

**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 19-21, 2007**

By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62 Article 6, a scheduled meeting of the Big Game Commercial Services Board was held on March 19 – 21, 2007 in Fairbanks, Alaska, Princess Lodge Hotel.

Monday, March 19, 2007

Call to Order/Roll Call

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 9:00 a.m. Members present constituting a quorum were:

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

Excused from the meeting was Raymond Stoney, Private Landholder.
Absent was BJ Schmitz, public member.

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

Cindy Roccodero, Licensing Examiner
Cynthia Cintra, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Brian Howes, Senior Investigator

Present from State and Federal agencies were:

George Helfrich, US National Park Service
Roger Delaney, US Bureau of Land Management
John Glass, Deputy Commissioner, Department of Public Safety

Colonel Gary Folger, Director, Alaska Wildlife Troopers
David Lorring, Liaison, Alaska Wildlife Troopers
Jennifer Reed, US Fish and Wildlife Service
Nicole Gustine, US Fish and Wildlife Service
George Weekly, Department of Fish and Game, State and Federal Issues Program

Present from the public were:

Joe Want, Master Guide-Outfitter
Joe Klutsch, Master Guide-Outfitter
Ralph Miller, Master Guide-Outfitter
Tom Shankster, Master Guide-Outfitter
Hugh Les Krank, Registered Guide-Outfitter
Wayne Kubat, Master Guide-Outfitter
Dave Leonard, Master Guide-Outfitter
Sue Entsminger, Registered Guide-Outfitter
Virgil Umphenour, Registered Guide-Outfitter
Wes Malcom, Assistant Guide
Loren Karro, Registered Guide-Outfitter
Ken Lamb, Registered Guide-Outfitter
Dan Montgomery, Registered Guide-Outfitter
Jim Weidner, Registered Guide-Outfitter
Sandy Jamieson, Registered Guide-Outfitter
James Rangitsch, Assistant Guide

Item 1. Review Agenda

Paul Johnson, Chair asked if there were any amendments to the agenda.
Cynthia Cintra, Licensing Examiner added the following items to the agenda:

- New Item, February 23, 2007 teleconference minutes, were added to Item 4.
- New Items, Correspondence from Mr. Hume and Mr. Spraker, were added to Item 5.
- New Item, Correspondence from Dave Lorring, was added to Item 7.
- New Item, Regulation correspondence from Mr. Kubat and Mr. Wagner, were added to Item 11.

Cindy Roccodero, Licensing Examiner stated that Wednesday the 21st does not provide the opportunity for the public to testify before the Board. Mr. Johnson agreed with Ms. Roccodero and added public testimony to item 5.

Mr. Johnson asked if there were any other amendments to the agenda.

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

RESLOVED to adopt the agenda as amended.

Item 2. Ethics Disclosure

The Board had no ethics violations to report.

Item 3. Division Business

A. Staff Request for Board Direction

Ms. Roccodero stated that in accordance with AS 08.54.620 Class-A Assistant Guide License and AS 08.54.630 Assistant Guide License requires the applicant to possess a valid first aid card issued through the American Red Cross or similar organization.

Ms. Roccodero asked the Board if it felt that a valid professional license such as an EMT, ETT or medical license would be acceptable as far as a "similar organization."

The Board had a brief discussion and agreed that staff could accept a copy of a valid professional medical, EMT, ETT or any license where it is apparent that the person is more than qualified in basic first aid.

Item 4. Board Business

A. Set Meeting Dates and Locations

The Board will come back to this section later in the meeting.

B. Set Examination Dates

The Board will come back to this section later in the meeting.

C. Annual Report

Ms. Roccodero stated that the Boards statistical reports are due on July 1, 2007 and the remaining portions are due to the Commissioner on August 1, 2007. Ms. Roccodero recommended to the Board chair that the narrative statement, budget recommendation, legislative recommendations, and goals and objectives be completed by Board members. Ms. Roccodero also stated the narrative statement should be completed by the Board Chair. Mr. Johnson stated that he and a few other members would get together later in the meeting to discuss and write the Board required portions.

D. Budget Report

Mr. Johnson requested that the Board review the budget report and if they have any questions concerning the report to bring them forward the following day during the meeting.

E. February 23, 2007 Teleconference Minutes

Ms. Roccodero noted that Mr. Spraker had some minor edits to the minutes. Mr. Spraker stated he e-mailed the minutes to Ms. Roccodero and Ms. Cintra. Ms. Roccodero, Ms. Cintra and Mr. Rhorer stated that they did not receive the amendments. Mr. Spraker stated that he has the e-mail on his laptop and would get the edits to staff before the end of the meeting.

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

RESOLVED to approve the February 23, 2007, teleconference minutes as amended by Ted Spraker.

Mr. Johnson requested that Ms. Roccodero give the Board a review on the process of adopting new regulations. Ms. Roccodero gave the Board a brief account of the process.

Mr. Rorher asked Ms. Roccodero if the Board could set a Unit exam outside of the regular test dates. Mr. Johnson requested staff to check with Kevin Saxby, Attorney for the Board if staff could administer the Unit exams. Ms. Roccodero stated the exams could be given in three locations, Anchorage, Fairbanks and Juneau as needed. Mr. Johnson requested staff also ask Mr. Saxby if the GMU examinations could be administered to applicants who do not meet current regulations; if the applicant passes the examination the GMU will not be listed on the license until the applicants meet the new GMU examination requirements

Mr. Johnson asked the Board if they had any objections to having a Unit exam outside of the Board's scheduled meeting dates. There were no objections from the Board.

Item 5. Purposely Left Open

Mr. Johnson stated that as there were public visitors who were attending the meeting today who maybe unable to attend during the scheduled Public Testimony times, as they were also attending the Regional Advisory Council meeting. Mr. Johnson requested those individuals to come forward to testify.

Sue Entsminger, Registered Guide-Outfitter

- Suggested the Board come up with a written statement outlining the Board's intent for the next few years.

- Problems with licensees and non-licensees advertising at trade shows and conventions.
- Send Board investigator to trade shows and conventions.
- Should be a method/means to regulate the number of guides operating on State lands
- The Board should be the State entity issuing drawing permits.

Ms. Entsminger relayed to the Board that she felt they were headed in a good direction and results from all the statute and regulation changes would be felt in a year or so as it does take time to implement the changes. Mr. Johnson thanked Ms. Entsminger for her time and participation.

Virgil Umphenour, Registered Guide-Outfitter

- The Board should be the state entity issuing drawing permits.
- Provided copy of letter and maps sent to Mr. Saxby, Attorney for this Board and the Board of Game.
- Problem with the number of non-resident guide-outfitters vs. resident.
- Guide use application should be submitted prior to deadline for 2007.

Mr. Johnson thanked Mr. Umphenour for his time and participation.

The Board had a brief discussion regarding Item 15, Big Game Drawing Permits. The Board briefly discussed the different methods to hold a drawing and what the criteria would be for submission of a licensed guide-outfitter into the pool.

Recess The Board recessed at 10:23 a.m.; reconvened at 10:40 a.m.

❖ ***Proposed Regulations for Consideration***

A. Wayne Kubat, Master Guide-Outfitter

Mr. Kubat reviewed his submitted proposed regulation changes to: 12 AAC 75.230, 12 AAC 75.240(c) and (f), 12 AAC 75.250, and 12 AAC 75.340.

Mr. Johnson asked the Board and attending public to review Mr. Kubat's proposed regulations as the information was new. Mr. Johnson requested that the public make any comments on the proposals Tuesday, March 20, 2007.

Mr. Johnson thanked Mr. Kubat for his time.

B. Robert H. Hume, Jr., Attorney

Ms. Roccodero reviewed the letter for the Board.

Ms. Roccodero stated that the issues in the letter are in conjunction with House Bill (HB) 165; if HB 165 passes, issues in the letter will be addressed. Ms. Roccodero also informed the Board a response should be written to Mr. Hume.

Mr. Johnson stated he would respond to Mr. Hume.

❖ **House Bill 165**

The Board reviewed the copy of House Bill 165 which is being sponsored by Representative Ledoux.

Item 7. State and Federal Agency Testimony Concerning Public Noticed Regulations

A. Alaska Bureau of Wildlife Enforcement (ABWE)

Mr. Johnson requested that Dave Lorrington, Liaison, Department of Public Safety, Alaska Bureau of Wildlife Enforcement (ABWE) come forward and explain the Bureau's proposed regulatory request.

To follow are the regulations that were proposed by ABWE:

12 AAC 75.340. Professional Ethics Standards for Guides.

(d) Field Craft Standards; All classes of guides shall

New Subsection: **(11) Immediately stop hunting for a species of big game that the guide under contract with a client, when that client wounds a species of big game. However a brown bear or sheep wounded by the hunter does not count towards that person's one brown bear or sheep every four regulatory year if applicable. In this subsection, wounded means there is sign of blood or other sign that the big game animal has been hit by a hunting projectile.**

12 AAC 75.260. Registered Guide-Outfitter Contract Requirements

(b) a contract must

New Subsection: **(13) include a statement about the client's responsibility to immediately stop hunting when a client wounds a big game animal that he has contracted to take with a registered guide-outfitter. Wounds or wounded is defined in 12 AAC 75.340(d)(11).**

The following statement or one similar to it must remain in 5AAC under restriction to bag limits: "However, a big game animal wounded by a contracted guided hunter does not count towards that person's big game animal bag limit in subsequent regulatory years (one brown bear or sheep every four regulatory years) if applicable."

Mr. Lorrington stated that from testimony he had heard from licensed Big Game Guides at a Board of Game meeting that the industry felt it would be

beneficial to remove from 5AAC the above regulations and insert them into 12 AAC 75. Additionally, by moving this section from 5 AAC to 12 AAC it will not cover next of kin nonresident or resident behavior.

The Board thanked Mr. Lorrington for his time and participation.

As the Board was running a bit ahead of schedule, Mr. Johnson asked if there were public members interested in speaking before the Board concerning the topics that were discussed this morning.

Tom Shankster, Master Guide-Outfitter

- Would rather see restricted number of guides in a use area than have permit drawings.

Mr. Johnson thanked Mr. Shankster for his time and participation.

Mr. Johnson relayed to the Board and public attendees that the Department of Natural Resources is prohibited from restricting the number of people on its land as the Alaska State Constitution allows equal access to State lands.

Joe Want, Registered Guide-Outfitter

- Stated the guide-outfitter does not get hunting permits the client is responsible.
- Guide-Outfitters are leaning toward "easy access" and rely heavily on air transportation.
- Overcrowding in use areas.
- Guide use area registration should be good for three years.
- Guides should be able to work out spatial problems between themselves, if not Board should be the authority to solve the problem.

Mr. Johnson thanked Mr. Want for his time and participation

Hugh Krank, Master Guide-Outfitter

- Permit drawing will hurt guides financially.
- Board should leave regulations as is for a year or so and not continually edit when requested.

Recess The Board recessed for lunch at Noon; reconvened at 1:04 p.m.

Item 7. Continued

Mr. Lorrington introduced Deputy Director John Glass and Colonel Folger to the Board.

Mr. Glass stated that Governor Palin has brought back the "brown shirts." However, the "brown shirts" will be wearing tan shirts and blue slacks while in the field. These individuals will be known as "Alaska Wildlife Troopers" and will specifically working in the field providing law enforcement.

Mr. Glass also informed the Board that Governor Palin is very supportive of having enforcement officers in the field.

The Board thanked Mr. Glass and Colonel Folger for all their time and hard work.

B. Division of Wildlife Conservation (DWC)

There were no representatives present to comment on the public noticed proposed regulations.

C. Division of Mining, Land and Water

There were no representatives present to comment on the public noticed proposed regulations.

D. US Bureau of Land Management (BLM)

Roger Delaney, Natural Resource Specialist, Recreation Permits, was present from BLM. However, Mr. Delaney was not attending the meeting in an official capacity concerning the proposed public noticed regulations.

Mr. Johnson relayed to Mr. Delaney how important the Board feels it is to have BLM participate in the Board's meetings and how important it is to have information sharing between the departments.

Mr. Delany informed the Board that BLM is working on a booklet which will outline the Special Recreation Permit process. Mr. Delany stated the booklet should be available by the end of May 2007.

Mr. Rohrer asked Mr. Delany if BLM was working on any spatial distribution issues. Mr. Delany stated that at this time the only area currently undergoing review is the Kobuk area. Mr. Rohrer also asked if permits were required for transporters. Mr. Delany informed the Board that as of this date the only area requiring a permit for transporters is the Squirrel area; however permits are required for any commercial use.

Mr. Johnson asked Mr. Delaney to bring forward to his superiors a request from the Board for monies in the amount of \$5,000 to \$10,000 to pay for data entry of hunt records and transporter activity reports and a program that will allow BLM to access the records and reports via the Internet. Mr. Johnson stated that each state and federal agency that requests records and reports from Board staff was asked to provide the same amount of monies in order to support the agencies requests.

Mr. Johnson thanked Mr. Delany for participating.

E. US Fish and Wildlife Service (USFWS)

Jennifer Reed and Nicole Gustine were present from USFWS. However, Ms. Reed and Ms. Gustine were not attending the meeting in an official capacity. They were mainly interested in the proposed public noticed regulations. Ms. Reed and Ms. Gustine stated that if the Board had any questions or needed information they would be happy to provide or get the needed information.

Ms. Reed informed the Board that Richard Foss is the Deputy Refuge Manager and Brian Anderson is in charge of Guide-Outfitter Permitting.

Mr. Rohrer asked if there were any special conditions for permitting. Ms. Reed stated she would need to check and would get the information back to the Board.

Mr. Johnson thanked Ms. Reed and Ms. Gustine for attending. Mr. Johnson also stressed that the Board felt it is very important to have a representative from USFWS attend their meetings.

F. US Forrest Service (USFS)

There were no representatives present to comment on the public noticed proposed regulations.

G. US National Park Service (NPS)

George Helfrich, Superintendent, Noatak National Park, introduced himself to the Board. Mr. Helfrich informed the Board that NPS requires permits for transporters and that a contract must be in place with the client before issuance.

Mr. Wilson asked if an individual/business must have a license and contract with clients for a specific area.

Mr. Helfrich relayed to the Board that Unit 23 has a moose and bear permit drawing and many applicants are unable to receive permits as NPS receives so many applications. Mr. Helfrich also stated that many guides are hurt financially by this as they must have a signed client contract in order to apply.

Mr. Helfrich informed the Board that there is a planned May 11, 2007 meeting which will include NPS, ADF&G State and Federal Issues Program, BLM and the Parks Service. Mr. Helfrich stated, if at all possible a Board member should attend.

Mr. Johnson asked Mr. Brown to attend and report back to the Board with information. Mr. Johnson also requested Mr. Helfrich to keep Ms. Roccodero on a contact list for updates and other information.

Mr. Johnson requested staff to send a letter to Colonel Folger stating that due to budgetary issues the pre-numbered, five part hunt record forms will not be available for use by guide-outfitters and therefore, the Board is requesting that Colonel Folger not enforce 12 AAC 75.210(b) until the booklets are issued to licensees.

Mr. Rohrer requested that staff make sure that the hunt record booklets are a five-part form, with one copy of the form marked as "In-Field" copy. Ms. Roccodero stated that the booklet would contain five-part forms.

Mr. Lorring asked the Board for clarification regarding the signing of hunt records; do the hunt records need to be signed before the hunt or in the field? Ms. Roccodero stated that the hunt record must be signed before the hunt occurs.

Recess The Board recessed at 2:20 p.m.; reconvened at 2:30 p.m.

Mr. Johnson asked the public if there was anyone who would like to come forward and testify.

Ralph Miller, Master Guide-Outfitter

- 12 AAC 75.340(d)(7), the Board needs to provide more information on buffer areas.
- Clean up definition for "in field".

Mr. Johnson thanked Mr. Miller for his time and participation.

Joe Klutsch, Master Guide-Outfitter

- Appreciate this Board and the Board of Game working together.
- Special concessions for permitting may cause more spatial problems.
- Permitting should be done based on performance not lottery or financial issues.
- Will there be special permitting for transporters?

Mr. Johnson stated that a subcommittee was needed to work through the permit process for transporters and that there was no quick answer to this question. Mr. Johnson thanked Mr. Klutsch for his time and participation.

Dave Leonard, Master Guide-Outfitter

- Becoming harder to receive permits during drawings.
- Permit subcommittee is a good idea.
- Board doing great job.

Mr. Johnson thanked Mr. Leonard for his time and participation

Recess The Board recessed at 3:15 p.m.; reconvened at 3:25 p.m.

Wayne Kubat, Master Guide-Outfitter

- 12 AAC 75.900 not reasonable.
- Guide use area registrations should be authorized for a five-year period.
- Transporters should also be required to register guide use areas.

Mr. Johnson thanked Mr. Kubat for his time and participation

Joe Want, Registered Guide-Outfitter

- GPS, radio and other tracking devices should be addressed in 12 AAC 75.340 in relation to fly and spotting practices.

Mr. Johnson thanked Mr. Want for his time and participation

The meeting adjourned at 4:00 p.m. until Tuesday at 9:00 a.m.

Tuesday, March 20, 2007

Item 8. Call to Order/Roll Call

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 9:00 a.m. Members present constituting a quorum were:

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

Excused from the meeting was Raymond Stoney, Private Landholder and BJ Schmitz, public member.

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

Cindy Roccodero, Licensing Examiner
Cynthia Cintra, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Brian Howes, Senior Investigator

Present from State and Federal agencies were:

George Weekley, Alaska Department of Fish & Game State and Federal Issues Program

Jennifer Reed, US Fish and Wildlife Service
Nicole Gustine, US Fish and Wildlife Service
Roger Delaney, US Bureau of Land Management
David Lorring, Liaison, Alaska Wildlife Troopers
George Helfrich, US National Park Service

Present from the Department of Law was:

Andrew Peterson, Assistant Attorney General

Visitors present from the public were:

Hugh L. Krank, Registered Guide-Outfitter
Jim Weidner, Registered Guide-Outfitter
Wes Malcom, Assistant Guide
Loren Karro, Registered Guide-Outfitter
Ken Lamb, Registered Guide-Outfitter
Dan Montgomery, Registered Guide-Outfitter
Pete Buist, Registered Guide-Outfitter
Tom Kirstein, Master Guide-Outfitter
Sandy Jamieson, Registered Guide-Outfitter
Dave Morris, Registered Guide-Outfitter
Art Andreis, Master Guide-Outfitter
Ron Schwab
Joe Want, Master Guide-Outfitter
Joe Klutsch, Master Guide-Outfitter
Richard Moran, Registered Guide-Outfitter
Ralph Miller, Master Guide-Outfitter
Tom Shankster, Master Guide-Outfitter
Dave Leonard, Master Guide-Outfitter
Jim Weidner, Registered Guide-Outfitter
James Rangitisch
Wayne Kubat, Master Guide-Outfitter
Jim Hodges, Registered Guide-Outfitter
Urban Raho, Registered Guide-Outfitter

Item 9. Investigative Unit Report

Brian Howes, Investigator joined the meeting and stated that there are 23 open cases, 30 open complaints, 5 closed cases and 15 closed complaints. Licensees who have had action taken against their license are:

- Chad Reel, Registered Guide-Outfitter - License suspended by court order for a period of one year effective November 1, 2006.
- Ronald Martin, Registered Guide-Outfitter - License suspended by court order for a period of one year effective November 24, 2006.

Mr. Johnson asked Mr. Howes to explain the process of complaints and cases. Mr. Howes informed the Board that the Division would not take an anonymous complaint. Mr. Howes went on to state that before opening a case the Division checks into the validity of the complaint and makes a determination if the Board can take action. If the Board can take action the complaint is closed and a case is opened.

Mr. Rohrer asked Mr. Howes if the Division had received any complaints from clients. Mr. Howes responded that the Division had not received any complaints from clients under the current 2006 contract requirements of 12 AAC 75.260.

Mr. Rohrer also inquired of Mr. Howes how State Trooper/Public Safety officers were receiving and sharing information with the Division. Mr. Howes informed the Board that investigative staff and the State Troopers/Public Safety meet once a month.

The Board had other questions for Mr. Howes who requested the Board wait until the Assistant Attorney General arrived later in the day. The Board agreed.

Mr. Johnson asked if there were members of the public that would like to come forward to address the Board concerning any issues, including comment on the public noticed proposed regulations.

Dan Montgomery, Registered Guide-Outfitter

- Aerial hunts need ethical standards or outlaw.
- How would enforcement agencies regulate aerial hunts?
- How would the Board enforce their proposed regulation 12 AAC 75.925 with out of state licensees?

Mr. Johnson asked Mr. Montgomery how he felt about proposed regulation 12 AAC 75.340(d)(11), submitted by David Lorrington, Liaison, Alaska Wildlife Troopers. Mr. Montgomery stated that he was all in favor of the regulation as it would provide clarification and would be easier to explain to clients as it would be treated as law.

Mr. Johnson then asked if Mr. Montgomery was in favor of the regulation being public noticed. Mr. Montgomery stated he was in favor of the regulation being public noticed by the Board.

Mr. Johnson thanked Mr. Montgomery for his time and participation.

Tom Shankster, Master Guide-Outfitter

- Proposed regulation 12 AAC 75.925 is a good step.
- Board needs to clean up/streamline a permitting system.
- A five-mile boundary would be a good reference for unit and use area boundary lines.

Mr. Johnson thanked Mr. Shankster for his time and participation.

Mr. Johnson announced to the public attendees that the Board is seeking volunteer proctors to assist with the Registered Guide-Outfitter qualification examinations March 22-24, 2007.

Recess The Board recessed at 10:33 a.m.; reconvened at 10:48 a.m.

The Board continued with public testimony.

Pete Buist, Master Guide-Outfitter

- Support proposed regulation 12 AAC 75.260(b)(13).
- Add definitions of “wounded” and “take” to regulations.

Mr. Johnson thanked Mr. Buist for his time and participation.

Hugh Krank, Master Guide-Outfitter

- Board approved “handy dandies” are excellent tools.
- 12 AAC 75.240(d) should be changed to 30-60 days for client contact by contracting Guide-Outfitter.
- Spatial problems in units and use areas should be addressed by using land marks.
- Agree with definition of “wounds or wounded” as written in proposed regulation 12 AAC 75.340(d)(11).

Mr. Johnson thanked Mr. Krank for this time and participation.

Sandy Jamieson, Registered Guide-Outfitter

- New guide use area regulations 12 AAC 75.230.
- Arctic Wildlife changed boundaries; do/will State boundaries match?
- Federal law prohibits spotting game/hunting via aerial methods. State should use a model.

Mr. Johnson thanked Mr. Jamieson for his time and participation.

Joe Klutsch, Master Guide-Outfitter

- Recommend ethics specific to aircraft used as a hunting tool.
- Fair chase should be addressed.
- Enforcement of statues and regulations should also apply to the general public as well as Guide-Outfitters.
- Those licensed before 12 AAC 75.460 adopted authorized for all species?
- Two classes of licenses (12 AAC 75.460)?

Mr. Johnson stated that the Board’s attorney, Mr. Saxby has stated that with the adoption of 12 AAC 75.460, there will be two classes of licenses.

Mr. Johnson thanked Mr. Klutsch for his time and participation.

Richard Moran, Registered Guide-Outfitter

- Species specific licensing concerned that non-residents do not need a Guide-outfitter to hunt moose or caribou.

Mr. Johnson asked Mr. Moran to review the email correspondence between Ms. Roccodero and Mr. Saxby which addresses his stated concerns.

Mr. Moran stated that the information seems to imply that the Guide-Outfitters may be put in a tough situation with a client who wants to hunt moose and the Guide-Outfitter is not authorized for that species.

Mr. Wilson suggested that specific information should be added to the client contract which would state what species would be hunted.

Mr. Johnson thanked Mr. Moran for his time and participation.

Tom Kirstein, Master Guide-Outfitter

- Should have ethics which address the use of aircraft which are used to spot game.
- A high ethical standard is important as Guide-Outfitters are very high profile.
- Feels Board is on the right track.

Mr. Johnson thanked Mr. Kirstein for his time and participation.

Joe Want, Registered Guide-Outfitter

- Species specific licensing good. If not certified for species should not be allowed to harvest.
- Do not agree with grandfathering of previous licensees. All licenses should meet requirements, take and pass exams.

Mr. Johnson asked Mr. Want if he would agree with accepting an affidavit of experience from applicants who worked with licensees who are either deceased or licenses whose files have been archived and destroyed. Mr. Want stated he felt that an affidavit would be acceptable in the above mentioned circumstances.

Mr. Johnson thanked Mr. Want for his time and participation.

Dave Morris

- Why not let client harvest species Guide-Outfitter not licensed for?

Mr. Johnson thanked Mr. Morris for his time and participation.

Recess The Board recessed for lunch at 12:10 p.m.; reconvened at 1:30 p.m.

Item 11. Board Discussion

A. Species Specific Licensing

The Board had a brief discussion regarding species specific licenses, effects to licensees and what actions are needed to allow the addition of species to an already existing license.

Mr. Johnson made the decision after receiving public testimony that the Board will address this topic at its next meeting when Mr. Saxby will be available to answer Board questions.

B. Petition Procedure for Change of Guide Use Area Boundary

Mr. Johnson requested Ms. Roccodero explain the procedure to petition for a guide use area boundary change.

Ms. Roccodero informed the Board that there will be a form titled "Petition to Change Guide Use Area Boundaries" available on the Board's web page or by contacting staff.

Ms. Roccodero stated that the Board may, in its discretion, amend guide use area boundaries after considering whether the existing use areas boundaries do not meet the criteria set out in 12 AAC 75.265(a); the Department of Fish and Game has no objection to the boundary amendments; and the Department of Public Safety has been notified Ms. Roccodero also stated that the Board may upon its own initiative or upon the recommendation of Department of Fish and Game, implement proceedings to amend guide use area boundaries as deemed necessary and on odd numbered years, the Board may open a 60 day period for petitions to be submitted from the public for consideration of certain guide use area boundary changes.

Ms. Roccodero stated that individuals submitting a petition must provide justification for the change and submit with the petition approvals from the affected land managers or landowners and identify the persons affected by the request.

Mr. Johnson made another announcement to public attendees that the Board is seeking volunteer proctors to assist with the Registered Guide-Outfitter qualification examinations March 22-24, 2007.

C. Define Hunt Participation 12 AAC 75.920

The Board did not address this topic during this meeting.

D. Supervision 12 AAC 75.340

The Board did not address this topic during this meeting.

E. Transporters

The Board did not address this topic during this meeting.

F. Commercial Use Permits

The Board did not address this topic during this meeting.

G. Correspondence

- Wayne Kubat, Master Guide-Outfitter

The Board addressed Mr. Kubat's correspondence during public testimony March 19 and earlier in the day.

- Mark Wagner, Master Guide-Outfitter

The Board would like to pursue Mr. Wagner's question/inquiry further. However, due to the lack of attendance from State and Federal land managers the Board could not ask questions of them that would assist it in answering Mr. Wagner's question.

Mr. Johnson asked if staff was able to speak with Mr. Saxby to find out if the Board can implement an emergency regulation. Ms. Roccodero stated that Mr. Saxby is on vacation and unavailable. Ms. Roccodero informed the Board that she had spoken with Mr. Saxby prior to leaving for vacation and asked what the criteria to implement an emergency regulation would be. Ms. Roccodero stated that Mr. Saxby stated the Board can implement an emergency regulation if it was for public safety or to protect State resources.

- Rich Moran, Registered Guide-Outfitter
Mr. Moran's correspondence was addressed during public comment earlier in the day.

Item 9. Investigative Unit Report Continued

Mr. Howes introduced Assistant Attorney General, Andrew Peterson and presented the Board with a petition for summary suspension for consideration.

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

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to discuss a Petition for Summary Suspension, Board No. 1700-05-010.

The Board adjourned into executive session at 2:17 p.m., and returned from executive session at 3:15 p.m.

Recess The Board recessed at 3:15 p.m.; reconvened at 3:30 p.m.

Mr. Johnson requested licensed registered guide-outfitters to volunteer their time on Friday to assist with the administration of the practical portion of the registered guide-outfitter qualification examination.

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

RESOLVED to deny licensure as a registered guide-outfitter for Craig Hill based on AS 08.54.710 (a)(3), negligently misrepresented or omitted a material fact on an application for any class of guide license.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker	X	
Leif Wilson	X	
Colin Brown	X	

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

RESOVLED to accept the Petition of Summary Suspension, Board No. 1700-05-010, Registered Guide-Outfitter license No. 1010 Byron Lamb.

Roll Call Vote

NAME	YES	NO
Bob Mumford	X	
Paul Johnson	X	
Ted Spraker	X	
Dick Rohrer	X	
Colin Brown	X	
Leif Wilson	X	

Mr. Johnson asked the Advertising Subcommittee to come forward and present to the Board information concerning 12 AAC 75.925. Mr. Shankster and Mr. Miller came forward and stated that the committee was comfortable with all sections under .925 other than subsection (b). The committee felt that it was more of an encumbrance for a legal guide to have to make sure that he/she has a copy of their valid license. The committee also had a concern that the legal guide would be dinged for their license being lost in shipment to the trade show or convention.

Mr. Brown and Mr. Spraker stated that they feel subsection (b) of .925 is important.

Item 12. Guide Use Areas

• Assignment to Areas Without Use Area Designation

The Board reviewed Guide Use Area (GUA) maps for Game Management Unit (GMU) 8, 9, 10, and 17.

The Board reviewed and assigned use area designations to portions of GMU 8, 9, and 10 that do not have a use area designation number.

All islands in GMU 10 were assigned GUA number 10-02. The Sanak Islands were assigned to GUA 09-32. Unit 8, use area 7 was enlarged to encompass the Geese Islands; use area 29 was enlarged to encompass the Barren Islands; use area 30 enlarged to encompass Ugak Island and use area 31 was added and will encompass the; Tugidak, Sitkinak, Chirikof and Semidis Islands.

Mr. Rohrer informed the Board and staff that the Division of Wildlife Conservation had changed the boundary for 08-27, 08-28, and 08-30 and requested that the Boards guide use area map for GMU 8 reflect the same boundaries. Mr. Johnson agreed to the changes (photocopy of boundary changes attached to these minutes).

The areas that did not appear to have use area designations for GMU 17, and 9 reflected that one of the areas was Lake Iliamna, which was not identified as such on the map.

Mr. Johnson requested staff to place on the Board's web page the changes to the respective game management units. Ms. Roccodero informed Mr. Johnson that the boundary changes made to the game management unit 8 map will require digitization.

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

RESOLVED to adopt Guide Use Area 10-02 and adopt changes made to Guide Use Area 9-32.

On a motion duly made by Dick Rohrer, seconded by Colin Brown, and approved unanimously, it was

RESOLVED to adopt changes to Unit 8 as noted above and stated on record.

The meeting adjourned at 4:35 p.m. until Thursday at 9:00 a.m.

Thursday, March 21, 2007

Item 13. Call to Order/Roll Call

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 9:00 a.m. Members present constituting a quorum were:

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

Excused from the meeting was Raymond Stoney, Private Landholder and BJ Schmitz, public member.

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

Cindy Roccodero, Licensing Examiner
Cynthia Cintra, Licensing Examiner
Cori Hondolero, Records and Licensing Supervisor
Brian Howes, Senior Investigator

Present from State and Federal agencies were:

Roger Delaney, US Bureau of Land Management
Nicole Gustine, US Fish and Wildlife Service
George Weekly, Department of Fish and Game, State and Federal Issues Program

Present from the public were:

Hugh Les Krank, Registered Guide-Outfitter
Wes Malcom, Assistant Guide

Loren Karro, Registered Guide-Outfitter
Ken Lamb, Registered Guide-Outfitter
Dan Montgomery, Registered Guide-Outfitter
James Rangitisch
Gary Gray, Registered Guide-Outfitter
Wayne Gray, Registered Guide-Outfitter
Art Andries, Master Guide-Outfitter
Joe Want, Master Guide-Outfitter
Joe Klutsch, Master Guide-Outfitter
Ralph Miller, Master Guide-Outfitter
Tom Shankster, Master Guide-Outfitter
Wayne Kubat, Master Guide-Outfitter
Dave Leonard, Master Guide-Outfitter
Jim Weidner, Registered Guide-Outfitter
Tom Kirstein, Master Guide-Outfitter
Jim Hodges, Registered Guide-Outfitter
Dave Morris, Registered Guide-Outfitter

Mr. Johnson informed the Board and public that public Board member BJ Schmitz was not attending the meeting because her husband had been injured in an accident. Mr. Johnson requested staff to obtain a card for Board and staff members to sign.

Mr. Johnson informed Board members and attending public that the discussion of species specific licensing would not be discussed until Mr. Saxby was available.

The Board decided that more public testimony would be accepted at its December meeting in regards to the current proposed regulations.

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

RESOVLED to adopt 12 AAC 75.100(a) and 100 as public noticed.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Leif Wilson	X	
Paul Johnson	X	
Bob Mumford	X	
BJ Schmitz	X	
Dick Rohrer	X	
Colin Brown	X	

Ms. Roccodero informed the Board that it cannot adopt any of the public noticed regulations, until public comment period ends,

which is at 5 p.m. April 10, 2007. Ms. Roccodero stated after April 10, 2007 staff will provide the Board with written comment concerning the public noticed regulations, the Board will need to meet telephonically to discuss the written comments and adopt, reject, amend or table the public noticed regulations.

Mr. Johnson stated that getting a quorum of the Board together between now and December would be virtually impossible and requested staff to place on the December agenda the adoption of the public noticed regulations, which is scheduled to end on April 10, 2007.

Mr. Rohrer requested Board discussion concerning the public noticed regulations for the benefit of the Board and the public members attending this meeting.

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

RESOVLED to rescind the motion to adopt 12 AAC 75.100(a) and 100 as public noticed.

Mr. Rohrer asked Ms. Roccodero if he was correct in relation to AS 08.54.750(d), that a guide-outfitter could register for a portion of a fourth use area located on federal land. Ms. Roccodero stated that he is correct and that the guide-outfitter must first be registered in a minimum of three use areas before the portion of an additional area could be authorized.

Mr. Rohrer stated he will support 12 AAC 75.230, as it will cause difficulties for a guide-outfitter to pull the wool over the Division's eyes. This section makes clear to the guide-outfitter and federal land manager what the requirements are to obtain a portion of a guide use area on Federal land.

Mr. Spraker requested that Ms. Roccodero make copies of the predator areas for the Board, the public and to return the original to him.

Mr. Johnson stated that he wanted the Board and the public to know that he did not feel good about 12 AAC 75.925. Mr. Spraker also stated that he would support dropping 12 AAC 75.925 as well.

Item 14 Transporter Issues

There were no Board members or members of the public that had comments or concerns regarding transporters.

Item 15 Big Game Drawing Permits

Mr. Johnson stated that he would like the sheep and permit subcommittee to meet and present its findings to the Board at its December meeting. Mr. Spraker, Mr. Wilson and Mr. Rohrer are to participate in the subcommittee.

Mr. Johnson requested subcommittee members make a recommendation to the Board of Game; review how large a portion of permit drawings the Board would control; work with Fish & Game and the Department of Natural Resources to streamline a permit procedure.

Item 16 Guide Testing & Schools

Mr. Johnson requested Mr. Want to come forward and discuss his concepts concerning guide school curriculum as well as guide examinations. It was noted that Mr. Want would be presenting a slide show to the Board at 1 p.m. regarding his concepts.

Mr. Want stated that he supports formal education for guides. However, Mr. Want stated that he feels there are some things that cannot be replaced by a formal education and must be experienced while in the field. Mr. Want also informed the Board that educational material must be carefully reviewed before a school is given certification/approval.

Mr. Rohrer stated that he felt if progress in this area was to be accomplished, action must be taken now.

Mr. Want informed the Board that he felt assistant/class-A guides should have a longer "apprenticeship" which would allow them more opportunities to further their knowledge before a registered guide license was issued.

Recess The Board recessed at 10:02 a.m.; reconvened at 10:20 a.m.

Mr. Johnson asked the public if there was anyone who would like to come forward and testify before the Board with their concerns.

Wayne Kubat, Master Guide-Outfitter

- Reiterated his public testimony from March 19 and 20, 2007.

Mr. Johnson thanked Mr. Kubat for his time and participation.

Tom Shankster, Master Guide-Outfitter

- Guide school excellent idea; would like to be on committee.
- Thanked Board for work, input, wisdom and for listening to the public.

Mr. Johnson asked Mr. Shankster how he would feel about continuing education (CE) being required every five years; CE would be required for

authorized species. Mr. Shankster stated that he would be in favor of a CE requirement.

Mr. Mumford inquired if Mr. Shankster felt the requirements for the Guide-Outfitting industry had been raised to high. Mr. Shankster stated that he felt the Board was doing well with checks and balances for requirements.

Mr. Johnson thanked Mr. Shankster for his time and participation.

Hugh L. Krank, Master Guide-Outfitter

- Assistant guides should have a longer “apprenticeship” requirement which would allow for more training and experience.
- Continuing education should be required for Assistant guides.
- Requirements for Registered guide licensure should be higher.

Mr. Rohrer asked Mr. Krank if he was having problems finding qualified guide employees and if he was having a high turnover rate. Mr. Krank stated that he was having no problems finding qualified staff and several of his employees have been with him since they were Assistant guides.

Mr. Johnson thanked Mr. Krank for his time and participation.

Ralph Miller, Master Guide-Outfitter

- Thanked Board for taking public comment very seriously
- Supervisor “Handy Dandy” as mentioned by Ms. Roccodero would be great.
- Update of Boards “in field” definition needed.

Mr. Johnson stated that the “in field” definition would be addressed in a subcommittee at the December 2007 meeting.

Mr. Johnson thanked Mr. Miller for his time and participation.

Dan Montgomery, Registered Guide-Outfitter

- Guide School fine idea, however need practical experience as well.
- When hiring employees I look for physical conditions & personality.

Mr. Johnson asked if Mr. Montgomery thought it would be a good idea for all licensed guides who have problems/violations to be required to attend an educational course. Mr. Montgomery agreed that an educational course would be a good idea.

Mr. Rohrer asked Mr. Montgomery if he had any problems with his Assistant guides. Mr. Montgomery stated that he only hired an Assistant guide every other year and was very hands on during the term of employment.

Mr. Johnson thanked Mr. Montgomery for his time and participation.

Joe Klutsch, Master Guide-Outfitter

- Thanked Board for all its hard work.
- Fortunate to have Board of Game member on this Board as well.
- Concerns with permitting issues; will be subcommittee member.

Mr. Johnson suggested that Mr. Klutsch review Item 14 for good examples of species harvesting information.

Mr. Johnson thanked Mr. Klutsch for his time and participation.

Joe Want, Registered Guide-Outfitter

- Proposed regulation from Wayne Kubat regarding wounding policies should be public noticed.

Mr. Johnson thanked Mr. Want for his time and participation.

Mr. Johnson stated that the Board had a couple of clean-up items to resolve. Mr. Johnson asked if there were Board members who objected to public noticing the following items:

- Mr. Lorrington's proposal for wounded game under 12 AAC 75.260 and .340.

Hearing no objections staff was directed to public notice Mr. Lorrington's proposals.

- Mr. Kubat's proposal under 12 AAC 75.230 portion of a federal area.

Hearing no objections staff was directed to public notice Mr. Kubat's proposals.

Ms. Roccodero asked the Board if it would like to public notice Kenneth Lamb's proposals concerning 12 AAC 75.100(9)(d)(1) and .460. Mr. Johnson stated that he would speak to Mr. Lamb concerning his proposals.

Mr. Spraker stated that he was not comfortable with the Board picking and choosing from regulation proposals that are submitted to the Board for consideration. Mr. Spraker recommended that all regulation proposals be reviewed and considered for comment by the public.

Mr. Johnson informed the Board and the attending public that there is no procedure in place for submitting proposed regulations to the Board. It was also noted that the Division has only one regulation specialist for 35 different occupations.

Mr. Johnson stated that inundating the regulation specialist with several proposals along with projects from other Boards may result in lengthy delays in the public noticing process. Mr. Johnson also relayed that if the Board submitted everyone's proposals for public noticing, license holders would see their license fees increase tremendously since this is a self-supporting program.

Mr. Johnson also stated that the Board does need to establish a more streamlined process for accepting and reviewing proposed regulations submitted by the public and requested staff to add the regulation process as a topic for the December 2007 agenda.

Mr. Spraker stated that if fees and time are an issue, perhaps the Board may want to consider placing a moratorium on the regulation of approximately two years before the Board would consider amending the regulation. This would give the Board time to see if the regulation is working as intended.

Recess The Board recessed for lunch at 11:55 a.m.; reconvened at 1:00 p.m.

The Board had a brief discussion with Mr. Howes regarding the denial made by the Board of Craig Hill's registered guide-outfitter application. Mr. Howes informed the Board that the original motion was made incorrectly as it cited the incorrect statute.

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

RESOLVED to rescind the previously made motion to deny licensure as a registered guide-outfitter for Craig Hill based on AS 08.54.710(a)(3).

Roll Call Vote

NAME	YES	NO
Colin Brown	X	
Bob Mumford	X	
Dick Rohrer	X	
Paul Johnson	X	
Ted Spraker	X	
Leif Wilson	X	

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

RESOLVED to deny licensure as a registered guide-outfitter for Craig Hill in accordance with AS 08.54.600(a)(2), authorize the issuance of registered guide-outfitter, master guide-outfitter, class-A assistant guide, assistant guide, and transporter licenses after the applicant for the license satisfies the requirements for the license.

Roll Call Vote

NAME	YES	NO
Colin Brown	X	
Bob Mumford	X	

Dick Rohrer	X
Paul Johnson	X
Leif Wilson	X
Ted Spraker	X

Item 16 Guide Testing/Schools Continued

At 1:15 p.m. the Board went off record to watch and listen to Joe Want's guide test/school curriculum presentation. Five minutes into the presentation the Princess Lodge Hotel lost power, subsequently the presentation stopped. The Board and public members separated into the drawing permit subcommittee and sheep subcommittee. Power was restored at approximately 2:00 p.m. and the presentation resumed.

The Board was back on record at 2:27 p.m.

The Board thanked Mr. Want for the presentation.

The Board discussed setting the next meeting and examination dates. After a brief discussion the Board decided to set the next meeting and exam dates for December 10 – 14, 2007 in Anchorage.

Mr. Johnson informed staff and Board members that he felt two days for the examination was plenty and would like the December examinations to reflect that. Mr. Johnson asked if there were any objections to a two day exam. Hearing none, staff was directed to make the exams two days long and not three.

Mr. Johnson also asked the Board if there were any objections to writing a letter to Rick Urion, Division Director thanking him for his time and support of the Board. Hearing no objections, Mr. Johnson stated he would draft a letter.

The Permit Subcommittee provided their report to the Board. The subcommittee stated the following information should be required for residents applying for permits; Name (first and last), license number, license type and second degree of kindred information. Non-residents would only be allowed a limited number of permits which would be distributed to the guide-outfitter; each guide-outfitter would be allowed ten applications which may be reviewed on a case by case basis.

Mr. Johnson asked Mr. Spraker if this would be an ongoing subcommittee. Mr. Spraker stated that it would be an ongoing subcommittee and that he would also be speaking with Fish and Game regarding their permit processes.

Mr. Johnson requested that Mr. Klutch briefly review the proposed resolution from the Alaska Professional Hunters Association (APA) addressed to Governor Sarah Palin. Mr. Klutch reviewed the background of the proposed resolution.

Mr. Klutch informed the Board that the APA has been working on game management unit overcrowding issues since the mid 1990's. Mr. Klutch also stated that the APA, US Fish and Wildlife Service and the National Park Service have all been integrally involved with the design and implementation of the existing very similar program being utilized by the US Department of Interior and have substantial knowledge to assist with development of a similar program for State of Alaska Lands.

The Board reviewed the provided resolution with Mr. Klutch and made minor typographical corrections. Mr. Johnson asked the Board for its thoughts on the proposed resolution.

Mr. Spraker stated that he felt this was a step in the right direction and that, by having DNR begin working on these concessions would be a definite benefit for all parties. Mr. Spraker went on to state that the Board had been hearing public testimony for most of the meeting which would support this resolution.

Mr. Rohrer also agreed stating the operators on State land have been asking for assistance with overcrowding and that this industry should support the resolution.

Mr. Mumford agreed with Mr. Rohrer and Mr. Spraker.

Mr. Brown also agreed with Mr. Spraker and Mr. Rohrer reiterating that this was a step in the right direction and that it addresses the most common problem on State lands, overcrowding.

Mr. Wilson concurred adding that action needs to be taken to solve this land use problems.

Mr. Johnson thanked Mr. Klutch and the Board. Mr. Johnson went on to inform the Board that the next step would be for the resolution to be presented to Mr. Urion, Director for approval, then on to the appropriate party for consideration. The Board agreed with Mr. Johnson to present the resolution to Mr. Urion who would then pass it on to the appropriate parties.

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

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

The Board adjourned at 3:39 p.m.

Respectfully submitted:

 /s/

Cynthia Cintra, Licensing Examiner

Approved:

 /s/

Paul Johnson, Chairperson
Big Game Commercial Services Board

Date: 10/17/2007