

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 4-6, 2012**

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 4-6, 2012.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were approved by the board on March 14, 2013.

Tuesday, December 4, 2012

Call to Order

The meeting was called to order by Kelly Vrem, Chair, at 8:43 a.m.

Roll Call

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
Ted Spraker, Board of Game Representative
Michele Metz, Large Private Landowners
Brenda Rebne, Large Private Landowners
Paul Johnson, Registered Guide-Outfitter
Dirk Nickisch Transporter-called in at 10:14am

Board staff present:

Michelle Johnston, Records & Licensing Supervisor
Cindy Cashen, Licensing Examiner
Lee Stout, Investigator
John Clark, Investigator
Sara Chambers, Division Operations Manager
Don Haberger, Director

Visitor's present:

Carol Goularte, USDA
Bill Tremblay, USDA
Hans von Rekowski USDA
Lt. Bernard Chastain, DPS, FWT
Susan Entsminger, R#1058
Mike McCann, M#107
Alisha Decker, R#1080
Cabot Pitts, R#1299
Lyle Becker, R#1276
Frank Bishop, M#191
Todd Kuster, R3702
Brian Peterson, M#114
Aaron Bloomquist, R#1259
Rick Kinmon, R#1266
Joe Klutsch, M#91
Don "Smokey" Duncan, M#136
Mike Cowan, R#1126
Mark Enyeart, A#4436
Jason Bunch, R#1311
Jon Burrows, R#1307
Tom Atkins, R#727
Coke Wallace, M#172
Tom Swenor, R#1099
Dale Adams, M#168
Arno Kumm, R#1239
Michael Litzen, R#129
Kurt Whiteheard, R#1046
Dennis Byrne, R#1056
Sam Fejes, M#73

AGENDA ITEM 1 REVIEW AGENDA

The board reviewed the agenda. There were no changes.

Brief announcements- Chairman Vrem asked Wayne Kubat to head up an informal group during Executive Session to get ahead of the changes from HB229 and proposed regulations. Hunt records, guide use area, hunting and guiding practical experience, definitions in the field and conducting will be discussed during executive session.

Chairman Vrem said that former wildlife trooper Jim Pagel died last night.

Mr. Spraker said that this death, along with Ralph Miller and another guide who died from carbon monoxide make three recent deaths.

Mr. Johnson said these three were great additions to the industry and wishes the families well.

Ethics report or disclosures

There were none.

AGENDA ITEM 2 REVIEW MINUTES

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

RESOLVED to accept the July 2, 2012 minutes

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

RESOLVED to accept the October 22, 2012 minutes

AGENDA ITEM 3 BUDGET REPORT

Mr. Polley said she has not met with the department to discuss the budget. There was a \$37,727 surplus as of 2012-2013, if you don't count for past years. Since it's a two year cycle we are going to be in the red again.

Chairman Vrem said one of the breakout sub committees will meet about this and he encourages everyone to attend. Prior years billing resulted in a deficit of \$600,000.

Mr. Johnson said he feels strongly about this. If we compare it to the one received 8 years ago, it's not even close. We met with Commissioner Bell and Director Don Habberger and it's been over a year since the last budget cycle. We said we would cooperate and work out ideas. The revenue gain was supposed to be in four major areas: registration fees in the Guide Use Area, investigative fees, computer program access fees by other agencies and hearing officers. We are forced into going to hearing officers. The hearing officer is costing \$30,000 at \$300 an hour for 1,000 hours per hearing. The board has options here. It has now been a year and following up with that; the IT people state that nobody is using the program. An audit showed that apparently nobody uses it and so it should be shut down. He does not believe

that it is true that agencies aren't using it. He does not think it's totally our responsibility. Apparently whoever the audit and IT people talked to, nobody is using it. It's not totally our responsibility. It is not functioning, period. When it gets down to The Hunt Record forms we should have the information removed that isn't being used. It should not be totally our responsibility. When someone signs a consent agreement, there should be a fee included to cover the cost of the investigation. Someone should keep track of this over time that we don't keep increasing license fees as a casual way to go and cutting services that should not be cut and keeps the board functioning properly. There needs to be some major follow through and not just those in the room because it's gone beyond the point of ridiculousness. Perhaps the board should bring in the Governor's office because we have been willing to work with the division and the Commissioner and nothing has happened. I hope the board carries through with those thoughts and doesn't stick our guides. Quit adding all this stuff in the computer. He does not think that's what everyone wants. He thinks there are agencies who want some of this stuff; each one came up here and said they were willing to put into the project. It was supposed to be a savings project, it was supposed to be saving money for staff, rather than have the licensing examiner pull the file, copy it and certify it. When they told us over and over they wanted to do it, then we couldn't do inner agency transfers, this has been going on for 6 years, that's at least \$60-70,000 minimum that could have been given to us that's not there.

Chairman Vrem said he appreciates the historical information you have. Perhaps the legislature could forgive a portion of the bill. He does not know if you can get any of that forgiven by the legislature.

Mr. Johnson said he was told by the Director of this division to be patient, and he has been patient. There are people above us who are working on this; so he does not know. He does not want the guides to be stuck with it. Apparently we are supposed to say we can raise license fees but apparently we can no longer sit down with the Director and say what have we got here. All of a sudden, casually, we get a bill from hearing officers that isn't broken down. He does not do business that way. We need to know, as a board, where costs are happening. It saddens him that this is on the agenda and there isn't someone here from the division, Don is here in town but can't come down and have a discussion on this. His heels are in the sand on this. If everyone wants to go this route then let's go. He does not think that that's true of all the agencies that want to be sure that this is an industry that stays in good standing.

Ms. Polley said the budget that you see here and June 30, 2012 and the quarterly reports for June 30, 2012 are not here. We were promised to have

the quarterly report and we don't have it. We really don't know where we are at all. There is a process that operates in the state government called the supplemental appropriations and she had asked about a supplemental appropriations to eliminate the bad debt to go back all the years and carry forward a deficits discourage and very difficult to get out to pay for past bad management for past expenditures. She was told that it was contrary to statute that board and commissioner license fees are supposed to pay for their operation. She thinks that is very difficult when we have no control over the expenditures, our travel and meeting expenses, the hearing process or any of those things.

Mr. Johnson said we have had direct appropriations before, that that is not true. Reggie Joule gave us direct appropriations. The key here is that where is the \$600,000 going to go, where are we short? Obviously everyone needs to be paid. The Director got paid. Where is the money going to come from?

Ms. Rebne said she feels strongly about how this money was spent. She does not support increasing fees to cover the past debt. She really thinks at this point that even if we were to get this debt eliminated, we don't want to increase the fees. None of us has control and I really do think at this point it's really critical. We have to make it clear that simply increasing fees to the guides is not going to resolve this issue. She would really like us to get a committee on this, use Mr. Johnson's historical knowledge and get this ball going.

Mr. Spraker said he agrees with Brenda and does not think the guides are looking forward to increasing fees to cover this debt. He cannot understand why we have to cover \$30,000 per hearing. The part about the hearing has always been troublesome to me. He does not understand why we have to pay \$30,000 per hearing. You would think it would be paid by the person who lost the hearing or the Dept of law or some other state agency would pick up some of this. How long can we continue with this deficit and stay in business? He is afraid that someday someone will pull the plug even though we are here for a lot of good reasons. How long will we be able to exist?

Chairman Vrem said he thinks we do need this committee and it's a matter of determining what our essential services are, maybe lock the pantry for awhile and see who comes and asks for the key to see who needs this information.

Mr. Johnson said what happened is that we used to contract out to people who do hearings. The advantages were that if you didn't like the way that person operated with investigators you didn't hire them again. The hearing was a couple hours' long-five in total- and a \$1200-\$1500 cost. Under the

Murkowski administration it was decided to do it in-house. All of a sudden within the state you have this huge burgeoning bureaucracy of hearing officers. Now as a board you do have the right to have some major say as to who does the hearing and the dept has completely ignored that. Commissioner Susan Bell was looking into going back but the clock is ticking. The reality is that we have to go back. The investigators want it to go back. Some of these cases are costing huge amounts of money. The hearing officers don't even have the courtesy of breaking down their charges. Just so you remember, you can do something different, and as a board a resolution would be appropriate.

Ms. Rebne said if this was an action from the Murkowski Administration then we can't be the only board in this situation. There must be other boards in this situation. We need to find out who we can get this information from.

Ms. Johnston said the department as a whole is having some frustrations with the billing; when we receive the bill from the Dept of Law, it is not like from the private sector. We get a bill that isn't broken down. This is an ongoing conversation with Ms. Chambers, Director Habberger and the Dept of Law.

Mr. Johnson said when he gets a bill that isn't itemized he does not pay it. He cannot believe that it is so casual that the hearing officers from the Dept. of Law do not break it down. He thinks we do not pay these bills until it's broken down.

Chairman Vrem asked could you please draft a resolution?

Mr. Johnson said yes.

Chairman Vrem asked if there were any other concerns.

Mr. Spraker asked if the other agencies paid who use the hunt records.

Mr. Johnson said when the board started up again Ken Titus was deputy director of wildlife conservation. BLM, forest service and parks wildlife was there. The head guy at the Tongass, Forest Cole, knows all about this. When any guide or transporter is out there some of those fees come back to the industry. Most of the guides in S.E. don't need more trails or horse hitches so the forest service said they would love to kick back on some of these fees because they would use the database. Fish and game said they would use the database. When it comes down to it, some of these agencies have the code and use the database. We have asked every single one of them to pay and all of them agreed he thinks there are people who use the code without paying.

Rick Urion, the past director, wanted to work it through. Let's shut it down. In our rules and regulations, under statute, these agencies have access to it. It may take a year or more, but we are trying to save time for them. If people are not willing to pay for it, then let's drop it. He does not want to put this profession in jeopardy. If people give me their word and say it publically, he takes their word. He is not going to let them off casually nor is he going to let the division off casually.

Chairman Vrem said Sara Chambers has information regarding the budget.

Ms Chambers said for the record she is Sara Chambers, the Administration Operations Manager for Division of Corporations, Business and Professional Licensing. Our director Don Habberger was hoping to be here this morning but sends his regrets and hopes to be here this afternoon. She is happy to discuss any of the budget concerns. She knows the concerns Mr. Johnson addressed are ongoing concerns. We hope to have first quarter numbers soon. The administration is running behind on these numbers. They will be sent to the board as soon as they are available.

Chairman Vrem said he guesses that is an excuse from the Government. How do they get away with that?

Ms. Chambers said that part of the concern is that they are understaffed. Several people departed at the end of the fiscal year and they served the entire department. We have an appropriations period where money that is spent in June these receipts come in July during the appropriations period. We have to get the end of the year numbers out first and then the appropriations numbers later.

Chairman Vrem said who do we have to go to find out about how to hire our hearing officers?

Ms. Chambers said she is not sure that we have an alternative right now to hearing officers. Chief Investigator Warren and she are discussing and our director is aware that the board is concerned with the process of hearing officers. She recently let Assistant Attorney General Milks know of the boards' concern. The board has the ability to select the level of involvement. It's on paper that the board can say, we don't want a hearing officer to do it for us and we want to hear the case. It's a form you fill out with a check box. The board has the ability to be that authority. In the past we may have had some concerns that may have been personality driven; some hearing officers that have not necessarily worked in a collaborative way with the board and honored the boards' ability to be the hearing body. It may be that the board has delegated that responsibility to hearing officers in the past and that

wasn't communicated clearly between the two bodies so if there are ongoing concerns, as we continue to go through the hearing process, then we should work together to make sure we are aware of the process and the board is clearly articulating that the board is in charge of this hearing and not the hearing officer. They do a certain amount of leg work but that's up to the board to determine how much leg work you want.

Chairman Vrem asked where is that form in the board packet?

Ms. Chambers said that is not really a form that goes in the board member packet, but is handled through the office. When we receive a notification that a hearing is coming up, Ms. Cashen would be the point person to contact the board.

Chairman Vrem said he wants to go on record as stating that he wants to be in the loop. He has never seen this form.

Ms. Rebne said that before any hearing or activity, a charge has to be made and that is the point when we need to be involved. We can't be the only board that's facing this "carte blanc" payment system that the division seems to have. So we are wondering where can we get information about the other agencies because at this point she feels like she has shirked her duties; not only to the guides but to the residents of the state of Alaska. She did not know that these boards are being charged. This board has no control over how much money is being spent which is increasing the fees to the industry. We need to find another way to get rid of this bill. She feels responsible at this point. We don't know how many hours it takes for the hearing. Now we are discussing how to increase the fees. That's off the table. We need to figure out how to erase this debt. If other boards are in the same position she would like to know how much they have to pay. She would like to know if the Board of Game is in the same position. She wants this board to take over the hearings because it seems to be getting worse. We've had this conversation over a year ago and she is sure this conversation has been had before then. We aren't going to pay any more bills unless they are qualified bills. She would like to see that done today.

Ms. Chambers said if she could offer some tools. Director Habberger has offered the board more tools, to show how the sausage is being made. In some cases there might be a level of detail that we at the division level don't have but for the most part we are able to ferret out that information that has never been available from the past from other agencies that has not been shared before. One of those projects has been to itemize the bill from the department of law so we have first request from the department of law to provide us with more detail from the get-go The department of law for a period of time was

providing us with a bill without strong substantiation as what has happened so we are working with the director that oversees this activity so we are able to tighten up that detail that is reported to us. So we have been able to have our staff pick through as much detail as can be identified, as far down to as case level where we have this information presented to us. When we don't have this information, that is vague or in rare instances incorrect, to go back and say can you get us some more information. So we have gone through a lot of work between the director and the department of law to get this level of information and it's not in a perfect state but we're trying to do this not only from the 20,000 foot level but also to the ground level. So what she is hearing from you, Ms. Rebne, is that we might want to provide additional detail on that quarterly basis regarding your law responsibilities and bill and you can look at that detail and also looks at the cases and investigations that would generate the law bill. She does not agree that it is carte blanche, that the department of law and office of administrative hearing is not taking action that either the board or the division through the statutory responsibilities that investigators have to support the board, those are the bodies that are generating those bills but it sounds like it's hard to reconcile the facts without more detail about where the money is going and what it is being spent on. The chairman and she have had discussions about heading this off at the pass, recruiting and defining a disciplinary matrix so that things that are going to investigations now that may not need to don't incur a high personnel costs and the investigators time. The board can then have more of a voice in helping the investigative staff triage what is really important, what the board can take up of its own, what staff can take up from guidance from the board and instead of going to an investigator where it can increase the time of everyone involved and delay licensures, so she thinks that is something that is going to be a great tool for the board to be able to say these are things we don't want to incur; investigator time, which may also ultimately incur law time or OAH time. Anything from the department of law is going to include, any time we have a staff attorney here, anytime we have a staff attorney clarify regulation, and other non-disciplinary types of activity. The chairman and she had a meeting with director Habberger, Ms. Johnston and the supervisor of the our staff attorneys to help clarify the responsibilities of the agency attorney to help clear up some expectations that have been set through past AAG activity and to be able to more and to be able to more forward to have staff attorney available within reason to be able to assist the board but not to the point where their \$100+ an hour bill is continually working on things which our regulations specialist and board could be doing ourselves rather than that department of law meter is ticking. That was a very good discussion. She believes that everyone is on the same page and it's going to take some work in putting that into practice. That will be another area where the law bill will help.

Ms. Polley said there here is a lot more in her mind than the department of law. We had talked about RSA's by fish game, DNR, and public safety who are using this information and involved. This is a very inner agency kind of operation. Pursuing RSA's, again, you need to know what services each inner agency service agreement is accomplishing. You have presented to the Governor our budget for FY14 but we have no idea what is in it. We do not know who is our personnel, we do not know right what our indirect expenditures are, we cut staff but we still have this huge staff bill from last year. We are a board that is active and wants to know where we are and what we're doing and whether you'd like to do that by committee and present that information and then present that to the board. We are literally burdened with this past debt. We'd like to know where we are in a year without this past debt. We'd like to eliminate this past dept but it's like "debt consolidation". We just get deeper and deeper in it. The perspective that we have to raise the fees for what we perceive as mistakes that happened in the past is disturbing to board members. If there is a way to have a clean year two years where we know what we are really paying for and what it is costing, that would be one big step forward. How could this continue; that it keeps building and nobody reacts? She would like us to be more involved in the budget process.

Ms. Chambers said it's certainly the responsibility of the board in conjunction with the division. She thinks that is a terrific suggestion to work together more intentionally so that we could get to a board meeting without any financial discussion and then we get to a board meeting and there is a level of frustration that we could be working to eliminate. She would agree that that would be a healthy collaboration if the board could appoint someone to meet with the staff to go through the budget with a finer tooth comb and the board report and ask any questions that may be there with an intentional partnership. She met with the board in March and brought a message of heightened alert and the division has taken pretty dramatic steps to assist the board to reduce the cost. One of which is going from two examiners who worked 85 percent of their time for this board to one examiner who works 100 percent of their time for this board. We believe, and we want to hear from the board, that the level of customer service level has been maintained. We have been able to make progress with the hunt records and transporter activity report database and that's a project that you have all been involved with. One of which is the current proposed regulation to revise the form through two sub-committee. We had a discussion with a sub-committee and Lt. Chastain and all sat down and said what do we have to collect, a lot of input from the licensees and follow up with subcommittee meetings and what is going to reduce the licensees frustration, confusion and level of work, and make the form better, what do we need to collect as BGCSB, what does the DPS need in order to do their job and maintain the level of information that

they need. We looked at those and made those determinations and also asked what information needs to be searchable on the database and she knows this is getting a little detailed but we are now looking at with the new proposed form and if that form goes through we are looking at improving that database and regulations to capture that new information that those subcommittees had said wanted captured would reduce staff time that would reduce cost. The whole cost driver that is associated with the database is the time it takes our clerk to input the forms and with the level of consternation that we had about the database we are working to reduce the amount. That will make the actual cost of the database rather minimal. That is something that Ms. Johnston and she will be working to keeps tabs on to make sure it's executed reasonable and we're troubleshooting and going back and taking the numbers and how much is it costing now, CPO cost and what is the difference and we can measure it and see what amount of staff time and i.e. cost what have we saved. There is no cost to the division when another agency logs in and looks at it. It probably takes 5 minutes to give another qualified agency representative access to the database. If we didn't grant them access to the database and they had a statutory right to the information we would probably have to hire a staff member simply to keep up with the certified paper request that they could otherwise be getting through the database. So we are looking at who are the users, what is the frequency of use, looking at are we involving our staff, are we involving our personnel, in response to the request that other agencies should be doing on their own and pretty much putting our foot down on those and saying would you like access to the database, here is the form, confidentially agreement, sign it, go forth but we are not here to do your biology research, that's what you have staff to do, to put it rather bluntly. So she thinks we are making those changes; she does not think the database will be a significant source of debt for this board. She thinks there are other areas. To speak briefly to the issue of the past debt, the board received a memo last summer giving both your FY12 numbers with a ten year span of every year of what those numbers were; on the flip side of that was a letter from the director explaining that the division had gone through every board and every non-boarded program financials piece by piece for the last ten years. This was a multi person task force involving accountants, admin services and Ms. Frawley who picked through each boards' financials to catch any mistakes, make sure that everything thing was defensible, was above board and accurately coded to the correct program source. That was in response to the legislature's allocation of several million dollars to the division to make up for some pretty grand error where professional licensing had paid for one hundred percent of the divisions cost and business and corporations had not paid for their sixteen percent so the legislature made that last year, we responded by going through every boards ten year look back and the number at the end was the final number was determined was coded correctly and that is that \$600,000 number. The

agreement through legislation was that once that was completed, that was the end and we were moving forward, so there isn't an opportunity to erase any debt because that work has been done, research has already been done. We can provide you with the stacks of information if you'd like to request it. She thinks we used the CPA board as an example when we had a dept level pow-wow about it and it was a nine hundred pages of backup documentation to be able to show the work and we picked them because those are accountants and they would be pretty strict in looking through the data but that information can become available if one of you would like to have it and go through it. So that is an element of where we are in going through the past. There are lots of moving parts that she has touched on and there are a lot of moving parts we will touch on but in moving forward if the board continues this service level it is receiving now without raising fees in the future then we are going to be looking at an \$800,000 debt in FY14.

Chairman Vrem said we need guide names, client names and date of the hunts and that's it. Over the years the hunt form has been developed by the other agencies. We have obliged them with other information that they want. We need to figure out ways to cut this bill down. If he had someone working for him and misjudged the budget by \$600,000 by so many years, they would be standing in the unemployment line. He is frustrated from a professional standpoint and not a personal one.

Mr. Johnson said we are going to have a resolution on this and we will get it wrapped up but the sausage making has got hot peppers. He just got this new board and commission booklet that came out not too long ago and he has looked through the process of putting through a regulation and there are 1, 2, 3, 4, 5, 6, 7 times an attorney looks through; that is not under the Administrative Procedures Act, it's not in there. It's not personal; it wasn't personal under any circumstances when we met with Susan Bell last year and promised to be cooperative, he is not going to be cooperative. Here is where we sit: even with the hearing officers' situation as it sits, even with the other issues and this debt that all of sudden we got, we were not working with honest straightforward sheets when we started that showed we had a surplus. He can go back to every single one of those and then to have it completely reshuffled several times with every director that comes through is not acceptable. If we lose this fight, we lose this fight. The day that he promised Susan Bell and Don Habeger and not a single thing has been looked at is unacceptable. We will make a resolution, we will make a motion. It's time to dig in our heels. It's time to take the pepper out of the sausage.

Chairman Vrem said thank you Ms. Chambers. Wayne Kubat and he have been working on issues of concern to comply with HB 229 are the proposed regulations: 12 AAC 75.135 and 240 and 990: Assistant Guide Log book,

Supervision of guide districts and definitions. We've been given until April to modify to make it fit our situation, so he would like to something resolved and voted in on this meeting because he suspects that law will kick it back or something will happen to it and we'll have to re-hash it and he wants to have that at the March meeting. Secondly, the proposed regulations changes that weren't hooked to HB 229--the Hunt Records, guide area registration, professional ethics transporter activity reports and hunt guide practical experience. So he wants everyone out there to work with Wayne on this.

AGENDA ITEM 4 ELECTION OF OFFICERS

Mr. Johnson nominated and Ms. Rebne seconded Kelly as Chair

Mr. Johnson nominated and Mr. Spraker seconded Karen Polley as Vice-chairman.

Michelle moved to close the vote.

On a motion duly made by Mr. Johnson, seconded by Mr. Spraker and approved unanimously, it was

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

Board staff members remained during the session.

The Board entered executive session at 10:05am and went back on record at 12:30pm.

LUNCH: 12:30-1:30pm.

AGENDA ITEM 6 APPLICATION & INVESTIGATIVE REVIEW

In the matter of the application and investigative review of Craig E. Hill:

Mr. Nickisch moved to accept the application for registered guide-outfitter license for Craig Hill with the following considerations, under the authority given the board in AS Section 08.54.710 paragraph 4, Imposed Limitations,

and take the test for the license; that he be free of violations for five years, attend at least one seminar per year and, in accordance with paragraph 6, that he report in person at a regularly scheduled meeting showing that he has complied with all licenses for the areas and types of hunts that he conducts . Mr. Spraker seconded.

Discussion: Mr. Johnson said after reviewing all applicable information he will support this motion in the best interests of the state.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED to accept the registered guide-outfitter license application for Craig Hill.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of the application and investigative review of Ronald R. Phillips:

Mr. Nickisch motioned to accept the registered guide-outfitter license application for Mr. Phelps. Mr. Spraker seconded and made an amendment to table the decision pending until further information is presented to the board. Mr. Johnson seconded.

Mr. Johnson said after reading all application reviews, he will support until further information is received. It's too incomplete to make a decision at this time.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED to table the registered guide-outfitter license application for Ronald R. Phillips.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of the application and Investigative Review of Jason House:

Mr. Nickisch motioned to accept the assistant guide license application for Mr. Jason House, Mr. Johnson seconded it. Mr. Nickisch amended the motion to table it because application information is incomplete. Mr. Johnson seconded it. Mr. Johnson asked that the specifics of this application of when Mr. House's license was taken away from him and the dates of when he was in operation and the affidavit stating 7/23/12 and the board needs more information from the staff for clarification.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to table the assistant guide license application for Jason House.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of the application and investigative review of William Nettles:

Mr. Spraker motioned to accept the assistant guide license application of Mr. William Nettles and Mr. Johnson seconded it. Mr. Johnson said in reviewing all of the past history of Mr. Nettles and the various concerning items but it's far enough in the past that he should be able to guide.

Upon a motion duly made by Mr. Spraker, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to adopt the assistant guide license application for Mr. William Nettles.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of the application and investigative review of John Hoegberg:

Mr. Nickisch motioned to accept the assistant guide license application of Mr. John Hoegberg and Mr. Johnson seconded it. Mr. Nickisch said there were a few things in his past but he will be supporting this application. Mr. Johnson said that he will be supporting this as well in reviewing all facts and figures this gentleman should be given the opportunity. Chairman Vrem agreed.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to adopt the assistant guide license application for Mr. John Hoegberg.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		

Ted Spraker	X
Michele Metz	X
Brenda Rebne	X
Paul Johnson	X
Dirk Nickisch	X

In the matter of the application and investigative review of Robert Dorn:

Mr. Nickisch motioned to accept the assistant guide license application of Mr. Robert Dorn with a consent agreement and two year probation and Mr. Johnson seconded it. Mr. Nickisch will support this application; the applicant has a bit of a history but can prove himself a better person through this process. Mr. Johnson said that he agrees.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to adopt the assistant guide license application for Mr. Robert Dorn with a consent agreement and two year probation.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of the application and investigative review of Clarence Skaflestad:

Mr. Nickisch motioned to accept the registered guide-outfitter license application of Mr. Clarence Skaflestad and Mr. Johnson seconded it. Mr. Spraker offered an amendment to the motion to table this decision pending further investigation. Mr. Nickisch accepted the amendment. Mr. Spraker added that there are a few items the board is not privy to so far and the board

needs a little additional time and some more information before making a decision.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to table the registered guide-outfitter license application for Mr. Skaflestad.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz			X
Brenda Rebne	X		
Paul Johnson			X
Dirk Nickisch	X		

In the matter of Case No. 1700-07-040:

Mr. Nickisch motioned to accept the consent agreement of Case No. 1700-07-040 and Mr. Johnson seconded it. Mr. Johnson said that this case has hung around awhile and will be voting for it.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to accept the consent agreement for Case No. 1700-07-040.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of Case No. 1700-08-028:

Mr. Nickisch motioned to accept the consent agreement of Case No. 1700-08-028 and Mr. Johnson seconded it. Mr. Johnson said after looking at all the work that has been done to it, he thinks that a reasonable consent agreement has come into effect.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to accept the consent agreement for Case No. 1700-08-028.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of Case No. 2012-001125:

Mr. Nickisch motioned to accept the surrender and license of Case No. 2012-001125 and Mr. Johnson seconded it. Mr. Johnson said this is a voluntary surrender of a license of pretty severe nature of past deeds so he going to support it.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to accept the surrender and license of Case No. 2012-001125.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of Case No. 2011-0001129:

Mr. Nickisch motioned to accept the surrender of Case No. 2011-0001129 and Mr. Johnson seconded it. Mr. Johnson said this is bringing to close a pretty big case. It's a voluntary surrender that he will be supporting.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to accept the surrender of Case No. 2011-0001129.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of Case No. 2012-000481:

Mr. Nickisch motioned to accept the surrender of Case No. 2012-004812 and Mr. Johnson seconded it. Mr. Nickisch amended it to 2012-0004812 and Mr. Johnson accepted the amendment. Mr. Johnson said this is a voluntary surrender that he will be supporting.

Upon a motion duly made by Mr. Nickisch, seconded by Mr. Johnson and approved by roll call vote, it was:

RESOLVED to accept the surrender of Case No. 2012-000481.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

Mr. Johnson asked the Chair to have staff make the results available to the public. Chairman Vrem agreed.

Mr. Spraker said that because he holds the Board of Game seat on this board he would like to advise folks that there will be a Board of Game meeting in January and fellow board of game member Nate Turner was in the audience. If there were any game-related questions they would do their best to answer them. The first meeting would be in Southeast units 1-5 in Sitka on Jan 11-15, the next meeting would be Central and Southwest, areas 9,17,16,13,11 you would be interested in those proposals in Wasilla, Feb 8-15 and the last Spring meeting will be for South Central include areas 7,15, Units 8,6 so if you have any interests it will be the 15-19 on the Kenai Peninsula in Kenai.

Mr. Spraker said that Joe Want asked him to put together a Boone & Crockett one-page test which is resulted in a six-page summary of all the species, edited by a Boone & Crockett editor. There are 50 pages out front and a copy can be provided upon request by staff and/or him.

AGENDA ITEM 6 STATE & FEDERAL AGENCY REPORTS

Bureau of Land Management Recreational Director, Bill Overbond, said he wanted to talk about a project called a Hunting Guide Capacity Study, to look at guide use areas and study conflict and controversy involving hunting guides. It's similar to the forest service, fish and wildlife and parks service undertaken in the past to look at guide capacity and DNR with the Guide

Concession Program. We had a sixty day comment period July 9-Sept 9 and we continued to accept comments throughout the fall. Internally we are putting together whatever data and guidance into a draft report to put out in late Feb early March time frame.

Chairman Vrem asked if anyone could comment and if there was a cut-off date.

Mr. Overbond said normally the formal comment period is thirty days but we extended it to sixty days because some of it occurred during the high guiding activity in the summer. We've let everyone know that any issues, level of conflict or the lack thereof, please feel free to send their comments to us.

Chairman Vrem said that was good, because guides usually get asked during their busy hunting season when they are out in the field.

Mr. Overbond said they only received twelve comments and knew comments would be scarce when they don't have a documentary to show, but when the draft comes out it will have four alternatives; one that shows the current condition with the number of guides currently authorized in guide use areas, and a ten year of high, medium and low averages and then engage the public in a discussion about where the numbers ought to be for the preferred. We expect a higher level of comments during this one week, when it comes out in the springtime.

Chairman Vrem asked if BLM would continue to allow twenty acres for headquarters site.

Mr. Overbond said that would be looked at.

Alaska Bureau of Wildlife Enforcement Trooper Lt Bernard Chastain wanted to talk about what troopers have seen out in the field over the last year or so. The good news is that almost all of the field supervisors replied that they don't have a lot of problems with the resident guides in response to Lt. Chastain's question about what problem trends were being seen in the guiding industry in their areas. He thinks that is probably the case statewide and that overall the majority are good operators and like everything else there are those who spoil it for the rest of the group. One of the things that we did identify is those who are operating close to the line. If you know where that line is, and operate on that line, you're over the line before you know it. One of the things we continually see and this has been before the board numerous times is that transporters remain in the field continually and mainly in vessel type situations. The transporter related industry was developed primarily around aircraft and when vessels were added they were

mixed up with regulations meant for aircraft. So the two main problems are transporters remaining in the field, going above and beyond what they can do and acting as a guide. So as you address transporter related issues as a board he asks that the board gives enforcement the tools to enforce that transporters do not step beyond what they can do.

Another issue that we've seen is guides and transporters operating on private property without permission. We consider land issues very important and we investigate and prosecute these violations whenever possible. We have several pending cases of guides and transporters on land without permission. Generally paperwork and accuracy is always a problem. Everyone deals with paperwork, which needs to be completed and if it is not, then expect to hear from an investigator or trooper.

One of the most troubling issues is salvaging game. It's important for guides to recognize that the salvaging of meat is primary and the trophy is secondary. In several cases the meat has not been taken out of the field and that is troubling. In several cases the meat was taken out of the field but was spoiled or dirty. This is a quick way to get the attention of a trooper. A supervisor asked him to explain the reason multiple contacts are made to a guide camp is because troopers conducting patrols need to identify who the guide operators are and the paperwork associated with them. Routinely people come and go on a regular basis so it's not because we're coming back to check the guide's paperwork multiple times but it could be because there could be other people there that we are dealing with. Certainly we try to minimize the number of times we are interrupting the hunts or transport activity but we have a job to do and we need to get in there and make sure it's being done correctly. In general statewide we have a great relationship with the guides and he mentioned to the APHA folks that the guides are our eyes and ears and they see what is coming and going and when something is not right they are the first to know. So we hope in that in the spirit of cooperation we can take care of violations as quickly as possible.

One of the things he mentioned before is regulations and the enforceability of regulations. When any board or body puts a regulation in place it needs to be enforceable. One of the pieces of enforceability is that you can't think ahead several years down the road and keep loopholes from developing but to do it as best as possible and fix them as they come along.

Chairman Vrem asked Lt. Chastain to give an example of an activity that would be considered over the line.

Lt. Chastain said he didn't have anything specific but an analogy would be fishing and if you know the fishing regulations and follow regulations A, B & C, and you step over E, you will be coming to the attention of enforcement. If you operate well within the confines of the law, from a liability and business standpoint, you build on that business model.

Mr. Johnson asked Lt. Chastain to clarify when a hunt is completed.

Lt. Chastain said that is one of the major questions that the board needs to address. There are multiple explanations about when that is. One person thinks the hunt starts when the guide picks up the hunter at the airport and ends when the guide drops the hunter off at the airport. Another person has said that it begins when he says it begins and it ends when he says it ends. He has had people tell him that it ends as soon as they take an animal. There are multiple explanations for it. He thinks the board should address when a hunt is considered complete.

Mr. Johnson said that it would be best before they leave the meeting to put together a group of people to come up with policy of when a hunt is completed so that it's better for the hunters and the guides.

Lt. Chastain said that he fully agrees with Mr. Johnson, however, policy does nothing for them unless it is enforceable.

Mr. Johnson said he understood.

Chairman Vrem said that sometimes during his contact with fish and wildlife troopers, there was a difference of opinion about a paper issue but it was always resolved. He would like troopers get some guidance from a supervisor or perhaps slow down a little bit when there is a difference of opinion rather than let it escalate. For example, when there are different opinions between a trooper and a guide on meat transfers when there is currently a pretty big gulf in understanding the regulation about the transfer of procession and the proximity of the meat.

Ms. Rebne asked if there was a different definition for trespassing on private land for the guiding industry and the general public because in our region we can't get any support from the troopers to address the trespass situation or moose taken on our land without authority. So while she is happy to hear that troopers have taken a position in this particular industry she thinks it obviously needs to be expanded to include the general public which is doing far more damage than the guiding industry.

Lt. Chastain said there is a different definition with the guiding industry then there is for general trespass. The difference is the guide industry has its own definition with land use and the criminal definition for trespass is a different definition. The criminal trespass law is a complicated law. What is different is that the guide has AS 08.54.720 which addresses entering and

remaining on private party. The reason that's different is because guided licensees are held to a higher standard so it's an ownership account. Access to records this is an important issue to the board. What we have told occupational licensing is that we aren't going to give money to just anything we want to know what we are paying for. Occupational licensing has told us they are developing a list of items that we will pay for if we choose to pay for. Once they come to us with that list, we will address. We use that database a lot. It saves a lot of time with enforcement. Otherwise Occupational Licensing would have to hire a whole other person. It allows us to look at records without having to ask occupational licensing for that. We may look at a case and decide that we aren't going to pursue it. Otherwise we have to call Occupational License for copies, they would have to certify them and that takes time and effort. If we can look at them online there is no cost and time. It's an important step in the enforcement process and I hope it won't be dismantled.

Finally, for an overall view for the public, there really aren't any major changes in the wildlife trooper division. We have 97 commissioned troopers. We are looking to fill Coldfoot and a couple of other spots around the state and we continually analyze where the need is.

Chairman Vrem asked what the number one problem was out in the field.

Lt. Chastain said it varies greatly, the ones we are looking for are cheating the system, it's a fairness and equity issue, and the people who are doing it are cheating everyone in the industry so we're constantly looking for folks who aren't legally licensed.

Chairman Vrem asked if he was looking for meat slips or hunt records or something like that.

Lt. Chastain said that it is not high on the list.

Mr. Johnson said your division has worked closely with the board during the computer process and the dream was for agencies with a password would be willing to help out. He hopes that we can come to the conclusion that the amount of time and evolutionary process and it's been extremely costly and setting it into play has saved your division money and time and energy. Obviously we're going to need some help in this and when it comes to costs when the prosecutor and you decide to push a case over for us to handle rather than you folks handle it saves the judiciary and others a whole lot of money. With that being said, he appreciates that you are always willing to help out with this. If we can't come to an agreement with the other agencies, we might not need to hire another person; it just might take a year or two for

you to get your paperwork. He believes you've given us the opportunity to cooperate and he appreciates that.

Ms. Rebne said that she supports what Mr. Johnson said and thinking back to the three things that our industry needs on the forms and everything else is for other agencies. If the other agencies aren't willing to pay for this, we agreed to set up this database with the expectation that the other agencies will pitch in; but if that isn't going to occur then we can't be expected to maintain the database. If that creates another position to meet your needs then that's your problem. We can't afford to maintain a system for other agencies and charge our industry that we are overseeing. There must be somebody in your department that would know how much you are using it. It's just a matter of who has more need for it and who should take the responsibility to pay for it.

Lt. Chastain said that these are your regulations created by you. We are mandated to enforce the regulations. If you say that they are important to you then we need to enforce them. Having said that is we need to look at the records to enforce your regulations. In order for money to be exchanged from one state agency to another, an RSA needs to be created. The RSA has to explain exactly what services will be provided.

Mr. Spraker said that with 97 troopers, does that mean your trooper numbers are high. How are you doing as a Department?

Lt. Chastain said we have ninety seven positions with four to five positions unfilled statewide. About fifteen positions of the ninety seven are supervisors and not in the field. Troopers are on leave or sick or days off so in any given day there may be only fifty to fifty-five troopers out in the field which is a small number given the size of the state and the number of regulations that they must enforce. Sport fishing, gaming and habitat statutes must also be enforced.

As far as the budget goes, in general we are holding our own.

Mr. Johnson said he recognizes that we adopted these regulations to utilize our resource, just like fish and game. He does not expect guides to pay a whole bunch more. Commercial fishermen don't pay you directly for you to enforce their regulations so he does not expect you to do that with us. He does not want to be hung out to dry and be one of those industries that asked to carry its complete weight. He thinks public safety needs public money from all areas to carry its responsibilities.

US Fish and Wildlife Service Regional Permits Coordinator for National Wildlife Refuge in Alaska Brian Anderson said that in their process for

selecting big game permits on refuge land, they have offered ninety six big game permits last year and are mid-way through the process. We released the selections and the next step is to process the appeals. This time we received 235 applications from eighty one individual applicants which was lower in 2002 with more applications from fewer applicants and 150 applications were forwarded for final selection to the Manager. The areas with coastal brown bear and doll sheep were by far the most popular, with moose areas more marginal. We received a record number of thirty four applications for three permits in the Arctic. We did not receive any applications for eight of their areas. We expect to have all of the appeals handled by the end of next year. The permits will become effective by the end of 2013 and are good for five years.

Alaska State Parks representative Pamela Russell said that she agrees that a lot of people do not realize that state park land is different from other lands and a state park permit is required.

Mr. Spraker asked if State Parks has a lot of guides operating.

Ms. Russell said they do; more in the larger areas, probably ten-fifteen in Chignik. A couple of transporters and guides are out of Kodiak.

US National Park Service Katmai National Park Superintendent Eric Veage said that recently their staff completed an environmental assessment for hunt alternatives for hunt guide opportunities in the Katmai Reserve. There is now a prospectus out for two hunt guiding concession opportunities. Their definitions are closely aligned with the definitions of a qualified operator in the Guide-Outfitter statute. Proposals are due January 18, 2013.

The Bering Land Bridge Preserve is in the process of completing an environmental process looking at alternatives for sport hunting. Guide services. Public comment is open until December 9, 2012 and the best way to do it is to Google "Bering Land Bridge Hunting Guide Services" which will take you directly to the site.

Mr. Johnson asked what the controlling interest of a non-natural entity.

US National Park Service Katmai National Park Concessions Specialist Lisa Fox said that it is defined as fifty one percent or more listed on the documentation for the company, but let me check on that.

Mr. Johnson said it would be the controlling unit as fifty percent is controlling. We recognize only natural persons not LLCs.

Ms. Fox said that this was the first revision of its kind and a lot of effort and review was put into this of the wording since the intent was to become more closely aligned with the administration of these concessions and state regulation and law. They recognize that they had a gap with the concession law that allows the national park service to award contracts to corporations. It is her belief that the Service desires to close that gap and be true to the intent of the law to regulate the industry. As further prospectus come out they are willing to work on a better format.

Mr. Johnson said if you had a transfer of this permit, would you be looking at the controlling interest party.

Ms. Fox said that we do a contract transfer and the person who is doing the transfer and has the controlling interest has to abide by the specifications listed in the contract. That sale transfer remains the same if there is a change in the organization of the company, but they must be notified before the change is made or else the contract is invalidated. All persons with an interest in the corporation must be named in the contract. If a minority holder has a criminal violation, they could administratively make the decision to terminate or not terminate the contract.

Mr. Nickisch said Denali has concessions for air taxis and there has been talk about expanding into other areas.

Ms. Fox said she can speak to Katmai but not Denali, however, what she has heard is that it's coming to the forefront and being discussed as a region.

Mr. Spraker said was there opposition from the preservationist and anti-hunting groups about the prospectus.

Ms. Fox said primarily there were concerns from some groups and individuals from National Parks Natural Conservation Service and other entities. There were over 630 public comments about the Environment Assessment. The end product really provided a lot more comprehensive treatment of the issue by having the environmental assessment.

Alaska Department of Fish & Game Assistant Director of Fish and Wildlife Conservation Tony Kavalok said Commissioner Campbell and Director Lange thanked the board for the work it does and cooperate with the body. There have been significant personnel changes that affect the industry primarily in the South Central region; a new biologist, Owen Alanson, in Palmer, a vacant biologist position in Kodiak, Biologist Dave Crowley of Cordova will now work in King Salmon, Jim Willington of Dillingham will retire soon. Delta position has opened up.

License sales are up in the last few years. We anticipate gun sales to increase. The price of aircraft fuel has increased so we have to carefully plan research activities and consider additional revenue sources.

We have quite a bit of support for the Watana hydroelectric dam project. We are conducting an assessment of the effect of the project. There are other projects that affect our staff's ability to conduct our work. Wolf control has been successful, but bear control not so much, because it's been a struggle to get participation. We have good federal and state relationships and challenges as well.

We have had recent challenges with the Woods Bison which is waiting for a Fish and Wildlife draft rule. This has been a twenty+ year project but Landowners and corporations who were one time agreeable are now hesitant to have bison on their land.

Another public and guide concern is with the military training in Unit 13, there has been an extension on the decision and probably when it goes operational there will need to be work with all parties to set up the program. License modernization program for hunting and fishing licenses but a lot of the infrastructure is not compatible and will require IT personnel create modules. Along with that would be a more streamlined drawing system. Alaska Moose Federation has ramped up their program with a contractor from out of state. They are working with AMF on the Kenai and with DOTPF for a long term planning process of moose collisions.

Chairman Vrem asked what Fish and Game is doing about the problem with the one F&G division issues tags and another division issues harvest tickets but hunters are showing up at guiding camps after not receiving their purchased harvest tickets. Guides have to issue the harvest tickets.

Mr. Kavalok said is a technical challenge and with the two divisions not close to each other it has been awkward but they are working on it. It appears they will go to an internet based system whether through a vendor or a computer application.

Chairman Vrem said he would like to see a proxy system where hunters could buy the license or tags and designate the guide or a qualified recipient to hold the license or tags if desired.

Mr. Spraker said he knows what it costs to run a predator program. Do you know the percentage of the permit holders who are guides?

Mr. Kavalok said it's been his experience it's been ten-twenty percent. It may be higher. It depends on the location. Without the guide participation the program would have been flat. The guides have a vested interest and want it to succeed and have been a leader in the program.

Mr. Spraker said he recognized a lot of registered guides on the list and he think it's probably higher than ten-twenty percent.

FAA Howard Martin was unavailable to report.

Forest Service Recreation Special Users Program Manager Bill Trombley said there continues to be a problem with non big game guide users who pay a registration primarily to look at scenery in places which conflict with guided hunts. Professional Hunters Association is participating in the Chugiak Natural Forest nature plan. The Chugiak is 1 of 6 national forests participating in the new plan to find out what the interests of stake holders are and long term sustainability. In the Tongass down in Ketchikan and Prince of Wale areas, districts completed analysis and guides are able to secure permits up to ten years. Of the 240 special use permits in Tongass, three or four were for big game guides. Tongass Shoreline document is being revised and the public comment period is currently open. The GMU4 for hunting brown bear is being looked at. The board decision in 2010 for black bear hunting by non-resident hunters in GMU 1,2,3 will go into effect.

Mr. Johnson asked if Forest Service had been asked to financially support the Guides database system.

Mr. Trombley said yes, they had.

Mr. Johnson gave the work numbers of Director Don Johnson and Operations Manager Sara Chambers and encouraged him to call them to discuss supporting the database system.

BREAK: 3:37pm-3:53pm

Department of Natural Resources Clark Cox with Valerie Baxter said that the mapping program has been going on since 2006 and it should be done before this legislative session begins so legislators can review the public comments and hear testimony. The inner agency group has worked extensively studying the maps, comments and issues to determine changes and revisions to the DNR boundaries on the BGCS maps as well as working with a contractor. Other legislature activities will be strengthening the confidentiality statute to protect applicants and requesting the program seed funding returned back to the state. The guide use area maps, when enlarged, show inaccuracies and need to be technically corrected by this board. The DNR concession boundaries follow the BGCSB guide unit area map boundaries. For the past two months DNR was able to use the BGCSB database for the DNR concession boundaries which was very helpful.

Chairman Vrem asked if DNR had a list of the most problematic maps. Mr. Cox said that he did not; he brought some of the maps to use as an example so the board could see what needed to be done to snap the lines correctly into place.

Mr. Johnson said he is shocked and dismayed because there was supposed to be continuity in using the maps.

Mr. Cox said that maps between two game management units show the greatest discrepancy. For example, on page 177 is a map of Game Management Unit 07-1 in the top left corner next to GMU15-01, the boundary jogs east three miles instead of going straight, according to the hunting regulations.

Mr. Spraker said that boundary line is the Kenai National Refuge and needs to be straightened and clarified because the refuge allows only one guide to hunt, which would allow that guide to be in GMU 7.

Mr. Cox said that any guides working in these areas could review and correct these maps.

Chairman Vrem said that he agrees that these maps will always have technical corrections and to take care of them as they arise. He recommends that DNR leaves one set of maps "as is" and snaps a second set of map boundaries.

Mr. Cox said that the regulation contains the boundaries for the maps. Another example is on page 129 for Game Management Unit 9-19. There is a volcanic crater which is excluded from the boundaries. These are the BGCSB boundaries.

Mr. Johnson said a lot of things will depend of what DNR comes out with, the guides' reaction and what is workable and what is not.

Mr. Cox said that they need a useable product. The maps belong to BGCSB maps.

Ms. Rebne said that the boundaries are off around the townships. This is a big concern for private owners. She thought when the maps were on a bigger scale it was clear to her where the lines were.

Mr. Johnson said that it is up to the hunters and guides who need to have the landowner maps to use for guidance.

Mr. Rebne said these maps are for reference and need to be correct. It puts the board at risk for putting out bad information. Whose problem does it become when the maps are not correct, DNR, the private landowner?

Mr. Spraker said these maps are for a quick reference. The hunters must use the land owner maps. A correlation is the small DF&G game regulation book which is used by hunters instead of these maps.

Chairman Vrem said that the board can craft language to allow DNR to make adjustments and technical corrections to the BGCSB maps.

Mr. Cox said that there are a few big ones he wants to the board to go over because these maps belong to the board. The smaller ones he is comfortable with.

Mr. Johnson said that the board is getting too technical and doesn't need to make a motion. It is up to the individual who hunts on the land to make sure he is hunting in the allowed area. These maps, as they are, should not affect DNR at all. He doesn't think there is anything the BGCSB needs to do. They have used a weasel clause before and that's not a big deal. Just allow DNR to clarify the maps.

Ms. Rebne isn't concerned about this request but wants the maps to be fixed because of the work done by this committee and the public.

Chairman Vrem said that he trusts Clark and make whatever adjustments are needed and any questionable ones we will adjust later. We will make the technical corrections as required.

Mr. Cox said that as long as passing regulatory authority isn't questioned.

Chairman Vrem said that was alright.

AGENDA ITEM 7 SUBCOMMITTEE ASSIGNMENTS

Chairman Vrem assigned the following chairs to committees:

Supervision	Wayne Kubat
Cost reduction & revenue generating options	Vrem-Polley
Master & assistant guide license standards	Johnson

Board of game crossover issues	Spraker
Hunt Records Transporter Activity Report	Joe Klutsch and Mark Cowan
12 AAC 75.920	Wayne Kubat
12 AAC 75.340(d)(7)	Aaron Bloomquist
12 AAC 75.135	Wayne Kubat
12 AAC 75.240	Aaron Bloomquist
12 AAC 75.270	Wayne Kubat
12 AAC 75.990	Wayne Kubat

AGENDA ITEM 7 SUBCOMMITTEE REPORTS

Cost reduction & revenue generating options committee chair Ms. Polley had nothing to report.

Master & assistant guide license standards committee chair Mr. Johnson said nothing has been done.

Board of game crossover issues committee chair Mr. Spraker hopes that BGCSB members could attend the DF&G Board of Game January board meeting because there have been a lot of proposals to eliminate non residents in areas to set the seasons back by five-seven days after residency season, deer, elk and moose to prioritize for residents. Unless BOG has a clear reason to not reduce non-resident hunting unless there is a conservation concern or over-crowding and clearly identified. He would like the entire board of Game to discuss this with BGCSB members.

Chairman Vrem would like to attend and have the state pay for it but otherwise he will pay for it.

Mr. Johnson said he will be wearing his own personal hat and paying for his travel.

AGENDA ITEM 8 RETIRED GUIDE FEES

Mr. Johnson said the intent of the board was to keep the application simple and inexpensive. There is not a need to update the website to include this on the website. A simple paragraph stating that guide will not guide or act in the field any longer and a place to sign is all that is necessary.

Chairman Vrem said they should still be able to proctor for exams.

Ms. Johnston said she was asked by Don Habberger to put a proposal before the board and take board members comments. She had no baseline and apologizes and over reached on the price. She will take back these comments to Mr. Habberger and would appreciate it if the board would provide a specific

amount they would prefer. The legislature clearly stated there must be an application and this would be simple in comparison to other board applications. Anytime a board issues a professional license it must be kept in the database. A new license is not necessary as one already exists but we are required to keep that license file indefinitely with the exception of when the licensee become deceased and then that file has a retention schedule. In one of the statutes non-resident fees have to be double that of resident fees.

Mr. Nickisch said this is complicated acts like a money pit for the boards.

Chairman Vrem does not understand how this can become so complicated.

Mr. Johnson said that according to statute the director cannot raise or create fees without the coordination with the board. He thinks we discussed \$125.00 the last go-around but he is not going to work on this anymore. We already spent hours on this.

Ms. Polley said that there are teachers who are retired who pay an annual fee of \$250.00 to maintain their teaching certificate and many of them are substitute teachers. She pays for memberships that are as high as \$800 a year. There are professional associations here who could collect the money to pay. It doesn't seem like very much money to her. Perhaps we could create a license classification fee and get the professional organizations to honor these people.

Ms. Johnston said that it can't be dropped because it's already been passed by the legislature. The question was asked about what other boards do and typically other boards' retirement license fees are 50-75% of renewal license fees. The State Medical board is 50% and others are 75% of their renewal license fees.

Ms. Spraker said he does not want to drop this as a lot of guides deserve this license and he hopes that staff can go back and take another look at it. He agrees that the fees are too high. He would want it to be \$100 or less but cover the process of the license.

Mr. Johnson said he doesn't want to quit but he wants a simple process and an inexpensive cost.

AGENDA ITEM 9 APPLICATIONS INVESTIGATIONS MATRIX

Ms. Polley asked if board members could study the information until the board meeting in March.

Mr. Johnson said at the March meeting names for a committee could be brought forth, including Dick Rohrer, to work with Lee Strout.

Seminars:

Chairman Vrem asked for the list of applicants who are required to take a seminar.

Mr. Strout said he could provide a list tomorrow morning.

Chairman Vrem recessed the meeting until 8:30am tomorrow.

Wednesday, December 5, 2012

Call to Order

The meeting was called to order by Kelly Vrem, Chair, 8:35 a.m.

Roll Call

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
Ted Spraker, Board of Game Representative
Michele Metz, Large Private Landowners
Brenda Rebne, Large Private Landowners
Paul Johnson, Registered Guide-Outfitter
Dirk Nickisch Transporter-called in at 10:14am

Board staff present:

Michelle Johnston, Records & Licensing Supervisor
Cindy Cashen, Licensing Examiner
Lee Stout, Investigator
John Clark, Investigator
Michele Wall-Rood, Investigation
Sara Chambers, Operations Manager
Don Haberber, Director
Lt. Bernard Chastain, Alaska Fish and Wildlife Trooper

Visitors present:

Sam Rohrer, R#1098
Jason Bunch, R#1311
Sara Chambers, CBPL
Pamela Russell, State Parks, Soldotna
David Griffin, State Parks, Anchorage
Bill Trombley, USFS
Han von Rekowski, USFS
Carol Goularte, USFS
Eric Veague, NPS
Lisa Fox, NPS
Erik Kenning, ASRC
Clark Cox, DNR
Frank Bishop, M#191
Tony Lee, M#105
Spencer Pape, R#1302
Jon Burrows, R#1307
Brad Dennison, M#138
Dale Adams, M#168
Tom Atkins, R#727
Matt Snyder, R#882
Kurt Whitehead, R#1046
Jason Vogel, R#1284
Brian Peterson, M#114
Mike Cowan, R1126
Wayne Kubat, M#147
David Byrd, R#1291
Arno Krumm, R#1239
Todd Kuster, A#3702
Dan Montgomery, M#173
Henry Tiffany, M#144
Dan Suprak, R#1254
Tim Nelson, C#777
Steve Perrins II, R#1295
Mark Enyeart, A#4436
Frank Danford, R#959
Tim Kedrowski, M#186
Michael Litzen, M#129
Rick Kinmon, R#1266
Steven Perrins, M#123
Thor Stacey, R#1194
Zach Decker, R#1263

J. Burwell, M#162
Nate Turner, R#1036

Discussion:

Mr. Spraker recommended a book by Fish and Game Technical book #4 which describes how game animals came to, and live in, Alaska.

Hunt & Transporter Record Forms & Discussion of Proposed Regulations:

Chairman Vrem said an aircraft-based transporter from Talkeetna asked if he could scout prior to a hunt and the chairman told him no. The assumption is that if a person is a transporter then they have a general knowledge of the area and putting a client in the back of the plane and scouting around for animals' falls under the definition of guiding.

Mr. Nickisch said he agreed with Chairman Vrem because AS 75.440 states that this activity brushes up against guiding and this is a real problem. The Transporter becomes a quasi-guide, which he does not support. The regulations define that activity as spotting for an animal. Half of the people that call me ask if I can fly them around prior to a hunt and when it is explained to them they call the next transporter. Unfortunately it's very hard to enforce. There are always people who are going to be doing that. Dick Rohrer suggested that maybe there shouldn't be transporters at all and pilots would provide only point to point transportation.

Chairman Vrem said while he was guiding he had to drop off a client who asked if he ever had a someone who was flown around and when a big concentration of animals was found that person was put down in the area. The answer was that person would have to buy a guided hunt. He was simply placing the client in the field where he knew there was caribou in the area and where I can pick up and drop off the client but anything more specific and the client need to buy a guided hunt.

Mr. Johnson said he agreed with Mr. Nickisch and thinks when these ethics came into these regulations it made a difference in the state. These are baby steps and he thinks there was hope that the Board of Game would deal with this issue.

Mr. Spraker said what regulation should the Board of Game address since the board is not allowed to get too deeply into public safety and we basically work on science based issues. Is there a specific regulation you are looking at?

Mr. Johnson said it was a public policy issue dealing with the federal government and the rule was 24 hours before a person could hunt. Then the department of public safety stated that this wasn't enforceable, so then the rule changed to an hour. He believes the board of game has a responsibility. His intent was to show the public that the board is trying to make an ethical effort.

Mr. Nickisch said we saw a lot of transporters acting as guides this year. There were a lot of people talking about it this year. The 24 hours was difficult to enforce and there have been people talking about changing it to 48 hours. A transporter can fly until 11:59pm at night and then return to the hunt after the next minute. The two largest carriers of hunters in the Brooks Range are air taxis, they are not transporters.

Mr. Spraker said proposals have to be in to the Board of Game by the first of May and a one-time deal for the next full year. If sometime in the spring someone wants to address it, he would be very interested in some sort of discussion between the two boards. A pilot can fly all night, get up at 3pm and shoot a ram and be totally legal. There is nothing ethical about that type of hunting. The Board of Game would love to look at something like this. Draft a proposal and get something in as a statewide provision.

Chairman Vrem said after quite a bit of thought, he spoke with Mr. Nickisch and Mr. Schuster about combining the licenses; combine two licenses and designate one for transporters and another for guides. For years he has maintained that guides probably should not be transporting under their guiding license. If a guide wants to drop off hunters he should have a 135 permit. He wants to remove all of the exemptions.

Mr. Nickisch said the state uses the definition as "state airports as published..." in the Alaska supplement but one of the problems is Coldfoot is not a scheduled point, it is a flag-stop. Almost any town that is on the road does not have priority mail but he agrees that eliminating this would work towards cleaning up of the transporter industry.

Chairman Vrem said Mr. Nickisch and Mr. Klutsch can flesh this out. Most guides are cognizant of the transporters who were operating in the villages and interfering with the locals. They do not care even after he tried to council them. He is anti-guide regulation by nature but thinks the board is going to have a few more regulations.

Ms. Rebne said as long as there is a demand, there is going to be people who are going to provide the service. It's going to depend on the individual who is signing the contract. He thinks the 24-hour regulation makes transporters less attractive than air taxis.

Chairman Vrem said there is a marine based transporter, Ms. Cashen has the email to forward, who is dropping people off on corporation land. The guides are responsible for making sure they don't trespass, what their camps are like but they don't know and they don't care what property they are on because they aren't directly linked to the user. On the peninsula while working for his brother as a guide, we would pick up trash pile after trash pile left by air taxis. Stoves, tents cots were left there because nobody wanted to pay for the second trip to clean it up. That should be the transporter cost.

Mr. Nickisch said they see this all the time. He has hauled out thirty-seven five gallon cans during hunting seasons. Once the hunter has shot his animal, they don't want to pay for another trip to bring back camp items. Some of these rules you would have to revisit, including requiring all air taxis register as transporters and you would have to put an additional onus by the board of game. Once they step out of the airplane, transporters have no control; they don't police the land in that way. You can't make transporters responsible for the actions of the hunters in the field if we can't be in the field with them and he does not want to be in the field with them. We will have a proposal this time about this one.

Mr. Spraker said maybe it's time to have Lt. Chastain explain to us who is liable for the hunter who leaves his tent behind a tree.

Lt. Chastain said the answer is going to come from the department of law about what the board of game has the authority to regulate. We hear this board discuss options for the board of game with guiding and transporting issues and we have heard from the board of game that they are already delving too deeply into the guiding and transporting issues. The specific answer as to who is liable for leaving litter and trash is the person who leaves the litter and trash. It would be very difficult to hold the transporter accountable for the actions of their client.

Mr. Spraker said as an example, if he goes out with Mr. Nickisch with comfortable camp items and shoots a moose but can't get all his gear back on the same flight and informs Mr. Nickisch that he is not paying for another flight, does it come back on Mr. Nickisch if he doesn't report?

Lt. Chastain said he is going to have to look at the regulations but the responsibility for notifying enforcement is the employee of the guide. He would need to see if it applies for transporter. Obviously, ethically, the transporter should call. What we would do is charge the person with littering.

Chairman Vrem said generally speaking, of all the user groups, percentage-wise the guides have the least amount of violations.

Lt. Chastain said we do pursue it, we look through the litter and items to find names and link it back to people, but often they are leaving cots and stuff that don't have names.

Background checks and board standards for lost gun rights felonies:

Mr. Johnson said he thinks that we are spending a lot of time and effort on background checks. We get the email votes for applicants with domestic violence, DUIs, felonies, indecent exposure, etc. He thinks that with a matrix, the board should come up with a standard and have a timeline of five-ten years.

Chairman Vrem said under AS 75.340 professional ethics and standards. While he sympathizes with someone who lost their right to have a firearm because of some action they did that didn't involve a firearm but it's the law.

Ms. Metz said she thinks we need to follow the law and the federal law states we can't have a firearm.

Mr. Vrem said he thinks a fifteen year old DUI conviction should not preclude anyone from getting a guide license. If an applicant has a domestic violence case or a recent crime, that is proximate enough but not if it is one charge more than a decade ago.

Ms. Metz said she agrees with that but perhaps ten-twelve years.

Mr. Spraker said he agrees as well. Ten years is probably a good number. This board has struggled with sending them out.

Chairman Vrem said we would need help with Lt. Chastain and another panel handled under Sec. 605. Chapter 54 "eligibility of licenses". If it's less than ten years then applicants and licensees will need to report it.

Ms. Johnston said they would still have a need to disclose and the file would still go to investigations, however, once that file was complete with investigations and we get a memo stating "no further investigation warranted" then it will be ready to go to a board vote. The board has the authority to set up a matrix for the licensing examiner in what they want to see; so if you don't want to see DUI's that are twenty years old that hasn't had any violations since, this has to be very clearly articulated in that matrix so that the licensing examiner has the ability to be consistent. If there are any questions or doubts then it is the department's decision to send it to the board; if there is any doubt then let the board make the decision. The current application is being reviewed. Some of the questions are going to be coming off the application in the next month. Ms. Chambers and she is going through each of the questions and matching them to the statute and regulation that govern this board and other boards and we have seen that we don't have the authority to ask some of those questions.

Mr. Johnson said with the new statute of moral turpitude the board can help you design the application.

Ms. Johnston said yes and at the next board meeting you should see that new application. One of the questions that will be removed will be "have you been arrested".

Mr. Johnson said instead of missing a loop, Ms. Polley might sit down with the application and work on that process with you.

Ms. Johnston said we can certainly do that.

Ms. Rebne said can we revise that "have you been arrested?" language or do we not have the authority?

Ms. Johnston said she does not believe you have the authority to change the questions. We have to match the application questions to the statutes and regulations. There are certain questions regarding past crimes which were created by the investigations office and vetted by the department of law. Any changes would have to be vetted and approved by the investigations office and the department of law.

Ms. Rebne asked if the board will see these changes before the application has been completed.

Ms. Johnston said these questions are on several professional license applications and will be removed from all of them.

Ms. Rebne said she would like to see the department of public safety Alaska state trooper application that asks similar arrest questions.

Ms. Johnston said she does not think that the moral turpitude will change the questions that it is asked. It will change the decision making the board will use to accept or deny someone's license application. There is a question that will cover the arrest question.

Lt. Chastain said that he wanted to address the question about the public safety application; it's extremely lengthy. Sometimes it takes over nine months and there is an incredible amount of vetting. He is sure that other boards have applications with questions and minimums and there are others to review this.

Ms. Rebne said she would like to see it anyways but if we are still able to meet the same goal then she is not as concerned as she was before this conversation.

Lt. Chastain said he found the answer to reporting trash left behind a hunt under AS 08.54.720: UNLAWFUL ACTS. (a) It is unlawful for a (1) person who is licensed under this chapter to knowingly fail to promptly report, unless a reasonable means of communication is not reasonably available, to the Department of Public Safety, and in no event later than 20 days, a violation of a state or federal wildlife or game, guiding, or transportation services statute or regulation that the person reasonably believes was committed by a client or an employee of the person. Therefore transporters have no responsibility to report a littering violation.

BREAK: 9:45am-10:00am

Wood River Investigator Update:

Investigator Strout said thank you to the State Troopers. He worked with Trooper Jim Ellison from Cantwell who arranged for an A Star helicopter on the opening day of sheep season, August 10-13. They made several contacts with guides and all of the camps were clean and there were no violations. Everyone had their paperwork. The first day we landed on an illegally harvested sheep and that took half the day; it was not a guided hunt but he assisted as best he could. He inspected Coke Wallace's camp and found it ideal. They hiked to two different cabins, including stone cabin because there was word of trespassing but he does not believe it was guide related. He did get a chance out there two weeks down the road.

Chairman Vrem asked the purpose of the trip.

Investigator Strout said that they inspected guide camps and talked to their clients to see if there were any complaints. The timing wasn't perfect, it should have been once at the beginning and once at mid-season after hunters had had a chance to hunt and harvest game. Our schedule allowed this only one time. Trooper Ellison can arrange for another A Star helicopter to drop in on the camps again.

Chairman Vrem asked what drove this trip, was it a complaint.

Investigator Strout said yes, the board requested it last year at this meeting because there were several complaints on specific guides. We were able to visit the camp of one specific guide and the camp looked good.

Mr. Nickisch said based on your experience do you think you should return and follow up.

Investigator Strout said he would like to. The helicopter gets you into places a super cub cannot. Many of these camps use horses. We don't want to harass guides. He was very impressed but they hadn't been lived in yet

Mr. Nickisch said he appreciated getting out there and if you think it is worthwhile then he would like to see this happen again, especially if there are complaints about specific guides

Mr. Spraker said that being able to get to the remote site camps with a helicopter allows inspections that would otherwise not be possible. But the hunter part of him looks at this as hunter harassment. He does not even want to see his shadow when he is sheep hunting. Did you get any push back?

Investigator Strout said no, he does not. We were very cautious about coming in at a high level. He knows as a hunter he does not know if he would want to come in like that.

Mr. Johnson said he thinks that now that we spent the money to do this and we have had horrible complaints out of this area, the presence of Investigator Strout and Public Safety will cool things down. He supports that.

Investigator Strout said he will send out a 2012 board report that took one and one-half years to create showing there are 178 open cases and 165 closed cases. Investigator Clark has been a big help, especially with old cases.

Packer Duties and Limitations:

Chairman Vrem said a packer doesn't have to be licensed and can do anything that the employer directs him to do if that duty doesn't require a license, such as fleshing and scraping. He has to be in the physical presence of the assistant guide. Whoever we use for laborers is our business.

Mr. Johnson said he concurs and has friends come along who volunteer to do dishes. His kids flesh and scrape.

Outfitting for uncertified species:

Chairman Vrem said it depends on how one is licensed, so if you're not allowed to be a moose guide, can do drop off hunt for a client.

Lt. Chastain said this question came about during one of the last meetings because of a specific situation; could a person who is licensed to conduct brown bear hunts take people on brown bear hunts and within in the same time frame outfit them for a moose hunt from the same location. These are two activities-Guide and Outfitter- but the license is one. He does not know the answer to the question about whether or not the guide is violating their species specific statute and thinks it should be addressed by the department of law and whether or not the regulations support it.

Ms. Rebne asked if this was a typical problem in the industry.

Lt. Chastain said he is not aware this is a common practice but he is aware that people want to conduct business because it will make their business more lucrative because they can sell something that is not advertised.

Chairman Vrem said to better understand this situation, after the brown bear hunt was successful, the guide would leave and the hunter would remain in the field and hunt moose on his own with the guides gear and perhaps in the guide's camp.

Lt. Chastain said yes, at some point the guide would come back and check on the hunter.

Mr. Johnson said the department of law will be here on Thursday and could be asked this question.

Current First Aid requirement for all licenses and renewals:

Chairman Vrem said those of us who guide on federal land have to have a current first aide CPR card and would not be that much of a burden to make it required on state lands too.

Mr. Johnson said this was a result of an audit recommendation. The licensing examiner is already busy. Assistant guide license applicants have to have a first aid card but it was pointed out in the audit that it is not in regulation for all applicants.

Chairman Vrem said it should be easy to make having a first aid card a requirement in regulation but we aren't going to do anything with this issue right now, just be cognizant of it.

AGENDA ITEM 11 PUBLIC COMMENTS

Mr. Brian Petersen said he has been a Master Guide on Kodiak Island for thirty-two years. He thinks the backs of guides are against the wall. Many might not be aware that approximately ten years ago a guide by the name of Bob Firkin came to the Professional Hunters Association and said there was a way to regulate the industry through the DNR. Mr. Petersen was on the board at the time which decided to explore this proposal and supported it whole heartedly. For the past seven years DNR has been developing a plan. The last prospectus plan was last March; initially they came out with a general assessment and could not have done a worse job but they were able to do a worse job with the March plan. There is zero industry support. For example, Guide has been making a decent living but DNR has a taxation proposal in the concession program which would require over \$200,000 fees and taxes for his three guide use areas. The proposed taxation rate is 600 percent. In some circumstances the taxation rates would be more than 100% of their gross revenue when dealing with drawing permits. Other problems are the DNR concession program intentionally would not allow the best operators to provide services in that area. Instead, up to the 18th most qualified person will be allocated a session. They accomplish this by limiting the guides to two areas of operation, who can only apply for one in each area. DNR would limit thirty three percent guided hunts in each area because the guides would lose one guide use area. The cause of the taxation problem is to create a multi-million dollar bureaucracy. It will increase non-resident harvest and will also affect the state federal and private land owners through the Board of Game.

Applicants would be scored by their ability on whether or not they are cultural appropriate and politically correct as determined by the DNR. Guides will be scored by whether or not they provide information in foreign languages for foreign hunters. Scoring for safety in the prospectus will be the same for a guide who has 10,000 client days as a guide with one client day.

Another concern is licensees who offer a variety of services for the public would be scored the same as those who offer one service. The use fee amount would be the same for a forty-five day hunt for \$40,000 as a black bear hunt for \$3,000. The more services offered to the public the lower the score of the applicant. He is not in favor of this system because it would be the death of this profession. Unfortunately access information was not altered when the laws changed over twenty four years ago and during that time the industry has changed dramatically. Now the guiding industry is composed of hobby guides who work once or twice per year. The profession has become more and more restricted. He has never understood why this board has allowed guides to conduct hunts where they have literally no experience in the area. For example, Unit 1 where an assistant guide will work down in Ketchikan and obtain his registered guide license. He will then guide several hundred miles away up in Haines. Another example when a person will get a registered guide license by assisting up by Lake Clark and then guide in Cold Bay for brown bear, right on top of the guides who have been there for forty years.

This board has the authority to create regulations to eliminate this problem. In addition to this problem this board has the authority to require transporters to register for areas and while the department of law has determined the board cannot limit the number of areas for transporters, the board has the authority to determine qualifications. He formally proposed regulations to accomplish the following goals: allow new entrance into the profession, stabilize the industry, greatly reduce conflict in the field between residents and guides, strengthen and promote the apprenticeship program, promote and allow for stewardship of resource, allow for survivorship and transfer ability of those deserving and increase the quality of experience to the public. He expects this to be a controversial proposal but the industry will not survive if nothing is done and the DNR program is implemented. Non-resident allocation will be done by a drawing permit and all guides will become hobby guides. He would like to personally thank Mr. Spraker. We have been waiting seven years for this DNR plan to come out and it's only by Mr. Spraker's personal efforts we aren't already there. Yesterday Mr. Spraker said on the record that in January the board of game has no choice but will greatly reduce non-resident harvest.

Mr. Spraker said he wants to clarify what he said. He said the board of game has been challenged during the last three or four cycles with more and more proposals to change the season date and reduce the number of permits. He wants to be clear that he thinks the time is coming, because of crowded situations and sheep will be the first one, and the board will have so much public testimony from residents with conservation concerns. The guides asked for permits in 13D because they couldn't offer any type of quality hunt. The board will not be forced but challenged. We have a different makeup on

the board with new members and a new legal counselor. He hopes the board of game can maintain the use of sound science and conservation and stay out of allocation issues that are political.

Mr. Petersen said thank you very much to clarify that issue. He greatly appreciates your help. He has a proposal for 12AAC 75.75.230(a)(6) for guide use area registration of state lands of 360 days accompanying clients over a minimum of twelve years in the area, including three consecutive years. Also under 12AAC 75.230 create a new paragraph (f) if nobody has registered in an area for 12 years then that area will be considered open. He has selected this number because it has been defensible for requirements for a master guide. It is a way to control this industry. The third proposal that he would formally request would be under 12AAC 75.230 (a)(4) in the event of corporate authorization from the landowner only one resident or master guide may use the corporate authorization for a maximum of three guide use areas.. This has been the intent since the 70's but it is being abused and corporate employees are registering for multiple areas throughout Alaska. He also suggests \$100.00 for all guide use areas registrations.

Mr. Johnson said he is saddened that an attorney like Kevin Saxby isn't here. He needs to take some time to digest and does not know, even though he is a Harvard graduate, if the board has the authority to create these regulations.

BREAK: 10:55am- 11: 05am

Mr. Rick Kinman said the first aid requirement language should be "requirement or higher". He said he has been here for forty years and killed around two hundred caribou, eighty of them with a bow and arrow, he have never contracted and is not authorized to guide a caribou hunt. Recently he had a hunter drew a caribou permit. The caribou was gratis but he had to outfit him. He asked the board and called his local trooper who advised him to create two hunt records, one for the caribou hunt as an outfitting hunt and while the hunter was hunting moose, he could not shoot a moose. When the hunter got the caribou, a new hunt record for the moose was created. This was the cumbersome but he wanted to make the trooper happy. The item most read in our industry is the hunting regulations. He thinks this book should include information in the first two pages about who guides are and what they do; one page bullet points with animal cracker diagrams. One misperception is that the guides are killing all of the game. However, according to Fish and Game, ninety percent of total game mortality in most places is caused by predation and only four and one half to five percent is from hunting with less than one half of one percent of that is by non local hunters. According to Senator Begich, \$662 million dollars are contributed by

the guiding industry to the Alaska economy. Only a small number of game is taken by hunting, yet the guiding industry contributes over seventy percent of the funding through their fees. Fish and Game is taking action on predator control. Secondly, include in that book information for communities about what is in it for them. When he moved into a new area about seven years ago he displaced a resident guiding camp but he conducts only four hunts a year and only takes non-residents who are happy to take predators that local residents do not want. Much of this meat is donated to needy families in the villages since non-residents can't afford to ship home that amount of moose meat. Every pound of meat is getting into the mouths of the needy. He injects a major amount of capital into the community by having the meat processed locally, purchases local fuel and food and has the non-resident hunters stay at the local hotels. Communities are unaware of the contribution to their local economy by the guiding industry and this is a simple effective way to education them.

Mr. Spraker said he likes the idea about providing information in the book and this suggestion has come up in the past. In the past this board has been diligent about providing predation information. Governor Palin provided money and commissioned members to provide this kind of education although the department is very careful about publishing information to sway the public. But he thinks unfortunately non-hunters are not going to read this. The part about the donation of meat is usually where the real rub comes in, however; if possible, it would be good to provide information about how much meat is donated through the guiding industry.

Ms. Polley said she would like to know where he got the environmental impact study statistics.

Mr. Kinman said it Senator Begich published those numbers and APHA also has them.

Mr. Aaron Bloomquist provided a committee report for 12AAC 75.340 professional ethics and 12AAC75.230 GUA. According to the troopers this revision is unenforceable. The recommended revision would have been "legally permitted year round structure":

12 AAC 75.340. PROFESSIONAL ETHICS STANDARDS FOR GUIDES. (a) Unethical activities. A master guide-outfitter, registered guide-outfitter, assistant guide, or class-A assistant guide may not participate in an unethical activity that may result in a disciplinary sanction under AS 08.54.710. In this subsection, "unethical activity" (1) means failing to or being unfit to meet a professional standard of conduct that satisfactorily and safely implements, under field conditions, the

knowledge, skills, qualifications, and judgment required for the license held; and (2) includes (d) Field craft standards. All classes of guides shall (7) allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences; in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a ~~permanent structure or permanent camp~~ **legally permitted year round structure** being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties;

The intent to revise 12 AAC 75.230 was so that if a guide hadn't used the area he could change it. The subcommittee proposed revising the statute so an area would be changed if it had not been used during that calendar year or registration may be changed only once in a calendar year. If a guide had clients for that year for a drawing permit area for which a guide draw permit is required, you may not change that area. A registration may be changed for a department approved emergency.

12 AAC 75.230. GUIDE USE AREA REGISTRATION. (a) The department will register an applicant in a guide use area if the applicant meets the requirements of AS 08.54.750 and this section. For each guide use area for which a registered guide-outfitter is registering, the registered guide-outfitter shall submit the following information on a form provided by the department:
(c) A registered guide-outfitter may register for a maximum of five calendar years ending on December 31, including the calendar year in which the registration becomes effective. A registration for multiple calendar years may be withdrawn or changed annually, ~~with the withdrawal or change to take effect on or after January 1 of the next calendar year.~~

Mr. Spraker said the first part of your presentation from a permanent cabin to a permanent structure. Do we have a definition of a permanent structure?

Mr. Bloomquist said he did not know if there was a legal definition and perhaps that was the reason why the state troopers believe it was unenforceable.

Mr. Johnson said under either a permanent cabin or structure falls under ethical standards and not something which is criminally enforced. It is a professional standard.

Mr. Bloomquist said when the board of game makes a decision and one of their first considerations is the cost. He built his niche at maybe a lesser price to hunt. A cost that can be absorbed by one guide may not be absorbed by another guide. He asked the board to think about the costs to the guiding industry and the public. There is a big demand for lower cost hunts in

Alaska. Not everyone can afford a \$20,000 hunt. It's very tough to operate in. Another issue is the board of game basically removed their obstruction to an outfit black bear semi-guided bait hunt. Basically guide-outfitters do everything but sit in the tree with the hunter.

Chairman Vrem said one problem he has with tree stand black bear hunts, which is kind of a different character, is having been pushed out of his hunting areas because of a black bear cluster. He does not think the hunter had any idea that he had impacted a guide or other hunters. But we need to be careful how we address this, if we choose to do so.

Mr. Bloomquist said was it a guide who put those things in there?

Chairman Vrem said he didn't know but he saw tire tracks.

Mr. Bloomquist said he got into this because there wasn't anyone doing it.

Chairman Vrem said that may be true but the spatial distribution has already been allocated.

Mr. Spraker said the board of game looked at this as an outfitting plan to get away with accompanying the hunter in the field. The ten bait stations per GUA was allowed as of a year ago in an effort to increase unguent numbers especially around Anchorage and Kenai. In Southeast it is completely different, the board of game allowed black bear hunting down there on guided non-residents, but it is not only to benefit the guides. Is this a 100 yard thing that is bothering you?

Mr. Bloomquist said no, he just wants to be sure that activity doesn't run into grey areas.

Mr. Joe Klutsch master guide-outfitter from King Salmon said he wanted to address the new section proposed for an assistant guide log book under 12 AAC 75.135 for the log book concept and hunt record. The general feeling is that the log book would be cumbersome, difficult to monitor, pretty sloppy documentation. As an alternative to the log book the subcommittee suggests to incorporate the information on the hunt record. There would be code names on the right hand side. Obviously it would need to be reviewed by public safety and the department of law. He wanted to thank Jason and his son who created the example. He does not agree with a lot that Brian Peterson said and believes we still have not seen the DNR plan and he does not think we are ready to go over the cliff yet, but he agrees with the LLC and corp. guiding. The intent was always three areas per guide. This has expanded under the LLC envelope to a contracting guide with surrogate

guides who each register for three more areas. In his view this does not reflect the original concept. He is the owner of Subway and all my managers are capable of managing the restaurant. He cannot agree with that. He did not think a guide can be in Arizona hunting sheep, he thinks a guide must be in reasonable proximity. It has to follow legislative intent.

Mr. Don Duncan master guide-outfitter #136 said just like Laurel and Hardy, here's another fine mess you've gotten us into. That's how he feels about the guide concession program. This Guide concession program increases substantially the cost difference between what he can provide as a guide and what Mr. Nickisch can provide as a Transporter. Guides would have to pay expenses to DNR but Transporters would not have to pay anything, making this an inherent cost disadvantage. On another matter, last year he had one of his hunters disappear out of his boat. Workman's comp will not pay for anything and told him that they will instead pay the state for \$10,000 for the second injury fund. On another matter, if a guide marks either guide or outfitter on his hunt records forms he should have be allowed to decide whether or not he has to be within 100 yards of his hunter.

Mr. Dick Rohrer registered guide-outfitter from Kodiak said the guide-outfitter license-species specific needs to stay the way it is. Certainly Mr. Kinman is well qualified to have caribou on his license but his advice to Mr. Kinman is to go work for another guide and get caribou added to his license. He does not want to see where guides are only outfitting where it isn't species specific. That is always close to the line and that's of those gray areas. On another matter, please don't require a first aid card. He disagrees with Mr. Petersen who said that one hundred percent of the guides are opposed to the program. He is unopposed because we need to wait for the proposal to come out and then make the decision. In his experience, proper training is far less expensive than problem solving. Over the past thirty six years, he was probably involved in only ten assistant guide applicants but all of whom passed their exams on the first go around. They were superior because they were trained properly. The assistant guides should work several years before he lets them go with other guides.

Mr. Mike Cowan registered guide-outfitter said an assistant guide logbook is a great way using the hunt record form or the yellow copy could be used for the assistant guide and the pink copy would still be for the hunter. He is against a guide school because practical experience in the field is important. A licensed guide will know when an assistant guide is ready to be a licensed guide. On the matter of garbage being left behind, he spoke with Lt. Chastain and transporters could have language in their contract to go back out in the field and pick up the litter and remaining camp gear.

LUNCH: 12:10-1:12pm

Chairman Vrem asked if there was anyone required to take a seminar? If there is a demand-there can be one between 2-5pm? (one person raised his hand).

Mr. Johnson said Investigator Strout would have names of the require applicants.

Mr. Johnson said it's important to consider the matter of the specific time a hunt is completed. Last year we had a public safety officer who came into a camp with a chopper and the field copy was in the camp. Weather conditions were worsening and the hunter had left the field and flown to the headquarters of the guide operation. The guide was still in the field with the meat and the field copy. The trooper took the field /white copy and left. When the guide returned to his camp, he was unable to sign the form because the trooper had the form, believing the hunt ended when the moose hit the ground. So the question arose: when is the hunt completed?

Chairman Vrem said the hunt is completed when the hunter signs the copy, basically by mutual consent, once the guide gets his primary animal. He would like to have the guide for another hunt but the hunter has purchased the guide for ten days.

Mr. Johnson said it depends on what your contract says and would consider it complete when both the guide and hunter have signed it.

Chairman Vrem said when the guide signs the form is when it's completed.

Mr. Johnson said this occurred during pretty severe weather and left the person there to complete the meat but the contracting guide had not yet signed the copy.

Mr. Spraker asked about the outcome.

Mr. Johnson said yes, it is now a big deal.

Ms. Rebne said doesn't a typical contract state that a client buying a ten day hunt is paying for ten days of the service or a hunt? When does a guide's liability for the client end.

Chairman Vrem said when a guide has a ten day brown bear hunt and takes a brown bear on the second day, he is asked if he wants to go berry picking or

go back to Anchorage with a warm bed. It is negotiable. Contracts vary per hunter.

Mr. Nickisch said rather than a regulation or policy, why not have this language put in the contract. So when the troopers conduct an investigation, the contract would have the specific information to address when a hunt begins and ends.

Mr. Johnson said he guesses that would work. His druthers would be to write to public safety.

Chairman Vrem said it is done when you say it's done. We used to offer a primary species and a predator at no charge. We don't do that anymore because when circumstance like weather will not allow a predator hunt in the remaining days, a hunter will complain. Every year you learn something more about how to tighten up your contract.

Mr. Johnson said there is another issue is assistant guides, who on day two of a contracted hunt, after the hunter leaves, is eligible to hunt on their own.

Chairman Vrem said we had this very question posed by troopers in unit 9 because they believe that the hunt begins the instant the transporter wheels land on the beach with the hunter and ends the instant the wheels leave the beach taking the hunter away. After that the assistant guides can hunt until the next contracted hunter arrives.

Mr. Spraker said if you have a ten day hunt and it has ended early, but the hunter wants to hang around camp, what kind of liability are you subjecting yourself?

Mr. Johnson said there are two different issues; the contract is for services provided during specific dates and the completion of the hunt is when the hunt record is signed.

Chairman Vrem said he thinks he understands what Mr. Spraker is trying to ask. Unfortunately, first the insurance company, then this body and finally the guide is running this industry. Because of the legislature and the way laws are written and liability release, it's almost impossible to get sued as a guide, to have any culpability.

Mr. Johnson said if there is no objection then members will give direction in the form of a letter to the department of public safety that the dates on the white copy of the hunt form will contain the beginning and ending of the hunt.

On a motion duly made by Mr. Johnson, seconded by Mr. Spraker and approved unanimously, it was

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

Board staff members remained during the session.

The Board entered executive session at 1:57pm and went back on record at 3:15pm.

Department of Natural Resources Valerie Baxter from Fairbanks said she wants feedback about the maps and will be available this afternoon about making notes on the maps.

In the matter of the application and investigative review of Case No 1700-010011:

Mr. Johnson said he will accept this and vote for the surrender; after listening to all mentioned, this is something the board should support.

Mr. Spraker said he will also support this consent agreement and looking at the evidence it's a reasonable way to go, it's been a long time coming; I'm going to support this consent agreement.

Upon a motion duly made by Mr. Johnson seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED to adopt the surrender of license for Case number 1700-10011.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of firearms:

Mr. Spraker said we have discussed the issue on firearms for folks that have convictions. The intent of the board is that a guide with a client in the field should be lawfully able to carry a firearm. He has drafted language in the regulation book in a new section under 12 AAC 75.340 Professional ethics standards for guides (f)(5): Lawfully be allowed to possess a senior-fire firearm while accompanying a client in the field.

Ms. Rebne said please define senior fire.

Mr. Spraker said senior fire was selected because there was discussion about the use of a muzzle but in this case we are referring to a conventional gun with a primer.

Upon a motion duly made by Mr. Spraker and seconded by Mr. Johnson and approved by roll call vote to, it was:

RESOLVED to lawfully be allowed to possess a senior-fire firearm while accompanying a client in the field.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of prior convictions:

Mr. Johnson said he supports giving authority to the division staff to issue licenses to those people who have something in their past that is 10 years or older. With that motion he would expect this to streamline the process that

the division to an email vote, on somebody that has something 10 years or older in their past. In the application, just for those non-felony convictions that happened within the last 10 years.

Mr. Spraker said he is going to support this motion and wonders if we need to discuss any of the types of violations we're willing to let go. When we first brought this up we discussed minor things, DUI's that are 15 years or older, Fish and Game violations older than 10 years older, we're not really softening the conditions or criteria but streamline the process.

Mr. Johnson said yes, the passing of the last proposed regulations would be taking care of any felonies. This motion would apply convictions of fish and game violations, misdemeanors, ten years or older

Mr. Spraker said for the purpose of clarification when we talk about game violations, perhaps Lt. Chastain can correct me but it's my understanding that there are only two felonies-wanton wastes and guiding on a revoked guide license for Guides.

Mr. Johnson said he clearly understands and also understands that through a working of things out that people have felonies have lowered them to misdemeanors. So I'm going to accept 10 years on our cost instead of trying to catch every last thing that comes along, I'm drawing the line at 10 years. Could the Director shake his head or not if the motion is acceptable.

Director Haberger said the motion is acceptable.

Ms. Rebne asked does this need to be referred to the Department of Law.

Upon a motion duly made by Mr. Johnson and seconded by Mr. Spraker and approved by roll call vote to, it was:

RESOLVED to direct and give authority to the division and staff to issue licenses to those people who have something in their past that is 10 years or older.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		

Brenda Rebne	X
Paul Johnson	X
Dirk Nickisch	X

In the matter of the limit of person or entity to three guide use areas:

Ms. Rebne said she has drafted language in response to public comment related to Section 12 AAC 75.230 (a)(4) related to corporations and if it needs to be sent to the department of law of law. The intent of this amendment is to ensure that no corporation, LLC or legal entity participating in the guiding industry extend its operational capabilities to clients outside of its own three registered guide use area by the employment of registered guides with their own registered guide use areas. Currently if a corporation has five guides it really has fifteen areas to hunt in and the goal of this motion is to prevent that from happening.

Mr. Johnson said if this motion were to pass, it would be for public notice for the March meeting.

Upon a motion duly made by Ms. Rebne and seconded by Mr. Spraker and approved by roll call vote to:

**Propose to add at the end of Section 12 AAC 75.230 (a)(4):
“for the purposes of this section an applicant refers to either a corporation, LLC or other legal entity acting as a guiding service or by extension any registered guides under its employment; both the entity and the individual are limited to the three registered areas of the corporation, LLC or legal entity. Under no circumstances shall the corporation, LLC or other entity acting, as a guiding business, service clients outside of the entities three registered guide use areas. Neither shall individual registered guides employed by such corporation, LLC or legal entity under the umbrella of the entity service clients of the corporation, LLC, or other legal entity within their own individual registered guide use areas.”**

Roll Call Vote:

APPROVE

DENY

ABSTAIN

Kelly Vrem	X
Karen Polley	X
Ted Spraker	X
Michele Metz	X
Brenda Rebne	X
Paul Johnson	X
Dirk Nickisch	X

AGENDA ITEM 12 SUBCOMMITTEE UPDATES

Mr. Wayne Kubat said he will discuss the first notice of proposed changes for the assistant guide log book, guide districts and definitions. It's his understanding that Mr. Joe Klutsch provided the board a suggested hunt record form. Turn to page 1:

12 AAC 75.135- recommend do NOT adopt. This could be documented on the hunt record. See Mr. Klutsch's form.

12 AAC 75.240(f) -recommend do NOT adopt. This is related to the log book issue along with concern that the standard be raised so high to deter interest.

12 AAC 75.240 recommend do NOT adopt. This is related to the log book issue along with concern that the standard be raised so high to deter interest.

12 AAC 75.240(j)- the passage of HB229 required the board to address before its effective date of April 1st. "The contracting registered guide outfitter is considered primarily in the field" is considered much too broad by the committee. We discussed several options including "same game management unit in which the guide use area is in with a registered guide in the next unit or in the next fifty miles around" would meet the statute requirement. It was a strong majority with a minority of strong dissent whom the board will hear from tomorrow.

12 AAC 75.270- we wanted every registered guide to be a Class A Assistant guide in every area of the state. Class A Assistant guide would have to prove their ability in three districts:

District 1: units 1-9

District 2: units 9-18

District 3: units 19-26

One caveat: If you are certified in a game management unit that is on the border and adjacent to the districts of a Class A Assistant Guide, the guide would qualify in that unit because of its proximity.

Definition of "Conduct": direct and monitor the client and apply it to the new statute subsection that goes into effect April 1, 2013.

Chairman Vrem said on the proximity, the one GMU that is adjacent to a district, if you were authorized to guide in 19, a guide could move over to guide 17.

Mr. Kubat said the committee recommends “sixty days cumulative of which thirty days must be directly in a guide camp and the successful completion of a board approved assistant guide course shall apply for a maximum of ten days.” in regards to 12 AAC 75.920(c): “For purposes of satisfying the hunting experience requirements in AS 08.54.630 the applicant must document at least 30 days of big game hunting activity in a calendar year in order to receive credit for one year, and must also show the harvest of one big game animal in this state.” The reason for the recommendation is because there are many guides who have 25 days several years in a row. The committee recommends an evaluation be required on how to cape a moose and the taking of two big game animals in Alaska may include personal hunts.

Chairman Vrem said he supports North American guides being credited a certain amount of days towards an Alaska registered license.

Mr. Kubat said the committee’s majority consensus did not agree with that and he believes this issue needs further discussion.

Mr. Kubat said he would prefer the board have something to adopt at this meeting, although it might make some procedural error, he does not want to be in the same position in March since April is the deadline.

Mr. Kubat said he could write out what the group approved and the board can make the final decision.

Mr. Johnson said he wanted to make everyone aware that whenever there is something that goes on a hunt record, it is going to be costly for those people who are trying to get a guide license. Also, if the board is going to change 12 AAC 920(c) and drop the show of harvest of one big game animal, in his opinion it is key that a professional guide do a check-off on the list. Originally there was a list of guides including Mr. Rohrer that had been sent in to the division but was lost in the shuffle.

Mr. Kubat said the first concern is the cost to the people getting this license. The committee addressed and discussed the six points of general safety, firearm safety, game regulation specific, trophy judging, spotting stalking, cape and emergency protocol. We didn’t have time to discuss and include put a check off list.

Mr. Johnson said he believes quite strongly that there is a difference between personal hunting and guiding and will be a sticking point with him

Mr. Kubat said the committee recommends requiring thirty days big game hunting-at least thirty of that sixty would have to be in a guide camp.

Chairman Vrem said the proposed log book within the hunt record appears to be a simple and elegant solution but would not document these six skills; they have been generalized. To be safe the applicant will have to carry around a log book.

Mr. Kubat said that is a totally different subject and did not think there is an urgency to meet the requirement of HB229.

Chairman Vrem agreed.

Mr. Johnson said if we adopt the removal of one animal, we have to fill that hole. This is an improvement over what we've had in the past. There are people still here in this room and people outside this room with comments, showing there is improvement.

Ms. Rebne said did the committee want to add language that requires guides harvest two animals in Alaska and Mr. Johnson's concern was that it not be personal use hunting and only in a guided setting.

Mr. Kubat said yes, an affidavit that would require two animals harvested on guided hunts would be put back in the affidavit.

Ms. Rebne said is it true that the person who is applying does not have to be the one harvesting the animal.

Chairman Vrem said no, he only needs to be on the guided hunt. I think the appropriate term is apprentice guide and not "packer". He has to be present when a licensed assistant guide harvests and animal. He has to observe and participate in the skinning.

Mr. Nickisch said he liked this because it is pretty hard to take out that harvesting requirement.

Mr. Johnson said he would like to call Lt. Chastain to see if this is legal and enforceable. We don't have packer in regulation. Before someone can get a guide license, can we say that he has to have this experience of being in the field. Packers help with spotting and skinning without an assistant guide license.

Lt. Chastain said clearly the board wants to allow a packer to be in camp to learn the trade. The packer can go a hill with an assistant guide with a pair of binoculars but the packer cannot go up the hill with a client by himself. The packer can assist by holding the leg of a moose and help pack the animal. Guiding includes packing-a packer is performing guided activities-clearly it's not all inclusive.

Mr. Johnson said what it means is that the transporter can't hire a packer to go out in the field and do this work.

Lt. Chastain said at this point, enforcement looks at packers as being no different than a camp cook.

Chairman Vrem said if he has a packer in my camp tasked with caping, and he has to fly to King Salmon and pick up a hunter for three hours, does this mean the packer has to quit skinning the animal.

Lt. Chastain said that is a grey area and it needs to be very clear in regulation.

Chairman Vrem said if the packer is listed on the hunt report and he thinks the packer is skilled enough while he flies to King Salmon then it is not a grey area in his opinion.

Lt. Chastain said the reason this is a grey area is because it's not specific. It's not clear and while it is your opinion it might not match other people opinion.

Mr. Nate Turner registered guide-outfitter #1036 said listing packers, apprentices or assistant guide-packers would alleviate the concerns because if they are on the hunt record they are qualified to be on that hunt.

Lt. Chastain said the best situation is for the board to clearly identify what the packer or licensee is able to do in a definition or regulation, as employees other than licensees.

Chairman Vrem said in his camp there is a telescope on the picnic table to look for sheep or goats. Does a packer have to wait until an assistant guide is in camp to look in a telescope?

Lt. Chastain said he was not sure of the answer. If the board does not want a packer to do guided services than there needs to be clear language on what you want the packer to do. Packers do not have to be licensed, or employees.

Chairman Vrem said would this include the cook, the mechanic.

Mr. Spraker said would this include state employees and family member on the hunt.

Ms. Rebne said is it whoever is being paid that guides would have to include.

Lt. Chastain said it would be a fair choice to look at that way as far as compensation. Again, it doesn't really matter how it works, just how you want to regulate it.

Mr. Spraker said guides should have this to protect themselves. If he was a guide, he would want a level of protection; he would be afraid to have somebody in his camp if he didn't know what they could legally do.

Chairman Vrem said it is surprising that a packer could spot and skin a bear hide, he is hearing reports from law enforcement that packers cannot skin a hide, cook or help spot.

Lt. Chastain said he understood the frustration but let him explain that you could allow a packer to flesh a bear in your camp but for a packer to be up a hill scouting for game; you would need an assistant guide there.

Chairman Vrem said if he is on the hill and the assistant guide has to leave the lookout he does not want to have the apprentice guide leave the hill while the assistant guide is gone. He would like it to be generally allowed instead of narrowly defined.

Lt. Chastain said enforcement does not care as long as it is in regulation that they can do certain work.

Chairman Vrem said there has been a misprint on the agenda and in order to comply with public testimony announcements, we are changing the agenda as follows:

Thursday, December 6, 2012

8:30 a.m. Board Business

- Announcement of available Board positions
- Task List
- Meeting dates:
 - JUNEAU
 - ANCHORAGE (proposed)

- December 3,4,5,6,2013 Tuesday-Friday
- December 2,3,4,5, 2014 Tuesday-Friday
- FAIRBANKS(proposed)
 - March 12,13,14, 2013 Tuesday-Friday
 - March 11,12,13, 2014 Tuesday-Friday

9:45 a.m. BREAK

10:00 a.m. Public Testimony Regarding Public Noticed Regulations
 12 AAC 75.135, 12 AAC 75.250, 12 AAC 75.270, 12 AAC 75.990
 12 AAC 75.920, 12 AAC 75.340 (d)(7)

1:00pm LUNCH

2:00pm Amend or Adopt Regulations
 12 AAC 75.135, 12 AAC 75.250, 12 AAC 75.270, 12 AAC 75.990
 12 AAC 75.920, 12 AAC 75.340 (d)(7)

3:30 p.m. Statues
 AS 08.54.790: include "incidental"
 AS 08.54.670: include "for suspension"
 AS 08.54.785: add "so long as they are not providing guide-
 outfitting or transporting services."
 AS 08.54.750: add \$1,000.00 late processing fee to GUA
 registration less than 30 days but at least 5 days."

4:30pm Adjourn

Thursday December 6, 2012

Call to Order

The meeting was called to order by Kelly Vrem, Chair, at 8:48 a.m.

Roll Call

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
 Karen Polley, Public Member
 Ted Spraker, Board of Game Representative

Michele Metz, Large Private Landowners
Brenda Rebne, Large Private Landowners
Paul Johnson, Registered Guide-Outfitter
Dirk Nickisch Transporter

Board staff present:

Michelle Johnston, Records & Licensing Supervisor
Cindy Cashen, Licensing Examiner
Lee Strout, Investigations
John Clark, Investigations
Michele Wall-Rood, Investigations
Sara Chambers, Operations Manager
Don Haberberger, Direction
Lt. Bernard Chastain, DPS, FWT

Visitors present:

Jim Kradowski, M#186
Spencer Pape, R#1302
Mike Cowan, R#1126
Mark Enyeart, A#4436
Tom Swenor, R#1095
Jeff Burwell, M#162
Tom Atkins, R#727
Tony Lee, M#105
Henry Tiffany, M#144
Lance Kronberger, R#1150
Frank Bishop, M#191
Matt Snyder, R#882
Coke Wallace, M#172
Dennis Byrne, R#1056
Frank Danford, M#959
Zach Decker, R#1263
Loren Karro, R#941
Dan Montgomery, M#173
Mary Patania
Rick Kinmon, R#1266
Dan Montgomery, M#173
Robert Jewett, R#1231
Kurt Whitehead, R#1046
Tom Swenor, R#1095
Cabot Pitts, R#1299
Daniel Lazer

Lyle Becker, R#1276
Carol Goulart, USDA FS
Hans von Rekowski, USDA, FS
Bill Trombley, USFS, FS

Chairman Vrem said after this meeting there will be two open transporters seats and two open guide seats. Contact a board member if you are interested in being on the board.

Ms. Polley said there is also an open public member.

Ms. Cashen said that five board member positions will expire in March.

Mr. Spraker said the Board of Game meets on January 11-15 but there will an unofficial meeting and training session on January 10 and listen to F&G reports.

Chairman Vrem asked when should BGCSB members attend?

Mr. Spraker said probably the 10th because it's an open day.

Chairman Vrem said he will call a teleconference before the March 12-14 Fairbanks board meeting. He wants enough time to publicize it to the public.

Definition of hunt beginning and ending:

Lt. Chastain said there was two issues he had been asked by the board to look into which will be noticed by the board in March. The first issue is to define when the hunt is complete. This could possibly be under 12AAC 250 or a new regulation that would define when a hunt is complete. The department of law would decide where it would be placed in statute. He talked with quite a few people and most everyone agreed that a period of time would be need to be established between when a guide guides a hunt and takes a friend hunting. For example, a guide is registered in three guide use areas and on the second day of the hunt the animal is taken. Now the guide and the client are best friends and go to a completely different area and the new best friend shoots another type of animal. It all comes down to the regulation and the hunt record and keeping everyone on their three guide use areas. All the Guide has to do is write up a new contract and hunt record and stay in the GMU. The guide cannot take someone under a friendly hunt as a friend immediately after a guided hunt.

A person licensed under this chapter may not within a period of 60 days engage in hunting big game with a person either directly or indirectly from whom they have or will receive compensation under activities requiring a hunt record to be completed unless they are engaged in guided services.

What that means is that if a guide is out hunting all he has to do is cut a new hunt records and stay within their guide use area.

Mr. Johnson said this motion is worth sending out for public notice. He is trying to figure out how to include the intent in the motion.

Mr. Spraker said he seconds the motion. The motion should be very clear but the intent of the motion is made during the discussion by board members. He asked if this is something that occurs regularly.

Lt. Chastain said there are several cases and it is something officers are seeing out in the field. Every case is different where sometimes we find the client culpable and sometimes we find the guide is the one who is responsible. The guide is the one who is responsible for knowing the regulations.

Chairman Vrem said he agreed that the guide should know the regulations, but these usually are hunters familiar with big game hunts. There are some hunters out there who have to get the biggest one at any cost; the meat doesn't matter but the size of the trophy does.

Ms. Polley said some of this has to do with non-guided species and that's another area that is a non-resident issue for the board of game.

Mr. Nickisch said he is in support of Lt. Chastain's proposal; transporters have actually seen quite a bit where guides will be in the range in the middle of sheep season.

Mr. Johnson said if this motion were to pass, it would be for public notice for the March meeting.

Upon a motion duly made by Mr. Johnson and seconded by Mr. Spraker and approved by roll call vote to, it was:

RESOLVED to propose to add "a person licensed under this chapter may not within a period of 60 days engage in hunting big game with a person either directly or indirectly from whom they have or will receive compensation under activities

requiring a hunt record to be completed unless they are engaged in guided services.”

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

Packers and other un-licensed works in the field:

Lt. Chastain said the second issue concerns packers and other un-licensed workers in regards to AS 08.54.790(8). He was asked to come up with a language but he does not know where it would go in statute or if it needed to be in statute. This would be determined by the Department of Law. Employees associated in the field may under direct supervision of the licensee provide guided service, packing skinning except for caring for game meat. These are listed as the primary piece in the field and we may have to look at other licensees test for things such as caping. If you want someone to cape, in the field, they have to test in order to get that license. The list can be changed, added to but it's a good start. The problem is that according to AS 08.54.790 (8), the person not licensed cannot do those things. So the problem is in order to have these people be able to do these things the person needs to be licensed: "Notwithstanding AS 08.54.790(8) employees or other persons associated with a contract registered guide in the field may, under direct supervision and while a licensee is physically present, provide guided services in the form of packing, preparing salvaging, skinning except caping or caring for game meat."

Mr. Johnson said he would entertain a friendly amendment to take out the field under direct supervision.

Ms. Polley said she will make the friendly amendment.

Mr. Johnson said he accepts the friend amendment.

Lt. Chastain said the purpose of physically present means that a licensee must be present.

Mr. Nickisch said the friendly amendment guts the intent of the motion and there is conflict in our definition of what we expect these people to do. They have packers doing work that they are unlicensed to do.

Ms. Polley said that we don't know what supervision means, how much and how little supervision should be required.

Chairman Vrem said for example a license assistant guide and a packer are on a hill. About a half mile away and half a day's hike is a slightly higher hill with a better vantage point. Who should make that hike to spot for brown bear, the assistant guide or the packer, who has already been instructed to run if he sees a charging bear? A packer should not have to walk down the hill because he can't spot. The second situation is in main camp with a bear or two to flesh and you trust your packer to do the body but not the ears and lips. You fly to King Salmon, swap hunters and come back because you are confident the packer can skin the body. These are two common procedures that Guides have taken for granted for years. But now this is an issue with enforcement and we have to do something about it.

Mr. Nickisch said he is reading the regulations and unfortunately it is his understanding that a packer is unable to do anything without the guide. It states in here that even an Assistant guide can't take part in any of those things unless a registered guide is physically in the field and participating in the hunt. Awhile ago, it was discussed to have an additional type of license or make the assistant guide license easier to obtain but with more teeth in it.

Chairman Vrem said this became an issue because there was a person in the guide camp who was fleshing the bear who was not an assistant guide and the registered guide was informed that the person could not flesh the bear.

Lt. Chastain said the reason it is an issue is because the person can be compensated to do this work only if he has a guide or taxidermy license.

Mr. Spraker said he cannot support the amendment and he can support the original amendment. Knowing enforcement protection as well as I do, they do not like intent and policy, they like regulation. We have fought the issue of not licensing packers but maybe we need to take a second look at a license for a packer to make it clear.

Mr. Johnson said he withdraws his motion.

Chairman Vrem said we will discuss this further in March. His friend is a guide who recruits packers in Holy Cross. He offers \$500 to pack a moose and \$1000 to pack two moose and this is a casual deal with the word going out on the marine radio. Young men volunteer and pack a moose. If we license these guys, we have to look at whether or not he has had a felony in the past ten years Unfortunately the clients were getting what they didn't deserve, so I can see both sides to the problem.

Mr. Nickisch said change what a guide does and remove the act of packing. The guide should not even be packing. You don't need a license to pack.

Lt. Chastain said he recommends working with the department of law to work out language for the March meeting. There are other industries that have done this, like commercial fishing. In order to commercial fish, you have to have a license.

Chairman Vrem said he has heard that but you have to be able to afford the license. If a packer could get the license over the internet, he would have no problem.

Lt. Chastain: It was my understanding that providing this language now will allow for public notice.

Mr. Spraker said transporters cannot hire packers but he can transport a packer if the hunter hired him.

Chairman Vrem said there is nothing to preclude a transporter client and bring up a personal assistant with him, if he wants to pay a personal assistant. He does not want to see a semi-illicit cottage industry spreading out where you transporters recruiting a potential pool of assistants.

Mr. Spraker said is it illegal when people get a moose and can't get it out and get some friends to take the moose out.

Mr. Nickisch said yes unless the packer is a guide because in order to pack for compensation you have to be a guide.

Chairman Vrem said he ask and receives unanimous consent for March 12,13,14, 2013 meeting in Fairbanks.

Lt. Chastain said transporters cannot pack.

BREAK: 9:48am - 10:15am

AGENDA ITEM 13 PUBLIC TESTIMONY REGARDING PUBLIC NOTICED REGULATIONS AAC 75.920 & 12 AAC 75.340(d)(7) 12 AAC 75.135, 12 AAC 75.240, 12 AAC 75.270 & 12 AAC 75.990

Mr. Dick Rohrer registered guide-outfitter from Kodiak said the reason he wrote the proposal for the assistant guide log book is to deal with the growing issue as to what a newly license assistant guide is capable of doing however I can go either way since it is not going to impact my business one way or another. The proposal was originally to require a minimum of 6 hunts or 50 days in the field. For defining what is primarily in the field when he is supervising or participating in the guide use areas (delete the word "districts") or if he is in the game management unit or adjacent game management unit. I support the idea of districts. License a packer but then he can't do a lot of activities until they are signed off. The log book would not go back to the division, it would belong to the guides; it would not be another burden on the division. My intent is that it would be solely the work of the assistant guide. This was part of raising the standard about when an assistant guide is qualified to take a hunter.

Mr. Lance Kronberger registered guide-outfitter # 1150 said he came to Alaska in 1998 and packed for Joe Klutsch, Dick Rohrer and Dennis Harms until 2003 when he got his registered guide-outfitter license and searched for a spot where he could hunt. He did not want to hunt on top of these guides so he purchased two different hunting businesses. The proposed regulation change and supervision would drastically affect his business by loosening the meeting of the client in the field; you have to be in the neighboring game management unit. How he has built his business does not fit the mold. He has trained guides to become registered guides He would have to take on a partner because his game management unit areas are 850 miles apart, they are not close to each other.

Mr. Spraker said are there other guides who are in this situation.

Mr. Kronberger said his peers don't have the same problem that he has. He has a really short season by about 8 days. If that guy draws a tag in September, but he has moose hunts to run then he is talking to another guy in the south end. He is not in the neighboring area, so he would be in violation. . He does not think it would be a problem for everybody, but it would be for him.

Chairman Vrem said isn't that still on the books unless you are a registered of Class A assistant guide.

Mr. Kronberger said the registered guide would have to be by the game management unit.

Ms. Polley said they just have to be participating in the game unit area.

Mr. Kronberger said he is trying to head off a potential problem.

Ms. Polley said on page 3 of the proposed regulations, in language proposed by Mr. Rohrer, "and game management unit: has not been included.

Ms. Rebne said do the majority of the guides have their game unit area in the majority of units.

Mr. Kronberger said every guide is different. He tries to try to find spots that fit his time frame; he is not a pilot and also where he can be in the field guiding. This business model is not the normal business model but it works for him.

Chairman Vrem said recently the guide areas tend to clump up.

Mr. Kronberger said he wanted to be sure he had interpreted the proposed regulation correctly.

Chairman Vrem said the board does not want to negatively impact Guides such as Mr. Kronberger.

Mr. Klutsch registered guide-outfitter said a lot of thought went into this to include the information that went into the hunt record. After careful consideration, a number of the guides have concluded that this might not be the best option. This document could be placed online instead of putting it in a logbook or hunt record and preclude the necessity of having a regulation. Guides are also concerned if this proposal becomes regulation and a trooper lands in the field and is authorized to see the logbook. The industry is already over regulated. His greatest fear is not being killed by a bear; his greatest fear is making a clerical fear. He has too many other things on his mind so he thinks an option would be to document the time of an assistant and class A assistant guide with an affidavit and verify their time with some mechanism instead of a log book and not put it in regulation. In regards to supervision, we just listened to Mr. Kronberger testify and he thinks it's going to come down to proximity, how much supervision can be provided and at what distance. There are satellite phones. A number of guides grew up before there were satellite phones, when a guide just waited for the cub motor and now it's evolved to the point where our safety is based on the reliability

of satellite phones. His point the supervision requirements need to be reasonable and not inhibit people that are doing a good job where they are operating.

Chairman Vrem said Mr. Rohrer and he have arrived at this logbook based on aircraft purposes. We have bound log books for our aircraft even though it is not an FAA mandate for keeping records. Some private company's aircraft records are simply a bunch of papers in a brown shopping bag. The FAA requirement is to keep some type of record but it doesn't have to be a log book. There are different ways to keep a log book.

Ms. Rebne said the board allows guides to register for three different areas, by default seasons overlap, species, so the natural conclusion is that the registered guide cannot be in all three registered areas to conduct the other hunts.

Mr. Klutsch said this goes to the issue of proximity. Communication capabilities depend on a number of things. I think we can come up with some definition of proximity. We can find a reasonable parameter for what constitutes supervision in the field, air base sea base without making a deterrent to the existing operators.

Mr. Johnson said when this went to the legislature, we said we prefer regulation instead of statute to we can adjust them over time and the legislature was willing to let us do that. It comes down to confidence and trust. It is better to start out with broad language and then make adjustments.

Mr. Brian Peterson master guide-outfitter said he recommends the board take no action with an assistant guide logbook. The FAA regulation is perfect, if they want to keep a record. In regards to supervision he would caution that the main problem is legislative and public perception. Public perception is extremely important. He thinks a guide should meet his client in the field and take control so there should be no problem whatsoever. He does not like game management units which are too big to require supervision requirements. Finally, when a hunt begins and ends is a technicality. He thinks the definition of a hunt is already defined; when a hunt begins and ends is when you can call packers to take the animal. The hunt is when you are providing services.

Ms. Polley said there is part of the regulation proposal which outlines three districts.

Mr. Petersen said he thinks the district should not be included in the provision.

Chairman Vrem said the regulation is to allow a registered guide act as a class A assistant guide. All of the proposals are interconnected and the board has to be careful.

Mr. Wayne Kubat supervision subcommittee chair said he gave the board a written handout yesterday that is still current over the public proposals in order. The subcommittee did not meet last night but there was discussion and it is the general consensus that they do not want a guide logbook in regulation. A guide could be serviced without direct supervision. A question that should come up is should time spent with a guide client be up to thirty or sixty days.

Ms. Chambers said for the protection of the regulation and to avoid any potential nullification the board has public noticed that public comment begins at 10:00am and the board can extend that period but once that time period is closed, the board must deliberate. By law the board has to read the public comments received before 10:00a.m.

Mr. Dick Rohrer registered guide-outfitter from Kodiak said on page two of the proposed regulations that deal with the exceptions, #1, you can be outside of your guide use area and if you go to 2a, it says you can be outside of your guide use area; therefore we either need a period after the word trophies or in transit or strike the rest of that sentence. Change "in" or "from" and put a period after trophies. In the same section after b: "conducting guided hunts" you need to put a period after hunts. Finally, about being primarily in the field; these exceptions come into play and it helps some guides.

Chairman Vrem said as an example Mr. Kronberger's class A assistant guide or registered guide-outfitter who is also a pilot or has sole operational control might be pinned in that area. Do these privileges extend to that person.

Mr. Johnson said we could ask Ms. Chambers, Ms. Milks and Lt. Chastain after public comment is closed to ask questions.

Ms. Rebne said 2a also states neighboring guide unit area in every instance in that section.

Mr. Johnson said or just put the word "from".

Mr. Wayne Kubat master guide-outfitter #147 said concerning the first three sections, AS 75.135 about the log book, a better place to deal with it is the

assistant guide qualifications. Concerning AS 75.240 (f) about primarily in the field, Mr. Kronberger does have something to worry about because in the new section that goes into effect on April 1 the contracting guide has to be primarily in the field conducting and guiding and basically the committee recommends not to exceed fifty miles. If a guide is in their guide use area, the base could be in Anchorage but they could be working 100 miles away. His base of operations is three guide use areas removed. In regards to guide districts, he thinks the language is much better than it was before.

BREAK: 11:24-11:40am

Mr. Coke Wallace master guide-outfitter #172 said he think the supervision proposal is another level of beauracrazy and not what this industry needs. He kept a little black book with the name of every hunter he guided and believe the responsibility should be on the assistant to keep his ducks in a row. This is how most of the people in this room came into it. We have to get this back to the simple nuts and bolts. He would rather be regulated by this board than by the department of natural resources

Mr. Jim Kradowski registered guide-outfitter #186 said he does not want log books in regulation or statute and assistants should keep their own records. There are too many regulations. He spoke with Lt. Chastain, about a new packer license for ten dollars, similar to a commercial fishing license. There are so many things he is capable of doing in his camp like fleshing, he is a licensed taxidermist as are most of his guides who have had a lot of practice. How is a packer or assistant guide, without getting into trouble, going to get qualified. If we have something that is really simple like an apprentice license for ten dollars then we can go to a village and hire someone, as long as it's simple and uncomplicated. I am disappointed that the department of natural resources did not have something to show us. . We have made a lot of suggestions for their concession program but we won't have an opportunity to review it before it goes to the state legislature. If it is bad then it won't be passed and we have to start over.

Chairman Vrem said it is Mr. Johnson's and Mr. Nickisch's last meeting today. He appreciates the time they have taken to improve the industry.

Chairman Vrem said if you are in Holy Cross or Sleetmute, can the crew member license be paid online, downloaded and printed or loaded on a smart phone.

Mr. Kradowski said many guides are licensed vendors and this can't be a very expensive license for someone who is making fifty dollars a day. Lt. Chastain

suggested that maybe the new license could state what they cannot do instead of what they can do.

Mr. Tony Lee master guide-outfitter # 105 said he is appalled to learn that the skills learned by spotting on a hill or a stream can't be done by a packer unless they have documentation. He is astounded that a majority of the guides who try to build their own guides have been operating outside the law and an interpretation as determined by a fish and wildlife trooper. He has had a young guide for four years and takes pride in certifying his name on the registered guide application. He is a licensed vendor and many guides can pull it up online. The log book thing has kind of been put off to the side. He sees the use for a packer license which could be signed off. One thing he has not heard here is the problems of a newly minted guide will have dealing with, for example, an aggressive stockholder of a major corporation; that is mentally tough. This comes from guides who are in the field and can teach how not to lose control of a hunt. A guide cannot lose control of the hunt but must always be respectful.

Chairman Vrem said the log book was only to accumulate the experience necessary to become an assistant guide. Also you shouldn't have to be a licensed vendor, the division can find books that are three tear-offs and are numbered in the same manila envelope a field copy a main camp copy so maybe we can come up with something like that.

Mr. Spraker said he appreciates all of the comments and has commercial halibut fished for thirty years and anyone that comes along has to have a crewing license. He is used to that, but he is reluctant to create a packer license because I don't want it to discourage folks to get into the industry. Hopefully we can get through the administratively side of it He understand the need for a new license because officers are required to carefully look at guides to see what packers are doing.

Mr. Johnson said there needs to be some common sense and he is hopeful that Lt. Chastain will take back these comments to his department so they know we are working on this.

Mr. Jason Mogen, registered guide-outfitter#1144 said he support s the comments by Mr. Brian Petersen; he is not in favor of the concession program because it doesn't address any of the real issues. He does not want to see a log book go through.

Mr. Jeff Burwell registered guide-outfitter #164 near Tok said he wants to read a letter he passed around. The proposed assistant guide changes could seriously impact the industry. This will make the registered guide license

much more difficult to obtain and what good will an assistant be if he can't do what he is hired to do. His latest assistant is a 3rd generation guide and could possibly have to guide for up to six years before leaving him on his own. Please leave the current assistant guide rules alone and leave the licensing up to us.

Signed,

Jeff Burwell, Chuck McMahan, Johnny McMahan, Jonna Stewart , Lance Kronberger, Rick Kinmon, Jim Kedrowski, Zach Decker, Coke Wallace, Joe Schuster, Kurt Whitehead, Frank Danford, Jason Mogen, Mel Gillis, Tony Reed, Dan Montgomery, Gus Lamourez

Mr. Burwell said what age can someone be a packer.

Mr. Spraker said what age would you put the packers license at?

Mr. Burwell said he does not support another license. Listing a ten year old as a packer would conflict with workman's compensation.

Mr. Michael Lukshin said he is not against a couple of conditions and packer license would raise revenue. He suggests sixteen as the starting age of a packer. It should be minimal but feels strongly about who can do what. For example, the cook wants to get out of the kitchen and sees an animal but he's not guiding even though he is supervised. I am in favor of restrictions but on the front end, not the back end. The one thing we need to take action on is the sixty days should be cumulative because it is difficult to get thirty days in a year. He is in favor of the subcommittee recommendations. If we have to have an assistant guide log book, he is in favor of having it on a hunt record, if we have to have one at all.

Mr. Sam Rohrer registered guide-outfitter #1098 said he cautions the board about creating a packer license. There needs to be a discussion on age limits. When he was fifteen years old he was working as a packer for Joe Klutsch and was in his father's camp turning noses when he was ten years old. His daughter is nine years old and she will be doing this in a few more years. We have to get them started young; by the age of sixteen it is too late.

Mr. Wayne Kubat registered guide-outfitter #147 said in regards to being primarily being in the field, he does not think the proposed regulation is needed because the statute that becomes effective on April 1st will allow a class A assistant guide to be in charge of the camp.

Ms. Rebne said while there are guides who conduct hunts and go into the field but there are guides who are in Anchorage and not in the field. The guide needs to be in the field but the statute language will not specify that. The proposed regulation will allow the contracting guide to be in one of his areas while his hunts are occurring. If they have a hunt going on and they are in another game unit area then they can have qualified personal who is in communication.

Mr. Kubat said he thinks the statute overrides regulation and those statute sections become effective on April 1st. He does not like the idea of a packer license. He proposes the board add a new section, on page 18 number, AS 17.255 "Allowed duties of non-licensed employees of new guides" Guide means to provide certain stuff. It says includes and is not inclusive. Make a new section; find what you want to allow packers to do.

Mr. Nickisch said the level of supervision is will also need to be defined.

Mr. Kubat said you don't want packers to pursue or stalk.

Chairman Vrem said the task that this employee is charged with goes up and down throughout the hunt.

Mr. Dick Rohrer master guide-outfitter #69 said he supports a contracting license with an exemption section and not using the word supervision at any time. It's a business decision and my responsibility. Nobody has mentioned the other regulations such as the five- year option to register for guide use areas. He believes the original intent was to allow a guide to change his five year registration area after January 1st. The current proposal is to change it to thirty days after submission to the board but not earlier than January 1 after the calendar year. I know most of the industry wants to change that and allow guides to change their area in the middle of the year. Just to make sure this doesn't fall through the cracks: he thinks the requirement of harvesting one game animal should be deleted. He believes the assistant guide is going to be involved in spotting stalking and harvesting of a big game animal.

Chairman Vrem said with a five year registration it is easy to forget if he has already gotten that registration. It was put in there to keep guides from hopping from area to area.

Mr. Johnson said for clarification purposes the reason was to reduce division paperwork.

Mr. Spraker said he sees some merit in have a packer license, we will write some language and develop a license so guides are not in jeopardy. What should we do about the young children who love to skin a bear; I don't want to discourage this from young people getting into the business. Ms. Rebne brought this up and he agrees that including this language is necessary: "in the field or in transit with meat or trophies."

Mr. Frank Bishop master guide-outfitter #191 said AS 75.240-contracting guide or supervising non-contracting guide who is supervising an assistant shall be in the same game unit area, adjacent game unit area or common border. We are talking about this and he believes the guide has to remain in one of those game unit areas. One of those things he can do is conduct hunts. Isn't that the reason we allow a registered guide to be an assistant guide in another unit; He would recommend that under "in transit from meat or trophies-while transporting meat or trophies." And eliminate the whole problem..

Mr. Johnson said he thinks it should be from a game unit area to another game unit area.

Mr. Dan Montgomery master guide-outfitter#173 said we definitely need to have language "in transit from one game unit area to another game unit area". To have that language it clears that up. Mr. Kronberger might become stuck in Anchorage trying to get from one game unit area to another and this language would clear it up.

Chairman Vrem said he has been in Mr. Kronberger's position and it cost him \$79,000 because he didn't have an air tight contract. The board does not want to jeopardize a legitimate business.

Mr. Frank Danford registered guide-outfitter #959 said he agrees with Coke Wallace in regards to the proposal for AS 75.340 about game management units and trying to stop transporters from landing on hunts , it has gotten out of control in the areas which he guides. It is hard to book repeat clients because of the air shows. This is also a safety issue when these pilots are dropping people on top of us while we are hunting and we don't know they are there. He has tried to talk to the pilots and transporters and they say "sue me".

Ms. Rebne said we have talked about the transporter issue but our hands are somewhat tied. Perhaps you can take their name and number and there can be a hearing in front of the board.

Mr. Danford said it is occurring more often. It is harassment when there are planes buzzing around an old, established camp. The Department of Fish and Game changed the distance between camps from five to two miles and this should be looked at. He built his landing strip less than sixty feet from his camp and the planes land on it even though they know you're there.

Ms. Rebne said it doesn't seem to matter whether it's two or five miles, they will do it anyways.

Mr. Nickisch asked who are the transporters?

Mr. Danford said he has given the names and aircraft numbers to the authorities.

Mr. Henry Tiffany master guide-outfitter#144 said he wants to thank Mr. Johnson and Mr. Nickisch, your shoes will not be able to be replaced. Your contributions and efforts have certainly appreciated. .

Lunch 1:00-2:09pm

Mr. Kurt Schelle, Department of Law legal advisor for the Department of Fish and Game
Arne Soldwedel Department of Public Safety Prosecutor

In the matter of 12 AAC 75.210 Hunt Records:

12 AAC 75.210 is repealed and readopted to read:

12 AAC 75.210. Hunt record. (a) The hunt record required by AS 08.54.760 must be on a form provided by the department, titled *Registered Guide-Outfitter Hunt Record*, dated October 2012, and adopted by reference. This form is established by the board for review of the information required to be submitted by registered guide-outfitters.

(b) Before a hunt, a registered guide-outfitter who contracts to guide, transport, or outfit a hunt shall complete or have completed the portions of the hunt record form which are required to be completed before a hunt.

(c) A copy of the hunt record must be with the client for the duration of a hunt.

(d) At the conclusion of the hunt, the registered guide-outfitter shall complete the applicable remaining portions of the hunt record.

(e) The registered guide-outfitter shall submit to the department a completed original hunt record for each contracted hunt within 60 days after the

completion of the hunt. The registered guide-outfitter shall furnish one copy of the completed hunt record to the client and retain one copy for four years at the registered guide-outfitter's regular place of business.

(f) A hunt record must be produced for inspection upon request by an agent of the board or department or any state or federal enforcement agent authorized to enforce guiding, game, or game management statutes or regulations.

(g) To comply with AS 08.54.660, an applicant for renewal of a registered guide-outfitter license shall certify on the renewal form provided by the department that all hunt records required under AS 08.54.760 have been submitted to the department in accordance with this section.

(h) When a big game hunting client contracts to hunt big game with more than one registered or master guide-outfitter, a separate hunt record must be completed by each registered or master guide-outfitter and each client. The department will not accept hunt records signed by more than one guide-outfitter.

Mr. Johnson asked Ms. Milks if the board should read the whole regulation into the record or could they state it as being public noticed.

Ms. Milks said if they do not propose any changes into it then they do not need to read it.

Mr. Johnson said this proposal has been worked and re-worked and gone through the department of law and it was passed the last time. The board clearly understands what it going to be and it will be a better hunt record and for the state.

Chairman Vrem said he hopes this improved form can be laid to rest.

Upon a motion duly made by Mr. Johnson, seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED to accept the proposed changes for 12 AAC75.210 Hunt Records as publicly noticed:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		

In the matter of 12 AAC 75.230(c) Guide use area registration:

12 AAC 75.230(c) is amended to read:

(c) A registered guide-outfitter may register for a maximum of five calendar years ending on December 31, including the calendar year in which the registration becomes [BECOME] effective. A registration for multiple calendar years may be withdrawn or changed [ANNUALLY, WITH] in accordance with AS 08.54.750 and this section. The [THE] withdrawal or change shall [TO] take effect 30 days after its submission to the board but not earlier than [ON OR AFTER] January 1 of the [NEXT] calendar year after the date on which the registration was filed.

Mr. Johnson said he is going to be voting against this. What is currently in regulation is adequate. He believes the board would make it worse.

Ms. Metz said she is also going to vote again it because it is too complicated.

Chairman Vrem said although it was well-intentioned the industry is better off without it.

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

RESOLVED to deny the proposed changes for 12 AAC 75.230(c) Guide use area registration as publicly noticed:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem		X	
Karen Polley		X	
Ted Spraker		X	
Michele Metz		X	
Brenda Rebne		X	
Paul Johnson		X	
Dirk Nickisch		X	

In the matter of 12AAC 75.340(d)(7) Professional ethics standards for guides:

12 AAC 75.340(d)(7) is amended to read:

(7) allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences; in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a **legally permitted year round structure** [PERMANENT STRUCTURE OR PERMANENT CAMP] being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties;

Ms. Polley said this has been gone over several times, she believes it is appropriate and will vote in favor of it.

Mr. Spraker said he is also going to vote for this one. He did have a question about an illegally permitted definition of structure but it's probably clearly understand, although maybe we should ask legal counsel if there will be potential legal issues in the future, of what is a legally permitted structure, something that is not a monument, but habitable. Maybe it's not a concern with anyone else.

Mr. Nickisch said he is going to be voting for this as written. There have been several people who requested extending the buffer zone to five miles and additional game units. He remembers the board talked about what would be driven into that, but he thinks it is one of those regulations that if the board is not careful, it could end up with twenty mile buffer zones. He thinks it is a great opportunity to test before letting the cat out of the bag.

Upon a motion duly made by Mr. Johnson, seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED to accept the proposed changes for 12AAC 75.340(d)(7) Professional ethics standards for guides as publicly noticed:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		

Paul Johnson **X**
Dirk Nickisch **X**

In the matter of 12AAC 75.400 Transporter activity reports:

12 AAC 75.400 is repealed and readopted to read:

12 AAC 75.400. Transporter activity report. (a) Each transporter activity report required by AS 08.54.650 must be on a form provided by the department titled *Transporter Activity Report*, dated October 2012. On the day a client is transported, a transporter shall complete or have completed the portions of the transporter activity report that are required to be completed at that time.

(b) The form titled *Transporter Activity Report Form*, dated October 2012, is adopted by reference. This form is established by the board for review of the information required by AS 08.54.650.

(c) Immediately after transporting the client out of the field, the transporter shall complete the applicable remaining portions of the transporter activity report.

(d) The transporter shall make the transporter activity report available for inspection upon request by an agent of the board or department or any state or federal enforcement agent authorized to enforce guiding, game, or game management statutes or regulations.

Mr. Nickisch said he will be voting for this simplification, we deleted unnecessary information, we removed the numbering of it, printing costs and he does not see anything controversial.

Upon a motion duly made by Mr. Johnson, seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED to accept the proposed changes for 12 AAC 75.400 as publically noticed:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		

Ted Spraker	X
Michele Metz	X
Brenda Rebne	X
Paul Johnson	X
Dirk Nickisch	X

In the matter of 12AAC 75.920(b) Hunting, guiding and practical experience:

12 AAC 75.920(b) is amended to read:

(b) For purposes of satisfying the hunting experience requirements in AS 08.54.620 the applicant must document at least 20 days of big game hunting activity in a calendar year in order to receive credit for one year [, AND MUST ALSO SHOW THE HARVEST OF ONE BIG GAME ANIMAL IN THIS STATE].

Ms. Polley said this has been reviewed and a bit confusing; we removed the harvest of big game animal and how to make better qualified applicants.

Mr. Spraker said he does not want to go with an assistant who has not killed a big game animal, but maybe he is missing something.

Mr. Johnson said he is going to support this.

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

RESOLVED to accept the proposed changes for 12 AAC 75.920(b) as publically noticed:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of 12AAC 75.920(c) Hunting, guiding and practical experience:

12 AAC 75.920(c) is amended to read:

(c) For purposes of satisfying the hunting experience requirements in AS 08.54.630 the applicant must document at least 30 days of big game hunting activity in a calendar year **or document successful completion of a board approved assistant guide training course** in order to receive credit for one year [, **AND MUST ALSO SHOW THE HARVEST OF ONE BIG GAME ANIMAL IN THIS STATE**].

Mr. Johnson said Assistant Attorney General Ms. Milks, please review what has been written as a new proposal.

Ms. Milks said she is going to look at the public notice again and look at a hand-written page. She was not present last night when this letter was generated. Was this a board sanctioned committee?

Mr. Johnson said yes, this is what board members would like to see amended.

Ms. Milks said she will need a few minutes to read this hand-written full-page material.

Ms. Milks said she thinks this language you have proposed contains too many substantive changes from what you've proposed in the public notice. She would say that this has to go out again for public notice because there is too much substantive change.

Mr. Johnson said with that he is going to vote down the proposed language to leave it as it is in law and propose changes for the March meeting.

Chairman Vrem said the public that deemed this important was in the room today. He does not want the efforts of this interested group of people diminished or ignored, he would prefer not to put this off until the March meeting because he does not want a technicality that would prevent this from being adopted before April 1. He wants to do everything necessary to adopt this change at the March meeting.

Mr. Johnson said this he will public notice this new proposal, which means it has to go through the process of thirty days-sometime in February.

Ms. Milks said yes, it does.

Chairman Vrem said he wants to have it out in time for the March meeting. We will not be adopting the language in bold print.

Mr. Spraker said he certainly appreciates the work all this work has done but wonders if there is a portion that needs to be noticed, that would meet the notice that could be passed/. Should we just keep it all together as one package or is it beneficial to pull parts of it out today and pass it.

Ms. Milks said that is a policy decision for the board to make. It's really up to the board if you want to do it as a package or piece meal.

Mr. Johnson said he just had another thought; if we went ahead and amended this, Ms. Milks would say there hasn't been enough notice so we would public notice it for 30 days.

Ms. Milks said it would depend on the Department of Law public analysis. She has an understanding why the board wants to make the changes but she would have to look at this very carefully.

Ms. Metz said if they decided too substantive a change, would they still look at the language.

Ms. Milks said no, they would not.

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

RESOLVED to deny the proposed changes for 12 AAC 75.920(c) as publically noticed:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem		X	
Karen Polley		X	
Ted Spraker		X	
Michele Metz		X	
Brenda Rebne		X	
Paul Johnson		X	
Dirk Nickisch		X	

In the matter of 12AAC 75.135 Assistant guide log book:

Mr. Johnson said he going to be voting against this.

Mr. Spraker said he is also not going to support this one. He thinks the guide industry has enough although there is some merit.

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

RESOLVED to deny the proposed changes for 12 AAC 75.135:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem		X	
Karen Polley		X	
Ted Spraker		X	
Michele Metz		X	
Brenda Rebne		X	
Paul Johnson		X	
Dirk Nickisch		X	

In the matter of 12AAC 75.240 (f) Supervision:

12 AAC 75.240. SUPERVISION.

(f) The contracting registered-guide outfitter or a non contracting registered guide-outfitter or class-A assistant guide supervising an assistant guide shall be available in the same guide use area, or an adjacent guide use area with a common border, to direct and monitor the big game hunting services provided to the client, except during times when

(1) an emergency situation exists that requires the guide's assistance; or

(2) the contracting registered guide-outfitter or non contracting registered guide-outfitter or class-A assistant guide supervising the hunt is outside the guide use area or neighboring guide use area while

(A) in transit with meat or trophies from that or a neighboring guide use area;

(B) in transit with food, supplies, or clients directly associated with conducting guided hunts in from that or a neighboring guide use area; or

(C) conducting important duties that are essential for completion of current contracted hunts.

(g) *Repealed 7/30/2006.*

(h) In this section, "emergency situation" means a situation in which a person is in a remote area and

(1) is involuntarily experiencing an absence of food, water, shelter, or medical care required to sustain life or health;

(2) is lost;

(3) is unable to perform the functions necessary for survival, leading to a high risk of death or serious and permanent health problems without the assistance of the guide; or

(4) the guide's presence is necessary for a family medical condition.

Mr. Spraker said the quick fix would be to offer a friendly amendment under 12 AAC 75.240(f)(A) and add "from" with "in transit with meat or trophy". The other friendly amendment would be under (B) in transit with meat add "from"

Mr. Johnson said he accept this friendly amendment.

Mr. Spraker said this would make it the same language as the regulation book and accepts this as a second.

Mr. Johnson said the motion would be written except as public noticed meat or trophy-add "from" from that guide use area.

Ms. Milks said she has a question. The friendly amendment would change "from" in 12 AAC 75.240 (2)(a) and (b) My second question is with 12 AAC 75.240(f)(1) "an emergency situation".

Mr. Johnson said that a registered guide who is supervising will be available as defined in 12 AAC 75 240 (a).

Ms. Milks said she has one more question-in 12 AAC 75.240 , please define what is a guide required animal.

Mr. Johnson said that is defined in statute as bear, sheep, and goat.

Upon a motion duly made by Mr. Johnson, seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED to accept the proposed changes for 12 AAC 75.240 (f) as publically noticed except meat or trophy-add "from" after "in transit with meat or trophy" in (f)(A) and add "from" after "that or a neighboring guide use"(f)B).

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

On a motion duly made by Mr. Johnson, seconded by Ms. Metz and approved unanimously, it was:

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

The Board entered executive session at 2:57pm and went back on record at 3:35pm.

Board staff members remained during the session.

In the matter of 12AAC 75.240 (i) Supervision:

12 AAC 75.240 is amended by adding new subsections to read:

- (i) A licensed assistant guide must document in the assistant guide log book direct on-site supervision by the employing registered guide-outfitter, the registered guide-outfitter, or class-A assistant guide for a minimum of six hunts or 50 hunting days before the assistant guide is permitted to accompany a client without direct participation of the supervising licensee, on any hunt for guide-

required animals or moose. The documentation required by this section shall be attested to by the signature of the supervision licensee.

Mr. Johnson said he will not be supporting this as we are going another route and asking for change.

Mr. Spraker said he will also not support this one; we have some information from the subcommittee and put in the legal language but it wasn't publically noticed. He is also not going to support this.

Upon a motion duly made by Mr. Johnson, seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED to deny the proposed changes for 12 AAC 75.240 (i) as publically noticed.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem		X	
Karen Polley		X	
Ted Spraker		X	
Michele Metz		X	
Brenda Rebne		X	
Paul Johnson		X	
Dirk Nickisch		X	

In the matter of 12AAC 75.270 (a) Guide districts:

- (a) Notwithstanding any other provision of this chapter, a registered guide-outfitter may serve as a class-A assistant guide in the following districts defined by the board, . If registered in one or more of the Game Management Units in that district on their license:
1. District one-Southeast and Maritime, Game Management Unit 1-8;
 2. District two-Interior and South Central, Game Management Unit 11-16, 17B, 18 north of the Yukon River and unit 19-26
 3. District three-Bering Coast, Game Management Unit 8-10, 17A and C, 18 south of the Yukon River.

Mr. Johnson said he motions to accept the proposed for 12 AAC 75.270 (a) as publically noticed.

Ms. Polley said she makes a friendly amendment to change district 2: Yukon River 19-26.

Ms. Metz said she seconds the friendly amendment.

Mr. Johnson said he accepts the friendly amendment.

Mr. Johnson said the board has very carefully chosen similar terrain for all three districts and feel strongly that a registered guide can act as a registered guide within his own district. There is history in the past and I will be supporting this motion.

Chairman Vrem said he began guiding in 1972 and the prior year game management units were adopted in 1970.

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

RESOLVED to accept the proposed changes with a friendly amendment for 12 AAC 75.270 (a) as publically noticed.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of 12AAC 75.990(a) Definitions:

Mr. Johnson said under this new statute the guides needs will be met. He will be supporting this motion.

12 AAC 75.990(a) is amended by adding a new paragraph to read:

(5) "conduct means to plan, direct, and monitor hunting services to a client either personally or through an assistant.

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

RESOLVED to accept the proposed changes for 12 AAC 75.990(a) as publically noticed.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

Break: 3:47pm-4:05pm

In the matter of 12AAC 75.240(f) Supervision:

12 AAC 75.240. SUPERVISION. (a) A registered guide-outfitter who contracts to guide a hunt shall plan, direct, and monitor the big game hunting services provided to the client.

(f) After meeting the requirements in (i) of this section, an assistant guide may conduct a hunt for any guide-required animal or moose without direct supervision, but only if the employing [The contracting registered-guide outfitter or a **supervising** [non contracting [registered guide-outfitter or class-A assistant guide **is** [supervising an assistant guide shall be] available in the same guide use area, or an adjacent guide use area with a common border, to direct and monitor the big game hunting services provided to the client, except during times

Mr. Johnson is asking for reconsideration of 12 AAC 75.240 (f) because we have voted down (i) and need to rescind our vote for (f)

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

RESOLVED to reconsider 12 AAC 75.240(f) as publically noticed.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of 12AAC 75.240(f) Supervision:

12 AAC 75.240. SUPERVISION. (a) A registered guide-outfitter who contracts to guide a hunt shall plan, direct, and monitor the big game hunting services provided to the client.

(f) After meeting the requirements in (i) of this section, an assistant guide may conduct a hunt for any guide-required animal or moose without direct supervision, but only if the employing [The contracting] registered-guide outfitter or a **supervising** [non contracting[registered guide-outfitter or class-A assistant guide **is** [supervising an assistant guide shall be] available in the same guide use area, or an adjacent guide use area with a common border, to direct and monitor the big game hunting services provided to the client, except during times

Mr. Johnson said he is going to be voting because we are covered in regulation and this is something we have already voted down so it convolutes the matter.

Mr. Spraker said he is going to vote against it because of the issues that were just brought up and there is going to be substitute language in a teleconference and deal with it at that time.

Upon a motion duly made by Mr. Johnson, seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED (to deny) the adoption of 12 AAC 75.240(f) as publically noticed.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem		X	
Karen Polley		X	
Ted Spraker		X	
Michele Metz		X	
Brenda Rebne		X	
Paul Johnson		X	
Dirk Nickisch		X	

In the matter of 12AAC 75.240(j) Supervision:

12 AAC 75.240 is amended by adding a new subsection to read:

(j) For purposes of AS 08.54.610(e) and in addition to the requirements of this section, the contracting registered guide-outfitter is considered to be primarily in the field when he is supervising and participating in any of the contracted hunts **while present** in any of the guide use areas in which he is currently registered[.] **and/or in the same or neighboring GMU in which a hunt is taking place, plus an additional distance beyond those borders not to exceed 50 miles.**

Mr. Johnson motioned to adopt 12 AAC 75.240(j) as publically noticed.
Mr. Spraker seconded.

Ms. Rebne made a friend amendment to change the following language: in-a **any one of the contracted hunt hunts in any one of the guide districts use areas** in which he is currently registered.

Mr. Spraker said he thought we were going to say supervising and participating in one of the contracted hunts.

Ms. Milks said both “any one of” and “any of” would work. The intent is clear.

Mr. Johnson said he accepts the friendly amendment.

Mr. Spraker said he accepts the friendly amendment.

Ms. Polley said she makes a friendly amendment in the game management unit plus an additional distance not to exceed 50 miles.

Mr. Johnson said he accepts the friendly amendment.

Mr. Spraker said he seconds the friendly amendment.

Ms. Polley said a guide could have hunts going on but not actually have physical properties located that are not adjacent but near each other.

Ms. Rebne said at first she thought it subverted the original intent to have the contracting guide must be in one of his areas but she understands that the word "primarily" and the definition of primarily will override that so she will support it.

Mr. Spraker said if this satisfies a guide working in the arctic and also in the peninsula then he will support it.

Upon a motion duly made by Mr. Johnson, seconded by Mr. Spraker and approved by roll call vote, it was:

RESOLVED to accept with friendly amendments 12 AAC 75.240(j) as publically noticed.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

In the matter of 12AAC 75.920(c) Hunting, Guiding and Practical Experience:

Mr. Johnson said this has been worked on for some time and raises the level of work that an assistant guide can do in a camp. It is pretty straightforward and looks forward to the public notice and public reaction.

Chairman Vrem said he would like to have a teleconference meeting to vote on this as soon as he can.

Mr. Spraker said a lot of work was done by those in the industry who deal with this all of the time and he supports this.

Chairman Vrem said he supports this proposal.

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

- A) at least 30 of these days must be spent working on a guide camp and/or under the supervision of a licensed guide while performing guide related duties.
- B) documented completion of a board approved assistant guide training course can count for 10 days.
- C) must include a signed evaluation by the registered guide that he worked for or by the registered guide that will be hiring him that he meets the following criteria:
 - 1. Has knowledge and experience concerning firearms.
 - 2. Is knowledgeable of guide statutes and regulations and game regulations.
 - 3. Is knowledgeable in trophy judging, caping, skinning, butchering and meat and trophy care.
 - 4. Has directly participated in the spotting, stalking and subsequent harvesting of at least three big game animals during a guided hunt in Alaska.
 - 5. Has knowledge and experience concerning general safety and emergency protocol.

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

RESOLVED to accept the proposed 12 AAC 75.920(c) for public notice and consideration.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

Chairman Vrem said he asks for unanimous consent to send the proposed letter to Director Habeger and cc to Commissioner Bell and Sara Chambers.

Ms. Rebne said she seconds.

December 6, 2012

Don Habeger
Division Director
Occupational Licensing

Dear Mr. Habeger,

Letter to DECED regarding the BGCSB expenditures and deficit balance.

The Board services provide significant savings to the Alaska State court system through the consent agreement process.

We have suggested several avenues the department should initiate to seek additional revenue other than increasing license fees. Again we respectfully request the Department develop these avenues to help address either reduced costs or increased revenues to support the BGCSB.

Develop and implement investigative fees as provided for in the statutes allow; Develop and implement data access and use fees that are provided through the application process and hunt and transporter records. Return to the process of private sector contractors for administrative hearings Return to the more efficient process of promulgating regulation changes as provided by the Administrative Procedures Act as opposed to page 11 of the Boards and Commission packet.

We respectfully request a more detailed quarterly and annual report of expenditures so that we might be more knowledgeable regarding our costs and therefore more able to adjust our expenditures.

In addition we respectfully request that we not be held accountable for past over-expenditures that have been incurred without input, review and substantiation from the board. In essence, charges have been made to the BGCSB budget without supporting detail and/or documentation of the expenses.

We respectfully request the department to provide the appropriate detail for expenses allocated to the existing deficit and implement procedures to substantiate all future billings to the Board.

Respectfully Submitted,

Cc: Susan Bell, Commissioner
Sara Chambers, Operations Manager

Mr. Nickisch said he was pretty disappointed there wasn't public testimony about re-evaluating the purpose the transporter services as an industry and a resource: AS 08.54.790 790 (10) "transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters.

Otherwise the transporter will remain that ambiguous grey area that is causing a fair amount of problems.

Mr. Johnson said there was a legislative appointed task force that discussed guide and game and the focus was on Alaska Airlines and ever since then he has been frustrated.

Mr. Nickisch expressed heartfelt gratitude and thankfulness to the people he worked with during his time on the board.

Mr. Johnson expressed heartfelt gratitude and thankfulness to the people he worked with during his time on the board.

Mr. Spraker said there is a good chance this might be his last meeting. He also expressed heartfelt gratitude and thankfulness to the people he worked with during his time on the board.


Upon a motion duly made by Mr. Johnson, and approved unanimously, it was:

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


The meeting adjourned at 4:37pm.

Respectfully submitted:


Approved:



Cindy Cashen, Licensing Examiner



Date



Kelly Vrem, Chairperson
Big Game Commercial Services
Board



Date

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