



unapologetically **FOR ALASKAN RESIDENTS**

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February 18, 2019

To: Senate Resources Committee

Re: SB 43 – Extend Big Game Commercial Services Board

Dear Chairman Birch and Senate Resources Committee members,

Resident Hunters of Alaska (RHAK) **opposes** a six-year extension of the Big Game Commercial Services Board (Board); however we would support a two-year extension if the Board would actually do its job to regulate big game guides and fix the widespread issues surrounding investigative matters of licensees regulated by this board.

Regarding “doing its job,” for over a decade now the Board has said there are too many guides on state lands, which is causing biological harm to our wildlife populations, crowding and conflicts and competition between guides and resident hunters. For over ten years the Board has stated this is a major issue yet has not used the various mechanisms under their authority to regulate and limit guides. Instead, the Board has only supported one solution to the problem of too many guides on state lands: the proposed Guide Concession Program (GCP) that would fall under the auspices of the Department of Natural Resources (DNR), which failed in the 28th Alaska legislature as HB 158 and SB 60.

The Board to this day still only supports the failed GCP as the only solution to a known problem. As DNR has posited in their white paper on “No Cost Alternatives” to the GCP, the Board has various means to limit guides on state lands at no cost to the state. Why isn’t the Board acting after saying this was such a serious concern for the past ten years? Why is the Board not doing its job to limit guides on state lands?

The guide industry lobby also supports the GCP as the remedy to too many guides on state lands, and in arguing that position has stated numerous times on the record that “guides are unregulated on state lands.”

What that statement means is that this Board, the Big Game Commercial Services Board that regulates guides on all lands within the state, is ***not doing its job!***

Regarding investigative issues and lack of timeliness of investigations, which was brought up in the sunset audit as the reason to only support a six-year extension of the Board, that is all wrapped up in how the Board resolved its

massive debt issues, and now claims to be over \$100,000 in the black. (Yet at the same time the Board says it can't afford to hold meetings in Fairbanks any longer, disenfranchising guides and members of the public in the interior who can't afford to travel to Anchorage)

A large function of the Board's debt was due to investigative costs and administrative hearings. In order to bring the debt down, the Division of Corporations, Business, and Profession Licensing (DCBPL) acted on their own to raise licensing fees for guides and transporters regulated by this Board, per the statutory requirements that a board must financially support itself via licensing fees. In conjunction, however, with these increased fees to help lower the debt, the Board realized that investigative costs of guides were still the overriding reason for the debt, and moved to having guides with violations sign "consent agreements" instead of taking them to administrative court which can cost tens of thousands of dollars.

While these type of plea agreements in order to save money on court costs aren't always a bad thing, in too many cases what this has done is allow guides to commit multiple infractions over time with limited fines and probation period. In the most egregious of cases, the board's reluctance to act on its own to revoke or suspend a guide license because of cost concerns, allows guides convicted in criminal court of multiple hunting & guiding violations to continue guiding.

Case in point – Big Game Master Guide Tom Shankster, from Colorado:

Alaska Wildlife Troopers spent over 1,000 hours investigating Mr. Shankster's guide operation back in 2014. There were numerous reports and photos posted on online hunting forums of violations with Mr. Shankster's guide operation at the time, along with complaints, that led troopers to investigate. All during this time Mr. Shankster continued guiding.

Finally, in the summer of 2018 the state brought Mr. Shankster to court and he was convicted of wanton waste and filing false hunt records, sentenced to 30 days in jail, a \$35,000 fine, and a year of probation. The court, however, did not order the Board to revoke Mr. Shankster's license. Had the court so ordered, the Board would have revoked his license as it is our understanding such an order would preclude the Board from paying any additional appeal or administrative hearing costs.

The Board did not revoke Mr. Shankster's license, which they have the clear authority to do on their own, and after his conviction Mr. Shankster went into business with two other Colorado residents who are licensed Alaska assistant guides, and the business was renamed Dillinger River Outfitters (DRO). DRO began booking guided hunts using Mr. Shankster's contracting guide license, and at this date in February of 2019 DRO continues to book hunts for the 2019 season. Mr. Shankster's guide license is active and valid.

The public is completely unaware of how this guide operation was formed, who is behind it, and the numerous violations Mr. Shankster has been convicted of.

The Board will not revoke Mr. Shankster's guide license because of fears of "due process" and appeals and administrative court hearings that could run into the tens of thousands of dollars if the Board acts on their own. This is the situation we find ourselves in when cost concerns override doing what is supposed to be done. It is an abomination to all guides and hunters that someone like Mr. Shankster is still in business in the state of Alaska; he makes us all look bad, makes the state look bad, and certainly the Board that is supposed to regulate his activities.

This is just the tip of the iceberg on the backlog of investigations of guides and how the "new" system of saving costs on investigations and penalties is working.

In closing, we believe there needs to be a Board to license and regulate big game guides. But that Board needs to do its job under the authority granted by the legislature. If guides need to be limited, then limit them under the various mechanisms this Board has. If and when worries over \$30,000 in court costs and appeals ends up with this Board continuing to allow a known bad-apple guide to continue guiding ... then DCBPL and the state needs to change how the system currently operates.

Sincerely,

Mark Richards

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