

**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  
October 22, 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 teleconference meeting of the Big Game Commercial Services Board was held October 22, 2012.

The staff of the Division of Corporations, Business and Professional Licensing prepared these draft minutes. They have not been reviewed or approved by the board.

**Monday, October 22, 2012**

**Agenda Item 1 Call to Order**

The meeting was called to order by Kelly Vrem, Chair, at 10:09am.

**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:

Sara Chambers, Program Coordinator  
Michelle Johnston, Records & Licensing Supervisor  
Cindy Cashen, Licensing Examiner  
Lee Stout, Investigator

Michelle Wall-Rood, Investigator

**Agenda Item 2    Review Agenda**

The board reviewed the agenda. There were no changes.

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

**RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to discuss the cases before the board.**

The Board entered executive session at 10:13am; all staff except for Ms. Chambers remained for the session. The Board went back on the record at 1:03pm.

**Agenda Item 3                    Board Business**

In the matter of Case No. 2011-00819

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

**RESOLVED to adopt the consent agreement, Case No. 2011-000819 for James A. Smith.**

**Roll Call Vote:**

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

In the matter of Case No. 2012-000832

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

**RESOLVED to adopt the surrender of license for Case No. 2012-000832 for Cecil V. Humble.**

**Roll Call Vote:**

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

In the matter of Case Nos. 2011-000883, 2012-000763, 2012-000764

The board noted that the three cases are for one individual.

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

**RESOLVED to adopt the consent agreement for Case No. 2011-000883, 2012-000763, 2012-000764 for Garrett W. Cox.**

**Roll Call Vote:**

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

In the matter of Case No. 2012-000481

Mr. Johnson does not believe this individual has any respect in his state and the board will find out if Colorado decides to revoke his license before the board decides whether or not to issue an Alaska license.

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

**RESOLVED to table Case No. 2012-000481 for Nathan Simms, until a decision has been provided by Investigations in Colorado and until the board has time to schedule such actions for this case.**

**Roll Call Vote:**

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

In the matter of Case No. 2012-000472

Mr. Johnson and Mr. Spraker will vote to deny this individuals license application because through the court records and his attorney this individual admitted he could no longer have a weapon because of his domestic violence charge which is part of federal law, Title 18, United States Code, Section 922(g)(9), and under the ethics law the board cannot allow him to carry a weapon.

**Upon a motion duly made by Ms. Polley, seconded by Ms. Metz, amended "Consent of Agreement" to "state license application, Ms. Metz concurred and approved by roll call vote, it was:**

**RESOLVED to deny the license for Case No. 2012-000472 for Stephen F. Smith.**

**Roll Call Vote:**

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

**In the matter of Case No. 1700-08-022**

Mr. Spraker suggested amending the Consent of Agreement and having the fine reduced to \$5000 with \$4,500 suspended, and the probation period reduced from 5 years to 2 years. Ms. Metz seconded, Ms. Polley accepted the amendment. Mr. Spraker noted that this case had been held over his head for 4 years, which is similar to being under probation, therefore, the reduction of probation to 2 years is appropriate. Mr. Johnson believes it's more important as to what the discrepancy was and the board needed to move this case forward.

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

**RESOLVED to accept as amended the consent of agreement and reduce the fine and probation period for Case No. 1700-08-022, Arthur D. Hirschel.**

**Roll Call Vote:**

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

In the matter of Case No. 2011-001244

Mr. Johnson can accept this agreement as written. Mr. Vrem believes the person involved in this case got lucky and dodged a bullet.

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

**RESOLVED to accept the consent of agreement for Case No. 1700-08-022, David J. Mandich.**

**Roll Call Vote:**

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

**Post Executive Session Roll Call**

Board members present:

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

Board staff present:

Sara Chambers, Program Coordinator  
Michelle Johnston, Records & Licensing Supervisor  
Cindy Cashen, Licensing Examiner  
Lee Stout-Investigator  
Michelle Wall-Rood-Investigator  
Jun Maiquis, Division Regulation Specialist  
Harriet Milk- Regulations Attorney, Dept of Law  
Lt Bernard Chastain-Fish and Wildlife, Dept of Public Safety

## Hunt and Transporter record forms & Discussion of proposed regulations

Mr. Maiquis provided the Dept of Commerce draft-regulation changes and a revised version from the Dept of Law and said the Dept of Law version needs to be reviewed and considered adopting by the board and put out for public notice again.

Mr. Johnson said that the board did not make substantial changes, so as in the past the board has moved them forward without having to public notice them again.

Ms. Milks said that the board changes are substantial enough for the board to review Dept of Law's suggested changes. The good news is the board's intent to remove references to the record books is not problematic and the Dept. of Law has approved that change throughout the regulations. There are only two sections where substantial changes were made. The first section related to the Hunting and Transporter records in 12 AAC 75.210(a); relating to the hunt records. The board adopted amendments to take out specific requirements to the forms, to remove them but not change them. Ms. Milks thought that the boards intent was to make it more efficient to administer and maintain the forms if the specific requirements weren't set forth in stone. As it turns out it's a change that the Dept of Law could not live with because it ends up making the forms too open ended in that the public's terms of what the public notice of the content of the form would be. Even though the contact isn't controversial, to take out the requirements, such as the clients names and tag number is too open ended. A potential solution is to have "must be on a form provided by the dept and adopted herein by reference." That way the form would be part of the public notice and could be more easily changed. Ms. Polley asked Ms. Milks to explain the content of the revised version. Ms. Polley said there was missing contents of the form in the form of "...". Ms. Milks said that with the "adopted herein by reference" statement, the form would be attached and the editor's note would state where that form could be found so everyone would be on notice as to where to locate the form. The form could not be adopted today as it would still need to go out to public notice.

Mr. Johnson asked if the boards adopted revisions unquestioned by the Dept of Law could be sent to the Lt. Governor. Ms. Milks said it as her understanding but she would get back to them before she left the meeting.

Ms. Chambers said that staff is clear about the next step; the board will need to discuss and determine whether to keep the existing language as it is proposed and public notice the existing regulations with change or rewrite the regulations to take out the items they were intending to take out in March and adopt the forms by reference and public notice them as provided them today. The hunt and transporter record forms were drafted as they were presented by the subcommittees. The board could approve the adoption of these forms; public notice will need to happen with the HR and TR records.

Ms. Chambers said to take out the items and take out the forms and adopt them by reference today by review. The forms were drafted by subcommittee this summer and now there is an action that needs to take place by the board. Ms. Milks agreed.

Ms. Milks said the Department of Law made the changes to 12 AAC 73.230(c) because they thought it addressed the boards desire to have the regulations regarding the circumstances and timing of withdrawal of guide use area permits more specifically set out. Is this what the board intended?

Ms. Polley said if the board didn't change "within 30 days" then the guides couldn't change their guide use areas for 12 months. The Department of Law's version appears to let guides make changes whenever they wanted.

Ms. Milks said that "12 months" can't be used because it has to be "state calendar" year and match the statute language. Mr. Johnson said that the intent was to change the 5-year guide use area registrations because some people thought guides couldn't change their game use areas once they registered for 5 years. This 5-year regulation was to make it less expensive and easier for administration and application. If guides learn that they need to change and do it at the beginning of the next calendar year then they could make the change and not have to wait until the end of their 5-year registration. The board was trying to ease up on cost of paperwork. A lot of guides don't move.

Ms. Milks said that it's a matter of translation from the board to the attorneys and maybe if the board's intent into the changes could be known to the Dept of Law it would stream line the process. Ms. Milks asked if the board wanted a 30 day period after submission of a request for withdrawal or amendment. Mr. Johnson said only for those scenarios of guides who have 5 year registrations. The rest of the guide use area registrations already have this 30 day waiting period in regulation. Ms. Milks asked if the Dept of Law language would work for the board.



Mr. Spraker and Ms. Metz said they do not understand the law's revision. Mr. Spraker thought it was the intent of the board to let guides sign up for 5 years but in January these guides could move to another area. Mr. Johnson said it used to be that way but a licensing examiner said that was not the way he read it. Mr. Spraker believed that the intent of the board should be adhered by the licensing examiner. Mr. Johnson said that the intent of the board is not reaching the law. Ms. Rebne asked for clarification with the guide use area registration and Mr. Johnson provided clarification.

Ms. Chambers said that the big difference between what was proposed in March and the regulations attorney proposal is that the March version has a "12 month" language which is inconsistent with statute. The Law version switches it back to "calendar year" but also adds a few more layers such as "30 days". Ms. Chambers asked if it would be more consistent with what the boards intending if the department went back to the March version and simply changed the "12 month" to "calendar year"? After the first calendar year they can change their area as much as they want as long as there is a 30 day waiting period between changes.

Mr. Johnson said yes and to him this was not a substantial change in the regulations but he understood Ms. Milk's stance because she could not know the boards' intent.

Ms. Chambers said this reinforces that when the board is voting on regulations that it does this as much as possible and specifically in the form of a motion. Mr. Johnson said that usually an attorney would write up the motions and at the last meeting there wasn't an attorney. That is why the board costs are going up; because of these problems. If there was a regulations specialist who participated in the board meetings, this will save costs. Ms. Milks pointed out that the regulations attorney sees it after she, Ms. Milks, does before it goes to the office of the Lt. Governor.

Ms Milks advised the board to look carefully at the guide use area regulations because the language seems to differentiate between 1 year and multiple years, therefore those sections will need to be changed. Mr. Johnson said it might be better to drop the 5-year guide use registration.

Ms. Milks said that 12 AAC 75.230(b), about guide user area registration, contemplates multiple calendar years unless the registration is issued for multiple calendar years and in 12 AAC 75.230(c) there are provisions for 5 calendar years. There was an expectation that there could be an annual change. Mr. Johnson said that was so if a guide made a guide use area change on Jan 1 or 2 of 2013, the guide wouldn't have to wait until Jan 1

2014. Mr. Johnson said he doesn't know how to make it less complicated and if Ms. Chambers is correct then that could be what the board would accept.

GCI mistakenly disconnected the teleconference. It was quickly re-established and roll call was taken.

### Roll Call

Kelly Vrem present  
Karen Polley present  
Ted Spraker present  
Michele Metz present

Brenda Rebne present  
Paul Johnson present  
Dirk Nickisch absent

Mr. Spraker asked if the board could just re-public notice this and move forward at the December meeting. Ms. Polley said there wasn't a 90 day notice. Ms. Milks said it must be re-noticed and re-adopted.

Mr. Johnson asked if the Big Game section could move forward: 12 AAC 110(a)(1)(d). Ms. Milks said only if there were no changes.

Mr. Maiquis said that the board could adopt the regulations that do not have any changes by Department of Law and then another publicized meeting would take place to adopt the Department of Law or these meeting changes. Under 12 AAC.75.340 there is a section that the board has tabled because it wasn't sure what the action was. 12 AAC.75.340(d)(7) is part 2 of this project. Mr. Johnson said that section had not been tabled. Mr. Maiquis said that in the March meeting minutes it had been tabled. Mr. Johnson agreed that it had been tabled. Ms. Rebne and Ms. Metz asked to start at the beginning.

Mr. Maiquis stated that there is a section that the board tabled for re-notice and more comments in the March meeting. Ms. Milks and Mr. Maiquis agreed with the board on which sections could move forward and which will need to be put on public notice again. Mr. Johnson read the following to Ms. Milks and Mr. Maiquis who agreed on the following required actions:

12AAC.75.110(a)(1)(d)	- no changes-page 1 of Department of Law proposal
12AAC.75.205	- no changes-page 1
12AAC.75.210(a)	-public notice-page 3
12AAC.75.230(c)	- public notice-page 3
12AAC.75.240(f)(2)(a)	-no changes-page 4
12AAC.75.340(a)(2)	-no changes-page 5
12AAC.75.395	-public notice-page 5
12AAC.75.400(a)	-no changes-page 6

12AAC.75.400(d) -public notice-page 7  
12AAC.74.440(a)(2) -no changes-page 7

Mr. Vrem asked Lt. Chastain about 12AAC 75.240(f) for definitions about the proximity of the registered guide. Lt. Chastain replied that the board is to come up with a definition to bolster the legislation primarily in the field and supervising the hunt. Those two items are in 12AAC. 75.240(f) about in transit with meat or trophies and the word “from” replaced “in”. That says to him that the person is transiting out of or from that guide use area. The word “from” would replace “in”, and would not count if that person were transporting meat within that same GU area. If the purpose is to restrict the person from transiting with meat outside that area, he does not know what the proper word would be. Mr. Johnson said that they wanted to prevent the meat from going sour and could take it out of the guide use area and into town and the new wording would allow them to do that. Lt Chastain agreed that there are the exceptions as to why the guide could be outside the area.

Mr. Vrem asked what the word “neighboring” actually meant. Is that adjacent or halfway across the state area? Lt. Chastain said that enforcement considers “neighboring” as touching the guide use area you are operating in. Mr. Vrem asked if it would be better to state “adjacent” instead of “neighboring”. Lt. Chastain said that would require several changes in statute. Lt. Chastain said that he understands the purpose of the board was to allow exceptions for the guide to leave the guide use area outside of the guide use area for legitimate purpose. Mr. Vrem said it still didn’t pertain to a real world situation but did not mind if this change moves forward. He is in unit 9 where there are two federal and state areas separated by a narrow strip of land with another guide outfitter and technically it removes him from the definition of “adjacent” or “neighbor”.

Mr. Vrem said that in a state guide use area he has a camp where he can see the village of Egigik, but if he has a house there then he will not be in compliance. Mr. Vrem is fine with making changes as they occur with this section. It will be better than what they have now but not final. Mr. Johnson said that this was a first time change for now and asked Ms. Milks if it was good enough to move. Ms. Milks said it could move forward.

Mr. Maiquis asked if the board was moving forward the technical changes, Mr. Johnson said yes. Mr. Maiquis suggested showing the new change in 12AAC.75.210(a) to the board. Mr. Johnson said that the board will have a discussion, take Ms. Milks recommendation and work on the changes, so it’s not necessary to send it to the board before public notice. Ms. Chambers said the department still does not have the content for 12AAC.75.210(a) and asked if the board decided to keep 12AAC.75.210(a) and a list of regulations

or take out the list of regulations and adopt the form by reference? Those are substantial differences and if we go with what we have in front of us and the board decides in December to go with noticing the form, then it will be next year before it gets passed. Ms. Polley said the board referenced the form when they public noticed this. Ms. Chambers said that is not what the board has decided now; she just heard the board decide “let’s go with this which doesn’t reference a form”. Mr. Johnson said it would be okay because it’s a broad public notice. Ms. Chambers said no, not from this experience; the board cannot not public notice something they are going to adopt. The current board proposals went through several layers, it went through agency attorneys, it went to the regulation attorney and the regulation attorneys stopped it. The process would not have worked this time as we are describing it; we have to get as close as possible before public notice because the public notice states that the board intends to change regulations and then later on the board can tweak it. If staff just does a broad umbrella type of public notice that the board is changing something in regulation but is not sure what that will be and then the board changes a radically different regulation section, the board will have to go through another public notice, which is the exercise we are doing now.

Ms. Polley asked if Ms. Chambers was stating that the board cannot public notice this in terms and forms as provide by the Department of Law. Ms. Chambers said yes, the Department of Law’s version of 12AAC.75.210(a), with the “...” is the same as what is currently in regulation, which is the long list of items that the board wanted to get away from in terms of flexibility. If the board wants to public notice what is in front of them, the board will not be able to adopt a form, if the board wants to remove the list like what was intended in March and insert a line to adopt the hunt record and transporter activity report by reference then this will have to be public noticed.

Mr. Johnson said obviously there’s been a major change with the Department of Law in the way things were done before. If the board takes a proposed regulation and sends it out for public notice and the board has the public there and the people get up and comment to include this part but not this part and the board decides; then that word “substantial” defines how much leeway the board has. The board used to have a lot of leeway in that the board could change things as long as it did it in front of the public and as long as the public was involved. He does not know what “substantial” means, he is lost as to where Ms. Chambers is heading because it ties the boards hand when they spend the time and money to go to only two meetings a year. The board has ended up in a teleconference where the public isn’t involved at all. He thinks it is broader public notice when something is done in a meeting than when it is done like this. The board has always done it that way. The board needs some guidelines; it’s hard for him to accept the changes for the

public when people fly so far to attend a meeting, since they don't get that chance to attend teleconference. During the public meetings in Fairbanks and Anchorage the board has always made some changes. Mr. Johnson thought "substantial" meant you went into another completely different statute area.

Ms. Chambers said that we have experienced a kickback of the information at the regulations attorney level than what Mr. Johnson is talking about what happened in the past. Ms. Chambers asked if staff should seek clarification from Department of Law attorney Ms. Behr on what the expectations are for the regulations process.

Mr. Johnson said the board just went on what Department of Law attorney Kevin Saxby told us, like the Board of Game. Ms. Chambers said the rules for the Board of Game were different. Mr. Johnson said they have the same rules. Ms. Chambers said the Board of Game is incorporated differently and because they are a different type of board, they are procedurally different. For example, the Board of Education has different procedures than a division board. Just because it's a board doesn't mean it's the same configuration. The Open Meetings Act and some of those broad applications would apply more broadly than what we are experiencing. There are certain things that may have been customary in the past that are not going to work now. Staff needs some clarification from the Department of Law about their process.

Mr. Johnson asked if there was a new law; he doesn't know how the new board is going to function. Ms. Chambers said they just need clarification about whether something has changed with the Department of Law or if the board has changed something along the way that in the past was not substantial and this has crossed some kind of threshold and now there are. Mr. Johnson said that the board's public notice stated that there may be substantial changes and they were able to make changes in the guide map. The only difference with Board of Fish and Board of Game is they don't work for the Governor and Big Game Commercial Services Board does. Those boards are appointed by the Governor and they pick the Commissioner of three names. If our board has to do as you say and we have a proposed map and make public notice then it's the public's chance to talk about it. We listen and make changes based on public testimony, which is a substantial change and we have done it a lot. Ms. Chambers said there needs to be clarification.

Ms. Polley said she thought she heard that the board wanted to take the specifics of the hunt records out of the regulations and keep it in the necessities for the management of the department. These forms have been gone over by the public and the committee and she did not understand why

they have to go out for public notice if it's a form of the department. This is not the general public; this is specific to the people who use these forms.

Ms. Milks said that is where there is a disagreement; when forms are required of clients, or members of the public, the content of the forms has to be readily discernable by the public. It is sufficient if the form is public noticed, attached to the regulation and referenced in the printed regulation, but for the regulation to say there exists a form devised by the board; that is a big difference and it leaves the public in the position of not knowing what is and what is not on the form. If she were to ask Ms. Behr and Mr. Weaver from the Department of Law why this makes something substantial and when should it be public noticed they will tell you if it's going to affect the public and it's a regulation.

Ms. Johnson said that he understood but between when something is public noticed and the board votes on it, there is a step in between. The board passed these changes in March and it's now October. By the time we get done with the regulation it will have been two years. We have board members who are on here for three years. It is a lot fairer for the public. The Board of Game is done in 30 days.

Mr. Vrem said he would like to be present either in person or teleconference when Ms. Chambers is asking the Department of Law about this issue. If you are asking some employees of the Department of Law, maybe there is another employee or my lawyer who might have another opinion. If we have to start public noticing things that are so narrowly defined then the purpose of the board is nullified and we are just wasting our time.

Mr. Johnson said the same lady at the Department of Law is in charge and has been since the mid 80's. He has dealt with this for years and has talked with the Lt. Governor so slowly there are more and more steps and then it goes to the next step of public notice. We do it twice: the board makes a rough draft; we vote it up for public notice. Then it goes out and then it's sent in and changes are made. It's done twice. We've always done it that way. Ms. Behr used to do it that way and it has changed. He is confused about why this has happened but maybe it's with legislation.

Ms. Milks said the changes that are reflected in the most recent production are flowing directly from Mr. Weaver and Ms. Behr; they are coming from the same place as before. Mr. Johnson said generally we have an attorney at the meeting but this time we were trying to do it ourselves. Mr. Maiquis public noticed it, our attorney would say this is a broad public notice and we can do this. Ms. Behr has always been a stickler and she has kept us out of a lot of trouble. He understands why she is doing this.

Ms. Chambers said that since there is only thirty min. left in the teleconference and she is leaving now so the next agenda item will need to be the HR and TR forms.

Mr. Maiquis said that the assistant guide book log is finished but he needs more background on why the district is being broken into three parts; why is it necessary and what would it do?

Mr. Johnson said that the recent statute change allows a guide to have a registered guide act like a class A guide at the discretion of the board. For example: he is registered in unit 1-4 and can act as a class A guide in unit 13. The legislature asked the board in which areas these occur. The concept would be to break up the state into three similar areas to make up three regions: the coast of Alaska, the interior and the arctic-A, B & C. If you are a registered guide then you can act as a class A guide in that region. The R Guide can act as a Class A guide in a similar unit instead of the current requirement to act only as an assistant guide.

Mr. Vrem said that a registered guide is required to be physically present in all of the contracted guides, which is impossible. The regulations state that in order to properly supervise a registered guide has to be in the same or neighboring guide use area. But he is narrowly separated from one of his guide use areas so can't fulfill the requirements because he can't be physically present, but instead he is "near" by hiring a registered guide as a class A assistant guide. The registered guide plans, directs and monitors the assistant guides. With this new change, the registered guide can have another registered guide act as a class A guide and supervise various hunts in one region and the client has increased supervision.

Ms. Rebne asked if the skill set and knowledge is readily transferable from one area to another within these three regions because of the similarity in the terrain.

Mr. Johnson read the statute language regarding adequate knowledge and experience in the game unit. Mr. Johnson said that the map will have similar terrain, animals and village situations and all the knowledge that's necessary for them to act in that region. The regions are being developed by Mr. Vrem and Mr. Johnson for the December meeting. Mr. Vrem said that back before 1972 there were three guide districts and shortly thereafter it got broken into game management unit, so this is not without precedent.

Mr. Vrem said that Ms. Cashen can forward a copy of the regions to Mr. Spraker. Mr. Vrem said it allows them to use the talent of the guide pool as well as increasing the supervision of the hunts. Mr. Johnson stated this allows greater employment of rural areas. Mr. Vrem told Ms. Rebne that it is the contracting guides' responsibility to the private landowner.

Mr. Maiquis wanted to know the board's title for this definition of districts. Mr. Maiquis said it's under 12AAC.08.54.610 and his notes from Mr. Johnson are that a registered guide may act as a class a guide in the following district defined by the board if they have one of the units in their license. Ms. Milks said 12AAC.75.240 is the supervision section and this new language could fall under that.

Mr. Maiquis clarified that there are three changes that need to be made: The guidebook, the breakout of the district and the "primarily in the field when in one of the guide use areas" language in section 12AAC.75.240. They will put the changes together and send to Mr. Vrem and Dick Rohrer. Public Testimony must be made by the December meeting. Mr. Maiquis asked if the board wants public comments. Mr. Johnson said absolutely

Ms. Johnston said that in Ms. Chamber's absence she will explain about the motion made in the July teleconference; that the department needs to have a motion which refers to the subcommittee. The motion that was done in July allowed Ms. Chambers to make changes to the form. What needs to happen now is the board needs to adopt the changes in the forms.

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

**RESOLVED that the board will public notice the recommendations of all subcommittees from the changes in transporter and hunt record report from primarily in the field to Class A Registered Guides to changes in Assistant Guide requirements.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Ted Spraker</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>	<b>X</b>		



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

Ms. Johnston said the motion needs to be specific to hunt and transporter records. Mr. Johnson said that the motion is specific. Ms. Polley said that was the committee for the Class A assistant project and the committee approved it; these were all in committee. Mr. Johnson said they were all inclusive, instead of three separate motions.

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

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

The meeting adjourned at 2:55pm.

Respectfully submitted:

Approved:

\_\_\_\_\_  
Cindy Cashen, Licensing Examiner

\_\_\_\_\_  
Kelly Vrem, Chairperson  
Big Game Commercial Services  
Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date