

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 1 of 192 - Submitted 04/22/2012 at 12:00 AM:  
April 16, 2012  
Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments: (I have highlighted in yellow additional comments ) 1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following: For many years, Alaska s Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA s. This model should stay the same for a number of important reasons: a. Many existing professional guides have been conducting hunts on State lands within three GOUA s for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA s, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands. b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded. e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. I also recommend that the \$250.00 Concession application fee remain the same.

2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations: a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing. b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants. c. Conservation/Stewardship basis of the GCP needs to be based on the applicants Plan of Operation , not on the number of Full or Limited concessionaires that will be competing for resources. d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders. 1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or: 2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: 3. I recommend that Limited Concession s be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized. b. Only the Limited Concessionaire can conduct the hunts with no assistant guides. c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities. b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business. d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. e. One of

the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability. f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry. a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year. b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client. c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichuk. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on. a. I recommend that the Scoring Panel have industry participation within its makeup. b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

8. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon. a. I recommend that implementation timeline needs to be moved forward to 2014.

9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.

c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application

period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant is wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

#### 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.

b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement

needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration. In addition to qualified spouse, sons or daughters, I recommend the inclusion of a licensed relative or long-term (10+ years) non-relative assistant guide that has trained and worked under the guiding operation for the duration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process.

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2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations. An additional 10 points needs to be awarded for the guide who has operated within the same GMU throughout their guiding career AND has continued sustainable harvests and demonstrated honorable land stewardship.

4. FORM A, SUB-FACTOR B, ITEM 5:

a. I recommend deleting this criterion as its relevance to guiding is questionable.

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5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a less is best aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any less is best grading aspects but rather the overall plan of stewardship for the resources. Delete less is best concept in grading.

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6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a less is best concept of grading. Delete less is best concept of grading. b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources. c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

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7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions.

1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation. (This statement should also allow for guides that have signed up for the predator control program but have unsuccessfully harvested based on the fact that the attempt was demonstrated.)

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8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

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9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

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FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

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11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE:

a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

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12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

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13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

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14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within. (Delete the hire employees clause and add in HOW the guiding operation has helped to seasonally sustain the community's economy for example; local purchase of groceries, aviation and camp operation fuel, freight into and out of the community hub, passenger services from local airlines offered at the hub community, goods and services purchased while hunters await flights times in the community, etc.)

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15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

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16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff. Delete less is best concept of grading.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant s plan of operation and the conservation balance it provides.

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17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period.

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18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

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19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses. \_\_\_\_\_

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman s comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists. c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Bob Adams Bob Adams, Master Guide Adams Guiding Service P.O. Box 770941 Eagle River, Alaska 99577 907-688-1499  
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# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 2 of 192 - Submitted 04/09/2012 at 12:00 AM:

State of Alaska  
Dept. of Natural Resources

Division of Mining, Land & Water 550 W. 7th Ave., Suite 900c

Anchorage, AK 99501

Re: Comment on Proposed Guide Concession Program To Whom It May Concern:

My name is Charles E. Allen\* and I am the President/Owner of The Alaska Expedition Co., Inc. (AEC) located on the Tsiu River in GMU 6A. I am a Registered Big-Game Guide, License No. 1210 and submit the following comments on the Proposed Guide Concession Program (GCP).

As I currently understand the State's proposed mission, "The proposed program will select qualified individuals to conduct big game commercial guiding on state land through an allocation process that would involve registered and master guides submitting an application with supporting documentation to Division of Mining, Land and Water (DMLW)."

Thank you for the opportunity to submit comments on the program,

POTENTIAL BENEFIT(S) -- QUESTIONABLE?

**AFFECT QUALITY OF EXPERIENCE:** The program could have the immediate benefit of reducing in-field competition between professional guides for finite wildlife resources in historically crowded areas.

In some cases, the quality of the experience for selected guides and their hunters could be enhanced. However, this leads to the question and problem to define what constitutes a quality outdoor experience? For some, it may be perfectly acceptable that they are hunting/guiding an area where it is not uncommon to see other hunters, i.e. "crowded". Others may expect not only to never see another hunter, but to not hear another hunter's rifle or shotgun report, nor see or even hear an aircraft, i.e. "pristine".

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The possibilities between these two extremes are infinite. The word "quality" then is a subjective definition, and depends on who is doing the defining. A "one size fits all" quantitative and qualitative regulatory approach defining "quality" will probably prove to be problematic and inefficient due to Alaska's varied habitats and geologic diversity. It would appear those issues must, be taken into consideration in any final "exclusive guide per area" allocation process. **REDUCE INEFFECTIVE GUIDES:** A government run allocation system of deciding who gets to hunt where could accelerate the free marketplace method that currently selects against inefficient and poor quality guides.

During the 22 years we have operated on the Tsiu River, I have witnessed several big-game guides attempting to operate here but who did not invest in the complete infrastructure (long-term land use permits, comfortable lodging, air, water, and ground transportation, adequate staffing) as AEC has done to provide a quality recreational experience. Consequently, due to these other guides' inability to provide a high quality experience for their clients, market forces (neither repeat business nor future new client bookings due to negative feedback) eliminated them from this area. So, your mission statement of "selecting qualified individuals to conduct big game commercial guiding" was realized, albeit through a different methodology.

The regulator's challenge will be to define a "poor quality guide" as grounds for removing their ability to earn a living after that guide has invested the time and experience to become a professional guide. In some cases, it may be easy and desirable (i.e. a guide with multiple client complaints, AK Statute violations, injury to a client or staff member, poor quality equipment, etc.), and would supplement the penalties already in place to police guide activities and behavior. However, other instances that might include a young, newly approved guide just starting out, without a long and complementary history, could be discriminated against, as he has not proven himself to be either a good or poor quality guide. His only choice then may be a longer apprenticeship under a guide who has been awarded an area. Likewise, a one-man Registered Guide operation that has been working effectively for years in an area but does not have substantial resources may be discriminated against compared to a Master Guide working the same area with more resources.

This regulatory process may also have the unanticipated consequences of reduced future guide recruitment and an "aging" of the current guide pool. Page 3 State of Alaska (DMLW) April 3, 2012 POTENTIAL FOR HARM AND ABUSE

**INCREASE IN ALASKA BUSINESS BANKRUPTCIES:** Your regulators, with the stroke of a pen, could put AEC and other high quality operators completely out of . business. Our twenty-two years of guiding experience operating on the Tsiu River for a combination of Coho fishing, waterfowl and big-game hunting, with an investment in earning the registered big-game license (apprenticing), registered surveyors, engineers and attorney's fees to secure all necessary ADL long-term permits, the construction of 14 different buildings which constitutes our lodge, plus our investment in aircraft, boats, all terrain vehicles, and support vehicles in Cordova, Alaska, are all in jeopardy.

With profit levels marginal due to the continued recessionary pressures, any reduction in.. cash flow generation could and will have devastating effects on some big-game guide operations. Loss of businesses to the State will affect tax revenue, license

sales, plus the multiplier effect on other businesses such as hotels, restaurants, air taxi operations, etc.

**SELECTION IMPROPRIETY:** Your mission of "limiting the number of commercial guides through a selection process" has tremendous potential for abuse, and for regulators to curry favor towards politically connected guides. One must recognize the potential for impropriety.

By implementing this system, your regulator's "selection process" rather than simply market forces (satisfied clients and a job well done) determine whether or not we or any professional guide stays in business. In my particular case, our lodge is located only five air miles from a Master guide's operation. While he employs the use of several Super Cubs to transport his clients and guides over a broad area of Unit 6A, we hunt marsh areas accessible only by boat and foot, thus almost no interaction or competition exists between us in the field. However because he is designated as a "Master" guide and I am a "Registered" guide, this could be reason enough for a regulator to favor his operation in this. proposed allocation process.

**Legality of Action:** While the State does have the right to regulate use of State land, Federal law addressing Unconstitutional Taking and Ex Post Facto will be invoked when a person's previously State sanctioned and permitted method of livelihood has been revoked without cause. At the least, the State shall likely be required by the court to compensate each guide that is not selected to continue operations as before, as a valuable property right has been revoked and appropriated by the State. States such as Texas have realized this as they attempted to reduce the number of oystering and shrimping permits and were required to compensate those for surrender of their permits.

**INCREASED ACROMONIOUS RELATIONSHIPS BETWEEN GUIDES:** With this proposed program on the horizon, there will now be a significant economic. survival incentive for some guides who have co-existed without incident in the same unit for years, to be critical and suspicious of each other's activities, motives, and to sow slanderous seeds of dissent with law enforcement personnel and regulators about the other operator's activities. A selection process that could eliminate one's competition will be a powerful incentive to place oneself in a more favorable light than another guide working in the same area.

**BUSINESS DEVALUATION:** Our Alaska Expedition Co., Inc. operation is conducted under a Class "C" corporate entity.. I am an employee (President/Owner) and receive a salary as such. I also happen to be the Registered Big-Game Guide who guides all big-game hunters and generates corporate income from hunts.

Even in the event that I am selected to continue our big game hunting operations unchanged in scope and area hunted, if I am named as sole designee, without protective Corporate provisions that tie the regulator's selection not just to the guide but to the company, then this leads to the question of what happens to our "selected" designated area in the event of my illness, death, or a corporate sale? In the event your proposal, as I now understand it, is enacted, our business would experience immediate devaluation unless regulators have included protective provisions for the business, not just the individual guide working in that business (i.e. transferrable rights to another big game guide operating. under the corporate entity),

Where a guide is a sole proprietorship who was awarded an area, what happens when he is ready to retire or upon his death? Do the regulators propose to allow this individual to sell or transfer his allocation to another guide or business? In that event, while the State may have reduced the number of guides operating statewide, what happens to the guide "quality" question once we are in the second selection tier? Do you propose to supplement the current guide license requirements with a "quality endorsement" before one becomes eligible to be a guide approved to take over an area? If not, and if the allocation becomes owned and transferrable, then it will simply go. to the highest bidder without regard to a "quality" guide. **REDUCED COMPETITION = REDUCED QUALITY:** Initiation of this proposed program will have the effect of reducing guide and hunter numbers in a specific unit. On the surface, this appears to be a positive. However, from a broad prospective, reduced competition between suppliers of goods or services eventually results in higher prices, shoddy services, and less innovation. When one knows he has no competition for his type service in an area, the free market forces are diminished or eliminated. Generally a negative for the consumer-hunters in this case.

Thank you for the opportunity to comment.

Respectfully yours,

(Signature)

Charles E. Allen

\*Charles Allen holds a post-graduate degree in wildlife science and undergraduate degree in forestry. He was the Wildlife Programs Manager for St. Regis Paper Company for 11 years and taught graduate level courses in wildlife management at Stephen F. Austin State University. He served as Director, Wildlife Division for Texas Parks and Wildlife Dept. for two years. He has authored or co-authored 10 different technical papers on wildlife research and public policy issues relating to wildlife resources. He authored and presented a white paper to President Reagan's Commission for American Outdoors. He was the 1984 Recipient of "Conservationist of the Year" presented by Safari Club International and Recipient, "Professional Conservationist of the Year in 1985 presented by Texas Outdoor Writers Assoc. In 1986 he was Chairman, Private Lands Committee, Southeastern Section of The Wildlife Society. He was a 1989 Trustee for Biopolitics International Organization, a 30 Nation member organization based in Athens, Greece. He is a Commercial Instrument rated pilot with over 3000 hours of C-206 Alaska flight time. He founded The Alaska Expedition Co., Inc. in 1991 and is the President/Owner of the Knives of Alaska, Inc. and DiamondBlade LLC manufacturing operations.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Ron Alridge  
Amg #106  
P.O. Box 3028  
Soldotna, Ak 99669

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 3 of 192 - Submitted 04/24/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska

Department of Natural Resources Division of Mining Land and Water 550 West

Seventh Ave, Suite 900C Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the (ICP is supposed to be addressing).

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:

3. I recommend that Limited Concession's be provided on the following basis:

- a. Only where conservation and stewardship goals are not jeopardized.
- b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
- c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
- d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

#### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities,
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses, If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity,
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

#### 4. REGARDING STATE, STATE E PARKS AND ELM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR R THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO TINS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year.

b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

#### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

#### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection

most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBE AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas, This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GGP is intended to accomplish. A. graded post season. report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession, This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have

a sustainable business.

### 13. GUIDE CONCESSION AREAS:

a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichek decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration,

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations,

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable,

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

#### 6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

#### 7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

#### 8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable,

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item I,.

#### FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat. transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

#### 12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan,

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

- a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

- a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

- a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

- a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.
- b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff,
- c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

- a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

- a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

- a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM I): VIOLATIONS, CITATIONS AND CONVICTIONS

- a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

- b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in a regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

- c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

- d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

- e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

- f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program. Sincerely,

Ronnie Aldridge (signature)

AMG #106

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Anton Anderson

Email: akanderson@att.net

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 4 of 192 - Submitted 04/10/2012 at 12:00 AM:

I am a registered guide #830 I would like to see a alternate used in Alaska instead of a concession program. If there is a problem with our current guide laws fix the problem. You can only support so many guides in Alaska. Overly crowded areas are bad news for all guides and hunters. The guides who have established camps which were there first should prevail, If there records are good. I own a lodge wich I operate out of , I have big investment in it, Will I be regulated out of business. New guides should have to wait for openings there should be no desputes over hunting areas it will distroy the guiding business. Seniorty should prevail in most cases. Thank you

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Arthur Joseph Andreis  
A&Loutdoorenterprises  
Owner/Manager  
607 Old Steese Hwy, B-342  
Fairbanks, Ak 99701

Phone: (907)-488-2352  
Alternate Phone: (907)-590-2353  
Email: masterguideaa@gci.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 5 of 192 - Submitted 04/23/2012 at 04:56 PM:

Below are my comments regards the current proposal for a State GPC.

- 1.) I believe that, initially, allowing for just (2) concessions is best to start with. Reason: Gives more opportunity for "all" guides to have a chance for an area.
- 2.) I believe that , any guide w/concessions from any other Land-owners, USFWS, should be penalized accordingly. How, by deducting a certain number of points from their proposal for each area they already have. It makes no sense to allow guides, some w/2 or three "exclusive-areas on federal lands to have more areas on "State" lands, where, afterall, the "common -use -clause" is in effect. And, other qualified guides w/o "any" areas at all, may have more areas available to apply for.
- 3.) It's also a very good idea to limit the amount of Assistant-guides per concession to three. After all, I thought this was all about saving the resource, not hiring as many guides as possible, to make more money with the end result of depleting the game available for all "users".
- 4.) I believe it's best to have only State Lands involved in the program. Let the BLM and other land owners do their own thing, thereby, having areas available for other guides whom may "not" get any State areas. This gives them a place to go and an opportunity to earn a living.
- 5.) I think that a annual concession fee of \$500 is enough per-year. Some of us allready have long established leases we're paying on along w/a day-fee and the recreational permit fee. Remember. more fees, more game must be taken in order to cover one's overhead. thereby, here again. hurting the resource. It's important that the State and DNR realize that guides bring in a lot of money to the State. When I book a non-resident client he must have licenses and tags that pay much of the Game departments budget. He spends money in the State flying everywhere he needs to go, he stays at Motels, uses restaurants, buys his meals, purchases sporting goods at all the stores, brings home gifts from different gift-shops, has his trophies taken care of and uses airlines again to ship them. Lets' appreciate the guides and not "burden" us w/more fees, unless needed.
- 6.) I believe there should be "no' Guide representation on the panel and/or in the final development of this Program, other than with this Public-opportunity for all guides to participate.
- 7.) Finally, under no circumstances should there be any industry participation, ie, Guides, sitting on or involved in any way with the "make-up" of the actual "Scoring Panel" that determines the scoring a guide may receive.

Thankyou very much. Art Andreis, Masterguide-95.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Ray Atkins  
Atkins Guiding and Flying Service  
P.O. Box 22  
Cantwell, Ak 99729

Phone: (907)-768-2143  
Fax: (907)-768-2651  
Email: atkins@mtaonline.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 6 of 192 - Submitted 03/08/2012 at 12:00 AM:  
February 23, 2012  
State of Alaska

Department of Natural Resources Division of Mining, Land & Water 550 W. 7th Ave., Suite 900c  
Anchorage, AK 99501

RE: Big Game Concession Program

I am unable to attend your scheduled meetings, so am writing to express my comments and concerns.

I hunt and have hunted on State land in the Yanert River area (even before we had permits), since the mid 1970's. I have in recent years seen increased activity and decreased civility and just plain manners amongst the guides that are now pushing into that area.

If you are going to limit the number of guides on State land, it is my hope that you will take into

- 1) length of time each guide has been in the area
- 2) whether or not guides are resident - I believe they should have preferences
- 3) and usages, we have to deal with one guide imparticularly that is an excessive hunter

Years ago when they made guide areas I was the new kid on the block and was granted leftover, I believe in the past 40 years I have earned more consideration.

Sincerely Ray Atkins Master Guide #70

\*Received via mail 3/8/12

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Jake Austin  
1350 S Greenfield Rd  
Mesa, Az 85206

Email: bajaordie@yahoo.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 7 of 192 - Submitted 04/23/2012 at 08:26 AM:

I don't agree with the new guide concession program. The point system is skewed and not fair to all guides. Also the boundary lines are also not assessed correctly, specifically in unit 19B and should be changed to include the entire Hoholitna river drainage and all contributing drainages. I absolutely DO NOT agree with this proposed program and request there be a review and significant changes made before proceeding any further.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Roy Austin  
53747 Hwy. 60  
Miami, Az 85539

Email: roy.austin@yahoo.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 8 of 192 - Submitted 04/23/2012 at 08:33 AM:

I DON'T agree with the new guide concession program.

The boundary lines are also not assessed correctly, specifically in unit 19B and should be changed to include the entire Hoholitna river drainage and all contributing drainages.

The point system is skewed and not fair to all guides.

I request there be a review and significant changes made before proceeding any further.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Jim Bailey  
P.O. Box 770695  
Eagle River, Ak 99577

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 9 of 192 - Submitted 04/20/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska

Department of Natural Resources Division of Mining Land and Water 550 West

Seventh Ave, Suite 900C Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact, No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:

3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized.

b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.

c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.

d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.

b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.

e. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business,

d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience, Limiting the number of assistant guides works against this needed opportunity.

e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.

f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees, Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DTA., STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year,

b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF TIDE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection

most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship,

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have

a sustainable business.

### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region,

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichek decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program. REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

#### 6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need. to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

#### 7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual TM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort,

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified

State Permittee documentation.

#### 8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable,

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

#### FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded,

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat' transport, There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan,

11 FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

- a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

- a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

- a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

- a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.
- b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.
- c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the` scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides,

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

- a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

- a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

- a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

- a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on, All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.
- b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led-to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.
- c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.
- d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.
- e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.
- f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be sealed down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Jim Bailey #88 (signature)

\*Comment received via mail 4/20/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Tim Booch

Email: booch@ptialaska.net

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 10 of 192 - Submitted 04/23/2012 at 12:00 AM:

Clark Cox Natural Resource Manager DNR

My name is Tim Booch dba Aleutian Islands Guide Service. I am a 31 year resident of Kodiak Island. I am a Master Guide/Outfitter and I conduct my guided trophy hunts in Game Management Unit (GMU) 8 (Kodiak), 9 (Alaska Peninsula), and 10, (Unimak and Adak Island in the Aleutian Islands).

I am opposed to the Federal style Prospectus and the Federal style bureaucratic re-make of a well established State of Alaska agency, the Department of Natural Resources (DNR), whose stated mission is to conserve and protect the Natural Resources of Alaska for all Alaskans and Future Alaskans. No where in their mission statement, or in the past history of the department, is there any hint of the notion that they could, should, or would manage the professional sport hunting industry in Alaska on state land.

USF&WS Refuge permits are awarded to applicants that have submitted a Prospectus and that have presented an Operations Plan that is compliant with the Terms and Conditions of that permit and that reflects the recognition of the applicant of the personal opinions and goals of the individual Refuge managers and their colleagues in the Federal Dept. of the Interior. The conservation goals expressed by the State of Alaska Department of Fish and Game, and the allocation of those State of Alaska Constitutionally mandated, held in common game animals, are only secondary in degrees of importance to the Fed s when compared to their Federal mandate. Competition for these permits is high due to the limiting of the number of guides awarded these permits and law suits challenging the subjectivity of the scoring criteria from unsuccessful applicants are a common denominator in the process. Each page of a Federal prospectus is a legal affidavit and ANY false statement, such as mistakenly accounting for the number of days in the field over the previous twenty years, automatically disqualifies the applicant. Personal from the USF&WS, or from the same Federal style bureaucrat permit specialist that will be employed with DNR, won t inform the applicant of the mistake and allow that individual to correct it, like the Big Game Commercial Services Board Occupational Licensing permit specialists will do if they find that a guide has left something out in a State Hunt Record, but they will simply send the applicant a certified letter thanking him or her for participating in the process but denying him or her the permit. Even a successful USF&WS permit applicant must sign a release before the permit is awarded holding the Refuge blameless should the Refuge decide to revoke the permit for ANY reason & not just noncompliance. This same "disclaimer" will likely be included in the "terms and conditions" of this Federal style DNR Guide Concession Permit. The only reason that I participate in the Federal bureaucratic Prospectus permitting process is that I love hunting in the Aleutian Islands and the best trophy big game sport hunting in the Aleutians is found on the Federal Refuges. That fact has more to do with the remote location of those Refuges rather than any act of allocation of the resources or of the guides that provide the commercial services that these Federal agents might facilitate.

The Department of Natural Resources provides a number of different seasonal recreational permits that the various commercial services providers can apply for so that they can establish their presence on state land and build a business. The Terms and Conditions of these permits convey a certain amount of implied ownership during the specified time of the use of the permit. The Terms and Conditions applicable in a DNR seasonal recreational camp permit (LAS) mirror the terms and conditions of a USF&WS Refuge permit. One of the conditions to a DNR (LAS) permit, and a condition that is not included in the conditions of a Federal Refuge permit, is that the DNR (LAS) permit holder must take photos before, during, and after the permitted use and these photos must be sent to the DNR Permit Specialist to be checked for his or her compliance to the conditions of that permit. Non-compliance can result in the permit holder losing the permit. A major contributor to the overcrowding problem on state land is the guide with a DNR 14 day statewide permit. Unlike the DNR recreational camp leases and seasonal recreational camp (LAS) permits, that establish the camps by providing a GPS, Latitude and Longitude, and Township and Range, the 14 day state wide permits DO NOT establish a camp site and a guide with this kind of permit CAN NOT prove where they have camped or be held accountable for their impact on the environment. When an application for a recreational camp lease or permit is submitted to DNR they are sent out along with an invitation to comment to ALL government agencies, registered guides, and interested parties in the GUA for which the permit will be applied. No comments from the public are solicited from DNR for the approval of an application for a 14 day state wide permit.

The Board of Game (BOG) has been tasked for many years with regulating the access and allocation of the big game sport hunting and trapping species in the state of Alaska. The public s input is incorporated in the BOG proposal process and together with all of the shareholder voices in this shared culture the future of big game sport hunting in Alaska is determined by the adoption or denial of those proposals. Bag limits are set and allocation guidelines are established in regulation that will reflect the conservation goals of the State of Alaska Department of Fish and Game, the State of Alaska statutes pertaining to the commercial big game sport hunting industry, and the resident sport hunting and subsistence community. The most effective tool in the conservation and allocation tool box is the well established and precedent setting limited drawing permit allocation system manifest in the Kodiak brown bear drawing permit allocation guidelines. These fair, equitable, and logical allocation guidelines have effectively and positively addressed every problem that is inherent when too many consumers are in competition for too few resources. The BOG has in the past and will continue to implement in the future a limited drawing permit allocation when ever and where ever the competition between guides and residents reaches critical mass regardless if the APHA DNR/ GUACP is implemented or not. The latest assault on the Alaska big game sport hunting guide industry comes from the BOG s recent precedent setting Delta, Alaska Dall s sheep drawing permit regulation that sets the nonresident allocation of permits at up to 10%. If this and the TOK nonresident sheep allocation are left to stand then the death of the big game sport hunting guide industry in Alaska is set in stone.

Guides are already limited by established ethics standards not only in the BGCSB and BOG statutes and regulations but also by the Boone and Crocket and Pope and Young fair chase sport hunting ethics that have been the standard for achieving the

high quality of the hunting experience in Alaska, that for the most part, as been the case for the last quarter century. This current attempt to federalize the guide industry on state land is not a result of any subsistence issues, although there are a few special interest groups that would like to make it so, but it has everything to do with a few selfish and unethical residents, non-guided nonresidents, and big game guides and transporters competing for a harvestable surplus of the past their breeding prime, guide required for non-residents, trophy big game animals.

It is my understanding that the previous Guide Board was sunsetted at the same time that the sole use guide use areas on state land were done away with as a result of the Owsichuk Decision. The Big Game Commercial Service Board (BGCSB, the re-born Guide Board) was reestablished six or seven years ago to help bring the growing commercial big game sport hunting industry into the 21st century Alaska trophy big game sport hunting culture and to help police the industry. As a result of the aggressive lobbying of the State Legislature, the BGCSB, and the BOG, by a few individuals representing their special interests in the Alaska big game guide industry, the APHA (Alaska Professional Hunters Association)/DNR Guide Use Area Concession Plan (GUACP) ... that is designed to eliminate the competition for the authors of the plan ... has put a shackle on the BOG and the BGCSB and has distracted them and kept them from performing their fiduciary and legal obligation to the industry and the public. It has kept them from adopting regulations that would effectively remedy the problems identified when and where they exist and to apply these remedies fairly to all the shareholders and without exempting the residents that have created a major portion of the problem in the first place.

The following regulation adopted recently by the BGCSB has set a precedent in the state.

ARTICLE 3, 12 AAC 75.340 PROFESSIONAL ETHICS STANDARDS FOR GUIDES. (d) Field craft standards. (7) & allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences; in GMU 9, a person holding any class of guide license may not place a camp within two (2) miles of a permanent structure or permanent camp being used for big game guiding purposes, unless agreed upon by in a written agreement between the involved parties;

The authors of the wording of this regulation are the same individuals that created the APHA/DNR GUACP. Instead of allowing the BGCSB to use the terms permanent structure or permanent camp ... to legitimize these special interest motivated claims that these are the only established big game sport hunting guide operations on state land in GMU 9 ... we must DEMAND that the BGCSB rewrite this regulation with the terms & ? miles of a DNR permitted recreational camp lease or seasonal recreational camp permit (LAS) camp & adjust the miles appropriately for each GUA and start IMMEDIATELY implementing this regulation state wide. DNR should also do away with the 14 day state wide permit. I believe that it can be proven that there are many established DNR camps state wide already providing those guides with an established base of operations that does not conflict with their neighbors at this time and has not in the past. I believe that any guides with DNR 14 day state wide permits wanting to establish their presence in an area can still go to the DNR and identify the existing camp permits in the area and submit an application for a camp permit that doesn't infringe on the quality of the hunting experience for anybody. The BGCSB could include the big game sport hunting Transporters in this regulation and DNR could require Transporters to apply for and establish recreational camps as well. The BGCSB has adopted regulations dealing with unlawful acts and ethics standards that when violated by a guide can result in a fine and disciplinary actions taken by the Board. The State Troopers are tasked with enforcing guide regulations as well and they have the ability to write tickets so that the State Judicial Court System can exact fines and appropriate punishment.

According to the Owsichuk Decision & the common clause in the Alaska State Constitution makes no distinction between use for personal purposes and use for professional purposes ... If we would allow ourselves to recognize that trophy big game sport hunting in Alaska is a privilege and not a right then we can begin to call out the few selfish and unethical individuals that are responsible for a majority of the problem and that pay the least for their consumption of and impact on the resources. We must DEMAND the State to properly fund Occupational Licensing enforcement and the Troopers and hold these agencies accountable for their lack of enforcement of the laws, statutes, and regulations. We guides must DEMAND that the resident sport hunters be held to the same ethic standards and regulations that the commercial service providers are required to obey. We guides must also DEMAND that the residents be ticketed, prosecuted and fined for violating those regulations.

A person doesn't need to be a Profit to see that where ever in the state that multiple guides and residents compete for past their breeding prime, guide required for nonresidents, trophy big game sport hunting allocated species such as brown bear, grizzly, sheep, Mt goat, moose? (Koyukuk), and black bear? (Southeast) the BOG WILL implement a limited drawing permit allocation. I also believe that it is obvious that the The Kodiak Model drawing permit allocation guidelines & along with the established BOG policy of determining the allocation in a drawing by looking at the previous 10 year percentage average of resident versus nonresident & will sooner than later be implemented in ALL new and existing drawing permit hunts. If we can see the obvious benefit that the existing DNR permit process has brought and can continue to bring to the guide industry, and as long as their mission and focus is not blurred by being forced to manage the big game guide industry on state land, and as long as the BOG and BGCSB are held accountable, then it isn't hard to see that there should be and can be DNR permitted resident camps that are designated and associated with the drawing permits allocated to residents.

Please help the BOG and the BGCSB board members regain the prestige and focus that the Governor intended for them to have when he appointed them to these vitally important regulatory Boards by accepting and performing the equally important duties that you were originally designed and tasked to do. Please give the Alaska big game sport hunting industry and the rest of the Alaska big game sport hunting community as well the chance to rise to the highest calling and come together in the spirit of solidarity to enhance and protect the awesome hunting culture that we can all enjoy now and hopefully continue to enjoy in the future.

Sincerely

Tim Booch

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Larry Boschee  
2112 Modesto Circle  
Bismarck, Nd 58504

**Topic: Guide Concession Program Proposed Decision February 2012**

Comment 11 of 192 - Submitted 04/15/2012 at 02:37 PM:

Dear Sir or Madam:

If Alaska needs to reduce the number of guides, it should eliminate the guides who have admitted to unlawful acts, and then if a further reduction is needed, it should be on merit, and not by chance. This approach would ensure that the guides who are left are the best ones.

Thank you for your attention.

Larry Boschee

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Lewis Bradley

Email: lbradleyak@gci.net

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 12 of 192 - Submitted 03/28/2012 at 12:00 AM:

Clark, Thanks for returning my call. The information you have is just what I am interested in. You wanted a list of questions I had prior to our meeting at 1:30 on Friday. Here goes. 1. How many guides were licensed and active prior to the 1988 Owsichek court ruling? 2. How many Registered and Master Guides are there statewide today and the average number active each year? 3. How many Class A and Assistant Guides are there and the average number that are active each year? 4. What is the numbers breakdown of resident and non-resident guides? How many Guide Use Areas currently exist? 5. How many Guide Use Areas are being being proposed under the new Guide-Lease Program? 6. Is there a breakdown by GMU and GUA of the number of guides both registered for and actively hunting in the various areas? 7. Is there a limit to the number of guides currently allowed to operate in any given GMU or GUA and what will be the limit under the new program? 8. Approximately how many guides would there be under the new Guide-Lease Program? Hopefully this information already exists and isn't too difficult to retrieve. This is asking a lot. I appreciate any information regarding these questions, and if more time is needed or the answer isn't readily available, I am in no rush. Looking forward to meeting you. Thanks for your time. Regards, Lewis Bradley

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Lewis Bradley  
8200 E. Duchess Dr.  
Palmer, Ak 99645

Email: lbradleyak@gci.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 13 of 192 - Submitted 04/09/2012 at 12:00 AM:

Comments Concerning the Proposed Guide Concession Program A brief background on me is probably in order. My name is Lewis Bradley. My wife of 47 years and I have lived in the Mat-Su Valley for 40 years and raised two children. We came to Alaska in 1967 when I was stationed for 2 ½ years with the 172nd Inf. Bde. at Fort Richardson. I fell in love with Alaska s hunting and fishing. I was a teacher and coach in Wasilla for over 30 years. I had an assistant guides license in the late 90 s and guided a few sheep hunts, but guiding cut into my own hunting so I let the license lapse. I spend two to three months in the field each year hunting, fishing and horn collecting since I am a carver. Hunting is my passion, so I have a keen interest in the health of our wildlife resource. I served a 3 year term on the Board of Game from 2008-2011 which was an interesting and informative experience that broadened my perspective on the management of our wildlife. With that, here are my thoughts concerning the proposed Guide-Lease Program that is in the works. Thank you for your efforts on tackling the issue of too many guides and for consideration of my input. Since the Owischek court decision in 1988 that ruled the Exclusive-Guide Areas unconstitutional, the number of guides has at least doubled. It was a pivotal time for Alaska s hunting industry in more ways than this alone. The terrible winter of 1989-90 was followed by changes in weather patterns that has produced as many hard winters as normal snow winters through the 90 s, 2000 s and through this very winter where several records have been set. Winter snow loads, melt downs and freezing crusts are the single largest factor in depleting game populations. Biologists agree that sheep populations are down probably 40% of what they were prior to 1989. Governor s Cooper and Knowles administrations sidelined predator control programs from 1986 through the 90 s and only a few PC areas have been reinstated since by Governor s Murkowski, Palin and Parnell. ADF&G has stated that upwards of 85% of calf and lamb mortality is due to predators while hunters only account for 2-7% through annual harvest. Ungulate populations are down statewide while predator populations are high. We cannot do anything about the weather, and have not done much about the predators because of budget constraints, fear of litigation and political winds of animal activist groups gaining ground through their crafty campaigns. That leaves only hunters to control, but we really need to manage the resource and not hunters. The harvest is the driving factor and the species statistically in the worst shape is Dall sheep. Hunter numbers and harvests are significantly down statewide. ADF&G stats show that resident sheep hunter numbers have decreased by 34% since 1991 and their harvest stands, as of 2010, at a success rate of 19%. At the same time, non-resident hunter numbers have decreased by 20% and their success rate is 60%, down from 72% in 1991. Success rates have diminished and the current harvest is 50% of the late 80 and early 90 s. However, the largest difference comes by comparing Res/NR (non-resident) harvest in 1991 to what it was in 2010. NR harvest has risen from 31% of the harvest in 1991 to 43% of the sheep harvest in 2010. In 1983 it was 28%, so there has been a steady rise in NR hunters harvesting a greater percentage of the yearly ram harvest. ADF&G finally in 2008 instituted a sheep permit draw hunt in 13D and 14A So. because the harvest in 13D slid from a high of 89 rams in 1994 to just 36 in 2007 and 14A from a high in 1986 of 59 to 34 in 2007. Res/NR harvest in 13 D was Res 39/NR 18 in 1983, but in 2007 the harvest was Res 13/NR 22. In 14A the harvest in 1983 was Res 24/ NR 11 and by 2007 it was Res 14/NR 20. There had been almost a complete turn-around in harvest. The reason ADF&G gave was too many guides in those areas and I totally agree. During the Exclusive-Guide Area era of guiding, the holders of those areas farmed them such that animals were not over-harvested. Guides could not change areas so it was important to manage their areas for future harvests. Since 1988 there are no limits to the number of guides that can be in a GUA and many guides, due to forced competition, have operated by the philosophy that if they didn t take what was there, the other guide s clients would. Areas have literally been cleaned out and then guides move on to new areas the next year. Sounds a lot like how wolves operate. There is no loyalty and I understand guides are just trying to compete and make a living. At least most are; some are using modern marketing techniques and cornering the lion s share of permit draw hunts. The result has been a hammering of areas like 14C and TMA which have been forced to reduce their number of permits because of low harvests. Both areas have struggled in the last several seasons to produce a 40 ram for the Gov. Permit hunts. There is no doubt that something needs to be done to manage our wildlife resources better. I was excited when I first learned of the effort to create a Guide-Lease Concession Program designed to limit the number of guides and number of animals that could be harvested in any GMA. Under this program Guides would have areas they are responsible for and would not be able to change areas from year to year which encourages stewardship. I was in hopes that the program would be implemented by now, but the negotiations process has been slow. There has been ample opportunity and testimony. ADF&G & DNR simply needs to institute the program and manage the resource rather than guides, because nothing short of leaving it the way it is will please everyone. Even that would not please the guides that legitimately recognize the need for an overhaul of the system, or lack of a system, that is depleting the game. Management needs to make changes before harvest levels are so low that an all permit draw is necessary to salvage sheep populations. Many of our sheep populations are on the edge today and the others are following suit; just a matter of time. For this reason I believe that sheep are the species in the worst shape in Alaska over-all with harvests and percentage of success at all-time lows. Before we have to go to an all-permit draw statewide like in 13D and 14A and what happened in 14C & TMA, why not go to a 10-15% non-resident permit drawing system statewide for sheep only. This would require ADF&G to divide all GMU s that have sheep into smaller hunt areas similar to what is currently done in 14C. A set harvest would have to be established for each area. NR that draw permits simply select their guide and hunt The business of having a contractual agreement with a guide before being drawn seems a waste of effort and getting the cart before the horse. This program would virtually cut the NR harvest in half, alleviate the pressure and hopefully allow sheep populations to increase. The remaining 85-90% of the harvest would be for residents to open hunt. This would restore some harvest opportunity to resident sheep hunters. Area biologists would have to monitor harvests more closely through early reporting to insure that no area is over-harvested. Any area approaching harvest goals could be closed by emergency order such as is currently done in many goat areas for residents. NR s that have a permit would be allowed to complete their hunts because there harvest has already been factored into the harvest. Resident success rates are low enough that they probably will never cause an over-harvest of full curl rams only. I believe it is important that the harvest be for full curls only. Sheep are hunted mainly for the experience and trophy value rather than as a meat hunt and only mature rams that have passed on their genes should be available for harvest. Rarely and probably never should ewes be

harvested because they are the producers and with hard winters and high mortality, ewe harvest does not make sense. Sheep populations are not even close to reaching carrying capacity which might warrant such a thought. If the NR draw for sheep permits proved not to be enough to improve harvests and populations an all draw to include residents would be the next step and could easily be done since everything is already in place. This sheep permit draw program needs to be instituted now, as the Guide-Lease program continues to be fleshed out, because sheep cannot wait. They are in need of more help than the Guide-Lease Program would give them even if it was ready to go next season. My other gut instinct is that the Guide Concession Lease Program, no matter how well it is designed, is going to be challenged and litigated. The speed at which courts and the appeals process works could take a decade or two before being settled. By that time undoubtedly sheep draw permits for all hunters would be needed. Alaska is supposed to manage game for residents over non-residents. A new precedent is not being set; for Alaska yes, but the western US states with sheep already limit non-residents to no more than 10% of the sheep tags which are on a draw and charge far more for non-resident sheep tags than Alaska does. Hunters will adjust and the best thing is that the resource is being managed, not the hunters and guides.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Chris Branham  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 14 of 192 - Submitted 03/20/2012 at 12:00 AM:

My name is Chris Branham. Can you hear me all right? I'm talking to you, right?

MR. COX: Yeah. Please. MR. BRANHAM: My name's Chris Branham. I kind of sympathize with you. My family started -- was in this -- started this business in 1940. We built Rainy Pass Lodge when we first started. And it's unfortunate. For the last -- what's that -- 50, 60 years, we've tried to resolve this issue about having territories for operators, and we still haven't accomplished it. And it's very unfortunate. And I kind of feel sorry for the State. And the issue, of course, is the State is controlled -- or how the State operates has to be done by the Constitution. And in very simple fact, the Constitution says the resources of the state belong to everybody, and that's the underlying issue. My major point really is the responsibility of managing the resources, the wildlife resources, should be the Department of Fish and Game. They're the only people that have the personnel, they're the only people that know the populations of game in all of these territories. So without having them directly involved in this, nothing is ever going to be accomplished. We know from history that guides in the

past overharvested. I mean, it was a question of allowing -- a question of not knowing what in the future lies, and therefore -- everybody knows, back in the '60s, there were -- there were piles of caribou antlers on the penin -- on King Salmon the size of that stage over there, full of caribou antlers. And they were just shooting unlimited amounts of game. And the State of Alaska could have controlled it, but they never did. They still haven't controlled any of it. It's extremely disappointing to me to realize -- I did a lot of surveying with the game department. I flew -- I flew all over this Unit 16, Unit 19, for years. I counted the moose, I counted the bears. We tried to recommend things to the fish and game department. At that time, bear population was still high, but the fish and game department had absolutely no idea that bears were killing that many moose. We tried, our family and our organization tried to say, "Listen, you can't have a bear hunt from May 10th to the 25th in Unit 16 and expect to get any decent bears." Then what ended up there, of course, now -- this has been 10 or 15 years ago, back in, I guess,

the '80s or something, '80/'90s, they decided they would open up the season in -- a little early; they would open up for the whole year. That same year there were -- there were approximately 23 bears over nine feet that were -- that were killed. I want to emphasize -- in closing, I want to emphasize the fact I sympathize with you trying to get this resolved. It's a tough issue. The most important thing is the management should be conducted by the Department of Fish and Game. They're the ones that should do this. They're the ones that know the game populations. Without that, it will -- it will never come -- the residents and the non -- the residents need the moose and the caribou, and the guides, most of the guides, are only left with bear hunting. So that's my big concern right now. And once again, like I said, I sympathize with you trying to make an effort to accomplish this thing. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 15 of 192 - Submitted 03/20/2012 at 12:00 AM:

Good evening. My name's Gordon Brower. I work for the North Slope Borough Planning Department for Land Management within the North Slope Borough. I was asked to come up here and just listen in and say a few things. But, you know, just listening to all of the hardships that guides and operators go through, it's kind of reminiscent of what I go through. You know, I'm a hunter, I'm a whaler. You know, I've been hunting for 40 years for my family and for our village, and the amount of resources that we need to provide for our villages is in the same way that they have to provide for their business and their own -- in their own -- supporting their own lifestyles. But, at the same time, I'm asked to do a lot of things to balance between commercial recreational operators and subsistence, in making sure conflicting users, other user groups, have good opportunity to co-exist. I just wanted to bring those types of issue out.

I think the North Slope Borough, other boroughs that have permitting authority within the 88,000 square miles of the North Slope Borough, we do have jurisdiction for permitting, as well, so I want to make sure that what you're working on we want to work with you. I think the North Slope Borough is willing to engage in dialogue and learn, maybe learn together. We've been battling over how best to revamp our own commercial recreational guiding in commercial recreation permits ourselves. We've been doing other things to make it more supportive and so that there is a better regulated guiding opportunity within the North Slope Borough that keeps in mind the several villages that depend on these resources as well.

That's all I wanted to report. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Pete Buist  
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Fairbanks, Ak 99707

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 16 of 192 - Submitted 03/14/2012 at 12:00 AM:

Pete Buist, B u i s t. To get more time, I guess I'll testify for my business, Clearwater Outdoor Services, Incorporated. I live here in Fairbanks. I think I'm uniquely qualified to comment on the new guide concession system. I've been guiding in Alaska for 40 years, I hold a master guide license; I'm licensed to guide in most of the state. I've been a member of both the Big Game Commercial Services Board, and before that, the Guide Licensing & Control Board. I served on the governor's task force on guiding and game under Governor Cooper. I also did a term on the Board of Game. More to the point, I retired from DNR after 30 years of service working, at various times, in both the Division of Forestry and Division of Mining, Land, & Water. I have practical insight and perspective about how your agency conducts itself. Armed with this insight, I'll begin by saying there's no doubt in my mind that DNR is absolutely the last agency in state government that should be trusted with an important project like this. The plan you've come up with proves that point. As an agency DNR, is replete with employees who have absolutely no idea of what is entailed in operating a business, much less a big game guiding business. They've proved this yet again with the design of this system. Thinking of the typical DNR employee administering this program makes me very fearful for the future of the entire guiding industry on state land. Upon reviewing the draft plan, I find that the agency has fallen victim, not only to its own biases and bureaucratic ineptitude, but also has succumbed to political pressure from APHA. Apparently the managers at DNR are not aware that a self-serving APHA represents only a small percentage of the guides licensed in Alaska today, but they charge lithely ahead to do APHA political bidding since their encouragement gives the agency more power over guides and provides more funding. These are two very powerful incentives that apparently you guys couldn't pass up. I started reviewing the new system by meticulously going through the scoring criteria. I made notes about changes that would be needed to render the system the slightest bit workable, practical, and fair. I soon came to the conclusion there were simply too many problems within this draft and I gave up. So my suggestion to all the agencies is to start over. This time, put some sincere effort into establishing a fair system, rather than just a way to put small operators out of business and finding ways for DNR to raise money for what they euphemistically refer to as program receipts. The first thing to do would be to get some retired guides and wildlife troopers to replace the hard-core bureaucrats, herd muffins, and nature nannies who designed this system. As I testified to the DNR commissioner's staff last summer regarding streamlining the permit process, the basic problem with having DNR even involved in the process is employee attitude. DNR is full of individuals who not only don't have a clue about what it takes to run a business, but apparently see themselves as a self-appointed police force keeping Alaska's natural resources away from those who are trying to rest a living from out on the land. I recall a long time years ago at DNR when I received a bad evaluation and was removed from my position supervising the front counter at the Northern Region Office here in Fairbanks. I was told I was being too helpful toward the public, and that I should remember I was working for the State of Alaska, not those people coming through the front door. Silly me, up until then I thought the people coming through the front door were the State of Alaska, and thus the owners of the resources. I thought my job was to try and help Alaskans to get access to resources they needed from DNR without running afoul of the statutes, regulations, or, God forbid, DNR policy. But the same type of arrogant bureaucratic attitude that found fault with me trying to help people is what guides will be up against if this plan is implemented and DNR is charged with administering it. Unfortunately DNR is full of employees with that arrogant attitude. The agency has happily managed state land to the point where they've pretty much driven the mom and pop logging operations out of business along with the small miners. They're poised to do the -- you don't want to hear the rest or -- MR. COX: Your time is up. MR. PETE BUIST: I would like you to. MR. COX: We're just trying to move along. We're trying to give everybody a chance. MR. PETE BUIST: Well, you had a couple of guys that only took a little bit of time, so -- MR. COX: And we can go back and get you if we've got more time. I'm going to give everybody a chance. MR. PETE BUIST: The agency has happily managed state land to the point they've pretty much driven the little mom and pop logging operations out of business, along with small miners. MR. COX: Okay, Pete. We're trying to keep to the time, if we could. Submit your comments in writing. We'll have more time at the end, Pete. You'll have another chance. MR. PETE BUIST: I rest my case.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 17 of 192 - Submitted 03/26/2012 at 02:02 PM:

I appreciate the time and effort that has been put forth in trying to reach a decision on this issue. My hope is that the DNR and all the other agencies involved would truly listen to the comments that are submitted and continue to create a plan that really does gain the support of the majority of guides as well as address the concerns put on the wildlife. I agree with portions of the proposed program and I am not completely opposed to Guide Concession areas. However, I think the fee structure set forth by the DNR is by far the most unrealistic and ridiculous part of the program. All fees are too high and go far beyond the balance of what would be required to run the program annually and what the guiding business can absorb. What about the years when there are no GCA up for renewal and therefore less administrative activity?? Will it still cost \$1,000,000 during those years?? Why charge so much that there would be a surplus that would then go toward the state's general fund and disappear from anything remotely related to the guiding industry?? I don't know the administrative costs associated with this program, but I do know the guiding end and having to absorb \$15-\$30,000 in new fees EACH YEAR is not only crippling, but business ending. We can only "pass these costs to the client" for a certain amount. So, not only are we being hammered with high fees up front, but then the DNR is trying to limit the number of assistant guides a full concession can have to 3!!! So now guides will be required to pay hefty fees AND be then limited to the number of guides which in turn severely limits the number of clients that can be taken. Higher fees and less clients. If you have any experience in this industry at all.....this makes ZERO sense. In addition, I feel the "apply for 2, get 2" concession areas is too restrictive and further limits the number of clients that can be taken. It needs to be "apply for 4 get 3". If guides are to be restricted financially and physically by these new concession, the limits of transporters must be addressed as well. Guides who don't get their original hunting areas will simply start dropping clients in these places because they have to do something to make money. So you still have overcrowding and unhappy clients. If it comes to this point, the scoring and review panel must have representatives from the guiding industry. Retired guides or transporters. As well as being Alaska residents. As someone who has been involved with the Alaskan guiding business for 13 years I realize this is an important time to be involved with what needs to be decided. But as a relatively new Registered Guide, looking at the proposed massive costs and restraints of being in business under this proposed program is more daunting than being charged by a grizzly bear. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 18 of 192 - Submitted 05/07/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:

3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized.

b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.

c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.

d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.

b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.

c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.

d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.

e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.

f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year.

b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry

representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate lion-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DIS. develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G, 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS:

a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define

geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR. Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision, Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria; I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable,

#### 5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent,

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas,

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort,

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1..

FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan,

I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants, Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed,

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most, modem of communications and safety equipment but rather to the competency and practicality of the emergency and communication

plan,

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff,

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led-to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program. Sincerely

Jeff Burwell (Signature)

Jeff Burwell

Master Guide #162

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment

period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Geoff Carroll  
P.O. Box 1012  
Barrow, Ak 99723

Phone: (907)-852-3464  
Alternate Phone: (907)-852-5320  
Fax: (907)-852-3465  
Email: geoff.carroll@alaska.gov

**Topic: Guide Concession Program Proposed Decision February 2012**

Comment 19 of 192 - Submitted 04/23/2012 at 02:15 PM:

I would like to add this to the comments that I made previously.

The proposal for 26-12 also assigns one guide to federal land and one to state land. There is very little state land in this area. I would recommend not specifying state or federal land.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Geoff Carroll  
P.O. Box 1012  
Barrow, Ak 99723

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 20 of 192 - Submitted 04/20/2012 at 10:55 AM:

Unit 26-09 should be limited to 1 guide. Much of the southern part of the proposed Concession Area is included in the Anaktuvuk Pass Controlled Use Area where caribou hunting using aircraft is not allowed from Aug 15 - Oct 15. Much of the northern part of the area is private land. It is owned by the Arctic Slope Regional Corp and they currently don't allow guided hunting on their land. This would force guided hunting onto very limited areas north of Anaktuvuk Pass and would lead to crowding, conflicts with Anaktuvuk Pass hunters, and possible diversion of caribou away from Anaktuvuk Pass. Diversion of the caribou migration by fly-in hunters has been a serious, long-time issue for Anaktuvuk Pass people.

Unit 26-10 should also be limited to 1 guide and only include the federal land. This area assigns one guide to federal land and one to state land. If a guide is awarded the state land, they would, most likely, primarily hunt along the Colville River. The area of the Colville River downstream from mouth of the Anaktuvuk River is the primary hunting area for hunters from Nuiqsut in the fall and they are very sensitive about hunters from other areas flying into this area. It has been an unwritten rule for many years that the Colville River downstream from the Anaktuvuk is used primarily by subsistence hunters from Nuiqsut, while the area upstream is used more by hunters from other areas. The proposal for 26-10 to have a guide using state land would force guided hunters onto the lower Colville River, creating user conflicts. Local hunters would be very upset and the guide and guided hunters would not enjoy it either.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Jan Caulfield  
Unit 23 Working Group  
Facilitator  
114 S. Franklin St., Ste. 203  
Juneau, Ak 99801

Phone: (907) 523-4610  
Email: janc@gci.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 21 of 192 - Submitted 04/21/2012 at 02:34 PM:

April 20, 2012

Subject: Proposed Decision Guide Concession Program (GCP)

The Unit 23 Working Group was formed in early 2008 to discuss fall hunting conflicts between local hunters, nonlocal hunters and commercial operators in Game Management Unit (GMU) 23 in northwest Alaska. The group is working collaboratively to find ways to reduce fall hunting conflicts in Unit 23, protect subsistence uses and provide opportunities for other hunters. The 21-member Working Group includes representatives from the Big Game Commercial Services Board (BGCSB) and Alaska Professional Hunters Association; regional and tribal governments and organizations; land and wildlife management agencies; Fish and Game Advisory Committees; Northwest Arctic Subsistence Regional Advisory Council; NANA Corporation; the Alaska Board of Game and the Federal Subsistence Board.

At each of its meetings to date, the Unit 23 Working Group has consistently agreed on the importance of the State of Alaska having the right tools in place to manage big game hunting commercial services provided by guides, transporters and other businesses. These management tools are particularly important in areas where substantial nonlocal hunting activity coincides with local subsistence hunting. In past correspondence with the Big Game Commercial Services Board and the Alaska Department of Natural Resources (DNR), the Unit 23 Working Group has supported development of the Guide Concession Program (GCP) to manage guided hunting on general State lands. The Working Group supports the use of the GCP on lands managed by the Bureau of Land Management and the DNR Division of Parks and Outdoor Recreation. Further, the group supports scoring criteria that reward guide businesses that respect other users and successfully avoid and address user conflicts, and that are good stewards of the land and its resources. As stated in its earlier comments, the Working Group suggests that the GCP include a mechanism to close specific areas to guiding within Guide Concession Areas in the future, if a temporary or permanent closure is warranted to meet the management and stewardship objectives of the program, including avoiding or reducing user conflicts.

While the purpose of this letter is to express support for the GCP, the Unit 23 Working Group recommends that the State of Alaska expand the management program to include all businesses that provide big game hunting commercial services, including transporters.

Thank you for this opportunity to comment.

For additional information about the Unit 23 Working Group, please contact the group's facilitator, Jan Caulfield at (907) 523-4610 in Juneau or at janc@gci.net

Regards,

Unit 23 Working Group

Unit 23 Working Group Members (April 2012): Phil Driver, Alaska Professional Hunters Association, Western Arctic Caribou Working Group Cliff Judkins, Alaska Board of Game Cyrus Harris, Maniilaq Association Victor Karmun, Northwest Arctic Subsistence Regional Advisory Council, Kotzebue Sound Advisory Committee Melvin Lee, representing Upper Kobuk Advisory Committee Enoch Mitchell, Noatak/Kivalina Advisory Committee Ron Moto, Sr., North Seward Peninsula Advisory Committee Noah Naylor, Northwest Arctic Borough Walter Sampson, NANA Corporation Pete Schaeffer, Kotzebue Sound Advisory Committee Joe Schuster, Alaska Professional Hunters Association, Western Arctic Caribou Working Group Ted Spraker, Alaska Board of Game, BGCSB Zazell Staheli, transporter representative Raymond Stoney, Northwest Arctic Subsistence Regional Advisory Council, Lower Kobuk Advisory Committee, BGCSB, Western Arctic Caribou Working Group Tim Towarak, Federal Subsistence Board Alex Whiting, Kotzebue IRA Jim Dau, Alaska Department of Fish and Game Valerie Baxter, Alaska Department of Natural Resources Lee Anne Ayres, US Fish and Wildlife Service Frank Hays, National Park Service Shelly Jacobson, Bureau of Land Management

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Jan Caulfield  
Unit 23 Working Group  
Facilitator  
114 S. Franklin St., Ste. 203  
Juneau, Ak 99801

Email: [janc@gci.net](mailto:janc@gci.net)

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 22 of 192 - Submitted 04/20/2012 at 12:00 AM:

Hello Clark:

Attached please find comments from the Game Management Unit 23 Working Group regarding the proposed decision on the Guide Concession Program.

Please reply to let me know that you received these comments and that they have been entered into the comment record.

Thanks very much!

Jan Caulfield, Facilitator Unit 23 Working Group

Game Management Unit 23 Working Group 114 S. Franklin St., Ste. 203 Juneau, AK 99801

April 20, 2012

Clark Cox Alaska Department of Natural Resources Division of Mining, Land & Water 550 West 7th Avenue, Suite 1400 Anchorage, AK 99501 3577 Email: [dnr.mlw.gcp@alaska.gov](mailto:dnr.mlw.gcp@alaska.gov)

Subject: Proposed Decision Guide Concession Program (GCP) Dear Mr. Cox: The Unit 23 Working Group was formed in early 2008 to discuss fall hunting conflicts between local hunters, nonlocal hunters and commercial operators in Game Management Unit (GMU) 23 in northwest Alaska.<sup>1</sup> The group is working collaboratively to find ways to reduce fall hunting conflicts in Unit 23, protect subsistence uses and provide opportunities for other hunters. The 21 member Working Group includes representatives from the Big Game Commercial Services Board (BGCSB) and Alaska Professional Hunters Association; regional and tribal governments and organizations; land and wildlife management agencies; Fish and Game Advisory Committees; Northwest Arctic Subsistence Regional Advisory Council; NANA Corporation; the Alaska Board of Game and the Federal Subsistence Board.

At each of its meetings to date, the Unit 23 Working Group has consistently agreed on the importance of the State of Alaska having the right tools in place to manage big game hunting commercial services provided by guides, transporters and other businesses. These management tools are particularly important in areas where substantial nonlocal hunting activity coincides with local subsistence hunting.

In past correspondence with the Big Game Commercial Services Board and the Alaska Department of Natural Resources (DNR), the Unit 23 Working Group has supported development of the Guide Concession Program (GCP) to manage guided hunting on general State lands. The Working Group supports the use of the GCP on lands managed by the Bureau of Land Management and the DNR Division of Parks and Outdoor Recreation. Further, the group supports scoring criteria that reward guide businesses that respect other users and successfully avoid and address user conflicts, and that are good stewards of the land and its resources. As stated in its earlier comments, the Working Group suggests that the GCP include a mechanism to close specific areas to guiding within Guide Concession Areas in the future, if a temporary or permanent closure is warranted to meet the management and stewardship objectives of the program, including avoiding or reducing user conflicts.

<sup>1</sup> Unit 23 project web site: <http://www.adfg.alaska.gov/index.cfm?adfg=wildlifeplanning.unit23> While the purpose of this letter is to express support for the GCP, the Unit 23 Working Group recommends that the State of Alaska expand the management program to include all businesses that provide big game hunting commercial services, including transporters.

Thank you for this opportunity to comment.

For additional information about the Unit 23 Working Group, please contact the group's facilitator, Jan Caulfield at (907) 523 4610 in Juneau or at [janc@gci.net](mailto:janc@gci.net)

Regards,

Unit 23 Working Group

Unit 23 Working Group Members (April 2012): Phil Driver, Alaska Professional Hunters Association, Western Arctic Caribou Working Group Cliff Judkins, Alaska Board of Game Cyrus Harris, Maniilaq Association Victor Karmun, Northwest Arctic Subsistence Regional Advisory Council, Kotzebue Sound Advisory Committee Melvin Lee, representing Upper Kobuk Advisory Committee Enoch Mitchell, Noatak/Kivalina Advisory Committee Ron Moto, Sr., North Seward Peninsula Advisory Committee Noah Naylor, Northwest Arctic Borough Walter Sampson, NANA Corporation Pete Schaeffer, Kotzebue Sound Advisory Committee Joe Schuster, Alaska Professional Hunters Association, Western Arctic Caribou Working Group Ted Spraker, Alaska Board of Game, BGCSB Zazell Staheli, transporter representative Raymond Stoney, Northwest Arctic Subsistence Regional Advisory Council, Lower Kobuk Advisory Committee, BGCSB, Western Arctic Caribou Working Group Tim Towarak, Federal Subsistence Board Alex Whiting, Kotzebue IRA Jim Dau, Alaska Department of Fish and Game Valerie Baxter, Alaska Department of Natural Resources Lee Anne Ayres, US Fish and Wildlife Service Frank Hays, National Park Service Shelly Jacobson, Bureau of Land Management



# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Michael Colpo

Email: lzj@mtintouch.net

, Mt

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 23 of 192 - Submitted 04/20/2012 at 12:00 AM:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following: For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's. This model should stay the same for a number of important reasons: a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands. b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded. e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. I also recommend that the \$250.00 Concession application fee remain the same.

2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations: a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing. b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants. c. Conservation/Stewardship basis of the GCP needs to be based on the applicants' Plan of Operation, not on the number of Full or Limited concessionaires that will be competing for resources. d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders. 1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or: 2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: 3. I recommend that Limited Concessions be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized. b. Only the Limited Concessionaire can conduct the hunts with no assistant guides. c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities. b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business. d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability. f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry. a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE

AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year. b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client. c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel s inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on. a. I recommend that the Scoring Panel have industry participation within its makeup. b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plan.

9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

- a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.
- b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.
- c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.
- d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.
- e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:
  - 1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant s operations plan fulfillls the goals of the GCP, or in the case that no applicant s wanting to assume the area:
  - 2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses.

This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.

b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA s. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska s family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process.

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2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

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3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

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4. FORM A, SUB-FACTOR B, ITEM 5:

a. I recommend deleting this criterion as its relevance to guiding is questionable.

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5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a less is best aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any less is best grading aspects but rather the overall plan of stewardship for the resources.

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6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a less is best concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources. c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

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7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions.

1. On the applicant s stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

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8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

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9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

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FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

- b. I recommend that credit be given for operating a historically accident free professional hunting guide business
- c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.
- d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.
- e. I recommend that DNR should look more at the applicant s overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

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11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE:

- b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.
- c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

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12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

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13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

- a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

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14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

- a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

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15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

- a. I recommend that equivalent documentation should include affidavits.

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16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

- a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.
- b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.
- c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant s plan of operation and the conservation balance it provides.

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19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

- a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman s comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.
- b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists. c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.
- d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.
- e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest

administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mike Colpo  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 24 of 192 - Submitted 04/20/2012 at 12:00 AM:

April 20, 2012 Re: Guide Concession Program Comments State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave. Suite 900C Anchorage, Alaska 99501-3577

Dear Department of Natural Resources, Please find below my comments to the proposed Guide Concession Program. It is important to note that we do need a program, but the proposal that the DNR has proposed is too radical. One of the arguments is that this program needs to be implemented so the Alaska Board of Game will not have to act on the premise that non-residents take too much game from the resident hunters. Quite frankly the numbers don't support this, in fact the Assistant Director of Fish & Game has told me and has the data to refute the numbers put out in statements from your department and comments from APHA which I am a member. Besides Kodiak Bear and Chugach sheep draws the non-resident hunter typically draw less than 10% of the tags. I would also like to point out that resident also have many any bull moose area draws and statistics show that a very few actually hunt those areas and therefore resident take is low. For example moose area DM 774 had 105 tags drawn only 44 resident hunters participated and 14 hunters harvested moose in 2010. When you look at the harvest reports resident opportunity these tags are very underutilized in almost every area and it holds true for other species in the reports. Something that the data doesn't show is resident hunter output and so that goes to the guided non-resident that has in most cases better output and therefore is more productive in the field. I would like to challenge you to actually look at the data and talk to Tony Kavalok the Assistant Director of Fish & Game. To clear up these misleading comments that are claimed to be reason this GCP needs to exist. Another point in case on this subject is that year after year when radical proposals that deal with non-resident versus resident season changes comes to a vote at the Board of Game meetings they are voted down. As radical as the DNR proposed program is I feel that we do need changes and implement an area system, but not in this format. My concern is that this program will push quite a few very good guides out of the business. In these hard economic times I don't see the reasoning behind taking away jobs and the hunter dollars that flow into the Alaskan economy. This is very bad business in my opinion. The non-resident dollars that come into Fish & Game will take a turn for the worst and the resident hunter will be forced into footing the bill with greatly increased license fees. In every state where the Fish & Game tries to increase fees on the resident hunter there is a public uproar and Alaska will be no different. Groups like WSF and SCI that donate to APHA, hunter and conservation projects in Alaska that depend on donated hunts from Alaska guides will fall off or go away by proposals in this program. So from an economic standpoint this program has some flaws needs to be addressed before this GCP is implemented. How this proposed program is implemented and run is important to me a professional guide and business owner in Alaska and for Alaska as a whole. I have been in business for 15 years and have mostly everything I have invested in my business and am quite concerned by the direction that DNR has proposed and without changes I cannot support this program. I am also concerned that myself and other guides in the industry due to the fee structure that is imposed will be an undo burden financially and put many of us out of business even if we are lucky enough to win an area under this plan. Please find below, my concerns and comments: I agree with some of the proposed changes that APHA has come up with, but not all of them. 8. PROPOSED TIMELINE: The proposed timeline is not timely enough to withhold Board of Game actions that will eliminate non-resident hunter opportunities which my business is dependent upon. APHA position. I recommend that implementation timeline needs to be moved forward to 2014. My position is leave at the 2015 timeline proposed by DNR for reasons I have stated earlier in my comments. 17,18 & 19. Form C: My position. That this requirement is should be deleted on the grounds that what I or any other operator has done with their earnings and how it was spent is quite frankly none of DNR's business. All that should be required is a financial affidavit that's what the Refuge prospectus requires. 13. Guide Concession Areas: My position. When areas were first talked about and numbers were assigned to a GUA some areas had more operators and others had less. As we all know this has to do with access, game and geography. Some areas can support only 3 or 4 guides and some can support more. At present the numbers that were assigned some areas could have had more guides in them. One case is 20-04 and I know this is a contentious area due to the number of guides there, but at the time Don Young said it would support the 12 guides that were operating there at the time. A decision was made by someone who didn't have that kind of expertise that it should only be 4. It is my belief that these numbers be revisited and discussed with area biologist before these numbers are permanent and restructuring of area lines for each guide in any GUA with any number of guides. If not we will still have a problem of hunting one's area by another. It is also important to look at hunt records to determine where the guide in question has actually been hunting for an historical period, preferably the past 10 years when these concessions are awarded. I do want to stress that if this plan goes forward that DNR takes a common sense approach at the GCP and not the radical plan that was proposed. I believe we need program, but only if DNR plans to deal with Transporters and access issues for resident hunters. At best in my opinion this GCP is band-aid to a larger problem as mentioned before. So it is my hope that the powers to be at DNR do the right thing and not cripple a business that is hard enough to make living at in these economic times that we live in today. Thank you for allowing me to comment on the GCP.

Sincerely, Mike Colpo Lazy J Bar O Outfitters Michael J. Colpo Alaska Master Guide #194 PO Box 1753 Big Timber, MT 59011 (406)932-5687 or (406)350-1880

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mike Cowan  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 25 of 192 - Submitted 03/14/2012 at 12:00 AM:

I'm Mike Cowan. I'm a registered guide. I got my guide license in 1980 in this state. I've worked for 35 years now. And I've been in the areas, Unit 17, 16, and 21 and 8. But 16, there's definitely some problems there, but as stated before, I've already run into half the guys that say they got problems over there. But like everybody says, we got to address the problems that there is out there right now. I'm against this, the program. All it is is about money. If you do the math, you got \$4,000 per concession. Okay. That equals \$1,300,000 right there. And that doesn't even include the animal fees that you're going to be throwing to each animal that you can pursue, and that probably even equals probably over \$3 million totally. So there's a problem there big time. And I kind of wrote this stuff down, I'm trying to figure it out here. But as far as the telling us about how many guides we have at each concession, it's our business how we can run our business, (indiscernible) or something like that. I mean, I run my business, I only have a couple three guys working with me once in a while, but you got guys that are out there that have five or six guides working for them. And also now you're limited to those guides, what they're going to do with their operation. And for a government entity to tell me how to run my business, I think that's totally wrong. We've got enough problems with our government right now, especially with Obama in office. And anyway, all I've got to say is, you know, this whole program needs to go over again and really look hard at it, because everybody says, "Well, it's not going to put a lot of these guides out of business," but if you don't meet the criteria, you're out of business. You know, if you have some violations or something like that, you're done. And just like this lady said, she's got hit with wet stuff like that and personal property, probably get some, you know, land from that, you know, from the Natives and stuff like that, maybe work with them, but that's just a -- that's in F2. So anyway, just to conclude this, it is just -- to me, it seems like you guys are lining your pockets. Come on, I mean, over a million dollars to run this. Like they said in the beginning, you didn't have nothing. You know, I mean, you work with it and stuff like that and you got the money here and there, but, you know, when you have to talk about \$3 million going into this program after everything is all said and done and you got other, like, BLM and these other people that might want money on top of it, it's going to be very expensive. You can only charge so much for a guided hunt, you know, before all of a sudden you're not going to have any hunters because you're going to have to charge them \$3,000 for a brown bear hunt just to cover these costs. But by the time you add it all up, after taxes and everything else, you're walking out with nothing in your pocket. You know, you've got -- you know, we're out there trying to make a profit, make a living with what we do. We love what we do. But all of a sudden you have a government entity coming in and telling us, "Hey, it's going to cost you this more, you have to pay taxes on money we give you," what are we supposed to do, a 1099 form? Because, you know, I've got to write it off somehow. So it's tough, it's just going to be a tough decision with this. Thank you for your time.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 26 of 192 - Submitted 05/02/2012 at 12:00 AM:

April 16, 2012 Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

#### 1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

- a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodgelcamp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.
  - b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.
  - c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.
  - d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.
  - e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.
  - f. I also recommend that the \$250.00 Concession application fee remain the same.
- #### 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

- a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.
  - b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.
  - c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources,
  - d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders,
1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:

3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized.

b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.

c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.

d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.

b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.

c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.

d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.

e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.

f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR, THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year.

b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry

representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

- a. I recommend that the Scoring Panel have industry participation within its makeup,
- b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The proposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

- a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

- a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.
- b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.
- d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.
- e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

- a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern. I recommend the following:

- a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession, This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business,

#### 13. GUIDE CONCESSION AREAS:

a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DIRA. to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichek decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities.

In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration,

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNI to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1, Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations,

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

#### 5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that

my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

#### 6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

#### 7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (TM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within TM areas,

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

#### 8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

#### FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

e. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

#### 12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

e. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight, Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in a regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*



# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 27 of 192 - Submitted 04/23/2012 at 04:33 PM:

1. Types of Concessions - I agree with the two types of concessions as they support quality of the hunt while allowing more guides to stay in business. I would like to see more Limited Concessions proportionate to the Full Concession especially in areas currently with a large number of guides that will be displaced. Another consideration for adding Limited Concessions may be due to particularly difficult geographic areas. Flexibility should be added.

I do not agree with limiting the number of Assistant Guides per type of concession. This is in direct conflict of providing a quality hunt. The only alternative I believe which will meet objectives of reducing conflict, stewardship and quality of hunt is to limit the number of hunts by concession, e.g. a Limited Concession range of 3 to 8 hunts. Or a not to exceed number for each concession.

2. Fee Structure - The Fee Structure is excessive. More appropriate fees would be to decrease annual fees in half of what DNR is proposing and Client Fees by 1/3.

3. Evaluation Panel - In order to provide the experience and knowledge of the industry, I recommend one or more retired guide and member of the Big Game Commercial Services Board be part of the panel.

4. Concession Vacancies - should be filled immediately and not wait for the next scheduled offering. The next highest scoring applicant should be offered the concession.

5. Game Population Assessment - Game population assessments and a means to adjust the concessions do not appear to be part of the program although they are part of the objective. I believe that ADFG should be more involved in this aspect of the program and an element of flexibility added.

Thank you for the opportunity to comment. Debra Waugaman Curnow

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 28 of 192 - Submitted 03/14/2012 at 12:45 PM:

After reading all this you must be aware that your about to put 500 BUSINESS,S and thousands of people out of work and the effect it's going to have on the state.

Are you going to offer some jobs working for the D.N.R or for the state or schooling , because thies guides have homes and familys too.

Why is the guide board still testing people for guide license ?

Have you think about taking smaller steps now.

1) stop the guide board from giving out more license.

2)cut the number of Guide use Areas down to two now and do a way with PREDATOR CONTROL GUIDE USE AREAS because it gives the Guides 4 Areas to Guide in and this will help a lot out there.

3)On page 7 of the Fish and Game HUNTING REGULATIONS , there is a rule you need to read its a law and it wood help a lot out there if we can get some one to do some thing it , HUNTER HARASSMENT LAW (AS16.05.790) it is illegal to create a sight ,sound,smell or physical stimulus to alter the behavior of fish and game another person is attempting to take.

4) What are you going to do about the large number of tansporters that have come about that are dropping hunters on top of us out there. A) With the large fees that you will put on us out there with a LAND USE PERMIT are you going to give us a larger pice of land to manage and keep other people out. B) Are we looking at 5 miles , 10 miles ( just around our camp )

5)With all the new fees that's going to be charged why cant we sell our our own camp. A) By bring a young Guide on board we are able to teach him the right way b) TO COOK, C) Lurn Areas d) the game there E) The shows and people out on the road F) THERE MORE TO THIS THAN JUST HUNTING

6) Game Fees your going to charge A)get with fish and game and have them change the rules on sheep hunters to only harvest one Dall Sheep every 4 year for resident and one in a life time for nonresident and alien's. this is a Big Game trophy not a farm game b) what will we get form all the new fees ?????????? c) will we get repasentashion

thank , please get back to me on this

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Yolanda De La Cruz  
806 W. 57th Avenue  
Anchorage, Ak 99518

Phone: (907)-272-8069

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 29 of 192 - Submitted 03/20/2012 at 12:00 AM:

Hi. First of all, thank you for giving me the opportunity to testify in this meeting.

My name is Yolanda, and I am an American Indian, and my ancestors are from this continent, and I was born in this continent, and I am a citizen of U.S.A. I grew up among wild animals. That is why I have respect for the land and the wildlife. We used to have a diversity of wildlife to enjoy there, kill and eat them for subsistence, until the trophy hunters got in. Now they gone. People who live in the villages are starving and dying because there is no more food. The public was not in invited to participate in the DNR meeting with the master guides. The meeting was not made public in the media, but if they did, sometimes they manipulate or they do in a very sneaky way. So the natural resources belong to all Alaskans. The DNR and the commercial hunting industry have to let us know, as you went through a state original planning process. Who made this poor process? The public need to get involved in this big game commercial hunting industry. Where in these places are our voices? Where is the subsistence? Where is the tourist industry? You cannot push for this guide concession to special interest who want to exploit the wildlife which only benefit and enrich themselves, especially when avoiding the original planning process. What documentation is DNR relying on that authorizes the entire state to be put under the concession contracts granted only to guides? Protect the non-commercial interest in Alaska's wildlife resources. Protect what is left of the wildlife resources for present and future generations. Alaskans don't need any more interest legislation and programs for the benefit of the commercial hunting industry. Our wildlife resources were set aside constitutionally for the common use of the people. They are not to be commercial and exploited for the industry profits. DNR should be decrease the guides and the trophy hunting industry. Our system was not designed to give away, to give any responsibility for stewardship of our resources for the commercial hunting industry. There is a history all around the world of what happens when public resources are exploited and left to the stewardship of competitive business interests. What really makes the DNR's believe that the special interest of guides is more important for rules? That is in the public interest?

What the public need is the state to limit non-residents and control this indiscriminate exploitation of our wildlife by a special interest, like the commercial hunting industry. And God is the creator, who loves and cares for nature. Man, above all created things, has been given the stewardship responsibility to take care as God intended. God placed Adam, required no exploitation for him to survive for subsistence. I think (Indiscernible) should be know more about God's creations because he is a Christian man who will follow Christ's steps. And also, I hear about some people, known as poor hunters, they blame the worst and best for the decrease in moose and caribou when it is the people's fault, because for they always hunting. So I think it's time to control the predators, who are the sportsmen, and the sportman hunting and commercial industry. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Yolanda De La Cruz  
806 West 57th Avenue  
Anchorage, Ak 99518

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 30 of 192 - Submitted 04/23/2012 at 12:00 AM:

Monday April 23, 2012

To the Department of the Natural Resources,

Big game concession Program

On behalf of myself, I have deep respect for the land and wildlife. I believe God gave man the wild animals to enjoy, kill, and eat them for as a source of food for subsistence. The animals are not to be killed only for trophies and fun where they are shot and then discarded. God is the creator who loves and cares for nature. Man has been given responsibility to take care of the wildlife as God has intended. God didn't mention in the Bible that the wild animals should be killed for pleasure, sport, or for exploitation that allows few people to become wealthy by destroying and slaughtering God's creation. I am glad that we have a Christian governor, who knows the Bible and would respect God's creation. This beautiful country is unique because it was build upon the Bible.

The public was not invited to participated in this DNR meeting with the master guides, the meeting was no made public or posted on the media. But it they did sometimes they do in a very sneaky way.

The natural resources belong to all Alaskans. DNR and the commercial hunting industry have to let the public know are you going to state original planning process, who made this whole process.

The public need to get involved in this Big Game Commercial Hunting Industry. Where in this places are our voices, where is the subsistence?, where is the tourism industry and where are the viewers?

You can not push for this Guide Concession to special-interest who want to exploit the wildlife, which only benefit and enrich themselves, specially when avoid the original process. What documentation is DNR relaying on that authorizes the entire state to be put under the concessions contracts granted only to 'GUIDES' protect the non commercial interest in Alaska's wildlife resources. Preserve what is left or our wildlife resources for present and future generations.

Alaskans do not need anymore interest legislation and programs for the benefit of the commercial hunting industry. There is a history.. All around the world of what happens when public resources are exploited and left to the stewardship of competitive business interest. What the public need is the state to limit non residents and control this indiscriminate exploitation of our wildlife by special-interest like the commercial hunting industry.

Yolanda de la Cruz

806 West 57th Avenue

(Signature)

\*Comment hand delivered in the office 4/23/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Sam Deblauw  
P.O. Box 82132  
Fairbanks, Ak 99708

Phone: (907)-374-3818  
Email: samdeblauw@yahoo.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 31 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Sam DeBlauw, D e B l a u w. Earlier we heard the speaker talking about this thing, this thing that we're going to put through. You had DNR, who, of course, is here tonight. You said later the BLM is going to get involved. And this thing is going to get really worked out. Well, this thing they're talking about is a state and federal takeover of our harvestable resources. DNR is the Department of Natural Resources. Our harvestable resources in this state are our (indiscernible), but one of them happens to be big game. And the state and federal government take this over and having all these nifty rules like everyone should be allowed one hunt. Well, what about the local residents of Alaska? One hunt isn't going to really kick it for the guy who's a big game guy and a long lifetime resident of Alaska. It isn't going to do it for him. There's going to be these vacant spaces that if they didn't bid on it, they're going to have the option of going to -- "Well, I'm going to keep the horse and trailer over here, but maybe I'll get this vacant spot where I need a bow and use that area." It isn't going to work out like that. If anything needs to change, it needs to be who the guides are. You guys should look at maybe adopting what our Alaska Permanent Fund Dividend has. If you're out of the state for 90 days or 180 days, you don't get it. If you're out of the state for 90 days, 180 days, you don't get an Alaska big game guide license. Those are just a few ideas for you, and that's all I want to say.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Elizabeth Derrico  
5109 N Kenmore  
Chicago, IL 60640

Phone: 312-2091979  
Email: elizabeth627@gmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 32 of 192 - Submitted 04/15/2012 at 06:55 AM:

It will imperil opportunities for diverse experiences. The proposal addresses symptom of poor vetting and poor enforcement. Why not select the best most reputable guides rather than a lottery that does does nothing to address the issues.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Tony Dingess  
Revelation Mountain Outfitters

Email: [tony@alaskahunts.net](mailto:tony@alaskahunts.net)

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 33 of 192 - Submitted 03/28/2012 at 12:00 AM:

Webinar 3/28/12:

My comment - - yes. My comment was basically - - I would just like to state my overall concern with the program.

As a registered guide, of course, I understand there are many conflicts out there right now in the industry; and I have seen a decline in the quality of experience over my past 17 years in the industry. And I'll be the first to state that I look forward to any positive action from the DNR and hopefully that this program will address the real needs of the industry.

But there is an overwhelming concern that there's going to be 600 or so registered guides vying for a possible 300 concessions, of which some individuals will be awarded two concessions. And the concern is that you're going to have numerous individuals with multiple years in the business I, myself, now with a dozen years in the industry as a registered guide that I could inadvertently apply for two concessions in a sought after area where I was certified and could easily wind up with not landing a concession.

And for those individuals to be put in a position that they have no further opportunity is something that I think has to be taken into serious consideration, because it is going to have an economic impact, not only upon the individual that's running the business, but it's also going to have an economic impact on, you know, the communities that we frequent and the, you know, services that we require while we're in the field.

So I think there needs to be some serious consideration as to alternative areas, in particular, for those who have been in business long term and do not necessarily that end up maybe not landing one of those two initial applications, especially if there are unutilized areas in GMUs where the particular registered guide is certified for.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Tony Dingess  
Revelation Mountain Outfitters  
Registered Guide  
1 B Perry Ln  
Pecks Mill, Wv 25547

Email: [tony@alaskahunts.net](mailto:tony@alaskahunts.net)

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 34 of 192 - Submitted 03/17/2012 at 08:20 PM:

Seeing that the livelihood of many registered guides will be on the line with the radical overhaul that this GCP proposes I would propose an alternative to the limit of 2 GCA's. With the current limit of 2 applications, the potential is very real that an excessive number of guides will apply for sought after GCA's and obviously only a few will obtain the limited number of concessions available. Basically this means that if we choose to apply for a popular area we could easily wind up with nothing, and no alternative to apply for an GCA that is considered far less desirable.

My proposal would be to allow the 2 GCA applications as proposed, but allow for a 3rd alternative application to be submitted and considered if both of the former applications are denied.

We are all very aware that individuals, such as myself, will be applying for areas that we have already hunted in for years, even though we know that we all can't continue in the same area, but we need an alternate (especially considering many of us have more than two GMU certifications) and a consideration of GCA's that get no applications could also be considered as alternatives to those who fail to land a concession via the first two applications.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Tony Dingess  
Revelation Mountain Outfitters  
Registered Guide  
1 B Perry Ln  
Pecks Mill, Wv 25547

Phone: (304)-2390860  
Email: tony@alaskahunts.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 35 of 192 - Submitted 03/26/2012 at 05:15 PM:

In the entirety of the proposed GCP I have yet to see any mention of how multiple guides, having received a full or limited concession are going to work within the same GUA? For instance the proposed map shows GUA 19-10 with 5 concessions (4 Full and 1 Limited), but without further boundaries limiting each of those 5 concession holders to specific macro-areas within GUA 19-10, how are we to suppose that user conflicts will be diminished or addressed?

I may have missed this issue having been addressed, and my apologies if I have missed this, but right now it looks like I could possibly be awarded a limited concession in a GUA with 1 Limited and 1 Full concession and find myself pitted against another registered guide doing 35 hunts in the same area I am trying to do 7-8 hunts. Perhaps I am being picky, but it seems to be reasonable to expect conflicts between two or more competing guides within the same concession boundary.

If this has not been considered, I would suggest further refinements of the actual concession boundaries to specifically limit each guide (receiving a concession) to a specific mapped area within the given concession. The only way that any guide is going to be able to manage resources to the benefit of their company and overall to the state, is if they able to manage the harvest in their own concession without competition from another guide within the same concession area.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

"Smokey" Don Duncan

Email: [apgs@gci.net](mailto:apgs@gci.net)

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 36 of 192 - Submitted 02/17/2012 at 12:00 AM:

Dearest Clark; IT would be nice if DNR could make smaller maps than what is on the web site. 11.5 MB is way too big for most except high speed. And the boys in the bush/villages pay by the MB. Too big and too long to load. Dial up is out of the question. "Smokey" Don Duncan Master Guide #136 Alaska Private Guide Service 299 Alvin Street, Fairbanks AK 99712 907-457-8318 [apgs@gci.net](mailto:apgs@gci.net) [www.apgs.com](http://www.apgs.com)

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

"Smokey" Don Duncan  
299 Avlin Street  
Fairbanks, Ak 99712

Phone: (907)-457-8318  
Email: apgs@gci.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 37 of 192 - Submitted 03/14/2012 at 12:00 AM:

I'm Don Duncan. I guide 136, Fairbanks, Alaska. This DNR proposed concession plan is a poison pill. It will either kill the program by the legislature not funding it, or it will kill the industry. I predict 50 percent of the guides will be put out of business with 70 percent injured. I will not support it or anything like it until transporters, air taxis, and water taxis are included in this plan, or any type of plan like this. I cannot support it because it is a statewide solution to a few localized problems, particularly sheep hunting areas. The Guide Concession Program is not based on resource conservation, but rather guide elimination. It will not and is not a long-term solution. It does not protect us from the 10 percent nonresident allocation or draw and permit system in the future. We are still at mercy of or the pleasure of the Board of Game and the transporters. No study has been done to determine what and how much game is available per guide user area. No game allocations have been made or guarantee per guide use areas. No studies or anything to do with economic viability of the guide use areas, nor the value of the guide use area. Some of these are going to be real profitable and others aren't, but the price is the same. So we are up against the prime sheep hunting areas, the prime brown bear hunting areas -- they're going to make out like a bandit. We would not do this to any other industry. The Guide Concession Plan application is ridiculously difficult to impossible to fill out. I will ask the legislature not to fund it. And to my friend, Ted Spraker, who sits on the Board of Game, I think, in my case, and many other cases, I would rather have you do your job at the Board of Game level and drive us out of business that way, if it gets down to 10 percent. That's fair across the board, and I don't have an application that's going to take me 1,000 hours to fill out. Twenty years ago I made up my mind not to go to a sheep area, not to go to Unit 9 brown bear, not to go to Kodiak. I avoided all of those highly competitive, highly prized areas. And now I'm getting sucked into this thing where we have just as many guides as they have down on the Wood River. We get along. A lot of us don't have a problem, and we don't like being part of this final solution statewide. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Julie Dvorak  
415 S Main St  
Aberdeen, Sd 57401

Email: [jdvorak@nvc.net](mailto:jdvorak@nvc.net)

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 38 of 192 - Submitted 04/15/2012 at 06:29 AM:

It seems to me that if the State of Alaska would be more strict about the consequences for violating the law that it would rid the guide industry of lots of the unlawful guides.

It is not only the actual guide who breaks the law, but the outfitters who permit/promote this type of action under their watch, under their contracts, with their clients and their employees who should be banned from the industry.

They are engaging in same day airborne hunting, hunting out of season, over-bagging or poaching.

Getting rid of those types of people who have no concern for the resources/law/etc would do away with any problems of overcrowding or taking too many animals.

If the State chooses to go forward with this plan for exclusive guide/concession areas, then the concessions should be based on merit, not on the luck of winning some type of lottery draw.

Thank you for considering my comments.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mark Dvorak  
Field Service  
606 Market St  
Sturgis, Mi 49091

Phone: 269-319-9010  
Alternate Phone: 574-536-5987  
Email: mdvorak@dfamilk.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 39 of 192 - Submitted 04/15/2012 at 05:39 AM:

Guides/outfitters should be AWARDED concessions based on their record of ecological and ethical morals. Outfitters MUST be held accountable for their guides. Guides/outfitters hold the power to tell clients not only when to shoot but also when not to shoot. Poaching, same day shooting and upgrading are a few examples. Should drunk drivers be given a car? Maybe give them a second chance, everyone makes mistakes. But I say 2 strikes and your out.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Thomas Raymond Dvorak  
Jim River Guide Service  
Owner  
432 Railway Ave  
Mellette, Sd 57461

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Email: wdvorak@nvc.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 40 of 192 - Submitted 04/14/2012 at 12:38 PM:

I guide in Unit 17 and 19. I have friends who guide in other parts of the state. If the state would remove abnormal guides who have admitted to immoral acts such as same day airborne, hunting out of season, over-bagging, hunting without a license and any kind of poaching, ANY and ALL overcrowding of guides/hunters and over harvest of animals in Alaska would be solved. This simple step would be far more cost effective and manage the state lands and wildlife better than the proposed guide concession program. These things should be changed in Appendix D...

In Criteria 1, Section A, Sub-factor 1, part a...There needs to be a more definite distinction between "interacting" with the client and actually "guiding" the client. Contracting a hunt with one person acting as not much more than a glorified booking agent and actually get guided by another hired hand leads to an unsatisfactory experience in the field. As worded, a contracting guide could spend 10 minutes in the field as required by state law prior to the hunt and another 10 minutes after the hunt and claim that he was "interacting" with the client.

In Criteria 2, Section A, Sub-factor A...there should be 100 points allotted for this section with an emphasis on hunting without the use of ATVs, boats, airplane use where fuel storage is needed on state lands and where semi permanent camps on state lands are used that result in large amounts of garbage/trash disposal on state lands in the area of the camps. Also, for a guide to get a concession area, the guide should be required to clean up the existing camp locations before he can contract any more hunters.

Criteria 2, Section A, Number 2 part B should require a report of the number of illegal animals taken in the past contracted hunts and points should be deducted at the rate of 20 per animal.

Also in Criteria 2, Section A...There should be up to 30 points awarded to guides who can be satisfied offering a lower number of hunts in a given area over guides who want to take many clients in the same area. If one guide can make the area an economically viable area with only 5 hunters, his application should be favored over a guide than needs 10 hunters to make the area economically viable to him. This will allow for better conservation and a long term benefit to game numbers and the resulting hunting experience of sportsmen and rid the industry of poor business managers.

Full concession opportunity in Unit 17-2 should be increased to 4 and 17-3 should be increased to 6. Limited concession opportunity in 17-2 and 17-3 should be raised to 4 each.

In Form D...immoral acts of same day airborne, hunting out of season, over bag, hunting without a license should all forbid the applicant from being awarded an area. If this cannot be done legally, a deduction of 200 points would insure that none of these abnormal guides will get a concession. Allowing for "explanations" will only allow immoral guides to sneak through the cracks and this part of the criteria must be removed for fairness to law abiding guides.

From the Proposed Decision Guide Concession Program ADL 230869...Selection process for limited and full concession opportunity should be done on the basis of the "best applicant" wins and NOT lottery. This will prevent non-active guides and registered guides and master guides who do not intend to conduct hunts from being awarded an area that they can "sign off" on for hunts or simply prevent legitimate guides from winning an area.

In summary, REMOVING THE ABNORMAL GUIDES WHO HAVE ADMITTED TO CONTRACTING HUNTS WHERE UNLAWFUL AND IMMORAL ACTS OF SAME DAY AIRBORNE, HUNTING OUT OF SEASON, OVER-BAGGING, AND POACHING TOOK PLACE WILL BE FAR MORE COST EFFECTIVE SOLUTION TO IMPLEMENT/MAINTAIN. And let the lawful guides who care and respect the guiding business to continue to offer great hunts.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Audun Endestad

, Ak

Phone: (907)-4796634

Email: sendestad@gmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 41 of 192 - Submitted 04/19/2012 at 12:00 AM:

To Mr. Cox and Ms. Colles,

I have been involved with the new proposed program and I have read the latest proposal for guide concessions. To ensure that registered/master guides who have been in business for the past 10 years or longer can still have an area to operate in, I feel it is important to make some changes to the proposed program.

A. Divide the concessions into three categories as stated below.

1. Full concession: Maximum of 3 assistant guides per full concession guide outfit (business). Maximum one full concession area per guide outfit.

2. Guide operating with one assistant guide: Maximum 2 concession areas per outfit.

3. Guide operating with no assistant guide: maximum 3 guide concession areas allowed.

If a registered/master guide gets one full concession and one limited concession, the maximum of 3 assistant guides stay the same. (not 3 assistant guides for one area and 1 assistant guide for another). The idea is to divide up the limited concession guide use areas to different registered guides instead of allowing it to be run by big outfits with up to 6 assistant guides as it is being proposed. Many guides have long lists of returning clients as well as big money invested in guide equipment. It is important to allow these veteran guides to continue to have an area to operate in and to make a living doing what they have done for 10-15 years or more.

Other: Federal and state concession areas need to be counted and added up together. If a guide has a federal area, then this needs to be added to his state area for a maximum allowed concession area count. This will give each operating guide an equal share of guide use areas in Alaska.

Final: Each guide outfit should be allowed to have a preference list of at least 4 concession areas to better their chances of being awarded one to three concessions to work in.

Please feel free to contact me with any questions. I can be reached at 907-479-6634.

Sincerely, Audun Endestad Registered Guide #1009

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Sue Entsminger  
Hc 72 Box 800  
Tok, Ak , Ak 99780

Phone: (907)-883-2833  
Alternate Phone: (907)-883-2830

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 42 of 192 - Submitted 04/24/2012 at 12:00 AM:

Sue Entsminger HC 72 Box 800 Tok, AK 99780 883-2833 or 883-2830  
April 21, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant (Actually, I think we should be allowed to file for four in hopes to get 1-3: handwritten comment)

c. I also commend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. (WRONG. I recommend more point go to applicants who have native land authorization in the GUA they are applying for (especially if lots of acres) then the land is not checkerboard: handwritten comment)

f. I also recommend that the \$250.00 Concession application fee remain the same.

2. LIMITED CONCESSIONS: (Totally agree to get rid of !: handwritten comment)

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force

the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
  2. I recommend the limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, (ONLY. Good idea.: handwritten comment) or:
  3. I recommend that Limited Concessions be provided on the following basis:
    - a. Only where conservation and stewardship goals are not jeopardized. (Is none in my opinion: handwritten comment)
    - b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
    - c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide concession they have been awarded.
    - d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.
3. ASSISTANT GUIDE NUMBERS (better to have an operation plan that's realistic to the area. Some areas are not conducive to more than 3 assistants. Others are able for more.: handwritten comment)

Reducing the number of allowable assistant guides to three (4 or 5 better. This is low we have a family operation- my son, then he hires Frank & I but sometimes we need me or 2 others: handwritten comment)

- a. I recommend eliminating the restriction on the number of assistant guides within Full concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have been hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting aides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

#### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies an additional sets of fees (not at all reasonable: handwritten comment). Many proposed Guide Concession Areas contain contiguous BLM state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

- a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use. (There are places where there is very little BLM Land within a unit. They must be as one!: handwritten comment)

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. (#1 BIG Problem. Bureaucratic nonsense: handwritten comment)

More on Fees- what really concerns me on your fees is how unfair a \$4k per guide use area really is! Currently many operators have 3 GUA free through BGCS! But pay DNR \$500 for all 3! That raise to \$12k if we are allowed 3 which we should be! I currently take one-two sheep hunters (IF THEY DRAW A PERMIT) in Delta area! This is FLAT wrong! Each area is so different! Right now small operator guides are paying \$1-2,000 for liability insurance, \$250 licenses, \$500 DNR & (plus day use fee)- for 2 sheep hunters per year! What will this do to the price of a sheep hunt-no one can afford this! Clark Cox, forgive me, but this is an example of a bureaucrat having no understanding! (handwritten comment)

- a. I recommend that DNR implement a \$1,000 Concession fee per year. (against: handwritten comment)
- b. I recommend that DNR implement an annual client fee per client (merit but a per animal fee better! : handwritten comment), per concession as follows: 0-5 clients=\$120.00 per client, 6-10 \$150.00 per client, eleven or more clients=\$180.00 per client. (or a per animal fee like F.S., few on grizzly where predator control: handwritten comment)
- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.
- d. (Disagree: handwritten comment) I also recommend that a fourteen day (this might be totally unnecessary! Too much restrictions in my opinion: handwritten comment) portable camp provision made within the GCP program without additional cost (no charge: handwritten comment).

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate

approximately \$600, 000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

(There are GOUA that do NOT have the opportunity for guides as others especially in area heavily used by residents. In summary, a per animal fee is the best solution to fairness: handwritten comment)

#### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. I (highly) recommend (Fish & Game-the real managers of each GUA! : handwritten comment) incorporating board members from the Big Game Commercial Services Board, Board of Game and or general representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

#### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectuses writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may (or may not- part of original comment but crossed out: handwritten comment )have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014. (government moves SO SLOW-I think changes to the BGCS Board could eventually solve problems before this program-then this program maybe unnecessary: handwritten comment)

9. NONSUCRIBED AND RETURNED GUIDE CONCESSIONS: Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed. ( or something that works : handwritten comment)

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. ( Yes: handwritten comment) c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report

(Has merit but not sure how this would be done accurately! Folks with airplane see more than ground pounders: handwritten comment)

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub

recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. (Maybe a better report would be the guides send a list booked clients for the season to ADFG, FWP & DNR! That would keep people straight! : handwritten comment)

(KISS-Keep it simple silly: handwritten comment)

11. Regarding Five and Ten-Year Terms:

(DNR should have system to take away a GCP permit if the person violates any provisions: handwritten comment)

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know, that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded. ( agree-actually if a guide has violations BGCS Board end up reprimanding & this job is already done! : handwritten comment)

12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support. (agree: handwritten comment)

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish, A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS -Concessions program uses: Satisfactory, Unsatisfactory and Marginal. (I recommend-USFS requires me to send a list of state hunt records to them & they send random surveys to clients! : handwritten comment)

b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

13. GUIDE CONCESSION AREAS: ( I believe after a program is in place that these lines may have to change! I, also, believe 2008 when the industry looked at these lines everyone was afraid to change anything because it was getting the cart ahead of the horse! Folks had no way to know how to feel on this! : handwritten comment)

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work, to define regions and numbers of operators per region that would provide a -conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during the process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically , many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated- and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

a. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

14. TRANSFERABILITY:

(Not sure how I feel: handwritten comment)

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns

brought forward by the Owsichek decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed. (I think all these records are available with BGCS! Each assistant that takes a client should have their name on the hunt record before going to the field which has to be sent in BY LAW:: handwritten comment)

3. FORM A , SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations. 4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion a. I recommend deleting this criterion as its relevance to guiding is questionable. 5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent. ( I think this is uniquely different to each area. Here is an example where guides on the panel would understand better than an office person! : handwritten comment) a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources. 6. FORM B, SUBFACTOR A, ITEM 3 a, b, c, and d: WILDLIFE CONSERVATION: (Can only be determined by local ADFG biologist or their office. This is an ADFG decision not DNR: handwritten comment)

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading. b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources. ( I say ADFG is the only one who can judge this! : handwritten comment) c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis. (DNR has no background for wildlife conservation: handwritten comment). 7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable. (AGREE-KISS: handwritten comment)

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP:

a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants.

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed. (YES: handwritten comment)

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FROM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits. (Add 13, 14, & 15 to operations plan-KISS: hand written comment)

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff. (This is relative to areas that are very different! : handwritten comment)

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant s plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMACE: (Agree-KISS: handwritten comment)

a. I recommend deletion of this criterion as DNR is personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If thief criterion stays, it should be defined as a simple pro--forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

## 19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple . land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in a regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring. (Or eliminated a lot of these cases. They are no longer licensed unless squashed by the law! A case of known is if they were prosecuted in federal court & not state. Some sneaked by the LAW to revoke the license for 5 years (I think) which meant they had to retest like a new guide since after not renewing over 4 years-you lose your license!

I will reiterate the scoring panel needs to be ADFG, FWP from that guide use area, retired guide & DNR, BLM!

TRY to keep this simple.

DO NOT- I repeat- DO NOT limit to 2 areas to apply!

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Sincerely,

Sue Entsminger (Signature) Good luck Clark, et all. You really need some retired guides on this

(The original comment has been highlighted and has handwritten comments. Original available in Southcentral Land Office for review.)

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Sue Entsminger  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 43 of 192 - Submitted 03/14/2012 at 12:00 AM:

I told Clark earlier I was going to hang him and then start on that room later. But Sue Entsminger, E n t s. But I just want to say that I served on a lot of boards and commissions over the last 35 or so years, and I served on the Big Game Commercial Services Board '91 to '93 when this -- the whole Owsichuk decision happened. And that board while -- the two years I was on it, wrestled over and over and over and over and over again to come up with a solution as a board. And it's going to take a constitutional amendment to make some kind of a change, because it isn't going to happen unless we come up with some clever regulations that would make it happen. And then having served on the Board of Game, I cannot believe what poor Ted has to go through now. From when I was on the -- but anyway, having served on the Board of Game and watching what is going on today at the Board of Game and what went on when I was on the Board of Game is an incredible amount of work, and it just gets more complicated and complicated. I think what's happening in the Lower 48 with the reintroduction of wolves is bringing more hunting pressure to Alaska, because they're losing their hunting pressure down there. And I think that it's important for people to realize. We moved out from the Fairbanks area to the Tok Cutoff when Matt was a small kid, and he was raised out there and he lived a subsistence lifestyle then. And he decided that in order to stay there, he was going to get into the guiding business. And now it's like, people everywhere around, especially around the road system, there are areas that are way more problem areas, and I'm hearing all these guys say that. And that probably is something to think about, maybe you need to focus on that right away, because I hate to see the Board of Game involved with more work. This \$4,000 fee is ridiculous. I mean, it's absolutely ridiculous. You guys started out with zero funding. I don't understand where you can come up with a man without a budget and then constitute -- that you were going to have these fees to -- it sounds like a bureaucrat. People, these guys aren't bureaucrats, they -- I'm sorry, Clark, but it doesn't work. You guys have to -- not having guides involved in this from the very beginning has been a big mistake for you if need to be continued, and/or maybe I'm missing something here, but it's just -- there's a lot of problems, and you -- for three -- all these years they've had three areas, and now you're going to limit it to two because you think it's too much work. Well, that's pretty hard to take too. And then at -- I'm on the Forest Service land out of the Cordova District, and we have -- they go by the animal, and I'm a small operator, I only have four animals I'm allowed to take in our area. And it's by animal, a price for a brown bear, a price for a brown cloak, and I -- I mean, I don't know what -- maybe you guys are drinking too much coffee or something, I don't know, but I can't understand where -- these kind of fees have to come down. And then they also have a deal -- and that was a small operator operating, and that's what I hear here a lot, too, is if you have these huge fees, people are never going to be able to continue that where they grew up a business. So one minute. I'm done.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 44 of 192 - Submitted 04/08/2012 at 12:42 PM:

#### COMMENTS ON THE PROPOSED GUIDE CONCESSION PROGRAM

After attending public meetings on this subject, I would like to offer the following comments

State of Alaska receives \$5 million dollars per year in license and big game tags revenue

This program discourages guides from investing in Alaska if their concession is only 4, 7, or 10 years, quote No preference will be gained specifically for being the previous concession holder . Why would anyone make improvements, like a lodge, or invest in the future of Alaska big game hunting. I am a small business operator, I already pay more than \$3,000 annually before I open my door. I have built two hunting lodges, based on the current big game hunting rules. Basically they will be worthless if the program changes. I cannot afford to buy concessions and pay the State additional fees per hunter. I am not alone, there are 468 master and registered guides. Who is going to reimburse me for the cost of the two lodges, once I am bankrupt, because the State changes the rules. This program caters to the very rich and elite. No restrictions on transporters or 135 operators. All new rules and regulations are placed on guides only. If there is a problem in one or two GUA deal with that problem not the whole state.

If this program goes forward 68% of master and registered guides will be out of business in Alaska based on 2 GCA per guide 36% of master and registered guides will be out of business based on 1 GCA per guide. ( Based on 300 GCA and 468 master and registered guides.

Why would the State of Alaska intentionally destroy small business in this manner? Alaska big game hunting is world wide business that should be allowed to thrive.

Big game master guides and registered guides are required to have several years of training with clients under the supervision of other guides, before they are licensed. Every one of these guides has worked hard to have what they have. What is the future of big game guides in Alaska, when the State puts this type of restrictions on their business? Eventually this is a business that will be non-existent, at that point the State will not even the \$5 million each year in license and tag fees.

Suggest raising the fee for non-resident hunters by \$100 each tag, if the State needs more revenue from big game hunting.

If a guide could pass on the extra cost of concessions and client fees to the client this business would be seen the same as oil taxes in Alaska, unreasonable, and the clients would to t other places. Alaska is NOT the only hunting grounds

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 45 of 192 - Submitted 04/20/2012 at 12:00 AM:

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October 24, 2011 Emerald Valley

Mr. Roger Seavoy ADF&G Biologist McGrath, Alaska 99627

Dear Mr. Seavoy,

Please find the following report regarding wildlife and habitat conditions of an area in the Western Alaska Range known as the Middle Fork of the Kuskokwim or, Middle Fork of the Windy Fork of the Kuskokwim River. This report represents a summary of wildlife and range conditions regarding the geographical region between a few miles to the East of the Windy Fork of the Kuskokwim and to the North of the North Fork of Big River including both the mountainous headwaters and outlying uplands out say fifteen miles. These lands are contained within Guide-Outfitter Use Area 19-08 and, represent the same area I have spent considerable time in every year for the past twenty-nine years.

It has been my desire to provide you with this type of report for several years. Prior to PenAir and the air cargo McGrath rates increasing so substantially, combined with the substantial reduction in prey species harvest, my family and I made an annual pilgrimage to McGrath at the close of our fall guiding seasons. Those days were always a highlight and were spent in dividing a substantial amount of game meat between needy residents and always included a visit to the ADF&G biologist who we verbally gave this report to. These biologists included Bob Pegau, Jack Whitman, Toby Boudreau and now yourself. As we have much less meat to share, and our general support flying can be done more affordably from Upper Cook Inlet, you will have to receive this report in writing.

Please know that we continue to share as much of our harvest of meat as we can with the Upper Kuskokwim residents. We continue to have our clients utilize McGrath as a destination to book their travel through and usually at least one night of lodging. We utilize air-taxi service from McGrath for their transport to and from our camp. All flights that have space available whenever we have harvested game meat in camp contain meat for needy people accompanied by the appropriate meat transfer of possession paperwork.

All observations included within this report are my own or those carefully defined to me from my staff and are generally ground based with no flying observation included. Additionally, historical record data is generated from my personal diaries and logs kept in a similar manner for the same twenty-nine year time period. Also included will be a few comments and observations pertaining to the time period from 1972 to 1982 which are taken from my diaries recording communication between myself and Mr. Jack Smith who was the former guide that operated within this same region during those particular years. Having spent several years in the field with Mr. Smith in this same location I am confident that his observations used herein are accurate.

Many time period observations included will relate to two basic time periods. The first period will be that era of wildlife and range condition prior to 1994 which will relate prior to the downstream impacts of the 1990 era citizens initiatives which impacted effective wildlife management. The second time period will be from 1994 to current. For abbreviation purposes I will use BBI for before ballot initiatives and PBI for post ballot initiative eras.

General Range Description This region lies almost due parallel with the major Denali fault zone which extends nearly the length of the Western Alaska Range. This significant fault zone actually cross cuts the region encompassed with this report. As one of the largest fault zones in North America, this fault has numerous crosscutting dikes and smaller fault zones. These cross cutting dikes and fault zones carry newer age mineral to affiliated surface exposures which in some cases are important to wildlife. There is a dominant cross cutting fault that branches from the Denali fault in this region which for the purpose of this report I will call the Middle Fork fault. This fault zone intercepts and outcrops in the very first small up thrust of the mountains just to the South of the Middle Fork River. It also surfaces at two additional in line outlying points to the West.

These three points are historic mineral sources for all ungulate wildlife species of the region and predators as well. All three licks are used consistently. The one at the base of the mountains has been seeing increased use annually primarily by ewe/lamb Dall s sheep and caribou.

There are at least six noticeable glacier retreat age rings as seen by infra red aerial photos lying within twenty miles of each of the major drainages to the West of the mountains within the area of this report. Earth scientists that I trust and respect maintain that the overall age of this defined ice age may be less than six thousand years. Each of these retreat rings could indicate previous cooling trends which stalled the retreat cycles. During eight of the past ten years, the previous winter snow pack has melted completely and diminished reserve snow and ice pack. This year, the fall snow pack was much more near the 1970s -2000 norm with some replenished snow and ice pack carry over.

Alpine sedges, grasses, lichens and wildflowers are lush, bountiful and healthy throughout the alpine regions.

Sub-alpine slopes, alder and deciduous habitat are also extremely lush with much new growth. Small amounts of BBI winter moose graze lines are just within the past two years beginning to become noticeable again and the forage is abundant. Graze index factors are hardly worth mentioning at this time as ample unused forage is located wherever these graze lines are

starting to reappear. Important summer and winter moose forage is ample throughout the region and largely unused.

Tundra flora species and health is showing no extreme change. Lichens are still abundant and prevalent throughout the region. There is an unsubstantiated rumor of lichen diminishment causing caribou population declines and/or regional movement. Based on the ample availability of Cladina and Bryoria varieties in all reflective habitats, I can give no credibility to this theory. There is another theory I have heard that the red leaf alpine bearberry *Arctostaphylos alpina* is taking over the lichen habitats and reducing caribou forage. This is simply not true within the region of this report. Both types of plant are thriving and there is no lack of important lichens.

Coniferous forest habitat in this region lie primarily as small individual forests of less than several hundred acres within the outreaching major drainages and eventually tie into the main Kuskokwim forest system within twelve miles of the mountains. Recent fires over the past decade especially the Lone Mountain and Big River events have been beneficial to long term replenishment of good wildlife habitat. Several unique older white spruce trees have been aged at over two hundred years, although the general healthy mature trees lie in the forty to eighty year range depending on sunlight conditions. Minimal parasitic damage has affected these current forests.

It is my opinion that we are still within a diverging and beneficial wildlife habitat cycle in this region.

Dall s Sheep:

During the BBI era the average population of Dall s sheep within this region was approximately three hundred sixty animals. We had years of over four hundred sightings and years of fewer than three hundred. By 1998 though, this population had plummeted to less than fifty animals with little or no annual lamb population surviving for several years. This means that we went several years without a fall lamb or a spring yearling sighting with no annual recruitment potential. The drop in this population had a direct association to the increase of wolves in the region which included mountainous and outlying upland denning locations. There were a few hard winters but none that so extremely impacted these sheep.

There has been a small consistent increase in these sheep beginning in 2004 and our 2011 sightings put the recovering population at 180 animals. There appears to be a very high fall lamb survival rate for the past three years in spite of two different golden eagle pairs and nests within the region. Yearling numbers are also healthy within the bands and several times this year we saw what we consider to be the perfect band: two or three ewes with lambs as well as the corresponding yearlings. This has been a pleasant reprieve. Immature ram numbers are growing slower for some reason. We saw one band of ten this fall which is as high as we have seen in a number of years. BBI it was not uncommon to see fifteen to thirty immature rams within one band. Mature rams are also not recovering as fast as the ewe population but are still increasing as well. This year we sighted twelve rams  $\frac{3}{4}$  curl or over.

It is interesting to note that during our spring seasons we see many more rams. I believe that many sheep from the upper Windy Fork River migrate over to the Middle Fork mountain flanks for winter feed benefit. For this reason we use only our summer/fall sheep sightings for this report.

We have seen no evidence of disease or substantial natural winter mortality within the sheep population. They have been feeding in the more prime food habitats for the past several years. Coyote and wolverine numbers are low. There are less than ten coyotes residing in this region currently. During the 2009/2010 year I saw the tracks of the same two coyotes in several drainages but only occasionally. This year the numbers have picked up a little but not much.

In general, the sheep population is a healthy but recovering herd.

Caribou:

The caribou of this region have long been considered part of the Rainy Pass Big River herd. During the BBI era, we averaged near fifteen hundred caribou sightings per fall hunting season and the hunting season for them continued into October. On a few high density years we saw nearly three thousand caribou gathered in the uplands during the rut. It is my understanding and I would agree that this herd had high densities of near four thousand animals. By 1996 of the PBI era we were down to less than five hundred and the downward trend continued to where from 1998 to 2007 we did not see over two hundred caribou per year and some years far less. There were several wolf denning sites within the traditional caribou habitats, both summer and winter. It was interesting to see how strategically the denning sights were located to traditional mineral sources and travel areas.

During 2010, the caribou numbers were up to two hundred forty and this year they were a bit lower at 180. However, our time in their primary habitat was limited this year and may reflect the lower number. From 2006-2010, the fall caribou cow/calf ratio had been increasing significantly. This year however, it was down again and of the one hundred-eighty caribou we sighted, we saw less than twenty calves. We noticed this trend during May-June and July of this year as well. We documented golden eagle/caribou conflict during June, and we had a healthy population of brown/grizzly bears along the front range during June and July as well. 2012 will tell us more.

We have observed no diseased animals, no lump foot, even through the Mulchatna herd decline. Some warble fly larva occurs but no bot fly that we have seen. We believe that we are on a slow upward trend and once again, directly associated with the number of wolves in the region.

Moose:

As you know, the historic management goal for the moose within this region has been for trophy hunting although meat is an important consideration as well. BBI annual moose sightings averaged nearly one hundred moose with some years in the one hundred thirties and some years as low as sixty-four. Again, by the mid 1990 s we were seeing a rapid decline in this moose population and we dropped to a few years when we did not see twenty moose in a whole fall season. Few calves and no yearlings were the norm until again, about 2004; we started seeing a few calves and once in a while a yearling. This slow recruitment trend has continued and during 2010, we saw forty-eight moose total, numerous cows with calves and a good number of yearlings.

This year, we were down to thirty-eight moose, but again, our clientele was limited and we did not spend as many man days guiding as we normally do. We saw seven moose cows without calves and seven cows with calves (no twins), four female and three male yearlings. The browse lines are starting to be noticeable again and more of the traditional habitats shown signs of being used. It appears as if we are in a slow rebuilding cycle with a healthy herd.

Grizzly Bear:

The long term history of grizzly population in this area has not changed to any noticeable extent. Annual numbers of bears sighted is directly related to the abundance of berries, especially the blueberry, *Vaccinium uliginosum*. During the good berry years, which occur about one out of every four, we may see as many as thirty-five grizzlies per season. On the low berry years we may not see five, again, directly related to the berries.

Since the mid 1990 s, we have seen an increase in general brown bear looking grizzlies. There are still a good number of typical interior color variations. Several of the mature sows and even a few large mature boars in this area we have known for many years. We have named them and we often harvest their offspring when they mature.

By 2004 PBI, the wolf population was running out of general prey species and started preying more on grizzlies. We saw few yearling bears with the sows, rarely saw any adolescents, often finding grizzly hair and bones within wolf feces. It should be interesting for you to know that even in high bear density years, our moose calf survival has been comparable to low bear years.

I would like to encourage you to understand that when we were restricted (willingly I should add) to one bear every four year harvest opportunity and our prey species were at record high numbers, we had no more bears in the region than we do now. However, that same number of bears will have a much larger impact on moose and caribou species when they have been lowered to low densities by other factors. This situation is not the bears fault; it is ours for allowing our conservation ability to fail for the best interest of the whole. You have supported the one bear every year harvest for this region and I believe that this, with the ongoing work going on within 19D East will provide the needed and continued growth for the moose and caribou of this region.

There is a sow in this region we have named Limpy. I saw her for the first time on Sept. 1st, 1995 when she was a three year old. She had an injured left front foot and was nearly incapacitated. The hunter I had at the time wanted to put her out of her misery but I encouraged him to understand that nature often has a way with these things although I was heartfelt pulled to agree with him. At the time, as it was opening morning of the grizzly season and there were no other hunters around, I believed that she had had her foot injured by a snare, a fight or a rock caving in on it.

I saw her again the following spring digging above the shrub line in the mountains and she was missing her front left foot just below the knee. She has lived a great life in this region and provides another litter of cubs every three years. We have been close enough on many occasions to actually see the leathery stump of her front left leg. She is a moose-calf-killer but we have so much respect for her that we let her live as she is.

**Black Bear:**

The black bears of this region have also cycled with highs and lows related to the berry crops. BBI we had annual sightings as high as fifty-three different black bears. On one specific day from one vantage point, we could see at the same time, thirty different black bears and fourteen grizzlies. PBI, there was a trend away from the more risk oriented alpine feeding areas and a shift more towards the timber and timber fringes where escapement from wolves was better.

During fall of 2010, we saw nine different black bears and this past fall we saw nine again with two harvested. This was a poor berry year.

**Wolverine:**

BBI numbers were a bit higher with several sightings per year and an actual harvest occasionally. Currently, we have not seen one for several years but we do see an occasional track. This fall, I saw the tracks of three different wolverines.

**Beaver/Marmot/Porcupine:**

BBI the numbers of these rodents were high. The marmots at high level helped to reduce the golden eagle mortality on the sheep lambs. The beaver were very active and in 1970 s 1980 s and early 1990 s we had well over twenty active houses in the region. By 1996 we had only one and I was very concerned that there was a disease concern. That was until we discovered a wolf den and found fourteen beaver skull remnants scattered in the area. This past fall there were three active houses.

Porcupines used to be quite a nuisance around camp BBI. We used to tire of killing them and would catch them and fly them way downriver somewhere and turn them loose. It appeared to us that some of the porcupines were looking familiar so we started marking them with paint when we would catch and translocate them. And yes, after a week or two they would show back up. Currently we were up to ten per season but nothing at all like the BBI years.

Marmots are starting to come back a bit and it is nice to see them. I attribute the high lamb survival numbers we have seen the past few years directly to the increase in the marmot population.

**Coyote/Fox:**

During my younger years I worked as a predator control trapper in Northwestern Colorado and felt that I had developed a good ability to discern numbers of coyotes within any given ranch habitat. In this report region, coyote numbers BBI seemed to be increasing to where there were up to a dozen coyotes. PPI through 2008 they had reduced in population to just a few animals per year which were defined by their tracks and they had changed habitats from the valley floors and tundra steppes to primarily living at the shrub/alpine eco system line where they had better escapement from wolves.

Currently, there are still only a few coyotes although I am expecting to see an increase within the next few years.

Foxes, which we enjoyed seeing and spending time with BBI almost disappeared PBI. They are coming back a little now with several sightings this past fall.

**Ptarmigan/Spruce Grouse:**

BBI ptarmigan (rock and willow) and spruce grouse were very prevalent and were often hunted during the course of our hunts. We would see many hundreds of ptarmigan annually of both rock and willow but no white tailed species. Population fluxes were noticeable but not in the extremes.

PPI the ptarmigan and spruce grouse nearly disappeared. We have not seen one hundred ptarmigan annually in many years. Spruce grouse appear to be coming back slowly. This region has limited ruffed grouse habitat.

**Marten:**

The pine marten in this region seem to be fairly consistent with population fluxes relative to small rodent populations. Some years both BBI and PPI we have had high, low and medium densities.

Snowshoe Hare and Richardson Ground Squirrels:

Always plentiful at base camp. Come and visit us sometime and spend the night. The hare s race around camp and the clients often think they are bears.

Wolves:

During the BBI era, we saw wolves once or twice per fall season and saw fresh sign on an average of once per week. Howling was heard generally just a few times per fall season. It was always special to see and hear the wolves. Harvest opportunities were rare but once every five years or so someone would harvest a wolf.

From 1995 through 2005, the wolf numbers exploded and every historic game trail was covered with fresh wolf sign. Denning sights were discovered in the high alpine, steppes and outlying valleys.

It may be worth mentioning that one wolf den that we explored had numerous tunnel entries located at the same site. Two of these tunnels were connected by nearly ninety feet of tunnel as measured with a tape measure by crawling through the den. The birthing chamber and the entire tunnel were clean and free from feces or urine scent. There was an air-hole, undoubtedly developed for breathing air, located at just about center of the tunnel which had never been expanded for an entry or an exit. These two entrances or exits were located in a manner that hid each other from sight and would allow for escape without observation from the opposing entry.

Currently, they have significantly reduced in number. I believe that they have been following the caribou down into 19D East and have been being harvested within the predator management area and have been reduced in number. As well, there was evidence to us that they were running out of food and eating each other as beginning in 2008 we started finding wolf feces with lots of wolf hair in it.

Summary and Recommendations:

With the development of the proposed guide concession program each guide who prevails within the program will have a certain level of stewardship responsibility to help manage the wildlife for the wildlife s best interest. This has not been the case for many years. Combined with what appears to be some ungulate recruitment, the future of guiding hunters in the region looks to be sustainable.

It would be helpful if ADF&G would look carefully at what you can do to develop funding to assist in base line science gathering for this region. Range nutrition, game surveys and the subsequent carrying capacity analysis would be very helpful for those of us who help generate so much of the ADF&G budget.

I would be willing to initiate any changes within current law that would allow for you to do your job in a better way within GMU s 19B and C in keeping with our constitutional mandates of management for abundance, sustained yield and maximum benefit. If you would take the time to go over this concern with David James and let me know what changes would assist you down this path, I am willing to carry the ball down that path. The path of life that we have provided to the wildlife of this region has in my opinion, been a conservation tragedy.

Please provide me with any insights, questions, concerns and advice you can on this report. Untill next year, wishing you the very best, Thank you Roger for the exceptional work you do.

Very Respectfully, Robert Fithian

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 46 of 192 - Submitted 03/20/2012 at 12:00 AM:

March, 20, 2012 Submitted by: The Alaska Professional Hunters Association Inc. HC 60 Box 299c Copper Center, AK 99573  
Updated APHA DNR GCP Comments On March 9, 2012, APHA hosted a teleconference for membership to begin discussion on the proposed Department of Natural Resources (DNR) Guide Concession Program (GCP). There were thirty professional guides present on the call. Because of the broad spectrum of concerns related to the current draft of the program, a decision was made to only address the Administrative aspect and to leave discussion on the Selection Criteria for the next meeting. The meeting lasted for three and a half hours and the concerns and recommendations shown below were approved by unanimous consensus.

It is important to note that without this program being implemented, the Alaska Board of Game will have no choice but to eliminate nonresident hunter opportunity in many areas within the State. The guides present during this teleconference were in favor of working with DNR and the process to encourage the changes listed below. They were also very adamant that without many of the changes listed below, that they would not be in favor of the program being implemented. It is very important to you as a professional guide to personally comment on the GCP by April 23, 2012. The following comments and recommendations are for your review and if you feel inclined, for you use within your personal comments. It is also good to note that DNR has done considerable work to develop this program. The phase that it is currently in seeks public comment to make additional changes to the program as proposed before final implementation. Please be professional with your response to this program there are failures as drafted but with good diligence and respectful consideration and recommendations it can be fixed. If we can achieve the needed changes and see this program implemented, it will set our Professional Guide industry along with Alaska's Mining, Forestry and Oil and Gas industries where it belongs and be sustained. Without the program being implemented, we will remain within the Generally Allowed Use provisions within DNR and again, will see substantial reduction in opportunity over time. Please note that within these other DNR oversight industries, many of the DNR staff have significant history of involvement within these industries and as such, help with the long term steering. We need to work towards this good goal. 1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. We have strong objection to being allowed to apply or be selected for only two based on the following: For many years, Alaska's guide industry service providers have been limited to three Guide Use Areas in an effort to restrain commercial impact. This concept has to significant degree worked and has long been the established norm of the industry. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GMU's. This model should stay the same for a number of important reasons: a. Many existing service providers have been conducting hunts on State lands within three GUA's for many years and have substantial investments in them. To suddenly disallow the three GUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GUA's, and lends considerable potential challenge to maintaining the three GUA concept on Federal lands. b. We strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. Recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. Recommend that an applicant can be awarded up to three concessions and that there be no penalty factors for the number of concessions an applicant is awarded. e. Recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. Recommend that the \$250.00 Concession application fee remain the same.

2. As currently proposed, the establishment of Limited concessions in many Guide Concession areas without limitation to the species or number of clients, takes way and works against the conservation basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources.

a. Recommend that these Limited Concessions should go away in their entirety, OR, be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, OR, in specific regions for other species on a case by case basis with the consent of the Full Concessionaires of the GC. b. These Limited Concessions as proposed break the integrity of the conservation based and reduced crowding goals that the GCP is supposed to be addressing. c. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP the opportunities will still be very opportune for anyone who is certified to conduct guided hunting and proves that he or she can be good steward. d. Conservation basis of the GCP needs to be based on the applicants' Plan of Operation, not on the number of Full or Limited concessionaires that will be competing for resources. e. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies.

3. REDUCING ASSISTANT GUIDE NUMBERS By reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations. a. Recommend to eliminate the restriction on the number of assistant guides within Full Concession opportunities. b. As proposed, the GCP puts a number of long time established viable guide service providers out of businesses in many areas. c. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. d. Many existing and long-time established guide service providers utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and

probably will put their long time established business, out of business . e. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides to three works against this needed opportunity.

4. THE PROPOSED GCP RELATED TO BLM LANDS INDICATES THAT THE TWO PROGRAMS WOULD BE HANDLED BY TWO DIFFERENT AGENCIES FOR TWO CONCESSION PROGRAMS AND TWO DIFFERENT SETS OF FEES. THIS CONCEPT IS NOT ECONOMICALLY VIABLE FOR THE GUIDE INDUSTRY.

a. Recommendation would be for DNR and BLM to further their cooperation on this program, incorporate both agencies into the administration role and combine both fee structures into one. If they operate on both BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS WAY TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS FAIR PROCESS.

a. Recommend that DNR implement a \$1,000.00 Concession fee per year. b. Recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients=\$120.00 per client, 6-10 \$150.00 per client, eleven or more clients=\$180.00 per client. c. Recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. Recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

\*Sentence underlined by Robert Fithian \*

This amount is in keeping with other existing programs. At this fee and use level the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

a. Financial remuneration to the State comes in several ways within the proposed GCP. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish. b. Most Guide Concession as proposed will still incorporate substantial land use fees from LUP s and leases.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

We feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, we strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. Recommend establishment of incorporating board members from the Big Game Commercial Services Board, Board of the Game and or general guide industry representation to help develop the final rules for the GCP program and, to keep the representation active within the administration of the program.

7. The purposed timeline is not timely enough to withhold Board of Game actions to delete Non-Resident Hunter opportunities.

a. Recommend that implementation timeline needs to be moved forward to 2014.

8. MAKE UP THE SCORING PANEL.

Through the course of dealing with appeals related to USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panels inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel industry representation, it provides better integrity for the program and will diminish the potential for appeals. The industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process.

Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of the plans operation which an industry representative can recognize that an agency person would not, such as: actual versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc, the list goes on and on.

a. Recommend that the Scoring Panel have industry participation within its makeup.

9. HOW TO STOP IMPLIMENTATION OF THE GCP AS PROPOSED

There was much discussion on this topic related to the unworkability of the existing draft and this draft being the second draft that has incorporated significant failure aspects. However, the consensus was to try to encourage the needed changes through respectful comments and recommendations. As well, it was encouraged to add to your personal comments that without the needed changes, the GCP is unacceptable.

a. Recommend within your comments that without the needed changes to the GCP as drafted, that the program is unacceptable.

END OF COMMENTS AND RECOMMENDATIONS

Signature Robert R. Fithian

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Robert R Fithian  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 47 of 192 - Submitted 04/20/2012 at 12:00 AM:

Alaskan Mountain Safaris ROBERT R. FITHIAN HC 60 Box 299C Copper Center, Alaska 99573 (907) 822-3410 April 20, 2012  
Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments and concerns related to the proposed Guide Concession Program.

Regarding Proposed Guide Concession Area 19-08: I have a very strong concern related to the number of proposed concession opportunities within the Guide Concession Program Area 19-08. This is an area that I have been conducting guided hunting within for the past twenty-nine years and have a good knowledge of the wildlife populations of the region. Please find attached an accompanying letter written to ADF&G McGrath Area Game Biologist Roger Seavoy that will help you understand the actual wildlife population concerns that are jeopardized by the proposed concession opportunities within this region.

As proposed, there are two Full time concession and one Limited concession opportunities within this area. Please see my comments related to Limited and Full Concessions on page 4 of these comments which show the reasons that I am not in favor of the Limited concessions as proposed.

Specific to 19-08, two Full time concessions are in keeping with the actual conservation and good stewardship basis that the region lends itself to. The region naturally splits one guide operation into the Windy Fork drainage and another to the south of the Windy Fork Drainage. Allowing a Limited concessoin will provide opportunity for another guide to race for the game within the few good prime habitat areas which takes away from the quality of experience factors that provide for the integrity of the hunt for visiting sportsmen as well as for the maximum benefit for the harvest of our natural resource.

The proposed Limited concession holder will be in direct competition for the wildlife and the prime habitats with the Full time concession holders within this region. There is not a distinct separate river cooridor or other natural geographical seperation or habitats that would allow for a third concession holder within the 19-08 area without promoting conflict in the field, stewardship and conservation problems.

The two adjoining areas (19-07 and 19-09) each are similar in habitats but differing in regions. It is my opinion based on the same related concerns that 19-09 should have only one full time concession and that 19-07 is adequately provided for with two full time concessions.

As proposed, 19-08 will continue to provide for the problems to occur that the GCP program is supposed to work to eliminate. Please allow for only two Full time concession opportunites within 19-08 and no Limited concessions.

Additional Comments as Follows: It is important to note that without the GCP program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following: For many years, Alaska s Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA s. This model should stay the same for a number of important reasons: a. Many existing professional guides have been conducting hunts on State lands within three GOUA s for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA s, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands. b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded. e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. I also recommend that the \$250.00 Concession application fee remain the same.

2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other

concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations: a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing. b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants. c. Conservation/Stewardship basis of the GCP needs to be based on the applicants Plan of Operation, not on the number of Full or Limited concessionaires that will be competing for resources. d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders. 1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or: 2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: 3. I recommend that Limited Concessions be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized. b. Only the Limited Concessionaire can conduct the hunts with no assistant guides. c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities. b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business. d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability. f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry. a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year. b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client. c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on. a. I recommend that the Scoring Panel have industry participation within its makeup. b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated

within their proposed operating plans.

8. PROPOSED TIMELINE: The proposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon. a. I recommend that implementation timeline needs to be moved forward to 2014.

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9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

- a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.
- b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.
- c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.
- d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.
- e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:
  - 1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant s wanting to assume the area:
  - 2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

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10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

- a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

- a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.
- b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many

of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA s. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce. \_\_\_\_\_

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska s family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process.

#### 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed. \_\_\_\_\_

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

#### 4. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a less is best aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any less is best grading aspects but rather the overall plan of stewardship for the resources. \_\_\_\_\_

5. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

- a. I recommend that these criterion need to be scored in a manner that does not allow for a less is best concept of grading.
- b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.
- c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

6. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions.

1. On the applicant s stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

7. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

8. SUB-FACTOR A, ITEM 1, a and b: Providing Services In A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant s overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

9. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE:

a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

10. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

11. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

12. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same

communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

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13. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

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14. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant s plan of operation and the conservation balance it provides.

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15. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period.

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16. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

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17. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

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18. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman s comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists. c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely, Robert R. Fithian

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Robert Fithian  
Alaska Professional Hunters Association  
Executive Director

Email: rfithian@alaskaprohunter.org

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 48 of 192 - Submitted 03/20/2012 at 12:00 AM:

For the record, my name is

Robert Fithian. I live in Lower Tonsina, Alaska. I

represent the Alaska Professional Hunters Association

as their executive director. I'm a Master Guide. I

operate in Unit , primarily, for the past years.

It's important for everybody in this room

and for DNR to understand that I have not missed a

Board of Game meeting, a regularly scheduled cycle of

the Board of Game, for the past ten years.

In the past five years, there's been

proposals in front of the board, that are presented

by the public, that in some way are asking for elimination or reduction of non-resident hunting opportunity. The board has had those proposals in

front of them and has wanted to try to provide for --

continue to provide for the non-resident hunter

opportunity, but they have to eliminate non-resident

hunters due to crowding, due to conservation-based

concerns and due to stewardship factors related to

the guide industry.

The board has held off on making those hard

decisions for a number of years now, primarily

waiting on the development of this guide concession

program. But make no mistake, in the past six

months, the board has considered proposals to

eliminate or reduce non-resident hunter opportunity,

and they have stayed, once again, those actions,

waiting on the development of this program.

So my comments are, make no mistake, if

you're a father and you're operating a professional

guide service, five years down the trail from now,

your son's going to ask you, "Dad, are we going

to have any hunters this fall. Are we going to be

able to go guiding?" And you're going to say, "Son,

I don't know. I got to wait till the drawing permits

come out. And the big box stores drawing permit

companies, they are taking percent off the top. I really can't afford to do business with them. We're

just going to have to wait and see. But I got to

tell you, son, there's a couple of other things that

are important. Our overhead, it's costing us a lot of money to maintain our overhead: Our land use permits; our insurance; our boats, airplanes, horses; whatever it takes to do business. And the Department of Fish and Game, now that they really limited non-resident hunter opportunity, does not have the money they need to provide for harvestable surpluses of wildlife resources. So, son, I'm sad to tell you, I'm just not sure that you have a future, and I don't think we have a future in this industry." And that's where we are headed without development of this program.

The Alaska Professional Hunters Association has met to discuss this. We've had one real good meeting. As drafted, this program is not acceptable. We're sorry. You've done a great job in trying, but you're going to have to do serious amendments to make this thing work for the industry.

It's important that we understand that we are a great profession and we are entrepreneurs and we do represent a significant part of the fabric of the future of this state, but we operate on public trust lands and we harvest public trust resources, and we have a professionalism and a stewardship requirement to the people of this state.

The anti-hunting groups want to see us gone, they want to see this program gone, they want to see the non-resident hunter opportunity gone so there's no funding for wildlife conservation. But make no mistake, the public wants to see us have professionalism and stewardship, and this program can generate it.

We have to turn together, we have to encourage prudent response, prudent recommendations on how to fix this program, encourage DNR down the path to fixing it right.

You've made two mistakes so far. We're not sure about the third. And we have provided you with nine consensus-generated recommendations.

The primary one from our perspective is the makeup of the selection panel. You've got to get some industry involvement within the administrative part of this program, to help you steer this thing into something that will work for the industry. And the selection panel, we encourage you to have that industry representation to dispel the lack of integrity within the program. So I guess my time's about up. I have a lot more to say. But anybody wants to talk about our nine concerns. We have only met on the

administrative part. We have another meeting scheduled for this Thursday where we're going to be talking about the selection criteria aspect and will provide you with our comments from that, as well. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Robert Fithian

Email: rfithian@alaskaprohunter.org

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 49 of 192 - Submitted 03/13/2012 at 12:00 AM:

March, 13, 2012 Updated APHA DNR GCP Comments On March 9, 2012, APHA hosted a teleconference for membership to begin discussion on the proposed Department of Natural Resources (DNR) Guide Concession Program (GCP). There were thirty professional guides present on the call. Because of the broad spectrum of concerns related to the current draft of the program, a decision was made to only address the Administrative aspect and to leave discussion on the Selection Criteria for the next meeting. The meeting lasted for three and a half hours and the concerns and recommendations shown below were approved by unanimous consensus.

It is important to note that without this program being implemented, the Alaska Board of Game will have no choice but to eliminate nonresident hunter opportunity in many areas within the State. The guides present during this teleconference were in favor of working with DNR and the process to encourage the changes listed below. They were also very adamant that without many of the changes listed below, that they would not be in favor of the program being implemented. It is very important to you as a professional guide to personally comment on the GCP by April 23, 2012. The following comments and recommendations are for your review and if you feel inclined, for you use within your personal comments. It is also good to note that DNR has done considerable work to develop this program. The phase that it is currently in seeks public comment to make additional changes to the program as proposed before final implementation. Please be professional with your response to this program there are failures as drafted but with good diligence and respectful consideration and recommendations it can be fixed. If we can achieve the needed changes and see this program implemented, it will set our Professional Guide industry along with Alaska's Mining, Forestry and Oil and Gas industries where it belongs and be sustained. Without the program being implemented, we will remain within the Generally Allowed Use provisions within DNR and again, will see substantial reduction in opportunity over time. Please note that within these other DNR oversight industries, many of the DNR staff have significant history of involvement within these industries and as such, help with the long term steering. We need to work towards this good goal. 1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. We have strong objection to being allowed to apply or be selected for only two based on the following: For many years, Alaska's guide industry service providers have been limited to three Guide Use Areas in an effort to restrain commercial impact. This concept has to significant degree worked and has long been the established norm of the industry. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GMU's. This model should stay the same for a number of important reasons: a. Many existing service providers have been conducting hunts on State lands within three GUA's for many years and have substantial investments in them. To suddenly disallow the three GUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GUA's, and lends considerable potential challenge to maintaining the three GUA concept on Federal lands. b. We strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. Recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. Recommend that an applicant can be awarded up to three concessions and that there be no penalty factors for the number of concessions an applicant is awarded. e. Recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. Recommend that the \$250.00 Concession application fee remain the same.

2. As currently proposed, the establishment of Limited concessions in many Guide Concession areas without limitation to the species or number of clients, takes way and works against the conservation basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources.

a. Recommend that these Limited Concessions should go away in their entirety, OR, be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, OR, in specific regions for other species on a case by case basis with the consent of the Full Concessionaires of the GC. b. These Limited Concessions as proposed break the integrity of the conservation based and reduced crowding goals that the GCP is supposed to be addressing. c. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP the opportunities will still be very opportune for anyone who is certified to conduct guided hunting and proves that he or she can be good steward. d. Conservation basis of the GCP needs to be based on the applicants' Plan of Operation, not on the number of Full or Limited concessionaires that will be competing for resources. e. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies.

3. REDUCING ASSISTANT GUIDE NUMBERS By reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations. a. Recommend to eliminate the restriction on the number of assistant guides within Full Concession opportunities. b. As proposed, the GCP puts a number of long time established viable guide service providers out of businesses in many areas. c. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. d. Many existing and long-time established guide service providers utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business. e. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides to three works against this needed opportunity.

4. THE PROPOSED GCP RELATED TO BLM LANDS INDICATES THAT THE TWO PROGRAMS WOULD BE HANDLED BY TWO DIFFERENT AGENCIES FOR TWO CONCESSION PROGRAMS AND TWO DIFFERENT SETS OF FEES. THIS CONCEPT IS NOT ECONOMICALLY VIABLE FOR THE GUIDE INDUSTRY.

a. Recommendation would be for DNR and BLM to further their cooperation on this program, incorporate both agencies into the administration role and combine both fee structures into one. If they operate on both BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS WAY TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS FAIR PROCESS.

a. Recommend that DNR implement a \$1,000.00 Concession fee per year. b. Recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients=\$120.00 per client, 6-10 \$150.00 per client, eleven or more clients=\$180.00 per client. c. Recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. Recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

\*Sentence underlined by Robert Fithian \*

This amount is in keeping with other existing programs. At this fee and use level the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichuk.

a. Financial remuneration to the State comes in several ways within the proposed GCP. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish. b. Most Guide Concession as proposed will still incorporate substantial land use fees from LUP s and leases.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

We feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, we strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. Recommend establishment of incorporating board members from the Big Game Commercial Services Board, Board of the Game and or general guide industry representation to help develop the final rules for the GCP program and, to keep the representation active within the administration of the program.

7. The purposed timeline is not timely enough to withhold Board of Game actions to delete Non-Resident Hunter opportunities.

a. Recommend that implementation timeline needs to be moved forward to 2014.

8. MAKE UP THE SCORING PANEL.

Through the course of dealing with appeals related to USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panels inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel industry representation, it provides better integrity for the program and will diminish the potential for appeals. The industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process.

Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of the plans operation which an industry representative can recognize that an agency person would not, such as: actual versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc, the list goes on and on.

a. Recommend that the Scoring Panel have industry participation within its makeup.

9. HOW TO STOP IMPLIMENTATION OF THE GCP AS PROPOSED

There was much discussion on this topic related to the unworkability of the existing draft and this draft being the second draft that has incorporated significant failure aspects. However, the consensus was to try to encourage the needed changes through respectful comments and recommendations. As well, it was encouraged to add to your personal comments that without the needed changes, the GCP is unacceptable.

a. Recommend within your comments that without the needed changes to the GCP as drafted, that the program is unacceptable.

END OF COMMENTS AND RECOMMENDATIONS

Robert Fithian (signature) rfithian@alaskaprohunter.org

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Robert Fithian  
Alaska Professional Hunters Association  
Executive Director  
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Email: rfithian@alaskaprohunter.org

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 50 of 192 - Submitted 03/14/2012 at 12:00 AM:

Thank you. My name is Robert Fithian. I represent the Alaska Professional Hunters Association as their executive director. I want to talk a little bit about my history. Some years ago, the mining industry chose me to represent them as their elected president. For a number of years, I operated a significant number of forest harvest and reforestation projects throughout the Interior and Southcentral Alaska. I'm a master guide. I've been operating the upper Kuskokwim country for 29 years. My goal is to move this industry into the long-term sustainable window of opportunity to save this industry. The people that are sitting in this room represent the fabric of Alaska. You are the entrepreneurs, you are the future, the foundation of the economic basis of this state. I believe in your way of life, more so than any other way of life that I've lived in this state. But I can assure you, through the public process arena, the Board of Game arena -- I haven't missed a Board of Game meeting in 10 years -- there has been, in the last five years, over 60 proposals to eliminate nonresident opportunity. I would encourage you to look at the state of Montana that's operating at 8 and a half percent nonresident opportunity, 12 percent in New Mexico. 50 percent of the nonresident opportunity in Idaho has been lost in the last 10 years. Try to find a guiding operator business that's long-term sustainable in one of those states, you will not. But that's where you're headed without this program. The public now demands you, as entrepreneurs that operate on public trust lands, harvesting the cream of public trust resources, to have integrity, professionalism, respect for other user groups. A significant number of things that when we are stuck within the generally allowed use provisions of DNR competing for an opportunity to harvest the cream of the crop, the public will put us out of business through the Board of Game process. There is no stopping that. This program, as proposed, has fatal flaws. I want to encourage you to make the recommendations that you feel necessary to make this program work for you. It represents your future, you have no future as a single guide operator without this program. It will compound -- the problem will compound out of the Board of Game related to the competition for resources on state lands, it will compound itself into federal lands. You're going to see that loss over a period of time. I encourage you to build this program into something that develops the long-term sustainability for you, your kids, and their kids. Without it, you have no industry. That's all I have to say. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Robert Fithian (For Apha)  
Alaska Professional Hunters Association  
Executive Director  
Hc 60 Box 299c  
Copper Center, Ak 99573

Phone: (907)-822-3755  
Email: office@alaskaprohunter.org

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 51 of 192 - Submitted 04/23/2012 at 12:00 AM:

Dear DNR ML&W, Please find attached the final comments regarding the current draft Guide Concession Program submitted from the Alaska Professional Hunters Association Inc.. We have strived to provide you with valuable comments and recommendations that will help you finalize this program in a much more acceptable final rulemaking. We want to thank you Sincerely for your continued effort with this much needed program and we look forward to working with you in the future.

Please let me know that you have received these comments. Very Respectfully, Bobby Fithian

Robert Fithian Executive Director The Alaska Professional Hunters Association Inc. HC 60 Box 299C Copper Center, Alaska 99573 (907) 822-3755 phone (907) 822-3752 fax www.alaskaprohunter.org Dedicated to the Conservation of Alaska s Wildlife Resources and the Long Term Sustainability of Quality Wilderness Hunting Opportunities.

Alaska Professional Hunters Association Inc. HC 60 Box 299C Copper Center, Alaska 99573 (907) 822-3755

April 23, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find the below comments and recommendations from the Alaska Professional Hunters Association Inc. related to the proposed Guide Concession Program. These comments have been generated by conducting numerous meetings of our membership in which the whole one hundred thirty five professional members were invited to attend. We had several very well attended meetings.

The proposed program was broken into several components and our meetings were conducted by maintaining a focus on the components set for each. This allowed us to review the next meeting agenda topics ahead of time for good discussion on those particular topics. In general, we reviewed the administrative aspects first and then held additional meetings discussing selection criteria only. At the end of each meeting, we would readdress former topics and next meeting agenda items.

All of the Administrative aspect comments shown through page 14 were generated by full consensus. The Selection Criteria comments were developed by consensus by majority recommendation but not by full consensus. These comments were circulated to our entire professional membership in draft form on several occasions asking for additional input and comments. The following comments include the input that was received in this manner.

It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska. With the program developed within the profession s acceptability, it will provide long term sustainability for a very important rural Alaska industry.

This proposed program is important for the professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the recommended changes listed below, we are not be in favor of the program being implemented.

If we can achieve the needed changes and see this program implemented, it will set our Professional Guide industry along with Alaska s Mining, Forestry and Oil and Gas industries where it belongs and can be sustained.

Please find below, our concerns and comments:

MAIN COMMENT: It is important to note that we feel strongly, that had DNR incorporated industry representation into the development of the program to date, that your current draft would have hit much closer to home regarding acceptability. We have heard and are concerned that DNR believes that they have included business administration and guide profession knowledge into development of the proposed program. If you have, then we strongly encourage you to understand that we do not recognize that effort within the program as drafted. Much of what is important to successfully operating a professional hunting guide business is specific to the profession, much as what a specialized cancer Doctor would know in comparison to a General Practitioner. It is vital we believe, for you to seek some transparent avenue of incorporating respected industry knowledge and input into your final rulemaking for this program. Additional Comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

We have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

- a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.
- b. We strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.
- c. We also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.
- d. We recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.
- e. We recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.
- f. We also recommend that the \$250.00 Concession application fee remain the same.

## 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

- a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.
  - b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.
  - c. Conservation/Stewardship basis of the GCP needs to be based on the applicants' Plan of Operation, not on the number of Full or Limited concessionaires that will be competing for resources.
  - d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.
1. We recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
    2. We recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:
    3. We recommend that Limited Concessions be provided on the following basis:
      - a. Only where conservation and stewardship goals are not jeopardized.
      - b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
      - c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
      - d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

## 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. We recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

#### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. We recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS.

a. We recommend that DNR implement a \$1,000.00 Concession fee per year.

b. We recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. We recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. We also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsicheck.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues. 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

We feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. We recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

#### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. We recommend that the Scoring Panel have industry participation within its makeup. b. We recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process.

c. We recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The proposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. We recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances. a. We recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. We recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.

c. We recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. We recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. We recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant is wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

#### 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. We recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. We recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.

b. We also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. We feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free

and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. We recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations and the ensuing transparent public process to what is currently being proposed.

e. We recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. We recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY:

We recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. We encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsicheck decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. We encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

#### REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: We recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process.

#### 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. We recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed. \_

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. We recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

#### 4. FORM A, SUB-FACTOR B, ITEM 5:

a. We recommend deleting this criterion as its relevance to guiding is questionable.

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a less is best aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. We recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. We recommend that this criterion does not incorporate any less is best grading aspects but rather the overall plan of stewardship for the resources.

#### 6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

- a. We recommend that these criterion need to be scored in a manner that does not allow for a less is best concept of grading.
- b. We recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.
- c. We recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

- a. We recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub- Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.
- b. We recommend that this is an important criterion, but should be considered with two questions.
  - 1. On the applicant s stewardship (predator/prey balance effort) within the area being applied for.
  - 2. For predator prey management efforts in areas of use which are active IM areas.
- c. We recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.
- d. We recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

We recommend deleting this criterion as its relevance to guiding is questionable. \_

- 9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. We recommend deleting this criterion and incorporating it into Form B Sub- Factor B, Item 1.

FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

- a. We urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.
- b. We recommend that credit be given for operating a historically accident free professional hunting guide business
- c. We recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.
- d. We recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.
- e. We recommend that DNR should look more at the applicant s overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. f. We recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE:

- a. We recommend adding Coast Guard and FAA training to this criterion.
- b. We recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.
- c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. We recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

- 13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY: a. We recommend that this criterion be changed to incorporate wording

that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. We recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. We recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. We recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. We recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant s plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. We recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period.

18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. We recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro- forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. We recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. We recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman s comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. We recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. We recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. We recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring. End of Selection Criteria comments.

Thank you for allowing us to comment on the proposed Guide Concession Program.

Sincerely, On behalf of the Board of Directors,

Robert Fithian Executive Director



# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Al Gilliam  
P.O. Box 124  
Haines, Ak 99827, Ak

Phone: (907)-767-5522  
Email: al.gilliam@hotmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 52 of 192 - Submitted 03/04/2012 at 12:00 AM:

My question for you is the following: In the number of guide concessions by area map, GCA 01-02 shows two full GCA available, and for DMLW lands it also shows two opportunitys available. Park lands shows only one opportunity available, and the total for all areas including W/DMLW BLM is three concessions. How is the concession in the park land awarded? Is it by a seperate concession as a stand-alone bid? If a guide wins that bid and desires to operate both inside of the park as well as outside, does he have that capability? Please explain all aspects of the GCA program as applicable to GCA 01-02.  
Thank You

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Richard Guthrie  
P.O. Box 220949  
Anchorage, Ak 99522

Phone: (907)-2437766

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 53 of 192 - Submitted 03/20/2012 at 12:00 AM:

Richard Guthrie. I would like to begin by saying that I believe that a system to award guide concession areas on state land is long overdue, and I fully support this concept. It is a program which I believe will benefit the State of Alaska, its residents, guides, non-residents, and most importantly, Alaska's wildlife resources. That being said, I find it impossible to support the DNR Guide Concession Program as it is currently proposed. Although I feel that the fees, as proposed, seem to be excessive, my main concerns are with the proposed restrictions that would be placed on the guides and their businesses. Allowing an individual to apply for only two concession areas and to be awarded no more than two concession areas is ill-conceived, given that currently state law and regulations allow a guide to operate in three state Guide Use Areas. I believe a guide should be allowed to apply for at least six concession areas and be allowed to be awarded up to three concession areas. The part of the proposed regulations I find most offensive and nonsensical is the three assistant guide limit on a concession holder. I really believe that DNR has no business being so intrusive into the operation of a business. Not only is limiting the number of employees a concession holder can have detrimental to the viability of the concession holder's business, it is quite simply not the role of DNR to dictate the number of employees a business can hire. I would have to ask: Does DNR support a policy to limit the number of employees a business can have, to limit the number of jobs a business can create and thereby limit the contribution a business can make to Alaska's economy? I'd have to ask the -- you know, when you write permits for, say, a mining company, do you tell them how many people they can hire? I'm a big proponent of Pebble Mine, as you can see, (Indicating Pebble Mine protest lapel button). I just wonder when they start and they get their permit you're going to tell them how many people they can have down there swinging a pick and using a shovel. With regard to the full and limited concessions, quite simply, the limited concession category should be dropped altogether from the program. I believe it will lead to continuing land use conflicts and it will be detrimental to the already difficult task of managing wildlife. In closing, I find it difficult to understand that after several years of work on this program that DNR and the guiding industry are still at odds over the very core issues. These same topics have been brought up repeatedly and it still appears that DNR refuses to hear what the guiding industry is saying. I really hope that, when all is said and done, the program will proceed with the support of the overwhelming majority of all stakeholders. As stated at the beginning of my remarks, the program -- and I emphasize -- if done correctly, is long overdue.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Richard A Guthrie  
P.O. Box 220949  
Anchorage, Ak 99522

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 54 of 192 - Submitted 04/23/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program. Comments

State of Alaska

Department of Natural Resources Division of Mining Land and Water 550 West

Seventh Ave, Suite 900C Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for,

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same.

#### 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force

the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:
3. I recommend that Limited Concession's be provided on the following basis:
  - a. Only where conservation and stewardship goals are not jeopardized.
  - b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
  - c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
  - d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted, Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

- a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS.

- a. I recommend that DNR implement a \$1,000.00 Concession fee per year.
- b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.
- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.
- d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichuk.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

- a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

## 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation. related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

## 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

## 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR. review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

## 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

## 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere taken away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar

guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of 1=3GCSI3 Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce. to.

### 14. TRANSFERABILITY

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

### REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas,

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES: I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level, or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed,

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan,

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

- a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

- a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same OMLU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT: a. I recommend that equivalent documentation should include affidavits. 16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

- a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

- b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

- e. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

- a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

- a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

- a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

- a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time, This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

- b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

- c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business : owner and that fairness needs to be addressed.

- d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

- e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

- f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program,

Sincerely,

Richard A. Guthrie (signature)

\*Comment received via mail 4/23/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Richard A. Guthrie  
Master Guide & Outfitter  
P.O. Box 220949  
Anchorage, Ak 99522

Phone: (907)-243-7766  
Fax: (907)-243-5136  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 55 of 192 - Submitted 03/20/2012 at 12:00 AM:

RICHARD A. GUTHRIE  
Master Guide and Outfitter

P.O. Box 220949

Anchorage, Alaska 99522 Alaska Department of Natural Resources Division of Mining, Land and Water

RE: Big Game Guide Concession Program

I would like to begin by saying that I believe that a system to award Guide Concession Areas on State land is long overdue and I fully support this concept. It is a program which I believe will benefit the State of Alaska, its Residents, Guides, Non-Residents and most importantly Alaska's wildlife resources. That being said, I find it impossible to support the DNR Guide Concession Program as it is currently proposed.

Although I feel that the fees, as proposed, seem to be excessive, my main concerns are with the proposed restrictions which would be placed on the Guides and their businesses.

Allowing an individual to apply for only two Concession areas and to be awarded no more than two Concession areas is ill-conceived given that currently State law and regulations allow a Guide to operate in three State Guide Use Areas. I believe a Guide should be allowed to apply for at least six Concession Areas and be allowed to be awarded up to three Concession Areas.

The part of the proposed regulations that I find most offensive and nonsensical is the three assistant guide limit on a Concession holder. I really believe that DNR has no business being so intrusive into the operation of a business. Not only is limiting the number of employees a Concession holder can have detrimental to the viability of the concession holder's business, it is quite simply not the role of DNR to dictate the number of employees a business can hire.

I would have to ask, does DNR support a policy to limit the number of employees a business can have, to limit the number jobs a business can create and to thereby limit the contribution a business can make to Alaska's economy?

With regard to the "Full" and "Limited" Concessions, quite simply the "Limited" Concessions category should be dropped altogether from the Program. I believe it will lead to continuing land use conflicts and it will be detrimental to the already difficult task of managing wildlife.

In closing, I find it difficult to understand that after several years of work on this Program that DNR and the Guiding industry are still at odds over some very core issues. These same topics have been brought up repeatedly and still it appears that DNR refuses to hear what the Guiding industry is saying. I really hope that when all is said and done that the Program will proceed with the support of the overwhelming majority of all stakeholders.

As stated at the beginning of my remarks, the Program, if done correctly, is long overdue.

Thank you, Richard A. Guthrie

Phone: 907-243-7766 E-Mail: N8484Q@hotmail.com Fax: 907-243-5136

\* Comment hand delivered at Anchorage Public Meeting 3/20/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

David Haeg  
P.O. Box 123  
Soldotna, Ak 99669

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 56 of 192 - Submitted 03/20/2012 at 12:00 AM:

MR. HAEG: Before I get going, I'd just like to say that I've known Clark for a long time. He's a great guy. My name's David Haeg. I'm a Master Guide. I own a lodge and permitted hunting camps in Game Management Unit 19. MR. COX: Face this way, please, to us. MR. HAEG: Okay. MR. COX: Thank you. MR. HAEG: I basically have everything in my life wrapped up in it. Bought out Eberhard Brunner oh, not quite 20 years ago. But, with the way this is, I certainly will not get a concession. I've built -- we built a new place out there, fixed everything up. Most of you probably know that I ended up having a little run-in with the wolf control program.

In other words, the State's going to end up with all the stuff that I built out there or they'll force me to burn it down and get rid of it. And I've been a guide since I was 18, and I've been a trapper, hunter, since I was yea high, grew up out -- when Arno was speaking about out there, wasn't it, the Alaska Range, I haven't been out there to my lodge physically in four years because of what's happened. The Alaska Constitution Section 1.1, INHERENT RIGHTS, the first line states: This constitution is dedicated to the principles that all persons have a natural right to...the rewards of their own industry. How many -- how many here have put time, money and effort into guiding and feel like I, that the guide concession program is going to take away the rewards of their own industry? This is not like the commercial fishing industry, that had put limits on, by awarding all the people that were commercial fishing in a certain time a limited entry permit or what. Not this is actually going to eliminate guides that may have been guiding forever, like myself. So it isn't going to -- there's a way to limit it and allow all the people that were

participating and then start, oh, limiting the new people that are coming in, and that way you're not taking away the, oh, the infrastructure and everything you may have put into it over your lifetime, like I did. I don't know. I think there's a lot of people here that have said that this also gives the opportunity for abuse and corruption. In my case, it's still ongoing. We've got -- actually have evidentiary hearings here the day after tomorrow on what has happened in my case. I would like to actually ask Clark or the state if they're going to compensate guides that have put a lot of infrastructure out there and then are told they can't guide anymore. I propose to everyone here who agrees that they don't want to be deprived of the rewards of their own industry should find a common entity to start the background work for a class-action lawsuit. I actually was denied the return of my Master Guide license after the five-year suspension. I fought on my own and won in Superior Court, and it's now -- because I won and got my license back, a law firm, Flanigan & Bataille, just filed a

class-action lawsuit for all the other guides that the Big Game Commercial Services Board refused to give them back their licenses. So just because these people say they can do what they're going to do, they can't. They have to follow the law. And if you read the law like I did, you can actually win. And so, you know, in essence -- am I basically out of time -- MS. BAXTER: That was, just then, yup. MR. HAEG: Okay. But, anyway, before you leave, I'd like to talk to whoever would like to maybe get together and do something about this. Anyway, thanks, Clark. MR. COX: Thank you. MR. HAEG: And sorry for kind of raining on your parade.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Greg Jennen  
Grizzinator  
Owner  
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Valdez, Ak 99686

Phone: (907)-835-4868  
Email: hunts@grizzinator.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 57 of 192 - Submitted 05/02/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodgelcamp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources,

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders,

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:
3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized.
  - b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
  - c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
  - d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

- a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR, THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year.

- b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.
- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

- a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations

and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup,

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I reacom mend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern. I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b, I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession, This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business,

### 13. GUIDE CONCESSION AREAS:

- a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.
- b. It is important for DIRA. to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.
- c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.
- d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.
- e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.
- f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

- a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities.

In short, these systems which include some transferability aspects are working for the best interest of the whole.

- b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration,
- c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.
- d. I encourage DNI to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

- a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

- a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations,

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

#### 5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR

is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (TM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within TM areas,

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

e. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

e. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight, Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program. Sincerely,

Greg Jennen (Signature)

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public

comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Erik A Johnson  
Alaska Registered Guide #1138  
1849 91st Ave Sw  
Olympia, Wa 98512

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 58 of 192 - Submitted 05/03/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them, The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska,

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW,

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same, 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:

3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized.

b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.

c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.

d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

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The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry,

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year.

b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000,00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM,

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations

and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a.I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim, As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder. d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded,

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support,

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

#### REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

#### 5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I

represent.

- a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.
- b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,e and d: WILDLIFE CONSERVATION:

- a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.
- b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.
- c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

- a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub--Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.
- b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.  
2. For predator prey management efforts in areas of use which are active TM areas,
- c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.
- d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1., FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

- a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.
- b. I recommend that credit be given for operating a historically accident free professional hunting guide business
- c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.
- d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.
- e. I recommend that DNR. should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.
- f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

- b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.
- c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but. rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT: a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes, These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period, 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify, If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE: a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in a regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation, A service provider should not be severely penalized by these types of historical events unless a defined trend exists. c, It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Erik A. Johnson

Erik A. Johnson (Signature)

Alaska Registered Guide #1138

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*



# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Cliff Judkins  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 59 of 192 - Submitted 05/10/2012 at 12:00 AM:

State of Alaska  
Department of Fish & Game

BOARD of GAME

May 7, 2012

Dan Sullivan, Commissioner

Alaska Department of Natural Resources 550 W. 7th Avenue, Suite 1400 Anchorage, AK 99501

Dear Commissioner Sullivan,

The Alaska Board of Game (BOG) thanks you for the opportunity to address the proposed development and administration of the Guide Concession Program (GCP) here in Alaska. As you are aware, the BOG has previously written two letters of support requesting the development of this Guide Concession Program to be administered by the Department of Natural Resources (DNR) on state lands to address our concerns related to wildlife and habitat conservation issues, industry stewardship, social considerations, and public safety considerations. We recognize that this is a new field of oversight that your department is moving into and that there are many challenges in creating a system that can comprehensively address our concerns in these areas, as well as the concerns of the big Game Commercial Services Board, public concerns, and the industry itself.

The stated DNR mission of the GCP program is to encourage land stewardship, support wildlife conservation, and to promote a healthy guiding industry to benefit the people of Alaska. The Board of Game is supportive of these goals as we believe they will benefit all Alaskans while recognizing that the development of a comprehensive program to address these concerns has the potential to both impact and be affected by the decisions we make as a board. During our review of this most recent draft version of the proposed program, and through public and industry comment to our board, we have noted a number of areas that we feel the need to address and offer suggestions to improve the administration of this program as well as how this program will ultimately address our concerns and the final utilization of the resources themselves.

The DNR GCP program more specifically attempts to address overcrowding of guide operations, land and wildlife conservation concerns, user conflict concerns, and to provide a measure of economic remuneration to the State from both professional hunters and their clients. Many of these areas of concern are directly linked to our responsibilities at the Board of Game and, in some cases, are issues that our board has the sole authority to manage. The development of this program will have much bearing on our work and decisions in future years. We believe it is in the interest of the board to again offer our input where it is appropriate to ensure that our concerns regarding user conflicts and conservation issues are being met, while also ensuring that non-resident access is not unduly restricted or relegated to very limited guided hunt opportunities. The guiding industry has historically provided important valuable returns to our state through a variety of economic benefits to the state economy, seasonal employment opportunities for both rural and urban Alaskans alike, substantial meat sharing opportunities in rural communities, the value-added harvest of wildlife itself, and the expectation of a high level of ethics and professionalism while providing hunting services to visitors to our state,

DNR has so far released two draft versions of this proposed program and scoring criteria and both times the proposed administration of this program appears to have not been well received by the Industry and the public itself, while broad general support for the need for this program itself continues. At a number of our meetings in various parts of the state we received testimony from both the public and members and representatives of the guide industry that there was widespread concern for what appeared to be a lack of in-depth understanding on DNR's part, concerning the various elements involved with viably running a successful guide business in Alaska. If true, this should not be surprising, since DNR is moving into a new arena entirely and consequentially dealing with issues that have never been part of its administrative responsibility before (such as determining appropriate levels of wildlife harvest on state lands, addressing hunter conflicts, and defining what resource dependent stewardship means as it relates to the guiding industry). We believe that many of these concerns could have been reduced or eliminated had there been opportunity provided for advance review of these efforts by the appropriate boards most directly affected by these developments. Both the Big Game Commercial Services board and the Board of Game have long experience with this industry. We both create regulations that very substantially impact this industry, have created regulations in response to industry related concerns, and will continue to do so for years to come.

Some of the following comments address topics that do not appear directly related to the areas of authority for our board but, in a number of areas, the current draft of the GCP has the potential for unintended or secondary consequences that will ultimately have the effect of prompting or even directing future BOG action. The economic viability of this industry, for example, is an important consideration for our board when you consider that, beyond the more recognized roles this industry has in our state, the guiding industry has historically been used as a management tool by this board. Non-resident harvest of predators plays an important role in conservation goals throughout most of the state, and this board has often encouraged the participation of guided hunters to aid in maintaining population objectives in areas affected by ungulate overpopulation as well. The important role that non-resident hunters, many of which are required to be guide accompanied, have in providing the majority of funding for our wildlife management programs is often understated,

While it is clear that the Board of Game does not have regulatory oversight of the guiding industry we recognize BOG decisions

have for years essentially shaped it through regulation to ensure that it is conducting itself in alignment with our management objectives. In most cases we have limited guided use through drawing permits, shortened nonresident seasons, and created specific trophy harvest limits such as the 50 inch minimum or specific brow tine requirements for non-resident moose harvest across most of the state, and the industry has responded by adjusting the type, quantity, and quality of services it provides clients. The following list outlines some of the most widely recognized issues with the currently proposed program;

The anticipated annual budget of 1,000,000 for administration of this program:

DNR has built into the proposed budget the concept of remuneration to the State, per addressing the Owsiehek decision, anticipated loss of revenue from existing permits, among other important factors, with DNR and / or the General Fund being the sole recipients of these funds. The proposed fee structure relies on a substantial annual concession fee and differing client fees for guide-required and non-guide required clients in addition to maintaining existing fees for base camp permits, etc.

The currently proposed fees will be from 2 to 4 times what many guides are currently paying for land use fees, with DNR being the primary recipient of funds. Many guides have expressed a willingness to pay more for use, but at the currently proposed levels that they would find it hard to stay economically viable.

It seems prudent that a guide operation be charged for a moderate annual Guide Concession fee, and a secondary tier of fees based on either client numbers and/or harvested animals and that camp related fees be included as part of this program. We recognize the need for DNR to be fiscally responsible and self sustaining in the administration of this program, yet believe that any funds in excess of actual administrative needs should be applied directly toward the conservation and enhancement of the affected resources rather than submitted to the state General fund.

Financial remuneration expectations:

We recommend that the GCP should be administered pay for its own functions, with an appropriate buffer on top for unanticipated financial burdens, and the remaining funds go directly into wildlife research programs identified by the BOG and administered by the Department of Fish and Game (ADF&G).

Reinvesting in these resources through this program will help us maintain the viability of these wildlife populations and provide an opportunity for the guiding industry to directly contribute to important conservation concerns in a meaningful manner. Dail sheep research would be a fitting example, as it is an area that has needed additional funding for research for many years and is important to both resident and nonresident hunters alike. All Alaskans will benefit from such programs, and seems the most appropriate manner to provide remuneration to the state since the funds generated will benefit the very resources that are being harvested.

These programs should be administered by ADF&G, rather than a staff DNR biologist, for several reasons; the most important of which being that the funds will be more fully utilized in existing research projects, which are currently limited by funding issues, and also by avoiding the creation of repetitive research and administrative burdens. ADF&G has identified, a number of important areas of concern and needed research related to Dail sheep populations, and our board has often been frustrated by the lack of funding opportunity for this important work. Multiple Land Ownership Patterns,,

We understand that there has been discussion with the Bureau of Land Management (BLM) and other agencies for potential cooperation through a MOU for incorporating BLM lands into the administration of this program. It is also our understanding BLM will very likely need to continue to charge their annual land use fees, regardless of whether or not they cooperatively work with DNR administration of hunts on their lands, DNR has not addressed this resulting "double charging" aspect, nor addressed the potential benefit of funding and staff that might be provided by BLM if they do choose to work with DNR on the program through a MOU. We understand that these more detailed discussions are pending BLM approval of this program,

We encourage the further development of the DNR / BLM MOU regarding this program since, in its absence, it very likely will develop that substantially concentrated wildlife conservation and user conflict issues will develop on BLM lands and some of the initial goals of this program will be negated from the start. If a MOU is reached with BLM and other agencies, we recommend that a concession permit holder be permitted to conduct their hunts on all lands within each concession area that are to be offered as part of the Concession Program. Land ownership patterns in much of Alaska are at times random in regards to the actual lay of the land, and oftentimes do not readily lend themselves to use by a guide operation without multiple land use authorizations. Wherever possible, these authorizations should be consolidated into one program and administered through one permit.

Additionally, if a MOU is reached with BLM and other agencies, we would advise that part of DNR's administrative responsibility should be to allocate these funds to the appropriate agency according to the actual land use during each hunt; if a guide and client are hunting on both State and BLM lands, for example, the guide would continue pay the appropriate payments to BLM for client use days and the State would then retain the client use and harvest fees for animals taken on these lands. DNR should initially gather all funds as part of this program and then make the appropriate payment to BLM for client use days on BLM lands in each concession, It unnecessarily burdens these small businesses to add one more level of permitting requirements to an already extensive paperwork load when operating on more than one agency's lands. If DNR is able to reduce the extensive administrative burden that guides have in regards to permitting and reporting when operating on lands in mixed ownership scenarios, they will very likely find the program to be a welcome help,

Limiting the number of GCP concessions to two per guide:

Registered guides have long been allowed to register for use in three Guide Use Areas (GUA) per year in the State, This has been the primary means by which the State has limited the size and scope of individual guide operations, and the industry has adjusted itself to this limitation over the years. The proposed limit to holding only two GCP concessions statewide would very likely have the effect of cutting a number of existing guide operations to 2/3 of their traditional use, regardless of the problems or Jack of problems in each area. It seems the intent here is in part to provide more opportunity for all existing guides to stay in operation, with the assumption being that there aren't enough concessions to go around. The numbers used to assess guide activity have been partly based on the number of guides who have registered to operate in an area on an annual basis. A guide is allowed to register for three GUAs on an annual basis, without cost, and often utilize all three registrations regardless of actual usage each year. These numbers do not necessarily indicate guide usage for this reason, but could indicate relative usage or interest compared to other areas.

The current level of licensed registered guides is a rather recent development, having resulted from the double impact of reduced licensing standards and the loss of the original guide board and area system that resulted from the Owsiehek decision. A number of these registered guides are operating on an infrequent basis, as a pastime secondary to regular

employment, or under another guide who uses them for "sub-contracting" purposes -- which is contrary to the original intent of the limit to three GUAs per registered guide system - and forbidden in relation to federal concessions. It is possible that a number of currently licensed guides will not meet the minimum qualifications for obtaining an area or not be interested in the increased work load related to competing for and maintaining these areas. Natural attrition to the ranks of contracting guides through retirement or other reasons, the relatively low number of newly licensed registered guides, and the return of increasingly more stringent standards for becoming and staying a hunting guide in Alaska may additionally limit the number of guides competing for GCP areas,

There are a number of factors that have yet to be seen in how the implementation of this program will affect the guiding industry, and some of these effects will only be apparent after implementation. Currently it appears that there will continue to be a variety of opportunities available for who are serious about being active in the guiding industry through the proposed number of State concessions, the various federal concession offerings on National Park Service and US Fish and Wildlife Service, and Forest Service lands, and private land hunting opportunities. If this program develops into an effective model, there is also the potential for further private land opportunities as well.

The potential for administrative difficulty in handling a certain number of applications should not justify making this type substantial change to this industry. It is our understanding that the most recent federal USF&WS offerings has had notably fewer applicants than the previous offerings, and it is possible that this program will see a similar results once it is in place.

We recommend that concession holders be allowed to apply for a minimum of five concession offerings, and to be allowed to obtain three GCP areas statewide without consideration of other land use authorizations held. In addition, we recommend DNR provide for reopening or a walk in bid process that will allow guides to apply for any unused areas. This will reduce the potential for underutilization of the resource as well as provide some additional opportunity.

Limiting the, number of employed assistant guides in each concession to three per area statewide:

This idea seems to be an attempt to reduce user conflict in the field, and potentially limit harvest in areas of concern. These two areas of concern have much bearing on our work within the Board of Game process, and we suggest that concession area sizes and the final number of concession holders allowed to operate within these areas would be the most appropriate means to address these issues. Guides will be required to propose their maximum levels of use, along with a detailed Plan of Operations for a number of years (5-10), in advance of the selection process, They will be required to abide by this plan in the field, and harvest levels and hunter numbers will be known in advance.

Our primary concerns with the proposed assistant guide limitation is that it has the potential to needlessly harm existing operations in areas where there are currently no identified conservation or user conflict issues related to the guide industry, effectively limit non-resident hunting opportunity statewide, reduce all guide operations to being small part-time businesses, and eliminate the traditional training methods by which guides become experienced and competent in the industry. This would also directly oppose another GCP goal of providing opportunity for new entry into the guiding profession since all guides are required to be experienced assistant guides before testing to become a registered guide. It is also very likely that both conservation and quality of service issues would result from this limitation, by creating the incentive to provide short duration two on one (or more) hunt scenarios, and to harvest any 'legal' animal for a client due to the new pressure to have assistants handle as many clients as possible during a limited season. This limitation has the potential to lower the stewardship aspect of guide operations as well as lower professional standards within the industry. It is important to recognize that large regions of this state do not have any identified conflict or conservation concerns related to the guiding industry.

These proposed restrictions should only be used in areas of high conflict or conservation concern after being identified by the Board of Game and with consultation and concurrence of the BGCSB.

Mapping Issues and Limited Concession concerns:

In 2008 the guiding industry had opportunity to review and adjust the Guide Concession boundaries from the old guide area system, as well as the current Guide Use Area boundaries, During this process, the participants were advised to draw these boundaries in such a manner to allow for one and possibly two guides to operate within each area, maintaining "economically viable" opportunities for the concession holders,

DNR personnel then reviewed the maps and adjusted the boundaries to clean up confusing lines and address several other issues. The decision was made at that time that economic viability for each area was not to be considered, and each area was given at least two concession offerings and a number of them were additionally given a "limited concession" opportunity,

The "limited concession" concept appears to be largely based on the desire to provide new opportunity into the industry, This concept is somewhat problematic as proposed since it introduces additional harvest burdens to areas that were drawn without anticipation of this additional harvest and operating limitations for these additional concession offerings are not well defined in regards to user conflicts. Additionally, the potential that some of these limited concession offerings may be allocated by lottery seems contrary to basing this system on stewardship principles and the need to reward good conduct by opportunity for advancement. The traditional means by which young guides have acquired valuable experience within the industry, and also within a specific region, is through employment by existing operations. This is an important historical aspect of guide recruitment that has proven to effectively allow less experienced guides to become competent, in both guiding skills and knowledge of a region, to competitively apply for and obtain areas through existing federal offerings. It is very likely that this will prove true for state concessions as well.

The primary problem with these additional concessions, including the limited concessions, is that the maps were drawn in many cases with the idea that only one concession would be available in an area. As it stands now, some areas have potential competition built into them from the start by having a "limited concession" squeezed into an area where one or two guides may have historically operated in a viable manner or, alternately, where these two guides may be competing for two concessions: One full concession and one limited concession. This needlessly jeopardizes one guide's ability to stay in business in areas that may not have conservation or user conflict concerns. The maps may need to be reassessed or concession numbers readjusted entirely, or on a case by case basis.

Board of Game and Big Game Commercial Services Board participation:

The currently proposed administration of this proposed Guide Concession Program will involve decisions and actions that have much bearing on the nature of guided hunt opportunity in Alaska as well as the final allocation and utilization of the resource itself. Limiting guide activity through predetermined concession numbers and requiring stewardship based guided hunt opportunities on DNR administered lands will only address a portion of the broader concerns related to user conflicts and

maintaining conservation goals in parts of this state, yet we believe these are important first steps to take. Our board will continue to be faced with these challenges in the broader arena, and view this program development as an additional element to be incorporated into our more comprehensive goals of wildlife management.

-We are requesting that our board be allowed opportunity to more directly have input into the development of this program and to be provided opportunity to address aspects of this program that directly have bearing on our management requirements and authority. We are requesting specifically that we be provided opportunity for advance review of the final version of this program before it being released. We suggest that both BOG and BGCSB participation be considered for participation in the selection process for concession areas, through having one or more members of each board sitting on each panel.

-We believe it is important to develop this program in such a manner to allow for participation of a sub-committee made up jointly of Board of Game and Big Game Commercial Services Board members to address specific administrative plans or areas of special concern that relate directly to the authorities vested in these boards. The BOG and BGCSB sub-committee, for example, may be then asked to identify problem areas that may require special limitations to the guide concessions (adjusted number of concessionaires, limited number of clients per concession, etc.) at a future date, if the GCP fails to adequately address the issues it has been developed for, This could be a standing subcommittee, appointed by the chair of each Board, or alternately be open to any Board member who was interested.

The members of our two Boards are uniquely qualified to address these issues when you consider the areas of oversight that we respectively have and that members of both Boards are made up of a cross section of Alaskan interests, are chosen by the Governor, and approved by the Legislature. It seems prudent that both of these Boards take on the burden of some of these decisions, since the proposed program will potentially have a large impact on both wildlife related issues and the guiding industry itself in many ways. The careful development of this program is important to aid our efforts in maintaining many wildlife management objectives, the continued opportunity for rural employment and meat sharing opportunities, reducing user conflicts associated with certain Big Game populations, and assuring the viability of an historic and valuable industry to our state,

We thank you for providing extended opportunity to gather and submit our comments addressing this important work.

Sincerely,

Cliff Judikins (signature)

Cliff Judikins, Chairman Alaska Board of Game

cc: Cora Campbell, Commissioner, Alaska Department of Fish and Game

Jeff Jones, Special Assistant, Office of the Governor

Paul Johnson, Chairman, Big Game Commercial Services Board

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Loren Karro  
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Palmer, Ak 99645

Phone: (907)-745-3712  
Email: lorenk@mtaonline.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 60 of 192 - Submitted 03/14/2012 at 12:00 AM:

Thank you very much. I appreciate your time tonight. I'm Loren Karro, K a r r o. I'm a registered guide. I've been working with the committees with the Big Game Commercial Services Board and Dan Armstrong (ph) for I think five years now on this. I'm behind the program, but I'm very upset with what's presented right now. I still have faith, a little bit. I think I will be, of course, submitting detailed written comments. But I just wanted to mention a few things now. As I said, I'm obviously not any form of a good ol' boy, but I will not worry about my chances of being any more than anyone else should. I think it will be a fair program and we'll get what we get. However, as it's presented right now, I think there's a number of factors that are really bad. Just on the administrative side, the economic viability and conservation concerns are rampant. With the economic viability, if I was to go up to you as state workers and say, "All right, I'm cutting your power, your chance of making any money by a third right now, then I'm going to limit you to three staff people, then I'm going to charge you \$8,000 a year, plus between 3 and 12 percent of your gross income, have a nice year," well, a lot of us would be out of business. We can't handle that. It's too much money. It's also not conservation minded because if I'm paying that much money to have an area, I can't cancel hunts by not putting people when the numbers are down. And I have done that in the past, and I will continue to do it in the future, but I may be out of business if I do it under this. The two assistant guides, as I said, is not economically viable. And the cost factors and the number of areas are two of the major things I worry about. And the conservation concerns, one of the big problems besides the cost is this limited concession area. We worked for a long, long time on these maps, which were designed for between one and six people, generally, I think. Mostly one or two people in the area. Now most the of those one-person areas have two. We've cut some areas in half so they could each have one and they each have two. Now you're throwing in an unlimited concession area -- a limited concession area, excuse me. How would a limited concession area work, say, in a draw sheep area? They have the same chance to draw sheep as I do, as if I was -- if I was lucky enough to be a full concession holder. So what they have in six weeks, him and one guide can do a lot of hunts in that area. They can do as many as me or the other concession holder, if anybody is lucky enough to win the concession. So I have real concerns at that both from a business standpoint, from an overcrowding standpoint, and from an economic and conservation standpoint. I think that this whole administrative aspect as presented is nonviable. And I think the reason it's not viable is because, A, we weren't listened to; and B, we need an industry link, more than one industry link, during the formation of the program. Take somebody from the Board of Game, perhaps the Big Game Commercial Services Board, perhaps BLM, if we can get them in the mix. Thank you. I have some concerns about this scoring criteria also, which I will give in writing in detail. I'm not against the whole thing. I think it does require too much documentation (indiscernible) to win. I think the economic statements -- boys, first of all, most of us don't have the money to hide those accounts would need to do it, and second of all, it's none of your dang business. Okay? You can look at our background and see we have a history of paying everybody on time. We pay on time, we're not in arrears, we're not in trouble, we're not in judgements, we must be economically viable. We can sign statements just like we do on (indiscernible). Those are my major concerns. I know that you're going to be presented with a lot from APHA on this. I'm basically in agreement with most of APHA's things, very strongly actually, on APHA's concerns here with getting that. And I do appreciate your being here and listening to us tonight. Thank you very much.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Loren J Karro  
Hunter Creek Guide Service  
26239 Buckshot Drive  
Palmer, Ak 99645

Phone: (907)-745-3712  
Email: lorenk@mtaonline.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 61 of 192 - Submitted 04/22/2012 at 12:00 AM:

HUNTER CREEK GUIDE SERVICE LOREN J. KARRO Registered Guide # 941 26239 E Buckshot Drive Palmer, AK 99645 (907) 745-3712 lorenk@mtaonline.net

ALASKA TROPHY ADVENTURES DAN MONTGOMERY Master Guide # 173 P.O Box 874492, Wasilla, AK 99687 (907) 373-4898 akta@mtaonline.net

April 21, 2012 RE: Guide Concession Program Proposed Regulation Comments State of Alaska Department of Natural Resources Division of Mining, Land and Water 550 West Seventh Ave., Suite 900C Anchorage Alaska 99501-3577

Dear Sir or Madam: Attached are our comments related to the proposed Guide Concession Program regulations.

We have long been a proponent of such a program, which we believe is necessary to prevent further restrictions on non-resident hunting opportunity, to address conservation concerns and to alleviate conflict in the field. We fear that future restrictions on the non-resident hunting opportunities might threaten the economic viability of the long established professional guide industry and affiliated business enterprises.

However, after over 5 years of working regularly with the DNR Lands subcommittee of the BGCSB and with APHA to structure and define such a program, and testifying before many legislative committees to support DNR funding to create such a program, we are seriously disappointed in the program design, administrative concepts and fee proposals. We are not so disappointed in the scoring criteria itself, which reflects much of what is already in use by federal land use agencies; we can live with most of it.

The limitation to 2 concessions, the proposed assistant guide limitation, the changes to the concession areas and the number of concessionaires, the limited concessionaire proposal, and the fee schedules combine to create a totally untenable program that will act to put many if not most long term guides who operate on state land out of business. We cannot stress enough that these restrictions and fees, together and separately, are totally unacceptable. If most of the suggested changes enclosed are not adopted we will no longer support DNR in the creation of the program. We are not alone in this stand, but are joined by most past supporters and those we have slowly brought around to see such a program is necessary. We feel all of our past work and comments have been totally discounted and we have been ignored.

If the program design remains anything like the current design and administrative proposals, we will work our hardest to see that no funding passes the legislature for the implementation and staffing of this concession program. This is not a situation we would like to see happen.

This being said, we would like to thank the staff, especially Clark Cox, for his time and participation in our meetings whenever possible. We hope that clearer heads prevail and that the program evolves into something we can proudly participate in.

Thank you for your consideration of our attached comments.

Sincerely, Loren J Karro Daniel G Montgomery Loren J Karro Daniel G. Montgomery Registered Guide # 941 Master Guide # 173

PROGRAM DESIGN Application Process: Limiting each applicant to two applications and a maximum of two awards is contrary to long established guide regulations and in many cases makes it economically unfeasible to run a professional guide service. For many years, guides have been limited to three guide use areas in an effort to restrain commercial impact. Some guide use areas are a combination of federal, state and/or private land use authorization. This model has worked for years, and should be maintained. Many if not most existing guides have business plans and models based on the use of three guide use areas, and in many cases all three of these areas are state land (DNR) authorizations. To cut this by 1/3 would render many of these operations economically unfeasible! This is similar to our telling you that you that your earning potential is hereby cut by 33%; plus, as detailed later, we will be charging you significantly more to run your business. For instance, we have a relatively small guide business and operate in a draw sheep area where no minimum client base is assured, plus we operate in unit 9 and limit our operation there to just bears as we feel there aren't enough moose around our area to satisfy local needs as well as those of outside sport hunters. The loss of any of our areas would severely test or end the economic feasibility of our operation unless we significantly increased our harvest in the remaining open area. This is contrary to good resource stewardship and against our personal ethical code.

Additionally, many guides already have substantial investments within or for their guide use areas particular to those GUAs, such as lodges, structures, or equipment such as float planes that are only used in a particular area. Limiting DNR concessions to two per guide would destroy numerous long established guide service businesses that currently operate on three GUAs, create multiple stranded investment situations, and would add confusion to existing law and the future of the 3 GUA concept on federal lands.

To allow each applicant only two applications total on the basis that this will reduce the economic burden for DNR is ridiculous. We are willing and able to go to the legislature to fund the initial program set up, which would include enough staffing to review the initial program applications. In future years, the staggered program application periods will reduce the administrative burden. To say that in future offerings, applicants may be able to apply for additional concessions is also

unsupportable; who will they take them from? Who will still be in business? Your initial administrative burden is no reason to put numerous guides out of business because we can't apply for enough areas to keep our operations alive. The National Park Service and the Fish and Wildlife Service do not limit the number of applications a professional guide can submit, and neither should you. We recommend that each applicant be allowed to apply for unlimited number of concessions, provided they qualify for each area applied for and they pay the application fee of \$250. also recommend that each applicant may be awarded up to three concessions, and that no penalty factors be considered for the number of land use authorizations the applicant has already won through DNR or any other land holders.

Scoring Process and Evaluation Panel: We strongly recommend that DNR get some industry participation in the preparation of the final GCP development design and implementation. Such industry participation, and attention to past industry input, might have helped prevent DNR from proposing the totally unworkable program design within this present proposed decision.

Additionally, we support the concept of the scoring panel having representatives from different agencies such as DNR, ADF&G, DPS and BLM; each of these agencies brings with it different concerns and professional knowledge pertinent to the guide service industry and the application evaluation. we feel that some limited industry link would also be useful to the panel. A couple of industry representative such as retired guides could be on board as advisors to the panel. Rather than being given a full copy of the application, which in many cases might make it obvious who the applicant was, these advisors should be given the details of the operations plan and safety plans only, to determine if factors within the plan were reasonable and practical. In many cases the other panel members might not have the on the ground practical experience with such an operation to properly determine if some proposals were workable in real life. However, we feel strongly that the industry advisors should be kept in the dark as to the applicant's identity, and have no voting power. We have seen personal biases, rivalry, and self-interest come to the forefront too often to believe that direct active industry representation at the voting level would not be subject to questions of subjectivity and to appeal or legal challenge. we would like to see DNR consider personal interviews, of at least the top scorers, as part of the selection process. These interviews would help in determining if the applicant could conform as they stated in their proposal.

Fee Structure: The proposed fee structure is unworkable for any operator; it is based on an unreasonable estimate of a one million dollar annual administrative cost and puts much too high a financial burden on the industry providers. It appears that the proposed fees are in addition to existing land use fees. The proposed fee levels would act contrary to the stated goals of land and resource stewardship. By having such high concession fees, a guide would be hard pressed to cut down or eliminate certain types of hunts in an area in response to population declines, especially sudden declines such as can happen in the case of severe winter weather, increased predation or possible disease components. Reaction to such population declines is always a financial hardship on the business operator, but when such high concession costs are added in it would create an untenable burden. In areas where draw permits for the major species are required, the number of permits is at the judgment of the biologists and out of the operator's control, but the high fee levels proposed would remain. Even in times of steady population levels, the fees suggested would amount to an unfair burden on the operator. we recommend a reasonable concession fee combined with a per client fee, such as recommended by both the DNR Lands Subcommittee of the Big Game Commercial Services Board (BGCSB) and the Alaska Professional Hunters Association (APHA). This amount was recommended at a flat concession fee of \$1,000 per year. Additionally, a per client fee per concession should be assessed as follows: 0-5 clients = \$120 per client, 6-10 clients = \$150 per client, 11 or more clients = \$180 per client.

The current \$2 per day use fee should be discontinued, and a fourteen day portable camp provision should be made for no additional cost. This structure allows for a measure of support and balance for the different levels of opportunity that exist in different concession areas. It also means that the concessionaire operating in a draw area where allocation is limited would not pay as much as a concessionaire in an unlimited opportunity area. Additionally, it encourages conservation within the concession by allowing for decreased costs when fewer clients are booked in reaction to population concerns, without an onerous burden of such a high concession fee no matter the harvest levels. This fee structure and level would generate an estimated \$600,000 annually from the concession program alone, not counting additional LAS and other land use fees. This would be more than enough to adequately fund the program and satisfies the Owsich decision parameters. The high cost of the program implementation itself, including the initial application reviews, would be funded separately by a one-time legislative appropriation.

Concession Authorizations: A graded and pertinent post season report is integral to keeping the program working and making future decisions in an objective manner that reflects the proposed program goals. Use of the annual reports as a guideline, with safety or regulation violation consideration, should make the ongoing and five year reauthorization a simple matter. The post season reports should be graded similar to how the NPS does it: Satisfactory, Unsatisfactory, and Marginal. A series of Unsatisfactory reports, or Marginal reports with no improvement, or serious hunting or DNR violation convictions, or non-use of the area, would be cause for concession non-renewal.

In addition, we recommend that guidelines similar to those used by NPS for earned renewal be applied in consideration of the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the land, wildlife and industry and earned satisfactory reports to have a sustainable business with some assurance of future operations. The post season report should ask for anecdotal information regarding wildlife populations, predator concerns, and any habitat and nutritional observations and concerns, without asking for numbers of mature male animal sighting. This data would become a beneficial history and an additional tool for ADF&G to help define trends over large areas. On the ground guides and their assistants could be a very useful font of information to wildlife and land agencies.

Concession Vacancies: We feel that a vacancy within the first two years of the concession should be offered to the next highest scoring applicant. If that applicant is either unable to take the concession, doesn't want it or already has three GUAs in operation, then the concession should be offered to interested applicants and a panel for scoring these applications quickly convened. It is important that the area be utilized through as quick and fair a process as possible. If a concession remains vacant for any length of time, guide opportunities go unutilized. Additionally, the area may become very attractive to transporters, and quickly be over-utilized by drop off hunters and conflict will arise when a new guide is granted the concession. We recommend that special consideration and rulemaking be implemented within the program to fairly address death, health related and other uncontrollable acts that may occur to a concession holder. We recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to right of survivorship. We believe that in cases of a family business, consideration be given to continued concession use by a licensed and qualified spouse, son or daughter who is able to fulfill the existing plan of operations through the term of the concession.

Partnership with BLM and DPOR We hope that operating agreements may be made with BLM and DPOR so that all hunting guides who wish to operate on their lands will need to show they hold the applicable GCP concession authorization in addition to any BLM or DPOR authorizations and fees. GUIDE CONCESSION AREAS MAPPING During the DNR/BGCSB mapping process,

the guiding profession was tasked to define geographical regions and the number of operators per proposed concession that would provide a conservation and economically viable basis from which to operate. We feel that to a significant extent, these goals were accomplished during the following years of public process.

It is important for DNR to understand that recommendations by the professional hunting guide industry, and adjusted by subsequent public testimony processes, in some cases further subdivided longstanding Guide Use Areas into smaller recommended DNR Concession Areas. Many of these areas were historically stand-alone exclusive use areas which had been designed to provide economic and conservation viability.

The review of BGCSB Hunt Records as depicted in Appendix C of the GCP Proposed Regulations is deceiving on many levels. Many of the guides listed as registered within a GUA did not conduct hunts within that GUA. GUA registration is currently free and on an annual or longer basis, and many guides continue to register but do not actually contract for hunts within an area. This could be for lack of hunt bookings, lack of opportunity (draw areas) or, like in our situation, desiring to maintain a historic GUA registration but not conducting hunts for a period due to population declines. Additionally, some of the areas have gone from open opportunity to draw permits (or in a few cases, vice versa). In region 9 the figures are not historically significant as there is often a major difference in even years, when bear hunts are offered in the spring, and odd years, when bear hunting falls in October. This is not a legitimate data field from which to develop the number of concessions of the numbers of operators per area.

We recommend that in almost all cases the final geographical regions and concession holder numbers adopted by the BGCSB be adopted unless a significant new factor is discovered. The present GCP proposed concession holder numbers is NOT in line with either economic feasibility or conservation based factors. Operators will be pitted against each other without sufficient room to operate or a sufficient population of wildlife to harvest within sustainable guidelines while maintaining a viable guide business. This situation is made even more unacceptable by the proposed limit of 2 concessions per guide. The proposed goals of reducing both conservation based concerns and the potential for conflict in the field will not be achieved under these proposed regulations.

In particular we are concerned with areas 9-25, 13-05, 13-06 and 14-01. To address an overall issue we believe that none of these areas should have limited concession holders as presently defined by the proposed regulations. Where a limited concession holder is recommended they should be restricted by the following caveats: A limited concession holder cannot employ any assistant guides; their clients cannot apply for any draw permits in the concession; the guide must take each client personally in a one on one (one client to one guide) hunt and have only one client in the field at any time; and they can take only two big game animals per concession per calendar year except for black bear and wolf. We discuss this again under Limited Concession Holder, below.

In GUA 9-25 DNR presently has listed two full concession holders and one limited. We agree with that allocation providing that the limited concession holder is limited by the above caveats. In GUA 13-05(A and B), the BGCSB originally recommended one full time concession holder in each subunit. DNR included one limited concession holder in each. As sheep, goat and moose are all on draw permit systems in these areas, a limited concession holder would not be feasible unless he or she was limited by the above caveats. In GUA 13-06 DNR added one limited concession holder to the recommended one full concessionaire. As this unit is also limited to draw permits for sheep, goats and moose, a limited concession would only work if the above caveats are in place. In no case should the limited concession holder be allowed to put in for draw permits, which would put him or her in direct competition with the full concession holder for a very limited resource, without the limited concession holder having to go through the full competitive application process. In GUA 14-01 the DNR proposal has recommended one concession holder on state land and one full and one limited concession holder in the Chugach State Park Area. This is totally untenable for a number of reasons. How would the concessions be allocated when it is one concession area but you are further limiting the concession holders? The sheep drawing tags that are the biggest attraction of 14-C include some very small hunt areas that span the park boundaries. ALL sheep in 14C and goats in Chugach State Park are on a draw permit basis. The only other big game hunting allowed in the park is black bear hunting, but the hunter must have a State of Alaska hunter ed course which all but eliminates the non-resident hunter. How would a limited concession holder work here? If as under present proposed regulations he or she could apply for the extremely limited number of non-resident drawing permits, it would put him or her in direct conflict with the full concession holder without having gone through the full competitive application process. There are presently so few permits available in the park that two guides is not a workable situation.

We strongly recommend that all of 14-C have only one full concession holder, as proposed by the BGCSB; and one limited concession holder only if limited concessions are restricted as per the above recommended caveats. The limited concession holder could then hunt moose, brown and black bear outside of the Chugach State Park. In no case should the present concession area be further broken up by allocating state land and park concession holders. This is in de facto making two guide concession areas out of one without actually doing it.

**GUIDE CONCESSION AREAS TYPES OF CONCESSIONS** We concur with the proposal to grant concession holders the ability to utilize 14 day portable camps within the concession area such as under the existing CRP stipulations. However we strongly take umbrage at the idea of limiting the number of assistant guides that a full concession holder may use. (A limited concession holder, if they exist, should not have any assistant guides.) This is a business decision based on type of hunt offered, timing of hunts, length of season, and other factors as well as the total number of clients booked to hunt in the concession. Some clients, such as the Governor's Sheep Tag purchaser, might request more than one guide. When the contracting guide personally guides a client, he or she may often need an assistant guide with them so that the contracting guide can leave to fulfill the regulatory requirement that he or she personally accompany every client into the field at least once during the hunt. In other cases hunts may be booked for two clients with one guide, allowing for a larger potential harvest with less assistant guides. In cases of a short hunting season, more assistants may be required. In areas where a species is on a draw permit, drawing a good number of permits may require the guide to utilize many assistant guides at one time in order to schedule hunts according to the client's availability. In our brown bear hunting areas, we prefer to allow all of s hunters to potentially hunt for the entire two or three week season rather than schedule two 7 to 10 day hunt times. We have been almost 100% successful with our hunts utilizing this scenario, to the delight of our clients, but at times this means may have more than 3 assistant guides in the field at one time.

In most of these cases increased numbers of assistant guides in the field does not factor into conservation based decisions, but rather decisions based on how a contracting guide prefers to operate his or her business. We do not see any justifiable basis for this limitation. If the reason was to limit the game harvest numbers, we believe that this is beyond the purview of DNR and should remain within the allocation and harvest jurisdiction of the Board of Game. In addition, as we have pointed out in our examples, it is not always a factor of the number of assistant guides utilized. In the same manner, the number of assistant guides usually will have no impact on the land resources. We believe that the DNR should rely upon the operating plan of the

concession holder, to be adjusted as necessary when significant population changes are recognized. This operating plan and application stipulations will do more to limit the impact of the operation on the land and wildlife resource than would the number of assistant guides hired. Limiting the number of assistant guides would also decrease the employment opportunities and could actually work to decrease the ability of the new guide to enter into the profession. Many of us sometimes utilize more than 3 assistants. How would it work if you have one assistant who is available only for first hunt of the season, and need to hire a replacement for the second hunt, would this count against two of the three assistants allowed? This would work to make it ill advised to hire college students as assistants, as they may not be available for the second and third hunt of the season due to going back to school. Many of our best guides first started with me on a limited basis as packers, and then as guides, while they were still in school.

We recommend that the DNR take no stand on the number of assistant guides a full concession holder is allowed. It should instead rely upon the operations plan, enforcement of existing land use regulations, and review of the end of season report to see that conservation and land use impact concerns are met.

The limited Concession The idea of a limited concession holder, with his or her only true limitation being on the number of assistant guides utilized, is so contrary to the stated goals of the entire program as to be laughable. We realize that this concept was introduced with the idea that it would allow for entry level participation in the program. However, its damage to the entire concept of the program would be indefensible. This limited concession holder would directly compete with the full concession holder(s) for camp areas and harvest opportunities. How would it work in a draw area, if the limited concessionaire happened to draw 4 or 5 tags, directly competing with the full concessionaires for the already limited hunt opportunities? The whole idea is a slap in the face of the goals of wild life conservation and eliminating land use conflicts.

Additionally, there are considerable entry level opportunities for the new guide without this concept. New guides could apply for undersubscribed and nonsubscribed areas. He or she can and should work for an existing concession holder for a period to get more experience in a general area. The proposed scoring criteria leaves plenty of room for a newer guide to score well if he or she has had experience in an area by first working for another guide as either an assistant, a packer or a class A guide. The idea of granting limited concessions, perhaps on the basis of a lottery, is also contrary to the idea of awarding guide use areas to those that are best qualified and can represent the guide industry in Alaska as ethical, experienced, and qualified professionals.

we recommend that the idea of limited concessions be largely discarded. It should be allowed only if and when the guides awarded a concession area agree that there is an unmet opportunity in a certain geographical area or for a certain species in that concession. The limited concession holder should still have to make full application and be limited to the geographical area and/or species agreed upon. If DNR believes that some form of limited concessionaire should be offered, it should be limited to the above instance or with the following restrictions: they should be allowed NO assistant guides. They should only be allowed to do one on one hunts (one hunter with one guide) with only one hunter in the field at any time; they should not be able to apply for any draw permits; and they should only take two big game animals per year per limited concession excluding black bear and wolf. That is a true definition of a limited concession.

The proposed idea of limited concession holders is contrary to conservation, resource management, user conflict and professional standard goals. Additionally, it would create a quasi-professional guide operation that could impact the reputation of the Alaskan guide industry. The client would have no way of knowing that they are booking with someone who was not granted his concession opportunity on a qualification basis, but perhaps by meeting minimum standards and winning a lottery.

NOTES: Transferability: We strongly recommend that DNR consider future transferability aspects of the program. It is difficult for all of us professional guides to realize we have dedicated our lives and resources to a business that may well die with us, or before us should we finally be able to retire! Transferability has been a part of the USF&W, NPS and USDA programs and can be handled within the restrictions of complying with the Owsicheck decision. Right now, new entry in these programs is regularly occurring as young and relatively new service providers are being awarded great opportunities through either area vacancies or by purchasing existing federal opportunities and being awarded the area by the participating agencies. In short, these systems which include some transferability aspects are working for the best interest of the whole.

As mentioned before, transferability revolving around a family oriented business is another aspect to be considered. Guiding is often a family run business, sometimes with many generations involved. Should a concession holder be killed or incapacitated while operating his or her business, qualified and licensed spouses, sons or daughters should be considered to facilitate the continuation of the existing plan of operations through the term of the concession.

APPENDIX D SCORING CRITERIA We strongly recommend that each individual aspect of the Scoring Criteria be allotted a certain number of potential points to provide fairness, transparency and increased objectivity to the evaluation process.

Form A Demonstrated Experience as a Big Game Guide and Business Owner Sub-factor A: 1. (d) i. It should be noted that copies of Hunt Records may be hard to obtain for assistant guides if their contracting guide for that period does not assist. In this case perhaps letters from clients or other documentation might be considered.

Sub-factor A: 3. If this section is given definitive point allocation, those guides who have always guided in Alaska may receive less points than out of state guides that come up here part time. We recommend that this section become a part of item 1 and does not allocate points that can't be received by the resident, full time Alaskan guide. Guide activity in other states or countries should be given a minimum, if any credit, and only to make up for points not given in another experience level. It certainly should not allow non- resident or new resident guides to outshine the long term full-time Alaskan guide.

Sub-factor B: 2. This section should not be scored such that five letters from five land managers/owners should count more than 2 letters from two land manager/owners if the guide has always operated in areas managed by just the one or two agencies/owners. These guides may be much better stewards than some guides who move from area to area, ignoring stewardship ideals and simply taking advantage of the next great opportunity. The factor should be how many of the land owners/managers that the guide has worked with will provide letters of support or positive Annual Performance Evaluations.

Form B Operating Strategies Used to Conserve and Minimize Impacts Throughout this section, a less is best aspect of evaluation should be avoided. It is important to understand that a guide must apply sound business decisions after considering conservation ideals, and every guide does impact lands and resources to some degree, as does every user of our public resources.

Sub-factor A: 1 and 2 (a) These aspects should be considered based on the factor of providing sound and safe hunting opportunities based on ideals of good conservation and stewardship of the resources. As presently interpreted, no impact

would grade best, but this is not practical to operating any type of resource based business. Recognizing that we do have an impact, but doing all we can to minimize the impact while providing an excellent service, should score the highest.

Sub-factor A: 3. We recommend that these criteria need to be scored in a manner that does not allow a less is best concept of grading. The scoring of this sub-factor should be based on the overall scope of the willingness and ability of the applicant to provide a quality service while adhering to good conservation and stewardship of the resources. Remember that a less is best criteria here would result in a very low score on the financial ability factor, which in turn could result in less financial resources available to provide the safety equipment, quality assistants and quality camps required to Operate a Successful Business While Providing Quality Service to Clients and Financial Ability & (Form C).

Sub-factor A: 4. We believe that guides, whether operating in a predator control area or not, should be allotted points for 4. b., if they assist in predator control through other methods such as regulatory participation related to predator population controls. Additionally, predator control provided in areas other than that applied for should be counted; some guides assist in predator control despite the lack of self-interest in the area as their hunting area, and it is hard to provide these efforts in more than one area at a time. In general, this area should be graded on a minimal point basis as it is auxiliary to the business of providing quality hunts consistent with conservation and land stewardship ideals.

Sub-factor B: This sub-factor should be eliminated or discounted to a single point. In many areas it is a non-issue. While we find it is interesting to share an area's history and values with our clients, most of it is done through verbal communication as we spend significant time together and we feel it is our responsibility to do the reading and give them the information. Many of them would not be interested in reading many brochures, lists of resources etc., but listen with respect and interest (but do they have a choice?) when we talk to them about the same information. Some want more information, some acknowledge what we share and move on to a hunting story. Perhaps credit should be given to information and resources the guide has read and learned; surely the clients are much more apt to really learn when given a verbal introduction then having a bunch of pamphlets thrown at them when what they really want to do is hunt!

Sub-factor C: 1. It should be noted that participation ON many of these boards and committees is either by appointment or by election. Equal scoring should be provided those who attend and participate with these organizations. It should also be noted that attendance at some such organizations is hard to prove. For instance some of the ACs minutes provide lists of guests in attendance, and the next meeting they omit them from the minutes. Proof of every attendance and participation may not be possible, but providing documentation for much of it i.e. minutes, proposals submitted, testimony given, should establish a clear pattern of participation in that organization.

Sub-factor D: 1. What if there is no real problem, such as in some of the remote and mountainous sheep areas? How do we document activities we have done in the past? We have cleaned up different horse camps of two former guides, hauling out multiple Super Cub loads of garbage. We have also backpacked other hunter's considerable litter out of hike in only areas (14-C). How do we prove this, when it was done because it was right, not so we could get credit in some future process???

Sub-factor D: 2. This item should probably be deleted, as it is not applicable in all areas or the applicant may already have taken care of the problem (see above). Form C: Business Plan&. Sub-factor A: 1. We urge DNR to recognize that a tenured service provider will have been operating in a high risk environment for many years and thus would have much more exposure to having an incident or accident than a new entry level or less tenured applicant. We recommend that scoring be for the accident free time in relation to the total time operating. Incidents are hard to define and/or prove, and disqualification for withholding pertinent information is very important here.

We also recommend that if a client, visitor or staff member has suffered an illness or condition (stroke, heart attack, seizure, illness) requiring medical attention and/or evacuation, which is obviously not a reflection on the applicant's safe operation; the applicant should not be downgraded unless negligence or insufficient reaction to the condition can be shown.

Sub-factor A: 2. We recommend that DNR establish a certain level of emergency/first aid training that DNR feels is fair to all applicants and not begin a competitive and often not applicable We took this response. In addition, FAA and Coast Guard training should be included.

Sub-factor A: 3 & 4. DNR should look at the applicant's overall safety/emergency response plan and if he or she has the basic equipment needed to react and respond to an emergency, without a significant emphasis placed on supplying the most of the most modern communications and safety equipment but rather on the competency and practicality of the safety/emergency/communications plan and ability to carry it out.

Sub-factor B: 2. The last part of this item should address what actions a guide would take in the future to deal with employees who have not performed well, as many of us have, through luck and careful screening, not yet had to deal with this.

Sub-factor C: 1. We recommend that DNR recognize that in many cases an applicant will hire employees or purchase supplies from communities that are in a contiguous GMU to the area being applied for but may be geographically closer to the applicant's guiding area than communities within the same GMU.

Sub-factor D: 1 5. An applicant's operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and/or additional camps and logistical efforts. In many wildlife species, such as sheep, the mature males are often solitary and scattered except during the mating season. Therefore the spike camps must be fully mobile, and might be located in a different area from year to year. This is also a much better operating plan as regards wildlife conservation issues than staying in one place and harvesting all the legal animals in that location over a period of time. We recommend that the less is best criteria not be used in relation to scoring for planned harvest effort, client base or staff. Rather, the historical level of harvest by an applicant should be noted for voluntary changes due to population concerns or conditions

We recommend that it is important to not grade an applicant based on how many staff members he or she allots to each client. Certain clientele seek services from certain types of service providers. A guide may offer a less expensive hunt utilizing quality backpack equipment and a single guide for a tough and in-shape client, or a more contained hunt with a packer and a guide for a less athletically inclined, older, or physically compromised client. The Governor's Tag purchaser may request a more deluxe hunt with two guides, a packer and a whole season potential hunt time and pay for that experience. What should be evaluated is the quality of the specific hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides. It is also important that the applicant can define and provide suitable equipment for every type of hunt he or she conducts.

Sub-factor E: Past Financial Performance 1. We recommend deletion of this criterion as DNR should not require this personal

information&it is not their business! It should be replaced with an affidavit submittal showing they have successfully operated their business for this time period. They might also be asked to provide an affidavit that all payroll has been paid in a timely manner, and that necessary payroll taxes and workman s compensation has also been paid.

Sub-factor E: Revenue 1. This criterion should be deleted or changed due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan a real guessing game. For many of us, fuel costs and insurance are a big factor, and what they will cost year to year is undefinable. At most, this criterion should be a simple pro-forma that shows a potential successful business within the scope of the plan of operations. If we have been in business for 10 years and have paid our bills and our employees on time while providing quality and safe equipment and supplies within the extreme rollercoaster costs that have occurred within the past decade, we can surely do it in the future.

Form D Violations, Citations and Convictions It is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. This administrative oversight challenges the best of administrative aptitude and abilities; keep in mind that most of our businesses are one person or family run and administered. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

I also recommend that it be understood that isolated regulatory breaches that were self-reported and dealt with in an honest and timely manner, when not part of a defined trend by the guide, should not result in a severe grading penalty. We also recommend that it be recognized that long term service providers will have more of a chance of having a regulatory or paperwork breach than a new or short term guide. Under the proposed regulations a long term service provider with a clean record over many years will not score any higher than a two year or new service provider with no breaches; the same long term provider should not be down graded for one minor violation over a long history while a new or short term guide with a yet unblemished record is granted full credit. We recommend established points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

While this criterion is important, the operator who had made a minor administrative mistake should not find him or herself unable to compete effectively in this program. Conversely, applicants who have intentionally broken the law, especially through violations of wanton waste, same day airborne, knowingly guiding outside of use areas, or guiding without land use authorization, have committed serious actions and should be scaled down significantly in scoring. A habitual offender has no rightful place in the professional guide industry.

We feel it is important to reiterate that despite our past strong support of a guide concession program, if significant changes are not made to this program design, fees and administrative restrictions we will not support it but will do all that we can to see that DNR does not get the funding it needs. Thank you for allowing me to comment on the proposed Guide Concession Program.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 62 of 192 - Submitted 04/23/2012 at 10:08 AM:

Hello: Alaska Dept of Natural Resources 1) I fear that the concession will make it very difficult to allow anyone aspiring to become a Registered guide in Alaska to get an area and be competitive. 2) No credit is given to the operator that has been managing the area for the previous years. 3) Detours younger guides to apply and more importantly to invest in the area in which they are currently hunting/guiding. Because of the fear of investing capital into an area which they may no longer be able to hunt. 4) Each of the 26 units in the state are unique in their own respect and is going to take a very comprehensive look at each individual situation. 5) Maybe we should look at focusing on the problem units in the state and not lump everyone together. 6) Example: Unit 17 which I currently guide in, we have no problems with intrusion of other guides but more so with air taxi services doing drop off hunts which they take no accountability for because there is no licensed guide with them. 7) Limiting us in unit 17 makes it difficult to manage our bear hunts because of certain salmon runs that effect the entire river system differently from year to year. Example is the large Pink Salmon run on the even # years that only effects certain rivers. As a young guide now with this new guide concession program, how would I ever have a chance to get an area competing with all the registered guides that are already in business.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 63 of 192 - Submitted 03/20/2012 at 12:00 AM:

Thanks for accommodating me. I commented up in Fairbanks, but I want to make a few more comments. My name's Jim Kedrowski, Master Guide. The reasoning you guys give for limiting us to two concessions was you want to get the program out in a hurry and you want to lessen your work load. You don't know how ridiculous that sounds to us guys that are in the industry that are trying to make a living doing this. Those are absolutely unacceptable excuses, as far as I'm concerned. And maybe, if that's your concern, maybe your application is too complicated. I just filled out a federal one, which was very time consuming for us. But looking at yours, it's far more complicated and far more involved, and maybe you should tone that down a little bit. And the transporters, that's a big issue. But you're going to charge us these fees. I think the transporters should be also charged a client fee. And I don't know how you go about doing it, but that's one thing that -- it would lessen the burden on the guides, for the fees that you propose to us, if somehow there was a process in which transporters would be charged a fee for using your resource, also. And the application fee, I'm not sure if it's \$250 per guide or \$250 per application. Is that what it is? MR. COX: (Nodding head.) JIM KEDROWSKI: Well, \$250 per application seems awful steep for me, when -- like someone commented earlier, the federal program, there was no application fee. Maybe it should be an application fee of \$250 per guide, and if they apply for a second or a third one, charge an additional fee of 50 bucks or \$75 for the third -- you know, a third one or a fourth one. And last, if you do this program and it gets sorted out again, I absolutely think you need to bring this back to the industry, and at the very least, bring this program back to the Commercial Services Board and let them take a look at it and see if there's any fatal flaws in this thing before you put it out to the public. Because if there's some major fatal flaws in this thing, I don't think you're going to have the support of the industry, the Professional Hunters Association, and I don't think it's going to -- it's ever going to get off the ground. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 64 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Jim Kedrowski. I'm a master guide. I've got fatal flaws in trying to listen to everybody else, and I came up with seven fatal flaws to this program. And the first thing, you know, when I saw this online is I looked and I saw the fees. And the first thing I thought is if I'm going to have to pay these fees, I get a concession or these concessions, I'm going to go to the bank, I'm going to take out a reverse mortgage on my home, and \$30,000 a year I'm going to pay DNR, and 10 years when I'm done, Clark, you will own my home. So anyway, the fees have to change. And there was some really good ideas about that, and I'll write some more details on that. Number 2 fatal flaw, the number of guide use areas allowed. I don't care if we can only apply for three guide use areas, the three that we're operating in, but I would like to have that opportunity to apply for the three areas that I'm in because if I can only apply for two and I only get one, I'm down to a third of what I was doing. If I can apply for three and I get two, I'm still down, but at least I have that opportunity. So I would like that opportunity to apply for the three areas that I'm currently operating. Number 3 fatal flaw, the number of guides allowed. Everybody else talked about that. Number 4, financial statement. Loren said it best, it's none of your business. We've been operating for a long time, and we have been successful. You can do just like we do on a federal program, sign an affidavit and provide a -- Number 5, the panel needs to have some industry representative for it's scoring now. And maybe nothing but in an advisory role, because when people write these things, they're going to write a bunch of BS into it, and you guys sitting behind a desk, not in the field, not in a camp, not running a guide business, you probably can't pick that up. But if you had some long-time retired guys just sitting there as advisors, not scoring it, but saying "This is BS, this is BS, this is BS." Giving you advice for that, that would be helpful. Number 7, the limited guide, I really think that's going to stick because you keep saying that's part of the Owsichek decision, and I'm (indiscernible). But I think it's a limited area limited to the one young guide with no assistance. That would cut down a lot of pressure you could put. So I really believe that from past comments, you guys know that's going to stick in this here. And the one area that, again, nobody has commented on and I think is really important is that you believe there's going to be areas that nobody applies for, and you're going to let them sit for the next three years with no more opportunity. I can't believe you're going to do that. You're going to put guys literally out of business, and in this guide business, if your name is not out there for three years, everybody forgets about you, your past clients forget about you and stuff. But I think as soon as you're done with this scoring criteria, you'll award these areas, you've got 10, 15, 20, whatever areas left over, I think that needs to be put right back out there to let those people that were put out of business, lost the area, lost their job would have that opportunity to, you know, apply for those areas. That's all I have. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 65 of 192 - Submitted 04/23/2012 at 12:00 AM:

Clark, Please find attached comments from ASRC regarding the Guide Concession Program. Thanks, Erik Kenning Land & GIS Manager Arctic Slope Regional Corp. 3900 C Street, Suite 801 Anchorage, AK 99503 Main: 907-339-6000 Direct: 907-339-6017 Fax: 907-339-6028  
Anchorage Office " 3900 C Street, Suite 801 " Anchorage, Alaska 99503-5963 " 907.339.6000 " FAX 907.339.6028 " 1.800.770.2772

April 23, 2012

Clark Cox State of Alaska Department of Natural Resources Division of Mining, Land & Water 550 West 7th Ave, Suite 900c Anchorage, Alaska 99501-3577

Dear Mr. Cox:

This letter provides Arctic Slope Regional Corporation's (ASRC) comments in response to the Alaska Department of Natural Resources (ADNR) Proposed Decision: Guide Concession Program dated February 15, 2012. ASRC appreciates DNR's efforts with respect to development of a Guide Concession Program within the State of Alaska. ASRC has been very involved with following the guiding industry on the North Slope and possible impacts on the local communities, both positive and negative.

#### Introduction

ASRC is an Alaska Native Regional Corporation created at the direction of Congress under the terms of the Alaska Native Claims Settlement Act of 1971 ("ANCSA"). See 43 U.S.C. § 1606. This landmark legislation extinguished Alaskan aboriginal land rights and authorized and directed Alaska Natives to adopt a western corporate model to manage lands, funds and natural resources. Although the western corporate model was a new concept for Alaska Natives, we have been able to successfully manage our assets consistent with our sound stewardship and values. Under ANCSA, Inupiat Eskimos living on the North Slope in 1971 were enrolled as shareholders in ASRC. ASRC has since issued additional shares to their descendants, giving ASRC a shareholder base of approximately 11,000 Inupiat Eskimos.

Through ANCSA, Congress created ASRC and directed that we use the North Slope's natural resources to benefit the Inupiat people financially and culturally. Congress authorized ASRC "to provide benefits to its shareholders who are Natives or descendants of Natives or to its shareholders' immediate family members who are Natives or descendants of Natives to promote the health, education or welfare of such shareholders or family members." 43 U.S.C. § 1606(r) (emphasis added). Consistent with this unique legislation, ASRC is a for-profit business that is committed both to providing sound returns to our shareholders and to preserving our Inupiat way of life, culture and traditions.

Operating in one of the least hospitable natural climates in the world, we have built businesses to provide jobs for our people, tax revenues for our Villages and our Borough, and cash dividends for our shareholders. At the same time, we have integrated maintenance and protection of the Inupiat cultural and traditional practices into the ASRC business.

ASRC has historically been very involved in working with the government and with private parties to address a wide variety of concerns about Arctic issues and their potential effects on the subsistence activities of our communities and shareholders.

As indicated in our comments below, we believe that the State of Alaska Department of Natural Resources, Division of Mining, Land & Water has not fully recognized some of the specific issues facing a number Guide Use Areas (GUA) on the North Slope in the 2012 Proposed Guide Concession Program. The concerns we have heard in our own local meetings include too many guides in specific areas, conflicts with local subsistence users, and the potential of the diverting migrating caribou away from communities which are critical to the people of the region and are for the most part our shareholders.

#### Concerns in GUA 26-09:

Most of this Guide Use Area (GUA) is covered by the Anaktuvuk Pass Controlled Use Area. This area is closed to the use of aircraft for hunting caribou, including the transportation of caribou hunters, their hunting gear, or parts of caribou from August 15 through October 15. The purpose of this controlled use area is to protect the migratory route of the Western Arctic Caribou Herd on their way past the village of Anaktuvuk Pass. (See attached Map 1)

We feel the size of the Anaktuvuk Pass Controlled Use Area makes this GUA suitable for a single guide concession as there is not enough available accessible land to support more guides in the larger area of the GUA.

There are a very limited number of moose permits available for out-of-state hunters through the State of Alaska Drawing Permit Hunt DM981. Historically, 0-2 moose permits per season have been issued in this GUA. Due to low moose numbers, there were no moose permits offered to out-of-state hunters in this GUA for 2012.

Due to low food sources grizzly bear densities are not great enough in this GUA to sustain multiple guide operations year after year. The impacts on bear populations are compounded by the lack of access to much of the GUA due to its difficult terrain, therefore concentrating guide activity in the same areas year after year.

As others have expressed at public meetings in Anchorage and Fairbanks, it appears that the data used in 'Appendix C' of the GCP Proposed Decision may be in error. Specifically, with respect to the number of clients in 2009 listed in the table for GUA

26-09. The numbers used seem to be double what has been observed. It is also important to note that 2010 is the only year there were two guides actively using the GUA. In 2011, the area was back to a single guide. While there could be several reasons the second guide did not return we feel that lack of area to run a multi-species quality operation within such a limited space may be the primary factor.

We would strongly suggest that ADNR contact the Alaska Fish & Game (AF&G) area biologist to gain an understanding of this GUA from an AF&G perspective in regards to animal numbers, subsistence conflicts, and the Anaktuvuk Pass Controlled Use Area. Concerns in GUA 26-10:

This GUA has had little to no use over the last XX years for some very clear reasons. The northern part of this GUA falls within a number of State of Alaska Oil & Gas Units and their associated infrastructure. Because of the oil & gas activity, this area is not useable for the purpose of guided hunting. Please note that the DNR map (Northern Alaska Proposed GCP Boundary & Numbers-DNR, March 12, 2012- DRAFT MAP) shows that these lands are state land. What the map is actually showing is the state's subsurface interest and not reflective of the surface ownership by the local village corporation. (See attached Map 2)

The only accessible state lands are along the Colville River and this is the main subsistence area for the Village of Nuiqsut. Because Nuiqsut is surround on three sides by current and future oil & gas development, their primary subsistence area is south of the community along the Colville River. Granting a guide concession on state lands in this GUA would set up the scenario for a major conflict between the guide and the community.

Equally important point is that there are no moose permit hunts offered covering the lands within this GUA as this area is currently managed for the subsistence use of the Village of Nuiqsut.

Again we would strongly suggest that ADNR contact the AF&G area biologist to gain an understanding and the specific issues and potential conflicts facing this GUA.

Concerns About Areas without a GUA Number:

There are private lands around Anaktuvuk Pass that are within Gates of the Arctic National Park that do not have a GUA assigned to them. ASRC feels that if ADNR does not want to take the effort to draw the boundaries correctly ADNR needs to address how these lands will be addressed so a guide can use them without conflicting with the new ADNR system.

Questions ASRC has about these areas are:

" How will a guide fill out their Hunt Records in regards to the required field of 'GUA'; and will this cause confusion in the ADNR system every year when the guide submits their paperwork without a GUA number. " If a guide is limited to having two GUAs, is there any impact for having an area without a GUA number designation.

These questions should be clearly addressed so there is not confusion generated by different interpretations and/or the need for re-education of all parties involved on an annual basis in dealing with these lands.

Concerns About New Fee Structure:

Creating the additional overhead (Annual Fee per GUA of \$4,000 and a Client Fee of \$500-\$750 per animal) in this proposal does not seem to support the goal of responsible game management. It would appear that best way for a guide to recoup this new overhead is to take more clients and harvest more animals; therefore creating a direct conflict between the financial needs to run a business versus the need to be a good steward of the land and animals in the GUA.

Another concern we have is that by requiring the guide to pay the increased fees to the state, a guide may spend less in local communities in support of their operation. This is counter to one of the stated goals of the program which is to work with the local communities.

Other General Concerns and Issues

It is also important to that from our perspective as a major landowner, the GCP proposal has created issues with new guides coming and going from our region as they try to establish historic use before this program is implemented. Prior to the GCP proposal, our area has been fairly stable with the same guides operating in the same areas for many years; since the new proposed program we observed and find ourselves managing the influx of new guides which is creating conflicts between other guides and local residents. This is an unintended consequence of this program and is surely impacting areas elsewhere in the state.

We understand that there may be a major rewrite of proposed GCP If that is the case we strongly urge the ADNR to provide time for public comment on a revised draft version of the GCP before it goes final.

Positive Aspects of Proposed Program

As ASRC represents our shareholders that reside on the North Slope, we are encouraged by some of the goals of the Proposed ADNR Guide Concession Program as follows:

" Working with local communities, hiring local, and respecting local traditions and culture; " Encouraging long-term stewardship of land and animals; and " Awarding areas to operators creating long-term stability.

ASRC appreciates the opportunity to comment on the State of Alaska Department of Natural Resources Proposed Guide Concession Program and understands the complexity and magnitude of this undertaking. ASRC strongly feels that there needs to be careful attention paid to the concerns we have expressed as these issues and decisions affect our communities and shareholders as well as apply to other areas of the state. Proactively addressing these issues now will only help to ensure that this program creates an opportunity for success and better relationships between the local communities and guides.

Teresa Imm Vice President, Resource Development Arctic Slope Regional Corporation - DMLW Note: Two surface land status maps submitted by ASRC along with these comments cannot be copied into Manual Comment Import Form. Maps are saved along with these comments elsewhere and are accepted as part of the formal public record.



# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Gary King Jr.  
2024 Stonegate Circle  
Anchorage, Ak 99515

Email: wildmanlakelodge@gmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 66 of 192 - Submitted 04/23/2012 at 12:00 AM:

PUBLIC COMMENT STATE GUIDE USE AREA SYSTEM

FROM: Gary King Jr. Master Guide #97 2024 Stonegate Circle Anchorage, AK 99515

I am a life time Alaskan, born in Anchorage I have actively guided my entire adult life in Alaska, beginning in 1971. I have guided in the same GMU 9, between Port Heiden and Port Moller - Amber Bay to Perryville this entire 41 years. I believe that I personally have more active guiding history in this area than any active licensed guide in the State of Alaska.

My comments follow:

Regarding Selection Criteria:

Questions 6 and 7 below give applicants credit for having taken "Classes" taught by intellectuals, and credit for classroom training, but give NO credit for years of practical and successful, accident free experience. Further, these questions discriminate against and give no credit for professional training and experience in advanced Aviation such as Commercial Pilot ratings, Instrument Ratings, FAA - A & P Mechanic Ratings, all of which which require hundreds, if not thousands of hours of EXPERIENCE, multiple EXAMINATIONS and Years of training.

I am a prime example of why this is absolutely relevant:

Aviation is without a doubt, the largest liability risk for the greatest majority of guides in Alaska, and has taken more lives and caused more injuries than all other guiding related accidents combined.

In 41 years as a guide, I have applied TWO BUTTERFLY BANDAGES, removed THREE FISH HOOKS, and administered TWO ASPRIN to a heart attack victim, which may have saved his life.

In one season alone, I will have safely Made hundreds of flights in my guide area, Performed 4 to 6 annual inspections of aircraft used solely on my guiding business, performed several FAA 100 hr. inspections, replaced magnetos, starters, tires, brakes, spark plugs, propellers, even engines, wheels to floats, wheels to skis and back to wheels. All directly related to SAFETY OF MY GUIDED HUNTING CLIENTS, Yet, no credit is given in the criteria for a lifetime of commitment to AVIATION TRAINING, SAFETY AND RATINGS, the single largest safety liability in Alaska guiding today.

In the same amount of time, that I have taken more than 20 FIRST AID CLASSES, to train for things that seem to NEVER HAPPEN in my 41 year history, I have flown tens of thousands of hours on missions directly related to my guiding business. I have studied for hundreds of hours, taken many, many classes and seminars. Taken and passed scores of Written government examination, scores of oral government examination and taken numerous practical demonstration examinations which were all administered by FAA examiners. ALL DIRECTLY RELATED TO MY GUIDING ACTIVITY.

Equal or HIGHER value should be given for aviation training and even more credit should be given for accident free years, mechanic, instrument and commercial ratings in Aviation in the following question 6

6. Have you successfully completed any outdoor safety training? Please provide a copy of the course certificate. (Examples may include - Swift water rescue, avalanche awareness, Wilderness first responder, Wilderness EMT, Emergency trauma training, EMT, or similar.) (1 point)

7. Please describe your formal education with regard to running a successful business or wildlife Management? (1 point)  
FORMAL EDUCATION ????What credit is given for decades of successfully running a business. Formal education is generally taught by persons who have FAILED IN BUSINESS. I taught myself how to: do a payroll, make tax deposits, buy workers compensation, pay ESC, FICA, FUTA and quarterly 941 and 940 deposits, make and meet a budget, produce P&L Statements and Balance Sheets. Most college graduates can't even balance a check book!!! Credit should be given for each year in business! Not years in school!!!!!!!

Criteria 2 D. Stewardship projects to complete to improve the area. The best STEWARDSHIP, IS DON'T MESS UP WHAT MOTHER NATURE PUT THERE. If you follow that rule, you don't Need PROJECTS

Sub factor A

5. How do you/or will you communicate with wildlife managers of the areas you work? (2 points). Define communicate??? Phone, Internet?? Or what?

6. If ADF&G and the BOG have authorized predator control in your areas, have you participated in these programs? Please provide copies of licenses/permits, sealing info, fur sales, etc. (1 point)

What if you are not in a predictor area, do you lose the point????

7. How many predators identified by the Board of Game in an Intensive Management area where predator control is authorized did you or your clients take during the past 5 years? (1 point).

What if you are not in a predictor area, do you lose the point????

Sub-factor #B, Protecting Historical, Cultural and Archeological Resources 1. Please describe the type of information you will provide to your clients aimed at protecting the historical and archeological environment, additionally explain how the

information will be provided. (1 point)

2. Please describe the type of information you will provide to your employees aimed at protecting the historical and archeological environment, additionally explain how the information will be provided. (2 points)

Sub-factor #C, Proven Commitment to Improving the Hunting Industry

1. How many years have you volunteered your time as an instructor for Hunter Education, Becoming an Outdoors Woman, youth shooting league or other outdoor related programs? (1 point). THIS QUESTION SHOULD BE REMOVED, these questions were suggested by those without actual guiding experience! This has NOTHING to do with guiding or outfitting!

2. In the last year how many days have you volunteered as an instructor for Hunter Education, Becoming an Outdoors Woman, youth shooting league or other outdoor related programs? (1 point) THIS QUESTION SHOULD BE REMOVED, these questions were suggested by those without actual guiding experience! This has nothing to do with guiding or outfitting.

3. How many big game hunting, bear baiting or trapping clinics have you instructed in during the past 10 years. (1 point). THIS QUESTION SHOULD BE REMOVED, these questions were suggested by those without actual guiding experience! This has nothing to do with guiding!

4. How many years have you served on a committee, board or organization related to the allocation of the natural resources of Alaska. This may include, but is not limited to ADF&G advisory committees, Regional advisory councils, Board of Game, Subsistence Board, Big Game Commercial Services Board, etc. (2 points) THIS QUESTION SHOULD BE REMOVED, being appointed to a STATE OF ALASKA BOARD POSITION SHOULD NO EARN YOU POINTS FOR A STATE GUIDE AREA, CONFLICT OF INTEREST,,!!!!

5. How many years have you served in a voluntary capacity for private organizations that contribute to the conservation of wildlife resources? This may include Ducks Unlimited, FNAWS, Alaska Outdoor Council, Sportsman for Fish and Wildlife, Ruffed Grouse Society, Rocky Mountain Elk Foundation, etc. (2 points) THIS QUESTION SHOULD BE REMOVED

6. Please describe your past practice and future plans for donating hunts or services or money to organizations working to benefit the hunting tradition. This will included donated or discounted hunts, free accommodations at your facility, cash donations or other services. Examples may include Wounded Warriors, Hunt of a Lifetime, Hunter Heritage Foundation... (2 points) FUTURE PLANS... SHOULD BE REMOVED! Totally hypothetical, not enforceable,

LIMITED OPPORTUNITY PERMITS Under the proposal, I see that the permit opportunities has grown in GUIDE USE AREAS: 09-99, 09-19, 09-25 and 09-26. All of these areas I have a life time of experience and knowledge in with regard to HABITAT, WILDLIFE POPULATIONS, TRADITIONAL RESIDENT USE and TRADITIONAL AND RECENT COMMERCIAL USE.

IT WAS, AND STILL IS my testimony and STRONG RECOMMENDATION that GUA 09-99, 09-25, 09-26 and 09-19 be LIMITED to TWO FULL USER PERMITS and ZERO limited opportunity Permits. Reason: All of these areas have traditionally supported large guiding concessions which ALL have well established lodges and substantial infrastructures to support. ALL of these LONG TIME, WELL ESTABLISHED LODGES provide model visitor services to NON Resident hunters, provide major employment and have LONG TERM leases and real estate commitments to STATE, BOROUGH OR FEDERAL LANDOWNERS. These commitments predate this DNR permit system and can not be ignored.

Respectfully submitted,

Gary King Jr, Master Guide #97

Your Hosts at Wildman Lake Lodge,

Gary "Butch" and Kathy King

Web Sites: [www.wildmanlodge.com](http://www.wildmanlodge.com) [www.wildalaskahunting.com](http://www.wildalaskahunting.com)

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Richard Kinmon  
1711 Scotwood Dr.  
Wasilla, Ak 99654

Phone: (907)-3559653  
Alternate Phone: (907)-3559653  
Email: rickkinmon@gmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 67 of 192 - Submitted 02/16/2012 at 09:37 PM:

GUA 20-08 should add (1) guide for the portion of 20-08 west of the Richardson Highway. There's very little use in the area since it's a small percentage of the total 20-08 area. It's not logistically feasible for anyone except the guide in 20-07 that borders that area to the north to conduct hunts in the area. I currently guide in 20-07 north of 20-08 which is in the Delta Management Area and could only guide in the area if a client draws a permit. This would allow 2 guides for the remainder of 20-08 on the east side of the Richardson, and 1 guide on the west for permit hunts only. Feel free to contact me at 907-355-9653 for questions or clarification of this proposal.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Thomas J Kirstein  
Alaska Adventures Unlimited  
Registered Guide  
P.O. Box 83808  
Fairbanks, Ak 99708

Phone: (907)-455-6117

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 68 of 192 - Submitted 04/17/2012 at 12:00 AM:

Attention: Clark  
DNR

Big Game Guide

Concession Program

April 15, 2012

Comments: thank you for all your concern and efforts thus far with trying to come up with a workable solution for the guide industry.

1) Please keep the fee structure simple- set price cost per client basis-no percent of a person s gross or extra accounting of paperwork. No need to create extra accounting problems for the industry of DBR. Too costly!

2) Consideration for points if a person runs private land that is used in a guide area- no land use permits by DNR should be given points because anyone could have these DNR permits and they can be given up or taken away- unlike private land that has investments they remain in a given area and should have some consideration because they add to a quality experience.

The State of Alaska-DNR needs to develop the guide concession with only few things in mind.

A. Develop the program so it is in the best interest for the State of Alaska to have the best quality Big Game Hunting Industry for the future!

B. The longest tourism industry the state has is sport fishing. Alaska and Africa are the two most talked about hunting areas in the world so it is very critical that this industry that is renewable, be taken care of and not be allowed to corrupt itself to being destroyed by deregulation overrun on state lands.

C. If DNR will think about how this should look (guide industry) in 50-100 years than that vision should be a healthy guide industry with the highest quality of ethics of operation on State lands who offer quality experience for tourist clients that are hunting game that is managed so the quality for experience of those game population continues into the future, which also benefits resident hunter & wildlife viewers! Well managed renewable resources and industry (guides) is in the states best interest.

Use area 20-04 I have guided in since 1974. Currently DNR has 4 unlimited and 2 limited guide offerings for the area. This area was my guide area along with Lynn Castle prior to 1989. We lived at Wood River Lodge, used houses and offered one of the one of the best hunting experience for guided clients in Alaska. Good conservation and not overhunting the game population is what built the quality hunting experience for clients, because the game resource was in the area. Not so anymore!

Today there are over 20-24 guides- the state land & game resources has been and is being raped by non-resident guide operations. I myself have cut back the number of clients because the game quality & quality of experience in the area have really changed the past 12 years.

1) Please consider making the number of unlimited guide operations that can take as many clients as they want. Limit this number to perhaps 2 or 3 in 20-04.

2) Make the limited guide operation 3 or 4. DNR has a total of 6 guides operating in 20-04 listed map.

There should not be more larger number of guide operation than smaller ones-again-only 2 or 3 guide should have the ability to take lots more clients because everyone seems to forget that 20-04 has a large amount of resident hunting pressure, so guide should be limited in 20-04 or the future of 20-04 will be more restricted due to permit systems or loss of seasons altogether. Currently I have conflict with running into other large guide operations that are also non-resident guides who think they can just do whatever the laws allow and they do, not much for ethics anymore with this type of thinking amongst guides and resident hunting experience suffer from these poor industry ethics- brought on by state guide deregulation in the early 1990 s. Resident hunters attitude towards guide have never been worse than today and the state has allowed this to happen, so now it is time to fix it.

Another consideration for 20-04 would be allow only smaller guide operation in the area because of the resident hunting pressure all guide operator should be limited by same method, perhaps by the number of assistant guides a contracting guide can hire or limited the number of clients-however it is done the game resource should be consideration foremost! There has to be conservation of the game resources for quality of the experience to exist hand in hand.

Guide experience and total use of any given area should be considered when scoring for points- scoring panel should have guide industry people involved, otherwise DNR panel scoring will be subjective to whoever write or lies the best-tough job, but the applicant selection of guides should give consideration to those who are resident of Alaska first, those guides with the history in the area the longest, quality guide history, conservation of resources, ethical practice running their guide business. Remember-set this up for what is in the best interest of Alaska and having a healthy Guide Industry!

Once DNR can move to come up with an area system that is restrictive to the total number of guides in any given area-guides will adjust to those changes. The State of Alaska needs to provide the healthy conservative working environment for the guiding industry to be able to survive into the future, otherwise guiding could become much less valuable to the state as a part of tourism industry! Keep on course and get this guide industry on track again for the State of Alaska by inviting guides to these areas and a limited number of guides to these areas and a limited number of guides in each area!

Remember 20-04 has and always will have lots of resident hunters and therefore a limited number but high quality and conservative guide operations should be allowed but if the total number of guides gets to be too high the future of the guide industry will not last in 20-04. Quality not quantity will bring back game population and clients alike!

Thanks for all your efforts with the concession program!

Tom Kirstein

\*Comment mailed into office received 4/17/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Joe Klutsch  
P.O. Box 313  
King Salmon, Ak 99613

Phone: (907)-246-3030  
Email: joeklutsch@gmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 69 of 192 - Submitted 03/14/2012 at 12:00 AM:

Thank you, Clark. I thought I signed up. My name is Joe Klutsch. I've been guiding for 40 years now. I live in King Salmon. I'll start out by saying that with all deference to my friend, Pete Buist, having served for I don't know how many years on the APHA Board of Directors and as their past president for many years, the last reason I ever wanted to get involved in this kind of stuff was to exact political leverage over government agencies in trying to eliminate opportunity for the people of the guiding industry. And I mean that, that's -- I think you got her backwards, Pete. I also want to empathize with the other people that have looked at this and don't like it, they want it eliminated. I can understand their concerns. When you look at a prospectus and you see what's in this one, it has to be revised to make it work. And there have been a lot of very good comments tonight. But I was in the first go-round of refuge permits, and was in the beginning big go-round on them. I have written nine U.S. Fish & Wildlife Service permits. They're not forever, you've got to compete every 10 years. And I've written two park concession contracts. And any notion that this -- the federal agencies, there hasn't been other agencies involved, I can see U.S. Fish & Wildlife Service and the National Park Service all through this. It's there. In terms of economic viability, I'm going to support the position of the Board of Game members that without this program, opportunity will be lost due to closure of nonresident seasons, and there goes your economic viability. To me, guiding is a lot more than just being in business or being put out of business. I've been living on the edge my whole life on this stuff. It's about the resource, it's about the people of the area. I have a little more of a rural perspective, maybe, in ways, but this is -- I know this is good for the wildlife resources, it's good for the people that live in the communities and the villages that depend on these resources. It's all interconnected. In terms of the specifics of the proposal of your draft of the prospectus, I had no collaboration with Henry Tiffany whatsoever. He almost verbatim stated my concerns. There should not be a limitation on the number of areas you can apply for, throw in a \$250 fee, no restriction on the number of guides, your operations plan will define that, that's how it supports in the federal system, there should be -- the fee structure has to be radically modified. Those fees are really entirely too high, and I appreciate you're going to need money to implement this program, but I know some of those fingerprints on this are from the National Park Service. That financial statement business, I think that could be eliminated. I don't think you should be in the business of auditing people's past and estimated future performance. It's a miniature Schedule C. I have to go through it with the Park Service, and I don't like it, but it's federal law, National Policy Concessions Act. There are other points that I can make, but I know you put a heck of a lot of work in this, and I sense there's a resolve to make this thing go. It's going to take some revision, but I really think we're going to have to press on with it. I know we are. The alternative is a whole lot of people going out of business, and that includes people on federal lands as well. Thank you for the opportunity to speak.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Joe Klutsch  
Master Guide # 91  
P.O. Box 313  
King Salmon, Ak 99613

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 70 of 192 - Submitted 05/07/2012 at 12:00 AM:  
Joe Klutsch PO Box 313 King Salmon, AK 99613-0313  
April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

#### 1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

- a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.
- b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.
- c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.
- d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded,
- e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.
- f. I also recommend that the \$250.00 Concession application fee remain the same.

#### 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

- a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.
- b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.
- c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.
- d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force

the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:
3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized,
- b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
- c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
- d. Limited Concession holders can only harvest two big game animals per year per Limited Concession,

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities,
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates,
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability,
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

- a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use,

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a, I recommend that DNR implement a \$1,000.00 Concession fee per year.

- b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

- d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

- a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

## 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

- a. I recommend that the Scoring Panel have industry participation within its makeup.
- b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process.
- c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

## 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

- a. I recommend that implementation timeline needs to be moved forward to 2014.

## 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible,

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances,

- a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.
- b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.
- c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.
- d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.
- e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:
  1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:
  2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

## 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report, This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

11. Regarding Five and Ten-Year Terms:  
It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

- a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

## 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere taken away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern i recommend the following:

- a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.
- b. I also recommend that similar

guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further,

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA. did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR. continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichek decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena, Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration,

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

### REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed,

### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a, I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,e and d: WILDLIFE CONSERVATION: '

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law, If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas,

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort,

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring, Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item I. FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

e. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

- a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

- a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

- a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

- a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.
- b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.
- c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

- a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

- a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

- a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses,

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

- a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

- b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

- c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business : owner and that fairness needs to be addressed:

- d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

- e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

- f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Joe Klutsch (signature)

Master Guide #91

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Joey Klutsch  
Registered Guide #1277  
P.O. Box 313  
King Salmon, Ak 99613-0313

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 71 of 192 - Submitted 05/07/2012 at 12:00 AM:

Joey Klutsch  
Po Box 313

King Salmon, AK 99613-0313

April 16, 2012

Re: Guide Concession Program Continents

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants,

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time

established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or;
3. I recommend that Limited Concessions be provided on the following basis:
  - a. Only where conservation and stewardship goals are not jeopardized.
  - b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
  - c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
  - d. Limited Concession holders can only harvest two big game animals per year per Limited Concession,

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

- a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use,

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS.

- a. I recommend that DNR implement a \$1,000.00 Concession fee per year.
- b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.
- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.
- d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000,00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichuk.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

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b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014,

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances,

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GOP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for A.DF&G, 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a, I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

### 13. GUIDE CONCESSION AREAS:

a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable,

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DICR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: 'PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Subs Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort,

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item I. FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant, I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat. transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a, I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well,

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides,

17. FORM C, SUB -FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion, of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led-to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Joey Klutsch (Signature) RG 1277

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Cole Kramer

Kodiak, Ak

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 72 of 192 - Submitted 03/20/2012 at 12:00 AM:

My name's Cole Kramer, I'm from Kodiak, Registered Guide. Just pretty much a lot of the guides have already touched on a lot of the issues, but, you know, like on the assistant guide, you know, there are some outfitters that want to have -- that want to bring up new guides. And as me, I was with an outfitter and worked mainly for other outfitters. I had my own business, also. There's some outfitters that want their assistant guide to have even more time under another guide, okay? He might have a couple really good guides, but he might want a couple more assistant guides that they have their license, yeah, but they're not ready yet. So they want to have them under their belt a little bit longer before they unleash them. You get some hunters, let's say, on a Governor's tag or something else, I mean, they might want to hire three guides. You know, they'll tell the outfitter, "I want three of your best guides with me," you know, or four, whatever it is, just to make sure that they're judging it correctly, you know? It's not all the time, but just occasionally. That's just one thing. Your fee structures are obviously outlandish. Everyone has said that. Most of the guides in here that are married, their wives already have two extra jobs. They're going to have to get a third one, you know? I mean, most of us guides are doing this as a way of life. We're not making any money. And if the guides really are making a ton of money, they're probably not paying their guides enough or there's not enough food in camp. I mean, there's -- we're already going by the skin of our teeth. In my operation alone this year, I drew zero hunters. So I'm going to have to come up with -- sell some other hunts, which I can provide. But my very, very best hunts, that I really feel that I can provide a good quality ethical hunt, I drew zero, you know. So the draw is obviously not always the way to go, you know? I know everyone's allocation, but still it's the same thing. You might not draw any, if there's someone else in there. I'm -- you know, I've always been for this, this whole guide concession, even though I came into this at 19 years of age, moving to the state of Alaska, and luckily got hired on by some good outfitters on Kodiak, to start learning, and I've always gone to APHA meetings and "the good old boy club," you know, and I've appreciated everything. When you get -- when you come up through good, ethical people, you want to do the right thing. And obviously there's a lot of people in the state right now that didn't come up under that system, okay, and we've got these problems now. Now, the best way to go about it? I'm not 100-percent sure. But obviously we've got to knock away at it. And it's hard to say, you know, do you just work on the problem areas, and then the guides that didn't get selected go somewhere else? You know, I don't -- I don't know. But it's just one of these things that hopefully you guys get it figured out, you know, in a timely manner, before things do, you know, go out of control. Because Canada is right next door, and they've got some good quality hunts there, too. And it's -- you know, it's pretty -- it can get a little cut-throat occasionally at these shows, when they're trying to figure out, "Well, do I really want to go to Canada or do I want to go over to Alaska?" So hopefully you guys get things figured out.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Hugh Les Krank  
Alask Bush Adventures  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 73 of 192 - Submitted 04/23/2012 at 04:35 PM:

One of my main concern is the boundary changes made in guide unit 19-04. In March of 2008 at the B.G.C.S. meeting in Fairbanks, there was a lot of time spent by the Guides and the Board working on the new maps for the guide use areas. Since then there has been two different maps available to look at on the DNR website for GUA 19-04 A and 1904 B ( see exhibit 1 & exhibit 2). The first one appeared to have an error when the staff at DNR was transferring the lines as it has never matched the agreed upon boundary lines drawn up at the board of game meeting that we had all agreed upon. See exhibit 1. I had expressed my concerns numerous times with DNR staff who assured me that there would be a time and place to get it resolved, since I had the original copies of the maps documenting the boundary lines from the B.G.C.S. Meeting. This opportunity never became available to my knowledge so I sent the approved map of the area to DNR which were from the B.G.C.S. 2008 meeting to show the mistake. Nothing was ever addressed even though I followed up more than once. All this now seems to be mute as now the boundary lines have been changed once again. At the original meeting, we were instructed to draw the lines to reflect areas that were economically viable and unanimously agreed upon by all of the Guides and B.G.C.S. staff at the meeting. Not only was it to be economically viable but it was to follow the natural boundaries which separated regions by water sheds or mountain ranges, etc... The lines drawn now between 19-04A and 19-04B totally destroys the economical viability of guide area 19-04A. The way the area was divided up at the B.G.C.S. meeting there was suppose to be a 19-04 A, 1904 B which was all of the Hoholitna River drainage and a 19-04 C with 2 concessions was all of the Stony River drainage. The way the line is drawn now the upper Hoholitna river system is included with all of the Stony River drainage and separated away from the lower part of the Hoholitna river system. At the B.G.C.S. meeting in March of 2008, the boundary line was suppose to follow the natural water sheds between the Stony river and the Hoholitna river system all the way down to the Kuskokwim River (see exhibit 3). This means that both river systems were in a DNR GUA by themselves with their own allotment of concession opportunities in each of these DNR concession areas. Not only have you combined the upper Hoholitna river system with all of the Stony river system, you have combined the number of concessions in the Stony River with the Hoholitna river. There are major Guiding operators in the Stony river system and major Guide operators in the Hoholitna river system which have operated successfully without conflict for almost thirty years. Because of the control use area on the lower Hoholitna river which restricts hunting two miles each side of the river corridor there is now limited hunting to nonresidents in the 19 A Game Management Area. If left the way it is then you remove an significant part of the river (about 1/4 of the river system) all in Game Management Unit 19B which allows hunting to nonresidents. By drawing the boundary line (as shown on exhibit 3) and putting a number of separate concession opportunities in the Stony river system you are allowing for two different economical viable areas for a Guiding operations. The way it is now, a guide who wanted to operate in the Hoholitna river system would have to use up two of his choices just to have one economically viable area. Otherwise, he would have to now encroach upon the traditional guide area of those who operated in the Stony river to have an economical viable area. I have operated in this area since 1985 and have two of my main camps on the Hoholitna river system. The way the boundary lines are drawn now I would have one in 19A and one in 19B, which means, I would have to use up both of my concessions to achieve which is now one area. I have talked to many of the Guides who operate in the region and all agree as the boundary line drawn now, is a major problem and would create hardships and conflicts. Part of the reason we're doing this is to stop conflicts, and in the past none existed but in the future it will create conflict, as there are long time operators in the Stony River too which will now need to overlap each other. I am including the first map (exhibit 1) to show you the boundary lines drawn by DNR which were transferred incorrectly to the DNR map and the map ( exhibit 3) which shows what was approved at the meeting by the Guides and the B.G.C.S. I have included exhibit # 4 as for reference to what was agreed upon by the BGCS Board in March of 2008. At the B.G.C.S. meeting in March 2012 I testified that even though we are told our concerns about map boundary issues would have a time for consideration there is not a system in place as of yet to address these issues. So I asked that there be one put in place to address these issues and as of yet nothing is in place to address these issues to my knowledge. I am asking again that there be a place and time for this to be able happen as I have been told it would. I am also asking that these Changes be made before the program continues and it is too late. I am including all this information and maps in the mail for your consideration and use also. I am able, available and willing to spend the time necessary to discuss these requests for your consideration to modify appropriately at any time you desire. Maps as exhibits 1,2,3,&4 will be sent in an attachment to Clarck Cox A DNR as it does not seem possible to add them Here. Respectfully Hugh Les Krank, Master Guide # 154 The Following Guides and past Guides have endorsed this written Comment. Present Alaska Guides Past Alaska Guides Ryan Krank # 1184 William Fay # 3555 James Rangitsch # 5349 Brian Fay # 5021 Michael McCarey # 4494 Jake Austin # 4170 Roy Austin # 979 Ricky Short # 4636 William Ragan # 6649 Corbin Hardin # 4890 Paul Malone #1163 Rodney Olson # 4742 Craig Butler # 1106 Tom Swenor # 1095 Roland Welker # 1240

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Hugh "Les" Krank  
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Peoria, Az 85382

Phone: 480-657-3174  
Email: alaskabush@cox.net

### Topic: Guide Concession Program Proposed Decision February 2012

#### Comment 74 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Hugh Les Krank. I'm a master guide. I've been out in Unit 19 since the late '80s, and I've never experienced a problem with overcrowding. One of the -- I have a lot of things that I'd like to talk about, but I'll just put them in written comments, but some of the few things jumped out at me was that I can see, in my mind anyway, the way the program is designed right now, it didn't have some input from the guiding industry in some areas that it probably should have. Some of the mapped boundaries have changed, and some of the concession numbers have changed, and there's a lot of other things that it worries me. I don't know who the company was that worked with you guys, but, I may be wrong, I was told that they helped you. They were a company that helped with mining permits and oil and gas permits, and I thought to myself, "they don't probably know much about our industry." I don't know how much they helped you, but it did worry me. And you said one thing, Clark, at the beginning of the meeting that kind of made me think, and I know if you had to say it over again, you might say it differently, when you did the numbers of -- I think it was Smoky asking you some questions about numbers, you indicated that you might -- it appeared to be room for -- if you're right about one permit, there might be room for most everybody. Well, I don't know why we're doing this program if we're not -- I thought the problem was to get rid of the guides thing, which I'm not saying that (indiscernible), it just seems like a whole lot of work, a whole lot of paperwork if we're going to end up -- could end up with the same amount of guides. So it just didn't seem right in my head. The panel makeup, from what I understand, won't have guides on it, and that really worries me, because we're going to be judged by somebody that doesn't know the ins and outs of our business, not really. It worries me because what's nice and warm and fuzzy to them might not be what the clients want or what we think is right, so. . . Violations didn't seem to have any points attached to it right now, so that raised a concern. And one thing that I wonder about is having been involved with this before, I had some issues way back when with boundary lines that appeared to be not where they should have been for whatever reason. That's immaterial now because now it's been changed, it's totally different. But -- I'm sorry. Well, I lost my train of thought. This whole thing makes me ill in my stomach anyway, but every time (inaudible). I think it's got a lot of problems and -- well, my point was is we -- I was told that "Well, we'll address that down the road," but there was never a vehicle for addressing it. And so I ask you, you know, if we're going to be involved, and that's the industry, I'd really like to know how we're going to be involved and not just here to say that, you know, "We're probably going to get you guys involved, we need you involved," I really want to see it and hear it that, you know, we're going to be working together as a team and have something so we know we can come with our ideas or something and get an answer, "yes" or "no" or "you got to go left or right" or whatever you want to answer when we ask it. I have a problem, well give me an answer on how to solve it, that (indiscernible).

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Hugh "Les" Krank  
Alaska Bush Adventures

Email: [alaskabush@cox.net](mailto:alaskabush@cox.net)

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 75 of 192 - Submitted 04/23/2012 at 12:00 AM:

Note: The following comment and the exhibits they reference were received outside of the formal public comment period that ran from February 15th through 5 p.m. April 23rd, 2012 and are not accepted as a formal public comment. However, the topics and issues they address will be considered during the review for the Final Decision.

Dear Clark Cox, We posted our comments on to the DNR comment site tonight however, it did not have a place for me to send our attachments that needed to go with our comments. In the comments we said that we would send the maps in an attachment to DNR. So here they are.

I realize this is more than a comment but I thought it was important to have it noted as we have discussed this before and per our discussion I am sending this to you in hopes that sometime in the future there will be an opportunity to discuss these changes. I have sent you all these notes and maps before and is pretty much the same however I had to add the new map with the noted corrections on it.

I noticed that recently there were some changes in boundaries and concessions in other areas which APHA had requested. I'm not sure how they managed to get there requests through for changes but I have submitted these more than once and I would like to know what the proper procedure is so that I may get these boundary lines taken care of that were transposed incorrectly per our Board of Game meeting. The original notes are included. Not only do the guides listed in my letter agree with these changes, there are also other guides, which I have not listed here, that also agreed with these changes being made back to our original agreement. Hopefully you can remember what was originally agreed upon at the BGCS Board meeting in March 2008, intent of the Board and Game.

Thank you -- Hugh Krank, Master Guide Alaska Bush Adventures 480-657-3174

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Ryan Krank  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 76 of 192 - Submitted 04/22/2012 at 10:38 AM:

At no point do I agree with this concession program. I believe it will put several outfitters out of business for reasons that are not sufficient. There are other methods that need to be put out there for public comment like this to be looked at, then maybe a decision on what ideas seem to be most reasonable by all. There seems to be several questions on the application that some outfitters may not encounter and lose points while another will gain. For instance, protecting historical, culture, and archaeological resources. I do agree with protecting, but if you do not encounter how can you receive points? Also problem areas in the natural environment, again if you have not encountered how do you receive points? When someone loses if this goes into effect how can one get back in after being out for 10 years? One will not be able to score points for the past 10 years deeming it impossible to get back in unless one's concession is pulled for violations. It seems once you're in your in. And what about if you have a federal area right now. This is not going to count as one of your state concession areas. A federal area is a type of concession area and should count toward your state concession. Just because of a federal area why would you get 3 areas? There are other ways to improve the lack of wildlife conservation, loss of quality of experience, conflicts between user groups, a lack of land stewardship and inadequate levels of enforcement. Putting people out of business and destroying their way of a living is not the answer. If outfitters use facilities, purchase supplies or use services in local areas, small towns and villages and is put out of business this could hurt the economy of these areas. Something very important is the proposed boundary lines. It seems that some lines don't follow any natural water sheds or mountain ranges. How is one supposed to know where the boundaries are? Also the proposed boundary of 19-04 A & B, it cuts off half of the Hohlitna river. A major portion of the lower part of the river is closed to non resident moose hunting 2 miles either side of the river, this leaves someone with a very small window to operate in. This line needs to adjust to include the South Fork drainage, Hook creek drainage and the whole upper portion of the Hohlitna River. It would make more sense for the line to cut over north of the Hohlitna River and include all drainages into the Hohlitna River.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Lance Kronberger  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 77 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Lance Kronberger. I'm a registered guide. I've been in the guide industry for 17 years. I just want to say I'm in support of this. And I've been here since you guys started this. I think you guys have come a long way. I still think you guys got a long way to go. But I think that you're taking what we're giving you to heart. I know that this is a long process and stuff, but I do want to say you guys are trying hard to listen to what we got going on here. It's confusing with the state marketing BLM on how that concession is going. I think you guys have heard comments about that. If you guys could reclarify that because we can't -- for us that have worked with the BLM and state parks and state lands, to where we're hunting both of them at the same time, that makes it very difficult to operate that way. I do want to say I operate in a draw sheep area, and we do not want to see the rest of the guide industry have to deal with that. That makes it a very difficult business plan, and I just -- I do not wish that on anybody. And so I didn't used to do that, but because of the overcrowding in the open harvest, it forced me to do so I could give a good quality hunt to my clients. One of the difficult parts of the draw area, if we let Board of Game dictate the number of nonresidents by drawing, they will not separate next of kin and guiding hunters, and we will have -- as the population of the state grows, you will see the nonresident hunters, the allocation to be there, but the number of guided hunters totally -- it will put us out of business. And for a guy who is operating in a dry area and is experiencing that, and the Board of Game not understanding the economic benefit of the guided hunter, the guided nonresident hunter versus next of kin, we need to pay attention because if we let the Board of Game dictate the number of animals we take via drawing, you can only say nonresident, our guided hunters will diminish. Another thing I hear all these guys that they're worried about this thing not eliminating the problem because of the harvesting area, I don't know what the possibility is of working with Fish & Game on the number of guided animals that could be harvested per concession, but it would be something to think about. I understand what other people are saying, if there's me and three other guys and we say we're taking 10 sheep hunters and now we're going to kill 30 sheep, and the area can't sustain that, that becomes a problem. So that might be something to think about. You guys have got all the other comments on things you guys got problems with. I know you guys are going to work on them, I know this is going to be a long process. And I believe the guys who are going to be staying in business, the guys that are serious about the business, there's plenty of opportunity, we're going to do what we have to do to get through this. I think we all want federal areas. I think we all -- if you saw the people talking about putting in for the refuge areas, the amount of effort that was put into that because that is where we can have a quality of experience. And I understand there's going to be people put out of business, there's going to be people that lose areas. I very easily could be one of them. But I do support this has to be done, because we do not want the Board of Game going to draw to determine who gets to be in operation because of the next of kin will end up being the beneficiary of the nonresident tags. Thanks.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Arno Krumm  
P.O. Box 112211  
Anchorage, Ak 99516

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 78 of 192 - Submitted 03/20/2012 at 12:00 AM:

Good evening. My name is Arno Krumm. I fish, trap and guide on the upper Stony River. My base is the Stony River Lodge. I said this before, I say it now, and I will say it in 50 years from now: In 1776, Thomas Jefferson said, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among them are Life, Liberty and the pursuit of Happiness." In order to secure these rights, Governments will be installed among Men, deriving their power from the consent of the government (sic). Behind me -- I am one of the government (sic). A little later on, in 1863, one of the greatest presidents of this country said, at the end of his Gettysburg Address he said: ...and that the government of the people, by the people and for the people may never perish from the earth. And what we see here today, what we have seen in the last four years, is a remarkable sign of an open government. I wholeheartedly, unbridled, appreciate what you do for the guiding industry. I'm a small guide, by stature and by numbers, and what I'm not -- and you probably don't know that -- I'm no longer a resident alien but the second proudest citizen of the United States of America. I wish you luck. I wish us luck. This is a great process. This has been nothing but very open. You have been very open. You have been very, very helpful and very catering to the industry. You could have done what other governments do and just say, "This is it: Deal with it; cope with it." You don't. We have an input. I could be sitting on the Stony River in my cabin, watching the Alaska Range, having a cup of coffee, my feet up, fire in the stove. I came out yesterday, just to this meeting, to tell you that I thank you for your work. I think it will work. Life is not perfect. Our families are not perfect. We are not perfect. We make it perfect as best we can and derive pleasure from that, and that is the pursuit of happiness. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Ken Lamb  
1515 Noble Street  
Fairbanks, Ak 99701

Phone: (907)-4557262

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 79 of 192 - Submitted 04/18/2012 at 12:00 AM:  
Comments - DNR - GCP

To Whom It May Concern:

Initially, I would like to address the reasons this program is being implemented. The Alaska Professional Hunters Association lobbied the legislature to move this program forward. It is important to note that the APHA does not represent the vast majority of the guiding industry. They may believe their membership may do quite well with this program by putting up to half of Alaska's guiding families out of business. DNR has stated there will be nearly enough concessions for everyone. This would only prove true if every guide were registered to guide in every GMU in the state. Many of us are only registered in one area making this statement false.

No independent study has ever been done to prove the reasons behind this program actually exist. They are based on nothing more than public comment, complaints and hearsay. I have hunted and guided in one of the most popular areas in the state my entire life. I have no problem finding game and rarely see another hunter - where is the problem? If it is found that any of these perceived problems exist they would be minor and certainly not in the entire state. Therefore, there is no solid supporting proof for this expensive bureaucratic disaster with its extensive and incomprehensible application process. Every licensed guide is already qualified without another deep layer of regulation on an already over regulated industry.

I realize DNR is only doing what the legislation told you to do. However, this massive amount of public funding should be better utilized by the various state agencies involved in the guiding industry to monitor any of these alleged problems and deal with them accordingly if and where they may exist.

This program is unfair-unnecessary-unreasonable and too complicated, it should be allowed to die an honorable death.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Ronald K. Lambert  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 80 of 192 - Submitted 02/17/2012 at 09:49 AM:

When considering and awarding guiding concessions, the process should consider the monetary investment made by private landowners. It has come to my attention that the State of Alaska does not even recognize private land holdings within these designated areas, which would be an unfortunate oversight. I would propose that a section on the application form be provided for the applicant to itemize the specific financial investments made throughout the period of time the guide has conducted business in that area. Significant changes to the weight given such scoring criteria should also be made to fairly apportion specific guiding units.

In the proposed Limited Guiding Concession, suggested restrictions must be eased up to allow at least four hunters per season and the hiring of at least one assistant guide. To do otherwise would inevitably render the concession operationally inflexible and financially unfeasible.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Gary Larose  
Alaska Professional Hunters Association  
Treasurer  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 81 of 192 - Submitted 03/20/2012 at 12:00 AM:

I'm going to face this way. My name's Gary LaRose, Professional Guide, President of Alaska Professional Hunters. I'd like to thank you for this opportunity to speak tonight. As most everybody knows, Alaska Professional Hunters got this program moving along. We've been very supportive of it. Looking at the crowding that we saw and felt and experienced out in the field, we felt that we had no other choice but to go in this direction. We approached DNR. I think they've took a look at this situation, realized they had the legal position to undertake it. And I want to compliment you on the efforts that you've put in. I've read your background, your supporting information. I feel like you've dove into it quite well. That said, your first proposal, as it came out, we didn't expect perfect, and -- but we got, you know, several well-schooled people on those groups, looked at these proposals that you brought forth, and really put a lot of effort into bringing back some stuff that you guys could work with, that we felt would solve a lot of the inequities of the problem at the time. I've got to say we're pretty disappointed on what we see in the second proposal. Everybody has commented on the things particularly won't work from a guide's standpoint and particularly from a business standpoint. And we -- like I say, we're disappointed. We know you guys are working with limited resources, and PHA has done their part to try to make sure you continued to be funded. I want to say that we still support this program and we still support you developing it, and we hope that, within this last proposal, the next proposal you come out with, that we will see some of these changes that are going to work both in the field and within our business practices. I would like to comment just on a couple points. Within the -- I feel like you assume that everybody is going to be looking for three guide areas. And as many of us have guide areas on federal lands, some of us are -- but then there are some people that have all state lands. You know, you need to be thinking about the fact that maybe some people will only want one, state -- state land. And so I think that would be, you know, could really change your numbers around quite with a bit.

The other thing that you might consider within this program is -- and this came out in Fairbanks -- is starting in the highly-contested areas, the areas that have a lot of pressure. I know that kind of steps away from your -- you know, these guides not getting the areas go to another area. But I think it would take a lot of pressure off you and put the focus on these overworked areas. And that pretty much brings to the conclusion my statements. MS. BAXTER: (Indicating.) MR. LaROSE: Okay. I just talk slow. But I would like to close with the fact that we, PHA, has supported you in earnest through this thing. But, if this program doesn't come out in the final proposal as something that we feel like our members can work with, we will step away from it and we will work to do away with it. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 82 of 192 - Submitted 04/24/2012 at 12:00 AM:

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April 16, 2012

Re: Guide Concession Program Comments

State of Alaska

Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C Anchorage, Alaska  
99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program, It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

- a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.
- b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant,
- c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.
- d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.
- e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders,
- f. I also recommend that the \$250,00 Concession application fee remain the same, 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

- a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.
- b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:

3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized.

b. Only the Limited Concessionaire can conduct the hunts with no assistant guides,

c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.

d. Limited Concession holders can only harvest two big game animals per year per Limited Concession,

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities,

b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.

c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.

d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity,

e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.

f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported. 4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands, This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year.

b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

#### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual, ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on,

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal;

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses,

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal, b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

### 13. GUIDE CONCESSION AREAS:

a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BIM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, IN-PS and USDA programs are working within the concerns brought forward by the Owsich decision, Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry,

d. I encourage DNR. to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria; I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed,

### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the

same tenure and has operated within several land use authorizations,

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable,

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis. 7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain level of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct TM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort,

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable,

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.. FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.,

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the

public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. I recommend deleting this criterion as a standalone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13, FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

- a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well,

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

- a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GM U that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

- a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

- a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related. to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.
- b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff
- c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the' scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM I PAST FINANCIAL PERFORMANCE:

- a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated. their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

- a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

- a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

- a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

- b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

- c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

- d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

- e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

- f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program. Sincerely,

Gary LaRose (signature)

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

John H. Latham  
Master Guide #103  
P.O. Box 254  
Yakutat, Ak 99689

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 83 of 192 - Submitted 04/26/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same.

2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:
3. I recommend that Limited Concession's be provided on the following basis:
  - a. Only where conservation and stewardship goals are not jeopardized.
  - b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
  - c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
  - d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

- a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS.

- a. 1 recommend that DNR implement a \$1,000.00 Concession fee per year.
- b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.
- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.
- d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

- a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game action's that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible, c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible. 10 Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report, This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

### 13. GUIDE CONCESSION AREAS:

- a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.
- b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.
- c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.
- d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.
- e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.
- f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

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- b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.
- c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.
- d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable,

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR

is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

#### 6 FORM B, U FACT R A., ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

#### 7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain level of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas,

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: .If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES: I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1. FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat' transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

#### 12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of

communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR 13, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM I PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify, If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in a regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led-to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists,

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

1. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely

John H. Latham MG #103

PO Box 254

Yakutat, Alaska 99689

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

John Latham  
P.O. Box 254  
Yakutat, Ak

Email: bluehern@yahoo.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 84 of 192 - Submitted 03/20/2012 at 12:00 AM:

My name is John Latham. I've been a Registered Guide in the business since 1972, in the Interior as well as Southeast Alaska. I would like to see implemented in this -- Bob covered some of the questions I had or some of the statements I had. But I would like to see what is -- what is going to -- I may be a bit over my head by not reading the full program you have there, but someone like myself, I was implemented into the original guide program, had an exclusive guide area. This changed, of course, with the Owsichuk Decision. At that time, we, as guides, were encouraged to build camps; if you can't buy property, do this; develop the thing, because this is an area you've got. At one time, there was only so many animals you could shoot, or, if you shot more, you paid an additional fee for that. And I tried to conform to that, and, with my wife and family, built a -- built a business, buying property from the state and developing it into guide hunting camps, and leased land and built cabins, which was on state land at the time. Which was transferred to CIRI, so I got -- I got inherited by them. But what's going to happen under this program to people like myself, if I don't get awarded this thing, and even if I do? All of this, all of these years of work and everything that has tangible value, they may -- the party that would get this area or inherits it, are we just out of -- out there in the Bush -- are we completely out of luck? I feel there's got to be some transferability, something, with things like that. The same thing happens on the Forest Service land. And I've been involved in several Forest Service prospectuses. And one thing I feel very strongly about is just having your staff judge these things. I have been judged by people -- in one, one Forest Service meeting -- five people, two of them who were flown up more or less on vacation -- to judge a decision they made that affected ten years of my -- ten years of my life. And while your staff might be very competent, they wouldn't have the same outlook as professionals, like the people that are in the guiding industry, have, and you see things quite different. I had two people, that never hunted in the state -- and one of the people criticized the boats that we use because they were too small -- that never had been in a fjord, never been in a boat. So I think there should be -- I feel very strongly about that. And some compensation, some way, in this initial thing, if I wanted to transfer my area or sell it to somebody, some younger guy. It's going to go to somebody no matter what. So I think that covers pretty much what I had to say at this time. One other question is, are these permits issued just to an individual, or are they -- or like an LLC or a small corporation? And if so, if there's two people in the corporation that get the permit, can it be issued to the two people that own the thing collectively? And what happens if one of them dies or something like this? Does it get carried on or what? MR. COX: We'll talk after. MR. LATHAM: All right. Thank you very much for your time.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

David L Lazer  
10157 N. Waldo Reed  
Palmer, Ak 99645

Phone: (907)-250-1120

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 85 of 192 - Submitted 04/24/2012 at 12:00 AM:

Guide Concession Program  
Questions & Answer pages

#2. Show me where the 600 guides voted on making a new guide concession program! Or was it just a handful of the big money guides from APHA!

#7. What is a hunting guide of 15, 20, 30 years to do if he doesn't get a area? Is the STATE going to provide education and money to teach him a new trade???

#8. Applicants should be able to apply for up to 6 or 8 areas, with their best choices being first. At least they may get a area, even tho is not as good as their first choice. Will only 2 area choices, if don't get picked, they are out of business!!!

#11. I hear guides with lodges most likely will get their area?!

#14. A yearly fee of \$500.00 for full on limited is plenty. \$4,000.00 & \$2,000.00 per year is utterly ridiculous! Even more so when you want to add a client fee yet.

This is government gone mad! The troopers, fish & game protection, fish & game are already funded. ALL the GCP is, is paperwork, not a whole new ball game!

#14. Client Fee: You charge the client! Don't make me charge him. In Canada they call it a trophy fee.

Occupational Licensing Guide and Contracted Hunt Data shows 3,034 hunts in 2010. Just at the lower figure of \$500.00 fee that comes to \$1,517,000.00 million dollars!

About 30 years ago the stupid state raised the tag fee on sheep, bear, & moose. They thought they were making about \$200.00 more per tag now-wow. But , the state economy last about 2000 non-resident hunters, who were bringing the state from \$5,000.00 to \$8,000.00 each. That s 10-16 million dollar lost from our economy! \$200.00 x 2,000 = \$400,000.00. To make \$400,000.00 but loose 16 million-that s the stupid government for you!!

#21. Any area that is lost or not utilized should be offered the very next year.

#23. If you have a leased site and are not selected, DMLW will modify your lease so you can use your site for something else? Like what for instance?? Grow flowers or maybe fishing-even tho your cabin is up in the mts. 50 mile from a salmon stream!! Rather stupid!

#24. Don't try to control the guides if you are not going to control the transporters & other commercial operators!! If they drop hunters in my area and clean me out I have no place to move to!

#30. Fourth line, the last sentence: there will be future comment opportunities when the regulations for the program are created. This is when the public and guides should really have the final VOTE.

#35. Answer , third line, we have the support of many in the industry that doesn t sound like a majority to me.

Why don't you get the people, whose livelihood us directly involved (guides) to VOTE, on the program?? Screen the other agencys & boards .

Think of the thousands of lives (guides, their wives, children) that will be ruined, bankrupted, when they don t get a area or can t afford-on their 5000 acres!-to pay all the fees your imposing!!

When is the legislative going to look into funding?

#36. Is the client fee going to be state wide or just on state land? There is a license fee and big game tag fee. There is no need for another tax-or, client fee!

A. Guides with exclusive use on Federal Land should be excluded from applying for State guide areas, until all guides that want a area, get a area. Why should a guide have a exclusive Fed. area AND a state area while John Doe, 20 yr. registered guide has none-is put out of business!! They have enjoyed their EXCLUSIVE USE area for over 20 years now!!!

B. Who wrote up the scoring paper? A 19 yr. old Greenie from LA! Most of it has nothing to do with a guide ability to guide a client in the field.

If I'm out in the wilderness I want to be with a guide who is capable of taking care of himself and me and not someone who ace d your test-but can't find his way home from his own backyard! Who cares if I'm 99' or 100' from a creek when I'm taking a crap! I want a guide who can keep me warm, dry, fed, find my game, and get me safely back to civilization!

Also, finding paper back 10 years is impossible, too.

Appendix D-scoring criteria, pp. 9 subfactors E, totally none of your business! And form C pp 2 & 3, future 10 years. There is no way of knowing all that!

Rewrite it and stick to reality. Thank you.

Sincerely,

David L Lazer (signature)

Ryan, here is some extra thoughts:

The State should =

Provide support personal to help fill out Appendix D-scoring criteria.

Provide funding to compensate older guides who are put out of business if they don't get a area. Either yearly payments or a one time lump sum pay off.

Provide counseling to older guides who do not get a area and are bankrupt-business less!

Provide new career training-teaching for older guides who do not get a quality area.

David L Lazer

907-250-1120

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Tony Lee  
P.O. Box 298490  
Wasilla, Ak

Email: westwindnayco@bigfoot.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 86 of 192 - Submitted 03/20/2012 at 12:00 AM:

Tony Lee, Master Guide. I've been in this industry a long time, and I've been in on a lot of this concession program right from the beginning and how we tried to work it out and to get you information and stuff on how this possibly could be put together to be made to work. Unfortunately, Clark, you struck again. I don't know anybody who will -- if there is somebody -- I'll be surprised if anyone stands up here and says that they're for this program. I still believe in it. I think we can -- that we can get it to something that's workable, but, you know, most of my comments mirror Bobby's. And the things that I would like to add to it is, is when we started this, we were talking a \$400,000 budget. Now it's evolved into this giant dragon that wants to eat everybody. And I don't -- I don't know what the real numbers are, but I do know that the numbers I ran, based your information that you put out, I'm going to be writing you a check for about \$32,000 each year, and that includes my land use permits and all that stuff. When you start looking at all that, that's a pretty heavy load to take, a pretty heavy hit. And there's got to be a way to get the budget on how to do this down to a more reasonable amount, I mean. And the thing is, here you are, you're wanting all this money for areas, but you're limiting the number of areas to two, you're limiting the number of guides to three, when a guide may need to take eight or ten, or four, or whatever it is. There's too many things in here that have just not -- they don't add up to a viable business in the guiding industry. And it's one of these things that -- you know, I want to see young guides coming up. I mean, I was a young guide. I ended up getting an exclusive area only because I picked what nobody else wanted and lucked out a couple years later and it turned into an area that had good seasons that had had horrible seasons. I ended up with that exclusive guide area. And I've seen a lot of changes in the 30-some years I've been doing this. And, yeah, we got a lot more people out there, and I know there's a lot of, you know, contentious areas of the state. There's not in others. The one thing that I would really like to see you guys do is, we got 550 contracting guides out there that took hunters last year. I know we can't walk a mile in every one of them's shoes, but we got to start trying to walk a mile in some of them to get the perception on how this might be made to work. I personally don't think that we're going to, like I say, we're going to get any consensus on what's written today, but we still have a chance, and I'm just waiting to see what comes out as the final.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Michael Litzen  
Litzen Guide Service

Phone: (907)-7765868  
Email: mlitzen@kenai.net

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 87 of 192 - Submitted 04/20/2012 at 12:00 AM:

To whom it may concern, I have attached my comments to the DNR GCP. I have been a guide here in Alaska for over 30 years when there were sole use guide areas and now for many years with out. When the concept of the GCP came about I was in favor and have actively worked to help shape and guide the proposed program. Even though you will undoubtedly get many copies of these same comments, please do not consider them as less valid as comments by hand. Many guides spend countless hours helping formulate these comments in meetings and teleconference meetings. I strongly encourage who ever is in charge of evaluating these comments to read over ever page as many of us have changed some things around and added comments to what the group has come up with.

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

Michael Litzen, Litzen Guide Service, Master Guide #129

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following: For many years, Alaska s Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA s. This model should stay the same for a number of important reasons: a. Many existing professional guides have been conducting hunts on State lands within three GOUA s for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA s, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands. b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded. e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. I also recommend that the \$250.00 Concession application fee remain the same.

2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations: a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing. b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants. c. Conservation/Stewardship basis of the GCP needs to be based on the applicants Plan of Operation , not on the number of Full or Limited concessionaires that will be competing for resources. d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders. 1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or: 2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: 3. I recommend that Limited Concession s be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized. b. Only the Limited Concessionaire can conduct the hunts with no assistant guides. c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities. b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business. d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability. f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry. a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year. b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client. c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel s inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on. a. I recommend that the Scoring Panel have industry participation within its makeup. b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

8. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon. a. I recommend that implementation timeline needs to be moved forward to 2014.

9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

- b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.
- c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.
- d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.
- e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:
  - 1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant is wanting to assume the area:
  - 2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

#### 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

- a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

- a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.
- b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair. At that Fairbanks meeting all parties in attendance that was interested got together and subdivided some of the guide areas into intentional smaller areas so that they would have only one operator within the sub units. As in my case in 19-12, there was 19-12 A, B & C with one operator in each area. As proposed now there are 3 full and 2 limited concessions. That is not acceptable and will not be much better than what we have now! I strongly recommend going back to the subdivision lines in 19-12 and making them A, B & C with only one full concession in each area. I have been operating in the same area now for over 20 years and looking back from my records and the information on the DNR web site provided by the BGCSB I have been taking the exactly number of clients for over 10 years. I know what it takes to run a viable

guide business as how it relates to game management. That is why it is extremely important to have only one operator in each area.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process.

#### 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

#### 4. FORM A, SUB-FACTOR B, ITEM 5:

a. I recommend deleting this criterion as its relevance to guiding is questionable.

#### 5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a less is best aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any less is best grading aspects but rather the overall plan of stewardship for the resources.

#### 6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a less is best concept of grading. I

have been taking the same number of clients for over 10 years and still have good trophy quality. Please leave it up to the concession holder to decide how to manage the game and not be scored down for more. b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources. c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

- a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.
- b. I recommend that this is an important criterion, but should be considered with two questions.
  1. On the applicant s stewardship (predator/prey balance effort) within the area being applied for.
  2. for predator prey management efforts in areas of use which are active IM areas.
3. I recommend that an applicant get credit for participating in predator management programs even if they are not in the area that he is applying for. In my case there is no predator management program where I guide, if there was I would conduct it there. I still use my own time and money to take wolves by air in other areas of the state and feel I should get points for that effort.
- c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.
- d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

- a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.
- b. I recommend that credit be given for operating a historically accident free professional hunting guide business
- c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.
- d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.
- e. I recommend that DNR should look more at the applicant s overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE:

- a. I recommend adding Coast Guard and FAA training to this criterion. In my case I have several ratings for an airplane and own and operate my 3 airplanes on a 135 air taxi certificate. There by my training standards are higher as is my aircraft maintenance. This makes my operation more professional and should be rewarded for that in the scoring.
- b. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well. \_\_\_\_\_

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within. \_\_\_\_\_

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits. \_\_\_\_\_

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant s plan of operation and the conservation balance it provides. \_\_\_\_\_

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. \_\_\_\_\_

18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations. \_\_\_\_\_

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses. \_\_\_\_\_

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman s comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists. c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Michael Litzen Master Guide #129

Michael Litzen Litzen Guide Service (907) 776-5868

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Dave Lorring  
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Phone: (907)-455-7305  
Email: lorring@mosquitonet.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 88 of 192 - Submitted 04/22/2012 at 12:00 AM:

please add the attached word document to the written comments for the guide concession program.  
Thank you

To: State of Alaska Department of Natural Resources, Attn: Mr. Clark Cox.

Guide use areas 20-03 and 20-04 and 20-05. The main issue is the over crowding by Guides in an area that is fully utilized by resident hunters just south of Fairbanks in GMU 20A. " Guide Use Areas 20-04 and 20-05 in the foothills of the Alaska Range in GMU 20(A) from the parks highway east to the Tanana River is a fully utilized area for resident hunters from the Greater Fairbanks area North Pole, Healy, Clear, Nenana, and Delta Junction areas. " The Guide use area 20-05 is part of the Wood River Controlled Use Area with walk in access from the Rex Trail and Gold King airport, dozens of landing strips for aircraft of all sizes, raft access from the Wood River, and horse back access. " This section of GMU 20A is a highly controversial area with the hunting public and has been the subject of many complaints to the Departments of Fish and Game, Natural Resources, and the Alaska Board of Game. These conflicts consist of but are not limited to over crowding by guides who bring in large numbers of nonresident clients, staying season long, excessive aircraft use in supporting guiding operations, and reducing hunt quality for long established resident hunting camps by establishing guiding camps too close to established resident camps. " Stewardship and guiding ethics are a major question. Local resident hunters believe that large numbers of licensed guides who have moved into GMU 20A in the past three or four years have violated guiding ethics by establishing camps on top of resident camps and interfering with resident hunting opportunities, hunting clients throughout the season and literally taking over areas that have long established resident use by the fact of physically being present in the area for periods starting several days before the season starts and remaining until the hunting season ends. Since there is little or no history of use, and there is a tendency to crowd out competitive resident hunters, the concern for stewardship of the area is questionable.

The remedy for this issue is: Guide use area 20-03 and 20-04, and 20-05 and should maintain their current boundaries. Since 20-05 has one the highest resident use history in Unit 20A, 20-05 should only have two concessions assigned to the area with no concessions awarded in the area bounded on the West by Gold King Creek, on North by the Rex Trail, on the East by the Wood River and on the south by the current GUA boundary.

This no concession area has very high resident use patterns and history, and supports the community and airstrip of Gold King. This community has approximately one dozen seasonal and year round dwellings and a long history of use by the residents.

The Department of Natural resources, Department of Fish and Game and the Big Game Commercial Services Board should give significant weight to the social issues and user conflict issues that are occurring in this portion of GMU 20 and other areas where the issues are similar. Ethical guiding and heavy resident hunting use in these areas can co-exist as they did prior to guide explosion that happened in the past few years, only if the agencies seriously address the resident concerns and limit the commercial use to historic levels.

David Lorring 3530 Holden Rd. Fairbanks, Alaska 99709 (907)455-7305

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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Phone: (907)-455-7305

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 89 of 192 - Submitted 03/14/2012 at 12:00 AM:

Thank you. My name is Dave Lorrington. It's spelled L o r r i n g. I live here in Fairbanks. I'm going to talk a little bit about, perhaps, a different area than what everybody else here is talking about. What I'm concerned about is guide encroachment on resident hunters. Now, this is occurring in a few small parts of the state. It's really acute over here in 28 south of Fairbanks. What's happening in the last four or five years or six years, a large number of guides have moved into this state area, legally of course, and have actually encroached on resident hunting camps, long-established camps, and the hunting quality has just completely dropped. The areas used by hunters from Fairbanks and surrounding areas, there's just been a real compounded problem with a large number of guided hunters, transporters, and the associated aircraft use, especially in the control-use area, that's just interfering with the resident hunters. So just to sum this up, we just request the Department of Natural Resources and the Department of Fish & Game and the other agencies involved in this -- the development of this program to really give weight to the social issues and the user conflicts that are occurring in this portion of 28 and in other areas of the state that have the same problems. Ethical guiding and heavy resident hunting use of these areas can coexist as it did prior to this guide exposure that happened a few years ago, that the agencies seriously address the resident concerns and limit, as necessary, the commercial use of the surrounding areas. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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Anchorage, Ak 99504

Phone: (907)-2424365

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 90 of 192 - Submitted 03/20/2012 at 12:00 AM:

Hi. My name's Paul Malone, Registered Guide. I've really been watching this for the past few years here, and everybody was saying how honest this was going to be and how fair it was going to be for the guides and outfitters through this whole program, when it first started and it kept going through. And then when you got it, Clark, you kind of took it to where the public and the rest of the guiding industry, not just the APHA, who started this whole ball of wax, and a way they wanted it to go, you took everybody's opinion and brought it into this whole ball. And then now the people who started this thing don't want to see it, because you've made it more honest and more fair to everybody than just APHA and those interest groups that really want to do it. And it's amazing how many that don't want this now, sitting here today, just from last year. And I didn't get up last year and say anything, but this year -- it's amazing. There's probably -- most of the people in here, if it goes the way it is, do not want this right now, and it's -- and I feel you're more honest in how it's going and fair, as it's going to be the end, compared to where it was a year ago or two years ago when it was under somebody else's control. And if it goes back to the game board or the occupational licensing, the guide board, guide administration, they're going to put their fingers into it and they're going to have it back to where they want it, and they're going to tweak it the way they want it. So that's all I got to say. Thanks.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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**Topic: Guide Concession Program Proposed Decision February 2012**

**Comment 91 of 192 - Submitted 02/21/2012 at 04:13 PM:**

Really !!! Are you trying to suggest we need more guides. I don't think so!!! I have been trying to secure a brown bear permit in my local unit(15b) for over six years & I can't seem to to land one. How about making easier for residents like my self to secure an animal?? I'm disabled (but of course, I don't fit the wheel chair definition) that the state has mandated- which is discrimination. but, that's matter or law suit for another time!!!!!! I guess the only ones your concerned with are the people who have the "means" to afford a \$25,000.00 guided hunt. It doesn't matter that my unit is being considered for "Predator Control", You hand out a measly 37 permits of which less than 5% will be filled.Thanks "HERE we go again"!!!

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mike McCann  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 92 of 192 - Submitted 04/23/2012 at 02:24 PM:

Carl,

As you know I was appointed to sit by the guide board to give my comments on teleconference when this guide concession program began. I have a Master Guide license and have guided in Alaska as my sole occupation since 1978.

1. The fees are way out of line. Too much. Why should the guides pay it all when one of the larger problems is the air taxi and air transporter. They should be regulated, reducing the impact on the resources, giving hunters a more wilderness experience and helping pay the bill.

2. The application process is way out of hand, too lengthy and too much information. It is worse than the federal prospectus. The state concession should not be asking for tax returns and other private information. This is suppose to be about stewardship of the land and the game. Lets keep it short. It doesn't take a lengthy application to see whom has fish and game violations, hunt records, etc.

3. There are lots of things that could be done to reduce the impact of the resources and should be done. The state should limit air transporters to 3 areas with fees. If there is too many guides, the state should stop licensing guides until the state concession is in place. A non resident should be required to have a guide for all species in Alaska due to the same reasons bear, sheep and goat need a guide.

It should be illegal for a non resident to obtain a guide license. A non resident guiding another non resident !

I agree to the limit of 3 areas and should include federal areas, private, or state guide areas. If the applicant is holding 2 ANWR or othe areas, he can only apply for one state area.

I would like to see the limit of 3 guides working under a registered or Master guide.

The state should be pulling guide licenses for blatent game violations. Thus reducing the number of guides competing for areas.

I see this program as still needing many changes and is not ready to implement on the set due date. I urge the state to take time enough to ensure it benefits the guide industry and does not impact it. The state should have the duty to maintain the guides that have been doing an excellant job and not destroy their livelihood they have worked so long at.

Thank you. Mike McCann Master Guide #107

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 93 of 192 - Submitted 04/23/2012 at 04:20 PM:

One of my main concern is the boundary changes made in guide unit 19-04. In March of 2008 at the board of game meeting in Fairbanks, there was a lot of time spent by the guides and the board working on the new maps for the guide use areas. Since then there has been two different maps available to look at on the DNR website for GUA 19-04 A and 1904 B ( see exhibit 1 & exhibit 2). The first one appeared to have an error when the staff at DNR was transferring the lines as it has never matched the agreed upon boundary lines drawn up at the board of game meeting that we had all agreed upon. See exhibit 1. I had expressed my concerns numerous times with DNR staff who assured me that there would be a time and place to get it resolved, since I had the original copies of the maps documenting the boundary lines from the Board of Game Meeting. This opportunity never became available to my knowledge so I sent the approved map of the area to DNR which were from the BOB 2008 meeting to show the mistake. Nothing was ever addressed even though I followed up more than once. All this now seems to be mute as now the boundary lines have been changed once again. At the original meeting, we were instructed to draw the lines to reflect areas that were economically viable and unanimously agreed upon by all of the guides and Board of Game staff at the meeting. Not only was it to be economically viable but it was to follow the natural boundaries which separated regions by water sheds or mountain ranges, etc... The lines drawn now between 19-04A and 19-04B totally destroys the economical viability of guide area 19-04A. The way the area was divided up at the board of game meeting there was only suppose to be a 19-04 A and a 19-04 B. 19-04 B was all of the Stony River drainage and 19-04 was all of the Hoholitna River drainage. The way the line is drawn now the upper Hoholitna river system is included with all of the Stony River drainage and separated away from the lower part of the Hoholitna river system. At the board of game meeting in March of 2008, the boundary line was suppose to follow the natural water sheds between the Stony river and the Hoholitna river system all the way down to the Kuskokwim River (see exhibit 3). This means that both river systems were in a DNR GUA by themselves with their own allotment of concession opportunities in each of these DNR concession areas. Not only have you combined the upper Hoholitna river system with all of the Stony river system, you have combined the number of concessions in the Stony River with the Hoholitna river. There are major Guiding operators in the Stony river system and major Guide operators in the Hoholitna river system which have operated successfully without conflict for almost thirty years. Because of the control use area on the lower Hoholitna river which restricts hunting two miles each side of the river corridor there is now limited hunting to nonresidents in the 19 A Game Management Area. If left the way it is then you remove an significant part of the river (about 1/4 of the river system) all in Game Management Unit 19B which allows hunting to nonresidents. By drawing the boundary line (as shown on exhibit 3) and putting a number of separate concession opportunities in the Stony river system you are allowing for two different economical viable areas for a Guiding operations. The way it is now, a guide who wanted to operate in the Hoholitna river system would have to use up two of his choices just to have one economically viable area. Otherwise, he would have to now encroach upon the traditional guide area of those who operated in the Stony river to have an economical viable area. I have operated in this area since 1985 and have two of my main camps on the Hoholitna river system. The way the boundary lines are drawn now I would have one in 19A and one in 19B, which means, I would have to use up both of my concessions to achieve which is now one area. I have talked to many of the Guides who operate in the region and all agree as the boundary line drawn now, is a major problem and would create hardships and conflicts. Part of the reason we're doing this is to stop conflicts, and in the past none existed but in the future it will create conflict, as there are long time operators in the Stony River too which will now need to overlap each other. I am including the first map (exhibit 1) to show you the boundary lines drawn by DNR which were transferred incorrectly to the DNR map and the map ( exhibit 3) which shows what was approved at the meeting by the Guides and the BOG. At the BOG meeting in March 2012 I testified that even though we are told our concerns about map boundary issues would have a time for consideration there is not a system in place as of yet to address these issues. So I asked that there be one put in place to address these issues and as of yet nothing is in place to address these issues to my knowledge. I am asking again that there be a place and time for this to be able happen as I have been told it would. I am also asking that these Changes be made before the program continues and it is too late. I am including all this information and maps in the mail for your consideration and use also. I am able, available and willing to spend the time necessary to discuss these requests for your consideration to modify appropriately at any time you desire.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 94 of 192 - Submitted 04/23/2012 at 04:25 PM:

One of my main concern is the boundary changes made in guide unit 19-04. In March of 2008 at the board of game meeting in Fairbanks, there was a lot of time spent by the guides and the board working on the new maps for the guide use areas. Since then there has been two different maps available to look at on the DNR website for GUA 19-04 A and 1904 B ( see exhibit 1 & exhibit 2). The first one appeared to have an error when the staff at DNR was transferring the lines as it has never matched the agreed upon boundary lines drawn up at the board of game meeting that we had all agreed upon. See exhibit 1. I had expressed my concerns numerous times with DNR staff who assured me that there would be a time and place to get it resolved, since I had the original copies of the maps documenting the boundary lines from the Board of Game Meeting. This opportunity never became available to my knowledge so I sent the approved map of the area to DNR which were from the BOB 2008 meeting to show the mistake. Nothing was ever addressed even though I followed up more than once. All this now seems to be mute as now the boundary lines have been changed once again. At the original meeting, we were instructed to draw the lines to reflect areas that were economically viable and unanimously agreed upon by all of the guides and Board of Game staff at the meeting. Not only was it to be economically viable but it was to follow the natural boundaries which separated regions by water sheds or mountain ranges, etc... The lines drawn now between 19-04A and 19-04B totally destroys the economical viability of guide area 19-04A. The way the area was divided up at the board of game meeting there was only suppose to be a 19-04 A and a 19-04 B. 19-04 B was all of the Stony River drainage and 19-04 was all of the Hoholitna River drainage. The way the line is drawn now the upper Hoholitna river system is included with all of the Stony River drainage and separated away from the lower part of the Hoholitna river system. At the board of game meeting in March of 2008, the boundary line was suppose to follow the natural water sheds between the Stony river and the Hoholitna river system all the way down to the Kuskokwim River (see exhibit 3). This means that both river systems were in a DNR GUA by themselves with their own allotment of concession opportunities in each of these DNR concession areas. Not only have you combined the upper Hoholitna river system with all of the Stony river system, you have combined the number of concessions in the Stony River with the Hoholitna river. There are major Guiding operators in the Stony river system and major Guide operators in the Hoholitna river system which have operated successfully without conflict for almost thirty years. Because of the control use area on the lower Hoholitna river which restricts hunting two miles each side of the river corridor there is now limited hunting to nonresidents in the 19 A Game Management Area. If left the way it is then you remove an significant part of the river (about 1/4 of the river system) all in Game Management Unit 19B which allows hunting to nonresidents. By drawing the boundary line (as shown on exhibit 3) and putting a number of separate concession opportunities in the Stony river system you are allowing for two different economical viable areas for a Guiding operations. The way it is now, a guide who wanted to operate in the Hoholitna river system would have to use up two of his choices just to have one economically viable area. Otherwise, he would have to now encroach upon the traditional guide area of those who operated in the Stony river to have an economical viable area. I have operated in this area since 1985 and have two of my main camps on the Hoholitna river system. The way the boundary lines are drawn now I would have one in 19A and one in 19B, which means, I would have to use up both of my concessions to achieve which is now one area. I have talked to many of the Guides who operate in the region and all agree as the boundary line drawn now, is a major problem and would create hardships and conflicts. Part of the reason we're doing this is to stop conflicts, and in the past none existed but in the future it will create conflict, as there are long time operators in the Stony River too which will now need to overlap each other. I am including the first map (exhibit 1) to show you the boundary lines drawn by DNR which were transferred incorrectly to the DNR map and the map ( exhibit 3) which shows what was approved at the meeting by the Guides and the BOG. At the BOG meeting in March 2012 I testified that even though we are told our concerns about map boundary issues would have a time for consideration there is not a system in place as of yet to address these issues. So I asked that there be one put in place to address these issues and as of yet nothing is in place to address these issues to my knowledge. I am asking again that there be a place and time for this to be able happen as I have been told it would. I am also asking that these Changes be made before the program continues and it is too late. I am including all this information and maps in the mail for your consideration and use also. I am able, available and willing to spend the time necessary to discuss these requests for your consideration to modify appropriately at any time you desire.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mike McCrary

Email: mccrary907@gmail.com

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 95 of 192 - Submitted 04/03/2012 at 12:00 AM:

Webinar Testimony 4/3/2012:

Well, I guess I agree with Mark that, you know, this program was set out to change some things, and those issues have been clearly identified back in 2009 and reiterated in this recent proposal.

And I think DNR has come a ways from the original proposal at addressing some of these issues. My concern is that, when you close the comment period, you'll make what some of us might think were substantive changes without coming back out to the public.

So that's my concern, I guess, and all I got to say right now; except I did want to ask how many -- oh, I got it. Three people tonight.

About that, I think part of the reason there's not a broader public participation in this process from a more diverse segment of the public is because this is really a special interest program. And so even resident hunters don't feel like they're, you know -- like this is any of their business, because it's all about the guides. And I don't know how you overcome that, and I know you've tried.

But without having alternatives for the public to consider and talk to you about or without having, you know, even the question: Do you want this program? You know, that's not even like really a question that you ask people. You basically tell them this you know, "We're going to do this, and so tell us how to shape it." And so that's all I got to say.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mike McCrary

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, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 96 of 192 - Submitted 02/20/2012 at 12:00 AM:

Hi Ed,

As you well know, Director Goodrum concluded the Proposed Decision with a finding on Feb 15, 2012 stating "I find this decision is consistent with applicable state laws, agency regulations, department policies and management authority and is in the best interest of the state."

Inconsistencies regarding applicable state laws, agency regulations and management authority with respect to the recent decision to move forward with the GCP raise concerns about the Departments administrative process in this matter.

From a public interest perspective it seems unreasonable that the Director appropriately relies on AS 38.05.035(e)(1)(A)(B), which is a subset of the power and duties of the director that applies to approving contracts and limiting the scope of administrative reviews and findings, as the provisional authority being now relied on to continue down the road of selling this statewide scheme to the public as being in the best interest of the state. Especially, given the force and effect on the public's interest in this matter with regard to those inconsistencies.

I do understand why the Director may; under some circumstances, be allowed to lower standards of contracted activity on public lands and soften the scope of administrative review of the intent and purpose of those contracts but the Commissioner is still bound to hold the Director accountable to follow the Alaska Administrative Procedures Act and to require that the Department stay within; not act outside of, the scope and authority of existing; applicable, statute and regulation and management authority.

But, the Big Game Commercial Services Board already has within it's own enabling legislation; applicable state law, regulation and authority, that provides this special industry it's own ability to make what would essentially be the equivalent of the Directors' "helpful tool".

So, in this instant case, it may in fact not be a reasonable conclusion that AS 38.05.035(e)(1)(A)(B) was intended to be applicable to a program that creates a significant administrative case load on the Department and puts more than 200 hundred contracts into effect in one fell swoop that covers virtually every inch of State lands under DMLW authority simply because the Director wants to be helpful (do what the BGCSB won't) and provide the commercial hunting industry a special interest for profit industry...with a viable tool. Then, to tally it all up to a bottom line finding that the decision is made in the best interest of the state likely demonstrates the kind of conclusive reasoning from public administrators courts find more rationally falls on the side of an arbitrary and capricious administrative decision.

Anyway, in many places at <http://dnr.alaska.gov/mlw/gcp/>, DNR states "Concession permits" will be awarded.

For example: DNR states under FAQ's Draft (02/15/12): 1. Question: What is the Guide Concession Program (GCP)? Answer: "...Concession permits would be awarded and managed by DMLW.

AS 38.05.850 states permits are "nonexclusive permits for the personal or commercial use or removal of resources that the director has determined to be of limited value."

There is no such animal as a 'concession permit'. Concessions and permits are not married to each other. They stand alone and when put into statute and regulation are set apart as either a concessions contract or a permit. Different contractual instruments. The Director should reasonably know by now that there is no such thing as a 'concession permit'. A concession is not defined under AS. 38.05.850. A 'permit' is defined under AS 38.05.850. The Director in deciding to quasi-compete so called 'concession permits' that are a) limited opportunities and b) exclusive opportunities and c) intentionally structured to represent as a viable economic opportunity for only individual's with a hunting guide license, it may not then reasonably be concluded that what is being sold to the "best bidder" has been determined by the Director "to be of limited value". And to say that all that is somehow made out of AS 38.05.850. PERMITS because of AS 38.05.035(e)(1)(A)(B) borders on the outrageous.

In other words, nothing in AS 38.05.850 speaks to 'concessions permits' and nothing in 38.05.850 speaks to exclusive commercial use permits on lands classified under 11 AAC 96.020. And, permits for commercial purposes under AS. 38.05.850 are nonexclusive. So where does a person find a statute and/or regulation that defines what a 'concession permit' is and also provides DNR's authority to enter into contracts that are exclusive commercial use and of limited value that can be made on all state lands classified under 11 AAC 96.020 as represented by the Directors findings?

The Director also stated in the Proposed Decision under ENFORCEMENT: "For the GCP to be administratively feasible...DMLW must be given citation authority over regulations specific to the GCP. So, in fact the Director admits to knowledge that the GCP is inconsistent with DNR's management authority as it exists now. In addition, DNR states under FAQ's Draft (02/15/12): 31. Question: Is this really going to happen? Answer: Yes, DMLW is actively working on building this program as a viable and helpful tool for the big game guiding industry. We have the support of many in the industry in addition to the other agencies and boards involved. However, without additional staff and the necessary funding to support this program, DMLW cannot commit to implementing such a program.

The Director has invoked an authority for implementing a scheme that applies a lower standard to approving contracts. Limits the scope of administrative reviews and findings. Supports a Department response (31) to Frequently Asked Questions that tells the interested public that this program is going to be institutionalized because many in the commercial hunt guiding industry support it & provided DNR gets additional staff and the necessary public funding enforcement authority well & all that

makes it hard to believe that overall DNR is acting in the best interest of the State of Alaska at least with respect to this program.

Here's my question again&where does a person find a statute and/or regulation that defines what a 'concession permit' is and also provides DNR's authority to enter into contracts that are exclusive commercial use and of limited value that can be made on all state lands classified under 11 AAC 96.020 as represented by the Directors findings?

Respectfully,

~Mike McCrary

"You can't be in neutral on a moving train". Howard Zinn

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mike McCrary  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 97 of 192 - Submitted 03/14/2012 at 12:00 AM:

Mike McCrary March 14, 2012

DNR relies on the Owsichuk Decision to provide guidance for the development of the proposed action and quotes that opinion in its PROPOSED DECISION GUIDE CONCESSION PROGRAM: "Nothing in this opinion is intended to suggest that leases and exclusive concessions on state lands are unconstitutional."

The opinion then states: "The statutes and regulations of the Department of Natural resources authorize leases and concession contracts of limited duration, subject to competitive bidding procedures and valuable consideration." "See AS.38.05.070-.05 (authorizing leases and setting forth procedures); AS 41.21.027 (authorizing concession contracts in state parks); 11AAC 14.200-260, 14.010-.30 (establishing procedures of awarding concession contracts);..."

In the GOP proposed decision it states: "DMLW staff, in working with the Department of Law (DOL), concluded that the department does have sufficient authority to create and manage a program that distributes big game guiding use of state lands."

It is notable that the DOL provided the legislature a legal opinion in 1980 that EGA's were on "solid legal ground". So, the reliability of a single statement from DMLW that DOL concludes this program is defensible is at best, dubious.

DMLW's Director and obviously the DOL, interpret and rely on AS38.05.850 as providing the authority for a "process by which commercial use of state land is allocated among big game hunting guides..and..limits... the numbers of authorizations a guide can have on state land."

Clearly, that interpretation transforms a 30 + year DMLW practice of issuing unlimited and non exclusive permits to use state lands for commercial purposes.

Where is the DOL legal opinion that backs up DMLW's assumption that it can invent out of AS 38.05.850, a process to allocate to a limited number of guides the exclusive right to use state lands that distinguishes the rights of one hunting guide from the rights of another hunting guide?

In the Oswichek opinion the court made the following statement: "The work of a guide is so closely tied to hunting and taking of wildlife that there is no meaningful basis for distinguishing between the rights of a guide and the rights of a hunter under the common use clause."

In order to implement this new allocation and limiting scheme, DMLW proposes to develop an applicant scoring criteria. Again, relying on AS 38.05.850 for that authority.

This scoring criteria is intended to equip a panel of 'agency' people with the ability to judge and distinguish the rights of one guide over the rights of another guide. Most agree the scoring criteria represents at best, a subjective process of distinguishing the rights of one guide from rights of another. Some view the scoring criteria as a liar's contest.

The Oswichek decision did not even slightly suggest that a subjective scoring criteria could distinguish the rights of one hunting guide from the rights of another hunting guide.

The courts opinion stated leases and exclusive concessions meet constitutional tests and it was neither expressed or implied by the court that DNR could rely on any other statutes and regulations; such as AS.38.05.850, to invent a concession permits program that would hold up to legal challenge.

It can be reasonably concluded that the legally recognized process for determining the meaningful basis for distinguishing between the rights of one hunting guide over the rights of another hunting guide on STATE LANDS is found in AS.38.05.070-.05 (authorizing leases and setting forth procedures); AS 41.21.027 (authorizing concession contracts in state parks); 11AAC 14.200-260, 14.010-.30 (establishing procedures of awarding concession contracts);..." made clear through the opinion of the Alaska Supreme Court.

So, where is the DOL opinion that a scoring scheme developed by land use administrators provides the meaningful basis for distinguishing between the rights of one hunting guide over the rights of another hunting guide on State land?

In researching the legislative history and intent of AS.38.05.850 I could find no expressed or implied intent for a 'concession permit' program.

I did find on the record a discussion regarding 'lease permits'. It was clearly decided at the legislative level that a commercial use authorization of state land under the authority of DMLW was either a 'lease' or a 'permit' and the two could not be combined to invent a new type of authorization.

The historical research of AS38.05.850 also revealed that this statute was strictly and specifically intended as a DMLW streamlining "permitting" process tool. I found no indication on the record at all that this statute intended to authorize the Director to create a million dollar a year program such as is represented by the proposed GUIDE CONCESSION PROGRAM under AS 38.05.850.

What is going on with GCP is anything but a streamlined permitting process.

So, it's quite clear DMLW does not have the legislative consent to invent a 'concession permit' program out of AS 38.05.850

and...their is no reason the public should have any confidence in the statement that "the department does have sufficient authority to create and manage a program that distributes big game guiding use of state lands". Over the years several attempts have been made through legislative initiatives to bring back EGA's. But, the legislature flatly rejected those initiatives and legislators did not re-direct those initiatives to DMLW or even imply DNR could implement an EGA like program under AS38.05.850.

Recent letters from the BGCSB, BOG and former Governor Palin; now on the GCP web site, attempt to justify a need to re-create EGA's as a fix for what are more BOG and BGCSB deficiencies than they are land management problems.

Never the less, none of those letters suggested DNR develop a guide concession permitting program.

So it seems there is a rational basis to believe GCP may not even have been what was requested be developed and it is certainly questionable whether AS 38.05.850 authorizes the Directors proposed action.

The problems we are having are primarily made out of deep-rooted (documented historical record) short comings in the BGCSB ability to appropriately regulate the business practices of the commercial hunting industry. And, the BOG's long term pattern of catering to the special interests of the commercial hunt industry.

A prime example of what continues to increase the severity of problems directly associated with the BOG's tendency to put the special interests of the commercial hunting industry on first base was publicly made less than a week ago.

Mr. Spraker; who is the BOG representative on the BGCSB, voted last week against proposal 137.

Proposal 137 was intended to limit non resident harvest of our sheep in Region III and represented conservation issues and the intrinsic value Alaskans place on our wildlife and the principal allocation issue the BOG should be concerned with...and resident hunters ARE concerned with....who's on first?

In this example of BOG deciding resident hunters over the interests of non resident hunters and the special interests of the commercial hunting industry, Mr. Spraker reasoned the BOG should defer it's duty and obligations raised by 137 to DNR's proposed land management scheme.

Ms. Albaugh; also a BOG member, added her reason the BOG should vote against proposal 137 was out of concern for loss of revenue that comes with limiting non resident hunting.

It is worth noting here that in *Herscher v Alaska Dept. Of Commerce* the court held "...the state acts as trustee of the natural resources for the benefit of its citizens" &

Proposal 137 Recent BOG action define the publics view that GCP's primary purpose is a tool used to determine how many guides in an area our game would support economically.

In other words, GCP is not a wildlife management tool grounded to a purpose that benefits game resources held in trust by the state for the benefit of all Alaskans.

Over the years the BOG established a pattern of deferring what is in the best interest of all Alaskans to what is in the best interest's of non residents and the commercial hunting industry.

The legislature has given no authority to the BOG to defer their duties to conserve and allocate wildlife resources for the benefit of non residents. And, the BOG may not surrender it's duty to the Department of Natural Resources.

Regarding legislative intent of the Guide Licensing Board act; as stated in the *Oswichek Decision*, the act was authorized the BGCSB to "regulate activity" of guides: "...The legislative history reveals the purposes of the act were to "protect fish and game management" and to "get competent people as guides in Alaska"..."

The legislature has given no authority to DNR to regulate activity of guiding hunters or to decide who the competent people are that can provide guide services in Alaska.

It should be recognizable; even by DNR, that the nature of the BGCSB is to un-limit the commercial hunt industry and more than anything else that un-limiting nature represents systemic failure

DNR should at least regroup and take a hard look at the alternatives before the Director puts Alaskans in a deeper hole..

Really...has anyone in DNR actually even read the *Oswichek Decision* and researched the legislative intent of AS 38.05.850?

"we noted that the public trust doctrine guaranteed...access to public resources for "private commercial use"...the same rationale applies to professional hunting guides under the common use clause. The common use clause makes no distinction between use for personal purposes and use for professional services. The work of a guide is so closely tied to hunting and taking wildlife that there is no meaningful basis for distinguishing between the rights of a guide and the rights of a hunter under the common use clause".

\* The following is an attachment handed in with comment.\*

## ALASKA CONSTITUTION

### ARTICLE VIII - NATURAL RESOURCES

Section 1. Statement of Policy. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Section 2. General Authority. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Section 3. Common Use. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Section 4. Sustained Yield. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

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Section 15. No Exclusive Right of Fishery. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section shall not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

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Section 17. Uniform Application. Law and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation. SELECTED CASES

#### ARTICLE VIII COMMON USE-EQUAL ACCESS

Interior Alaska A irboat Association v. State, 18 P.3d 686 (Alaska 2001) O'Callaghan v. Rue, 996 P.2d 88 (Alaska 2000)

Brooks v. Wright, 971 P.2d 1025 (Alaska 1999)

Rutter v. State, 963 P.2d 1007 (Alaska 1998)

Pullen v. Ulmer, 923 P.2d 54 (Alaska 1996)

Alaska v. Kenaitze Indian Tribe, 897 P.2d 632 (Alaska 1995)

Shepherd v. State, 897 P.2d 33 (Alaska 1995)

Stepovak-Shumagin Set Net Ass 'n v. State, 886 P.2d 632 (Alaska 1994)

Tongass Sport Fishing Ass 'n v. State, 866 P.2d 1314 (Alaska 1994)

Alaska Fish Spotters v. State, 838 P.2d 798 (Alaska 1992)

State v. Hebert, 803 P.2d 863 (Alaska 1990)

Gilbert v. State, 803 P.2d 391 (Alaska 1990)

McDowell v. State, 785 P.2d 1 (Alaska 1989)

Owsichek v. State, Guide Licensing Board, 763 P.2d 488 (Alaska 1988) Johns v. CFEC, 758 P.2d 1256 (Alaska 1988)

Meier v. State, 739 P.2d 172 (Alaska 1987)

State v. Ostrovsky, 667 P.2d 1184 (Alaska 1983), appeal dismissed, Ostrovsky v. Alaska, 467 U.S. 1201,104 S.Ct. 2379, 81 L.Ed.2d 339 (1984)

Kenai Peninsula Fisherman 's Cooperative Ass 'n v. State, 628 P.2d 897 (Alaska 1981)

\*Comment hand delivered at Fairbanks public meeting 3/14/2012

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 98 of 192 - Submitted 03/10/2012 at 12:00 AM:

DNR's failure to take a necessary "hard look" at alternatives that appear to fall more within the purview of the BGCSB and the BOG and authentically measure those alternatives in the aggregate against the Directors proposed action indicates significant administrative process failure.

With respect to the subject matter and the purpose to be served by this proposed action it is not enough for the Director to say we didn't take a hard look at the alternatives because DNR has no authority over the business practices of the commercial hunting industry or the establishment of seasons and bag limits and allocation of game between Alaska residents and the non resident hunt guiding industry. But what the heck the governor gave us a few hundred thousand dollars to invent a million dollar a year "back door" program that we hope dodges the Osichek bullet and affect what the BGCSB and the BOG won't do&

Whatever the justification is, DNR made a decision to not take a hard look at alternatives. That decision continues to haunt this process.

For instance. On Friday March 9, the board of game took up a proposal to limit non resident sheep harvest in Region III. Proposal 137. In deliberations on the proposal Mr. Spraker; who is also the BOG's representative on the BGCSB, announced he would vote against proposal 137 rationalizing that the "GCP" would solve the issues raised by prop 137. This is the most recent example of what has been going on for the last 5 years.

The BOG and the BGCSB have deferred opportunity after opportunity to address the problems because; primarily, DNR refused to take a hard look at alternatives.

The neglect of duty by these boards is entirely enabled through the Directors decision to not take a 'hard look' at BOG and BGCSB alternatives.

Again on March 9 and just a few minutes after the BOG voted down proposal 137 the board took up "miscellaneous business". One of the items on the boards agenda under miscellaneous business was an issue related to 'guide contracts'. Kevin Saxby; an attorney with the Dept. of Law, advised the BOG the contracting issue is the domain of the BGCSB and the BOG should not be crossing over into BGCSB's business.

So, on March 9 the BOG once again backed down on their obligation to fully consider the public interests related to prop 137 and backed down on the BOG's own initiative to address guide contracts&yet&Saxby fails to advise the board it is their duty and obligation to properly address prop 137 and that the BOG is not authorized to defer it's game management authority and responsibility to a DNR administrative process.

Again, whatever the reason is DNR failed to take a hard look at alternatives, that failure is negatively impacting the intent of the legislature in establishing and connecting the BOG and the BGCSB and their processes Alaskans rely on.

The issues raised by the Alaska Professional Hunters and then backed up by the Big Game Commercial Services Board and the Board of Game letters to the Governor make clear we do not have a land management problem. We have problems at the BOG and BGCSB level and the commercial hunting industry "wants" a special interest program to be married to the DNR fix.

According to DNR the Commissioner and the Director together can make take this proposed action without public participation at all so as all this relates to the concept of this program, clarity in DNR's presentations publicly and on the web could be better.

Few understand DNR has created and implemented a hybrid administrative/public process for this specific statewide program and in the last round of meetings DNR made them out to be 'informational' meetings. This round it appears DNR intends the meetings to more along the lines of official 'public meetings'.

It's evident DNR has created some form of a hybrid administrative/public process. It is an administrative program. It is not a formal public process. It is a statewide program. But, there are only three venues where public meetings are held. There are going to be some kind of a series of 'web based public meetings' which is unusual at least. So, DNR's approach to this administrative/public process is not consistent with how the public normally participates when it comes to an agency evaluating alternatives that end up materializing as a state wide program.

The majority of people don't understand DNR has invented an administrative/public process to go along with the directive from the governors office to invent this program. So, the idea of a few public meetings, some web based public meetings and the public web site become especially confusing when DNR puts in print that...this program will be implemented.

That being what it is, what the majority of people do understand is that the issues that swirl around this program are more directly related to matters and functions of the BOG and the BGCSB than DNR's current and long standing land management practices. And, most understand the proposed action represents a special interest program for the commercial hunting industry.

The public has had no specific detailed briefing or in depth analysis from DNR or opportunity to consider along with DNR what alternatives there are to this proposed program.

DNR has not even bothered to prepare a simple battery of questions to survey the public on alternatives: like, Do you feel the BGCSB should deal with this particular issue? Or do you feel the BOG should deal with that particular issue? Or do you feel DNR

is better suited to address this issue or is the BOG of BGCSB better suited etc.

So, DNR is likely obligated in the current round of public presentations and on the program web site to make it much more clear exactly what road blocks prevented the Director from taking a "hard look" at 2009 alternatives to this proposed action and at least speculate and document what consequences of failing to take that hard look at the alternatives could be.

Another example of clarity the public is entitled to from DNR is in regard to the Feds commercial hunt industry contracting program.

It is entirely possible the FED's program could be contributing to issues raised by APHA, BGCSB and supported by BOG.

So, DNR's conclusion that the FED program is the shining star and the model the state should be using going forward should not be presented as justification for the Directors proposed action without at least making clear that there are other logical interpretations of the effect of the FEDs programs that the Director has not diligently considered.

Statements have been made that BLM and DPOR are 'maybe' going to come on board with their lands but there is no evidence of any negotiations or documentation to back those statements. The public should be entitled to see evidence of such negotiations.

Same goes for ADF&G. Statements that somehow the proposed program will consider ADF&G biological data but no process as to how those evaluations will be implemented has been documented and provided for review. Statements like that are not good enough. If the Director is going to somehow rely on ADF&G for guidance then he should be able to disclose precisely what that process is.

Same thing goes for the legal opinion that DNR has the authority to make this program under AS. 35.05.850. Nothing on the web site that documents the department of law is on the record as providing specific guidance to the DNR regarding the authority DNR relies on to implement a statewide program. Surely, the Director has some documentation from the Department of Law that DNR could share with the public on the program web site.

DNR should at least post documentation from the Department of Law that defines how a 'concessions permit' is made out of AS.35.05.850.

DNR should post documentation from the Department of Law that demonstrates consideration the statutes relied on by the Director to invent this program do not violate Article VIII section 17 of the Alaska constitution.

The Owsichek Decision is an important piece of the justification for this proposed action and in the decision it was notable that "laws and regulations governing the use of natural resources shall apply equally to all persons similarly situated". The Owsichek Decision stated that did not need to consider section 17 as it had already concluded EGA's unconstitutional under the common use clause&but it did say section 17 would not be mute with respect to what the Director has proposed.

So, it's not good enough to say the DL has assured the Director the proposed action will stand up to constitutional challenge particularly when the Owsichek Decision made specific mention of section 17 being entirely relevant to the award of special privileges to guides. The public deserves to know if 1) there is such an opinion and 2) post the document if there is.

All things considered it must be a sound administrative practice for the Director to request specific legal opinions from the DL regarding this action. Yet, the public is provided no documentation the DL has been formally asked to provide opinion with specific reference to the subject matter and the purpose to be served.

DNR has stated this proposed program is estimated to cost over a million dollars annually to administer and has stated clearly permittees will be required to cover the cost of the program and provide reasonable remuneration to the state.

But there is trouble brewing now for the Directors limited value permitting scheme.

Since the initial round of public presentations and comments received regarding this program DNR concluded a straight bid for the rights to provide guiding on designated areas of state land was less desirable than the Director establishing limited value permits and deciding which preferred applicant would return the greatest economic benefit to the state.

Now, the commercial hunting industry is complaining that Director's decision on the "limited value" of permits must be re-evaluated to reflect the special economic circumstances of the commercial hunt industry in Alaska.

It hardly seems reasonable or appropriate the Director can continue to refuse to take a hard look at BGCSB and BOG alternatives but could consider entering into a side bar with the commercial hunting industry while a select few commercial hunting industry advocates educated the Director on the special economics interests of the commercial hunt industry and so the Director moves forward with industries definition of the limited value of proposed permits.

The current proposed action did not site an authority for the Director to enter into negotiation with the commercial hunting industry to cooperatively determine the limited value of the permits.

But, the rumor is circulating that key players in the commercial hunting industry have been advised the Director will negotiate with the industry to come up with his "limited value" determination and the client fee that represents remuneration to the State.

Essentially what the Directors proposed decisions and recommendations means then would be that the limited value of \$4,000.00 was a starting point for negotiations with the commercial hunting industry to establish what the limited value of permits is and what reasonable remuneration to the State is.

If that is the case DNR needs to make that crystal clear to the public.

If that is not the case DNR needs to make that crystal clear to the commercial hunting industry.

Nothing I can find in the Owsichek Decision, the Alaska constitution or in the statutes the Director relies on here express or imply DNR must negotiate with the commercial hunting industry and come up with an economically viable and special interest program.

The Directors considerations, recommendations and proposed actions in this matter have not remotely been focused on the economic's of the commercial hunting industry in Alaska.

The Directors decision for this proposed action was focused on limiting and dispersing guides on state lands and the social,

wildlife conservation, stewardship benefits and perceived advantages that limiting and dispersing guides on state lands could bring with it.

It is certainly consistent with the legislative intent of establishing the BGCSB and the Board of Game to reasonably conclude it is within their authorities and their obligation to proactively correct what have obviously become intolerable and unsustainable business practices of the commercial hunting industry in Alaska.

The problems that are at the root of the problem DNR's proposed action attempts to correct are not land management problems.

\*The BOG can limit non resident participation in hunts when justified. Guided hunting is; for all practical purposes, 100% a non resident activity. DNR's proposed program is a non resident limiter. BOG game member Spraker confirmed that on March 9th. Yet, DNR has not formally encouraged the BOG to consider it's own authority to limit non resident hunt participation.

\*The BGCSB under it's own authority and on it's own initiative could require that either a contracting and/or a registered guide conduct guided hunts. DNR has not formally encouraged the BGCSB to take such action on it's own initiative.

\*The BGCSB has the authority to prohibit assistant guides from independently conducting guided hunts and, from a clients perspective, from the perspective of the intent of occupational licensing generally...prohibiting assistant guides from independently conducting guided hunts should be the favored industry standard and practice. But, DNR has not encouraged the BGCSB to take such action yet DNR's own analysis and development of this proposed program determined that at least limiting the numbers of assistant guides a guide may employ was a necessary and appropriate element of this proposed action.

\*The BGCSB can limit the numbers of assistant guides a supervising guide can manage. DNR has not requested the BGCSB take such action even though DNR's development of this program settled on limiting the numbers of assistant guides a registered guide may employ.

\*The BGCSB and the BOG can write letters to the Governors office and appeal to the Governor for help. They have proven that. These Boards could write the Governor and explain why then need the governors offices assistance to amend the statute that authorizes guides to conduct guided business in up to three GUA and amend the authorization to one or two areas. The state of Alaska does not need DNR's million dollar a year program to limit the numbers of GUA's a contracting guide can do business in.

The Directors proposed action in this matter and lack of the will to take a hard look at the alternatives appears to be more arbitrary and capricious as time rolls on. That is made even more clear by BOG Spraker's conclusion on March 9th that the BOG should wait for DNR to impose necessary limits on non resident hunters. And, based on Mr. Saxby's comments March 9th to the BOG it seems very clear that the department of law would likely conclude it is not DNR's job to regulate the commercial business practices of the BGCSB.

It must be getting very difficult for the Commissioner and the Director of DNR to continue to justify to the public that legitimately, it is DNR's obligation to invent a program to attempt to fix what are clearly BOG and BGCSB problems.

The Guide Licensing and Control Board was an administrative attempt to implement a program that would not stand within the bounds of the law of the land.

There is sound reason why no previous administration was able to come up with a way to administratively work around the Osichek Decision.

DNR's continued flirting with an order from the governors office that represents a half baked idea to administratively fix what are exclusively BGCSB and BOG problems is very likely causing more public harm than good.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 99 of 192 - Submitted 03/28/2012 at 12:00 AM:

Webinar Testimony 3/28/2012:

Well, as you know, I'm opposed to this program. I don't think -- I think it's the job of the Big Game Commercial Services Board and the Board of Game to fix the issues. And I think that they're -- but having said that, I will say that I was proud to see you come out -- DNR come out with this proposed program in terms of establishing, you know, what the -- you know, really looking hard at the administrative cost, projected administrative cost, really looking hard at fair and reasonable remuneration to the state, and by putting the limits on the number of assistant guides that could be employed under these permits by each concession permit holder, whether they're a limited concession or full concession.

So any change to that will be even more responsive, I think, to the special interests of the Alaska Professional Hunters Association and not really looking at the issues that this program is designed to fix.

In other words, if you even consider unlimiting the number of guides that a full concession or a registered concession permit holder can hire, or consider lowering the cost of the annual permit, or consider lowering the remuneration to the state, I think you'll be going -- you'll just be catering -- it'll just be so clear that you're catering to the special interests of the Alaska Professional Hunters Association.

And that's an association that does not represent resident hunters. It doesn't represent all of the guides. There's, you know, less than 200 members in APHA. There's about 30 that are active. There's only about 10 of them that pay into their special funds.

So I know they have a lot of influence and power, but I hope that you, DNR, will stick to your guns on the -- on what you've put out here.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 100 of 192 - Submitted 03/06/2012 at 12:00 AM:

My comments today are related to Director of DMLW Goodrum's Proposed Decision and Recommendation's of February 15, 2012 and the citations the Director relied on to make his finding.

I understand permitting non competitive and non exclusive commercial use is already done under the provisions of AS 38.05.035 and AS 38.05.850.

But, there is no specific or implied authority under AS 38.05.035 and AS 38.05.850 that could authorize the Director to invent and then implement this; or any other, competitive and exclusive commercial use guide concessions permitting program under the cited authorities.

AS 38.05.850 is specific to Permits and states in part "The director,, without the prior approval of the commissioner, may issue...nonexclusive permits...for...commercial use...that the director has determined to be of limited value...the director shall give preference to that use of the land that will be the greatest economic benefit to the state..."

This proposed action relies on AS 38.05.035 and AS 38.05.850 to make more than 200 exclusive commercial permits that cover nearly all state land and declares these exclusive permits are of limited value.

These 200 or so proposed exclusive use commercial permits would be laid over the top of every land and management use plan previously developed through a legitimate public process.

The legislative intent of AS 38.05.035 was not likely meant to provide the Director such authority as to make more than 200 exclusive commercial permits, declare them to be of limited value and without legislative consent and absent any formal public process create and institutionalize this program.

The Governor, in providing DNR with line item funding of at least two hundred thousand dollars over the past few years does not constitute legislative consent for the Director to manufacture this program out of the cited statutes. This program is by design made to provide for the exclusive use of an area of state land for one guides economic benefit over another guide's economic interest.

One clear fact of the matter is that every licensed guide; regardless of whether the person is an Alaska resident, a local resident or a non resident, is made equal through the states system of licensing guides.

The Oseichek Decision declared that "The work of a guide is so closely tied to hunting and taking wildlife that there is no meaningful basis for distinguishing between the rights of a guide and the rights of a hunter under the common use clause."

The Directors preferred guide "test" such as has been proposed, in the end, provides no decisive reason to believe that any one guide brings a greater economic benefit to the state than another guide.

This proposed action will displace some applicants who; before this program, were equally qualified and equally authorized to conduct a commercial enterprise on state lands through the standards of the occupational licensing of hunting guides.

We do not have a rural preference for hunters so it certainly seems to be reasonable that the rights of one guide to use state land are not so easily trumped by another guide.

What makes the Director of DMLW think he can implement a guide preference test; a test that has been labeled by DNR as evidence of a competition, when the Oseichek Decision made very clear the rights of a hunter and the rights of a guide are indistinguishable with respect to the common use clause? According to AS 38.05.850 and another problem for Director Goodrum proposed program is that he must conclude these permits are of a limited value.

To conclude all 200 or more of the proposed permits are of limited value and equal in value is like saying proposed oil lease's are of limited value. An example of what I mean is that a guide; under the Directors proposed action, who doesn't score enough points to be considered the Directors preferred candidate for any one of these proposed exclusive commercial permits would more likely than not be amenable to "buying" some points from the Director in order to be justified as the "preferred" candidate.

But the highest bidder's rule; the decisive evidence of which offer brings the greatest economic benefit to the state, has been removed from the proposed action.

Up until now, it has never been deemed to be in the public interest to offer exclusive commercial use rights to state lands when there is competitive interests without engaging formal protocols that end up awarding the authorization to the highest bidder.

Why should hunting guides exclusive commercial use of public land be an exception to what has been the states standard in awarding exclusive commercial rights?

The Directors reasoning that every one of the 200 or more proposed permits has the same intrinsic and limited value is not convincing.

Deciding that an exclusive commercial permit in prime brown bear or sheep country holds the same limited value as a permit in an area where there are no sheep or brown bears is unreasonable.

The problems that took years to manifest are not the consequences of the current land use permitting process being a failure.

The old saying if it's not broke don't fix it comes to mind and most are skeptical about government fixing things that are not broken.

But there are other reasons to be skeptical about the proposed action.

The fix must truly be in the best interest of the state and not a fix that is in the best interest of a special interest industry that relies on killing public wildlife resources for its profits.

The Big Game Commercial Services ward represents a classic case of the fox watching the hen house. Pretty much everyone knows this. The Board of Game is more consistently concerned with the demands of the commercial hunting industry than it is with resident hunters. Pretty much everyone knows this too.

The effect on state lands of the implemented practices of the commercial hunting industry; a 300 million dollar a year industry, is more closely related to actions by the Board of Game and the business practices of guides regulated by the Big Game Commercial Services Board than it could ever be to the current system of permitting the non exclusive use of state lands.

By statute we have at least one Board of Game member that sits on the Big Game Commercial Services Board. These boards are inextricably linked.

It clearly is the duty and the obligation of the Board of Game and the Big Game Commercial Services Board to fix the problems more than it could ever be the responsibility of land managers.

Resolution of the issues can and must be accomplished without the institutionalization of a guide welfare program by DNR.

DNR has likely already spent over \$200,000.00 on this exclusive commercial permitting scheme and it will cost hundreds of thousands more to move it to implementation.

If implemented this programs adds a new layer of government services that essentially subsidize a special interest industry dependent on killing public wildlife for its profits.

The Director's expectations that in declaring these exclusive commercial permits to be of limited value and by picking arbitrarily a preferred 'guide' magically's generates sufficient revenues to not only pay for all costs associated with the administration of the proposed program but will also provide additional revenue back to the state is not a persuasive argument.

Even now the Big Game Commercial Services Board does not generate enough income through its guide licensing fees to pay for the operation of their board and complains it would be a hardship on guides to raise the licensing fees to cover the operational deficits of the Board.

This self funding deficit is a chronic problem of the board. And, one only has to read Legislative Audit and Budget reports to see that it is reasonable to conclude the state will end up further subsidizing this industry if the Director continues to waste manpower and dollars to move this program to implementation.

The greatest economic benefit of this program will go to guide's who are awarded the exclusive commercial use permits based on how well they score in the abstract of the proposed evaluation protocols.

Bottom line:

DNR's mission statement does not include fixing problems created by action or lack of action of the Board of Game and the Big Game Commercial Services Board.

The Directors Proposed Decision and Recommendations of February 15, 2012 is an attempt to justify implementing an exclusive, competitive commercial use program for the main benefit of a special interest industry and that action falls outside the powers and duties of the Director and goes beyond the statutory authority to even create...let alone implement this proposed program.

\*Comments submitted at public meeting in Juneau.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 101 of 192 - Submitted 02/19/2012 at 12:00 AM:

Hi Ed,

Thank you kindly for our recent meeting Monday morning February 13th.

Having reviewed DNR's second generation proposed guide concession program I have comments and a compound question I would appreciate your deliberative response to.

At APPENDIX B ALTERNATIVE

Three (3) BGCSB alternatives are documented. Each of those three (3) alternatives appear as if BGCSB alternatives were considered as stand alone and independent-single issue alternatives.

Each of the three (3) BGCSB alternatives are documented as individually being compared to what has been ultimately deemed to be DNR's "preferred" alternative, the GCP.

It is evident in APPENDIX B that DNR failed to consider and document other important, relevant and reasonably foreseeable alternative actions that fall within the scope and authority of the BGCSB. None of the alternatives in APPENDIX B include the BGCSB ability to require contracting guides to conduct; actually guide, at least some of the guides "contracted" hunts and that the BGCSB may also limit the numbers of 'guides' a contracting guide may employ and directly supervise.

As you know these actions; contracting guides who actually guide and limits to the numbers of guides a contracting guide may employ and supervise are imbedded elements of the DNR's proposed GCP and practices the BGCSB is considering and in some degree, implementing.

In any case, the failure of DNR to consider ALL BGCSB potential action items as a one-part alternative (like the GCP is considered to be a one-part alternative) makes it doubtful the omission of those noted actions in the latest GCP version is simply an oversight on DNR's part.

I understand that for read-ability purposes APPENDIX B may have been structured the way it is but that is no excuse for not providing an open and transparent comparison with all potential BGCSB alternatives considered and equitably compared.

The main point DNR failed...for whatever the reason...to consider all practical BGCSB alternatives on the whole measure that against the GCP alternative.

The failure to do both; include all alternatives within the scope and authority of the BGCSB and to then assess the BGCSB alternative in the aggregate against the GCP likely could have prejudiced DNR's current decision.

At the end of the day the oversight's noted above could also affect the public view of what alternative best serves our interests.

If the omission of the noted alternative considerations was simply an oversight on DNR's part then in the least of circumstances it seems reasonable that such an oversight would now justify a necessary amendment to APPENDIX B.

If not an oversight then please provide me with DNR's rational basis for excluding at APPENDIX B that the BGCSB could implement practices that include contracting guides must 'guide' and that the BGCSB may limit the numbers of 'guides' a contracting guide may employ and why DNR did not consider and compare BGCSB alternatives in the aggregate to the GCP.

Allow me to provide a perspective.

On the advantages side, the first alternative of reducing the number of GUA's a guide can contract hunts in begins to address issues of quality of experience and user conflicts.

The second alternative builds upon the foundation and advantages the first alternative provides.

Also, the second alternative of subdividing GUA's has already been accomplished. This was accomplished over time and with reasonable expenditures of public funds through the extensive, collaborative and commendable efforts on the part of DNR and the BGCSB in mapping out sub-units within GUA's through an informed consensus process.

It's possible this sub-dividing was the nexus; central and appropriate, to the action DNR could take in the spirit of agencies coming together to help resolve public interest issues in this matter. It is also possible this is where DNR's role in attending to the needs of the commercial hunt guiding industry appropriately ends. All of what the commercial hunt guiding industry can do with respect to allowable uses on state lands is already managed by DNR through it's simple, fair and equal opportunity permitting process.

Anyway, the second alternative is certainly viable at this time and easily implemented by the BGCSB. When the second alternative as developed is considered with the first alternative the two alternatives add significant value and advantages that should appear obvious through 'comparing' matrix's.

The third alternative of increasing mandatory qualifications of guides is currently being considered and in some aspects are already implemented through the scope and authority of the BGCSB. Somewhat like and also probably somewhat motivated as a result of what has happened in alternative two with respect to sub-dividing GUA's.

So, the third alternative again builds on alternative one and two providing even more increase's to the quality of the guided hunting experience and advances the advantages of further decreasing user conflict's. And, according to DNR's conclusions, alternative three also brings along a reduction in wildlife and land ownership violations too.

In distributing guides authorized to contract hunts in a GUA into sub-units within the GUA and in requiring contracting guides to guide at least some contracted hunts and limiting contracting guides to the number of guide they may employ builds on all the advantages already recognized in each BGCSB alternative DNR has considered.

All this lower's the overall numbers guided hunts conducted too and the trends of building on the advantages and values of BGCSB alternatives but those trends are not made evident at APPENDIX B.

Analyzing all BGCSB alternatives in the aggregate, clearly indicates the practices of hunt guide industry may be reasonably elevated to high industry standards with minimal (compared to GCP and/or without the GCP) additional costs and all that has considerable public interest value and should be made more apparent at APPENDIX B.

On the disadvantages side, the essential public interest issues left unresolved by adopting all BGCSB alternatives are:

A) wildlife conservation concerns and

B) economically viable business opportunity for individuals who hold a registered guide license.

Relative to A):

For all intent and purposes in this matter the realm of wildlife conservation remains the domain of the Board of Game and the DF&G.

The proposed GCP has not proven out to do a better job of dealing; either directly or indirectly, with wildlife conservation concerns than BGCSB alternatives.

So, as far as 'disadvantages' of GCP/BGCSB with respect to A) wildlife conservation issues the two alternatives are entirely balanced. Neither is a direct wildlife conservation alternative. Neither is more effective as an indirect wildlife conservation alternative.

Relative to B) and the issue of economic viability to individuals that hold registered guide license:

The GCP represents a significant public expense (subsidy) for this special interest industry that relies on extracting a limited public Wildlife resources for it's profits. That is a disadvantage.

On balance both GCP and BGCSB alternatives are intended to down size and throttle the expansion of this industry.

Impacting economic opportunity for individuals who hold guide licenses is an unavoidable consequence of both the GCP and BGCSB alternatives. Disadvantages&balanced.

It is clearly stated in the second generation roll out of the GCP that the up front public cost of this process we are in; from the BOG's June 2007 letter to former Governor Palin, right on through implementation of the proposed GCP program is totally on the public's dime.

Granted, the GCP is intended to somehow manifest in such a way that individual licensed guides cover the costs of the program.

But, it appears clear BGCSB/GCP disadvantages are at least balanced as far as the realm of licensed guide's and their viable business economic opportunity goes.

Yet, DNR's analysis of the third BGCSB alternative somehow disadvantages a person with a guide license MORE if 'guides' are expected to cover costs "to develop and revamp" the BGCSB licensing process. That comparison at least implies the proposed GCP does not also disadvantage economically a person with a guide license.

So, DNR's evaluation of comparative alternatives concludes that the third BGCSB alternative "costs" to industry fails to balance out the costs to the industry relative to the GCP. Yet somehow; in the end, licensed guides are going to be able to economically support the GCP.

The third BGCSB alternative comparison actually suggest GCP costs are not a significant disadvantage and do not impose an extreme economic burden on individuals who hold a guide license even though it is very likely that the economic interest of persons with a guide license are MORE disadvantaged by the GCP alternative DNR is playing the comparison analysis out as if GCP has less economic impact to guides and that seems an entirely unjustified DNR position.

Aside from how DNR is playing out the alternative comparison publicly, in the least of analysis, the GCP and the BGCSB alternatives null each other out with respect to economic disadvantages for individuals with a guide license and their business opportunity.

Coming at the economic/disadvantages comparisons from another angle; which may in the end be a much more relevant view, is that it is clear DNR is concerned with only some parts of the Owsicheck decision.

As a side bar issue here:

DNR is cherry picking the Osicheck Decision. Continuing to refuses to look at relevant aspect's of the Osicheck Decision that could be applied to the GCP is not a good sign that the special interests of the guide industry is not being catered to and that the commercial hunt guide industry 'wants' are considered to be more important...for whatever reason&.than the straight up public interests in this matter.

Despite the rhetoric that DNR has considered the Osicheck decision and interpreted the decisions appropriately there is more than one relevant issue that stands out and challenges the notion DNR is open and transparent regarding the importance of this element to the overall process.

So let's get this one issue on the table.

DLMW has no statutory authority to make "concessions".

DPOR has statutory concession language.

DLMW has 'permits and leasing' statutory authority. Not 'concessions' authority.

DNR fails at APPENDIX H to define "concession". WHY? Can you address that omission in APPENDIX H Ed?

Explaining what a "full" concession means and what a "limited" concession means does not define what a "concession" is. A 'concession' as it would be defined within the scope and the authority of the program that is designed to be implemented under DMLW must logically be included and defined at APPENDIX H.

Calling this proposed program a "concession" program, measuring BGCSB alternatives against the GCP as has been done, and in doing so relying on Osicheck to "say" DNR can make a 'concession' contract to guides on DMLW is at best; and at this point in the game, a half-truth.

DPOR lands are excluded from the proposed Guide "CONCESSIONS" Program and DMLW does not have statutory authority to enter into concessions contracts.

Continuing, and apparently deliberately, to mislead the public that DMLW has the authority to issue concessions contracts to guides is a matter that calls into question the integrity of this program with respect to why and how this program settled into DNR's preferred alternative when DMLW has no statutory authority to entered into such agreements.

Anyway&there are relevant questions related to what entitlement; if any, a person with a guide license actually have to a viable commercial hunting opportunity.

Osicheck says a guide has no special privilege or grants to a viable commercial hunting business enterprise. But, DNR continues to ignore that and makes note of economic viability being a disadvantage with respect to BGCSB alternatives and plays it out as if somehow the GCP can in fact should provide an economic viable business opportunity for guides as if there is in Osicheck some entitlement to that opportunity for guides.

Listing economic viability issues for individuals with a guide license as disadvantages as if the GCP alternative does not carry the same disadvantages (or even more disadvantage) might very well help demonstrate that a bias exists within DNR's alternative evaluation assumptions process.

That then appears to be contrary to the departments obligation and accountability to public interest doctrine too.

The Owsichek Decision clearly made a case that person's with a guide license have no more right's than person's with hunting license's.

A person with a hunting license clearly has no economic entitlement to a viable; economic, hunting opportunity and no special entitlement like that may be granted to a person with a guide license.

So, in the least of analysis the GCP and the BGCSB alternatives null each other out with respect to economic disadvantages for individuals with a guide license.

In closing, over the years the BGCSB has implemented too many liberalizations within the operating practices of the industry and created an unsustainable model. That model is directly responsible for the process we are now engaged in.

Both the GCP and considered BGCSB alternatives essentially do the same thing. They modify the industry practices in the hopes of creating a sustainable model for persons who provide guide services and for the public who desires to use those services.

After all, it is no secret that existing and future opportunity for individuals in the hunt guiding industry is going to change regardless of whether the GCP is implemented or all BGCSB alternatives are implemented. DNR may be making too much out of the short term economic disadvantages of BGCSB alternatives and not enough thought into what manifestations may come from the institutionalization of a major bureaucratic program GCP represents. In the end it is wildlife conservation that drives this and licensing of guides, and the BGCSB has; for all intents a purposes, more flexibility to deal with ebb and flow of wildlife conservation issues.

I know I got on my soap box here Ed but hope that in doing so I did not diminish the main question's here so "please provide me with DNR's rational basis for excluding at APPENDIX B that the BGCSB could implement practices that include contracting guides must'guide' and that the BGCSB may limit the numbers of 'guides' a contracting guide may employ and why DNR did not consider and compare BGCSB alternatives in the aggregate to the GCP."

And this question:

DNR fails at APPENDIX H to define "concession". WHY? Can you address that omission in APPENDIX H Ed?

Respectfully,

Mike McCrary

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Kathi C McKeown  
7616 Wolfpen Ridge Court  
Prospect, Ky 40059

Phone: 502-228-9256  
Email: kmckprospect@gmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 102 of 192 - Submitted 04/15/2012 at 08:52 AM:

Thank you for the opportunity to speak out regarding this important issue going on in Alaska.

I believe there are many well-qualified tour leaders guiding groups and individuals through Alaska. Instead of a lottery for selecting who can provide tours, why not select those tour guides who have continually provided quality programs and continue to honestly provide what is advertised to groups and individuals; by having selection by lottery, there is no process in place for eliminating guides that do not provide quality tours and the guides that fall back on their advertised promises.

Please consider keeping Alaska the great place it is by selecting qualified, honest guides who truly appreciate and respect Alaska and its resources.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Dave Metzger  
Ceo  
6891 Enge Dr  
West Bend, Wi 53090

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 103 of 192 - Submitted 04/20/2012 at 06:31 AM:

As an avid Ak hunter who uses guides locally in AK and also nationally, I firmly believe that this program will contribute to further economic difficulty both locally and nationally. I completely understand the premise and purpose but I believe that another more equitable solution can be had for those out side of AK. If guides need to be eliminated from outside the state the limited concessions should be awarded on the basis of merit, ethical and moral standing, personal interviews (in AK) and previous guiding experience. It would be a classical mistake to intorduce a lottery draw for something as important as a guide service. Lets also understand that poor or immoral guiding services will also lead to reduced revenue from the booking hunters as time goes on.

Additionally, a no tolerance permenant license revocation for guides conducting hunts using less than moral turpitude. A serious, aggressive vetting process that is inclusive to out of state guiding is what is need to prevent over harvesting not a lottery draw.

In summary, vett all guides applying to your beautiful state in such a manner that only the very best operations succeed in gaining the right to guide in AK. The simpllest lowest cost solution is ofcourse the lottery but by making the process about finding the top professional guide services will ensure that quality management practices are available for generations to come.

Respectfully submitted for your reflection.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mark Miller

Email: mark@talaheimlodge.com

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 104 of 192 - Submitted 02/29/2012 at 12:00 AM:

I've been guiding since 1971 in Alaska, hunters, fishermen and a few photo trips. I've been located at my current site since obtaining my first state commercial lease in 1976. I find this whole entire guide area qualification or application procedure degrading and a form which we each lie and fill in. Did anyone that came up with this form actually make a living at one time as a guide? Does an employee of the state have to fill out such an application to obtain a job with the state, a job that offers retirement after 20 years, insurance, and benefits galore? Did you have to fill in sheets of paper showing the impact of driving into Anchorage from Eagle River vs. Palmer, fuel stops, revenues from previous jobs, any traffic violations, and on and on. Just come up with a simple qualification of each applicant, make sure they are licensed and have operated in good standing, have all other licenses that are required in line of work....coast guard, Faa licenses, land use permits, etc. What's this ten year records. We are required only to keep 4 or 5 years of past tax records, where does the state come up with ten years...why not 40 years. Can't a government agency come up with a brief but efficient application? Why not a 2500 page Obama health care type application, we'll have to pass it to see what's in it, then go to court again. Come on guys, I can legally carry a gun most anywhere concealed in 35 states with a one page application and some qualifications...is being a hunting guide more difficult? DO your best...

Sincerely,

Getting tired and old....Mark

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Jason Mogen  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 105 of 192 - Submitted 04/23/2012 at 08:34 AM:

- 1) How will a new Registered Guide ever get the opportunity to become competitive under this program when he or she can never get an area to build a client base?
- 2) Why do we not get credit for the time that we are managing the area's for the DNR-if a guide has had the area for 7 or 10 years & has no issue's then he should receive points on the next cycle.
- 3) Were is the incentive for a guide to invest in his area if he knows that he could loose it after 7 or 10 years like if he wanted to build a lodge or cabins to provide a better service.
- 4) If the intent of this program is to offer better services to clients coming up here to hunt then how does the DNR expect someone to learn the area within 7 years, it takes years to get to know an area not 7 years and the longer you have an area the better service you can offer, cycling guides through an area every 7 or 10 years does not offer the client a better service all it does is make sure every guide gets a turn then puts another guide out of business and everyone he employs- this is not how we build sound commerce we need to promote growth in this industry not limit it.
- 5) How much of the over crowding in problematic area's are from other guides and how much is it from resident hunters and unregulated air taxi services.
- 6) Putting a Registered Guide out of business then telling him he can work as an Asst. guide for someone else is like putting salt on a open wound, this statement is a perfect example of how out of touch some agencies are with the guiding industry.
- 7) There are guides purchasing land in my area and other less competitive areas trying to increase their chances of getting a area before 2014, showing that they own land in these area's. Is this what the DNR wants, outfitters finding loop holes to gain access to an area. I own land here in #17 and have for almost a decade yet I may loose my lively hood due to a guy who recently purchased land here and how would the DNR know the difference between the good guy's and bad guy's.
- 8) Why don't we find other ways to limit the number of guides in the area's that are having problems and leave the units that aren't' having problems alone.
- 9) Under this new program I would be forced to taking all my animals out of one drainage instead of taking a couple of animals out of several drainage's-is this promoting good wildlife management?
- 10) Here in rural Alaska there are few job opportunities and my guiding business not only puts money back into the area but also creates countless jobs that people here rely on me every season for.
- 11) This program opens the door to major price increases for the services being offered, guides will use this program to over price hunts & blame these increases on the DNR's new program thus we will loose business to Canada and other places that offer the same hunts at realistic prices. We are being forced to run our business with the same expenses but with less hunts. (1 reg.guide 3 asst. guides) per area.

There is now way that I can claim that I am for or against this program because of all the issue's that have to be addressed and how will they be fixed before 2014? I have worked hard at being a great guide in this industry it's really all I have ever wanted to do even as a kid growing up, now I may loose this occupation based on a few problem area's that could be fixed with stricter over crowding laws and leaving the other units alone. I know the DNR has their hands full with this program and I am grateful for all the hard work that is being put forth in making it a reality.

Thank you for considering some of these points.

Jason Mogen Registered Guide #1144

AlaskaPremierOutfitters

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Dan Montgomery  
Alaska Trophy Adventures  
P.O. Box 874492  
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Email: akta@mtaonline.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 106 of 192 - Submitted 04/22/2012 at 12:00 AM:

HUNTER CREEK GUIDE SERVICE LOREN J. KARRO Registered Guide # 941 26239 E Buckshot Drive Palmer, AK 99645 (907) 745-3712 lorenk@mtaonline.net

ALASKA TROPHY ADVENTURES DAN MONTGOMERY Master Guide # 173 P.O Box 874492, Wasilla, AK 99687 (907) 373-4898 akta@mtaonline.net

April 21, 2012 RE: Guide Concession Program Proposed Regulation Comments State of Alaska Department of Natural Resources Division of Mining, Land and Water 550 West Seventh Ave., Suite 900C Anchorage Alaska 99501-3577

Dear Sir or Madam: Attached are our comments related to the proposed Guide Concession Program regulations. We have long been a proponent of such a program, which we believe is necessary to prevent further restrictions on non-resident hunting opportunity, to address conservation concerns and to alleviate conflict in the field. We fear that future restrictions on the non-resident hunting opportunities might threaten the economic viability of the long established professional guide industry and affiliated business enterprises.

However, after over 5 years of working regularly with the DNR Lands subcommittee of the BGCSB and with APHA to structure and define such a program, and testifying before many legislative committees to support DNR funding to create such a program, we are seriously disappointed in the program design, administrative concepts and fee proposals. We are not so disappointed in the scoring criteria itself, which reflects much of what is already in use by federal land use agencies; we can live with most of it.

The limitation to 2 concessions, the proposed assistant guide limitation, the changes to the concession areas and the number of concessionaires, the limited concessionaire proposal, and the fee schedules combine to create a totally untenable program that will act to put many if not most long term guides who operate on state land out of business. We cannot stress enough that these restrictions and fees, together and separately, are totally unacceptable. If most of the suggested changes enclosed are not adopted we will no longer support DNR in the creation of the program. We are not alone in this stand, but are joined by most past supporters and those we have slowly brought around to see such a program is necessary. We feel all of our past work and comments have been totally discounted and we have been ignored.

If the program design remains anything like the current design and administrative proposals, we will work our hardest to see that no funding passes the legislature for the implementation and staffing of this concession program. This is not a situation we would like to see happen.

This being said, we would like to thank the staff, especially Clark Cox, for his time and participation in our meetings whenever possible. We hope that clearer heads prevail and that the program evolves into something we can proudly participate in. Thank you for your consideration of our attached comments.

Sincerely, Loren J Karro Daniel G Montgomery Loren J Karro Daniel G. Montgomery Registered Guide # 941 Master Guide # 173

PROGRAM DESIGN Application Process: Limiting each applicant to two applications and a maximum of two awards is contrary to long established guide regulations and in many cases makes it economically unfeasible to run a professional guide service. For many years, guides have been limited to three guide use areas in an effort to restrain commercial impact. Some guide use areas are a combination of federal, state and/or private land use authorization. This model has worked for years, and should be maintained. Many if not most existing guides have business plans and models based on the use of three guide use areas, and in many cases all three of these areas are state land (DNR) authorizations. To cut this by 1/3 would render many of these operations economically unfeasible! This is similar to our telling you that you that your earning potential is hereby cut by 33%; plus, as detailed later, we will be charging you significantly more to run your business. For instance, we have a relatively small guide business and operate in a draw sheep area where no minimum client base is assured, plus we operate in unit 9 and limit our operation there to just bears as we feel there aren't enough moose around our area to satisfy local needs as well as those of outside sport hunters. The loss of any of our areas would severely test or end the economic feasibility of our operation unless we significantly increased our harvest in the remaining open area. This is contrary to good resource stewardship and against our personal ethical code.

Additionally, many guides already have substantial investments within or for their guide use areas particular to those GUAs, such as lodges, structures, or equipment such as float planes that are only used in a particular area. Limiting DNR concessions to two per guide would destroy numerous long established guide service businesses that currently operate on three GUAs, create multiple stranded investment situations, and would add confusion to existing law and the future of the 3 GUA concept on federal lands.

To allow each applicant only two applications total on the basis that this will reduce the economic burden for DNR is ridiculous. We are willing and able to go to the legislature to fund the initial program set up, which would include enough staffing to review the initial program applications. In future years, the staggered program application periods will reduce the administrative burden. To say that in future offerings, applicants may be able to apply for additional concessions is also unsupportable; who will they take them from? Who will still be in business? Your initial administrative burden is no reason to

put numerous guides out of business because we can't apply for enough areas to keep our operations alive. The National Park Service and the Fish and Wildlife Service do not limit the number of applications a professional guide can submit, and neither should you.

We recommend that each applicant be allowed to apply for unlimited number of concessions, provided they qualify for each area applied for and they pay the application fee of \$250. Also recommend that each applicant may be awarded up to three concessions, and that no penalty factors be considered for the number of land use authorizations the applicant has already won through DNR or any other land holders.

Scoring Process and Evaluation Panel: We strongly recommend that DNR get some industry participation in the preparation of the final GCP development design and implementation. Such industry participation, and attention to past industry input, might have helped prevent DNR from proposing the totally unworkable program design within this present proposed decision.

Additionally, we support the concept of the scoring panel having representatives from different agencies such as DNR, ADF&G, DPS and BLM; each of these agencies brings with it different concerns and professional knowledge pertinent to the guide service industry and the application evaluation. We feel that some limited industry link would also be useful to the panel. A couple of industry representative such as retired guides could be on board as advisors to the panel. Rather than being given a full copy of the application, which in many cases might make it obvious who the applicant was, these advisors should be given the details of the operations plan and safety plans only, to determine if factors within the plan were reasonable and practical. In many cases the other panel members might not have the on the ground practical experience with such an operation to properly determine if some proposals were workable in real life. However, we feel strongly that the industry advisors should be kept in the dark as to the applicant's identity, and have no voting power. We have seen personal biases, rivalry, and self-interest come to the forefront too often to believe that direct active industry representation at the voting level would not be subject to questions of subjectivity and to appeal or legal challenge. We would like to see DNR consider personal interviews, of at least the top scorers, as part of the selection process. These interviews would help in determining if the applicant could conform as they stated in their proposal.

Fee Structure: The proposed fee structure is unworkable for any operator; it is based on an unreasonable estimate of a one million dollar annual administrative cost and puts much too high a financial burden on the industry providers. It appears that the proposed fees are in addition to existing land use fees. The proposed fee levels would act contrary to the stated goals of land and resource stewardship. By having such high concession fees, a guide would be hard pressed to cut down or eliminate certain types of hunts in an area in response to population declines, especially sudden declines such as can happen in the case of severe winter weather, increased predation or possible disease components. Reaction to such population declines is always a financial hardship on the business operator, but when such high concession costs are added in it would create an untenable burden. In areas where draw permits for the major species are required, the number of permits is at the judgment of the biologists and out of the operator's control, but the high fee levels proposed would remain. Even in times of steady population levels, the fees suggested would amount to an unfair burden on the operator. We recommend a reasonable concession fee combined with a per client fee, such as recommended by both the DNR Lands Subcommittee of the Big Game Commercial Services Board (BGCSB) and the Alaska Professional Hunters Association (APHA). This amount was recommended at a flat concession fee of \$1,000 per year. Additionally, a per client fee per concession should be assessed as follows: 0-5 clients = \$120 per client, 6-10 clients = \$150 per client, 11 or more clients = \$180 per client.

The current \$2 per day use fee should be discontinued, and a fourteen day portable camp provision should be made for no additional cost. This structure allows for a measure of support and balance for the different levels of opportunity that exist in different concession areas. It also means that the concessionaire operating in a draw area where allocation is limited would not pay as much as a concessionaire in an unlimited opportunity area. Additionally, it encourages conservation within the concession by allowing for decreased costs when fewer clients are booked in reaction to population concerns, without an onerous burden of such a high concession fee no matter the harvest levels. This fee structure and level would generate an estimated \$600,000 annually from the concession program alone, not counting additional LAS and other land use fees. This would be more than enough to adequately fund the program and satisfies the Owsichuk decision parameters. The high cost of the program implementation itself, including the initial application reviews, would be funded separately by a one-time legislative appropriation.

Concession Authorizations: A graded and pertinent post season report is integral to keeping the program working and making future decisions in an objective manner that reflects the proposed program goals. Use of the annual reports as a guideline, with safety or regulation violation consideration, should make the ongoing and five year reauthorization a simple matter. The post season reports should be graded similar to how the NPS does it: Satisfactory, Unsatisfactory, and Marginal. A series of Unsatisfactory reports, or Marginal reports with no improvement, or serious hunting or DNR violation convictions, or non-use of the area, would be cause for concession non-renewal.

In addition, we recommend that guidelines similar to those used by NPS for earned renewal be applied in consideration of the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the land, wildlife and industry and earned satisfactory reports to have a sustainable business with some assurance of future operations.

The post season report should ask for anecdotal information regarding wildlife populations, predator concerns, and any habitat and nutritional observations and concerns, without asking for numbers of mature male animal sighting. This data would become a beneficial history and an additional tool for ADF&G to help define trends over large areas. On the ground guides and their assistants could be a very useful font of information to wildlife and land agencies.

Concession Vacancies: We feel that a vacancy within the first two years of the concession should be offered to the next highest scoring applicant. If that applicant is either unable to take the concession, doesn't want it or already has three GUAs in operation, then the concession should be offered to interested applicants and a panel for scoring these applications quickly convened. It is important that the area be utilized through as quick and fair a process as possible. If a concession remains vacant for any length of time, guide opportunities go unutilized. Additionally, the area may become very attractive to transporters, and quickly be over-utilized by drop off hunters and conflict will arise when a new guide is granted the concession. We recommend that special consideration and rulemaking be implemented within the program to fairly address death, health related and other uncontrollable acts that may occur to a concession holder. We recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to right of survivorship. We believe that in cases of a family business, consideration be given to continued concession use by a licensed and qualified spouse, son or daughter who is able to fulfill the existing plan of operations through the term of the concession.

Partnership with BLM and DPOR We hope that operating agreements may be made with BLM and DPOR so that all hunting guides who wish to operate on their lands will need to show they hold the applicable GCP concession authorization in addition

to any BLM or DPOR authorizations and fees. **GUIDE CONCESSION AREAS MAPPING** During the DNR/BGCSB mapping process, the guiding profession was tasked to define geographical regions and the number of operators per proposed concession that would provide a conservation and economically viable basis from which to operate. We feel that to a significant extent, these goals were accomplished during the following years of public process.

It is important for DNR to understand that recommendations by the professional hunting guide industry, and adjusted by subsequent public testimony processes, in some cases further subdivided longstanding Guide Use Areas into smaller recommended DNR Concession Areas. Many of these areas were historically stand-alone exclusive use areas which had been designed to provide economic and conservation viability.

The review of BGCSB Hunt Records as depicted in Appendix C of the GCP Proposed Regulations is deceiving on many levels. Many of the guides listed as registered within a GUA did not conduct hunts within that GUA. GUA registration is currently free and on an annual or longer basis, and many guides continue to register but do not actually contract for hunts within an area. This could be for lack of hunt bookings, lack of opportunity (draw areas) or, like in our situation, desiring to maintain a historic GUA registration but not conducting hunts for a period due to population declines. Additionally, some of the areas have gone from open opportunity to draw permits (or in a few cases, vice versa). In region 9 the figures are not historically significant as there is often a major difference in even years, when bear hunts are offered in the spring, and odd years, when bear hunting falls in October. This is not a legitimate data field from which to develop the number of concessions or the numbers of operators per area.

We recommend that in almost all cases the final geographical regions and concession holder numbers adopted by the BGCSB be adopted unless a significant new factor is discovered. The present GCP proposed concession holder numbers is NOT in line with either economic feasibility or conservation based factors. Operators will be pitted against each other without sufficient room to operate or a sufficient population of wildlife to harvest within sustainable guidelines while maintaining a viable guide business. This situation is made even more unacceptable by the proposed limit of 2 concessions per guide. The proposed goals of reducing both conservation based concerns and the potential for conflict in the field will not be achieved under these proposed regulations.

In particular we are concerned with areas 9-25, 13-05, 13-06 and 14-01. To address an overall issue we believe that none of these areas should have limited concession holders as presently defined by the proposed regulations. Where a limited concession holder is recommended they should be restricted by the following caveats: A limited concession holder cannot employ any assistant guides; their clients cannot apply for any draw permits in the concession; the guide must take each client personally in a one on one (one client to one guide) hunt and have only one client in the field at any time; and they can take only two big game animals per concession per calendar year except for black bear and wolf. We discuss this again under Limited Concession Holder, below.

In GUA 9-25 DNR presently has listed two full concession holders and one limited. We agree with that allocation providing that the limited concession holder is limited by the above caveats. In GUA 13-05(A and B), the BGCSB originally recommended one full time concession holder in each subunit. DNR included one limited concession holder in each. As sheep, goat and moose are all on draw permit systems in these areas, a limited concession holder would not be feasible unless he or she was limited by the above caveats. In GUA 13-06 DNR added one limited concession holder to the recommended one full concessionaire. As this unit is also limited to draw permits for sheep, goats and moose, a limited concession would only work if the above caveats are in place. In no case should the limited concession holder be allowed to put in for draw permits, which would put him or her in direct competition with the full concession holder for a very limited resource, without the limited concession holder having to go through the full competitive application process. In GUA 14-01 the DNR proposal has recommended one concession holder on state land and one full and one limited concession holder in the Chugach State Park Area. This is totally untenable for a number of reasons. How would the concessions be allocated when it is one concession area but you are further limiting the concession holders? The sheep drawing tags that are the biggest attraction of 14-C include some very small hunt areas that span the park boundaries. ALL sheep in 14C and goats in Chugach State Park are on a draw permit basis. The only other big game hunting allowed in the park is black bear hunting, but the hunter must have a State of Alaska hunter ed course which all but eliminates the non-resident hunter. How would a limited concession holder work here? If as under present proposed regulations he or she could apply for the extremely limited number of non-resident drawing permits, it would put him or her in direct conflict with the full concession holder without having gone through the full competitive application process. There are presently so few permits available in the park that two guides is not a workable situation. We strongly recommend that all of 14-C have only one full concession holder, as proposed by the BGCSB; and one limited concession holder only if limited concessions are restricted as per the above recommended caveats. The limited concession holder could then hunt moose, brown and black bear outside of the Chugach State Park. In no case should the present concession area be further broken up by allocating state land and park concession holders. This is in de facto making two guide concession areas out of one without actually doing it.

**GUIDE CONCESSION AREAS TYPES OF CONCESSIONS** We concur with the proposal to grant concession holders the ability to utilize 14 day portable camps within the concession area such as under the existing CRP stipulations. However we strongly take umbrage at the idea of limiting the number of assistant guides that a full concession holder may use. (A limited concession holder, if they exist, should not have any assistant guides.) This is a business decision based on type of hunt offered, timing of hunts, length of season, and other factors as well as the total number of clients booked to hunt in the concession. Some clients, such as the Governor's Sheep Tag purchaser, might request more than one guide. When the contracting guide personally guides a client, he or she may often need an assistant guide with them so that the contracting guide can leave to fulfill the regulatory requirement that he or she personally accompany every client into the field at least once during the hunt. In other cases hunts may be booked for two clients with one guide, allowing for a larger potential harvest with less assistant guides. In cases of a short hunting season, more assistants may be required. In areas where a species is on a draw permit, drawing a good number of permits may require the guide to utilize many assistant guides at one time in order to schedule hunts according to the client's availability. In our brown bear hunting areas, we prefer to allow all of our hunters to potentially hunt for the entire two or three week season rather than schedule two 7 to 10 day hunt times. We have been almost 100% successful with our hunts utilizing this scenario, to the delight of our clients, but at times this means may have more than 3 assistant guides in the field at one time.

In most of these cases increased numbers of assistant guides in the field does not factor into conservation based decisions, but rather decisions based on how a contracting guide prefers to operate his or her business. We do not see any justifiable basis for this limitation. If the reason was to limit the game harvest numbers, we believe that this is beyond the purview of DNR and should remain within the allocation and harvest jurisdiction of the Board of Game. In addition, as we have pointed out in our examples, it is not always a factor of the number of assistant guides utilized. In the same manner, the number of assistant guides usually will have no impact on the land resources. We believe that the DNR should rely upon the operating plan of the

concession holder, to be adjusted as necessary when significant population changes are recognized. This operating plan and application stipulations will do more to limit the impact of the operation on the land and wildlife resource than would the number of assistant guides hired. Limiting the number of assistant guides would also decrease the employment opportunities and could actually work to decrease the ability of the new guide to enter into the profession. Many of us sometimes utilize more than 3 assistants. How would it work if you have one assistant who is available only for first hunt of the season, and need to hire a replacement for the second hunt, would this count against two of the three assistants allowed? This would work to make it ill advised to hire college students as assistants, as they may not be available for the second and third hunt of the season due to going back to school. Many of our best guides first started with me on a limited basis as packers, and then as guides, while they were still in school.

We recommend that the DNR take no stand on the number of assistant guides a full concession holder is allowed. It should instead rely upon the operations plan, enforcement of existing land use regulations, and review of the end of season report to see that conservation and land use impact concerns are met.

The limited Concession The idea of a limited concession holder, with his or her only true limitation being on the number of assistant guides utilized, is so contrary to the stated goals of the entire program as to be laughable. We realize that this concept was introduced with the idea that it would allow for entry level participation in the program. However, its damage to the entire concept of the program would be indefensible. This limited concession holder would directly compete with the full concession holder(s) for camp areas and harvest opportunities. How would it work in a draw area, if the limited concessionaire happened to draw 4 or 5 tags, directly competing with the full concessionaires for the already limited hunt opportunities? The whole idea is a slap in the face of the goals of wild life conservation and eliminating land use conflicts. Additionally, there are considerable entry level opportunities for the new guide without this concept. New guides could apply for undersubscribed and nonsubscribed areas. He or she can and should work for an existing concession holder for a period to get more experience in a general area. The proposed scoring criteria leaves plenty of room for a newer guide to score well if he or she has had experience in an area by first working for another guide as either an assistant, a packer or a class A guide. The idea of granting limited concessions, perhaps on the basis of a lottery, is also contrary to the idea of awarding guide use areas to those that are best qualified and can represent the guide industry in Alaska as ethical, experienced, and qualified professionals.

we recommend that the idea of limited concessions be largely discarded. It should be allowed only if and when the guides awarded a concession area agree that there is an unmet opportunity in a certain geographical area or for a certain species in that concession. The limited concession holder should still have to make full application and be limited to the geographical area and/or species agreed upon. If DNR believes that some form of limited concessionaire should be offered, it should be limited to the above instance or with the following restrictions: they should be allowed NO assistant guides. They should only be allowed to do one on one hunts (one hunter with one guide) with only one hunter in the field at any time; they should not be able to apply for any draw permits; and they should only take two big game animals per year per limited concession excluding black bear and wolf. That is a true definition of a limited concession.

The proposed idea of limited concession holders is contrary to conservation, resource management, user conflict and professional standard goals. Additionally, it would create a quasi-professional guide operation that could impact the reputation of the Alaskan guide industry. The client would have no way of knowing that they are booking with someone who was not granted his concession opportunity on a qualification basis, but perhaps by meeting minimum standards and winning a lottery.

NOTES: Transferability: We strongly recommend that DNR consider future transferability aspects of the program. It is difficult for all of us professional guides to realize we have dedicated our lives and resources to a business that may well die with us, or before us should we finally be able to retire! Transferability has been a part of the USF&W, NPS and USDA programs and can be handled within the restrictions of complying with the Owsicheck decision. Right now, new entry in these programs is regularly occurring as young and relatively new service providers are being awarded great opportunities through either area vacancies or by purchasing existing federal opportunities and being awarded the area by the participating agencies. In short, these systems which include some transferability aspects are working for the best interest of the whole. As mentioned before, transferability revolving around a family oriented business is another aspect to be considered. Guiding is often a family run business, sometimes with many generations involved. Should a concession holder be killed or incapacitated while operating his or her business, qualified and licensed spouses, sons or daughters should be considered to facilitate the continuation of the existing plan of operations through the term of the concession.

APPENDIX D SCORING CRITERIA We strongly recommend that each individual aspect of the Scoring Criteria be allotted a certain number of potential points to provide fairness, transparency and increased objectivity to the evaluation process.

Form A Demonstrated Experience as a Big Game Guide and Business Owner Sub-factor A: 1. (d) i. It should be noted that copies of Hunt Records may be hard to obtain for assistant guides if their contracting guide for that period does not assist. In this case perhaps letters from clients or other documentation might be considered.

Sub-factor A: 3. If this section is given definitive point allocation, those guides who have always guided in Alaska may receive less points than out of state guides that come up here part time. We recommend that this section become a part of item 1 and does not allocate points that can't be received by the resident, full time Alaskan guide. Guide activity in other states or countries should be given a minimum, if any credit, and only to make up for points not given in another experience level. It certainly should not allow non- resident or new resident guides to outshine the long term full-time Alaskan guide.

Sub-factor B: 2. This section should not be scored such that five letters from five land managers/owners should count more than 2 letters from two land manager/owners if the guide has always operated in areas managed by just the one or two agencies/owners. These guides may be much better stewards than some guides who move from area to area, ignoring stewardship ideals and simply taking advantage of the next great opportunity. The factor should be how many of the land owners/managers that the guide has worked with will provide letters of support or positive Annual Performance Evaluations.

Form B Operating Strategies Used to Conserve and Minimize Impacts Throughout this section, a less is best aspect of evaluation should be avoided. It is important to understand that a guide must apply sound business decisions after considering conservation ideals, and every guide does impact lands and resources to some degree, as does every user of our public resources.

Sub-factor A: 1 and 2 (a) These aspects should be considered based on the factor of providing sound and safe hunting opportunities based on ideals of good conservation and stewardship of the resources. As presently interpreted, no impact would grade best, but this is not practical to operating any type of resource based business. Recognizing that we do have an

impact, but doing all we can to minimize the impact while providing an excellent service, should score the highest.

Sub-factor A: 3. We recommend that these criteria need to be scored in a manner that does not allow a less is best concept of grading. The scoring of this sub-factor should be based on the overall scope of the willingness and ability of the applicant to provide a quality service while adhering to good conservation and stewardship of the resources. Remember that a less is best criteria here would result in a very low score on the financial ability factor, which in turn could result in less financial resources available to provide the safety equipment, quality assistants and quality camps required to Operate a Successful Business While Providing Quality Service to Clients and Financial Ability & (Form C).

Sub-factor A: 4. We believe that guides, whether operating in a predator control area or not, should be allotted points for 4. b., if they assist in predator control through other methods such as regulatory participation related to predator population controls. Additionally, predator control provided in areas other than that applied for should be counted; some guides assist in predator control despite the lack of self-interest in the area as their hunting area, and it is hard to provide these efforts in more than one area at a time. In general, this area should be graded on a minimal point basis as it is auxiliary to the business of providing quality hunts consistent with conservation and land stewardship ideals.

Sub-factor B: This sub-factor should be eliminated or discounted to a single point. In many areas it is a non-issue. While we find it is interesting to share an area's history and values with our clients, most of it is done through verbal communication as we spend significant time together and we feel it is our responsibility to do the reading and give them the information. Many of them would not be interested in reading many brochures, lists of resources etc., but listen with respect and interest (but do they have a choice?) when we talk to them about the same information. Some want more information, some acknowledge what we share and move on to a hunting story. Perhaps credit should be given to information and resources the guide has read and learned; surely the clients are much more apt to really learn when given a verbal introduction than having a bunch of pamphlets thrown at them when what they really want to do is hunt!

Sub-factor C: 1. It should be noted that participation ON many of these boards and committees is either by appointment or by election. Equal scoring should be provided those who attend and participate with these organizations. It should also be noted that attendance at some such organizations is hard to prove. For instance some of the ACs minutes provide lists of guests in attendance, and the next meeting they omit them from the minutes. Proof of every attendance and participation may not be possible, but providing documentation for much of it i.e. minutes, proposals submitted, testimony given, should establish a clear pattern of participation in that organization.

Sub-factor D: 1. What if there is no real problem, such as in some of the remote and mountainous sheep areas? How do we document activities we have done in the past? We have cleaned up different horse camps of two former guides, hauling out multiple Super Cub loads of garbage. We have also backpacked other hunter's considerable litter out of hike in only areas (14-C). How do we prove this, when it was done because it was right, not so we could get credit in some future process???

Sub-factor D: 2. This item should probably be deleted, as it is not applicable in all areas or the applicant may already have taken care of the problem (see above). Form C: Business Plan&.

Sub-factor A: 1. We urge DNR to recognize that a tenured service provider will have been operating in a high risk environment for many years and thus would have much more exposure to having an incident or accident than a new entry level or less tenured applicant. We recommend that scoring be for the accident free time in relation to the total time operating. Incidents are hard to define and/or prove, and disqualification for withholding pertinent information is very important here. We also recommend that if a client, visitor or staff member has suffered an illness or condition (stroke, heart attack, seizure, illness) requiring medical attention and/or evacuation, which is obviously not a reflection on the applicant's safe operation; the applicant should not be downgraded unless negligence or insufficient reaction to the condition can be shown.

Sub-factor A: 2. We recommend that DNR establish a certain level of emergency/first aid training that DNR feels is fair to all applicants and not begin a competitive and often not applicable We took this response. In addition, FAA and Coast Guard training should be included.

Sub-factor A: 3 & 4. DNR should look at the applicant's overall safety/emergency response plan and if he or she has the basic equipment needed to react and respond to an emergency, without a significant emphasis placed on supplying the most of the most modern communications and safety equipment but rather on the competency and practicality of the safety/emergency/communications plan and ability to carry it out.

Sub-factor B: 2. The last part of this item should address what actions a guide would take in the future to deal with employees who have not performed well, as many of us have, through luck and careful screening, not yet had to deal with this.

Sub-factor C: 1. We recommend that DNR recognize that in many cases an applicant will hire employees or purchase supplies from communities that are in a contiguous GMU to the area being applied for but may be geographically closer to the applicant's guiding area than communities within the same GMU.

Sub-factor D: 1 5. An applicant's operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and/or additional camps and logistical efforts. In many wildlife species, such as sheep, the mature males are often solitary and scattered except during the mating season. Therefore the spike camps must be fully mobile, and might be located in a different area from year to year. This is also a much better operating plan as regards wildlife conservation issues than staying in one place and harvesting all the legal animals in that location over a period of time. We recommend that the less is best criteria not be used in relation to scoring for planned harvest effort, client base or staff. Rather, the historical level of harvest by an applicant should be noted for voluntary changes due to population concerns or conditions

We recommend that it is important to not grade an applicant based on how many staff members he or she allots to each client. Certain clientele seek services from certain types of service providers. A guide may offer a less expensive hunt utilizing quality backpack equipment and a single guide for a tough and in-shape client, or a more contained hunt with a packer and a guide for a less athletically inclined, older, or physically compromised client. The Governor's Tag purchaser may request a more deluxe hunt with two guides, a packer and a whole season potential hunt time and pay for that experience. What should be evaluated is the quality of the specific hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides. It is also important that the applicant can define and provide suitable equipment for every type of hunt he or she conducts.

Sub-factor E: Past Financial Performance 1. We recommend deletion of this criterion as DNR should not require this personal information&it is not their business! It should be replaced with an affidavit submittal showing they have successfully operated

their business for this time period. They might also be asked to provide an affidavit that all payroll has been paid in a timely manner, and that necessary payroll taxes and workman s compensation has also been paid.

Sub-factor E: Revenue 1. This criterion should be deleted or changed due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan a real guessing game. For many of us, fuel costs and insurance are a big factor, and what they will cost year to year is undefinable. At most, this criterion should be a simple pro-forma that shows a potential successful business within the scope of the plan of operations. If we have been in business for 10 years and have paid our bills and our employees on time while providing quality and safe equipment and supplies within the extreme rollercoaster costs that have occurred within the past decade, we can surely do it in the future.

Form D Violations, Citations and Convictions It is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. This administrative oversight challenges the best of administrative aptitude and abilities; keep in mind that most of our businesses are one person or family run and administered. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

I also recommend that it be understood that isolated regulatory breaches that were self-reported and dealt with in an honest and timely manner, when not part of a defined trend by the guide, should not result in a severe grading penalty. We also recommend that it be recognized that long term service providers will have more of a chance of having a regulatory or paperwork breach than a new or short term guide. Under the proposed regulations a long term service provider with a clean record over many years will not score any higher than a two year or new service provider with no breaches; the same long term provider should not be down graded for one minor violation over a long history while a new or short term guide with a yet unblemished record is granted full credit. We recommend established points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

While this criterion is important, the operator who had made a minor administrative mistake should not find him or herself unable to compete effectively in this program. Conversely, applicants who have intentionally broken the law, especially through violations of wanton waste, same day airborne, knowingly guiding outside of use areas, or guiding without land use authorization, have committed serious actions and should be scaled down significantly in scoring. A habitual offender has no rightful place in the professional guide industry.

We feel it is important to reiterate that despite our past strong support of a guide concession program, if significant changes are not made to this program design, fees and administrative restrictions we will not support it but will do all that we can to see that DNR does not get the funding it needs. Thank you for allowing me to comment on the proposed Guide Concession Program.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Dan Montgomery  
P.O. Box 874492  
Wasilla, Ak 99687

Phone: (907)-373-4898  
Email: akta@mtaonline.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 107 of 192 - Submitted 03/14/2012 at 12:00 AM:

Thank you for this opportunity. My name is Dan Montgomery. I've lived in Alaska for 30 years. I'm a master guide. I have my own guiding business for the last 19 years. I think we need a guide concession program, and I support a guide concession program, but I cannot support the program as it is proposed. I've never been involved, and for the last five years, in the process of getting this program up and running. I am really disappointed in what the DNR has come up with, and I have -- actually, I believe that we can do much better than we do, make it much more palatable for all of us. By limiting us to two guide concessions, you automatically cut off a third of my income by doing that. And I believe we should have an opportunity to apply for three areas. We've been using three areas traditionally since this program was invented back in 1971, I believe. I believe we should still have the opportunity to have three areas. I also believe that we should be able to apply for an unlimited amount of areas. We should keep the \$250 application fee. That will automatically eliminate a lot of people coming in for a mass area, but it will also help pay for that program where you guys can review those proposals. I believe we should eliminate the limited concessions. These guide areas were never set up for that, that many guides in them. And if you put the limited concession areas in there, it will put too much pressure on the wildlife resources, and I believe we should eliminate that. There should be no limit on the amount of guides we can have. We're already limited on how many hunters we take by what (indiscernible). And I don't think you can limit that -- manage how we guide in our area. We will already be limited to how many hunters we are going to take. The fee structure is way too high. I believe we should have \$1,000 per concession with a maximum of 150 to \$200 per client. I think that would be plenty to fund the concessions and all, so that money would go to the state. Thank you very much.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Dan Montgomery  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 108 of 192 - Submitted 03/20/2012 at 12:00 AM:

Thank you very much for this opportunity. My name is Dan Montgomery. I'm a Master Guide. I believe we need a guide concession program and I support having a guide concession program, but I cannot support the program as currently presented in the DNR draft proposal. I have been involved the last five years in getting a guide concession program up and running, and I'm very disappointed in DNR with what they've come up with after all this time. I've operated my guiding business on state land for the last nineteen years, and if this program were implemented as is, it would put me out of business. I have some major issues with this draft proposal. We should not be limited to two guide concession areas. We have been operating in three areas, and all the guide concession areas were made with that in mind so we at least had the possibility of maintaining our businesses as currently -- as we're running them. If you limit us to only two areas, that would cut my income by one-third, and that is only if I got awarded both concessions that I could apply for, which there's no guarantee of. I recommend that we can be awarded up to three areas. We should not be limited to only applying for two areas. I recommend that there be an unlimited number of areas that we can apply for. If you maintain the \$250 application fees, guides are not going to flood you with applications. They will only put in for the concessions that they really want, if they think they have a reasonable chance of winning. As for being too much work for DNR, if there's an unlimited number of areas we can apply for, I can tell you that the federal system, that was just completed at the end of February, there was an unlimited number of areas that we could apply for, and they had no application fee. There is going to be -- they are going to score all of them in the first two or three weeks of the April, and they will have the highest scoring applicants on the refuge manager's desk on May 1st. And if they can do it that fast, there's no excuse for DNR not being able to do it that fast. We should eliminate the limited guide concession areas, because this whole program was started to create less conflict between guides and resident hunters and other guides. To conserve our wildlife resources. By putting another guide in these areas, we are -- that were not made to support two guides, you will put too much pressure on the wildlife resources and there's still going to be conflicts between user groups in these areas. The fee structure is way too high and would add an additional \$20,000 a year to my operating costs, and there's absolutely no justification for having them that high. I recommend that the guide concession be no more than \$1,000 per year and a per-client fee of no more than \$100 to \$200 max. We should not have a limit on the number of assistant guides we can hire at one time. We will already be limited to how many animals we can harvest by what is stated in our prospectus, and it isn't DNR's job to tell us how we will guide them. Thank you very much.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Art Mortvedt  
Selby Lake  
Manley, Ak 99756

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 109 of 192 - Submitted 03/14/2012 at 12:00 AM:

I'm Art Mortvedt. And I respectfully take exception to the apportion the state has done by the AHA chairman who is promoting long-term sustainability. It's a question of how do we want to be sustainable. In Texas, big game hunting for African animals is sustainable in a fenced-in environment. Do we want to fence ourselves in with such a bureaucratic program as this? My answer is no. In your opening statement a couple things caught my attention. One was reference to the multi-agency effort. And on your Powerpoint, you noted at least nine agencies listed along with others, and I presume that the employees of these agencies are paid. One would argue whether they're paid too much or not; that's a different subject. But think about how many employees were paid and the cost of studying this issue for the past six years among at least nine agencies. Did anybody ever pay attention to this cost to you? Does anyone care? We need to think about that. And to me it's clear that this is not about resource management at all. This is about money. It's all about money, what amount of money the agencies can extract from whomever, taxpayers or whoever, and about the promulgation of the agencies, not about the resource. I have been guiding for about 20 years or so. I've lived in the upper Kobuk area for 38 years. I've been guiding in that area on the Alatna drainage, the North Slope of the Brooks Range. We have a lodge up in Selawik. It's a ridiculous and foolish concept to fix something that is not broken. The proposal at hand is a (indiscernible) to do just that. The few guides that operate in my area get along well, and they care for the fish and wildlife resource. There are no problems. If you must fix something, go where there are problems. If there are no problems, leave well enough alone. All successful registered guides, including small operators like myself, have made major investments in time, equipment, land use organizations, and local knowledge. That result of your proposed action will be to put small operators out of business, and I don't like that. Another comment that you made in the latter portion of your remarks was that we must move this thing forward. Nonsense. It makes no sense to move a dumb idea forward. Let's move this proposal backward and flush it down the toilet

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mike Munsey  
Munsey's Bear Camp  
P.O. Box AOS  
Kodiak , Ak 99697

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 110 of 192 - Submitted 04/23/2012 at 12:00 AM:

Mike Munsey  
Munsey's Bear Camp

P.O. Box AOS

Kodiak, AK 99697

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska

Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C Anchorage, Alaska  
99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:

3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized.

b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.

c. Limited Concession holders cannot compete for opportunity within any ADF&G-drawing permit hunts within the Guide Concession they have been awarded.

d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.

b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.

c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.

d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.

e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.

f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year.

b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsicheck.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the

final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

#### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and. that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report;

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewellamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms nly. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of

supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses; Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession, This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA' s. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources,

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

C. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emnergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and F.A.A.

training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

#### 12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality, of the emergency and communication plan.

#### 13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

#### 14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

#### 15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

#### 16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

#### 17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

#### 19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

#### 19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation, A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Mike Munsey (signature)

Mike Munsey's Bear Camp

\*Comment received via mail 4/23/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Trina Nation  
P.O. Box 388  
Klawock, Ak 99925

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 111 of 192 - Submitted 04/25/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons: Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BIM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. e. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: I recommend that Limited Concession's be provided on the following basis: Only where conservation and stewardship goals are not jeopardized.

Only the Limited Concessionaire can conduct the hunts with no assistant guides. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.

Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.

In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.

f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR MANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. I recommend that DNR implement a \$1,000.00 Concession fee per year.

I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

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providing a fair process. e. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### PROPOSED TIMELINE:

The proposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014, NONSUSCRIBE!) AND RETURNED GUIDE CONCESSIONS:

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I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general. process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post season report .This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/iamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession,

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS

During the DNRJBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous B LM land and certain recommended regions have been subdivided even further,

It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation

viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY.

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program. has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d; DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

#### FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis,

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good

conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis,

**FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:**

I recommend that it is important for DNR to understand that the Intensive Management (TM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual TM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within TM areas.

I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified

State Permittee documentation.

**8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:**

I recommend deleting this criterion as its relevance to guiding is questionable.

**9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP:**

a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor

B. Item I..

**FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner** I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant, I recommend that you consider this in some manner relating to scoring.

I recommend that credit be given for operating a historically accident free professional hunting guide business

I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

**11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE:** I recommend adding Coast Guard and FAA training to this criterion.

I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport, There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

**12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:**

I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

**13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:**

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do, with employees who have not performed well.

**14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:**

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating

within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight, Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on, All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program. Sincerely,

Trina Nation (signature)

Assistant Guide #7119

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Breanna Nuhsbaumer  
11703 Johnny Weismuller Lane  
Austin, Tx 78748

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 112 of 192 - Submitted 04/15/2012 at 11:58 AM:

"The proposed concession program looks complicated and will cost a lot of money to put into place. There is a better (simpler/cheaper/more fair) way of solving over crowding problems. The guide concessions should be awarded to guides that have a clean record. Any record of hunts under the contract of applicant where shooting more than the limit, hunting in an illegal area, hunting out of season, shooting the same day they have flown should be reason for disqualification. There are far too many normal guides who offer fair hunts for the state to have to award concessions to guides who have admitted doing illegal actions in the name of getting their clients a dead animal. That is not hunting. If there is evidence of that type of behaviour in a guide's past, the guide concession program should be used to get rid of that guide from guiding in the state of Alaska. The guides who have clean records would continue to offer great hunts to their clients if the state would just take the immoral guides from the equation. Use this program to clean house and leave the rest of the normal guides to continue to show their clients a great time."

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Gerald Nuhsbaumer  
37351 178th St.  
Redfield, Sd 57469

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 113 of 192 - Submitted 04/15/2012 at 11:54 AM:

"I am looking forward to going on a Alaska brown bear hunt in the future. In today's day and age, it is important to conserve jobs for guides that are ethical and have not participated in law-breaking activity in running their business. When I hear about guides who have broken the rules that are set up to give the animals a fair chance it makes me mad. It takes away from the effort I have made to hunt and take animals according to law. It is important to allow normal law-abiding guides to keep their jobs. The first step in establishing which guides get concessions is to get rid of the outlaw guides who have admitted taking illegal animals. If they have gotten out of a citation by admitting to lesser charges or fast talked their way out of trouble, they should be held accountable for their past conduct by being forbidden from getting a guide concession area with THIS selection process. If you can't keep them from applying for a concession area due to their past conduct, they should loose at least 50 points per illegal animal taken. That way, when I finally go on my Alaska hunt, I will know I am going with a guide who practices moral conduct. Once an outlaw, always an outlaw. As you choose which guides stay in business and which guides are put out of business, the selection process for the full concession and limited concession should be the same...the best guide should be chosen. A lottery draw for concession winners will not get rid of the bad guides and is unfair to all of the sportsmen who will be going on hunts in the future."

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Heath Oberloh  
3416 S Goldenrod Lane  
Sioux Falls, Sd 57110

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 114 of 192 - Submitted 04/15/2012 at 06:37 PM:

It seems that the state would be much better off simply getting rid of the bad apples. Getting rid of guides that have admitted to airborne hunting, hunting out of season, and poaching will leave quality guides that customers know they are dealing with good guides. Please don't overreact to the problems caused by these outlaws and create more rules that hurt the honest, hardworking guides that bring hunters to your state. I also don't like the idea of a lottery system for concessions. This doesn't seem to provide any benefit to the hunters as how will they know their guide is any better than the next? seems like the system should be set up in a manner to reward the best outfitters.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Tom Okleasik

Email: tokleasik@nwabor.org

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 115 of 192 - Submitted 02/16/2012 at 12:00 AM:

Kia ora,

Yes there was a Kotzebue meeting prior Clark can you schedule a meeting in Kotzebue see below note from Kiana mayor.

Ukallaysaaq Tom Okleasik, Planning Director Northwest Arctic Borough Planning Department PO Box 1110 Kotzebue, AK 99752 907-442-2500 ext 109 Fax 907-442-3740

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Ukallaysaaq Okleasik  
Northwest Arctic Borough  
Planning Director

Email: tokleasik@nwabor.org

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 116 of 192 - Submitted 04/12/2012 at 12:00 AM:

Webinar Testimony 4/12/2012:

Yes. Well, I just have a followup. Thank you for the public meeting in Kotzebue in 2009. And this is -- good to see the project progress. The borough is glad the Department of Natural Resources is creating a Guide Use Concession Program in Alaska.

As you know, the impact of commercial sport hunting, particularly in the fall for the caribou trophy hunt, over the past 20 years has been increasingly difficult to our borough residents. And there is a huge need for effective management to ensure that community relationships with the guide and transporter industry are harmonious with our lifelong Alaskans' way of life.

As background -- and you probably already realize this -- the borough is a home rural regional municipal government, chartered under the laws of Alaska. We're located in rural Alaska, above the Arctic Circle, and bordered by the Chukchi Sea. We have a relatively small population of 7,500 people, but a very large area, about 36,000 square miles, roughly the size of the state of Indiana. Our people live in 11 communities, as well as residential camps in between communities.

About 82 percent of our residents are multi generational Alaskans of Inupiaq ancestry and proudly thrive on a subsistence way of life that they have done for countless generations, prior to any Russian or European visits, U.S. purchase of Alaska, and Alaska statehood.

Our economy can be described as subsistence rich -- and we are a subsistence economy -- and cash poor, given our reliance on wild resources to boost otherwise inadequate sources of cash income. Our borough has one of the highest poverty rates in the nation, and we have extremely limited employment options.

At the same time, the cost of living in the Arctic has skyrocketed, particularly for the cost of fuel. What that means is that subsistence has a higher priority for sustaining the economy and the way of life and peoples' livelihood here, more than it probably ever has been over the past few years.

Subsistence always has been and still is one of the most successful and predominant cultural and economic activities in the Northwest Arctic. And it is a way of life that gives a real reward. Defining historic and modern day existence, culture, and traditions for our residents of the Arctic.

And as I mentioned earlier, it's really a matter of physical and spiritual survival. And it's the heart of modern cultural survival for Alaska Natives, which are the majority of our residents.

I did want to come back to the evaluation panel. I did hear that the panel was going to be made up of agency staff. I think it's important to look at that, particularly when you're working with very large boroughs like the North Slope and the Northwest Arctic, which are large areas and will have Guide Use Concession Areas within our municipal boundaries.

I think there needs to be a process to have the affected borough municipal government on that panel, especially since we are state chartered institutions. I'd also recommend a seat for a subsistence user, and that could be happening statewide on your panels, from each of the affected regions.

And another comment I had was looking at establishing community relation advisory committees to advise your staff, following the 12 regions of Alaska.

And the role of that committee would be to rate guides that are assigned concessions and give input to DNR staff, because your staff are removed from the community and need to have a way of better understanding how a person is operating within the concessions versus relying on the self reporting of the guides, and to make sure that the concession holders are in good standing and in good relation to the communities that their concession is assigned.

As part of that process, I'm concerned about how somebody would report -- and this may be a regulatory matter -- how somebody would report issues with a guide that's been assigned a concession area, so that there would be a process to retract a concession from the agency based on bad behavior, especially since the term of the concessions are going to be 10 years initially.

So I think there needs to be a process to report back to DNR from the community so that you know how that person is working within the area, and also a process to retract that concession based on any type of bad behavior, rather than letting it go through the whole 10 year period.

I am glad that your scoring criteria on question -- or subfactor (b) included borough lands as part of the area. Just in background, our borough is entitled to 285,000 acres within our municipal boundaries, and some of your Guide Concession Areas are going to be in borough titled and also borough selected and pending selections for land.

And so I think it is very important that the borough be included when looking at our own land; but, at the same time, there has to be a way, as I mentioned in my question earlier: How do we know if a guide has been getting their appropriate permit authorizations, regardless of land ownership?

And I do see that is in some of your scoring criteria, but it doesn't provide necessarily proof of permits. And it should be noted that, when they're within the North Slope and Northwest Arctic Borough, there is a permit process at the municipal level for guides and transporters to comply with.

And as background, we've had very little compliance by guides and transporters. We estimate we have about 35 business from the guide and transporter industry operating within our borough. And over the past three years, we've only had about four permits. So that means there's roughly 28 to 32 operators that are operating without their proper municipal authorization.

Another recommendation I have, and I don't know how -- your map doesn't show -- the map I have doesn't show the municipal boundaries, but I think it's important for concession areas to match municipal boundaries where there are borough boundaries. And this will help ensure that a Guide Concession Area is working with the affected borough and not have a question of: Are they in the Northwest Arctic Borough or the North Slope Borough? But that is our sister borough where a line could be drawn. We don't have any other boroughs bordering us. But I know that would be a consideration for enforcement, and also making sure that the guide is working appropriately with the affected borough.

My other comment is the concession fee revenue. And this may not be something you can do inside of your proposal, but it would be a public comment regardless, is that you look at revenue sharing from your concessions. Local governments, such as boroughs, are affected by the Guide Concession Areas, especially when it comes to search and rescue efforts. And there needs to be a recognition of the need to support local public services of boroughs when there's an increase of assigned guide use areas and an increase in the number of non resident hunters that increases efforts for search and rescue.

And we have had parties in the past here in our borough that have been abandoned or have -- have had a transporter that did not go back and get them, and that relied on the borough search and rescue or the village search and rescue to go and respond to a group of unprepared hunters and rescue them from the field.

I think another major concern I have, in looking at your concession areas, is that subsistence use does need to be recognized by DNR, and a priority needs to be given for Alaskans to feed their families over sport hunters. And, for example, DNR may want to look at policies that would delay sport hunting in certain concession areas, especially in timing, and also limit the number of clients in an area based on timing.

We've been working with those issues quite extensively with other agencies, and, of course, the Unit 23 Working Group is part of that. But I think that is a huge piece of the sport hunting boom in our area that has displaced subsistence hunters. There's been increased waste meat by sport hunters, and also a disruption to caribou migration patterns.

And so I really think that is something that needs to be recognized. It's an area -- a topic that has been going on for -- now for 20 years, going on 30 years. And this is in the right direction, but that is at the heart of the issue.

I'd like to conclude my comments there and thank you for this time.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Ukallaysaaq Tom Okleasik

Email: tokleasik@nwabor.org

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 117 of 192 - Submitted 02/21/2012 at 12:00 AM:

Kia ora,

Yes there was a Kotzebue meeting prior Clark can you schedule a meeting in Kotzebue see below note from Kiana mayor.

Ukallaysaaq Tom Okleasik, Planning Director Northwest Arctic Borough Planning Department PO Box 1110 Kotzebue, AK 99752 907-442-2500 ext 109 Fax 907-442-3740

From: Brad Reich [mailto:breich@maniilaq.org] Sent: Thursday, February 16, 2012 2:29 PM To: Tom Okleasik Subject: RE: Proposed Guide Concession Program

Sure would be nice to have a meeting in Kotzebue since we have a lot of Big game?

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Stan Parkerson  
1441 Ivan's Alley  
Fairbanks, Ak

Phone: (907)-455-6056  
Email: stan@denalihunts.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 118 of 192 - Submitted 03/14/2012 at 12:00 AM:

Stan Parkerson. I've been a resident guide for 12 years. Worked as an assistant. I'm not really well prepared for this as I'd like to be. But I'd like to say that I'm opposed to this, and I think the point about a formal economic impact study being done before this is really important. But I think you're way off base when you think that, you know, there's going to be plenty of opportunity is what you say. And I heard you talk about reducing -- you're now only allowed to apply for two areas. And in your presentation, you said about four or five times, we want to do this -- let me read the quote here -- "To reduce the burden upon administrative." You know, our guide fees have gone, you know, I don't know, what is it, threefold in the last two years, three years, you know. And then look at these fees that you plan on implementing. And you're just going to drive Alaska out of the guiding industry. It's already expensive to hunt, and you're going to make it so that with a limited amount of guides, the price is going to go up, and you're going to have less and less people here, you're going to have less and less fees that you're going to get for applications. Anyway I -- people that are eloquent speakers, I'm going to take whatever time I got left and give it back to Pete.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Israel Payton

Email: [truwildernessadventures@yahoo.com](mailto:truwildernessadventures@yahoo.com)

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 119 of 192 - Submitted 03/07/2012 at 12:00 AM:

Are numbers on Appendix C ,hunts that are just on state owned land or are the numbers for all hunts conducted in Alaska?(Native/Federal)

Do you have the numbers for Hunts on just State owned land?

Thanks,

Israel Payton

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Israel Payton  
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Phone: (907)-354-4576

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 120 of 192 - Submitted 03/20/2012 at 12:00 AM:

Hi. My name's Israel Payton. I was born and raised in Skwentna, Alaska. I've been guiding for the past 17 years, haven't missed a season. I'm a Registered Guide in Unit 16, 19. And I'd just like to follow up on Mr. Fithian's scenario of the father and son, and it goes more like this: "Daddy, we spent all this money in this lodge, and we filled out all the paperwork and we were honest, and we've been doing everything right. Why did this guy over here get the concession and we didn't? Why are we out of business over night? We told the truth; he lied." You know, that's another scenario. And where are all the facts? DNR has put out -- basically there's perceived issues with the overharvest of animals, land stewardship. And I agree, there is overcrowding and issues in some areas. But the only facts DNR has put forward is APPENDIX C, and it -- it's not a great fact, it's just some raw numbers. I took a few of those numbers, basically between 2000 and 2011 the amount of guides registered in areas stayed roughly the same: 831 versus 869. The amount of hunters from 2000 to 2011 went down by 33 percent: 1600 hunters. Whether that be caribou, economy, I don't know, but that's 1600 less hunters from ten years ago. I took some guide use areas. And these are just rough numbers. They don't mean a lot. But I took like 13-02 and figured out the square miles in it and how many hunters, and that left 108 square miles per hunters, if they all hunted at the same time. That isn't different times. Let's see 17-03 Guide Use Area was 68 miles per square hunter (as spoken), and granted, not all miles are huntable. But I've got some other numbers here. That's just interesting numbers. So that indicates there's a lot of land out there. And again, all those hunt -- that area was primarily state land, so no federal or private area.

Here are the facts I see: Guides will be put out of business, whether they don't get a concession or whether they just don't want to jump through the hoops, which a lot of the people I've talked to say they -- they just don't want to do it. Guiding isn't all -- guiding isn't about paperwork and this whole prospectus and this whole big government agency. Another fact: Well, it's expanding government; that's a fact. Third fact is bureaucrats -- no offense -- will be dictating how you run your business, basically it comes down to. It comes down to this cookie-cutter, one-size-fits-all scoring criteria. I know you have the limited and the full, but, I mean, there's 550 guides roughly out there. Every single one operates their business a little different, from the guy who just guides his friends and buddy coming up once a year to the person that, you know, takes 30 hunters. So the scoring -- the whole thing needs flushed down the toilet. I don't want -- that's the tweak I'm after. The whole thing needs to be to gone. The alternatives I'm for are -- if you want

and need enforcement to enforce what's going on on the land and your permits, get the enforcement. Otherwise -- I know people don't like it, but -- we need to go to non-resident-drawn allocation, not fixed. All the problems with air taxis, transporters -- this just covers one user group. So what's the lesser of two evils; to force guides out of business while increasing government or letting -- and dictating your business plan -- or go to draw and let clients choose the guide that suits their needs? And the last thing I'm going to say, if you're for "Big Government" and this Guide Concession Program, I guess you'll be voting for Obama in the next election, too. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 121 of 192 - Submitted 04/23/2012 at 03:23 PM:

The North Slope Borough Department of Wildlife Management does not believe that having two guides and all the guided hunters crowded into a small area north of Anaktuvuk Pass is useful.

After reviewing the proposed GCP maps, the NSB Dept. of Wildlife Management believes that Unit 26-09 be limited to one guide. Much of the southern part of the proposed Concession Area is included in the Anaktuvuk Pass Controlled Use Area, where caribou hunting using aircraft is not allowed from Aug. 15-Oct. 15. Much of the northern part of the area is private land. It is owned by the Arctic Slope Regional Corporation and they currently do not allow guided hunting on their land. In the past, they have had monitors stationed there to prevent guided hunting. This would force guided hunting onto very limited areas north of Anaktuvuk Pass and would lead to crowding, conflicts with Anaktuvuk Pass subsistence hunters, and the possible diversion of caribou away from Anaktuvuk Pass. The diversion of the caribou migration by fly-in hunters has been a serious, long-standing issue for the residents of Anaktuvuk Pass, who rely on caribou for their cultural and traditional needs in their subsistence lifestyle. The hunting of caribou has been a subsistence activity since before the territorial days, since before statehood.

Unit 26-10 should also be limited to one guide and only include federal land. This proposal for this area assigns one guide to federal land and one guide to state land. If a guide is awarded on state land, they most likely would primarily hunt along the Colville River. The area of the Colville River downstream from the mouth of the Anaktuvuk River is the primary hunting area for subsistence hunters from Nuiqsut in the fall. They are very sensitive about hunters from other areas flying into this area. It has been an unwritten rule for many years that the Colville River downstream from Anaktuvuk River is used primarily for subsistence hunters from Nuiqsut, while the area upstream is used more by hunters from other areas. The proposal for Unit 26-10 is to have a guide using state land that would force guided hunters onto the lower Colville River, creating user conflicts. Local subsistence hunters would be very upset and the guide and guided hunters would not enjoy having to deal with conflicts, made in part by unwise management decisions.

The proposal for Unit 26-12 also assigns one guide to federal land and one guide to state land. There is very little state land in this area. The NSB Dept. of Wildlife Management recommends not specifying state or federal land.

Thank you for the opportunity to comment on recommendations for proposed Guide Use Areas in GMU 26A.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 122 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Steve Perrins, and I'm a master guide, and I've been in the business since 1977. I'm going to be real brief. I'll put my comments in writing to save time here, but I just wanted to point out some things. I feel strongly that we need a Guide Concession Program. I got involved in starting with this some years back when you brought up ADHA. I think it's got inherent problems. I agree with the ADHA, so I won't do those in detail. But the fees, limited guides, a limit of two areas instead of three are very important, are deal breakers. But I think it's important to hear a lot of people here that want to just kill them. Many of you haven't been as involved. I served on a committee at the very beginning before the first comments came out. Unfortunately I don't think you heard us. I know you guys are working hard at this thing, but you could come up with similar thing again, so I'll just ask that maybe you listen, try and direct some of these things that are really important. If we don't get a Guide Concession Program, I believe we'll be out of business. The Board of Game has told us, we've heard it over and over again. And those folks that think that we should just work on areas where there's a problem, those problems are going to go elsewhere. And then that will be the problem. So it's got to be looked at across the board. Maybe you can start somewhere instead of statewide, but it's just going to spread that disease (indiscernible). In a lot of cases, those folks don't have an investment, and they're not as concerned about the research, and that is a problem. We've got guides that are in that category. So I encourage you to listen, take the comments to heart. There are some things in here that are definitely -- you know, have to be fixed or it's a kill deal, so I hope it comes (indiscernible). Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 123 of 192 - Submitted 04/23/2012 at 01:42 PM:

In order to keep this brief in respect of your time, 1st I want to say I have participated since the beginning on this. I was on the original committee formed to help develop this. We met in phone conferences many weeks with oversight by Mr. Saxby for legal muster from the state. WE presented a first draft recommendation to DNR. DNR then came out with a draft in its first public meeting and we were embarrassed at the differences. After our comment DNR came out with the last draft, and it is still a long ways from acceptable and workable to sustain our industry. In fact as currently written, it would put my business the oldest hunting lodge in Alaska OUT of business. With that said I think we must continue to develop a system or we are headed down a dead end for the guide business. B.O.G. will have no choice but to close some areas and or put drawing permit restrictions on areas. This will eventually funnel those operators onto others, creating more of a problem. I want to be added to the list of guides that weighed in on the latest APHA requirements and I agree with most if not all of what's presented by them. I have read them in their entirety. I am not attaching them as I know you have copies. 1. It is imperative that we be allowed 3 concessions if we qualify. As a full time profession I run a fall multi species hunting operation, and also have a spring and bear hunting business on Kodiak Island. My fall operation in the Alaska range is split down the middle by a boundary (line 16-02 and 19-10), As this line is at the mountain peaks and our sheep are on both sides of the peaks, we need two areas here. thus lack of a third area, puts my bear operations out of business and thus cuts my business by one third. NOT ACCEPTABLE. This is not a rare case, most full time professional operators that do this for a living have similar business plans. 2. In regards to limited concessions, I am in most cases adamantly against them, However I believe in many cases they could work and offer beginners or small operators a chance to get in. Many of these operator opportunities are part time or hobby guides. However I think there must be a provision that it is only allowed with the authorization or mutually agreed upon addendum with the primary holder. The best way to handle this is on a one on one basis if the concession holder feels he can offer this without jeopardizing his primary concession, in particular conservation needs. Perhaps there is even an incentive up for the primary holder when renewal comes up and he is awarded points for working with a limited concession holder?? 3. With the lack of an industry link this appears to be going no-where. There are so many issues that could be solved with input from the industry. I believe it is imperative that there be an industry representative on the selection panel if for no other reason but to consult, if not allowed to vote. On the scoring panel this is also a must, please. DNR has no history or experience running a guide operation, and experience can not be replaced with a form. 4. Timeline is important as APHA points out, but we must get it right, or we will be scrapping this and starting over, perhaps with the legislature, and this will take longer. I agree we maybe should have the BGCSB involved. 5. Earned renewal is a must. There should always be an incentive or reward for good stewardship. This is also imperative to insure future reputation and business for Alaska with proven operators. 6. In regards to the mapping. This one is very disturbing and strongly points out the need to have an industry person on board. I will give you an example of just one of my three areas I traditionally hunt in. Many areas have similar conflicts with your self appointed changes to what the guides spent hours and hours on developing and delivering to DNR. WHY the change??? A. Kodiak 08-03 had traditionally one guide up until Owsichek. Being that this is a permit drawing area for Bear which is the primary big game animal, the conservation issue is mute. BUT the only other game animal is deer. So for bear we have increased to in excess of 15 guides applying for 7 bear permits a year. No-one has a viable guide business. We have all become hobby guides, and this supports no-one. Before Owsichek, I was booked three years in advance and offered a top quality hunt while investing into improvements in my area. Now With this happening new guides saw deer and thought WOW I can take deer hunters. But the historical guide myself knew the deer population had crashed and for conservation reasons stopped hunting them. I use to have a \$40,000 a year deer business. if you look at your licensing data handout you will see that 14 guides did 29 hunts in 2009. This can only be 7 bear hunters and the rest deer hunters. I will assure you the deer hunters went home disappointed or at best hurting the future comeback of the species and I will say for sure both. So we have new guides taking clients to an area that can not sustain more harvest to recover and the client pays money for poor service and that hurts the Alaska and especially Kodiak reputation. By looking at your handout you have apparently decided if we had 14 guides and 29 hunts before there must be room for 2 full time guides and a limited guide. This is not viable and is a bad thing for the deer resource. The guide in the area, knows from time on the ground what he can harvest and when to stop. I spoke with one of these new guides in the field and his attitude was the season was open and he was going to book hunts period. A damn shame as now our deer are even fewer and a winter kill has put us back several years. A gcp can fix this if done right and you would only know this by advise from an industry person. B. another example is unit 16-02. Your 2000 numbers as compared to 2009 and 2010 would show a huge increase in guides, but a drop of hunts by almost 80%. Does DNR know that the moose season closed for the first time in history for this area? This eliminated the non-infrastructure guides and they went elsewhere. Did they know that the grizzly population exploded? do they know that the limit on bears over the years went from 1 every 4 years to now 2 a year open all year. Do they know that when it went to two a year many new operators came in, and then we went to a cub explosion because the Big bores got over harvested eliminating the cub munchers and thus cub survival went up causing another explosion in brown/grizzly population. A lot of these guide were new and had no interest in the overall BIG picture, just in it for the buck. Now we have twice as many guides and a reduction in hunts taken by almost 80%. I will tell you that the 2000 numbers of guides and hunts taken was too high and a result of the Owsichek problem to begin with. 7. Transferability: I agree with APHA, only I am much more emphatic on this point. If we are good stewards for many years, we deserve a potential exit plan for our time and money invested in our business and the state resource. The federal programs all have it and they pass the muster. This has to be done now on the state program. Would any full time DNR employee expect to work 20 years and walk away with nothing but the money they saved while working?? Think about it. 8. Scoring has many problems and many are outlined by APHA. so some basic comments here. WE have been at this development for over 6 years. by the time it is implemented if so, I will be at the same level playing field as a guide that got his license when we started the idea. What happens to my 35 years of experience and business activity then. We must get

something for all our time and experience.

Form B - manure management??? I operate with horses and our lodge has since 1975. so what is this. People pay for manure to fertilize, am I going to be penalized here or expected to tie a bag on the butt of my horses to not lose points against a guide with a pup tent and no horses. Well again without industry input you may not know that horses are the best way and in alot of cases the only way to hunt this country especially for moose. This is a client service and brings more money to the state and helps us hunt effectively while managing our resource. Let's be sure to give the guide a little credit as most of us don't want to hunt our way out of business, thus 75 years plus of guiding out of our lodge.

In general your package is way to cumbersome and alot of the information is none of DNR's business or anyone elses but ours and our accountants. Please trim this down. A Guide concession program is workable and I feel needed. But again I state that I would be out of business with your current proposal. It would add over \$30,000 to my expenses, while not giving me any additional income, with one exception being Kodiak if I was the concessionaire, by guaranteeing me the permits that we now share with 15 hobby guides.

Thank-You for your time in considering our comments. Steve

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Steve H Perrins II

Email: guide88@hotmail.com

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 124 of 192 - Submitted 03/06/2012 at 12:00 AM:

For the record, my name is Steve Perrins II. I work for a senator. I'm a legislative aide, but I'm here on my own accord tonight. I'm a registered guide. I just got my license last December, No. 1295.

First, I'd like to -- before I get into what I disagree with you on, I just want to thank you guys for what you're doing, because I know it's a lot of work. And there's always going to be people that aren't happy with everything, no matter how it turns out, so I want to thank you for that.

There is a drastic need for this program. And it's hard to document it, because it's not something that there's documentation for. I mean, in my family's operation, we stopped taking sheep hunters in an area because we noticed that the sheep numbers are getting down. But we got other people coming in around us. And, since we're not there, they're taking sheep hunters, and that hurts the situation even more. And how do you document something like that?

There's clients that will come, book a hunt. They'll go to an area, and there's four guides all around them; and you can't offer a good service to people like that. So, you know, Alaska should have the best hunting and guiding anywhere in the world. We've got tremendous resources here. But Russia and Canada and Africa with what we're having to deal with the way it's set up, we can't -- it's hard to compete with them.

A few problems that I have with the application, the concession process. Some of them Thor said, so I'll just go over them quickly.

The only being able to have two concessions is not going to work at all. Like he said, we're allowed three guide use areas, and one of our guide use areas now is going to be taken up as two concessions. So we are going to completely lose a whole nother part of our business that we've been doing for over 30 years.

Also, if you only have three assistant guides -- in one of our areas, there's about five to six guides that are hunting at a time, and that would cut the business right in half. And being a seasonal business, it's hard to make money and make a living at it as it is.

So by limiting one of the concessions and then cutting down the amount of assistant guides you have, that's going to cause some major problems for people. And you want to be able to provide a good business and, you know, make a living at it and provide a good service to the clients.

So also, by only having three assistant guides, it's cutting down on the possible -- of the total number of guides that can be involved in this program. And we want to keep as many guides as we can involved and bring up new younger guides like myself. So guides that maybe aren't doing this as full time can work for someone else and still guide, but we need to have that limit raised or not have a limit. There's already limits on how much game you can take. So, let's see here. I just want to make sure I got all my notes right. The cost to it I also think is way too high. The numbers I came up with is, our operation does about 25 clients a year, roughly. At the \$750 mark -- they are combination hunts, but almost all of them grizzly bear -- that would be \$5.5 million. If a guide only takes ten clients a year, that's \$2.25 million.

MR. COX: You're not suggesting -- not to interrupt, but you're suggesting you'd pay \$5.5 million?

MR. PERRINS: No. I'm -- no. I'm suggesting that would be the total money coming into this program.

MR. COX: If everything was a guide required species?

MR. PERRINS: Right. And that's at the 25 clients per guide. If you only have 10 clients -- if a guide is only doing 10 clients a year at the \$750 rate, that would be like \$2.25 million.

Also, I think that it would be nice to have this program all completely self funded, but I think we can get out there, and where the guiding industry in Alaska is a \$300 million industry that we're bringing into the state -- and that's money that's coming from other places; it's not money recirculating in the state, for the most part. So, if we need to, we can go and lobby the legislature and get them to pay for half of this program or some of it. So I think that those costs need to be looked at. I don't want to take up too much time, so I'll just

MR. COX: You've got a couple minutes yet.

MR. PERRINS: Okay. Also, since this program is going to benefit resident hunters quite a bit, because now they won't have to go in an area and compete with -- sometimes there's 30 guides in an area. There will only be a few guides. So they're going to have a much better experience as resident hunters. So, since this is a benefit for them, if we need to, maybe raise the hunting license \$5.

We already have an extremely cheap hunting license. At \$65 for hunting, fishing, and trapping, you can shoot like four deer, a moose, two grizzly bears, five black bears in some areas. So we're getting a really good value for that money as it is.

The part about putting the whole system on a lottery, which eventually is where this is going to have to go if we don't get a program like this -- again, you can't run a business like that. We put in on Kodiak, and there's four permits. And some years we have no clients, some years we have one, and some years we have three. And you can't run a business like that. And people from out of state applying for that -- sometimes it's taken them four years to get drawn, and it's a disservice to them and to the whole guiding industry.

The way the point system is set up, I think there's way too much emphasis on the business plan part. You get 150 points for the business plan but only 75 points for the experience. And any slick wordsmith can come up with a good business plan, but it doesn't mean you're going to provide the best service to your clients. So I think there should be a lot more points put on the experience and what you have to offer more than just what you can write up on paper.

Also, it would be nice to see something in the point system for infrastructure or camps that you have in the field. I don't know if there is a regulation that -- why you guys didn't include that in. But some guides have spent tens of thousands of dollars building cabins and camps and infrastructure to provide a better atmosphere for their clients, and not including that, I think, is a disservice. All that money they have spent to try to provide a good service should be counted towards something.

Also, I don't understand why the financial statement part is included in the application process. I don't know of any other industry that you have to provide your financial statement with your expenses and your income and everything to operate a business, I mean, unless you're directly involved in some kind of loan business or something like that. I mean, even the oil companies have a lot of proprietorship when they're trying to deal with that kind of stuff. So I don't see any good reason for that.

That's all my comments for now. I haven't got a chance to look at the maps, because I only could print out a small one, so I might have some more comments after I look at that.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Brian Peterson

Email: brian.peterson4@att.net

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 125 of 192 - Submitted 03/20/2012 at 12:00 AM:

My name's Brian Peterson. I'm a Master Guide. I operate on Kodiak Island. I had a few comments how to tweak this thing to make it workable. To start with, be aware, I wasn't able to download this, it was so big. My computer wouldn't do it, okay? So this, believe it or not, is actually the first time I've had the chance to see this. And to say I'm kind of overwhelmed is an understatement. One of the comments on tweaking it -- and let me say I'm not very optimistic on the program. I appreciate the effort. It's been six years now, since 2006, that we've been working on this, and it appears to me getting farther and farther away from the goal. But I think the limiting of two applications or the wording of only two concessions per guide is not a -- not good. It won't work. And let me say, with these changes, it may be possible that I may be in favor of the program. If these changes don't take place, there's no way I would be in favor of the program.

But just off on the side of that, let me give you an example. It's a realistic example of what's happened in the guiding industry over the last 30 years. Pre-Owsicheck, there was one man who had three guide use areas. One of those guide use areas has been divided into three guide use areas. Now, with what you want to do, you're going to give nine different opportunities in that. So we had one concession that is now 27 concessions. You're expecting us to make a living off of 127th of what a guide did 30 years ago. That's what this proposal is doing, if it goes through. So, anyhow, limiting of two won't work. There's many reasons why, but without that change it won't. Limited concessions won't work: It's a good idea; it's not going to work; it's just going to make more competition, and either they need to go away or only be allowed with bears and predator areas. The other option is, if there's permission by the person who has it, there won't be any conflict. Reducing the assistant guide numbers, I don't think it's anywhere in the state's business to tell somebody how to operate their operation. As far

as how many guides they would have, that's mainly done by allocation, by the Board of Game, and how long the season is and how many people are required. That's not anything to do with the Department of Natural Resources. The proposed fee structure is unworkable. If it's not substantially reduced, I don't know one member of the guiding industry who would support this in any way, shape or form. There needs to be a direct industry link within the DNR regarding the program. The makeup of the scoring panel should have to be residents with at least ten years of experience. My advice is to take retired guides without -- without iron in the fire, so to speak. I really do appreciate everything you've done. You've got my comments before. I think you're making a mountain out of a mole hill. You're making it much more difficult than it needs to be. And I hope it works: Based on lip service, it's going to work; based on our results, it's not, so I guess we'll see what happens. Thanks.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 126 of 192 - Submitted 03/19/2012 at 12:00 AM:

In addition to other written comments and testimony I will provide in the future I would like to include the prospectus I wrote as written comment on the current gcp provided. Clark told me if I could do a better job to write one, so I did. Attached please find a prospectus I wrote and sent to Clark Cox and Bob Fithian in early January 2010. I am hoping you have already seen a copy of this. Please take a few minutes to read through it. You will find this prospectus is very clear, concise and objective. I have maintained from the beginning of this process the prospectus must be objective. The sample prospectus previously provided by DNR is not objective and is a worse case scenario of what the industry needs. It is even worse than the one provided two years ago. I do not support, and will not support any system that is based on the things the industry has repeatedly told DNR it finds wrong. I strongly urge each and every one of you and all industry members to oppose it as written and to implement the prospectus I have provided. Get the opinion of the industry membership on this topic. The more information available, the better decisions that can be made. Show the industry that there is a choice. This subject is much too important to limit information and choices. I would also like your opinion on this. There are a couple of spots that need tweaking, but overall I believe it is a prospectus that is in the best interest of the industry. **THIS WILL WORK AND CAN BE IMPLEMENTED.** It needs industry support and the only way to get that is to show it to the industry. A prospectus is a test, an exam of an operational plan. It must have clear objective questions with multiple choices for answers. Each of these answers must have a score. There can be no ambiguity or it will not be defensible in court. It is that simple. Thank you for your attention to this matter. Please let the industry know. I would appreciate if you would confirm receipt of this and that it is included in the official written comments on the gcp.

All the best, Brian Peterson Master Guide and Outfitter #114 Kodiak Island Alaska

Clark, I previously told you I would take it upon myself to write out a pro forma prospectus for the project we have been trying to implement the last few years. You probably thought I was yanking your chain, so to speak. I was not. As you will see, I have put considerable thought and effort into this project. I have been through the federal process with the USF&W and have seen the good, the bad and the ugly associated with it. I really did try to avoid any bias by comparing my own operation to the prospectus. There are several areas I would not maximize points/percentages.

My goal for the state program, is to keep it as simple as possible, yet allow those qualified individuals to represent the professional hunting industry of Alaska to the world. The major constraint taken into consideration is the previous court ruling (I m not going to try to spell it) that said seniority could not be the ONLY criteria for allotting concessions. As you can see, seniority as an outfitter represents only 10% of the scoring in this plan. Please contact me at your convenience to discuss the pros and cons of this plan, specifically on impacts of other users.

Thank you for your attention to this,

Brian Peterson Master Guide and Outfitter 114

The prospectus is organized into five categories, each worth a certain percentage of the total. Points and percentages are interchangeable in this draft. Categories:

EXPERIENCE 25% Guiding Experience 10% Outfitting Experience 10% Other Experience 5%

IMPACT 35% Impact on Habitat 10% Camps 5% Transportation 5% Impact on Wildlife 10% Harvest 5% Camps 2.5% Transportation 2.5% Impact on Other Users 10% Impact on Professional Hunting Industry 5%

BUSINESS PLAN 20% Safety 10% Quality 10%

FINANCIAL CONCERNS 10%

VIOLATIONS 10%

In the attempt to simplify, the following would be required to apply. Note that some of these were removed from separate categories and all are currently required to operate. They must be current as applicable.

Business License Registered or Master Guide License for GMU FAA license if required, w/affidavit for hours Coast Guard License if Required First Aid/CPR Certification Liability Insurance Workman s Compensation Insurance Professional Hunting Agreement. Guide/Client Contract Application Fee per concession \$3000 (not presently required)

EXPERIENCE 25% possible

Guiding Experience 10% possible w/o bonus Any ten years of last 20 would be scored as follows. Individuals could only score in one category for each year. Acting as:

Reg/Master guide in concession area - 1 pt. Reg/Master guide in GMU - .5 pt Reg/Master guide in state -.2 pt Assistant guide in Concession are - .5 pt Assistant guide in GMU - .2 pt Assistant Guide in State - .1 pt Bonus 1pt over 10 years experience Bonus 1pt over 20 years experience Bonus 1pt over 30 years experience Bonus 1pt over 40 years experience (This is for guiding, not outfitting. Hunt records/affidavits must be able to show actual accompanying client in field on hunt.)

Outfitting Experience 10% possible w/o bonus Any ten years of last 20 may be scored as follows. Reg/Master in Concession 1 pt Reg/Master in GMU - .5 pt Reg/Master in state - .2 Bonus 1pt over 10 years experience Bonus 1pt over 20 Bonus 1pt over

30 Bonus 1pt over 40 (In guiding and outfitting experience categories a minimum time may be required for a year to qualify. Based on different seasons throughout the state it may be difficult to generalize all concessions together.)

Other Experience 5% possible Score any 10 of last 20 years Live in the field, in the concession, the majority of the year -.2 Guide in the concession for fishing or waterfowl - .2 Personal use of concession -.1 (Note individuals may qualify for all three categories in an individual year)

IMPACT 35% possible IMPACT ON HABITAT 10%possible CAMPS impact on Habitat 5% possible No Camps on state land 5% Roving Spike camps on state land 4% Registered Spike camps on state land 3% Registered Base camps on state land 2% State Lease-permanent facilities on state land 1%

TRANSPORTATION impact on Habitat 5% possible Foot, boat, float plane use only- Leave no trace 5% Wheel Plane, foot boat use only-minimal trace 3% Land vehicle on designated trails- 2% Land vehicle off designated trails 0%

IMPACT ON WILDLIFE 10% possible HARVEST (impact on wildlife) 5% possible Harvest w/in historic levels for all species or w/in levels that can be justified by increases/decreases in population. 5% Harvest w/in historic levels for most species or w/in levels that can be justified by increases/decreases in population. - 2.5% Harvest not w/in historic levels for most species and cannot be justified by increases/decreases in population. 0%

CAMPS on State Land (impact on wildlife)- 2.5% possible Leave no trace - 2.5% Leave tent frame/storage 1.5% Permanent Structures .5%

TRANSPORTATION on state land (impact on wildlife) 2.5% possible No motorized vehicles on state land-2.5% Airplane landing only on state land- 1.5% Land vehicle on designated trail- .5% Land vehicle off designated trails. 0%

IMPACT ON OTHER USERS 10% possible Access points-2% Access state land with limited to no potential for conflict - 2% Access state land with limited to moderate potential for conflict - 1% Access state land w/moderate to high potential for conflict - 0% Camp locations-4% No camps on state land - 4% Only use roving spike camps used to avoid other users - 3% Registered base/spike camp that cannot be moved to avoid others - 1% Letters of support-2% 1% for each letter of support by individuals living in the concession Transportation 2% No motorized vehicle use on state land no conflicts-2% Limited motor vehicle use on state land-limited potential for conflict 1% High motor vehicle use on state land-high potential for conflicts 0% (This is one area that individual concessions would vary greatly. Scoring must be relative to other applicants. Hours of operation and landings should be included)

IMPACT OF PROFESSIONAL HUNTING INDUSTRY 5% possible Member in Good Standing of APHA- 1% Has Participated in BOG process during last 10 years. 2%(by attending meetings and testifying or introducing proposals) Has participated in Big Game Commercial Services board process during last 10 years-2% (by attending meetings and testifying or introducing proposals)

SAFETY 10% possible 1% for each year operating as a Registered or Master Guide w/o an injury to clients or employees. Any ten years of last twenty years may be scored. .3% Operating as an assistant guide w/o an injury to clients. Any ten of last twenty years may be scored.

QUALITY OF OPERATION 10% possible Maximize variety of species to public. 3% possible Offer all big game species available plus waterfowl and fishing. 3% Offer all big game species available 2% Offer some of big game species available 1%

Maximize availability to public days of operation 2% possible (scored relative to other applicants) 2% high,1%medium, 0%low

Maximize Variety of Accommodations 3% possible Offer lodge facilities and camping to clients.(lodge defined as having real mattresses, box springs, running water, electricity 24/7). 3% Offer cabin facilities and camping to clients. 2% Offer only one variety of accommodations of lodge, cabin or camping facilities to clients. 1%

Client recommendations 2% possible .2% for each recommendation. A maximum of two allowed per year maximum of 10 total, for any of last 20 years.(A lot of choices on time,# and score)

FINANCIAL CONSIDERATIONS 5% possible Level of Investment in Concession Plan 4% possible Lodge Operation or other large investment valued \$200,000 or more 4% Cabin on lease or private land or other medium investment valued at less than \$200,000.- 2% Minimal investment-no permanent buildings or land. 0%

Not declaring bankruptcy last 7 years. 1%

VIOLATIONS 10% possible (choose one for each year) 1% for each of last ten years applicant operated as an Outfitter w/o a violation .5 for each of last ten years applicant operated as an assistant guide w/o a violation. (this category could be split between major and minor violations also)(I have some concerns about double jeopardy and constitutionality w/punishing for previous violations.)

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Brian Peterson

Email: brian.peterson4@att.net

Kodiak, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 127 of 192 - Submitted 04/15/2012 at 12:00 AM:

Clark and Christy, Please see my attached comments on the proposed GCP. There are many specific issues I individually addressed which are extremely important in getting industry and general support for this program. Without these major changes I do not think the program will be successful. Most importantly: Specific point amounts listed for each and every detail of the scoring criteria. Concession availability to providers. Credit for exposure to safety issues. Credit for exposure to violation issues. Credit for the variety of services provided. Fee structure. Please, read my attachment in detail and let me know if you have any questions. All the best,  
Brian

April 9, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have no choice but to eliminate nonresident hunter opportunity in many areas within the State which will negatively affect the long established professional guide profession and affiliated industry.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following: For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's. This model should stay the same for a number of important reasons: a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands. b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of as many concessions per applicant as they qualify for in their three GOUA's. By not doing so you give concessions to less qualified applicants. That is not fair or conducive to the betterment of the industry. c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. I recommend that an applicant can be awarded up to ANY number of concessions in his three GOUA's and that there are no penalty factors for the number of concessions an applicant is awarded. e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. I also recommend that the \$250.00 Concession application fee be removed.

2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Specifically on Kodiak where drawing permits exist for bear and goat one guide and assistant could guide all permits available. Please consider the following comments and recommendations: a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing. b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants. c. Conservation/Stewardship basis of the GCP needs to be based on the applicants Plan of Operation, not on the number of Full or Limited concessionaires that will be competing for resources. d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders. 1. I recommend that these Limited Concessions should go away in their entirety (preferred option) or if insisted upon: 2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: 3. I recommend that Limited Concessions be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized. b. Only the Limited Concessionaire can conduct the hunts with no assistant guides. c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities. b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business. d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability. f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry. a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year. b. I recommend that DNR implement an annual client fee per client, per concession as follows: \$100.00 per client. c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. e. Total land use fees should be approximately 3% of gross. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel s inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. The industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on. a. I recommend that the Scoring Panel have industry participation within its makeup. b. I recommend that the Scoring Panel have a 10 year residency requirement and a GMU residency requirement.

8. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon. a. I recommend that implementation timeline needs to be moved forward to fall 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these

applications for undersubscribed regions be dealt with and awarded as soon as possible.

c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant is wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

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#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

#### 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.

b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUAs. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide

subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

g. Specifically in unit 8, gua 8-02 and 8-28 were originally one third of an operators business. Now you have six people scheduled to operate there. That is decreasing the viability by 18. If you insist on limited concessionaires they must not be able to access bear/goat permits. If you insist on two full concessionaires in each gua, a guide should be allowed to apply for and receive any and all concessions. By not doing this you insist on providing concessions to less qualified operators and destroying the economic viability. \_\_\_\_\_

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichek decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska s family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. This must be extremely specific to guard against arbitrary scoring and to take away subjectivity.

#### 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed. b. It should take into account the last 50 years.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

#### 4. FORM A, SUB-FACTOR B, ITEM 5:

a. I recommend deleting this criterion as its relevance to guiding is questionable.

#### 5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a less is best aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent. Conversely, professional hunting is specifically intended to impact resources, the more impact, the more service provided to the public. The goal of this whole program is to provide as much service to the public as possible and thereby as much impact as possible.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any less is best grading aspects but rather the overall plan of stewardship for the resources. \_\_\_\_\_

#### 6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a less is best concept of grading.  
b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources. c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

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7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions.

1. On the applicant s stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

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8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

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9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

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FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant s overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. The odds of needing advanced training are extremely small. Many operators have never needed it in 40 year careers. It is overly burdensome to expect advanced training to operators and employees when the benefits of such training are extremely limited. g. Under no circumstances should an operator with many years of exposure to the industry score relatively close to an applicant with limited exposure. Someone with 50 years of safe operating should score ten times over what someone with five years of safe operating. Someone who has taken 10 clients per year should score ten times more than someone who took one client per year.

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11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE:

a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed. See above, the reality is advanced training is not used. d. This criterion should have a score of less than one tenth of one percent of the total.

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12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

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13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well. \_\_\_\_\_

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within. It is also questionable as to the ability of the state to penalize someone who is or is not a resident. This has been historically unconstitutional. \_\_\_\_\_

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits. \_\_\_\_\_

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff. Conversely, the more service provided to the public should be best.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant s plan of operation and the conservation balance it provides.

d. There needs to be a separate scoring criteria, carrying substantial weight (10% overall) on the variety of services offered. There should be points for those operators who qualify for each category. Lodge, cabin, wall tent and backpack tent based hunts can all be high quality hunts, but the operator who provides all four options to the public should score at least four times higher than the service provider who only provides one option.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. \_\_\_\_\_

18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations. \_\_\_\_\_

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses. \_\_\_\_\_

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman s comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists. c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed. Specifically I recommend that an operator who has twenty years of violation free historical exposure needs to score twenty times what an operator w/only one year of historical exposure would score. This category needs to include at least 20 years of exposure.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding

outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be significantly scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely, Brian Peterson Master Guide and Outfitter #114 Kodiak Island Alaska

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Brian Peterson

, Ak

Phone: (907)-830-2802

Email: brian.peterson4@att.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 128 of 192 - Submitted 03/24/2012 at 12:00 AM:

Study and Analysis of DNR Proposed Fee Structure for Proposed GCP March 2012 The following study and analysis are actual accurate figures based on current pricing and available permits for the proposed state guide concession permits on Kodiak Island. The exact model is a concession in 8-28 but is also applicable and accurate for concessions in 8-02 and 8-03 and most other state concessions in unit 8.

Analysis 1. This is based on the number of concessions proposed(3) permits available(6BB), historical draw on goats(6-9%) and historical harvest of deer. # Hunters and species Sales price Revenue fee structure proposed Two Bear Annually @\$16,000 \$32,000 \$1500 Two\* Goat annually @ \$7000 \$14,000 \$1500 Six deer annually @\$3500 \$21,000 \$3000 Annual permit fee \$4000 Totals \$67,000 \$10,000 or 15% 3% equals \$2010 or -80% \*Two is actually higher than historical average. I rounded up.

Analysis 2. This is based on drawing below average permits on bear and goat, which is an extremely likely event. One bear annually @\$16,000 \$16,000 \$750 One goat annually @\$7,000 \$7,000 \$750 Six deer annually @\$3,500 \$21,000 \$3000 Annual permit fee \$4000 Totals \$44,000 \$8500 or 19.3% 3% equals \$1320 or -85%

Analysis 3. This analysis is based on only one concession in GUA 8-28, 8-02,8-03 and others. Six bear annually @\$16,000 \$96,000 \$4500 Four goat annually\* @\$7,000 \$28,000 \$3000 Ten deer annually @\$3500 \$35,000 \$5000 Annual permit fee \$4000 Total \$159,000 \$16,500 or 10.4% 3% equals \$4770 or -71%

Discussion. This real life and accurate analysis shows that the proposed fee structure of the DNR GCP is up to 650% higher than most land managers fee structures of around 3%. It is very unlikely the industry will support implementing a program with a fee structure anywhere close to this. If the program is implemented is very unlikely the hunting industry will be able to support the guiding industry forced to compete w/other operators paying a 3%land manager use fee.

With all due respect and appreciation for the work put into this program, it is very apparent the state DNR has extremely over rated the value of guide concessions on state land. A 71-85% reduction in fees is required. If the state cannot implement and operate the program with such a reduction in fees the program should be discontinued. Suggested fees might be \$1000 annual fee, \$300 guide required hunter and \$100 non guide required hunter.

It should also be noted that gua 8-02 and 8-28 had historically been a single concession and the proposed six concessions will actually increase conflict, decrease the quality of experience and decrease the financial viability of the operators.

By limiting the number of concessions to be applied for and the concessions to be awarded in a guide use area you guarantee the best operators will not get the concessions they have historically used and justly deserve based on the prospectus process. This is not right. Why does the state have a goal of putting in the lower quality operators? Please change this or expect loss of support for the program.

Respectfully submitted, Brian Peterson Master Guide and Outfitter #114 907-830-2802

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Brian Peterson

Email: brian.peterson4@att.net

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 129 of 192 - Submitted 03/29/2012 at 12:00 AM:

Brian Peterson written comments 3/20/12

1 operator in 1979 is now proposed to be 27 concessions. (Hand written notes)

1 guide use area / 3 areas / 9 guides opportunities. (Hand written notes)

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

We have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two based on the following:

For many years, Alaska's guide industry service providers have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing service providers have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. We strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. Recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. Recommend that an applicant can be awarded up to three concessions and that there be no penalty factors for the number of concessions an applicant is awarded.

e. Recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. Recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and, will compete with other concession holders for the best habitats and resources.

a. Recommend that these Limited Concessions should go away in their entirety, OR, be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, OR, in specific regions for other species on a case by case basis with the consent of the Full Concessionaires of the GC.

b. These Limited Concessions as proposed break the integrity of the conservation/stewardship based and reduced crowding goals that the GCP is supposed to be addressing.

c. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very opportune for anyone who is certified to conduct guided hunting and proves that he or she can be a good steward.

d. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources,

e. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies.

### 3. REDUCING ASSISTANT GUIDE NUMBERS

By reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations.

a. Recommend to eliminate the restriction on the number of assistant guides within Full Concession opportunities.

b. As proposed, the GCP puts a number of long time established viable guide service providers out of business as well as does not allow for viable future guide businesses in many areas.

c. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.

d. Many existing and long-time established guide service providers utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.

e. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides to three works against this needed opportunity.

4. THE PROPOSED GCP RELATED TO BLM LANDS INDICATES THAT THE TWO PROGRAMS WOULD BE HANDLED BY TWO DIFFERENT AGENCIES FOR TWO CONCESSION PROGRAMS AND TWO DIFFERENT SETS OF FEES. THIS CONCEPT IS NOT ECONOMICALLY VIABLE FOR THE GUIDE INDUSTRY.

a. Recommendation would be for DNR and BLM to further their cooperation on this program, incorporate both agencies into the administration role and combine both fee structures into one. If you operate on both BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS WAY TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS.

a. Recommend that DNR implement a \$1,000.00 Concession fee per year.

b. Recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. Recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. Recommend that a fourteen day portable camp provision be made within the GCP program without additional cost,

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone, This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

a. Financial remuneration to the State comes in several ways within the proposed GCP. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish.

b. Most Guide Concessions as proposed will still incorporate substantial land use fees from LUP's and leases.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

We feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, we strongly urge DNR. to incorporate industry representation into the final development of the GCP.

a. Recommend establishment of incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. The purposed timeline is not timely enough to withhold Board of Game actions to delete Non-Resident Hunter opportunities.

a. Recommend that implementation timeline needs to be moved forward to 2014.

8. MAKE UP OF THE SCORING PANEL.

10 yr residents retired guides (hand written comment)

Through the course of dealing with appeals related to USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panels inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel industry representation, it provides better integrity for the program and will diminish the potential for appeals. The industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process.

Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of the plans of operation which an industry representative can recognize that an agency person would not, such as: actual versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc, the list goes on and on.

a. Recommend that the Scoring Panel have industry participation within its makeup.

Without these changes, all of these propped changes I will not support it. (hand written comment)

Brian Peterson (signature)

9. HOW TO STOP IMPLIMENTATION OF THE GCP AS PROPOSED

There was much discussion on this topic related to the unworkability of the existing draft and this draft being the second draft that has incorporated significant failure aspects. However, the consensus was to try to encourage the needed changes through respectful comments and recommendations. As well, it was encouraged to add to your personal comments that without the

needed changes, the GCP is unacceptable,

a. Recommend within your comments that without the needed changes to the GCP as drafted, that the program is unacceptable.

END OF COMMENTS AND RECOMMENDATIONS

\*Comment hand delivered Anchorage public meeting 3/20/12

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

David Pingree  
Quartz Creek Lodge  
Guide # 1107  
Box Ugi  
Kodiak, Ak 99697

Phone: (254)-219-3052  
Email: quartzcreek@starband.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 130 of 192 - Submitted 05/11/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same. 2, LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:
3. I recommend that Limited Concession's be provided on the following basis:
  - a. Only where conservation and stewardship goals are not jeopardized.
  - b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
  - c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
  - d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience, Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

- a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year,

- b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

- d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DAR. to incorporate industry representation into the final development of the GCP.

- a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to

define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on,

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

8. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible, c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GOP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCA is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

### 13. GUIDE CONCESSION AREAS:

- a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further,
- b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.
- c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.
- d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.
- e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.
- f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

- a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.
- b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.
- c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.
- d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable,

#### 5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR

is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

#### 6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

#### 7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within LM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active TM areas,

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct TM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in TM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES: I recommend deleting this criterion as its relevance to guiding is questionable,

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

#### FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

e. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat. transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

#### 12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers, This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a, I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight, Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led-to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed,

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

David G. Pingree (signature) Guide #1107

Quartz Creek Lodge

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Jeff Pralle  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 131 of 192 - Submitted 03/20/2012 at 12:00 AM:

Gentlemen, I'd like to say thanks. And once again, like my last public comment on this proposal, I commend the State for recognizing that we have a problem in many areas and trying to deal with it. However, I feel this proposal is not just condemnable but ludicrous after the first one. There's several things that I feel seriously need to be addressed. Number one, the comment's already been made, I don't believe that it's the State Division of Mining, Land, and Waters place to dictate to anyone how they run their business, how large their business is, et cetera, et cetera. If our business is based around impact on the land, where we are running enough clients that we are impacting the land in a negative way on the surface, that is your position. But to limit us to the number of guides based on wildlife resources or anything of that nature is not the Division of Mining, Land, and Water's business. That's Fish and Game, game management. Limiting the number of guides per concession area holder is absolutely ridiculous. The requiring of financials, in the way the form is put out there is -- once again, that's not Division of Mining, Land, and Water's business, period. I don't even think we need to go any further with that. Conflict within the areas. If we don't have internal areas -- let's just take 19-10, which is one I'm real familiar with. I've been there for a very long time. If we have three full use areas there, concessions, and one limited, somebody in the southwest corner gets hit with heavy snow and they lose their sheep, they have clients booked, they have to produce for their clients, they're going to go somewhere else within that guide use area to find sheep for their clients, which means they're going to step on someone's toes that historically is in that other portion of the area. We haven't fixed anything. The other thing we have to deal with is transporters. I work with Paul Brand out of Homer. We see the transporters on private Native land blatantly breaking the law time after time. We saw it in the Alaska Range with several air taxi operators for sheep dropping off 206 loads, one after the other, of sheep hunters. They literally cleaned out Automatic Creek and the Jones River, (Indiscernible). I mean, if Scott Miller was here tonight, and I haven't seen Scott, he's testify to it, as well. It's ridiculous. They clean it out, then they leave. They go somewhere else for four or

five years, they come back and do it again. This needs to be addressed, not just the guide industry, the unguided drop-off hunters, resident and non-resident, that are being placed by the operators, told where to go, what airstrips to land on -- right now they're spotting the bears from the deck of the boat, where I've actually been there and seen it happen, and then running into the beach to go and shoot them -- needs to be regulated right alongside us if we're going to be bound by the same regulation. The fee structure, the fee structure is ridiculous. We're operating in a very tough economic time in a business that operates on discretionary dollars. We're seeing a reduction in clients every year. Fewer and fewer people, less and less money available for people to spend on this. In 1986, the U.S. average income was \$30,000. 2009 it was \$33,000. Fuel was under a dollar in '86. It's over \$4 today. Everybody looks at this -- and no offense, but a lot of you guys haven't been in business for yourselves that work for the State. You haven't been in this industry. You look at it and think, another \$500 here, \$500 there; those guys are charging \$15,000, \$20,000, it's no big deal. The fact of the matter is, a \$13,000 hunt in the Alaska Range today, which is what it was selling for four years ago, as well, you got about a \$1,500 net profit margin. Now throw the fees on it and see where we're at and how we're going to feed our families, especially if you limit us to the number of areas and to the number of assistant guides we have. Like I say, ludicrous at this point, gentlemen. I commend your efforts. Thank you very much for those efforts. But I really think you need to get some people in the industry on your side, giving you solid input. You need to look at it from the side of the people that you're trying to put out of business and the side of the people that you're trying to help stay in business. Thank you very much.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 132 of 192 - Submitted 04/15/2012 at 12:29 PM:

Dear Sirs,

I want to recognize all the hard work that has gone into creating this proposal. I know we have some problems with our industry and commend the State for recognizing this and trying to come up with a solution. However the current proposal is completely unworkable for most operators within the guiding industry. Alaska's big game guides are faced with many issues today not being considered by DMLW in the current proposal. Big Game hunting is based upon discretionary dollars, being a vacation, it is one of the first line items removed in hard times from the family budget. We are in a failing economy. Regardless of who you listen to look at the long term numbers. Unleaded gas prices in 1986 \$0.93 per gallon and unleaded gas prices are 4.24 times higher today than in 1986 (Bloomberg for April 5, 2012 = \$3.94 per gallon). I was guiding brown bear hunts on Kodiak and the Peninsula in the mid 1980s that sold for \$8500.00 you can find Brown bear hunts on Kodiak and the Peninsula selling for the same price today. I was making less than \$87.00 per day as an assistant guide. Today quality assistant guides make triple that. Operating costs are rising exponentially. Just look at fuel prices over the last four years. which affects all operating costs. Canada has gotten their act together with concerns to Big Game guiding and is now THE place to go for North American big game hunts. Reducing the number of clients coming to Alaska. This money is going into the Canadian economy. Not the Alaskan economy. Continue to raise our operating costs we have to raise our rates and more money will go to Canada. Making it harder to operate will reduce the level of service further compounding this problem Alaskan Guides are already one of the most, if not the most regulated, licensed professions in the Alaska. To what end? The numbers used to justify this proposed GUA plan are not quantified as pointed out at the Anchorage Public comment meeting. As pointed out in the Anchorage public comment meeting using the numbers provided by DMLW there has been a 30% decrease in the number of non resident hunters in Alaska over the last 10 years. With the current failing economic situation we can expect to see an even greater decrease in the number of nonresident hunters traveling to Alaska. Do we really need more regulation?

This program has been spearheaded by the Alaska Professional Hunters Association (APHA) which is a private lobbying agency representing a relatively small number of Alaskan guides and outfitters. I feel the influence of the industry at large has not been represented by the APHA. The request for this program has been created by the APHA due to crowding in a few areas of the State (unit 9). Often in areas with limited access points, e.g. airstrips, and the crowding is localized in many cases, only near those access points. I will address ways to control the conflicts in these areas without implementing a huge bureaucratic nightmare for the State and guiding industry.

The current DMLW GUA proposal will not solve user conflicts.

Will not grant enforceable stewardship of resources.

Will place financial burdens upon the guide industry that the industry cannot readily absorb.

Does not address ALL commercial users of State resources, including Transporters, Non Consumptive (eco) tour operators, Miners, etc. All users have an impact upon the resources and contribute to the user conflict problem.

Provided the State of Alaska is intent upon continuing with implementing a use area system through DMLW. DMLW must be held to their own areas of expertise within their charter. As follows:

1. Requiring anything to do with wildlife is outside the jurisdiction of DMLW and needs to be dropped from all future discussions and proposals. This was pointed out numerous times by Mr. Clark Cox, at the Anchorage public comment meeting. This is the responsibility of the Board of Game and the Dept. of Fish and Game. Not DMLW. So why is game stewardship still in the proposal?

Requiring land (or Game) Stewardship under the current plan is completely out of the question and unenforceable, except at permitted stationary camps, it is impossible to enforce. DMLW does not have the staff or budgeting to patrol even a fraction of the permitted camps they are tasked with monitoring now. So where is the money going to come from for the new enforcement branch? Or which branch of law enforcement is going to assume these duties DPS? Examples given below why the current proposal will fail to meet the goals set by DMLW. Scenario 1. Guide A operates in the Southwest corner of a Guide Use Area(GUA) in the Alaska Range and has a heavy localized snow that kills off most of his mature legal Dall rams. Guide B operates in the NW corner and has a normal winter with plenty of rams left alive. Guide A has a full sheep season booked. He is bound to perform for his clients. He has their money. He is legal to hunt anywhere within the GUA. He will most likely go where there are still sheep to fulfill his obligation to his clients. Creating potential conflicts with Guide B and other users in that portion of the GUA. Transporter clients will be dropped in the same portion of the area for the same reasons resulting in even more conflict. Scenario 2 Guide A has a Transporter move into his portion of the GUA. The transporter not being restricted in any way to the number of clients, not being responsible for game, or land stewardship. With no restrictions to respect or grant buffers between camps. Floods the area with hunters for several seasons. Creating user conflicts with the guide, guided clients, and the transporters clients. Guide A is then blamed since he is visible, stationary, has permitted camps in the area, required to report on hunt records where his clients hunt and take game. The transporter continues to over load the country at his chosen access points till the game population is reduced to very few or no legal animals. Forcing Guide A to either move within the GUA (placing additional pressure upon another user in the GUA), reduce the number of clients he takes, or close his business down. While the transporter then just goes to another area and does it again. Upon implementation of the GUA plan what will happen to the guides that do not get GUA's? They have the aircraft, boats, ATV's, horses, camps,

equipment, knowledge of the areas and game, and still need to make a living. A large percentage will become transporters overnight. At that point they have no set of professional standards restricting their conduct, no GUA s to restrict where they go, no limits on employees, no limits on number of clients... Many areas will receive even greater pressure than they have now. A Mining company moves into the area and is flying helicopters low level and dropping off geologists to walk the mountains looking for mineral deposits. The increased human activity forces much of the game to relocate quieter less traveled areas. Making the guide move his camps to where the game is. Also the Geologists walking around and the helicopters flying low level and landing interferes with stalks during the hunt leading to upset clients due to user group conflicts. An Eco tour operator moves in and starts doing bear viewing with helicopters along a narrow river corridor that the guide has historically operated along for 20+ years. The increased low level traffic, (harassing of wildlife, a game violation...), cause the bears to move off the salmon river, their historic feeding grounds, to less traveled areas or to become nocturnal. The constant noise and bombardment of rotor blasts from low level flights throughout the day create user conflicts with the hunters in the area.

These scenarios I have personally seen in the areas I hunt. The Only user group affected by the GUA proposal is Guides. The other user groups are not addressed at all and from my experience guides are the least problem when it comes to user group conflicts.

Financials - Where is the DMLW granted the authority to require private financial information at this level of detail, virtually a tax return, to order to grant a GUA? Are mining claims granted based on financials? Eco tour operators? Financial information to the level requested in this proposal is private information and none of the DMLW s business. If DMLW requires financial information to this level for GUA s I will request from the legislature that ALL users of State Lands be required to submit financials to the same scope and detail of this proposal. Limiting the number of licensed employees / contractors. Where is DMLW granted the authority to limit the size of a private company? Unless a guide is making an impact upon the surface of the land beyond what is generally allowed, or allowed in his permits, it is not the DMLW s business or authority to limit the scope and nature of a private business or dictate who a private company can hire. GUA s, if implemented, need to be viable for operating a for profit full time business. Three licensed guides is not enough to make a living and provide high quality experience to the clients with the current short seasons in most areas. These limits will lead to more double or triple booking by full time guides to make enough money to stay in business. The double or triple booking will mean when the client has their opportunity at the chosen species, regardless of animal age or size, success in some cases, or trophy quality, they will be immediately flown out of camp successful or not. Leading to a reduced experience for many clients, more complaints, and a reduction in the number of mature trophy animals taken on guided hunts. Thus reducing the quality and numbers of game animals in a given area. Being counterproductive to the goals of this proposal. Making Alaska fall even farther behind our closest competitor for the North American guided hunting clientele - Canada. Limiting the number of licensed staff will reduce the professionalism in the field by not allowing an outfitter to have multiple licensed staff members in the field for training or back up guides in case of staff illness or injury. A good example of how this will reduce the experience for the client is: Client is flown into the Main Camp by a charter operator. Guide for this client is already in a spike camp waiting for his next hunter. Weather issues prevent the pilot flying the client to spike camp. The next morning weather is still to low to safely fly. The clients chosen species, a grizzly requiring a guide in this case, is walking down the runway. Since the outfitter is limited on the number of licensed staff members. He does not have a licensed guide in camp. They are all weathered in spike camp. Client watches his trophy of a life time walk away. Leading to a disappointed customer and possible complaints brought on by regulations created with NO KNOWLEDGE of how the industry operates in the field. Under current regulation the cook, pilot, camp manager, etc, may also hold an assistant guide license and if so be available in a situation like this to allow the client to legally take the animal. This limit of three assistant guides also goes against the intent of Big Game Commercial Services Board professional standards, where a guide has to show they have guided successfully for a given species, by removing the opportunity for the assistant guide to gain the experience in the field under the supervision of a more experienced guide. Limiting our ability to train qualified staff. The pool of well trained qualified assistant and registered guides will be reduced even farther. Again the professionalism of the guiding industry in Alaska will suffer. (This proposed regulation is a perfect example of why DMLW needs an advisory council of licensed practicing guides to field questions before time and money is wasted on ridiculous regulations). Application and user fees are exorbitant. As noted at the Anchorage public comment meeting the Federal GUA requires no application fee and the costs are much easier to manage as a percentage of daily adjusted gross per client day on Federal land. The current fee schedule will place undue financial hardship on the guiding industry. Forcing us raise prices and once again we will watch the money go to Canada and not to Alaska. Due to higher costs and no increase in the quality of the guided hunting in Alaska.

#### Solutions -

I suggest we use the current BGCSB guide use area registration system to reduce guide upon guide conflict by making it a 5 year registration. Guides can change areas every year under the current regulations. By making it a 5 year commitment to an area it will force guides into better stewardship practices for both wildlife and land management. The advantages are: no increase in fees, guides must stay in an area 5 years so they will look after the area and the game better. Less over hunting, better relationships with neighbors they know they have to live and work alongside. Same goals accomplished as under the current GUA Proposal.

I also suggest a buffer zone around permitted camps established by DMLW. Recognizing that there are limited access points in many areas. We cannot restrict access so other users/guides using the access point can camp, and use the access, but must move a minimum distance from the permitted camp before hunting. The advantages are: Enforceable, still allows access to users without permitted camps, reduces user conflicts, will promote more permitted camps bringing additional revenue to the State, making it even more enforceable as number of permitted camps increase.

If we want to establish GUA s under DMLW then the boundaries of the areas must include buffer zones between guides that the guides awarded the GUA cannot cross. Even if the buffer zone is several miles wide and joint use. The bulk of the GUA must be private to one guide. Transporters and Eco/wildlife tour operators must be held to the same standard and issued areas. If this is not done the goals of reducing user conflict and increasing stewardship are impossible to meet or enforce.

ALL commercial user groups must be included in the GUA plan. Including, but not limited to, transporters, fishing guides, hunting guides, wildlife/eco tour operators. All users must be held to the same standards of conduct, reporting, and trespass. If the goals of land stewardship and user conflicts are to be met.

The only other solution to the stewardship of game is a permit system statewide for Non Resident hunters. This, as stated by Mr. Cox, is outside the authority of the DMLW.

#### Summary -

These are just the high points of the current proposal. I feel it is a very real problem that our industry is being regulated by people who obviously have no idea what it takes to run a business especially a guiding business. Allowing the people who make their living from guiding on state lands to see what others in the industry are thinking is the best way to formulate a cohesive plan for the future of our industry on state lands. I feel it has been a huge mistake by DMLW not to post online the public comments, and not to solicit an advisory council/committee of guides and other users to review and comment on ideas before wasting valuable time and monies on unrealistic, and unenforceable proposals. DMLW is coming across like this is too much work. My suggestions eliminate most of that work and will achieve the same results as the current proposal.

I feel the GUA proposal be shelved and the monies being spent here applied to a more productive Commercial User Group Plan that incorporates all commercial recreation user groups.

Sincerely,

Jeff Pralle Alaska Master Guide #128

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Don Quarberg  
Big Game Commercial Services Board  
Chair  
Hc 60 Box 3070  
Delta Junction, Ak 99737

Phone: (907)-895-4650  
Email: dquarberg@gmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 133 of 192 - Submitted 04/23/2012 at 12:00 AM:

April 18, 2012

Don Quarberg, Chair a Big Game Comm. Services BD.

HC 60 Box 3070

Delta Junction, AK 99737

907-895-4650 or dquarberg@gmail.com

Mr. Clark Cox

Natural Resources Manager II

AK Div of Mining, Land and Water

550 W. 7th Ave, Suite 900C

Anchorage, AK 99507

Re: Guide Concession Program Dear Mr. Cox,

As you know, the Big Game Commercial Services Board (BGCSB) March meeting provided for public testimony on the Guide Concession Program as proposed by the Alaska Division of Mining, Land and Water (DMLW). Your agency also conducted a public hearing at the Noel-Wien Library the following evening, as well as in Anchorage. Consequently, you have learned of the concerns of the professional guides with the proposed program, as it was then written.

The BGCSB supports the basic concept of the Guide Concession Program (GCP) as it will resolve many of the current conflicts that exist in the field. We also recognize the financial contributions to the State made by the guiding profession and non-resident hunters.

Therefore we (a committee of the BGCSB) would like to request a meeting with the DMLW GCP planning team to offer some suggestions for implementing the program. Unfortunately many of the professional guides are extremely busy for the foreseeable future with their guiding and other seasonal activities, which can affect participation. Hopefully the merits of such meeting will result in scheduling this event for the benefit of both DMLW, BGCSB and the State. The specifics of this meeting can be determined at a future date if you are in agreement that such a meeting would be beneficial. Please advise me of any questions or concerns that you might have regarding this meeting.

Thank you, Don Don Quarberg

Cc: Brent Goodrum, Director DMLW

members of the BGCSB

\*Comment received via mail in the office 4/23/12 \*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Don Quarberg  
Hc 60 Box 3070  
Delta Junction, Ak 99737

Email: dmq@wildak.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 134 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Don Quarberg, Q u a r b e r g. I sit on the Big Game Commercial Services Board and the Delta Advisory Committee, and I'm not here representing either one of those two. What you're going to hear from me is not a reiteration of everything you've heard here, but it's just from Don. First of all, thanks for having the meeting here, because I like the proximity to the hospital, it's just right over there. I noticed in the Powerpoint presentation that you put up one -- one of the earlier slide show about five problems that we're trying to address with this. I don't believe any of those existed when we had exclusive guide areas, so we traded one set of problems for another one, and now we're trying to mitigate that. I think most of us will agree that change is on the horizon, it's going to come, we can't throw the baby out with the bath water, so to speak. And I don't hear as good as I could, even with my bionic ears, but I didn't think Bobbie Fithian was saying that we had to approve this. I think he was saying change is coming, we need to work with you, whomever the power may be, the Board of Game, the Big Game Commercial Services Board, to massage this into a workable solution. As we address these fees, we've heard a lot about that. The one thing that I've noticed, and I've talked to some of the guides, and there's plenty of people here that can address this much better than I can. A major competition is Canada. I looked up -- I can't find out what guides are -- I probably could, but I didn't. I looked up the cost for a license and that sort of thing, and it's comparable to Alaska. And we're right there. The guides are going to be forced to pass this through, and if they price themselves out of existence, we're all going to lose. We've heard comments about including the transporters because they are (inaudible). The one comment we haven't heard is including the resident hunter. I pay nothing for a hunting license. Maybe somebody knows I'm basically harmless when I'm out in the woods, I don't know. I don't pay anything. And if I go to Colorado -- I think I looked up Colorado and traded elk for caribou. A resident down there would pay about \$500 for the same opportunity I have. What has happened in Alaska since 1979, we abolished -- I think that's the date. We abolished the income tax, Permanent Fund Dividend came on line, we became a welfare state. I have unlimited wants because I don't pay for anything. I just make requests through the state. And you've probably heard it a number of times that nonresident guides make up -- I mean, nonresident hunters make up 12, 13 percent of the hunters in Alaska, and pay about 71, 75 percent or maybe more of the bill to manage our wildlife. And so if we really want to have the same level of management of our wildlife, you need to include us residents in there too. Unfortunately at the present time, none of the legislators will consider a fee increase for the residents, but I'd step up to the plate and contribute my fair share. I just want you to take those things into consideration. Let's not kill the goose that's laying the golden egg, because we do have some pretty good game management capabilities that are going on. We've got more moose in some places than we know what to do with. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Robert Quevli  
488 Heartland Ct.  
Chanhassen, Mn 55317

Phone: (952)-937-0978

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 135 of 192 - Submitted 04/17/2012 at 05:12 AM:

I believe the best process would be to eliminate from the list any guides who have been a problem in the past. Then, pick the best of the remaining ones to get to your target number.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Susan Quevli  
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Spearfish, Sd 57783

Phone: 605-642-4870  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 136 of 192 - Submitted 04/15/2012 at 02:00 PM:

I would like to comment on the possibility of exclusive guide concession areas.

An alternative to this would be to deny licenses to guides that have broken the law like poaching, hunting during the off season, etc. It seems to me that would get rid of a large number of guides. Getting rid of them would solve some of your problems and ensure that Alaskan hunters would have honest guides that followed the law.

Then if there are still too many guides, selecting the best guides by some criteria set up by you would again ensure the confidence of hunters in their guides.

Thank you for your consideration.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Brenda Rebne  
1928 Kulik Circle  
, Ak

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Email: rebne@afsiak.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 137 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Brenda Rebne. I hold one of two seats for private land owners on the Big Game Commercial Services Board. I also sit on the Alaska Federation of Natives representing the (indiscernible) Villages. That is the vehicle I use to report the Big Game Commercial Services activities in the event it impacts potential private property, owner rights for Native corporations. And so I'm getting two different stories here. One is that this program will no way limit or reduce corporations from contracting with licensed guides, rather they get a concession or not. So is that true or not? MR. COX: That's true. MS. BRENDA REBNE: Okay. So it doesn't matter if somebody doesn't have a concession in that guide use area, but they're licensed, a corporation can't do that, conduct their own program with them essentially? Okay. So then I guess my question, on Number 26, Page 6 of 12 on your comments, it clearly says there, "If you do not hold a concession on state land, you will not be allowed to conduct big game guiding," which would not -- would mean that corporation couldn't do that, so which is it? Either clarify this answer that says "On the state land excluding," you know, "corporation land," or I don't know, which is it? Based on what I'm reading here about what you just said, which is it? MR. COX: We'll clarify it. That's a frequently asked question, is that right? It's only for those state land owners, so corporation lands would not be in that area. MS. BRENDA REBNE: Participating land owners. You mean state -- this concession applies to state land, so private land owners, but ANCSA lands are excluded from this? MR. COX: Correct. MS. BRENDA REBNE: Okay. So then -- just so that that's on record. Then I have to support some of the comments that have been made by other testimonies. The evaluation of animals, I think it really should include and needs qualified industry representation on that board to be making those decisions. And I think that while the GCP reduces the number of guides, it does not reduce the pressure on the fish and wildlife resources, because the general public still has access to the same lands, and there are not limitations for transporters or air taxis or other means of transportation transporting hunters or the number of hunters that they can bring into those same areas. So I think it kind of defeats the purpose, and it seems like all it does is reduce the number of guides that are in there and those operations. Something that was expressed of concern at the last AFN board meeting in relation to this program was the loss of a potential economic opportunity for local guides, if they're not to be given -- if they don't get a concession, it's a very legitimate concern. And there doesn't appear to be any protections in place for additional criteria or points given for Alaska residents or local operations. So they're very nervous about that, and I don't blame them. So the evaluation criteria doesn't give enough to protect existing local and resident industry providers from losing their current operations and future industry opportunities. I think the State of Alaska does have the responsibility to give Alaska residents first. So I guess my time is almost up. But it seems to be only supported by the one user group when, in fact, the resource is used by multiple user groups. So that's something you need to look into as well. I think that's it. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Brad Reich

Email: breich@maniilaq.org

, Ak

**Topic: Guide Concession Program Proposed Decision February 2012**

Comment 138 of 192 - Submitted 02/16/2012 at 12:00 AM:

Sure would be nice to have a meeting in Kotzebue since we have a lot of Big game?

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Donna Renberg  
138 Ocean Garden Lane  
Cape Canaveral, FL 32920

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 139 of 192 - Submitted 04/18/2012 at 03:48 AM:

If changes need to be made, they should be done through a competitive procurement process to ensure that the most responsible guides are still in business. Awarding based on a lottery does nothing to ensure proper competition nor quality.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mark Richards  
Backcountry Hunters and Anglers  
Co-Chair

Email: kandik@starband.net

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 140 of 192 - Submitted 04/03/2012 at 12:00 AM:

Webinar Testimony 4/3/12:

Okay. My name is Mark Richards. I'm co chair of the Alaska Chapter of Backcountry Hunters and Anglers. We're a hunting and fishing conservation organization.

Our comments and our involvement in this Guide Concession Program all along have been related to resource conservation concerns we have, particularly with our sheep populations, and there -- and that more and more areas are going to draw only for everybody and that we are losing our general sheep hunting opportunities for our resident hunters.

We seem to agree with the Alaska Professional Hunters Association on this. I'd like to read you a recent document that the Alaska Professional Hunters Association sent to the legislature when they tried to regain the funding for this DNR program that was recently cut in the legislature.

They talk about issue overview, state vs. federal land, and resident dilemma. One of the bullet points on the state land issues is, quote, Unlimited commercial hunting on state land has resulted in resource degradation and over harvest of the state's valuable game resources, unquote.

They talk about the federal land issues and how the federal concessions are supposed to mirror this Guide Concession Program.

As far as resident hunters, they say, quote, Resident hunters are disadvantaged compared to highly competitive commercial operators. Residents have been harvesting a lower and lower percentage of animals as compared to non residents on state land, unquote.

We would like to confirm in this program -- the only way we can support this program is if we see that these resource conservation concerns that we have, what's stated as the, quote, biologically feasible, unquote, application in the Guide Concession Program, are met. We don't believe that we see that here.

Right now, the DNR Concession Program is limiting the number of assistant guides that can be hired. We believe that would limit the number of harvest. But we have been at the meetings, and we have seen the demands made by the guide industry that ask to remove these limitations, that ask to remove limitations on the number of assistants hired. That would, de facto, just allow the same number of harvests we have now.

And we are in a quandary as to the monies that come in from non resident license and tag fees being so needed that our Department of Fish and Game is unlikely or unwilling to really state the resource conservation concerns that we have out there.

Another aspect that concerns us is that, in the Federal Concession Program that this program is supposed to mirror, they give concessions to one contracting guide only. In this program, we have many areas where we're going to give concessions to four or more or less contracting guides, and possibly two limited concessions. And we just see the same type of conflicts happening now.

We are not allocating certain areas to those individual concession winners, so we could have the same type of conflicts that we see now, where guides are fighting amongst each other for areas, assistant guides are fighting amongst each other, and they're quarreling with the resident hunters that are also in these areas.

So again, our primary concern here is the resource. We agree with the Alaska Professional Hunters Association that we have biological harm, and over harvest is happening by non resident guided hunters. We can only support this program if we are assured that the same level of non resident harvest, particularly for sheep, do not occur under this program. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mark Richards  
Backcountry Hunters & Anglers  
Alaska Chapter Co-Chair  
50 Mile Kandik River  
, Ak

Phone: (907)-347-7564  
Email: kandik@starband.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 141 of 192 - Submitted 03/14/2012 at 12:00 AM:

Good evening. For the record, my name is Mark Richards. I'm co-chair of the Alaska Chapter of Backcountry Hunters & Anglers, and I'll be speaking for our organization tonight. I want to start out by saying that the impetus of this program, the biological conservation concerns, the conflict of appeals, specifically that center around sheep and sheep hunting, this was always something that was never going on statewide. This was only in a few specific areas, and I have to agree with some of the other comments that were made previously that it's just crazy to try a statewide fix to fix problems in a few areas. Our primary concerns all along in this program are centered around our wildlife conservation concerns that we have. We have a lot of members that are long-time hard-core sheep hunters. We want to ensure that they don't lose their general sheep hunting opportunities, to have more draw in areas. We also have members who are guides who have asked us to fight for them so they have a fair and equal opportunity to obtain a concession area. And we are doing that, and we are going to continue to do that. What we would like to see this program centered on is not limiting guides. You can't limit guides, as you know, you've attempted to deal with so many assistants. Each area is different, each hunt operation is different. But we can look at these problem areas, like in Unit 20 that center around sheep. Our organization put in a proposal to the Board of Game that was here at this last meeting, Proposal 137. We did a lot of research on it, talked with a lot of sheep biologists in the state, also talked with guides in Canada, and we determined that to fix these sheep areas, you need to center it around how many harvest guides and their clients can have, which is part of what is supposed to be the wildlife conservation scoring criteria that you have. Well, it turns out in talking with Fish & Game, what's going to happen is that you're going to get a prospectus from a guide, he's going to say, "I want to run so many sheep hunters, so many moose hunters," and then you're going to talk to the area biologists, and they're going to tell you -- you're going to ask them, "Is this okay? Can this area handle this many harvests?" Well, Fish & Game just gave a presentation on our sheep proposal. They said, "In Unit 20 right now where we have 65 to 70 percent nonresident sheep harvests, it's biologically sustainable." They don't see a problem. They don't really have the conservation concern. But yet, if you look at some of the data, 11 percent full-grown rams, the lowest ratio that we've had. What could happen is under this Guide Concession Program, we could end up with the same problem we have now and in 20-04. We could have 200 hunts going on. And so we just aren't seeing the real conservation concerns in this program. We would ask that DNR just really focus on the problem areas. And maybe that -- if you can't limit harvests there, maybe you can -- in those areas, you can limit the number of assistant guides or guides. But don't do this on a statewide level. Focus on the problem areas, fix the problem areas. If you don't, we are going to keep submitting this proposal to the board. And members, Spraker and others, have said, "If you don't do anything, they're going to be forced to act." The outlying hunters, we're going to limit it to 15 to 20 percent allocations. We feel that is fair, go that route. We wish the board would go that route with these problem areas. We're not willing to wait any longer when you decide in Juneau, tonight, that the legislature doesn't believe you have statutory authority to go through with this. They're cutting your funding. It's just all a mess. I want us to fix these problem areas and fix it now. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Phillip Richmond  
Richmond's Alaskan Guide Service  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 142 of 192 - Submitted 03/20/2012 at 12:00 AM:

In unit 19-04A I think there should be 3 full time guides instead of 2 full time guides. The moose and caribou populations are slowly coming back. We are seeing more of these animals each year. There is definitely enough room for 3 full time guides there. I have been in the area since 1986 and have never had problems with other guides and over harvest of game with these numbers of guides.

\*Comment hand delivered at Anchorage public meeting 3/20/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Richard Rohrer  
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Kodiak, Ak 99615

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Email: rrohrer@alaska.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 143 of 192 - Submitted 04/20/2012 at 09:30 AM:

Hello Clark,

I have several suggestions relating to the number of operators per the following areas on Kodiak Island. O8-26 should be just 1 operator instead of 2. There are three major land owners in this area, U.S. Fish & Wildlife Service (Refuge), Private (Native Owned) and State. The primary opportunity for guiding in this area is for Brown Bear and permits are limited to three in the spring season and two during the fall season for non-residents. Since the village of Port Lions is within this area there is considerable subsistence hunting for deer and thus very limited opportunity for guided deer hunts. There are no Mt. Goat in this area. The Refuge selects 1 operator for their lands and the Private Land owner can select as many as they want for their lands, with the State offering 2 permits for this rather small area the result could very possibly be four or more guides with some land use authorization to compete for five non-resident bear hunters. This does not offer opportunity for more than 1 viable business on State Land. My recommendation for O8-26 is to offer 1 operator.

O8-02 Recommend 1 full and 1 part concession. Justification is the small number of brown bear permits with some opportunity for goat hunting, Note goat permits are via draw.

O8-03 Recommend 1 full. Justification limited number of non-resident bear permits

O8-04 Recommend 1 full. Justification, limited number of non-resident bear permits.

Concerning Cost: With the limited number of Bear Permits available per area on Kodiak the Annual fee of \$4000 is excessive especially if there is more than one concession holder per area. \$750 is a reasonable fee for a brown bear hunter but \$500 is too high for a deer hunter. The price of a guided 6-7 day deer hunt is \$3000-\$4500 including the cost of the bush plane transportation to the hunt area. I've been offering guided deer hunts since 1984 and the above price range is about what the market will accept. There isn't enough profit in a \$4000 hunt to add an additional \$500 for the State. I suggest that \$100 would be more reasonable fee to charge for a Deer hunting client.

The application fee of \$250 is reasonable.

Thanks for the opportunity to make these suggestions, let me stress one more time the necessity of only 1 operator per the above areas.

Regards, Dick Rohrer

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Sam Rohrer  
Sam's Alaskan Adventures  
Registered Guide  
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Kodiak, Ak 99615

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Email: sam@kodiakbearcamp.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 144 of 192 - Submitted 04/19/2012 at 12:00 AM:

Please find attached my comment regarding the proposed DNR GCP.  
Thanks you for your time.

Sam Rohrer Sams Alaskan Adventures PO BOX 1388 Kodiak, AK 99615 907-486-4074 907-539-1828  
www.kodiakbearcamp.com

#### REGISTERED GUIDE

Sam Rohrer P.O. Box 1388 Kodiak, Alaska 99615 Ph: 1-907-486-4074 Fax: 1-907-486-8829 www.kodiakbearcamp.com  
sam@kodiakbearcamp.com FAIR CHASE HUTNING

Brown Bear Mountain Goat Sitka Blacktail Deer Family Trips Fishing Trek April 19, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

To Whom it May Concern,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have no choice but to eliminate nonresident hunter opportunity in many areas within the State which will negatively affect the long established professional guide profession and affiliated industry.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following: For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's. This model should stay the same for a number of important reasons: a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands. b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded. e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. I also recommend that the \$250.00 Concession application fee remain the same.

2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations: a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing. b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants. c. Conservation/Stewardship basis of the GCP needs to be based on the applicants' Plan of Operation, not on the number of Full or Limited concessionaires that will be competing for resources. d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders. 1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or: 2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: 3. I recommend that Limited Concessions be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized. b. Only the Limited Concessionaire can conduct the hunts with no assistant guides. c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities. b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business. d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability. f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry. a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year. b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client. c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel s inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. The industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on. a. I recommend that the Scoring Panel have industry participation within its makeup.

8. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon. a. I recommend that implementation timeline needs to be moved forward to 2014.

9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS: Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances. a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.

c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant is wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

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10. Regarding Post Season Report: Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

11. Regarding Five and Ten-Year Terms: It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

12. Regarding Earned Renewal: Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.

b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

13. GUIDE CONCESSION AREAS: a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUAs. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

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14. TRANSFERABILITY: I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available

resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process.

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2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

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3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

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4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

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5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

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6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION: a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading. b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources. c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

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7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL: a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions.

1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed

additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES: a. I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

#### FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN: a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY: a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU: a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT: a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE: a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period.

18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE: a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE: a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman s comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists. c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Sam Rohrer Sam s Alaskan Adventures

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Justin Schlotzhauer  
300 Richland Ave  
Tipton , Mo 65081

Phone: 660-4332296  
Email: jschlotzhauer@hotmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 145 of 192 - Submitted 04/17/2012 at 09:34 AM:

I've been doing research on Alaska's hunts and came across some negative news reflecting AK's unethical guides. I fear that I may get wrapped up with that kind of guide. If a guy gets caught doing it once, it wasn't his first time but just the first time he got caught that should raise red flags!! Please use the concession program to clean up the guide industry of those who should have been put out of business when they broke the rules the first time. Also, if a guide pled to a lesser charge or plead to less severe charges on one of their contracted hunts, they should NOT be able to "explain" their way out of it on the concession program prospectus, once a poacher always a poacher. I have a plans in the future to bring myself and family out to this great state for a brown bear or Caribou hunt. If this is the kind of operation that is condoned and continues, I will NOT hunt Alaska!  
Sincerely a concerned sportsman Justin

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Jeff Shannon

Email: jdsbowhunter@hotmail.com

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 146 of 192 - Submitted 02/16/2012 at 12:00 AM:

Clark,

I am certainly in favor of DNR implementing a Guide Concession Program that will competitively select qualified individuals to conduct big game commercial guiding on state lands. I feel that such a move would result in better overall conservation of big game resources as guides would be more inclined to manage the resource for long term benefit, rather than just short term profit. Alaska has far too many guides that have the mentality of shoot it up quick and then move on. The proposed action seems to be a sensible approach that allows for the continuation of the guiding industry while at the same time reducing overuse of the resource base by overzealous guides. Again, I fully support GCP program and hope to see it come to fruition.

Thank you,

Jeff Shannon Fairbanks, AK

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Phil Shoemaker  
Master Guide 109  
P.O. Box 273  
King Salmon, Ak 99613

Phone: (907)-376-2234

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 147 of 192 - Submitted 05/10/2012 at 12:00 AM:

A lot of thought and work went into this. Most is good but many items are either self serving or unworkable or too costly. I have marked sections I agree with and the ones I do not.

Thanks

Phil Shoemaker

AA 107

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded,

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same, 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of

Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:
3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized.
- b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
- c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
- d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience, Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION ICILL"AR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS, (Yes: handwritten comment)

- a. I recommend that DNR implement a \$1,000.00 Concession fee per year.
- b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.
- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCR
- d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the

final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

#### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc, etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. (Excellent Idea)

c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans. (Good but expensive & time consuming idea: handwritten comment)

8. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible,

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed,

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder,

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report: (BS: handwritten comment)

Integral to making the proposed program work is the necessity of utilizing a graded post-season report, This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year, The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only, The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of

supporting long term businesses,

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business,

### 13. GUIDE CONCESSION AREAS:

a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR. to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities,

In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process,

2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE (Good: handwritten comment)

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed. (Yes: handwritten comment)

3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations,

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable,

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas. b. I recommend that this is an important criterion, b should be considered with two questions,

1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas. c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and proved proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1., FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR. should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants

that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed,

12. FORM C, SUS-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1.: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend (no: handwritten comment) that the applicants operation plan need to be malleable(to much room for error or above: handwritten comment) within ten year window to allow for changes related to wildlife population and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff,

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period.(Yes: handwritten comment)

18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS (Good: handwritten comment)

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists,

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding

outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Clifford Smith  
320 South Willow Lane  
Wasilla, Ak

Phone: (907)-864-9073  
Email: clifford@triplec outfittersalaska.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 148 of 192 - Submitted 03/14/2012 at 12:00 AM:

How you doing? I'm Clifford Smith. I'm owner of Fish Lakes Lodge on the Yentna River in Unit 16 Alaska. One of my biggest concerns is, one, as the state that you guys in the DNR that's doing this program, have you had an outside source or a state source do an economic impact study on what's going to happen with this concession? Running the numbers, looking at what you guys are proposing, if you're going to limit the number of assistant guides, limit the guides, spread everybody out, whatever way you want to look at it, how is this going to impact local communities? As a matter of fact, Anchorage, how many less hunters are going to come in? Where is that money going to go at that point? Basically what I'm saying is that, you know, without this economic study, how do we know what the impact to all of us are going to be, as, you know, residents of the state? Also, with the limited concession area, I think that without having that within this proposal is going to damage the whole project in general in the legislative body. Second of all, the fees, I think they're way out of line, the fees. And also, you know, the fee, like you said, we're giving communication back for \$750 and \$500 per animal. I don't think that's viable at all. That's about all.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Randy Smith  
North Pole, Ak

Phone: (907)-488-7044  
Email: racsmith@alaska.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 149 of 192 - Submitted 03/14/2012 at 12:00 AM:

Yeah, my name is Randy Smith, a registered guide. I live in North Pole. Something I brought up before was that when you start reducing the number of guides allowed to operate in certain areas, you're going to reduce the incidental take of your predators, bears and wolves. And I haven't heard anything about that tonight. Right now we're allowed to hunt in three guide use areas, or three game management units. To do that you have to prove that you've hunted under a guide to be able to test for a new unit. If somebody beats you out of your areas right now, you're going to have these vacancies. Well, to be able to put in for those vacant areas, you want to have to have been tested for that. You can't do that unless you've hunted for a guide for 60 days in that unit. So basically you're training your own competition, so that's going to reduce the types of assistant guides being hired by these guides. The other thing is two of the areas I'm currently hunting in, I only hunt predators. So when you start reducing that number, you're going to start increasing the number of your predators due to the nonincidental takes that's going to happen. So within 10 years I don't see this as being a problem because there's not going to be any prey for anybody. That's all I got to say.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Matt Snyder  
Hc 72 Box 805  
Tok, Ak 99780

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 150 of 192 - Submitted 04/24/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. (It should be three: hand written comment)

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them, To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of and use authorization an applicant has with other land holders.(should get more points if you have a area with other land holders: hand written comment)

f. I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS:(Get rid of limited concessions all together: handwritten comment)

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats. and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas Where bears have been identified as problematic or:(only: handwritten comment)

3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized.

b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.

c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.

d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS;

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.

b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.

c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.

d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.

e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.

f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported,

### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all time agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR, THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year.

b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

d. I recommend that a fourteen day portable camp provision be made within the GCP program without additional. (No charge I do more: handwritten comment)

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone, This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek,

Financial remuneration to the State comes in several ways within the proposed GCP, Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. (Fish & Game: handwritten comment)

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection

most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process, Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with, this program which will fairly address death, health related, and other acts of God that may occur to a concession holder,

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report, This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. (Not sure on this: handwritten comment)

#### 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an

operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

### 13. GUIDE CONCESSION AREAS:

- a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further,
- b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR. Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.
- c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.
- d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed,
- e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.
- f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

- a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA, programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.
- b. Another important aspect of transferability revolves around a family oriented business, As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.
- c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.
- d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program. REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Retarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

- a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so, Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

- a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations,

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent. (This is different to each area, this is where a guide needs to be on panel: handwritten comment)

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,e and d: WILDLIFE CONSERVATION: (DNR has no concept of wildlife conservation (Fish & Game only): handwritten comment)

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub--Units where a certain level of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but, amend to include additional scoring opportunity' for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required,, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation. (Agree: handwritten comment)

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1. (Both above sections 8 & 9 have been crossed out: handwritten comment) FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred., Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more of the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

- a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.
- b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

- a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

- a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

- a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

- a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.
- b. Recommend that Less should not be Best in relation to scoring for planned. harvest effort, client base or staff
- c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

- a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM,C, SUB-FACTOR E, ITEM 1: REVENUE:

- a. I recommend deleting or changing is criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro--forma that shows a potential successful business within the scope of the plan of operations. 19. FORM C, SUTOR E, ITEM 2: REVENUE:

- a. I recommend that an affidepicting past performance of operating a successful business would be satisfy ory documentation for the new expenses.

(Both above sections 18 & 19 crossed out on original and says delete: handwritten comment)

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

- a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight, Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on, All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

- b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

- c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

- d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history,

- e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

- f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Matt Snyder

## Registered Guide

(Original comment has been highlighted and has handwritten comments. Original can be reviewed in Southcentral Land Office)

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Thor Stacey

Email: thorstacey@gmail.com

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 151 of 192 - Submitted 03/06/2012 at 12:00 AM:

My name is Thor Stacey, and I'm here speaking as an individual. I am a life long Alaskan. I'm a registered hunting guide here in Alaska that holds-- I hold two different concessions on U.S. Fish and Wildlife lands that were awarded to me competitively. One was-- one area was not applied for except for by myself; and the other area, I was selected by, in this case, the refuge manager. It's a similar function for what the DNR is proposing in this concession program.

I guess broadly, you know, A, there is a problem that exists. The number of proposals at the most recent Board of Game meeting that revolve around anger or fear towards nonresident harvest, and most of that-- those proposals revolve around issues where nonresident hunters have been taking a higher and higher percentage of the harvest on state managed areas-- is indicative of a problem where you have very competent and successful professional hunters running businesses that are dedicated to the success of their clients in an unlimited competitive zone on state land with very limited oversight from the landowner. You end up with a selection away from state residents.

And with that I would say that this particular program stands to benefit nonresident hunters, non Alaska state residents and residents that are local to their region, much more than it stands to benefit hunting guides or nonresident hunters -- well, it actually -- I would take that back.

I would say that it benefits nonresident hunters very well in that, when they buy a hunt in Alaska, basically anywhere, they will be assured that they have a very high quality opportunity to have a reputable business owner that's been vetted by the landowner, that's been vetted by the Commercial Services Board, and is offering a hunting opportunity that's in line with the best known practices in the industry.

So the nonresident hunter stands to benefit greatly, but the Alaska state resident hunter, which there is more of them -- as far as numbers go, as far as what we are looking at, interest across the state and votes, we're looking at interest in who's -- the numbers of people using public lands -- they stand to benefit the most.

And the comparison is real simple. On one side of the line, you have federal lands, where you have one guide per hunting area. You have guides that have long established relationships with communities and service providers, transportation providers.

And on the other side of the line, you have state land that's wide open, that someone can pay \$500 for, be authorized to conduct commercial hunting operations in different regions and different years, that has no local ties, that may or may not be -- have ever been a resident of the state, and is super competing for a limited resource, a finite number of legal animals.

The question is: As a state resident, which side of the line do I want to hunt on? Well, unfortunately, the side of the line that I want to hunt on is managed by the feds. And the fact that our own residents -- and someone like myself, as a guide, I've intentionally avoided guiding on state land or providing opportunity for my clients to do so because I cannot reasonably assure a level of quality that I can on federal lands.

And that's made me select towards competing in the federal prospectus program, which -- I basically have been guiding my entire adult life, since I was 20 years old. I basically built a career path around being able to compete for these permits, and I have -- based on quality, compliance, experience in the terrain and the animals, I have created my own opportunity through a competitive selection program.

So the argument that this program does not provide opportunity I would say is actually reversed. You have a short term opportunity on state land now as it exists, but in the long term, what do you actually have? You don't have a concession or something that you can predict or work with. You can't work with the Department of Fish and Game because your vested interest is diminished by other competition.

With that, obviously I have a big picture support for the program. I'll go to my specific areas of concern.

The first area of concern is the fee structures are absolutely too high. Okay? What happens is, because we already have--we create a differential market between state areas and federal areas. Federal areas are much cheaper. They are based generally on either on a day use fee, a flat -- I doubt the fee structures on U.S. Fish and Wildlife land, for instance, pay for the program. I know -- and to achieve that threshold at a bare minimum. However, they are much cheaper. We have another program on preserve land and BLM land that looks at percentage of gross.

I would very much advocate for a 3 percent fee based on gross so that, as the guides prosper and as the industry does well, so does the department. It encourages immediate feedback. It encourages a direct -- you know, I wouldn't say it would make it an ownership state, because I don't think that's quite accurate. However, as the guide industry does well, so does DNR. And that's something that we're accustomed to, and that we would remain competitive in that type of fee structure.

The next thing is that the limitation on being able to apply for two areas is inappropriate. We're able to hold three guide use areas on our licenses currently, and to give an artificial restriction on the amount of areas you can apply for I don't think is constructive.

I think if the administrative fee per application would have to be raised to achieve that, on the one hand, I'm requesting it. But however that could be solved, I think that -- on the federal side, we can apply for ten. We can only hold three. We can only hold three, you know, so I would say that -- and especially as people will be displaced, it's quite possible that they'll burn all their applications in super competitive units and not be able to pick a place to stay in business, at least. So I'm very, very concerned about the two area application restriction.

The next concern is the limitation on number of assistant guides. By limiting the number of assistant guides, if I have a short season, a moose season, my allocation -- let's say I'm looking -- hoping I can harvest, let's say, up to six moose. I'm thinking that I'll fall well within the allocation that I have through the Board of Game or whatever in my area, and that's the agreement I have. I have ten days to accomplish it, so obviously I have to have more than three guides in the field. Okay?

But beyond that, even if I have a small allocation, and I have a special needs hunter, and I choose to have two highly qualified assistant guides with that hunter, I would be burning up my guide allocation; and I think that that's not necessarily appropriate.

And then the next aspect to it is, is that many times, even though someone is a licensed assistant guide, they are still functioning as a packer or very low level assistant in a camp with a hierarchy. And to have that person be counted against me when I'm trying to promote future professional competency I also think is unfair. So I would say that I'm very concerned about that.

And, you know, I have some other concerns that I -- you know, I'm pretty much probably over my time at this point. But I will say that the program -- as a guide, I do not like bureaucracies. I have an absolute terrified fear of them. I hope that, as the land manager, there will be some sympathy for the guides. I hope that there will be some -- you know, that it's the user groups that are benefited, especially as state resident hunters. And, as we see a transition to more and more allocation to that, I hope that, as a guide, we still have some input in the program, and that whatever we come up with, even if -- that it will be able to be changed and adapted as time goes by.

So that would be my comments.

\*Oral testimony given in Juneau, AK during a public meeting - March 6th, 2012

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Ralph Taylor  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 152 of 192 - Submitted 04/17/2012 at 11:34 AM:

Guide elimination It is my understanding that the state is going to do away with of the guides in the next few years. If so start with the guides that have not comply with state guide laws as repeat offender not just the luck of a draw. I use a service down here in the lower 48 that also guides in Alaska I would book with him for my trip I am planing to your state seeing I've used him for a few years. If you go through with your plans to reduce available guide service what will that do to the coast of hunting or fishing trip to your state. I'm sure there is enough work for the current guides not just the big outfits that can afford to lobby for elimination of others. Ralph Taylor @ertjr21@aol.com

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Test Test  
123 C  
Anchorage, Ak 99999

Email: [steve.weems@alaska.gov](mailto:steve.weems@alaska.gov)

**Topic: Guide Concession Program Proposed Decision February 2012**

Comment 153 of 192 - Submitted 03/29/2012 at 12:00 AM:  
Test

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Test Test

Email: ryan.hickel@alaska.gov

, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 154 of 192 - Submitted 03/20/2012 at 12:00 AM:

My name is Wade Willis.

16 I, like Bobby, have been attending Board of

17 Game meetings for nearly -- well, it's almost every

18 one for the last four years anyway. I attend Federal

19 Subsistence Board meetings. I have been a resident

20 of Alaska since 1989. I've hunted every year.

21 It's not as Bobby wants to portray it: Us

22 versus Them; it's a much more complex problem.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 155 of 192 - Submitted 04/20/2012 at 11:47 AM:

I have hunted Alaska for brown bear and had a great time. I chose my guide from many and was happy with the chosen one. I am concerned that the guide concession program will take some of the best guides out of the business and limit my options for my next hunt. I think doing these three things will prevent that from happening:

1. Forbid all guides from getting an area (or even competing for an area) who have contracted hunts where illegal taking of animals has occurred and/or major infractions of the law have taken place during the contracted hunt such as hunting the same day they flew, hunting out of season, poaching of any kind. It is important to get these guys out of business because I want to come back to hunt Alaska and want to be certain to be dealing with a guide that is not immoral. The guide concession program is the perfect chance to rid the industry of outlaws and shysters who use the current guide system to avoid getting caught breaking the rules that make hunting a great sport to the rest of us normal hunters. Due to the remoteness of Alaska hunting areas, if they have been caught once, you know they have been doing it a long time.

2. Each guide should be awarded only one area.

3. After removing outlaws from the industry, there will be no need for further cutting of jobs held by good, hard working, law abiding guides. If further cuts need to be made, full and limited concessions should be awarded by way of prospectus and NOT simply by lottery.

Thanks for taking time to read my comments.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Henry Tiffany  
P.O. Box 329  
Ester, Ak 99725

Phone: (907)-223-3226  
Email: henrydtiffanyiv@yahoo.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 156 of 192 - Submitted 03/14/2012 at 12:00 AM:

Hello. My name is Henry Tiffany. I'm a lifelong resident here of Alaska, and am a master guide that's been guiding almost 25 years, primarily on state land during that time. I have been in general support of this program from its conception. I've been very involved with it, try to be as helpful as I can be. And I still am supportive of this program. I think that without it, guiding as we know it currently on state land will be gone and never recaptured for future generations. Based on this current proposed program, I do have some concerns that I would like to express, and I will do so also in writing. But the fee structure, I think, needs to be seriously reviewed and adjusted. You will and have and will get a lot of input on that. But those numbers definitely need to be looked at and adjusted accordingly. I do think initially they are too high. There are ways that the money can be generated, perhaps, in a different fee structure and still accomplish the goal. I do not believe you should blanketly limit the number of assistant guides an operation or an area should have. That can be very dependent upon any given operation's plan. I think that should be included in the operation's plan for each applicant and be reviewed and weighed accordingly one way or the other. I agree that the financial records are simply none of your business and not required. Maybe we can simply supply an affidavit of financial responsibility and viability that we commit to being able to operate as we have proposed. I support having our peers on this review panel, be a retired guy, blank out the name of the applicant, give them a number. But I think that's important, that someone who has been on the ground in the field at one point or another be on the review panel. I would like to see the three -- proposed limit of two areas be adjusted to three. We use the number 3 in a lot of other regulations, a maximum of three guide outfitter use areas, and I think that is something that should be considered to be raised, two to three, to help with continuity. I'm a member of APHA. I'm proud to be. I'm a small business owner that has operated on state land. And personally, in my operation, I feel that without a program on state land, 10 or 20 years from now, I will be applying for a job at DNR or somewhere else because I won't be out hunting. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Henry D. Tiffany Iv  
, Ak

Phone: (907)-223-3226  
Alternate Phone: (907)-456-4868  
Email: henrydtiffanyiv@yahoo.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 157 of 192 - Submitted 04/22/2012 at 12:00 AM:

Dear DNR,  
Attached, please find my written comments regarding the Guide Concession Program.

Should you have any questions, or if I may be of any assistance at all, please feel free to contact me via email or by phone at 907-223-3226 or 907-456-4868.

Sincerely,

Henry D. Tiffany IV

April 22, 2012

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Re: Guide Concession Program Comments

Dear Department of Natural Resources,

Below, please find my comments related to the proposed Guide Concession Program (GCP).

I have been, and remain, a very strong advocate and promoter of this program and I have been involved with it since its inception. This proposed program is important to me as an Alaska resident, professional guide and business owner in Alaska and for Alaska and its many user groups as a whole.

However, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented. As such, I would ask that you seriously consider these below comments and proposed changes that I know myself, and many other professional guides, believe will help to make the Guide Concession Program a successful, long term program that will benefit all for years to come.

It is important to note that without this program being implemented, the Alaska Board of Game will have no choice but to eliminate nonresident hunter opportunity in many areas within the State which will negatively affect the long established professional guiding profession, which has been, and remains, a vital part of our States (and Territory s before our statehood) economy for over 100 years and it s many affiliated industries.

Though I do have comments on many aspects of the GCP, there are fifteen main points that I would like to focus on.

#### 1. THE LIMITING OF TWO APPLICATIONS OR AWARDING OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE.

I strongly object to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering. For many years, Alaska s Professional hunting guides have been limited to three Guide Use Areas (GOUA s) in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations are held, a big game commercial service provider can only operate within three GOUA s; commonly known as a guides three beans . This model should stay the same within the framework of the GCP for a number of important reasons: Many existing professional guides have been conducting hunts on State lands within three GOUA s for many years and have substantial experience and investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses within three existing GOUA s, and lends considerable potential challenges to maintaining the three GOUA concept on Federal lands. I recommend that an applicant be allowed to submit an unlimited number of GCP applications, should they choose and be willing to pay the necessary application fees, for areas which the applicant is certified for. I strongly recommend that DNR take into consideration the historical intent of existing law and allow an applicant to be awarded up to three concession permits, which would then require them to use all three of their GOUA beans in many cases. I recommend that there be no penalty factors for the number of concessions an applicant is awarded as well as there be no penalty factors for the number of land use authorization an applicant has with other land holders. To help fund the initial application process, I feel that the \$250.00 Concession application fee is appropriate.

2. LIMITED CONCESSIONS: I would recommend, and encourage you to consider, NOT instituting the Limited Concessions aspect of this program. If, for whatever reason, you deem it absolutely necessary to have Limited Concessions a part of this program than I would encourage you to amend it as follows: A. Only the Limited Concessionaire can conduct the hunts with no assistant guides.

B. Limited Concession holders can only harvest two big game animals per year per Limited Concession area.

C. Only where conservation and stewardship goals are not jeopardized will a Limited Concession be considered for an area.

D. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas, without limitation to the

species or number of clients, takes away from, and works against, the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can, and will, compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. These Limited Concessions, as proposed, break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants. It may make for a longer apprenticeship program, or process, as guides learn specific areas while working for the Guide Concession Permit holder but that is beneficial to them ultimately becoming good guides, outfitters and stewards of our State's land and resources. The conservation and stewardship basis of the GCP needs to be based on the applicants' Plan of Operation, not on the number of Full or Limited concessionaires that will be competing for resources. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders and as such will encourage the Limited Concession holders to guide as many people as they can.

### 3. ASSISTANT GUIDE NUMBERS:

I strongly recommend that you DO NOT blanketly limit the number of Assistant Guides a Full Concession permit holder can have to three. Reducing the number of allowable assistant guides to three for Full Concession holders breaks the economic viability of many existing, and future, operations and will put a number of long time guide service providers out of business.

I feel the number of proposed Assistant Guides should be included as part of the application(s) and Operations Plan and should be considered by the Review and Scoring panel when evaluating applications. As such, I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.

Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates that many guides are restricted to. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for, as an example, six assistant guides, this GCP program as proposed will eliminate half of their historic business and will probably put their long time established business out of business, as well as denying viable employment for three individuals and prevent three potential, future Full Concession permit holders the entry level experience and education they need to eventually become good and viable GCP applicants. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability. In some cases a client will request, or a guide will offer, the opportunity to have more than one guide available to the said client in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. It would appear as though the \$1,000,000.00, per year, Administrative cost appears much too high and unduly burdens the economically important professional guiding industry. I feel it is important for the GCP to pay for itself and I truly feel that it will, perhaps even then some, but the guiding industry should NOT BE unduly taxed and be expected to fund the shortcomings in other areas of the State's budget. The below listed recommended concession fee, coupled with the client daily use fee and the existing land use authorization fees represent a fair process and I believe will adequately fund the GCP on a long term, sustainable basis.

1. I recommend that DNR implement a \$1,000.00 Concession fee per year, per Concession. 2. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client. 3. I recommend that the current \$2.00 per day use fee be discontinued under the GCP in lieu of the above mentioned higher per client daily use fee. 4. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately at least \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in the Owsichuk decision. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions, as proposed, will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish substantially and the State will lose important revenues.

5. NO FINANCIAL RECORDS REQUIRED: I feel strongly that there is absolutely NO NEED, or viable reason, to require the financial records of an applicant in the application process. Just as in the Federal Refuge application process, a simple affidavit of financial responsibility and viability is sufficient. If it is deemed that a successful Full Concession permit holder is financially unable to meet his operations plan or otherwise is not able to conduct their operation in a financially viable manner than that is grounds to have their permit revoked.

### 6. GUIDE CONCESSION AREAS:

I was there and a part of the original DNR/BGCSB mapping process that occurred during March of 2008 and subsequently. Through many hours and many discussions and debates, sometimes rather heated ones, the guiding profession worked to define geographical regions and the number of operators per proposed concession.

We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that intensive process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further. It is important for DNR to understand that recommendations made by the professional hunting guide industry in 2008 and 2009, in most cases, further subdivided long standing Guide Use Areas into

smaller recommended DNR Concession Areas.

Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further, in some cases creating numerous business opportunities where economic and conservation based viability is already challenged. In some other cases, some have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA s. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly, maybe someday, conducting hunts but in fact, do not ever contract hunts in the areas. To compare the number of guides authorized to conduct hunts in an area and then use that data to develop the number of concessions or numbers of operators per area is not fair nor a true reflection of past, or current, events.

A great deal of effort and thought was put into that original mapping process and while concessions had to be made by many individuals to come to some agreements, in the end most all of the guides concerned with a particular area signed the maps and were in agreement to the proposed boundaries and the number of guides that could viably operate in a said area.

Despite all our efforts, it is thus frustrating that in many cases the number of guides to be allowed in a concession has been increased even when it is not viable or realistic and without much public participation from the guides that are most familiar with those areas and originally signed the maps and worked so hard to come to agreements as to what the areas could sustain.

#### 6 a. GOUA 25-02 RECOMMENDATIONS:

I have guided and hunted in the North Fork of the Chandalar River area, what is depicted on the maps as GOUA 25-02, for over 20 years. When I started guiding in this area in 1991, and for many years thereafter until about 2002, there were only three guides operating in this region. Two of us were operating in 25-02 and one was operating just to the south in what is now 24-03. Since approximately 2002 a number of other guides have begun operating in this region and we are seeing the definite negative impacts over use is having on the land, the animals and the quality of the experiences all user groups now have because there are simply too many guides operating within this area.

The primary species of interest in this area is Dall sheep, with a limited number of grizzly and moose being harvested; without question sheep is the primary species all hunters, resident and non-resident alike, are focusing on when hunting in this area.

While on the map this area looks reasonably large in reality it is quite small due to the fact that the older, more mature and thus harvestable rams are found in small pockets and not equally distributed through the area that 25-02 encompasses. As such, hunting pressure and user conflicts are focused into these few smaller areas and while before 2002 I don t believe we ever experienced any user conflicts to my recollection since 2002 every year we have experienced user conflicts and in many cases often more than one each year, which primarily consists of the month of August when most Dall sheep hunting is done in the Brooks Range.

By the conclusion of the original mapping process in 2008/2009, though it was difficult at times, the guides that were present and that operate within 25-02, and if I recall correctly there were at least five of us present, agreed that the most realistic, feasible and appropriate number of guides that could operate within the proposed 25-02 Guide Concession area was two (2). That number is reflected on the 2009 DNR copy of the GCP maps and I believe we even publicly stated that as a group, on the record, to the Big Game Commercial Services Board (BGCSB) at the time.

I am very dismayed to see that somewhere during the process that number has been changed to three (3), as depicted on the 2012 copy of the DNR copy of the GCP maps. I am of the very firm belief that 25-02 can NOT realistically support three Full Concession permit holders but instead only two Full Concession permit holders, as was agreed upon by the guides operating in that area during the 2008/2009 process. The population of mature, harvestable rams is simply too small and too localized in a few areas to allow for more than two guides to operate viable operations in this area and provide quality experiences, good land stewardship and sustained resource management for the long term. It must be kept in mid that there is also resident hunting pressure to factor into the equation in 25-02 so it is not only guiding operations that have an impact but resident hunters as well and offering more than two Full Concession holders in this area I believe would go against all that is trying to be gained by the GCP for all user groups concerned, the land and the resources.

For these reasons, I STRONGLY recommend and encourage DNR to revert the number of Full Concession holders in 25-02 back to what all the guides operating in that area agreed to and felt was the best number for the area, which is two (2).

I further recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed, as the 2009 maps and 2012 maps differ in many ways. I also recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region as that is not beneficial to anyone. Please be very careful when considering subdivisions or enlargements to areas or increasing the number of permits to be allowed in an area without taking into consideration the potential for conflict in the field and conservation based concerns, which the GCP is supposed to reduce. The GOUA area on a map may appear large when in reality there is, for one reason or another, not nearly as much viable land and opportunity as one might suspect from simply looking at the boundary lines on paper.

7. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, State and State Park lands. This concept is not economically viable for the professional hunting guide industry. I would propose and encourage that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use if all three types of land are within the same Guide Concession area.

8. COMPOSITION OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel s inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has guide industry representation it provides better integrity for the program and will diminish the potential for appeals. The industry representation may, or may not, have a vote related to scoring but their ability to point out important

industry operation aspects is vital to providing a fair process. Additionally, guide industry representation on the selection panel will reduce the effectiveness of professional prospectus writers, or attorneys hired by service providers, to write their prospectuses. There are certain aspects of an applicant's plan of operation which a guide representative can more easily recognize as being unrealistic or difficult, if not impossible and/or fraudulent, to implement in an actual operation such as; actual, versus proposed, amount of airplane, boat, horse, staff, support to facilitate proposed services; actual, versus proposed, amount of fuel storage required; actual ability to facilitate a economically viable operation; actual ability to conduct the proposed time spent with clients; actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc.. As such, I recommend that the Scoring Panel have guide industry participation and/or representation within its makeup. A suggestion would be to have perhaps retired guides, known to have been good operators in good standing, on the review panels. To help maintain as much clear objectivity and fairness as possible, black-out the applicants name on applications as it is being reviewed and scored to help to preserve impartiality. I believe it is extremely beneficial to have someone with intimate knowledge of what it means to operate a guiding business and/or guide a hunter in the field in the review and/or scoring process to help separate realism from fantasy, fact from fiction and what will be a viable and sound operating plan to promote good stewardship of the land and its resources.

9. DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. In order to promote the best finished product possible, I strongly urge DNR to incorporate guide industry representation into the final development of the GCP. I support and recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and/or general guide industry to help develop the final rules for the GCP program and to keep this representation active within the administration of the program, at least in an advisory capacity.

10. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon. I recommend that the implementation timeline needs to be moved forward to 2014. If the GCP is not implemented as soon as is feasibly possible all indicators are that the Board of Game will be forced to address many issues on State of Alaska land and will begin systematically eliminating non-resident hunter opportunities in the form of creating drawing permit hunts, which if those are implemented will simply destroy the guiding business in many areas of this state. It is IMPERATIVE that this program NOT be pushed back any further than it already has; originally we were looking at a 2012 implementation, then 2013, now 2014& let us please not go any further than that or the Board of Game will be forced to make some very drastic, and likely permanent, negative changes that could very well make the need for a GCP absolutely moot in many areas of the state as there would not be a viable livelihood to be made guiding under some potential drawing permit systems.

11. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, non-compliance or forfeiture, it is important to allow for the area to be utilized through as quick and fair a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

I recommend that the application process for undersubscribed areas be the same as the general, initial application process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible through the same review and scoring process.

I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are made available to, and in order, from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area that the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

12. Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations (including cow/calf, ewe/lamb, sow/cub recruitment numbers) as well as any range and nutritional observations and concerns, etc. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

13. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

If, for some reason, DNR feels strongly that the five year term is important than I believe successful applicants should know that provided they have been law abiding operators that have been performing well and are in good standing that then their permit will be extended for another five years for a total of ten years.

14. Regarding Earned Renewal:

It is important for DNR to understand that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before

the existing operator under the program, as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

1. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.
2. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 15. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions and while I have always contested that people should not worry so much about transferability until the GCP has been established and proven itself as an effective and good program, which I believe it will if given the opportunity, please understand that operating a business as a professional hunting guide, as a good steward of the available resources, represents a way of life and not necessarily an economic windfall.

In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time and if a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has a licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

#### REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

Regarding Application of Points for Each Aspect of the Selection Criteria:

I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. \_\_\_\_\_

##### FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed. \_\_\_\_\_

##### FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

##### FORM A, SUB-FACTOR B, ITEM 5:

I recommend deleting this criterion as its relevance to guiding is questionable.

##### FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS TO THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wild lands. By doing so, DNR is promoting and leading applicants to believe that a less is best aspect exists in ranking. It is important to understand that we humans, and our very existence here on Earth, has an impact on the land and its resources and that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis. I recommend that this criterion does not incorporate any less is best grading aspects but rather the overall plan of stewardship for the resources. \_\_\_\_\_

FORM B, SUBFACTOR A, ITEM 3 a, b, c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a less is best concept of grading.  
b. I recommend that the scoring of this sub-factor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.  
c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

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FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units, or Sub-Units, where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management, under existing law.

4.a. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

4. b. Again, I do not feel an applicant should be in any way downgraded or loose points if, in the area they are applying for, there have not been historically any IM concerns or serious predator/prey concerns.

It is important for DNR to understand that some areas of State land, such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

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FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

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FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

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FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

FORM C, SUB-FACTOR A, ITEM 1, a and b: Providing Services in a Safe Manner

I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

I recommend that credit be given for operating a historically accident free professional hunting guide business. Incidents are hard to define and/or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here, and throughout the entire application.

I recommend that if a past client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion, etc... which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

I recommend that DNR should look more at the applicant s overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

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FORM C SUB-FACTOR A, ITEM 2: PROVIDING A QUALTY HUNTING EXPERIENCE:

I recommend adding Coast Guard and FAA training to this criterion and that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on which applicant has the most certifications.

Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification or the most training classes completed. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants and that the maximum allowable points be gained for the applicant, for example, holding Wilderness First-Aid training. One applicant should not be awarded more points for holding, for example, a full medical license, when in all practicality their advanced training will not be any more effective in the field than someone who holds, for example, Wilderness First Aid training.

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FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

I recommend deleting this criterion as a stand-alone and combine it within Form C Sub-factor a, Item 3 as they fit together and are part of the same important factor. I further recommend that there should not be a significant emphasis placed on supplying the most of modern communications and safety equipment but rather to the competency and practicality of the emergency and communication plan as a whole and its overall practical effectiveness.

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FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

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FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

It should be understood that in many cases, geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

In many cases there are not the facilities or services available within the GMU that the GCA is located in that can provide or support the operation and as such those services and products must be sought outside of that GMU.

I do not feel an applicant should be penalized if they are not able to acquire the goods or services they require to operate in a GCA within the GMU the GCA is located; if they purchase those goods or services elsewhere within the State of Alaska that is still of benefit to our State's economy as a whole. I do feel strongly though that if a large portion of an applicant's resources are being spent, or sent, out of the State of Alaska that should be deterred and perhaps penalized as it's to everyone's best interests if as much economic revenue generated by an operation can stay within the Alaskan economy.

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#### FORM C SUB-FACTOR C, ITEM 2: MEAT:

I recommend that equivalent documentation should include affidavits.

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#### FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

I recommend that the applicant's operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for, and require, different and/or additional camps and logistical efforts be provided.

I suggest that less should not necessarily be best in relation to scoring for planned harvest effort, client base or staff. It is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited, or no, additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided, or included within the applicant's plan of operation, and the conservation balance it provides.

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#### FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

I strongly recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period.

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#### FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

#### FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

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#### FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

It is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, etc.. are all part of the annual process of operating a legal and professional guiding operation, as well as many other things.

All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

It is important for DNR to understand that in many scenarios, when an action in the field occurs that results in a regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without, or with minimal, violation and citation history.

I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made an honest administrative mistake to not be able to compete effectively in this program.

I strongly recommend and support that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions, all of which are examples of serious actions, and applicants who have these types of histories should be severely scaled down in scoring or disqualified entirely.

I appreciate being given the opportunity to share these thoughts, suggestions and comments on the proposed Guide Concession Program with you and thank you for taking the time to consider them. I believe with a bit more refinement and taking the above, and similar, comments into serious consideration a very workable and beneficial program can be created and

established for the benefit of all user groups and the State of Alaska, its lands and resources.

Sincerely,

Henry D. Tiffany IV Master Guide & Outfitter

Hardcopy to follow via USPS, postmarked April 23, 2012

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Rod Tobin  
415 S. Main St.  
Aberdeen, Sd 57401

Phone: 605-225-5420

### **Topic: Guide Concession Program Proposed Decision February 2012**

Comment 158 of 192 - Submitted 04/16/2012 at 05:36 AM:

I believe the best course of action is to eliminate the unethical guides and the guides who allow their hunters to violate game laws. Adopting an ethics and violations based criteria would accomplish three goals: 1. reduce the number of guides because there are a significant number who are unethical or violate game laws; 2. enhance the overall quality of Alaskan guides by eliminating the bad ones; and 3. send the message that unethical guides or guides who hunt illegally will not be tolerated.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Richard Alfred Townsend  
Grizzly Expeditions  
Guide  
Box 877726  
Wasilla, Ak 99687

Phone: (907)-841 5908  
Email: rickt@mtaonline.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 159 of 192 - Submitted 02/25/2012 at 05:04 PM:

my name is Rick Townsend registered guide # 697. my big problem with the proposal is the fee involved. 4,000 per year and 750 per hunter is a huge exspence for a small bussiness like mine. also i did not see anything on extra fee's that i am sure BLM will add on. these fee's will force me to hire assistant guides and take more hunters to cover these fee's. the reason my clients hunt with me is because i personally guide every trip. this will be impossible with the fee's that high. thank you for your time.  
RICK TOWNSEND

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Nate Turner  
P.O. Box 646  
Nenana, Ak 99760

Phone: (907)-479-7535

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 160 of 192 - Submitted 04/23/2012 at 12:00 AM:

April 23, 2012

Department of Natural Resources

Division of Mining Land and Water 550 West Seventh Ave, Suite 900C

Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Thank you for the opportunity to comment on this program. I am currently a Board of Game Member, and a former member of the Board of Directors for the APHA. I have been guiding for 15 years, and my entire livelihood is derived from the harvest of natural resources, I am writing as a hunting guide in Alaska, not as a BO member, although you are likely to see some of my comments incorporated with the BOG concerns as well.

- Scoring Panel Participation - I know it has not been received well, but there has been much consternation within the guide industry by the lack of understanding on DNR's part of the various elements involved with running a successful guide business in Alaska, and how the proposed administration of this program reflect this. This situation should not be surprising, as DNR is moving into a new arena entirely, and dealing with issues that have never been part of its administrative responsibility before (such as appropriate levels of wildlife harvest, hunter conflicts, the nuances of running a very unique form of resource /public dependent business models, and defining what good stewardship is as it relates to the guiding industry). I believe it is crucial for the development and administration of this program that you incorporate direct industry input into this program. Various ways have been put forward in the past, and I encourage you to pursue these- You will gain the trust of the industry, and assure that some of your well intended concepts do not have the unintended negative effects that I will outline below

- DNR has anticipated needing \$1,000,000 annually to administer this program. This number has been debated, and not well received. DNR has built into the budget the concept of remuneration to the State, per addressing the Owsichuk decision, anticipated loss of revenue from existing permits, and other important considerations with DNR being the sole recipient of these funds, It seems prudent that a guide operation be charged for the annual Guide Concession fee, and a secondary tier of fees based on client numbers and/or harvested animals. I believe a percentage of these second tier fees should be applied toward wildlife research programs, providing meaningful remuneration to the state.

Part of DNR's administrative responsibility should be to allocate these funds to the appropriate agency according to the actual land use and harvest location of each hunt; if a guide and client are hunting on both State and BLM lands, DNR should gather the funds as part of the program and then make the appropriate payment to BLM for client use days on BLM lands- The guide will still likely be independently responsible for permanent camp fees on both DNR and BLM lands. It unnecessarily burdens these small businesses to add one more level of permitting to an already extensive paperwork load when operating on more than one agency's lands and I believe you will engender good will from the industry if you can help deal with the ever-growing administrative aspect of our businesses.

- Financial remuneration expectations -The currently proposed fees will be from 2 to 4 times what many guides are currently paying for land use fees, with DNR being the primary recipient of funds. Many guides have expressed a willingness to pay more for use, but at the currently proposed levels would find it hard to stay economically viable. I suggest that the GCP should administer pay for itself, with an appropriate buffer on top for unanticipated financial burdens, and the remaining funds go directly into wildlife research programs identified by the BOG and administered by AIDF/G. Dail sheep research would be a fitting example, as it is an area that has needed additional funding for research for many years and is important to both resident and nonresident hunters alike. All Alaskans will benefit from such programs, and seems the most appropriate manner to provide remuneration to the state since the funds generated will benefit the very resources that are being harvested. These programs should be administered by ADF&G, rather than a staff DNR biologist, for several reasons. The most important is that the funds will be more fully utilized in existing research projects, avoiding creating repetitive research and administrative burdens.

- Limiting the number of State concessions to per guide, when guides have traditionally been allowed to operate in 3 Guide Use Areas in the State. This would very likely have the effect of cutting a number of existing guide operations to 2/3 of their traditional use, regardless of the problems or lack of problems in each area. It seems the intent here is to provide more opportunity for all existing guides to stay in operation, with the assumption being that there aren't enough concessions to go around. The numbers used to assess guide activity are based in part on guides registered to operate in an area. A guide is allowed to register for 3 areas each season, without cost, and often utilize all three registrations, regardless of actual usage each year. These numbers do not necessarily indicate guide usage for this reason, but could indicate relative usage or interest compared to other areas.

It is important to keep in mind that the current level of licensed registered guides is a rather recent development, having resulted from the double impact of reduced licensing standards and the loss of the original guide board and area system that resulted from the Owsichuk decision. Many of these Registered guides are operating on a semi-annual basis, as a hobby secondary to regular employment, or under another guide who uses them for "sub-contracting" purposes - which is contrary to the original intent of limit to 3 Guide Use Area's/ Registered guide - and forbidden in federal concessions. Aside from this, I do believe that there is and will continue to be plenty of opportunity for all who are serious about being active in the guiding industry through the proposed number of State concessions, the various federal concession offerings, private and opportunities, natural attrition to the ranks through retirement or other reasons, and the return of increasingly more stringent

standards for becoming and staying a hunting guide in Alaska. One important question we need to ask ourselves; is it in the state's best interest that we have a moderate number of guides providing a higher level service to the public across the state and primarily committed to this line of employment, or to have a great number of small operations having limited offerings for their clients and acting as a guide on a part time basis? I think the middle of the road is wise in this area --- not all "big" operators and not all "small" operators, but the baseline being set where a person can actually continue in the guiding industry as a profession if they choose to.

- Limiting the number of employed assistant guides in each concession to 3 per area, statewide. This idea seems to be an attempt to reduce user conflict in the field, and potentially limit harvest in areas of concern, I believe that the proposed concession area sizes and number of concession holders allowed to operate within these areas would be the most appropriate means to address these issues, Guides will be required to propose their maximum levels of use, along with a detailed Plan of Operations for a number of years (5-10), in advance of the selection process. They will be required to abide by this plan in the field, and harvest levels and hunter numbers will be known in advance. The proposed assistant guide limitation has the potential to needlessly harm existing operations in areas where there are currently no identified conservation or user conflict issues, and effectively limit non-resident hunting opportunity statewide, reduce all guide operations to being small part-time businesses, and eliminate the traditional training methods by which guides become experienced and competent in the industry. This would also directly oppose the other goal of providing opportunity for new entry into the guiding profession - all guides are required to be apprentices before testing to become a registered guide. It is also very likely that both conservation and quality of service issues would result from this limitation, by creating the incentive to provide short duration 2 on 1 (or more), hunt scenarios and to harvest any 'legal' for a client animal due to the new pressure to have assistants handle as many clients as possible during a short season. This would effectively lower the stewardship aspect of guide operations as well as lower the standards within the industry. This also does not recognize that the majority of areas in the state do not have any identified conflict or conservation concerns related to the guiding industry. Such restrictions should only be used in areas of high conflict or conservation concern after being identified by the Board of Game and with consultation / concurrence of the BGCSB. 1 believe each guide should be allowed to apply for 3 or more Concessions, and then be awarded up to 3 concessions on State / Sim lands. The 3 GUA registration system and limited hunting seasons, will continue to serve the intended function of limiting the monopolization of large regions. Any business partner or spouses concession areas should be counted against your 3 concession limit.

- Mapping Issues - In 2008 the guiding industry had opportunity to review and adjust the Guide Concession boundaries from the old guide area system, as well as the current Guide Use Area boundaries. During this process, the participants were advised to draw these boundaries in such a manner to allow for land possibly 2 guides to operate within each area, maintaining "economically viable" opportunities for the concession holders. Guides operating in these areas were and are the only ones truly qualified to quantify economical viability for these regions.

The decision was made internally at that time that economic viability for each area was not to be considered, and a number of areas were given at least 2 concession offerings; some by incorporating the "limited concession" concept. The "limited concession" concept is apparently based on the desire to provide new opportunity into the industry, but is highly problematic as proposed since it creates additional harvest burdens to areas that may not support it (as proposed), will potentially be allocated by lottery system (no one should have their livelihood put up to chance), and is generally not very well defined at this time.

The primary problem with these additional concessions, including the limited concessions, is that the maps were drawn in many cases with the idea that only one concession would be available in an area. As it stands now, some areas have potential competition built into them from the start by having a "limited concession" squeezed into an area where one or two guides may have historically operated in a viable manner or, alternately, where these two guides are competing for 2 concessions: 1 Full and 1 limited. This needlessly jeopardizes one guide's ability to stay in business. The maps may need to be reassessed, or concession numbers readjusted, entirely or on a case by case basis. DNR has not proposed this at this time.

- Lack of Board of Game and Big Game Commercial Services Board participation

The final issue that stands out to me is that many of these issues could potentially have been avoided if there had been participation from other agencies or boards in the development or at a minimum, they had been provided advance review of this program each time it came out. Many of the issues being addressed here may directly affect or be dependent on Board of Game decisions, and BGCSB participation would be also be very appropriate when you consider the scope of changes that may develop within the primary industry that this Board has direct oversight of.

I suggest that the Board of Game and Commercial Services Board be provided opportunity to review the final draft of this program before it is released next time.

It may also then be appropriate to request that BOG and BGCSB sub-committee be then asked to identify problem area that may require special limitations to the guide concessions (adjusted number of concessionaires, limited number of clients per concession, etc.) at a future date, if the GCP fails to address the issues it has been developed to address. This could be a standing subcommittee, appoint by the chair of each Board, or alternately be open to any Board member who was interested.

It seems prudent that these boards take on the burden of some of these decisions, since the proposed program will potentially have a large impact on our state in many areas. The careful development of this program is important to aid our state's efforts in maintaining many wildlife management objectives, the continued opportunity for rural employment and meat sharing opportunities, reducing user conflicts associated with certain Big Game populations, and assuring the viability of an historic and valuable industry to our state. The members of these two Boards are uniquely qualified to address these issues when you consider the areas of oversight that we have and that Board members are made up of a cross section of Alaskan interests, are chosen by the Governor, and approved by the Legislature. Thank you for your hard work and patience with working with the guiding industries concerns.

Sincerely,

Nate Turner

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Nenana, AK 90760

Alaskanate@gmail.com

(907) 479 7535

\*Comment received via fax 4/23/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Nate Turner  
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Nenana, Ak 99560

Email: alaskanate@gmail.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 161 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Nate Turner. I'm a registered guide. I've been in the guiding industry for about 15 years. I'm currently a member of the Board of Game. I'm going to start off saying that I'm in support of this program, and I think that as time goes on, it's going to be more evident that this would be a wise step to be taking at this time. Our hunter numbers are increasing in Alaska. And if you look at the demographics related to that, some of these numbers are a little bit alarming. That being said, this program isn't going to help me in my area. As Art Mortvedt said, I'm in a remote area, I don't have competition with other guides. The one other fellow nearby, we worked it out by without even really speaking about it. We just leave each other alone. It was the old way of doing it, we do it. And fortunately we're in a low-density area, so we don't have a lot of people piling in on top of us. But I think the most important thing we need to keep in mind is that in the big picture, most of Alaska does not have a problem currently with guide conflicts or conservation concerns related to the guiding industry. That's the most important point we need to remember. And if we're going to build a system that works statewide, we need to build one that allows the continuance of existing operations without hindering their ability to operate essentially as they are today. By limiting the number of assistant guides you have, by piling excessive fees on top of them, you're going to put a lot of these people out of business needlessly. I think twice you put the framework in place, and in areas that we can identify that there are certainly problems, probably through the input of the Big Game Commercial Services Board and the Board of Game helping identify these areas. Those areas you can put some special restrictions on. That's the place to put this stuff that's so onerous right now to the public and to the guiding industry. And that's the appropriate place for them. Even though it said -- I see it in your presentation tonight -- that a lot of agencies have had input into this, the development of this, my personal view of it, everyone has weighed in to a certain degree, but it wasn't a multi-agency task to build this program. This program came from DNR, and I think the problem you're running into tonight in particular is that you don't really have the participation of these other boards and other agencies sitting at the table with you helping you design this. The feds created a great system, but there was a lot of controversy when it came about, and you can ask anyone that has a federal area. They had security, they don't have to compete with people, they limit their take, and there's less user conflicts with resident hunters on these lands. And the closer you can get to the federal system, the better off you are in the concepts that are behind it. I think it's really important that the Big Game Commercial Services Board be really closely tied into this. Some of the voices that you are hearing tonight are pent-up frustration because the Commercial Services Board did not have the opportunity to really explain the realities of the guiding industry and the needs of the guiding industry, why you're developing this. And part of my justification for the board to be involved is each member is selected by the governor, they're vetted by the legislature, they represent private land owners, public members, the Board of Game, the guiding industry, and transporters. There's already a vetted multi-aspect group ready to work on this. And I'm not committing their schedules, I'm sure they have more than enough to do, but I think it would be good for us if they were involved. You left me too long there, I have a huge list that I can't get done in 30 seconds or whatever. But one of the primary problems I see -- I'm just going to cut to some of the important ones -- as it stands right now, you have a divided state, these concession areas and the BLM areas and state areas. That's unworkable in most parts of the state. I'll leave it at that. I'll write. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 162 of 192 - Submitted 04/23/2012 at 12:00 AM:

Note: The following comment was received outside of the formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered during the review for the Final Decision.

Department of Natural Resources Division of Mining Land and Water April 23 2012 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources, Thank you for the opportunity to comment on this program. I am currently a Board of Game Member and a former member of the Board of Directors for the APHA. I have been guiding for 15 years, and my entire livelihood is derived from the harvest of natural resources through guiding and trapping. I am writing as a hunting guide in Alaska, not as a BOG member, although you are likely to see some of my comments incorporated with the BOG concerns as well.

" Scoring Panel Participation - I know it has not been received well, but there has been much consternation within the guide industry by the lack of understanding on DNR's part of the various elements involved with running a successful guide business in Alaska, and how the proposed administration of this program reflect this. This situation should not be surprising, as DNR is moving into a new arena entirely, and dealing with issues that have never been part of its administrative responsibility before (such as appropriate levels of wildlife harvest, hunter conflicts, the nuances of running a very unique form of resource /public dependent business models, and defining what good stewardship is as it relates to the guiding industry). I believe it is crucial for the development and administration of this program that you incorporate direct industry input into this program. Various ways have been put forward in the past, and I encourage you to pursue these. You will gain the trust of the industry, and assure that some of your well intended concepts do not have the unintended negative effects that I will outline below.

" DNR has anticipated needing \$1,000,000 annually to administer this program. This number has been debated, and not well received. DNR has built into the budget the concept of remuneration to the State, per addressing the Owsichuk decision, anticipated loss of revenue from existing permits, and other important considerations with DNR being the sole recipient of these funds. It seems prudent that a guide operation be charged for the annual Guide Concession fee, and a secondary tier of fees based on client numbers and/or harvested animals. I believe a percentage of these second tier fees should be applied toward wildlife research programs, providing meaningful remuneration to the state.

Part of DNR's administrative responsibility should be to allocate these funds to the appropriate agency according to the actual land use and harvest location of each hunt; if a guide and client are hunting on both State and BLM lands, DNR should gather the funds as part of the program and then make the appropriate payment to BLM for client use days on BLM lands. The guide will still likely be independently responsible for permanent camp fees on both DNR and BLM lands. It unnecessarily burdens these small businesses to add one more level of permitting to an already extensive paperwork load when operating on more than one agency's lands and I believe you will engender good will from the industry if you can help deal with the ever-growing administrative aspect of our businesses.

" Financial remuneration expectations The currently proposed fees will be from 2 to 4 times what many guides are currently paying for land use fees, with DNR being the primary recipient of funds. Many guides have expressed a willingness to pay more for use, but at the currently proposed levels would find it hard to stay economically viable. I suggest that the GCP should administer pay for itself, with an appropriate buffer on top for unanticipated financial burdens, and the remaining funds go directly into wildlife research programs identified by the BOG and administered by ADF+G. Dall sheep research would be a fitting example, as it is an area that has needed additional funding for research for many years and is important to both resident and nonresident hunters alike. All Alaskans will benefit from such programs, and seems the most appropriate manner to provide remuneration to the state since the funds generated will benefit the very resources that are being harvested. These programs should be administered by ADF&G, rather than a staff DNR biologist, for several reasons. The most important is that the funds will be more fully utilized in existing research projects, avoiding creating repetitive research and administrative burdens.

" Limiting the number of State concessions to 2 per guide, when guides have traditionally been allowed to operate in 3 Guide Use Areas in the State. This would very likely have the effect of cutting a number of existing guide operations to 2/3 of their traditional use, regardless of the problems or lack of problems in each area. It seems the intent here is to provide more opportunity for all existing guides to stay in operation, with the assumption being that there aren't enough concessions to go around. The numbers used to assess guide activity are based in part on guides registered to operate in an area. A guide is allowed to register for 3 areas each season, without cost, and often utilize all three registrations, regardless of actual usage each year. These numbers do not necessarily indicate guide usage for this reason, but could indicate relative usage or interest compared to other areas.

It is important to keep in mind that the current level of licensed registered guides is a rather recent development, having resulted from the double impact of reduced licensing standards and the loss of the original guide board and area system that resulted from the Owsichuk decision. Many of these Registered guides are operating on a semi-annual basis, as a hobby secondary to regular employment, or under another guide who uses them for sub-contracting purposes which is contrary to the original intent of limit to 3 Guide Use Areas / Registered guide and forbidden in federal concessions. Aside from this, I do believe that there is and will continue to be plenty of opportunity for all who are serious about being active in the guiding industry through the proposed number of State concessions, the various federal concession offerings, private land opportunities, natural attrition to the ranks through retirement or other reasons, and the return of increasingly more stringent

standards for becoming and staying a hunting guide in Alaska. One important question we need to ask ourselves; is it in the state's best interest that we have a moderate number of guides providing a higher level service to the public across the state and primarily committed to this line of employment, or to have a great number of small operations having limited offerings for their clients and acting as a guide on a part time basis? I think the middle of the road is wise in this area not all big operators and not all small operators, but the baseline being set where a person can actually continue in the guiding industry as a profession if they choose to.

" Limiting the number of employed assistant guides in each concession to 3 per area, statewide. This idea seems to be an attempt to reduce user conflict in the field, and potentially limit harvest in areas of concern. I believe that the proposed concession area sizes and number of concession holders allowed to operate within these areas would be the most appropriate means to address these issues. Guides will be required to propose their maximum levels of use, along with a detailed Plan of Operations for a number of years (5-10), in advance of the selection process. They will be required to abide by this plan in the field, and harvest levels and hunter numbers will be known in advance. The proposed assistant guide limitation has the potential to needlessly harm existing operations in areas where there are currently no identified conservation or user conflict issues, and effectively limit non-resident hunting opportunity statewide, reduce all guide operations to being small part-time businesses, and eliminate the traditional training methods by which guides become experienced and competent in the industry. This would also directly oppose the other goal of providing opportunity for new entry into the guiding profession all guides are required to be apprentices before testing to become a registered guide. It is also very likely that both conservation and quality of service issues would result from this limitation, by creating the incentive to provide short duration 2 on 1(or more), hunt scenarios and to harvest any legal for a client animal due to the new pressure to have assistants handle as many clients as possible during a short season. This would effectively lower the stewardship aspect of guide operations as well as lower the standards within the industry. This also does not recognize that the majority of areas in the state do not have any identified conflict or conservation concerns related to the guiding industry. Such restrictions should only be used in areas of high conflict or conservation concern after being identified by the Board of Game and with consultation / concurrence of the BGCSB. I believe each guide should be allowed to apply for 3 or more Concessions, and then be awarded up to 3 concessions on State / BLM lands. The 3 GUA registration system and limited hunting seasons, will continue to serve the intended function of limiting the monopolization of large regions. Any business partner or spouses concession areas should be counted against your 3 concession limit.

" Mapping Issues In 2008 the guiding industry had opportunity to review and adjust the Guide Concession boundaries from the old guide area system, as well as the current Guide Use Area boundaries. During this process, the participants were advised to draw these boundaries in such a manner to allow for 1 and possibly 2 guides to operate within each area, maintaining economically viable opportunities for the concession holders. Guides operating in these areas were and are the only ones truly qualified to quantify economical viability for these regions. The decision was made internally at that time that economic viability for each area was not to be considered, and a number of areas were given at least 2 concession offerings; some by incorporating the limited concession concept. The limited concession concept is apparently based on the desire to provide new opportunity into the industry, but is highly problematic as proposed since it creates additional harvest burdens to areas that may not support it (as proposed), will potentially be allocated by a lottery system (no one should have their livelihood put up to chance), and is generally not very well defined at this time.

The primary problem with these additional concessions, including the limited concessions, is that the maps were drawn in many cases with the idea that only one concession would be available in an area. As it stands now, some areas have potential competition built into them from the start by having a limited concession squeezed into an area where one or two guides may have historically operated in a viable manner or, alternately, where these two guides are competing for 2 concessions: 1 Full and 1 limited. This needlessly jeopardizes one guide's ability to stay in business. The maps may need to be reassessed, or concession numbers readjusted, entirely or on a case by case basis. DNR has not proposed this at this time.

Lack of Board of Game and Big Game Commercial Services Board participation The final issue that stands out to me is that many of these issues could potentially have been avoided if there had been participation from other agencies or boards in the development or at a minimum, they had been provided advance review of this program each time it came out. Many of the issues being addressed here may directly affect or be dependent on Board of Game decisions, and BGCSB participation would be also be very appropriate when you consider the scope of changes that may develop within the primary industry that this Board has direct oversight of.

I suggest that the Board of Game and Commercial services Board be provided opportunity to review the final draft of this program before it is released next time. It may also then be appropriate to request that a BOG and BGCSB sub-committee be then asked to identify problem areas that may require special limitations to the guide concessions (adjusted number of concessionaires, limited number of clients per concession, etc.) at a future date, if the GCP fails to address the issues it has been develop to address. This could be a standing subcommittee, appoint by the chair of each Board, or alternately be open to any Board member who was interested.

It seems prudent that these boards take on the burden of some of these decisions, since the proposed program will potentially have a large impact on our state in many areas. The careful development of this program is important to aid our states efforts in maintaining many wildlife management objectives, the continued opportunity for rural employment and meat sharing opportunities, reducing user conflicts associated with certain Big Game populations, and assuring the viability of an historic and valuable industry to our state. The members of these two Boards are uniquely qualified to address these issues when you consider the areas of oversight that we have and that Board members are made up of a cross section of Alaskan interests, are chosen by the Governor, and approved by the Legislature.

Thank you for your hard work and patience with working with the guiding industries concerns.

Sincerely, Nate Turner (RG# 1036) PO Bo 646 (907) 479 7535 Nenana AK 99760 Alaskanate@gmail.com

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Virgil Umphenour  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 163 of 192 - Submitted 03/20/2012 at 12:00 AM:

Good evening. Being's I testified in Fairbanks last week when you were there, I'm not going to address those issues. What I want to address is on page 10 of your instructions. I just want to read something real quick. "A number of related issues have been identified by members of the guide industry, the Big Game Commercial Services Board, and the Alaska Board of Game, including: A decreased incentive to practice wildlife conservation, decreased quality of experience for guided clients, conflicts between user groups, an overall lack of stewardship, and difficulties in enforcing game laws. The Commissioner of DNR has been asked, as the manager of state lands, to consider, develop, and propose a program would address these issues." So they've addressed it. We've got the program here to address issues with guides. We have no program to address issues with phony gold miners that go stake a gold claim, build really nice buildings on it. I don't know what they pay, but I know they take one heck of a bunch more clients in Guide Unit 20-04 where my son guides than he does, at least twice as many people hunting and a lot of them are non-residents of the state. One over, in the other area with lots of conflict, where I -- that I had to referee when I was Chairman of the Fairbanks Fish and Game AC -- is the miner over there actually renting rooms to hunters on the Wood River. These issues need addressed, as well. And so that's the main thing I wanted to talk about. Now, the nine points that Bob Fithian referred to, from Alaska Professional Hunters, I participated in that process we went through. We took not quite five hours doing that, and that was -- I had some other damned meeting going on. Because I've been going to meetings since February now, and -- but anyway, I participated in that, and those are very important. There's one last user group that needs addressed, commercial user group, and that's transporters. You have to address the transporters. You can't -- if we're going to solve this problem, of the perceived problems here -- some perceived, some identified -- then the Commissioner has to address everyone, and especially the miners with the fake mining claims, that have really nice structures built on them, airstrips, and their buddies -- and I don't know whether people pay or not, but an awful lot of people do hunt and stay on these claims and use their equipment, and they definitely have no conservation ethic when it comes to really tearing up the tundra and stuff like that. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 164 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Virgil Umphenour. I'm a master guide as well. I served eight years on the Board of Fisheries. I've been involved in the hunting and fishing politics for a long, long time. The paneled membership gives me the biggest amount of heartache. There's a paneled membership that's been kept a secret of some of the department people. There's not going to be an interview process. I don't know why they were going to keep it secret. The Board of Fisheries always has at least four commercial fishermen on it. More specific, the Fisheries Management Council has at least 40 percent of it. There are trawlers in Oregon that are getting to make the decision on how much king salmon body catch is going to get -- they get to catch and throw overboard. And we haven't had a commercial fisher for king salmon on the Yukon River for five years. So you can't say it would be a conflict of interest for guides to be part of this review panel and the evaluation panel. The financial data. In the application that's absolutely outrageous. It's no one's business but the personal businessman how he spends his money. The violations in the criteria, the evaluation criteria, and the way you're going to do evaluations, that comes straight from the federal Fish & Wildlife Service prospectus. That is only a way to disqualify guides. To take a guide, because he's a business owner, and he has a couple of assistant guides, someone's hunting license gets wet in a driving rain storm. He hangs it up to dry, he gets a citation for that. Three things like that in a ten-year period under the federal program, you're disqualified, period, by your employees. No other occupation is treated like that. The number of guides in the guide use areas. Don Duncan said there was nothing, no evaluation that I know of can determine what should be the number of guides in each guide use area. 20-04 is the best section. Pete Buist told me, and we discussed this a couple years ago that when they had the exclusive guide areas prior to the Supreme Court decision in 1998, 20-04 had over 20 exclusive guide areas in it. There's been 22 operated in it last year, I think. When my son guides over there, he never sees another guide. To limit it to four arbitrarily defies common sense. And then the other thing is, a lot of our hunts are drawing permit. I ask the federal guide areas. My guide areas are drawing permit. I don't set how many clients I'm going to take in there for how many assistant guides I need or need to get. The area biologist determines what the harvesting surplus is going to be by the management plan after he does a census of how many moose and things there are there. And he has to do that in November. Then there's a drawing permit, and a certain amount of hunters are going to draw permits. So you have no idea how many clients you're going to have and how many assistant guides you're going to have. So to limit a guide to only three, that also makes no sense. Well, I think that's enough for now. I'll write some stuff down.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 165 of 192 - Submitted 04/23/2012 at 12:00 AM:

Both my son Eric Umphenour (Master Guide 184) and I participated in the review of, and reply to, the proposed DNR Guide Concession Program. We both endorse the comments submitted by APHA Executive Director Robert Fithian, with the additional comments to Item 13.

Erie's and Virgil's additional comments to Item 13. GUIDE CONCESSION AREAS:

At the Big Game Commercial Services Board (BGCSB) meeting in Fairbanks in 2008, a majority of the guides who operate in GUA 20-04 and 20-05 participated. A consensus was reached for 12 guides in 20-04 and for 4 guides for 20-05. At the 2009 meeting in Fairbanks, the BGCSB had no Board Book of the proposals for the public to review. Towards the end of the meeting, Mr Link (maybe Lief Wilson?) one of the transporter members of the BGCSB started talking about a 'petition'. He then made a motion to reduce the number of guides in GUA 20-04 to 4 guides. The Board talked about the 'petition' which was addressing social problems along the Rex Trail and around Gold King. The Board voted to reduce the number of guides to 4 without the public having been given prior notice that the issue was 'on the table'! No one had talked about the real problem which was a virtual 'invasion' of out of area hunters coming up to hunt in the antlerless moose hunt. The owners of the recreational cabins along the Rex Trail were upset because not infrequently these out of area hunters would occupy these cabins without permission and make free use of the fire wood, food, supplies, etc. When the Board took a break, I asked board member Spreaker why there were no Board Books for the public to review. He said that the BGCSB staff members were just learning the "Board" process. He agreed with me that what the Board had just done in voting on a 'petition' violated the Alaska Administrative Procedures Statute! I served on the Board of Fisheries from 1994-2002. If the BOF had done something like this, it would not have been allowed to stand. The AG's office would have 'struck it down' and if by some chance it slipped by that office, a lawsuit would undoubtedly be initiated. Prior to the Owsichuk Decision there were more than 20 guides operating in what is now GUA 20-04.

So what happened to cause the onslaught of out of area hunters? At the time (March 2009) I was chairman of the Fairbanks Fish and Game Advisory Committee. GMU 20A is an intensive management area. It is the model for intensive management in the State. As such, all the efforts by Fish and Game and the public were working and the moose population was approximately 50% over the population objective. There was a great deal of controversy over how to reduce the population, prevent over browsing and a mass starvation in the case of a bad winter. Fish and Game with the concurrence of the Fairbanks Advisory Committee (as required by Alaska Statute) increased the antlerless moose season to go from 1 September to 28 February. A number of local residents strongly opposed this measure. At the election meeting for the Advisory Committee in January 2008, approximately 200 people showed up with cards listing the names of people to vote for. All 5 incumbents, including the chairman, were voted off. I ended up becoming the chairman in February. We had some highly emotional meetings i.e. one of the new members made insulting remarks to other members and even sent an email to the employer of a member of the public who attended an Advisory Committee meeting and agreed to the action taken to increase the length of the antlerless moose hunt! In one instance the area biologist walked out of the meeting. It was a very difficult time for the Advisory Committee. Ultimately, I had a meeting to address the conduct and duties of Advisory Committee members. There ended up being a seminar on moose management, and a joint meeting with the other Advisory Committees with jurisdiction in GMU 20A. DNR also held a meeting concerning the Rex Trail. The 'petition' (noted above) that resulted in the reduction of the number of guides to 4 was signed by some of the same people who had participated in the attempt to end the antlerless moose hunts. The number of guides in GUA 20-04 and 20-05 had nothing to do with the social problems along the Rex trail, none of us use it! It had all to do with out of area hunters invading the area, tearing up the Rex Trail and trespassing in private recreation cabins.

I have talked to the area biologist and his assistant. They both told me that they had not been asked to make recommendations on the number of guides operating in these two GUA's. I can speak to the eastern part of GUA 20-04. Either Eric or I have guided every year in Dry Creek since 1991. The guides who operated in the eastern part coordinate with each other. There is no conflict between them. The operations that bring in large numbers of hunters are the miners. The 'miners' allow the hunters to stay in their cabins on their mining claims!! These 'miners' have many cabins and it is apparent that the influx of people during hunting season is not because of additional labor for the mine! In fact there appears to be NO mining going on! This has been going on for years and has a much greater impact on the resources and causes more social issues than the hunting guides and their clients. Also one must take into consideration that the miners' do not pay the land use fees that hunting guides do. As you can see, the so called mining claim/hunting camp issue is one that is contentious! In summary, I recommend that DNR change the number of concessions in GMU's 20-04 and 20-05 to 12 and 4 respectively.

In addition GUA 22-07 and 24-01 have large tracks of state selected land. If this land is conveyed then the number of guides permitted should reflect the number with BLM permits.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 166 of 192 - Submitted 04/15/2012 at 07:08 AM:

My input ofr these discussions is as follows: Putting 1/2 to 2/3 of the guides out of business is going to be counterproductive, pricing to hunt or fish with a guide service in Alaska will skyrocket as there will be no competition. Rather if you just eliminated any guides that get caught poaching, taking over the bag limit, same day airborne, or violating any of the laws regarding hunting, you will still have plenty of guides to keep it competitive, keep pricing down and you will have eliminated your real problem, which is the dirtbags who give good guides a bad name.

2nd point or thought, I am thinking if you have a competition for awarding the concession areas, it should be based on the guides history. Choice to the guides who run an ethical business. Any guide who has a record of poaching, rulebreaking, crimes of any sort relating to the hunting industry should not be allowed to be involved in the competition. Again, lets get rid of the trouble makers and let good honest hard working guides earn the good concession areas and make a living. Overall I think that if you get rid of your problems, then you will find that you will have reduced the number of guides, gotten rid of the correct bunch of guides and made improvements to the overall guide situation in alaska.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Unidentified Unidentified  
Unknown  
Kodiak, Ak 99615

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 167 of 192 - Submitted 05/07/2012 at 12:00 AM:

This comment was received in the mail on May 7th, 2012 (after the formal public comment period ended). It has no return address (but a Kodiak, AK 99615 USPS stamp) and an unreadable signature. Although this comment will not be accepted as a part of the formal public record, any topics or issues that it addresses will be considered for the Final Decision: April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments: 1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons:

- a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.
- b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant.
- c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.
- d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.
- e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.
- f. I also recommend that the \$250.00 Concession application fee remain the same.

#### 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

- a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.
- b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.
- c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.
- d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force

the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:
3. I recommend that Limited Concession's be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized. b. Only the Limited Concessionaire can conduct the hunts with no assistant guides. c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
- d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates.
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### 4. REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

- a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS.

- a. I recommend that DNR implement a \$1,000.00 Concession fee per year.
- b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients= \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients= \$180.00 per client.
- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.
- d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

- a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection

most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The proposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.

#### DNR Guide Concession Program Comments and Recommendations Page 5

c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

#### 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defamed award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.

b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

### 13. GUIDE CONCESSION AREAS:

a. During the DNRIBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are " often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

### REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the

same tenure and has operated within several land use authorizations.

#### 4. FORM A, SUB-FACTOR B, ITEM 5:

a. I recommend deleting this criterion as its relevance to guiding is questionable.

#### 5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

#### 6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION: .

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

#### 7. FORM B, SUB-FACTOR A, ITEM 4 A.: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub- Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions.

1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for. 2. For predator prey management efforts in areas of use which are active IM areas. c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

#### 8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1..

#### FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

##### 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1: PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defmed trend exists. c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

(Unreadable Signature)

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Michael Jon Vanstrom  
Alaska Premier Outfitters  
Guide  
P.O. Box 75  
Ekwok , Ak 99580

Phone: (907)-464-4548  
Alternate Phone: (602)-741-1463  
Email: mikevanstrom@yahoo.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 168 of 192 - Submitted 04/18/2012 at 09:57 AM:

Hello: Alaska Dept of Natural Resources

- 1) I fear that the concession will make it very difficult to allow anyone aspiring to become a Registered guide in Alaska to get an area and be competitive.
- 2) No credit is given to the operator that has been managing the area for the previous years.
- 3) Detours younger guides to apply and more importantly to invest in the area in which they are currently hunting/guiding. Because of the fear of investing capital into an area which they may no longer be able to hunt.
- 4) Each of the 26 units in the state are unique in their own respect and it is going to take a very comprehensive program to meet the needs of each individual unit.
- 5) Maybe we should look at focusing on the problem units in the state and not lump all units together.
- 6) Example: Unit 17 which I currently guide in, we have no problems with intrusion of other guides but more so with air taxi services doing drop off hunts which they take no accountability for because there is no licensed guide with them.
- 7) Limiting us in unit 17 makes it difficult to manage our bear hunts because of certain salmon runs that affect the entire system differently from year to year.
- 8) I have not made a decision for or against this program at this time. I and many other guides have the same concerns. I hope that everything is taken into consideration.

I would appreciate any comments and a chance to talk with you on this proposal.

Email-mikevanstrom@yahoo.com Cell Phone- 602-741-1463

Thank you Michael Vanstrom

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Ryan Vogel  
1819 Prospect Ave  
Aberdeen, Sd 57401

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 169 of 192 - Submitted 04/16/2012 at 07:26 AM:

As an avid hunter, I understand that appreciating wildlife and it's habitat is essential. I believe that the goal of this program can be achieved better through the elimination of hunting guides who use unethical practices. This program seeks to seriously harm guides who have made it their practice to use ethical behaviors and promote wildlife through game management. If overcrowding and overhunting is an issue, then a program which reviews guides and closely monitors their practices may be better suited. This would allow Alaska to determine which guides are promoting rather than harming wildlife in Alaska.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Kelly Vrem  
P.O. Box 546 Palmer  
, Ak

Phone: (907)-745-8736  
Email: kelly@vrem.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 170 of 192 - Submitted 03/14/2012 at 12:00 AM:

My name is Kelly Vrem. I'm a master guide. I've been guiding -- I first started guiding in 1973. I was through the first iteration of the guide use areas. I didn't get one. I started in Cape Yakataga, and I wound up in Bethel, and I managed to survive in the area. Even back then it was too crowded. And now it's an order of magnitude more crowded than that. In some areas, it's grossly oversubscribed, in other areas, it's possibly undersubscribed. But I think you need to implement it on a statewide area basis now to get anybody into the system. I don't see this as a diminishment of guides in an effort to reduce them. At worst case it's a cap to prevent further growth in some areas and kind of force it off to other places. And if we go to three guide areas, which is what it's traditionally been -- I mean, three areas was established in 1974. It's the way everybody evolved, and it's a radical shift for a few areas. Sticking with the three areas, I don't see how anybody is going to get put out of business. I just don't see it. Your scoring criteria, I think, is overly complicated. There's several issues that I'll address one at a time. I just got done with a federal prospectus. Yours is close to double the detail, and I think it's -- you're asking for information that's very hard to corroborate. One example is "What have you done to enhance the wildlife conservation?" And you get points for being on a board or commission. Well, you just can't step up and volunteer, you got to be appointed to one of these. So that's not fair. Everybody has given testimony and done some research for these things. So I think that -- I think it's Subsection C should just be stricken. I'll be giving more detailed info. And I've been frustrated over all these years. I've been to nearly every Commercial Services Board, Guide Board, and whatever iteration meeting there is. These programs are evolved over years of public testimony, hearings. We get some public consensus, not everybody is happy, not every -- you know, they seem to get it worked out. Then will submit this to the legislature or some other legislative body, and then a terrorist working in the brush starts throwing grenades over the fence and blows these whole plans apart, and I'm so frustrated by it. And a couple of these legislators that have done that, they're going to be hearing from me on that. I'll wrap it up here that I support the concept. I think it's overdue. I think it's overdue since 1989. And this -- given the right tweaking on this, I think you can make it work, and I urge you to go forward with this, and I'll try to support it any way I can.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Tracy Vrem  
Tracy Vrem's Blue Mountain Lodge  
Owner/ Master Guide # 96  
P.O. Box 670130  
Chugiak, Ak 99567

Phone: (907)-360-0541  
Email: [tracy@bluemountainlodge.com](mailto:tracy@bluemountainlodge.com)

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 171 of 192 - Submitted 04/22/2012 at 05:39 PM:

Guide use area 09-12 should not be divided into an "A" and a "B". The area's state land in 09-12 is predominately swamp. 09-12 should have 2 guide's in the combined area. Also in the proposed boundary's, my lodge which I purchased from Gene Needels in 1983 is on a road system, that was put in by an oil exploration company. Mr. Needles started his operation in 1965. Mr Needels an myself have had 4 wheel drive pick-ups flown in to 4700 foot air strip (Fort Jensen). The way the boundrys are drawn now my lodge is in the B portion of 9-12 and the road system is in the A portion of 9-12. This road system is one of the few places in the state that disabled people can hunt from a road system with the safety and comfort of using highway vehicles. Tracy Vrem

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Mark Wagner  
11224 County Line Rd E  
Edgewood, Wa 98372

Email: mark@bootbayguideservice.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 172 of 192 - Submitted 04/23/2012 at 12:00 AM:

April 23, 2012 Re: Guide Concession Program Comments State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West 7th Ave, Suite 900c Anchorage, AK 99501-3577 To whom it may concern: I am an Alaska Registered Guide, license #1222. I am strongly opposed to the "Guide Concession Program" as is currently proposed. I attended the workshop in Fairbank in March of 2008 in which we gathered into groups of guides that operate in a particular Guide Use Area (GUA). The group I was in was able to hammer out some boundaries that we could all agree to, assuming that the GUA selection process would be adhered to in an equitable way. It has become quite clear that there will be no fair way to determine which guides will be able to operate in a particular GUA. This plan doesn't look anything like what we "kicked around" in the 2008 meeting in Fairbanks. It was very clear that several of the "good old boys" at that meeting wanted to re-establish an exclusive guide use area system in a way that would comply with the letter State Constitution, but not with the intent and spirit of the State Constitution. The GUA that I operate in has no conflict between guides that operate there. In cases like that we should be able to regulate ourselves. I operate a very low-key operation out of the village of Pilot Point. I book one or two bear hunters every spring season. I provide a custom tailored hunt and guide the hunter myself. I have never run into other guides or hunters while in the field. There is nothing broke in our area so why should I or anyother guides in my GUA face the possibility of losing my/their business. I would like to propose a simple and completely different system: Require guides in a GUA to come to unanimous agreement as to how to operate and cooperate within their GUA. If they can't come to agreement force the into binding arbitration (at their cost) with a panel of three abritrators. One arbitrator from each of the following catagories; one from the BGCSB, one from DNR and one from ADF&G. The program as proposed is fraught with problems and the potential for cronyism that will accomplish nothing except to make the attorney's happy. Sincerely, Mark Wagner 11224 County Line Rd E Edgewood, WA 98372

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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Phone: (907)-895-4665

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 173 of 192 - Submitted 03/15/2012 at 03:36 PM:

Hello, How many concessions are each guide allowed? How do you address the event where a client wants a guided hunt for a species that doesn't require a guide? It appears that all of the issues could be addressed without concessions using our current systems in place and with the natural course of economics (supply, demand and performance) along with bag limits and seasons that could satisfy the resident hunters and the guides. If there are too many guides working an area then the success rate will be less and the pressure would drop. All clients are interested in a historical success rate. Allow the resident hunters to hunt earlier than guides. I can suggest a number of ideas that would preserve my rights as a guide and a resident hunter that would be far less intrusive.

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## Guide Concession Program

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### **Topic: Guide Concession Program Proposed Decision February 2012**

Comment 174 of 192 - Submitted 03/15/2012 at 04:08 PM:

Hello, The guide concession program resembles the commercial fisheries limited entry program with out the benefit of ownership, (which is the only benefit). It appears that there will only be less than 300 opportunities to guide on Alaska State land through the concession program. How many licensed guides will be competing for these concessions? My license is number 1084 and I haven't guided in ten years. I am saving to potentially spend my later years as an operating guide and lodge owner in the State I was born in. Not to sure that would be possible with ten year leases on the docket.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Gary Wall  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 175 of 192 - Submitted 04/23/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA' s.

This model should stay the same for a number of important reasons:

a. Many existing professional guides have been conducting hunts on estate lands within three GOLUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GGUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant

c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

f. I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants.

c. Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:
2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or:
3. I recommend that Limited Concession's be provided on the following basis:
  - a. Only where conservation and stewardship goals are not jeopardized.
  - b. Only the Limited Concessionaire can conduct the hunts with no assistant guides.
  - c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded.
  - d. Limited Concession holders can only harvest two big game animals per year per Limited Concession,

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

- a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.
- b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates,
- c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCS' program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.
- d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity.
- e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted, Reducing the number of assistant guides to three will eliminate the majority of this training ability.
- f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands, This concept is not economically viable for the professional hunting guide industry.

- a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS.

- a. I recommend that DNR implement a \$1,000.00 Concession fee per year.
- b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.
- c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP.
- d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

- a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection

most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on,

a. I recommend that the Scoring Panel have industry participation within its makeup.

b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### 8. PROPOSED TIMELINE:

The purposed timeline is not timely enough 'to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014.

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disabili, a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year 'Terms Onl. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for psi to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern t recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have

a sustainable business.

### 13. GUIDE CONCESSION AREAS:

a. During the DNR.BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR. to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access-to the same resources within the same region.

f. I recommend that DYR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry, At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program. REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable,

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

#### 6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

#### 7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas,

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but. amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES: I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item I. FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many it Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE: a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

#### 12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of

communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits,

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. 18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in a regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

Sincerely,

Gary Wall (signature) 2450 Highgate Circle

Anchorage, AK 99502

\*Comment received via mail 4/23/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Coke Wallace  
Midnight Sun Safaris  
Owner  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 176 of 192 - Submitted 04/20/2012 at 08:20 PM:

As a twenty two year registered Master Guide I do not believe the DNR can administer the guide industry as they cannot handle the tasks they are currently charged with. The money that has been wasted in trying to hand our industry over to the DNR would have been much better spent on hiring investigators to rid our industry of the people that are not representing the State or our industry in a worthy manner.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

April Warwick  
5716 Kennyhill Drive  
Anchorage, Ak 99504

Phone: (907)-338-7777  
Email: awarwick@ak.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 177 of 192 - Submitted 03/20/2012 at 12:00 AM:

Hello. My name's April. I'm an animal advocate. I've written down some notes I'd like to read. Bear with me, if you would, please.

Residents of Alaska have not been involved in the development of this proposed program. I personally am very involved in the Board of Game issues, regularly attending Board of Game meetings and the Anchorage Advisory Committee meetings, but not once have I received a notice or have attended a Big Game Commercial Services Board meeting where secretive committees advise the DNR, committees not even publicly noticed, such as the Land Subcommittee. Nor why would I attend Big Game Commercial Services Board meetings when I advocate for subsistence rights of residents and the concerns of non-consumptive wildlife viewing communities.

I feel intimidated by the commercial guide community, their lingo and their different goals. I have not had a say in how this program was developed. None of my priorities appear to have been considered. I cannot find any indication that DNR has considered any alternatives relevant to my concerns, such as limiting the guiding industry to less than 100 percent of DNR-managed lands or excluding critical habitat. I am alarmed that the proposal appears to avoid DNR's regional land planning process, which is longstanding for the DNR, that engages the residents and addresses regional issues. How can DNR propose to adopt statewide policy developed by a small special interest group and clearly not consider regional preferences or engage resident subsistence hunters, the Native community, the tourist industry or the wildlife-watching community and expect this to be good for all Alaskans? It clearly will not be. Approximately 80 percent of Alaska residents do not purchase hunting licenses, as I do not, but we have not had a right to be at this table and be included in this process. I have been disenfranchised from this process, and I do not want to comment on the program, I want to be at the table when we consider whether the program like this is necessary and good for all Alaskans and not just a non-resident trophy hunting opportunity. The DNR has put the cart before the horse. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

April Warwick  
5716 Kennyhill Drive  
Anchorage, Ak 99504

Phone: (907)-338-7777  
Email: awarwick@ak.net

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 178 of 192 - Submitted 03/22/2012 at 10:24 AM:

Residents of Alaska have not been involved in the development of this proposed program. I personally am very involved in game management issue regularly attending Board of Game meetings and the Anchorage AC meetings, but not once have I received a notice, or have I attended, a Big Game Commercial Services Board meeting, where secretive committees advised the DNR, committees not even publicly noticed, such as the lands subcommittee.

Nor why should I attend a Big Game Commercial Services Board meeting when I advocate for subsistence rights of residents and the concerns of the non consumptive wildlife viewing community?

I feel intimidated by the commercial guide community, their lingo, and our different goals. I have not had a say in how this program was developed. None of my priorities appear to have been considered. I cannot find any indication that the DNR considered any alternatives relevant to my concerns, such as limiting the guiding industry to less than 100% of DNR managed lands, or excluding critical habitat.

I am alarmed that this proposal appears to avoid the DNR s regional land planning process, which is the long standing policy for the DNR that engages the residents and addresses regional issues. How can the DNR propose to adopt a statewide policy, developed by a small special interest group, and clearly not consider regional preferences, or engage resident subsistence hunters, the Native community, the tourism industry, or the wildlife watching community and expect this to be good for ALL Alaskans? It clearly will not be.

There are areas of state lands managed by the DNR where subsistence may be the priority use of our wildlife resources, such as traditional village subsistence areas or regions important to our states urban hunting community. These areas may need to be set aside for resident needs first. What about areas where non consumptive use may be the best use of our wildlife resources, such as the state lands bordering the entrance to Denali National Park?

Why should the residents of this state subsidize this program when the allocation of game is mandated to be handled by the Board of Game? This is nothing more than a self serving special interest program designed to avoid our constitutional rights to equal access to our fish and wildlife resources.

Approximately 80% of Alaska residents over 16 do not purchase a hunting license, as I do not, but we have a right to be at the table and be included in this process. I am being disenfranchised from the process. I do not want to comment on this program, I want to be at the table when we consider whether a program like this is necessary and good for all Alaskan s, not just this nonresident trophy hunting opportunity. The DNR has put the cart before the horse!

Alaska s wildlife resources are extremely important to me and according to Alaska s Constitution it is suppose to be managed for the benefit of All Alaskan s, not just a subset of people interested in making a profit of wild game. I feel that my desire to conserve wildlife and promote a natural ecosystem has not even been considered.

I think it is quite clear that DNR Public Planning Process is fatally flawed; you did not engage all the constituents of this state and invite them into the INITIAL planning process. We must be a part of it; we deserve to be involved.

This program needs to start over and engage ALL Alaskans. Anything short of that I cannot support.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

James C Weidner  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 179 of 192 - Submitted 04/23/2012 at 02:10 PM:

April 23, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following: For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's. This model should stay the same for a number of important reasons: a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands. b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded. e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. I also recommend that the \$250.00 Concession application fee remain the same.

2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations: a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing. b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants. c. Conservation/Stewardship basis of the GCP needs to be based on the applicants Plan of Operation, not on the number of Full or Limited concessionaires that will be competing for resources. d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders. 1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or: 2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: 3. I recommend that Limited Concessions be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized. b. Only the Limited Concessionaire can conduct the hunts with no assistant guides. c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities. b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will

eliminate two thirds of their historic business and probably will put their long time established business, out of business. d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability. f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry. a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year. b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client. c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsicheck. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel s inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on. a. I recommend that the Scoring Panel have industry participation within its makeup. b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

8. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon. a. I recommend that implementation timeline needs to be moved forward to 2014. ~~~~~

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

- a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.
- b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.
- c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.
- d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.
- e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:
  - 1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application

period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant is wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

#### 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.

b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement

needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsichuk decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process.

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2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

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3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

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4. FORM A, SUB-FACTOR B, ITEM 5:

a. I recommend deleting this criterion as its relevance to guiding is questionable.

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5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a less is best aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any less is best grading aspects but rather the overall plan of stewardship for the resources.

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6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a less is best concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources. c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

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7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions.

1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak

concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:

I recommend deleting this criterion as its relevance to guiding is questionable.

9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.

FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant s overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants.

11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE:

a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant s plan of operation and the conservation balance it provides.

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17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period.

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18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

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19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

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19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman s comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in a regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists. c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

An additional note:

Your program should take into consideration the impact that Airplane 135 operators will have on each guide concession area. These 135 operators will move into areas where reduced guide numbers will occur due to your program. You will need to have some kind of restriction in place or this program will not solve the current impacts we now have on the wildlife.

Sincerely,

James C. Weidner Deltana Outfitters, Inc. P.O. Box 1538 Delta Junction, AK 99737

james@deltana.com

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

James C Weidner  
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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 180 of 192 - Submitted 04/23/2012 at 12:00 AM:

See attached my comments on the Guide concession Program due April, 23,2012  
James C. Weidner

April 23, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following: For many years, Alaska s Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA s. This model should stay the same for a number of important reasons: a. Many existing professional guides have been conducting hunts on State lands within three GOUA s for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA s, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands. b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded. e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. I also recommend that the \$250.00 Concession application fee remain the same.

2. LIMITED CONCESSIONS: As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations: a. These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing. b. Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants. c. Conservation/Stewardship basis of the GCP needs to be based on the applicants Plan of Operation , not on the number of Full or Limited concessionaires that will be competing for resources. d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders. 1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or: 2. I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: 3. I recommend that Limited Concession s be provided on the following basis: a. Only where conservation and stewardship goals are not jeopardized. b. Only the Limited Concessionaire can conduct the hunts with no assistant guides. c. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. d. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

a. I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities. b. Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to

facilitate the number of clients that fits with a conservation based program and within the short season dates. c. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business. d. In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. e. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability. f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

4. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry. a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

5. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year. b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client. c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

7. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel s inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on. a. I recommend that the Scoring Panel have industry participation within its makeup. b. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. c. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

8. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon. a. I recommend that implementation timeline needs to be moved forward to 2014. ~~~~~

#### 9. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.

b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.

c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant is wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

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#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

#### 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.

b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process.

2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

4. FORM A, SUB-FACTOR B, ITEM 5:

a. I recommend deleting this criterion as its relevance to guiding is questionable.

5. FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking. It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis.

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources.

6. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good conservation and stewardship of the resources. c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis.

7. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain level of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator/prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions.

1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator/prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

**8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES:**

I recommend deleting this criterion as its relevance to guiding is questionable.

**9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP: a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor B, Item 1.**

**FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS**

**10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner**

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan. f. I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants.

**11. Form C Sub-Factor A, Item 2: PROVIDING A QUALITY HUNTING EXPERIENCE:**

a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

**12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:**

a. I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

b. Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

**13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:**

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

**14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:**

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within.

**15. FORM C SUB-FACTOR C, ITEM 2: MEAT:**

a. I recommend that equivalent documentation should include affidavits.

**16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN**

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This

criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

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17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period.

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18. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

---

19. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight. Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on. All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in a regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists. c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

d. I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

e. I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

f. I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program.

An additional note:

Your program should take into consideration the impact that Airplane 135 operators will have on each guide concession area. These 135 operators will move into areas where reduced guide numbers will occur due to your program. You will need to have some kind of restriction in place or this program will not solve the current impacts we now have on the wildlife.

Sincerely,

James C. Weidner Deltana Outfitters, Inc. P.O. Box 1538 Delta Junction, AK 99737

james@deltana.com

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Robert Wener  
Master Guide  
P.O. Box 61230  
Fairbanks, Ak 99706

Email: [alaskatrucking@aol.com](mailto:alaskatrucking@aol.com)

### Topic: **Guide Concession Program Proposed Decision February 2012**

Comment 181 of 192 - Submitted 02/16/2012 at 07:36 AM:

I am against the proposed "Guide Concession Program". When the state licenses a Big Game Guide or Master Guide we receive a Professional License the same as a Doctor, Lawyer, Surveyor or Real Estate Broker of which none are limited to a specific area of Alaska. We as professionals also should be awarded the same status.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Robert Wener  
Master Guide 142  
P.O. Box 61230  
Fairbanks, Ak 99706

Email: wildstream@aol.com

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 182 of 192 - Submitted 03/15/2012 at 11:05 AM:

I am against the Guide Concession Program. It will immediately reduce the current licensed guides by fifty percent. All guides have worked hard to get their licenses and places to hunt, they deserve a chance to keep working. Lawyer, Doctors and Real Estate Agents are not given areas to work in. We are all licensed in the State of Alaska.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Kurt Whitehead  
Alaska Glacier Adventures  
Registered Guide # 1046  
P.O. Box 388  
Klawock, Ak 99925

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 183 of 192 - Submitted 04/25/2012 at 12:00 AM:

April 16, 2012

Re: Guide Concession Program Comments

State of Alaska Department of Natural Resources Division of Mining Land and Water 550 West Seventh Ave, Suite 900C  
Anchorage, Alaska 99501-3577

Dear Department of Natural Resources,

Please find below my comments related to the proposed Guide Concession Program. It is important to note that without this program being implemented, the Alaska Board of Game will have to act on conservation and lack of industry stewardship based proposals which will continue to be brought before them. The resulting actions will negatively affect the long established professional guide profession and affiliated industry in Alaska.

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments: 1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW.

I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following:

For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's.

This model should stay the same for a number of important reasons: Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BIM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands.

I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for.

I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded.

I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders.

I also recommend that the \$250.00 Concession application fee remain the same. 2. LIMITED CONCESSIONS:

As currently proposed, the establishment of Limited Concessions in many Guide Concession areas without limitation to the species or number of clients, takes away and works against the conservation and stewardship basis of the program and the goals of eliminating conflict. A single guide with one assistant guide can and will compete with other concession holders for the best habitats and resources which will work against the intended goal of this program. Please consider the following comments and recommendations:

These Limited Concessions as proposed break the integrity of the conservation/stewardship/social based and reduced crowding goals that the GCP is supposed to be addressing.

Very good entry level opportunity for new guides already exists within state, federal and private land use programs. With development of the GCP, the opportunities will still be very real for new entry applicants Conservation/Stewardship basis of the GCP needs to be based on the applicants "Plan of Operation", not on the number of Full or Limited concessionaires that will be competing for resources.

d. As proposed, the open window of guiding opportunity with Limited and Full Concessions works against many long time established land and wildlife management plans and takes away from the ability to have the GCP work in a coordinated way with ADF&G and the Federal agencies. In fact, it will add to the problem as the proposed fees to operate a concession will force the limited operators to compete with the full concession holders.

1. I recommend that these Limited Concessions should go away in their entirety (preferred consensus option) or:

I recommend the Limited Concessions be allowed only for bears in existing predator Management Areas where bears have been identified as problematic, or: I recommend that Limited Concessions be provided on the following basis: Only where conservation and stewardship goals are not jeopardized.

Only the Limited Concessionaire can conduct the hunts with no assistant guides. Limited Concession holders cannot compete for opportunity within any ADF&G drawing permit hunts within the Guide Concession they have been awarded. Limited Concession holders can only harvest two big game animals per year per Limited Concession.

### 3. ASSISTANT GUIDE NUMBERS:

Reducing the number of allowable assistant guides to three within Full Concession holders, breaks the economic viability of many existing and future operations and will put a number of long time guide service providers out of business.

I recommend eliminating the restriction on the number of assistant guides within Full Concession opportunities.

Many of our hunting seasons have been so restricted that a number of assistant guides have to be hired each year to be able to facilitate the number of clients that fits with a conservation based program and within the short season dates. Many existing and long-time established professional hunting guides utilize numerous assistant guides within their businesses. If they currently are providing job opportunities for as an example, to nine assistant guides, this GCP program as proposed will eliminate two thirds of their historic business and probably will put their long time established business, out of business.

In some cases, a client will request, or a guide will offer the opportunity to have more than one guide in an effort to improve the quality of the hunting experience. Limiting the number of assistant guides works against this needed opportunity. One of the best ways to train quality assistant guides is to have them accompany other registered, master or assistant guides while hunts are conducted. Reducing the number of assistant guides to three will eliminate the majority of this training ability.

f. In some areas, resource availability has allowed for guide service providers to operate their business at a much larger scale than what is possible with a three assistant guide limit. These service providers should not be penalized for having ample resources but rather should be supported.

### REGARDING STATE, STATE PARKS AND BLM LANDS:

The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry.

a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR MANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. I recommend that DNR implement a \$1,000.00 Concession fee per year.

I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client.

I recommend that the current \$2.00 per day use fee is discontinued under the GCP.

I also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost.

The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity.

This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichek.

Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

### 6. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM.

I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP.

a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

### 7. MAKE UP OF THE SCORING PANEL:

Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel's inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on.

I recommend that the Scoring Panel have industry participation within its makeup. I recommend the industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to

providing a fair process. e. I recommend that DNR consider having personal interviews as part of the selection process. Personal interviews will provide much better clarity on whether or not the applicants can actually perform as stated within their proposed operating plans.

#### PROPOSED TIMELINE:

The proposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon.

a. I recommend that implementation timeline needs to be moved forward to 2014, NONSUSCRIBE!) AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed,

I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.

I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.

I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:

1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant's operations plan fulfills the goals of the GCP, or in the case that no applicant's wanting to assume the area:

2. That the above recommended process for undersubscribed areas utilized as the general. process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

#### 10. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post season report .This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/iamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G. 11. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession,

a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 12. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere takes away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal. b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 13. GUIDE CONCESSION AREAS

During the DNRJBGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous B LM land and certain recommended regions have been subdivided even further,

It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation

viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA's. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce.

#### 14. TRANSFERABILITY.

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska's family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program. has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process. 2. FORM A, SUB-FACTOR A, ITEM d; DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

#### 3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

FORM A, SUB-FACTOR B, ITEM 5: a. I recommend deleting this criterion as its relevance to guiding is questionable.

#### FORM B: OPERATING STRATEGIES USED TO CONSERVE AND MINIMIZE IMPACTS ON THE NATURAL RESOURCES OF THE CONCESSION AREA

As written, the title of this part of the scoring criteria insinuates minimizing impact on wildlife and wildlands. By doing so, DNR is promoting and leading applicants to believe that a "less is best" aspect exists in ranking, It is important to understand that my business does impact lands and resources to some degree and that these impacts are inherent to the profession I represent.

a. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a good conservation and stewardship basis,

b. I recommend that this criterion does not incorporate any "less is best" grading aspects but rather the overall plan of stewardship for the resources. FORM B, SUBFACTOR A, ITEM 3 a,b,c and d: WILDLIFE CONSERVATION:

a. I recommend that these criterion need to be scored in a manner that does not allow for a "less is best" concept of grading.

b. I recommend that the scoring of this subfactor be based on the overall scope of willingness and ability to provide good

conservation and stewardship of the resources.

c. I recommend that this criterion be graded with consideration also given to the broader aspect of what the applicant is proposing in relation to providing the public with the greatest benefit in keeping with a conservation and good stewardship basis,

**FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:**

I recommend that it is important for DNR to understand that the Intensive Management (TM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual TM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within TM areas.

I recommend that this is an important criterion, but should be considered with two questions. 1. On the applicant's stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified

State Permittee documentation.

**8. FORM B, SUB-FACTOR B: PROTECTION OF CULTURAL, HISTORIC AND ARCHALOGICAL RESOURCES:**

I recommend deleting this criterion as its relevance to guiding is questionable.

**9. FORM B, SUB-FACTOR D, ITEM 2: STEWARDSHIP:**

a. I recommend deleting this criterion and incorporating it into Form B Sub-Factor

B. Item I..

**FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS 10. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner** I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant, I recommend that you consider this in some manner relating to scoring.

I recommend that credit be given for operating a historically accident free professional hunting guide business

I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

I recommend that DNR should look more at the applicant's overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

I recommend that there should be a certain level of emergency/first aid training that DNR feels is fair to all applicants. Many

**11. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE:** I recommend adding Coast Guard and FAA training to this criterion.

I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport, There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

**12. FORM C, SUB-FACTOR A, ITEM 4: EMERGENCY PREPAREDNESS AND SAFETY PLAN:**

I recommend deleting this criterion as a stand-alone and combine it within Form C Subfactor a, Item 3.

Recommend that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the emergency and communication plan.

**13. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:**

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do, with employees who have not performed well.

**14. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:**

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating

within.

15. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits.

16. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

Recommend that Less should not be Best in relation to scoring for planned harvest effort, client base or staff.

c. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant's plan of operation and the conservation balance it provides.

17. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations.

FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses.

19. FORM D: VIOLATIONS, CITATIONS AND CONVICTIONS

a. I recommend that it is important to note that the professional hunting guide industry in Alaska is held to an extremely high level of administrative oversight, Annual licensing, land use authorizations, annual reports, fee payments to multiple land owners, borough fees, extremely complex guide regulations, extremely complex hunting regulations, guide client agreements, hunt records, guide use area registrations, FAA, USCG, general liability insurance for high risk business, workman's comp for high risk business, the list goes on and on, All of this is usually administered by the individual who also has to take care of his or her family, book the hunts in an extremely competitive market, take care of his equipment and or livestock and file their taxes and annual reports on time. This required administrative oversight challenges the best of administrative aptitude and abilities. Honest mistakes are made and this program needs to protect honest operators and not penalize them for being honest.

b. It is also important for DNR to understand that in many scenarios, when an action in the field occurs that results in an regulatory breach such as the wrong ram being harvested by a client or a bullet passes through an animal and strikes another that could not be seen at the time of the shot, if the service provider does everything by the letter of the law, stops the hunt, retrieves and turns in the animal and the meat, he or she and the client are often led to pay a fine by existing regulation. A service provider should not be severely penalized by these types of historical events unless a defined trend exists.

c. It is important for DNR to realize that as proposed within the GCP, an applicant who has many years operating a guide service business with no violation history will score the same as someone who has minimal experience as a guide business owner and that fairness needs to be addressed.

I recommend establishing points to be awarded on a scaled basis for applicants who have historically operated a professional hunting guide service business without or with minimal violation and citation history.

I recommend that this criterion is important, but do not reduce the opportunity for an applicant who has made honest administrative mistake to not be able to compete effectively in this program.

I recommend that applicants who have intentionally broken the law, especially in wanton waste, same day airborne, guiding outside of use area, guiding without land use type of convictions are serious actions and applicants who have these type of histories should be scaled down in scoring.

End of Selection Criteria comments.

Thank you for allowing me to comment on the proposed Guide Concession Program. Sincerely,

Kurt Whitehead (signature)

Alaska Glacier Adventures Kurt Whitehead PO Box 388 Klawock, Alaska 99925 www.AlaskaGlacierAdventures.com Registered Guide #1046

\*Note: The following comment was received outside of the proposed Guide Concession Program s formal public comment period. This period ran from February 15th, 2012 through 5 p.m. April 23rd, 2012 and is not accepted as a formal public comment. However, the topics and issues it addresses will be considered for the Final Decision.\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Siikauraq Martha Whiting  
Northwest Arctic Borough  
Mayor  
P.O. Box 1110  
Kotzebue, Ak 99752

Phone: 907-442-2500  
Fax: (907)-442-2930

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 184 of 192 - Submitted 04/23/2012 at 12:00 AM:

NORTHWEST ARCTIC BOROUGH

Ambler Buckland Candle Deering Kiana Kivalina Kobuk Kotzebue Noatak Noorvik Selaarik Shungiiak

April 23, 2012

Re: Guide Concession Program Comments

Dear Mr. Cox:

The Northwest Arctic Borough supports the Departmental of Natural Resources (DNR) development of a Guide Use Concession Programs in Alaska. The impact of commercial sport hunting over the past 20 years has proven increasingly difficult on all Borough residents, and is in need of management to improve its effectiveness and to ensure that community relationships with the industry are harmonious with long-4 ft Alaskans way of life. I would like to thank you for reviewing and addressing the following concerns submitted from the comment letter to DNR dated December At, 2009:

- The Current use concession question including borough/municipal,lands within state land areas.
- Limiting the number of assistant guides under the full rights concession program to a maximum of (3) three. This provides a proven mans management of span of control according to the Incident Command System (IC8) Please consider the following comments in DNR's current review and concession use proposal:

The Northwest Arctic Borough and Subsistence Relationship

The Northwest Arctic Borough is a regional, home rule, municipal government chartered under the laws of Alaska: The Borough is located in rural northwest Alaska above the Arctic Circle, bordered by the Chukchi Sea. Our population of approximately 7,340 people live in an area of nearly 36,000 square miles, roughly the size of Indiana, in 11 communities and surrounding residential camps.

-Our people depend on that food, Our whole culture here is based on sea, Mammals and caribou" said Ross Schaeffer, Former Northwest Arctic Borough Mayor in Sue Steinacher s Article "A Crisis in the Making in Northwest Alaska; Caribou, Hunting Pressure and Conflicting Vales." Over 82% of our residents are multi-generational Alaskans of Inupiaq ancestry and proudly thrive on the subsistence way of life as they have done for countless generations prior to Russian/European visits, US purchase of Alaska, and Alaska statehood. The region's economy can best be described as i "subsistence rich" and "cash poor" given our heavy reliance on wild resources to roost otherwise inadequate sources of cash income. The Borough has one of the highest poverty rates in the nation and extremely limited employment options. In 2004, q% of the working-age population did not have full-tune employment, and unemployrnt remains one of the biggest socio-economic problems facing Borough residents. Meanwhile, the cost of living in the rural arctic region has skyrocketed, particularly the costs of energy.

In the northwest Arctic, the median real cost of home energy increased by over 130 percent from the year 2000 to 2008, causing state officials to declare a rural energy crisis. Gasoline prices remain high in remote Alaska despite the decrease in the rest of the United States. For example, Noatak residents have been paying \$8.99 for a gallon of gasoline. The high energy prices are devastating in northwest Alaska where heating fuel and gas for ATVs and snowmachines to access hunting, fishing, and wild resource gathering areas are critical to provide food to families and maintain integrity of culture and tradition. With few opportunities to develop cash revenue in the region, subsistence opportunities are critical to economic security, cultural integrity of culture and tradition. With few opportunities to develop cash revenue in the region, subsistence opportunities are critical to economic security, cultural integrity and continued food security for Borough residents.

In addition, Northwest Arctic communities are accessible only by air or water, and bulk items such as food and fuel oil are extremely expensive to transport. Tile Anchorage food costs are generally about 25% greater than most cities in the We 'tern U.S., the rural communities of northwest Alaska have food costs more than twice that of Anchorage. High food prices mean that if communities were forced to replace subsistence harvests with store bought foods, the total economic replacement costs would range from 13% to 77% of the total per capita income for northwest Arctic communities.

Subsistence has always been and is still one of the most successful and predominant cultural and economic activities in northwest Alaska: Subsistence is a way of life that rewardingly defines historic and modern-clay existence, culture, and trdition for residents of northwest Alaska. It is frequently a matter of physical and spiritual survival. Continued subsistence opportunities are at the heart of modern cultural Survival for Alaska Natives, and subsistence practices are perhaps the strongest link between generations to maintain cultural identity.

Comments and Recommendations Regarding Guide Use Concession Program

- The evaluation panel needs to include two additional sets: 1) seat to the local/affected borough municipal government with regards to zoning And land use authority and coordination; and 2) seat to a subsistence user from the affected region for inclusion of traditional knowledge.
- A process to report problems with guides needs to be put in place, including a process to retract concessions based upon bad behavior.

- Need to establish community relation advisory committees in the 12 regions of Alaska to rate guides and give input to the DNR agency staff as part of their overall determination if concession holders are in good standing.

- The concession areas need to be redrawn to match borough boundaries. This will enhance community relationships and provide ease of local municipal permitting enforcement and coordination between DNR and local governments to work together cooperatively with guides.

- Concession fee revenue needs to be shared with the affected boroughs to ensure the goals of the new program regarding economic return of the program is provided to affected Alaskans.

Revenue sharing from concessions are needed at the local level to help municipal governments with search and rescue efforts as well as land use planning. The borough has responded to the increase in hunters by bolstering its search and rescue effort. For example, the borough search and rescue teams had to rescue three different parties of hunter's, who transporters had dropped in unsuitable locations and were threatened by rising water. The borough also responded to a lost group of unprepared hunters. Search and rescue has been a necessary presence in the vast area within the borough's boundaries because big game transporters frequently drop-off hunters in inhospitable areas where they are ill-equipped to deal with the unpredictable arctic environment. The borough has established a search and rescue program in response to the influx of unequipped hunters and has scrambled to find ways to fund it.

- Subsistence use in concession areas need to be recognized by DNR, then given priority as Alaskans feeding their families over sport. For example, DNR could create policies to delay sport hunting in certain concession areas, limit the number of clients, etc.

The Northwest Arctic Caribou Herd is at the center of subsistence for most Borough residents and caribou are a vital and irreplaceable subsistence resource. Every fall, Borough residents travel to traditional caribou hunting grounds to harvest caribou for coming winter months. These longstanding traditional hunting opportunities have been recently frustrated. by irresponsible big game transporters and air taxis flying-in outside hunters and fueling an exponential growth of seasonal commercialized sport hunting in the region based upon caribou antler trophies.

The number of sport hunters flying out of Kotzebue to hunt caribou has exploded in recent years, and the growth in popularity has seen a corresponding burden on 15 AAC 92.220(d)(3), Salvage of game meat, furs and hides, requires hunters to salvage edible caribou meat and transport it from the field or process it for human consumption.

2 Nilitickik Traditional Council v. U.S., 227 F.3d 1186 (9th Cir. 2000), Local subsistence hunters are frustrated that they can no longer rely on traditional migration routes because herds are too frequently majorly diverted and driven far stray by irresponsible transporters and/or air taxis locating outside hunters in migration corridors and often killing members of the lead pack. The problem is exacerbated by high-fuel costs that prevent local hunters from travelling far distances to reach the diverted caribou. The high cost of hunting caribou is now only available to residence who can afford traveling further and often.

It is these very areas of customary and traditional use that have been and continue to be at risk of being exploited by irresponsible hunting practices and unregulated transporters who drop-off hunters in reckless fashion, often on state managed lands. Regardless of user preference, the bottom line is that no one wins when irresponsible transporting and hunting, practices are followed. Indeed, professional sport hunting guides have also expressed outrage and concern over transporters' practices that have interrupted caribou migration and guides' traditional hunting areas.

Local residents are highly-motivated to find solutions to the ongoing caribou user-conflict because of the critical importance that caribou play in traditional diet and culture. Borough residents and officials have embarked on education campaigns to inform hunting service providers and incoming guests about responsible hunting practice\$ and traditional values. The borough has also spearheaded a variety of discussions with agencies, boards, and users to develop long-term solutions.

- Conclusion

I look forward to the opportunities to include these comments in the new program. We look forward to continuing public engagement of rural communities affected by guiding, transporters, air taxis and sport/commercial hunting.

Sincerely,

(Signature)

Mayor Siikauraq Martha Whiting

cc:Ukallaysaaq Tom. Qkleasilk, Planning Director

Chad Nordlum, Deputy Planning Director

Noah Naylor, Land Specialist

Marie Greene, President NANA Regional Corporation

Ian Erlich, President Maniilaq Association

\*Comment received via fax 4/23/12\*

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Wade Willis  
P.O. Box 100965  
Anchorage, Ak 99510

Email: [adventure@alaska.com](mailto:adventure@alaska.com)

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 185 of 192 - Submitted 04/23/2012 at 04:46 PM:

I oppose the DNR moving forward with the Guide Concession Program (GCP) and/or the implementation of the GCP for the following reasons:

1: The proposed program will not promote the conservation of wildlife resources.

The allocation of wildlife resources is the "exclusive" mandate of the Board of Game.

The proposed operational plan restrictions cannot circumvent the management mandates of the Board of Game, and the intent of Alaska's constitution and statute to conserve wildlife for resident consumption FIRST in times of shortage.

Indeed, the DNR is a land managing department that promotes the maximum utilization, consistent with the best interests of the public, of a mineral resource managed by the state. Thus, the DNR has no choice through its mandates to promote the maximum harvest of wildlife as defined by the Board of Game within an applicant's proposal for a concession. Nothing will change regarding the Board of Game's role in defining sustainable harvest. This program will do nothing to stop the "mining" of regional game populations!

Most importantly, the operational plan restrictions only pertain to the guided non-resident or alien hunter. Thus, resident hunting opportunity within a specific GUA will be outside the scope of this program. Due to this, a concession holder has no motivation to conserve the resource when such conservation measures are not shared equally among all users and may not benefit the guide, especially when the current proposal provides for a minimum of two contracting guides in any given GUA. It will be the same as it is now, get what you can before the other guy gets it. As long as the Board of Game allows unsustainable harvest opportunity, the DNR cannot fix the problem with a concession program.

The guided hunter will always have a significant advantage over the non-guided hunter, not only in time spent in the field, but also in infrastructure and direct knowledge of the "lay of the land". The DNR only needs to review the limits imposed on the non-resident sheep hunter in the Chugach mountains where the non-resident is limited to about 10% of available opportunity, yet the harvest is approximately 60% of the resources.

Nothing in the proposal limits a concession owner from monopolizing limited access points.

2. The DNR has not achieved broad public participation during the public planning process.

As corroborated by the few members of the general public that submitted comments or personally testified who were not registered guides during the two public comment periods.

The few members of the general public that did comment clearly stated that the public planning process was intimidating, confusing, and outside the general land use planning process they associated with their involvement in land use planning that has long been the norm for the DNR.

The program cannot hope to mitigate user group conflicts when only one user group, commercial hunting guides, have participated in a planning process which often was conducted outside the DNR process within the Big Game Commercial Services Board, a board that does not engage the general public at all.

One specific example is the lack of broad public participation in defining the guide use areas. The boundaries for the existing GUA's were developed almost exclusively by the guide community, lacking any input from the general public, including resident hunters. The GUA boundaries were developed outside the DNR public planning process yet are a critical component of the draft regulatory language for the program, yet the public had no input at all in defining these boundaries that considered the concerns provided by the general public, especially resident hunters.

3. The DNR did not adequately consider alternatives to the program.

The DNR did not adequately consider alternatives nor define a preferred alternative during the public planning process, the standard procedure for developing state-wide land use planning decisions.

The DNR did not formally consider any alternatives nor engage the general public in developing those alternatives, even if they would be considered.

The DNR did not adequately consider if the existing Board of Game and Big Game Commercial Services Board currently have the statutory authority and management mandates to achieve the stated goals of this program, which I advocate that they do.

The DNR cannot fix a problem where the fundamental problem is an allocation and industry standards problem that the legislature has adopted exclusive management authority for those issues to the BGCSB and the Board of Game!

It is inappropriate for the DNR to dedicate public funds to the development and implementation of a program that already has boards and commissions in place that have the "exclusive" regulatory mandates to achieve the goals of this program.

The decision to move forward with developing the regulatory language was made internally, without considering, through public comment, the preferences of the public as a whole.

4. The DNR lacks the statutory authority to implement the program.

The legislative record regarding AS 38.05.850 clearly indicates that the statute was adopted for the purpose of streamlining

"existing" permits. It was not implemented for the purpose of developing new permitting programs. In addition, the legislative record clearly states that AS 38.05.850 was to apply specifically to non competitive permits, not to competitive permits, which is being proposed here.

The DNR cannot move forward with drafting regulatory language for a program the department does not have statutory authority to implement. Indeed, the legislature has confirmed that the implementation of the program must be approved by the legislature. Clearly, even the legislature thinks the DNR is on very thin ice regarding regulatory authority to develop such a program.

5. The proposed program does not downsize the guiding industry.

Initially, the primary justification for considering developing a DNR GCP program was to downsize the industry and promote the highest standards within the guiding industry by filtering / awarding concession opportunities based on a prospectus ranking process that, theoretically, would remove the abusive component of the guide industry that obtained a license during the 1990's, when applicants for a guide license were reviewed by a guide licensing board.

The current limits on concession awards, and assistant guiding opportunity, will provide no restriction to the number of guides currently registered by the state of Alaska. The same "bad" guides that are causing trouble now, will be causing trouble in the future as they inevitably will be awarded a location "somewhere". Conflicts among among non guided resident hunters, or non consumptive users of the resource, will continue unabated, and may even become worse as these low quality guides become more desperate due to being awarded concessions in GUA's with low profit potential.

6. The proposed program is a statewide program intended to address a problem that only exists in a few locations.

Generally, the most contentious issue is sheep hunting allocation and user group conflicts associated with sheep hunting, and even then the conflicts are severe only in a few GUA's statewide. This program will apply to all species of wildlife, and to GUA's where no problems are currently identified.

It would be far more appropriate to consider alternatives and to draft regional solutions during the regional land use planning process.

7. The proposed program does not provide any framework for defining cooperation among different state departments or defined mechanisms for continued involvement by the public in addressing ongoing conflicts.

For instance, it is unclear if the Board of Game or the ADF&G will determine if proposed harvest rates found in an applicants operation plan are sustainable. There lacks a defined framework to evaluate sustainable harvest opportunity as a whole, much less within the industry. How can this program hope to promote conservation when it lacks the authority to manage all harvest within a GUA?

Nor does the program define how the DNR will be incorporated into state enforcement activities nor define the amount needed to effectively monitor guide concessions. Currently, the DNR lacks the ability to write citations. Lacking the regulatory ability monitor and enforce compliance, the proposed program will be nothing more than an empty promise to the residents of the state.

8. The proposed program lacks long term guarantees for adequate funding.

Funding needs are fixed costs for the department. Funding mechanisms that are based on client levels in the industry do not provide the stability in funding necessary for implementing this program that assure the general public that the industry will pay for its management.

Current proposed funding does not adequately provide for the cost of effective enforcement and monitoring of the program.

9. The proposed program lacks broad support even within the guided sport hunting industry.

Public comment by the guiding industry overwhelmingly opposed the current draft language.

The Alaska Professional Hunters Association, an organization that only represents about one third of the registered guides in Alaska, also opposes the current draft.

10. Significantly amending the current draft and then subsequently not allowing the public to comment on the amended regulatory language would be a severe abuse of the public planning process.

If the DNR amends the current draft, another round of public planning should be conducted, preferably within the scope of the regional land use planning process.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Wade Willis

, Ak

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 186 of 192 - Submitted 04/17/2012 at 12:00 AM:

Webinar Testimony 4/17/2012:

Okay. Well, my pleasure?

Well, I really would like to talk to you about the potential of you guys having come out with a GCP draft that's been significantly modified from this second version.

I'm really concerned about that in that what the second draft did was to try to incorporate non industry concerns, the general public's concerns into the GCP draft. And since GCP 2, basically -- as DNR is aware -- basically didn't hear from the public, because the -- I guess the public planning process isn't effective. It's not reaching the general public, you know. In the public meetings I saw, we got maybe four or five, six people from the general public who showed up.

I don't know. DNR might consider significantly backtracking on basically the general public's preferences for this GCP program to satisfy the contingency that's actually playing ball with your public planning process.

So, really what I want to talk to you about is: How does the DNR feel about the fact that -- on changes to this GCP version two? Does the DNR feel comfortable making significant changes, such as those being requested by APHA, and then basically not letting the general public have any preview of that and public input to that.

MR. COX: Yeah, Wade. I get -- that's a good question. So I just want to, first of all, step back. Do you want to see the presentation? Do you care to see the presentation again? It's the same thing --

MR. WILLIS: No, I'm fine. I don't need to see the webinar, or the presentation. No.

MR. COX: Yeah. It's the same thing as the meeting. I just want to note that if someone does join us, if they're brand new, we probably will run through the presentation. I just want to make sure that's --

MR. WILLIS: No problem.

MR. COX: -- clear for you. Otherwise --

MR. WILLIS: Don't mind a bit.

MR. COX: -- we can have a little conversation here. And if you want to testify or say something, we can do that as well. But I'm happy to answer your questions, if that's all we want to do right now.

MR. WILLIS: Okay.

MR. COX: Are you here in town, Wade?

MR. WILLIS: I am here in town, yeah. Uh huh.

MR. COX: Okay. Yeah. I think, you know, the public process is what it is. You've been involved with this from the very beginning as well. I think our outreach was good. I think the offering of the webinars was good. You're right. You can't force folks to come. We are getting comments from -- I think we just totaled up just over 100 comments so far, including the testimony from the meetings. So we are getting input.

Yeah. We're comfortable making decisions. That's kind of what we're paid to do, is make decisions based on our planning process, our statutes and regs, and the public input. So I think we're very comfortable making those decisions.

MR. WILLIS: No. I understand you're comfortable making those decisions, but let's face it. The DNR generally does not roll out the final version to the public and say, "By the way, you're not going to be able to comment on this." I mean, let's face it. With the state land use planning process, you guys come out with the final version, and you say, "Is this going to be compatible?" You know. And everybody goes, you know, okay. Yes, no, whatever.

But, I mean, it appears to me that the DNR would be -- should be very concerned that, yeah, you have offered a public process, but that process is so alien or foreign or removed from the traditional process and -- that it hasn't been effective. That's just like saying we have a democracy, when only five percent of the people vote; right?

I think that should really concern the DNR, because, in the long run -- in the long run -- it'll be the on the ground conflicts that drive whether or not this is a successful program or not. And right now, I don't think you guys have been able to include enough user groups and to get informed consent from a wide enough range of people to make sure that what you're going to possibly adopt and do is actually going to achieve the goals that the proposal is in the beginning, you know.

So anyway, I really want -- I'm very, very concerned

MR. COX: Okay.

MR. WILLIS: -- that we're not seeing the final version, especially when we didn't even get to decide whether there were alternatives, you know. The public never got to do that. It was just, "This is the only alternative to do the program, and we're going to roll with that, and we're not going to actually formally consider other options. We're just not going to do it."

So under those kind of pretenses, as well, it's just extremely concerning to me that this basically might get approved under

those kind of circumstances.

MR. COX: Okay. Well, I guess there's not much -- I don't see much need to respond to you. That might be your angle there.

Like I say, we are recording this; so if you want that to be some testimony from you again, we've got that. If there's anything else you want to say. But I think --

MR. WILLIS: Yeah.

MR. COX: -- I feel pretty comfortable with what we've got. So . . .

MR. WILLIS: It is -- it is my opinion, of course.

MR. COX: Sure.

MR. WILLIS: I am testifying. Everything I say to you, I want recorded, and I want to be testified, you know.

So as you know, Clark, as you stated, I've been at this from the beginning. And you think realize more than anybody that the driving force of the initial changes were not to try to save the industry from the decisions of the Board of Game. And I think APHA has made that very clear that that's why they want it more than anything, because they think their industry stands a better chance of surviving if they get some kind of protection through a contract with the DNR, you know, that they'll somehow be shielded from the mandatory requirements that the Board of Game is supposed to do.

Well, that's totally not why we initially started this, and you know that. The reason we initially started this was that, during the mid '90s, we had a lot of guides who got in with a free pass, rubber stamped. We have a lot of guys who are not respectful of not only the industry but the general public as well. And a self serving board just wasn't willing to do the tough job of censoring itself, even though that's what the Big Game Commercial Services Board was put together to do, to censor itself, to ensure that there were good guides in the community and not too many guides.

So they conceived this wonderful idea of letting the DNR do the job; right? And now, we're at this position now with the GCP 2, where APHA is coming to you and saying -- right now, GCP 2 is attempting to limit the numbers of guides working on state lands to basically the number we have now. There's not anticipated, under this GCP 2, to be, you know, anybody who's not going to be able to work as a guide if they want to. There'll be opportunity for them.

And here, the guide industry says that is absolutely unacceptable -- at least the APHA, which represents roughly a fifth of the guiding community.

So the whole thing has been perverted, and the whole reasoning to try to get the guide industry downsized and to clean it up so we have better guides who are more respectful, who work with other user groups on state lands, has been lost in the process of trying to reach compromise and trying to figure out how everybody -- how all users of state lands and consumptive users and non consumptive users can benefit from this program. It's been totally lost in the shuffle.

And I think you can agree with me on that, that that was why we -- initially we even started down this track, was to downsize the industry.

So if the DNR moves forward, that cannot be something you guys compromise on. You just can't do it. There can be no compromise on at least limiting the industry to what is there now, you know. And preferably, you would limit it even less, that you would say, "We're trying to cull a third of the guides out." That's what you wanted in the beginning.

And we're confident that, through the prospectus process, the third that lose are going to be these very bad apples that you guys continue to complain about. We're confident that our prospectus process is going to accomplish that goal.

So my recommendation would be that you need to -- if you do anything at all with the numbers of concession opportunities, permit opportunities, guiding opportunities, as an assistant guide or as a permit holder, that you actually attempt to remove some of the existing guides, because that's what we wanted in the beginning. That is what we wanted in the beginning.

Now, let the guide industry maybe try to work, in the future, to distribute the assistant guides differently, you know, saying, instead of equitably, where it's only three assistant guides per operator, maybe, you know, some guides could say, "I only need one. So these extra two, let Joe Henry over there have them. And he can have five."

Make the pool be a certain size, and let the industry itself distribute those assistant guides as the industry itself wants to do, you know, or can do; or by fair market price, who can -- who is able to have a few more extra guides. That's one fundamental component.

MR. COX: That's a new option we haven't heard.

MR. WILLIS: That's one fundamental component that I don't want the DNR to forget.

You know very well I don't want this to go forward at all, and I think you know very well most of the guides don't want it to go forward very well. But if it does go forward, never forget the driving reason why we started down this path in the first place: To get rid of the bad apples that got in in the '90s. We really need to do that. And they're the ones causing the trouble in sheep country, you know.

The guys up there working 20A, those are the worst of the worst in the guide industry. They're hammering away at the long term guides up there. You know, Coke (Wallace) has brought to you guys numerous examples of what they're doing up there, what those guys are doing up there, you know. And there just doesn't seem to be an effective way of removing these guys when they do some of these atrocious activities up there, you know.

So let's never forget that, you know. Take a deep breath. If this thing looks like it's going to go forward, be very staunch on the limits to the total pool of guides that the DNR is giving out. And if it's going to be less than what they can -- that they want -- as APHA wants, then say, "Fine. You guys distribute it yourself. You figure out, within the industry, how to best distribute those. But the pool of guides is only going to X amount, period."

MR. COX: All right. Got that.

MR. WILLIS: Period. Okay. Great. And I think there has to be a better coordination in the GCP between land managing entities. There's nothing written in there. There's nothing -- there's no framework for coordination between land managers. There's no framework there. And there has to be something -- if you guys are going to try to somehow circumvent the allocation factor

here -- because basically what we're dealing with is situations where the Board of Game offers --

MR. COX: Hey, Wade?

MR. WILLIS: -- too many hunting

MR. COX: Hey, Wade?

MR. WILLIS: Yeah?

MR. COX: We can just barely hear you. You moved your phone or something. We can just barely hear you now.

MR. WILLIS: Okay. Is it better now?

MR. COX: Okay. That sounds better. Yeah.

MR. WILLIS: Okay. The brunt of the problem is, what's driving the entire problem, where we do have significant problems are in the sheep populations; right? And these are Board of Game allocation issues. And there's nothing that DNR can do to circumvent that fundamental fact, that these are Board of Game allocation issues.

And should the Board of Game do their job better and allocate better and allocate maybe on more of a drainage level instead of giant wide -- GMU wide levels, then there couldn't be hot spots. There couldn't be specific overharvest areas.

And there's nothing that you guys can do to fix that, you know. So this whole belief that this is going to somehow create an atmosphere of better conservation is false. It can't occur, because you don't have the tools you need to ensure that sustainable harvest limits are being met in a given area. You can't exclude non guided hunters. You can't, through this program, make sure that a given drainage has enough sheep, that the Board of Game hasn't given too many opportunities to the public as a whole to go into those areas.

So this won't do that. And, as brought up before, this is not the way the DNR works anyway. You guys are not in the process of restricting access to public resources. You guys work in a fundamentally different way. You're all about exploiting the maximum use of a public resource.

So it goes against the fundamental grain of your very department. How are you going to come in and have a policy where you say, "Less is not best," and then say, "But the reason we're doing all this is to make sure there's less harvest, that there's sustainable harvest, that somehow the allocation is more evenly distributed between hunter -- between guided and non guided," you know. It's just a total 180 of what you guys are all about.

And as I told you at the last public meeting where we showed up, it appears to me that, if you have two applicants who has an equal score everywhere throughout the application except on the numbers of animals that he's going to harvest, that the DNR is in a position that your policy would be that you would award the permit, the concession opportunity to the individual who was going to maximize the use of the public resource.

Again, and here you are saying that -- you're going to say that "We understand that the Board of Game is offering too many hunting opportunities, yet we're going to allow the applicant who takes advantage of that pool of too many hunting assets to have an advantage over the guy who would come in and tell you, 'Well, I think I can survive on half of that number of sheep. And I don't really care for hunting brown bear at all, because, personally, it's just not a species I enjoy hunting.'"

Well, he's at a disadvantage now, because he's got a guy over here who comes to you guys and says, "I'm -- the Board of Game says I can shoot 28 bears. Fish and Game says that's sustainable. And I'm going to shoot 28 bears, and I'm going to shoot 62 sheep," you know.

So this whole thing that somehow this program is going to promote stewardship within the region is based on nothing -- there's nothing to back it up. There's no reason for the guide to try to save anything, because he's got this giant pool of people who are unguided who will harvest anything he saves.

MR. COX: All right.

MR. WILLIS: So there's no advantage. It's going to be, "Get what you can" from year to year. And if you throw another guide in there -- which is great. I totally understand why you're doing that, because Owsichek clearly said you can't restrict new, young recruits into the industry. It's not fair to say that these old guys somehow can lock it all up just because they've been in the industry for 10 years, you know.

If you have another guy, that's only going to exacerbate the "let's get what we can every year" philosophy, because there's no motivation to save a thing, none whatsoever, because he's got another guide here who's going to get it, much less another group of residents.

And I'll say one other thing that's very important I want DNR to understand. In the nuts and bolts of why residents don't get as many sheep as non residents, it's that most non residents come out here and hunt sheep like they need to do. They come out for 10 days at a time; some of them, two weeks at a time. And oftentimes, even guided, it takes till that 14th day for a guy to get a sheep.

Most residents, they've got a weekend, usually, three days, four days, maybe they can pull off five. But, boy, you'd be hard pressed to find a resident who goes out and pounds the turf for 14 days. And even if he does, he's not going to have the on the ground knowledge that a guide has; right?

MR. COX: Yeah.

MR. WILLIS: So there's more to the reason residents and non residents aren't getting an equal shake, so to speak, you know. There's more reality to it than just the fact that the Board of Game offers an unrealistic harvest opportunity.

It doesn't allocate well. It doesn't restrict non residents down to a certain level. Because you'll find in areas where non residents -- say in the Chugach Mountains, where non residents are restricted to 10 percent of the available permits. At the end of the season, guess who harvests 60 to 70 percent of all the sheep taken? Non residents.

So, again, that's just another -- that's another fundamental, really core reality issue that DNR should understand, because the sheep issue is the issue that is really the big problem for you guys. It's your A issue that we want to get solved with a GCP program; right?

MR. COX: Right. Yeah. We've heard that.

MR. WILLIS: So this GCP program can't touch that part of it. It can't deal with it. Even if the GCP program expands the 10 percent restrictions, say, by -- through your operating plans, that 10 percent overall access extends up into 20A and other areas, you know, well, you're still going to come out at the end of the year with the same problem. Non residents are still getting all the sheep, because they have better equipment, they have better guides who are spending the entire season out there, and they spend more time at it. And that's just -- that's just a reality, and we're not going to fix the problem.

So you guys are going to invest all this time and energy, take all this risk on board, and, five years from now, you're going to shake your heads and go, "God, we're still getting the same complaints. We're still getting the same problems out in the field." And, you know, it's not going -- it's not going to fix anything.

And always -- and always, never forget, when you guys are -- if you decide to roll this out, play the devil's advocate. Because with any kind of program you roll out, go, "Well, where can people circumvent the program?" How could somebody say, "Okay. Well, now we've got these new laws, how do we get around them?" That's very important for you guys to consider and think about.

So, all of a sudden, you've got a situation where, you know, people are going to maybe exploit this mining claim stuff better, you know. We've got guys going out there getting acres and building nice lodges, you know, nice rooms out there, and it sure -- it's sure getting to be a real shady gold mining claim activity that goes on out there. And you guys are aware of that, you know.

So there's going to be all kinds of considerations. There's going to be -- you're going to open up a Pandora's box for people trying to circumvent the program and get around it. And --

MR. COX: Yeah. We try and think of those. You're right. It's hard to -- hard to think of them all, but I'm -- we're trying.

MR. WILLIS: No, it is hard to think of them all, especially when you're a government agent, you know, and you're not really out in the field. You're not on that side of the fence, and you don't think that way.

But, you know, it's not that you can't consider it, and it's not that you can't ask advice from people who could maybe come up with some good ideas for you on how people are going to try to circumvent this, you know.

MR. COX: Yeah. That's actually --

MR. WILLIS: If you guys end up just promoting this, basically, you know, "catch me if you can" philosophy, where the only way that guys can really pull it off is to go out there and just risk getting caught, well, we all know there's not much risk of getting caught. We all know that. We all accept it.

So if this GCP program just basically makes doing it on the sly a little more attractive, we're not getting anywhere. We're not getting anywhere at all.

As I've always said, I've been involved in -- when I first came up here in fisheries, I worked out in the Bering Sea, and I said -- I've always said, "You don't legislate ethics; you enforce them." You can't legislate them. You can pass all the laws to do it right you want, but if you ain't got guys out there in the field enforcing it, forget it. Forget it. There's no motivation for people to be ethical if there's no risk of repercussions from not being ethical.

MR. COX: Yeah.

MR. WILLIS: And, again, that is a huge missing factor from this proposal. It doesn't increase the number of state troopers. It doesn't have any kind of coordination and sharing of information. Even the Big Game Commercial Services Board is withholding hunt data from you guys at this time, you know. Even they're not cooperating with stuff that they -- you would think that they would, you know.

If anybody's going to say, "Open the books up, you guys, and take what you need to do your job better," it should be the Big Game Commercial Services Board. Here they are, you know, going, "Oh, by the way. There's information we really don't want you to know. And we don't want you to put anything in the GCP that requires us to give you that information. And we certainly don't want to give you any authority to go out there and enforce game laws. And we don't want in here any kind of increase in state trooper budgets. And we don't want any kind of, you know, focus on maybe hot spot areas," you know.

So again, these are glaring problems with the GCP version two now that, in the long run, are going to, in my opinion, ensure that we're scratching our heads five years down the road going, "Nothing has changed, other than the state is having to supplement a for profit industry."

Because you guys obviously stated you need \$1.1 million to effectively manage this program. And the industry is crying -- crying crocodile tears and saying, "You should be able to do it with \$400,000."

Well, why do they want you to do it with just \$400,000? Because they don't want effective management; they just want the illusion of management. They want it to still be a free for all out there, you guys not to have the money to investigate, to do your job, to have enforcement guys out there, to have, you know, the money you need to really do a good job covering, wow, all state lands, all BLM lands maybe, all state parks. Wow. You're going to do enforcement and manage the industry with \$1.1 million? It's a pittance of what you really need, and they don't even want you to have that.

So I beg you -- I beg you to ask the question, when you sit down and you go, "If you didn't do this job, could everything we're proposing here be done by the existing boards and commissions?" And you'll have to say, yes, that every one of them can do it. And if the Big Game Commercial Services Board needs a few more tools, they can go to the legislature and ask for them.

This year, we're all aware that there was a Big Game Commercial Services Board bill pushed in the legislature. Well, they wanted changes. They cried wolf. They said they needed some tools, you know. Well, let them do that. Let them say, "We've been -- we've been mandated to do this job, and we need more tools," instead of just dumping it off on you guys. Because, in the long run, who's going to lose? It's the general public and the guiding industry, too. Fithian believes this is somehow going to protect the industry from the legislative mandates of the Board of Game. But it's not, because there's going to be people like me out there who's going to go, "No. We're going to court on that, Board of Game. You can't -- you can't allow unsustainable harvest, and you can't allow non resident harvest when residents need the meat," because we have that in state law.

We have that in our Alaska Constitution that, when push comes to shove, when the residents need to eat, non residents go.

And they're going to still go. There's not going to be any protection from that reality by the GCP program. Fithian isn't going to get this industry protection that he claims he's going to get. It ain't going to happen. We need better management. We need the Board of Game to do their job better so that there are more game to be had.

And personally, I think the state needs to have a constitutional amendment to deal with not only the guiding industry, the commercial take of game, but the subsistence take of game. Both of those issues need to be settled, the state residents are ready to settle it, and it's just the money boys that won't let us settle it.

So that's really where the real fix, the long term fix will occur, in my opinion, is not with this GCP Band Aid. It's to go to the core of the problem and deal with it with -- in the Constitution. That's what we did with fish; right? We all know we did that with fish. We said, "Hey, if we're going to have consumptive take for profit, we need to have something that allows the industry to have some ability to have a guarantee of game." Well, we need that now, too.

And I'll say, too, one other thing I'm real upset with this Guide Concession Program thing was that -- it was an opportunity to say that the Native Alaskan community has been basically shut out of the guide industry through the good old boy club, as we all know, you know. This is not a he said, she said. Just look at the rosters of who's master guides and big game commercial -- and registered guides, contracting guides, and you'll see that there are virtually no Native Alaskans.

And when the GCP program went through, you had an opportunity to fix that. You could have said, "On state lands that are -- that we're going to manage, we're going to make sure the guide concession areas follow the borders of Native lands," you know.

And that way, all the guide concession areas that were not on state lands would have their borders around Native lands, and the Natives could then -- could push to say, "Hey, on Native lands, let's let our elders have the ability to get these concession guide permits. Let our elders say, 'We've got a couple of really strong, upstanding men in our rural communities that we want to be the actual guides and do the guiding and avoid the social conflicts, and bring the game back in a way that the people in the villages would like to have.'"

And, you know, promote that on Native land, that the Native community have access to control the commercial for profit take of wildlife on those lands, you know, directly. Not by just saying, "Okay. You can -- you can choose who gets to hunt, commercial hunt, but you have choose amongst all these white guys," you know.

There's a real opportunity to fix that problem, and we're not even addressing that at all.

MR. COX: Well, Wade, you are familiar --

MR. WILLIS: You haven't said anything that --

MR. COX: Wade, you're familiar this program has no affect on Native lands, right?

MR. WILLIS: I totally understand.

MR. COX: Okay.

MR. WILLIS: I totally understand. But the guide use areas did not consider possibly, you know, drawing those boundaries where we could promote that kind of thing.

And I'll say, too, that you really haven't had any input from the Native community, because they don't think that it's affecting their land, so they're not really concerned. They don't understand the nuances and the opportunities.

And it's just like the general public. I'll say -- when we're talking about public participation, the reason the public hasn't participated is when they see a public announcement on commercial guiding, they consider that just, you know, some kind of subtle management decision on how commercial guiding is managed. They don't look at it and go, "Oh, well this really is going to impact, you know, a resident hunter. It's really going to impact my ability to watch wildlife. And how could I go participate in something that is all about commercial guiding when I know nothing about that industry?"

They don't realize that it's actually -- that their comments about how they want their state assets managed are important, irrelevant of their knowledge of commercial guiding. They're totally afraid of that, of that announcement, that public announcement to come pay -- to come comment on a program that is the nuts and bolts about how to manage the guide industry.

The general public doesn't have any knowledge of that or any way to weigh in on that, and they don't understand. That's why you haven't gotten anybody there. You haven't explained it well enough, in my opinion.

And if you did explain it well enough, I think the avenue that the state should have done was to roll these proposals, to possibly offer guide concessions into the state area management planning process.

That's where the public goes, "Hey. If I want to weigh in on all these other issues about how our resources are managed, I go to the Land Use Planning Process Program." You know, when the state does that -- that's what I've known for the last three decades. That's where I weigh in. That's where I get my two cents in, and that's where we do it.

And if the DNR truly wanted to maximize public understanding and public input and come out of this with something that might work -- which I don't think it ever can because of the allocation issue and it being the Board of Game. But if you did, it should have gone through the Land Use Planning Process. And it would take longer, you're right, but it's the right way to do it. It's absolutely the right way to do it.

And just because the other land managers there, the other boards and commissions -- the Big Game Commercial Services Board, the Board of Game -- have stalled on this issue for a decade or more and have gotten their backs against the wall doesn't mean, all of a sudden, that you guys throw the best public planning process up in the air to deal with their emergency.

That was their stalling. That was their screw up. And it's not you guys' job to compromise the public planning process based on their desperate pleas for a quick and speedy GCP program to be passed.

So the biggest complaint I've heard of why you guys are trying to overlay a statewide program on top of the Land Use Planning Process, which deals with area considerations and the specific nature of given areas of our state, which are all different, is that it would be a very long, drawn out, cumbersome process. So I want to address that. Yes, it may be, but it is how you guys do business. It's how, over the last three decades, you have considered it the best way to do business. It's how you take each

region, and you say, "There are specific concerns that are unique attributes to certain parts of our state, and we're going to address those in these Area Land Use Plans."

But we're not doing that here. You guys are taking a statewide policy and just laying it down on top of these Land Use Plans, and you're not considering the unique characteristics of areas. And you're laying a plan, as has been brought up many times, on a lot of the state and on a lot of the hunting of species where there's no problem that exists. None at all. None at all.

So here's a statewide plan that's trying to fix a tiny little cut on the foot of the industry by putting a body cast on it, on the body. That's, you know, to get you to picture it in your mind.

So it's just a -- it's just a situation that I hope you guys can sit down at the end and go, "Hey, you know, this isn't our problem. And even if it was, this isn't going to fix it. We're sympathetic to where you guys are at in game management; but allocation is allocation, and we're never going to get into the allocation business."

But they want you to, and that's the whole brunt of these operation plans. That's what everybody says that you're going to do. You're going to do what the feds do. And what do the feds do? They basically say, "Yeah, the Board of Game allocates 1,000 tags statewide. But through our competitive bidding process and our operations plans, only 50 percent of what the Board of Game gives out we're going to allow the industry to use"; right?

And the industry is like, "Okay. Well, that's all right, because the 50 percent -- that'll increase the bidding amongst the 50 percent. We'll get more for our animals and, you know, we get to keep 100 percent of the profit. We get to keep 100 percent of the bidding price, which is good. And you guys -- on the federal side, you guys don't limit what we can charge. You just say, 'Here, take this limited number of tags and go out and sell them for the highest price and take the money.'"

So don't -- don't forget that. That's the whole brunt of these operation plans, is to somehow limit the opportunity that the Board of Game is giving. And the Board of Game sits there and goes, "Gosh, DNR, would you please do that so we don't have to do it? You know how awful it is for us to actually have to draw that line and say, you know, 'Only this many can go?' We'd much rather put out way too many, get a free pass, and then let you guys take the heat for saying, 'Well, even though the Board of Game gave all these out, you guys are only going to get X amount,'" you know.

It all goes back to an allocation issue. It all goes back to allocation. And limiting the number of game in op plans will not fix the fundamental problem. As I said before, 10 percent of non residents in the Chugach still shoot 60, 70 percent of the sheep. Guides still overtake valleys and access points. They put camps up on runways, and they make sure that ridges are theirs. The best access routes are theirs. They make it extremely difficult for anybody to get in. Those are still going to occur. All these fights are still going to occur.

So I guess, if I was -- you know, my comments about, if this goes forward, those are them, you know. Please don't backstep any further than what you went out with GCP 2. And I think you need to clamp down even a little more if you go forward to have any hope of getting anything out of it, you know.

MR. COX: Okay. Well, you know, that's good. And the other thing is, you know, you brought up a lot of good points. I hope you'll follow up some of those in some writing here. You've got five or six more days.

MR. WILLIS: Oh, I totally will.

MR. COX: Okay.

MR. WILLIS: Yeah. No, I totally plan on putting in my writing, but I just wanted to call one more time

MR. COX: Yeah.

MR. WILLIS: -- and talk

MR. COX: No. That's good. And we appreciate you joining us here.

MR. WILLIS: -- talk to you face to face.

MR. COX: You are aware that the comment period closes at 5:00 p.m. on the 23rd; right?

MR. WILLIS: Sure, I am. Yeah. Uh huh.

MR. COX: Okay. Anything else?

MR. WILLIS: Can you give me any insight on the APHA recommendations for the GCP 2 version? Can we talk about that? I haven't -- Robert was supposed to have sent in like seven pages. Can you talk about those here? Is that a --

MR. COX: Yeah. I mean, we've read some comments. I'm not going to discuss the comments. I think you heard most of them there at the Anchorage meeting when they read those off. So . . .

MR. WILLIS: Okay. They didn't change much from there?

MR. COX: Not a lot of surprises. Not a lot of changes we've seen thus far, no.

MR. WILLIS: Okay. All right. Well, have you heard that the APHA Board of Directors has pretty much canned Robert?

MR. COX: Oh, I -- I've heard some talk, but I don't -- I try not to follow that too closely, I guess. So . . .

MR. WILLIS: Yeah. Well, it's pretty official. They've -- they've let him go, for the most part.

MR. COX: And, Wade, in case you didn't hear, kind of the only other change we do know is the budget stuff that you've been following. You know the House (indiscernible) --

MR. WILLIS: Yeah. Yeah. That's --

MR. COX: -- right?

MR. WILLIS: Yeah.

MR. COX: Okay.

MR. WILLIS: Did that get reinstated?

MR. COX: Yeah. Let me follow up -- let me finish up here.

So the House cut it in half to \$75,000. The Senate approved it all at \$150,000. So what -- they go to a Conference Committee to kind of discuss the differences for not just this, but all the kinds of things where the House and the Senate have different numbers or ideas.

So the Conference Committee ended up at \$125,000. That's what they put forward. But they kept the intent language that the House had included, meaning that we'll need to go back to the legislature for the approval for the implementation of the program.

MR. WILLIS: Oh, thank you. I was just talking to Mike about that today, wondering what the final outcome of that -- of that committee work was. I appreciate you telling me.

MR. COX: Yes. That's the latest as of -- I think the Committee was Thursday or Friday of last week, I believe. Don't quote me on that, but that's the result.

MR. WILLIS: Oh, so that bill hasn't -- that bill hasn't been voted on by the Senate yet?

MR. COX: No, that's done. So when that -- remember, they both vote, but there was a difference

MR. WILLIS: Oh, okay.

MR. COX: -- between the House and the Senate. So they go to Conference Committee. So they end -- the final resolution is the \$125,000 with the House intent language that was included before.

MR. WILLIS: Okay.

MR. COX: So . . .

MR. WILLIS: Okay. When I spoke with Ed Fogels up at Fairbanks, I asked him again, I said, "Ed, you know, I think the public would really like to see the Department of Law's correspondence regarding the 850 rule or law that states that 850 actually gives you guys authority to implement this."

And he said, "Yeah. We've been discussing that quite a bit internally, and I think there's a real good chance we're going to release that."

And a couple weeks later, when it hadn't come out, I sent him an e mail and saying, you know, "Ed, is there any chance that's going to come out anytime soon?" And he didn't respond.

Can you give me any insight on that? Have you guys only gotten a verbal confirmation on that, or have you seen actually written correspondence from DOL saying that 850 applies to this proposed program?

MR. COX: Yeah. You know, we've told you all along, we've been working with law the whole way. They're giving us good, solid guidance, in writing and verbally --

MR. WILLIS: Okay.

MR. COX: -- for where we go with all this stuff.

MR. WILLIS: Is there --

MR. COX: So as far as --

MR. WILLIS: Is there a reason why the public can't see that?

MR. COX: I guess not that I'm aware of. But at this point, we haven't released it yet; that's right.

MR. WILLIS: Yeah. It's just a political thing, I guess. I guess maybe it's not as clear cut as maybe we all -- we all admit that it's not as clear cut.

Because, you know, Mike went and did the hard work on 850 when it went through, and, you know, that law was never -- the congressional or legislative intent of that law was never to create a program like the GCP. That program -- that law was meant to expedite the permitting process for things like wildfires and mushroom picking and things like that, you know. And I believe the law was -- the legislative intent was very clear that these were to be expediting non competitive permits.

So, you know, I think in light of that legislative -- looking into that legislative record, that the entire premise that 850 covers this proposed proposal, is very questionable. And the DNR should be highly vigilant and maybe should go back and review the legislative committee record as well, as Mike did, and try to confirm that that truly was the intent of the legislature when they put that in.

Because, as you know, Clark, there's going to be -- there's going to be litigation on this. Tons of it. So if you guys can confirm that, you know, legislative intent is clear there, then, you know, that should be a big concern for you guys. Because why continue to go forward when it's -- you know, odds are a judge is going to be -- and a lawyer is going to fairly reasonably assured of being able to put a serious question mark on the program, just based on legislative authority.

And certainly, too, if we're all just pretending that you have legislative authority so that, once the program is passed, we'll then go forward and get the legislative authority, isn't that putting the cart before the horse, too? Isn't that really abusing the public process? And is that the way that DNR wants to be in 2012, you know?

The Department is growing and progressing every year as we get older as a state, and I would hope the DNR would not want to backslide on the formal public planning process, that it would want to learn from all its successes over the last four decades, five decades, and continue to get better and better and better at achieving informed consent from the public.

Because as the department -- as the division moves forward, all land management issues are going to be more and more and more contentious. As there's more and more people, it's going to be more and more contentious. So as we roll forward in the future, we're going to have to have better and better and better public involvement in public planning process.

So this whole idea that it'll be okay to get legislative authority after the program is drafted and created should the scare the

heck out of the Department of Natural Resources. It shouldn't be something you guys would promote or want to have happen, you know.

MR. COX: All right.

MR. WILLIS: Okay. Well, I guess that's -- that's about my best two cents. And again, I want to give you, you know, Clark and everybody at DNR the highest rating for trying to handle a very difficult, contentious, complex, and highly politically charged issue.

You know, you guys have been put in an incredibly difficult position. I think you've done your best to juggle this absolute basketful of hot peppers, you know. It ain't just one, man. You guys got 50 dozen in there, and they're all fresh off the fire, and they're hotter than heck.

So, you know, I give you a great thumbs up. And I hope that, in the end, that reason wins out, and that the long term vision of this issue wins out, and the fundamental -- and you guys really, really understand the fundamental problem, and it all lies in the Board of Game. The whole thing is in the Board of Game. And Fithian has made that very clear to you in his testimony, that he likes doing business with you guys better than the Board of Game.

Okay, man.

MR. COX: All right.

MR. WILLIS: Good luck.

MR. COX: Keep in touch.

MR. WILLIS: Bye. Uh huh.

MR. COX: All right. Catch you later, Wade.

MR. WILLIS: Bye.

MR. COX: Bye.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 187 of 192 - Submitted 03/14/2012 at 12:00 AM:

Hello. My name is Wade Willis, and I'm representing myself as a resident subsistence hunter and fisherman. You know, I've probably stated to you I've been in the trenches with the Board of Game, Big Game Commercial Services Board for years and years. I've watched this program get proposed and developed. And all of it is driven around the need by the Big Game Commercial Services Board to downsize the industry. That was the whole goal, they wanted to get rid of the bad apples that got in during the 1990s when we didn't have any kind of a Big Game Commercial Services Board to decide. Okay. There's a problem with the industry having bad apples. Okay. Certainly I don't see this program downsizing an industry here. I don't see it at all. When you add up the number of other assistant guides on 290 permits, you know, you're not going to downsize the industry, you're going to obviously make a bunch of people owners and turn others into an employee, but the total number of guides isn't going to go anywhere. So we're not going after the crux of the issue that was really driving it from the beginning. But my biggest concern is the fact that it's the resource that I want. As a resident hunter, I want to be able to go out and enjoy hunting sheep because I live in Alaska. We're the last great state where I can hunt sheep. And I don't see this program addressing that at all. It's not going to be able to address that because that's an allocation issue. And the Board of Game is mandated to do this job, they continue to say that they're supposed to be doing this job, and they continue to go, "Oh, I promise if we don't get something done this year, we're going to do our job," but they've been saying that for, now, eight years, you know. And they continue to not do their job. Your funding is slashed, so here it is 2015 when you're supposed to roll this out, your funding just got slashed, and we can figure out and be sure it's going to be later than 2015 before you roll it out. And I don't want to wait that long. I don't want to wait that long. This proposal does not enhance stewardship of the land. And the reason it doesn't is because this proposal, nothing in this program controls all the (indiscernible). You're still going to have competing guides within a GCA, you're still going to have competing residents in a GCA. There's no incentive for the guide to go, "Okay, well, I'm going to try to bring my sheep population up to a larger older rams," when he -- in doing that, when he's passing those younger rams, isn't going to directly benefit him, because most likely he knows that those rams will be harvested by somebody else, either the other guide or the resident. So unless this whole package -- the entire allocation issue is addressed as a package, you can't piecemeal it. And I say to you this as well, in the proposals you have in here, you're going the same way as the feds, you're saying, "Okay. We're going to limit the number of sheep a guide takes by his operation plan. We're going to pretend like we're not limiting hunters, we're just going to do it by limiting industry." That's a backwards way of going about it. And you're going to inevitably have to award a permit to a guide who may be equal on every other basis with the other applicant basically by his willingness to shoot your animals. Even though the Board of Game has given him opportunity to legally hunt a lot more, he's losing out on that opportunity. That's the antithesis of his whole abundance management and, you know, the full use of the resource. So it's not going to work. It's a bad program. You need to go back, you need to let the Big Game Commercial Services Board do their job, and we need to tell the Board of Game it's time that they do their job.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Wade Willis

, Ak

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 188 of 192 - Submitted 03/22/2012 at 12:00 AM:

Hi Ed, Any chance the public can get a copy of the DOL correspondence regarding statutory authority? As I understand, Mike has researched the legislative record and found 850 to only apply to non competitively awarded permits, and the overarching intent of the legislation was to streamline existing permitting (say for mushroom picking after a fire), not create a new program. The Legislative approval clause for the implementation of the DNR's proposed GCP program (inserted just last week after the unveiling of the new draft language) is nothing more than a safety net inserted by Robert Fithian (Ex. Director - Alaska Professional Hunters Association) in my opinion. Draft two of the proposed GCP program released by the DNR is not what APHA wanted. APHA owns the legislature, so if Fithian does not get what he wants, he shuts it down post development. In addition, I think the legislature is sending a clear message to the DNR that they are not happy with the way the DNR is progressing in the development phase. The DNR appears to be actually listening to other residents, not just APHA. The DNR is straying too far from the preferred language of APHA. To show the DNR they (the legislature) mean business, they strip \$75,000 from the development budget, and require legislative approval for implementation. A few days later, in Anchorage (the third of three information gathering meetings), Clark Cox goes to great lengths for the first time at these three new meetings to tell the crowd that these are not public hearings. They are, once again, information gathering meetings. (Isn't it funny though that the DNR website still labels them as public meetings.) The DNR then says something they have not said at the other two meetings, they intend to rewrite the existing language of the proposed program at a later date, and once they finalize the programs language, THERE WILL BE NO PUBLIC COMMENT TAKEN. So, Fithian gets his way, or he shuts it down with the legislature. The public is not allowed to comment on the final language of the program, or be involved in the initial development of the program. The regional land use public planning process, the established policy of the DNR to engage residents, is avoided all together. And to top it off, the DNR is not requiring the applicant for one of these proposed concessions to be a US citizen! And finally, regarding allocation of harvest opportunity in the operational plans, Clark told me that the program is not intended to be a least is best program. Which means the DNR plans to, or must by law, will prefer the applicant that intends to harvest the most wildlife allowed BY THE BOARD OF GAME. So, instead of fixing the problem of concentrated, unsustainable harvest rates, the DNR program will exacerbate the problem. The only way to get any benefit at all is to circumvent the BoG and limit the guide to a set number of clients based on least is best --- just like the feds do it. They love the federal program, so why are they bitching so much about the DNR's proposed guide limit, which in essence limits the number of clients? Because, the industry, including Fithian never intended to downsize or limit the industry in any way. They think a contract for wildlife harvest opportunity with the DNR in some way protects the industry from the constitutional mandates governing the Board of Game, namely, residents first in times of game shortage. But it won't & can't. So, this program is smoke and mirrors at best, and if adopted, may make the situation worse. Wade Willis Science Now Project!

"Ideology is the science of idiots" - John Adams "Few men have virtue to withstand the highest bidder." - George Washington

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

Wade Willis

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, Ak

### Topic: Guide Concession Program Proposed Decision February 2012

Comment 189 of 192 - Submitted 03/20/2012 at 12:00 AM:

Thank you. My name is Wade Willis. I, like Bobby, have been attending Board of Game meetings for nearly -- well, it's almost every one for the last four years anyway. I attend Federal Subsistence Board meetings. I have been a resident of Alaska since 1989. I've hunted every year. It's not as Bobby wants to portray it: Us versus Them; it's a much more complex problem. I think we all know sitting here that the whole thing was driven by the fact that united we've let a bunch of hoodlums into the industry. That's

causing you guys a lot of problems, okay? So the whole thing initially was driven: "How do we downsize the industry?" Big Game Commercial Services Board won't do their job. And the Board of Game, unlike -- one thing Bobby didn't mention -- is constrained by our Constitution and our Alaska statutes, which say, when it comes to moose and caribou, residents come first. And in times of shortage, they don't have any choice but to restrict hunting to just residents. So what Bobby wants you to do here is forget about downsizing the industry, forget about, you know, getting rid of the bad guides: Let's try to get a better deal; let's somehow circumvent the Constitution; let's get you guides a contract that's ten years old -- or ten years long that guarantees you a set of animals, and somehow that's going to protect you from the Board of Game and their mandates to do what they have to do. And it's not going to work, and it's not going to settle any of the problems that we've got. It's a wrong program trying to address just a few really bad situations, mainly for sheep, and it wants to go statewide and it wants to be implemented without everybody in the public being involved.

The residence hunter hasn't participated in the development of this machine that they're throwing in front of us. They haven't. The tourist industry hasn't. Let's bring them onboard. Let's get something that works. I guided for ten years myself. I want nothing more than for there to be stability in the guide business, myself. And I don't think the money that non-residents bring in is a bad thing. But I'm telling you what, this program isn't going to give you the stability you want, and it's not going to -- it's not going to fix the conflicts that are going on out there. It's not going to get rid of the bad guides. And the Big Game Commercial Services Board is going to continue to bring eight to ten new guides onboard every meeting. The Board of Game has to deal with this. The Board of Game is mandated to allocate wildlife. And if we're going to deal with the allocation, that some could take advantage, we can't pretend like we're going to fix the whole problem by only dealing with non-resident harvests. We've got to deal with all harvests. And we've got to figure out a way to make it work. And the only way we're going to be able to do that is at the Board of Game. And we're

never going to circumvent the Constitution with this statewide program, trying to put a Band-Aid on two or three little hot spots for sheep, and stick you guides with a program that is -- is a sham. It's not going to give you the relief that you're looking for. It's not going to give you the long-term stability you're looking for, and it's not what everybody wants. The resident hunter wants stability, too, you know? The commercial fishing industry went and did a constitutional amendment, to give them some stability in their industry. Maybe that's what we need here. We need to say that we want the commercial guiding industry to have a stable known percentage of game. And the residents want to know that they have a guaranteed percentage of game. Maybe something like that would work. But this isn't going to work. So I hope you guys see through the -- through the facade. Thank you.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 190 of 192 - Submitted 04/21/2012 at 07:07 AM:

It is to be expected that various guiding operations will have differing views on the concept and the content of the proposed DNR Guide Use Concession Program. This is evident from the many points of view expressed at the meetings held to discuss this topic. The business model of each operation is different and this proposed program will impact each differently causing various levels of support from within the guiding industry. User groups outside of the guiding industry will also be impacted and have provided input and suggesting direction.

In the end, the concept of this program has varying levels of support depending on the interests of each operation and user group, so getting uniform support for any one program will be impossible. However, I believe it is important for any program that is implemented to support a healthy guiding industry in Alaska that has a fair and equal use between all user groups as identified in the Common Use Clause.

According to the Owsichek decision: In CCDW Fisheries v. Bunker, 775 P2d 1115, 112 n 14 (Alaska 1988), we noted that the public trust doctrine guaranteed fishermen access to public resources for private commercial purposes as well as for recreation. The same rationale applies to professional hunting guides under the common use clause. [FN15] The common use clause makes no distinction between use for personal purposes and use for professional purposes.

The stated purpose of the proposed DNR Guide Use Concession Program is to address; lack of wildlife conservation, loss of quality of experience, conflicts between user groups, a lack of land stewardship and inadequate levels of enforcement.

As written, I do not believe that this program adequately addresses these issues for all user groups. It only places restrictions on the number of outfitters that can operate per area and does not address other issues that are equally relevant or more relevant. It would reduce competition between guides with non resident guided hunters, but in many areas the guides that I have spoken to do not see this as an issue. I see limiting outfitter opportunity as a violation of the Common Use Clause since it does not provide opportunity for use to some professionals on state land that are legally qualified to use the land.

I believe that there needs to be various tools deployed as a system to address issues in areas that have a problem identified, not in areas that do not have a problem identified. There are other mechanisms deployed elsewhere that have resolved the issues that this program is attempting to address and should be re-investigated, as long as those mechanisms are deployed with fair and equal allocation between user groups and provide for a healthy, viable guide industry.

Should the DNR Guide Use Concession Program be implemented I suggest the following improvements:

This proposed program is important to me as a professional guide and business owner in Alaska and for Alaska as a whole, however, as drafted and without many of the changes listed below, I would not be in favor of the program being implemented.

Please find below, my concerns and comments:

1. THE LIMITING OF TWO APPLICATIONS OR AWARDED OF ONLY TWO CONCESSIONS PER REGISTERED OR MASTER GUIDE IS NOT IN KEEPING WITH LONG ESTABLISHED GUIDE LAW. I have strong objection to being allowed to apply for a limited number of Guide Concessions or be selected for only two during the initial offering based on the following: For many years, Alaska's Professional hunting guides have been limited to three Guide Use Areas in an effort to restrain commercial impact. No matter how many State, Federal or private land use authorizations held, a service provider can only operate within three GOUA's. This model should stay the same for a number of important reasons: a. Many existing professional guides have been conducting hunts on State lands within three GOUA's for many years and have substantial investments in them. To suddenly disallow the three GOUA concept to be used within State and BLM lands lends confusion to existing law, will destroy numerous long-term established guide service businesses which have substantial lodge/camp investments within three existing GOUA's, and lends considerable potential challenge to maintaining the three GOUA concept on Federal lands. b. I strongly recommend that DNR take into consideration the historical intent of existing law and allow for award of three concessions per applicant. c. I also recommend that applications be allowed for unlimited concession opportunities for which the applicant is certified for. d. I recommend that an applicant can be awarded up to three concessions and that there are no penalty factors for the number of concessions an applicant is awarded. e. I recommend that there be no penalty factors for the number of land use authorization an applicant has with other land holders. f. I also recommend that the \$250.00 Concession application fee remain the same.

2. REGARDING STATE, STATE PARKS AND BLM LANDS: The proposed GCP related to State Park and BLM lands indicate that the program within each would be handled by the different agencies and additional sets of fees. Many proposed Guide Concession Areas contain contiguous BLM, state and State Park lands. This concept is not economically viable for the professional hunting guide industry. a. I recommend that DNR, STATE PARKS and BLM further their cooperation on this program, incorporate all three agencies into the administration role and combine both fee structures into one. If you operate on State Park, BLM and State lands you pay only one set of fees proportionate to actual use.

3. AS PROPOSED THE FEE STRUCTURE FOR THE GCP IS UNWORKABLE FOR ANY OPERATOR. THE ONE MILLION DOLLAR PER YEAR ADMINISTRATION COST APPEARS MUCH TOO HIGH AND UNDULY BURDENS THE INDUSTRY. ADDITIONALLY, ANY LAND USE AUTHORIZATIONS ADD TO THIS FEE BURDEN. IT IS IMPORTANT FOR THE STATE TO GENERATE OPERATING COST FOR THE PROGRAM BUT NOT UNDULY TAX THIS INDUSTRY. THE CONCESSION FEE COMBINED WITH A CLIENT FEE REPRESENTS A FAIR PROCESS. a. I recommend that DNR implement a \$1,000.00 Concession fee per year. b. I recommend that DNR implement an annual client fee per client, per concession as follows: 0-5 clients = \$120.00 per client, 6-10 clients \$150.00 per client, eleven or more clients = \$180.00 per client. c. I recommend that the current \$2.00 per day use fee is discontinued under the GCP. d. I

also recommend that a fourteen day portable camp provision be made within the GCP program without additional cost. The combination of the concession fee and the per-client fee will help provide a measure of support and balance for the different levels of opportunity that exist within the concessions. A concession holder in a drawing permit area where allocation is limited will not pay as much annually as a concession holder in an area where there is over the counter allocation opportunity. This amount is in keeping with other existing programs. At this fee and use level, the concession opportunities would generate approximately \$600,000.00 annually from the concession program alone. This projection is more than enough to adequately fund the program and satisfies the constitutional failure aspect found in Owsichuk. Financial remuneration to the State comes in several ways within the proposed GCP. Most Guide Concessions as proposed will still incorporate not only the GCP concession fees but also related land use fees. Without the nonresident hunting license sales that the GCP will sustain, ADF&G Wildlife Conservation funding will diminish and the State will lose important revenues.

4. THERE NEEDS TO BE A DIRECT INDUSTRY LINK WITH DNR REGARDING THE PROGRAM. I feel that had this representation been allowed, the current draft of the GCP would not have so many fatal flaws defined within it. In order to promote the best finished product possible, I strongly urge DNR to incorporate industry representation into the final development of the GCP. a. I recommend incorporating board members from the Big Game Commercial Services Board, Board of Game and or general guide industry representation to help develop the final rules for the GCP program, and, to keep this representation active within the administration of the program.

5. MAKE UP OF THE SCORING PANEL: Through the course of dealing with appeals related to awarding of USF&W guide use permits, the appeals regarding selection most commonly brought forward directly relate to the scoring panel s inability to define field craft, ethics, guide regulations and hunting regulations within the scope of the proposed plans of operations. If the selection panel has industry representation, it provides better integrity for the program and will diminish the potential for appeals. The industry representation may or may not have a vote related to scoring but their ability to point out important industry operation aspects is vital to providing a fair process. Additionally, industry representation on the selection panel will reduce the effectiveness of professional prospectus writers or attorneys hired by service providers to write their prospectuses. There are certain aspects of applicants plan of operation, which an industry representative can recognize that an agency person would not, such as: actual-versus proposed amount of airplane, boat, horse, staff, effort to facilitate proposed services, actual-versus proposed amount of fuel storage required, actual ability to facilitate a economically viable operation, actual ability to conduct the proposed time spent with clients, actual ability to conduct proposed scope of operation related to logistics, weather and terrain etc. etc., the list goes on and on. a. I recommend that the Scoring Panel have industry participation within its makeup.

6. PROPOSED TIMELINE: The purposed timeline is not timely enough to withhold Board of Game actions that will eliminate Non-Resident Hunter opportunities which my business is dependent upon. a. I recommend that implementation timeline needs to be moved forward to 2014.

7. NONSUSCRIBED AND RETURNED GUIDE CONCESSIONS:

Whenever a DNR Guide Concession is either undersubscribed and/or is made available through default, it is important to allow for the area to be utilized through as quick and fair of a process as possible.

It is important to understand that in circumstances of death or medical disability of a concession holder, that hardship circumstances most often exist for the family and the business of the victim. As such, respect and fairness need to be considered regarding how concession contracts are handled in these circumstances.

- a. I recommend that DNR develop an over-the-counter opportunity for interested applicants to apply for undersubscribed areas as soon as they are defined as unsubscribed.
- b. I recommend that the application process for undersubscribed areas be the same as the general process and that these applications for undersubscribed regions be dealt with and awarded as soon as possible.
- c. I recommend that special consideration and rule making must occur with this program which will fairly address death, health related, and other acts of God that may occur to a concession holder.
- d. I recommend that DNR review and adopt the provisions utilized within the USF&W rules related to professional guide land use that pertain to the right of survivorship.
- e. I recommend that concession areas which are forfeited due to enforcement actions or just walked away from are provided back through either:
  - 1. Made available to and in order from the closest scoring qualified applicant for the same concession from the application period that the now vacant area was awarded from, if that applicant s operations plan fulfills the goals of the GCP, or in the case that no applicant s wanting to assume the area:
  - 2. That the above recommended process for undersubscribed areas utilized as the general process and that these applications for undersubscribed regions are dealt with and awarded as soon as possible.

8. Regarding Post Season Report:

Integral to making the proposed program work is the necessity of utilizing a graded post-season report. This report should provide the conservation, hunter effort, illegal activity, accident and fee oversight information for each year. The report should contain anecdotal information, questions about predator and prey wildlife populations-including cow/calf, ewe/lamb, sow/cub recruitment numbers, as well as any range and nutritional observations and concerns, etc. There should be no request for mature male animal sighting. This data will become a very beneficial history and new tool for ADF&G to help define trends over large areas. This will help to provide free and better science for ADF&G.

9. Regarding Five and Ten-Year Terms:

It is important for DNR to understand that the intended integrity of the program is for the professional hunting guides who are selected for the concessions to know that their work as good stewards results in the long-term viability of their businesses. This is very important to make this program work for the best interest of Alaska and the guiding profession.

- a. I recommend Ten-Year Terms Only. The five-year plus five year concept is an administrative burden and unneeded.

#### 10. Regarding Earned Renewal:

Also important for DNR to understand is that a professional hunting guide who starts into a new area has an approximate five-year learning curve regarding how to best operate in the area. This leaves five years left in the concession period before the existing operator under the program as proposed, is thrown back into a pool of new applicants to compete for the area again. This is not in keeping with any good level of prudent business management or industry support.

Also for any tenured business owner to not have the defined award of providing stewardship for the wildlife and social atmosphere taken away from the integrity of what the GCP is intended to accomplish. A graded post season report allowing for good stewardship to be rewarded at the end of a ten year concession term is necessary for the program to be respectful of supporting long term businesses.

To help provide for this concern I recommend the following:

a. I recommend that annual scoring for concession holders within a Concessionaires Post Season report should be the similar to what the NPS Concessions program uses: Satisfactory, Unsatisfactory and Marginal.

b. I also recommend that similar guidelines used by NPS for earned renewal be provided to the next ten-year cycle of the concession. This allows for an operator who has consistently been a good steward of the wildlife, land, and industry and earned a satisfactory report to have a sustainable business.

#### 11. GUIDE CONCESSION AREAS:

a. During the DNR/BGCSB mapping process that occurred during March of 2008, the guiding profession worked to define geographical regions and the number of operators per proposed concession. We were told during this process, to work to define regions and numbers of operators per region that would provide a conservation and viable basis from which to operate. I feel that to a significant extent, these goals were accomplished during that process and during the following year of public process to request certain changes. Within the proposed GCP, new stand-alone concessions have been added in many places related to contiguous BLM land and certain recommended regions have been subdivided even further.

b. It is important for DNR to understand that recommendations by the professional hunting guide industry in 2008, in most cases further subdivided long standing Guide Use Areas into smaller recommended DNR Concession Areas. Historically, many of these guide use areas were stand-alone exclusive guide areas which were developed to provide economic and conservation viability. Within the proposed GCP, now many of the 2008 recommendations have been subdivided even further in some cases creating numerous business opportunities where economic and conservation based viability is challenged. Or in some cases, have been eliminated and reflect larger areas with multiple operators allowed where the same viability is negatively affected.

c. It is important for DNR to understand that within the review of BGCSB Hunt Records as depicted in Appendix C of the GCP, that many of the guides listed within each GUA did not conduct hunts within those GUA s. As GUA selection is currently free and on an annual basis, many guides select those areas with the thought of possibly conducting hunts but in fact, do not. To compare the number of guides authorized to conduct hunts in an area and develop the number of concessions or numbers of operators per area is not fair.

d. I recommend that a careful review and reconsideration based on the above comments is done to define the changes to geographical regioning from the March 2008 recommendations to what is currently being proposed.

e. I recommend that every effort should be made to eliminate regions that pit industry service providers from having access to the same resources within the same region.

f. I recommend that DNR continue to consider comments and recommendations from professional hunting guides related to amending the regioning from the March 2008 and proposed recommendations, but that you are very careful to provide subdivisions or enlargements without taking into consideration the potential for conflict in the field and conservation based concerns which the GCP is supposed to reduce. \_\_\_\_\_

#### 12. TRANSFERABILITY:

I recognize that DNR has recommended not allowing any transferability of the proposed concessions. Please understand the following:

a. I encourage DNR to understand that operating a business as a professional hunting guide as a good steward of the available resources represents, a way of life and not necessarily an economic boon. In most proposed concession opportunities, even the most prudent of service providers will have little opportunity to generate annual revenues for personal health or retirement needs. The transferability aspects built into the existing USF&W, NPS and USDA programs are working within the concerns brought forward by the Owsich decision. Permits and Concessions transfers are being allowed and the process in which they are overseen provides the agencies with opportunity to participate in important aspects of the new entry. At the same time, new entry is happening through their regular offering process and young, comparatively new service providers are being awarded great opportunities. In short, these systems which include some transferability aspects are working for the best interest of the whole.

b. Another important aspect of transferability revolves around a family oriented business. As a State, or as an agency, we should recognize the important aspects of providing good integrity to Alaska s family run businesses. The professional hunting guide industry operates in nearly a complete high-risk arena. Hunts are often booked several years ahead of time. If a concession operator has the misfortune to die or is seriously affected by accident or illness while operating his or her business, and has licensed and qualified spouse, sons or daughters that can help facilitate the existing plan of operations through the term of the concession, this should be taken into consideration.

c. As proposed, a service provider, no matter how good of a steward he or she is, may or may not win the concession at the end of a ten year term and the program has no transferability provisions. Once again, this situation discourages prudent business administration, challenges good stewardship and conservation and discourages family sustainability within the industry.

d. I encourage DNR to look at the transferability provisions granted within the existing USF&W and NPS programs, review your existing authority in this regard and help make this program work for the best interest of the whole by providing some level of transferability opportunity within the program.

REGARDING THE PROPOSED SCORING CRITERIA, PLEASE SEE THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. Regarding Application of Points for Each Aspect of the Selection Criteria: I recommend strongly that each individual aspect of Scoring Criteria has to be allotted a certain number of potential points to provide fairness within the evaluation process.

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2. FORM A, SUB-FACTOR A, ITEM d: DEMONSTRATED EXPERIENCE

a. I recommend that applicants who were working as Assistant Guides during this ten year period need to be able to verify their work history and may not be able to obtain the hunt records to do so. Some legitimate way of documenting their work history needs to be allowed.

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3. FORM A, SUB-FACTOR B, ITEM 2: DEMONSTRATED ABILITY

a. I recommend that to be fair, an applicant who has tenure gained by only working within one or two land use authorizations and provides the requested information regarding them, should not be graded down in comparison with someone who has the same tenure and has operated within several land use authorizations.

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4. FORM A, SUB-FACTOR B, ITEM 5:

a. I recommend deleting this criterion as its relevance to guiding is questionable.

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5. FORM B, SUB-FACTOR A, ITEM 4 A: PREDATOR CONTROL:

a. I recommend that it is important for DNR to understand that the Intensive Management (IM) law cannot be implemented in Game Management Units or Sub-Units where a certain levels of historical harvest of ungulate species has not occurred. As such, there are regions where service providers have historically operated that will not ever have Intensive Management under existing law. If an applicant has been providing predator prey balance efforts in these areas but not within actual IM areas, they should not be down-scored or not be able to score as effectively as someone who has been active only within IM areas.

b. I recommend that this is an important criterion, but should be considered with two questions.

1. On the applicant s stewardship (predator/prey balance effort) within the area being applied for.

2. For predator prey management efforts in areas of use which are active IM areas.

c. I recommend that it is important for DNR to understand that some areas of State land such as on Kodiak may have applicants who live on Kodiak. Fairness in grading needs to be considered in situations like this where they should not be down-scored because they do not leave the island to conduct IM area predator harvest versus someone who is applying for a Kodiak concession who lives off of the island and can more easily participate in IM effort.

d. I recommend that applicants be scored for this criteria as proposed but amend to include additional scoring opportunity for the following with consideration of the above comments: If an applicant has operated within additional Predator Control areas during the past ten years specifically for and harvested predators and provides proof as required, they should also be allowed additional scoring. Documentation should include hunt records, sealing certificates and any certified State Permittee documentation.

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FORM C BUSINESS PLAN FOR OPERATING A SUCCESSFUL BUSINESS

6. SUB-FACTOR A, ITEM 1, a and b: Providing Services IN A Safe Manner

a. I urge DNR to understand that it is very important to recognize in relation to scoring that a tenured service provider will have been operating in a high-risk environment for the duration of their guiding activity and thus, would have much more exposure to having had an incident or accident than a new entry-level or less tenured applicant. I recommend that you consider this in some manner relating to scoring.

b. I recommend that credit be given for operating a historically accident free professional hunting guide business

c. I recommend that incidents are hard to define and or to prove whether any have occurred or not occurred. Disqualification for withholding pertinent information is very important here.

d. I recommend that if a historical client, visitor or staff member suffered a stroke, seizure, heart attack, overexertion or the like which required medical attention or evacuation, which had no basis in the reflection to the applicant, the service provider should not be downgraded.

e. I recommend that DNR should look more at the applicant s overall safety/emergency response plan and that there should not be a significant emphasis placed on supplying the most of the most modern of communications and safety equipment but rather to the competency and practicality of the safety/emergency/communications plan.

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7. Form C Sub-Factor A, Item 2: PROVIDING A QUALTY HUNTING EXPERIENCE:

a. I recommend adding Coast Guard and FAA training to this criterion.

b. I recommend that DNR has to take into consideration applicants that hire their flying or boat use in relating to applicants that do their own flying and boat transport. There needs to be an overall reflection of the service to the public and not on what applicant has the most of the most certifications.

c. Recommend that DNR establish a certain level of first aid training that allows for reflection of the overall service to the public and employees and not on the highest certification of the most training classes completed.

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8. FORM C, SUB-FACTOR B, ITEM 2: HIRING POLICY:

a. I recommend that this criterion be changed to incorporate wording that defines what the applicant would do with employees who have not performed well.

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9. FORM C, SUB-FACTOR C, ITEM 1: ECONOMY SUPPORT WITHIN THE GMU:

a. I recommend that it has to be understood that in many cases geographically, an applicant will hire employees or purchase supplies from communities that are within a different contiguous GMU to the area being applied for but that these same communities are actually closer to the applicants guiding area than communities within the same GMU that they are operating within. \_\_\_\_\_

10. FORM C SUB-FACTOR C, ITEM 2: MEAT:

a. I recommend that equivalent documentation should include affidavits. \_\_\_\_\_

11. FORM C, SUB-FACTOR D, ITEMS 1-5: OPERATIONS PLAN

a. I recommend that the applicants operation plan needs to be malleable within a ten year window to allow for changes related to wildlife populations and regulatory processes. These population or regulatory changes may allow for and require different and or additional camps and logistical efforts to provide.

b. Recommend that it is important to note that certain clientele seek services from certain types of service providers. This criterion should allow fairness between a service provider who has limited or no additional staff and one who has several employees per client. What is important is the scoring should be based upon the quality of the hunt experience provided or included within the applicant s plan of operation and the conservation balance it provides. \_\_\_\_\_

11. FORM C, SUB-FACTOR E, ITEM 1 PAST FINANCIAL PERFORMANCE:

a. I recommend deletion of this criterion as DNR should not require this personal information and replace it with an affidavit submittal showing that they have successfully operated their business for this time period. \_\_\_\_\_

12. FORM C, SUB-FACTOR E, ITEM 1: REVENUE:

a. I recommend deleting or changing this criterion due to the uncertainty of wildlife populations and other uncontrollable factors that make a ten year plan hard to actually identify. If this criterion stays, it should be defined as a simple pro-forma that shows a potential successful business within the scope of the plan of operations. \_\_\_\_\_

13. FORM C, SUB-FACTOR E, ITEM 2: REVENUE:

a. I recommend that an affidavit depicting past performance of operating a successful business would be satisfactory documentation for the new expenses. \_\_\_\_\_

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 191 of 192 - Submitted 03/14/2012 at 12:00 AM:

Yeah, my name is Mike Zweng. The last name is spelled Z, like zebra, w e n g. Okay. What I'd like to address here is I had run through the scoring criteria on the prospectus, and what I'd like to discuss is the submission of the contractor's private venues. As a registered guide, I've been a registered guide for over 10 years, you should have these hunt records, or you should be able to get them from the state, that should not be an issue. The trouble comes in if you're a registered guide with less than 10 years. If you've not been a registered guide for the full 10 years, you'd be an assistant guide for part of that time. So you would be able to get the hunt records for the time that you were the registered guide. But, however, when you were the assistant guide, you cannot request the hunt records from the commercial services for that hunt. You can go to the contracting guide. They may not have the hunt records, or they may have gone out of business. Or the contracting guide may be less than willing to provide those hunt records. So what I would propose is a mechanism that DNR works with commercial services to get those hunt records. It's in the statutes and regulations right now that there is a mechanism for that if the applicant applied at the year of the hunt, the name of the contracting guide, and the name of the client. And quickly my second point is the number of concessions that you're able to apply for. I understand that you're limited based on the immense feasibility of looking at all these applications. However, when I applied for the federal prospectuses, I noticed that there's several sections -- or several other forms that would remain static. So I would propose that each individual or company that's applying could have -- or make the application fee formatted in such a way that there is a standard section that applies for every area that you apply for in the dynamic section that will vary for every area that you apply for. This would essentially reduce the administrative workload and speed up the reviewing process of the prospectus.

# DNR - Mining, Land & Water Online Public Comment

## Guide Concession Program

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### Topic: Guide Concession Program Proposed Decision February 2012

Comment 192 of 192 - Submitted 04/23/2012 at 09:16 AM:

- a) I don't know the history of how non-residents became eligible to obtain an Alaska guide license. I do know that when I first started, you had to be a resident of the state for five years in order to apply. While I do not have the background knowledge to legally argue the Commerce Clause, I would have to believe that if the State of Alaska at one time would not allow non-residents to be registered guides in the state, then it could still have legal authority to enforce this rule. If I had the money and time to pursue this issue, I am convinced that non-residents could legally be excluded from this program. That said, it could be possible that the DNR has not put forth the effort to enforce this. So, I guess you know what my point is: non-residents should not be included in the guide concession program.
- b) Although this would require time, money, and resources that the DNR does not currently have, I can't believe the shared concession program will work. One of the areas that I will be applying for is 25-05. Sharing is not working. I am being run over by other guides, and although I have kept my promise of staying in the areas I have traditionally used for over 20 years, the other guides have not kept their promises. Clark once asked me: "you mean if I draw a line in the sand and ask you to play nice, you can't play nice?" And the answer, Clark, is no. Although I want to, and have reduced the number of sheep I pursued from 4 to 3 annually, the competing (yes, I am using the word competing) outfitter has increased his pursued animals from the promised 2 up to 4. And has progressively hunted and hiked closer to my camp, in areas that he specifically said he would not tread. And now hunts moose when he said he would not guide for moose. I don't have an airplane and I am being forced out of my long time territory. To those with an aircraft: the bigger the tire, the bigger the outlaw. Sharing will not work. If the DNR does not draw specific lines for individuals in the sand, then the program is only working half way. Yes, it will limit the number of guides--which we need done. But I'm here to tell you that sharing will not work.
- c) Form B sub-factor c: Really? 5 points for belonging to a club? That has something to do with my ability to give a quality hunting experience?
- d) Form B sub-factor d: and...so what if there is no specific negative problem with the natural area in which I guide? Do I make something up? This could be an abstract factor.
- e) Form C sub-factor e: Really. Come on. I have enough to deal with my accountant and the IRS. My income is none of the DNR's business. That one is a huge violation of privacy.
- f) Nowhere in your scoring system is there an interview process. I do realize the manpower needed could be lacking to do an interview given the number of areas. I wish this part of the process could parallel the federal applications a little more closely. At least if there is a tie or within 15 points of a tie, there should be an interview process.
- g) I know that many people hired professionals and former feds to write their applications in the last federal application process for preserves and refuges. I don't know how this can be prevented in this state application, and it probably cannot be. But people can be pretty good BS-ers. Very good. And I only hope the DNR can see through a lot of it.
- h) good luck with the program and the optimistic timeline.

