

**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 9-11, 2010**

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 10-12, 2009 in Fairbanks, Alaska, University of Alaska Fairbanks, Wood Center.

Tuesday, March 9, 2010

Item 1. Call to Order/Roll Call

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 8:38 a.m. Members present constituting a quorum were:

Paul Johnson, Registered Guide-Outfitter, Chair
Leif Wilson, Transporter, Vice-Chair
Dirk Nickisch, Transporter
BJ Schmitz, Public Member
Brenda Rebne, Private Landholder.
Raymond Stoney, Private Landholder

Excused from the meeting due to a scheduling conflict was: Robert Mumford, Public Member

Excused from the meeting due to flight delays due to weather were: Dick Rohrer, Master Guide-Outfitter and Ted Spraker, Board of Game

Present from the Division of Corporations, Business and Professional Licensing were:

Cynthia Spencer, Licensing Examiner
Karl Marx, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Quinten Warren, Investigator via Teleconference

Present from State and Federal agencies were:

Clark Cox, Dept. of Natural Resources Mgr.

Valerie Baxter, Dept. of Natural Resources Spec.
Christy Colles, Dept. of Natural Resources Spec.
Rich Thompson, Dept. of Natural Resource Mgr.
Dianna Leinberger, Dept. of Natural Resources Spec.
Roger Delany, Bureau of Land Management
Clint Wease, Federal Aviation Administration, Mgr. Flight Standards Office
Cpt. Burke Waldron, Department of Public Safety

Present from the public were:

Ralph Miller, Master Guide-Outfitter
Clint Mayeur, Registered Guide-Outfitter
Stephen Hicks, Assistant Guide
Karl Powers, Public
Loren Karro, Registered Guide-Outfitter
Dan Montgomery, Master Guide-Outfitter
Bob Summers, Assistant Guide & Transporter
Smokey Don Duncan, Master Guide-Outfitter
Fred Sorensen, Registered Guide-Outfitter
Wayne Kubat, Master Guide-Outfitter
John Erickson, Master Guide-Outfitter
Jake Jefferson, Registered Guide-Outfitter
Lance Kronberger, Registered Guide-Outfitter
Ernie Finch, Registered Guide-Outfitter
Robert Fithian, Master Guide-Outfitter & Alaska Professional Hunters Assoc.
Braun Kopsack, Master Guide-Outfitter
Tim Brannon, Class-A Assistant Guide
Erik Salitan, Registered Guide-Outfitter
Brent Keith, Registered Guide-Outfitter
Henry Tiffany, Master Guide-Outfitter
Don Quarberg, Public
Jim Kedrowski, Registered Guide-Outfitter
Jeff Kruse, Transporter
Amber Jefferson, Represent husband Jake Jefferson Registered Guide-Outfitter
Gary LaRose, Registered Guide-Outfitter
Mel Gillis, Registered Guide-Outfitter
Jim Weidner, Registered Guide-Outfitter
Coke Wallace, Master Guide-Outfitter
Michael Flores, Transporter
Ben Holbrook, Registered Guide-Outfitter
Dave Morris, Master Guide-Outfitter
Virgil Umphenour, Master Guide-Outfitter
Nate Turner, Registered Guide-Outfitter
Joe Letarte, Master Guide-Outfitter
Art Andreis, Master Guide-Outfitter

Item 2. Review Agenda

Paul Johnson asked if the Board or staff had any amendments for the agenda.

Mr. Johnson asked the Board if there were any objections to adding a Violations Subcommittee to Item 5. Hearing no other amendments or objections to the following change was made to the March 2010 agenda.

- Item 5, add Violations Subcommittee

Item 3. Ethics Disclosure

The Board had no ethics violations to report.

Mr. Johnson informed the Board that Clark Cox, Dept. of Natural Resources would address the Board later in the morning.

Item 5. Subcommittees

Mr. Johnson stated that the Game Management Unit (GMU) examination for units 9, 17 and 20 need to be worked on/updated/amended. Mr. Johnson assigned Cori Hondolero, Records and Licensing Supervisor to head this subcommittee. Mr. Johnson also stated that in order to be part of the GMU subcommittee participants must be certified for the unit they work on and that agreement forms would need to be signed.

Mr. Johnson assigned Dirk Nickisch to head the Transporter Area Subcommittee. Mr. Johnson assigned Leif Wilson and Don Duncan, Master Guide-Outfitter to the Transporter and Guide Ethical Standards Subcommittee.

Mr. Johnson stated that Brenda Rebne, Raymond Stoney and Pat Volkenberg, Alaska Dept. of Fish & Game would head the Private Lands Subcommittee.

Mr. Johnson asked Wayne Kubat, Master Guide-Outfitter if he would work with the Supervision Subcommittee. Mr. Kubat agreed.

Mr. Johnson informed the attendees that the Board would recess in order to facilitate the subcommittee meetings and that subcommittee updates would be reported once the meeting reconvened.

Recess The Board recessed at 8:53 a.m. to facilitate subcommittee meetings; reconvened at 11:02 a.m.

Ted Spraker joined the meeting at 10:00 a.m.

Mr. Johnson asked Ted Spraker give a Board of Game (BOG) update.

Mr. Spraker stated that the March 2010 BOG meeting went well. Mr. Spraker informed the Board of the following:

- BOG would be keeping Sheep season dates as they currently are.
- Guide-Outfitters and Assistant guides will be allowed up to 20 bait stations beginning July 1, 2010
- Allow the sale of Black Bear hides.
- McGrath area (20E)
 - a) Lengthen non-resident moose season by five days
 - b) 19A dates will remain as is for non-residents
 - c) 21E will be a new predator control area
 - d) Parts of units 25 and 26 would have the bag limit raised from two to five for non-residents
- Galena Area
- Delta area, Bison season has been changed to all year
- Tok area
 - a) Permitting for hunting the Skwentna caribou herd.
 - b) Some permitting allowed for Wood River
 - c) 20B open for muzzle loaders
 - d) Expand all 20A
 - e) 9C and 9E implemented predator control program

Mr. Spraker thanked the Board for its time and stated that if there were any questions regarding the BOG meeting he would be available for questions.

Mr. Johnson asked Mr. Spraker if the BOG would support this Board's transporter issues. Mr. Spraker stated the BOG does and he would draft a letter of support for the Board to review.

Mr. Johnson asked if Clark Cox and Christy Colles of DNR to come forward for an update on DNR's Concession Area project and then answer questions.

Item 4. DNR Mapping Concessions Update (Clark Cox)

Clark Cox, Dept. of Natural Resources (DNR), Natural Resources Manager introduced himself, Christy Colles, Natural Resource Specialist, Rich Thompson, Natural Resource Mgr., and Dianna Leinberger, Natural Resource Specialist, to the Board.

Mr. Cox informed the Board and audience that he had brought hand outs, Draft Scoring Criteria, Draft Timeline and Draft White Paper, which DNR has posted to their website. Mr. Cox went on to state most of the questions DNR is getting about the concession program are covered in the handouts. Mr. Cox thanked the Board for all its support and time.

Mr. Cox provided the Board with an update of the concession program:

- Bureau of Land Management (BLM) and State of Alaska (SOA) Parks Service have all been working together on the program.
- DNR will conduct its own concession area program meetings and will distance itself from this Board; however DNR will continue to provide updates at Board meetings.

- Urged the Board to continue the DNR Subcommittee as it has been a great help.
- Concession area public comment again extended through March 31, 2010.
- Seven alternative ideas are listed on the White Sheet; please comment.
- November 2008 letters were sent to ALL guides and users informing them of the Concession program.
- As of March 5, 2010 many comment have been received from 103 individuals,
- Will compile all public comments submitted from the March 31, 2010 deadline, make any revisions necessary then go for one last round of public comments.
- Still waiting on funding decision from Legislature.
- Hope to have applications out to users this year.
- Time line for implementation is aggressive and aiming towards a 2012 implementation date. However stay tuned for updates.

Mr. Johnson asked the Board if there were any questions.

Dirk Nickisch stated that business would continue as normal for guides and transporters for now however, many providers book several years in advance; and does DNR have any more information. Mr. Cox stated that the implementation time line is solid and by May 2013 the program will be in place.

Leif Wilson stated that he keeps hearing two issues; the Bid process is not competitive, however some of the information provided in the White Sheet relating to the biding process is somewhat ok and the scoring panel should not be made entirely of DNR staff. Mr. Wilson went on to state the scoring panel should include retired guide-outfitter and public land holders. Mr. Cox informed Mr. Wilson that several of the biding issues were addressed in the White Sheet.

Mr. Johnson asked the Board if they had any other questions or comments for Mr. Cox; hearing no further comments from the Board Mr. Johnson requested that if anyone in the audience had questions/comments to please raise hands and the Board would ask that person to stand up and relay their comment to Mr. Cox.

Lance Kronberger, Registered Guide-Outfitter

- Only State lands being addressed with this project, will Bureau of Land Management (BLM) land be addressed?

Mr. Cox stated that the maps reflect State and BLM lands; however DNR only has the authority to address State owned/managed lands. Mr. Cox went on to state that this questions will be addressed with public comment.

Virgil Umphenour, Master Guide-Outfitter asked Mr. Cox if he would be attending this meetings public comment after lunch. Mr. Cox informed the audience that he and staff would be attending the public comment.

Don Duncan, Master Guide-Outfitter asked Mr. Cox who was ahead in the concession project; those for or against?

Mr. Cox stated that the numbers are leaning towards the opposition and that most of the comments received provide input on how to better the project.

Mr. Johnson asked Mr. Cox if in the Southeast Alaska area (Chilkat River corridor) could be left out of the concession process. Mr. Cox stated that the program will include all State land however as the Southeast area is small it may be left as is.

Loren Karro, Registered Guide-Outfitter, asked Mr. Cox to pay close attention to the concession area maps as some areas were one concession area and now two or three concessions. Mr. Karro also requested that DNR pay very close attention to the public comments.

Mr. Johnson asked if there were any further questions/concerns; hearing none Mr. Johnson thanked Mr. Cox and all the attending DNR staff for their time, participation and efforts.

Mr. Johnson asked the subcommittees to come forward and provide the Board with updates.

Joe Want, Game Management Unit (GMU) Subcommittee

Mr. Want informed the Board that more time was needed to develop questions and formula; more time is also need to work on outlines for the exams.

Mr. Johnson asked if the subcommittee could continue working later in the day during Item 7, application review. Mr. Want stated that would be fine however he would still need the subcommittee member's help. Mr. Johnson announced the GMU subcommittee would meet at 1pm in the same room.

Mr. Johnson thanked Mr. Want for his time and participation.

Don (Smoky) Duncan, Ethics Subcommittee

Mr. Duncan reported that headway had been made however, more time was needed and that he wasn't sure if they could be completed this afternoon. Mr. Johnson requested the subcommittee continue this afternoon in room 2 after public comment. Mr. Duncan agreed.

Mr. Johnson thanked Mr. Duncan for his time and participation.

Brenda Rebne, Private Lands Subcommittee

Mr. Rebne reported the subcommittee was moving along; better regulations and management covering trespass issues and enforcement were needed before the work on access issues could really be addressed.

Mr. Johnson asked what the Subcommittee needed from the Board. Ms. Rebne responded that she wasn't entirely sure if this would be appropriate for the Board as it deals more directly with Regional Managers.

Mr. Johnson asked Raymond Stoney if he had any comments on the Subcommittee. Mr. Stoney stated he had no comments at this time and supported Ms. Rebne's report.

Mr. Johnson thanked Ms. Rebne and Mr. Stoney for their time and participation.

Dirk Nickisch, Transporter Subcommittee

Mr. Nickisch reported the Subcommittee had spoken about water transporting and may have an addition to the Wednesday March 10 agenda.

Mr. Johnson thanked Mr. Nickisch for his time and participation.

Wayne Kubat, Supervision Subcommittee

Mr. Kubat informed the Board that the Subcommittee had put together good language for "participation" which could be submitted for public comment by the Board. Mr. Kubat also stated that the subcommittee has suggested statute change information and could present the information to the Board. Mr. Johnson requested Mr. Kubat have something written for the Board to review. Mr. Kubat stated he could have information for hand out to the Board.

Mr. Johnson asked the audience if anyone had copies of House Bill 249. Don Duncan informed the Board he would pick up copies and have them after lunch.

Recess The Board recessed for lunch at 11:50 a.m.; reconvened at 1:01 p.m.

Item 6. Public Comment

Mr. Johnson announced that the Board was in need of 12 proctors to assist with the March 12, 2010 practical examination and that there was a sign-up sheet out on the front table.

Mr. Johnson requested those individuals who had signed up for Public comment to come forward as he called their names.

Joe Letarte, Master Guide-Outfitter

- Thanked Board for their time.
- Currently 204 Guides; pre 1989 there were only 10
- Suggest DNR use historic numbers
- Concession area bidding is not a good idea.
- Federal lands don't use bidding.

Mr. Johnson informed Mr. Letarte that DNR did request the Board keep the DNR Subcommittee going and asked Mr. Letarte how he felt about the makeup of the Subcommittee. Mr. Letarte stated he felt it was good to get a fresh outlook on the issues and that the DNR Subcommittee was very useful.

Mr. Johnson thanked Mr. Letarte for his time and participation.

Virgil Umphenour, Master Guide-Outfitter

- Thanked Board for its time.
- Concerns with DNR scoring panel. Should consist of two guides who have held licenses for many years and members of this Board.

- Worked with the Feds during their concession process which ended up reflecting the Federal Gov. did not know the industry.
- Suggest NO straight written process. Federal program relies heavily on a written process so if writing skills not good Feds allow applicants to hire others to write bids.
- Suggest have face-to-face interview with panel and applicants and that the interview should be 50% of the process as it puts applicants on equal footing.
- Totally against bid process.
- 20-04 area biologist not involved in the concession process and should be.
- 20-04 estimated 10-12 guides and suggestions would cut the number down to 2-4 which is not good.

Mr. Spraker stated that the most common complaint he has been hearing about the concession program is the bidding process; and what suggestion does Mr. Umphenour have.

Mr. Umphenour stated that \$3,000.00 should be paid up front and a \$12.00 per camp fee should be charged for a maximum of \$3,600 (?). Mr. Umphenour went on to state that as it stands now the standard use fee is between \$2,000 and \$3,000 plus use fee, species fee and fees per client per day. Mr. Spraker asked what the daily use fee is. Mr. Umphenour stated that the daily use fee per client is between \$10-15.

Mr. Johnson asked Mr. Umphenour how many panel members there should be. Mr. Umphenour responded there should be 5-6 people on the panel and that there should be experienced Guides with field experience on the panel as well.

Mr. Johnson thanked Mr. Umphenour for his time and participation.

Coke Wallace, Master Guide-Outfitter

Mr. Wallace was not in the audience and did not come forward.

Bobby Fithian, Master Guide-Outfitter and AK Professional Hunters Assoc. (APHA)

- Introduced self to Board; Executive Director for APHA and Guide.
- APHA two page hand out (see Item 6 in Board Packet).

Mr. Fithian reviewed page one of the hand out. Mr. Johnson stated that the Board would work on page one today and would Mr. Fithian cover page two during the public comment period on March 11, Item 17. Mr. Fithian agreed to do so.

Mr. Spraker stated that at the Board of Game (BOG) meeting they worked on very clear predator control on Federal lands, however no clear picture for go-ahead in other areas; subsistence hunt issues had been addressed. Mr. Spraker went on to state that 21E had been approved for predator control IF moose numbers drop then BOG will authorize implementation of predator control hunts; 9E and 9C numbers of caribou are on the rise and that the Unimak herd has 400 head. Mr. Spraker also stated that the BOG had denied the sale of black bear gall bladders.

Mr. Johnson thanked Mr. Fithian for his time and participation.

Mr. Johnson noticed Coke Wallace had returned and requested he come forward for comment.

Coke Wallace, Master Guide-Outfitter

- Oppose DNR running concession area program.
- Troopers very helpful.
- No backing from DNR with trespass issues which has been an ongoing issue for years in 20-04 despite numerous complaints verified by Enforcement.
- Request assistance with trespass issues in 20-04; have been asking for help for numerous years.
- Board should be able to pull Registered Guide-Outfitter license for violations.

Mr. Johnson stated that he knows DNR has been having problems with trespassing issues however their hands are tied by the Legislature as the Legislature limits what DNR can do. Mr. Johnson went on to state that even Private Land Owner/Managers are having problems with trespassing. Mr. Johnson informed Mr. Wallace that once a Registered Guide license was issued it is very difficult to remove/revoke it and that the Board is working on this issue.

Mr. Spraker asked Mr. Wallace for the number of guides currently in 20-04. Mr. Wallace stated that there were approximately six or so guides; however there is not enough time to check every guide, if there are problems. Mr. Wallace also stated there was a large amount of air traffic in the area. Mr. Spraker asked how many air providers were in the area. Mr. Wallace responded that there are between 16-18 providers. Mr. Spraker asked if there was a new air strip. Mr. Wallace informed Mr. Spraker that there is a private strip below Lambert glacier and two others which are in disrepair.

Mr. Johnson thanked Mr. Wallace for his time and participation.

Mr. Johnson informed the audience that the Board would be beginning Item 6, Application Review and that the Subcommittees should continue.

Dick Rohrer joined the Board at 2:24 p.m.

Recess The Board recessed at 3:12 p.m.; reconvened at 3:24 p.m.

Item 7. Application Review

- Ronald Payne, Registered Guide-Outfitter Applicant
- Steven H. Perrins, II, Registered Guide-Outfitter Applicant
- David M. Raiche, Registered Guide-Outfitter Applicant
- Jay W. Fishell, Registered Guide-Outfitter Applicant
- Craig E. Hill, Registered Guide-Outfitter Applicant
- Rudy D. McPherrren, Initial Assistant Guide Applicant
- Jason J. Fee, Initial Assistant Guide Applicant

- Joshua R. Compton, Initial Assistant Guide Applicant
- Robert L. Jensen, III, Initial Assistant Guide Applicant
- Michael Steven Pool, Initial Assistant Guide Applicant
- Richard Metzger d/b/a Alpine Cove Cabins and Transporting, Initial Transporter Application

The Board reviewed the above applications and made the following motions:

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Michael Steven Pool for licensure as an Assistant Guide.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Dirk Nickisch	X	
Raymond Stoney	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Dick Rohrer	X	
BJ Schmitz	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Rudy McPherrren for licensure as an Assistant Guide.

Roll Call Vote

NAME	YES	NO
Dirk Nickisch	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Dick Rohrer	X	

On a motion duly made by Leif Wilson, seconded by Dirk Nickisch, and approved unanimously, it was

RESOLVED to approve the application of David Raiche for licensure as a Registered Guide-Outfitter pending passing of the Registered Guide Qualification examinations.

Roll Call Vote

NAME	YES	NO
Dick Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Dirk Nickisch	X	
Raymond Stoney	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Ronald Payne for licensure as a Registered Guide-Outfitter pending passing of the Registered Guide Qualification examinations.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Dick Rohrer	X	
Dirk Nickisch	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Leif Wilson	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Steven H. Perrins, II, for licensure as a Registered Guide-Outfitter pending passing of the Registered Guide Qualification examinations.

Roll Call Vote

NAME	YES	NO
Raymond Stoney	X	
Leif Wilson	X	

Brenda Rebne	X
Dirk Nickisch	X
Paul Johnson	X
Dick Rohrer	X
BJ Schmitz	X
Ted Spraker	X

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Jay Fishell for licensure as a Registered Guide-Outfitter pending passing of the Registered Guide Qualification examinations.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Dick Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Dirk Nickisch	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Josh Compton for licensure as an Assistant Guide.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Dick Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Dirk Nickisch	X	
Leif Wilson	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Robert Jensen, III, for licensure as an Assistant Guide.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Dirk Nickisch	X	
Raymond Stoney	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Dick Rohrer	X	
BJ Schmitz	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Richard Metzger d/b/a Alpine Cove Cabins and Transporting for licensure as a Transporter.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Dick Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Dirk Nickisch	X	
Leif Wilson	X	
Brenda Rebne	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Jason Fee for licensure as an Assistant Guide.

Roll Call Vote

NAME	YES	NO
Dick Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Leif Wilson	X	

Brenda Rebne	X
Paul Johnson	X
Dirk Nickisch	X

Mr. Johnson informed the Board he had made an error with Richard Metzger's transporter application; Mr. Johnson stated he had received an email from Mr. Metzger regarding the "yes" answer on his application. Mr. Johnson went on to state that he responded to the email stating that with the type of violation Mr. Metzger had he would be issued a license and there was no need for him to attend the Fairbanks meeting. Mr. Johnson informed the Board he had received an email from Brian Howes, Senior Investigator chastising him for responding to correspondence on behalf of the Board and that Mr. Johnson in fact could NOT guarantee licensure to any applicant before the Board had a chance to review the information. Mr. Johnson apologized and stated this incident would not happen again.

The Board called Quinten Warren, Investigator at 3:44 p.m. to discuss eligibility for licensure, misdemeanors and other licensure related questions.

Ms. Rebne asked if ethical issues include abuse, assaults, etc in relation to the application for Craig Hill. Mr. Warren requested the Board wait to discuss the application for Craig Hill until Investigative Review under Item 16 on March 11.

Mr. Johnson asked Mr. Warren if an applicant answered "no" to a question and it should have been a "yes" response, could the Board deny any type of licensure forever. Mr. Warren informed the Board they could do so. Mr. Warren also stressed to the Board that in accordance with AS 08.54.710 the Board can issue licenses with restrictions.

Mr. Wilson stated that through previous conversations with Kevin Saxby, Assistant Attorney General an applicant who meets all requirements and is eligible under statutes must be issued a license. Mr. Warren reviewed AS 08.54.605 Eligibility for License and informed the Board that an applicant who is denied a license in accordance with AS 08.54.605 would be offered Hearing Rights and would have the chance to appeal the Board's decision; however the ultimate decision to issue or not issue a license is the Board's. Mr. Johnson asked Mr. Warren to research this issue for the Investigative Report. Mr. Warren agreed.

The Board thanked Mr. Warren for his time.

BJ Schmitz stated that the Board's requirements for license specifically ask if the applicant is capable to provide "guide" services. Mr. Johnson stated the Board had gone through this and wants to make sure domestic violence issues are addressed and not just felonies,

Mr. Nickisch stated that if the Board denied Mr. Hill the right to sit for the exams they would have problems with the Dept. of Law as discussed at the December 2009 meeting. Mr. Johnson responded that the Board would pick up this topic under the Investigative Report. Mr. Nickisch informed the Board that it is their responsibility to raise standards for Guides and Transporters and to hold the industry to these standards.

The meeting adjourned at 4:17 p.m. until Wednesday at 8:30 a.m.

Wednesday, March 10, 2010

Item 8. Call to Order/Roll Call

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 8:31 a.m. Members present constituting a quorum were:

Leif Wilson, Transporter, Vice-Chair
Paul Johnson, Registered Guide-Outfitter, Chair
Dick Rohrer, Master Guide-Outfitter
BJ Schmitz, Public Member
Ted Spraker, Board of Game
Dirk Nickisch, Transporter
Raymond Stoney, Private Landholder
Brenda Rebne, Private Landholder (arrived 8:32 a.m.)

Excused from the meeting due to a scheduling conflict was: Robert Mumford, Public Member

Present from the Division of Corporations, Business and Professional Licensing were:

Cynthia Spencer, Licensing Examiner
Karl Marx, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor

Present from the Department of Law via teleconference were:

Kevin Saxby, Assistant Attorney General
Gayle Horetski, Assistant Attorney General

Present from State and Federal agencies were:

Lee Benson, US Forest Service
Cpt. Burke Waldron, Department of Public Safety
Valerie Baxter, Dept. of Natural Resources Spec.
Roger Delany, Bureau of Land Management
Shelly Jacobson, Bureau of Land Management, Central Region
Heather Knudson, US Fish & Wildlife, Enforcement
George Helfrich, Superintendent, Noatak National Preserve
Dick Mylius, Director, Department of Natural Resources

Present from the public were:

Braun Kopsack, Master Guide-Outfitter
Michael Flores, Transporter

John Erickson, Master Guide-Outfitter
Tim Brannon, Class-A Assistant Guide
Jim Kedrowski, Registered Guide-Outfitter
Coke Wallace, Master Guide-outfitter
Jim Weidner, Registered Guide-Outfitter
Ralph Miller, Master Guide-Outfitter
Bob Summers, Assistant Guide & Transporter
Virgil Umphenour, Master Guide-Outfitter
Ben Holbrook, Registered Guide-Outfitter
Brent Keith, Registered Guide-Outfitter
Larry Bartlett, Public
Henry Tiffany, Master Guide-Outfitter
Clint Mayeur, Registered Guide-Outfitter
Ernie Finch, Registered Guide-Outfitter
Erik Salitan, Registered Guide-Outfitter
Lance Kronberger, Registered Guide-Outfitter
Karl Powers, Public
Fred Sorensen, Registered Guide-Outfitter
Dan Montgomery, Master Guide-Outfitter
Loren Karro, Registered Guide-Outfitter
Wayne Kubat, Master Guide-Outfitter
Martin Roach, Public
Rick Kinmon, Registered Guide-Outfitter
Joe Letarte, Master Guide-Outfitter
Nate Turner, Registered Guide-Outfitter
Art Andreis, Master Guide-Outfitter
Robert Fithian, Master Guide-Outfitter & Alaska Professional Hunters Assoc.

Item 9. Public Comment Regarding Public Noticed Regulations 12 AAC 75.340(c)

Mr. Johnson announced that the Board was in need of proctors to assist with the March 12, 2010 practical examination and that there was a sign-up sheet out on the front table.

Mr. Johnson requested those individuals who had signed up for Public comment to come forward as he called their names.

Joe Want, Registered Guide-Outfitter

- Strongly supports regulation updates and concept
- Address crowding issues and user group conflicts
- Make modifications as needed

Mr. Rohrer asked if Mr. Want felt a two mile boundary between camps was acceptable. Mr. Want stated he would prefer a five mile boundary, but two miles is better than none and is a good starting point. Mr. Johnson stated the two mile boundary would be a good starting point and the Board would see how it goes. Mr. Want agreed with Mr. Johnson and went on to state that enforcement on the industry is “self policing” between licensees.

The Board thanked Mr. Want.

Wayne Kubat, Master Guide-Outfitter

- Agrees with concept of regulation.
- Need to define permanent structure; is a tent considered a “permanent structure”?
- Timeline on how long a camp can remain in the field.

Mr. Spraker asked Mr. Kubat how long a structure would need to be in place to be considered permanent. Mr. Kubat stated that if a structure was in place for at least a year, it should be considered permanent. Mr. Spraker also asked if a wood structure for a wall tent could that be considered permanent even if the tent, but not the structure/frame, was removed. Mr. Kubat responded that that should be considered permanent.

The Board thanked Mr. Kubat.

Mel Gillis, Registered Guide-Outfitter

- A permanent structure should be defined as a cabin that you have a lease on.
- Would prefer a five mile boundary between camps.

Mr. Johnson informed Mr. Gillis that the Board’s public notice for 12 AAC 75.340 gave enough elbow room to allow the Board to change two to five if they felt it was needed.

Mr. Spraker asked Mr. Gillis how far away should hunting be done from a camp; what range one or two miles out. Mr. Gillis responded that hunting should be done at least three to four miles away from camps; Mr. Gillis reiterated that he is not saying you can’t hunt out of camp but the boundaries between camps should be five miles.

Mr. Rohrer stated that the submitted written comments support a boundary between camps and not just cabins that are permanent structures.

The Board thanked Mr. Gillis.

Henry Tiffany, Master Guide-Outfitter

- Support regulation

Mr. Rohrer asked Mr. Tiffany what his thoughts were on privately owned cabins being used for hunt/guiding. Mr. Tiffany stated that if a structure was occupied he would not be comfortable subjecting clients to a hunting experience with others in such close proximity to other hunters.

The Board thanked Mr. Tiffany.

Rick Kinmon, Registered Guide-Outfitter

- Privately owned cabins allow 1 ½ mile separation.
- Suggested grandfather clause for privately owned cabins and land sales.

Mr. Nickisch stated that the Board's statutes and regulations currently allow for a written agreement/consent between users; and does Mr. Kinmon think it would resolve problems. Mr. Kinmon responded that it may assist, however he feels that a private owner may not always be willing to.

The Board thanked Mr. Kinmon.

Ralph Miller, Master Guide-Outfitter

- Supports regulation change.
- Agreed with Mel Gillis' statements
- Two mile boundary not realistic; should be five miles.

Mr. Nickisch asked what Mr. Miller considered the definition of "camp". Mr. Miller stated that the Board must remain flexible and be the judge on this issue.

Ms. Rebne stated that guides are usually self monitoring, however the public and transporters remain in the gray area; this issue must be addressed as it is getting out of hand due to population increase, user increase, etc. Ms. Rebne stressed if the industry is to remain viable this process must continue and resolutions reached.

Mr. Wilson stated that if some areas have a five mile boundary and a high number of land use permits everyone would be camping on top of each other and then cutting the number of use permits would need to occur; and maybe another avenue to address this issue would be through the Board's ethics.

Mr. Miller stated he felt the Board might be able to address this through ethics, however historically this Board takes no actions on "unethical" issues and went on to state that one shoe won't fit all.

The Board thanked Mr. Miller.

Mr. Johnson requested DNR come forward and read their submitted comments.

Valerie Baxter, Dept. of Natural Resources Specialist

Ms. Baxter reviewed the letter addressed to the Board dated March 8, 2010.

- Suggest changes by adding a new paragraph (8) to subsection (c).
- Proposal does not define permanent; DNR does not allow permanent structures only temporary camps able to be removed within 48 hours.
- DNR does not consider buffers or separation distances when administering Land Use or Commercial Recreation Permits.
- Effective date of this regulation could have unintended consequences for state land permittees as permits are renewed on an annual basis and land use permits are on a five year cycle.

Mr. Johnson asked if it would help to change the wording to cabin. Ms. Baxter stated that DNR does not allow cabins; all camps are temporary.

Mr. Spraker asked if the Board should take Mr. Miller's suggestion. Ms. Baxter responded that the Board would need more enforcement for their ethics and that it would probably take a bit of both; however DNR would be unable to enforce this requirement. Mr. Spraker stated that there will be problems and unforeseen consequences if the statute changes. Ms. Baxter informed the Board that DNR is just concerned with the effects on DNR this regulation might have, however DNR is not governed by this Boards regulations.

Mr. Spraker stated that maybe some areas could have a two mile boundary and others would have a five or ten mile boundary. Mr. Johnson stated that previous testimony stated the onus is on the industry and that the Board would be calling Gayle Horetski later in the day and maybe they could speak with her about this issue.

The Board thanked Ms. Baxter.

Recess The Board recessed at 9:29 a.m.; reconvened at 9:50 a.m.

Item 10. State & Federal Agency Testimony

US Bureau of Land Management (BLM)

Roger Delany and Shelly Jacobson of BLM came forward and introduced themselves to the Board.

Mr. Delany informed the Board that he would be giving an update on the Squirrel River; Mr. Delany informed the Board that in 2008 BLM signed off on the Kobuk management plan which identified two areas that needed work, the Squirrel River in the Fairbanks area and Kubuary in the Anchorage area. Mr. Delany went on to state that BLM has been asked to update/amend Recreation Plans with new information using the Federal register notices and guide lines. Currently the plan has no zone information. The new plan will have this information; BLM is hoping to begin the public notice process this April and will be working with the Game Management Unit 23 working group and will be checking the numbers of clients Transporters are claiming. Mr. Delany went on to inform the Board that BLM will have maps for viewing and information will be available on their website. Mr. Delany urged the Board and audience members to participate. Mr. Delany also stated that if anyone was interested in receiving information, they could provide him their name and contact information.

Mr. Johnson asked if Ms. Spencer could put a sign-up sheet out on the entrance table for individuals to provide Mr. Delany with their information. Ms. Spencer complied.

Mr. Wilson thanked Mr. Delany for the update and asked if BLM would be limiting the number of guides and transporters allowed in the Squirrel River area. Ms. Jacobson responded that BLM is not prepared to limit the number at this time and that they would be conducting an analysis for numbers before making that determination. Mr. Jacobson also stated that the Squirrel River does not currently have a limit on the number of Guides allowed in the area.

Mr. Nickisch asked if there was data on the number of clients for Transporters. Ms. Jacobson stated that for 2009 five permits were issued to Transporters with a total of 38 clients.

Mr. Nickisch asked Ms. Jacobson what and where the main conflicts were occurring. Mr. Jacobson informed the Board that two years ago a survey conducted by the University of Alaska, Fairbanks of Guides and clients reflected that there were not a lot of one on one conflicts, that is more of a perception issue as viewed by locals and that most of the problems were with un-guided hunters being dropped off by Transporters, waste/garbage being left behind. Ms. Jacobson also reported that little by little the issues were getting better.

Mr. Stoney asked if same day airborne hunting was an issue and would adding a second ranger help alleviate the problems. Mr. Stoney also stated that he hopes BLM will work with this Board on permitting. Ms. Jacobson stated that most of the Transporters in the area have a long permitting history with BLM and that there are now two enforcement officers which they hope will help alleviate some of the problems in the Squirrel River area.

Mr. Delany informed the Board that in order to receive a permit from BML applicants must provide a copy of a current/valid Guide/Transporter license; BLM in turn verifies this Board's requirements, i.e., 5000 contiguous acres, to Ms. Spencer and Mr. Marx so they can register the Guide Use Areas.

Mr. Johnson stated that if a Transporter is only providing transportation services as an "incidental" portion of their business they may not get a transporter license and/or operate under a part 135. Mr. Delany responded that this issue has gone back and forth and that he would continue to work with Ms. Spencer and Mr. Marx to see if licenses have been issued.

Mr. Johnson informed the Board and audience that the Legislature had approved funding for a second Board investigator who would be dealing with Transporter issues and that this person would be contacting BLM.

Mr. Spraker stated that at a recent Unit 23 Working Group meeting it was announced everyone using aircraft in Unit 23 must complete an orientation course which will be available on-line and that the course must be completed before providing services in 2010. Ms. Jacobson responded that Jim Dowd in Kotzebue is helping prepare the course.

Mr. Wilson stated that the 38 clients who used Transporters are not large and that there is no differentiation between Transporters and Air Taxies. Mr. Delany responded that permitting is required to enter the area and that the 38 clients were reported by those Transporters complying with BLM, however there are many who do not comply.

Mr. Delany stated that the maps being used reflect Use Area boundaries set by this Board and BLM lines for comparison. Mr. Delany also informed the Board that their Field Guide had no BLM information and he would email Ms. Spencer information to add to the Field Guide.

The Board thanked Mr. Delany and Ms. Jacobson for their time and participation.

US Fish and Wildlife Service (USFWS)

Heather Knutson, US Fish & Wildlife, Enforcement came forward and introduced herself to the Board.

Ms. Knutson informed the Board that USFWS will be updating the 1998 Arctic Refuge management plan which will impact guides and transporters. Ms. Knutson stated that they are just waiting on a Notice of Intent to be published and then the USFWS will begin their comment and meeting period. Ms. Knutson went on to state that they are working on a very tight time frame and the project will be completed in a little over 12 months.

Mr. Spraker asked if the Federal guide use area boundaries coincide with this Board's and if not would it be possible to match both agencies boundary lines. Mr. Spraker also asked if the USFWS would like a letter of intent from this Board. Ms. Knutson stated that matching boundary lines are a possibility and that the project will be coordinated with by Brian Anderson. Ms. Knutson also informed the Board that the USFWS land use permits are issued for a four (4) year period and that once the current permits were expired a new bidding process would begin with the updated Arctic Refuge management plan.

Mr. Spraker urged the Board, attendees and Ms. Knutson that guide participation in the project should be encouraged. Ms. Knutson agreed.

Mr. Nickisch stated that there were issues with air providers which occurred during 2009; these air providers are not licensed as transporters and should be due to the services being provided. Mr. Nickisch asked Ms. Knutson if she had any information on this issue. Ms. Knutson stated that the USFWS had looked into some air taxi providers who should be licensed as transporters and some who held no permits to provide services on the refuge. Ms. Knutson also stated that there has been an increase in transporter activity; however there is not a cap on the number of air operations and the permits issued do not differ between an air taxi and licensed transporters. Ms. Knutson informed the Board that differentiating between an air taxi and licensed transporter will be discussed.

Mr. Spraker stated he was concerned with the USFWS one year period to complete the update and asked if the time frame would allow enough time for the public process.

Ms. Knutson informed the Board that the driving force behind the 12-month time frame was due to orders from Washington, DC in conjunction with the 50th anniversary of the Arctic Refuge and that DC wants all options on the table in time for the 50th anniversary. However the initial publication of the Notice of Intent was delayed so a December 2010 deadline is out of the question. Ms. Knutson went on to state that the update would focus on specific issues and may also focus on scenic and water reviews.

Mr. Spraker asked if part of the drive behind the project was due to usage increases. Ms. Knutson responded that the leading factor is political as 2009 commercial service usage

only had 580 visitors and 1,100 in 2008. Certain areas are having increasing numbers but not all over.

Mr. Johnson asked Mr. Spraker to write a letter to USFWS stating that a year is not enough time to conduct the update despite politics. Mr. Spraker agreed. Mr. Johnson also asked Ms. Knutson to contact Brian Howes, Chief Investigator for the Division regarding transporter investigations. Ms. Knutson said she would contact Mr. Howes and also stated that the FAA had been in the area during 2009 checking pilots for appropriate licenses.

The Board thanked Ms. Knutson for her time and participation.

National Park Service (NPS)

George Helfrich, Superintendent, Noatak National Preserve (units 22 and 23) came forward and introduced himself to the Board.

Mr. Helfrich stated that he would be speaking about concerns in unit 23. Mr. Helfrich informed the Board that transporters are the main concern in unit 23 as stated by residents. Mr. Helfrich elaborated that residents are finding wasted meat, lots of trash left behind and there were concerns with the local herds. Mr. Helfrich informed the Board that these issues were being addressed via education, etc. Mr. Helfrich also stated that meeting with the unit 23 working group has and is a great forum; Mr. Helfrich informed the Board that the next unit 23 working group meeting was set for May 6, 2010.

Mr. Helfrich stated that changing management of transporters and "incidental" transportation services for the 2008/2009 moratorium for a cap on the number of guides and transporters permitted has been successful, with NPS issuing eight transporter permits of which 357 clients permitted; the permits did expire December 31, 2009 and a new permitting period had begun for 2010-2011.

Mr. Rohrer asked if NPS had concluded the 2010-11 selection process. Mr. Helfrich stated NPS had finished their review and had a total of five applicants.

Mr. Stoney stated that an orientation for the Kotzebue area was a good idea and stated he supported the NPS education process for units 20, 23 and 24. Mr. Helfrich thanked Mr. Stoney and went on to state that NPS would also like to add face-to-face meetings with users as part of the orientation/educational process.

Mr. Stoney asked if there was a limit in unit 23 for how many days you could remain in the field, as a limit may help with some of the transporter issues i.e., remaining in-field with clients, setting up camps, etc. Mr. Helfrich informed the Board that there is no current limit on the number of days one could remain in the field, however if only authorized to provide transportation services, those permittees could only drop off and pick up in accordance with this Board's requirements.

Mr. Spraker asked now that the December 31, 2009 moratorium expired if it was now permanent. Mr. Helfrich responded that the 2008-2009 system was unlimited in the numbers and there was no moratorium cap on development and the process was still evolving.

Mr. Johnson stated he was unhappy with the length of time allowed for the public notice regarding the permitting process. Mr. Helfrich disagreed and informed the Board that public notices were mailed September 1, 2009; NPS had a press release on October 1, 2009 informing the public about the November 11, 2009 public meetings. Mr. Johnson stated that he felt a 30-day time limit on a prospectus bid was not long enough. Mr. Helfrich responded that NPS had received only one complaint about the time frame.

Mr. Johnson urged Mr. Helfrich to contact Brian Howes, Chief Investigator for the Division for information regarding transporter issues.

The Board thanked Mr. Helfrich for his time and participation.

Mr. Johnson informed attendees and other State & Federal agencies that the Board was due to call Gayle Horetski, Assistant Attorney General, Dept. of Law at 11:00 a.m. to discuss hearing rights and would resume testimony after the call.

The Board requested Capt. Burke Waldron come forward and participate in the telephone call and present his report following the telephone call.

The Board called Gayle Horetski at 11:00 a.m.

Mr. Johnson informed Ms. Horetski that guide and transporter issues are brought before a Hearing Officer, and then the Board receives the Hearing Officer decisions for review, approval and/or amendments. Mr. Johnson went on to state that the Board would like to skip the Hearing Officer process and have cases come directly to the Board for resolution.

Ms. Horetski stated that 2008 changes to Alaska Statute (AS) 08.54.710 removed "after hearing" options from the statute. Ms. Horetski went on to review the Title 8 provisions of the Alaska Administrative Procedure Act (APA) and Administrative Hearing Act AS 08.01.075 with the Board. Ms. Horetski informed the Board that they had no legal recourse allowing them to hold disciplinary hearings before a case went through the requirements of the APA. Ms. Horetski went on to state that Due Process is required in State/Federal laws and the Alaska Constitution and that this Board was not exempt from said laws. Ms. Horetski also stated that if the Board wanted to change the current procedure they would need to have their statutes changed.

Mr. Johnson asked Ms. Horetski why the Board couldn't be the hearing panel. Ms. Horetski stated that possibly changes to existing statutes would allow the Board to take cases directly as a panel in conjunction with a Hearing Officer. Ms. Horetski informed the Board that if they did want to be the panel during a Hearing a quorum of the Board would have to be present during the hearings which could last up to a week.

The Board thanked Ms. Horetski for her time and participation.

Department of Public Safety

Captain Burke Waldron came forward to report.

- Average 5-6 vacancies in the Division of Public Safety.
- Looking for more experienced pilots
- Hope to have the Coldfoot and Yakutat vacancies filled by summer.
- Urge Board to develop strict liability for 12 AAC regulations and if needed statute changes.
- Air taxi loophole is now applying to water taxi operators; this is a continuing conflict.
- Market growing for freshwater transporters to provide accommodations.
- Concerns from Dept. of Public Safety with saltwater requirements – prejudicial.

Mr. Johnson stated that the Board was hearing concerns from the public about strict liability issues.

Mr. Rohrer stated that over the last few years there have been successful prosecutions of marine transporters conducting road hunts. Mr. Rohrer asked if the Troopers are clear about marine transporter issues, as many marine transporters are cruising the beaches looking for game however not all marine transporters are doing this.

Captain Waldron responded that the Troopers are aware of the marine transporter issues.

The Board thanked Captain Waldron for his time and participation.

Recess The Board recessed for lunch at 11:38 a.m.; reconvened at 12:59 p.m.

Item 11. Board Discussion

- **Correspondence**

The Board reviewed submitted correspondence.

- **Proposed Regulation Changes to 12 AAC 75.340(a) and 75.440(a) Professional Ethics for Guide and Transporters**

The Board reviewed the information provided by Jun Maiquis, Regulation Specialist.

Mr. Johnson noted that the regulations need to be cleaned up to coincide/relate to the changes in AS 08.54.710.

Ms. Spencer noted that the regulation as written only addresses registered guide-outfitters as do most of the Boards other regulations and that maybe the Board could add “master” guide-outfitter or remove “registered” and leave the term “guide-outfitter”. Ms. Rebne agreed with Ms. Spencer.

On a motion duly made by Leif Wilson, seconded by Brenda Rebne, and approved unanimously, it was

RESOVLED to public notice 12 AAC 75.440(a) and 12 AAC 75.340(a) with the following change to .340(a) by adding "master/registered guide-outfitter...

Roll Call Vote

NAME	YES	NO
Dirk Nickisch	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Dick Rohrer	X	

Mr. Johnson asked that public notices be mailed to all licensees

- **Master Guide License Requirements and Downgrading**

Staff requested a clear interpretation of AS 08.54.610(b)(2) "...for at least 12 of the last 15 years, ..." for qualification to apply for the master guide-outfitter license.

Mr. Rohrer stated that a registered guide-outfitter must be licensed for a minimum of 12 years before applying for the master guide-outfitter license; the 12 years don't have to be consecutive, excluding the year immediately preceding the application, but must have 12 licensed years as a registered guide-outfitter.

The Board agreed with Mr. Rohrer.

Mr. Johnson informed the Board that as statutes and regulations are now, even with disciplinary problems a master guide-outfitter will be able to keep the license; however previous statutes and regulations allowed for a downgrade to a registered guide-outfitter if disciplinary issues arose. Mr. Johnson also added that a master guide-outfitter applicant should need more than just 10 favorable recommendations to obtain the master guide license.

Mr. Rohrer stated that a master guide-outfitter license means nothing with the current requirements and that taking away a master guide-license does nothing.

Mr. Johnson stated that the master guide-outfitter designation means more to a prospective client than a registered guide-outfitter title does.

Ms. Rebne stated that master guide-outfitter title should mean something to the industry. Ms. Rebne went on to state that eliminating the master guide license wasn't a solution, however making the requirements tougher and holding master guides to a higher standard should be the norm and that those who abuse the system should have consequences.

Mr. Nickisch stated he agreed with Ms. Rebne's statement and that the requirements should be made tougher.

Mr. Wilson stated that back in the day, in order to get a master guide license, the applicants record had to be completely free of any violations.

Mr. Rohrer agreed with Mr. Johnson's statement and stated that the 10 favorable recommendation requirement was decided on by the Board as those who were applying for the master guide license at the time did have clean records.

Mr. Johnson informed the Board that it seemed like they needed to make more or new master guide licensure requirements. Mr. Johnson asked the Board if they thought a good requirement would be to have a clean record.

Ms. Spencer asked Mr. Johnson if he would want master guide applicants to submit criminal justice and fish & wildlife violation reports like registered guide applicants.

Ms. Rebne stated that the reports shouldn't be required as licensees are expected to keep high standards, and remain violation free when issued a registered guide license. Mr. Johnson informed the Board that being clean of violations, etc, used to be a requirement for licensure. Ms. Rebne asked if it would be possible to get a copy of the old requirements for review.

Mr. Johnson requested everyone stand at ease while the information was found.

Mr. Rohrer informed the Board that when he applied for his master guide license, a face-to-face interview with the Board was required.

Recess The Board recessed at 1:24 p.m.; reconvened at 1:35 p.m.

Mr. Johnson asked the Board for suggestion on master guide requirements and then they would make a motion.

Mr. Rohrer stated that during the 12 years as a registered guide a master guide applicant must have no violations under the Board's Unlawful Acts statute AS 08.54.720 and if a violation occurs, they must begin the 12 years over again. Mr. Rohrer also stated that if the licensee has three violations of AS 08.54.720 they would lose their license.

Ms. Schmitz agreed with Mr. Rohrer's statement and also added she felt a face-to-face meeting would be a good requirement.

Mr. Nickisch agreed with Mr. Rohrer and Ms. Schmitz.

Ms. Rebne agreed with Mr. Rohrer and Ms. Schmitz. Ms. Rebne stated that she also felt an increase from 10 to 20 favorable recommendations and recommendations from other licensed guide-outfitters would be good. Ms. Rebne went on to state that an applicant should have no felony convictions; and a fish & wildlife violation should be grounds for revoking a license. Ms. Rebne clarified that the Board should develop a tiered system for those who self report fish & wildlife violations and those who don't.

Mr. Johnson pointed out to the Board that AS 08.54.610(b)(3) only says 10 favorable recommendations are required, so they would have to keep the number at 10.

Mr. Wilson agreed with Mr. Johnson and went on to state that the Board should keep the process fairly simple and clean and that the Board should focus on the main issue being a clean record. Mr. Wilson stated that he agreed with Ms. Schmitz that a master guide applicant should have a face-to-face meeting with the Board before being issued a license. Mr. Wilson also stated that if a licensee violated requirements they would lose their license.

Mr. Stoney stated he agreed with points and suggestions made by the other Board members.

Mr. Spraker stated that a master guide license is a title and one should be held to high standards of professionalism, ethics, paying employees, proper land use/authorization, etc. Mr. Spraker went on to state that he felt 10 recommendations were a waste of time and that the Board should require 20 and an interview with the Board before issuing the license.

Mr. Johnson informed the Board that they would work more on this issue then make motions. The Board agreed with Mr. Johnson.

Mr. Rohrer asked about the requirements for guide use area (GUA) registration and the requirements of 12 AAC 75.340(f)(3) if a guide has registered a GUA and is using 5,000 contiguous acres of uplands, but would need to land on "tidelands" would the guide need to register an adjacent use area. Mr. Johnson responded more research would be needed before giving an answer. Mr. Johnson asked Ms. Hondolero for a definition of 12 AAC 75.340(f)(3) on March 11. Ms. Hondolero said she would have information for the Board tomorrow.

- **Budget Report (Rohrer)**

Mr. Rohrer reviewed the budget report prepared by Cathy Mason, Administrative Officer with the Board. Mr. Rohrer informed the Board that he had spoken with Kevin Saxby, AAG about the billings from Dept. of Law; Mr. Rohrer informed the Board that charges reflected eight straight hours without taking into account breaks, interruptions, etc. Mr. Rohrer assured the Board that Mr. Saxby will remind staff about billing charges to the Board.

Mr. Rohrer informed the Board that Ms. Mason had made an error on the December 2009 budget report; Ms. Mason had \$240,000 reflected as being rolled forward when the amount reflected for roll forward should have been \$92,000 for 2010-2011. Mr. Rohrer informed the Board that due to this error the Board may come up short of funds 1-2 years from now.

The Board thanked Mr. Rohrer.

- **Transporter Issues (Wilson/Nickisch)**

Mr. Nickisch made the following report.

Reviewed “assistant” transporter license options and found an “assistant” transporter license would be overly cumbersome and not productive. Suggest that a transporter license be set up so employees providing transportation services are listed under the main license holder.

Marine Transporter Issues:

- Reports of marine transporters hunting for personal use after dropping off clients for their hunts.
- Current “outfitting” and “guide services” rules prohibit transporters from processing any client harvests, which is leading to what could be a wanton waste issue.
- Can marine transporters could provide block, tackle, etc., and assist with meat preparation?
- Southeast, AK issues with dropping off clients on tide lands as the USFS requires upland owner approval for tide land drop offs. Current standards of professionalism 12 AAC 75.340(f)(3) guide may not advertise or sell hunts to be conducted solely on tidelands.
- Suggested transporters register guide use area’s as written in AS 08.54.750(g).

Mr. Nickisch also informed the Board that there have been and continue to be many cases of mistaken transporter identities, many are often mistaken to be “licensed transporters” when in fact they are air taxi providers, not following rules, etc. Mr. Nickisch went on to state that this Board can write page after page of statutes and regulations, however historically this Board has not/can not enforced current transporter requirements, so why bother with more regulations.

Mr. Rohrer asked for more information about meat preparation by marine transporters. Mr. Nickisch stated that a marine transporter has a client(s) and provides overnight accommodation on their vessel; client(s) have harvested game; as the requirements read now a transporter cannot “outfit” which is being translated into they cannot provide a tackle set up, no freezer/refrigeration, and no tools for cleaning the harvest.

Mr. Rohrer stated that a client is able to care of the meat; the real question should be who the client paid to care for the meat; a guide-outfitter is paid and allowed to provide meat care services, a transporter is not and per statute if providing tackle, a transporter is now “outfitting”.

Mr. Johnson asked Captain Waldron to come forward for this discussion, Captain Waldron complied.

Captain Waldron stated that both Mr. Nickisch and Mr. Rohrer were correct; however there was a fine line between the services being provided and stated he would consult with the Kevin Saxby, AAG for interpretation. Mr. Nickisch agreed with consulting Mr. Saxby. Captain Waldron agreed with Mr. Nickisch's statement about unintended consequences relating to wanton waste.

Mr. Nickisch stated that with the lack of Trooper and Investigative staff funding he is concerned that if unable to enforce current statutes and regulations, why make new requirements. Captain Waldron agreed with Mr. Nickisch stating funding for Troopers is a problem and with only six Wildlife Investigators up from the two the program started with, all staff are currently backlogged.

Mr. Johnson stated that during the Board's last sunset review it was noted that communication between this Board and enforcement caused many of these problems. Captain Waldron informed the Board that communication was part of the problem, however there are other issues. Mr. Johnson asked if ground had been gained with the issues. Captain Waldron stated that yes, ground had been gained.

Mr. Wilson stated that 12 AAC 75.450(b)(13) does state that a transporter may not provide any hunting services which includes skinning, caping or cleaning of game.

Captain Waldron stated that it could come down to the contract with the transporter and if the client would provide/bring their own wax paper, skinning tools, etc. Mr. Wilson asked if he would define "tackle" as equipment. Captain Waldron responded that it would be an interpretation issue.

Mr. Rohrer commented that most vessel operators have a tackle set up on board for the purposes of raising/lowering the anchor, loading equipment, etc. Captain Waldron pointed out that using said tackle for skinning a harvest should be acceptable. Mr. Rohrer stated that if the Board and enforcement began to give in on "guide" requirements they would start a downhill trend.

Mr. Johnson stated that in regards to an "assistant" transporter license, should the Board require the license be clearly posted with a list of employees who would be providing transportation and that each employee keep a copy of the license on their person. Mr. Nickisch responded that he wasn't sure about a list of employees, but having copies on employees was a good idea.

Mr. Wilson pointed out that the issue was a license is issued to a "live" person; after speaking with Mr. Saxby about corporations, LLC, etc., enforcement was an issue as a corporation doesn't transport clients, but an employee of the corporation provided the services. Mr. Wilson went on to state that if an employee doesn't meet eligibility requirements and the Board feels this is a serious enough problem a list of employees should address those concerns.

Mr. Johnson stated that staff would need more direction when issuing the license. Mr. Nickisch stated that more discussion would be needed before making a final decision. Mr. Johnson agreed.

Mr. Spraker stated that the Board should put the onus on the care of meat directly on the transporter industry shoulders and that transporters should be attending the meetings and bringing their problems to the Board instead of the Board trying to figure out what the problems are.

Mr. Johnson thanked Captain Waldron for his input and stated they would wait to hear what Mr. Saxby had to say.

- **Strict Liability Offences (Mumford/Rohrer)**

Mr. Rohrer requested that this topic be moved to the December 2010 agenda as Mr. Mumford was not able to attend this meeting and his information was needed.

The Board agreed.

Recess The Board recessed at 2:29 p.m.; reconvened at 2:45 p.m.

Mr. Johnson asked the Board that due to the number of emails and comments regarding the DNR subcommittee which was set up over two years ago and may not have been done properly if the Board would agree with re-organizing the subcommittee and keep it running.

The Board had no objections to Mr. Johnson's request.

Mr. Rohrer asked if the Board had or should get a commitment from DNR to allow the Board a final review of their concession project. Mr. Johnson responded that Mr. Cox had informed the Board earlier that DNR was separating itself from this Board in relation to the concession project and that they would beginning their own public process. Mr. Johnson also stated that Mr. Cox said he would meet with Board members or the DNR subcommittee before the December 2010 meeting with an update. Mr. Johnson informed the Board that they could write a letter asking for a meeting.

Mr. Wilson stated that he didn't agree with the current concession proposals and would like a review of information before implemented.

Mr. Johnson polled the Board for any objections to writing a letter to DNR requesting a review of concession proposals before anything was finalized; hearing no objections Mr. Johnson asked Mr. Spraker to write the letter. Mr. Spraker agreed.

Mr. Johnson asked Ms. Schmitz, Mr. Wilson, Mr. Rohrer, Mr. Stoney and Mr. Spraker to assist with the DNR Subcommittee. Mr. Johnson informed the Board that he would get together with Mr. Cox for meeting date information.

Mr. Spraker asked the Board if there were any objections to him urging DNR to make the public period two years; the Board did not object.

Mr. Johnson stated that as the Board was a bit ahead of schedule if they minded completing some of the items on the March 11 agenda under Board Discussion. The Board agreed.

- **Amend/adopt December 7-9, 2009 Meeting Minutes**

Mr. Johnson asked the Board if there were any amendments to the December 2009 minutes; hearing none Mr. Johnson asked for a motion to adopt the minutes.

On a motion duly made by Leif Wilson, seconded by Brenda Rebne, and approved unanimously, it was

RESOVLED to adopt the December 2009 meeting minutes as written.

Mr. Johnson polled the Board and hearing no objections the minutes were adopted.

- **Applications with “yes” answers. Define Board procedure(s) for review and potential issuance of license**

Mr. Johnson stated that this topic had been on several meeting agendas and asked Ms. Hondolero if the Board gave staff direction would that be acceptable. Ms. Hondolero informed the Board that any direction given to staff must be very clear.

The Board had a brief discussion and informed staff that if an initial guide or transporter application had a misdemeanor incident/violation which was 10 years old, and fines of less than \$1000; all “yes” application procedures must be followed however, once approval was received from Investigative staff, there would be no need for a mail vote from the Board. The Board went on to state that if an applicant had fish & wildlife violations, no matter how long ago, a mail vote would be required. The Board also stressed to staff if they had any questions about incidents to please contact Board members.

Mr. Johnson asked Ms. Hondolero if the information provided was acceptable. Ms. Hondolero stated it was and thanked the Board.

- **Set dates and locations for GMU Examination, Registered Guide-Outfitter Examinations and Board Meetings**

The Board held a brief discussion and decided that the next meeting would be held in Anchorage, December 7-9, 2010 and if staff could book everything at the Coast International Inn. Mr. Marx stated he would contact the Coast. The Board decided to hold the March 2011 meeting in Fairbanks at the University March 15-17, 2011. Mr. Marx stated he would go book the University facilities now.

The Board stated that the registered guide-outfitter examinations would be held in conjunction with the December 2010 and March 2011 meetings. The Board set the next GMU exams to be offered June 11, 2010 and September 10, 2010.

- **Guide School Proposal Review**

The Board asked Bobby Fithian forward to present his guide school proposal. Mr. Fithian came forward and passed out information on his proposed guide school

The Board reviewed the school proposal information and asked Mr. Fithian for a brief history of his course.

Mr. Fithian informed the Board that 14 years ago he had been asked to develop a training course for guides; unfortunately due to lack of interest the course never went forward. Mr. Fithian went on to inform the Board that the training would take place at his ranch, would be a two week course, staff would include licensed guides and other professionals from the industry for a total of 10 instructors and a maximum of 12 students; the course would include spike camp preparation, meal preparation, base and spike camp construction, environmental information, ethics, animal characteristics, trophy judging both in and out of the classroom, tracks and tracking, trophy care, caping instruction, horse and vehicle safety, business administration and a final exam at the end of the two week. Mr. Fithian stated that they may provide employment placement, however this had not been decided on.

Ms. Rebne stated that the course sounded great and asked if Mr. Fithian would also be covering the Boards statutes, regulations and land ownership. Mr. Fithian informed the Board that the course would definitely cover this information.

Ms. Rebne asked if Mr. Fithian and thought about getting his course approved at the University level. Mr. Fithian responded that he had done the legwork previously and decided he just didn't want to spend as much time as was required to get University approval.

Mr. Spraker stated he strongly supported Mr. Fithian's course and went on to state that he sees the number non-resident guides increasing and would like to see more residents licensed. Mr. Spraker went on to state that this course may provide more opportunities for residents to get involved and licensed. Mr. Spraker asked since the Board approved the course offered by Terry Overly, Master Guide-Outfitter, if anyone knew the status of the course, student numbers, etc.

Mr. Johnson informed the Board that staff had stated no applications had been submitted with information on completing the course offered by Mr. Overly and that maybe applicants were going with the easier choice of licensure requirements which would be getting a recommendation from a guide-outfitter stating they would be hiring the applicant. Mr. Johnson went on to state that Mr. Fithian did have an advantage over Mr. Overly, as Mr. Fithian's location is easier to access as it is located on the road system. Mr. Johnson asked staff to contact Mr. Overly and get more information

on the status of his guide school. Ms. Spencer stated she would send Mr. Overly an email requesting information.

Item 15. Continuing Education Requirements for renewal (Johnson)

Mr. Johnson informed the Board that this topic may be brought up at a later meeting but for now he had nothing to share.

The meeting adjourned at 3:33 p.m. until Thursday at 8:30 a.m.

Thursday, March 11, 2010

Item 12. Call to Order/Roll Call

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 8:40 a.m. Members present constituting a quorum were:

Dirk Nickisch, Transporter
Raymond Stoney, Private Landholder
Leif Wilson, Transporter, Vice-Chair
Dick Rohrer, Master Guide-Outfitter
BJ Schmitz, Public Member
Paul Johnson, Registered Guide-Outfitter, Chair
Ted Spraker, Board of Game

Excused from the meeting was: Brenda Rebne, Private Landholder and Robert Mumford, Public Member

Present from the Division of Corporations, Business and Professional Licensing were:

Cynthia Spencer, Licensing Examiner
Karl Marx, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Quinten Warren, Investigator via teleconference

Present from the Department of Law via teleconference were:

Kevin Saxby, Assistant Attorney General

Present from State and Federal agencies were:

Valerie Baxter, Dept. of Natural Resources Specialist
Captain Burke Waldron, Department of Public Safety

Present from the public were:

Wayne Kubat, Master Guide-Outfitter

Jay Fishell, Assistant Guide
Mike Zweng, Assistant Guide
Peter Mayer, Assistant Guide
Deb Curnow, Class-A Assistant Guide
Jeff Matney, Assistant Guide
Steve Hicks, Assistant Guide
Ronald Payne, Assistant Guide
Matt Thoft, Assistant Guide
John McKinney, Assistant Guide
Lola Hannon, Assistant Guide
Loren Karro, Registered Guide-Outfitter
Dan Montgomery, Master Guide-Outfitter
Robert Fithian, Master Guide-Outfitter & Alaska Professional Hunters Assoc.
Rick Kinmon, Registered Guide-Outfitter
Bob Summers, Assistant Guide & Transporter
Ralph Miller, Master Guide-Outfitter
Brent Keith, Registered Guide-Outfitter
Bruce Werba, Registered Guide-Outfitter
Tom Kirstein, Master Guide-Outfitter
Joe Klutsch, Master Guide-Outfitter
Jim Weidner, Registered Guide-Outfitter
Henry Tiffany, Master Guide-Outfitter
Barry Whitehill, Public
Art Andreis, Master Guide-Outfitter
Striker Overly, Registered Guide-Outfitter
Brian Simpson, Master Guide-Outfitter
Erik Salitan, Registered Guide-Outfitter
Nate Turner, Registered Guide-Outfitter
Don Smokey Duncan, Master Guide-Outfitter
Brian Hughes, Public from Kodiak IS.

Item 13 Division Business

• **Collect signed Travel Authorizations and Receipts**

Ms. Spencer collected signed travel authorization forms and receipts from Board members.

Mr. Johnson informed the Board that Mr. Saxby was checking on tidelands, same day airborne and meat care for transporters and the Board would be calling Mr. Saxby.

The Board called Mr. Saxby at 8:44 a.m.

The Board asked Captain Waldron to come forward and participate in the conversation with Mr. Saxby. Captain Waldron joined the Board.

The Board and Mr. Saxby reviewed AS 08.54.610 and agreed that if any changes were to be made, they could be done under the Board's ethical standards.

Mr. Saxby reviewed 12 AAC 75.340(f) regarding uplands. Mr. Rohrer suggested that the Board could add information about tidelands in a new subsection (f)(5)... "conduct big game services on tidelands unless adjacent... Mr. Saxby asked that the Board email him their draft language and he would review it.

Mr. Saxby asked the Board if their goal with the tidelands issues was to make it an ethical standard. Mr. Rohrer responded that that is Boards intent and that he would contact Mr. Saxby once he returned home with more information.

Mr. Johnson asked Mr. Saxby if the Board came up with language and left their public notice information broad enough to handle changes could they public notice information for December 2010. Mr. Saxby stated that if they could email him draft language he would review it right now.

Mr. Johnson asked Mr., Saxby if there was an exception to same day airborne hunting in predator control areas. Mr. Saxby informed the Board that people did think that if the Board of Game designated a predator control area that rules and regulations would apply to other species in the designated predator control area. Captain Waldron informed the Board that enforcement would leave this interpretation up to the Board and its Investigative Staff.

Mr. Johnson asked Mr. Saxby for information regarding meat care by transporters. Mr. Wilson reviewed 12 AAC 75.450(b)(13). Mr. Saxby informed the Board that he would need time to review the regulation and statutes. Mr. Saxby also urged the Board to make a final decision about the issue and apply that decision evenly.

Mr. Johnson also asked Mr. Saxby about a tabled application from its December 2009 meeting and stated the applicant was denied once already. Mr. Saxby reviewed eligibility requirements in the Boards statutes and regulations and informed the Board that he would review the information with another attorney and provide an answer via email with the Board's other requested information.

The Board thanked Mr. Saxby for his time.

The Board asked Captain Waldron if had the discussed information and if he would email it to Mr. Saxby; Captain Waldron said he did and would also cc Ms. Spencer.

Item 14. Board Discussion

- **Subcommittee Updates**

- a. Supervision subcommittee**

- Wayne Kubat came forward and gave the Board two handouts. Mr. Kubat informed the Board that the subcommittee had been working on information they would like to public notice. Mr. Kubat stated that the subcommittee felt that a contracting guide in

accordance with 12 AAC 75.250 should meet at face-to-face with client(s) and assistant guides at the start of the hunt; Mr. Kubat also stated that the current communication requirements are better than the supervision requirements.

Mr. Kubat stated that the subcommittee felt that removing subsection (b) from 12 AAC 75.250 would be a good idea and changes to AS 08.54.610 would also be good. Mr. Kubat stated removing AS 08.54.610(e)(1) and change "in the GMU for which certified" and making the statute read "all GMU" would be a good change. Mr. Kubat also informed the Board that 12 AAC 75.240(f) was not clear on addressing what an assistant guide should do if the contracting guide was not there. Mr. Kubat requested the Board review the handout for specific wording.

Mr. Johnson stated the Board could public notice the suggestions, however Mr. Kubat should be aware that it wouldn't mean the change would be adopted.

Mr. Rohrer asked about page one (stapled handout) if public noticed for December 2010 meeting what would be the goal of the change. Mr. Nickisch also asked if the change would mean the contracting guide would not have to be in the field. Mr. Kubat responded that currently the contracting guide was required to be in the field, but with the suggested changes would allow the contracting guide not to be.

Mr. Nickisch asked if this change occurred would contracting guides, for example, be allowed to physically be in Fairbanks and conduct hunts via satellite phone. Mr. Kubat responded the change could mean that, but the intent was to allow a contracting guide to be in one camp and meet all requirements by calling.

The Board requested Captain Waldron and Virgil Umphenour come forward.

Mr. Umphenour stated that from his understanding a class-A assistant or registered/master guide-outfitter must be in every camp a contracting guide has and if you contract a hunt you need to be in the field.

Mr. Johnson asked if the Board made a public notice broad enough for changes, edits and updates would Mr. Umphenour be ok with that. Mr. Umphenour stated as long as the notice was allowed changes he felt ok going forward with a public notice.

Mr. Rohrer asked Mr. Umphenour how he felt about limiting the number of assistant guides a registered/master guide can employ. Mr. Umphenour stated that having one registered/master guide or a class-A assistant guide with three assistant guides per camp would be better because how many assistant guides could a registered/master guide or class-A assistant successfully supervise at once.

Captain Waldron informed the Board that AS 08.54.630(b)(2) and (3), AS 08.54.790 and 12 AAC 75.250 define guide use area. Captain Waldron asked if the intent was to be "in-field" at all times or just once during the hunt. Captain Waldron informed the Board that the Troopers are not interpreting the Boards statutes and regulations and the different interpretations are causing confusion for enforcement officers.

Mr. Johnson asked if Captain Waldron would support the proposed public notice. Captain Waldron stated he would support the notice.

Mr. Nickisch asked if an assistant guide commits a violation, who else is held responsible. Captain Waldron stated the contracting guide is also held accountable, Captain Waldron also informed the Board that all conditions are taken into account before final decisions are made in any case.

Mr. Rohrer asked Captain Waldron if non supervision of assistant guides is a large problem for enforcement. Captain Waldron stated that "supervision" using the Webster's definition is a large problem. Mr. Rohrer stated that sometimes the current supervision requirements can be problematic due to weather, tides, etc.

Mr. Spraker asked Captain Waldron if enforcement was receiving complaints from clients about lack of supervision during their hunts. Captain Waldron stated that enforcement does receive those complaints, however these issues are sent directly to Quinten Warren, Investigator for review. Captain Waldron went on to state most of the complaints received from clients are in regards to the quality of the hunt.

Mr. Kubat stated that most contracting guides spend time with clients on a daily basis and that some hunts end in the evenings and everyone returns to a lodge or house.

The Board thanked Mr. Kubat, the subcommittee and Captain Waldron.

b. Violations subcommittee

The Board called Don Duncan forward to report on the subcommittee.

Mr. Duncan provided the Board with a handout regarding findings of the subcommittee. The Board reviewed the handout.

Mr. Johnson asked how far the subcommittee got reviewing statutes and regulations. Mr. Duncan informed the Board that the subcommittee had gotten to AS 08.54.710 and requested more time for review.

Mr. Johnson asked how he felt about strict liability. Mr. Duncan stated that he could see both sides of the coin on this issue and he and the subcommittee were looking for some middle ground.

The Board thanked Mr. Duncan and the subcommittee and also requested another report at the December 2010 meeting.

c. GMU Exam subcommittee

Joe Want came forward. Mr. Want informed the Board that the subcommittee developed a "basic" exam using unit 9 as a base and now that he has Ms.

Hondolero's contact information he will be able to email questions to her for inclusion in the unit exams.

Mr. Johnson commented that he had been hearing remarks about how easy the unit exams are. Mr. Want responded that they want the tests to be fair and objective.

Mr. Johnson encouraged Board members to check out the exam review subcommittees work. Mr. Want stated he would like at least one person who is very familiar with a unit to be on the subcommittee.

The Board thanked Mr. Want and the subcommittee.

Recess The Board recessed at 10:18 a.m.; reconvened at 10:45 a.m.

Mr. Johnson reviewed the remaining agenda items and stated he would open the floor for comments/discussions; however the Public Comment, Item 17 would still occur at 2:30 p.m. Mr. Johnson requested that if attendees wanted to come forward to please raise their hands and he would call people forward one by one.

Rick Kinmon, Registered Guide-Outfitter

- Thanked Board of all their work, time and help with the industry.
- Nice to see industry pulling together for important issues.
- Number one best seller in Alaska is the Fish & Game Hunting Regulations.
- Feels social interaction with ALL users is very important.

The Board thanked Mr. Kinmon.

Brian Hughes, Public from Kodiak Island

Mr. Hughes asked the Board if they would support changes which would allow a client using a marine transporter to spot their own game then make a harvest. Mr. Hughes stated that language allowing this would clean up some issues. Mr. Hughes went on to state that the transporter contract requirements of 12 AAC 75.450 should be in the handy dandy the Board publishes and in Fish & Game books as this information is very important for clients. Mr. Hughes also stated he had written to DNR about the prospectus program and had spoken with Mr. Cox; urging DNR to be very clean cut with their program.

Mr. Spraker stated adding the contract information into the Board's field guide and the F & G booklet. Mr. Spraker added that he had a call into Susan Boeling, Regulation Specialist and would make this suggestion. Mr. Spraker also added that if Mr. Hughes had any suggestions for F & G to contact Ms. Boeling. Mr. Spraker informed Mr. Hughes that Southeast Alaska has major issues with transporters spotting game for clients and that the Board of Game (BOG) would be addressing this at their Fall meeting in Ketchikan. Mr. Hughes informed the Board that this issue is not limited to Southeast and needs to be addressed statewide.

Mr. Johnson asked when proposals for the BOG needed to be submitted in time for the Fall meeting. Mr. Spraker said he believes the deadline is August 2010 and that at the November BOG meeting there had been no proposals dealing with this issue.

Joe Klutsch, Master Guide-Outfitter

- Urged the Board to use caution with supervision requirements and to take all factors into consideration; Southeast, Kodiak, Brooks Range, etc., all have different factors that need to be taken into account.
- One shoe won't fit all.
- Should not limit the number of assistant guides, class-A guides a non-contracting guide be allowed to hire. Should be allowed to hire as many employees as it takes to provide quality hunt. Stay realistic and leave to the operator's discretion.
- Transporter marine and air issues not necessarily attached to other who transport via their guide license.
- Agree with Wayne Wood's comments.
- Urged the Board to remain flexible.

Mr. Rohrer stated that he knew Mr. Klutsch's operation was very similar to his own and asked if Mr. Klutsch was having a hard time meeting the current supervision requirements. Mr. Klutsch stated that he is not having problems; currently he meets with everyone on the first day of a hunt and is the last to leave camp. Mr. Klutsch went on to state that due to weather he may have 1-2 clients he will have to follow up with after they leave, however with the 60-day requirement he has had no trouble meeting requirements.

Mr. Wilson read the Supervision subcommittees proposed change to AS 08.54.610(e), allowing a registered guide and/or a class-A assistant guide who is not certified for a specific unit to be allowed to provide services under the employment of a contracting guide in any unit. Mr. Johnson said the Board would be submitting the regulation for adjustment at its December 2010 meeting and asked if Mr. Klutsch thought it would be a good idea. Mr. Klutsch stated he was ok with the proposal.

The Board thanked Mr. Klutsch.

Henry Tiffany, Master Guide-Outfitter

- Supervision issues, times change and can make previous requirements problematic.
- Logistics are very important to keep in consideration.
- Pointed out clients may arrive/leave earlier than planned and the contracting guide may not be able to touch base with them.
- Personally guide hunts and may be stuck due to weather, location, etc., and unable to return to camp before a client arrives/leaves.
- Other ways to address supervision issues.

Mr. Rohrer asked if Mr. Tiffany had any wording suggestions for a statute/regulation change. Mr. Tiffany stated he did and suggested that the Board consider deleting AS 08.54.610(e)(1) and add information that addresses the intent. Mr. Tiffany also suggested the Board consider changing AS 08.54.610(e)(2) to read ...participating in "a"

contracted hunt... and remove “the” contracted hunt; make same change to AS 08.54.630(b)(3). Mr. Tiffany also stated that 12 AAC 75.250 does address this issue.

Mr. Wilson stated that when you read all the information that applies the only thing stopping a contracting guide from conducting in State hunts from Florida is the meet with a client requirement. Mr. Wilson went on to state that if the Board allowed a non-contracting registered guide or class-A guide to provide required supervision the contracting guide would not have to set one foot in the field.

Mr. Johnson agreed with Mr. Wilson statements.

Mr. Tiffany responded that he understands the loophole and believes the intent should be to close any loopholes.

Mr. Johnson asked if Mr. Tiffany would support the Supervision subcommittee’s proposed public notice of change. Mr. Tiffany stated he does support going forward with the notice.

The Board thanked Mr. Tiffany.

The Board called Quinten Warren, Investigator at 11:41 a.m. to discuss Item 16, Investigative Report

Item 16. Investigative Report (Quinten Warren)

Quinten Warren, Investigator, reviewed the investigative report with the Board and asked if there were any questions. The Board had none.

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to discuss with the investigator the proposed memorandum of agreements, proposed decision and the investigative report.

The Board adjourned into executive session at 11:46 a.m., and returned from executive session at 12:22 p.m.

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Craig Hill for licensure as a Registered Guide-Outfitter.

The Board had discussed the application with Mr. Warren during investigation and found that he was not in compliance with AS 08.54710(a)(3), as he had falsified a previous application.

Roll Call Vote

NAME	YES	NO
Ted Spraker		X
Dirk Nickisch		X
Raymond Stoney		X
Leif Wilson		X
Paul Johnson		X
BJ Schmitz		X
Dick Rohrer		X

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to accept the Surrender of License for case #1700-09-009.

Mr. Spraker stated he had concerns with previous license surrenders as no further actions were allowed against the licensee. Mr. Warren assured the Board that with this surrender the licensee would have to re-apply for license and disclose all incidents including this one and the Board could deny licensure, put restrictions on the license, etc.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Dick Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Dirk Nickisch	X	
Leif Wilson	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt the Consent Agreement for case #1700-10-002.

Roll Call Vote

NAME	YES	NO
Dick Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Leif Wilson	X	
Paul Johnson	X	
Dirk Nickisch	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt the Consent Agreement for case #1700-09-026.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Dick Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Dirk Nickisch	X	
Leif Wilson	X	

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt the Consent Agreement for case #1706-09-001.

Roll Call Vote

NAME	YES	NO
Dick Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Leif Wilson	X	
Paul Johnson	X	
Dirk Nickisch	X	

Recess The Board recessed for lunch at 12:34 p.m.; reconvened at 2:02 p.m.

Mr. Johnson announced that the Board was in need of 12 proctors to assist with the March 12, 2010 practical examination and that there was a sign-up sheet out on the front table.

Item 17. Public Comment

Brent Keith, Registered Guide-Outfitter

Mr. Keith introduced himself to the Board and passed out two colored maps (Map 1, Map 2) reflecting 20-03 and 20-05.

Map 1

- Allow two guides on one side of blue boundary line and one on the other for bear only.
- Black line split area in half for resident harvest use only.
- East side of area no motorized access.

Map 2

- Allow three guides in area (20-03).
- Move boundary to follow proposed blue line.
- Suggest six guides allowed in 20-04.

Mr. Spraker asked if the Western area of 20-03 on map 1 was heavily used. Mr. Keith responded that this area has good motorized access up to the Nenana River and access to several mines. Mr. Spraker inquired if east of the line you need to use aircraft to gain access. Mr. Keith stated yes, aircraft was needed.

Mr. Johnson asked if Mr. Keith had spoken with Mr. Cox about the boundaries. Mr. Keith stated that he would be meeting with Mr. Cox later with this information.

The Board thanked Mr. Keith for his time and participation.

Joe Want, Registered Guide-Outfitter

Thanked the Board for their time.

- Per AS 08.54.630 licenses issued to “natural” person not corporations, etc. Should enforce for transporter licenses.
- 2000 hours of direct face-to-face supervision required for Barbers; for guides just have to be 18 years old and hunt for two years. It is not right that guides hold out as professionals when all other professional licenses require more training, supervision, apprenticeship, etc.
- Keep hearing “can’t do” from industry; not just the Board’s fault the industry is also at fault, standards of professionalism failing miserably.
- Owe public and industry to raise the bar, MUST keep the welfare of the public and industry in line!
- Feel by the time an assistant guide is in the field they should have enough experience, training, etc., that direct supervision should not be needed.
- Must find solution and stop deceiving selves and public.

Mr. Rohrer asked Mr. Want how he felt about guide schools; would they be a viable alternative. Mr. Want stated that he did not feel guide schools by themselves would address the issues. Mr. Want went on to state that a guide school would be great used in conjunction with education, “apprenticeship” period, etc.

Ms. Schmitz stated she agreed with Mr. Want and stated that a college level course developed by individuals then Board reviewed and approved should also be considered.

Mr. Spraker complimented Mr. Want on his testimony and stated he supported Mr. Want statements whole heartedly.

Mr. Rohrer stated he felt assistant guides should be directly supervised by the contracting guide for a period of time and then the assistant guide would guide clients with the contracting guide for more experience/training. Mr. Rohrer went on to state that the training, supervision should be for a set period of time and should include animal harvest.

Mr. Want stated that there should be a minimum of 10 animal harvests and the reason for apprentice programs is so the apprentice learns from the top person and not the bottom or a brand new licensee.

Mr. Johnson asked Mr. Want for his chronology of events to get an assistant license. Mr. Want stated that an assistant guide should be a minimum of 19 year old, must have recommendations from guides who have worked with the applicant for a minimum of two years. Mr. Want went on to state that when he received his assistant guide license in 1964 he had to have three full seasons under his belt before he could even submit an application and that a season was 45-60 days no 30 and not 20 as it is for a class-A license. Mr. Want informed the Board that the requirements for licensure sure have fallen in decline over the years.

The Board thanked Mr. Want for his time and participation.

Mel Gillis, Registered Guide-Outfitter

Mr. Gillis stated he felt the unit 9 boundary between camps should be nine miles and should only apply to guides/transporters and not residents. Mr. Gillis also stated that if guides could enter into an agreement allowing smaller boundaries, it should be allowed.

Mr. Nickisch asked why Mr. Gillis included transporters as they are not allowed camps. Mr. Gillis stated that this was for transporters who had lodges.

The Board thanked Mr. Gillis for his time and participation.

Don (Smokey) Duncan, Master Guide-Outfitter

- Introduced himself to the Board and stated he provided services in unit 17.
- Bear spotting not being enforced by Fish & Wildlife. Has seen guides hire pilots to spot bears; pilot inform assistant guide and will take client to sit on spot for harvest. Usually the spot noted is a den.
- Against limiting number of assistant guides a contracting guide could hire.
- Should be allowed to hire as many assisting guides as needed for business.
- Reinstate the assistant guide exam. Make same as written registered guide exams; could be an online exam informal/open book.
- Expand Field Guide information by defining in-field guide participation and supervision information.
- Problem areas need to be addressed, however concession project not great.
- Urge Board to write letter of support for House Bill 249.
- Disagree with DNR's numbers; two guides per area will be enough.

Mr. Rohrer asked if statute/regulation changes would solve the "handshake" problem with information stating a contracting guide can only be gone from a GUA for 24-hours. Mr. Duncan responded that to avoid loopholes the Board should have something stating a contracting guide within a GUA must be in GUA or adjacent GUA and only can be gone 24 hours weather permitting. Guide must be present for species sealing.

Mr. Rohrer asked Mr. Duncan how many assisting guides he employs and if he has any class-A guides working for him. Mr. Duncan stated that he employs registered and class-A guides; Mr. Duncan also stated that his employees typically begin as clients for two years.

The Board thanked Mr. Duncan for his time and participation.

Wayne Kubat, Master Guide-Outfitter

Mr. Kubat thanked the Board for its time and stated he had addressed most of his concerns this morning.

- Should require language in contract to state “signed in Alaska”.
- Spoke with Mr. Saxby about bear hunts and understood 2006 language; suggested add or spring bear hunts not just predator control but also limited harvest numbers.
- Doesn’t disagree with raising standards for assistant guide licensure.
- Assistant “transporters” require burden on industry for compliance with requirements.
- 80 – 90% of current statutes/regulations address guides and not transporters.
- Requirements for a transporter license even lower than an assistant guide.

Mr. Johnson informed Mr. Kubat that proposed language submitted to the Dept. of Law doesn’t always come back as initially submitted.

Mr. Kubat stated that the Board is doing a great job and are honest and sincere in their concerns for the industry and public.

The Board thanked Mr. Kubat for his time and participation.

Mr. Rohrer informed the Board that he has spoken with Mr. Kubat regarding his submitted two page hand out from the Supervision subcommittee regarding 12 AAC 75.240(f) and requested Captain Waldron come forward for input.

Captain Waldron came forward.

Mr. Rohrer stated those who operate on Federal lands are required to operate on strict special conditions, such as not being allowed to leave the field and if leaving was required another registered/master guide to be in camp before departure. Mr. Rohrer asked Captain Waldron if a guide emergency assistant transporting a client who should be called the Department of Commerce or Troopers?

Captain Waldron stated he was not sure if this information was in writing however statutes and regulations allow for helicopters to do emergency removal of persons only, removal of equipment is not allowed.

Mr. Rohrer asked if there was any way to avoid watering down supervision requirements in emergency situations. Captain Waldron responded that there is always the “Acts of God” defense of life, i.e. weather, transportation broke down, etc. Captain Waldron went on to state that each situation would be investigated and reasonableness of a situation would be evaluated; Captain Waldron informed the Board and audience that the best way to handle this type of situation would be to alert Trooper in advance if possible. Captain Waldron also

stated that he would not be against assisting with the development of language for regulations.

Captain Waldron read information from Mr. Saxby regarding transporters providing meat care and 12 AAC 75.340.

- Mr. Saxby believes the Board should clarify by regulation where the line is between providing “services” and having equipment available to facilitate transport, for both air and water-based transporters.
- 12 AAC 75.340; this is language provided from Board...(f)(5) conduct big game hunting services on tidelands except on those tidelands which are immediately adjacent to at least 5000 contiguous acres of uplands on which the guide has authorization to provide big game hunting services.
- Similar language would also be added to 12 AAC 75.430(f)(1)
- What the Board is trying to avoid is a guide who qualifies for a guide use area with 5000 contiguous acres hunting tidelands that are not adjacent to the lands they have authorization to hunt. For example, a guide who has a GUA with 5000 acres of state land who now hunts on the tidelands below private lands which still fall in the same GUA; the theory is that if a client wounds a bear the bear would then run onto private lands that the guide does not have permission to hunt.

The Board thanked Captain Waldron for coordinating with Mr. Saxby.

Bobby Fithian, Master Guide-Outfitter and AK Professional Hunters Assoc. (APHA)

- Reviewed page two the APHA hand out (see Item 6 in Board Packet).
- Mr. Fithian urged the Board to write to the Muskoxen Co-Op reflecting interest in program.
- Encourage support for Mel Gillis’ suggested 5 mile boundary in unit 9
- Transporter issues must be dealt with.

Mr. Spraker stated that the Board of Game was against trophy destruction and urged the Board to support the Muskoxen Co-Op.

Mr. Johnson stated that units 4 and 8 had brown bear management programs and asked if Mr. Fithian thought unit 9 needed a similar program. Mr. Fithian stated that unit 9 does have a management plan.

Mr. Fithian thanked the Board for its time.

The Board thanked Mr. Fithian for his time and participation.

Virgil Umphenour, Master Guide-Outfitter

- Buffers between camps good idea.

- DNR suggest authorization for camp or structure
- 2 mile buffer zone ok.
- Supervision suggestions should be public noticed

The Board thanked Mr. Umphenour for his time and participation.

Ralph Miller, Master Guide-Outfitter

- Supervision and in-field requirements need work; this is a good time to address; cowboy up and get it done.
- Have base camp located in field; if Department of Transportation reclassifies the Happy Valley air strip as an “airport” then base camp no longer meets definition of in-field.
- Met with Mr. Saxby in December 2009 and suggested in-field be defined as in GUA.

Mr. Johnson informed Mr. Miller that a change to the definition would need to occur in statute.

The Board thanked Mr. Miller for his time and participation.

Rich Guthrie, Master Guide-Outfitter

- Reiterated comments made by Joe Klutsch.
- Urged Board to stay with original intent.

Mr. Johnson stated the Board will do its best.

The Board thanked Mr. Guthrie for his time and participation.

Brian Simpson, Master Guide-Outfitter

Introduced self to Board and stated he provided services in Shishmaref, AK.

- Formally train assistant guides in area.
- Urged Board to keep in mind rural areas differ in education and lifestyle. Classic classroom training may not work.
- Muskoxen should not be a trophy animal.
- Currently non-resident brown bear hunts not allowed in area and they should be.
- DPS not in on non-licensed hunting.
- Muskoxen waste in Shishmaref is a large ongoing problem.
- Suggest non-resident muskoxen and moose hunts require a licensed guide.

The Board thanked Mr. Simpson for his time and participation.

Recess The Board recessed 3:29 p.m.; reconvened at 3:39 p.m.

Item 18. Adopt/Amend Regulations

- 12 AAC 75.340(c)

On a motion duly made by Dick Rohrer, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to public notice the following changes to 12 AAC 75.340(f)(3):

12 AAC 75.340(f)(3) if permitted to advertise or sell big game hunts under AS 08.54, may not advertise or sell big game hunts to be conducted solely on tidelands; **and a guide of any class may not provide big game hunting services on tidelands except on those tidelands which are immediately adjacent to at least 5000 contiguous acres of uplands on which the guide has authorization to provide big game hunting services**; in this paragraph, "tidelands" has the meaning given in AS 35.05.965; and...

The Board held a brief discussion on where proper placement of this proposed change would go and decided (f)(3) was the best area.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Dirk Nickisch	X	
Raymond Stoney	X	
Leif Wilson	X	
Paul Johnson	X	
Dick Rohrer	X	
BJ Schmitz	X	

The Board requested staff public notice this proposed change in time for the Board's December 2010 meeting.

The Board reviewed the provided public noticed language and submitted written comments for 12 AAC 75.340(c).

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.340(c).

Mr. Johnson asked the Board if they had any comments on the regulation.

Mr. Wilson stated he felt the amendment would be better if placed under subsection (d) as (7) and add: "in unit nine (9) only a person holding any class of guide license may not place a camp within five (5) miles of..."

Mr. Spraker concurred with Mr. Wilson's amendment.

Mr. Nickisch stated he did not feel comfortable with making an exception for one unit as the same problems exist in unit eight (8) and that the two (2) mile boundary would not work. Mr. Nickisch also stated that none of the unit nine (9) Northern users had commented.

Mr. Spraker stated that the Board needs to at least try the boundary suggestions and that the Board might consider written agreements between guide-outfitters if the mileage boundaries wouldn't work.

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt the following amendment to 12 AAC 75.340(7).

12 AAC 75.340(d)(7) allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunt experiences; in unit nine (9) a person holding any class of guide license may not place a camp within two (2) miles of a permanent structure or permanent camp being used for big game guiding purposes, unless agreed upon by a written agreement between the involved parties.

Roll Call Vote

NAME	YES	NO
Dirk Nickisch	X	
BJ Schmitz	X	
Ted Spraker	X	
Raymond Stoney	X	
Leif Wilson	X	
Paul Johnson	X	
Dick Rohrer	X	

Mr. Johnson announced that Nate Turner and Virgil Umphenour will head the master and assistant guide standards subcommittee which would need statute changes; Mr. Johnson also stated that Tom Kirstein would head the assistant guide exam subcommittee. Mr. Johnson informed involved parties that he would be the Board member to contact and that they would be working with himself and Karl Marx to schedule teleconferences, etc.

On a motion duly made by Dick Rohrer, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to public notice the following changes to 12 AAC 75.240 supervision and 12 AAC 75.250 participation in a hunt

12 AAC 75.240(f) a non-contracting registered guide-outfitter or class-A assistant guide supervising an assistant guide shall be available in the same guide use area, or an adjacent guide use area with a common border, to direct and monitor the big game hunting services provided to the client. **Exceptions will be permitted in**

emergency situations or if the registered guide-outfitter who is contracting the hunt, or the registered guide-outfitter or class-A assistant guide who is supervising the hunt is outside the guide use area or neighboring guide use area while transporting meat or in transit with food, supplies, clients or doing similar important and necessary duties directly associated with conducting guided hunts in that or a neighboring GUA.

12 AAC 75.250 [(A) A REGISTERED GUIDE-OUTFITTER WHO CONTRACTS TO GUIDE A HUNT AND WHO IS PARTICIPATING IN A HUNT AS REQUIRED IN AS 08.54.630(B)(3) SHALL BE PRESENT IN THE FIELD IN PERSON WITH THE CLIENT AND ANY GUIDE NOT CERTIFIED FOR THE UNIT AT LEAST ONCE DURING THE HUNT TO DISCUSS WITH THE CLIENT AND THE GUIDE THE BIG GAME HUNTING SERVICES PROVIDED.]

[(B)] **(a)** A registered guide-outfitter who contracts to guide a hunt and who is participating in a hunt as required in AS 08.54.630(b)(3) shall be in communication, either personally or through an agent, with the assistant guide, who is in the field with the client, at least once during the hunt if the hunt is longer than five days. [THIS COMMUNICATION IS IN ADDITION TO THE IN-PERSON CONTACT REQUIRED IN (A) OF THIS SECTION.]

[(C)] **(b)** In this section, "communication" includes in-person contact, radio contact, telephone contact, and signaling.

[(D)] **(c)** A registered guide-outfitter who contracts to outfit a hunt shall

(1) before leaving a client in the field, advise the client of the date, time, and location at which the registered guide-outfitter will pick up the client and the course of action the client should follow if the registered guide-outfitter is unable to pick up the client as planned;

(2) either personally or through a class-A assistant guide, an assistant guide, or a licensed transporter, transport the client into and out of the field at the planned date, time, and location, unless prevented by weather, mechanical problems, or other safety concerns; and

(3) check on or communicate with a client in the field as agreed to before transporting that client.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Raymond Stoney	X	
Paul Johnson	X	
Ted Spraker	X	
Dick Rohrer	X	
Dirk Nickisch	X	
BJ Schmitz	X	

The Board requested staff public notice this proposed change in time for the Board's December 2010 meeting and that mailed public notices go to all licensees.

