

**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
FEBRUARY 23, 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 February 23, 2007.

Friday, February 23, 2007

Item 1. Call to Order/Roll Call

The meeting was called to order by Paul Johnson, Chairperson, at 8:36 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
Robert Mumford, Public Member (joined the Board at 9:21 a.m.)

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

Cynthia Cintra, Licensing Examiner
Cindy Roccodero, Licensing Examiner
Rick Younkings, Investigator

Present from the public was:

Bobby Fithian, Alaska Professional Hunters Association (joined the Board at 9:32 a.m.)
Boyd Porter, Wildlife Biologist, Department of Fish and Game (joined the Board at 9:32 a.m.)
Rick Metzger

Item 2. Review/Amend Agenda

Mr. Johnson polled to Board for any changes to the agenda. Hearing none, there were no changes made to the agenda.

Bobby Fithian, Boyd Porter and Rick Metzger were asked to hang up and call back at 10:00 a.m.

Item 3. Application with Criminal History

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

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to discuss the Registered Guide-Outfitter License application of Craig E. Hill.

The Board adjourned into executive session at 9:46 a.m. and was back on record at 9:58 a.m.

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

RESOLVED to table the application for licensure as a Registered Guide-Outfitter of Craig E. Hill pending more investigative research by investigative staff.

Bobby Fithian, Boyd Porter and Rick Metzger rejoined the Board at 10:00 a.m.

Item 4. Delegation of Authority

The Board reviewed the delegation of authority drafted by Cindy Roccodero, Licensing Examiner.

Mr. Johnson read the delegation of authority into the record.

“The Big Game Commercial Services Board is the authority that makes the final decisions concerning scheduling of applicants to sit for the Registered Guide-Outfitter Qualification and Game Management Unit Certification examinations, issuance of Registered Guide-Outfitter and Master Guide-Outfitter licenses, and renewal of Assistant Guide, Class-A Assistant Guide, Registered Guide-Outfitter and Transporter licenses. Because of the nature, timing and infrequency of these meetings, the Board is unable to approve completed applications. Accordingly in order to expedite the scheduling of applicants and issuance of licenses, the Board finds it necessary to adopt this delegation of authority.

The Big Game Commercial Services Board hereby delegates to its staff in the Department of Commerce the authority to schedule Registered Guide-Outfitter and Game Management Unit Certification examination applicants if the applications are considered complete at least 45 days before the scheduled examination date,

and issue Registered Guide-Outfitter and Master Guide-Outfitter licenses upon receipt of any additional documentation requested by staff to include licensing fees and renew Assistant Guide, Class-A Assistant Guide, Registered Guide-Outfitter, Master Guide-Outfitter and Transporter licenses.”

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

RESOLVED to sign and adopt the delegation of authority as read into the record.

Item 5. GMU 60-day Request for Waiver

- Dan Suprak
- Charles Pohland

The Board reviewed a memorandum dated July 17, 2006 to the Board from Barbara Gabier, Program Coordinator, a letter written by Joe Schuster on behalf of Dan Suprak and Charles Pohland. The letter dated September 5, 2006 requests an exemption from the 60-day Game Management Unit (GMU) requirement. A copy of Item 6 from the October 9-11, 2006 meeting minutes were also reviewed.

On a motion duly made by Richard Rohrer, seconded by Leif Wilson

RESOLVED to grant a waiver of the 60-day in field requirement based on the date of application

Ms. Roccodero informed the Board that they have no authority to grant a waiver to the existing regulation 12 AAC 75.112(3). Ms. Roccodero also stated that if the Board grants a waiver to the 60-day requirement, they must grant all applicants the same waiver.

The Board had a brief discussion regarding the implications of making a waiver to the 60-day in field experience requirements for the GMU exams.

On an amended motion duly made by Richard Rohrer, seconded by Leif Wilson

RESOLVED to not grant a waiver of the 60-day in field requirement in accordance with 12 AAC 75.112(3) for Dan Suprak and Charles Pohland.

Mr. Johnson stated that he would call Joe Schuster and explain the Board's decision to not grant a waiver of requirements for Dan Suprak and Charles Pohland.

Item 6. Visual Recording – Create Policy on Acceptable Animals

The Board reviewed the current version (January 29, 2007) of the Visual Recording Instructions.

Mr. Roccodero relayed to the Board that an applicant requested approval to cape a seal.

Mr. Johnson also stated that at the December 2006 exams a video was reviewed where an applicant was capping a domestic cat.

The Board discussed the reason no specific species was listed on the form was that they were trying to be accommodating for applicants who submitted an application out of hunting seasons. After a brief discussion the Board agreed that the instructions should be amended to read only big game species would be acceptable.

Item 7. Review Proposed State/Regulation

The Board reviewed the proposed regulation changes to 12 AAC 75.230, 12 AAC 75.240(c), 12 AAC 75.240(f), 12 AAC 75.250, and 12 AAC 75.340 submitted by Wayne Kubat.

The Board reviewed the proposed statute drafted by Representative Ledoux's office AS 08.54.785, which reads as follows:

“Section 1. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.785. Chapter not applicable. The provisions of this chapter do not apply to a person providing, for compensation or with the intent to receive compensation, only accommodations and meals to a big game hunter in the field at a permanent lodge, house, or cabin owned by the person or on a boat with permanent living quarters located on salt water.

Sec 2. AS 08.54.790(9) is amended to read:

(9) “outfit” means to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities, **excluding the provision of accommodations by a person described in AS 08.54.785**, to a big game hunter in the field, by a person who either accompanies nor is present with the big game hunter in the field whether personally or by an assistant;”

Ms. Roccodero pointed out that Section 1, line 7, ...”on a boat with permanent living quarters located on salt water” may conflict with current statute AS 08.54.650(b). Mr. Jonson stated that the contradiction will be addressed and amended.

Rick Metzger informed the Board that he is working with Representative Ledoux's office to draft the statute changes and that he would be happy to continue the process.

Boyd Porter informed the Board that enforcement officers were having difficulties with transporters in the Prince of Whales Island area which may be helped by the proposed statute changes.

The Board had a brief discussion regarding the providing of meals and decided that the Bill should be amended to not state anything about meals as most accommodations include meals as part of their services.

Mr. Johnson requested the Board state their opinions regarding the proposed statutes.

Mr. Brown stated he felt property rights were being addressed.

Mr. Wilson stated he felt the Bill was a step in the right direction for the Board.

Ms. Schmitz stated she was in agreement with the statements from other Board members.

Mr. Mumford concurred with Ms. Schmitz.

Mr. Rohrer stated he was concerned with the "meal" language. Ms. Roccodero informed the Board that "meals" were included in the definition of accommodations. Mr. Rohrer informed the Board that they may need to define accommodations in regulations. Mr. Johnson assured Mr. Rohrer that, the language would be amended.

Mr. Wilson stated that he would disagree with "meals and boats".

The Board had a brief discussion on the differences of "boat" verses "house boat"

Ms. Schmitz stated she felt the language should remain as is.

Mr. Johnson informed the Board that he felt the Bill was a good step and that it should be approved with the mentioned concerns. Mr. Johnson went on to clarify for the Board that the process of getting the Bill approved could take time and that the Board should take action now in order to start the Bill approval process.

Item 8. Review Proposed State/Regulation

Upon unanimous consent the Board approved the following regulations for submission to the Regulation Specialist for public noticing. The Board requested that the public notice for the proposed regulations should reflect that the Board will take public testimony at its March 19-21, 2007 meeting.

New subsection

12 AAC 75.100. APPLICATION FOR REGISTERED GUIDE-OUTFITTER EXAMINATION.

(a)(10) indicate if the applicant will be contracting to provide big game commercial services during the licensing period for which the applicant is applying.

(e) The department will schedule an applicant to sit for the registered guide-outfitter examination if items in (a)-(d) of this section are received and confirmed before the scheduled examination date.

(f) An applicant who appears for an examination that chooses not to take a scheduled test forfeits the examination fee(s).

12 AAC 75.112(c). GAME MANAGEMENT UNIT CERTIFICATION EXAMINATION. The department will schedule an applicant to sit for a game management unit certification examination if items in (a)(3) of this section are confirmed before the scheduled examination date.

(d) An applicant who appears for an examination that chooses not to take a scheduled test forfeits the examination fee(s).

12 AAC 75.115(d). REGISTERED GUIDE-OUTFITTER EXEMPT FROM EXAMINATION.

The department will schedule an applicant to sit for a game management unit certification examination if items in (a)(3) of this section are received and confirmed before the scheduled examination date.

- (a)(8) indicate if the applicant will be contracting to provide big game commercial services during the licensing period for which the applicant is applying.
- (e) An applicant who appears for an examination that chooses not to take a scheduled test forfeits the examination fee(s).

12AAC 75.900. LICENSE RENEWAL

- (a) The license renewal requirements in AS 08.54.660 and 08.54.670 apply to [individuals] **persons** licensed under AS 08.54.600 – 08.54.790.
- (b) Repealed
- (b) A applicant for renewal of a registered guide-outfitter license shall submit**
- (1) the fees established in AS 08.01.065 and 12 AAC 75.02.230.**
- (2) complete a renewal application on a form provided by the department;**
- (3) indicate whether the applicant will contract guide or outfit a big game hunt during the licensing period for which the applicant is applying;**
- (A) an applicant who states that they will be contracting to provide big game commercial services during the licensing period must certify that the applicant has a current State of Alaska business license and provide the business license number.**
- (B) provide proof of financial responsibility as required in AS 08.54.680(a).**
- (4) indicate if the applicant contracted to guide or outfit big game hunts during the concluding licensing period;**
- (c) An applicant for renewal of a transporter license shall submit**
- (1) complete renewal application on a form provided by the department;**
- (2) fees required in 12 AAC 02.230;**
- (3) provide proof of financial responsibility as required in AS 08.54.680(a);**
- (4) certify that the applicant has a current State of Alaska business license and provide the business license number; and**
- (5) indicate if the applicant provide big game transportation services during the concluding licensing period.**
- (c) Repealed
- (c) In addition to (b) of this section, a transporter who holds a license between the numbers of 1 ----, will be required to submit**
- (1) provide the name of one individual who is considered in responsible charge of the transporter business activities;**
- (2) a copy of the Federal Aviation Administration or U.S. Coast Guard licenses or certificates applicable to the licensees operation; and**
- (3) an applicant that is a corporation, limited liability company, or limited liability partnership must submit**
- (A) proof of articles of incorporation or articles of organization in good standing filed with the Corporation Section of the Division of Corporations, Business and Professional Licensing.**
- (d) Repealed.
- (d) A applicant for renewal of a class-A assistant guide or assistant guide license shall submit**

- (1) the fees established in AS 08.01.065 and 12 AAC 75.02.230;**
 - (2) complete renewal application on a form provided by the department; and**
 - (3) provide the names of the registered guide-outfitters for whom the applicant has worked for during the concluding licensing period.**
- (e) Repealed.
- (e) For the purposes of determining fees all applicants shall state if they are a resident of Alaska.**

12 AAC 75.220. REGISTERED GUIDE-OUTFITTER PROOF OF FINANCIAL RESPONSIBILITY (a) Repealed.

(a) A registered guide-outfitter that will contract to provide big game commercial services shall

12 AAC 75.420 TRANSPORTER PROOF OF FINANCIAL RESPONSIBILITY (a) Repealed.

(a) At the time of initial application for a transporter license, the applicant shall

New Section Under Article 1.

APPLICATION FOR MASTER GUIDE-OUTFITTER LICENSE

- (a) The department will issue a license as a master guide-outfitter to a person who meets the requirements of AS 08.54.610(b) and this section. An applicant for a master guide-outfitter license shall submit
- (1) the applicable fees required in 12 AAC 02.230;
 - (2) a completed application on a form provided by the department;
 - (3) a list of 25 big game hunters for whom the applicant has personally provided guiding or outfitting services in compliance with AS 08.54.610
 - (4) for each guiding, outfitting, transportation, and hunting services license, if any, issued to the applicant by another state or by a jurisdiction of Canada, verification from the issuing government body that the license has not been suspended or revoked;
 - (5) has received one favorable recommendation from each of any 10 years; and
 - (6) affidavit reflecting the years, in which the applicant is requesting to receive guide experience credit.
- (b) For the purposes of determining the applicable license fee under (a)(1) of this section, the applicant shall state on the application form whether the applicant is a resident of Alaska.

SPECIES SPECIFIC LICENSING

- (a) Registered Guide-Outfitters who were initially licensed July 30, 2006 or later who wish to contract guided hunts for sheep, moose, brown bear, mountain goat and caribou must have the specific species named on his or her license as an authorized species.
- (b) To qualify for the species to be added to an existing license, an applicant must submit
- (1) a completed application on a form provided by the department; and
 - (2) an affidavit signed by the applicant certifying that the applicant has been involved in a minimum of three harvests on a guided hunt for each of these species listed in order to be licensed for that species.

