



RESIDENT HUNTERS OF ALASKA

unapologetically FOR ALASKAN RESIDENTS

Working hard to ensure our wildlife is managed sustainably with an emphasis on protecting and enhancing resident hunting opportunities!

www.residenthuntersofalaska.org

February 27, 2025

To: Senate Resources Committee

Re: SB 97 – Big Game Permit Program (Guide Concession Pilot Program)

Dear Chair Giessel and members of the Resources Committee,

Resident Hunters of Alaska (RHAK) strongly **opposes** SB 97.

The ostensible purpose of this legislation is to limit the number of guides on state lands. Since 2008, the Big Game Commercial Services Board (BGCSB) has sounded the alarm that we have a huge problem with too many guides on state lands. The Alaska Professional Hunters Association (APHA) felt the same way and released this statement in 2008: *“Currently, overcrowding of guides on State lands combined with decreasing wildlife populations is stimulating social disorder between hunter user groups and biological harm to our wildlife which leads to establishment of the restrictive drawing permit hunts.”*

With all due respect, we’d like members of the Resources committee to look closer into the BGCSB and ask them: Why hasn’t the board whose main function is to regulate guides...actually regulated them? Why is it necessary for the state to spend a half-million plus dollars to solve a problem the BGCSB could solve on their own?

The Board of Game could solve these known problems as well at no cost to the state. We’ve consistently stated that the problem is not too many guides, ***it’s too many nonresident hunters who are required to hire a guide being given unlimited hunting opportunity by the Board of Game.*** Limit the number of nonresident hunters who must be guided and you limit the number of guides.

After the Owsichek decision in 1988 that declared that exclusive guide concessions on state lands were unconstitutional the way they were implemented, there was great concern that if we did not strictly limit guides there would be a free-for-all that would lead to overharvests of our wildlife, crowding, conflicts, and reduced hunting opportunities for all. Exactly what the APHA said was happening in 2008!

Former Governor Hammond was one of the many who wrote an op-ed after the Owsichek decision stating that if we didn’t do something to limit guides, we’d have the exact problems we have today. A copy of that op-ed is pasted below:



Guide ruling opens door for opportunity, mischief

December 18, 1988

Prior to being confined to exclusive areas, guides could operate anywhere in Alaska for which they were licensed. With more guides being licensed, state population increasing, burgeoning competition from "outfitters" not confined to limited areas, easier access into remote wilderness areas and loss of huge expanses of hunting grounds previously available (courtesy of the Alaska Lands bill), game in the remaining huntable areas started taking a pounding. The attitude of some mobile, mass-producing guides seemed to be: "If I don't kill it, someone else will." And kill they did. Some took dozens of bears and scores of moose annually. Clearing one area out, they, like grim reapers, moved on to another.

By confining guides to small areas it was hoped they would far more prudently harvest game found there. That's what happened. As well, in their self-interest many acted as ex-officio game wardens, reporting violations of bandit guides who invaded their areas.

Where do we go from here? We're not just back to square one where a few bandit guides threatened to decimate game, we're back to square zero. Now there are many more guides, outfitters and hunters competing for less game than is found in the state of Wisconsin. Gone is a major incentive for guides to harvest game prudently. Once more it's "If I don't kill it the other guy will."

Here are two options: 1. Severely limit the number of animals for which a guide may contract; 2. Keep the same guide area boundaries and institute a system of area licensing similar to that imposed in some fisheries. Every guide would have to register each year for one or two areas in which he wished to guide. He would then be confined to guiding there only, along, of course, with any other guide who so registered. Either of these proposals would at least stifle that grim reaper syndrome.

Hammond's advice was to severely limit the number of animals for which a guide can contract or to limit guides to just one or two guide use areas.

With all the disorder the Owsich decision created, the legislature formed a Task Force on Guiding and Game to try to figure out a path forward if there was to be no limits on guides. Here is an excerpt from the task force minutes from then-Senator Jan Faiks: "Senator Jan Faiks states she thinks we may be approaching this the wrong way, **instead of viewing it from the guides and outfitters point of view, we should look at it from the Alaskan citizens point of view. The animals belong to the people of Alaska, whether on federal or private lands, not to the common man of Iowa.**" (my emphasis)

Nothing much came of the Task Force on Guiding and Game except an addition of Mountain goat to the list of must-be-guided species for nonresident hunters. The Guide Licensing and Control Board that regulated guides at the time imposed no new restrictions on guides. In fact, that board was disbanded from 1995 to 2005, which only increased the problems.

Currently, under the BGCSB regulations, a guide can have up to 3 guide use areas, and a 4th if it is within a predation control unit. Again, why hasn't the BGCSB done anything to limit guides? They are the regulating body for the guide industry and they have the authority to limit guides.

Legal issues with this Legislation

The Owsichuk decision was crystal clear that one of the main constitutional problems with how exclusive guide areas were administered: They could not be held as a private property right. They cannot be sold. The BGCSB has been adamant that a transferability clause be within this bill, even though they know that leaves this legislation open to a lawsuit. What will really happen if transferability is included in this bill is that guides will end up selling their concessions under the table.

This Legislation would create more Problems

There are many areas of the state where these problems – unlimited nonresident hunting and no limits on the guides they are required to hire – are happening. This legislation seeks to establish a pilot guide concession program in just one of the problem areas. What that will do is push all of the guides who are displaced into the other areas, causing more problems.

Why has neither board used their authority to fix this Problem?

The simple but sad truth is that both boards are dominated by the commercial hunting industry and that industry's preferred (and only) solution is to get a monopoly for some guides with exclusive guide concessions. That's the only reason why neither board has acted for nearly twenty years to address these problems.

In Closing

Jan Faiks was exactly right way back in 1989. We've been approaching this the wrong way. The legislature shouldn't just look at the guide industry's point of view! They should listen just as much if not more to the viewpoint of resident hunters. Article 8 of our state constitution is clear; our wildlife resources are held as a public trust for the common use and maximum benefit of Alaskans. We can't continue to manage our wildlife based on who brings in the most money or what is best for the guide industry.

We urge legislators to look deeper into this and stop allowing the BGCSB and the Board of Game to kick the can down the road and not address these problems that are under their authority to fix. If the BGCSB isn't going to regulate their industry, and the Board of Game isn't going to regulate nonresident hunters, the legislature should start asking why and provide some oversight on these boards's decisions and actions.

Sincerely,

Mark Richards
Executive Director Resident Hunters of Alaska