



April 24, 2024

The Honorable Tom McKay
House Resources Committee, Chair
Alaska State Legislature
State Capitol, Room 128
Juneau, AK 99801

Re: HRES Questions – HB396: DNR BIG GAME GUIDE PERMIT PROGRAM

Dear Chair McKay:

This letter is in response to the following questions that were received after the initial hearing on HB396 in the House Resources Committee on April 17, 2024. The Department of Fish and Game (ADF&G) has conferred with the Department of Commerce, Community and Economic Development (DCCED), Division of Corporations, Business and Professional Licensing (CBPL) and the Department of Natural Resources (DNR) to answer and compile all responses together for convenience:

1. **Please clarify if moose are included in the list of animals that nonresident hunters must be accompanied by a guide or an Alaskan resident within the second degree of kindred to hunt (moose was mentioned in the sectional).**
 - o **Also can we name all animals on this list?**

ADF&G RESPONSE: Moose are not a guide required species for nonresidents, but they are for nonresident alien hunters. Below are the guiding requirements in Alaska.

Resident Licensee: Do not need a guide.

Nonresident Military Licensee: Need a guide if you plan to hunt for brown/grizzly bear, sheep, or goat. You must complete an affidavit showing that you will be accompanied by a person who is qualified to guide under AS 16.05.407.

Nonresident Licensee: Need a guide if you plan to hunt for brown/grizzly bear, sheep, or goat. You must complete an affidavit showing that you will be accompanied by a person who is qualified to guide under AS 16.05.407.

Nonresident Alien Licensee: Need a guide if you plan to hunt for brown/grizzly bear, black bear, bison, caribou, deer, elk, goat, moose, muskox, Sheep, Wolf, or Wolverine. You must complete an

affidavit showing that you will be accompanied by a person who is qualified to guide under AS 16.05.408.

2. Please clarify the process for becoming a guide.

CBPL RESPONSE: A natural person is entitled to a Registered Guide-Outfitter license if the person:

- is 21 years of age;
- applies on a form provided by the department and pay the required fees;
- has been licensed as and performed the services of a Class-A Assistant Guide or Assistant Guide, or a Class-A Assistant Guide-Outfitter or Assistant Guide-Outfitter in Alaska for a part of each of three years for a total of 125 days “in field” guiding experience;
- has legally hunted big game in Alaska for a part of any five years in a manner directly contributing to the person’s experience and competency as a guide;
- has been favorably recommended in writing by eight big game hunters, including at least two favorable recommendations for each year of any three years during which the person was a Class-A Assistant Guide or Assistant Guide;
- meets the eligibility requirements set out in AS 08.54.605 (see below);
- has passed the Registered Guide-Outfitter qualification examination;
- submits a list of hunters for whom the applicant has provided big game hunting services in compliance with AS 08.54.610(a)(8);
- submits the applicant’s Class-A Assistant/Assistant Guide Evaluation;
- submits a complete report of criminal justice information and fish and wildlife violations under AS 12.62 (if a resident of another jurisdiction, an equivalent report is required from that jurisdiction);
- if licensed as a guide, outfitter, transporter or other hunting service license in another jurisdiction, verification of licensure from all other jurisdictions.

ELIGIBILITY FOR LICENSES (AS 08.54.605)

(a) A person may not receive a registered guide-outfitter license if

(1) the person has been convicted of

(A) a violation of a state or federal hunting, guiding, or transportation services statute or regulation for which

(i) the person was imprisoned for more than five days within the previous five years;

(ii) an unsuspended fine of more than \$2,000 was imposed in the previous 12 months;

(iii) an unsuspended fine of more than \$3,000 was imposed in the previous 36 months;

(iv) or an unsuspended fine of more than \$5,000 was imposed in the previous 60 months;

(B) a felony within the last five years; or

(C) a felony offense against the person under AS 11.41 within the last 10 years; or

(2) the person’s right to obtain, or exercise the privileges granted by, a hunting, guiding, outfitting, or transportation services license is suspended or revoked in this state or another state or in Canada.

To qualify for a Class-A Assistant Guide license (per AS 08.54.620 and 12 AAC 75.120), a person must:

- Be at least 21 years of age;
- Apply on a form provided by the department and pay the required fees;
- Possess a current first aid card issued by the Red Cross or a similar organization;
- Complete report of criminal justice information under AS 12.62, including fish and wildlife violations, and if any other state is the applicant's primary state of residence, an equivalent report issued by that other state;
- Verification of any guiding, outfitting, transportation, or other hunting services licenses, if any, issued by another U.S. or Canadian jurisdiction to confirm the license has not been suspended or revoked;
- Take and pass the board's jurisprudence questionnaire covering AS 08.54 and 12 AAC 75 with a score of 70% of higher; and
- Either:
 - Have been employed during at least the last three calendar years as any class of licensed guide in the game management unit (GMU) for which the license is sought; **and** have at least ten years hunting experience in the state (military service outside of the state for no more than three years can be accepted as part of the 10 year requirement); **or**
 - Provides evidence that the applicant physically resides in the GMU in which they are to be employed; **and** that they have had at least 15 years of hunting experience in the GMU in which they're to be employed (same military service allowance here for the 15 year requirement); **and** have a written recommendation from a registered guide-outfitter who intends to employ the applicant as a Class-A assistant guide; **or**
 - Provides evidence that the applicant physically residents in the GMU in which they are to be employed; **and** has at least 10 years hunting experience in the state (same military allowance); **and** has passed a Class-A assistant guide training course approved by the board.

To qualify for an Assistant Guide license (per AS 08.54.630 and 12 AAC 75.130), a person must:

- Be at least 18 years of age;
- Apply on a form provided by the department and pay the required fees;
- Have legally hunted big game in the state during two calendar years;
- Possess a first aid card issued by the Red Cross or a similar organization;
- Complete report of criminal justice information under AS 12.62, including fish and wildlife violations, and if any other state is the applicant's primary state of residence, an equivalent report issued by that other state;
- Verification of any guiding, outfitting, transportation, or other hunting services licenses, if any, issued by another U.S. or Canadian jurisdiction to confirm the license has not been suspended or revoked;
- Take and pass the board's jurisprudence questionnaire covering AS 08.54 and 12 AAC 75 with a score of 70% of higher; and
- Either:
 - Obtain written recommendation from a registered guide-outfitter who intends to hire the applicant as an Assistant Guide; **or**
 - Provide evidence that the applicant passed an assistant guide training course

approved by the board.

- 3. Please clarify that if HB 396 passes that there would essentially be a pilot program where there would be one guide concession area in one specific Game Management Unit, upon the completion of the initial timeframe, if results are favorable, that all Game Management Units would be subject to guide concession areas?**

ADF&G/DNR RESPONSE: The bill requires the Board of Game (BOG) to establish an initial guide concession area in consultation with the Big Game Commercial Services Board (BGCSB), DNR, and ADF&G. If enacted, ADF&G anticipates the BOG could establish the area during the regularly scheduled meeting or call a special meeting in FY2025.

After the initial guide concession area is established by the BOG and implemented by DNR, the BOG may not accept or consider a proposal to establish additional guide concession areas for a period of at least three years.

After the applicable waiting period, establishment of a guide concession area would be initiated via a BOG proposal; a person may submit a proposal to establish a guide concession area in any GMU statewide to the BOG for consideration at a regularly scheduled region meeting.

- 4. How large would guide concession areas be? Is there a standard for creation of areas based on the size of the GMU?**
 - o Game Management Units vary in size across the state, what steps towards equity will there be to ensure that guides (a very small percentage of Alaskans) are not getting undue preference over other resident users of a Game Management Unit?**

ADF&G/DNR RESPONSE: The bill limits a guide concession area to only be established in a single GMU or subunit, which vary in size. Otherwise, there are no other requirements listed in the bill for the size of an area. Consideration of the number of guides and other user groups within a GMU would be a part of the BOG process to determine if a concession area is warranted. However, it is important to point out a guide concession area does not impact available harvest opportunities – only the number of guides that can operate within a designated area.

- 5. What will local involvement of local hunters, fishers, subsistence users, etc. look like?**
 - o Currently ADFG has local area fish and game advisory councils that tend to meet twice a year to discuss and make regulation proposals, which act as a system of advisory councils to the Board of Game and the Board of Fish. Not all councils in all areas of the state are active consistently, so what will local engagement look like to ensure that user conflicts are minimized if not wholly mitigated.**

ADF&G/DNR RESPONSE: As mentioned in the response to question #3, after the initial area is established, any potential future areas would be established through the very involved BOG process, including public notice, review by ADF&G, DNR, BGCSB, local Fish and Game Advisory Committees, and public comment.

Additionally, the bill requires the BOG to determine the number of permits for both full and

limited permit types issued for a guide concession area and the specific authorizations attached to each permit. The BOG may establish an advisory board composed of representatives of the involved agencies (DNR, ADF&G, BGCSB, and BOG) and interested members of the public to assist the board in making that determination.

6. How many registered guides (assistant guides, guides, master guides, etc.) are licensed to guide in the State of Alaska?

CBPL RESPONSE: In FY23 there were 838 licensed Assistant Guides, 101 licensed Class-A Assistant Guides, 114 licensed Master Guide-Outfitters, and 332 licensed Registered Guide-Outfitters.

7. How many registered guides (all levels) live part time in Rural Alaska, off the road system?

CBPL RESPONSE: The division does not track where licensees live; we only require a valid mailing address for individuals. Mailing addresses can be seen by downloading the Professional License Database download on the Division of Corporations, Business, and Professional Licensing's [Search and Database Download Information webpage](#), and filtering it to the relevant license type(s) and/or program(s).

8. How many registered guides (all levels) live full time in Rural Alaska, off the road system?

CBPL RESPONSE: The division does not track where licensees live; we only require a valid mailing address for individuals as noted above.

9. How many registered guides (all levels) live outside of Alaska?

CBPL RESPONSE: The division does not track where licensees live; we only require a valid mailing address for individuals as noted above. There are 347 licensed guides with a mailing address outside of Alaska.

10. How many guides operate in GMU's off the road system versus on the road system?

CBPL RESPONSE: The GMUs are not organized or labeled as being on or off the road system, but it's possible to make this determination by reviewing the online Official Big Game Guide Use Area Maps, available [here](#); and cross reference it with the Guide Use Area database download (which lists the licensee, license type, GMUs they're registered for, and relevant dates) available on the Division of Corporations, Business, and Professional Licensing's [Search and Database Download Information webpage](#) (under "Professional License Download" within the "Database Downloads" section of the page).

11. Is there a minimum distance between a guide's camp and a local camp or subsistence group that guides are required to adhere to?

CBPL RESPONSE: No. Guides have an ethics law that requires them to provide an "appropriate buffer" and also "not disrupt" other users, but it's somewhat subjective and situational. There are also general "hunter harassment" and "hindering the lawful hunt"

laws, but again, these types of ethics situations are very difficult to monitor and regulate.

12. Is there a minimum distance that guides must maintain between their camp and another guide?

CBPL RESPONSE: No, but there's a similar ethics requirement as was noted in #11 above. The subject of arbitrary buffers has been widely discussed and at one point, the board had a regulation that mandated two miles of distance between guides permitted or owned structures. However, that was problematic after guides started getting permits for and building small shacks to take over territories, in one case putting a master guide who had hunted in a certain area for 15 years out of business, so the board realized that requirement didn't work and repealed the law.

13. Are guides required to report where they are operating and where their hunters have harvested game from?

CBPL RESPONSE: Yes. AS 08.54.760 requires registered guide-outfitters to submit a hunt record for each contracted hunt within 60 days after the completion of the hunt. These records are confidential and not subject to inspection or copying except if required by one of the entities listed under AS 08.54.790(b).

14. If so, how in depth is this information? Does it include GPS coordinates?

CBPL RESPONSE: Per AS 08.54.760, the hunt record must include a list of all big game hunters who used the guiding or outfitting services of the registered guide-outfitter, the number of each big game species taken, and other information required by the board. The board requires the records also include all information requested on the *Registered Guide-Outfitter Hunt Record* form dated December 2017 and adopted by reference in 12 AAC 75.210 – which does not include GPS coordinates but does require the guide use area. The requirements related to the distribution and use of hunt records are also provided in 12 AAC 75.205.

ADF&G RESPONSE: ADF&G collects hunt harvest reporting data. GPS coordinates are not required, and the information is usually based on the type of hunt (i.e., general season, registration permit, drawing permit, etc.). Bears and wolves are required to be sealed as well as horn sealing for most sheep hunts. Sealing refers to the placement of an official marker or locking tag by an authorized ADF&G representative on an animal hide and/or skull. The sealing process may also involve recording biological information about the animal and the conditions under which it was taken, taking measurements, and collecting biological samples. While ADF&G collects information on if the hunt was guided or not, we do not collect the guide names.

15. How many guides are there in each GMU? Some guides operate in different areas of the state based on the season and game available, but does the state currently have information relating to the number and spread of guides in Game Management Units?

CBPL RESPONSE: Yes, this information can be obtained from the Guide Use Area database download (which lists the licensee, license type, GMUs they're registered for, and relevant dates) available on the Division of Corporations, Business, and Professional

Licensing’s [Search and Database Download Information webpage](#) (under “Professional License Download” within the “Database Downloads” section of the page).

16. For the record, can we establish the difference between guides and outfitters / transporters?

CBPL RESPONSE: AS 08.54.790 provides these definitions:

(9) “**guide**” means to provide, for compensation or with the intent or with an agreement to receive

compensation, services, equipment, or facilities to a big game hunter in the field by a person who accompanies or is present with the big game hunter in the field either personally or through an assistant; in this paragraph, “services” includes

- (A) contracting to guide or outfit big game hunts;
- (B) stalking, pursuing, tracking, killing, or attempting to kill big game;
- (C) packing, preparing, salvaging, or caring for meat, except that which is required to properly and safely load the meat on the mode of transportation being used by a transporter;
- (D) field preparation of trophies, including skinning and caping;
- (E) selling, leasing, or renting goods when the transaction occurs in the field;
- (F) using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter; and
- (G) providing camping or hunting equipment or supplies that are already located in the field;

(11) “**outfit**” means to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities, excluding the provision of accommodations by a person described in AS 08.54.785, to a big game hunter in the field, by a person who neither accompanies nor is present with the big game hunter in the field either personally or by an assistant;

(12) “**transportation services**” means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; “transportation services” does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

- (A) on nonstop flights between airports listed in the Alaska supplement to the Airmen’s Guide published by the Federal Aviation Administration; or
- (B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its business; in this subparagraph, “incidental” means transportation provided to a big game hunter by an air taxi operator or air carrier who does not
 - (i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or
 - (ii) advertise transportation services or big game hunting services to the public; in this sub- subparagraph, “advertise” means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services.

17. Will outfitters / transporters be allowed to operate in a guide concession area? Would this cause undue pressure on game in the concession area as well as the GMU?

ADF&G/DNR RESPONSE: The bill does not prohibit or limit the number of transporters operating in a guide concession area.

18. Please clarify the process for becoming an outfitter / transporter.

CBPL RESPONSE: There is no separate license for an “outfitter”. AS 08.54 refers to guides as guide-outfitters, so the outfitter requirements are the guide requirements listed under #2 above.

Per AS 08.54.650 and 12 AAC 75.145, to be licensed as a transporter in Alaska, a “person” (i.e., individual or entity) must:

- Apply on a form provided by the department and pay the required fees per AS 08.54.650;
- Provide proof of financial responsibility in accordance with 12 AAC 75.420;
- Provide copies of the FAA and USCG licenses applicable to the applicant’s operations;
- Provide the name of one individual who is responsible for managing the transporter’s business activities;
- Take and pass the board’s jurisprudence questionnaire (covering the provisions of AS 08.54 and 12 AAC 75) with a score of 70% or higher; and
- As applicable:
 - If the applicant is a corporation – proof of either a certificate of incorporation or certificate of authority in good standing under AS 10 (and if the corporation is organized in Alaska, the articles of incorporation in good standing);
 - If the applicant is an LLC, proof of either articles of incorporation or registration in good standing under AS 10.50;
 - If the applicant is an LLP, proof of either a statement of qualification or a statement of foreign qualification in good standing under AS 32.06.911 – 32.06.925; or
 - If the applicant is an LP, either a certificate of limited partnership or registration in good standing under AS 32.11.

Of note, per AS 08.54.650, a licensed transporter can provide transportation services and accommodations to big game hunters in the field at a permanent lodge, house, or cabin owned by the transporter or on a boat with permanent living quarters located on salt water. They cannot provide big game hunting services without holding the appropriate license.

19. Do outfitters / transporters have to report where their hunters are harvesting game from?

CBPL RESPONSE: Yes. AS 08.54.650(c) requires a transporter to provide an annual activity report on a form provided by the department, containing all information required by the board in regulation. 12 AAC 75.395 addresses the distribution and use of transporter activity reports, and 12 AAC 75.400 covers the requirements of those reports.

20. If so, how specific do they need to be on the reporting of those locations? Are GPS coordinates provided for the location of outfitters / transporters camps and harvest spots?

CBPL RESPONSE: 12 AAC 75.395 addresses the distribution and use of transporter activity reports, and 12 AAC 75.400 covers the requirements of those reports. The board requires the records also include all information requested on the *Transporter Activity Report* form dated October 2012 and adopted by reference in 12 AAC 75.210. This form does not ask for the GPS coordinates but does ask for the guide management unit/subunit and the specific location. The requirements related to the distribution and use of hunt records are also provided in 12 AAC 75.205.

ADF&G RESPONSE: The same reporting information in the response to question #14 applies to this question as well. However, hunters using a transporter aren't considered guided.

21. The State of Alaska has the Alaska Wildlife Troopers to enforce regulations for hunting and fishing, do Federal entities have similar enforcers?

- **In Rural Alaska, there is a push for increased law enforcement presence, which includes the Alaska Wildlife Troopers. Is there a similar push from Federal agencies to have an increased presence ensuring people are following all applicable laws and regulations on Federal lands?**
 - **When comparing to Federal concession areas, is the availability of Federal law enforcement taken into account?**

ADF&G RESPONSE: ADF&G suggests contacting the chief enforcement office for Alaska for the appropriate federal agencies (U.S. National Parks Service, Bureau of Land Management, and Fish and Wildlife Service).

22. Figures were provided showing the amount of money brought into the State of Alaska due to guiding, specifically is there a way to show how much money was brought into local communities in Rural Alaska? Due to the high costs of supplies and goods in Rural Alaska, is it not a fair assumption that guides would be purchasing supplies (food, gear, etc.) from Urban Alaska so as to increase their profit margin?

CBPL RESPONSE: Related to guide and transporter license fees collected by the Division of Corporations, Business, and Professional Licensing, no. AS 08.01.065 specifically requires license fees to be set so that the total amount of fees collected for an occupation approximately equal the actual regulatory cost for the occupation. As a result, fees are increased or decreased based on the cost to run the licensing program. To obtain data on the amount of money brought into local communities due to guiding or transporting services, it may be necessary to reach out to those local communities directly.

23. What consideration for migratory animals, which move through multiple Game Management Units, have been made in the implementation and location of guide concession areas?

- **Would the migration of certain animals and their availability for subsistence harvest be potentially impacted by the location of a guide concession area?**

ADF&G/DNR RESPONSE: The bill directs the BOG to establish the potential guide concession areas. Therefore, the BOG has not made any considerations related to migratory animals and the location of a guide concession area. This would be considered on a board level when a proposal is submitted to consider establishing a guide concession area. Again, as noted in the response to question #4, a guide concession area does not impact available harvest opportunities – only the number of guides that can operate within a designated area.

24. How was the 3-year term decided?

ADF&G/DNR/CBPL RESPONSE: ADF&G, DNR, and CBPL cannot speak to why three years was selected for the waiting period after the initial guide concession area is established.

25. Where would the initial guide concession area be, and which GMU would it be in?

ADF&G RESPONSE: The bill directs the BOG to establish the initial guide concession area in consultation with ADF&G, BGCSB, and DNR. As indicated in the response to question #3, the decision will be made if the bill is enacted at a BOG meeting in FY2025.

26. Are there other states that are currently implementing guide concession areas on State land?

ADF&G RESPONSE: ADF&G has not done a comprehensive review of all 50 states. There are potentially others states with similar programs. ADF&G recommends contacting the Alaska Professional Hunters Association (APHA).

If you have any additional questions for ADF&G, please contact me at (907) 465-6137 or joseph.felkl@alaska.gov. If you have any questions for DNR, please contact DNR's legislative liaison Joe Byrnes at (907) 317-5183 or joe.byrnes@alaska.gov, and for DCCED/CBPL questions, contact DCCED's legislative liaison Lizzie Kubitz at (907) 802-7875 or lizzie.kubitz@alaska.gov.

Respectfully,



Joseph Felkl
Legislative Liaison

Cc: Laura Stidolph, Legislative Director, Office of the Governor