

**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
MAY 18, 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 teleconference meeting of the Big Game Commercial Services Board was held May 18, 2007. This was a "meet me" teleconference originating in Juneau, Alaska.

Friday, May 18, 2007

Item 1. Call to Order/Roll Call

The meeting was called to order by Paul Johnson, Chairperson, at 8:30 a.m.
Those present, constituting a quorum of the Board were:

Paul Johnson, Chairperson, Registered Guide Outfitter
Colin Brown, Transporter
Richard Rohrer, Master Guide-Outfitter
BJ Schmitz, Public Member
Leif Wilson, Vice-Chairperson Transporter
Ted Spraker, Board of Game
Robert Mumford, Public Member (joined the Board at 9:21 a.m.)

Excused from the meeting was Raymond Stoney, Private Landholder.

Present from the Department of Commerce, Community and Economic Development,
Division of Corporations, Business and Professional Licensing:

Cynthia Cintra, Licensing Examiner
Brian Howes, Investigator
Quinten Warren, Investigator
Cindy Roccodero, Licensing Examiner (joined the Board at 9:50 a.m.)
Cori Hondolero, Records and Licensing Supervisor
Robert Auth, Assistant Attorney General
Kevin Saxby, Attorney

Present from the public was:

Chris Hansen, US Forest Service

Item 2. Review/Amend Agenda

The following changes were made to the agenda:

Item 4A, Joe Polanco GMU Experience requirement waiver was removed.

Item 8. Correspondence was removed.

Item 3, Tab 2, Motion for Default for Byron Lamb was added to the agenda.

Mr. Johnson polled the Board for any further changes to the agenda. Hearing none, the above changes were made to the agenda.

Item 3. License Action

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

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to discuss license action for Registered Guide-Outfitter Byron Lamb.

The Board adjourned into executive session at 8:43 a.m. and was back on record at 9:24 a.m.

On a motion duly made by Bob Mumford, seconded by Colin Brown, and approved unanimously, it was

RESOLVED to reject the Administrative Law Judges Decision for Final Action, choose option four in accordance with AS 44.64.060(e)(5), and accept Robert Auth's Proposal for Action dated April 19, 2007.

Roll Call Vote

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

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

RESOLVED to support the Motion for Default for Byron Lamb as signed by Richard C. Younkings, Chief Investigator for the Division dated April 24, 2007.

Roll Call Vote

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

As Mr. Saxby was getting ready to sign off, Ms. Cintra asked the Board and Mr. Saxby for the purposes of obtaining information for applicants applying for unit certification examinations under the new regulation (12 AAC 75.112). Can staff request that affidavits be completed by a wildlife biologist, law enforcement officers (state and federal), or by three individuals who can attest/certify that the applicant has experience in the unit for which they are applying for certification. This information would be used to confirm 60-days experience instead of accepting photographs and receipts. Ms. Cintra informed the Board that the affidavits/certifications would be similar to the affidavits in the class-A assistant guide application packet.

The Board directed staff to use an affidavit/certification for the purposes of obtaining 60-days of in field experience.

Item 4. Board GMU Exam Waiver Response Kevin Saxby, AAG

The Board reviewed the information provided by Mr. Saxby. The Board had a very brief discussion and were very happy that the regulations had been signed and would take effect in time for the June 29, 2007 unit certification examination.

Item 5. Game Management Unit 8 Boundary Changes

The Board had a brief discussion regarding the length of time it would take to complete the public notice portion and get the boundaries changed. Mr. Johnson suggested that the Board conduct the final adoption via teleconference. Ms. Cintra informed the Board that the public notice must be posted for a minimum of 30-days to allow for public comment to be received. Once the comment period had closed, the comments and any other submitted documentation could be sent to the Board via mail or e-mail for the Board to vote on and adopt. The Board informed Ms. Cintra that a mail vote would be fine for this item.

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

RESOLVED to public notice the boundary changes to 08-27, 08-28, and 08-30 as reflected in the March 2007 meeting minutes.

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	

Mr. Rohrer asked Mr. Saxby if there was a quicker way to make boundary changes. Mr. Saxby informed the Board that boundary changes must be public noticed. Mr. Rohrer requested Ms. Cintra to add time to discuss boundary changes on the December 2007 agenda.

Item 6. December 2006 Board Adopted Regulations

The Board reviewed the revised version of 12 AAC 75.110(c), 12 AAC 75.110(d), 12 AAC 75.110(f), 12 AAC 75.112(a)(2)(D), 12 AAC 75.117, 12 AAC 75.145, 12 AAC 75.205, 12 AAC 75.210(a), 12 AAC 75.210(b), 12 AAC 75.265, 12 AAC 75.340(a)(2)(D), 12 AAC 75.395, 12 AAC 75.400(a), and 12 AAC 75.920.

Mr. Rohrer stated that he felt 12 AAC 75.205(a)(2) was quite strict and that disciplinary actions should be the same for transporters. Mr. Brown and Mr. Wilson agreed with Mr. Rohrer. Mr. Johnson stated that he felt the regulation should be adopted and that the Board could make amendments, if after a period of time there were any problems.

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

RESOLVED to amend 12 AAC 75.205(2) by adding a period, removing “if the”, and removing (A) and (B). The amended regulation will read, “(a)(2) may discipline the registered guide-outfitter under AS 08.54.710(a)(2).”

Staff informed the Board that the word “may” allows the Board discretion on disciplinary actions whereas if the wording read “shall” the Board would be in a position where they would have to take disciplinary action. The word “may” gives the Board more leniency.

After a brief discussion Mr. Rohrer withdrew his amendment.

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

RESOLVED to public notice all regulations under Item 6; 12 AAC 75.110(c), 12 AAC 75.110(d), 12 AAC 75.110(f), 12 AAC 75.112(a)(2)(D), 12 AAC 75.117, 12 AAC 75.145, 12 AAC 75.205, 12 AAC 75.210(a), 12 AAC 75.210(b), 12 AAC 75.265, 12 AAC 75.340(a)(2)(D), 12 AAC 75.395, 12 AAC 75.400(a), and 12 AAC 75.920 (see regulations attached to end of minutes).

Roll Call Vote

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

Item 7. March 2006 Public Noticed Regulations

The Board reviewed the proposed regulations. The Board wanted to take more time to discuss the regulations. Ms. Roccodero informed the Board that they could take more time in discussion of the regulations, however 12 AAC 75.460 and 12 AAC 75.900 should be adopted as soon as possible as many licensees are trying to add species to their licenses and this is a renewal year.

Mr. Johnson stated that he was fine with adopting all the regulations in the packet. Mr. Wilson informed the Board that at its March 2007 meeting 12 AAC 75.925 should have been removed. The Board agreed with Mr. Wilson.

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

RESOLVED to amend 12 AAC 75.230(e) line two by removing “at least”. The amended line two will read, “...register for and conduct big game services in a portion of one additional guide use...”

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

RESOLVED to amend 12 AAC 75.460(b)(2) by removing “a” and making hunt plural. The amended (b)(2) will read, “an affidavit signed by the applicant certifying that the applicant has been involved in a minimum of three harvests on guided hunts for each listed species.”

Roll Call Vote

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

Ms. Roccodero informed the Board that as Item 6, December 2006 Board Adopted Regulations were going to be public noticed again, 12 AAC 75.900(f) should also be tabled due to changes in the 12 AAC 75.145.

Mr. Johnson asked if the Board wrote the public notice broad enough language would it allow for the changes without having to table 12 AAC 75.900. Mr. Saxby stated that the Board could do that and that he would help staff with the language for the notice.

The Board reviewed written public comment regarding 12 AAC 75.925, submitted by M. Cline asking if he would need to put his license number on all advertising materials.

After taking into consideration the one public comment submitted to the Department, testimony received from the public at the Board's March 2007 meeting, and any additional costs to the Department and the amendments made on record.

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

RESOLVED to adopt 12 AAC 75.100, 12 AAC 75.105, 12 AAC 75.112, 12 AAC 75.115, 12 AAC 75.220, 12 AAC 75.230, 12 AAC 75.250, 12 AAC 12 AAC 75.420, 12 AAC 75.460, 12 AAC 75.900 and remove entirely 12 AAC 75.925.

Roll Call Vote

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

Item 8. Correspondence

Removed from the agenda.

Item 9. Review of Guide-Outfitter Application with Fish and Wildlife Violation Report

Mr. Rohrer asked Ms. Roccodero why the application was brought to the Board. Ms. Roccodero informed the Board that at its December 2006 meeting the Board gave direction to staff to present it with applications received which reflects any criminal record and/or Fish and Wildlife violations which occurred within the last five years.

The Board had a brief discussion and decided that applications with a wildlife violation should be presented to Mr. Johnson for review; if Mr. Johnson felt more action or a Board review was needed then the application would be presented the Board at a regularly scheduled meeting.

