



unapologetically **FOR ALASKAN RESIDENTS**

PO Box 60095, Fairbanks, Alaska 99706 (907) 371-7436
email info@residenthuntersofalaska.org web www.residenthuntersofalaska.org

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

Executive Director Resident Hunters of Alaska

(907) 371-7436

Trever M. Fulton

From: Bob Cassell <dental@mtaonline.net>
Sent: Tuesday, February 19, 2019 12:57 PM
To: Trever M. Fulton
Subject: BGCSB

I oppose the renewal of the BGCSB for a 6 year term due to this board inadequately managing commercial hunting guides. I have had a complaint to the BGCSB with a commercial hunting guide for 3 1/2 years now with violations of the DNR land use permit LAS 29100 with no action I am aware of by the BGCSB for the violations. It is this boards responsibility to sanction violations by commercial hunting guides and this board has a multiple decades history of not disciplining guide violations. If this board is to function as mandated another probationary 2 year extension is warranted to allow the commercial hunters to get their house in order. I will be traveling to Juneau next month and can bring documentation showing the history of the above violations beginning with Senator Huggins, Representative Mark Neuman and subsequently Senator Wilson being informed of what I have reported as well as the past Commissioner of DNR.

Respectfully;
Robert Cassell

Sen. Chris Birch

From: M C <mccrary907@gmail.com>
Sent: Tuesday, February 19, 2019 7:50 PM
To: Sen. Chris Birch
Cc: Sen. Click Bishop; Sen. John Coghill; Sen. Cathy Giessel; Sen. Scott Kawasaki; Sen. Jesse Kiehl; Sen. Lora Reinbold
Subject: Sunset or very limited BGCSB extension

Dear Senate Resources Chair and Committee Members:

There is a legitimate concern that this Board does not collect enough in licensing fees to properly conduct investigations and see them through to adjudication in an appropriate; public interest, manner.

It should be acknowledged that each of the last three Big Game Commercial Services Board (BGCSB) Audits speak directly of a significant case backlog of licensing violations attributed mostly to licensed guides and not assistant guides or transporters. Today, this backlog of cases should be recognized for what it is, a chronic problem for the public.

It is also important to recognize this case backlog problem is; among the 40+ boards managed by Division of Corporations, Business, and Profession Licensing (DCBPL), a long term issue that is nearly; if not literally, a problem exclusive to this Board.

After at least 3 Audits pointing out this case backlog issue, the legislature has not yet provided the needed direction or clarity to the Division of Corporations, Business, and Profession Licensing (DCBPL) required to address and correct the conduct and interaction/relationship between BGCSB and DCBPL necessary to a) overcome a perpetual case backlog issue and b) demonstrate the BGCSB can remain solvent while doing so.

As a reminder to the Committee, this board is coming off a 2 year extension that essentially demanded BGCSB/DCBPL focus on correcting the operating deficit of the board "or else".

It is notable the chronic backlog of non adjudicated cases was apparently not clearly defined two years ago as also being a problem that needed to be solved by now. So it does appear that a 2 year extension; giving clear direction provided by the Legislature to DCBL/BGCSB, could provide reasonable incentive and motivation for DCBPL/BGCSB to get it right.

As it now stands DCBPL/BGCSB recent collaboration to create a system of settling violations by "consent agreements" (*SB91 for guides*) likely only served to defer costs in order to make a claim at the 11th hour that "BGCSB" is operating in the black. Basically, DCBPL/BGCSB 'consent agreements' cooked the books on the deficit so remains a legitimate question whether DCBPL/BGCSB could maintain a current case load and operate in the black.

Providing DCBPL/BGCSB two years to clear the backlog of cases validates whether licensing fees collected are adequate to support and maintain a balanced budget for this Board.

Kicking the can down the road for 6 more years is not in the public interest and it is worth noting that this board Sunset for a decade (95-05) and that did not create a public crisis.

Thank you for your time.
mike mccrary