

**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
December 9-11, 2008**

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 December 9-11, 2008 in Anchorage, Alaska, Egan Convention Center.

Monday, December 9, 2008

Item 1. Call to Order/Roll Call and introductions

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 8:30 a.m. Members present constituting a quorum were:

Paul Johnson, Registered Guide-Outfitter, Chair
Robert Mumford, Public Member
Ted Spraker, Board of Game
Leif Wilson, Transporter, Vice-Chair
Brenda Rebne, Private Landholder
BJ Schmitz, Public Member.

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

Karl Marx, Licensing Examiner (A-K)
Cori Hondolero, Records and Licensing Supervisor
Quinten Warren, Investigator

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Chris Hansen, Special Agent, US Fish and Wildlife Service (USFS)
Suzan Bowen, Program Coordinator, Department of Fish and Game
Captain Burke Waldron, Department of Public Safety, Wildlife Troopers

Dave Lorrying, Criminal Justice Planner Dept. of Pubic Safety, Wildlife Troopers
Ramone McCoy, Bureau of Land Management
Clark Cox, Natural Resource Manager, Dept. of Natural Resources
Cliff Larson, DNR
Stu Pechek, DNR
Neil Hagadorn, Assistant Director for Recreation, Heritage, Wilderness, and Tourism Resources US Forest Service - Alaska
Lea A. Benson, US Forest Service
Bill Tremblay, US Forest Service
J. Burick, US Forest Service
Bill Trembley, US Forest Service
Erik Kenning, ASRC
Walter Sampson, NAWA/ NWAB
Ukallaysaaq T. Oklesik, NWAB
Chris Savage, Tongass NF (Petersburg)
Becky Broch, NPS

Present from the public were:

Michael Wade Renfro, Registered Guide-Outfitter #1140
Mark Enyeart, Assistant Guide #4436
Rick Herscher, Registered Guide-Outfitter #341
Jacob Hannon, Assistant Guide #6843
David Walters, Registered Guide-Outfitter #1103
Jonalyn Lavarias, Public
Jake Jefferson, Registered Guide-Outfitter #1060
Creig Butler, Registered Guide-Outfitter #1106
Joe Schuster, Registered Guide-Outfitter #912
Samuel Madrid, Registered Guide-Outfitter #791
Bill Vollendorf, Registered Guide-Outfitter #996
John Phipps, Registered Guide-Outfitter #1108
Neil Webster, Registered Guide-Outfitter #645
Steve Pogany, Registered Guide-Outfitter #1114
Dan Montgomery, Master Guide-Outfitter #173
Rod Schuh, Registered Guide-Outfitter #829
Rick Kinmon, Registered Guide-Outfitter #1266
Gary Gray, Registered Guide-Outfitter #592
John H. Latham, Master Guide-Outfitter #103
Mike Warner Assistant Guide #7036
Rocky McElveen, Registered Guide-Outfitter #885
Ed Stratten, Registered Guide-Outfitter #1256
Tim Nelson, Class-A Assistant Guide #777
Bobby Fithian, Master Guide-Outfitter #126 (APHA)
Thor Stacey, Registered Guide-Outfitter #1189
M. K. Odin, Class-A Assistant Guide #751
E. Salitan, Assistant Guide #5505

Lance Kronberger, Registered Guide-Outfitter #1150
Tom Atkins, Registered Guide-Outfitter #727
Tommy Lee, Master Guide-Outfitter #105
Treka Ballas, Public
Jeff Burwell, Master Guide-Outfitter #162
Joe Romano, Registered Guide-Outfitter #1172
Robert Jewett, Registered Guide-Outfitter #1231
Brian Peterson, Master Guide-Outfitter #114
Gary La Rose, Master Guide-Outfitter #58
Peter Barela, Registered Guide-Outfitter #1272
John Rydeen, Registered Guide-Outfitter #1269
Dale Adams, Master Guide-Outfitter #168
Nate Turner, Registered Guide-Outfitter #1036
Riley Pitts, Assistant Guide #5160
Martin Balukas, Registered Guide-Outfitter #1255
Dave Morris, Master Guide-Outfitter #133
David Lazer, Master Guide-Outfitter #175
John Peterson, Master Guide-Outfitter #115
Hugh Les Krank, Master Guide-Outfitter #154
Frank Bishop, Registered Guide-Outfitter #933
Ron Warren, Registered Guide-Outfitter #782
Tom Krueger, Registered Guide-Outfitter #936
Carolyn Krueger, Public
Glen Holt, Registered Guide-Outfitter #1019
Ralph Miller, Master Guide-Outfitter #169
Jim Weidner, Registered Guide-Outfitter #1004
Phil Driver, Master Guide-Outfitter #63
Jim Bailey, Master Guide-Outfitter #88
Debbie Moore, (Arrowhead Outfitters)
Howard Treden, Transporter #854
Benjamin Holbrook, Registered Guide-Outfitter #1233
Loren Kerro, Registered Guide-Outfitter #941
Chad Reel, Registered Guide-Outfitter #1062
V. Van Ballabehe, Public
Dan Aasmunstad, Registered Guide-Outfitter #926
Kelly Vrem, Master Guide-Outfitter #102
Tracy Vrem, Master Guide-Outfitter #97
Wayne Kubat, Master Guide-Outfitter #147
Jimmie Rosenbruch, Master Guide-Outfitter #61
Arno Krumm, Registered Guide-Outfitter #1239
Jim Kedrowski, Registered Guide-Outfitter #956
Brad Dennison, Master Guide-Outfitter #138
Aaron Bloomquist, Registered Guide-Outfitter #1259

Item 2. Review/Amend Agenda

Paul Johnson, Chair asked if board members had had a chance to review the proposed agenda and make any revisions. Seeing none, Brenda Rebne moved to accept the agenda, Leif Wilson seconded. The agenda was approved.

Item 3. Ethics Disclosure

Mr. Johnson requested that an opportunity for Brenda Rebne and Leif Wilson to watch the board ethics video be made at the March 2009 board meeting.

The Board had no ethics violations to report.

Item 4. Board Discussion

A. Budget Report

Richard Rohrer originally intended to give the budget report but has had health issues and was unable to attend. His health is improving.

Mr. Johnson briefed the budget report instead. The board is in pretty good shape since the fee raise and is currently showing a surplus.

Since there is a slight budget surplus Mr. Johnson asked the board members for input on a "retired" guide license for guides who are no longer actively guiding. Also, in light of some correspondence, if non-contracting guides could be licensed at a lower rate.

Board members discussed several aspects of this reduced license and decided to think through these in the next year before license renewals are due.

Mr. Johnson pointed out that some of the previous budget had been allocated to data entry for hunt records and transporter activity reports which should be available for an agency user fee soon.

B. Transporter Regulations

Richard Rohrer was not available to present. Mr. Johnson reminded attendees that a transporter regulation would be discussed at this meeting. He also asked Kevin Saxby to look into stopping transporter licenses from being issued to corporations rather than individuals.

C. Situations with more than three guide use areas (GUA) registered

Excluding predator control, which will continue, this is only used in cases where part of a federal concession extends beyond the border of a third GUA. Mr. Johnson asked how common this was. Karl Marx found only six (6) such registrations at the end of 2008.

D. Subcontracting

Mr. Johnson asked how the board viewed guides using LLCs or umbrella organizations in order to have access to more than three GUAs. Brenda Rebne and Leif Wilson both commented that this practice is defeating the intent and direction of the board. Mr. Johnson asked if the board would object to forming a discussion group open to the public to help find options to reduce these practices? There were no objections.

The board was ahead of schedule so went on break at 8:51a.m. in order to prepare for mapping discussion earlier than scheduled and to give the board members time to review applications. Mr. Johnson passed out the files to two member committees to study.

E. Mapping Introduction

At 9:20 Clark Cox explained the new maps with proposed changes made at the March 2008 board meeting. Mr. Cox explained that red lines indicate existing guide use area (GUA) boundaries while salmon colored lines show proposed changes. Mr. Cox clarified that concession area boundary maps are separate and would be posted 9:30 a.m. Wednesday the 10th of December.

Mr. Johnson instructed Mr. Cox to number each map so that board members could follow along during public testimony and voting. Mr. Johnson further asked that speakers refer to maps by these numbers during testimony.

Item 5. Application Review

1. Roy Blackwell, Assistant guide applicant, without initial Yes answers
2. AK Jet Boat Adventures & Flat Creek Ventures, Transporter applicants with Yes answers
3. Marc Theiler, Assistant guide applicant with Yes answers
4. Alexander C. Rhudy, Assistant guide applicant with Yes answer
5. Mike D. Graham, Assistant guide applicant with Yes answer
6. Bradley Russell, Assistant guide applicant with Yes answer
7. Riley Pitts, Registered guide-outfitter application with Yes answer
8. Jeff Matney, Registered guide application with Yes answer

Mr. Johnson asked if the board was prepared direct staff on how to deal with false statements on applications in the future and how stiff the board wanted to be. Board members discussed several aspects including obvious deception as opposed to possible oversight. Mr. Johnson asked that Bob Mumford assemble a group to draft up a policy statement to provide clearer guidance to the staff.

After reviewing information provided by staff regarding Roy N. Blackwell's application the Board conducted a roll call vote.

On a motion duly made by Ted Spraker, seconded by B.J. Schmitz, and approved unanimously, it was

RESOLVED to approve the applications for licensure as an Assistant guide for Roy N. Blackwell.

Roll Call Vote

NAME	YES	NO
B J Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	

THE MOTION PASSED BY A MAJORITY VOTE.

After reviewing information provided by staff regarding the license application for AK Jet Boat Adventures & Flat Creek Ventures the Board conducted a roll call vote.

On a motion duly made by B J Schmitz, seconded by Ted Spraker, and approved unanimously, it was

**RESOLVED to approve the applications for licensure as a
Transporter for AK Jet Boat Adventures & Flat Boat Ventures.
Roll Call Vote**

NAME	YES	NO
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	

THE MOTION PASSED BY A MAJORITY VOTE.

After reviewing information provided by staff regarding Marc Theiler's application the Board decided to table this discussion until Mr. Saxby could verify some options.

After reviewing information provided by staff regarding Alexander C. Rhudy's application the Board conducted a roll call vote.

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

**RESOLVED to approve the applications for licensure as an
Assistant guide for Alexander C. Rhudy.
Roll Call Vote**

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

After reviewing information provided by staff regarding Mike D. Graham's application the Board conducted a roll call vote.

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

RESOLVED to approve the applications for licensure as an Assistant guide for Mike D. Graham.

Roll Call Vote

NAME	YES	NO
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Kevin Saxby reminded board of 08.54.605(B) and (C) which states that a license cannot be issued if a felony has been committed in the last five years or a felony against a person in ten years.

Mr. Saxby also clarified that the board only has the discretionary ability to place conditions on a license **after** it has been issued.

Quinten Warren cited 08.01.075(4) which states that the board's disciplinary powers include the ability to impose limitations or conditions on the professional practice of a licensee. Mr. Warren then gave examples from other professions and reminded the board of the issue of felons carrying firearms. Mr. Johnson pointed out to Mr. Spraker that not only guides and fishing guides have problems with dependency, it sounds like nurses and other professions do to. Mr. Saxby stated that this is only an option for existing licensees rather than first time applicants but that he would look into it further.

Mr. Spraker stated that a guide must be able to possess a firearm to perform their job so if they are a felon recommends that they not be licensed. Mr. Johnson pointed out that the reality is that they can in fact carry certain types of firearms such as cartridge firearms manufactured before 1898. Mr. Mumford agreed with Mr. Spraker that he is also uncomfortable with a guide who cannot carry firearms but based on 08.54.605 his inclination is to approve this application. Brenda Rebne asked to verify then that this license would be issued with no board stipulations. Mr. Johnson answered: no. He was not comfortable with how consistently felonies and domestic violence charges were issued. Mr. Spraker wanted to make it clear that while it sounds like this individual has really turned the corner he is not comfortable with limited opportunities to carry a firearm.

On a motion duly made by Ted Spraker, seconded by B.J. Schmitz, and approved unanimously, it was

RESOLVED to approve the applications for licensure as an Assistant guide for Marc Theiler.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker		X
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

After reviewing information provided by staff regarding Bradley Russell's application the Board conducted a roll call vote.

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

RESOLVED to approve the applications for licensure as an Assistant guide for Bradley Russell.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Johnson instructed Karl Marx to call both Riley Pitts and Jeff Matney and let them know that they would be able to sit for the registered guide-outfitter examinations. Although their Yes answers were of a very minor nature the staff wanted to insure that the board was aware of all applicant backgrounds before proceeding with this level of licensure.

10:15 a.m. Mr. Johnson initiated a 15 minute break while DNR prepared.

10:28 a.m. back on record. Mr. Johnson clarified that this board only has the authority to do the mapping while DNR has the authority to handle the concessions. Since this board was reinstated there has been a DNR Land subcommittee headed by Bobby Fithian. Bobby Fithian will update the board and public.

Additional. DNR Land Subcommittee Report.

Booby Fithian briefed that during the March 2008 board meeting in Fairbanks this Department of Natural Resources (DNR) subcommittee was formed. Members include: Brenda Rebne, Loren Karro, Matt Snyder, Mike McCann, Les Krank, Tony Lee, Steve Perrins, Tom Kirstein, and Bobby Fithian with Clark Cox from DNR joining each meeting.

Four public noticed, bi-weekly teleconferences were held between October and December 4th. The subcommittee feels that it did a good job helping DNR understand the needs of the guide industry. Their current recommendations are:

1. Additional scoping of selection criteria at this meeting.
2. Ask DNR to prepare a draft of the program in its proposed completed form.
3. Allow for this subcommittee to continue to assist with industry input during this phase of development.
4. Have DNR provide the draft for review and comment by the industry in a timely manner as possible.

Mr. Johnson asked if there was a time and place that the subcommittee would like to continue. Mr. Fithian asked to wait on a DNR summary before continuing. Brenda Rebne agreed with Mr. Fithian on continuing the subcommittee and thanked him for his effort. After discussion Mr. Johnson suggested that the subcommittee hold a meeting in the main room while the board moved to executive session at 3:00 p.m. with Clark Cox from DNR agreeing to be present.

Ted Spraker thanked Bobby Fithian and since Mr. Fithian also represents the Alaska Professional Hunters Association (APHA) what their percentage of approval is? Mr. Fithian stated that there was a consensus at all meeting and that APHA was holding meeting along similar lines with 90%+ voting to support. Mr. Fithian went on to suggest that if there are growing concerns that they will come from the element that these measures for stewardship are designed to protect the resources from.

Mr. Johnson stated that this was an appropriate time for the board members to take a careful look at the maps before Thursday's public testimony.

10:45 a.m. The board adjourned for map review and lunch; reconvened at 1:00 p.m.

Item 6. Public Testimony concerning public noticed regulations 12 AAC 75.250 and 12 AAC 75.440(B)

Paul Johnson called speakers forward as they had signed up. Sign up was closed at 1:00 p.m.

Kelly Vrem, Master Guide 102.

Commented on 75.250 that it conflicts with 08.54.620 regarding to Class-A assistant guides.

Mr. Johnson asked Mr. Vrem what this would mean to him personally.

Mr. Vrem did not feel that it would affect him now. He went on to ask if .250 would make class-A assistant guides meaningless.

Mr. Johnson asked Karl Marx to explain the staffs' view which is that a class-A assistant guide, operating in a GMU that they were certified for would not would not have to meet this proposed level of supervision.

Mr. Vrem also commented on predator control the confusion between the wording of 08.54.750(f) and 08.54.750(b)(2) not clearly stating that a guide must be certified in a GMU in order to register it for predator control hunts.

Mr. Johnson asked Karl Marx to explain staff policies which are that GMU certification shows that a guide is knowledgeable and safe enough to conduct hunts of any sort in a GMU so certification is required for predator control hunts as well.

Thor Stacey Registered Guide 1189.

Commented on 75.440(B); he is in favor of holding transporters accountable for their clients trespassing, littering, and committing wanton waste. Should be encouraged to self report violators and brief their clients on ethical behavior. He feels that there are people acting as transporters without licenses. Brenda Rebne and Leif Wilson commented.

Ukallaysaaq (Tom) Oklesik, Planning Director NWAB, Kotzebue

Commented on 75.440(B); stating that this is a huge issue for his borough and that he agrees with the last speaker. Proposed wording changes adding compliance with applicable **borough**, state, and federal laws and to add a requirement to obtain permission from municipalities. Relayed that some of his long time residents shared with him how transporters were allegedly paid in illegal drugs 10-20 years ago.

Walter Sampson, VP NAWA and President North West Borough Assembly. Mr. Sampson made his opening comments in Yup'ik. Set context for villages including cost of living. Commented on 75.440(B) and asked that float planes operating on fresh water also be considered. He complimented one guide in particular for actively bringing good meat into villages but some are bringing green-slime meat in black plastic bags to drop off. This makes a bad reflection of the guides and transporters. He encouraged the board to follow through with decisions so that the very same issues will not still be talked about at next year's meeting. He suggested higher ethics standards for guide industry.

Mr. Johnson "thank you" and asked whether Mr. Sampson would be around later to continue discussing these issues.

Ted Spraker appreciated the comments, especially on the quality of meat. They have both been on the Unit 23 working group. Mr. Spraker asked how would you distinguish air taxis, private hunter with planes, and transporters?

Walter Sampson stated that neither they nor the state have the authority now to monitor air taxis or remote airstrips.

Brenda Rebne, to Kevin Saxby, how liable are landowners if transporters drop off clients who trespass and are injured. She was also upset by the poor meat handling and suggested that transporters and air taxis teach their clients better.

Kevin Saxby stated that in Alaska a landowner is only liable for a danger that they created and failed to warn people about.

Phil Driver master Guide 63.

He has been guiding in the Kotzebue area more than 40 years. He does not like combined guide-transporters who guide hunters in their areas and then drop off hunters in his area or transporters who specifically support guide operations both which overuses the resources.

Brenda Rebne commented and asked about "corking the aggie" or the tradition of letting the lead caribou through so as not to disrupt the migration paths. She is concerned that some self guided hunters are shooting the lead animals. What is the enforcement capability there? Paul Johnson commented.

Wayne Kubat Master Guide 147

Mr. Kubat commented on 75.250 where he had a situation where it was a six hour ride each way in a small boat with not too much weight in order to provide this level of supervision.

Brian Petersen Master Guide 114.

Mr. Petersen operates from Kodiak commented on 75.250 the word "also" is redundant. He is in favor of more accountability for transporters but feels that that 75.440(B) is premature since federal land cannot give use permission and that this will drive too many salt water transporters onto state land. He Agrees 100% that transporters should have permission before dropping off clients on private land. Paul Johnson and Brenda Redne commented.

Tony Lee Master Guide 105.

We are all here to provide a quality hunting experience. Air taxis are dropping in too many camps too close to allow quality hunts and advertising that they will show the clients the game from the air. Enforcement says that it is too grey and not defined enough to enforce.

Tom Kirstein Master Guide 98.

He commented on the Kodiak "meat fleet" of transporters bringing deer hunters to various parts of the south east side of the island. He hopes that federal agencies, NWR, will have more control over that. Mr. Johnson commented on the fact that the same federal agencies that asked for 75.440(B) are unable to provide the needed land use authorization.

Henry Tiffany Master Guide 144.

He is concerned that the concession area limitations will cause a displacement of guides into transporting which could flood the areas with hunters rather than protect them. Mr. Tiffany suggested that GUA registrations or a limited range of operation also be applied to transporters. While a guide only takes a few animals and it is in his best interest to steward his area a transporter has to focus on quantity taken. Mr. Spraker asked if this board needs to seek more authority of anyone transporting hunters?

Hugh Krank Master Guide 154.

Mr. Krank is concerned that for years he has heard that if guides cannot guide in limited concession areas that they will just become transporters and take even more clients to make a living.

Steve Perrins Master Guide 123.

Mr. Perrins feels that the word "also" is a little bit confusing in 75.250 and since he is a horseback hunter this will require an excessive ride to accommodate. He also addressed the guides also holding transporter licenses who focus more on volume and have less of a vested interest in stewardship.

Brad Dennison Master Guide 138

Regarding 75.440(B) Mr. Dennison operates a salt water boat based guide service in the south-east and stated that the upland land use permission has been a good thing for guides because they obtain special use permits from the Forest Service which allocate how many clients they can take and to where. Applying it to transporters would be good if these same allocations and constraints are also applied otherwise it would be pointless. Also, since transporter conduct their business on salt water the Forest Service is currently unable to issue transporters permits. This would be a way to manage the species, like black bear, that are not guide only. There needs to be a cap placed on non-resident black bear hunters in the south east. He suggested that the board eliminate the ability of transporter to provide salt water accommodation in the field which basically allows them to stay in the field and guide their clients. Leif Wilson commented.

Jim Rosenbruch Master Guide 61.

Regarding 75.440(B) Mr. Rosenbruch has been a guide in the south east for 44 years. There has been a lot of change but non have had the impact of transporters. He does not suggest supporting this proposed regulation unless similar caps can be placed on transporter client harvests.

Bob Mumford asked what percent of the black bear hunters are non-residents. Mr. Rosenbruch stated 90% with little resident pressure for black bear. Mr. Mumford asked if these were mostly spring hunts? Mr. Rosenbruch answered not necessarily and that restricting the use of road systems like on Prince of Wales Island has helped curb hunt club activity.

Mr. Johnson cleared up confusion about an earlier letter from Mr. Rosenbruch supporting 75.440(B) but not without Forest Service support he no longer supports this proposal and feels that it could backfire and legitimize transporter overuse. Paul Johnson instructed board members to note that this reverses the position of two earlier letters.

Mr. Johnson explained that the Department of Commerce has been collecting this information. A lot of money has been spent computerizing this information and this information is available. At this point guide fees have been paying for this but enforcement will be paying in the future. Mr. Mumford asked if this will also show non-residences. It can be added up.

Mr. Spraker stated that from sealing we know that 80% are non-residence and now that harvest reports are required we will know what the success rate is.

Joe Schuster Registered Guide 912.

Mr. Schuster will save his comments for another time.

Abraham David Transporter 98.

Agrees with 75.440(B) and in regards to 75.200(a) that registered guides can only provide transporter services in GUA that they are registered in; is it possible for a long term transporter to apply this experience to become a registered guide?

3:17p.m. Mr. Johnson initiated a 15 minute break while the DNR subcommittee prepared to take the main room.

Item7. Investigative Report

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 for the purpose of discussing investigative issues.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Breda Rebne		(Absent)
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	

THE MOTION PASSED BY A MAJORITY VOTE.

The Board adjourned into executive session at 3:30 p.m., and returned from executive session at 5:04 p.m. The meeting adjourned at 5:04 p.m. until Wednesday at 8:30 a.m.

Wednesday, December 10, 2008

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 8:40 a.m. Members present constituting a quorum were:

Leif Wilson, Transporter, Vice-Chair
Brenda Rebne, Private Landholder
Paul Johnson, Registered Guide-Outfitter, Chair
Robert Mumford, Public Member
BJ Schmitz, Public Member
Ted Spraker, Board of Game

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

Karl Marx, Licensing Examiner (A-K)
Cori Hondolero, Records and Licensing Supervisor
Quinten Warren, Investigator

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Brian Anderson, US F&W
Kim Titus, ADF&G
Doug Larsen, ADF&G
Steve Machita, ADF&G
Suzan Bowen, Program Coordinator, Department of Fish and Game
Captain Burke Waldron, Department of Public Safety, Wildlife Troopers
Lt Bernard Chastain, Department of Public Safety, Wildlife Troopers, Liaison
Dave Lorring, Criminal Justice Planner Dept. of Pubic Safety, Wildlife Troopers
Ramone McCoy, Bureau of Land Management
Bob Schneider, BLM (Fairbanks)
Clark Cox, Natural Resource Manager, Dept. of Natural Resources
Stu Pechek, DNR (Fairbanks)
Dianna Langberger, DNR (Fairbanks)
Christi Collis, DNR (Anchorage)
Neil Hagadorn, Assistant Director for Recreation, Heritage, Wilderness, and Tourism Resources US Forest Service – Alaska (Juneau)
Jon Martin, USFS (Sitka)
Bill Trembley, US Forest Service

Steve Oberholtzer, US Forest Service
Erik Kenning, ASRC
Walter Sampson, NAWA/ NWAB
Ukallaysaaq T. Oklesik, NWAB
Chris Savage, Tongass NF (Petersburg)
Andy Schmidt, Chugach NF
George Halbrisch, NPS
Becky Brock, NPS
Kevin Atclark, NPS

Present from the public were:

Joey Klutsch, Class-A Assistant Guide #774
Jacob Hannon, Assistant Guide #6843
Brian Peterson, Master Guide-Outfitter #114
Rocky McElveen, Registered Guide-Outfitter #885
Creig Butler, Registered Guide-Outfitter #1106
Clara lackey, Public
Ernie Finch, Registered Guide-Outfitter #999
Neil Webster, Registered Guide-Outfitter #645
Jim Kedrowski, Registered Guide-Outfitter #956
Thor Stacey, Registered Guide-Outfitter #1194
Erik Salitan, Assistant Guide #5505
Frank A. Bishop, Registered Guide-Outfitter #933
Chuck McMahan, Registered Guide-Outfitter #457
Jay King, Registered Guide-Outfitter #664
Rodney Ray Alto, Class-A Assistant Guide #303
Rich Guthrie, Master Guide-Outfitter #94
Dan Montgomery, Master Guide-Outfitter #173
Joshua Randall, Registered Guide-Outfitter #1146
Kelly Vrem, Master Guide-Outfitter #102
Cole Kramer, Registered Guide-Outfitter #1249
Jim Weidner, Registered Guide-Outfitter #1004
Tom Krueger, Registered Guide-Outfitter #936
Carolyn Krueger, Public
Matt Snyder, Registered Guide-Outfitter #882
Russell Davis, Master Guide-Outfitter #177
Samuel Madrid, Registered Guide-Outfitter #791
Matt Wolfe, Registered Guide-Outfitter #740
Fred Sorenson, Registered Guide-Outfitter #906
Michael Wade Renfro, Registered Guide-Outfitter #1140
Joe Klutsch, Master Guide-Outfitter #91
Braun Kopsack, Master Guide-Outfitter #179
Jim Bailey, Master Guide-Outfitter #88
Chris Zwolinski, Master Guide-Outfitter #145
Dennis Byrne, Registered Guide-Outfitter #1056
Jake Jefferson, Registered Guide-Outfitter #1060

Martin Balukas, Registered Guide-Outfitter #1255
Michael Litzen, Master Guide-Outfitter #129
Nick Preiskalla, Transporter #600
Mike Shaw, Registered Guide-Outfitter #1238
Dave Morris, Master Guide-Outfitter #133
Mark Enyeart, Assistant Guide #4436
Hugh Les Krank, Master Guide-Outfitter #154
D. Aastmundstad, Registered Guide-Outfitter #926
Dave Leonard, Master Guide-Outfitter #81
Paul Malone, Registered Guide-Outfitter #1163
Arno Krumm, Registered Guide-Outfitter #1239
Joe Schuster, Registered Guide-Outfitter #912
Ed Stratton, Registered Guide-Outfitter #1256
Wayne Kubat, Master Guide-Outfitter #147
David Walters, Registered Guide-Outfitter #1103
Ron Warren, Registered Guide-Outfitter #782
Bruce Werba, Registered Guide-Outfitter #1223
Connie Werba, Public
Mike Warner, Assistant Guide #7068
Henry Tiffany, Master Guide-Outfitter #144
Tom Kirstein, Master Guide-Outfitter #98
Rick Kinmon, Registered Guide-Outfitter #1266
Jeff Burwell, Master Guide-Outfitter #162
Lance Kronberger, Registered Guide-Outfitter #1150
Ben Holbrook, Registered Guide-Outfitter #1233
Wade Willis, Public
David Lazer, Master Guide-Outfitter #175
Steven Perrins, Master Guide-Outfitter #123
Clint Mayeur, Registered Guide-Outfitter #666
Mike McCann, Master Guide-Outfitter #107
Tom Atkins, Registered Guide-Outfitter #727
Chad Reel, Registered Guide-Outfitter #1062
Rod Schuh, Registered Guide Outfitter #829
Joe Romano, Registered Guide-Outfitter #1177
Rod Krupicka, Registered Guide-Outfitter #1089
Aaron Bloomquist, Registered Guide-Outfitter #1259
Jonalyn Lavanias, Public
John H. Latham, Master Guide-Outfitter #103
Loren Karro, Registered Guide-Outfitter #941
Tracy Vrem, Master Guide-Outfitter #97
Bill Stevenson, Registered Guide-Outfitter #661
Preston Cavner, Registered Guide-Outfitter #1054
Ben Stevenson, Registered Guide-Outfitter #1134
Gary Gray, Registered Guide-Outfitter #592
Robert Jewett, Registered Guide-Outfitter #1231
Nathan Mudd, Assistant Guide #5740
Riley Pitts, Assistant Guide #5160

Matt Moskiewicz, Assistant Guide #5139
Frank Danford, Registered Guide-Outfitter #959
Joe Letarte, Master Guide-Outfitter #121
Nate Turner, Registered Guide-Outfitter #1036
Steven Johnson, Registered Guide-Outfitter #978
Mont Mahoney, Registered Guide-Outfitter #1049
Glen Holt, Registered Guide-Outfitter #1019
Tim Nelson, Class-A Assistant Guide #777
Abraham David, Transporter #98
Tony Lee, master Guide-Outfitter #105
Gary LaRue, Registered Guide-Outfitter #629
Seth Kroenke, Registered Guide-Outfitter #1267
Peter Barela, Registered Guide-Outfitter #1272
Dale Adams, Master Guide-Outfitter #168
Brad Dennison, Master Guide-Outfitter #138
Bill Vollendorf, Registered Guide-Outfitter #996

Item 9. Board Discussion

A. Big Game Drawing permits

Ted Spraker briefed what his subcommittee has been participating in. Based on issues such as a bonus point system and Department of Fish & Game updates later Mr. Spraker recommends that the subcommittee hold off a while and step back in when things develop.

B. Hunt Record (HR) and Transporter Activity Report (TAR) database update.

Cori Hondolero and Karl Marx briefed that the data entry from hunt records is used to drive a search engine that brings up a scanned copy of the original handwritten hunt records and transporter activity reports. This is a working system and with new search capacities being developed. Unfortunately, the wireless available in the Egan Convention Center was too slow to demonstrate the system.

C. HR/TAR Confidentiality AS 08.54.760.

Due to the speaker being unavailable this was passed over.

D. Transporter Corporation, LLC/LLP License Issue.

Dave Lorring, Quinten Warren, Kevin Saxby, along with Troopers Chastain and Waldron explained their frustration with trying to prosecute incorporated transporters where employees are committing license violations who cannot be directly held accountable. Prosecutors are unwilling to take some transporter cases. Leif Wilson explained that while a guide license is issued to a natural transporter licenses can be issued to a person which under Alaska law includes a corporation. This may take a legislative action to change. Guides hold professional licenses while transporters are a business license. Mr. Johnson suggested that a solution be looked for without legislative involvement that would make individual violators accountable.

E. Correspondence.

Mr. Johnson instructed the board members to read and take correspondence received into account when making their decisions later.

F. Amend/Adopt December, 2007 Board Minutes

The Board reviewed the draft minutes.

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

RESOLVED to adopt the December, 2007 board minutes as written.

G. Amend/Adopt March, 2008 Board Minutes

The Board reviewed the draft minutes.

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

RESOLVED to adopt the March, 2008 board minutes as written.

Item 10. DNR Mapping Concessions Update.

Clark Cox, Department of Natural Resources (DNR) Division of Mining, Land, and Water, introduced Dianna Langberger and Stu Pechek from Fairbanks along with Christi Collins from Anchorage who could also help answer questions.

Clark Cox described history of working with other agencies and the mapping subcommittee. Mr. Cox also clarified the difference between the board mapping project and the concession area maps. He also explained the meaning of the red lines indicating existing boundaries and the salmon colored lines of proposed boundary changes.

Mr. Johnson asked Kevin Saxby a procedural question; can the maps be displayed, numbered, and then referred to by map number rather than GUA number. Mr. Saxby said yes, the board could do that. Staff found means to display and amend the maps for voting.

Clark Cox noted that since the March 2008 board meeting that the state park system and BLM have begun to work with DNR on the concession area project. At this time there are 121 GUAs with at least 5,000 contiguous acres of state land. There are currently 151 proposed concession areas with 234 proposed opportunities. The proposed timeline to make applications available is January 2010. Each individual can apply for up to four concession areas and receive up to three concession areas. These concession areas might become active as early as January 2011. DNR still needs regulations passed to give them additional authority to implement this system. Mr. Cox admits that this time line might be a lofty goal. Paul Johnson pointed out that guides are still limited to three registered GUAs including those from other land holders.

Clark Cox briefed a proposed scoring criteria but reminded people that this is not set in stone and has been changing at each meeting due to new input. There will be 100 points possible for each application which will be scored separately. Applications will include easily verifiable information such as copies of licenses and certificates.

The first scoring criteria will be relevant experience as a hunting guide and business owner for 25 points. Sub-factors include such things as:

- 1) your personal knowledge of the industry,
- 2) your demonstrated ability to work with other individuals and agencies,
- 3) that you have all of the required licenses for your business (business license, guide licenses, USCG, FAA, etc...), and
- 4) the level of development needed to facilitate your business.

The second scoring criteria will be your operating strategies to conserve and protect the natural resources of the area for 30 points. Some sub-factors include:

- 1) your demonstrated willingness to protect wildlife and habitat resources,
- 2) protecting cultural and historical sites and resources,
- 3) a proven commitment to improve the industry and resources, and
- 4) stewardship projects to complete and improve the area.

The third scoring criteria will be your business plan for operating a successful business while providing a quality service for the clients for 30 points. Some of the sub-factors include:

- 1) how client and business services will be provided in a safe manner,
- 2) how the concessionaire is going to provide a quality hunting experience
- 3) a business plan that encourages cooperation with local communities,
- 4) your operations plan, this is going to be a big one that talks about your fuel handling, training, locations, camp development, client services, etc...

The fourth scoring criteria will be your financial ability to commit to operating a big game hunting business for 15 points. Some of the sub-factors are:

1) do you have the available funds on hand now to offer this level of service?

2) does your business generate enough revenue for this level of commitment (this is up to a ten year commitment between the agency and individual),

They do not want this to turn into people writing great prospectuses that they are unable to fulfill.

Even though this is already the 100 point criteria there is a fifth scoring criteria where points will be lost for violations, citations, convictions, and defaults. There are no points to be earned here. You could lose up to 30 points. They are thinking of going back ten years for hunting and fishing violations right now. They will check on felonies and defaults to other land agencies by working with occupational licensing, public safety, and other land agencies.

Clark Cox stated that the DNR land subcommittee has been very valuable to them as well and that he would like to encourage its continuation beyond this meeting.

Paul Johnson opened this discussion to board questions. Brenda Rebne pointed out that holders of federal concessions must also have state use so how will these work together? This is in regards to a letter from Bob Toby, a biologist in GMU 11. Mr. Johnson answered.

Mr. Johnson was concerned that the panel will not have representation from the industry and suggested that the applicants will be numbered and not named. Mr. Cox answered that this is still in a development stage.

Ted Spraker complimented the completeness of the proposed scoring system. Mr. Spraker asked in regards to stewardship what guarantees there were that a guide would not exceed his planned harvest towards the end of his ten year commitment. Mr. Cox answered that there will be a fee bid system starting at \$1,000.00 per year used and that it will be possible to offer other forms of payment such as a head fees, a per animal fee, or work including clean up. Stewardship clean up could include trail maintenance, old camp clean up, restoration, and keeping public access open in lieu of fees. The most popular option seemed to be an additional per hunter fee or limits on hunters as part of the bid. Mr. Spraker pointed out that some game populations may change a lot such as in predator management areas. He suggested that the contract might allow a percentage harvest which would reward a guide for good stewardship and likewise he would take his lumps for bad game management. Mr. Cox answered that there has been some conversation about changes in game population and the economy in these commitment contracts.

Brenda Rebne asked if there have been any considerations for other use groups in these concession areas. Mr. Cox answered that this is specifically for big game guides and will have no effect on other users such as commercial rafting, eco-guides, or bird watchers. Mr. Johnson asked board members to take moment to look at maps before moving on to other agency briefings.

Recess The Board adjourned at 9:40 a.m.; reconvened at 10:15 a.m.

Item 11. State & Federal Agency Testimony

A. Alaska Bureau of Wildlife Enforcement (ABWE)

Mr. Johnson requested that Dave Lorring, Liaison, Department of Public Safety, Alaska Bureau of Wildlife Enforcement (ABWE) and Captain Burke Waldron, Alaska State Troopers come forward and share any concerns they may have.

Dave Lorring from the Division of Wildlife Troopers briefed current their staffing as 97 authorized and 90 positions filled. Under Gov. Palin's administration they plan to recruit 2-4 new troopers from the academy and the rest from transfers. There are plans to reopen the Yakutat station in spring of 2009 and acquire two new super-cubs putting more trooper/pilots in the field.

Mr. Lorring reviewed GMU23 where the caribou herd has declined from over 500,000 to about 380,000. The good news is that there have been no meat waste cases there this year compared to 3-4 years ago when there were many. He attributes this to an effective education program. The Point Hope meat waste case is still an active investigation and pending case.

Troopers have been receiving a lot of complaints on state land about hunter conflicts. Usually between resident hunters and non-resident transported and guided hunters. In Prince William Sound and south east Alaska there is still concern that hunters are on upland water ways without permission.

Bear baiting is an effective way to harvest black bears. Ketchikan biologist is requiring GPS coordinates of baiting stations which the board has given their blessing to. The troopers support this and are asking biologists all over the state to consider making this a requirement on bear baiting permits.

Wildlife Violator Compact is a law signed last July by Gov. Palin. First this currently includes 23 states. Second it provides a list of names of violators prohibited from obtaining hunting licenses. This will become an electronic list so as Alaska moves to electronic hunting and fishing license application violators will be blocked. Third this will extent Alaska's jurisdiction over violators to suspending their licenses in other states.

Captain Burke Waldron introduced Lt. Bernard Chastain, the new board liaison as well as the liaison to the board of fish and game. Capt. Waldron commented on the Wildlife Violator Compact and how it will benefit the troopers. He also followed up on permanent bear baiting stations and tree stands; they are an eye sore for all over users. Since they are permanent they are not currently required to be removed but they are working on that issue. In some cases these are two story structures with generators and refrigerators.

Troopers are still having problems with visitation, participation, supervision, and subcontracting definitions being too broad to enforce. As it stands now there are no criminal provisions under 12 ACC so there only option for supervision and hunt record violations in the field is to charge violators under (Sec.) 08. Capt. Waldron proposed "strict liability" adoptions for 12 ACC which is like speeding tickets in that there is no burden to prove that they intentionally did it or knowingly did it. This would take the burden off the attorney general but would carry no possible jail time or automatic licensing implications.

The definition of "field" under (Sec.) 08(.54.790(6)) is too broad and needs to be clarified even though this would take a legislative action. An example is the use of helicopters to transport hunters to permanent lodges where they then take other vehicles to hunt. Supervision is also too broad and depending on what the board's intention is this may need some cleaning up.

Paul Johnson commented on the tree stands.

Brenda Rebne asked if the troopers had any proposed wording that would fix these grey areas. She also asked for more clarification on strict liability. Capt. Waldron answered regarding the strict liability question explaining that it changes a misdemeanor into a violation. This lowers the threshold of proof for the troopers but it also lowers the fines and does not allow for any jail time or forfeiture of equipment. While there would be not statutory action on the licensing the board could still take administrative actions. Mr. Johnson commented on a point system and that the member who had previously headed a subcommittee looking into this has stepped down so it fell through the cracks. He plans to set up a new committee between now and March and invited the troopers to sit in on the committee.

Brenda Rebne described a scenario where private property borders NPS land. When a hunter illegally takes game on the NPS land there is an immediate response and the illegally harvested game is confiscated and donated but if the same thing happens on private property the trespasser is getting to keep the illegally taken meat. Capt. Waldron answered that the statutes for criminal trespassing are fairly specific for posting and since most private lands are not fenced and adequately posted it is hard to prosecute. Brenda Rebne explained that these lands are carefully posted and that game has been taken within reach of the posted no trespassing signs but that this is not the problem. They are spending a million dollars each year on posting since these lands are so accessible. The problem is that even though the trespasser is cited he can still keep the meat. Capt. Waldron answered that if the person is cited they should not be keeping the meat. In some cases the meat may be kept for evidence. Each trooper station keeps a local charity list. Brenda Rebne restated that trespassers are keeping and know that they can keep meat because they are not committing a game violation and ask what can be done about this. Capt. Waldron asked for clarification, through the chair, and then stated that he could not answer that problem at this time. Dave Lorring stated that there is no forfeiture clause under the trespassing law since the kill immediately become the property of the hunter. A judge could specifically require the meat to be forfeited.

Brenda Rebne asked how transporters could also be held accountable for dropping clients off who trespass. Leif Wilson pointed out that the transporter could be held for ethical violations under 75.440. Mr. Johnson suggested that this is another issue for the committee to sort out. Capt. Waldron pointed out that 08.54.720 Unlawful Acts exists to swing a bigger hammer at the problem.

Paul Johnson asked if he understood correctly that transporters were setting clients up bear baiting. Capt. Waldron answered that they were taking them out where they could bear bait but were not providing stations.

Mr. Johnson explained that the staff has gone to great expense and effort to provide numbered hunt records and asked enforcement to brief in March whether or not this was actually working well enough to justify continuing.

Paul Johnson stated that the board is in support of the Wildlife Violator Compact but wants to go on the record making sure that the guide whether or not he is a hunting license vendor is not held liable for not knowing that a client in the field or by deception is a violator. He wants to make sure that guides are the ones enforcement is holding culpable. Capt. Waldron stated that he doesn't want to say never but as a rule the guides will not be held culpable, as a rule. Since hunting and fishing licenses are not a public record guides and vendors at this time have no way of researching that a client has had his license taken in Alaska or another state. The only vendor who has access to this electronically is fish and game and does not have the software yet. As a rule the guide will not be held accountable for being unaware. If the guide discovered that a client or prospective client has had their privileges revoked in another state then it is their responsibility to terminate the hunt and turn the client in. They could be held accountable for knowingly aiding a client. Mr. Johnson wanted to make that clear for the board and public asking Cori Hondolero to send out a mailing with hunt records so that everyone is aware.

B. Division of Wildlife Conservation

Steve Titus, Deputy Director Division of Wildlife Conservation Department of Fish and Game also on board of game, introduced Suzan Bowen (Anchorage), Doug Larsen (Director), and Steve Machita (Regional Supervisor North West Alaska).

This is the last year for the spring permit drawing period; there will only be a fall drawing. There will also be a proposal to go from three to six drawing permits.

A proposal came up in the south east meeting in reads to black bear baiting stations that bow hunters will be required to be IBEP certified statewide.

A proposal that black bear harvest tickets be required statewide where ever sealing is required. This has been put into place in south east Alaska due to the high and growing number of non-resident black bear hunters on Prince of Wales and some of the mainland areas. The motivation is to gather more information on unsuccessful hunters.

A proposal to put together a bonus point system for unsuccessful hunters would give them more chances in future drawings. He gave the example of Delta bison unsuccessful hunters getting two chances the next year.

Mr. Titus feels that the DNR mapping and concession system will be a great benefit.

C. Bureau of Land Management (BLM)

Bob Schneider, District Manager for the Fairbanks District. BLM is trying to accommodate all users and distinguishes between sport and subsistence hunters; they include hunters who make their living such as guides under subsistence. Based on letter they are trying to develop more land use plans for guides and recently added four plans including the Squirrel River drainage. They will require transporter and air taxis to obtain special use permits but will not set limits. He wants to continue to take part in the DNR concession process.

D. US Fish and Wildlife Service

Brian Anderson, Permits Coordinated US Fish & Wildlife in Alaska, reminded guides that Friday the 12th of December 2008 was the close out date for bids on eight GUAs which were mailed to all guides. He hopes that the limited entry on DNR lands will continue.

Mr. Anderson spoke in regards to 75.440(B) concerning salt water vessel based transporters not actually entering the refuge lands so they are not issued special use permits. Their clients as members of the general public are not required to obtain permits for recreational or subsistence hunting. He is not sure that they can extend their permitting beyond refuge boundaries. He was interested in knowing how many transporters were operating in refuges.

State GUA mapping changes to ANWAR since guides might currently have to obtain three permits to fully use their GUA.

Paul Johnson invited Mr. Anderson back at 1:00p.m. Thursday to make realignments. Leif Wilson asked if the new database of TARs will be useful. Paul Johnson offered, for a small fee, to make more information available to them. Ted Spraker asked how many guides are currently on their six refuges. Mr. Anderson answered that there are 110 permitted guides on refuges. His number in Anchorage is 786-3379.

E. US Forest Service

Neil Hagadorn, Assistant Director for Recreation, Heritage, Wilderness, and Tourism Resources US Forest Service – Alaska (Juneau) whose number is (907)586-9336 was here mostly to comment on 75.440(B). While they support the board intent and will continue to work with the board on this, the Chugach and Tongass national forests do not require the general public to obtain permits and the transporters are remaining on salt water and forest service regulations do not permit them to require permits for point to point transportation. The US Forest Service is intrigued by the TAR database and would like to purchase access to this information.

F. Federal Aviation Administration (FAA)

No FAA representative attended.

G. National Park Service (NPS)

George Halbrisch from the NPS which is a federal land agency and part of the Department of Interior introduced Becky Brock and Kevin Atclark. He focused on Nooatak which has three guide concessionaires allowed to operate anywhere in 23-02 on a non-exclusive basis with each being permitted twelve clients. This works out well for the guides, clients, and natural resources. These companies provide safe, high quality services, with negligible impact on the environment.

He has spoken at earlier meeting as well about transporters, air taxis, and their clients conflicting with local subsistence hunters who believe that these are negatively impacting the caribou migrations. His office has come up with five ways to help improve this and he focused on three of those:

- 1) education where they meet with transporter at the beginning of each season providing information and video to minimize conflict in the field
- 2) enforcement including rangers operating by helicopter, fixed wing, and boat who visited 60 camps and spoke with over 120 hunters
- 3) analysis (810) which identified that transporters were having location specific and season specific effect on caribou migrations which has caused them to place a moratorium on incidental transporter permits and a limit on the number of clients for each transporter. There will be a maximum of 357 transporter clients.
- 4) participation in and support of the GMU 23 working group

Paul Johnson reminded everyone that we must be back by 1:00p.m. as public noticed. He also asked for a packet on this for board members. Leif Wilson also asked for the educational material and asked about air taxis. George Halbrisch answered that he would provide these materials and that they are managing these incidental transporter permits. Brenda Rebne asked if they had something like the TARs to track harvests from incidental transporters. Mr. Halbrisch answered that they do receive copies of TARs and AF&G provides harvest reports. Mr. Johnson asked who to contact at the NPS about making the database available. George Halbrisch answered that he was not sure who that was going to be.

12:02 p.m. The board adjourned for lunch; reconvened at 1:00 p.m.

Item 12. Public Testimony Regarding Public Noticed Regulations (12 AAC 75.235 Mapping)

Paul Johnson made opening comments and asked that speakers save any comments regarding the prospectus until Thursday the 11th of December. A tablet was provided to give testifiers a chance to write down there proposed changes.

Kelly Vrem, Master Guide 102

Although this is a good starting point he asked where did the lines drawn 03/08 go. Mr. Johnson answered. Mr. Vrem asked if the preliminary selectees in an area could further refine the number of users. He suggested a lottery system for 10, 11, or 12 year registrations to spread out the rush to reregister.

Jimmie Rosenbruch, master Guide 163.

He proposed a simple correction of the boundary between 04-11 and 04-12, near Kake, so that 04-12 will have the use of the fresh water estuary terminating in Chatham Straight. Mr. Johnson asked to coordinate with NFS.

Glen Holt, Registered Guide 1019.

Thanked board for being able to speak and mentioned that he sent in a letter to the march 2008 meeting. He is interested in splitting GMU16 into smaller GUAs to facilitate bear hunting:

- 16-03 add south shore of Chelatna Lake and all of Lake Creek from 16-04.
- 16-04 divided into two GUAs down Yentna River.
- 16-05 divided into two GUAs along Petersville Road.

Ted Spraker warned not to be short sighted since ongoing predator control measures might make moose hunts viable soon and that would favor larger GUAs.

Joe Klutsch, Master Guide 91.

Supported boundary changes (specifically 09-01) but gave a historic overview and caution. Mr. Klutsch suggested that general testimony should have been first. Paul Johnson answered.

Wayne Kubat, Master Guide 147.

Mr. Kubat referred to the ridge line boundary between 16-04 and 19-12. Federal and state boundaries overlap more than GMU/GUA boundaries do. He commented on keeping the registration limit of three GUA.

Lance Kronberger, Registered Guide 1150.

Mr. Kronberger referred to Map 2 where he suggested moving the 13-05/13-06 boundary from Klutena to Tazlina to improve sheep area access and to mirror the sheep draw area. Brenda Rebne asked question about sheep tags. Lance Kronberger answered. Leif Wilson asked if this will still be big enough. Mr. Kronberger answered yes, but not for larger number of transported hunters.

Clint Mayeur registered Guide 666.

He recommended moving the 13-05/1306 boundary to Tazlina Lake to mimic the sheep draw. He commented that they left one concession area out.

Dan Montgomery, Master Guide 173.

Mr. Montgomery suggested not moving boundary between 09-19 and 09-99 since 09-19 would not have viable hunting left but suggest moving boundaries so that all native lands are in 09-19 rather than spread out between 09-25, 09-23, and 09-19. He made the point that the boundaries should be kept on recognizable terrain features.

Mr. Montgomery recommended leaving the boundary between 13-05 and 13-06 as it is. Brenda Rebne asked about multiple concessions being used for the same GUA registration. Paul Johnson answered yes.

Loren Karro, Registered Guide 941.

She agreed with Dan Montgomery on everything this time. 09-19 would be made even smaller and 09-99 even larger than needed with no compelling reason to move that boundary.

13-06 needs no boundary change. She was also in favor of making concessions and GUAs the same.

Henry Tiffany, master Guide 144.

Mr. Tiffany referred to Map 5. He asked if concession limits and boundaries would be decided at the March 2009 board meeting. Mr. Johnson answered yes.

- Move the eastern boundary of 25-03A to conform to the western boundary of the ANWR.
- Leave the current, existing boundary (red line) between 25-02 and 25-03A. Do not adopt the proposed boundary change.
- Adopt the proposed boundary changes for 24-03 thus there would no longer be a 24-04 and 24-03, instead just one GUA 24-03.
- Move the existing (red line) boundary in 24-05 south to follow the boundaries of the Kanuti NWR and private lands.

Hughes Krank, Master Guide 154 (and on state lands committee.)

Mr. Krank asked who would be making the final decision on concession areas and number of users. Mr. Johnson answered that it would be DNR and that this board can only advise. Mr. Krank wanted to make sure that applicants knew their prospectus scores and that it be as objective as possible.

Mr. Krank requested that the 19-03 boundary be moved back to the original line so as not to cut his camp off.

Rich Guthrie, Master Guide 94.

Mr. Guthrie noted that the boundaries for 09-30, 09-31, and 09-32 do not follow state and federal land boundaries and need changed to correspond to USF&W permits. Mr. Johnson suggested that someone tried to follow the UCU lines. Mr. Guthrie asked for clarification on the three GUA registration limit regardless of concessions and federal concessions. He recommended not redrawing GUAs just to follow concession area boundaries since there are other land holders involved.

Mr. Guthrie stated that downtown Anchorage is a terrible place to hold a meeting and parking is awful.

Tom Kirstein, Master Guide 98.

- 09-99 amend boundary on the north end to clean up a little.
- Combine 09-11 and 09-12 then increase the users to four. The line down the middle does not work very well.
- 20-04 cannot support 12+ guides and still have viable quality type operations. Need to cut back to 3-4 or be split down the drainages into two GUAs.

Mr. Kirstein went into some history and cautioned against not taking action. He encouraged the board to look at solutions for long term viability.

Walter Sampson, President of the North West Borough Assembly.

Mr. Sampson began by commending board and DNR actions as well as the big game guides who pretty much work with the local communities to include providing good meat. He is concerned about competition between guides and other users in confined areas. Transporters are bringing in hunters who set up a line of camps in the Squirrel River area which are forcing traditional caribou migrations east. This is forcing subsistence hunters to buy more expensive fuel to harvest caribou. The villages are becoming more proactive by joining the planning dialogues with various agencies.

Mr. Sampson invited the board or a task force to meet in Kotzebue since GMU 23 is a hot spot. Mr. Johnson thinks that once we get through some of these issues that coming to Kotzebue would be a very wise move. Brenda Rebne asked about the increase in non-resident hunters. Mr. Sampson stated that the increase is being facilitated by transporters.

Rocky McElveen, Registered Guide 885.

Mr. McElveen suggested absolving 19-15 by extending 19-03 down the west side of the Holitna River and 19-04 on the east side of the Holitna River with an increase in concessionaires in each area. He also recommended increasing guides in 17-03 to at least eight.

Recess The Board recessed at 2:58 p.m. for break; reconvened at 3:17 p.m.

Erik Kenning, ASRC.

Mr. Kenning commented on Map 5 recommending that 26-09 follow the Uniformed Coding Units (UCU) boundary to the east. This is native corporation land where it butts up against Arctic National Park which does not allow any sport hunting or guided hunting at this time. There have been some boundary changes which need addressed by his updated map. Brenda Rebne clarified that if ASRC ever allows guided hunting that it would not be part of the DNR concessions process.

Brian Peterson, Master Guide 114.

Mr. Peterson requested that 08-28 and 08-02 be combined and made one concession area due to very little usable hunting land there. He also cautioned the board about aligning GUAs with concession areas until we see how displaced guides fall out.

Uuallaysaaq T-ohleasik, NWAB.

"Tom" commented on Map 5 and 23-01 asking that the boundaries be aligned with the borough to help clarify use permitting. He asked if there could be "transporter use areas" in the future to help limit this use. Mr. Johnson answered.

Thor Stacey, Registered Guide 1189.

Thor Stacey commented on Map 5.

- Change the boundary between 24-05 and 24-02 to the southern extent of the stateland in 24-05 so that the federal concession within the Canadian National Wildlife Refuge only require one GUA registration.
- He suggest using distinct terrain for boundaries until coordinates can be provided.
- He supports consolidating 24-03 and 24-04 to form one more economically viable GUA, 24-03.
- He suggests not accepting the proposed boundary change between 25-02 and 25-03 to a river boundary instead of the valley between the North Fork and Middle Fork of the Chandalar River; using river boundaries is a poor choice since game wounded on one side might cross the river into another GUA.
- He suggests making the eastern boundary of 25-03 the same as the boundary between state and federal land.

Thor Stacey went on to say that being a younger guide he recognizes that the DNR limited entry concessions will cause him difficulty getting an area in the short run but that he thinks that this is in the best interest of the state and profession in the long run.

Ted Spraker stated that he appreciated Thor Stacey's closing comments and long term view.

Paul Johnson asked if we kept the proposed lines can Thor Stacey register a partial GUA. Yes, since it is a federal concession (08.54.750(d)).

Chuck McMahan, Registered Guide 457.

Mr. McMahan applauded the direction the board is taking but cannot give 100% support until it is fleshed out and done. He went on to say that transferability is a big issue. Mr. McMahan addressed map 2:

- 12-01 can support two users.
- 13-02 do away with the arbitrary dividing line and allow more users in the combined GUA.
- 13-05 one of the concessions' number was omitted.
- 13-04 can support two users.
- 11-01 should follow old lines so that private land permits can still be used.
- Concession boundaries as well as GUA boundaries should be allowed to change if land that is privately selected but not conveyed yet is conveyed later.

Mr. McMahan stated that it is important to get this final product of this mapping and concession area out to all active guides, not just the ones who attend board meetings, and to get a consensus. Brenda Rebne commented on land use authority.

David Walters, Registered Guide 1103.

Commenting on Map 5 Mr. Waters suggested moving the boundary of 26-06 and 26-07 over to the Haul Road.

Creig Butler, Registered Guide 1106.

Mr. Butler expressed concerns over the "science" of these changes. He pointed out that on map 6 17-03 shows only three guides in an area of over 200 miles of river system in there and he feels that it can sustain six or seven users. 19-03b could have forty in there as well. He feels that the resources could be used better.

Mr. Johnson pointed out that that this board is only making suggestions to DNR who will then public notice their intentions.

Jeff Burwell, Master Guide 162.

- 4-11 should follow drainage and include all of Freshwater Bay.
- GMU 11 need to be divided as needed (old boundaries).
- 12-01 (Tok) could support two guides.
- 12-03 has limited state land if someone wants to try it.
- 20-08 XXX should remain in 20-08 since it is too small to support a guide by itself then increase 20-08 to two guides.

He sees potential conflicts from sheep guides competing for draw permit hunters and then being confined to too small of an area which might require draw permit allocations. He feels that it would be a bad mistake to split and align GUAs with concession areas since there are multiple land holders in existing areas that make operating there more viable.

Dave Morris, Master Guide 133.

Mr. Morris addressed map 5:

- Supports consolidating 24-04 into 24-03 and increasing users to two.
- 25-02 original boundaries rather than down the North Fork of the Chandalar River which could cause some confusions. This could sustain two users. This take care of the western boundary of 23-03a.
- 25-03a eastern boundary should follow the (Arctic) refuge line.
- Changing to Map 2, 20-02 should be divided into two concession areas with one user each. The western boundary would be the Kantishna River and the northern boundary starting at the UCU line near the Toklat and Kantishna confluence and then following the UCU line SE then NE.

Mr. Morris commented on the earlier comments about holders of federal refuge permits being limited on or excluded from DNR concessions. These federal permits are not that coveted and these guides were sometimes displaced from DNR lands in the past.

Dave Leonard, Master Guide 81.

Dave Leonard submitted a map which also supported several other guides testimonies. He addressed Map 5:

- Change the boundary between 24-05 and 24-02 to match native lands and refuge along southern edge to make the area more viable especially for moose.
- 24-05 can support three users.
- 09-31 and 09-30 have a small triangle of land controlled by USF&W under the same refuge permit as 09-32 but is not contiguous. Mr. Johnson pointed out that under 8.54.750(d) it could be a partial registration for a 09-32 holder.
- 23-02 can support three users.
- 26-12 can support three users rather than one since it is so large.
- 26-13 can support three users rather than one.
- 23-02 and 26-13 have a combined sheep draw.

Michael Litzen, Master Guide 129.

Mr. Litzen postponed his comments to Thursday since they were directly related to mapping.

Nathan Mudd, Assistant Guide 5740.

Mr. Mudd proposed that 08-30 operators be increased from four to six since the bear harvest there has doubled. Mr. Mudd will be taking the registered guide examination Thursday and Friday.

Joe Letarte, Master Guide 121.

Mr. Letarte commented on 20-04 and suggested that it could support twelve users. Mr. Letarte also commented on the confusion between DNR and Occupational Licensing regarding the mapping and concession projects.

Ernie Finch, Registered Guide 999.

Mr. Finch referred to Map 2 recommending that the southern boundaries of 20-05 and 20-04 be pushed back about ½ mile to follow the ridgeline contour. Mr. Johnson pointed out that this would not follow the UCU line but would follow the Wood River use area.

Neil Webster, Registered Guide 645.

- 16-04 can support four users rather than one.
- 13-02 can support three or four rather than two.

Mr. Webster recommended looking down the road five years and predicting where game populations will be and whether or not areas will be reopened to non-resident draws.

Mr. Johnson is also hopeful that predator control will improve game numbers but that this is a ten year plan.

Mr. Spraker asked how many guides 13-05 and 13-06 could support. Mr. Webster answered three and two respectively.

Matt Schneider, Registered Guide 882.

- 20-11 should go back to one GUA or follow reserve boundaries.
- 20-08 should stay the way it was including the XXX portion.
- 12-01 can support right two guides.

He feels that concession areas should follow the GUAs and that the DNR panel reviewing concession prospectuses definitely needs a guide or one or two board members to sit on it.

Jim Kedrowski, Registered Guide 956.

- 25-02 should keep original boundary and can easily support three or four users instead of one.
- 25-03 should be moved back to original boundary.
- 09-29 currently has no user number listed and should have one.
- 25-03 federal and state boundaries should be realigned so as not to overlap.

Mike McCann, Master Guide 107.

- 25-02 moved back to original line.
- 24-03 also moved back to original line.

Rick Kinmon, Registered Guide 1266.

Mr. Kinmon suggested 20-07 get the sliver near Black Rapids Glacier (XXX) rather than 20-08 which is larger.

Mr. Kinmon also asked about points on the prospectuses for veterans and residents. He also asked about tie breakers since this will be a very competitive process.

Ted Spraker pointed out that XXX is part of the Delta Control Area and it might make more sense to keep it in 20-08 along with the rest. Mr. Kinmon answered that it was more accessible to 20-07.

The meeting adjourned at 5:09 p.m. until Thursday at 8:30 a.m.

Thursday, December 11, 2008

Item 13. 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. Mr. Johnson delayed roll call.

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

Karl Marx, Licensing Examiner (A-K)
Cori Hondolero, Records and Licensing Supervisor
Quinten Warren, Investigator

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Brian Anderson, US F&W
Lori Townsend, APRN
David Case, NWAB
Bill Tremblay, USFS
Chris Savage, Tongass NF (Petersburg)
Cliff Larson, DNR

Present from the public were:

Rick Kinmon, Registered Guide-Outfitter 1266
Riley Pitts, Assistant Guide 5160
Mark Enyeart, Assistant Guide 4436
Wayne Kubat, Master Guide-Outfitter 147
Tom Krueger, Registered Guide-Outfitter 936
Carolyn Krueger, Public
Tom Kirstein, Master Guide-Outfitter 98
Mike Shaw, Registered Guide-Outfitter 1238
Arno Krumm, Registered Guide-Outfitter 1239
Ben Holbrook, Registered Guide-Outfitter 1233
Samuel Madrid, Registered Guide-Outfitter 791
Joey Klutsch, Class-A Assistant Guide 774
Jim Kedrowski, Registered Guide-Outfitter 956
Braun Kopsack, Master Guide-Outfitter 179
Hugh Les Krank, Master Guide-Outfitter 154
Joe Klutsch, Master Guide-Outfitter 91
Loren Karro, Registered Guide-Outfitter 941
Dan Montgomery, Master Guide-Outfitter 173

Joe Schuster, Registered Guide-Outfitter 912
Dan Aasmundstad, Registered Guide-Outfitter 926
Jim Weidner, Registered Guide-Outfitter 1004
Ralph Miller, Master Guide-Outfitter 169
Ben Stevenson, Registered Guide-Outfitter 1134
Michael Wade Renfro, registered Guide-Outfitter 1140
Tony Lee, Master Guide-Outfitter 105
Jake Jefferson, Registered Guide Outfitter 1060
Jeff Burwell, Master Guide-Outfitter 162
Chuck McMahan, Registered Guide-Outfitter 457
Jonalyn Lavianas, Public
Tom Atkins, Registered Guide-Outfitter 727
Bill Stevenson, Registered Guide-Outfitter 661
Frank Danford, Registered Guide-Outfitter 985
Connie Werba, Public
Bruce Werba, Registered Guide-Outfitter 1223
Brad Dennison, Master Guide-Outfitter 138
Paul Malone, Registered Guide-Outfitter 1163
Pete Barela, Registered Guide-Outfitter 1272
Mike McCann, Master Guide-Outfitter 107
Matt Wolfe, Registered Guide-Outfitter 740
Frank Bishop, Registered Guide-Outfitter 933
Henry Tiffany, Master Guide-Outfitter 144
Neil Webster, Registered Guide-Outfitter 645
Chris Zwolinski, Master Guide-Outfitter 145
Kelly Vrem, Master Guide-Outfitter 102
Matt Snyder, Registered Guide-Outfitter 882
Ron Warren, Registered Guide-Outfitter 782
Seth Kroenke, Registered Guide-Outfitter 1267
Mike Warner, Assistant Guide 7068
Fred Sorenson, Registered Guide-Outfitter 906
Abe David, Transporter 98
Dennis A. Byrne, Registered Guide-Outfitter 1056
Joe Romano, Registered Guide-Outfitter 1177
Dale Adams, Master Guide-Outfitter 168
John Latham, master Guide-Outfitter 103
Steve Johnson, Registered Guide-Outfitter 978
Dave Leonard, Master Guide-Outfitter 81
Creig Butler, Registered Guide-Outfitter 1106
Dave Morris, Master Guide-Outfitter 133
Jim Bailey, Master Guide-Outfitter 88
Jeff Brand, registered Guide-Outfitter 1258
Micah Ness, Assistant Guide 5507
Erik Salitan, Assistant Guide 5505
John Rydeen, Registered Guide-Outfitter 1269
Martin Balukas, Registered Guide-Outfitter 1255
Scott McRae, Registered Guide-Outfitter 1149

Bob Jewett, Registered Guide-Outfitter 1231
Bob Eubank, Registered Guide-Outfitter 466
Glen Holt, Registered Guide-Outfitter 1019
David Walters, Registered Guide-Outfitter 1103
Preston Cavner, Registered Guide-Outfitter 1054
Dave Flynn, Registered Guide-Outfitter 520
Jim West, Registered Guide-Outfitter 1217

Item 14. Division Business

Travel authorizations (TAs) were distributed and collected from board members.

Paul Johnson took this opportunity to brief the DNR subcommittee.

Item 15. Public Testimony Regarding Public Noticed Regulations (12 AAC 75.250 and 12 AAC 75.440(b))

Wade Willis, public.

(250) Mr. Willis commented on the desire to enhance and downsize the guide industry by requiring more than five minutes of face-to-face time between the contracting guide and client to improve the quality of hunts.

(440(b)) Mr. Willis stated that he supports measures to control transporters but that there was not enough representation from the general hunting community who depend on transporters.

Mr. Johnson explained that these board meetings are public noticed the exact same way as other licensing function boards such as morticians. He brought this up since one of our licensing examiners also handles morticians even though he would like them the examiners just for this board.

David Case, NWAB.

Mr. Case appreciated the attentions of the board with concerns to rural Alaska.

Mr. Johnson we would certainly like to keep rural Alaska included and reminded board that Walter Sampson has invited the board to meet in Kotzebue.

Mr. Spraker with meat coming up in GMU 23 so often and Kotzebue is the hub for this meat it seems that a meat processing plant would be a very profitable industry. Mr. Case is concerned that it is such a small window to conduct business. They discussed providing a community freezer space and combing it with another business. Mr. Case reminded Mr. Spraker that he is just a lawyer and invited these suggestions to be brought up to the assembly.

Ralph Miller, Master Guide 169.

(250) Mr. Miller asked if another subcommittee could be formed to look into supervision and contact this time including public safety and legal. Mr. Johnson asked if Mr. Miller would be willing to chair this subcommittee while these parties are present. Mr. Miller was willing.

Kelly Vrem, Master Guide 102.

(250) Mr. Vrem proposed a simple requirement that would allow operators to customize the supervision and contact requirement to their individual operations. This would require the contracting guide to declare in writing to the Department of Commerce where their headquarters will be and provide a concise means of communications for their clients and assistants. If the client is not satisfied the guide is obligated to meet with them face-to-face or the client will have recourses with weight to them.

Mr. Johnson asked that this be taken up by the subcommittee.

The board was ahead of schedule due to so few relevant public testimonies so Mr. Johnson gave instructions to the DNR and Supervision subcommittees to meet while moving ahead to board discussion.

Item 18. Board Discussion

A. Roll Call. Mr. Johnson, Chair of the Big Game Commercial Services Board instructed to begin a roll call at 9:03 a.m. Members present and constituting a quorum were:

Ted Spraker, Board of Game
Leif Wilson, Transporter, Vice-Chair
Brenda Rebne, Private Landholder
Paul Johnson, Registered Guide-Outfitter, Chair
BJ Schmitz, Public Member

B. Review of Compensation Regulation.

Mr. Johnson consulted with Mr. Saxby regarding any final changes to the proposed compensation regulation. Mr. Saxby directed that the word **“provided”** be struck from the final form. Mr. Johnson gave a brief history of (12 AAC 75.930 & 75.990 DEFINITIONS (a) (5)) which was approved by the board at the March 2008 meeting and was sent to attorney generals office for reworking. This is something that the Forest Service in the south-east has been waiting for.

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

RESOLVED to strike the word “provided”from 12 AAC 75.930.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
BJ Schmitz	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Saxby pointed out that there is already a 75.930 but the technical rule is that the numeric title is not part of the regulation so the vote to approve the reworked form can go forward.

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

RESOLVED to approve 12 AAC 75 amended by adding a new section to read:

12 AAC 75.930. Compensation: form and time received. For the purposes of “compensations” as defined in AS 08.54.790, ‘payment for services” includes receiving remuneration, directly or indirectly, for any provision of services, equipment, or facilities in the field to a person who, in fact,

(1) engages in big game hunting; and

(2) uses or benefits from the services, equipment, or

facilities.

Roll Call Vote

NAME	YES	NO
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Johnson explained and delegated mapping issues for board members to present.

C. Wording for Applications.

Mr. Spraker presented a statement to be added to each license application:

A person who provides false information or omits a material fact on an application for a license or a license renewal, under AS 08.54 and 12 AAC 75., may be subject to license denial, suspension, or revocation.

Investigator Quinten Warren suggested that "may" be changed to "shall" to align with wording of 08.54.710(d). After some discussion with Ted Spraker and Brenda Rebne, who felt that "may" gives some wiggle room, Quinten Warren agreed since it is only advisory. Since license applications are not regulatory the board can direct these changes.

Karl Marx pointed out that the most common "Yes" answer that holds up licenses is for "(Have you:) ever been arrested and/or fingerprinted by law enforcement?" Although the intent is asking if the applicant has ever been fingerprinted for a crime some applicants are answering "Yes" because they were fingerprinted for security jobs, military, concealed carry permits, USCG licenses, etc... This requires that the application be reviewed which Quinten Warren added increased his workload. At Quinten Warren's recommendation the board approved changing the wording to:

(Have you:) ever been arrested?

Brenda Rebne asked if renewals with "Yes" answers were being automatically renewed. Quinten Warren answered that since the courts have ruled that licenses were property they are being renewed but are also renewed. He added that it is much easier to deny a license than to take one away.

Karl Marx and Quinten Warren asked the board if they had more cut and dry guidance on what application "Yes" answers the staff could go ahead and process and what the board would need to automatically review. Mr. Warren gave some history and examples for newer board members. The board

expressed that they were comfortable with the way the staff was handling application reviews at this time.

D. Master Guide Negative Recommendation Letters.

Karl Marx presented the case of a recent applicant for a Master Guide license. Master guide applicants are required to submit a list of 25 clients and receive at least 10 favorable recommendations. Rather than cherry pick favorable clients this applicant submitted his whole client list for the past twelve years and received a few negative letters as well as more than enough favorable. While the Master Guide license was issued this was unusual enough that staff wanted to make sure that the board was briefed.

Paul Johnson gave some history on the original Master Guide licensing and that it also was intended to require that the applicant have no violations. He asked that board members take some time to consider what higher standards Master Guides be held to.

Ted Spraker requested that additional standards for Master Guide licenses be added to the March 2009 agenda.

Recess The Board was instructed to stand at ease at 9:50a.m to prepare maps; reconvened at 11:33a.m.

E. DNR Subcommittee Briefing.

Bobby Fithian commented that the subcommittee has been very useful and he strongly encourages additional attendance and comments. Brenda Rebne brought back up the discussion of staggering the concession applications from 7 to 10 years to avoid a bottle neck. Bobby Fithian answered that steps were being taken with DNR to make a smooth transition on this go around of prospectuses. Paul Johnson expressed the board's appreciation of his work and authorized him to continue at the March 10-12, 2009 board meeting in Fairbanks.

Bobby Fithian commented that he was still trying to pay off the parking tickets from the last board meeting at UAF. Karl Marx briefed that parking permits were already being addressed with the UAF Wood Center. These parking procedures should be posted with the agenda.

Mr. Fithian asked that the subcommittee meetings will be public noticed and that while the public cannot speak at these meetings they are able to listen in.

F. Supervision Subcommittee Briefing.

Ralph Miller with Kelly Vrem briefed that while the meeting was real productive it looks like it is going to require a statute change by the legislature. Working with Kevin Saxby they suggest that instead of "in the field" the wording be changed to "in the guide use area (GUA) or adjacent." Paul Johnson asked about the timeline of this rewording. Kevin Saxby suggested wording changes to 08.54.610(e).

11:54a.m. The board adjourned for lunch; reconvened at 12:57 p.m.

Bob Mumford returned and was added to roll.

Item 16 Adopt/Amend Regulations

A. 12 AAC 75.250(a)

After taking into consideration subcommittee findings and public comment the Board thoroughly discussed and took the following action.

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

RESOVLED to accept a new regulation, 12 AAC 75.250(a) with the word "also" dropped and concerning participation and supervision of hunts.

Roll Call Vote

NAME	YES	NO
BJ Schmitz		X
Ted Spraker		X
Leif Wilson		X
Brenda Rebne		X
Paul Johnson		X
Bob Mumford		X

THE MOTION FAILED BY A MAJORITY VOTE.

B. 12 AAC 75.440(b)

Brenda Rebne made a motion to add "borough, and municipal" and "freshwater." No second. Kevin Saxby explained that boroughs and municipalities operate under statutes and are not private land holders.

Paul Johnson commented that while it is not easy to vote against this measure, the federal land holders that this was meant to help cannot support it.

After taking into consideration subcommittee findings and public comment the Board thoroughly discussed and took the following action.

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

RESOVLED to accept a new regulation, 12 AAC 75.440(b) concerning permission by transporters for upland use.

Roll Call Vote

NAME	YES	NO
Paul Johnson		X
Bob Mumford		X
BJ Schmitz		X
Ted Spraker		X
Leif Wilson		X
Brenda Rebne	X	

THE MOTION FAILED BY A MAJORITY VOTE.

B. 12 AAC 75.235 (mapping)

Paul Johnson asked Kevin Saxby about bringing up representatives from federal land in GMUs 26 and 25 to speak again. Mr. Saxby answered that the board has the ability to call on experts but cautioned not to confuse it with another chance to make public testimony that the public at large does not get.

Map #1

A motion to put Map #1 on the table was made by Leif Wilson and seconded by Brenda Rebne.

Paul Johnson asked for any board comments and explained the proceedings.

Ted Spraker brought up the public comments made about moving the boundary between 04-11 and 04-12 east towards the cape. Mr. Johnson had asked that the speakers verify with land holders that this boundary could be moved and since they had not reported back the vote would be without this change.

After taking into consideration subcommittee findings and public comment the Board thoroughly discussed and took the following action.

RESOVLED to accept Map #1, 12 AAC 75.235 with no amendments.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Map #2

A motion to put Map #2 on the table was made by Leif Wilson and seconded by Brenda Rebne. Paul Johnson called for board comments.

A motion to take away the line between 20-11a and 20-11b recombining them into one GUA was made by Mr. Wilson and seconded by Mr. Spraker. Mr. Wilson added that this was historically one GUA and the boundary lines were meant for concession areas not GUAs. The game is primarily caribou which move around in this underused area. Seeing no objections this change was made.

A motion to amend GMU 11 back to old GUA lines was made by Mr. Wilson and seconded by Mr. Spraker. This will return the original four GUAs. Mr. Saxby and DNR wrote the lines back in. Seeing no objections this change was made.

A motion to change the boundary between 20-05 and 20-04 to the ridge to match the Wood River control use area line rather than the 2,000' contour line was made by Mr. Wilson and seconded by Mr. Spraker. Seeing no objections this change was made.

A motion to recombine 16-03a and 16-03b was made by BJ Schmitz and seconded by Ted Spraker. This split was made due to a confusion of GUAs and DNR concession areas. Seeing no objections this change was made.

Mr. Spraker commented on GMU 13 which had two people testify one way and two another. After consulting with fish and game he proposed making no changes.

Mr. Saxby clarified that without making changes a "Yes" vote would be to accept the salmon colored lines.

After taking into consideration subcommittee findings and public comment the Board thoroughly discussed and took the following action after seeing no more proposals.

RESOVLED to accept Map #2, 12 AAC 75.235 with amendments.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Map #3

A motion to put Map #3 on the table was made by Leif Wilson and seconded by Ted Spraker. Paul Johnson turned the Chair over to Vice-Chair, Leif Wilson.

A motion to move line back to original between 09-19 and 09-99 which was Mud Creek was made by Mr. Johnson and seconded by Mr. Mumford. Seeing no objections this change was made.

A motion to combine 09-12 into 09-11 was made by Mr. Johnson and seconded by Mr. Mumford. This is due to caribou migrations. Seeing no objections this change was made.

A motion to restore the little Wildlife Refuge land to 09-31 was made by Mr. Johnson and seconded by Mr. Mumford. This land use is ties with 09-32 but is not contiguous and is a missed opportunity. Mr. Spraker commented that this would be done in hopes that fish and wildlife would combine this concession with the federal use. Seeing no objections this change was made.

Mr. Saxby pointed out that in cases where old red lines are readopted that the red boundary lines be extended on out to the new seaward boundaries like the salmon lines.

After taking into consideration subcommittee findings and public comment the Board thoroughly discussed and took the following action after seeing no more proposals.

RESOVLED to accept Map #3, 12 AAC 75.235 with amendments.

Roll Call Vote

NAME	YES	NO
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Recess The Board was instructed to stand at ease at 1:49p.m to update maps; reconvened at 1:56p.m.

Item 17 Public Comment (open)

Mr. Johnson announced that the board would break for published public testimony as scheduled but due to the importance of completing the mapping asked those who signed up to please keep their comments brief and relevant.

Mike Warner, Assistant Guide 7068.

Mr. Warner asked about the legality of what he wants to do. He owns a home in a community on Prince of Wales Island. He asked if he is legal to rent his boats and lodging out to deer and bear hunters.

Mr. Johnson suggested that Mr. Warner talk with Mr. Saxby and Mr. Lorrington while they were here.

Brian Peterson, Master Guide 114. (Kodiak)

- Mr. Peterson suggested changing Guide Use Areas (GUAs) to "Commercial Use Areas" and this would give the board the authority to make transporters register for their areas.
- He also suggests that the legislature change the statute allowing DNR to limit day use.
- Permanent structures were never intended to be considered to be in the field.
- The Alaska Department of Labor needs to be brought in to deal with illegal subcontracting.
- Land use authorization needs to be limited to a natural person rather than a corporation.
- We need enforcement to back up the board or none of this matters.

Wayne Kubat, Master Guide 147.

Mr. Kubat wanted to make sure that access to federal concession areas be taken into account by DNR and their concession areas.

Airplane ethics changes were made at the November 2006 meeting that never made it into the book.

Mr. Johnson answered that Mr. Saxby would be looking into this.

Tom Kirstein, Master Guide 98.

Deferred at this time.

Wade Willis, Public (Defenders of Wildlife).

Mr. Willis addressed hunting clubs in GMU 16 set up by Sportsman Habitat last year. They required a membership fee to bring outside black bear hunters into GMU 16 where they received benefits such as bait stations and lodging. Mr. Willis contacted Quinten Warren about this but it was not under this board's jurisdiction so it was sent to the wildlife troopers. Mr. Willis contacted the troopers but they stated that they were too understaffed to address these issues.

Mr. Willis expressed his concerns that this board only represents the interests of the profession without bringing in other hunters.

Mr. Johnson answered that we do put notifications in the paper and notify other groups. This board also includes other agencies and private landholders in these open meetings.

Chad Reel, Steve Perrins, Arno Krumm, Tom Atkins, and Jeff Burwell all offered to wait until the March 2009 meeting to make their comments.

Bill Stevenson, Registered Guide 661.

Mr. Stevenson gave some history and supports the DNR limited concession areas. He also passed along the support from a resident hunter, Mike Graves.

Bill Stevenson brought up that earlier this year we lost Frank Dinello and Ken Lancaster.

Michael Litzen, Master Guide 129.

Mr. Litzen commented that the 2008 hunt records were hard to use because the license blocks were too small. Karl Marx showed him a copy of the improved and numbered 2009 hunt records. Mr. Johnson asked that Public Safety brief how useful the numbering is at the March 2009 meeting.

Mr. Litzen also stated his support of the board and the efforts that the board has gone through to give all interested parties a chance to be involved.

Dale Adams, Master Guide 168 (Sitka).

Mr. Adams stated his support for the area system and feels that it benefits the resident hunter and wildlife viewer.

Tom Krueger, Registered Guide 936.

Mr. Krueger stated that transporters have overrun him in GMU 16 and are setting up illegal camps. Quinten Warren told him that he needs more teeth to go after these violators. Transporters need more accountability.

Glen Holt, Registered Guide 1019.

Mr. Holt seconded Tom Krueger's comments. He has also had problems with transporters and fishing helicopters driving off his bears in GMU 16,

Bobby Fithian, Master Guide 126 (APHA).

Mr. Fithian briefed that Alaska Professional Hunters Association (APHA) represents about 140 Alaskan guides and is constantly involved with board of game issues striving for long term sustainability. Mr. Fithian covered a variety of issues that APHA has made contributions to which benefit the profession and resources.

Recess The Board adjourned at 2:41p.m; reconvened at 2:57p.m.

Item 16 Adopt/Amend Regulations (Continued)

B. 12 AAC 75.235 (mapping) (Continued)

Mr. Johnson called for Mr. Anderson from US Fish & Wildlife for land use help with GMUs 24, 25, and 26 along with Mr. Wilson.

Map #5

A motion to put Map #5 on the table was made by Mr. Wilson and seconded by Mr. Spraker. Seeing no objections this change was made.

A motion to reestablish the original red lines on 25-07 was made by Mr. Wilson and seconded by Mr. Spraker. Seeing no objections this change was made.

A motion to amend the line between 25-03a and 25-03b to follow the refuge boundary was made by Mr. Wilson and seconded by Mr. Spraker. Seeing no objections this change was made.

A motion to move the northern boundary of 26-03 back to original red line was made by Mr. Wilson and seconded by Mr. Spraker. Seeing no objections this change was made.

A motion to move the boundary of 25-03 and 25-02 back to the original ridgeline was made by Mr. Wilson and seconded by Mr. Spraker. Seeing no objections this change was made.

A motion to move the boundary line between 24-05 and 24-02 be moved to the Kenudi Refuge boundary was made by Mr. Wilson and seconded by Mr. Spraker. Seeing no objections this change was made.

A motion to move the northern boundary of 21-02 back to the original red line was made by Mr. Wilson and seconded by Mr. Spraker. Seeing no objections this change was made.

A motion to change the boundaries of 26-08 to reflect new ownership was made by Brenda Rebne and seconded by Mr. Spraker. This change occurred between the Gates of the Arctic Wilderness, the Gates of the Arctic National Park and the North Slope Regional Corporation. Mr. Spraker wished to make sure that there is a guiding opportunity there if there policy ever changes. Brenda Rebne amended motion to include 26-09 but withdrew motion and was seconded by Mr. Spraker. Mr. Spraker clarified that they would look at just this section again at the March 2009 meeting. Mr. Johnson clarified that all of these maps will be up again for public notice at the March meeting. Seeing no objections this change was made.

After taking into consideration subcommittee findings and public comment the Board thoroughly discussed and took the following action after seeing no more proposals.

RESOVLED to accept Map #5, 12 AAC 75.235 with amendments.

Roll Call Vote

NAME	YES	NO
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Map #6

A motion to put Map #6 on the table was made by Mr. Wilson and seconded by Brenda Rebne. Mr. Johnson called for any comments and seeing no discussion called for a vote.

After taking into consideration subcommittee findings and public comment the Board thoroughly discussed and took the following action after seeing no more proposals.

RESOVLED to accept Map #6, 12 AAC 75.235 with no amendments.

Roll Call Vote

NAME	YES	NO
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Johnson thanked the board for their excellent job and thanked DNR and the public for all of the work that went into this mapping project.

Mr. Johnson listed things that he would like to see at the March 2009 board meeting:

- Subcontracting
- Transporters
- Master Guide standards
- Ralph Miller will be getting back with the board on the definition of "in the field"
- Public Safety will comment on the usefulness of the numbered hunt records

Item 7. Investigative Report (Continued from closed session)

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

Paul Johnson asked that the record reflect that the board members have thoroughly gone through all aspects of each of these cases with the investigator(s) and had the chance to ask questions on each of the following cases.

RESOLVED to approve the MOA for case #1700-07-027.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to adopt the MOA for case #1700-08-021.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to adopt the MOA for case #1700-08-008.

Roll Call Vote

NAME	YES	NO
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to adopt the MOA for case #1700-08-011.

Roll Call Vote

NAME	YES	NO
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

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

Ted Spraker commented that this brings up again the stigma and title that goes with the title Master Guide. He feels that when a Master Guide stumbles in the way repeatedly then the board needs to take a look at reducing their license.

Paul Johnson stated that he was voting for this but agrees with Mr. Spraker and wants the board to look into this.

Leif Wilson also agrees with Mr. Spraker but will support this decision. He feels that Master Guides should have a clean record and the board needs to look into downgrading offenders.

RESOLVED to adopt the MOA for case #1700-08-029.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker		X

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to adopt the MOA for case #1704-08-006.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Ted Spraker	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Paul Johnson asked Investigator Quinten Warren if this is going to limit board actions on the case (1700-07-033) in the future. Quinten Warren answered that no, it would not limit the board taking further action at a later date

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

Paul Johnson commented on the investigator's hard work on this case.

RESOLVED to adopt the MOA for case #1700-07-033.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Johnson asked the board now that the cases have been voted on if they wish to make known to the public the names of the individuals.

Mr. Mumford would prefer to keep these as just case numbers at this time.

Item 18. Board Discussion (Continued)

G. Subcommittee on Violations

Mr. Johnson asked that while Investigator Quinten Warren was here that he and Public Safety make recommendations to the board on this issue. Bob Mumford (chair) and Dick Rohrer will be heading this subcommittee and presenting at the March 2009 meeting.

Mr. Johnson asked Mr. Saxby what the public notice requirements are. Mr. Saxby answered that if this is a subcommittee of the board that it must be public noticed and must be an open meeting. The minimal requirements are "reasonable notice to the public" with no 30 day specification. Even a notice on the door is adequate.

Mr. Johnson directed Mr. Mumford to appoint public members as they so choose.

H. Guide School Proposal

Mr. Johnson commented on Terry Overly's proposed guide school packet. Brenda Rebne asked if they could have a full proposal ready to present by the March board meeting. Mr. Spraker added that he was in full support of all of the education that the board can support so he would also like to see a full proposal and maybe one year of students.

Mr. Johnson pointed out that the board does have the authority to support a guide school but that this is the first packet to come before the board to date. Mr. Johnson instructed Karl Marx to write a letter asking Terry Overly for a full proposal by March.

Bob Mumford asked if the board can get a request for other guide school proposals posted on the web site. Mr. Johnson answered that yes the board can post this.

I. Regulation Proposal 75.205

Mr. Johnson asked Cori Hondolero to brief this proposed regulation. She pointed out that there is currently a requirement for guides to return the whole hunt record booklet and that this is unnecessary and wasteful with the numbered hunt records. The board discussed this issue.

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

RESOLVED to public notice changes to 12 AAC 75.205.

Roll Call Vote

NAME	YES	NO
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Brenda Rebne	X	
Paul Johnson	X	
Bob Mumford	X	

THE MOTION PASSED BY A MAJORITY VOTE.

J. Public Noticing Mapping

Mr. Johnson asked Mr. Saxby if there was an additional public notice requirement for the maps. He directed Mr. Saxby to work with Jun Maiquis to make sure that the maps are posted correctly.

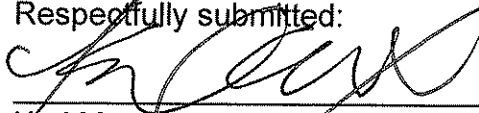
Mr. Saxby commented on hearing doubts from the public as to when the maps will take effect. The changes will take effect 30 days after they are filed with the Lt. Governor's office. Mr. Johnson asked Clark Cox from DNR how soon they can have the maps ready. Mr. Cox answered that they were doing their best.

Mr. Johnson stated the intent to have them by April 2009 and in effect by next season. Mr. Saxby pointed out that there is still another Department of law review.

The board members expressed their thanks to DNR, all of the agencies, and public for all of their hard work and attendance.

The Board adjourned at 4:13p.m.

Respectfully submitted:


 Karl Marx, Licensing Examiner

Approved:


 Paul Johnson, Chairperson
 Big Game Commercial Services Board

Date: 3-18-09