

Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

Big Game Commercial Services Board

Annual Report

Fiscal Year 2023



Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

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**Big Game Commercial Services Board
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Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
Jason Bunch, Chair Licensed Registered Guide- Outfitter	Kodiak	March 2, 2018	March 1, 2023
Aaron Bloomquist Licensed Registered Guide- Outfitter	Copper Center	March 1, 2021	March 1, 2025
Martin Boniek Licensed Transporter	Glennallen	March 1, 2021	March 1, 2025
Michael Flores Licensed Transporter	Soldotna	May 11, 2020	March 1, 2027
Jerry Burnett Designated Board of Game Representative	Juneau	January 21, 2021	March 1, 2024
Clay Nordlum Private Landowner	Kotzebue	June 25, 2021	March 1, 2026
Pete Buist Public Member	Fairbanks	May 21, 2019	March 1, 2025
Larry Kunder Public Member	Anchorage	May 25, 2022	March 1, 2026

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Identification of Staff

Thomas Bay – Executive Administrator

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P.O. Box 110806
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Janet Brown – Occupational Licensing Examiner

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Alison Osborne – Regulations Specialist II

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Stefanie Davis – Regulations Specialist II

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**Big Game Commercial Services Board
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Narrative Statement

The Big Game Commercial Services Board was created by the Legislature “For the purpose of licensing and regulating the activities of providers of commercial services to big game hunters in the interest of the state’s wildlife resources...” (AS 08.54.591(a)). The board consists of nine members, including two active registered guide-outfitters, two transporters, two private landowners, two members of the public, and one board of game member. Currently there is one vacant private landowner member seat on the board.

The board’s duties include developing and administering guide examinations, overseeing guide applications and authorizations, assuring guides and transporters have appropriate permission from landowners, establishing codes of ethics, imposing appropriate disciplinary sanctions, and adopting procedural and substantive regulations (AS 08.54.600). The board typically meets three times per year - twice a year in person, one telephonic meeting in July, as well as periodic teleconferences primarily for executive session disciplinary considerations. The board held hybrid meetings (in person and Zoom) during the fiscal year. All meetings are advertised and open to the public, except for the executive sessions. Funding for board activities, including legal costs and associated support by staff from the Division of Corporations, Businesses and Professional Licensing, is provided by license fees collected from guides and transporters. There is one investigator, one occupational licensing examiner, and one executive administrator assigned to the board.

Current work groups and other board related projects include updating the Game Management Unit/Registered Guide-Outfitter written exams, transporter regulation review, and the Guide Concessions Program.

Current regulation projects include amendments to 12 AAC 75.200, REGISTERED GUIDE-OUTFITTER PROVIDING SERVICES, 12 AAC 75.230, GUIDE USE AREA REGISTRATION, 12 AAC 75.240, SUPERVISION, 12 AAC 75.250, PARTICIPATION IN A HUNT, 12 AAC 75.400, TRANSPORTER ACTIVITY REPORT, AND 12 AAC 75.440, PROFESSIONAL ETHICS STANDARDS FOR PROVIDERS OF TRANSPORTATION SERVICES. Other current regulation projects include creating new regulations for the defining of boat-based transporters with living accommodations on saltwater, marking of aircraft and boats used by guides and transporters, and helicopter use.

The financial status of the board is in good standing. The board is diligently managing funds and consistently works with the executive administrator, Mr. Bay, to ensure finances are handled appropriately. The third quarter report reflects a surplus of \$829,753. After a fee analysis from the division, the board agreed to reduce some of their fees, which will take place towards the end of 2023.

The board's last Investigative Report, as of March 14, 2023, showed the board with 48 open cases and 24 closed cases.

The board continues to support State and Federal landowner permitting processes, including Alaska Dept. of Natural Resource, USDA - Forest Service and National Wildlife Refuge managers. The big game guiding industry creates about \$80 million in economic activity within the state annually. While no similar hard data or figures are available for transporters, a good estimate would be in the \$40-50 million range. About 1,600 jobs with \$13 million in wages and \$12 million spent in rural areas for goods and services can be attributed specifically to the guiding industry in Alaska. In addition to guide fees, visiting clients indirectly spend approximately \$29.5 million within Alaska.

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Budget Recommendations for FY 2024

Budget Recommendations section anticipates the board’s fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt- supported services or RSS). Be sure to explain any items listed as “other” so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
December 4-6, 2023	Anchorage	8	2
<input checked="" type="checkbox"/> Airfare:			\$ 2,750.00
<input checked="" type="checkbox"/> Hotel:			\$ 4,615.00
<input checked="" type="checkbox"/> Ground:			\$ 2,000.00
<input checked="" type="checkbox"/> Other (Please Specify): Venue: Putting a large number in at \$10,000. Probably will be far less.			\$ 10,000.00
Total Estimated Cost:			\$ 19,365.00

Board Meeting Date	Location	# Board	# Staff
March 2024 (3 Days – TBD)	Kodiak	8	2
<input checked="" type="checkbox"/> Airfare:			\$ 4,600.00
<input checked="" type="checkbox"/> Hotel:			\$ 5,250.00
<input checked="" type="checkbox"/> Ground:			\$ 2,000.00
<input checked="" type="checkbox"/> Other (Please Specify): Venue: Putting a large number in at \$10,000. Probably will be far less.			\$ 10,000.00
Total Estimated Cost:			\$ 21,850.00

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Budget Recommendations for FY 2024 (continued)

Travel Required to Perform Examinations

Not Applicable

Date	Location	# Board	# Staff
December 4-6, 2023	Anchorage	2	2

Description of meeting and its role in supporting the mission of the Board:

Written and practical examinations provided in conjunction with scheduled board meeting. These costs are already included in the numbers above for the Dec 4-6, 2023, board meeting.

<input checked="" type="checkbox"/> Airfare:	\$ 1,200.00
<input checked="" type="checkbox"/> Hotel:	\$ 2,100.00
<input checked="" type="checkbox"/> Ground:	\$ 1,300.00
<input type="checkbox"/> Conference:	\$ 0.00
<input type="checkbox"/> Other (Please Specify):	\$ 0.00
Total Estimated Cost:	\$ 4,600.00

Travel Required to Perform Examinations

Not Applicable

Date	Location	# Board	# Staff
March 2024 (3 Days – TBD)	Kodiak	2	2

Description of meeting and its role in supporting the mission of the Board:

Written and practical examinations provided in conjunction with scheduled board meeting. These costs are already included in the numbers above for the March 2024, board meeting.

<input checked="" type="checkbox"/> Airfare:	\$ 1,500.00
<input checked="" type="checkbox"/> Hotel:	\$ 2,100.00
<input checked="" type="checkbox"/> Ground:	\$ 1,300.00
<input type="checkbox"/> Conference:	\$ 0.00
<input type="checkbox"/> Other (Please Specify):	\$ 0.00
Total Estimated Cost:	\$ 4,900.00

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Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

(Rank in order of importance)

#1 Rank in Importance or Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Conference: <input type="checkbox"/> Other:				
Describe "Other" (break out all sections):				
Net Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

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Budget Recommendations for FY 2024 (continued)

Non-Travel Budget Requests

- Not Applicable
 Resources
 Examinations
 Membership
 Training
 Other

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Other Items with a Fiscal Impact

- Not Applicable
 Cost Per Event:
 Number of Events:

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Summary of FY 2024 Fiscal Requests:

Board Meetings and Teleconferences:	\$ 41,215.00
Travel for Exams:	\$ 9,500.00
Out-of-State and Additional In-State Travel:	\$ 0.00
Dues, Memberships, Resources, Training:	\$ 0.00
Total Potential Third-Party Offsets:	\$ 0.00
Other:	\$ 0.00
Total Requested:	\$ 50,715.00

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Legislative Recommendations - Proposed Legislation for FY 2024

No Recommendations

The Board has no recommendations for proposed legislation at this time.

Recommendations

The Board has the following recommendations for proposed legislation:

Sec. 08.54.750 Use Area Registration

The board has received an increase in complaints regarding conflicts in the field between licensees and licensees with resident hunters on state owned land. These complaints are from both Guides and Transporters. The board has also heard issues with the quality of guide services being significantly reduced due to congestion and overcrowding in certain areas on state owned land. In addition, the Board of Game is reviewing areas of the state with high winter mortality rates of species. Some of these areas have high numbers of guided non-resident activity that will be in danger of being closed or placed on the permit by drawing list of areas. Permit by drawing without an allocation and specified number of guides is not viable to sustain a small guide service business.

The board has not received complaints for areas that are currently part of Federal concession programs.

Therefore, the board formed a work group in FY 2023 to research limited guide-use areas, also known as a concession program. The workgroup consists of five members who represent various interests impacted by commercial big game services. The seats are one representative from each: Alaska Fish and Game, Dept. of Natural Resources, General Public, Interior Big Game Guide and Coastal Big Game Guide. A representative of the Dept of Commerce is facilitating each meeting and also providing input.

As of this date, the work group has held eight public meetings and three public comment forums. The goal of the work group is to provide a publicly vetted program to the board to limit the number of guides who can provide service in any one area.

State land use permits for commercial activity are issued by the Department of Natural Resources and are generally allowed, available to anyone. Statute 08.54.750 allows all licensed Registered/Master Guide-Outfitters to register for up to three specific Guide Use Areas. Guides must be certified in the Game Management Unit the Guide Use Area is in before they can register for the area and can register for a term of 3-5 years. Between DNR and BGCSB statutes, commercial services are generally allowable anywhere on state owned land.

Statute 08.54.591 charges the board with regulating the activities of providers of commercial services to big game hunters in the interest of the state's wildlife resources. There is currently no successful statute or regulation to fulfill this statutory charge other than a limit to the number of areas each licensed guide can provide services within.

Authority to limit the number of guides who can provide services within a specific area will greatly assist Alaska Dept. of Fish and Game in the conservation of Alaska's Natural Resources and fulfill the obligation of the board to ensure services are provided in a more conservative manner.

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Legislative Recommendations - Proposed Legislation for FY 2024 (continued)

This project has been publicly supported by the Board of Game, Department of Public Safety, Department of Fish and Game, and the Department of Natural Resources. It has also been supported by interest groups such as the Alaska Safari Club, Kenai Safari Club, Alaska Outdoor Council, Alaska Wild Sheep Foundation, and Alaska Professional Hunters Association.

Sec. 08.54.750 Use Area Registration

In an ongoing effort to promote conservation-based activity as charged under 08.54.591 and reduce competition between commercial service providers and rural Alaskan communities, the board may seek to add Transporter Service requirements to this statute. Marine Transporter activity is receiving an increase in complaints of negative impact to Rural Alaskans through congestion and overuse.

Sec. 08.54.750 Use Area Registration

In an ongoing effort to support a guide business to maintain its viability as a small business during times of emergency, the board may seek to remove the 30-day requirement for Guide Use Area registration from statute and address it in regulation to provide for emergency conditions. These conditions would include times when the contracting registered guide cannot be in the field supervising contracted services (e.g., stroke, heart attack, traumatic event, or death).

Permanent Full-Time Executive Administrator Position

The board is pursuing legislation to create a full-time executive administrator position dedicated to their program instead of the current setup where their executive administrator splits time with the Board of Marine Pilots. Having a full-time executive administrator will help the board accomplish many of their current and future goals without having to worry about that person's availability.

Sec. 08.54.591 Creation and Membership of Board

Currently, two seats are established for private landholders. These seats have largely been under-utilized with one seat being vacant a high percentage of the time. Guide seats are typically burdened with a heavy workload as the subject matter experts. There has been discussion that changing the private landowner position from two to one and increasing the Guide position from two to three may be beneficial. There are pros and cons to this recommendation. Additional research and debate must take place before a change is requested.

Hunt Planners and Booking Agents

Hunt planners and booking agents continue to provide services within the state of Alaska to non-resident guided and unguided sportsman. These businesses are unlicensed and without regulatory oversight. A recommendation of the board may be statute and regulation to ensure the use of Alaska's natural resources for profit is balanced amongst user groups.

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Regulation Recommendations - Proposed Regulations for FY 2024

No Recommendations

The Board has no recommendations for proposed regulations at this time.

Recommendations

The Board has the following recommendations for proposed regulations:

Current regulation projects include amendments to the following regulations:

- 12 AAC 75.200, REGISTERED GUIDE-OUTFITTER PROVIDING SERVICES
- 12 AAC 75.230, GUIDE USE AREA REGISTRATION
- 12 AAC 75.240, SUPERVISION
- 12 AAC 75.250, PARTICIPATION IN A HUNT
- 12 AAC 75.400, TRANSPORTER ACTIVITY REPORT
- 12 AAC 75.440, PROFESSIONAL ETHICS STANDARDS FOR PROVIDERS OF TRANSPORTATION SERVICES.

Other current regulation projects include creating new regulations for the defining of boat-based transporters with living accommodations on saltwater, marking of aircraft and boats used by guides and transporters, and helicopter use.

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Goals and Objectives

Part I

FY 2023's goals and objectives and how they were met:

- *The board will continue to work on regulations projects and make efforts to streamline processes where possible with the assistance of staff.*

The board is behind on getting regulation projects out for public comment. To help the board get the help needed to get regulation projects out in a timely manner, the board motioned to pursue legislation to create their own executive administrator who does not split time with another board.

- *Continue to build and strengthen partnerships between the various agencies involved in the Guide Profession including ADF&G, Alaska Wildlife Troopers and the various land managers.*

The board created a Guide Concession Program workgroup with various agencies to research limited guide-use areas. The workgroup is working well together to meet a common goal, conserving Alaska's natural resources.

- *Continue to monitor trends in violations and make adjustments as required.*

The board continually monitors trends in violations and makes adjustments as needed.

- *Continue to strengthen public trust and participation through communication, education and efficiency.*

The Guide Concession Program workgroup has been working very closely with the public during their meetings. Public comment is provided at most meetings and everybody's voice that wants to be heard is.

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Goals and Objectives (continued)

Part II

FY 2024's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

In addition to current regulatory projects, the board will continue work on the following:

- Complete the concession work group with a final recommendation.
- Construct a workgroup for Transporter Concessions.
- Seek Legislative support to provide for emergency regulations for a Contracting Guide/Outfitter.
- Add Survivorship for Emergency transfers regulation.
- Re-write Supervision regulation criteria for clarity and purpose.
- Continue to review unlicensed hunt planner and booking agent licenses.
- Continue to strengthen the ethics standards. We continue to incorporate ethical violations into sanction actions. Moving forward, ethics violations may need to be incorporated into the disciplinary guidelines and precedence matrix. These violations are very difficult to maneuver and often times are without enough proof to justify board action. The board recognizes these barriers and plans to move forward with procedures to aid in the decision process of ethics violations once current projects are complete.
- Continue to build and strengthen partnerships between the various agencies involved in the Guide Profession, including ADF&G, Alaska Wildlife Troopers, and the various land managers.
- Continue to monitor trends in violations and make adjustments as required.
- Continue to strengthen public trust and participation through communication, education and efficiency.

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Sunset Audit Recommendations

Date of Last Legislative Audit: 9/14/2018

Board Sunset Date: 6/30/2024

Audit Recommendation:

DCBPL's director should improve management oversight procedures to ensure required documentation is obtained, reviewed, and retained to support licensure.

Action Taken:

DCBPL's director provided regularly scheduled meetings with the board's executive administrator to ensure the required documentation is obtained, reviewed, and retained to support licensure.

Next Steps:

DCBPL's director will continue to provide regularly scheduled meetings with the board's executive administrator. This is an on-going step so there is no completion date.

Complete : **No** **Yes** **If yes, date completed:**

Audit Recommendation:

DCBPL's chief investigator should increase oversight to improve the timeliness of investigations.

Action Taken:

DCBPL's chief investigator increased oversight and the timeliness of investigations has improved dramatically.

Next Steps:

DCBPL's chief investigator will continue to provide increased oversight of the timeliness of investigations. This is an on-going step so there is no completion date.

Complete : **No** **Yes** **If yes, date completed:**

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Sunset Audit Recommendations (continued)

Audit Recommendation:

The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants in a timely manner.

Action Taken:

The board has not been able to find a second private landholder to fill the vacant position. Unfortunately, it has been extremely difficult to fill because of the limited pool of qualified candidates.

Next Steps:

The board will try to find a second private landholder to fill the vacant position.

Complete : **No** **Yes** **If yes, date completed:**