



unapologetically **FOR ALASKAN RESIDENTS**

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March 12, 2019

To: Senate Finance Committee

Re: SB 43 – Extend Big Game Commercial Services Board

Dear Chair Stedman, Chair Von Imhof, and Senate Finance Committee members,

Resident Hunters of Alaska (RHAK) strongly **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 28<sup>th</sup> Alaska legislature as HB 158 and SB 60. In the 30<sup>th</sup> legislature, federal receipt authority for 2.1 million dollars that would fund the startup of the GCP passed within the budget, but as was reported to this committee earlier this session, those monies never came through. Therefore, it is time for this board to do its job and limit guides via the various mechanisms mentioned in DNR’s “no cost alternatives” to the GCP.

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 will be in debt again next year and 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.

For example, at one of the BGCSB teleconference meetings this winter, 17 "consent agreements" were before the Board. The violations ranged from guiding without being registered for that Guide Use Area, wanton waste of game, failure to report a sub-legal harvest, and guiding outside one's Guide Use Area. All the fines were minimal with a one-year probation, the guide keeps his or her license and keeps on guiding.

Another case of note, a Registered Guide-Outfitter with numerous past violations applied for a Master Guide-Outfitter license, which is the highest class of license a guide can have, implying that guide is the best of the best. The board deliberated on how this guide's numerous violations over the years did not comport with the very meaning of a Master Guide-Outfitter, but there was nothing within regulations to prevent them from denying his request.

In the most egregious of instances, the board's reluctance to act on its own to revoke or suspend a guide license because of cost concerns, allows guides with cases before a criminal court of multiple hunting & guiding violations to continue guiding **for years** until the criminal case is adjudicated.

In a letter to Senator David Wilson from Sarah Chambers, the Director of the Division of Corporations, Business, & Professional Licensing (DCBPL), dated March 10, 2019, in response to a request for more information regarding the investigative process of professional licensees, Ms Chambers states that: *"The concerns raised by the 2018 sunset audit of the Big Game Commercial Services Board is not that there are significant delays in investigations; it is that normal delays were simply not well-documented in our case management software during the 2015-2018 audit period."*

We do not see it that way. Every sunset audit of this board since it was reinstated in 2005 after a 10-year sunset has expressed concerns over the timeliness of investigations and caseloads for the one investigator who works for this board. As Ms Chambers stated elsewhere in her letter, this high

*caseload "is an unsustainable workload, which inspired our team to actively partner with the Alaska Wildlife Troopers (AWT) and criminal prosecutors to streamline the process."*

The high caseloads currently before the investigator are indeed unsustainable, and this is the real issue that results in delays and timeliness of investigations.

We would like to see a full review of the BGCSB both during its 1995-2005 sunset and afterwards, that would answer these questions:

- The number of cases open/backlogged at the time the BGCSB was sunsetted in 1995 when DCBPL took over for the board
- The number of cases open/backlogged when the board was reinstated in 2005 and DCBPL relinquished its duties back to the board
- The number of cases open/backlogged at the time of the September 2011 Sunset Audit (Audit Control #08.220071-11)
- The number of cases open/backlogged at the time of the August 2015 Sunset audit (Audit Control #08.20093-15)
- The number of cases open/backlogged at the time of the last sunset audit

Every audit has expressed the same concerns, so it does not appear that there are improvements being made.

Again, we can only support a two-year extension of the BGCSB, in the hopes that a short extension will allow them to actually find solutions to these matters.

Sincerely,  
Mark Richards  
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