

**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 6-8, 2011**

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 6-8, 2011 in Anchorage, Alaska, Coast International Inn.

Tuesday, December 6, 2011

Item 1. Call to Order/Roll Call

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

Brenda Rebne, Landholder
Don Quarberg, Public Member
Ted Spraker, Board of Game
Paul Johnson, Registered Guide-Outfitter, Chair
Leif Wilson, Transporter, Vice-Chair
Dirk Nickisch, Transporter
Karen Polley, Public Member
Kelly Vrem, Registered Guide-Outfitter

Raymond Stoney was absent.

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

Karl Marx, Licensing Examiner
Cynthia Spencer, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Quinten Warren, Investigations
Lee Strout, Investigations
Don Haberber, Director

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

LTJG Ryan Butler, USCG
Brian Anderson, USFWS
Bill Overbaugh, BLM
Craig Black, FAA
Clark Cox, Natural Resource Manager, Dept. of Natural Resources (DNR)
Jesse Labewski, DNR
Valerie Baxter, DNR
Bill Tremblay, USFS
Heather Bartlett, USFWS
Corey Rossi, ADF&W
Lisa Fox, NPS
Andrew Peterson, AG
Erik Kenning, ASRC
Lt. Bernard Chastain, Public Safety

Present from the public were:

Spencer Pope
Phil Byrd
Wayne Kubat
Dick Rohrer
Todd Walton
Ralph Miller
Bob Summers
Loren Karro
Dan Montgomery
James Weidner
Mark Enyeart
Mike Odin
Ben Holbrook
"Smokey" Don Duncan
Arno Krumm
Henry Tiffany
Fred Sorensen
Braun Kopsack
Tim Brannon
Dennis Byrne
Gary LaRue
Tony Lee
Sue Entsminger
Steve Perrins
Tina Santelle
Matt Thoft
Jason Bunch
Tracy Vrem

Jeff Burwell
Vince Holton
Brad Dennison
Dale Adams
Frank Bishop
Aaron Bloomquist
Cole Kramer
Kurt Whitehead
Lance Kronberger
Steve Perrins II
Nate Turner
Lyle Becker
Clint Mayeur
Nikkia Atkins
Robert Cayward
James Luzott
Jim Kedrowski
Joe Hendricks
Michael Strahan
Frank Neumann

Mr. Johnson stated that, although this is not done at every meeting, he would like each Board member to introduce themselves and who they represent.

Item 2. Review/Amend Agenda

Mr. Wilson asked to add transfer of possession under Board discussion. Ms. Polley moved to accept the agenda as amended, Mr. Nickisch seconded, accepted unanimously.

Item 3. Ethics Disclosure

The Board had no ethics violations to report.

Item 4. Subcommittees Assignments

Mr. Johnson asked for volunteers for various subcommittees.

Item 5. State & Federal Agency Testimony

A. Bureau of Land Management (BLM)

Bill Overbaugh stated that guide numbers on BLM lands have been stable for a decade. BLM has been informally cooperating with DNR to help prevent perceived overcrowding when the concession program goes into place. Ms. Rebne asked about coordination with native corporations.

B. Investigations

Investigator Lee Strout was available for questions.

C. Public Safety

Lt. Bernard Chastain from Wildlife Troopers stationed at their headquarters in Anchorage, and the representative to this Board was joined by Andrew Peterson from the AG's Office. Lt. Chastain stated that there are about 97 wildlife troopers with one being transferred from Iliamna to Port Alsworth.

Lt. Chastain mentioned that the violation trends of the past year include guiding outside GUA, land use status/trespassing problems, major violations, hunt record signing, and failure to notify troopers of violations. 12 AAC 75.940 Compensation has helped enforcement a lot. If in doubt, fill out a hunt record.

Andrew Peterson expressed his support of proposed changes to AS 08.54.720 so that courts may impose a one year revocation instead of it being mandatory. He went on to remind the Board that when regulations are unclear courts tend to dismiss charges.

D. US Fish & Wildlife Service

Brian Anderson refuges permit coordinator for district seven, reported that they are in the middle of processing 94 big game guiding permits with 111 in force. These are five year permits with one five year non-competitive renewal.

Mr. Anderson discussed the upcoming mapping project. Mr. Johnson suggested working with new employees to make sure that they coordinate with the state before changing boundaries.

E. National Park Service

Lisa Fox discussed policies with the Board.

F. Alaska Department of Fish & Wildlife

Corey Rossi stated that ADF&W was still supportive of the DNR concession program and would like biological concerns to be a part of this process. There was some Board discussion on wasted draw permits and ways to correct this.

11:21 a.m. The Board recessed.

11:34 a.m. The Board reconvened.

G. US Forest Service

Bill Trembley, from the Tongass National Forest, spoke about their activities for the past year. He mentioned brown bear closure in GMU 4 non-resident black bear drawing in South-East, and multi-contracting.

H. US Coast Guard

LTJG Ryan Butler introduced himself and briefly discussed navigable waterways and licensing requirements. Mr. Johnson asked about the TWIC card requirement for operators not using secure facilities. LTJG Butler followed up on this question with:

A valid TWIC is required to keep a mariners License or MMC valid as per 46 CFR 10.203 and compliance will be verified during inspections and boarding's which may result in suspension or revocation (S&R) proceedings against the mariner's credentials as per 46 U.S.C. 7702 & 7703 if they don't have it.

I. Federal Aviation Administration (FAA)

Craig Black stated that there that FAA rules changes would be public noticed in the next few months but was not able to share much at this time.

J. Department of Natural Resources (DNR)

Clark Cox with the Division of Mining Land and Water introduced Valerie and Jesse. He suggested keeping an eye on the proposed concession area website since DNR hopes to have something public noticed in December 2011. He stated that DNR might want to use hunt records to help in the decision process.

12:15 p.m. The Board recessed for lunch.

1:15 p.m. The Board reconvened.

Item 6. Investigative Review

Mr. Johnson introduced the afternoon seminars and subcommittees.

Lee Strout from Investigations suggested going into executive session before any discussion about cases.

On a motion duly made by Mr. Wilson, seconded by Mr. Vrem, and approved unanimously, it was

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310, to hear 6. Investigative Review.

Roll Call Vote

| NAME | YES | NO |
|---------------|-----|----|
| Kelly Vrem | X | |
| Karen Polley | X | |
| Ted Spraker | X | |
| Dirk Nickisch | X | |
| Leif Wilson | X | |
| Brenda Rebne | X | |
| Paul Johnson | X | |
| Don Quarberg | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

3:04 p.m. The Board returned from executive session. Ms. Rebne had to leave due to health issues.

After reviewing information provided by staff regarding case #2011-000529, the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to accept the consent agreement in #2011-000529.

Roll Call Vote

| NAME | YES | NO |
|---------------|-----|----|
| Paul Johnson | X | |
| Don Quarberg | X | |
| Kelly Vrem | X | |
| Karen Polley | X | |
| Ted Spraker | X | |
| Dirk Nickisch | X | |
| Leif Wilson | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

Ms. Polley supported this license surrender since it was voluntary.

After reviewing information provided by staff regarding case #2011-000256, the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to accept the consent agreement in #2011-000256.

Roll Call Vote

| NAME | YES | NO |
|---------------|-----|----|
| Kelly Vrem | X | |
| Karen Polley | X | |
| Ted Spraker | X | |
| Dirk Nickisch | X | |
| Leif Wilson | X | |
| Paul Johnson | X | |
| Don Quarberg | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Spraker supported this consent agreement since this is a paperwork mistake, the conditions seem appropriate, and the licensee has been in business for a long time.

After reviewing information provided by staff regarding case #2010-000519, the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to accept the amended consent agreement in #2010-000519.

Roll Call Vote

| NAME | YES | NO |
|---------------|-----|----|
| Dirk Nickisch | X | |
| Karen Polley | X | |
| Ted Spraker | X | |
| Leif Wilson | X | |
| Paul Johnson | X | |
| Don Quarberg | X | |
| Kelly Vrem | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

Ms. Polley amended specifying that the consent agreement education requirement be a paperwork class at a future Board meeting. Mr. Quarberg seconded. Mr. Spraker and Mr. Vrem expressed concerns over penalizing a guide license over a non-guide related violation. The licensee attends UAF so travel to the next Board meeting should not be difficult.

After reviewing information provided by staff regarding case #2011-000495, the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, it was

RESOLVED to accept the consent agreement in #2011-000495.

Roll Call Vote

| NAME | YES | NO |
|---------------|-----|----|
| Paul Johnson | | X |
| Don Quarberg | | X |
| Kelly Vrem | X | |
| Karen Polley | | X |
| Ted Spraker | | X |
| Dirk Nickisch | | X |
| Leif Wilson | | X |

THE MOTION FAILED BY A MAJORITY VOTE.

Mr. Nickisch believed that probation should be included in this consent agreement. Consent agreement returned to investigations to add probation.

After reviewing information provided by staff regarding case #1704-08-004 and #2010-000733, the Board conducted a roll call vote.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, it was

RESOLVED to accept the consent agreement in #1704-08-004 and #2011-000733.

Roll Call Vote

| NAME | YES | NO |
|---------------|-----|----|
| Kelly Vrem | | X |
| Karen Polley | | X |
| Ted Spraker | | X |
| Dirk Nickisch | | X |
| Leif Wilson | | X |
| Paul Johnson | | X |
| Don Quarberg | | X |

THE MOTION FAILED BY A MAJORITY VOTE.

Mr. Wilson believes that the punishment is not adequate. Consent agreement returned to investigations to add probation.

Item 7. Application Review

Ms. Polley moved to bring a transporter license application off the table for discussion. Mr. Nickisch seconded. The applicant's name will be omitted until the consent agreement is signed.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, with amendment proposed by Mr. Nickisch and seconded by Mr. Spraker, it was

RESOLVED to approve the transporter license application for Kurt Whitehead dba Alaska Glacier Adventures.

Roll Call Vote

| NAME | YES | NO |
|----------------------|------------|-----------|
| Dirk Nickisch | X | |
| Karen Polley | | X |
| Ted Spraker | X | |
| Leif Wilson | X | |
| Paul Johnson | X | |
| Don Quarberg | | X |
| Kelly Vrem | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

Ms. Polley expressed concerns about the applicant already being on probation. Mr. Nickisch proposed amendment to add five year probation to license. Amendment was opposed by Ms. Polley and Mr. Quarberg but passed. Mr. Vrem characterized the applicant's current probation as being just sloppiness and not an attempt to break the law. Mr. Spraker pointed out that this was not a onetime incident so feels that this probation is appropriate. Mr. Wilson does not see how the Board can deny this application but can make it conditional so he supports the probation. Mr. Johnson pointed out that without adding a statute for moral turpitude the Board does not have the authority to deny such an application. Mr. Marx made it clear that this is a vote to automatically approve this application with the addition of a five year probation.

3:41 p.m. The Board stood at ease for a sheep presentation.

4:41 p.m. The Board reconvened.

Mr. Kelly, seconded by Ms. Polley, moved to adjourn at 4:47 p.m. until Wednesday at 8:30 a.m.

Wednesday, December 7, 2011

Item 8. Call to Order/Roll Call

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

Dirk Nickisch, Transporter
Karen Polley, Public
Ted Spraker, Board of Game
Leif Wilson, Transporter, Vice-Chair
Paul Johnson, Registered Guide-Outfitter, Chair

Don Quarberg, Public Member
Kelly Vrem, Master Guide-Outfitter

Raymond Stoney and Brenda Rebne were absent.

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

Karl Marx, Licensing Examiner
Cynthia Spencer, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Quinten Warren, Investigations
Lee Strout, Investigations
Don Habeger, Director

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General
Judge Terry Thurbon

Present from State and Federal Agencies was:

Clark Cox, DNR
Lt. Bernard Chastain, Public Safety

Present from the public were:

Arno Krumm
Phil Byrd
Bill Gordon
Loren Karro
Dan Montgomery
Todd Walton
Mike Odin
Ralph Miller
Matt Cline
Jim Kedrowski
Jim Weidner
Bob Summers
Ben Holbrook
Tony Lee
Henry Tiffany
Dennis Byrne
Nate Turner
Dale Adams
Kurt Whitehead
Lance Kronberger
Robert Jewett

Joe Hendricks
Frank Ferro
Wayne Kubat
Cole Kramer
Bill Stevenson
Nikkia Atkins
John Peterson
Gary Wall
Ivan Henderson
Mike McCann
Mark Enyeart

Mr. Johnson asked Board members what they thought of the previous day's seminars. Mr. Spraker supported the sharing of such a wealth of information.

Item 9. Board Discussion

A. Amend/Adopt January 12, 2011 Board Teleconference Minutes

Mr. Wilson made a motion to adopt the January 12, 2011 teleconference minutes as written with Mr. Vrem seconding. Mr. Johnson asked if there were any amendments or deletions. Mr. Johnson asked for a unanimous consent to adopt the minutes as written. Seeing no objections the minutes were adopted.

B. Amend/Adopt August 3, 2011 Board Teleconference Minutes

Mr. Wilson made a motion to adopt the August 3, 2011 teleconference minutes as written with Ms. Polley seconding. Mr. Johnson asked if there were any amendments or deletions. Mr. Johnson asked for a unanimous consent to adopt the minutes as written. Seeing no objections the minutes were adopted.

C. Correspondence

There was a brief discussion of investigation confidentiality with Mr. Saxby.

D. Budget

Postponed until finance officer could be called.

E. Guide School Proposals.

No one was available from the guide school to make a presentation.

F. Subcommittee Progress

Mr. Rohrer stated that the subcommittee discussed fees in general. They wanted to look at reducing expenditures before raising fees. He wanted to make sure that they have an accurate schedule for expenses. They still had not resolved financial support for the hunt record data base.

Mr. Rohrer stated that one member suggested looking at assistant transporter license. GUA registration fees could raise an estimated \$90,000-\$100,000.00 per year. He felt that the Board not only has the power to charge registration fees but also investigation fees.

Ms. Polley suggested simplifying hunt record data entry process or charging a forms fee. Mr. Johnson encouraged Board members to write a letter to the Division regarding to collect hunt record database access fees. Mr. Johnson verified with Mr. Saxby that Division shall set fees such as reasonable cost for examinations and shall consult with the Board before revising fee sets.

Mr. Rohrer discussed fee reductions if Board was sunsetted but the budget report shows that the Board meeting costs are negligible compared to legal fees.

D. Budget (continued).

Ms. Polley passed out an updated budget report. Ms. Polley pointed out that the special investigator allocation for John Clark in GMU 23 was not credited to earlier budget reports. This \$65,000.00 allocation was provided by Rep. Reggie Joule. This accounts for all quarterly travel listed at \$16,000.00. Mr. Johnson pointed out that there was a \$63,000.00 appropriation for the special investigator last year.

Mr. Johnson suggested charging an investigation fee when a party is found guilty. Ms. Polley stated that since the Board has no control over investigative and legal costs he asked the director to look into general funds to cover these rather than license fees. Cases that go to trial average over \$30,000.00 each. Mr. Johnson suggested looking into a bidding process for attorneys again. Mr. Johnson asked Board members to keep a log of dates and times when speaking with staff.

Mr. Nickisch suggested splitting renewals by license type to even out the work load for staff. Mr. Quarberg asked about guides booking hunts with a lapsed license. Ms. Spencer answered that staff will try and use the postmark date to minimize this.

Staff was unable to call Misty Frawley due to calling card not being accepted.

G. Hunt Record/Transporter Activity Report Database.

Mr. Wilson stated that the subcommittee, working with Lt. Chastain, decided that if a transporter takes basically the same party out each day from their lodge they will only need to submit one transporter activity report since the lodge is in the field. He went on to say that they were looking into whether or not the pre-numbered forms were cost effective.

Lt. Chastain asked what the Board's interpretation of "on the day the client is transported" means in 12 AAC 75.400(b). He stated that the numbered forms are not a significant benefit to enforcement. Mr. Marx confirmed that the numbers are not necessary to staff.

Lt. Chastain suggested adding a "notes" box to the bottom of the form to cover deviations.

Mr. Johnson asked if pre-numbered hunt records were beneficial to enforcement. Lt. Chastain stated that hunt records are tracked differently and offered to solicit opinions from other enforcement. Mr. Johnson asked staff to look into how much time, money, and work would be saved by getting rid of the pre-numbered forms. Mr. Wilson pointed out that removing the numbers would make updating the forms at enforcement's request much faster. Mr. Vrem commented on need for guide's address and where client signs the hunt record. Lt. Chastain stated that signatures are very important to enforcement. There was some discussion over the desire to simplify these forms while still meeting the needs of enforcement.

H. Set dates for December 2012 Board Meeting.

After time to check personal schedules the Board chose December 4-7, 2012 and the Coast International Inn for next year's meeting. Ms. Spencer reminded the Board that it will have to go out for a competitive bid.

9:59 a.m. the Board recessed.

10:24 a.m. the Board reconvened.

Mr. Johnson relayed a request from investigations to make sure that microphones are turned on and speak clearly so that the audio recordings are easier to use.

I. Definition of "permanent" camps for the two mile buffer zone in GMU 9.

Mr. Johnson explained the new review process and why this proposed regulation change was not public noticed in time for this Board meeting. The Board supported going ahead and public noticing this for the March meeting.

Mr. Saxby stated that he had researched a Board question about putting a moratorium on issuing new GMU certifications. He does not think that this is possible since the Board is required to offer examinations four times each year.

J. Transfer of Possession Forms.

Mr. Johnson explained that public safety is having issues with how meat is transported out of the field without separate transfer of possession forms. Mr. Wilson stated that he apparently had been confused in the past about the need to complete this form when he needed to make multiple trips to transport a client's meat. He was under the assumption that being a licensed transporter would make it obvious why he would be in possession of a client's game meat. Mr. Saxby stated that there are no exceptions for transporters in the board of game

regulations. Mr. Nickisch supported requesting the board of game to make a regulation change for transporters and hopes that this will give enforcement another tool to catch unlicensed transporting of game. Mr. Johnson asked for Board approval to put this issue into subcommittee for possible presentation to the board of game.

10:54 a.m. the Board recessed.

11:26 a.m. the Board reconvened.

Mr. Vrem moved to accept the following language as a Board proposal to the board of Game, seconded by Mr. Nickisch.

5 AAC 92.135(d) If the person in possession of the game is the employee of a licensed transporter or registered guide-outfitter this requirement may be satisfied by a statement signed by the person who took the game on the day that the person who took the game was transported from the field.

Mr. Saxby drafted the language. There was discussion about the value of regulations that provided clarification and reduced paperwork. The motion was approved unanimously.

K. Public Noticing Maps as Drawn.

Mr. Marx explained that in order to meet the 90 day special public notice requirement in 12 AAC 75.265(b) that staff had coordinated to expedite this process, if the Board agreed. These map boundary changes would need to be public noticed no later than the next Wednesday in order for the Board to act on them at the March 13-15, 2012 meeting.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to public notice GUA maps as drawn.

Roll Call Vote

| NAME | YES | NO |
|---------------|------------|-----------|
| Paul Johnson | X | |
| Don Quarberg | X | |
| Kelly Vrem | X | |
| Karen Polley | X | |
| Ted Spraker | X | |
| Dirk Nickisch | X | |
| Leif Wilson | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Marx called the division regulation specialist to inform him of the Board decision.

11:34 a.m. the Board recessed for lunch.

1:01 p.m. the Board reconvened.

Item 11. Public Comment

Coke Wallace, guide

Mr. Wallace had complaints about guide license holders. Mr. Nickisch asked for examples. Mr. Johnson offered to show how the system does work and suggested working in the statute subcommittee on adding moral turpitude.

Wade Willis, public

Mr. Willis had complaints about guide license holders.

Dick Rohrer, guide

Mr. Rohrer complimented the management work. He went on to discuss hunt record requirements such as not wanting to report lat/long. It was asked where the 10 day communication requirement in 12 AAC 75.240(c) came from.

Mr. Johnson mentioned that they were behind schedule so if possible please consider holding your comments until the next day.

“Smokey” Don Duncan, guide

Mr. Duncan offered to hold his comments until the next day.

Henry Tiffany, guide

He asked to let Mr. Adams take his comment time since Mr. Adams would not be present the next day.

Dale Adams, guide

Mr. Adams commented on the hunt record requirements.

Aaron Bloomquist, guide

Mr. Bloomquist had complaints about the multi-year GUA registration process and division interpretations. He also commented on hunt records and transfer of possession forms.

Robert Fithian, guide

He suggested that guide-client agreements confirmation be made available to Board of Game. He also stated that it appears that the Board meeting and travel cost to license holders is minimal.

Lance Kronberger, guide

Mr. Kronberger agreed to wait until the next day.

Kurt Whitehead, guide

Mr. Whitehead requested that the checklists in the Field Guide be posted to the Big Game Commercial Services Board website. Ms. Polley agreed.

Joe Want, guide

Mr. Want agreed to hold his comments until the next day.

Wayne Kubat, guide

Mr. Kubat offered to hold his comments until the next day.

Clint Mayeur, guide

Mr. Mayeur discussed wasted sheep draws in GMU 13 due to not checking to make sure that listed guides were not both certified and registered in that area.

Item 12. Investigative Report

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

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310, to hear examination and application reviews.

2:05 p.m. the Board went into executive session.

4:24 p.m. the Board returned from executive session.

Item 16. Subcommittee Updates (Statute only)

Mr. Kubat referenced House Bill 229 for his update. The subcommittee wants to add old timers' license and allowing guides to take wolves while with a client.

Mr. Johnson asked about adding the ability to demote a master guide to a registered guide. He also suggested adding wording to AS 08.54.670 to make it clear that suspension of more than four years will require a former licensee to retake examinations. He suggested considering adding to AS 08.54.600 that the Board may create concession areas. Mr. Vrem asked the committee to take a look at AS 08.54.750(e) predator control area registrations. Mr. Johnson reminded the committee that the Board would like to add "and other requirements established by the Board in regulation" to each license type in statute.

Item 7. Application Review (Continued)

Mr. Johnson asked Mr. Saxby to verify that, until approved, the Board would only refer to case numbers. Investigator Quinten Warren confirmed this.

After reviewing information provided by staff regarding case OAH 11-0272-GUI the Board conducted a roll call vote.

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

RESOLVED to approve to accept the OAH 11-0272-GUI option B except changing probation period from 1 year to 3 years.

Roll Call Vote

| NAME | YES | NO |
|----------------------|------------|-----------|
| Paul Johnson | X | |
| Don Quarberg | X | |
| Kelly Vrem | X | |
| Dirk Nickisch | X | |
| Karen Polley | X | |
| Ted Spraker | X | |
| Leif Wilson | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Nickisch moved to send an investigator to the Wood River next season, seconded by Mr. Spraker. This motion was approved unanimously.

Mr. Nickisch stated that the Board has heard over the course of years that this, like GMU 23, is an area of conflict.

4:55 p.m. the Board meeting adjourned until Thursday at 8:30 a.m.

Thursday, December 8, 2011

Item 15. Call to Order/Roll Call

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

Paul Johnson, Registered Guide-Outfitter, Chair
Don Quarberg, Public Member
Kelly Vrem, Master Guide-Outfitter (did not arrive 10:09 a.m.)
Dirk Nickisch, Transporter
Karen Polley, Public Member
Ted Spraker, Board of Game
Leif Wilson, Transporter, Vice-Chair

Raymond Stoney and Brenda Rebne were absent.

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

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

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal Agencies were:

Michael Paschall, Rep. Eric Feige's office
Larry Van Dale, Kodiak Area Biologist

Present from the public were:

Matt Cline
Arno Krumm
Michael Litzen
Henry Tiffany
Dick Rohrer
Joe Want
Clifford Smith
Mike Odin
Mark Enyeart
Will Koehler
Jim Pagel
Ivan Henderson
Jay Fishell
Merrill McGuhen
Alan Hornberger
Jason Bunch
Ralph Miller
Loren Karro
Dan Montgomery
Ben Holbrook
Tony Lee
Jim Weidner
Jim Kedrowski
Todd Walton
Bob Summers
Sue Entsminger
Matt Snyder
Mike McCann
Nikkia Atkins

Frank Ferro
Gary Wall
Wayne Kubat
Nate Turner
Bill Stevenson

Item 14. Division Business

Mr. Marx suggested waiting until Ms. Spencer was available.

Mr. Johnson reminded the Board members that no more than three could sit in on a subcommittee. Apparently the evening seminars were not very well attended.

8:38 a.m. the Board stood at ease for subcommittees.

10:10 a.m. the Board reconvened.

Mr. Johnson introduced a Kodiak area biologist, Larry Van Dale, and Mike Pascal from Rep. Feige's office.

Item 16. Subcommittee Updates (Continued)

A. Statutes

Mr. Kubat stated that the committee was working on cleaning up language in HB 229. The committee is removing the language for guides being allowed to hunt wolves to avoid conflicts. Mr. Nickisch asked if the moral turpitude section included transporters. Mr. Johnson answered yes.

B. Subcontracting

Mr. Rohrer and Mr. Litzen stated that the committee agreed that in most cases these concerns could be best handled by the land managers. Mr. Litzen stated that the committee did not think that a client should have two hunt records open simultaneously. There was some interest in requiring each guide to pick at least one GUA to register for five years. Mr. Johnson felt that the industry is on top of things enough to prevent corporate monopolies from dominating hunting in Alaska.

C. Transporter Activity Reports

Mr. Wilson and Mr. Nickisch along with Lt. Chastain and another boat based transporter have some suggestions to make. They would like to do away with the pre-numbered transporter activity report system. They would like to work with staff to make some changes such as dropping aircraft and boat numbers to make room for notes. The forms could be made available online as well in a booklet.

Mr. Wilson suggested passing a resolution to the staff that only one report is required for multiple trips to and from a lodge in the field.

On a motion made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously by roll call vote, it was

RESOVLED to public notice changes to regulation, 12 AAC 75.395 and 12 AAC 75.400 with the friendly amendment.

Roll Call Vote

| NAME | YES | NO |
|---------------|------------|-----------|
| Paul Johnson | X | |
| Don Quarberg | X | |
| Kelly Vrem | X | |
| Dirk Nickisch | X | |
| Karen Polley | X | |
| Ted Spraker | X | |
| Leif Wilson | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Mumford stated that he intends to vote yes since this is basically for cleaning up and would make the regulation more inclusive to lift standards.

Remove 12 AAC 75.395 which deals with numbered booklets.

12 AAC 75.400(a) remove "On or after January 1, 2008, a transporter shall use a pre-numbered transporter activity report booklet issued under 12 AAC 75.395." Also change (c)(4) add "or is responsible."

Mr. Vrem stated that he is filled with raw envy and supports these efforts.

Mr. Nickisch proposed an amendment to read "On the day a client is transported into the field," accepted as a friendly amendment by Mr. Wilson.

Item 15. Board Discussion

Mr. Johnson verified that hunt records/transporter activity report database is being dealt with.

A. Hunt Record/Transporter Activity Report Database

Mr. Johnson verified that hunt records/transporter activity report database is being dealt with.

B. Fiscal Year 2011 Annual Report

Ms. Spencer explained that some of the required information staff just cannot do. Mr. Johnson stated that he and Ms. Polley would be available in the future. Mr. Vrem asked about 12 AAC 75.340(a)(2)(E) and 75.440(c) which would add restitution language. Mr. Johnson stated that unless someone else was opposed this would be removed.

C. Legislative Audit

Ms. Spencer stated that this legislative audit is for the division not the Board. Mr. Johnson offered to share the Board specific audit results. The audit was favorable except for not requiring first aid documentation for registered guides and some class-A assistants. He pointed out that first aid is part of the written examination. Mr. Vrem expressed concerns over specifying American Red Cross first aid. Staff stated that this is a rare problem since it can be an equivalent course.

D. January 31, 2011 Report to the 27th Alaska State Legislature

Ms. Spencer stated that this is just a division review for the Board members' information.

10:45 a.m. the Board stood at ease for subcommittees.

11:29 a.m. the Board reconvened.

Mr. Johnson directed staff to put a registered guide-outfitter examination subcommittee on the March 2012 tentative agenda. Ms. Polley will head since unclear wording seems to be the complaint.

Item 16. Subcommittee Updates (Continued)

D. Hunt Records

Mr. Vrem called Lt. Chastain to help report on the subcommittee's recommendations. They would like the client's signature moved to the top and guides to the bottom. They recommend removing the separate communication requirement date. Lt. Chastain suggested adding lines to the tag and license number boxes to increase legibility. Mr. Vrem suggested adding "or permit" to the harvest ticket line.

11:45 a.m. the Board stood at ease to prepare a motion.

11:53 a.m. the Board reconvened.

On a motion made by Mr. Vrem, seconded by Mr. Spraker, and approved unanimously by roll call vote, it was

RESOVLED to public notice changes to regulation, 12 AAC 75.205 and 12 AAC 75.210.

Roll Call Vote

| NAME | YES | NO |
|---------------|-----|----|
| Don Quarberg | X | |
| Kelly Vrem | X | |
| Karen Polley | X | |
| Ted Spraker | X | |
| Leif Wilson | X | |
| Paul Johnson | X | |
| Dirk Nickisch | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

Remove all reference to booklets from 12 AAC 75.205.

12 AAC 75.210(a) remove "On or after January 1, 2008, a registered guide-outfitter shall use a pre-numbered hunt record booklet issued under 12 AAC 75.205." Also change 12 AAC 75.210(a)(2) address to license number. In 12 AAC 75.210(a)(4) add "or permit." Move 12 AAC 75.210(c)(5), client's signature requirement, to 12 AAC 75.210(a)(6) Add to 12 AAC 75.210(c)(5) that the guide has complied with the communication requirement.

11:58 a.m. The Board recessed for lunch.

1:04 p.m. the Board reconvened.

Item 12. Investigative Report (Continued)

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310, to hear examination and application reviews.

1:26 p.m. the Board returned from executive session.

Item 17. Public Comment

"Smokey" Don Duncan, guide

Mr. Duncan suggested removing USCG requirements from guide regulations due to the difficulty of maintaining a TWIC card. He stated that Board meetings are only a small cost to licensees and he would like to see more meetings. He suggested creating transporter use areas and charging \$5.00 for copies of hunt records and transporter activity report forms. He would like to see meetings live audio streamed and an "assistant transporter license."

Henry Tiffany, guide

Mr. Tiffany supported raising guide license standards.

Lance Kronberger, guide

Mr. Kronberger suggested more regularly scheduled Board meeting to help keep the industry informed. He also discussed board of game suggestions and the requirement for assistant guides to have a harvest. He asked about the photo ID requirement in the field.

Lt. Chastain stated that photo ID is not a requirement in the field but enforcement still needs to be able to verify who they are speaking with.

Joe Want, guide

Mr. Want discussed the value of the seminars and that proposed guide schools be required to put on a seminar.

Wayne Kubat, guide

Mr. Kubat suggested cleaning up language in 12 AAC 75.240(f)(2)(A) changing "in" to "from."

Matt Kline, transporter

Mr. Kline asked about clients processing their own game meat while onboard the boat. Mr. Wilson answered that the client can process his own meat wherever he wants on the boat including on a hoist, cutting board, or rail.

Arno Krumm, guide

Mr. Krumm thanked the Board and described how proud he was on recently gaining US citizenship.

Mike Litzen, guide

Mr. Litzen passed on further comments since he worked his concerns out in subcommittees.

Dick Rohrer, guide

Mr. Rohrer asked board of game to verify that guides listed on guide-client agreements are registered in the area.

Dan Montgomery, guide

Mr. Montgomery discussed the guide-client agreements and five year GUA registration.

Clifford Smith, transporter & assistant guide

Mr. Smith asked to verify that his lodge is in the field.

Mike Odin, class-A assistant guide

Mr. Odin discussed the dangers of non-English speaking clients, slow trooper response to violations, and how often assistant guides are not paid.

2:36 p.m. the Board stood at ease to prepare a motion.

3:03 p.m. the Board reconvened.

Item 18. New Business

Mr. Johnson and Ms. Polley will ask division to remove USCG off registered guide license renewals and the bill for sunset.

Mr. Marx suggested that one or two Board members be specifically given permission to speak about any regulation proposals on behalf of the whole Board. Mr. Johnson stated that he and Ms. Polley will be available.

Mr. Johnson clarified that since these first regulations had already been voted on at past Board meetings (3/11, 7/11, and 8/11) the Board was just looking for unanimous consent rather than a roll call vote on each one. These regulation proposals were not public noticed in time for this Board meeting due to a new approval requirement. Anyone was welcome to raise objections.

On a motion duly made by Mr. Wilson, seconded by Mr. Quarberg, and approved unanimously, it was

RESOLVED to change 12 AAC 75.110(a)(1)(D) to require that a big game animal be used for registered exam candidates' caping video.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to change 12 AAC 75.230(a) to allow the division to charge guide use area (GUA) registrations fees.

This regulation proposal was submitted by the division. Mr. Johnson pointed out that this could provide an alternative to just raising license fees.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to change 12 AAC 75.230(c) to allow more timely changes of multi-year GUA registrations.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to add 12 AAC 75.340(a)(2) "failing to comply with an order from the Board" to guide ethics.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to change 12 AAC 75.340(d)(7) buffer zone in game management unit (GMU) 9 to “legally permitted year round structure.”

Mr. Quarberg asked whom this would be legally permitted by. Mr. Johnson answered that this would come from the land holder.

On a motion duly made by Mr. Wilson, seconded by Mr. Nickisch, and approved unanimously, it was

RESOLVED to add 12 AAC 75.440(a)(2) “failing to comply with an order from the Board” to transporters ethics.

There were no objections raised to any of these proposed regulations for public notice.

On a motion duly made by Mr. Vrem, seconded by Mr. Nickisch, and rejected unanimously, it was

RESOLVED to take the public notice for proposed regulation 12 AAC 75.415 creating transporter use areas and a registration requirement for salt water vessel transporters only, off the table. (Tabled at the 7/11 teleconference.)

Mr. Johnson asked Mr. Marx to explain the options including completely withdrawing this regulation. Mr. Nickisch recalled that this originally came from the Forest Service in the south-east. Mr. Johnson stated that at that time there was a black bear overharvest issue in the south-east which the board of game has taken action on. Mr. Wilson stated that he still does not support this regulation since it is just a little step. Mr. Spraker gave some background on the high sow black bear harvest by non-residents. Mr. Marx reminded the Board that only they could discuss this until it is public noticed again. Ms. Polley did not like salt water vessel transporters being singled out.

Mr. Johnson stated that this proposed regulation would be completely withdrawn at this time. This decision was approved unanimously.

On a motion duly made by Mr. Vrem, seconded by Mr. Wilson, and approved unanimously, it was

RESOLVED to change 12 AAC 75.240(f)(1)(A) removing “in” and substituting “from.”

Mr. Johnson asked for any objections. This was accepted for public notice unanimously.

On a motion duly made by Mr. Vrem, seconded by Mr. Wilson, and approved unanimously, it was

RESOLVED to change 12 AAC 75.920(c) removing “,and must also show the harvest of one big game animal in this state.” with a friendly amendment to removing just “in this state.”

Roll Call Vote

| NAME | YES | NO |
|----------------------|------------|-----------|
| Don Quarberg | X | |
| Kelly Vrem | X | |
| Karen Polley | X | |
| Ted Spraker | X | |
| Leif Wilson | X | |
| Paul Johnson | X | |
| Dirk Nickisch | X | |

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Spraker stated that he would feel uncomfortable with a non-resident assistant guide let alone one who had never successfully harvested a big game animal himself and suggested a friendly amendment to only remove "in this state" to at least require a license applicant to have harvested a big game animal somewhere. Mr. Vrem initially declined.

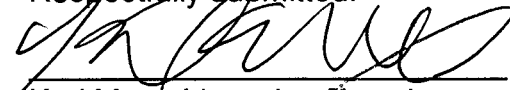
Mr. Nickisch agreed with Mr. Spraker. Mr. Johnson did not feel sure that this harvest requirement was a good use of Alaska game resources. Mr. Vrem would like to see a more thorough training program than just requiring a harvest. Mr. Quarberg was worried about the perception of lowering standards. Mr. Spraker was also worried about this perception of lowering standards.

Upon reconsideration Mr. Vrem accepted the friendly amendment.

Mr. Johnson reminded the Board that several proposed statutes in Rep. Feige's House Bill 229 would help raise guiding standards. He stated that Mr. Turner and Mr. Tiffany have been working hard on raising standards.

The Board adjourned at 3:51p.m.

Respectfully submitted:


Karl Marx, Licensing Examiner

Approved:


Paul Johnson, Chairperson
Big Game Commercial Services Board

Date: 3-14-2012