

**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
MARCH 29-31, 2006**

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 March 29-31, 2006 in Anchorage.

Call to Order/Roll Call - March 29, 2006

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

Colin Brown, Transporter
Paul Johnson, Registered Guide-Outfitter
Robert Mumford, Public Member
Richard Rohrer, Master Guide-Outfitter
Ted Spraker, Board of Game
B.J. Schmitz, Public Member
Leif Wilson, Transporter

Ralph Andersen was unable to attend due to a prior commitment. Mr. Andersen was excused from attending the meeting.

Roy Ashenfelter was unable to attend due to a prior commitment.

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

Barbara Gabier, Program Coordinator
Cindy Roccodero, Licensing Examiner
George Weaver, Investigator

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from Department of Public Safety, Alaska Bureau of Wildlife Enforcement was:

Commander Steve Arlow
Dave Lorrington, Liaison

Present from Department Natural Resources was:

Clark Cox

Present from U.S. National Parks Services was:

George Helfrich, Superintendent
Jane Hendricks

Present from U.S. Forest Service was:

Martin Myers, Special Agent
John Baldwin, Hoonah District Ranger

Present from the U.S. Fish and Wildlife Service was:

Brian Anderson, Services Permit Coordinator

Visitors from the public were:

Shannon Miller, Department of Natural Resources
Dan Proulx, Department of Natural Resources
Tim Booch, Registered Guide-Outfitter
Joe Klutsch, Master Guide-Outfitter & Alaska Professional Hunters
Association
Bobby Fithian, Registered Guide-Outfitter & Alaska Professional Hunters
Association
Brent Hudson, Master Guide-Outfitter
Neil Webster, Registered Guide-Outfitter & Alaska Professional Hunters
Association
Tom Shankster, Registered Guide-Outfitter
Donna Pennington, Mentasta and Ahtna
Rob Jones, Registered Guide-Outfitter
Creig Butler, Registered Guide-Outfitter
Loren Karro, Registered Guide-Outfitter
Sherry Wright, Department of Fish and Game,
Boards Support
Dave Griffin, Department of Natural Resources
Adam Smith, Department of Natural Resources
Frank Danford, Registered Guide-Outfitter
Chris Nahorney, Department of Natural Resources
Sam Means, Department of Natural Resources
Kathy Luttio, Department of Natural Resources
Don Duncan, Master Guide-Outfitter
Walter Sampson, North West Arctic Borough & Nenana Regional
Corporation
Brad Dennison, Registered Guide-Outfitter
Dale Adams, Registered Guide-Outfitter

James Rangitsch, Assistant Guide
Steve Perrins, Master Guide-Outfitter
Sue Enstrominger, Registered Guide-Outfitter
Clark Whitney, Master Guide-Outfitter
Aaron Bloomquist, Assistant Guide
Wayne Woods, Master Guide-Outfitter
Bill Crawford, Assistant Guide
Steve Flory, AAC
Gary Gray, Registered Guide-Outfitter
Phil Driver, Master Guide-Outfitter
Vee Venters
Michael J. Schneider, Assistant Guide
Lance Kronberger, Registered Guide-Outfitter
Rich Guthrie, Master Guide-Outfitter
Dennis Zadra, Registered Guide-Outfitter
Mel Gillis, Registered Guide-Outfitter
Chet Benson, Registered Guide-Outfitter
Haley Benson

Agenda Item 1 Review Agenda

Mr. Johnson asked the board if there were changes to the agenda. There were no changes made to the agenda.

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

RESOLVED to approve the March 29-31, 2006 meeting agenda, as presented.

Agenda Item 2 Board Ethics

No ethics disclosures to report.

Agenda Item 3 Investigative Unit Report

Case Report

George Weaver, Investigator to the board joined the meeting at 8:25 a.m. and provided the board with its case report. There are 16 open cases, of which 11 are for incompetence, 1 for negligence and 4 are criminal actions. Since the December 2005 board meeting Mr. Weaver closed 15 cases.

Interpretation of Law Enforcement Agency (AS 08.54.760(b))

Mr. Weaver informed the board that the division and the assistant attorney general's interpretation of law enforcement agency as stated in AS 08.54.760(b) does not include city and borough permitting and tax offices. Law enforcement agency is defined as local police department, state troopers, and federal law enforcement agencies.

Safari Club International Convention Discussion

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved unanimously, it was

RESOLVED to enter into executive session to discuss issues encountered at the Safari Club International Convention and case number 1700-05-017.

Individuals other than board members permitted to stay during executive session were George Weaver, Dave Lorrington, John Baldwin, Marty Meyers, Kevin Saxby, Barbara Gabier, and Cindy Roccodero.

Board entered into executive session at 8:30 a.m.
Back on record at 9:16 a.m.

Richard Rohrer abstained from voting on the Memorandum of Agreement for James Bailey.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by Leif Wilson, Colin Brown, Robert Mumford, Paul Johnson, Ted Spraker, and B.J. Schmitz, it was

RESOLVED to accept the Memorandum of Agreement, case number 1700-05-017 for Master Guide-Outfitter James Bailey.

Agenda Item 4

State & Federal Agency Testimony Regarding Recently Public Noticed Regulations

The following is a summation of each agency's testimony:

Alaska Bureau of Wildlife Enforcement

Commander Steve Arlow joined the meeting at 9:23 a.m.

- Add falsification clause to contracts.
- Add physical address and telephone number of client to contracts.

Mr. Johnson requested \$6,000 from the Alaska Bureau of Wildlife Enforcement to help pay for the scanning and data entry of hunt records and transporter activity reports. Mr. Johnson stated that, "by scanning and data entering the information from the hunt records and transporter activity reports will get the information to state and federal agencies in a more expedient manner."

Division of Wildlife Conservation

Division of Wildlife Conservation did not have comments concerning the recently public noticed regulations.

Division of Mining, Land and Water

Clark Cox joined the meeting at 9:38 a.m.

- Requested verification of the guide use area registration process.

- Will the board require guide-outfitters to submit proof of land use authorization from one landholder or all landholders? The board stated that it would require proof from one landholder.
- Will the board accept verification of land use authorization from on-line registration? The board stated that it would accept proof of on-line registration as verification of land use authorization.
- Where do the guide use area boundaries fall? The board stated that the boundaries are not definitive.
- Are tidelands within the boundaries? The board stated that the tidelands do fall within the boundaries of guide use areas.

Mr. Johnson asked Mr. Cox to define buffer. Mr. Cox stated that he would get back to the board with the agencies definition of buffer.

US National Parks Service (NPS)

George Helfrich, Superintendent joined the meeting at 9:50 a.m.

- Noted that 12 AAC 75.210 states that the hunt records are to be submitted to the department and that 12 AAC 75.400 states the transporter activity reports are to be submitted to the board. Is the intent that the hunt records and transporter activity reports are to be submitted to two different entities?

Mr. Johnson responded by stating that the board and the department are the same.

- Supports 12 AAC 75.230(4) and (c), .255, .335, .435, and .440.

Mr. Johnson asked Mr. Helfrich to define buffer. Mr. Helfrich recommended that the big game commercial services industry define buffer.

Jane Hendricks joined the meeting at 10:06 a.m. Ms. Hendricks stated that NPS appropriate buffer for "camping activities" is 1 mile and "hunting activity" is 2 miles.

Mr. Johnson asked Mr. Helfrich if he felt that under 12 AAC 75.400(1), a five day minimum communication requirement would be acceptable for the client to maintain (preserve) the game (meat). Mr. Helfrich agreed.

Mr. Spraker noted that the board should consider weather conditions, which could make complying with the agreed upon communication date difficult.

Mr. Johnson requested \$6,000 from the US National Parks Service "to help pay for the scanning and data entry of hunt records and transporter activity reports, which will get the information to the agents and managers in an expedient fashion."

US Forest Service (USFS)

John Baldwin, Hoonah Ranger District and Marty Meyers, Special Agent joined the meeting at 10:30 a.m.

- Requested the board send 12 AAC 75.230 through as an emergency regulation.

Mr. Saxby stated that in order for a regulation to be considered an emergency, there has to be a threat to the public peace, health, safety, or general welfare which requires immediate action. Emergency regulations are rare. 12 AAC 75.230 would not fall under the definition of an emergency under the Administrative Procedure Act.

Mr. Johnson asked Mr. Meyers and Mr. Baldwin to define buffer. Mr. Meyers stated the definition for the US Forest Service of buffer is the same as the US National Parks Service.

Mr. Johnson requested \$6,000 from the US Forest Service "to help pay for the scanning and data entry of hunt records and transporter activity reports, which will get the information to the agents and managers in an expedient fashion."

10:51 a.m., break off record. 10:56 a.m., back on record.

US Fish and Wildlife Service (FWS)

Brian Anderson, Services Permit Coordinator joined the meeting at 10:56 a.m.

- Concurs with 12 AAC 75.210(8) and (9).
- Requested that the guide-outfitter identify on the hunt record (12 AAC 75.210) each day the guide use area was hunted regardless if the hunt was successful or not.
- Further define location under 12 AAC 75.990.

Mr. Johnson requested \$6,000 from the US Fish and Wildlife Service "to help pay for the scanning and data entry of hunt records and transporter activity reports, which will get the information to the law enforcement officers and special agents in an expedient fashion."

Bureau of Land Management

Bureau of Land Management did not respond to the board's invitation to make comments concerning the public noticed proposed regulations.

Agenda Item 5

Public Testimony Regarding Recently Public Noticed Regulations

Testimony was scheduled to begin at 1:30 p.m. However, since the state and federal agencies finished early Mr. Johnson asked Kevin Saxby if the board could accept public testimony early. Mr. Saxby stated the board could accept public testimony early.

First person scheduled to testify was Don Smokey Duncan who stated that it had come to his attention that the board had not yet received or reviewed his written comments and asked if he could testify after lunch break. Mr. Johnson granted Mr. Duncan's request.

At 11:28 a.m. Donna Pennington testified before the board. To follow is a summation of Ms. Pennington's testimony:

- Supports 12 AAC 75.100 (a)(8), (9), and (d)(2)(C).
- Requested that the board add to 12 AAC 75.100 a new subsection (n) – property ownership.
- Requested the board add to 12 AAC 75.110(a)(1) a new subsection (e) – landownership.
- Stated that 12 AAC 75.100(b) should be a passing grade of 80% instead of 75%.
- Would like to see 12 AAC 112(a)(3) changed from 60 days to one year.
- Require clients to have a copy of their hunt record on their person (12 AAC 75.210).
- Requested to include in 12 AAC 75.230(4) – 5,000 contiguous acres include right of ways on land.
- Better communication requirement of 12 AAC 75.150 and asked if wounded game would count towards taking.
- Supports 12 AAC 75.335 and in subsection (4), the board should consider density not miles in regards to a "buffer."
- 12 AAC 75.440(11), property ownership, more stringent falsification clauses, create a manual and pocket size cards.
- Require a full background investigation of all applicants.

Mr. Johnson asked Ms. Pennington to please come forward and let the board know of its progress.

12:30 p.m. lunch break. 1:33 p.m. back on record.

From 1:33 p.m. to 6:15 p.m. the following individuals testified before the board concerning the recently public noticed regulations, followed by a summation of their testimony:

Don Duncan

- 12 AAC 75.100(4)(c) – Recommends that the board require the applicant to submit three favorable recommendations per species from clients.
- 12 AAC 75.100(d)(1) – 125 day in field experience requirement too strict.
- Asked how an applicant would meet the requirements of 12 AAC 75.100(d)(2) if their employer passed away.
- 12 AAC 75.112(a)(3) - Does not like the idea of having to work for another guide-outfitter in order to apply for a game management unit certification examination.

- 12 AAC 75.130(a)(7) – Recommends that the applicant document they have worked as a packer for 60 days.
- 12 AAC 75.230(a)(4) – This section should not apply to uplands only, it should apply to all lands.
- 12 AAC 75.255 – Guide-Outfitters should not be required to keep their contracts in the field.
- 12 AAC 75.255(8) - Should apply to transporters.
- 12 AAC 75.310(a)(1) – Wanted to know how he is to ensure compliance with the in field requirements and sealing of game at the same time he has clients in other areas and needs to be with them too.
- Transporters should not over book.

Frank Danford

- Proposed that the Department of Commerce, Community and Economic Development check with the Department of Natural Resources to ensure that the guide-outfitter is permitted prior to registering the guide-outfitter for a guide use area.
- Defined appropriate buffer as a 35 to 40 mile perimeter.

Walter Simpson

- Unit 23 transporters are dropping off 800 to 1,000 hunters each year.
- Lower portion of unit 23 is closed to all hunters, which has affected the subsistence hunters.
- Transporters dropping off hunters are disrupting the caribou migration patterns.
- Enforcement needed for wanton waste.

Neil Webster

- 12 AAC 75.100(4)(c) – Requested the board to define successful hunts and experience. Stated that it would be wrong if successful is to be defined as having taken an animal.
- 12 AAC 75.100(9) – Recommended that the board accept experience.
- 12 AAC 75.100(d)(2)(H) – Stated logistics should be separate.
- Recommended requiring clients to view a video concerning meat care and preparation.
- Stated that examination candidates should be notified as to which questions they missed.
- Supports 12 AAC 75.112(3).
- 12 AAC 75.120(D) – The boards first aid requirement should be the same as the federal landholders.
- 12 AAC 75.130(7) - Should include class-A assistant guides.
- 12 AAC 75.130(8) – Requested the board to define successful.
- 12 AAC 75.210(3) – Requested to add space for the clients zip code.
- Buffer zone should be the same as the federal landholders, 1 mile.

Wayne Woods

- 12 AAC 230(c) – State and federal permits should be required. 5,000 contiguous acres is too much.
- Not ethical to conduct tideland hunts. Having the same problem on navigable rivers.
- 12 AAC 75.440 – No buffer zone requirement.

Lance Kronberger

- Recommended grouping some species together under 12 AAC 75.100 and .130.
- There is a problem with too many hunters in the field.
- Asked the board to consider mobile spike camps when defining appropriate buffer.
- Noted that regulating too much can be a problem.

3:23 p.m. break off record. 3:31 p.m. back on record.

Aaron Bloomquist

- Feels that the proposed regulations are eliminating the small operators.
- Increase licensing fees for nonresident guides or stop issuing licenses to nonresidents.
- Too many guides and transporters operating in many areas of the state.

Brad Dennison

- 12 AAC 75.230(a)(4) – unethical.
- 12 AAC 75.130(7) – Would not work in southeast. Recommended having assistant guide licenses issued by region.
- Boat based transporters are providing guide services.

Rich Guthrie

- 12 AAC 75.100 and .130 – 60 day requirement too restrictive.
- Define successful.
- Confirmed submission of hunt records to the department changed from 30 to 60 days.
- Requested hunt records to be a four part form.
 - 1- Department copy
 - 2- Guide-Outfitter copy
 - 3- Client copy
 - 4- Field copy

Bobby Fithian

- Does not support species specific licenses.
- 12 AAC 75.230(a)(4) – Define significant.
- Does not agree with 12 AAC 75.255 (b)(11).
- Supports 12 AAC 75.300.

- Recommended the board add to 12 AAC 75.300 that it is unethical to use an aircraft to spot game.
- Define buffer.
- Include the additional meat provision for transporters that was noted by Southeast Alaska Association.
- Remove compensation from 12 AAC 75.435(c).
- Close the loopholes in transporter regulations.
- Require air transporters to be a part 135 operator.

Tim Booch

- Recommended that the board define buffer differently for each area.

Dale Adams

- 12 AAC 75.230(a)(4) is vital. Cannot conduct services on tidelands ethically or legally.
- 12 AAC 75.230 – Recommended that the guide-outfitter has to have permits from all landholders.
- 12 AAC 75.440(7) is delving into guide area.
- 12 AAC 75.435(3) and (6) are confusing.
- 12 AAC 75.435(c) - Should list what transporters cannot supply.

Paul Johnson asked Mr. Adams to participate in the transporter subcommittee.

Dennis Zadra

- Agrees that providing services on tidelands is not ethical.

Joe Klutsch

- 12 AAC 75.100(a)(3) – Requested that the board consider requiring the applicant to provide a list of all hunters for whom the applicant has provided big game hunting services.
- 12 AAC 75.100(c) – Asked the board to consider an alternative, 3 to 5 successful hunts. Add personal hunting in lieu of guiding experience.
- Asked how the board could deny under 12 AAC 75.100(a)(8). Ms. Roccodero cited AS 08.54.605.
- Add to 12 AAC 75.100(d)(2), trespass and landownership.
- Does not support the 60 day requirement in 12 AAC 75.112(3).
- Supports 12 AAC 75.130(7) and recommended that the board consider adding, or time as a client of the intended employer.
- Supports 12 AAC 75.230 and .255.
- 12 AAC 75.335 – Asked if it would be the board that would enforce this regulation.
- Requested the board postpone adopting section (4) of 12 AAC 75.335.
- Add two new subsections to 12 AAC 75.335, (5) unethical to intentionally use an airplane to spot game and (6) unethical to use a GPS to locate game.
- Supports Mr. Adams and Mr. Dennison's comments concerning transporters.
- Recommended that 12 AAC 75.400(a) should read "at an agreed upon timeline."

- Add new subsection to 12 AAC 75.400, (11) trespass.

Mel Gillis

- Supports the need for buffer zones. Recommended 5 miles on the peninsula. Buffer should apply to structures and tents.
- Department of Natural Resources does not recognize buffers for base camps and cabins.

Chet Benson

- Supports the need for buffer zones.
- Hold transporters responsible for wanton waste of client's harvested game.
- Asked the board how it came up with the 5,000 contiguous acres. Mr. Rohrer responded that the number of acres was based on information received from the US Fish and Wildlife Service and the US Forest Service.

Steve Perrins

- Supports 12 AAC 75.100.
- The requirements in 12 AAC 75.110(a)(1)(B) can be difficult.
- 12 AAC 75.110(a)(1)(C) – Bear sexing is difficult for experienced guides.
- Disagrees with the requirement of a raw hide in 12 AAC 75.110(a)(1)(D).
- Supports 12 AAC 75.130(7).
- Disagrees with 12 AAC 75.120(8) or drop species and change successful hunts from two to four.
- Disagrees with 12 AAC 75.210(b).
- Supports 12 AAC 75.230(a)(4) and (c). Agrees that tideland hunts are unethical.
- Supports 12 AAC 75.255.
- Recommended adding to 12 AAC 75.335 advertising and the use of airplanes to spot game.
- Recommended that 12 AAC 75.435 should reflect that transporters are held to the same standards as guides, and recommended that the board add that transporters are required to report violations.
- Requested that the board address issues concerning revocation of a guide license. Stated that guides whose licenses are revoked are transferring all assets to family, licensed family members and are still in business.

Colin Brown reminded the board and the public that the transporter issue is not a transporter problem it's a people problem.

Mr. Saxby reminded the board that no more than three board members can get together and discuss board business without violating the Administrative Procedures Act.

Meeting adjourned at 6:33 p.m.

Call to Order/Roll Call - March 30, 2006

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

Colin Brown, Transporter
Paul Johnson, Registered Guide-Outfitter
Robert Mumford, Public Member
Richard Rohrer, Master Guide-Outfitter
Ted Spraker, Board of Game
B.J. Schmitz, Public Member
Leif Wilson, Transporter

Ralph Andersen was unable to attend due to a prior commitment. Mr. Andersen was excused from attending the meeting.

Roy Ashenfelter joined the meeting at 8:30 a.m.

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

Barbara Gabier, Program Coordinator
Cindy Roccodero, Licensing Examiner
George Weaver, Investigator

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from Department of Public Safety, Alaska Bureau of Wildlife Enforcement was:

Dave Lorrington, Liaison

Present from Department of Fish and Game, Division of Wildlife Conservation was:

Kim Titus, Deputy Director

Visitors from the public were:

Jim Hamilton, Registered Guide-Outfitter
Dan Prouly, Department of Natural Resources
Dennis Zadra, Registered Guide-Outfitter
Gary Gray, Registered Guide-Outfitter
Shannon Miller, Department of Natural Resources
Matt Moskiewicz, Assistant Guide
Neil Webster, Registered Guide-Outfitter

Rod Schuh, Registered Guide-Outfitter
Brent Hudson, Master Guide-Outfitter
Jeff Sullivan
Jim Kedrowski, Registered Guide-Outfitter
Steve Flory, AAC
Brad Dennison, Registered Guide-Outfitter
Dale Adams, Registered Guide-Outfitter
Dave Griffin, Department of Natural Resources
Clark Whitney, Master Guide-Outfitter
Sue Entsminger, Registered Guide-Outfitter
Barbara Fithian, Alaska Professional Hunters Association
Bobby Fithian, Master Guide-Outfitter & Alaska Professional Hunters
Association
Martin Myers, US Forest Service
Tom Shankster, Registered Guide-Outfitter
Steve Johnson, Registered Guide-Outfitter
Harry Dodge, Registered Guide-Outfitter
Brigid Dodge
Kurt Whitehead, Registered Guide-Outfitter
Chet Benson, Registered Guide-Outfitter
Walter Sampson, North West Arctic Borough
Kim Franklin, North West Arctic Borough
Tim Booch, Registered Guide-Outfitter
Jim Ehrhart, Registered Guide-Outfitter
Steve Perrins, Master Guide-Outfitter
Creig Butler, Registered Guide-Outfitter
George Weekley, Department of Fish and Game
Preston Cavner, Registered Guide-Outfitter
Mike Nizich, Governor's Office
Randy Sponholz, Registered Guide-Outfitter
Clark Cox, Department of Natural Resources
Urban Rahoi, Registered Guide-Outfitter
James Rangitsch, Assistant Guide

Agenda Item 8

Follow-Up Business December 2005 Meeting

During testimony from the public, state and federal agencies many items were presented to the board for consideration and/or action.

To follow are the items brought before the board for consideration and/or action:

Alaska Bureau and Wildlife Enforcement-Proposal Concerning Hunt Records and Transporter Activity Reports.

1. Client to possess client signed copy of hunt record during the duration of the hunt. Purpose is to ensure client meets the contracting registered guide-outfitter and compliance with the law.
2. 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. Purpose is to maintain supervision, direction, and control of the guiding operation by the contracting registered guide-outfitter and to put a stop to the pre-signing of hunt records.

3. Issue annually numbered hunt records and transporter activity reports. Purpose is accountability of license holder and to ensure that the licensee is using the most current form.

Commander Arlow stated that it would be helpful for enforcement purposes to require the contracting guide-outfitter to have a copy of the signed client contract in the field.

There was discussion amongst the board that the information contained on the contract is not necessarily information that employees of the guide-outfitter should be privy to. Commander Arlow understood the boards concern and agreed that the guide-outfitter would not be required to have the signed client contract in the field.

The board and Commander Arlow agreed that blank hunt records are not to be pre-signed by the contracting guide-outfitter.

The board stated that it would give items 1 and 2 the time it requires for discussion, which cannot be done at this meeting. These two topics were tabled until the next meeting of the board.

The board approved the numbering of hunt records and transporter activity reports. The board assigned the task to Ms. Roccodero to look into the cost of printing, numbering and binding the forms into booklet form.

The board requested that the next renewal applications provide a space for the guide-outfitter and transporter to indicate the number of records/reports they would need to see them through the year. The forms/reports would be mailed to the license holder with their renewed license.

The sequence of the hunt record forms will be as follow:

Copy 1-Department, Copy 2-Guide-Outfitter, Copy 3-Field Copy, Copy 4-Client

Division of Wildlife Conservation

Kim Titus, Deputy Director, Division of Wildlife Conservation joined the meeting and provided the board with an overview of the March Board of Game meeting.

To follow are the proposals that the Board of Game accepted:

- Proposal 72: Allocate permits to nonresidents in TMA. Require guide-client agreement (effective 2007).
- Proposal 90: Allocate 20% of permits to guided hunts and 80% to nonguided hunts (effective fall 2007).

- Proposal 142: Modify seasons and salvage requirements in 23. There is a social problem in unit 23 because of so many people coming into the Kotzebue airport. The board discussed options, which included increasing enforcement, establishing a permit system, and the extreme need for hunter education regarding hunting the area (safety of rising rivers, etc.) and proper meat care.
- Proposal 150: Require hunter education course for nonresidents and meat care course for transporters in Unit 23.
- Proposal 153: Allocate outside of the Koyukuk Controlled Use Area, 50% of nonresident permits to guided hunts and 50% for unguided hunts.

Mr. Johnson requested \$6,000 in funds from the Division of Wildlife Conservation "to assist the board with the data entry of hunt records, transporter activity reports and scanning."

Mr. Johnson offered to assist the Division of Wildlife Conservation with correlating guide use area information.

9:21 a.m. break off record. 9:57 a.m. back on record.

Mr. Saxby noted that the public noticed regulations contained incorrect information and that the code of ethics would encompass guide/transporter incompetence and responsibilities.

Mr. Johnson requested that board members note on the record how they feel about the amended regulations from what they have read in written comment and during public testimony on the 29th.

Agenda Item 9

Regulations (10:00 a.m.)

Mr. Saxby informed the board to make clear on the record the boards intent when making a motion and that staff through delegation of authority can develop the language, maintaining the board's intent.

Review and Adopt Public Noticed Regulations

A motion duly made by Leif Wilson, seconded by Ted Spraker,

TO adopt proposed changes to 12 AAC 75.100 as public noticed.

Mr. Saxby asked the board to explain why certain big game animals were identified under 12 AAC 75.100(a)(4)(C).

Mr. Johnson stated the reason the species, which are identified in .100(a)(4)(C) were listed is because they have a minimum requirement under hunting regulations to take the animal. For example: moose are to have a 50" brow tine and caribou is difficult to judge if it's a trophy animal. Those species not listed, are species that do not have a minimum requirement to take under hunting regulations or are not difficult to judge/identify.

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

**RESOLVED to amend 12 AAC 75.100(a)(4)(C) as follows:
12 AAC 75.100(a)(4)(C), successful experience guiding sheep,
moose, brown bear, mountain goat, and caribou hunts, if the
applicant is seeking licensure for one of these species. The
applicant must have guided a minimum of three successful hunts for
each of these listed species in order to be licensed for that species.**

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

**RESOLVED to amend the amendment to 12 AAC 75.100(a)(4)(C) as
follows: 12 AAC 75.100(a)(4)(C), successful experience guiding
sheep, moose, brown bear, mountain goat, and caribou hunts, if the
applicant is seeking licensure for one of these species. The
applicant must have been involved in a minimum of three harvests
on a guided hunt for each of these listed species in order to be
licensed for that species.**

Nay vote: Robert Mumford.

A motion duly made by Ted Spraker, seconded by Leif Wilson, it was

**NOT RESOLVED to amend 12 AAC 75.100(a)(3) as follows: 12 AAC
75.100(a)(3), a list of all hunters for whom...**

Yea vote: Ted Spraker.

Nay votes: Colin Brown, B.J. Schmitz, Leif Wilson, Roy
Ashenfelter, Paul Johnson, Robert Mumford.

A motion duly made by Ted Spraker, seconded by Richard Rohrer,

**MOTION to, amend 12 AAC 75.100(a)(8) as follows:
12 AAC 75.100(8), to include federal history of violations...**

Motion withdrawn.

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

**RESOLVED to amend 12 AAC 75.100(a)(8) as follows:
12 AAC 75.100(a)(8), submit a complete criminal history report,
including fish and wildlife violations, from the State of Alaska, and/or
the primary state of residence.**

On a motion duly made by Richard Rohrer, seconded by Robert Mumford, and approved by unanimous consent, it was

**RESOLVED to amend 12 AAC 75.100(d) as follows:
12 AAC 75.100(d), In addition to the requirements of this section an applicant must ...**

On a motion duly made by Richard Rohrer, seconded by Robert Mumford, and approved by unanimous consent, it was

**RESOLVED to amend 12 AAC 75.100(d)(2) as follows:
12 AAC 75.100(d)(2), submit an affidavit signed by an employing registered ...**

On a motion duly made by Ted Spraker, seconded by Robert Mumford, and approved by unanimous consent, it was

**RESOLVED to amend 12 AAC 75.100(d)(2) as follows:
12 AAC 75.100(d)(2)(n) knowledge of property ownership.**

Mr. Saxby informed the board that it needed to state on the record that it supports the changes made to the public noticed regulations and note any cost to the public.

Mr. Johnson stated that he "clearly understood that the cost of the regulation is in recognition in what is needed in increasing the guiding standards in this state, and that the costs are reasonable."

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimous roll call vote, it was

RESOLVED to adopt 12 AAC 75.100 as amended.

12:00 p.m. lunch break. 1:00 p.m. back on record.

Agenda Item 10 Public Comment

Mr. Johnson reminded the public that they cannot make comment to the proposed regulations, that testimony concerning the proposed regulations were heard on the 29th.

At 1:00 p.m. there were two individuals who signed up for public testimony, Neil Webster and Harry Dodge.

Mr. Webster made comment concerning the proposed regulations, to which Mr. Johnson stated that the board cannot accept his comments since, it was regarding the proposed regulations that the board is currently considering to adopt and reminded Mr. Webster that testimony concerning the proposed regulations was on

the 29th and that the board cannot open testimony again for the proposed regulations.

Mr. Harry Dodge spoke before the board as a representative of the Kodiak Unified Bear Subcommittee (KUBS), which "is a subcommittee of the Kodiak Fish & Game Advisory Committee.

KUBS is charged with reviewing brown bear population, habitat, and human interaction, and providing the Advisory Committee with recommendations for action regarding bear management.

KUBS is working to develop curriculum for a course regarding bear safety and conservation, human impact on bear populations and the habitat, and bear biology.

KUBS long-range goal is to develop a bear viewing operator certification program that the commercial services board would consider adopting and requiring individuals who wish to offer commercial bear viewing to the public

The requirements for earning a big game guide license in order to guide hunters in Alaska are clearly defined and well established. As a result, the designation of registered guide has clear meaning to hunters as well as the general public. Ideally, a bear viewing operator endorsement will also be equated with systematic and comprehensive training and knowledge. Such a process will require extensive effort and planning.

KUBS plans to continue current efforts on this project in the interest of promoting a high quality and safe bear viewing industry throughout the Kodiak Island region while minimizing negative impacts on bears and important bear habitat."

Mr. Johnson stated that the board should look at and think carefully about requiring persons that provide bear viewing services and noted that it would require a statute change and a change in the membership of the board.

Agenda Item 9 Regulations Continued

Review and Adopt Public Noticed Regulations

On a motion duly made by Paul Johnson, seconded by Richard Rohrer, and approved unanimously by roll call vote, it was

RESOLVED to delegate to Division of Corporations, Business and Professional Licensing staff and Department of Law, authority to write regulation language, while keeping the boards intent.

A motion duly made by Leif Wilson, seconded by Roy Ashenfelter,

TO adopt proposed changes to 12 AAC 75.110 as public noticed.

On a motion duly made by Richard Rohrer, seconded by Robert Mumford, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.110(a)(1)(D) by fixing the spelling error of “capin” to read “caping.”

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

**RESOLVED to amend 12 AAC 75.110(a)(1)(D) as follows:
12 AAC 75.110(a)(1)(D), caping for which the applicant must provide a raw, unprocessed hide.**

As the chair of the examination subcommittee, Ms. Schmitz informed the board that the subcommittee felt that it was important that the applicant demonstrate their ability to turn one ear, flesh part of a lip, etc. and that the applicant would demonstrate their ability to flesh/cape any animal, it was not necessarily big game.

Mr. Johnson informed Ms. Gabier that it was prudent that the practical examination is something that is judged. Ms. Gabier stated that all applicants need to be judged the same.

Mr. Saxby stated that it is very common throughout the nation for applicants who are providing guided services to be able to demonstrate their ability to cape an animal.

On a motion duly made by Roy Ashenfelter, seconded by Leif Wilson, and approved by unanimous consent, it was

**RESOLVED to amend 12 AAC 75.110(a)(1)(D) as follows:
12 AAC 75.110(a)(1)(D), to allow for media, either video or CD of the applicant caping an animal.**

On a motion duly made by Leif Wilson, seconded by Roy Ashenfelter, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.110 as amended.

A motion duly made by Leif Wilson, seconded by Colin Brown,

TO adopt proposed changes to 12 AAC 75.112 as public noticed.

On a motion duly made by Roy Ashenfelter, seconded by Ted Spraker, and approved by unanimous consent, it was

**RESOLVED to amend 12 AAC 75.112(a)(2) as follows:
12 AAC 75.112(a)(2), pass the appropriate examination ...**

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

**RESOLVED to amend 12 AAC 75.112(b) as follows:
12 AAC 75.112(b), to allow candidates to take only one regional exam
...**

The board created a Regional Examination Committee. Richard Rhorer is the designated Chair and Roy Ashenfelter was also designated to participate in the committee.

Members of the public participating in the committee were: Phil Driver, Richard Guthrie, Neil Webster, Dale Adams, Joe Klutsch, Bobby Fithian, and Don Smokey Duncan.

Agenda Item 13 Break-Into Subcommittees

2:14 p.m. off record. 3:15 p.m. back on record. Subcommittee meetings were held in accordance with the open meetings act. Mr. Johnson informed the board and the public which subcommittees will meet, when and where they will meet.

Agenda Item 9 Regulations Continued

Review and Adopt Public Noticed Regulations

On a motion duly made by Robert Mumford, seconded by Leif Wilson, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.112(b) as follows: 12 AAC 75.112(b), if regional exams are offered, an applicant may take an examination for no more than one region at a time.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.112 as amended.

On a motion duly made by Leif Wilson, seconded by Robert Mumford, and approved by unanimous consent, it was

RESOLVED to adopt proposed changes to 12 AAC 75.115 as public noticed.

Mr. Wilson supports the proposed changes to 12 AAC 75.115 and noted that there will not be additional costs to the public created by the changes.

A motion duly made by Leif Wilson, seconded by Robert Mumford, it was

TO adopt proposed changes to 12 AAC 75.120 as public noticed.

On a motion duly made by Roy Ashenfelter, seconded by B.J. Schmitz, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.120, in accordance with staff recommendations contained in board packet, tab 9, from the word “suggestion” on down, to read as follows:

12 AAC 75.210 (c) An applicant applying for a class-A Assistant guide license under AS 08.54.620(a)(4)(A) and this section shall submit

- (1) verification of experience as any class of big game guide in this state for a part of three years from the employing registered guide(s) or guide-outfitter(s);**
- (2) affidavit that the applicant has had at least 10 years’ of hunting experience in the state.**

(d) An applicant applying for a class-A assistant guide license under AS 08.54.620(a)(4)(B) and this section shall submit

- (1) three affidavits of hunting and residency experience from individuals who can certify that the applicant has had at least 15 years’ of hunting experience in the game management unit in which the applicant resides and is to be employed as a class-A assistant guide;**
- (2) letter of recommendation from a licensed registered guide-outfitter who intends to employ the applicant as a class-A assistant guide.**

Friendly amendments made to the motion and accepted by the maker and second. Amendments provide as follows:

- Change letter to (A) and (B), replace existing 12 AAC 75.120(b)(3)(A) and (B).**
- Delete subsection (b)(3)(C).**
- Change (b)(3) statute site to AS 08.54.620(a)(4).**
- Change (b)(3)(D) to (b)(4), renumber following two sections to (5) and (6), and remove from (b)(3)(D), “certified true” copy of the applicants....”**

On a motion duly made by Leif Wilson, seconded by Robert Mumford, and approved by unanimous consent, it was

RESOLVED to adopt 12 AAC 75.120 as amended.

2:54 p.m. break off record. 3:16 p.m. back on record.

A motion duly made by Leif Wilson, seconded by Colin Brown,

TO adopt proposed changes to 12 AAC 75.130 as public noticed.

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

**RESOLVED to amend 12 AAC 75.130(3) as follows:
12 AAC 75.130(3), “a copy of the applicants ...”**

On a motion duly made by Richard Rohrer, seconded by Colin Brown, and approved by unanimous consent, it was

**RESOLVED to amend 12 AAC 75.130(8) as follows:
12 AAC 75.130(8), proof the applicant has worked in the field for a minimum of at least four harvested guided hunts.**

Amendment to the amendment by Richard Rohrer, seconded by Colin Brown: proof of having participated in a minimum of at least four guided hunts, in which the targeted animal has been taken.

Amendment to amendment was approved by unanimous consent.

On a motion duly made by Ted Spraker, seconded by Robert Mumford, and approved by unanimous consent, it was

**RESOLVED to amend 12 AAC 75.130(a)(7) as follows:
12 AAC 75.130(a)(7), “... under the supervision of a class-A assistant guide, registered guide-outfitter, or master guide-outfitter;”**

Staff noted that 12 AAC 75.120 delegates to the department the authority to issue class-A assistant guide licenses. However, 12 AAC 75.130 does not delegate to the department the authority to issue assistant guide licenses.

Staff asked the chair if it was the board’s intent for the department to issue assistant guide licenses. Mr. Johnson stated that it was the board’s intent for the department to issue assistant guide licenses and asked Mr. Saxby if the board needed to amend 12 AAC 75.130 and make a motion to delegate the authority to the department to issue assistant guide licenses. Mr. Saxby stated he would have to confer with the board later concerning the question.

Mr. Rohrer stated he supports the changes and expenditure of additional time by a person who wants to be licensed as an assistant guide. There may be some economic expense to the applicant. However, it is well worth it to ensure to the industry and to the client the applicant is qualified to do the job he is doing.

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

RESOLVED to adopt 12 AAC 75.130 as amended.

On a motion duly made by Leif Wilson, seconded by Robert Mumford, and approved unanimously by roll call vote, it was

RESOLVED to adopt proposed changes to 12 AAC 75.140 as public noticed.

Mr. Mumford supports the proposed changes to 12 AAC 75.140 and noted that there is no financial cost to the public by the created changes.

Mr. Saxby understands the issue concerning the board versus the department issuing assistant guide licenses, and stated that there is a difference in the lead in language for 12 AAC 75.120 and 12 AAC 75.130. Mr. Saxby recommended to the board that it delegate authority to the department to issue assistant guide licenses.

On a motion duly made by Roy Ashenfelter, seconded by Ted Spraker, and approved by unanimous consent, it was

**RESOLVED to amend 12 AAC 75.130 to read as follows:
12 AAC 75.130, “the department will issue a license”**

On a motion duly made by Leif Wilson, seconded by Robert Mumford, and approved unanimously by roll call vote, it was

RESOLVED to adopt proposed changes to 12 AAC 75.200 as public noticed.

Mr. Wilson supports the proposed changes to 12 AAC 75.200 and noted that there is no additional cost to the public created by the changes.

**A motion duly made by Leif Wilson, seconded by Colin Brown,
TO adopt proposed changes to 12 AAC 75.210 as public noticed.**

On a motion duly made by Richard Rohrer, seconded by Leif Wilson, and approved by unanimous consent, it was

**RESOLVED to adopt 12 AAC 75.210(b) as follows:
12 AAC 75.210(b), a copy of the hunt record must be available in the camp and with the client for the duration of a hunt, effective January 1, 2007.**

Mr. Johnson asked Mr. Saxby, “whose penalty would this be the guide or the client?” Mr. Saxby stated that, “it would not be chargeable to the client. Presumably, the only person left is the guide-outfitter.”

The board noted to make sure that the guide-outfitter’s copy of the hunt record does not get lost in the field, that the hunt record should be a five part form, with one additional copy of the hunt record being in the field and with the client.

Lorring requested the client signature block to be placed above the guide signature stating that the guide complied with the communication requirement.

Ms. Schmitz supports the proposed changes to 12 AAC 75.210 and noted that there is no additional cost to the public created by the changes.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.210 as amended.

On a motion duly made by Leif Wilson, seconded by Robert Mumford, and approved unanimously by roll call vote, it was

RESOLVED to adopt proposed changes to 12 AAC 75.220 as public noticed.

Mr. Brown supports the proposed changes to 12 AAC 75.220 and noted that there is no additional cost to the public created by the changes.

A motion duly made by Leif Wilson, seconded by Roy Ashenfelter,

TO adopt proposed changes to 12 AAC 75.230 as public noticed.

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

**RESOLVED to adopt 12 AAC 75.230(a)(4) as follows:
12 AAC 75.230(a)(4), documentation from the landowner or manager that the applicant has authorization to guide-outfit hunts on at least 5,000 contiguous acres of the uplands in the guide use area, and delete subsection (c).**

The board requested regulation language to clarify that a prior years' authorization would be sufficient for registration, or a Letter of Intent from the landowner would be acceptable if the applicant did not have prior year authorization.

The board's intent is that this regulation precludes a guide-outfitter from selling or conducting hunts solely on State tidelands or submerged lands beneath inland waters.

The Board requested Mr. Saxby to include a provision/statement in ethics section.

Mr. Rohrer explained how the 5,000 contiguous acres was developed. Mr. Rohrer stated that he consulted with ADF&G biologists, the board subcommittee, US Fish and Wildlife Service, US Forest Service and several guides.

Suggestions varied from 1,000 to 20,000 acres. Several agencies checked landowner status to verify if the 5,000 acres is reasonable to accomplish what is wanted of the coastal areas and they concurred.

Mr. Rohrer noted that some would like the board to require more than 5,000 acres. The agencies and guides that Mr. Rohrer consulted with concurred that the 5,000 acres would cover all the legitimate areas that they were aware of and no areas were brought before the board in public testimony.

Mr. Spraker supports the proposed changes in 12 AAC 75.230(a)(4) and 12 AAC 75.230 as a whole. Mr. Spraker noted that there will be loss of finances to some license holders. However, the board has heard sufficient testimony and he believes that the proposed changes are well justified, and noted that a person cannot conduct an ethical hunt on tidelands.

On a motion duly made by Leif Wilson, seconded by Roy Ashenfelter, and approved unanimously roll call vote, it was

RESOLVED to adopt 12 AAC 75.230 as amended.

4:06 p.m. break off record. 4:22 p.m. back on record.

Richard Rohrer read into the record the "Findings and Facts of Tidelands Issue."

**FINDINGS AND FACTS
OF
TIDELANDS ISSUE**

The Big Game Commercial Services Board heard a great deal of testimony during its December 5-7, 2005 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 tidelands 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 tidelands 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 boats 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 be wading rather than swimming.

- (4) If a big game animal is shot within the confines of a waterway or on tidelands and not immediately killed, the animal will most often seek shelter on the adjacent uplands rather than a waterway.
- (5) For 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.

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

RESOLVED to adopt Findings and Facts of Tidlands Issue as read into the record.

A motion duly made by Leif Wilson, seconded by Colin Brown,

TO adopt proposed changes to 12 AAC 75.240 as public noticed.

A motion duly made by Richard Rohrer, seconded by Ted Spraker,

MOTION to delete section (e) from 12 AAC 75.240.

Motion withdrawn.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved by unanimous consent, it was

RESOLVED to move section (g) of 12 AAC 75.240 to ethics.

Mr. Wilson supports the proposed changes to 12 AAC 75.240 and noted that there is no additional cost to the public created by the changes.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt 12 AAC 75.240 as amended.

A motion duly made by Leif Wilson, seconded by Colin Brown,

TO adopt proposed changes to 12 AAC 75.250 as public noticed.

Staff noted that (b) of this section needed to be amended to remove "or outfit" since this section refers to communication on a guided hunt. Staff further noted a similar concern with 12 AAC 75.240(a) and (b). The board authorized staff to edit

the language of these two sections, to take out the words “or outfit” as appropriate.

On a motion duly made by Richard Rohrer, seconded by Leif Wilson, and approved unanimously by roll call vote, it was

RESOLVED to amend 12 AAC 75.250(a) to read as follows: 12 AAC 75.250, “...AS 08.54.630(b) shall be present in the field in person with the client and any guide not certified for the unit at least once during the hunt”

Mr. Spraker supports the proposed changes to 12 AAC 75.250 and noted that there is no cost to the public created by the changes.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt 12 AAC 75.250 as amended.

A motion duly made by Leif Wilson, seconded by Colin Brown,

TO adopt proposed changes to 12 AAC 75.255 as public noticed.

On a motion duly made by Richard Rohrer, seconded by Leif Wilson, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.255(a) to read as follows: 12 AAC 75.255(a), “... contracting registered guide-outfitter shall deliver a contract to the client no later than 90 days of receipt of the deposit, or before services”

It is the boards' intent that a contract be delivered no later than 90 days from the date of the deposit or preceding providing services, whichever occurs first.

Mr. Spraker supports the proposed changes to 12 AAC 75.255 and noted that there will be no additional cost to the public created by the changes.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by roll call vote, it was

RESOLVED to adopt 12 AAC 75.255 as amended.

Agenda Item 13 Break-Into Subcommittees

5:03 p.m. off record. 6:33 p.m., back on record. Subcommittee meetings were held in accordance with the open meetings act. Mr. Johnson informed the board and the public which subcommittees will meet, when and where they will meet.

On a motion duly made by Richard Rohrer, seconded by Roy Ashenfelter, and approved by unanimous consent, it was

RESOLVED to adjourn.

Meeting adjourned at 6:34 p.m.

Call to Order/Roll Call - March 31, 2006

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

Roy Ashenfelter, Private Landholder
Colin Brown, Transporter
Paul Johnson, Registered Guide-Outfitter
Robert Mumford, Public Member
Richard Rohrer, Master Guide-Outfitter
Ted Spraker, Board of Game
B.J. Schmitz, Public Member
Lief Wilson, Transporter

Ralph Andersen was unable to attend due to a prior commitment. Mr. Andersen was excused from attending the meeting.

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

Barbara Gabier, Program Coordinator
Cindy Roccodero, Licensing Examiner
George Weaver, Investigator

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from Department of Public Safety, Alaska Bureau of Wildlife Enforcement was:

Dave Lorrington, Liaison

Present from the public were:

James Rangitsch, Assistant Guide
Dennis Zadra, Registered Guide-Outfitter
Dan Proulx, Department of Natural Resources
Preston Cavner, Registered Guide-Outfitter
Sue Entsminger, Registered Guide-Outfitter
Kurt Whitehead, Registered Guide-Outfitter

Jane Hendrick, National Park Service
Bobby Fithian, Master Guide-Outfitter & Alaska Professional Hunters
Association
Jim Ehrhart, Registered Guide-Outfitter
Steve Perrins, Master Guide-Outfitter
Neil Webster, Registered Guide-Outfitter
Wayne Woods, Master Guide-Outfitter
Creig B. Butler, Registered Guide-Outfitter
Rob Holt, Master Guide-Outfitter
Clarence Summers, National Park Service
Dennis A. Byrne, Registered Guide-Outfitter

Agenda Item 9 Regulations - Continued

Review and adopt Public Noticed Regulations

On a motion duly made Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt proposed changes to 12 AAC 75.300 as public noticed.

Mr. Wilson supports the proposed changes to 12 AAC 75.300 and noted that there will be no additional cost to the public created by the changes.

A motion duly made by Leif Wilson, seconded by Colin Brown,

TO adopt proposed changes to 12 AAC 75.310 as public noticed.

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

RESOLVED to amend 12 AAC 75.310(a)(8) as follows: 12 AAC 75.310(a)(8), “advise clients and employees involved in a hunt of the applicable state and”

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

RESOLVED to amend 12 AAC 75.310(a)(9) as follows: 12 AAC 75.310(a)(9), “advise client before a hunt of the game population in the hunting area; and”

Mr. Wilson supports the proposed changes to 12 AAC 75.310 and noted that there will be no additional cost to the public created by the changes.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.310 as amended.

On a motion duly made Leif Wilson, seconded by Robert Mumford, it was

RESOLVED to adopt document titled record copy number 1 (RC1) into the record of proposed changes in 12 AAC75.335 to read as follows:

12 AAC 75.335 Guide code of ethics.

For the purpose of guide code of ethics, as established in AS 08.54.600(c)(1) and as it relates to all classes of guides, unethical activity includes;

- (1) not complying with all 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;**
- (5) utilizing an aircraft in any manner to spot big game for the purpose of taking a specific animal;**
- (6) utilize in any manner GPS or other electronic devices to assist in the taking of any big game animal;**
- (7) misrepresentation of services by false or misleading advertising;**
- (8) failure to provide remuneration of debts, refunds or wages in a complete and timely manner;**
- (9) recklessly or carelessly exposing an employee or client to undue hazards;**
- (10) failure to cooperate with state or federal law enforcement officers.**

On a motion duly made by B.J. Schmitz, seconded by Robert Mumford, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.335(2) to read as follows: 12 AAC 75.335(2), “tampering with gear, equipment”

A motion duly made by Leif Wilson, seconded by Colin Brown, it was

MOTION to amend 12 AAC 75.335(5), to read as follows: 12 AAC 75.335(5), "... taking a specific animal during the season."

Motion Withdrawn

8:54 a.m. break off record. 9:08 a.m. back on record.

Mr. Mumford supports 12 AAC 75.335 as amended, and stated that the regulation will help to enforce fair chase and noted that some license holders will be affected financially by the changes.

On a motion duly made by Leif Wilson seconded by Robert Mumford, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.335 as amended.

On a motion duly made Leif Wilson, seconded by Robert Mumford, it was

RESOLVED to reconsider motion made the prior day on 12 AAC 75.112.

On a motion duly made by Richard Rohrer, seconded by B.J. Schmitz, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.112 as follows: change (a)(2) and (3) to game management unit and (b) to game management units.

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

RESOLVED to remove subsection (c) of 12 AAC 75.112.

Mr. Ashenfelter supports the proposed changes to 12 AAC 75.112 and noted that there would be no additional cost to the public created by the changes.

On a motion duly made by Leif Wilson, seconded by Robert Mumford, and approved unanimously by roll call vote, it was

RESOLVED to adopt 12 AAC 75.112 as amended.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously by roll call vote, it was

RESOLVED to adopt proposed changes to 12 AAC 75.400 as public noticed.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt proposed changes to 12 AAC 75.410 as public noticed.

Mr. Spraker supports the proposed changes to 12 AAC 75.410 and noted that there will be no additional cost to the public created by the changes.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt proposed changes to 12 AAC 75.420 as public noticed.

Mr. Spraker supports the changes to 12 AAC 75.420 and noted that there would be no additional cost to the public created by the changes.

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

RESOLVED to adopt proposed changes to 12 AAC 75.430 as public noticed.

Mr. Wilson stated that he supports the changes to 12 AAC 75.430 and that there would be no additional cost to license holders as a result of the changes.

A motion duly made by Leif Wilson, seconded by Colin Brown,

TO adopt proposed changes to 12 AAC 75.435 as public noticed.

A motion duly made by Richard Rohrer, seconded by Colin Brown, it was

MOTION to delete subsection (a)(3) from 12 AAC 75.435.

Motion Withdrawn.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved by unanimous consent, it was

RESOLVED to change subsection (b) and (c) of 12 AAC 75.435 to (12) and (13), and change the lead in language to (12) to read “a statement that a licensed transporter”

On a motion duly made by Richard Rohrer, seconded by B.J. Schmitz, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.435(13) to read as follows: 12 AAC 75.435(13), “... transporter may not provide vehicles, fuel”

On a motion duly made by Ted Spraker, seconded by Robert Mumford, and approved by unanimous consent, it was

RESOLVED to table 12 AAC 75.435 to further action until the transporter subcommittee had a chance to address some of the concerns raised during discussion.

A motion duly made by Leif Wilson, seconded by Robert Mumford,

TO adopt proposed changes to 12 AAC 75.900 as public noticed.

On a motion duly made by Colin Brown, seconded by Robert Mumford, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.900(b) as follows: 12 AAC 75.900(b), “... a transporter license to an applicant who meets”

On a motion duly made by Leif Wilson, seconded by Robert Mumford, and approved by unanimous consent, it was

RESOLVED to adopt 12 AAC 75.900 as amended.

Mr. Mumford supports the proposed changes to 12 AAC 75.900 and noted that there would be no additional cost to the public created by the changes.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt proposed changes to 12 AAC 75.910 as public noticed.

Mr. Spraker supports the proposed changes to 12 AAC 75.910 and noted that there would be no additional cost to the public created by the changes.

A motion duly made by Leif Wilson, seconded by Colin Brown,

TO adopt proposed changes to 12 AAC 75.920 as public noticed.

On a motion duly made by Richard Rohrer, seconded by Leif Wilson, and approved by unanimous consent, it was

RESOLVED to repeal subsection (a) of 12 AAC 75.920.

On a motion duly made by Leif Brown, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt 12 AAC 75.920 as amended.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt proposed changes to 12 AAC 75.990 as public noticed.

Richard Rohrer reminded staff to move 12 AAC 75.240(g) to the ethics section.

Staff noted a concern with a possible conflict in AS 08.54.790(8) and requiring an applicant to have experience as a packer. AS 08.54.790(8), states a person providing packing services is performing a duty of a guide which requires a guide license.

The board indicated that its intent was to continue the practice of packers not being licensed as a guide. The board asked the Alaska Bureau of Wildlife Enforcement (ABWE) liaison Mr. Lorrington if ABWE would enforce the requirement of packers to be licensed as guides. Mr. Lorrington stated that packers are not required to be licensed. Mr. Saxby also, indicated that packers are not required to be licensed.

On a motion duly made by Robert Mumford, seconded by Leif Wilson, and approved unanimously, it was

RESOLVED to approve the Delegation of Authority to Division staff and the Department of Law as follows:

The Big Game Commercial Services Board is authorized to adopt regulations under AS 08.54. In order to do so, the Board meets about twice a year, for three to four days at a time, to consider regulatory proposals as well as dealing with other Board business. Because of the nature, timing and infrequency of these meetings, the Board is unable on its own to develop final regulatory language that complies with all of the technical requirements mandated in the Regulation Attorney's regulations drafting manual, and to respond in a timely manner to recommendations made following the office's mandatory review of the Board's adopted regulations. Accordingly, in order to expedite the regulations adoption process and comply with the Department of Law requirements, the Board finds it necessary to adopt this delegation of authority.

The Big Game Commercial Services Board hereby delegates to its staff in the Department of Commerce and to its staff in the Department of Law the authority to work cooperatively to revise the language of regulatory proposals adopted by the Board as necessary to meet the Regulations Attorney's requirements and recommendations, while continuing to meet the intent, and maintain the substance of the adopted regulations.

Agenda Item 20

Break-Into Subcommittees

10:46 a.m. off record. 12:29 p.m. back on record. Subcommittee meetings were held in accordance with the open meetings act. Mr. Johnson informed the board and the public which subcommittees will meet, when and where they will meet.

12:30 p.m. lunch break. 1:30 p.m. back on record.

Agenda Item 6

Elect Board Vice-Chair

A motion duly made by Richard Rohrer, seconded by Robert Mumford,

TO nominate Leif Wilson as board vice-chair.

A motion duly made by Ted Spraker, seconded by Roy Ashenfelter,

TO nominate Richard Rohrer as board vice-chair.

Richard Rohrer declined.

On a motion duly made by Roy Ashenfelter, seconded by Robert Mumford, and approved by unanimous consent, it was

RESOLVED to close nominations.

On a motion duly made by Richard Rohrer, seconded by Robert Mumford, and approved unanimously by roll call vote, it was

RESOLVED that Leif Wilson will be the board vice-chair.

Agenda Item 9 Regulations Continued

Review and Adopt Public Noticed Regulations

On a motion duly made by Leif Wilson, seconded by Roy Ashenfelter, and approved by unanimous consent, it was

RESOLVED to bring back original motion regarding 12 AAC 75.435 to the table for further consideration.

There was a question if the motion to bring back 12 AAC 75.435 for consideration was concerning the motion made by Richard Rohrer and seconded by B.J. Schmitz amending subsection (13) earlier in the day. Paul Johnson confirmed that the motion to bring back 12 AAC 75.435 for consideration was concerning Mr. Rhorer's earlier amendment.

After some discussion the board resolved unanimously to amend 12 AAC 75.435(13) by deleting the word "compensation," as originally moved by Mr. Rohrer and seconded by B.J. Schmitz earlier in the day.

On a motion duly made by Roy Ashenfelter, seconded by Leif Wilson, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.435(a) to read as follows: 12 AAC 75.435(a), a transporter shall deliver a contract to the client no later than 90 days of receipt of the deposit or before services"

Mr. Wilson asked if the proposed language would be the same as guides, to which the chair responded, yes.

Mr. Rohrer noted to staff that subsections (12) and (13) are to be in the written contract.

There was a considerable amount of discussion concerning subsection (13), as to what services a transporter can and cannot provide.

To follow is the boards and the Department of Public Safety's interpretation as to what a transporter can and cannot do:

A transporter can transport clients from a boat to the shore, but cannot leave the mode of transportation used to transport the clients to shore in the field for use by the transported clients or any other clients.

A transporter may not have in the field any utensils, equipment, gear, supplies, boat, knives, etc. for use by a client of the transporter, regardless if the equipment, gear, boat, etc. is located at a lodge or permanent cabin owned by the transporter, on a boat located on salt water, or anywhere else in the field.

A transporter cannot assist a client regardless of the client's physical health in packing out game, butchering game, etc.

AS 08.54.650 and .720(19) does not authorize a transporter to provide any other services to a big game hunter, other than embarking and disembarking from the mode of transportation.

Mr. Wilson supports the changes to 12 AAC 75.435, and noted that there would a small cost to license holders for the printing of contract's, and that the changes does not create a financial burden.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt 12 AAC 75.435 as amended.

On a motion duly made by Leif Wilson, seconded by Colin Brown, it was

RESOLVED to adopt proposed changes to 12 AAC 75.440 as public noticed.

On a motion duly made by Roy Ashenfelter, seconded by Leif Wilson, and approved by unanimous consent, it was

**RESOLVED to amend 12 AAC 75.440(1) as follows:
12 AAC 75.440(1), "... with clients in the field as agreed to previous to transporting said clients."**

On a motion duly made by Roy Ashenfelter, seconded by Leif Wilson and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.440 by deleting subsection (7).

On a motion duly made by Roy Ashenfelter, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.440 by adding a new subsection (11), and inserting number 4 from RC1 to read as follows: 12 AAC 75.440(11), not allowing appropriate buffer

areas between hunters and camps to not disrupt hunts and hunt experiences, transported by the same service.

On a motion duly made by Roy Ashenfelter, seconded by Colin Brown, and approved unanimously, it was

RESOLVED to amend 12 AAC 75.440 by adding a new subsection (12), and inserting number 5 from RC 1 to read as follows: 12 AAC 75.440(12), utilizing an aircraft in any manner to spot big game for the purpose of taking a specific animal.

On a motion duly made by Roy Ashenfelter, seconded by Leif Wilson and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.440 by adding a new subsection (13) to read as follows: 12 AAC 75.440(13), a transporter may not overbook clients such that the transporter is unable to take otherwise reasonable measures to ensure the safety and comfort of clients already in the field.

The board's intent is that when booking clients, transporters must take into consideration factors (weather, extra meat transports, smoke from forest fires, etc.) which may leave some clients in unsafe conditions.

On a motion duly made by Roy Ashenfelter, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to amend 12 AAC 75.440 by adding a new subsection (14), and inserting number 6 from RC1 to read as follows: 12 AAC 75.440(14), utilize in any manner GPS or other electronic devices to assist in the taking of any big game animal.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.440 as amended.

Mr. Johnson stated "that since the board passed regulations that set a level of standards for guide-outfitters for species on a license, the board needs to decide what it will do with the current license holders, or have just a general license."

Mr. Johnson requested clarification from Mr. Saxby concerning this matter. Mr. Saxby stated that "based on what the board has already adopted, the position is taken that when a guide renews his/her license they will have to

meet the standards the board has set. There was no discussion to grandfather in license holders who have a different set of standards.”

Mr. Johnson asked Mr. Saxby if the board had “the option to grant a time period for guide-outfitters to obtain those species, or can the board grandfather in all species.”

Mr. Saxby stated that the he “supposes theoretically that the board could grandfather in current guide-outfitters.” Mr. Saxby noted that grandfathering in current guide-outfitters would create two classes of guide-outfitter licenses that will be in place until the first class of license holders are all dead and each class having a different standard. It would create a possibility for a successful challenge. Unless, the board is able to come up with an awfully good, objective fair and defensible reason why that type of discrimination is justified.

Mr. Saxby stated that “the board could give license holders some time to comply. The board could extend licenses for a certain length of time, with license holders knowing that at the end of that time they would have to meet the standards in place.”

Mr. Rohrer recommended that when license holders renew for the 2008/2009 licensing cycle, to have the license holders come into compliance with the current regulations for species specific license.

Mr. Johnson stated that the board will discuss the topic at its next meeting.

Mr. Johnson asked public visitors who hold a current guide-outfitter license to sign-up and participate in assisting the board in writing the guide-outfitter examination and noted that the next examination is scheduled for December in Anchorage.

Agenda Item 18 **Public Comment**

There was one person, Tim Booch who signed-up to testify before the board. Mr. Booch withdrew his request to testify.

Agenda Item 15 **Annual Report**

Mr. Johnson delegated to Mr. Wilson the task of working with Ms. Gabier in preparing the board’s annual performance report, which is due by close of business August 1, 2006.

Agenda Item 12 **Use Areas**

AS 08.54.750(f)

Mr. Johnson assigned Mr. Spraker the task of providing to Ms. Roccodero identification of the guide use areas, which fall under the predator control program 5 AAC 92.125.

Agenda Item 9 Regulations Continued

Review and Adopt Public Noticed Regulations

Mr. Saxby read into the record the following:

RECORD COPY 2 (RC2)

12 AAC 75.300 is repealed and readopted to read:

12 AAC 75.300 Professional ethics standards for guides

- (a) As used in AS 08.54.710(b) and this chapter, "unethical" means, in reference to a registered guide-outfitter, assistant guide, or class-A assistant guide, 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 includes
- (1) failing to comply with the standards set out in (b) – (f) of this section;
 - (2) failing to fulfill a condition or requirement established as a disciplinary sanction under AS 08.54.710;
 - (3) failing to fulfill the supervision, hunt participation, and other requirements of this chapter.

(b) Basic Legal Qualifications

It is the responsibility of all classes of guide to

- (1) comply with all appropriate and applicable state and federal laws and regulations; and
- (2) (permission to use private, etc. lands?)

(c) Client and Employee Care Standards

It is the responsibility of all classes of guides to

- (1) take every reasonable measure to assure the safety and comfort of the client, including ensuring that the following are present during the hunt;
 - (a) supplies that are adequate to provide first aid for injuries that are reasonably expected in the field;
 - (b) sufficient supplies to provide for emergencies, including food, clothing, and source of heat; and
 - (c) food and shelter that are normally considered satisfactory under field conditions;
 - (2) avoid recklessly or carelessly exposing an employee or client to undue hazards;
 - (3) advise clients and employees involved in a hunt of the applicable state and federal statutes and regulations relating to hunting, land use, wildlife, big game hunting services, and conservation;
 - (4) ensure that the proper hunting licenses, game tags, harvest reports the big game species being hunted are in the clients possession before the hunt begins;
 - (5) ensure that the appropriate tags are attached to any game taken by a client and all game is sealed or marked as required by 5 AAC 92;
 - (6) advise a client before a hunt of the game population in the hunting area; and
 - (7) provide remuneration of debts, refunds or wages in a complete and timely manner.
- (d) Fieldcraft Standards

It is the responsibility of all classes of guides to

- (1) use every lawful means at the licensee's disposal to bag a wounded animal while it is in danger of escaping, or, in a serious emergency, while human life or well being is endangered;
- (2) barring unforeseen conditions, properly prepare, according to generally accepted procedures, all antlers, horns, hides, and capes to be delivered to the taxidermist or to the client at the conclusion of a hunt in a satisfactory and unspoiled condition unless the guide is providing only outfitting and transportation services for the client;
- (3) endeavor to salvage all meat of trophies taken by clients, in accordance with state law;
- (4) except for brown bear, grizzly bear, wolves, and wolverine, transport the meat of a big game animal taken by the client in accordance with 5 AAC 92;
- (5) respect gear, equipment, food, shelter and camps established by others;
- (6) avoid discouraging others from utilizing a location by staging unused or unattended camps and gear;
- (7) allow appropriate buffer areas between hunters and camps so as to avoid disrupting hunts and hunting experiences;
- (8) avoid utilizing an aircraft in any manner to spot big game for the purpose of taking a specific animal;
- (9) avoid utilizing, in any manner, GPS or other electronic devices to assist in the taking of any big game animal; and
- (10) respond personally, or through an assistant, to requests for assistance communicated by a contracted guide, employee, or client during the hunt; the contracting or employing guide must respond within a reasonable time based on the urgency of the request, weather conditions, and other safety factors.

(e) Standards for Cooperation with Law Enforcement Officers

It is the responsibility of all classes of guides to

- (1) cooperate with state or federal law enforcement officers;
- (2) provide any information to assist law enforcement or state and federal wildlife officials.

(f) Standards of Professionalism

- (1) It is unethical for any class of guide to make guarantees as to the success of a hunt or the number of animals to be taken on a hunt.
- (2) A licensee must provide supervision and make a good faith effort to make the verbal, or if applicable the written, client communication as required in 12 AAC 75.240.
- (3) It is unethical for any class of big game guide to advertise or sell hunts to be conducted solely on tidelands.

On a motion duly made by Leif Wilson, seconded by Colin Brown, it was

RESOLVED to adopt RC 2, reorganization of regulations related to guides titled Professional Ethics for Guides.

There was discussion concerning subsection (b)(2) of RC2, in that this subsection was redundant, statute already requires the guide to obtain land use

authorization. The board by unanimous consent requested Mr. Saxby to delete subsection (b)(2).

A motion duly made by Richard Rohrer, seconded by Leif Wilson, it was

MOTION to amend RC2, to delete 12 AAC 75.300(c)(2).

Motion withdrawn.

On a motion duly made by Robert Mumford, seconded by Leif Wilson, and approved by unanimous consent, it was

RESOLVED to amend RC2 to read as follows: 12 AAC 75.300(c)(2), avoid intentionally, recklessly or carelessly"

On a motion duly made by Robert Mumford, seconded by Leif Wilson, and approved by unanimous consent, it was

RESOLVED to amend RC2, 12 AAC 75.300(c)(4) as follows: 12 AAC 75.300(c)(4), "... proper hunting licenses and hunt record, game tags"

On a motion duly made by Leif Wilson, seconded by Robert Mumford, and approved by unanimous consent, it was

RESOLVED to amend RC2, 12 AAC 75.300(c)(7) as follows: 12 AAC 75.300(c)(7), "... or refunds owed to clients or contracting guides or wages owed to an employee...."

Mr. Rohrer wanted the record to clearly reflect that the "word refund should not supersede what is stated in a guide-outfitter's contract. For example, my contract states if the client should cancel there is no refund of the deposit. Client sees that under ethics he can get a refund, we need to make clear that the refund under ethics does not supersede the statement concerning refunds on a guide-outfitter's contract."

On a motion duly made by Leif Wilson, seconded by Roy Ashenfelter, and approved unanimously, it was

RESOLVED to amend RC2, 12 AAC 75.300(3) to read as follows: 12 AAC 75.300(3), "...sell big game hunts"

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

RESOLVED to amend RC2, 12 AAC 75.300(f) by adding a new subsection (4) to read as follows:

12 AAC 75.300(f)(4), misrepresentation of services by false or misleading advertising.

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to adopt RC2, 12 AAC 75.300 as amended.

3:00 p.m. break off record. 3:16 p.m. back on record.

Mr. Saxby read into the record the following:

Record Copy 3 (RC3)

12 AAC 75.430 is repealed and readopted to read:

(a) As used in AS 08.54.710(b) and this chapter, "unethical" means, in reference to a transporter or a registered guide-outfitter who provides transportation services, failing to meet a professional standard of conduct that satisfactorily and safely implements, under field conditions, the knowledge, skills, qualifications, and judgment required for a transporter and failing to comply with

- (1) the standards in (b) – (c) of this section; and
- (2) a condition or requirement established as a disciplinary sanction in AS 08.54.710(c).

(b) Basic Legal Qualifications

It is the responsibility of a transporter or registered guide-outfitter providing transportation services to

- (1) comply with appropriate and applicable state and federal laws and regulations; and
- (2) (land owner permission?)

(c) Client Care and Transportation Standards

It is the responsibility of a transporter or registered guide-outfitter providing transportation services to

- (1) take every reasonable measure to ensure the safety and comfort of the client, including ensuring that the following are present while the licensee is providing transportation services;
 - (A) supplies that are adequate to provide first aid for injuries that are reasonably expected while providing transportation services; and
 - (B) sufficient supplies to provide for emergencies including food, clothing, and a source of heat;
- (2) before leaving a client in the field, advise the client of the date, time, and location at which the transporter or registered guide-outfitter will pick up the client and the course of action the client should follow if the transporter or registered guide-outfitter is unable to pick up the client as planned;
- (3) transport the client into and out of the field at the planned date, time, and location, unless prevented by weather, mechanical problems, or other safety concerns;
- (4) check on or communicate with a client in the field at least within five days;

- (5) clearly define rates and services to prospective clients prior to booking and acceptance of deposits, and must avoid misleading prospective clients through false or fictitious advertising;
- (6) be willing and capable of making financial restitution to a client for any breach of contract owing to no fault of the client;
- (7) avoid discouraging others from utilizing a location by staging unused or unattended camps and gear;
- (8) endeavor to transport all meat of animals taken by clients in accordance with existing state law;
- (9) avoid using an aircraft in any manner to spot big game for the purpose of taking a specific animal;
- (10) avoid utilizing, in any manner, GPS or other electronic devices to assist in the taking of any big game animal;
- (11) avoid herding, driving or chasing animals with the use of any mechanically powered equipment; and
- (12) avoid over booking clients in such that the transporter or registered guide-outfitter is unable to take otherwise reasonable measures to ensure the safety and comfort of clients already in the field.

(c) Standards for Cooperation with Law Enforcement Officers and For Conservation Awareness

It is the responsibility of the transporter or registered guide-outfitter providing transportation services to

- (1) fully cooperate with state and federal wildlife officials, including enforcement officers with respect to enforcement of game laws and regulations; and
- (2) practice sound wildlife conservation and create an awareness of conservation needs and practices when dealing with the public.

On a motion duly made by Leif Wilson, seconded by Robert Mumford, it was

RESOLVED to adopt RC3, reorganization of the regulations related to transporters titled 12 AAC 75.430.

There was discussion concerning transporters obtaining land use authorization to enter private, state, or federal lands. During the discussion the board determined that it would like to add back into 12 AAC 75.300 subsection (b)(2).

Mr. Johnson asked Mr. Saxby if the board gave him direction to insert subsection (b)(2) back into 12 AAC 75.300 would it be acceptable or does the board need to make a motion. Mr. Saxby reminded the board that they are not bound to Roberts Rules of Order and that the record needs to clearly reflect the board's intent. The board requested Mr. Saxby to insert subsection (b)(2) back into 12 AAC 75.300.

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

RESOLVED to amend RC 3, 12 AAC 75.430(a)(2) to read as follows: 12 AAC 75.430(a)(2), It is the responsibility of a transporter or registered guide-outfitter providing transportation services to obtain prior authorization as appropriate before entering or remaining on private, state or federal lands during the course of providing transportation services; insert into RC2, 12 AAC 75.300(b)(2), obtain prior authorization as appropriate before entering or remaining on private, state or federal lands during the course of providing guiding services.

On a motion duly made by Leif Wilson, seconded by Roy Ashenfelter, and approved by unanimous consent, it was

RESOLVED to amend RC3, 12 AAC 75.430(4) to read as follows: 12 AAC 75.430(4), to check or communicate with the clients in the field as agreed to prior to transporting said clients.

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

RESOLVED to amend RC3, 12 AAC 75.430 by adding a new subsection (13) that reads as follows: transporters need to allow for appropriate buffers

Mr. Mumford supports adopting RC3 as written and amended.

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

RESOLVED to adopt RC3, 12 AAC 75.430 as amended.

Mr. Johnson stated that he would like to wait to see what happens in different areas before further defining buffer. The board agreed.

Agenda Item 8

December 2005 Unfinished Business

Medical Emergencies

Mr. Rohrer asked if the board could by regulation allow an exception for a contracting guide-outfitter who has a medical emergency and is not able to comply with the "in field" communication requirement.

Ms. Roccodero cited AS 08.54.610(e), which does not allow the board to create a regulation that would provide for an exception of a medical emergency for a contracting guide-outfitter.

Agenda Item 17 Create Registered Guide-Outfitter Examinations

The board is scheduled to meet October 9 – 11, 2006 in Juneau, to create the registered guide-outfitter qualification and game management unit certification examinations.

Agenda Item 19 Board Business

Set Meeting Date

December 4 – 6, 2006 in Anchorage.

Collect Travel Receipts & Signed TAs

Travel receipts collected and signed.

Agenda Item 14 Review & Approve December 2005 Minutes

On a motion duly made by Leif Wilson, seconded by Colin Brown, and approved by unanimous consent, it was

RESOLVED to approve the December 2005 meeting minutes as presented.

Agenda Item 12 Use Areas

Guide-Outfitter

- Appoint Guide Use Area Subcommittee Chair.

Mr. Mumford was appointed as the chair of the Guide Use Area Subcommittee.

Mr. Rohrer stated that there are some game management units that do not have a guide use area designation and that he has heard from some people that guide services cannot be provided in these sections and has heard from other people that guide services can be conducted in these unassigned guide use areas, only if the person is certified in the game management unit. Mr. Rohrer asked Mr. Saxby for clarification.

Mr. Johnson requested to add to the next meeting agenda proposed movement of GUA boundaries and GMUs with areas missing GUA identification.

On a motion duly made by Colin Brown, seconded by Leif Wilson, and approved by unanimous consent, in was

RESOLVED to adjourn.

Meeting adjourned at 4:42 p.m.

Due to time constraints the board was not able to discuss some agenda items. The board will be addressing these items at its next meeting.

Agenda Item 8 **Follow-Up Business December 2005 Meeting**

Alaska Bureau and Wildlife Enforcement-Proposal Concerning Hunt Records and Transporter Activity Reports.

1. Client to possess client signed copy of hunt record during the duration of the hunt. Purpose is to ensure client meets the contracting registered guide-outfitter and compliance with the law.
2. 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. Purpose is to maintain supervision, direction, and control of the guiding operation by the contracting registered guide-outfitter and put a stop to the pre-signed hunt records.

US Fish and Wildlife Service

- Recommended that the board survey clients for enforcement purposes.
- Requested board assistance in creating an evaluation form for permitting of transporters.
- Recommended that the board join the Wildlife Violator Compact.

US National Parks Service

- Proposed that hunt records and transporter activity reports reflect the specific area/location, land manager, unit and GPS coordinates.

US Forest Service

- Proposed that hunt records and transporter activity reports reflect the area/location hunted each day the client is in the field regardless whether the client harvests an animal or not.
- Sharing of information (violations) between agencies.

Transporter Training and Education

Comment from agencies and the public.

Agenda Item 11 **Big Game Commercial Services Profession**

Create Subcommittee/Assign Chair

Task: Educate licensees and public concerning profession.

Topic not addressed during the meeting.

Agenda Item 12 **Use Areas**

Create Transporter Use Area Subcommittee/Assign Chair

Task: Create Transporter Use Areas and regulations.

Topic not addressed during the meeting.

Guide-Outfitter

- Assign portions of GMUs, GUA #s. Topic not addressed during the meeting.
- Address lack of availability. Topic not addressed during the meeting.

Agenda Item 16 Correspondence

Review and Respond to Correspondences Not Addressed
During the December 2005 Meeting

1. David Bridges
2. Chris Palle
3. David Pinguoch

Correspondence items were not reviewed during the meeting. Correspondence items to be addressed at the next board meeting.

Agenda Item 19 Board Business

Review Budget Report
Set Examination Date(s)

The following are agenda items that were not addressed:

Agenda Item 7 Break-Into Subcommittees

There were no subcommittee break-out sessions on March 29, 2006.

Respectfully submitted:

Cindy Roccodero
Cindy Roccodero, Licensing Examiner

Approved: Paul Johnson
Paul Johnson, Chair

Date: 10-9-06