STATE OF ALASKA

SARAH PALIN, GOVERNOR

BOARD OF GAME

PO Box 115526
Juneau, AK 99811-5526
Phone: (907) 465-4110
Fax: (907) 465-6094

January 11, 2008

Commissioner Tom Irwin
Department of Natural Resources
550 West 7th Avenue, Suite 1400
Anchorage, AK 99501

Dear Commissioner Irwin,

Re: Support and findings to re-establish a program to limit the amount of guide/outfitter activity that occurs on State lands.

The Alaska Board of Game is very pleased that you have taken up this important and very much needed project. The Board of Game (BOG) is responsible for developing regulations that conserve and develop Alaska's wildlife resources. It should be noted that the following comments relate only to the professional guide/outfitter industry and not to the transporter industry. The BOG has many concerns similar in nature to the following regarding the transporter industry but our comments herein represent only those pertaining to the guide/outfitter industry.

Alaska's professional hunting guide and outfitter industry has been an integral part of State history by providing professional escort to the many visiting hunters from around the world who choose to hunt in Alaska. Alaska's extreme climate, terrain, vast wilderness, waterways, certain big game animals and logistical challenge pose serious levels of danger to visiting sportsmen and women who are often not prepared for these concerns. Thus, the professional guide and outfitter industry provides a necessary service.

Prior to statehood (January 1, 1960) the responsibility of managing Alaska's fish and wildlife resources was vested in the Alaska Game Commission under the U.S. Department of Agriculture. This commission, created in 1925 was composed of five members. The professional guide industry held representation on this commission from 1931 through their termination on December 31, 1959. By 1973, the growth of the guide industry and its impact on wildlife populations generated the creation of the Alaska Guide Licensing and Control Board. During 1976 this board created an area system that limited hunting guides to exclusive guide areas for stewardship factors including wildlife conservation, consumer protection, and long term industry sustainability. This system required guides to be good stewards of the resources in order to provide for sustainable annual harvests.

This area system continued through 1988 when the Alaska Supreme Court found several Constitutional failures within the program and it was abolished. (*Judge Rabinowitz 1988 Alaska Supreme Court Owsichek Decision*). Judge Rabinowitz did point out in his decision that "*Nothing in*

cc: Dick LeFebvre

this opinion is intended to suggest that leases and exclusive concessions on state lands are unconstitutional". He further suggested that the authority needed to develop such a system was vested within the Department of Natural Resources (DNR) under their *long-term leases* or *concession* provisions.

In the ensuing years, several attempts were made by the guide industry to recreate an area system to replace the one lost but were met with failure in the legislative process. Since that time, the BOG has continued to receive numerous proposals that come before us asking in some way to limit the impact on game populations by guided hunt activity as well as numerous proposals requesting ways to limit the number of guides that operate on state lands at the same time. The result of these proposals is that this Board of Game and the Alaska Department of Fish and Game Wildlife Conservation Division have had to spend a significant amount of time and effort creating complex regulatory oversight and subsequent programs to address this concern.

As a note, the Department of Interior (DOI) National Park Service and U.S. Fish and Wildlife Service agencies in Alaska recognized in 1988 the potential for failure of stewardship due to the loss of the former guide area system and took action to address this concern. The result was the co-operative development between the guide industry and DOI of a system that effectively restricts guided hunt activity within any certain area within DOI lands. It is important to understand that once the development of an area system was established on the DOI lands, we as the BOG have had very few proposals brought before us with issues or concerns dealing with commercial guide use within this land base.

In short, it appears that development of a system limiting the amount of guided hunt activity that can occur on State lands, similar in nature to the existing DOI program, will effectively address the following concerns:

Resource Conservation Concerns:

Since the loss of the former area system utilized by the guide industry, the BOG has received a continuous flow of proposals that ask to reduce or even eliminate the amount of wildlife harvested on State lands by guided hunters. These proposals are variously supported by the public, impacted rural communities, local State Fish and Game Advisory Committees and Department of Fish and Game.

Responding to these proposals, the BOG is presented with the known biological statistics related to the health and historical harvest of the game populations by the Department of Fish and Game. In many cases throughout the State, this science has made it clear that impacts on the wildlife resources by the guide industry have occurred. The BOG is then faced with the challenge of trying to define a regulatory process to limit the amount of impact on wildlife by the guide industry. As the BOG cannot control the number of guides, the manner of responding to these concerns is most commonly development and adoption of a complex set of regulations that limits guided hunter opportunity. Changing general hunts to limited entry permit hunts, registration permit hunts and restricting use by establishing controlled use areas are programs used to limit hunter effort. Recent BOG action

concerning the increased harvest of sheep by guided hunters in Units 14A and 13D is a timely example of the impacts of uncontrolled guiding activity.

Additionally, the BOG has heard numerous testimonies from the public reflecting instances of poor land and water resources conservation generated by hunting guides and their clients on State lands. These complaints are generally related to solid waste, human waste, garbage, fuels and abandoned camps. Since there are limited permitting requirements to keep track of who is operating on these lands it is difficult to determine who the guilty parties were.

Industry Stewardship Concerns:

It is difficult for the BOG to develop programs that limit hunter effort in a manner that will protect guides who strives to be a good steward of the wildlife resources, the consumer and the industry. These persons also present numerous proposals to us asking for regulations that will protect their efforts to be good stewards. Unfortunately, the programs the BOG has developed to address the wildlife conservation concerns have little ability to provide for one service provider over another. The service provider who operates under good stewardship principles finds their industry efforts limited by restrictive regulation and can not survive. Thus, the current system disaffects those guides who strive to be good stewards. Additionally, Alaska's unique wilderness atmosphere draws hunters and visitors from all over the world. These guests arrive envisioning a quality wilderness experience. The current situation regarding over crowded hunting guide use on State lands does not provide any protection to this important consideration.

Social Considerations:

Unlimited guide activity on State lands results in many cases of high numbers of guided hunts occurring near towns and villages vying for the same resources that the local people are dependant upon. Many proposals that come before the BOG reflect requests to limit the amount of guides and non-resident hunter activity that occurs in the near proximity to rural town and villages where subsistence uses of the wildlife resources is important. Recent BOG action addressing these concerns in the Kotzebue and Central Kuskokwim areas are prime examples of these local vs. non-local conflicts. The social atmosphere of these areas are thus, affected in a serious manner. Divisions between user groups are established, dependent big game food sources are diminished and rural communities loose focus on what the benefits of guided hunting can bring to their communities and can only see the negatives. These factors retard the development of economy from within these rural towns and villages by discouraging participation in the guide and outfitting industry which could be a significant resident industry. Additional, as we respond to wildlife conservation concerns, which in some cases are brought forward by overcrowding of guides on State lands, the resulting regulatory development to assure conservation also includes reducing general resident hunter opportunities.

Responding to these situations the F&G Wildlife Conservation Division has had to establish several, very costly public planning committees facilitated in rural communities to attempt to find some balance for these situations. These planning committees commonly are filled with contentious

atmosphere brought on to a great extent by the inability to limit the amount of guiding activity that occurs on State lands.

Public Safety Concerns

The lack of an effective manner to limit the number of hunting guides that can operate on State lands makes enforcement of existing regulations harder to enforce as there is not any effective manner to keep track of what guides are operating where and when. Limited enforcement staff and extremely large regions allow for heightened abuse opportunity for guide service providers that seek to operate outside of the law. An area system defining who is authorized when and where would provide the Alaska Wildlife Trooper Division a much better opportunity to enforce wildlife conservation law, public safety and industry oversight.

In Closing:

The BOG would like to recommend the development of an area system to limit the number of guides who can operate on any certain area of State lands should be not only developed with a land management theme but should also include provisions for wildlife conservation oversight from the Department of Fish and Game. We wish you well in this important endeavor and offer our assistance in whatever manner possible.

As an additional comment, the BOG continually receives negative testimony related to air taxi operations. We are faced with very similar challenges in trying to limit impact on wildlife and preserve some reasonable level of "hunt quality". Concerns over air taxi operations will continue to intensify, especially in the more subsistence dependent areas of the state.

Sincerely,

Cliff Judkins/KT

Cliff Judkins, Chairman

cc: Deputy Commissioner Ken Taylor, Department of Fish and Game
Mike Nizich, Deputy Chief of Staff, Office of the Governor