

Guide-Client Agreement Sub-committee Report (BGCSB) - update

The Big Game Commercial Services Board with support from APHA formed a sub-committee to address several guides' concerns regarding Proposal 146 (BOG 2013-2014) which was submitted by the Department. The purpose for this report is to inform this Board of the activities and recommendations of the sub-committee regarding this topic.

In short, proposal 146 eliminates the requirement for a "guide-client" agreement – which essentially requires the non-resident drawing applicant to hire a guide prior to applying for specific sheep, goat, brown bear, and moose hunts. Among the reasons for this proposal is that the currently described requirements and regulation are un-enforceable and therefore ineffective. There is currently no definition or description of a "guide-client agreement" in regulation. In addition, the hired guide is required to have a current guide use area (GUA) registration in the drawing permit area on file with the Department of Commerce, Community, and Economic Development. This registration is supposed to be in effect the day the application is submitted ("proof" at time of application) and for the season which the drawing permit is valid (ADF&G regulation). Under the current system, it is very difficult and in some cases impossible for the Division of Wildlife Conservation to determine eligibility of the listed guide at the time of application.

The sub-committee, which included big game guides, APHA representatives, BOG and BGCSB members, ADF&G staff as well as DCCED staff, met via teleconference over the last few months. Several additional conversations also occurred between various representatives on the sub-committee. Alternatives to proposal 146 were discussed relative to agency IT capacity, data sharing, License Modernization at ADF&G, and guide concerns regarding the draw areas that currently require guide-client agreements. The following recommendations have been discussed and provide a path to a possible solution to the current situation:

- Require Registered or Master Guides to apply for non-residents that are not hunting with relatives in the current guide-client agreement required (GCA) drawing permit areas.
- These GCA applications will require the Registered or Master Guide to have earlier contacted the Division of Occupational Licensing (Occ. Licensing) to acquire a confirmation number in order to possibly complete the application. This confirmation number will provide the guide with verification that he/she is registered for at least one of the Guide Use Areas (GUA) within the drawing permit area applied for both the application year and the drawing permit hunt period (the following year).

- The verification provided by the “electronic signature” of the guide will also be part of the guide’s confirmation record that he/she has a contract or other “agreement” of some kind with the non-resident client that is being applied for.
- Guides could also provide their Guide License Number and possibly other “demographic” data in the application to provide additional verification.
- Investigations and/or enforcement activities that may occur during or after the drawing will by default obligate the guide to produce a signed contract or other document to verify his/her business arrangement with the client.
- Occupational Licensing will have the GUA registration information for any investigations or questions that may come up during either the application or drawing period.
- In the future, DWC hopes to have the web capacity to access Occupational Licensing data on current and “future” GUA registration *during* the application period.
- The confirmation numbers that the guides have or use to apply with will be kept and archived within the Division of Occupational Licensing – this will not be the Division of Wildlife Conservation’s responsibility.

We have discussed the mechanics and technical aspects of these recommendations with IT staff from DWC and Occupational Licensing and all have agreed that this is a workable solution. It is not perfect, but until we have full IT capacity (e.g., web service capacity or similar) these proposed solution above will work. This will result in drawing requirements that place the responsibility on the guide who is applying for a non-resident who may or may not understand the guide requirement or the specific rules for application to what we currently refer to as guide-client agreement required NR draw hunts. With limited modification to the existing language in 5 AAC 92.057, 92.061, 92.069, 92.050 and 12 AAC 75.260, the result will be an enforceable regulation, significantly more guide responsibility, and a more defined role for Occupational Licensing with no requirement or need for DWC validation or certification.

NOTE Resident relatives (non-residents not hunting with guides for guide-required species) would still apply for drawing hunts in the same manner as they do currently.