

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 12-14, 2013

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 12-14, 2013.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were reviewed and approved by the board during the December 3-5, 2013 meeting.

Tuesday, March 12, 2013

Call to Order

The meeting was called to order by Kelly Vrem, Chair, at 8:50 a.m.

Roll Call

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
Bob Mumford, Board of Game Representative
Michele Metz, Large Private Landowners
Brenda Rebne, Large Private Landowners
David Jones, Transporter
Tom Atkins Transporter

Board members absent:

Gene Peltola-Public member

Board staff present:

Sara Chambers, Division Operations Manager
Cindy Cashen, Licensing Examiner
Lee Stout, Investigator

Visitor's present:

Bill Tremblay, USDA
Lt. Bernard Chastain, DPS, ABWE
Valerie Baxter, DNR
Tony Kavalok, ADF&G
Bob Summers C#816
James Weidner R#1004
Loren Karro R#941
Dan Montgomery M#173
Smokey Don Duncan, M#136
Mark Kosbruk C#673
Matt Cline T#928
Virgil Umphenour M#151
Clint Mayeur R#666
Will Koehler R#1313
Ed Zernia R#969
Henry Tiffany M#144
Jeff Tart R#1279
Lance Kronberger R#1150
Al Barrette C#763
Pete Buist M#79
Dave Morris M#133
Chris J. Zwolinski M#145
Susan Entsminger, R#1058
Sam Fejes, M#73
James Kedrowski M#156
Tom Kirstein M#98
Nate Turner R#1036
Eric Umphenour M#184
Duane Halverson R#1297

AGENDA ITEM 1 REVIEW AGENDA

The board reviewed the agenda. There were no changes.

Ethics report or disclosures

There were none.

AGENDA ITEM 2 REVIEW MINUTES

Upon a motion duly made by Ms. Polley, seconded by Ms. Metz and approved by a majority of 2012 board members; Vrem, Metz, Rebne and Polley, it was:

RESOLVED to accept the December 2012 minutes.

Upon a motion duly made by Ms. Polley, seconded by Ms. Rebne, and approved by a majority of 2012 board members; Vrem, Metz, Rebne and Polley, it was:

RESOLVED to accept the January, 2013 minutes.

Upon a motion duly made by Ms. Polley, seconded by Ms. Rebne and approved by a majority of 2012 board members; Vrem, Metz, Rebne and Polley, it was:

RESOLVED to accept the February 2013 minutes.

AGENDA ITEM 3 BUDGET REPORT

Director Don Habeger, with Administrative Officer Misty Frawley, via cell phone, provided a direct and indirect expenditure report, graph and letter to the board. Mr. Habeger acknowledged receipt of the board's December 6, 2012 letter signed by Vice-Chair Karen Polley. The graph compares costs incurred by the state and the board. Mr. Habeger stated the state has cut costs by providing a single dedicated investigator and consolidating the licensing examiner position from two to one. Ms. Polley stated the board is concerned with the high costs of contractual services and asked for clarification of the Dept. of Law's billing process, timeline and other agencies financial contribution to support the cost of the hunt record database. Ms. Frawley stated the Dept. of Law bills the Dept. of Commerce & Economic Development in January, which will be on the next report. Mr. Habeger stated the Dept of Law includes administrative hearings for investigations which would decrease with the implementation of a board developed investigation matrix.

Operations Manager Sara Chambers stated that the department is improving the automation of the hunt record implementation into the database. The new scanning procedure will be tested this month with refined parameters of data. Mr. Habeger stated that statute requires the state to collect hunt records and make available to law enforcement. There is nothing in statute about law enforcement having to pay for hunt records. Ms. Chambers stated that the Dept of Fish and Game has only two biologists who use the system.

Ms. Polley stated that it is the contractual services amount needs the most scrutiny. Board members asked questions about specific costs within the contractual services including administrative hearings and investigations. Mr. Habeger explained the case process which begin with an investigation and result in an administrative hearing.

AGENDA ITEM 4 SET FUTURE MEETINGS

Upon a motion duly made by Ms. Polley, seconded by Ms. Rebne and approved unanimously, it was:

RESOLVED to schedule December 3-5, 2013 board meeting.

Upon a motion duly made by Ms. Polley, seconded by Ms. Rebne and approved unanimously, it was:

RESOLVED to schedule December 9-11, 2014 board meeting.

The dates of the March 2014 meeting in Fairbanks will be determined after the division locates a more feasible site.

On a motion duly made by Mr. Mumford, seconded by Ms. Polley and approved unanimously, it was

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential disciplinary matters. for the purpose of discussing investigations and reports.

Board staff members remained during the session.

The Board entered executive session at 10:11am and went back on record at 12:12pm.

LUNCH: 12:12pm-1:09pm.

AGENDA ITEM 5 APPLICATION & INVESTIGATIVE REVIEW

In the matter of the investigative review of Lavern R. Beier:

Ms. Polley moved to accept the Consent Agreement in Case No. 1700-09-020 and 2012-001126 and Ms. Rebne seconded.

Discussion: Chairman Vrem stated he will accept it on its merit.

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

RESOLVED to accept the Consent Agreement for Lavern R.Beier.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		

In the matter of the investigative review of Robert J. Dorn

Ms. Polley moved to accept the Consent Agreement in Case No. 2012-001386 and Ms. Metz seconded.

Discussion: Chairman Vrem stated recognizes the intent to comply and participate in the investigation and will vote in favor of the consent agreement.

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

RESOLVED to accept the Consent Agreement for Robert J. Dorn.

Roll Call Vote:

APPROVE	DENY	ABSTAIN
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Kelly Vrem	X
Karen Polley	X
Bob Mumford	X
Michele Metz	X
Brenda Rebne	X
David Jones	X
Tom Atkins	X

In the matter of the application of Ronald R. Phillips

Ms. Polley moved to accept the Registered Guide-Outfitter application for Ronald R. Phillips and Ms. Metz seconded.

Discussion: Mr. Jones stated he is going to vote in favor of the applicant because he came forward, the incident occurred years ago and now his record is clean. Mr. Atkins stated he is also going to vote in favor of the applicant. Ms. Metz stated she will also vote in favor of the applicant. Ms. Polley stated she will vote to approve this applicant for the same reasons. Chairman Vrem stated he is going to vote in favor of the applicant but not without some reservations.

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

RESOLVED to accept the Registered Guide-Outfitter application for Ronald R. Phillips.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		

In the matter of the application of Clarence K. Skaflestad

Ms. Polley moved to table the Registered Guide-Outfitter License application for Clarence K. Skaflestad and Mr. Atkins seconded.

Discussion: Mr. Mumford stated because there is a pending court case and the board should hear the outcome of the case before making a decision.

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

RESOLVED to table the Registered Guide-Outfitter License application for Clarence K. Skaflestad.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz			X
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		

In the matter of the application of Larry C. Hooton

Ms. Polley moved to table the Registered Guide-Outfitter License Renewal application for Larry C. Hooton, pending the Attorney General review, and Ms. Rebne seconded.

Discussion: Ms. Polley stated the results of the legal review will determine what the board should do.

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

RESOLVED to table the Registered Guide-Outfitter License Renewal application for Larry C. Hooton.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		

Karen Polley	X
Bob Mumford	X
Michele Metz	X
Brenda Rebne	X
David Jones	X
Tom Atkins	X

In the matter of the investigative review of Craig E. Hill

Ms. Polley moved to accept the application for Case No. 1750-10-004 and 1702-10-001 and Ms. Rebne seconded.

Discussion: Ms. Polley stated she intends to vote against the application. Mr. Mumford stated this is a fairly lengthy investigation and the results are such that he intends to vote against the application.

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

RESOLVED to deny the Registered Guide-Outfitter License application for Craig E. Hill.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem		X	
Karen Polley		X	
Bob Mumford		X	
Michele Metz		X	
Brenda Rebne		X	
David Jones		X	
Tom Atkins		X	

In the matter of the investigative review of Joshua Chadd

Ms. Polley moved to accept the consent agreement for Case No. 2012-001470 and Ms. Rebne seconded.

Discussion: Ms. Polley stated the board had discussion about the fine; Mr. Chadd had already been fined by the court system and that developing another consent agreement was time consuming and costly. Mr. Mumford stated he is inclined to vote against the application because it contained no fine and would be inconsistent with the way similar offences were handled by the board. Mr. Chadd was commended for self reporting in this violation, but a fine was in order and another consent agreement should be produced .The suspended part of the fine could be added back into a new consent agreement and voted on at a later date. Chairman Vrem stated that he is inclined to accept the application in the interest of time.

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

RESOLVED to deny the Consent Agreement for Joshua Chadd.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford		X	
Michele Metz		X	
Brenda Rebne		X	
David Jones		X	
Tom Atkins		X	

In the matter of the investigative review of Justin S. Norberg

Ms. Polley moved to accept the surrender of license for Case No. 1704-09-007 and Ms. Rebne seconded.

There was no discussion.

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

RESOLVED to approve the surrender of license for Justin S. Norberg.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		

AGENDA ITEM 5I SEMINARS

At 10:00am Joe Want provided seminars for “Sheep Judging & Scoring” and “Guide Responsibilities” per consent agreement requirements.

AGENDA ITEM 6 STATE & FEDERAL AGENCY REPORTS

Bureau of Land Management, Steve Hartman, District Manager, stated that they are working on a Capacity Study to develop alternatives. There should be a draft in the spring for public lands comment for maximum number of Guides on public lands.

Alaska Bureau of Wildlife Enforcement, Lt. Chastain stated there are currently 97 commissioned Wildlife Troopers throughout Alaska. There is zero cost to this board to enforce regulations. The Bureau of Wildlife Enforcement is an independent agency. They have no ties nor are they beholden to any agency. The Guide Industry is only one area to enforce regulations. The hunt record database assists in the enforcement of regulations. Prior to the database, ABWE would request a certified copy of an entire license or hunt record file. Another request would be made before the case went to court. Now ABWE only has to request a certified file before the court hearing.

Alaska Department of Fish & Game Assistant Director Tony Kavalok stated that the new Board of Game Chair is Ted Spraker, the previous board of Game liaison on the BGCSB. The new attorney for the BOG is Kurt Schwalm. DF&G will have 31 mid-level staff retire over the next 24 months. DF&G is providing assistance to the DNR Guide Concession Program. Guide client requirements are to be in place prior to guided hunts. DFG will only allow permit draws made when guides have registered their guide use area.

Verification would allow the application for permit accepted for the draw or guides submit hunter application and guide use area registration and ultimately with an electronic online form.

USDA Forest Service Recreation Special Users Bill Tremblay stated the there was discussion at the Board of Game meeting about brown bears in game management unit 4 for population sustainability. The Forest plan for long term management for Tongass and Chugiak is ongoing. 2010-2014 black bear no resident limited hunts in game management units 1, 2 & 3. Non-residents will have to register. Mr. Tremblay used the hunt record database for black bear information. He is working with DNR on encroachment of hunters during shoulder season in consensus (tideland) areas.

Department of Natural Resources Christy Colles and Valerie Baxter stated they are working on the Guide Concession Program. HB158 is hearing testimony with input from guides. The Big Game Commercial Services Board maps need cleanup and DNR needs approval from the board to snap the lines for adjustments.

AGENDA ITEM 8 PETITION TO BGCSB TO AMEND 12 AAC 75.930

After an introduction by Virgil L. Umphenour, Chairman Vrem called a recess to discuss the item further. After a brief discussion, Mr. Umphenour agreed to postpone his request until further review by the Investigations office.

AGENDA ITEM 9 SUBCOMMITTEE & WORKING GROUPS

Supervision Chair Wayne Kubat was unavailable.

Cost reduction & revenue generating options Co-chairs Vrem & Polley will meet with staff to develop action plans.

Master & assistant guide license standards were tabled.

Board of Game crossover issues there was nothing new to discuss.

Retired Guide Fees will be discussed later in the meeting.

Changes to 12 AAC 75.920 will be discussed later in the meeting.

PUBLIC COMMENT ON ITEMS UNRELATED TO AAC 75.920

Sam Fejes, M#73, from the south end of Kodiak and Cordova, stated he requests the board consider adopting game management unit 6A & 6B as game unit areas 6-1 and 6-2. Chairman Vrem stated the board needed to compare it to the map which was adopted in 2009. Mr. Mumford stated he wanted to have a good discussion with a lot of weigh-in on where the lines should be changed. Chairman Vrem stated he wanted to do this in "clumps" with public notice, with permanent times on the meeting agendas.

Jim Kradowski stated he requests a process similar to the Board of Game to request action to the board.

Chairman Vrem directed the Licensing Examiner to make place the public comment form on the BGCSB website and contact the BOG for their form and process.

Mr. Kradowski requests the board consider requiring Assistant Guides take the Alaska Gun Safety Course, online or action portion and turn in certification to the department.

Dan Montgomery requests preventing non-residents from "guide shopping". The Dept of Fish & Game used to check the guide use area list before the draws and would throw out the applicants who weren't registered. A certified list from BGCSB to DFG would satisfy that need.

David Jones asked if DFG was going to get that information. Mr. Jones stated there is not a state form by DFG and once a guide is in the field he has to have it with him. Division Operations Manager Sara Chambers stated that this is available online via the guide use area registration.

"Don "Smokey" Duncan, M#136 stated that he is concerned about the Board of Game allowing outfitter guided hunts. He requests adding a definition to 100 yard rule that this is for "guide-related species".

Mr. Duncan stated he is tired of repeatedly filling his name and address on each hunt record forms.

He is against the guide concession area. He stated an Assistant Transporter is a good idea, just like an Assistant Guide.

Mr. Atkins stated that as a Transporter he helped develop the rules and regulations and he apologizes for transporters who illegally over hunt caribou in his area and others.

Wednesday, March 13, 2013

Call to Order

The meeting was called to order by Kelly Vrem, Chair, at 8:12 a.m.

Roll Call

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
Bob Mumford, Board of Game Representative
Michele Metz, Large Private Landowners
Brenda Rebne, Large Private Landowners
David Jones, Transporter
Tom Atkins Transporter

Board members absent:

Gene Peltola-Public member

Board staff present:

Sara Chambers, Division Operations Manager
Cindy Cashen, Licensing Examiner
Lee Stout, Investigator

Visitor's present:

Bill Tremblay, USDA
Lt. Bernard Chastain, DPS, ABWE
Bob Summers C#816
James Weidner R#1004
Loren Karro R#941
Dan Montgomery M#173
Smokey Don Duncan, M#136
Matt Cline T#928
Virgil Umphenour M#151
Lance Kronberger R#1150
Chris J. Zwolinski M#145
Susan Entsminger, R#1058

James Kedrowski
Tom Kirstein M#98
Joe Klutsch M#91
Matt Thoft R#1287
Gary Wall R#1182
Chris Zwolinski M#145
Debra Waujaman Curnow R#1285
Jim Kedrowski M#156
Mel Gillis
Tom Fisher R#871

AGENDA ITEM 10 APPLICATION INVESTIGATIONS MATRIX

Investigator Lee Strout stated a description of the Investigations matrix could set up the framework of what guides would look at after a violation. The ultimate goal is to keep within the framework and maintain consistency. Any deviation would be a policy exception and a defensible decision for revocation and suspension decisions. The board would need to decide if they want to use this matrix or make adjustments. Ms. Rebne stated there needs to be clear definitions of the violations and restitution costs must be included to share with guides and transporters. The board agreed to have a range of consequences for violations as each case is different and unique. A self-report column or statement will also be developed.

Mr. Atkins and Mr. Mumford will form a committee; Chairman Vrem selected non-board member Smokey Don Duncan as the third member.

Division Operations Manager Sara Chambers stated that a current First Aid card as a requirement for all license renewals (page 44 -December minutes) is the result of a legislative audit. A decision by the board about whether to require this for all licensees would answer the audit question. Board member Karen Polley will craft a response in the Annual Report. Ms. Chambers will investigate further.

Lt. Chastain stated that Sec. 08.54.720. "UNLAWFUL ACTS. (a) It is unlawful for a (4) person who holds any class of guide license or transporter license to knowingly enter or remain on private, state, or federal land" applies to guides, transporters and all other licensees. The term "knowingly" means known or should have known. Violators are successfully convicted of this crime. Air taxis are exempt from this statute because the statute applies only to BGCSB licensees. This is an exemption that is a loophole. Lt. Chastain stated 12 AAC 75.230 (a) (4) requires guide use area map and federal landowner permission letter with the guide use area registration. The board should talk about ways the transporters cannot land on areas they do not have permission. Chairman Vrem stated that 54. 790 is the problem.

Mr. Mumford stated trespass issues are complicated and the board should be cautious. If transporters drop off clients on approved land, they should not be responsible if the clients walk on private land. Ms. Rebne stated they should know and the hunters should know. Lt. Chastain stated that trespass for guides and transporters are different from everyone else. Criminal trespass is much harder to prove than guiding trespassing. Mr. Atkins stated as a Transporter-Guide he warns clients where they should not go and if they trespass he should not be liable. Ms. Metz stated private landowners need protection. It is not feasible for SEALASKA and similar corporations to place signs so many feet apart on all of their property.

Public Comments on Public Noticed Regulation 12 AAC 75.920

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 75.920(c) is amended to read: (c) For purposes of satisfying the [HUNTING EXPERIENCE] requirements in **AS 08.54.630(a)(2), (4), and (5)**, [AS 08.54.630] the applicant must document at least 30 days of big game hunting activity in a calendar year in order to receive credit for a [ONE] year. **A cumulative of 60 days over a period longer than two years is also acceptable. At least 30 of the 60 days must be spent working in a guide camp and/or under the supervision of a licensed guide while performing guide related duties. Documented completion of a board approved assistant guide training course can count for 10 days. The application must include an evaluation signed by the registered guide for whom the applicant worked or the registered guide who will be hiring the applicant, attesting to the fact that the applicant meets the following criteria:**

- (1) has knowledge and experience in the safe operation of firearms;**
- (2) has knowledge of guide statutes and regulations and game regulations;**
- (3) has knowledge in trophy judging, caping, skinning, butchering, and meat and trophy care;**
- (4) has directly participated in the spotting, stalking, and subsequent harvesting of at least three big game animals during a guided hunt in Alaska; and**
- (5) has knowledge and experience concerning general safety and emergency protocol** [, AND MUST ALSO SHOW THE HARVEST OF ONE BIG GAME ANIMAL IN THIS STATE].

Department of Law AAG Harriet Milks was available online to answer questions.

Smokey Don Duncan stated he is against the First Aid card requirement.

Sue Entsminger stated she helped draw the guide use area maps as a board member and meetings in towns like Tok provided input from experienced local biologists and guides. Perhaps the guide test is too simple; perhaps there should be a maximum number of licenses; perhaps there are too many guides in Alaska. The First Aid requirement does not seem necessary. Acting as an LLC allows guides to work in their partner's areas.

Joe Klutsch stated he is open to the proposed changes to 12 AAC 75.920(c). Deleting the harvest of one big game animal makes sense as does adding the new requirements #1-4 for the hunting experience. The initial intent was to provide one guide with one guide use. He believes each guide should only guide in his three guide use areas and no more. The guide use training course is costly and applicants do not find it economically viable.

Chairman Vrem stated the current regulation stated 60 days of guiding experience with a minimum of 30 days a year. This is unrealistic and the board's intention is to delete the 30 days a year and a cumulative of 60 days with 30 days in spike camps. What has been public noticed is not what the board voted on at the December meeting (pg 96-December minutes): A cumulative of 60 days over a period longer than two years is also acceptable. At least 30 of the 60 days must be spent working in a guide camp and/or under the supervision of a licensed guide while performing guide related duties.

Department of Law Assistant Attorney General Harriet Milks stated that 08.54.630 written recommendations are an alternative to a course. The proposed language meets the boards' decision to require 60 days of guiding experience. She stated that the language must be changed to make the evaluation requirements as recommendations. AS 08.54.640 provides an alternative with either a training course or the five recommendations. The board looked at the December minutes to review what they had passed:

For purposes of satisfying the hunting experience requirements in AS 08.54.630 the applicant must document at least 30 days of big game hunting activity in a calendar year in order to receive credit for ~~one~~ a year. A cumulative of 60 days over a period longer than 2 years is also acceptable. ~~and must also show the harvest of one big game animal in this state.~~

- A) at least 30 of these days must be spent working on a guide camp and/or under the supervision of a licensed guide while performing guide related duties.
- B) documented completion of a board approved assistant guide training course can count for 10 days.
- C) must include a signed evaluation by the registered guide that he worked for or by the registered guide that will be hiring him that he meets the following criteria:
 - 1. Has knowledge and experience concerning firearms.

2. Is knowledgeable of guide statutes and regulations and game regulations.
3. Is knowledgeable in trophy judging, caping, skinning, butchering and meat and trophy care.
4. Has directly participated in the spotting, stalking and subsequent harvesting of at least three big game animals during a guided hunt in Alaska.
5. Has knowledge and experience concerning general safety and emergency protocol.

Chairman Vrem stated he believes the public notice language is different and the board will take final action on Thursday.

Ms. Milks stated the items the board has in the original proposal are evaluations that the applicant has and are alternatives instead of requirements. As long as the board is not proposing to delete the requirement: "the applicant must document at least 30 days of big game hunting activity in a calendar year in order to receive credit for a [ONE] year of 30 days" this would not need to be re-public noticed.

Joe Want stated that other than mandatory days in the field, there are other ways to gain experience like a series of seminars and tests. We can't substitute field experience and classroom training with the other. A combination of both would flatten the learning curve.

Lance Kronberger stated 60 days over 2 years is a good change but the requirements would cost Alaska because British Columbia has fewer requirements and guides are working in Canada. Corporations who have more than 3 guide use areas would struggle if they were no longer allowed to do this because of the cost and paperwork. He does not believe this is being abused. Chairman Vrem stated that Ms. Milks would discuss this at 9:30am on Thursday.

Virgil Umphenauer is in favor of the proposed changes to 12 AAC 75.920(c).

Loren Karro likes the proposed changes to 12 AAC 75.920(c) but the REGULATION states either a guide or a school. She worries about taking packers being trained as assistant guides and be cited. Until the board proposed packet language is passed, the current 12 AAC 75.920 makes it impossible for her to train packers.

Brian Simpson stated that qualifying assistant guides is necessary because of where and how his business operated in the Northwest Arctic. He would rather hire someone from a local village than someone from Anchorage.

Item Incidental Transporter exemption 08.54.790

Matt Kline stated that the definition of boats needs to be more clearly defined in 12 AAC 75.450. TRANSPORTER CONTRACT REQUIREMENTS. (a) A transporter or a registered guide-outfitter contracting solely to provide transportation services shall deliver a written contract to the client (12) include the following statement: "A licensed transporter may provide transportation services with accommodations only at a permanent lodge, house, or cabin owned by the transporter or on a boat with permanent living quarters located on salt water. A licensed transporter may not accompany or remain in the field with a big game hunter who is a client of the transporter except as necessary to perform transportation services". Other transporters are using "floating docks" anchored off coastal land. Some mostly sit empty and have toilets with no holding tanks. Lt. Chastain stated that he agreed this was a loophole. Ms. Polley stated that the board could investigate the definition of a boat.

Chairman Vrem stated he wants a board discussion in regards deleting the transporter exemptions in Sec. 08.54.790. DEFINITIONS. In this chapter, (10) "transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters (A) on nonstop flights between airports listed in the Alaska supplement to the Airmen's Guide published by the Federal Aviation Administration; or (B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its business; in this subparagraph, "incidental" means transportation provided to a big game hunter by an air taxi operator or air carrier who does not (i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or (ii) advertise transportation services or big game hunting services to the public; in this subparagraph, "advertise" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services". Mr. Atkins stated that Chairman Vrem is on the right track and he appreciates it. Mr. Jones stated he would have difficulty supporting the removals and think they should be better enforced. Chairman Vrem stated that he understands but these are the same

guides who do not follow guide statutes and regulations and action should be taken on this soon.

Guide required drawing hunt application forms & Harvest tickets online license and tag web site

The board chair will write a letter to Department of Fish & Game about guide required drawing hunt application forms and harvest tickets online license and tag website.

Retired Guide Fees

Division Operations Manager Sara Chambers stated that there is an administrative cost and statute requires a license fee for a retired guide. The division needs to hear from the board, for guidance, in the form of a motion a range of recommended fees. The board discussed the suggested fees provided by the division at the December board meeting. Ms. Chambers stated the retired geologist license fee must be examined annually. It is possible the retired guide license fee would also be a “special” fee.

Ms. Polley moved the board adopt the recommended schedule for retired status of Master, Registered, Class A and Assistant Guides as proposed by the Department of Commerce and Economic Development and Ms. Rebne seconded.

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

RESOLVED to adopt the recommended schedule for retired status of Master, Registered, Class A and Assistant Guides as proposed by the Department of Commerce and Economic Development.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		

Legal Definition of Moral Turpitude

On behalf of Records and Licensing Supervisor, Michelle Johnston, Division Operations Manager Sara Chambers provided a summary of several documents which legally define moral turpitude. Ms. Chambers recommended the board review the documents and work with the Department of Law on a definition of moral turpitude to use in disciplining a license. A crime of moral turpitude is a grey area. Chairman Vrem stated he will have a conversation with the Department of Law. Mr. Jones asked what would happen if nothing is done. Chairman Vrem stated that not much will change. Most of the board cases involve criminal offenses. The language "moral turpitude" was included in HB229 but the definition was not included. Ms. Rebne asked if the moral turpitude statute or regulation language which existed prior to the sunset of the board be reviewed. Mr. Mumford stated he will search for this language.

Spousal survivorship

Chairman Vrem stated that when a guide suddenly died, the spouse becomes incapable of guiding and needs limited powers to continue the guiding business, perhaps 18-24 months, with a qualified license. Ms. Chambers stated that this would be a statutory change. USDA Forest Service Bill Tremblay stated the service was able to be flexible for several spouses of guides who suddenly died. Chairman Vrem believes the board has the power to consider and act on spousal survivorship request, including registered guides who take on the business or assistant guide becoming a registered guide.

Guide School

Mr. Mumford and Mr. Atkins do not support it at this time and would like to have this item tabled for now.

The board directed the Licensing Examiner to send an email of the public comments made by guides about schools and time in the field.

Thursday, March 14, 2013

Call to Order

The meeting was called to order by Kelly Vrem, Chair, at 8:56 a.m.

Roll Call

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
Bob Mumford, Board of Game Representative
Michele Metz, Large Private Landowners
Brenda Rebne, Large Private Landowners
David Jones, Transporter
Tom Atkins Transporter

Board members absent:

Gene Peltola-Public member

Board staff present:

Sara Chambers, Division Operations Manager
Cindy Cashen, Licensing Examiner
Lee Stout, Investigator

Visitor's present:

Jeff Tart R#1279
Kurt Whitehead R#1046
Richard Hoskins A#7137
Roy Blackwell A#7082
Stace Strouse A#7183
Drew Hilterbrand A#5291
Justin Horton A#7123
Henry Tiffany M#144
Cody Jacobson A#6846
Mike Skow A#5076
Mark Kosbruk C#673
Clarence Skaflestad C
Loren Karro R#941
Dan Montgomery M#173
Al Barratte C#763
Jim Kedrowski M#156
Gary Wall R#1182
Bob Summers C#816
Jim Weidner R#1004
Smokey Don Duncan M#136

Kale Trangmoe A#5559
Virgil Umphenour M#151
Peter Goodwin A#6797

Chairman Vrem directed Vice-Chair Karen Polley to work with the state to develop online written exams. Ms. Chambers stated that several boards have an online system set up at specific secure sites across the state. TSI from Utah could work with the board to set up the system at zero costs to the state and to the board. Ms. Polley stated that there are 10 secured sites by FAA.

Final Action by Board for 12 AAC 75.920

Chairman Vrem stated that the board is trying to increase the level of experience for the assistant guide. Ms. Polley stated that the board wants to eliminate or replace "license guide" with "registered guide" in AS 08.54.630. Dept of Law Assistant Attorney General Harriet Milks stated that she would agree to return to the original proposal of "licensed guide-outfitter". Chairman Vrem stated Ms. Milks recommended changes are acceptable except for # (4) which should remain as proposed by the board, in person and on the ground. Mr. Mumford stated he wants to insert "successful" to "documented completion" of a board approved assisted guide training course. Ms. Milks stated this was not necessary as it is already in statute to pass the exam.

Ms. Polley moved and Ms. Rebne seconded the board adopt 12 ACC 75.920(c) and include the removal of the words "registered" and "outfitter" and insert the word "licensed"; to substitute the word "evaluation" with the word "recommendation" as drafted:

12 AAC 75.920 c) is amended to read:

(c) For purposes of satisfying the [HUNTING EXPERIENCE] requirements in AS 08.54.630 (a)(2), [AS 08.54.630] the applicant must document at least 30 days of big game hunting activity in a calendar year in order to receive credit for a [ONE] year. A cumulative of 60 days over a period longer than two years is also acceptable. At least 30 of the 60 days must be spent working in a guide camp and/or under the supervision of a licensed registered guide-outfitter while performing guide-related duties. Documented completion of a board approved assistant guide training course can count for 10 days.

(d) For the purposes of the requirements in AS 08.54.630 (4) (a), the written evaluation recommendation must be signed by the registered guide-outfitter who intends to employ the person as an

assistant guide and must attest to the fact that the applicant meets the following criteria:

- 1) Has knowledge and experience in the safe operation of firearms;
- 2) Has knowledge of guide statutes and regulations and game regulations;
- 3) Has knowledge in trophy judging, caping, skinning, butchering, and meat and trophy care;
- 4) Has directly participated in the spotting, stalking, and subsequent harvesting of at least three big game animals during a guided hunt in Alaska; and
- 5) Has knowledge and experience concerning general safety and emergency protocol [AND MUST ALSO SHOW THE HARVEST OF ONE BIG GAME ANIMAL IN THIS STATE].

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

RESOLVED to adopt 12 ACC 75.920(c) and include the removal of the words “registered” and “outfitter” and insert the word “licensed”; to substitute the word “evaluation” with the word “recommendation” as drafted.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		

AGENDA ITEM 13 Discussion about Dept of Law edits to board approved REGULATION

1. Rephrased proposed 12 AAC 75.240(i) SUPERVISION OF A GUIDED HUNT

2. Deleted proposed 12 AAC 75.270 for GUIDE DISTRICTS
3. Deleted the definition of "conduct" proposed for 12 AAC 75.900

Department of Law Assistant Attorney General Dan Branch and Harriet Milks and Dept of Commerce and Economic Development Regulation Specialist Jun Maiquis were available through teleconference for questions.

Ms. Rebne asked where the proposed language section came from? In December the board denied that section for 12 AAC 75.240(i). Mr. Branch stated that this doesn't have to do with the section which was passed by the board. This focuses on supervision requirement. A registered guide – outfitter can supervise a hunt if he is in any of four places as long as they can practically supervise from there.

Lt. Chastain stated that 12 AAC 75.255 is a regulation which falls under AS 08.54.790(8) and defines "guide" which means to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment, or facilities to a big game hunter in the field by a person who accompanies or is present with the big game hunter in the field either personally or through an assistant; in this paragraph, "services" includes (A) contracting to guide or outfit big game hunts; (B) stalking, pursuing, tracking, killing, or attempting to kill big game; (C) packing, preparing, salvaging, or caring for meat, except that which is required to properly and safely load the meat on the mode of transportation being used by a transporter; (D) field preparation of trophies, including skinning and caping; (E) selling, leasing, or renting goods when the transaction occurs in the field; (F) using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter; and (G) providing camping or hunting equipment or supplies that are already located in the field. At the last meeting the question was asked whether someone who was unlicensed can perform the duties of a guide and my answer to the board was that if compensation occurs and someone performs these duties, they must be licensed. The interpretation by the Dept of Law is that someone who performs these duties must be licensed to do so. One of the ways to get around this issue is to create some kind of license or a license class. Ms. Milks stated the Department of Law is largely in agreement. There are many functions that people do in camps there are not guide duties, but there are functions that the public has every right to expect be performed by licensed personnel. It is possible another category of license guide could be added to the statute. Chairman Vrem asked if "for the purposes of instruction" could be added. Ms. Milks stated no, because there isn't a statute that allows licensed activities to instruct. Chairman Vrem stated that when this statute was created in the legislature, it was understood by all involved that there was a certain level of instruction between the Guide and

apprentices without taking away from the quality of the hunt. Mr. Jones stated knowledge can be different than experience and we should be okay. Ms. Rebne asked in what other instance a student has to be licensed to learn. Lt. Chastain stated that a good example would be a driver license. Mr. Jones stated we have to fix this problem through statute, not regulation. Our best avenue may be our creating an apprentice license in statute through a legislative bill. Chairman Vrem stated that this license should not require a test. Lt. Chastain stated that a commercial crew license does not have a test. Mr. Mumford stated that he believes the board can come up with a statute change. Chairman Vrem stated that the board's intent is only to provide an appropriate guide license and a fee and make it instantly available online to ADF&G or DCED.

Mr. Jones moved and Ms. Polley seconded the Big Game Commercial Services Board approach the legislature and request the creation of a new category of guide license entitled "Apprentice Guide" license which would be available to persons of minimal qualifications for a minimal fee and intended as a license to learn. The "Apprentice Guide" license would be for the purpose of authorizing the apprentice to assist in the conduct of guide related activities and duties under the supervision of a contracting registered or master guide for the following duties:

- A. packing, preparing, butchering, salvaging, or caring for meat;
- B. packing equipment and gear;
- C. camp setup, care taking and maintenance, and the use of camp related equipment including stoves, lanterns, heaters, motorized vehicles, chain saws, and tents;
- D. packing and field preparation and care of trophies including skinning, caping, fleshing, and salting;
- E. using guiding or outfitting equipment including spotting scopes, binoculars and firearms, except that firearms can only be used for personal protection;
- F. glassing, spotting, stalking, pursuing and tracking big game for a client in a secondary role to a licensed guide who is present and directly guiding the client.

The guiding industry has operated in this fashion for decades. If nothing is done, guides and packers could receive violations for actions they perceive to be legal and legitimate in providing a client a quality hunt. If nothing is done, guides will be denied the ability to teach those new to the industry or who qualify for higher license levels.

Discussion: Mr. Jones asked why the board should use the term "apprentice". Ms. Chambers stated that the terminology doesn't matter as long as the

language defining the position is clear. Mr. Atkins stated that this is similar to the apprenticeship of electricians and will assist with the labor industry in the state of Alaska. Chairman Vrem stated the purpose is to comply with section 8.54 and train new members of the industry. The training and supervision ability applies to all classes guides employed by the contracting guide. This will also allow rural residents to be employed as packers whose sole purpose is to pack meat. Mr. Mumford stated he will support this as it will fill a void and help those new to the industry to become educated in duties and responsibilities of the guiding industry. Ms. Metz stated she will also support the resolution because it supports rural jobs and economies.

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

RESOLVED to request the Legislature create a new category of guide license: "Apprentice Guide".

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Tom Atkins	X		

ACTION ITEMS:

The Board will approach the legislature and request the creation of a new category of guide license entitled "Apprentice Guide" license.

Mr. Atkins, Mr. Mumford Smokey Don Duncan will form an Application Investigations Matrix committee.

Ms. Polley will craft a response about the Legislative Audit's question regarding first aid certification for all licensees in the Annual Report.

Ms. Polley will work with the state to develop online written exams.

Ms. Cashen will place the public comment form on the BGCSB website and contact the BOG for their form and process.

Ms. Cashen will send an email of the public comments made by guides about schools and time in the field.

Mr. Mumford will search for the moral turpitude statute or regulation language which existed prior to the sunset of the board.

Upon a motion duly made by Ms. Polley and seconded by Mr. Mumford and approved unanimously, it was:

RESOLVED to adjourn the meeting of the Alaska Big Game Guides and Commercial Services Board.

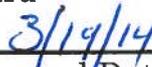
The meeting adjourned at 12:36pm.

Respectfully submitted:


Cindy Cashen, Licensing Examiner


Date


Kelly Vrem, Chairperson
Big Game Commercial Services
Board


Approved Date: