

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
May 5, 2014

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 teleconference of the Big Game Commercial Services Board was held May 5, 2014.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes which were approved by the board at the Annual Board meeting on December 9, 2014.

AGENDA ITEM 1 CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 10:33a.m.

Board members present:

Kelly Vrem
Bob Mumford
Henry D. Tiffany IV
Michele Metz
Karen Polley*called in at 11:00am
Brenda Rebne*called in at 11:10am

Board members absent:

David Jones
Tom Atkins
Gene Peltola

Board staff present:

Cindy Hansen, Licensing Examiner

Guide Client Agreement subcommittee members:

Dan Montgomery M#173
Lauren Karro R#941
Thor Stacey R#1194
Dick Rohrer M#69*left at 10:50am
Sue Entsminger R#1058*called in at 10:50am

AGENDA ITEM 2 REVIEW/AMEND AGENDA

On a motion duly made by Ms. Polley and seconded by Mr. Tiffany IV, the agenda was approved unanimously.

AGENDA ITEM 3 REVIEW GUIDE CLIENT AGREEMENT

Mr. Montgomery stated that the subcommittee has a suggested change and the new regulation section be added to 12 AAC 75.260 REGISTERED GUIDE-OUTFITTER CONTRACT REQUIREMENTS (d): A contracting registered or master guide that is signing the hunt contract, and who intends to apply a client for a drawing hunt permit for a hunt conducted under regulations required by Title 16, is required to obtain a drawing hunt application confirmation number from the Division of Corporations, Business and Professional Licensing prior to the beginning of the drawing hunt application period opening.

Mr. Tiffany IV stated that it was important to get the thoughts and intent across of the subcommittee and the Regulations Specialist can record it in the correct section.

Chairman Vrem read an email which he had recently sent to Ms. Hansen: "I am not sure the situation we are trying to address would be appropriate to include in 260. I think it requires a new regulation in-between 260 and 265. What we are trying to do is allow/require a guide to submit a potential clients name to enter certain drawing hunts administered by ADFG on behalf of the BOG under Title 16 of Alaska Statutes. Currently certain means guide required but will probably include other species in the near future. The stipulations are 1. There must be an agreement in place that complies with 75.260. 2. The guide must be authorized to hunt within the boundaries of the drawing hunt under 75.230, (A) at the time of submission for the drawing, (B) authorized to guide in the area at the time the drawing hunt is scheduled to occur by ADFG. I don't think the proposal needs to be much more complex than what I have outlined above."

Mr. Montgomery stated that they need to have the deadline which guides would need to this completed, which we thought should be the opening of the application period because otherwise somebody would try to get a number on the last day and find a cross reference for whether all of the applications are put in are legal or not. By the opening day, with a pin number, and be registered that year and the year the hunt would take place, then it's much more easier for the state to see if the person can put in for those draws. Chairman Vrem stated that we have to be careful to not be locked in with restrictive language. FAA regulation state in their regulations "to the satisfaction of the Administrator" so if we could remain flexible and modify changes without having to go back to the regulations every time there is a Board of Game change. Mr. Montgomery stated that he is not sure how this will be addressed by the Board of Game since we still want to require a contract where it is in the "handy dandy" so everybody understands that it applies to these hunts. In his thinking, just not have the Department of Fish and Game have to check it and still have it in the handy-dandy where the guide client contract is still required. Chairman Vrem stated that regulation AAC 75.260 is where this should go. Mr. Montgomery stated that a big notice on the website and a flyer mailed to contractual licensees could be done so everyone could be comfortable knowing that they notified everyone, maybe not every year but for at least the first year.

Chairman Vrem stated that the stipulations in AAC 75.260(b) 1-12 do not need to be mentioned in the motion. Mr. Tiffany IV agreed. Mr. Tiffany IV asked if Chairman Vrem's proposal will be to create a new number for the regulation and Chairman Vrem thought so but he thought the Regulations Specialist or the Department of Law could decide. He sees it in the regulations all of the time for something that has been deleted and AAC 75.260 simply says what the guide outfitter contact requirement are and this doesn't have anything for that. Mr. Tiffany IV stated that the only reference is that they must have a contract which satisfies AAC 75.260. Mr. Montgomery stated that that they were trying to replace the guide client agreement language in the handy-dandy regulations. Chairman Vrem stated that he doesn't see any holes in the proposal. Mr. Tiffany IV stated that he couldn't see the proposal because of the lack of internet. Mr. Rohrer left the teleconference. He felt the proposal makes sense and has asked the Fish and Game Program Coordinator Larry Van Daele if the Board of Game would be agreeable to deleting the language about "client agreements" and sticking with "contracts" and he believes that Mr. Van Daele gave his verbal assurance that as long as his staff doesn't have to police it then he was fine with it. The Board of Game will still need to address when it's required in Title 16.

Mr. Rohrer and Mr. Stacy left the meeting. Ms. Entsminger called into the meeting.

Ms. Polley called into the meeting and was provided an update about the subcommittee's work.

Chairman Vrem asked the board members if they had the email in front of them with the suggested changes and Ms. Polley requested that Mr. Montgomery read them.

Mr. Montgomery stated that the Guide Client subcommittee recommends replacing an earlier proposed regulation AAC 75.260 (c): "A contracting registered or master guide that is signing the hunt contract, and who intends to apply a client for a drawing hunt permit, is required to obtain a drawing hunt application confirmation number from the Division of Corporations, Business and Professional Licensing prior to the beginning of the drawing hunt conducted under regulations required by Title 16 application period opening. (1) In order to obtain a drawing hunt application confirmation number from the Division of Corporations, Business and Professional Licensing the contracting and applying registered or master guide must be currently licensed with the Division of Corporations, Business and Professional Licensing and must be registered in the guide-outfitter use area, for which they intend to apply a client, during the year the application is submitted and the year the hunt is to take place.(2) 12 AAC 75.260 (d) requirements apply only to specific drawing hunts specified under title 16 and are earlier than those requirements specified in AS 08.54.750(a) with a new proposed regulation AAC 75.260 (d): "A contracting registered or master guide that is signing the hunt contract, and who intends to apply a client for a drawing hunt permit for a hunt conducted under regulations required by Title 16, is required to obtain a drawing hunt application confirmation number from the Division of Corporations, Business and Professional Licensing prior to the beginning of the drawing hunt application period opening." Mr. Montgomery stated that this new proposal is easier to understand.

Chairman Vrem asked the Board of Game Liaison, Mr. Mumford, if this would satisfy the Board of Game's requirement and Mr. Mumford stated that he believes it will. Mr. Tiffany IV stated that for background, there is quite a bit of background in the public noticed subcommittee meetings but the gist of it is the Department of Fish and Game did not want to have to police and monitor the guide client agreements and whether or not a registered or master contracting guide was allowed to operating within a drawing hunt area. That was a real concern of the Department of Fish and Game who had made a proposal to the Board of Game to eliminate the entire requirement.

With a lot of work between the subcommittee, the Big Game Commercial Services board and the Department of Fish and Game, we came up with a solution to satisfy the concerns of Fish and Game and to make clear to contracting guides that they were going to be required to apply on behalf of their client, and when and how they were to do that, with a PIN number, in the year of the application and also the year the hunt was to take place.

Ms. Polley moved that the board adopt the proposed regulation as submitted at this meeting and read by Mr. Montgomery. Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV stated that he was and is encouraged by the amount of cooperation between the subcommittee, the Big Game Commercial Services board, the Board of Game and the Department of Fish and Game. A lot of work went into it, a lot of great ideas and robust debate. He is quite satisfied that the work was boiled down to what was necessary to satisfy all of the parties. Ms. Polley stated that she too is encouraged by the cooperation between the agencies and makes it much more clearly to the industry that these need to be done ahead of time and not after a permit drawing. She wasn't sure if it was clear before that clients out of state generally have guides apply for these hunts. Mr. Mumford stated that he will vote for this because it addresses the Board of Game proposal 146, which was taken up at the statewide board meeting and proposed by the Department of Fish and Game and will relieve them of the responsibility of tracking down whether people have contracts or not. It will affect 5 AAC 92.057, 061 and 069 which were written up in the proposal and submitted by ADF&G. He believes it will satisfy the Board of Game. That particular proposal was delayed for one year before they would take any action on it, other than we exempted Kodiak. This passage will allow the Board of Game to draw the proposal to a conclusion and remove it. Chairman Vrem asked the Board of Game Liaison, Mr. Mumford, if this would have no unintended consequences to the Kodiak drawing program as it is currently. Mr. Mumford stated that he does not believe it does. He spoke briefly with Dr. Van Dale who seemed satisfied with it and who feels his Director is satisfied with it and some of the players in Kodiak seem satisfied with it so he doesn't see any unintended consequences with it.

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

RESOLVED to request a regulation change as submitted by Guide Client subcommittee member Mr. Montgomery.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Bob Mumford	X		
Henry D. Tiffany IV	X		
Michele Metz	X		
Karen Polley	X		
Brenda Rebne	X		

Absent:

David Jones
Tom Atkins
Gene Peltola,

Mr. Tiffany asked and encouraged Ms. Hansen to follow through with the next steps as quickly as possible. He hopes that something would happen at either the June or July meeting. Ms. Hansen stated that she would provide the Regulations Specialist the proposed regulation language by tomorrow and would keep everyone updated.

AGENDA ITEM 4 ADJOURN

The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 11:20 a.m.

Respectfully submitted:



Cindy Hansen, Licensing Examiner



Kelly Vrem, Chairperson
Big Game Commercial Services
Board

Date 12/30/14

Approved Date: 12/30/14