



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT
Division of Corporations, Business and Professional Licensing

Sean Parnell, Governor
Susan Bell, Commissioner
Don Habeger, Director

January 31, 2011

The Honorable Reggie Joule
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Representative Joule,

As required by an allocation made to the Department of Commerce, Community and Economic Development / Big Game Commercial Services Board for the staffing and travel of a temporary investigator position to work in a specific game management unit in Alaska, a legislative report has been prepared by the Division of Corporations, Business and Professional Licensing to convey the objectives and results of that funding.

Members of the legislature are invited to review the report. Questions regarding this matter may be directed to Don Habeger, Division Director for the Division of Corporations, Business and Professional Licensing at 465-2536 or don.habeger@alaska.gov.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Susan K. Bell".

Susan K. Bell
Commissioner

Enclosure

Department of Commerce, Community & Economic Development

**REPORT TO THE
27TH ALASKA STATE LEGISLATURE**



January 31, 2011

Division of Corporations, Business and Professional Licensing /
Big Game Commercial Services Board

www.commerce.state.ak.us/occ/pgui.htm

EXECUTIVE SUMMARY

Management of Alaska's wildlife resources is accomplished through Alaska's Departments of Fish and Game, Public Safety, and Commerce, Community and Economic Development (DCCED). Cooperation between agencies is an important part of the effective stewardship of Alaska's wildlife.

The Big Game Commercial Services Board (Board), through DCCED, regulates and licenses the big game commercial service industry in Alaska. The Board also enforces its regulations through disciplinary actions against providers who violate licensing laws.

The investigative unit staffed by the Division of Corporations, Business and Professional Licensing (Division) monitors compliance on behalf of the 40 professions it licenses, including all classes of guides and transporters licensed by the Board. The investigator assigned to the Board is responsible for investigation and compliance in Alaska's 26 game management units.

In early 2008, a working group was established to address hunting and game management concerns in the area encompassing the Kotzebue Sound and the Chukchi Sea known as Game Management Unit 23 (GMU 23).¹ See Appendix A, Game Management Unit 23 Map. Big game hunted and regulated within GMU 23 include Caribou, Brown/Grizzly Bear, Moose, Muskox, Sheep, Wolf and Wolverine.

In 2009, the Division was invited to participate in the GMU 23 Working Group. A primary concern identified by the group that falls under the jurisdiction of the Board/Division is the conduct of transporters and air taxis, although guide activity within GMU 23 is also subject to enforcement. Reports made to the working group of game wasting, transporters remaining in the field with hunters too long, and unlicensed activity supported the need for additional enforcement within GMU 23.

With the passage of the FY2011 Operating Budget, the 26th Alaska State Legislature allocated \$63.0 to the Big Game Commercial Services Board for the purpose of hiring a seasonal investigator. The investigator was tasked with gathering information regarding transporter and air taxi conduct, conducting field inspections and investigations to ensure compliance, and enforcing the statutes and regulations under the authority of the Big Game Commercial Services Board.

Investigator John Clark was hired by the Division, for a term of six months. Clark worked in the field and out of the Division's Anchorage office until December 30, 2010. This report is made to the 27th Alaska State Legislature, following Clark's work in Game Management Unit 23, as provided for under the initial allocation.

¹ The 21-member working group is comprised of representatives from regional and tribal governments and organizations, state and federal land and wildlife management agencies, Fish and Game advisory committees, the Northwest Arctic Subsistence Regional Advisory Council, NANA Corporation, the Alaska Board of Game, the Federal Subsistence Board, and the Big Game Commercial Services Board. See Appendix B, GMU 23 Working Group.

OBJECTIVES

1. Conduct field inspections of Board-regulated licensees to verify compliance with statutes and regulations related to big game hunting.
2. Interview hunters to determine if any transporter violation, game animal waste, or other illegal activity had occurred during their hunt, as well as to review the quality of their hunting experience in Alaska.
3. Investigate, enforce, and report any violation of statutes and regulations relating to big game hunting, with a focus on transporter and air taxi activity. Specifically, the investigator looked at:
 - Unlicensed activity;
 - Operators remaining in the field with hunters; and
 - Failure to salvage.
4. Coordinate with state and federal wildlife management agencies, permitting agencies for commercial operations on public lands, and regional organizations.

RESULTS

OBJECTIVE 1: Conduct field inspections of Board-regulated licensees to verify compliance with statutes and regulations related to big game hunting.

- The investigator spent 22 days traveling within GMU 23 during September and early October 2010. During that time, he met with transporters, air taxi operators, and guides to verify they were correctly licensed and in compliance with big game hunting laws. The investigative and enforcement results of his field inspections are discussed above.
- While in the field, the investigator observed or uncovered minor violations involving both **transporters** and **guides**. These were violations that could be easily corrected on site, such as hunt records being incomplete, or a camp that was not being kept up to the Department of Natural Resources (DNR) or Bureau of Land Management (BLM) requirements. The violations were corrected by the licensees, and no further action was necessary.

OBJECTIVE 2: Interview hunters to determine if any transporter violation, game animal waste, or other illegal activity had occurred during their hunt, as well as to review the quality of their hunting experience in Alaska.

- The investigator interviewed approximately 75 hunters at various locations at which hunters gather. The interviews were conducted at hunters' camps, the Kotzebue airport, restaurants, hotels, and on the street.

- Hunters were asked about methods used to get to and from the field, whether they were bringing in the required harvested meat, and concerns or issues that may have arisen during the hunt.
- In an effort to educate and prevent game waste, the investigator reviewed hunting regulations – requiring that the meat of big game animals be removed from the field and salvaged – with each of the transporters and guides with whom he met.
- Several hunters raised the issue of the lack of a meat-processing business or facility in Kotzebue and the high cost of transporting trophies from Kotzebue.

OBJECTIVE 3: Investigate, enforce, and report any violation of statutes and regulations relating to big game hunting, with a focus on transporter and air taxi activity.

- A **transporter** was investigated and a violation for remaining in the field with clients enforced.² The matter was brought before the Board and a license action with a civil fine and reprimand were ordered.
- An unlicensed operator was investigated who appeared to be offering trips as a **transporter**. The case has been referred to the Department of Public Safety and to the Office of Special Appeals. It remains open until the Division learns the disposition of those referrals.
- An investigation was initiated into a **transporter** blurring the lines between his transporter business and his guiding operation. The case remains open, and a license action is anticipated.
- A **registered guide-outfitter** was investigated for failure to salvage a game animal (moose).³ The case was conducted in cooperation with the Department of Public Safety, Wildlife Troopers, and remains open. A license action, including a civil fine and reprimand, is likely.
- A **registered guide-outfitter** was investigated in cooperation with BLM for trespass on federal land.⁴ This investigation remains active. However, if the federal violation is proven, this case will likely have significant disciplinary sanctions imposed.
- A **registered guide-outfitter** was investigated for taking an animal during a closed season, or an overlimit hunt.⁵ This investigation remains open, and a license action is anticipated with disciplinary sanctions to be imposed.

² AS 08.54.720(a)(19)

³ AS 08.54.720(a)(15)

⁴ AS 08.54.54.720(a)(4)

⁵ AS 08.54.720(a)(1) and AS 08.54.720(a)(8)

- A **registered guide-outfitter** was investigated for leaving a client in the field, a professional ethics matter, and contract violation.⁶ This investigation remains open. License action is pending, with disciplinary sanctions expected.
- A **registered guide-outfitter** was investigated for failure to pay an employee's earned wages, a professional ethics matter.⁷ This investigation remains open.

OBJECTIVE 4: Coordinate with state and federal wildlife management agencies to investigate big game hunting violations, and with agencies involved in issuing permits for commercial operations involving hunting on public lands, and with other regional organizations.

- The investigator coordinated and traveled with the Alaska Wildlife Troopers and the U.S. Fish and Wildlife to check field camps of operators within GMU 23. He spent three days on river patrol with a U.S. Fish & Wildlife Enforcement Officer.
- The investigator coordinated with the U.S. Bureau of Land Management (BLM) to investigate trespass issues by operators registered with the State of Alaska.
- The investigator worked with representatives from the State of Alaska Wildlife Enforcement, State of Alaska Fish and Game, U.S. Fish and Wildlife, Bureau of Land Management, The Northwest Arctic Borough, and the NANA Regional Corporation on investigations and issues of concern.

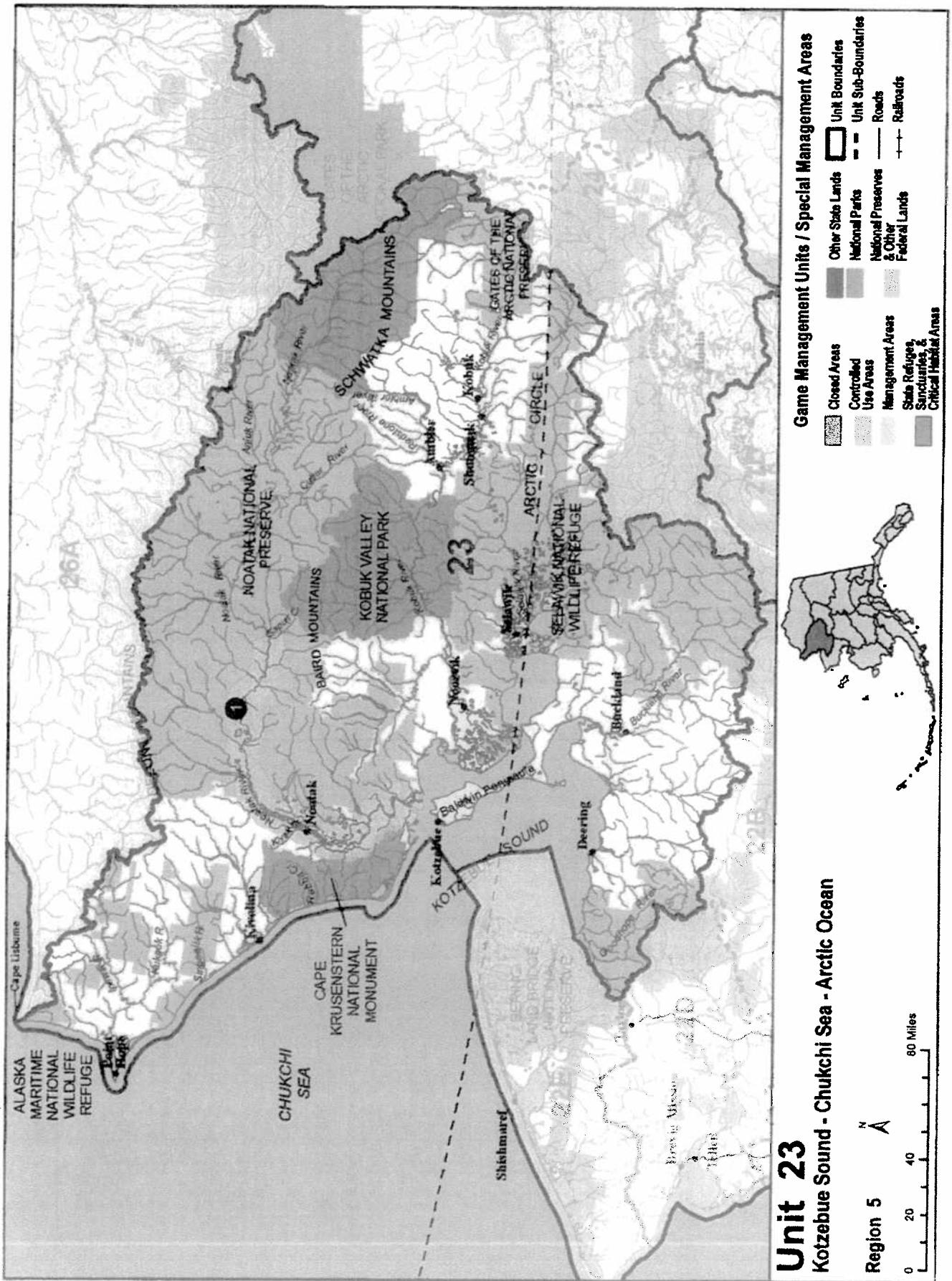
SUMMARY

The \$63.0 allocation provided for a Division investigator to focus on concerns related to commercial service providers' conduct and compliance in GMU 23, and to coordinate with federal, state, and regional entities to effectively manage Alaska's wildlife resources.

The investigator traveled to the Kotzebue area to investigate the level of illegal or unlicensed activity, and surveyed approximately 75 hunters to determine what methods were being used to get to and from the field. The investigator also looked into how hunters were harvesting their game animals. Field inspections of transporters and guides to ensure compliance with hunting laws were conducted, and minor violations were corrected in the field. Serious violations investigated have been or will be brought before the Big Game Commercial Services Board.

⁶ AS 08.54.710(a)(4)

⁷ 12 AAC 75.340(c)(7)



Appendix A

Unit 23 Working Group Membership

May 2010

Name	Affiliations
Lee Anne Ayres	U.S. Fish and Wildlife Service
Zazell Staheli	Big Game Commercial Services Board
Jim Dau	Alaska Department of Fish and Game
Phil Driver	Alaska Professional Hunting Association Western Arctic Caribou Herd Working Group
Mike Fleagle	Federal Subsistence Board
Charlie Gregg	Northwest Arctic Borough
Cyrus Harris	Maniilaq Association
George Helfrich	National Park Service
Shelly Jacobson	Bureau of Land Management
Cliff Judkins	Alaska Board of Game
Victor Karmun	Northwest Arctic Regional Advisory Council Kotzebue Sound Advisory Committee
Melvin Lee	Upper Kobuk Advisory Committee
Dianna Leinberger	Alaska Department of Natural Resources
Enoch Mitchell	Noatak/Kivalina Advisory Committee
Ron Moto, Sr.	North Seward Peninsula Advisory Committee
Walter Sampson	NANA Regional Corporation
Pete Schaeffer	Kotzebue Sound Advisory Council
Joe Schuster	Alaska Professional Hunting Association Western Arctic Caribou Herd Working Group
Ted Spraker	Alaska Board of Game Big Game Commercial Services Board
Raymond Stoney	Northwest Arctic Regional Advisory Council Lower Kobuk Advisory Committee Big Game Commercial Services Board
Alex Whiting	Kotzebue IRA