

# *Annual Report*

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# *Fiscal Year 2020*

## **BIG GAME COMMERCIAL SERVICES BOARD**



**Department of Commerce, Community  
and Economic Development**

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**Division of Corporations, Business  
and Professional Licensing**

This annual performance report is presented in accordance with Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the past and present needs of the licensing program.

**BIG GAME COMMERCIAL SERVICES BOARD  
FY 2020 Annual Report**

**Table of Contents**

Identification of the Board	<b>Page 3</b>
Identification of the Staff	<b>Page 5</b>
Narrative Statement	<b>Page 6</b>
Budget Recommendations	<b>Page 8</b>
Proposed Legislative Recommendations	<b>Page 10</b>
Regulatory Recommendations	<b>Page 11</b>
Goals and Objectives	<b>Page 12</b>
Sunset Audit Recommendations	<b>Page 15</b>

**BIG GAME COMMERCIAL SERVICES BOARD  
FY 2020 Annual Report**

**Identification of the Board**

<b>Board Member</b>	<b>Duty Station</b>	<b>Date Appointed</b>	<b>Term Expires</b>
<b>Henry Tiffany IV</b> Board Chair	Ester	Mar 22, 2013	Mar 01, 2021
<b>Jason Bunch</b> Licensed Registered Guide-Outfitter	Kodiak	Mar 01, 2019	Mar 01, 2023
<b>Tom Harris</b> Private Landowner/Restricted	Anchorage	Sept. 11, 2018	Mar 01, 2022
<b>Michelle Heun</b> Licensed Transporter	Palmer	Jan 29, 2018	Mar 01, 2021
<b>Nicholas Jackson</b> Private Landowner/Restricted	Gakona	Mar 01, 2016	Mar 01, 2020
<b>Cash Joyce</b> Licensed Transporter	Wasilla	Jan 29, 2018	Mar 01, 2023
<b>Adam Trombley</b> Public Member	Anchorage	Feb 02, 2017	Mar 01, 2022
<b>Lawrence Van Daele</b> Designated Game Board Member/Restricted	Kodiak	Nov 20, 2017	Mar 01, 2020

**BIG GAME COMMERCIAL SERVICES BOARD  
FY 2020 Annual Report**

**Identification of the Board (continued)**

<b>Board Member</b>	<b>Duty Station</b>	<b>Date Appointed</b>	<b>Term Expires</b>
<b>Vacant</b> Public Member	--	--	Mar 01, 2021
<b>Thomas Sullivan</b> Public Member	Anchorage	Mar 01, 2017	Resigned
<b>Robert Beans</b> Public Member	City Location	Mar 01, 2017	Resigned

**BIG GAME COMMERCIAL SERVICES BOARD  
FY 2020 Annual Report**

**Identification of Staff**

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# BIG GAME COMMERCIAL SERVICES BOARD

## FY 2019 Annual Report

### Narrative Statement

The Big Game Commercial Services Board (BGCSB) has three scheduled public meetings per year. Traditionally these have been held in December in Anchorage and March in Fairbanks, as well as a July teleconference. In a cost savings measure, with input from the public, the board decided to hold both the December and March meetings in Anchorage in 2019, though the December 2019 earthquake required the board to postpone its December meeting until January and subsequently reschedule its March meeting to April.

Thus far in FY19, the period between July 1, 2018 and the present, we have held, in addition to our July teleconference, January and upcoming April public meetings in Anchorage, some executive judicial board meetings. The purpose of these executive judicial meetings, which by their very nature cannot be public, is to primarily address disciplinary actions the board is considering against licensees. This is done in an effort to limit the amount of time the board must go into private executive session during our three public meetings each year so as to allow for more robust public participation during the open public meetings. This practice was instituted approximately three years ago and seems to be an effective tool which helps to allow the three public meetings to be much more efficient with the public's valuable time.

The public meetings in Anchorage are generally reasonably well attended by guides and public with thirty to fifty attendees. The March and December meetings are typically attended by State of Alaska Wildlife Troopers, the Department of Natural Resource, the Department of Fish and Game, and the Department of Commerce, Community and Economic Development. Federal agencies included the Bureau of Land Management, U.S. Fish and Wildlife Service, USDA Forest Service, U.S National Park Service, and the Federal Aviation Administration. All of these agencies generally are invited to participate in our meetings though of late, due to budgetary constraints, some have elected to not be present. These interactions are a useful tool for all concerned because of often overlapping regulatory issues.

We welcomed a new private landholder board member to the BGCSB and look forward to their active contributions to the board and one public board member resigned without explanation. Our board also has a seat reserved for a Board of Game member, which is filled by Mr. Larry VanDaele, and it is an extremely useful cross membership since our boards often influence each other's regulations; therefore, close ties and communication are vital to a seamless regulatory fit between the boards and departments.

BGCSB has many areas of responsibility. We must help protect the natural resources of the state, establish and enforce professional standards and minimize conflicts between public and commercial big game hunters. Public protection concerns for Alaska residents seem to continue to be primarily over-crowding in some areas of the state by guides. Localized overuse may be caused by Transporters, Guides and in some cases hunting pressure by resident hunters. Game harvest levels are sustainable in most areas of the state. There are some local areas of concern primarily on state owned land. Guides and guided hunters are closely regulated on federal lands to maintain the management mandates for specific conservation system units.

Transporters that use federal lands are also required to obtain special use permits and abide by area-specific regulations but are not restricted to the number of hunters they may bring to a given area, whereas guides on federal lands are restricted to a specific number of hunters in an area. Resident hunters, however, have open access to most federal lands in the state, subject to area-specific federal subsistence hunting/trapping regulations. This issue of "overcrowding" on state land may be very adequately addressed if the State of Alaska Department of Natural Resources (DNR) Guide Concession Program (GCP) is implemented and should that come to pass then the BGCSB would likely play a key role in that program, just as it did when a similar program was instituted on the Federal lands within Alaska.

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There was a Legislative Audit, as a part of the boards legislative sunset review, and the board was found to be effective, serving its purpose and in the public's best interest and audit recommended that the board be reauthorized for another six-year period. A great deal of time, energy and effort has been spent by board members and the Division in this sunset review and both members and Division staff have, and continue, to be active in this process, including testifying at legislative hearings.

Below are some of the highlights of the boards and Divisions hard work this past year:

The applaudable success of returning our budget to the black after a large, inherited debt and the public, licensees, the Division and the board should all be very proud of the work involved in this budgetary effort.

Since July 1, 2018, the Board has taken action on 36 Licensees closing 42 cases. Currently the Divisions Investigator has 60 open cases and 47 open probations, that reflect as 107 open cases. It is anticipated that at the next Board meeting in April, the Board will consider actions against 11 licensees, that if all adopted, will close 21 cases. As such, there will be only 39 open cases.

The board, through a long-term standing subcommittee, completed and began administering a new written exam for the Registered Guide License test, a long overdue task that was a huge endeavor for the board members and public members involved with the subcommittee.

Work has begun on reviewing the Game Management Unit (GMU) written exams, with a particular focus on the maps associated with those exams and it is the hope that review and any necessary work to update those exams and/or maps will be completed this year.

An extensive review of all of the boards regulations, and most of the corresponding statutes, was concluded and there were some very good recommendations, which the board will take under advisement for potential implementation in the future.

Discussion and work has been focused on raising the standards and requirements for Master Guide Licenses and this may take place at both the statutory and regulatory level as may the ability for the board to revoke a licensee's Master Guide license and, in essence, demote them back to a Registered Guide license.

The board issued three separate policy, or position, statements. The first regarding "Harvest vs Take", the second regarding what is considered a "Permanent Structure" and thirdly "Child Birth Exemptions".

The board wrote letters of support for HB 90 and HB 101 and letters of opposition to HB 211, HB 263 and HB 267.

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.

The BGCSB has an ongoing regulatory program. We currently have four standing and active board sanctioned Sub-Committees which are comprised of current board members and members of the public. These are the Survivorship for Emergency Transfers, the Registered Guide Exam, the Transporter, the Revised Fee and Budget, and the Ethics Sub-Committees. These Sub-Committees meet both during our general public meetings and also outside of those times and, if appropriate, report back to the board during each public meeting.

Alaska is at the forefront as worldwide commercial wildlife service provider industry. We have no national standards to reference in our licensing standards or regulation development process so in some cases we look to other countries in some aspects of developing regulations and/or we are the pioneers in this licensing standards and regulatory process. Professional standards can be somewhat similar but national policies, politics, geography, and conservation issues are widely dissimilar and as is so often the case, Alaska is unique in many of these respects and we now often find ourselves as the leader in these industries with many other states looking to us as an example of how to administer and regulate the big game commercial industries and interests of a state.

**BIG GAME COMMERCIAL SERVICES BOARD  
Fiscal Year 2019 Annual Report**

**Budget Recommendations for FY 2020**

The 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.

<b>Board Meeting Date</b>	<b>Location</b>	<b># Board</b>	<b># Staff</b>
July 2019 (TBD)	Teleconference		
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other:			\$300.00
<b>Total Estimated Cost:</b>			<b>\$300.00</b>

<b>Board Meeting Date</b>	<b>Location</b>	<b># Board</b>	<b># Staff</b>
December 3-4, 2019	Anchorage	9	2
<input checked="" type="checkbox"/> Airfare:			\$1,500.00
<input checked="" type="checkbox"/> Hotel:			\$3,100.00
<input checked="" type="checkbox"/> Ground:			\$500.00
<input checked="" type="checkbox"/> Other:			\$2,500.00
<b>Total Estimated Cost:</b>			<b>\$7,600.00</b>

<b>Board Meeting Date</b>	<b>Location</b>	<b># Board</b>	<b># Staff</b>
March 2020 (TBD)	Fairbanks	9	2
<input checked="" type="checkbox"/> Airfare:			\$2,500.00
<input checked="" type="checkbox"/> Hotel:			\$6,800.00
<input checked="" type="checkbox"/> Ground:			\$1,000.00
<input checked="" type="checkbox"/> Other:			\$2,500.00
<b>Total Estimated Cost:</b>			<b>\$12,800.00</b>

**BIG GAME COMMERCIAL SERVICES BOARD**

Fiscal Year 2019 Annual Report

**Budget Recommendations for FY 2020 (continued)**

**Non-Travel Budget Requests**

- Not Applicable                       Resources                       Examinations  
 Membership                       Training                       Other

Product or Service	Provider	Cost Per Event
Renewal Mailout	CBPL	\$1,500.00

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

This year the renewal mailouts will be in envelopes due to providing the licensee with confidential authorization code.

**Other Items with a Fiscal Impact**

**Cost Per Event: \$0.00**

- Not Applicable

**Number of Events: 0**

Product or Service	Provider	Total Cost
		\$0.00

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

**Summary of FY 2020 Fiscal Requests**

Board Meetings and Teleconferences:	\$20,700.00
Travel for Exams:	\$0.00
Out-of-State and Additional In-State Travel:	\$0.00
Dues, Memberships, Resources, Training:	\$1,500.00
Total Potential Third-Party Offsets:	-\$0.00
Other:	\$0.00
<b>Total Requested:</b>	<b>\$22,200.00</b>

**BIG GAME COMMERCIAL SERVICES BOARD  
Fiscal Year 2019 Annual Report**

**Legislation Recommendations Proposed Legislation for FY 2020**

**No Recommendations**

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

**Recommendations**

The Board has the following recommendations for proposed legislation:

There may be cause, during FY20, for the BGCSB to propose to the legislature a statutory change relating to survivorship in extreme / emergency cases and other statutory changes as they may develop, including but not limited to giving the board the authority to immediately suspend a licensee's license if they are convicted of a serious criminal violation pending the conclusion of the civil investigation and giving the board the authority to demote a master guide license and replace it with a registered guide license (in essence demoting a licensee's class of license) for a serious violation.

**BIG GAME COMMERCIAL SERVICES BOARD  
Fiscal Year 2019 Annual Report**

**Regulation Recommendations Proposed Legislation for FY 2020**

**No Recommendations**

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

**Recommendations**

The Board has the following recommendations for proposed regulations:

During FY19, one regulation, 12 AAC 75.260(e): Registered Guide-Outfitter Contract Requirements was passed by the BGCSB.

Continuing in FY19/20, after being reviewed and amended by the board the following regulations and proposed changes are being reviewed by the Department of Law and/or the Regulation Specialists and will then come back before the board:

12 AAC 75.920(b), (c) and (e): Hunting, Guiding and Practical Experience 12 AAC 75.400(a):

Transporter Activity Reports: 12 AAC 75.230 (a) and (g): Guide Use Area Registration

I believe there may, or will, be additional proposals addressing the following concerns voiced by the public and/or the board:

- Continuing Education requirements Master Guide License requirements Hunt Record revisions
- Survivorship for Emergency Transfers
- Transporter Activity, Activity Reports, Contract requirements
- Testing - written Registered Guide Exam review of challenged questions Guide School experience credit
- Ethics
- Annual Filing Fees

**BIG GAME COMMERCIAL SERVICES BOARD  
Fiscal Year 2019 Annual Report**

**Goals and Objectives**

**Part I**

***FY 2020's goals and objectives, and how they were met:***

**Review the current statutes and regulations and, when and where possible, clarify their wording and relationships so as to make the BGCSB regulations less confusing and more streamlined:**

One of our board members undertook the significant task of trying to clarify and simplify, where and if possible, our regulations and they spent a great deal of time and effort on this project and made significant progress. They were perhaps mistaken that once they felt their task was complete that the board would approve all such changes and elect to have statutory changes made to that effect. It was never the board's intent to make anything more than is absolutely necessary a statutory change, as the board much prefers to make regulatory changes, which is all the board is authorized to do, whenever possible. The board will continue to review these proposed and recommended changes, and if and when appropriate, recommend statutory changes to support any regulatory changes the board deems appropriate.

**Help to develop a clear definition, in regulation and statute, for the word to describe a person killing an animal (i.e. "harvest" versus "take") as this would help to clarify issues in both regulations and statutes:**

The board felt our best approach to address this issue and concern was to issue a Policy, or Position, Statement which is precisely what it did.

**Continue to strengthen the ethics standards of Guide:**

Through passage of previous regulatory changes to 12 AAC 75.340 made by the board, we have begun incorporating ethical violations into sanction actions.

**Develop a Continuing Education Requirement for renewal of Registered or Master Guide licenses to promote professional and industry awareness of current issues and to promote volunteer exam proctor participation, as at times it is severely lacking and can hinder the exam process:**

This proposal is currently being worked on and addressed by the board, as it was first introduced as a proposal at the January 2020 meeting in Anchorage.

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**BIG GAME COMMERCIAL SERVICES BOARD  
Fiscal Year 2019 Annual Report**

**Goals and Objectives (continued)**

**Part I** (continued)

***FY 2020's goals and objectives, and how they were met:***

**Continue to improve / revise Hunt Record and Transporter Activity Records through revision of those forms when, where, and if necessary:**

Regulation 12 AAC 75.260(e): Registered Guide-Outfitter Contract Requirements was passed by the BGCSB.

**Continue to have periodic board member seminars to help instruct the board members and the public to the best board practices and protocols:**

The board continues to be offered board member training and seminars, both during our public meetings and via webinars and during our last meeting in January we had a helpful seminar from our Investigation division.

**Continue to identify regulation violation trends and continue preparing educational materials to reduce violations:**

We continue to receive reports from the AWT and try to determine if there are any consistent trends in the types of violations that are occurring and continue to work on aids to help licensees avoid these types of violations.

**BIG GAME COMMERCIAL SERVICES BOARD**  
**Fiscal Year 2019 Annual Report**

**Goals and Objectives (continued)**

**Part II**

**FY 2020's goals and objectives, and proposed methods to achieve them.**

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

- 1) Develop BGCSB Position Statements regarding, but not limited to firearm possession and how it relates to licensees who may have a felony on their record
- 2) Create a Supervision Flow Chart to aid the board, licensees, public and land managers in understanding the supervision regulates and how they apply in the field in practical terms
- 3) Clarify what materials and forms applicants for licenses must present at time of testing.
- 4) Explore developing a new class of guide license to encompass all those individuals or businesses that transport hunters, in any manner and by any method.
- 5) Continue work on the testing program, specifically to update the maps used in the Game Management Tests and portions of the Registered Guide-Outfitter written exam.
- 6) Continue working on Survivorship for Emergency Transfers issue.
- 7) Determine if Guide Schools are still applicable and necessary and if so finalize Guide School experience credit.
- 8) Continue to monitor, and address as required, the boards financial status and adjust annual filing fees, or other applicable fees, as necessary to ensure the board remains debt free moving forward.
- 9) Continue to conduct quarterly executive session judicial teleconference meetings.
- 10) Continue to use free state meeting locations, when and if feasible, rather than incurring the expense of rented facilities.
- 11) Consider, as the public has requested, moving the traditional March public meeting back to Fairbanks, Alaska

**BIG GAME COMMERCIAL SERVICES BOARD**  
**Fiscal Year 2019 Annual Report**

**Sunset Audit Recommendations**

**Date of Last Legislative Audit:** September 14, 2018  
**Board Sunset Date:**

<b>Audit Recommendation:</b>	DCBPL's director should improve management oversight procedures to ensure required documentation is obtained, reviewed, and retained to support licensure.
<b>Action Taken:</b>	<p>The department agrees that additional checks are needed to ensure the administrative record is complete. With over 22,000 new professional licenses issued by the agency in the last two fiscal years, additional supervisory resources have been needed to ensure that all necessary training occurs and that license files are regularly reviewed to meet this standard. The division requested and filled an additional Records and Licensing Supervisor position to reduce turnover and increase oversight of licensing processes, and a manual to formalize internal audit procedures is currently in development. The responsibilities of licensing examiner and licensing document have been consolidated under a single position now to maximize accountability. We propose to review licensing and documentation procedures and requirements to reflect accurate and complete documentation as the highest priority and responsibility.</p> <p>Furthermore, the Division Director and Deputy Commissioner are reviewing all regulations pertaining to this activity to ensure the Legislative intent can be reasonably fulfilled.</p>
<b>Next Steps:</b>	Not Applicable
<b>Date Completed:</b>	October 2017

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## Sunset Audit Recommendations (continued)

<b>Audit Recommendation:</b>	DCBPL’s chief investigator should increase oversight to improve the timeliness of investigations.
<b>Action Taken:</b>	The division adopted an investigative Standard Operating Procedure on May 1, 2018, requiring each case file reflect documented progress at least every 30 days. This standard is being reinforced by in-service training with all investigators on a biannual basis, as well as improved management oversight by the senior investigator over this program. The senior investigator will conduct quarterly case reviews with the investigator along with reviewing any open matters greater than six months and determine if adequate progression is being made. The chief investigator will review any matters greater than one year to determine if adequate progression is being made and there are no untimely delays. The division constantly seeks to improve processes to resolve allegations completely and quickly.
<b>Next Steps:</b>	Not Applicable
<b>Date Completed:</b>	January 2, 2019

<b>Audit Recommendation:</b>	The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants in a timely manner.
<b>Action Taken:</b>	The department will continue to assist the Office of the Governor in publicizing openings on the board and providing them with lists of licensed guides and transporters.
<b>Next Steps:</b>	Not Applicable
<b>Date Completed:</b>	Ongoing