

Linda Hay

From: Israel Payton <truewildernessadventures@yahoo.com>
Sent: Thursday, March 07, 2013 12:53 PM
To: Rep. Eric Feige
Subject: Letter of Opposition to HB 158
Attachments: Dear Representative.pdf; Dear Representative.docx
Categories: Linda

Dear Representative Feige,

Attached in PDF and MS Word format is my letter and written testimony to the House Resources Committee to **not support** HB 158.

Feel free to contact me with any questions.

Thank you for you time,

Israel Payton

7702 Stillwater Cir

Wasilla, AK 99623

354-4576

March 7, 2013

Dear Representative,

My name is Israel Payton. I was born in a 12 x 12 log trapper's cabin at the base of the Alaska Range at the mouth of the Hayes River near Skwentna. At birth I was weighed on a Zebco fishing scale, my father took me bear hunting when I was just 3 days old, or so the story goes. I grew up out there and consider myself a *Bush Rat*. I was taught to use the resources taking only what we needed no more, no less. Currently I'm raising my family in Wasilla, but will always consider the *Bush* my home and still take the family out to our cabin and teach family traditions.

I am a Registered Big Game Hunting Guide # 1111. Like many Alaskans I do various jobs to make a living. Just a few are airplane mechanic, boat builder, welder, hunting guide, tour guide, house builder, and landlord. I am also a member of the Mat-Su Fish and Game Advisory Committee and active in the Board of Game and Fish process. Recently we have been fostering a native youth from Nome; this has brought much joy to our family. With all this going on it has been very frustrating and time consuming opposing DNR's Guide Concession Program(GCP) and trying to keep more government control out of our lives and the free market system.

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. I will briefly explain why I am not for implementation of the GCP and also why, if implemented some of the many flaws and detriments of the GCP.

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.
- 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 not, 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.

I apologize for the length of this letter; the GCP is a very contentious and controversial subject. Please spend your time and the States money on more important issues that concern the majority of Alaskans, do not pass HB 158

Thank You,

Israel Payton
7702 Stillwater Cir.
Wasilla, AK 99623
907-354-4576

Linda Hay

From: Tim Booch <booch@ptialaska.net>
Sent: Thursday, March 07, 2013 12:58 PM
To: Rep. Eric Feige
Cc: coke wallace; truewildernessadventures@yahoo.com; rep.dan.sadder@akleg.gov; Rep. Peggy Wilson; Rep. Mike Hawker; Rep. Craig Johnson; Rep. Kurt Olson; Rep. Paul Seaton; Rep. Geran Tarr; Rep. Chris Tuck; Rep. Alan Austerman
Subject: APHA/DNR GUACP
Attachments: My name is Tim Booch dba Aleutian Islands Guide Service.doc
Categories: Linda

Members of the House Resources Standing Committee:

Greetings

Please allow me to voice my opposition to the APHA/DNR GUACP and HB 158. Although I did not submit my comments in opposition to the plan on the DNR public comment page of their web site during this last comment period I did attend the public meeting in Anchorage last month and I had an hour and a half long meeting with Clark Cox and Christy, his assistant, in the DNR office in Anchorage later that week. I have attended a number of DNR public comment meetings and each time there has been a 70% to 80% opposition to this plan.

Please find attached to this memo my previous comments posted on the DNR web site. As you can see in the introductory paragraph of my comments I have been a contracting big game sport hunting guide since 1995 and I began my career as an apprentice assistant guide in 1988. I have been a professional member of the APHA (Alaska Professional Hunters Association) since 1996.

The first vestige of the GUACP was hatched during an annual APHA membership meeting in the late nineties when Bobby Fithian was hired as the Executive Director. The current DNR/(ADF&G) GUACP handle is simply a smoke screen to hide the obvious croney capitalist connection of the handful of minority voice, special self interest motivated, primarily APHA past and present Board of Directors, and the various government bureaucrats that have bought into this scheme.

The membership of the APHA represents maybe 15% of the big game sport hunting industry in Alaska and the percentage of the professional membership in the APHA in favor of this program ... although there has never been an official consensus gathering effort made by the Board of Directors of the APHA ... is under 50% of the membership.

The APHA has suffered a steady loss in membership as a result of this flawed mission. The current President of the APHA stated in a recent memo to the APHA membership that \$600,000 in membership fees, "Hunters Conservation Fund" ... required extortion payments paid by a handful of the membership ..., and "gifts" payed to the APHA by national "Conservation" groups such as the elists "good ole boy's" clubs like the Dallas and Houston Safari clubs ... has been spent on the lobbying effort pushing the GUACP since its inception. Last July, as the result of an internal "coup" in the Board of Directors and the accusations of fraud leveled at the Executive Director, the membership of the APHA called for a meeting to get to the bottom of the problem.

As a result of the malfeasance perpetrated by the Executive director during the past 11 years of his supposed leadership he was fired ... (he was offered a contract position as "Government Liason" but he turned down the offer) ... and the past Treasurer, during the time of the malfeasance and the President at the time, of the membership called meeting, and the Secretary resigned. None of the details of the malfeasance or accusations of the fraud were presented at this meeting but the Board was unable to hide the fact that the "Simmon/Waugh tax exempt Charitable Trust" status of the organization had been taken away by the IRS due to taxes owed in arrears .

None of the original authors of this plan conducted their hunts on state land at that time of the inception of this scheme and all of them had and still have either sole use or limited USF&WS Refuge Permits, US Forest Service Permits, US Park Service, Permits, or exclusive trespass permits with native corporations. This plan has nothing to do with wildlife conservation and has everything to do with reducing the competition for clients for the same handful of self serving individuals that hatched this government "taking". Thor Stacey, the paid lobbyist for the APHA in Juneau, does not represent the Alaska big game sport hunting guide industry.

The President of the APHA has stated in various memos to the BOG addressing proposals calling for the reduction in non-resident allocations that the APHA endorses "no net loss". This statement must solicit the question from any thinking person ... " how then do you facilitate no net loss in allocation to nonresidents when the proponents of this GUACP are on record stating that the implementation of this program will result in a 50% to 70% loss of the guide industry on state land"?

Please read my comments on the APHA/DNR GUACP that I have attached to this memo. It has been my desire to stay engaged in this issue by providing alternatives to this subjective and capricious program. We as the shareholders in this issue must come together in the spirit of solidarity in our commitment to personal liberty and to the rule of Common Law and work from strength to strength to perserve this uniquely Alaskan sport hunting culture.

Your careful and thoughtful considertion of these comments will be greatly appreciated.

Sincerely

Tim Booch
Aleutian Islands Guide Service
907-487-4984

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 in possession of 2 "joint use" USF&WS Refuge Permits that allow me to conduct my trophy brown bear and Barren Ground caribou hunts in 2 separate Federal Refuge's in the Aleutian Islands. I have been awarded these permits since 1995. I conduct my Alaska Peninsula trophy brown bear and moose hunts from 2 separate DNR "seasonal recreation camp permit" (LAS) camps. I have used these camps since 1996. I conduct my Kodiak brown bear, Sitka blacktail deer, and Roosevelt elk hunts from State of Alaska "State Parks" permitted camps in the Afognak Island State Park.

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 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". 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 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 photo's before, during, and after the permitted use and these photo's 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 "sunsetting" 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" ... and 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 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, and moose? (Koyukuk) 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, 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

Linda Hay

From: Sam Fejes <viper@acsalaska.net>
Sent: Friday, March 08, 2013 6:27 PM
To: Rep. Eric Feige
Subject: FW: Guide Concession Program

March 8, 2013

Dear Representative Feige,

At this time, I want to thank you for sponsoring HB 158 which authorizes DNR to implement a Guide Concession Program. The Guide Concession Program is not just good for the guiding industry, but all Alaska, from the resident hunter to the rural subsistence user, but most of all the long term benefit to Alaska's wildlife.

The implantation of the Guide Concession Program will bring hundreds of jobs to Alaska, from the big cities, to our rural communities and villages which in some case bring the only economic income that they may have. The industry also provides hundreds jobs each year which include guides, packers, lodge and camp helpers, pilots, boat captains, cooks, expediters, and taxidermist to name a few...

Putting the Guide Concession Program in place, will also reduce impact on the present state guide use areas that are currently over crowded. This in turn, will create less impact on Alaska's resources and wildlife.

With a stable guide concession program in course, will bring the non-resident hunter to Alaska which in turn will bring economic benefits to Alaska. Currently 70% of Fish and Game conservation budget is the result of revenues from the sales of non-resident tags and licenses in the state.

So I am encouraging you to support the Guide Concession Program for the future of the Alaska's guiding industry and for the future economic benefits for Alaska.

Any questions, please call my cell 907 229 5060 or viper@acsalaska.net

Regards,

SAM

Samuel T Fejes

Fejes Guide Service Ltd.

Board Member, APHA

Linda Hay

From: Mark Miller <mark@talaheimlodge.com>
Sent: Saturday, March 09, 2013 9:52 AM
To: Rep. Eric Feige
Subject: HB 158

Dear Rep Feige,

I would like to express my concern over HB 158. I've been a registered guide (#390) since 1978. I've seen guide areas come and go. The last time we had guide areas it was like land dealings. Areas were sold and bought. I am not against guide areas entirely, but I am not for the DNR to implement it. We already have a Guide Board that was put in place to look after guides, so this should be taken care of by this appointed board. After attending several of the DNR meetings on these guide areas I came down to the conclusion that the best lie wins. I think if there are to be guide areas, the guide board should address this issue. Most guides already deal with about five government agencies at a minimum, why add another. Please consider my request when bringing up HB 158.

Sincerely,

Mark Miller

Mark Miller
Lodge Owner
PO Box 190043
Anchorage, Alaska 99519
www.AlaskaTalaheimLodge.com
[\(907\) 248-6205](tel:(907)248-6205) office
[\(907\) 440-0614](tel:(907)440-0614) cell



Linda Hay

From: Minnie & Brad Dennison <dennison@ptialaska.net>
Sent: Sunday, March 10, 2013 10:00 PM
To: Rep. Mia Costello; Rep. Eric Feige; Rep. Alan Austerman; Rep. Bob Herron; Rep. Charisse Millett
Cc: Rep. Bill Stoltze; Rep. Bob Lynn; Rep. Bryce Edgmon; Rep. Cathy Munoz; Rep. Chris Tuck; Rep. Craig Johnson; Representative Dan Saddler; Rep. David Guttenberg; Rep. Gabrielle LeDoux; Rep. Geran Tarr; Rep. Kurt Olson; Rep. Lance Pruitt; Rep. Les Gara; Rep. Lindsey Holmes; Representative Mark Neuman; Rep. Max Gruenberg; Rep. Neal Foster; Rep. Paul Seaton; Rep. Peggy Wilson; Representative Scott Kawasaki; Rep. Steve Thompson; Rep. Tammie Wilson; Rep. Wes Keller; Rep. Jonathan Kreiss-Tomkins; Rep. Mike Hawker; Sen. Cathy Giessel; Sen. Fred Dyson; Sen. Bert Stedman; Sen. Peter Micciche; Sen. Click Bishop; Senator Leslie McGuire; Sen. Anna Fairclough; Sen. Hollis French
Subject: House Bill 158

March 10, 2013

Dear Representative Costello, Representative Feige, Representative Austerman, Representative Herron, and Representative Millett

Re: HB158

We, the undersigned, are a group of guides and outfitters in Southeast Alaska writing in support of HB 158, authorizing the Department of Natural Resources to implement a Guide Concession Program on State lands.

A proliferation of hunting guides in any area is detrimental to the wildlife resources in the area, and resident hunting opportunities, as well as to the stability of the guiding industry itself. We faced this problem in the late 80's and early 90's on the Tongass National Forest in Southeast. This led eventually to the USFS "Shoreline" EIS and a permitting system to restrict numbers of guides and their respective guiding allocations. ADF&G wildlife management strategies for brown bear, black bear, and goat in Southeast reflect these restrictions. Without these limitations on guide numbers and guiding opportunity, implemented on federal lands roughly 15 years ago, the guiding situation in Southeast would be vastly different than what we have today. Instead of having a healthy industry that contributes significantly to the rural local economies of Southeast Alaska, we would likely have a collection of "hobby" guides competing through drawing systems for a handful of low priced brown bear, black bear, and goat hunts.

Obviously, those of us who professionally guide hunters in Southeast, for the most part, will not likely see a short term difference whether the Guide Concession Program moves forward or is stopped. The reason for this is that there are only 4 Guide Concession Areas proposed for all of Southeast, these being near Haines and Skagway. If the program is not allowed to move forward, however, it is only a matter of time before proposals to the Board of Game to implement drawings, limit non-resident draw opportunity, and change hunting seasons to handicap non-resident hunters will

greatly impact the ability of non-residents to hunt in Southeast, thereby undercutting our businesses. Such changes will apply to federal lands where we currently hold special use permits as well as to State and private lands.

We saw an effort to do just that at the last Board of Game meeting in Sitka in January. A well managed and stabile guide industry helps to deflect such hurtful proposals and helps to maintain healthy economic opportunities for rural residents and the needed cash flow to ADF&G to fund their programs.

We ask you to support HB158. The DNR Guide Concession Program is an effective and badly needed “fix” to a serious overcrowding situation on State lands that will benefit our wildlife resources and our resident hunters, as well as the non-resident hunter and the guiding industry.

Thank you for your attention.

Mike Sofoulis (Juneau)

Chris Erickson (Hoonah)

Bruce Parker (Sitka)

Ann Marie Parker (Sitka)

Scott Newman (Petersburg)

Hans Baertle (Juneau)

Scott McLeod (Sitka)

Jim Phillips (Sitka)

Dale Adams (Sitka)

Paul Johnson (Juneau)

Brad Dennison (Sitka)

Linda Hay

From: Bobby Fithian <bobbyfithian@gmail.com>
Sent: Sunday, March 10, 2013 11:29 PM
To: Rep. Eric Feige
Subject: Letter of Support for HB 158
Attachments: TRC Ltr DNR GCP Feige.docx; Billings Gazette Nonresident Hunters Cooler to Montana.docx

Dear Representative Feige,

Thank you for the work you do for Alaska. Please find attached a letter and a newspaper article regarding support for HB 158.

Please give my very best regards to Linda and Michael.

Thank you Respectfully,
Robert R. Fithian

Robert R. Fithian
Chief Executive Officer
Taiga Resources Conservation
HC 60 Box 299C Copper Center, Alaska USA 99573
Phone: (907) 822-3410
www.taigaresources.com



Taiga Resources Conservation

a management and consulting firm specializing in conservation based natural resource industry support. We provide industry, governmental, regional, and community assistance in understanding, developing, and maintaining conservation based initiatives that will help sustain long term stewardship for important social/cultural atmospheres, fish, wildlife, land/water habitats, and industry developments within them.

HC60 Box 299C Copper Center, Alaska USA 99573

Phone: 1.907.822.3410

Email: taigareources@gmail.com

Web: www.taigareources.com

March 9, 2013
Lower Tonsina, Alaska

Representative Eric Feige
Co-Chair House Resources Committee
State Capitol Room 126
Juneau AK, 99801
Re. DNR Guide Concession Program

Dear Representative Feige,

Please receive this letter as a show of support for and appreciation of your leadership effort to help develop the much needed and long overdue DNR Guide Concession Program (GCP). I am in full support of HB 158. Also, please consider and share as you may like, the following comments about the program.

The following comments are provided from the background of having a deeply bedded history as a leader of professional hunting guide/wildlife conservation advocacy for Alaska, the United States and countries throughout the world as well as a personal thirty year professional guide history in Alaska. Additionally, this history includes leadership within Alaska's mineral industry (past member elected AMA president), long time involvement within Alaska's forestry, energy and agriculture industries. As well, I currently have the honor of representing America's tourism and guide-outfitter industries serving under the appointment of the Secretaries of Interior and Agriculture on the respected Wildlife and Hunting Heritage Conservation Council. Regarding Alaska's subsistence and related social/cultural heritage, I have served at the pleasure of three governors and continue work within the Wrangell-Saint Elias National Park and Preserve Subsistence Resource Commission. I bring forward this unique history with the request that you place no respect for me personally but rather that you find respect for my knowledge, however limited, to the stewardship of natural resource related industry, especially, the professional guide industry.

Without question, the DNR GCP will provide Alaska, our rural communities and professional guide service providers with a viable and important, long term sustainable industry. Without this development, we will see implementation of restrictions on nonresident hunter opportunity that will reduce and in many cases eliminate the viable future of this profession. The reasoning behind this situation lies in the inability of the State of Alaska to restrict the amount of commercial enterprise from the hunting guide profession that currently impacts our precious wildlife populations, our social atmospheres relative to resident and subsistence hunters, other wilderness users and the related law enforcement/legal systems. Most of this negative impact falls into the lap of the Alaska Board of Game or the Federal Subsistence Board in proposal form from the resident public to eliminate or reduce nonresident hunter participation due to overcrowding of guides on state lands. As a person who has attended more Alaska Board of Game meetings than any sitting Board of Game member, I can assure you that the Board Of Game will have no choice but to eventually pass these proposal requests and by doing so, put the future of nonresident hunter participation into restrictive measures that closes the door on economic viability for a professional guide service provider.

Please know that I have seen this same equation play out in numerous western states throughout the U.S. In each case, resident hunters put forth initiatives which unfairly reduce the number of nonresident hunters through restrictive measures that eliminate the viability of professional hunting guide businesses. The results in each case were as follows:

- A. Elimination of many long time established guide businesses.
- B. Significantly reduced rural economies.
- C. Significant loss of important historical State generated funding for wildlife conservation through nonresident hunting license sales.
- D. Substantial loss of the Pitman-Robertson Wildlife Restoration Funding which is generated by sportsman's excise tax and distributed to each state proportionately to their overall hunting license sales for wildlife conservation.
- E. Reduced overall wildlife conservation and stewardship.

For your review, there is an attachment sent with this letter copied from a Montana newspaper article which will help you further understand this situation. This article was written by a columnist without a full understanding of the impact on individual guide service providers or the fact that hunting is increasing in America but it will help you to see the path which Alaska is currently headed down. There are several other states in just as bad or worse situations that are not identified in this article. If you would like any more of this type of information or just general information on the GCP, please feel free to contact me and I will furnish whatever I can to help you.

What will actually happen to Alaska if we do not establish the GCP, is that long time service providers who have established successful businesses and maintain significant overhead investment, will not be able to effectively compete through the soon to be implemented games of chance that future restrictive drawing permit allocation will provide. These are the same business owners who have long established employee's and established relationships with a labyrinth of other types of rural Alaska businesses. These great service providers, many of them second and third generation will be replaced by service providers who can operate on a more part time basis without having to maintain substantial overhead. Many of these service providers will be nonresidents business owners who can secure licensing in numerous states, work the drawing permit games of chance and provide limited services wherever they may draw clients.

Alaska does not need to follow this course. With the GCP established, the Board of Game can be confident and fair with their conservation based decisions regarding allocation and social atmosphere considerations. Additionally, as a long time Alaska guide service provider who operated primarily on State lands before being awarded a Federal NPS Concession, I can assure you from experience that the GCP will develop better stewardship within the professional guide industry itself. There is a tenor of outcry that we do not need more government in our entrepreneurship world. Please know that after dealing with DNR for many years as a small business owner within the guiding, mining, forestry and agricultural arenas, that I have confidence that they can and will provide a GCP program that will work to provide the viability, sustainability and stewardship that all of us want for Alaska.

Please, I urge you to support and help pass HB 158 for the sustainable future of a important rural Alaskan industry. If I may be of any help to you in this or in any other consideration, please feel free to contact me at any time.

Very Respectfully,



Robert R. Fithian

Cc

House Resources

House Judiciary

House Finance

Senate Resources

Nonresident hunters cooler to Montana, Idaho

Print Email

September 02, 2012 12:00 am • [RICH LANDERS](#) *The Spokesman-Review* Billings Gazette

Weather, wolves, politics and the economy are slamming a quadruple whammy on the budgets of fish and game agencies in Idaho and Montana.

Nonresidents are no longer clamoring for the quota of permits the states offer for their fabled deer and elk hunts despite the standout hunting opportunities.

Nonresidents are cash cows for state budgets. Just as they boost university tuition revenues, nonresidents pay up to 15 times more than residents for the privilege to hunt elk.

While some locals welcome less competition in their favorite hunting areas, local economies are feeling the pain, too. Hardest hit are rural towns where nonresident hunters book motel rooms, eat at restaurants and support numerous other businesses with out-of-area dollars.

Losses are huge in license revenue alone.

The Idaho Fish and Game Department watched \$3.5 million in license revenue vaporize last year because it could not sell all of its allotted nonresident deer and elk tags, according to Craig Wiedmeier, license division manager.

That amounts to a 4.5 percent divot in the department's already strapped \$77 million annual operating budget, which is funded almost entirely by hunting and fishing license fees.

Idaho's sales of nonresident deer and elk tags have steadily declined each year since 2008. The trend apparently hasn't bottomed out.

Last year, sales of nonresident Idaho deer tags were down 22 percent from 2010 and elk tag sales were down 23 percent, Wiedmeier said.

The number of tags sold this year is down about 18 percent from August 2011.

Montana is hurting, too. For the second time in 30 years, the state has a surplus of nonresident big-game combo licenses — tags that used to sell out by March 15.

At last count, Montana was still holding 795 unsold big-game combo licenses (from a 17,000 quota), 1,935 elk combo licenses and 1,921 deer combo licenses.

That amounts to a whopping \$3.36 million shortfall at this point, although the state is banking on selling more tags in the next two months.

"We normally get a spike in nonresident sales in September and even October, especially from Washington state," said Ron Aasheim, Montana Fish, Wildlife and Parks spokesman in Helena.

"But we're still concerned. We're talking about a lot of money."

Before 2008, Idaho and Montana enjoyed high demand for their quotas of nonresident deer and elk tags. Sell-outs were the norm until the following occurred in the following two years:

- Wall Street and the mortgage banking industry tanked the nation's economy.
- Winter weather hammered Idaho elk herds as well as Montana deer and antelope.
- Word of wolves ravaging deer and elk populations — sometimes exaggerated, sometimes not — spread through hunting communities.
- Politics compounded revenue problems by ignoring the economic climate.

Despite warnings from fish and game officials, Idaho's legislature and Montana's voters raised nonresident license fees, asking out-of-staters to pay more for less.

In 2009, Idaho lawmakers raised nonresident deer tags from \$259 to \$302 and bumped the elk tag from \$373 to \$417.

Fish and Game officials confirmed their assumptions about declining license sales in a 2009 survey of nonresident hunters, many of whom indicated the economy, fee increases and wolf impacts played into their decisions to forgo hunting in Idaho.

Montana voters created even more economic heartburn for their wildlife agency and local economies by approving an initiative that took a swipe at guides who were tying up hunting ground.

Initiative 161 eliminated outfitter sponsored big-game licenses that guaranteed big-spending nonresidents a chance to hunt in Montana. The outfitter combo big- game tags that sold for \$1,250 helped finance the state's popular Block Management program that gives all hunters access to private land.

The Montana initiative also significantly raised prices of the nonresident big-game combination license from \$643 to \$944, the elk combo from \$593 to \$794 and the deer combo from \$343 to \$561.

Meanwhile, both states are trying to get out the message that they still have tremendous hunting opportunities.

For example, despite the impact of weather and wolves, Montana wildlife officials say elk populations in 70 percent of the state's hunting units are at or above management objectives.

"In this economy, buying patterns have changed," Idaho's Wiedmeier said. "A lot more hunters wait to the last minute before making the decision to buy a license. It's like they know they want to hunt in Idaho, but they want to be sure they can make it."

Read more: http://billingsgazette.com/lifestyles/recreation/nonresident-hunters-cooler-to-montana-idaho/article_47bc001d-c5f0-5a02-98b4-0949fbf55651.html#ixzz2NBsWiLq5

Linda Hay

From: Sam Rohrer <sam@kodiakbearcamp.com>
Sent: Monday, March 11, 2013 7:19 AM
To: Rep. Mia Costello; Rep. Eric Feige; Rep. Alan Austerman; Rep. Bob Herron; Rep. Charisse Millett
Cc: Sen. Gary Stevens
Subject: House Bill 158

Representative Costello, Feige, Austerman, Herron, and Millett,

The APHA, and myself personally, would like to thank you for sponsoring House Bill 158. As you all know the DNR GCP is vital to the future of the Guiding Industry in Alaska. We realize that you have numerous pressing issues before you, and we greatly appreciate you taking the time to help us on this important issue.

The APHA Professional Membership has certainly taken notice of your efforts on behalf of the Guiding Industry and we look forward to your continued support of this vital program.

Sincerely,

Sam Rohrer

President, APHA

Linda Hay

From: Sam Rohrer <sam@kodiakbearcamp.com>
Sent: Monday, March 11, 2013 7:19 AM
To: Rep. Eric Feige; Rep. Dan Saddler; Rep. Peggy Wilson; Rep. Mike Hawker; Rep. Craig Johnson; Rep. Craig Johnson; Rep. Kurt Olson; Rep. Paul Seaton; Rep. Geran Tarr; Rep. Chris Tuck
Cc: Rep. Alan Austerman; Sen. Gary Stevens
Subject: House Bill 158

House Resource Committee Members,

The Alaska Professional Hunters Association (APHA) strongly supports House Bill 158. This bill would authorize the Commissioner of DNR to implement a Guide Concession Program (GCP) that would limit the number of Registered Hunting Guides who are allowed to operate in any one geographical area. DNR has been working on a GCP for the last 7 years, the development of this program has been a robust public process with numerous public meetings held around the state (and even one meeting in the lower 48) and with several opportunities given for written comment. The Big Game Commercial Services Board, the Board of Game, the ADF&G, and the Alaska State Troopers have all been involved in the GCP development, and all of these boards and agencies support the program.

Currently there is no mechanism in place to limit how many hunting guides can operate in one area, this has led to overharvest of game in some areas, loss of opportunity for resident hunters, and loss of quality of experience for resident and nonresident hunters due to crowding and conflicts in the field. Ultimately, this leads to reduced hunting seasons and bag limits for all. Shorten seasons and bag limits obviously affects resident and nonresident hunters, but it also hurts the sustainability of the Guiding Industry. Implementation of the GCP will go far to address many of the issues of overharvest of game and crowding and conflict in the field, thus reducing the need for more restrictive seasons and bag limits. This will help bring long term stability to the Guiding Industry. Big Game Guiding is an important, historic, industry in Alaska. It provides needed economic benefit to many small communities and villages around our state and it provides hundreds of good jobs including guides, packers, pilots, boat captains, cooks, expeditors, and taxidermists.

APHA firmly believes the DNR GCP will benefit long term wildlife conservation, will benefit resident hunters by reducing the number of guide operations in any given area, and will bring continued economic benefit to Alaska's small communities.

For these reasons APHA asks that you fully support House Bill 158 and the continued development of the DNR Guide Concession Program.

Thank you for considering this letter, and for giving APHA an opportunity to testify in front of your Committee today,

Sincerely,

Sam Rohrer

President, APHA

Alaska Outdoor Council

310 K Street, Suite 200
Anchorage, Alaska 99501
Email: aoc@alaskaoutdoorcouncil.com
(907) 841-6849

February 28, 2013

Mr. Clark Cox
Natural Resource Manager
Department of Natural Resources
State of Alaska
550 W. 7th Ave. Ste. 900C
Anchorage, Alaska 99501

Mr. Cox,

Thank you for the opportunity to comment on the latest version of the proposed DNR **Guide Concession Program (GCP)**.

The Alaska Outdoor Council (AOC) is a statewide organization comprised of 51 outdoor clubs and individuals currently numbering over 10,000 Alaskan members. AOC has participated in the state's regulatory process regarding big game management and allocation since before statehood. AOC members recognize and appreciate the relationship they, as users of the public resource, have with the state of Alaska as managers of the public resource, wherein the state provides public access to big game resources on state lands.

Alaska hunters living in federally recognized non-subsistence areas have no game allocation on federal lands, which cover some 60% of the state. That makes access to big game on *state* lands a critical issue for the majority of hunters in the state. Big game guide concession programs ultimately allocate game resources to nonresident hunters.

It is important to note that the GCP was proposed to address *social issues*, including user conflict, on state lands (some 100 million acres) associated with commercial hunting activity. This is not a conservation issue (which would clearly be the responsibility of the Department of Fish and Game) but rather DNR conducting a carrying capacity study as the state land manager. Concurrent with this effort by the state, the Bureau of Land Management (BLM) is conducting an Environmental Assessment (EA) on the commercial hunting guide capacity on the 75 million acres they manage in Alaska. All other land in the state open to hunting is either private (mainly ANCSA lands) or under a federal guide concession program.

Mr. Clark Cox
Alaska Department of Natural Resources
February 28, 2013
Page 2

AOC has no recommendation on how the guide industry chooses to regulate itself. AOC supports the Big Game Commercial Services Board (BGCSB) process authorized by statute to adopt regulations governing the big game commercial industry in Alaska. However, we do offer the following comments on the January 2013 GCP Draft:

AOC Comments on DNR January 2013 GCP Draft

- Set a maximum number of clients per calendar year, per concession area for Full Concession Areas.

Rational: The GCP was created to address social issues, including user conflict, on state lands associated with commercial big game hunt guiding. 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*.

DNR should review the client reports for the approximately 170 guide/outfitters who have been signing guide/client hunting contracts with nonresidents, as well as all transporter data, to determine how many nonresident hunters have annually been using state land over the last decade or so. DNR has developed the GCP because conflicts are developing now. That being the case, the number of nonresident hunters should certainly be capped at a level lower than the number causing the conflicts. In other words, in areas where conflicts have been identified, fewer nonresident hunters should be granted access to that state land than over the past 10 years.

- Establish a fee/tax/royalty for the exclusive use of state resources to be deposited into the Fish & Game Fund, AS 16.05.100.

Rational: 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. The trophy quality of Alaska's big game taken on state lands by nonresident hunters is a highly valued resource, and as such it should benefit the management of that resource for future uses. Hunters are proud of their heritage of contributing to the management of fish, game and land through excise taxes on arms and ammo, and other equipment. This is simply an extension of the North American wildlife management model. To be clear, we acknowledge the proposed \$2000 and \$1000 concession fees for full and limited concessions, respectively. This is to cover the cost of administering the GCP and wholly separate from paying the state for exclusive use of a resource.

Mr. Clark Cox
Alaska Department of Natural Resources
February 28, 2013
Page 3

- Delete #3 "Client Fee" from Fee Amounts

Rational: A commercial agreement, formalized by a contract, between the guide and the client establishes a price for the guide's services. Clients pay license and tag fees to the State of Alaska. To *allow* the guide, let alone propose in this document, that the client pay an additional fee is contrary to the transparency that the industry needs to remain credible.

- Delay implementation of the GCP until you have addressed transporters and air taxis.

Rational: Air taxis and transporters are the most important, and most complex, piece of the puzzle. The point of the GCP is to relieve conflict. Any plan that does not account for, and address, the unregulated number of hunters that could be added to an area by an 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. Controlling Alaska resident participation in a regulated hunt falls exclusively and squarely within the authority of the Board of Game.

AOC looks forward to working with all resource managers charged with ensuring that Alaska residents have access to wild food resources on state land, while also managing so that nonresidents are able to participate in a world-class big game hunting experience. We thank you for your efforts on behalf of both groups.

Sincerely,



Rod Arno, Executive Director
Alaska Outdoor Council
310 K Street, Suite 200
Anchorage, Alaska 99501