

**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
BIG GAME COMMERCIAL SERVICES BOARD**

**MINUTES OF MEETING  
December 10-12, 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 December 10-12, 2007 in Anchorage, Alaska, Egan Convention Center.

**Monday, December 10, 2007**

**Call to Order/Roll Call**

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 9:07 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  
Raymond Stoney, Private Landholder  
BJ Schmitz, Public Member.

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

Cynthia Cintra, Licensing Examiner  
Cori Hondolero, Records and Licensing Supervisor  
Quinten Warren, Investigator

Present from the Department of Law was:

Kevin Saxby, Assistant Attorney General

Present from State and Federal agencies were:

Chris Hansen, Special Agent, US Fish and Wildlife Service  
Kenton Moos, US Fish and Wildlife Service  
Suzan Bowen, Program Coordinator, Department of Fish and Game  
Ken Taylor, Department of Fish and Game  
Howard Martin, Regional Council, Federal Aviation Administration  
Captain Burke Waldron, Department of Public Safety, Wildlife Troopers  
Dave Lorring, Criminal Justice Planner Dept. of Pubic Safety, Wildlife Troopers  
Dave Howell, Bureau of Land Management  
Clark Cox, Natural Resource Manager, Dept. of Natural Resources  
Dick Lefebvre, Deputy Commissioner, Dept. of Natural Resources  
Jon Martin, US Forest Service  
Greg Killinger, US Forest Service  
Bill Tremblay, US Forest Service  
Brian Anderson, US Forest Service  
Carol Goularte, US Department of Agriculture Forest Service

Present from the public were:

Terry Overly, Master Guide-Outfitter  
Mike Colpo, Registered Guide-Outfitter  
Blaine Morgan, Public  
Michael Litzen, Master Guide-Outfitter  
David Lazer, Registered Guide-Outfitter  
Bill Stevenson, Registered Guide-Outfitter  
Jim Ehrhart, Registered Guide-Outfitter  
Richard Guthrie, Master Guide-Outfitter  
Kelly Vrem, Master Guide-Outfitter  
Tracy Vrem, Master Guide-Outfitter  
Wayne Kubat, Master Guide-Outfitter  
Jimmie Rosenbruch, Master Guide-Outfitter  
Mary Ann Rosenbruch, Master Guide-Outfitter  
Arno Krumm, Registered Guide-Outfitter  
Neil Webster, Registered Guide-Outfitter  
Mike Cowan, Registered Guide-Outfitter  
Dan Suprak, Registered Guide-Outfitter  
Jim Kedrowski, Registered Guide-Outfitter  
Dennis Byrne, Registered Guide-Outfitter  
Brad Dennison, Master Guide-Outfitter  
Dale Adams, Master Guide-Outfitter  
Matt Snyder, Registered Guide-Outfitter  
Todd Walton, Registered Guide-Outfitter  
Aaron Bloomquist, Assistant guide  
Sam Fejes, Master Guide-Outfitter  
Ernie Finch, Registered Guide-Outfitter

Joe Hendricks, Master Guide-Outfitter  
Gary LaRose, Registered Guide-Outfitter  
Loren Karro, Registered Guide-Outfitter  
Eileen Clark, Public  
Wayne Clark, Public  
John Forsi, Registered Guide-Outfitter

**Item 2. 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 13D6, Correspondence from Ed Stratton.
- New Item 13D7, Correspondence from Dave Campbell.

Paul Johnson, Chair added the following item to the agenda.

- New Item 15B, Letter to DNR.

Mr. Johnson asked if there were any other amendments to the agenda. Hearing no other amendments or objections to the above changes, the agenda was approved.

**Item 3. Ethics Disclosure**

Kevin Saxby at the request of Mr. Johnson reviewed Ethics Disclosures and the statutes/regulations pertaining to ethical standards.

The Board had no ethics violations to report.

The Board was ahead of schedule so moved on to item 5.

**Item 4. Investigative Unit Report**

Quinten Warren, Investigator joined the meeting and stated that there are 79 open cases, 14 open complaints, 10 closed cases and 31 closed complaints. Mr. Warren also provided a copy of the March 2007 Investigative Report for the Board's review.

Mr. Johnson asked Mr. Warren to explain the process of complaints and cases. Mr. Warren stated 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.

However, depending on the type of complaint sometimes a telephone call to the guide may be enough to satisfy requirements and make the complainant happy; if not then further action may be taken.

Ted Spraker asked why there has been an increase in complaints since the March 2007 report. Mr. Warren explained to the Board that the previous investigator was unable to devote full time attention to the Big Game Commercial Services Board (BGCSB) and now that he is devoting all his time to the BGCSB there has been more time to review the backlog of complaints.

Raymond Stoney asked if there had been any complaints received against commercial operations. Mr. Warren stated that there are several open investigations dealing with commercial operations.

Mr. Johnson asked Mr. Warren if there was a way for Board members to review closed cases. Mr. Warren informed the Board that the information was not available unless a request for information was submitted and reviewed. Mr. Johnson then asked if a summary of complaint issues could be obtained. Mr. Saxby informed the Board that it would need to specifically request that information from staff; however no individual/business names would be available only case numbers. Mr. Johnson requested a summary of complaint issues from Mr. Warren. Mr. Warren stated that he would compile a summary for review.

Mr. Johnson polled the Board to find out whether the information should be reviewed by a Board or a combined Board and public subcommittee. After a brief discussion, the Board decided that Colin Brown and BJ Schmitz would be the reviewing subcommittee should be compiled of only Board members.

Mr. Warren requested Board members with whom he could review cases with. After a brief discussion Mr. Johnson stated that Colin Brown and BJ Schmitz would be a subcommittee to review transporter cases; Dick Rohrer and Bob Mumford would be the subcommittee to review guide cases. Mr. Warren thanked the Board for its time and assistance

*Due to the time, the Board moved to Item 6, Board Business.*

**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 the investigative report.**

The Board adjourned into executive session at 11:28 a.m., and returned from executive session at 12:34 p.m.

Recess        *The Board recessed for lunch at 12:35 p.m.; reconvened at 1:19 p.m.*

**Item 4. Investigative Report, cont.**

Mr. Johnson asked Mr. Saxby to review the process of adopting Memorandums of Agreement (MOA). Mr. Saxby reviewed the process and informed the Board that it did have the authority to request changes to an MOA before adoption.

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

**RESOLVED to adopt MOA for case #1700-07-001.**

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
Paul Johnson	X	
Bob Mumford		X
Dick Rohrer	X	
Ted Spraker	X	
Leif Wilson		X
Colin Brown		X
BJ Schmitz		X
Raymond Stoney	X	

**THE MOTION FAILED BY A MAJORITY VOTE.**

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

**RESOLVED to approve the MOA for case #1700-07-010, Clint Mayeur, Registered Guide-Outfitter.**

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
Paul Johnson		X
Bob Mumford	X	
Dick Rohrer	X	
Ted Spraker		X
Leif Wilson		X
Colin Brown	X	
BJ Schmitz	X	
Raymond Stoney	X	

**THE MOTION PASSED BY A MAJORITY VOTE.**

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

**RESOLVED to adopt the MOA for case #1700-07-011.**

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
Bob Mumford		X
Dick Rohrer	X	
Ted Spraker		X
Paul Johnson		X
Leif Wilson		X
BJ Schmitz		X
Colin Brown		X
Raymond Stoney		X

**THE MOTION FAILED BY A MAJORITY VOTE.**

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

**RESOLVED to adopt the MOA for case #1704-07-002.**

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
Raymond Stoney		X
BJ Schmitz		X
Paul Johnson		X
Bob Mumford		X
Dick Rohrer		X
Ted Spraker	X	
Leif Wilson		X
Colin Brown	X	

**THE MOTION FAILED BY A MAJORITY VOTE.**

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

**RESOLVED to adopt the MOA for case #1700-07-005.**

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
Ted Spraker		X
Raymond Stoney		X
Leif Wilson		X
Colin Brown		X
Paul Johnson		X
Bob Mumford		X
Dick Rohrer		X
BJ Schmitz	X	

**THE MOTION FAILED BY A MAJORITY VOTE.**

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

**RESOLVED to adopt the MOA for case #1704-07-005.**

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
Ted Spraker		X
Raymond Stoney	X	
Leif Wilson		X
Colin Brown		X
Paul Johnson		X
Bob Mumford		X
Dick Rohrer		X
BJ Schmitz		X

**THE MOTION FAILED BY A MAJORITY VOTE.**

**Item 5. Application Review**

1. Craig Hill, Registered Guide-Outfitter Applicant
2. Timothy Carlson, Assistant guide Applicant
3. John Derek Wiese, Assistant guide Applicant
4. Edward Shavings, Jr., Class-A Assistant guide, Yes answer
5. William E. Yost, Class-A Assistant guide, Yes answer
6. Mark Wayne Bills, II, Class-A Assistant guide, Yes answer
7. Dean A. Waldo, Class-A Assistant guide, Yes answer
8. Richard F. Barnes, Assistant guide #6966 – Yes answer
9. Ronald Abalama, Assistant guide #6988 – Yes answer
10. Jeremy E. Alvord, Assistant guide #6987 – Yes answer
11. Harold B. Frye, Assistant guide #6979 – Yes answer

12. Eric Carlson, Assistant guide #696977 – YES answer
13. Stanley A. Holland, Transporter #925 – Yes answer
14. Blaine A. Morgan, Renew Registered GO #896 – Yes answer, licensee on probation beginning 4/28/05; conditions apply.
15. David L. Lazer, Registered Guide-Outfitter #842, Master Guide-Outfitter Applicant, previous Master Guide-Outfitter license revoked

Mr. Johnson asked Mr. Saxby to explain Alaska Statute (AS) 08.54.610. Mr. Saxby complied with Mr. Johnson's request.

Mr. Johnson passed out the files to two Board member committees for review.

The Board discussed licensees convicted under AS 11, carrying firearms while in the field and does a guide need a firearm while in the field with clients.

Mr. Johnson asked the attending public if they had any comments on the need for guides to carry firearms while in the field; if there were any comments Mr. Johnson requested individuals to provide testimony during Item 7, Public Comment.

*Recess The Board recessed at 10:47 a.m.; reconvened at 10:55 a.m.*

## **Item 6. Board Business**

### **A. Set Meeting Date(s) and Location(s)**

The Board had a brief discussion and decided that the next scheduled Board meeting will be March 11-13, 2008 in Fairbanks, Alaska.

### **B. Set Examination Dates**

The Board decided that the next scheduled Registered Guide-Outfitter Qualification and Game Management Unit (GMU) examinations would be held March 13-14, 2008 in Fairbanks, Alaska. The Board also agreed that the GMU examinations will be offered on March 13, 2008, June 13, 2008, and September 12, 2008. The GMU examinations will be offered in Anchorage, Fairbanks and Juneau.

### **C. Staff Request for Board Direction**

Cynthia Cintra requested direction regarding the processing of Assistant and Class-A Assistant guide applications with "yes" answers. Ms. Cintra informed the Board that any application with a "yes" answer is processed up to the point when is it ready for the issuance of a license; a memo



detailing the “yes” answer information is submitted to Jenny Strickler, Division Chief through Cori Hondolero, Supervisor; once received by Ms. Strickler the memo and supporting documentation is reviewed then forwarded onto investigative staff if deemed necessary. Investigative staff then reviews the information and sends it back to Ms. Strickler with a note which states “Requires Board review/action, no further review panned by staff unless requested by the Board.”

Ms. Cintra stated that most professions with Board's review all applications with any type of “yes” answers before issuing a license. Ms. Cintra went on to elaborate that this process could save the Board money which might be spent revoking, suspending, or imposing probation on already issued licenses. Ms. Cintra requested several Board members which she could contact to review applications with “yes” answers and either approve the issuance of a license or recommend the application be presented to the entire Board for review.

Mr. Johnson informed Ms. Cintra that he would give her the names of two Board members for this task at a later date.

#### **Item 7. Public Comment**

Mr. Johnson requested those individuals signed up for public comment to come forward to testify.

Michael Litzen, Master Guide-Outfitter

- Stated several problems with the new hunt record (HR) booklets:
  1. Need more room for harvest ticket numbers and paper work comments.
  2. Hunt records in booklets should be numbered.
  3. Hunt records should not be in booklets.
  4. Pointed out that in accordance with 12 AAC 75.205 each hunt record should be numbered.
- GUA's - possibly create a committee to discuss the registration process for areas. Mr. Litzen went on to state that there are guide-outfitters who are issued land use authorization/permits and register three use areas then an employee/partner guide-outfitter use the same permits to register three different use areas under the same permit.
- Discussion about guides using 4<sup>th</sup> area to circumvent the process and get more areas.

Ms. Hondolero informed the Board and Mr. Litzen that as this current printing of the booklets did not have pre-numbered hunt records; the hunt records (HR) and transporter activity reports (TAR) could be removed for the time being.

Mr. Johnson agreed with Ms. Hondolero's statement and went on to inform the public that the booklets are a work in progress. Mr. Wilson agreed with Mr. Johnson's statement.

Mr. Johnson asked Mr. Litzen if he thought a subcommittee was needed for the land use permit issued. Mr. Litzen stated that he did think a committee was needed. Mr. Rohrer informed the Board and public that a committee was not needed as he was currently working with permitting offices to solve this issue. Mr. Spraker also stated that the Board of Game has been working very carefully to ensure that hunters would be evenly distributed throughout Alaska.

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

Kelly Vrem, Master Guide

- Same problems with the HR booklets as Mr. Litzen stated.
- Transporter issues:
  1. The Board needs to clean up and/or write more regulations for transporters.
  2. Possibly have transporters register for areas like guides and/or maybe register camp sites. Currently required to avoid placing their own clients together, trash left behind by drop off hunters - transporters should be held accountable.
  3. Identify if you are full/part time operator.
- Portion of a 4<sup>th</sup> area - this does not make sense and has cost him business.
- 30 days in a calendar year requirement for Assistant guides and also requirement that Assistant guide "harvest" an animal is a burden (12 AAC 75.920(c)).

Mr. Johnson assured Mr. Vrem that the Board is aware of transporter issued and will be working on regulations for transporters. Mr. Johnson thanked Mr. Litzen for his time and participation.

Tracy Vrem, Master Guide-Outfitter

- Reiterated Kelly Vrem's statement regarding 12 AAC 75.920(c). Mr. Vrem also stated that since 75.920(c) went into effect it has become harder to find Assistant guides.
- Feels that time spent as a packer should suffice as meeting requirements of 75.920.
- Reinstate Assistant guide testing.

Mr. Johnson stated that 75.920(c) was added because there were problems with Assistant guides getting licensed who do not know what they are doing out in the field (i.e., undersized harvest, no tags, etc.).

Mr. Johnson also informed Mr. Litzen that previously there was a test requirement, however due to many problems the testing was stopped.

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

Jim Kedrowski Registered Guide

- Reiterated Mr. Vrem's statement regarding new requirements (12 AAC 75.920) for Assistant guides has made it more difficult to find employees.
- Suggested that there be a requirement to take a class about care of animals and other necessary skills.
- Comment about wolf population problem -- if guides were allowed to harvest wolves when they are out on guided hunts with clients that would help the wolf problem.
- Guides with felonies or who are not able to hold a firearm should not be allowed to hold their guide license.
- Suggested that a regulation be drafted which would require guides to carry a firearm. This would eliminate discussions about who is eligible to guide.

Mr. Johnson said that allowing guides to conduct personal hunts/harvests while clients are in the field would require a statutory change which would take a year or so. Mr. Johnson informed Mr. Kedrowski that Kelley Vrem would be working on wording for a statute to present to the Board for consideration. Mr. Johnson also stated that in response to the Assistant guide requirements there is also the option for applicants to take a class. However, the Board has to approve of the class and has been looking for providers of a course.

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

Jimmie Rosenbruch, Brad Dennison, Dale Adams, Master Guide-Outfitters  
(All from Southeast)

- AS 08.54.460 valid until 1995; hunting clubs could not have commercial use of an area. A large operator has come into Southeast and may not be conducting anything illegal, but is using unregulated commercial use permits; they are in at least five areas in the State. They call these trips "adventure trips" and for no additional fee you can choose to hunt or not. The trips are not sold as hunting or fishing trips and are offered for members. An adventure trip to Southeast Alaska is \$3,500; there is an initial fee to join followed by monthly fees.

Mr. Johnson asked Mr. Saxby if "hunting/fishing" clubs should be required to have a guide-outfitter license. Mr. Saxby stated that this may warrant regulatory and/or statutory changes.

Mr. Adams noted that this issue with clubs will end up popping up all over the State. Mr. Brown stated that the Board investigator needs to get involved and that the organization is also providing transportation services. Mr. Adams went on to state that hunters from this organization that he has come into contact with have not been very capable/adept.

Mr. Rosenbruch informed the board that this company has been set up as a pyramid scheme and this group does not seem as interested in protecting the resources of the State.

Mr. Johnson asked Mr. Saxby if the Board has the authority to ban hunting clubs. Mr. Saxby noted that the Board could clarify what transporting for compensation means which may help this growing concern.

The Board held a brief discussion about drafting some language to send out for public notice and asked Mr. Saxby if he could draft a suggestion to forward onto Ms. Cintra for public noticing.

Mr. Johnson thanked Mr. Rosenbruch, Mr. Dennison and Mr. Adams for their time and participation.

*Recess The Board recessed at 2:37 p.m.; reconvened at 2:55 p.m.*

**Item 5. Application Review Cont.**

After taking into consideration public comments regarding the need to carry firearms while in the field the Board continued the application review.

Mr. Johnson informed the Board that Mark Bills was convicted on a Domestic Violence charge which means Mr. Bills is unable to carry firearms. Mr. Rohrer asked for the date of conviction. Mr. Johnson responded that it was 1994-1995. Mr. Johnson asked Mr. Warren to conduct more research on the incident and the Board would review the application further on December 11, 2007.

Mr. Brown reviewed the application for licensure as an Assistant guide for Timothy Carlson. Mr. Brown pointed out that in accordance with AS 08.54.605(a)(1)(iv) Mr. Carlson is not eligible for licensure at this time as the date of his conviction was May 27, 2007 and a fine in the amount of \$7500 was levied.

*Mr. Johnson asked the Board if there were any objections to not issuing an Assistant guide license to Mr. Carlson; hearing no objections, Mr. Johnson moved onto the next application.*

Mr. Rohrer and Mr. Stoney reviewed the application for licensure as an Assistant guide for Harold B. Frye. Mr. Rohrer pointed out that Mr. Frye had not listed the required big game harvest section on his application. Mr. Rohrer also noted that the license would be up for renewal December 31, 2007 and if more information would be needed staff could request it at that time. Both Mr. Rohrer and Mr. Stoney stated that they had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Frye's application; hearing no objections, Mr. Johnson moved onto the next application*

Mr. Rohrer and Mr. Stoney reviewed the application for licensure as an Assistant guide for Jeremy E. Alvord. Mr. Stoney informed the Board that Mr. Alvord stated he had received a misdemeanor driving ticket and that there were no incidents noted on the criminal justice report no the Fish & Wildlife violation report. Mr. Rohrer and Mr. Stoney stated that they had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Alvord's application; hearing no objections, Mr. Johnson moved onto the next application*

Mr. Johnson and Mr. Brown reviewed Craig Hill's application for licensure as a Registered Guide-Outfitter. Mr. Johnson read Mr. Warren all memos and correspondence items from Mr. Hill's current Registered Guide-Outfitter application and Mr. Hill's previous/abandoned Registered Guide-Outfitter application file.

Mr. Warren stated that Mr. Hill has had several opportunities to provide requested "yes" answer information and as of this date has not complied with written requests. Mr. Warren also pointed out that Mr. Hill has continually answered NO to questions concerning criminal convictions on his Class-A license and previous Registered Guide-Outfitter application. Mr. Brown agreed with Mr. Warren's statement.

Mr. Johnson requested Ms. Cintra send Mr. Hill a letter asking how he plans on running a business with out being able to carry firearms, excluding muzzle loaders. Mr. Johnson also asked Ms. Cintra to request a detailed statement from Mr. Hill which must include the dates, locations and circumstances of his convictions and also request any/all supporting court documentation.

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

**RESOLVED to table the application for Registered Guide-Outfitter Qualification Examinations of Craig E. Hill**

### Roll Call Vote

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

### THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Rohrer and Mr. Stoney reviewed the application for licensure as an Assistant guide for John Derek Wiese. Mr. Rohrer noted that Mr. Wiese had several Fish & Wildlife violations the most recent occurring during 2005 and several incidents on his criminal justice report; which have all been dealt with by Mr. Wiese and were not hunting or fishing related. Mr. Rohrer and Mr. Stoney informed the Board that they had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Wiese's application; hearing no objections, Mr. Johnson moved onto the next application*

Mr. Rohrer and Mr. Stoney reviewed the application for licensure as a Class-A Assistant guide of William E. Yost. Ms. Cintra informed Mr. Rohrer and Mr. Stoney that Mr. Yost currently hold Assistant guide license # 3849. Mr. Stoney noted Mr. Yost had no Fish & Wildlife violations and just one criminal justice report incident which occurred during 1994. Mr. Rohrer and Mr. Stoney informed the Board they felt had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Yost's application; hearing no objections, Mr. Johnson moved onto the next application*

Mr. Brown and Mr. Spraker reviewed the application for licensure as a Class-A Assistant guide of Edward J. Shavings, Jr. Ms. Cintra informed Mr. Brown and Mr. Spraker that Mr. Shavings, Jr., previously held Class-A Assistant guide license #314 which expired December 31, 1999. After a review of the application and documentation Mr. Brown and Mr. Spraker informed the Board that they had no objection to the license being issued.

Mr. Johnson asked Mr. Warren to conduct more research on the incident and the Board would review the application further on December 11, 2007 along with Mr. Frye's application.

Mr. Brown and Mr. Spraker reviewed the application for licensure as a Class-A Assistant guide of Dean A. Waldo. Mr. Brown informed the Board that Mr. Waldo received a Driving Under the Influence charge during 2006; and that Mr. Waldo had no other incidents on his criminal justice report or the Fish and Wildlife report. Mr. Brown and Mr. Spraker informed the Board that they had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Waldo's application; hearing no objections, Mr. Johnson moved onto the next application.*

Mr. Brown and Mr. Spraker reviewed the application for licensure as a Master Guide-Outfitter for David L. Lazer. Ms. Cintra pointed out that Mr. Lazer's previous Master Guide-Outfitter license #64 was revoked effective April 4, 1994 and a Registered Guide-Outfitter license #842 was issued September 2, 1994. Mr. Brown and Mr. Spraker reviewed the previous Master Guide-Outfitter file, the current Registered Guide-Outfitter files. Mr. Brown and Mr. Spraker informed the Board that they had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Lazer's application; hearing no objections, Mr. Johnson moved onto the next application.*

Mr. Johnson and Ms. Schmitz reviewed the application for licensure as a Transporter for Stanley A. Holland. Ms. Schmitz stated that Mr. Holland received two civil infractions for speeding in his boat which was dismissed; the incident occurred in Miami-Dade County, FL. Mr. Johnson and Ms. Schmitz informed the Board that they had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Holland's application, hearing no objections, Mr. Johnson moved onto the next application.*

Mr. Johnson and Ms. Schmitz reviewed the application for licensure as an Assistant guide for Eric Carlson. Ms. Schmitz stated that Mr. Carlson was finger printed for a firearms permit and had not other violations on either the criminal justice report or the fish & wildlife report. Mr. Johnson and Ms. Schmitz informed the Board that they had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Carlson's application, hearing no objections, Mr. Johnson moved onto the next application.*

Mr. Mumford and Mr. Wilson reviewed the application for licensure as an Assistant guide for Ronald A. Abalama. Mr. Wilson informed the Board that Mr. Abalama was convicted of Driving Under the Influence during 1984 and spent some time in jail for that incident. Mr. Wilson went on to state that Mr. Abalama's criminal justice and fish & wildlife reports reflected no other incidents. Mr. Mumford and Mr. Wilson informed the Board that they had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Abalama's application, hearing no objections, Mr. Johnson moved onto the next application.*

Mr. Mumford and Mr. Wilson reviewed the application for licensure as an Assistant guide for Richard Barnes. Mr. Mumford informed the Board that Mr. Barnes was arrested and fingerprinted during 1968 and that Mr. Barnes had no other incidents/violations were noted on his Alaska reports nor his Massachusetts reports. Mr. Mumford and Mr. Wilson informed the Board that they had no objection to the license being issued.

*Mr. Johnson asked the Board if there were any objections to Mr. Barnes' application, hearing no objections, Mr. Johnson moved onto the next item on the agenda.*

**Item 8. Registered Guide-Outfitter Examination Review**

Mr. Johnson asked Mr. Saxby if he and Mr. Rohrer should excuse themselves from the exam committee as he was involved with the grading and Mr. Rohrer was one of the examination proctors. Mr. Saxby informed Mr. Johnson that he was correct and that he and Mr. Rohrer should not participate in the review.

**On a motion duly made by Leif Wilson, seconded by Raymond Stoney, and approved unanimously, it was**

**RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to conduct the Registered Guide-Outfitter examination review.**

*The Board adjourned into executive session at 3:33 p.m., and returned from executive session at 4:51 p.m.*

Mr. Johnson requested the committee share their findings.



Mr. Wilson stated that after reviewing incorrect answers on the written examination and listening to the tape recording of the practical examinations, he found no reason to change the current score.

Mr. Spraker informed the Board that answers provided by the staff who wrote the examinations were good; and after reviewing the incorrect questions & candidate provided answers, and after listening to the tape recording of the practical examinations he felt that no changes to the current score were necessary.

Ms. Schmitz stated that she agreed with Mr. Wilson and Mr. Spraker. Ms. Schmitz went on to state that she felt the answers provided by the candidate were partially correct, however the candidate displayed not enough knowledge to answer the questions completely. Ms. Schmitz also informed the Board that the tape recording was not 100% clear however, she felt all the proctors were more than fair and that the current score should remain as is.

Mr. Mumford stated that after reviewing all information and fully supporting the proctors, he would not change the current score.

Mr. Saxby suggested that the Board conduct a roll call vote of its decision for the record.

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

**RESOLVED to keep the current score of “fail” for Darwin Vander Esch’s Registered Guide-Outfitter examination.**

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>Abstain</b>
<b>Colin Brown</b>	<b>X</b>		
<b>Paul Johnson</b>			<b>X</b>
<b>Bob Mumford</b>	<b>X</b>		
<b>Dick Rohrer</b>			<b>X</b>
<b>BJ Schmitz</b>	<b>X</b>		
<b>Ted Spraker</b>	<b>X</b>		
<b>Raymond Stoney</b>	<b>X</b>		
<b>Leif Wilson</b>	<b>X</b>		

*The meeting adjourned at 5:00 p.m. until Tuesday at 9:00 a.m.*

**Tuesday, December 11, 2007**

**Item 9. Call to Order/Roll Call**

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 9:02 a.m. Members present constituting a quorum were:

Richard Rohrer, Master Guide-Outfitter  
Colin Brown, Transporter  
BJ Schmitz, Public Member.  
Robert Mumford, Public Member  
Paul Johnson, Registered Guide-Outfitter, Chair  
Ted Spraker, Board of Game  
Leif Wilson, Transporter, Vice-Chair  
Raymond Stoney, Private Landholder

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

Cynthia Cintra, Licensing Examiner  
Cori Hondolero, Records and Licensing Supervisor  
Quinten Warren, Investigator

Present from the Department of Law were:

Kevin Saxby, Assistant Attorney General

Present from State and Federal agencies were:

Captain Burke Waldron, Department of Public Safety, Wildlife Troopers  
Dave Lorring, Criminal Justice Planner Dept. of Pubic Safety, Wildlife Troopers  
Chris Hansen, Special Agent, US Fish and Wildlife Service  
Kenton Moos, US Fish and Wildlife Service  
Suzan Bowen, Program Coordinator, Department of Fish and Game  
Ken Taylor, Department of Fish and Game  
Howard Martin, Regional Council, Federal Aviation Administration  
Dave Howell, Bureau of Land Management  
Clark Cox, Natural Resource Manager, Dept. of Natural Resources  
Dick Lefebvre, Deputy Commissioner, Dept. of Natural Resources  
Jon Martin, US Forest Service  
Greg Killinger, US Forest Service  
Bill Tremblay, US Forest Service  
Brian Anderson, US Forest Service  
Carol Goularte, US Department of Agriculture Forest Service

Present from the public were:

Erik Kennings, Arctic Slope Regional Corporation  
Robert Fithian, Alaska Professional Hunters Association  
Terry Overly, Master Guide-Outfitter  
Gary Gray, Registered Guide-Outfitter  
Mike Colpo, Registered Guide-Outfitter  
Wayne Kubat, Master Guide-Outfitter  
Arno Krumm, Registered Guide-Outfitter  
Neil Webster, Registered Guide-Outfitter  
Mike Cowan, Registered Guide-Outfitter  
Clint Mayeur, Registered Guide-Outfitter  
Eileen Clark, Public  
Wayne Clark, Public  
Brian McJunkin, Registered Guide-Outfitter  
Dan Suprak, Registered Guide-Outfitter  
Jim Kedrowski, Registered Guide-Outfitter  
Sam Rohrer, Registered Guide-Outfitter  
Lance Kronberger, Registered Guide-Outfitter  
Braun Kopsack, Registered Guide-Outfitter  
Dennis Byrne, Registered Guide-Outfitter  
Brad Dennison, Master Guide-Outfitter  
Dale Adams, Master Guide-Outfitter  
Chris Erickson, Registered Guide-Outfitter  
Ron Warren, Registered Guide-Outfitter  
Jody Holmes, Public  
Matt Snyder, Registered Guide-Outfitter  
Ralph Meloon, Registered Guide-Outfitter  
Bob Jewett, Registered Guide-Outfitter  
Steve Perrins, Master Guide-Outfitter  
Todd Walton, Registered Guide-Outfitter  
Frank Danford, Registered Guide-Outfitter  
Tom Atkins, Registered Guide-Outfitter  
Ernie Finch, Registered Guide-Outfitter  
George Wescott, Registered Guide-Outfitter  
Loren Karro, Registered Guide-Outfitter  
Lyle Becker, Assistant guide

Mr. Johnson announced that the Board is in need of volunteer proctors for the practical guide-outfitter examinations on December 13, 2008.

**Item 5. Application Review Cont.**

After reviewing information provided by Mr. Warren regarding Mark Wayne Bills II and Edward J. Shavings, Jr., applications the Board conducted a roll call vote.

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

**RESOLVED to approve the applications for licensure as a Class-A Assistant guide for Mark Wayne Bills, II and Edward J. Shavings, Jr.  
Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
<b>Ted Spraker</b>	<b>X</b>	
<b>Raymond Stoney</b>	<b>X</b>	
<b>Leif Wilson</b>	<b>X</b>	
<b>Colin Brown</b>	<b>X</b>	
<b>Paul Johnson</b>	<b>X</b>	
<b>Bob Mumford</b>	<b>X</b>	
<b>Dick Rohrer</b>	<b>X</b>	
<b>BJ Schmitz</b>	<b>X</b>	

**Item 10. State & Federal Agency Testimony**

***A. Alaska Bureau of Wildlife Enforcement (ABWE)***

Mr. Johnson requested that Dave Lorrington, Liaison, Department of Public Safety, Alaska Bureau of Wildlife Enforcement (ABWE) and Captain Burke Waldron, Alaska State Troopers come forward and share any concerns they may have.

Captain Waldron reviewed current issues in the following areas of Alaska:

- Southeast Alaska - hunting clubs, continual problem with saltwater transporters, current regulations leave too much room for interpretation where transporters are providing guide-outfitter services.
- South Central Alaska - problems with sub-legal harvests by Assistant guides; many civil complaints from clients who are guided by inexperienced Assistant guides and contracting guide-outfitters providing services outside of registered guide use areas.
- Interior/Western Alaska - problems with user conflicts, guides vs. personal hunters, saturation of areas, phantom contracts and sub legal hunts.
- Kenai/Prince William Sound - unlicensed guides and hunting clubs are a growing concern throughout Alaska which the Board may want to consider make statutory/regulatory changes to help regulate the growing problems. Capt. Waldron informed the Board that hunt clubs are also a state wide problem and not just limited to one specific area.
- State wide - sub contracting, transporters signing transporter reports and not actually doing the transporting. Conflicts of interest with some guides being licensed vendors.

Game tags not being used until after the animal is taken and tags not being purchased unless an animal is taken. Over crowding of some areas are causing user conflicts. Airplanes are being landed and used to block airstrips so that no other planes can land. No real set limit on distance between camps, this causes conflicts; an update of 12 AAC 75.340 with specific distances would be helpful.

David Lorring

- Kotzebue/Caribou issues – Mr. Lorring informed the Board that regulation changes/edits have helped overcrowding and waste issues. Non resident hunters are now only allowed one caribou bag limit which has helped reduce the number of transporters, cut down on the number of user conflicts and reduced the amount of wasted meat. Mr. Lorring also informed the Board that there is now a full time wildlife enforcement office based in Kotzebue.

Mr. Lorring and Capt. Waldron suggested a statutory change to AS 08.54.720 (f)(1) and (2) with 8(A) and (B) by amending the sentencing provisions from “shall suspend..” to “may suspend..”. Enforcement officers have been charging violators as hunters instead of guides so that their license is not negatively affected.

Mr. Stoney stated that it is very hard and expensive for personal hunters to purchase licenses/tags from vendors. Mr. Lorring stated that the live troopers/enforcement officers are often licensed to sell licenses/tags and the village could request that the officer bring these items to the village when they come through on their rounds.

Mr. Stoney also stated that Game Management Unit 23 is having many non-local transporter problems and that it would be helpful to locals and guide-outfitters if there was some way to limit the number of transporters allowed in an area. Capt. Waldron informed the Board that it would be helpful if there were laws in place that would allow a cap on the number of transporters allowed to provide services in an area. Mr. Lorring stated that there is no limit on how many providers are allowed on State lands and that more work would be needed between the Board, private and Federal land owners.

Mr. Johnson requested Mr. Lorring and Mr. Saxby work together regarding regulations for “hunt clubs” and if at all possible to get a regulation proposal to Ms. Cintra in time for the March 2008 meeting.. Mr. Lorring said that he would forward a copy of the issues that were noted in the presentation to Ms. Cintra for distribution to the Board.

Mr. Rohrer thanked Mr. Lorring and Capt. Waldron for their information. Mr. Rohrer reiterated to those present that Registered and Master guide-outfitters need to make sure that Assistant guides are qualified to be in the field.

Mr. Rohrer asked if the updated regulations relating to the Guide Client Contracts have decreased subcontracting at all or if they have not been in place long enough. Capt. Waldron informed the Board that the new regulations have not been in place long enough for a difference to be noticed. Capt. Waldron went on to state that clients booking hunts should conduct research on the guide-outfitter before booking a hunt. Mr. Rohrer agreed with Capt. Waldron and added that most clients don't take the time to do a little research. Capt. Waldron also stated that as the amended regulations are still new complaints won't usually be received until after a hunt has been completed.

Mr. Spraker commented on Board of Game action stating that people are going to Canada for hunting and meat is being donated to locals, however the Board of Game members were not all in agreement with the regulation when it was passed. However, if at all possible to resolve conflict issues the bag limit may be changeable.

The Board thanked Mr. Lorrington and Capt. Waldron for their time and participation.

### ***B. Division of Wildlife Conservation (DWC)***

Ken Taylor, Dept. Commissioner introduced himself to the Board.

Mr. Taylor informed the Board that the Dept. Wildlife Conservation (DWC) has been involved in working with Fish & Game on a better system for the management of Guide Use Areas by the use of competitive leases. Mr. Taylor informed the Board that his office has also met with the Alaska Professional Hunters Association (APHA) on this topic as well.

Mr. Taylor stated that the Dept. is looking into a tiered process which would enable guides to bid on areas; however the highest bid would not necessarily be awarded the lease/permit. An application fee and monetary bid fee would be required, possibly with established minimum bids. This would be a flat bid fee, not an estimated per animal charge. The Dept. is considering requesting prospectus reports from the top three bids, the prospectus would be ranked and the highest score would be awarded the lease/permit.

Mr. Taylor also stated that they are considering breaking the larger units into several smaller sections and that his office would be willing to assist the BGCSB in this process.

Mr. Rohr asked Mr. Taylor who would set the fees and initial bid amounts. Mr. Taylor responded that the Dept. of Natural Resources would set those fees and that there would be an application fee and the bid fee. Mr. Rohrer went on to state that when this happened in Canada the small family operations went away.

Mr. Wilson commented that it may be a mistake to only offer opportunities to the top three bidders as this avoids going where the money is, and places the most qualified people in the areas. Mr. Taylor replied that they are trying to work within the current laws and requirements; however it is hard to develop the required criteria and make the process legally defensible.

Ms. Schmitz asked how long the leases would last. Mr. Taylor responded that currently the tentative plan was for the lease to run for an estimated 10 years.

The Board thanked Mr. Lorrington and Capt. Waldron for their time and participation.

Suzan Bowen, Program Coordinator, DWC, Wildlife Special Projects -- Board finding drawing permits reporting for Kim Titus, Deputy Director, DWC.

Ms. Bowen gave the Board an update on March 2006 guide use area permits. Ms. Bowen informed the board that each request is reviewed on a case by case basis and guide client contract requirements must have been met. Tok and Koykuk management areas and Moose hunts, guides must be registered in the area at the time of the drawing. Ms. Bowen went on to inform the Board that 2008 permitting for Kodiak was concluded December 6, 2007 and guides were required to submit copies of the Guide/Client agreement forms.

Mr. Rohr asked about checking items in the field; applicants apply for permitting with one Guide and then go into the field with another guide; is this allowed? Ms. Bowen responded that the initial Guide-Outfitter must be the one providing guide services to the client.

The Board thanked Ms. Bowen for her time and participation.

### ***C. Division of Mining, Land and Water***

Clark Cox, Natural Resource Manager

- Regulation updates from last meeting were good and Dept. of Natural Resources (DNR) supports the changes made.
- Update DNR contact information on the Guide Use Area Registration applications; from 269-8555 to 269-8503.

The Board thanked Mr. Cox for his time and participation

#### **D. US Bureau of Land Management (BLM)**

Dave Howell (??),

- Updated the Board on the scoping process for unit 23 and at a later date BLM will be looking for comments. Any additional information will be forwarded to Ms. Cintra for distribution to the Board.

#### **E. US Fish and Wildlife Service (USFWS)**

Brian Anderson, Permit Coordinator Refuge Lands

- Guides and Transporter issues. Hard to determine the proper level of permitting to require for both types of licensees.
- Support 08.54.790(b) -- would like additional clarification about air carrier advertising as an exemption for licensing.
- Incidental expenses or not, if providing transportation services should have transporter license.
- Subcontracting/swapping hunts is also becoming a larger problem USFWS does not allow subcontracting/swapping hunts. Suggest Assistant guides register three use areas

Mr. Wilson stated that he sees the problem, and does not think that requiring licensing of these transporters on refuge lands would not be a burden and that it may require more paper work. Mr. Anderson informed the Board that he has been working to understand FAA/federal requirements and that he has been working with the FAA to come up with requirements.

Mr. Rohrer asked Mr. Anderson if spatial distribution requirements for transporters would help alleviate some of their crowding problems. Mr. Anderson informed the Board that spatial distribution requirements were in place and they were helping; Mr. Anderson also informed the Board that they had received no challenges and/or appeals the changes.

Mr. Wilson asked Mr. Anderson what the majority type of transportation were being used; wheels and/or floats. Mr. Anderson stated that the majority of transportation was floating.

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

*Recess The Board recessed at 10:29 a.m.; reconvened at 10:41 a.m.*



## ***F. US Forest Service (USFS)***

John Martin and Bill Tremblay

- Appreciate open lines of communication and data sharing efforts.
- Hunting clubs and transporter issues deserve attention.
- Commercial fishing and sport fish guides -- encourage Board to work with fish Board to see how they are dealing with these issues. Consistent language from the State is important for enforcement purposes.

Mr. Johnson informed Mr. Martin that he has suggested language and if he could review the language it may help some of the situation.

Mr. Tremblay stated that it would help his office if a member of this Board would be available to help and answer questions. Mr. Johnson informed Mr. Tremblay that he would coordinate with the Board and pass along a name or two.

The Board thanked Mr. Martin and Mr. Tremblay for their time and participation.

## ***G. US National Park Service (NPS)***

Kevin Apgar

- NPS has contracts with 33 guides statewide on Park Service lands. The number has remained fairly constant. All contracts are for a 10-year period.

Mr. Stoney thanked NPS for the efforts that have been made in the Kotzebue area.

Mr. Rohrer asked if there were any park reserve lands that do not have a concession. Mr. Apgar informed Mr. Rohrer that there are a few areas without concessions. Mr. Rohrer then asked if any lands had been removed for services. Mr. Apgar stated that Noatak three smaller areas were combined into one and that may have left some guides left out of a few areas.

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

Due to the time, the Board paused to cover item 11C with Chris Wyatt via teleconference.

## **Item 11. Board Business**

### **C. Review Budget Report (Wyatt)**

Chris Wyatt informed the Board that personal services have gone up quite a bit and contractual services are up in 2007. The Division does not like to see deficits, but it looks like most of it could be cleared up within the next two biennial licensing periods.

Mr. Rohrer asked Ms. Wyatt if there might be a way to cut down on travel expenses. Ms. Wyatt suggested that if the Board would meet in Juneau, Alaska specifically during legislative session it would cut down airfare costs because of the constituent fares that are offered.

Mr. Rohr asked about what the anticipated revenue will be for 2008. Mr. Wyatt responded that anticipated estimated revenue might be \$885,000.

Mr. Johnson asked if any other agency funding had been received for the Board scanning/data entry project for hunt records and transporter activity reports. Ms. Wyatt informed the Board that no outside funds had been received and that she would check with Jenny Strickler, Division Chief for more information.

The Board had a brief discussion about creating different fee levels for licensing. Mr. Johnson asked Ms. Wyatt if she would check on licensing fees charged by other states/jurisdictions for non-residents. Ms. Wyatt responded that she would look into the different fees. Mr. Johnson then asked Ms. Wyatt if it would be possible to have a different license type or fee for Guide-Outfitters that were "non-contracting". Ms. Wyatt informed the Board that a different license/fee would be doable.

The Board thanked Ms. Wyatt for her time.

The Board returned to Item 10, State and Federal Agency Testimony.

## **Item 10. State & Federal Agency Testimony, cont..**

### ***H. Federal Aviation Administration (FAA)***

Howard Martin, Regional Counsel

- Reviewed letter from Item 13D1
- Problems with out of state pilots relating to safety issues. Not used to weather and terrain.
- Confusion about the necessity to have FAA license if they have a transporter license. They are actually required to have part 135 or other FAA license to transport.
- Safety records of long standing transporters have been good.

Mr. Wilson stated that there is confusion amongst people in the industry regarding the different FAA licenses. Mr. Wilson asked what if an Assistant guide does flight operations. Mr. Martin informed the Board that as long as all other required licensing was in place it could be considered an incidental portion of the business.

Mr. Johnson asked Mr. Martin if he saw any problems with transporter regulations current or proposed to please contact the Board via Ms. Cintra.

The Board had a brief discussion regarding Transporter regulations. The Board reviewed the draft regulation amendment that Mr. Saxby submitted regarding the definition of "compensation". There was an additional question about if donated gifts should be included in this regulation. Mr. Saxby informed the Board that with current information there is enough to cover "donations".

*Recess The Board recessed for lunch at 11:43 a.m.; reconvened at 1:05 p.m.*

**Item 12. Public Comment**

Mr. Johnson asked if there were members of the public that would like to come forward to address the Board concerning any issues.

Frank Danford, Registered Guide-Outfitter

- Brought listing of areas where guides are going to be operating in 13-02.
- Overcrowding in Unit 13 is major problem.
- Noted that he had sent a letter to all guides in the same area letting them know where his camps were going to be placed due to prior instances of being shot at by other hunters. Only response not received back from Mike Meekin, Registered Guide-Outfitter.
- Shooting instances out in the field, Troopers were investigating. The Troopers were out continually checking the licenses/tags of his clients over and over, but were not doing anything about the planes that were chasing game.

Mr. Danford requested assistance from the Board. Mr. Johnson stated that the Board is aware and that this is a learning process for all agencies, the Board and investigative staff. Mr. Johnson stated that maybe the problems were more of an ethical issue than criminal. Mr. Johnson went on to state that the Board is working on ethics of all guides and transporters. Mr. Johnson asked all attendees to contact Mr. Warren, Investigator about ethical issues.

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

Richard Guthrie, Master Guide-Outfitter

- Transporter/Guide subcontracting causing problems.
- One of three guides operating under one business name (looked up who else was registered in his area and it was a relatively new guide), operating in six different areas they are probably covered under one insurance policy and operate under one contract. They do lots of drop offs -- where does this fall?
- Clarification that at renewal regulations do not allow the Division to require that licensees submit copies of their part 135 certificate.
- Problems finding good Assistant guides; fees may be prohibitive.

Ms. Cintra informed Mr. Guthrie that copies of current FAA and Coast Guard certificates were only required by regulations at the time of initial licensure.

Mr. Wilson informed Mr. Guthrie that if the other Guides were providing transportation services they must have an FAA or Coast Guard certificate, whatever is applicable to the transportation services being provided.

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

Terry Overly, Master Guide-Outfitter

- Longevity of industry is not looking good.
- Personal interests are always present and the industry is getting very restricted.
- Board needs to project what is going to happen down the road as well as current events.
- The more regulations the more people are going to get steered away. This is also true of the problem with being able to get Assistant guides.
- Suggested Board may be over regulating industry.
- Suggested that all big game animals except for wolf require a guide.
- Board really should think about the requirements for transporters license vs. an air taxi add some restrictions. Transporters should be held to similar standards as the guides are.

Mr. Rohrer asked how serious a concern it is when a guide goes outside of one of his/her three established guide use areas in order to harvest an animal. Mr. Overly said that by the letter of the law it is a serious concern, but it does happen. Mr. Rohrer then asked if the intent of the three guide use areas should stay the same. Mr. Overly stated yes, but also noted that he has stayed within the same areas for a long time.

Mr. Johnson stated that during Alaska's territorial days it was required that all big game hunters were required to have a guide-outfitter for all big game species.

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

Jimmie C. Rosenbruch, Sr., Master Guide-Outfitter

- Agrees with Mr. Overly's comments, but thinks that regulations are necessary.
- The area of transporters has slipped and should be more regulated. Sportsman's Warehouse (sp?) is distributing a brochure that talks about the current state of guiding in Southeast Alaska.
- 12 AAC 75.450 - would like to see the word "boat" be added to this section as "vehicle" may be too broad a term.
- Recognize that there are maritime and inland transporters and there should be different requirements for each.
- Would like to see that transporters be required to have permission to operate just like the land use authorization required for guides to register for areas.

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

*Recess* The Board recessed at 1:54 p.m.; reconvened at 2:07 p.m. (recorder did not record first two minutes after recess)

Mr. Johnson announced to the public attendees that the Board is seeking volunteer proctors to assist with the Registered Guide-Outfitter qualification examinations December 13, 2008

*Due to the time, the Board moved onto Item 13C.*

### **Item 13C. Hunt Record/Transporter Activity Report Database (J.Strickler)**

Ms. Strickler reviewed a PowerPoint presentation for the Board which covered the Hunt Record database being prepared for investigative agencies.

Ms. Strickler informed the Board that the scanning of data entered hunt records (HR) and transporter activity reports (TAR) was going very well and that she hoped to be able provided limited access to investigative agencies within the next 3-4 months. Ms. Strickler went on to inform the Board that Department staff have been volunteering to enter and scan the information gathered from the HR's and TAR's. Ms. Strickler also stated that enforcement agencies should contact her for access to the database.

Mr. Johnson asked Ms. Strickler if a search could be conducted by specific guide use area, client name, etc. Ms. Strickler stated that searches will be able to be conducted by client/guide name, game management unit and year of hunt. Mr. Johnson also asked how far back information would be entered. Ms. Strickler responded that at this point information was being entered from 2005 through present date and that that may change as the project continues. Mr. Johnson also asked if agencies would be requested to pay a fee for access. Ms. Strickler stated that agencies would be contacted for fees.

Mr. Spraker asked Ms. Strickler if the information would be available in an Excel spread sheet. Ms. Strickler stated that the data requested would be viewed on the internet and the scanned images would be available for viewing in Adobe Acrobat PDF; however the data could be pulled into an Excel format if needed.

Mr. Rohrer thanked Ms. Strickler for her “can do” attitude. Ms. Strickler informed the Board that as agencies pitch in with fees changes and updates as needed would be implemented as the database is still a work in progress.

Mr. Johnson informed Ms. Strickler that Rick Urion, Director has spoken with Federal agencies and discussed an annual fee for access.

The Board presented Ms. Strickler with a corsage and thanked her for all her time and hard work.

**Item 12. Public Comment cont.**

Brent Cole, Lawyer and former prosecutor for the State of Alaska.

Mr. Cole wanted to talk about one of his client and was informed by the Board that this was not the time/forum and that there would be time at a later date.

Mr. Cole asked the Board what are the limitations for packers? The Board informed Mr. Cole that a “packers” duties are packing and other miscellaneous duties around camp(s) that DO NOT require a guide license.

Mr. Cole stated that there are issues with Guide-Outfitters getting sick right before they go into the field or the season starts and not being able to meet the client in the field as required. Mr. Cole went on to inform the Board that there should be a provision for medical emergencies.

Mr. Cole also asked the Board to look at the commercial fishing fines as administrative fines and/or license suspensions can be just as effective as criminal sanctions. Mr. Cole went on to inform the Board that the Federal Felony Lacey Act 1920 has had few modifications; one caribou illegally taken equals a felony where as domestic violence is much broader than just against a spouse and may not even involve physical violence and the Board should make concessions for applicants/offenders. Mr. Cole also stated that many Guide-Outfitters do not use or carry firearms as they use Assistant guides for all field work.

Mr. Cole went on to state that transporters should be required to have the same incentives as guides. Mr. Cole informed the Board that there is a big issue with residents vs. non-residents as a person can be a US citizen and not be a resident of any State.

Mr. Brown stated if a Guide-Outfitter falls ill and the client is in transit OR has not yet left for the hunt, the Guide-Outfitter should advise the client and either re-schedule or refund the fees already paid. Mr. Brown also stated that trip insurance is good to have and he supports the idea of more administrative action than criminal. Mr. Brown thanked Mr. Cole for his participation.

Mr. Cole stated that in order to get people to protect the resource, transporters should be required to commit to an area for an extended period of time. Mr. Brown responded that this was not only a transporter issue but a Guide-Outfitter problem as Guides can change which GUA they will be providing services in on a yearly basis.

Mr. Spraker stated that the Guide-Outfitter Client Contracts by wording provide for the Guide-Outfitter and client in case medical emergencies and/or other problems. Mr. Cole stated that the contracting Guide-Outfitter and/or the client may be able to get another Guide-Outfitter to cover the hunt, however due to the number of Guide-Outfitters and clients already booked, this is usually not possible.

Mr. Rohrer thanked Mr. Cole for attending and stated he agrees with information presented that also stated that the Board has worked with Guide-Outfitters who find themselves with a medical emergency.

Mr. Mumford informed Mr. Cole that the Board can only do civil sanctions against licensees and that the State Troopers were the agency who issued criminal charges. Mr. Cole stated the Troopers only investigate a crime and not administrative issues and that the industry would be better if the Board worked with Troopers by setting guidelines regarding civil and criminal guidelines. Mr. Cole went on to inform the Board that there should be better cooperation between this Board, Troopers and attorneys; Mr. Cole also stated that this Board makes enough money via administrative fines to afford putting an investigator in the field.

Mr. Johnson informed Mr. Cole that 10-years ago, before the Board was Sunsetting they were working on a point system for administrative issues and that the current ethical standards do cover many of his issues.

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

Wayne Kubat, Master Guide-Outfitter

- Stated Mr. Cole covered a lot of what he was going to say.
- How can licensees go about making changes to current statutes? Maybe a letter of intent from the Board could help.
- If Guide-Outfitter is only using a minor portion of a Unit they should not be required to take and pass a Unit examination.
- Agree with Mr. (Tracy) Vrem and Mr. Overly regarding transporter and Assistant guide issues.

- Also concerned about cancellation issues if a guide gets sick.
- Airplane ethics still an issue; per Boone & Crocket letter regarding “fair chase” where pre-scouting game prior to a hunt is not the same as “same day airborne”.

Mr. Johnson informed Mr. Kubat that Fish & Game and this Board is working on Transporter requirements/regulations which may end with Transporters being required to register use areas the same as guides. Mr. Johnson also stated that in accordance with 12 AAC 75.340(d)(8) and (9) the intent of this Board is not to prohibit the surveying of game as also stated the in Boone & Crocket letter. Mr. Johnson also informed Mr. Kubat that in accordance with AS 08.54.600(B) Guide-Outfitters are required to take and pass a Unit examination which reflects the Guide-Outfitter is qualified, knowledgeable, etc., in the unit they will be providing services in.

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

Joe Hendricks, Master Guide-Outfitter

- Appreciate Mr. Cole’s testimony.
- Guiding for more than four decades and is against guides being required to carry a weapon in the field. He does not carry a weapon in the field, but informs clients that he may need to take their weapon and use it if the situation warrants.
- Feels a raise in the professionalism of the industry is sorely needed. Transporters should be held to the same standards/requirements as Guide-outfitters
- Charging fees for clubs an idea; able to determine if club is hunting by reviewing membership hunting licenses.
- Honest guides should be encouraged to become vendors of hunting licenses. Noted that you can always use a higher priced tag on a less expensively tagged animal.
- Problems with the State issuing permits to the highest bidders as this will eliminate the smaller providers.
- Assistant guides should not be limited to a certain number of areas nor duties as how else are they to get experience for the Registered Guide-Outfitter application and examination process.

Mr. Saxby informed Mr. Hendricks that fees, requirements, etc for hunting clubs are a work in progress as most agencies are aware of the problems cropping up from the clubs existence.

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

Joe Schuster, Registered Guide-Outfitter

- Comments on Ms. Bowen’s testimony about drawing permits. Only 30% of applicants have a change of being awarded a permit which is



causing guides to enter clients in other drawings with the hope that they will be awarded a permit.

- Spring drawing results not released until last minute.
- Having difficulty finding Assistant guides.

Mr. Rohrer asked what could make the drawing process better such as different deadlines/drawing dates. Mr. Schuster stated that all Fall animals should be drawn in the same period.

Mr. Spraker stated that sheep/goat permit drawings were changed to December as the results were previously not issued until July and the season opened August. Mr. Spraker went on to state that the Spring drawings would be done after the March Board of Game meeting as that is when the available number of permits were set. Mr. Spraker suggested that Mr. Schuster bring his information to the next January and/or March Board of Game meetings.

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

*The meeting adjourned at 3:38 p.m. until Wednesday at 9:00 a.m.*

### **Wednesday, December 12, 2007**

#### **Item 14. Call to Order/Roll Call**

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 8:58 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  
Raymond Stoney, Private Landholder  
BJ Schmitz, Public Member.

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

Cynthia Cintra, Licensing Examiner  
Cori Hondolero, Records and Licensing Supervisor  
Quinten Warren, Investigator

Present from the Department of Law were:

Kevin Saxby, Assistant Attorney General

Present from State and Federal agencies were:

Chris Hansen, Special Agent, US Fish and Wildlife Service  
Kenton Moos, US Fish and Wildlife Service  
Suzan Bowen, Program Coordinator, Department of Fish and Game  
Ken Taylor, Department of Fish and Game  
Howard Martin, Regional Council, Federal Aviation Administration  
Captain Burke Waldron, Department of Public Safety, Wildlife Troopers  
Dave Lorring, Criminal Justice Planner Dept. of Pubic Safety, Wildlife Troopers  
Dave Howell, Bureau of Land Management  
Clark Cox, Natural Resource Manager, Dept. of Natural Resources  
Dick Lefebvre, Deputy Commissioner, Dept. of Natural Resources  
Jon Martin, US Forest Service  
Greg Killinger, US Forest Service  
Bill Tremblay, US Forest Service  
Brian Anderson, US Forest Service  
Carol Goularte, US Department of Agriculture Forest Service

Present from the public were:

Todd Walton, Registered Guide-Outfitter  
Robert Fithian, Master Guide-Outfitter  
Kelly Vrem, Master Guide-Outfitter  
Loren Karro, Registered Guide-Outfitter  
Neil Webster, Registered Guide-Outfitter  
Jeff Dack (SP?), Public  
Matt Snyder, Registered Guide-Outfitter  
Dale Adams, Master Guide-Outfitter  
Brad Dennison, Master Guide-Outfitter  
Lucas Clark, Registered Guide-Outfitter  
John Erickson, Master Guide-Outfitter  
Bill Stevenson, Registered Guide-Outfitter  
Jim Kedrowski, Registered Guide-Outfitter  
James Boyce, Master Guide-Outfitter  
Gary Gray, Registered Guide-Outfitter  
Arno Krumm, Registered Guide-Outfitter  
Preston Cavnar, Registered Guide-Outfitter  
Ed Beeman, Registered Guide-Outfitter  
Steve Perrins, Master Guide-Outfitter  
Frank Danford, Registered Guide-Outfitter  
Ron Warren, Registered Guide-Outfitter  
Wayne Kubat, Master Guide-Outfitter

The Board asked Capt. Waldron to come forward and present more information on Felony & Domestic Violence (DV) firearm information.

Capt. Waldron informed the Board he had spoken with Assistant US Attorney Frank Ruso; DV laws are retroactive, if you have ever been convicted of a DV, you are not legally allowed to carry a firearm, however it is possible to have your civil rights restored through appropriate legal channels.

Mr. Johnson thanked Capt. Waldron for his time and effort.

**Item 16 GUA Boundary Changes**

Mr. Johnson asked Ms. Cintra the status of GUA boundary changes which had been proposed at the Board's March 2007 meeting. Ms. Cintra informed the Board that there had been no action taken on the boundary changes as she had not been able to find the resources or help to public notice the information and re-print the maps.

Mr. Johnson asked the Board and Mr. Saxby if there were any objections to using maps that the Department of Natural Resources (DNR) is in the process of updating.

Mr. Saxby informed the Board that they could adopt a regulation which would allow this Board to use the DNR maps. The regulation would need to reference AS 08.54.750(e).

Ms. Cintra asked Mr. Saxby if the Board would need to amend the regulation every time DNR made any change to the maps. Mr. Saxby informed Ms. Cintra that this was correct.

The Board had a brief discussion regarding the maps and decided they would put together a mapping committee at its March 2008 meeting to review all DNR maps before adopting the new regulation.

Due to the time Mr. Johnson suggested the Board move onto the subcommittee reports and return to this topic after the reports. The Board agreed

The Board requested the DNR subcommittee to come forward and present their information.

Robert Fithian and Mike Litzen came forward to discuss the DNR subcommittee findings.

- 1) Guide Lease Areas: DNR & ADFG proposed the creation of guide lease areas within the Big Game Commercial Services Guide Use Areas. A tiered system using financial bids has been suggested, the top 3 bids would be further reviewed for a final selection.

Subcommittee talked about this bid process and the concerns that it raises; the following potential solutions were discussed.

- a) Implement the program Statewide at one time.
- b) Limit the number of applications any guide can submit to three.
- c) Develop a minimum bid amount.

Mr. Brown asked if there would be any consideration given to licensees who have been operating in an area for a long time. Mr. Fithian noted that this cannot be the main basis for selection, but could be cross referenced as qualifying criteria.

Mr. Rohrer asked Ms. Cintra how many licensed Guide-Outfitters were contracting. Ms. Cintra informed the Board that at this time there was no way to track who was contracting and who was not. Ms. Cintra suggested that with the HR and TAR database, staff may get a better idea of how many Guide-Outfitters were contracting services.

Mr. Johnson questioned the moratorium. Mr. Fithian stated that participants of the subcommittee stated that they would research this. Mr. Johnson asked Mr. Fithian and Mr. Litzen to give the Board a list of concerns/items that need to be addressed.

Mr. Litzen stated during the subcommittee meetings there was not support for the top three financial bids for the first cut. The subcommittee stated that they felt that these extra costs may cause strain on areas as Guide-Outfitters may feel that they have to take more animals to recoup costs. Mr. Saxby stated that it has been determined by the Dept. of Law that a straight open bid process is the most defensible process. Mr. Fithian stated that it would be helpful to have counsel available to answer questions at a later date. Mr. Johnson asked Mr. Saxby if he could provide assistance. Mr. Saxby stated he would speak with Mr. Fithian and Mr. Litzen during a recess.

Mr. Johnson thanked Mr. Fithian and Mr. Litzen for their time and participation.

Mr. Johnson proposed to the Board that "compensation" language be added to 12 AAC 75.990. The Board briefly discussed the proposal.

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

**RESOVLED to public notice the following amendment to 12 AAC 75.990: 12 AAC 75.990 (new subsection) Unless otherwise specified, "compensation" under AS 08.54 and this chapter includes all situations in which a person, business, or organization in fact receives compensation for any provision of services,**

**equipment or facilities in the field to a person who, in fact, engages in big game hunting and uses, or benefits from the services, equipment or facilities.**

#### **Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
<b>BJ Schmitz</b>	<b>X</b>	
<b>Ted Spraker</b>	<b>X</b>	
<b>Paul Johnson</b>	<b>X</b>	
<b>Dick Rohrer</b>	<b>X</b>	
<b>Colin Brown</b>	<b>X</b>	
<b>Leif Wilson</b>	<b>X</b>	
<b>Raymond Stoney</b>	<b>X</b>	
<b>Bob Mumford</b>	<b>X</b>	

#### **Item 13D. Correspondence**

- D6, Ed Stratton, Licensing Exams

The Board reviewed a letter from Mr. Stratton requesting an exemption from the species specific licensing requirements as he passed the Registered Guide-Outfitter exam January 2007.

Ms. Cintra informed the Board that she and Ms. Hondolero had reviewed examination records from January 2007 which reflect that Mr. Stratton had taken and passed the Registered Guide-Outfitter examination however he failed to pass a Game Management Unit (GMU) examination. Mr. Cintra stated that in accordance with AS 08.54.610 not only the Registered Guide-Outfitter exam must be passed in order to issue a license but a minimum of one GMU exam must also be passed. Ms. Cintra went on to inform the Board that the Division policy is that an applicant must meet all current licensing requirements before a license is issued. Ms. Hondolero agreed with Ms. Cintra and also stated that Mr. Stratton did pass a GMU exam June 2007 and therefore was licensed under the species specific requirements which went into effect July 2006. Ms. Cintra also pointed out to the Board that if they allowed an exception in Mr. Stratton's case, they would also need to allow many other licensees the same exception.

The Board decided to agree with staff recommendations and not allow changes to Mr. Stratton's license.

- D4, Clark Cox, DNR

The Board reviewed correspondence from MR. Clark regarding the use of a land authorization permit for multiple guides applying for GUA registration.

Ms. Cintra informed the Board that she had been working with Mr. Cox on this issue and that staff was aware some Guide-Outfitters tried to use one permit for multiple guides and that if staff had any questions about a permit or GUA registration application, Mr. Cox was contacted.

*Recess The Board recessed for a break at 10:52 a.m.; reconvened at 11:07 a.m.*

**Item 17. Public Comment**

Mr. Johnson requested those individuals signed up for public comment to come forward to testify.

Joe Hendricks, Master Guide-Outfitter

- Thanked Board for all their time and effort.
- Very concerned on enforcement of all rules and requirements.
- Guides being held to extremely high standards.
- Feel industry is over regulated.
- Species specific licensing is wrong.
- Don't require Assistant guides to register GUA's

Mr. Rohrer assured Mr. Hendricks that the Board was not considering Assistant guides to register GUA's.

Mr. Johnson stated that the Board would be putting together a committee which Mr. Brown would chair which will be dealing with applicants with fire arms issues and administrative issues and asked Mr. Hendricks if he would be interested in being on the committee? Mr. Hendricks stated he would.

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

Phil Driver, Master Guide-Outfitter

- Issue with limited permit drawings as unable to compete with large organizations that put in so many names of people that may never hunt.
- Would like to know how out of how many permits issued per year, how many are actually used.
- Feels like he will be regulated out of business.
- Should be a better system to regulate permit use.

Mr. Brown stated that he has the same concern with unused drawing permits and that it was mentioned that maybe if there was an application fee, people would be motivated to utilize the permit. Mr. Spraker stated that this issue is more of a Board of Game problem and that he was disappointed that Fish & Game has not handled this problem administratively. Mr. Spraker said he would speak with Jim Dau regarding this issue.

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

Kelly Vrem, Master Guide-Outfitter

Mr. Vrem informed the Board that he was asked by Alaska Professional Hunters Assoc. (APHA) to seek clarification on any statutes/regulations that are unclear or redundant.

- 08.54.620(b)(3) -- question about the required proximity of a supervising guide and if the Class-A guide can run the camp.
- 08.54.610(c) - should eliminate the ability for guides to act as transporters within their established guides use areas.

Mr. Johnson informed Mr. Vrem that a Class-A Assistant guide could run the camp(s).

Mr. Rohrer asked if any one is providing aircraft transportation services they must have a Part 135 issued by the FAA. Mr. Wilson responded that Mr. Rohrer was correct.

The Board stated that they would look at the wording of AS 08.54.620 and 610 and draft a clarifying regulation in the future if necessary.

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

Neil Webster, Registered Guide-Outfitter

- Disagrees with unit 13 only having two non-resident permits.
- Asking Board to send a message that the Board will not penalize guides for the State of Alaska's mismanagement of State resources.
- Thinks that guides should be able to obtain approval for new GUA(s) if the areas that they have registered for and their clients do not receive a drawing permit.
- Very pleased with Trooper response to violations.
- Question about intent to require Assistant guide applicants to be able to show that they have taken one big game animal in State. What is the difference between a Sitka Black Tail deer and a deer from the lower 48?
- Also question about the guide school option and question about it out of State guide schools are acceptable.

Mr. Johnson informed Mr. Webster that the permit rules and requirements are a work in progress and that Mr. Webster should contact the issuing offices with his concerns. Mr. Johnson also stated that the Board has been trying to work on a Guide course/school however the Board was still working on and looking for a good balance of materials, etc.

Mr. Spraker stated he had also received his paperwork after December and that the Board should make a policy to have renewals and GUA registrations mailed out to licensees no later than November. Ms. Cintra informed the Board that the information/applications are posted on the Board's web site

before mail outs and that Division policy is to have renewals out in the mail mid-end November however due to staff limitations, this may not be possible.

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

Bobby Fithian, Master Guide-Outfitter, representing APHA

- Wildlife conservation, land conservation, industry stewardship that provides sustainability.
- FYIs for Board -- new bill out last session, financial contribution report to show what the guide industry has provided to the State. +

Mr. Spraker noted that the Governor has provided millions in funds to Fish & Game in order for them to put more efforts into game/land conservation/education efforts.

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

Brad Dennison, Master Guide-Outfitter & Dale Adams, Master Guide-Outfitter

- Boat based transporter problems. Board has made progress with contract language.
- Larger boats are providing "guide" services with out proper licensing. Brochures from providers show illegal hunts being conducted.
- Clean up AS 08.54.720(19) with AS 08.54.650.
- What is the intent of 08.54.720(a)(19).
- Interested in cleaning up the statutes and regulations.

Mr. Johnson requested Mr. Dennison and Mr. Adams give their information regarding the complaint about the boat guiding issues to Mr. Warren at the next break.

Mr. Johnson thanked Mr. Dennison and Mr. Adams for their time and participation.

Wayne Kubat, Master Guide-Outfitter

- Reiterated that guides are overregulated and transporters are under regulated.
- Thinks that the "notice/warning" on the Boards webpage is harsh.

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

Mike Litzen, Master Guide-Outfitter & Transporter

- Hunt Records (HR) question, can the records come out of the booklets?
- In accordance with 12 AAC 75.205 HR's should be numbered?
- Subcontracting problems, abuse of transporters ability to move all over the State.



- Limit number of registered GUA's to three.

Mr. Rohr noted land use permits were issued to business, however that has changed and permits are now only issued to the individual. Mr. Litzen thanked the Board for all its help.

Ms. Hondolero informed the Board and attendees that the HR booklets were still a work in progress and the next printing would indeed have individually numbered HR's. The Board agreed that for now, HR's and Transporter Activity Reports (TAR) could be removed from the booklet(s).

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

The Board discussed committees that they will start.

Mr. Brown will chair a committee and Mr. Mumford will work with him regarding fines, ethics, and administrative/criminal issues.

Mr. Johnson will chair a committee which will cover regulation changes and how suggestions for those changes can be submitted to staff.

Mr. Warren presented the Board with an amended MOA for case #1700-07-001 for its review.

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

**RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to discuss the amended MOA for case #1700-07-001.**

The Board adjourned into executive session at 11:50 a.m., and returned from executive session at 11:59 a.m.

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

**RESOLVED to adopt the amended MOA for case #1700-07-001.**

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
<b>Colin Brown</b>	<b>X</b>	
<b>Bob Mumford</b>	<b>X</b>	
<b>Raymond Stoney</b>	<b>X</b>	
<b>Dick Rohrer</b>	<b>X</b>	
<b>Paul Johnson</b>	<b>X</b>	

<b>Ted Spraker</b>	<b>X</b>
<b>Leif Wilson</b>	<b>X</b>
<b>BJ Schmitz</b>	<b>X</b>

*Recess The Board recessed for lunch at 12:00 p.m.; reconvened at 1:11 p.m.*

**Item 16 GUA Boundary Changes cont.**

After taking into consideration subcommittee findings and public comment the Board took the following action.

**On a motion made by Leif Wilson, seconded by Raymond Stoney, and approved unanimously by roll call vote, it was**

**RESOVLED to public notice a new regulation (12 AAC) which reads as follows: adopt most current versions of the Department of Natural Resources guide use area maps as amended by the Big Game Commercial Services Board. This will be the first amendment to the June 22, 1994 maps as stated in AS 08.54.750(e).**

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>
<b>Ted Spraker</b>	<b>X</b>	
<b>Leif Wilson</b>	<b>X</b>	
<b>Paul Johnson</b>	<b>X</b>	
<b>Bob Mumford</b>	<b>X</b>	
<b>BJ Schmitz</b>	<b>X</b>	
<b>Dick Rohrer</b>	<b>X</b>	
<b>Colin Brown</b>	<b>X</b>	
<b>Raymond Stoney</b>	<b>X</b>	

Mr. Johnson requested Mr. Saxby to present his draft letter of findings to DNR to the Board. Mr. Saxby informed the Board there may be problems limiting access to public resources.

The Board made the following changes to the draft letter: Page one, fourth paragraph; remove the last sentence. Page two, new paragraph to be inserted before the "Finding/rationale for state DNR area lease system"; which will provide information on restricted access and loss of economy.

Mr. Johnson asked the Board if there were any objections to the changes and if there were any more edits to be made. Hearing no objections, Mr. Johnson requested Mr. Saxby to prepare a final draft for the Board to review at the March 2008 Board meeting.

The Board invited the Department of Laws' new prosecuting attorney for wildlife violations to come forward and introduce himself.

Andrew Peterson, Assistant Attorney General, Department of Law, Fish & Game Unit, Office of Special Prosecutions and Appeals.

Mr. Peterson informed the Board that he gets cases from State Troopers. Mr. Peterson stated he reviews the cases to see if they are going to be criminal or non-criminal violations. The Board asked that Mr. Peterson treat the real serious cases as criminal and that the Board be allowed to handle some of the other items through administrative action. Mr. Peterson informed the Board that his office has the option of turning down a case. The Board requested that his office work with the investigator on cases that are not going to be prosecuted through special prosecutions. Mr. Peterson said that he cannot treat licensed/unlicensed individuals differently.

Mr. Mumford asked if the courts are taking Mr. Peterson's sentencing recommendations. Mr. Peterson stated that when there is statutory authority the courts are typically sentencing license revocation/suspension. Mr. Peterson went on to state that the Courts understand punishment has to fit behavior and curb potential offenders. Mr. Peterson also stated that the Courts are more than willing to work with the Board and take its recommendations very seriously.

Mr. Johnson stated he would find subcommittee member from the Board to work with Mr. Peterson and Mr. Warren on administrative actions and suggestions. Mr. Johnson went on to state that the subcommittee would present more information at the March 2008 meeting.

The Board thanked Mr. Peterson for all his time and participation.

**Item 11. Board Business cont.**

**A. Amend/Adopt October 17, 2007 Teleconference minutes**

The Board reviewed the draft minutes.

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

**RESOLVED to adopt the October 17, 2007 teleconference minutes as written.**

**D. Guide Use Area Registration Application Fee**

The Board decided there was no need to take action at this time, as this topic was discussed in relation to affecting licensing fees.

Mr. Rohrer informed the Board he had a question for the Forest Service regarding land use authorization; if the Board requires Transporter to register GUA's would this help with enforcement issues.

John Martin & Bill Tremblay, US Forest Services, Southeast Region

Mr. Tremblay informed the Board that the Forest Service would allow Transporter permits and operating plans, however there has to be a balance between what services guides and transporters provide. If some of the activities can be tied to upland use, it may help define the need for a permit.

Mr. Rohrer asked if permitting would be possible for Marine operators. Mr. Martin stated that it would be possible if services were being provided for the purposes of Big Game services. Mr. Rohrer asked if it would help limiting the number of clients. Mr. Martin responded that a balance would need to be found as current regulations only allow enforcement of Guides. Mr. Martin went on to state that in order to require permitting, etc. for Transporters, more regulations would need to be written for Transporters. Mr. Tremblay agreed with Mr. Martin's statement. Mr. Rohrer asked if Mr. Martin and Mr. Tremblay would agree to help the Board writing regulations; both agreed.

Mr. Rohrer stressed the need for new regulation language to be considered at the March 2008 meeting. Mr. Johnson asked Mr. Saxby to assist in this endeavor. Mr. Saxby asked who would be delegated by the Board for this task. Mr. Johnson stated Mr. Wilson, Mr. Rohrer and himself would work on this project.

The Board thanked Mr. Martin and Mr. Tremblay for their time, participation and help.

## **Item 16 GUA Boundary Changes**

### **B1. Requested Boundary Changes**

No action was taken on this item as actions were taken to adopt DNR maps

The Board had a brief discussion regarding the new HR booklets. The Board decided that it was ok at this time to remove completed HR's from the booklet in order to meet the 60-day requirement as set in 12 AAC 75.205. The Board requested staff notify licensees in writing on how to handle booklet use for 2008.

**On a motion duly made by Leif Wilson, seconded by Raymond Stoney, and approved unanimously, it was**

