

**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 5-7, 2005**

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held on December 5-7, 2005.

December 5, 2005

Call to Order/Roll Call

The meeting was called to order by Cindy Roccodero, Licensing Examiner, at 8:10 a.m. Those present, constituting a quorum of the Board, were:

Roy Ashenfelter
Colin Brown
Paul Johnson
Urban Rahoi
Richard Rohrer
Betty Joe Schmitz
Ted Spraker

Ms. Roccodero noted that Mr. Ralph Andersen had a prior engagement and would be joining the meeting later.

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

Cori Hondolero, Records and Licensing Supervisor
Cindy Roccodero, Licensing Examiner
George Weaver, Investigator
Rick Urion, Director
Richard Younkings, Chief Investigator

Present from the Alaska Bureau of Fish and Wildlife Enforcement were:

Commander Steve Arlow
Dave Lorring, Liaison
Sergeant Scott Quist
Lieutenant Burke Waldron

Present from the Department of Law were:

Roger Rom, Assistant Attorney General,
Special Appeals and Prosecutions
Kevin Saxby, Assistant Attorney General

Visitors from the Public were:

John Baldwin, US Forest Service
Steve Bethune, Department of Natural Resources
Tony Booth, US Fish & Wildlife Service
Clark Cox, Department of Natural Resources
Brigid Dodge
Harry Dodge, Master Guide-Outfitter
Phil Driver, Master Guide-Outfitter
Don Smokey Duncan, Master Guide-Outfitter
Jim Ehrhart, Registered Guide-Outfitter
Sue Entsminger, Registered Guide-Outfitter
Bobby Fithian, Registered Guide-Outfitter &
Alaska Professional Hunters Association
Pete Griffin, US Forest Service
Jane Hendrick, US National Park Services
Joe Klutsch, Master Guide-Outfitter &
Alaska Professional Hunters Association
Hugh Les Krank, Registered Guide-Outfitter
Pamela Krank
Kathy Luttio, Department of Natural Resources
Marton Myers, US Forest Service
Jeff Nelson, NANA
Tom Shankster, Registered Guide-Outfitter
Adam Smith, Department of Natural Resources
Debbie Steen, US Fish & Wildlife Service
Neil Webster, Registered Guide-Outfitter
George Weekley, Department of Fish and Game

Agenda Item 1 **Introductions**

Ms. Roccodero asked the Board to introduce themselves.

Agenda Item 2 **Election of Board Chair**

Ms. Roccodero asked the Board if there were members interested in being the Board Chair.

On a motion duly made by Richard Rohrer, seconded by Urban Rahoi, and approved by Roy Ashenfelter, Colin Brown, Paul Johnson, Urban Rahoi, Richard Rohrer, B.J. Schmitz, and Ted Spraker, it was

RESOLVED to appoint Paul Johnson as Board Chair.

Ms. Roccodero turned the floor over to Paul Johnson, Board Chair.

Paul Johnson, Chair invited Rick Urion, Director of Corporations, Business and Professional Licensing to address the Board.

Mr. Urion informed the Board that Ms. Roccodero is staff for another Board and that the Division is available to help reach the Boards goals, regulations and will assist any way it can.

Agenda Item 3

Review Agenda

Mr. Johnson asked if there were any changes to the agenda.

Richard Rohrer requested to add guiding on tidelands after agenda item 14.

Richard Rohrer requested that the Board address medical emergencies for contracting guides who can not meet the in field communication requirement due to a medical emergency.

Ted Spraker requested that the Board review and address the Board of Game Unit 23 User Conflict Report after agenda 6.

Paul Johnson stated he would like to create a committee concerning state land issues.

On a motion duly made by Urban Rahoi, seconded by Ted Spraker, and approved by Roy Ashenfelter, Colin Brown, Paul Johnson, Urban Rahoi, Richard Rohrer, B.J. Schmitz, and Ted Spraker, it was

RESOLVED to approve the agenda as amended.

Agenda Item 4

Board Ethics

Ethics Video

8:14 a.m. off record. All members of the Board watched the state ethics video.

8:34 a.m. on record.

Board Ethic Disclosure

There were no ethic violations to report.

Break 9:14 a.m. – 9:29 a.m.

Agenda Item 5

Investigations

George Weaver, Investigator for the Division of Professional licensing joined the meeting at 10:45 a.m. and informed the Board that the Division has no active involvement in enforcement of

statutes and regulations. The Division takes administrative action only.

Explain Investigative Process

Mr. Weaver distributed to the Board a handout regarding the Investigation Process.

Investigative Review

Mr. Weaver noted that there are 13 open cases, 11 for incompetence, one criminal action, and one concerning negligence.

Since July 25, 2005 Mr. Weaver closed four cases. Two licensees were prohibited from renewing their guide license, one licensee had action taken against their license, and one licensee for criminal prosecution.

Kevin Saxby, Assistant Attorney General from the Department of Law introduced himself to the Board and stated that he has been assigned as the Board's attorney.

Mr. Saxby asked Mr. Johnson to address what the Board procedures are going to be. Mr. Saxby stated that the Board can set its own procedures and that the Board has a great deal of freedom to conduct the meeting as the Board Chair sees fit.

Mr. Saxby advised Mr. Johnson to draft the meeting agenda broadly enough to cover any permutation that could come up during the course of the meeting.

Mr. Johnson stated that there are going to be committees to address various issues and asked Mr. Saxby what are the limitations of the committees.

Mr. Saxby stated, "What the Board of Game has done is give notice during the meeting that a subcommittee is going to meet in the lobby. Then the Board gives notice at the meeting. It is still notice. All the Board has to have is reasonable notice of a committee meeting, in a meeting like this. Write a handwritten note that a committee meeting will be held and tape it up on the doorway."

Mr. Spraker asked Mr. Saxby how many of members of the Board can be in a subcommittee. Mr. Saxby stated, "more than three members of a body or a quorum, whichever number is smaller is considered a meeting of the body and requires public noticing. Two members can get together and discuss Board business without it being a violation of the open meeting's act."

Mr. Johnson informed the Board and visitors that there will be subcommittees, which will meet during the course of the meeting to

create regulations for ethics, contracts, Guide Use Areas, examinations, address transporter and state lands issues.

Mr. Johnson asked members of the public to participate in these subcommittees.

9:50 a.m. Board member Ralph Andersen joined the meeting.

Lunch Break 11:29 a.m. – 12:29 p.m.

Agenda Item 6

Public Comment

At 12:29 p.m. to 2:29 p.m. the following persons testified before the Board, followed by a summation of their testimony:

Phil Driver

- Guides/Transporters lack ethics.
- Guides/Transporters have no services or support requirements of their clients.
- Need to educate the industry.
- Bring back oral examinations
- Issue licenses for a particular species.

Neil Webster

- Guide ethics needed.
- Wolf predation is a problem in 16, 17, and 19. Would like to allow the taking of wolves by guides in problem areas while guiding.
- Pilots flying planes do not understand same day airborne is prohibited.

Joe Klutsch

- Licensees/applicants should be required to possess a Coast Guard license.
- Concerned about tideland issues.

Bobby Fithian

- Would like to see the Division data enter hunt records and transporter activity reports.
- Education of licensees and public needed.
- Guide/Transporter ethics needed.
- Better enforcement abilities.
- Board should be accountable to the state and constituents (i.e.: develop standards for the profession, sustain wildlife resources and the industry.)

Tom Shankster

- Guide/Transporter ethics needed.

- Bring back exclusive use areas.
- Conflicts arising from guides dropping in on other guide's camps.

Don Smokey Duncan

- Assistant Guide license requirements need to be more stringent.
- Educate Assistant Guides.
- Require Assistant Guides to take a test.
- Does not agree to in field communication.
- Coast Guard requirement does not work in freshwaters. Coast Guard licensing should not be required in freshwaters.

Board of Game Unit 23 User Conflict Report

Mr. Spraker provided the Board with a copy of the Board of Game Unit 23 User Conflict Work Session Report.

Mr. Spraker stated that the discussion at the Board of Game meeting was concerning the increasing number and size of transporter companies bringing hunters into the region.

Residents feel that the situation of transporters and hunters in the area are out of control.

To follow are some of the problems discussed:

- Harassment of game by aircraft.
- Abandonment of trash at campsites.
- Lack of accountability by transporters.
- Transporters providing poor service to clients. (i.e.: desertion of hunters and poor care of meat.)
- Dumping of carcasses in rivers and beaches.
- Disrespect of people who live in the area.

Some suggestions were:

- Require transporter training.
- Improve transporter accountability.
- Limit the number of camps and hunter drop-off's in key caribou migration areas.
- Work with local advisory committees.

Mr. Spraker stated that the Board of Game accepted a proposal, which will require transporters to complete a course covering meat care.

Mr. Johnson stated that the Board is equally concerned about the issues within unit 23 and has created a subcommittee to address these issues. This will be an ongoing committee.

Transporter Subcommittee

The Transporter Subcommittee was created December 5, 2005 and met each day of the Board meeting.

The Transporter Subcommittee was primarily created to address the transporter, hunter, and resident user conflict in unit 23. The subcommittee is also assigned to address other transporter issues that exist through out the state.

Mr. Ashenfelter is the assigned Chair of the Transporter Subcommittee. Mr. Brown and Mr. Spraker were also assigned to participate in this subcommittee. Members of the Transporter Subcommittee are Jimmie Rosenbruch, Sr., Kevin Apgar, U.S. National Parks Services, George Helfrich, U.S. National Parks Services, Janet Henriksen, U.S. National Parks Services, and Kim Franklin, Northwest Arctic Borough.

Break 2:29 p.m. – 2:44 p.m.

Agenda Item 7

Alaska Bureau of Wildlife Enforcement (ABWE)

Commander Steve Arlow, Liaison Dave Lorrington, and Sgt. Scott Quist from the Alaska Bureau of Wildlife Enforcement addressed the Board at 9:00 a.m. and at 3:00 p.m.

Commander Arlow thanked the board for its invitation to speak regarding concerns ABWE has of the big game commercial services industry and looks forward to providing the Board with assistance as it creates and amends regulations that will allow the Board to carry out its mandated functions.

Commander Arlow referenced Ms. Roccodero's letter dated October 13, 2005, in which ABWE was asked to provide input regarding hunt records, transporter activity reports, ethics, written contracts, guide exams, guide use areas, and back ground checks.

Commander Arlow stated that the current system has no accountability of its hunt records and transporter activity reports and according to Ms. Roccodero many of the hunt records and transporter activity reports are returned late, incomplete, claim to be lost, or never submitted.

ABWE proposed the following:

- Issue hunt records annually to registered guide-outfitters.
- Number the hunt records so that registered guide-outfitters will be accountable to return completed hunt records.

- Original copy of voided numbered hunt records or damaged hunt records are to be returned to the Division, along with any unused hunt records.
- Issue annually transporter activity reports.
- Number the transporter activity reports, so that transporter's will be accountable to return completed reports.
- Original copy of voided numbered reports or damaged reports are to be returned to the Division, along with any unused reports.

Lt. Burke Waldron joined the meeting at 3:15 p.m.

- Eliminate "Ghost Hunt Records," which are hunt records that are signed by a non-contracting guide-outfitters who are registered for a guide use area.

ABWE proposed that the Board require hunt records to be signed by the contracting registered guide-outfitter and the client within the guide use area, or an adjoining guide use area that shares a common boundary, for which the contracting guide-outfitter is registered.

This would maintain supervision, direction, and control of the guiding operation by the contracting registered guide-outfitter and put a stop to the pre-signed (Ghost Hunt Records) hunt records.

- Suggested that the board add to the Guide Use Area Registration application a warning regarding unsworn falsification and perjury to the signature block.
- Support of the board's desire to conduct background checks for prior wildlife related and criminal convictions of its applicants. ABWE uses the Alaska Public Safety Network and NCIC, which is a federal database that would cover every state and is not 100% accurate.

There are different databases within the database, for example there is the criminal database and fish and wildlife violation's database, each query is performed separately.

Sgt. Quist stated often times the client never meets the contracting Registered Guide-Outfitter. To assure that the client meets the contracting guide-outfitter and compliance with the law, ABWE would like to see a requirement that the signed client copy of the hunt record be in possession of the client for the duration of the hunt.

Agenda Item 8

Bureau of Land Management (BLM)

4:00 p.m. Mr. George Oviatt, Deputy State Director for Resources and Dave Howell, Branch Resources Manager were scheduled to address the Board. BLM did not respond to the Board's invitation to attend its meeting.

Since BLM was not present to address the Board, Mr. Johnson requested that the board go off record to break into subcommittees.

4:06 p.m. off record. Break into subcommittees.

4:59 p.m. Back on record.

Adjourn 5:11 p.m.

December 6, 2005

Call to Order/Roll Call

The meeting was called to order by Paul Johnson, Chair, at 8:00 a.m. Those present, constituting a quorum of the Board, were:

Ralph Andersen
Roy Ashenfelter
Colin Brown
Paul Johnson
Urban Raho
Richard Rohrer
Betty Joe Schmitz
Ted Spraker

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

Cori Hondolero, Records and Licensing Supervisor
Cindy Roccodero, Licensing Examiner
George Weaver, Investigator

Present from the Department of Law was Kevin Saxby, Assistant Attorney General.

Present from Department of Natural Resources were:

Rick Thompson, Southcentral Regional Manager
Clark Cox
Adam Smith
Steve Bethune
Dave Griffin
Kathy Luttio

Present from U.S. Fish & Wildlife Service were:

Todd Logan, Chief
Tony Booth, Special Agent
Steve Tuttle, Special Agent
Debbie Stien, Chief of Visitors

Present from the U.S. Forest Service were:

Pete Griffin, Acting Director for Recreation,
Lands, and Minerals
Marty Meyers, Assistant Special Agent
John Baldwin

Present from the U.S. National Parks Services were:

Kevin Apgar
George Helfrich
Janet Henricksen

Visitors from the Public were:

Hugh Les Krank, Registered Guide-Outfitter
Pamela L. Krank
Dave Lorring, Alaska Bureau of Fish & Wildlife Enforcement
Sgt. Scott, Quits, Alaska Bureau of Fish & Wildlife
Enforcement
Tom Shankster, Registered Guide-Outfitter
Tom Kirstein, Master Guide-Outfitter
Bruce Eavenson, Safari Club International
Joe Klutsch, Master Guide-Outfitter &
Alaska Professional Hunters Association
Sue Entsminger, Registered Guide-Outfitter
Tim Nelson
Clark Whitney, Master Guide-Outfitter
Jerome Near
Mike Munsey, Registered Guide-Outfitter
Jim Ehrhart, Registered Guide-Outfitter
Suzan Bower, Department of Fish & Game
Jim Hamilton, Registered Guide-Outfitter

Agenda Item 9

Department of Natural Resources
Division of Mining, Land & Water

Rick Thompson, Southcentral Regional Manager addressed the Board at 8:15 a.m. and thanked the Board for its invitation to speak regarding concerns that the Division of Mining, Land & Water has of the big game commercial services industry.

Mr. Thompson presented to the Board an overview of the responsibilities assigned to the Division of Mining, Land & Water. Upon conclusion of the overview Mr. Thompson introduced DNR staff, Clark Cox, Adam Smith, Steve Bethune, Dave Griffin, and Kathy Luttio and stated that staff would be participating in the State Lands Subcommittee meetings, in particular to address the tidelands issue.

Mr. Thompson referenced Ms. Roccodero's letter dated October 12, 2005, in which Division of Mining, Land & Water were asked to provide input regarding hunt records, transporter activity reports, ethics, written contracts, guide exams, guide use areas, and back ground checks.

Mr. Thompson stated that the Division of Mining, Land & Water does not:

- Perform background checks of its big game commercial use applicants. Staff verifies licensure information by accessing Division of Professional Licensing online database.
- Does not utilize hunt records or transporter activity reports.
- Does it have a contract requirement to be in place between the big game commercial services provider and the client.

Mr. Spraker asked Mr. Thompson if the Division could limit the number of Special Use Permits (SPUP), to which Mr. Thompson replied, "yes it is possible."

Mr. Thompson stated that he would provide Ms. Roccodero a list of ideas for the guide examinations.

Mr. Johnson asked if Mr. Thompson could provide the board with a blown up map of the Northern Region, to which Mr. Thompson replied "yes."

Mr. Ashenfelter asked about debris left behind by hunters and asked who was responsible for the clean up of the debris. Mr. Thompson replied that the Division of Mining Land and Water is responsible for the debris left behind by transported hunters.

Agenda Item 10

US Fish and Wildlife Service (USFWS)

Rowan Gould, Regional Director was unable to attend the meeting. Those representing the USFWS were Todd Logan, Chief, Special Agent Tony Both, Special Agent Steve Tuttle, and Debbie Stien, Chief of Visitors.

At 9:15 a.m. Mr. Logan thanked the board for its invitation to speak regarding concerns USFWS has of the big game commercial services industry.

Mr. Booth provided the board with handouts used by USFWS in determining qualification for permitting of big game commercial services providers.

The handouts were:

- Big Game Guide Ranking Panel for Evaluating Guide Applicants Client Reference Evaluation Form
- Guidance to Ranking Panel Members for scoring Big Game Guide Proposals for Guide Use Areas on National Wildlife Refuges in Alaska
- Prospectus and Request for Proposal (Sample Invitation for Proposal to Conduct Commercial Areas of Beacharof National Wildlife Refuge)

Mr. Spraker asked why is there such a selective process for guides and not transporters. Mr. Logan stated that USFWS realizes this is an issue and will be addressing it. Mr. Booth asked the board to assist the USFWS in developing an evaluation form for transporters.

Mr. Booth stated that USFWS would be interested in receiving feedback from clients that guide and transporters might receive.

Mr. Logan referenced Ms. Roccodero's letter dated October 13, 2005 in which USFWS was asked to provide input regarding hunt records, transporter activity reports, ethics, written contracts, guide exams, guide use areas, and back ground checks.

USFWS recommends:

- Alaska to consider joining the Wildlife Violator Pac, which is a coalition of states that cooperate in sharing records of hunting violations. Membership in this coalition of states may also assist in detecting residency falsification by applicants.
- The Board implements a process to provide clients with the opportunity to rate or provide feedback on the quality of services they received. An unusually high rate of unsatisfactory or poor evaluations from clients may warrant further investigation by the Board for disciplinary action. The surveys would be provided to the clients by the Board and returned directly to the Board.
- Allocating transporters use areas to prevent over use of areas and alleviate conflicts with other users.
- Big game commercial services providers should be required to have the capacity or facilities to store/handle meat of their clients so it remains in edible condition.

- The Board should consider regulations to prevent big game guides from offering or conducting guided hunts in the marine inter tidal zones or in or adjacent to upland areas they are not permitted to use.

Break 10:10 a.m. to 10:20 a.m.

Agenda Item 11 **U.S. Forest Service (USFS)**

At 10:20 a.m. Mr. Griffin, Acting Director for Recreation, Lands, and Minerals and Marty Meyers, Assistant Special Agent thanked the Board for its invitation to speak regarding concerns USFS has of the big game commercial services industry.

Mr. Griffin referenced Ms. Roccodero's letter dated October 13, 2005, in which USFS was asked to provide input regarding hunt records, transporter activity reports, ethics, written contracts, guide exams, guide use areas, and back ground checks.

Mr. Griffin stated that USFS:

- Performs reference checks of it applicants. No criminal background checks.
- Uses the hunt records and transporter activity reports. The records are checked against use reports turned in to the Forest Services by the outfitter/guides.

Would like to see a requirement that the guide list the "specific area/location" hunted for each day the client is in the field, regardless whether the client harvests an animal or not."

- Ethics: We require permit holders to abide by all state and federal game laws and are required to conduct themselves in a manner that exemplifies public service to their customers.

Supports the Board in establishing ethics for transporters and guides.

- Written Contracts: Do not require a signed contract prior to obtaining a permit. Supports the Board in requiring guides to have legal contracts between the guide/transporter and their client.
- Concerns about big game guides that do not have/hold permits for upland use but try to conduct hunt operations below mean high tide.
- Gray areas in state regulations for transporters and what they may provide and what they cannot.
- Would like to see more sharing of information when it comes to violations and problem guides.

Agenda Item 12 Public Comment

At 11:15 a.m. to 12: 15 p.m. the following persons testified before the Board, followed by a summation of their testimony:

Tom Shankster

- Authorization for use of state land should be issued through the board then the state land managers.
- Disagrees with the guide being responsible for a violation of his/her employee(s).
- Problems with ghost camps.
- Agree with the numbering of hunt records.

Kelly Vrem

- Proposed allocation of nonresident hunters between guides and transporters.
- Geographical use areas.

Neil Webster

- Employing guide should sign-off on the Class-A Assistant or Assistant guide before being eligible to apply for a Registered Guide-Outfitter license.
- Amend hunt records to allow more room for information.

Sue Entsminger

- Board needs to address the issue concerning the number of guides and hunters in an area.

Hugh Les Krank

- Over crowding of use areas.

Joe Klutsch

- Create regulation that a guide cannot use tidelands without DNR authorization.
- Reviewed and provided his interpretation of AS 08.54.750.

Jimmie Rosenbruch, Sr.

- Transporter issues in Southeast need to tighten regulations.
- Tidelands issues in Southeast.

Don Duncan

- Wants to know why guides are restricted to three areas. No other industry restricts/limits were a person could work.
- Recommended one area per unit.
- Asked the Board to consider that exclusive areas do not fit every area. Some areas are crowded and some are not.
- Competitive bid system not recommended.

Break 11:36 a.m. to 11:46 a.m.
Lunch break 12:15 p.m. – 1:15 p.m.

Agenda Item 13 **U.S. National Parks Services (USNPS)**

Agenda change. Due to a scheduling conflict with the Division of Wildlife Conservation, USNPS agreed to testify before the Board at 2:15 p.m.

Marcia Blaszak, Alaska Regional Director was unable to attend the meeting. George Helfrich, Kevin Apgar and Janet Henricksen were at the meeting to present to the Board USNPS concerns and answer Board questions.

Mr. Helfrich thanked the Board for its invitation to speak regarding concerns USNPS has of the big game commercial services industry.

Mr. Apgar explained to the board the concession/permit process, exclusive areas, and joint areas. Transporters are issued a non-competitive permit.

Mr. Helfrich referenced Ms. Roccodero's letter dated October 12, 2005 in which USNPS was asked to provide input regarding hunt records, transporter activity reports, ethics, written contracts, guide exams, guide use areas, and background checks.

USNPS stated that it:

- Believes background checks for guides would be an appropriate function for the Board.
- Recommended adding to the hunt record and transporter activity reports forms under "Specific Area/Location," (include land manager and unit and GPS coordinates).
- Supports establishment of ethical standards for the industry.
- Supports guide/client and transporter/client contract requirement.
- Would be pleased to participate in a process for creating guide examinations and the revising the guide use area maps.

Recommends deleting the portion of the state guide area boundaries, which extend into national parks and national monuments, where sport hunting is not authorized by federal law.

Mr. Helfrich stated that there needs to be better management and enforcement of the transporters, there are very significant problems in rural Alaskan communities, especially subsistence based communities, with hunting transporter activities.

Residents in unit 23 report that air transporters are interrupting the migration of caribou and effecting subsistence users. The subsistence users are concerned about the waste of animals, human excrement and the potential for physical violence between the residents and big game commercial services providers.

USNPS would welcome the state taking a more active role in this area.

USNPS has concern regarding AS 08.54.750(f) and (G), which allows for a portion of a 4th guide use area for "Intensive management," and noted that the "Intensive Management Program" as defined by the Board of Game is not allowed in USNPS areas. The state's management goal is not consistent with federal law and regulation and therefore can not be permitted on lands managed by USNPS.

USNPS asks that when the Board implements this section, that USNPS lands within the game management unit(s) or portions of the unit be specifically excluded by its actions. This would serve applicants in a more efficient manner.

USNPS is concerned that transporters are crossing the lines of guided services. They understand they pick out campsites, cook and sometimes set up camp.

1. Want to make sure the transporter and the client do not make too much of an impact on the cultural resources of the area.
2. Transporter activity does not effect the availability of subsistence resources.
3. Make sure that transporters and the clients adhere to the laws.
4. Cut down the conflict indiscernible.

Mr. Johnson requested U.S. National Park Services staff participate in the Transporter Subcommittee.

Mr. Helfrich stated that USNPS feels that transporter activity reports do not really reflect what is going on out in the field.

Agenda Item 14

Division of Wildlife Conservation (Wildlife Conservation)

Agenda change. Division of Wildlife Conservation addressed the Board at 1:15 p.m. rather than 2:15 p.m. due to scheduling conflicts.

Mr. Matt Robus, Director and Mr. Kim Titus, Deputy Director of the Division of Wildlife Conservation thanked the board for its invitation to present to address concerns of Wildlife Conservation, answer Board questions and identify the responsibility of the Alaska Department of Fish and Game.

Mr. Robus referenced Ms. Roccodero's letter dated October 13, 2005 in which Wildlife Conservation was asked to provide input regarding hunt records, transporter activity reports, guide exams, and guide use areas.

- Wildlife Conservation makes limited use of the hunt record and transporter activity report forms.
- There is duplicate information that the Wildlife Conservation and the Board gathers from the hunt records and transporter activity reports, which are harvest/nonharvest of big game species, days spent hunting, type of transportation used, location of harvest and sex of animal.
- Currently Kodiak is the only location that requires a guide/client contract to be in place to obtain a permit to hunt.

Concerning examinations: Mr. Robus stated that Wildlife Conservation staff may be available to provide limited additional assistance about the examination process tailored to Game Management Units. The Division of Wildlife Conservation has an interest in having well qualified and locally knowledgeable guides and transporters operating across the state.

Mr. Robus stated that the Division of Wildlife Conservation was primarily responsible for creating, managing and maintaining the Guide Use Area maps.

Mr. Robus informed the Board that there are significant issues associated with the legal clarification of boundaries associated with Uniform Coding Units, the building blocks for Guide Use Areas.

These boundary clarifications are very important in some instances to big game guides and transporters. If changes are made to Guide Use Areas with out concurrent change to a big game hunt area as described by the Board of Game and the Alaska Department of Fish and Game, significant confusion could arise.

Mr. Robus urged that the Board to use great care when making possible changes to the Guide Use Areas, unless the desire is to make only minor changes.

Mr. Robus stated that, "we as state Boards need to minimize the amount of time an individual hunter or operator puts down the same information on a piece of paper.

Second how do we, all as a group store the information in a place the agencies could get to easily and in some automated fashion. As stated yesterday my agency has capability of putting information

into a computer, but I am also operating \$2,000,000 under what I need for total operations. We are stretched as far as we can get.

Perhaps together we can figure out where the capabilities lie and then figure out how to get the financial support for the agency to get its job done. Emphasis our ability to extend our services we are already doing it. It's a very hard situation."

Mr. Johnson stated that the "Board feels that data entry of hunt records and transporter activity reports are a crucial portion of the Board's responsibility to have records and reports available to state and federal agencies."

Mr. Spraker stated that as a member of the Board of Game he does not see how obtaining the information from records and reports would help it any. Data entering the information from records and reports is important to the industry.

Mr. Johnson stated that he would like the licensing examiner to start data entering hunt records and transporter activity reports and asked Ms. Roccodero if this was something she could do. Ms. Roccodero stated that she couldn't with her current workload.

Cori Hondolero, Records and Licensing Supervisor stated to the Board, that the Board needs to request Ms. Roccodero to data enter records and reports, to send work to her. That it is up to the Division to determine if Ms. Roccodero can handle the workload or if assistance is needed.

Mr. Spraker said he agreed with Mr. Johnson that Ms. Roccodero should start data entering the hunt records and transporter activity reports.

Agenda Item 15

Guide Use Areas

Create Guide Use Area Map Committee

- Redefine boundaries.
- Obtain higher quality (image) maps.
- Address lack of availability. Currently available online.

Mr. Rahoi was assigned as the Chair of the Guide Use Area Subcommittee. Members who signed-up to participate in the Guide Use Area Subcommittee were Tom Shankster, Bobby Fithian, Steve Perrins, Don Smokey Duncan, Clark Cox, Tom Kirstein, and Pam Krank. The Guide Use Area Subcommittee did not meeting during this meeting.

Committee created, however topic was not addressed at this meeting.

Professional Ethics

Create Professional Ethics Committee

Task to develop regulations for unprofessional conduct and minimum professional standards.

The Ethics Subcommittee was created December 5, 2005 and met each day of the Board meeting.

Mr. Andersen was assigned as the Chair of the Ethics Subcommittee. Ethics Subcommittee members are Hugh Les Krank, Steve Perrins, Don Smokey Duncan, Tom Shanster, Phil Driver, and Kelly Vrem.

After a meeting with the Ethics Subcommittee, Mr. Andersen presented draft regulatory wording to the Board for public noticing.

The Board finds AS 08.54.600(c)(1), gives it authority to create regulations regarding guide and transporter ethics.

On a motion duly made by Ted Spraker, seconded by Ralph Andersen, and approved unanimously, it was

RESOLVED to submit to the Regulation Specialist for public noticing a new subsection to 12 AAC 75 to read as follows:

Transporter Ethics

Unethical activity includes, but is not limited to

- (1) not checking on or communicating with clients in the field for a minimum of five (5) consecutive days;**
- (2) staging unused or unattended camps and gear to discourage others from utilizing a location;**
- (3) not complying with appropriate and applicable state and federal laws and regulations;**
- (4) not fully cooperating with state and federal wildlife officials or game laws and regulations;**
- (5) misrepresenting or not clearly defining rates and services to prospective clients prior to booking and acceptance of deposits, or otherwise misleading prospective clients through false or fictitious advertising;**
- (6) being unwilling or incapable of making financial restitution to a client for any breach of contract owing to no fault of the client;**
- (7) not advising clients of game population in hunting areas and advising them of their chances of encountering the species in the time allotted;**

- (8) failing to endeavor to transport all meats of trophies taken by clients, in accordance with existing state law;
- (9) herding, driving or chasing of animals with the use of any mechanically powered equipment;
- (10) failing to practice sound wildlife conservation or failing to create an awareness of conservation needs and practices during his/her association with the public.

Guide Ethics

Unethical activity includes, but is not limited to

- (1) not complying with appropriate and applicable state and federal laws and regulations;
- (2) disrespecting gear, equipment, food, shelter and camps established by others;
- (3) staging unused or unattended camps and gear to discourage others from utilizing a location;
- (4) not allowing appropriate buffer areas between hunters and camps to not disrupt hunts and hunt experiences.

Agenda Item 17

Guide/Transporter Contracts

Create Guide/Transporter Contract Committee

Task: Establish regulatory requirements for contents of written contracts.

The Guide/Transporter Contracts Subcommittee was created December 5, 2005 and met each day of the Board meeting.

Mr. Rohrer was assigned as the Chair of the Guide/Transporter Contract Subcommittee. Guide/Transporter Contract Subcommittee members are Don Smokey Duncan, Joe Klutsch, and Jimmie Rosenbruch, Sr., George Weaver, and Sgt. Scott Quist.

Mr. Rohrer stated that the subcommittee felt that the guide should identify on the contract wounding policy, so clients know. The Board will provide a sample contract for licensed registered guide-outfitters to use, if they do not have a contract in place. Those licensed registered guide-outfitters that have a contract in place will be required to have specific language in their contract set forth by the Board.

After a meeting with the Guide/Transporter Contract subcommittee Mr. Rohrer presented draft regulatory wording to the Board for public noticing.

The board finds AS 08.54.600(c)(2), gives the Board authority to create regulations establishing the requirements for the contents of written contracts for Registered Guide-Outfitters.

On a motion duly made by Ted Spraker, seconded by Ralph Andersen, and approved unanimously, it was

RESOLVED to submit to the Regulation Specialist for public noticing a new subsection to 12 AAC 75 to read as follows:

Registered Guide-Outfitter Contract Requirement

- a) A contracting registered guide-outfitter shall deliver a contract to client within 90 days of receipt of deposit.**
- b) Contract shall reflect the following information:**
 - 1. Name, license number and signature of Guide-Outfitter (Business Name also if different).**
 - 2. Name and signature of client.**
 - 3. List each big game animal to be hunted, identify primary animal.**
 - 4. Dates the client will be in the field.**
 - 5. Number of hunting days and/or dates for each species if appropriate.**
 - 6. Cost and payment schedule.**
 - 7. Trophy fee if any, responsibility for cost of license and tag.**
 - 8. Transportation cost, extra if any.**
 - 9. Statement of services provided including lodging, meals, number of clients per guide, trophy care and shipping, care of meat and who is responsible.**
 - 10. Deposit refund or transfer policy upon cancellation.**
 - 11. Statement about compensation for any delay of client arriving in the field on schedule or departing the field before contracted hunt ends.**
 - 12. Who is responsible for Private and/or Federal land use fees.**

The Board finds AS 08.54.600(c)(2), gives the Board authority to create regulations establishing the requirements for the contents of written contracts for Transporters.

On a motion duly made by Ted Spraker, seconded by Ralph Andersen, and approved unanimously, it was

RESOLVED to submit to the Regulation Specialist for

public noticing a new subsection to 12 AAC 75 to read as follows:

- 1. Name, license number and signature of Transporter (Business Name if Different)**
- 2. Name and signature of client**
- 3. Big game animal(s) to be hunted**
- 4. Dates transportation services are to be provided**
- 5. Cost, payment schedule and specific weight limitation if any**
- 6. Deposit refund or transfer policy upon cancellation**
- 7. Statement that services are for transportation only**
- 8. Statement that no guide services are provided**
- 9. Statement that client is responsible for salvage of meat during the hunt**
- 10. Statement that client is responsible for salvage of the meat after the hunt unless legally transferred to a third party**
- 11. Statement to clarify methods of communication with transporter during the time clients are in the field. (Sat. phone, VHF radio, over flight, signal device)**
- 12. Statement to clarify who is responsible for the cost of extra trips to transport meat if necessary**

Licensed transporters may provide transportation services and accommodations only at a personally owned permanent structure in the field, or on a boat on saltwater. It is illegal for a transporter to accompany or remain in the field with a big game hunter who is a client of the transporter except as necessary to perform transportation services.

Licensed transporters may not legally provide for compensation vehicles, fuel, camping, hunting, or game processing equipment or any hunting services such as skinning, caping, or cleaning of game, glassing, packing, etc. from a permanent structure in the field or on a boat on saltwater.

Before breaking into subcommittees for the day Mr. Johnson brought Mr. Saxby forward to discuss the tidelands issues.

Mr. Saxby stated that it is a good practice to have "findings of facts" when creating a regulation, which explains the reason for the regulation.

Mr. Saxby read the "findings of facts" as he heard them during public testimony and from guest speakers.

Mr. Johnson asked Mr. Saxby to provide Mr. Rohrer a copy of his findings of facts for submission to Ms. Roccodero.

Mr. Johnson asked Mr. Rohrer to create regulation based on the finding of facts and to present both to Ms. Roccodero for submission to the Regulation Specialist for public noticing.

To follow is the finding of facts as presented to Ms. Roccodero from Mr. Rohrer after the meeting:

The Big Game Commercial Services Board heard a great deal of testimony during its meeting in Anchorage from state and federal agency personnel, and the public, that some big game commercial service providers have been circumventing trespass laws, as well as statutory prohibitions against entering and remaining on state, private or federal lands without prior authorization. These service providers are purporting to offer, and conduct, big game commercial services on state owned tide lands and navigable waters. The board hereby finds that:

1. The terrestrial (land) mammals that are the subject of big game hunting in Alaska are almost always found on the uplands and can seldom be dependably hunted exclusively within the confines of a waterway or on tidelands.
2. In the case where big game can be found along waterways, as may occur with brown bear, these areas are seldom navigable, due to regular tide changes, state owned tide lands are covered with water for a substantial portion of each day.
3. In most of Alaska, big game cannot be shot from a motor-driven boat unless the motor has been completely shut off and the progress from the boat's motor has ceased. Likewise, with one narrow exception big game may not be shot while swimming. To comply with these requirements the ethical operator must beach his vessel and wait until an animal is walking on dry land or at the very least is wading rather than swimming.
4. If big game is shot within the confines of a waterway or on tidelands, the animal will most often seek shelter on the adjacent uplands rather than a waterway.
5. For all the above reasons it is virtually impossible to ethically and legally take big game solely within the confines of a waterway or on tidelands without trespassing

on the adjacent uplands. Moreover, the likelihood is that, in such situations, big game will actually be taken on the uplands or will have to be retrieved from the uplands.

6. The Board therefore, finds it necessary to promulgate regulations requiring big game commercial service providers who provide services on waterways or tidelands, excepting the provision of transportation services only, to obtain authorization to use the adjacent uplands. Furthermore, to provide reasonable assurance of a high quality, ethical hunting experience to clients of big game service providers, the Board finds it necessary to establish a minimum acreage of uplands necessary for this purpose.

The Board finds under AS 08.54.6009a)(6), that it can create a regulation to address the tideland issues.

On a motion duly made by Ralph Anderson, seconded by Ted Spraker, and approved unanimously it was

RESOLVED for Mr. Rohrer to submit to Ms. Roccodero for submission to the Regulation Specialist for public noticing draft regulation that would address tideland issues, which Mr. Rohrer will provide to Ms. Roccodero after the meeting.

Agenda Item 18 Examinations

Create Registered Guide-Outfitter Qualification and Game Management Unit Certification Examination Committee

Subcommittee created to address this topic. This will be an ongoing task.

The Examination Subcommittee was created December 5, 2005 and met each day of the Board meeting.

Ms. Schmitz was assigned as the Chair of the Examination Subcommittee. Members of the public who signed-up to participate in the Examination Subcommittee were Sue Entsminger, Neil Webster, Don Smokey Duncan, and Phil Driver. Those present in during the subcommittee meeting were Ms. Schmitz and Mr. Neil Webster. No comments, ideas or suggestions were made by the subcommittee during the Board meeting.

Confirm 2006 Examination Dates

Ms. Roccodero informed the Board that there are examinations scheduled for January, April, July, and October 2006 and asked if the Board would like to keep those examination dates.

Mr. Johnson stated that the exams have been filtered by folks standing at the doorway of the examination room and obtaining questions and answers as applicants leave. The examination is no longer an examination. We need to create new exams.

Question to Mr. Saxby from Mr. Rhorer, "Can we close the application process?"

Mr. Saxby's response: "The board needs to have two exams a year. That would be in keeping with the statutory requirements.

Far as whether you could temporarily close application for a while for examination is entirely in keeping with the intent of the requirement for you to develop standards and to provide registration -indiscernible- while contemplating revising the exams – indiscernible.

As long as you are not violating prohibition against" -indiscernible- requirement – indiscernible.

Note: Mr. Saxby spoke to the Board from the back of the room and not at the testifying table where there was a microphone. For this reason part of Mr. Saxby's response to the Board is indiscernible.

On a motion duly made by Richard Rohrer, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to suspend application to for the Registered Guide and Game Management Unit examinations as of December 7, 2005. There will be a testing date in January and December 2006.

Ms. Roccodero informed the Board that the Division no longer had the authority to administer the examinations, in particular the January examinations. Ms. Roccodero asked the Board if it would be available January 27, 2006 in Fairbanks, Anchorage and Juneau to administer the examinations.

On a motion duly made by Richard Rohrer, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to delegate to the Division of Professional Licensing the responsibility of administering the January 27, 2006 examinations.

Task not addressed at this meeting.

Review Provided Guide School Information

Task not addressed at this meeting.

2:34 p.m. off record. Break into subcommittees.

4:59 p.m. on record.

Adjourn 5:00 p.m.

December 7, 2005

Call to Order/Roll Call

The meeting was called to order by Paul Johnson, Chair, at 8:01 a.m. Those present, constituting a quorum of the Board, were:

Roy Ashenfelter
Colin Brown
Paul Johnson
Richard Rohrer
Betty Joe Schmitz
Ted Spraker

Mr. Johnson noted that Mr. Andersen was meeting with Senator Murkowski and would join the meeting later. Mr. Andersen joined the meeting at 9:50 a.m.

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

Cori Hondolero, Records and Licensing Supervisor
Cindy Roccodero, Licensing Examiner
George Weaver, Investigator

Present from the Department of Law was Kevin Saxby, Assistant Attorney General.

Visitors from the Public were:

Mike Munsey, Registered Guide-Outfitter
Bobby Fithian, Registered Guide-Outfitter &
Alaska Professional Hunters Association
Jim Hamilton, Registered Guide-Outfitter
Joe Klutsch, Master Guide-Outfitter &
Alaska Professional Hunters Association
Bill Driver, Registered Guide-Outfitter
Bisch Gallahorn
Kim Franklin, Northwest Arctic Borough
Dave Lorring, ABWE Liaison

Sgt. Scott Quist, ABWE

On a motion duly made by Richard Rohrer, seconded by Ted Spraker, and approved by unanimously, it was

RESOLVED to enter into executive session in accordance with AS 44.62.310(a)(2) to review investigative cases.

At 10:05 a.m. the Board entered into executive session.
At 10:47 a.m. the Board returned from executive session.

Agenda Item 20 Public Comment

The following individuals testified before the Board followed by a summation of their concerns:

Mike Munsey

- Tideland concerns.
- More accountability for guides and transporters.
- Educate and expand ethic guidelines for transporters.

Break 8:40 a.m. – 8:48 a.m.

Bobby Fithian

- Serious problem in Prince William Sound concerning mean high tides.
- Need full time investigator for the profession in order to handle a heavier workload.
- Would like to see DNR issue permits to transporters.

Jim Hamilton

- Tideland concerns.

Joe Klutsch

- Before conducting hunts in a GMU, require a minimum amount of time in the field.
- Species specific experience reflected on license.
- Minimum apprenticeship time required before being eligible to apply for an assistant guide license.
- Training for transporters and its employees regarding statutes and regulations.
- Clarify information in advertizing as to what services the licensee can provide by law.

Phil Driver

- Create regulation regarding appropriate advertising.
- Tideland concerns.

- Issue species specific licenses.

Bisch Gallahorn

- To many hunters, guides and transporters in Game Management Unit (GMU) 23.
- Concerned about the potential of resident and user conflicts.
- Lots of wanton waste in GMU 23.

Kim Franklin

- Issue permits, planning and require accountability of licensees.
- Requested effective regulations that would require the Division of Professional Licensing to data enter records and reports.
- Lack of law enforcement in the Northwest Arctic Borough.
- To provide the Board with graphs and information from records and reports gathered from the Division of Professional Licensing.

Agenda Item 21

Correspondence

The Board received correspondence from the following persons:

1. Division of Wildlife Conservation. Concerning Kodiak bear hunts. Registered Guide-Outfitters are now required to have a guide-client agreement at the time of application for a nonresident client whose name is being submitted for permit.
2. David Bridges, Registered Guide-Outfitter. Mr. Bridges stated the following:
 - Limit the number of guides who can guide on state guide use areas.

New guides kill indiscriminately every legal animal available, then move on. This practice must stopped.
 - Bring back exclusive areas.
 - Too many guides. Guide applicants should be required to have actually hunted big game.
 - Assistant and Registered Guide license requirements need to be more stringent.
 - No licensing of nonresidents.
 - Limit the area(s) an air taxi operator can provide drop-off hunts.
3. Chris Palle, Transporter. Mr. Palle stated the following:
 - Identification of guides from transporters. Example: Stickers.
 - Require licensing of individuals who rent equipment and supplies to big game hunters. Equipment is rented from a city, town or village and brought into the field by the big game hunter.

Mr. Johnson informed Board members that they could review at their leisure the correspondence presented in the Board packet.

Agenda Item 22 Goals and Objectives

Mr. Johnson stated that it was obvious what the Board's goals and objectives are. They have been working on the past couple days during the meeting.

Agenda Item 23 Budget Report

Mr. Johnson informed Board members that they could review at their leisure the budget report presented in the Board packet.

Agenda Item 24 Annual Report

Mr. Johnson informed Board members that they could review at their leisure the annual report presented in the Board packet.

Agenda Item 25 New Business

Create State Lands Subcommittee

The State Lands Subcommittee was created December 5, 2005 and met each day of the Board meeting.

Mr. Johnson is the Chair for the State Lands Subcommittee. State Lands Subcommittee members are Clark Cox, Adam Smith, David Griffin, Kathy Luttio, Stephen Bethune, Bobby Fithian, Hugh Les Krank, Don Duncan, Steve Perrins, Joe Klutsch, Tom Shankster, Sue Entsminger, and Tom Kirstien.

Agenda Item 26 Regulations

Introduction to Regulation Process

Mr. Johnson informed Board members that they could review at their leisure the regulation process flow chart presented in the Board packet.

Mr. Johnson informed the Board that the regulations Ms. Roccodero provided to the Board, would be effective January 1, 2006.

Ms. Roccodero informed the Board that the Board has no regulations in place as of today and that the regulations provided to the Board are draft regulations for the Board to review. The Board needs to make a motion to send the draft to the Regulations Specialist for public noticing.

Mr. Johnson asked Mr. Saxby to clarify the "savings clause" in house bill 76.

Mr. Saxby stated that the "savings clause" allows the Board to operate under the existing regulations until adopted, repealed or

otherwise amended so long as it does not contradict current statutes.

Initial Applications

Ms. Roccodero presented to the board a note she wrote to Rick Urion, Director of Division of Professional Licensing recapping a conversation she had with Mr. Urion.

The note states the following:

Mr. Urion noted that there are many contracting registered guide-outfitters that do not possess an Alaska business license as required by law.

Ms. Roccodero noted that during her time as an examiner she has found many of the transporters do not possess a transporter license and those that call themselves a corporation, LLC or LLP are not registered or licensed through the Division of Corporations as required by law.

Mr. Urion would like to see the Board require initial transporter applicants submit proof that they possess a valid Alaska business license and those that states they are a corporation; LLC or LLP submit proof of licensure or registration through the Division of Corporations.

Mr. Urion would like to see the Board require contracting registered guide-outfitter applicants submit proof that they possess a valid Alaska business license.

Mr. Johnson stated that the Board needed more time review the note and to place this topic on the March agenda.

Agenda Item 27

Applications

Review and Revise

Mr. Johnson asked the Board if they would approve of him reviewing the contents of the guide and transporter initial applications and guide use area registration application with Ms. Roccodero.

On a motion duly made by Ted Spraker, seconded by Ralph Andersen, and approved unanimously, it was

RESOLVED to delegated to Mr. Johnson the authority to review the contents of guide and transporter license applications and guide use area registration applications with Ms. Roccodero.

Agenda Item 28

Board Business

Communication

Ms. Roccodero informed the Board:

- They can not speak on behalf of the Board concerning Board matters, unless the Board member was assigned to do so at a meeting.
- Should a Board member respond concerning Board matters, the Board member should make it clear to the respondent that is their personal opinion and not that of the Boards.
- No more than two members of the Board can get together to discuss Board business. If three members discuss Board business it is considered a meeting which requires public noticing.

Board Position Statements

Ms. Roccodero informed the board, that it cannot make position statements concerning its interpretations of statute or regulations. To create a position statement requires statutory authority, which the Board does not have.

Ms. Roccodero did state that the Board could have an opinion.

Mail Ballots

Ms. Roccodero informed the Board within the next two-half months she will receive approximately:

- 100 Assistant Guide license applications
- 6 Class-A Assistant Guide license applications
- 25 Registered Guide-Outfitter license applications
- 2 Master Guide-Outfitter license applications
- 20 Transporter license applications
- 1800 Guide Use Area Registration applications

Ms. Roccodero informed the Board that it would be reviewing approximately 1953 applications via mail ballot for approval or denial.

On a motion duly made by Ted Spraker, seconded by Ralph Andersen, and approved unanimously, it was

RESOLVED to delegate to the Division of Professional Licensing the authority to review initial license applications, issue licenses, and process guide use area registration application.

Newsletters

To inform the licensees and the public concerning Board matters, Ms. Roccodero suggested to the Board that it publish a newsletter on its web page upon conclusion of its meeting.

Ms. Roccodero stated that a Board member would draft the newsletter and submit it to her for publishing on the web page.

Mr. Johnson stated that all the Board members were to busy for that. Ms. Roccodero asked if the Board would mind publishing the draft minutes.

The Board concurred that it would like Ms. Roccodero to publish its draft minutes on its web page as soon as the minutes have been drafted.

Agenda Item 29

Office Business

Review Assigned Tasks

Richard Rohrer was assigned to provide Ms. Roccodero with the findings and facts of tidelands issue and proposed regulation.

Set Meeting Dates for 2006

March 29-31, 2006 - Anchorage

Collect Travel Receipts and Sign Travel Authorizations

The meeting was adjourned at 2:00 p.m.

Respectfully submitted:



Cindy Roccodero, Licensing Examiner

Approved:



Paul Johnson, Chair
Big Game Commercial Services Board

Date: _____

4/26/06