

Dear Legislators,

As a minority member in the guide industry in Alaska, I am voicing my opposition to the HB 158 DNR Hunting Concessions bill. I am a non-resident registered guide, thus a minority, and have made my living as an entrepreneur in a free market system, and along with a large number of other registered guides I am staring down the barrel of a legislative effort that will certainly encroach upon my ability to make a living, and conduct a legitimate business in the great State of Alaska.

I am honored to have been able to forge a living within such a wonderful industry, and after more than a dozen years as a non-resident business owner, I am very much aware of this concentrated effort by some elitist groups to infringe upon the free market within a heavily regulated industry, and those who would impose their wills upon you, and us, through you, seek to do so in order to foster a monopoly that can only hurt the entire industry in the long term.

This letter is in opposition to **House Bill 158**. Please include this as part of my public testimony. The GCP is a very complicated issue with many different tiers.

Reasons opposing implementation of the GCP/HB 158-

- Allocation of the guide industry, will create a monopoly/against free market values
- GCP was proposed to address *social issues*, including user conflict, on state lands associated with commercial hunting activity. This is not a conservation issue (which would clearly be the responsibility of the Department of Fish and Game)
- *"has not been well received by the industry and the public..."* Cliff Judkins as Chair of Board of Game (BOG)
- The need for the GCP is not fact based; it's based on **arbitrariness, personal preferences, blankets allegations, and antidotal information.**
- Up to 66% of guides/small business owners could be forced out of business making their current and past investments and hard work null and void. No such monopoly exist within other industries in the State of Alaska.
- It is a State wide blanket program when the perceived issues it will supposedly fix are in very few areas of the State.
- *"DRN may not be able to effectively address all of the issues noted..."* GCP Doc. ADL 230869
- A small segment of the guide industry, the Alaska Professional Hunters Association (APHA) has lobbied hard for the GCP. Not only have they lobbied the Legislature but also the BOG and the Big Game Commercial Services Board (BGCSB). Both of which will testify to HB 158 probably in support of it. It is important to remember that the APHA is a very small, but loud and connected segment of the guide industry with only roughly 125-140 members. That means **10%** of licensed guides.

- What this GCP/HB 158 all boils down to is to cut down competition between guides/businesses and it **will** do that. The haves vs. the have nots, big vs. small. I guess you have to ask yourself if competition and free market is a good thing or not.

Reasons/Concerns with the specific points of the GCP-

- Set a maximum number of clients per calendar year, per concession area for Full Concession Areas. In order to reduce the perceived user conflicts resulting from too many guided nonresidents on state lands the state should cap the number of nonresident *clients*. The GCP has no stipulation of this for the Full Concession Areas. This just goes to show again that the GCP is an anti- guide compete program and nothing more. If it doesn't reduce the guided hunters coming into the State how is it reducing conflict with other user groups, i.e. resident hunters?
- Establish a fee/tax/royalty for the exclusive use of state resources to be deposited into the Fish & Game Fund, AS 16.05.100. The state of Alaska extracts monetary payment for the exclusive use of oil, gas, minerals, timber, fish and land. Exclusive hunting concession areas should be no different. To be clear, I acknowledge the proposed \$2000 and \$1000 concession fees for full and limited concessions, and per client fee of \$500/\$250 respectively. This is to cover the cost of administering the GCP and wholly separate from paying the state for exclusive use of a resource. As proposed by DNR no money will go to the general fund or even to a Fish and Game fund for harvesting an exclusive resources that we all as shareholders of the State own. This is why Exclusive Guide Areas (EGAs) were found unconstitutional in the *Owsichuk* decision. *Owsichuk* also stated assignments of EGAs were not based on wildlife management concerns and that is still the case today with the GCP.
- The GCP does not address transporters and air taxis. The point of the GCP is to relieve conflict. Any plan that does not account for, and address, the unregulated number of non-res and resident hunters that could be added to an area by transporters would be unreliable, and doomed to failure. That said, limiting access for Alaskan residents utilizing transporters is well outside of DNR's authority and mission.
- The 4 issues that DNR notes are problems- 1. *Lack of wildlife conservation* 2. *Loss of quality of experience*. 3. *Conflicts between user groups*. 4. *Lack of land stewardship*. Can all be addressed with the current boards and agencies in place thru current or modified alternatives.

Once again I urge you to recognize this bill for what it is, and understand that it is indeed an attempt to monopolize a public resource, and it will force small business owners out of a market that should indeed be free.

Sincerely,
 Tony Dingess- Alaska Registered Guide #1043
 Revelation Mountain Outfitters
 1 B Perry Lane
 Pecks Mill, WV 25547
 304-239-0860
 e-mail, tony@alaskahunts.net

March 9, 2013

Dear Representative Costello,

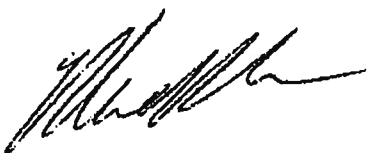
My name is Mark Binggeli. I am an assistant guide, and have been a resident and hunting in Alaska for nearly 25 years. **I oppose of the GCP.** It will cost the state and hurt the majority of guides. It is an initiative supported by only the 125 members of the APHA and does not properly represent me or the guides I work with. The animals and many of the other thousand guides & assistant guides will be hurt by the GCP.

There has not been a vote of all registered guide about the GCP. If there was a vote, the majority of guide and assistant guide would not support this. This exclusive guide area only benefits the large guide operations with lodges and large client lists and a larger more damaging foot print on the resource. The limits to small guide businesses or limited guide use areas are at the mercy of the large operations with rights of refusal. This will kill the smaller operations and result in less revenue to the industry and the state. **The reasons to bring this about are not based on facts** only the opinions of a few. The APHA claims that the way things use to be is better is not factual. The claims that excessive guides are over harvesting a certain area are also false. The board of game can manage this if it is a problem. At the recent public meeting in Anchorage, only 3 guides (APHA members) supported the GCP while all of the other guides who spoke opposed it.

It is fiscally irresponsible to enact the GCP. It should not be funded. In the end, there will be less guides and this will reduce revenue to the state. The outlined fees per client will force large operations to have to kill more animals in the most economical way which in the end hurts the resource. All this program does is take business from one guide and give to another guide, it will not help the resource at all. In the end the state, the animals, and the small businesses lose.

Chairman of the BOG Cliff Judkins stated in his public comment, quote " **Both times DNR has proposed this program it appears to have been not well received by the industry and the public....**" 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. " **I urge anyone that is opposed to the GCP to support House Bill 8 which would stop this program**

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Binggeli', with a stylized, flowing script.

Mark Binggeli

907-355-2965 / mrkovis@yahoo.com

Joshua Walton

From: Rep. Mia Costello
Sent: Saturday, March 09, 2013 8:35 AM
To: joshua_walton@legis.state.ak.us
Subject: Fwd: Public Testimony HB 158

Sent from my iPad

Begin forwarded message:

From: <fao@mtaonline.net>
Date: March 9, 2013, 7:54:24 AM AKST
To: <Representative.Mia.Costello@akleg.gov>
Subject: Public Testimony HB 158

Regards to House Bill 158

I am a registered big game guide, bought land and built two hunting lodges over the last 12 years. I am a lifelong Alaskan, who has made substantial investment. I made these investments based on the rules and regulations currently in effect. If the guide concession plan moves forward I will be out of business, and loose over \$300,000 investment. I am a small business and cannot afford to purchase guide concessions.

The Guide Concession Plan does not address a larger problem of transporters and air taxi operators – they do not have the same training as big game guides or investments that lodge owners have. They provide a drop off service, they have no regard for wildlife management to maintain adequate wildlife for future clients. Transporters and air taxi operator will not have to pay concession fee and will be able to drop off hunters anywhere, without regard of the quality of the Alaska Hunting Experience.

There are no guide conflict problems in any of my guide use areas, if there is problem in particular areas, they should be addressed and not place the burden on all guides.

I stand in opposition of HB 158. The worst case should be – if you are a small business (5 or less clients per year) registered guide, own a lodge, and have leased state land in accordance with Commercial Recreation Registration DNR permit in the past – you should be allowed to

continue business like today (exempt from guide concession plan). Investments have been made based on the rules in effect after Owsichuk decision.

I stand in opposition of HB 158, please include this letter as public testimony.

John Faeo

Guide license 1057

PO Box 872795

Wasilla, Ak 99687



907 354 7590

Joshua Walton

From: Rep. Mia Costello
Sent: Friday, March 08, 2013 3:34 PM
To: Joshua Walton
Subject: FW: Opposition to HB 158 DNR HUNTING CONCESSIONS
Attachments: HB 158 Opposition.pdf

Importance: High

Follow Up Flag: Read
Flag Status: Flagged

Representative Mia Costello
House District 20 -- Sand Lake, Jewel Lake, Campbell Lake & Dimond
Alaska State Legislature
State Capitol, Room 501 Juneau, AK 99801
How to Reach Me:   
: (907) 465-4968 / 1-800-773-4968 | : (907) 465

From: Tony Dingess [<mailto:tony@alaskahunts.net>]
Sent: Friday, March 08, 2013 11:55 AM
To: Rep. Mia Costello; Rep. Alan Austerman; Rep. Charisse Millett; Rep. Eric Feige; Rep. Bob Herron
Subject: Opposition to HB 158 DNR HUNTING CONCESSIONS

Dear Legislators,

I have attached my letter of opposition to HB 158 DNY Hunting Concessions bill, and would like for it to be considered public testimony. I speak from the unique position of a non-resident business owner whose livelihood depends upon the continuation of my business of more than 12 years in Alaska, and I consider this Guide Concession Program a direct and implicit threat against the free market, and my ability to compete with others who have the exact same license and permits that I currently operate under.

Sincerely,
Tony Dingess
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304-239-0860

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