

ALASKA

PROFESSIONAL HUNTERS ASSOCIATION, INC.

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April 11, 2024

Representative Tom McKay
State Capitol Room 128
Juneau AK, 99801

RE: Letter of Support for HB396

Dear Representative McKay,

The Alaska Professional Hunters Association (APHA) is a statewide organization representing hunting guides in Alaska. Guiding hunters in Alaska is one of the oldest value-added tourism activity in the state. Nonresident hunters began traveling to Alaska in the 1920s. Alaska's hunting guide industry is made up of small, mostly family run, guide businesses who operate on public land. According to McDowell, 86% of Alaska's guide businesses are Alaska owned with a majority of those guide business owners living outside of Alaska's urban areas. The APHA and our members have a vested interest in promoting wildlife and resource stewardship. Unfortunately, Alaska's own DNR lands are currently a free-for-all where guides must race to out compete each other and resident hunters to provide a chance to harvest game for their clients.

Alaska's state lands currently allow for an unlimited number of commercial hunting guide operations in any one guide use area. Unlimited entry places a burden on the resource and puts resident hunters, especially rural hunters, at a disadvantage. Unlimited entry also undercuts small sustainable businesses because a newer operator or existing aggressive operator can set up on top of a sustainable business without regard to historic use - the winner of the race to the game takes all. Resident hunters currently do not have recourse if they have conflicts or are harassed by hunting guides on state land. DNR does not deny commercial hunting guide land use authorization, revoke land use authorization or suspend authorization for a guide, no matter how many complaints have been launched against an operator. DNR currently permits new guides on top of old guides without any process to determine sustainability, mitigate conflicts or ensure the new or old operator are complying with permit conditions. DNR's lands in Alaska are the Wild West where the most aggressive guide wins and land use is guaranteed no matter how many complaints are levied at a hunting guide business or how many violations or safety incidents occur.

Federal lands stand in stark contrast to state DNR lands. On federal lands guides apply on a ten year cycle and compete with each other for a guide concession. Guides are scored on their operation plan, history of compliance, safety record, safety plan, business plan,

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client recommendations and points are deducted for violations and conflicts. Every ten years the federal concessions go out for competition and every ten years responsible guides are re-awarded their areas and new guides prevail where the incumbents have not held true to their commitments. Federal hunting guide concessions have been successfully operating in Alaska since the mid-1990s.

Alaska's DNR lands were not always a mess and the federal land managers haven't always done a better job of regulating Alaska's hunting guides. Before 1988, Alaska had its own system of limiting guides by *exclusive guide areas* (EGAs) on both state and federal lands. The old system operated just like limited entry fishing permits but without the necessary constitutional amendment. As a result, EGAs were struck down by the state Supreme Court because EGAs were of unlimited duration, did not provide for new entry, were not resource based, did not provide for remuneration to the state and were being bought and sold like private property. In the landmark Alaska Supreme Court decision, *OWSICHEK v. STATE of Alaska*, EGAs were struck down but the court was clear "Nothing in this opinion is intended to suggest that leases and exclusive concessions on state lands are unconstitutional. The statutes and regulations of the Department of Natural Resources authorize leases and concession contracts of limited duration, subject to competitive bidding procedures and valuable consideration."

Wildlife is a valuable resource and whether public or private, it makes sense for responsible landowners to limit commercial hunting to only those that are good stewards of the land and wildlife resources. Otherwise, neighbors and guests that also share those resources could be negatively impacted. Because hunting guides spend large amounts of time in the field, they can provide added value and be an asset to landowners by reporting trespass and violations. Oftentimes they even help invest in infrastructure that can have uses beyond hunting. Having the right guide on your land allows you to get more value for wildlife in a low impact and sustainable way. Limiting commercial hunting operations by lease or concessions offers the landowner the ability to add value while ensuring covenants are kept or trespass is revoked.

The Alaska Board of Game is tasked with limiting harvest when a wildlife population becomes depleted or is in serious decline. The only tool the BOG has to limit guided non-resident hunting is draw permits. The number of NR permits is capped and winners are randomly drawn from a pool of NR applicants. Drawing hunts are a death knell for small guide businesses. Imagine putting your livelihood on random draw where you are incentivized to pre-sell the most opportunities you can to be competitive in a lottery? Guides are forced to discount their opportunities to secure high numbers of applications and they must wait until February of each year to know if they will have a business or not. Concessions allow the BOG to determine a number of hunt opportunities for a given

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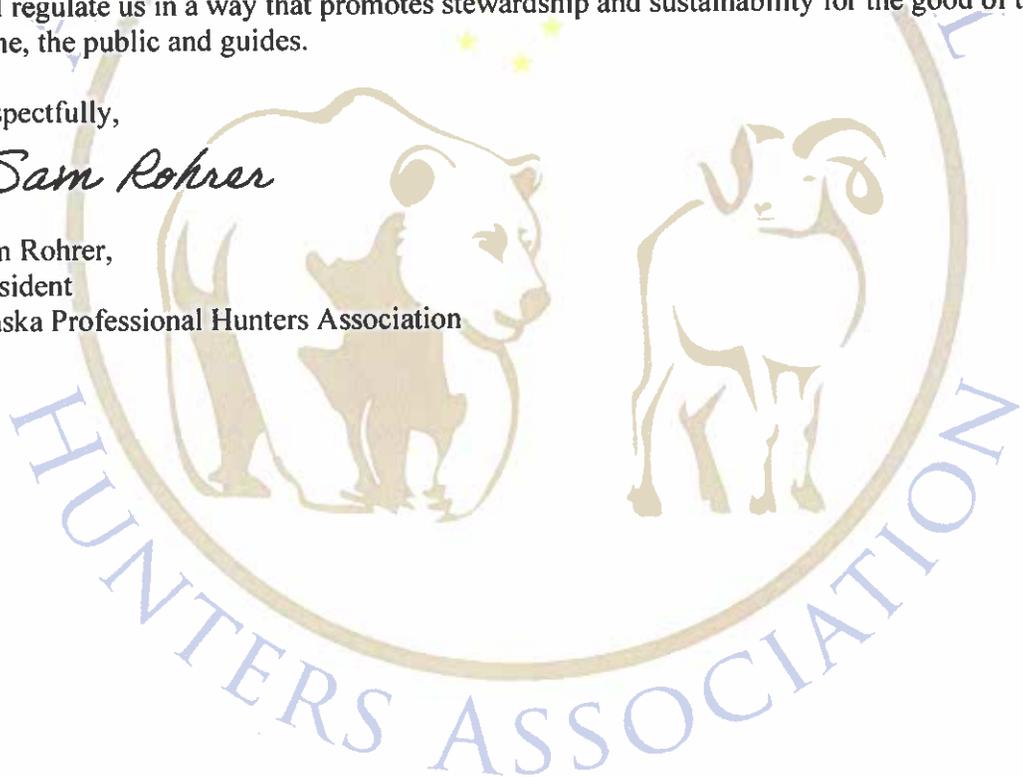
species and then the guides in those areas have the ability to take a limited opportunity and add value to the resource. Limiting guides in an area allows the BOG to reduce nonresident opportunity in a unit while small guide businesses remain viable because they will have a predictable number of hunts.

APHA is deeply thankful for HB396 and we offer this letter of support in the spirit of collaboration with the legislature and other stakeholders as we all work to solve a long-standing problem on state DNR lands. Without a regulatory framework to limit guides on state land we fear our historic Alaskan industry will not remain viable for much longer. Without guide areas, hunting guides will continue to race for the game at the expense of the general hunting public and we will lose our social license and the state will lose the benefit of this valuable rural economic driver. We humbly ask you to pass legislation that will regulate us in a way that promotes stewardship and sustainability for the good of the game, the public and guides.

Respectfully,

Sam Rohrer

Sam Rohrer,
President
Alaska Professional Hunters Association



Dedicated to the conservation of our wildlife resources.



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April 11, 2024
Representative Tom McKay
House Resource Committee
State Capitol Room 128
Juneau AK, 9980

Representative McKay,

I'm writing in support of, and to thank you for sponsoring, HB 396.

I have been guide outfitting since 1985 and hold Alaska Master Guide/Outfitter license GUIM160. I have been operating since the last state guide concession area system was in place and currently operate on federal lands which use a guide concession system. Concessions work very well for a multitude of reasons.

Concessions are extremely effective for managing the users and importantly, the resource. The consistent and predictable level of harvest is helpful to managers and guides are very good at helping harvest at a sustainable level.

Concessions also greatly benefit resident hunters as there are reduced conflicts, less crowding and a better game population.

Concessions also enable a guide to offer a higher quality experience for their clients, often for a higher price, thus benefiting our great states reputation and coffers.

Additionally, concessions make enforcement much easier and gives the state the ability to maintain high quality operators.

Please feel free to reach out with any questions or for more information.

Sincerely,


Paul A. Chervenak

Azabel Ordaz

From: James Smith <huntersmith54071@msn.com>
Sent: Sunday, April 14, 2024 11:16 AM
To: Rep. Thomas McKay
Cc: Azabel Ordaz
Subject: Letter of support for HB 396

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

My name is James Smith and I'm a Registered Big Game Guide. I started in the guide industry in 2009. I guide for 6 months out of the year. I run my own business on BLM lands and I also guide for 3 other outfitters. The others include: Jake Fletcher, Thor Stacey and Wade Renfro. The three I guide for all have federal guide use areas. This meaning they are the sole use registered or master guide's for that Guide Use Area.

I'm writing in support of the DNR guide concession program. I strongly advocate and support starting in problem areas like parts of the Alaska Range for Sheep and Moose and on the Alaska Peninsula for Brown bear. These areas are overran by guides. Year after year a-lot of guides that are in these areas complain multiple times and even submit complaints and violations to the Big Game Commercial Services Board about conflicts with other guides. In these particular areas there are no set number (allocations) for each species ie: moose, sheep, bear etc. Therefore there are a lot greedy guides who take an unlimited number of hunters which this takes its toll on the species being hunted and non resident hunters who come to this great state to fulfill a lifelong dream.

Having concessions in place will reduce in-field conflicts with other users and most importantly concessions are a great way to manage our species properly (this is most important). Take a look at the Kodiak National Wildlife Refuge Brown Bear management model this is the best management model worldwide.

I wanted to say Thank You for reading my email and if you have any questions please feel free to reach out via email or phone,

James R Smith II
Alaska HuntSmith LLC
Registered Guide # 128878
You Can't Put A Price Tag On A Good Time.

Azabel Ordaz

From: Jay H. Stanford <jay.stanford18@gmail.com>
Sent: Sunday, April 14, 2024 5:49 PM
To: Rep. Thomas McKay
Cc: Azabel Ordaz
Subject: Letter of support for HB 396

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative McKay,

First off I want to thank you for sponsoring HB 396 (Guide Concessions on State Lands). I am a registered guide and board member for the Alaska Professional Hunter's Association. I have primarily guided on federal lands, where exclusive guide areas are in affect, and I believe that is better way to operate for everyone involved. It gives a better experience for the client, makes for less conflicts with residents, and most importantly it's better for the animals. Parts of Alaska has become overcrowded and this bill will help with that. I believe, as guides, we need to hold ourselves to a high standard and regulate ourselves so that we have a positive future in the state. Thank you again for sponsoring HB 396.

Sincerely,

Jay H. Stanford
Registered Guide 117647
(907)764-4118

Azabel Ordaz

From: Mike Zweng <alaskaadventure@live.com>
Sent: Monday, April 15, 2024 4:47 AM
To: Rep. Thomas McKay; Azabel Ordaz
Subject: Fw: Letter of support for HB 396

Follow Up Flag: Follow up
Flag Status: Flagged

Representative McKay ,

I am writing this letter to say thank you, and express my full support of HB 396 regarding a state guide concession program. I have been a hunting guide for 18 years and have operated on state land, private land, as well as on federal land. Having experience guiding on land managed by various managers gives me a unique perspective to understand what works, and conversely where there are difficulties.

A guide concession program solves many problems, and I believe it is by far the best solution for all user groups. I understand that this is not the easiest solution to implement, however the best solutions to problems are seldom the easiest to implement and I believe this is the right time to implement such a program.

Implementing a guide concession program will benefit resident hunters. One of the issues on state land is an overcrowding of guides, which in turn causes conflict with resident hunters. This is not a good experience for anybody. By only having the most qualified guides operating in a Guide Use Area, it will allow resident hunters to have less guided hunting pressure and allow the resident hunter to even communicate with the guide operating in the area and formulate a plan to avoid conflict. This is not practical when there are many guides operating in one area as in the current model.

Implementing a guide concession program will also reduce conflict between guides. The program and selection criteria will be designed to select the most qualified guides to guide in the area. Guides will have to be the best they can be by not having violations, reducing conflict complaints, have a better safety plan, etc.. since they know this will be some of the selection criteria if they wish to guide in this area. It will naturally improve the quality of all guides.

Implementing a guide concession program will also provide a better experience for guided hunters since there will be fewer guides in the area. The guide selected to operate in the area will be able to somewhat manage game and provide feedback to biologists to improve the quality and quantity of game which in turn will improve the hunting experience for the client.

I have personal experience guiding on state land but I also have a Federal Wildlife Refuge Special Use Permit to conduct hunts on federal land on Kodiak. I can certainly see the benefits of the federal land guide concessions and can speak first hand of their benefits. All aspects of the hunt for all user groups are better when operating in an area that has the federal guide concession program and I believe having a state guide concession program would have the same effect.

I do not support a drawing type of lottery system. A drawing permit system causes much frustration with clients because they may have to put in the drawing for several years and may not ever draw a permit. If they do draw a permit, they may actually not be able to go on the hunt since it could conflict with other life events. I had a hunter that finally drew a Kodiak brown bear permit after years of trying but they had to cancel because of his daughter's wedding. He did not try again for a permit. From a guide perspective it is extremely difficult to run a business when you don't actually know how much business you will have until the drawing results come out. Employees of the guide also suffer because they may not know if they will even be employed. With a drawing system, there will still be multiple guides in the area and it could cause the same conflict as mentioned above and it would not have the benefit of a limited number of guides managing the area and acting as a biological liaison to the wildlife biologists managing the game.

Please continue support of HB 396 and if there is any other information I can provide from my experiences operating on various lands, please feel free to reach out to me at any time.

Mike Zweng
Registered guide #1290
810-278-7379