be possible on federal lands. Ms. Chambers asked what would be the response from the federal or private agencies if the white knight were to take on a contract on their land and use a form by us. Chairman Vrem replied they had not gotten to that point yet. Agency representatives had stated that they were willing to do whatever it took to prevent the spouse from going bankrupt. If a guide became seriously injured he could still meet the qualifications since he only needed to be there and sign the contracts. Ms. Polley stated the client would have to have a contract with the original contracting guide and a new one with the new guide. Chairman Vrem stated the new guide would write a new contract for the balance owed and the original parameters and the old one would no longer be valid.

Ms. Polley stated perhaps there should be an emergency provision for the transfer of a hunt for the balance owed. Ms. Chambers asked if this emergency provision language could be put into the contract and Chairman Vrem stated yes, but if this occurs within 30 days of the hunt there isn't enough time for the new guide to register the GUA if he is not already registered in that area. There are times when a licensed guide cannot be found on short notice. Employees already in the business and in place could do this in an emergency waiver. A Class-A Assistant guide has to have ten years of experience and a

Registered guide must have an additional three years of experience so a Class-A Assistant would be more than qualified to take over the hunts. Ms. Polley asked if he wants a Class-A Assistant to become a contracting guide in an emergency and Chairman Vrem replied yes, but he must be eligible to sign the contract. The contract could include wording about an emergency.

Ms. Polley stated in commercial fisheries there is an emergency transfer in event of the holders' death, along with emergency transfers and disabilities. Guide permits are different in that ours are under contract law; it is not a piece of property like a permit transfer. Most of the guides have Class-A Assistants with them but it seemed to her that would difficult to document and there are new Registered guides every year. We should make the language broad enough to cover Registered guides so someone can assume the contract as designated or authorized by the state. Chief Birt stated the "unlawful acts" in 08.54.720 would prevent the Class-A Assistant guide. Ms. Chamber stated the Class-A can take charge only if the Registered guide is supervising the activities. Delegating without supervision and not registered in the GUA are both statute violations and the way to avoid that would be to have a Registered guide already registered in that GUA take over the existing hunts. Chairman Vrem stated in the past a Registered guides could be class-A Assistant guides anywhere in the state but now it's only in their registered GMUs. Prior to 1971 guides were registered by districts: SE, SW, C, and Arctic.

Ms. Chambers asked if the board could discuss this at the December meeting and talk to a legislator and Chairman Vrem stated they would. Years ago it had been suggested that a guide could register their GUA late, within the 30 day period, and pay a higher fee of \$1000.

Ms. Chambers suggested that the board consider asking the legislature to move statute language into regulation for more flexibility. Ms. Hansen suggested working with the Alaska Professional Hunters Association.

Chief Birt stated language in 08.54.635, Guide Services Provided by Unlicensed Persons includes delegation except as provided in cases of emergency. Ms. Chambers stated this touches on different points and will require change in different areas. Chief Birt agreed, such as with 08.52.720, Unlawful Acts.

Chairman Vrem stated the Class-A qualifications could be changed to districts instead of GMUs. Currently there is not an incentive for the employees to stick around if the guide is hurt or killed. Ms. Polley asked if the board's next step is to identify every statute that would prevent a Class-A guide to step in temporarily as the Registered guide for the duration of the contract or season. Ms. Chambers added or to allow a Registered guide who was not in the GUA. Chief Birt and Ms. Chambers agreed with Ms. Polley, who stated it would be easier if areas changed to districts. The main goal is to give the surviving spouse the ability to continue the contract by allowing a Class-A or Registered guide become the supervising guide for a period of at least a year with any signed contracts. Chairman Vrem stated the current regulation language "demonstrate to the satisfaction of the board" could allow the board to create parameters for widows to appeal to the board who could grant permission. Chairman Vrem stated the board will discuss this at the December meeting.