

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 13, 2013

1:05 p.m.

MEMBERS PRESENT

Representative Eric Feige, Co-Chair
Representative Dan Saddler, Co-Chair
Representative Peggy Wilson, Vice Chair
Representative Mike Hawker
Representative Craig Johnson
Representative Paul Seaton
Representative Geran Tarr
Representative Chris Tuck

MEMBERS ABSENT

Representative Kurt Olson

COMMITTEE CALENDAR

HOUSE BILL NO. 89

"An Act relating to the rapid response to, and control of, aquatic invasive species and establishing the aquatic invasive species response fund."

- MOVED CSHB 89(RES) OUT OF COMMITTEE

HOUSE BILL NO. 158

"An Act authorizing the commissioner of natural resources to implement a hunting guide concession program or otherwise limit the number of individuals authorized to conduct big game commercial guiding on state land."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 89

SHORT TITLE: AQUATIC INVASIVE SPECIES

SPONSOR(S): REPRESENTATIVE(S) SEATON

01/28/13	(H)	READ THE FIRST TIME - REFERRALS
01/28/13	(H)	FSH, RES, FIN
02/05/13	(H)	FSH AT 10:00 AM CAPITOL 120
02/05/13	(H)	Heard & Held

02/05/13 (H) MINUTE(FSH)
02/12/13 (H) FSH AT 10:00 AM CAPITOL 120
02/12/13 (H) Moved CSHB 89(FSH) Out of Committee
02/12/13 (H) MINUTE(FSH)
02/13/13 (H) FSH RPT CS(FSH) 7DP
02/13/13 (H) DP: JOHNSON, FEIGE, HERRON, GATTIS,
KREISS-TOMKINS, OLSON, SEATON
03/13/13 (H) RES AT 1:00 PM BARNES 124

BILL: HB 158

SHORT TITLE: DNR HUNTING CONCESSIONS

SPONSOR(S): REPRESENTATIVE(S) COSTELLO

03/05/13 (H) READ THE FIRST TIME - REFERRALS
03/05/13 (H) RES, JUD, FIN
03/11/13 (H) RES AT 1:00 PM BARNES 124
03/11/13 (H) Heard & Held
03/11/13 (H) MINUTE(RES)
03/13/13 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

GERALD McCUNE, Lobbyist
Cordova District Fishermen United
Cordova, Alaska

POSITION STATEMENT: Testified in support of HB 89.

CHRIS RAINWATER, Chair
Board of Directors
Homer Soil and Water Conservation District (HSWCD)
Homer, Alaska

POSITION STATEMENT: Testified in support of HB 89.

EDMUND FOGELS, Deputy Commissioner
Office of the Commissioner
Department of Natural Resources (DNR)
Anchorage, Alaska

POSITION STATEMENT: Testified and answered questions during the hearing on HB 89.

WAYNE KUBAT, Master Guide 147
Alaska Remote Guide Service
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 158.

THOMAS ATLIN DAUGHERTY, Registered Guide 1250
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 158.

LYLE BECKER, Registered Guide
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 158.

HENRY TIFFANY IV, Master Guide 144
Alaska Perimeter Expeditions
Ester, Alaska

POSITION STATEMENT: Testified in support of HB 158.

STEVEN PERRINS, Master Guide 123
Rainy Pass Lodge
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 158.

ISRAEL PAYTON, Registered Guide 1111
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to HB 158.

PETER BARELA, Registered Guide 1272
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to HB 158.

RONALD PAYNE, Registered Guide 1286
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to HB 158.

TIM BOOCH, Master Guide 176
Aleutian Islands Guide Service
Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to HB 158.

MIKE MCCRARY
Deadhorse, Alaska

POSITION STATEMENT: Testified in opposition to HB 158.

CHRIS BRANHAM, Master Guide 65
Branham Adventures
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 158.

DON (SMOKEY) COLEMAN DUNCAN, Master Guide 136
Alaska Private Guide Service
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 158.

PETE BUIST, Master Guide 79
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 158.

SAMUEL FEJES, JR., Master Guide 73
Tsui River Lodge
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 158.

CHRIS ZWOLINSKI, Master Guide 145
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 158.

ALLEN (AL) BARRETTE, Class A Assistant Guide 765
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 158.

TOM KIRSTEIN, Master Guide 98
Alaska Adventures Unlimited
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 158.

ACTION NARRATIVE

[1:05:56 PM](#)

CO-CHAIR DAN SADDLER called the House Resources Standing Committee meeting to order at 1:05 p.m. Representatives Hawker, Tuck, Seaton, Feige, and Saddler were present at the call to order. Representatives Tarr, Johnson, and P. Wilson arrived as the meeting was in progress.

HB 89-AQUATIC INVASIVE SPECIES

[1:06:17 PM](#)

CO-CHAIR SADDLER announced that the first order of business would be HOUSE BILL NO. 89, "An Act relating to the rapid response to, and control of, aquatic invasive species and establishing the aquatic invasive species response fund." [Before the committee was CSHB 89(FSH).]

[1:06:53 PM](#)

REPRESENTATIVE SEATON, as the sponsor, introduced HB 89, stating it is a rapid response bill for aquatic invasive species throughout the state. He noted one aquatic invasive species,

such as *Elodea canadensis* (*Elodea*), can be found in Southcentral Alaska as well as in Fairbanks. This species overruns salmon habitat. Other species, such as Northern Pike have established in the Susitna River drainage and on the Kenai Peninsula. *Didemnum vexillum* or "D vex" captured the legislature's attention last year when an infestation developed in Whiting Harbor near Sitka, and the rapid spread of *D. vex* posed a threat to the Sitka Sound Herring fishery. He expressed concern that commercial vessels such as seiners and tenders would not be able to operate if the species continues to grow. He pointed out the European Green crab and some mussel species across the U.S. have also clogged filters and waterways.

[1:09:03 PM](#)

REPRESENTATIVE SEATON reported the U.S. Fish and Wildlife Service (USFWS) estimates approximately \$120 billion per year in loss in the U.S. The University of Alaska's Institute of Social and Economic Research (ISER) estimates approximately \$29 million is spent on invasive species management in Alaska per year, divided between government and non-government groups. One thing that has hampered efforts to control invasive species is not having the ability to rapidly respond to an incipient population. He described an incipient population as a newly discovered population that has not yet become endemic throughout a watershed. Once an invasive species is established, it is very expensive to control. Currently, the state does not have the resources dedicated to respond. This bill would give state agencies the authority to act and prioritize actions that will be effective. It would set up a rapid response fund and dedicate funds for that purpose. This bill also considers private property in the development of plans and protects subsistence, recreational, and commercial opportunities before it is too late to act.

[1:11:04 PM](#)

REPRESENTATIVE SEATON related the bill would give ADF&G and other state agencies the authority and tools to deal with an outbreak of an invasive species in fresh or salt water. It would require ADF&G to coordinate with other state agencies and private organizations and private parties to develop plans for eradicating colonial tunicate, crab, or other invasive species. In response to a question, he clarified that a colonial tunicate is similar to a coral but it is soft, grows, and suffocates other marine life. He pointed out one reason felt soles on waders has been outlawed was to prevent people from picking up

invasive species in their soles and transferring it to the next stream.

REPRESENTATIVE SEATON said he hopes this bill will help prevention efforts, which is cheap and incipient population control, which is a less expensive method to address the problem than for an established invasive species.

[1:12:54 PM](#)

REPRESENTATIVE SEATON explained that HB 89 would give ADF&G the authority to use the appropriate means to address invasive species, whether chemical or physical. It would also establish an expedited review of plans, and prioritization for eradication of the species over other management issues. He recalled one concern that arose during invasive species control for *D. vex* was that some sea urchins were also destroyed in the process of addressing the invasive species, which is why the bill includes management provisions.

REPRESENTATIVE SEATON said the bill will require that the development of a plan consider the impact on native fish species and also consideration of private property.

REPRESENTATIVE SEATON said HB 89 would also hold harmless state agencies. One of the conditions of receiving mariculture permits is that the leaseholder must recognize the state may need to intervene to address invasive species and the state would be held harmless; however, he stressed that this immunity would not extend to gross negligence or intentional misconduct.

[1:15:18 PM](#)

REPRESENTATIVE SEATON reiterated the bill would establish a rapid response fund, although it contains restrictions against using the funds for planning. Instead, the rapid response fund will be used for rapid response. He expressed concern that the "D vex" problem in Sitka hasn't yet been addressed and the state is now coming up on four years since it was first discovered. The purpose of this bill is to provide an effort to "get ahead of the game" instead of being "behind the game."

[1:16:03 PM](#)

REPRESENTATIVE HAWKER recalled that last year a similar bill made it to the Senate Rules Committee and some minor but

important changes were made to the bill during the process. He wished the sponsor well this year.

REPRESENTATIVE SEATON noted that last year's bill had been introduced as a House Resources Committee bill. This year he introduced HB 89 as a personal bill, but it is essentially the same bill.

[1:17:07 PM](#)

CO-CHAIR FEIGE offered his understanding the legislative intent is to deal with incipient populations, which are ones that have not gained a foothold within the state.

REPRESENTATIVE SEATON confirmed that is correct. He explained incipient does not need to be defined since it relates to a first outbreak or a new outbreak of a species even if it is found in Alaska.

CO-CHAIR FEIGE concluded that based on that answer he agrees incipient does not need a definition.

[1:18:24 PM](#)

CO-CHAIR SADDLER asked whether HB 89 will address the impacts from agency contractors if DNR sublets its authority and whether the bill extends to private contractors action on private property.

REPRESENTATIVE SEATON answered yes. He referred to page 2, line 17-19, which reads, "(f) The Department of Natural Resources and the department shall include in all relevant leases and permits a provision that the state and the officers, employees, and agents of the state shall be held harmless for an act under (b) of this section that affects private property of the lessee or permittee." This language originated from ADF&G and "agents of the state" would extend to contractors, he said.

[1:19:20 PM](#)

CO-CHAIR SADDLER asked whether the bill extends to terrestrial or land-based invasive plant species, as well.

REPRESENTATIVE SEATON pointed out that this bill is limited to addressing aquatic - freshwater and marine - species. The U.S. Department of Agriculture has authority on terrestrial invasive plant species. He stated that the Alaska Committee for Noxious

and Invasive Plant Management handles land-based plants. The aforementioned committee supports the bill.

1:20:31 PM

CO-CHAIR SADDLER inquired how the rapid response fund would be funded.

REPRESENTATIVE SEATON was unsure of the appropriation amount, but he anticipated \$1-2 million would be necessary. This bill does not appropriate money to the rapid response fund. The legislature would need to take a separate action to do so. In response to a question, he agreed the bill has a House Finance Standing Committee referral.

1:21:33 PM

CO-CHAIR SADDLER referred to page 2, lines 8-10 of HB 89, to the language, " (d) Rapid response to, and management of, an aquatic invasive species under (b) of this section shall be given priority over activities regulated by the department in the area where an incipient population of an invasive species is being targeted." He asked for clarification on the size of the area.

REPRESENTATIVE SEATON said that discretion has been left to the department. He clarified if the area is too large it would be considered an endemic population. He clarified that the intent of this language is not to stop all management in an area, just within the localized area in which a "controlled plan" is being activated. This language would give the control plan priority over the normal management of fish species within the localized area.

1:23:00 PM

CO-CHAIR SADDLER posed a scenario of a ship sinking that spills oil. He asked how the response to an invasive species would be prioritized.

REPRESENTATIVE SEATON responded he does not think the scenario would correspond at all. This bill pertains to ADF&G's authority over its activities. He related a number of different species, openings, and closings occur under ADF&G, but the bill does not pertain to the Department of Environmental Conservation's activities or fuel contamination.

[CO-CHAIR SADDLER opened public testimony on HB 89.]

1:24:33 PM

GERALD McCUNE, Lobbyist, Cordova District Fishermen United, stated that last year in Prince William Sound fishermen noticed considerable debris washing in from Japan. At the time he contacted the National Oceanic & Atmospheric Administration (NOAA). He said he would like to see the bill include coordination with NOAA because he anticipates significant Japanese debris to continue to appear over the next couple of years. He pointed out some incidents, such as a van that floated around, but disappeared, and a variety of bottles, buoys, and baskets that have been discovered. He offered to establish a hot line with NOAA, DNR, or ADF&G with respect to the debris. He assumed a long-term plan would include the state inspecting the debris for invasive species. He offered support for the bill.

1:26:58 PM

CHRIS RAINWATER, Chair, Board of Directors, Homer Soil and Water Conservation District (HSWCD), stated that the HSWCD supports HB 89. The HSWCD has been working on invasive species in the uplands and agricultural community for about six years. He cautioned that it takes time to put procedures together which work well, but he hoped he will be able to assist. He pointed out that it is thought Elodea may be in a couple of the lakes around Homer as a result of float planes. Thus the conservation districts will investigate the float plane lakes within their boundaries this summer. In conclusion, he stated he appreciated the committee's efforts.

1:28:05 PM

CO-CHAIR SADDLER noted Mr. McCune indicated the need for coordination with federal officials. He wondered whether the bill addresses that or if it could be accommodated.

REPRESENTATIVE SEATON referred to page 1, line 6-7, to Section 1 of the bill, which read, "(a) The department shall, in cooperation with the Department of Environmental Conservation, the Department of Natural Resources, and other state, federal, public, and private entities, establish a rapid response and management plan for addressing incipient populations of aquatic invasive species." Thus, he believes it is covered in the bill. He clarified the coordination is limited to the development of the plan, which is important.

REPRESENTATIVE SEATON asked to have Mr. Fogels testify to have on the record the intent of the bill. He characterized it as a "war" and a "battle". He stated that a tactical battle is necessary to eradicate an incipient population. Once it reaches an endemic population, a war is necessary to rid the invasive species.

[1:30:29 PM](#)

EDMUND FOGELS, Deputy Commissioner, Office of the Commissioner, Department of Natural Resources (DNR), stated that the department has been reviewing the bill. As Representative Seaton said the war on invasive species is a battle; it's big. The Department of Natural Resources (DNR) has developed its own strategic plan, primarily focused on terrestrials, weeds, and agricultural pests, although Elodea is rapidly becoming part of the plan. The department has put together a memorandum of understanding (MOU) that was signed in January 2013 by the Alaska Department of Fish & Game (ADF&G), the Department of Environmental Conservation (DEC), and the DNR, with DNR as the lead agency for coordinating the Elodea and freshwater aquatic invasive species battle. This bill would establish a rapid response fund which is only one part of the battle. The DNR's strategic plan covers quick response since the costs are substantially lower to eradicate invasive species during the quick response phase as compared to when the species has caught hold.

[1:31:42 PM](#)

CO-CHAIR SADDLER recalled the invasive species [Pueraria montana] kudzu taking over the ecosystem in Georgia. He asked whether any instance has occurred to eradicate an invasive species once it has become endemic.

MR. FOGELS responded that he did not know the answer to that question. He offered to research it.

REPRESENTATIVE SEATON said it depends on the location. It's better not to introduce a species, but battles have been fought around the world. For example, in Australia, they've battled against rabbits.

MR. FOGELS recalled some success stories in eradicating rats on some islands in the Aleutian chain.

CO-CHAIR SADDLER acknowledged it's easier to fight the battle [early on].

CO-CHAIR SADDLER, after first determining no one else wished to testify, closed public testimony on HB 89.

[1:33:29 PM](#)

REPRESENTATIVE JOHNSON referred to page 2, lines 18-19 of HB 89. He expressed concern about the term "employees and agents" since he was unsure how broad that term is in the bill. He indicated he discussed this with the DNR and the department did not have any issue in removing "agents". He would be willing to offer a conceptual amendment to remove "and agents".

CO-CHAIR SADDLER stated he would entertain it as Conceptual Amendment 1. He deferred to the sponsor of HB 89.

REPRESENTATIVE SEATON asked for clarification that Conceptual Amendment 1 would be to remove "and agents" on page 2, line 19. He said he did not have any issue in doing so.

[1:35:21 PM](#)

REPRESENTATIVE JOHNSON moved to adopt Conceptual Amendment 1, [on page 2, line 19, to remove the language "and agents".

CO-CHAIR SADDLER restated the motion and said the language on page 2, lines 18-19 would now read, "... all relevant leases and permits a provision that the state and the officers, employees, of the state ...".

REPRESENTATIVE JOHNSON added he would like to the bill drafters to have the latitude to make any grammatical corrections.

There being no objection, Conceptual Amendment 1 was adopted.

[1:36:22 PM](#)

REPRESENTATIVE HAWKER observed that the fiscal note includes three temporary employees in the Division of Sport Fish [ADF&G] and one temporary employee in the DNR's Division of Agriculture, which he characterized as having a relatively benign fiscal impact. However, these fiscal notes still create a fiscal impact for the bill. He said his personal preference is that the two fiscal notes be zeroed out by the House Resources Standing Committee and have the departments provide a more

thorough explanation in the House Finance Standing Committee and a justification for the fiscal note.

[1:37:54 PM](#)

The committee took an at-ease from 1:37 p.m. to 1:38 p.m.

[1:38:32 PM](#)

CO-CHAIR SADDLER asked whether the bill sponsor has any objection to that procedure.

REPRESENTATIVE SEATON answered he would like to make sure that zeroing out the fiscal note is not interpreted as attempting to avoid a finance committee referral. He did not think that was the committee's intent.

CO-CHAIR SADDLER understood that the intent of the committee is for HB 89 to have a referral to the House Finance Standing Committee. The argument in defense of the fiscal note figures would be part of the discussion.

REPRESENTATIVE JOHNSON noted it would take a floor action by the speaker to remove the committee referral.

[1:39:46 PM](#)

REPRESENTATIVE HAWKER moved to adopt Conceptual Amendment 2, that fiscal notes 4 and 5 be zeroed out, resulting in all the fiscal notes attached to HB 89 will be zero fiscal notes. This motion carries a clear intent that the bill will continue on to the finance committee.

REPRESENTATIVE SEATON objected for the purpose of discussion. He clarified that the funding is being zeroed out, but the language on page two of the fiscal notes is not being zeroed out.

REPRESENTATIVE HAWKER said he was willing to take that as a friendly amendment.

REPRESENTATIVE HAWKER restated the motion. He moved to adopt Conceptual Amendment 2, to zero out fiscal notes 4 and 5, but to leave the fiscal note analysis attached. This would result in all the fiscal notes attached to HB 89 as zero fiscal notes. This motion carries a clear intent that the bill will continue on the finance committee. Further, if the ADF&G or the DNR wish

to obtain funding the departments must argue for funding before the House Finance Standing Committee.

There being no further objection, Conceptual Amendment 2 was adopted.

[1:41:27 PM](#)

REPRESENTATIVE P. WILSON moved to report HB 89, as amended, out of committee with individual recommendations and the accompanying zeroed fiscal notes. There being no objection, the CSHB 89(RES) was reported from the House Resources Standing Committee.

[1:41:45 PM](#)

The committee took an at-ease from 1:41 p.m. to 1:45 p.m.

[1:45:02 PM](#)

HB 158-DNR HUNTING CONCESSIONS

CO-CHAIR FEIGE announced that the final order of business would be HOUSE BILL NO. 158, "An Act authorizing the commissioner of natural resources to implement a hunting guide concession program or otherwise limit the number of individuals authorized to conduct big game commercial guiding on state land."

CO-CHAIR FEIGE opened public testimony on HB 158. He asked guides to identify themselves by their guide license number and to indicate the number of hunts they conduct annually, as well as the percentage of their income that is derived from guiding.

[1:46:24 PM](#)

WAYNE KUBAT, Master Guide 147, Alaska Remote Guide Service, stated he has lived in the Matanuska-Susitna valley for nearly forty years, conducts on average 8-12 full service hunts ranging 12-15 days in duration, which represents approximately 60-70 percent of his income.

MR. KUBAT provided his background such that he became an assistant guide in 1981 and obtained his registered guide license in 1986. He also joined the Alaska Professional Hunters Association (APHA) as a professional member. In 1987, he started his own guide business, Alaska Remote Guide Service. He served on the Matanuska-Susitna Valley Fish and Game Advisory

Committee from 1998 to 2007, and served as chairman during his last four years of service. In December 2012, he also began serving on the APHA's Board of Directors. He stated this is the first time he has traveled to Juneau and he did so because this bill is important to him.

MR. KUBAT said he is here to testify in support of HB 158, which will allow the Department of Natural Resources (DNR) to establish a Guide Concession Program (GCP). Many members who are opposed to the GCP have attempted to paint this as a "David and Goliath" battle, with the APHA guides being "Goliath." Certainly, he acknowledged the GCP would be a limiting plan; however, the APHA guides would not fare any better as a group than most other guides. Still, most APHA's guides are willing to risk some sacrifice in the short term in hopes of stability and viability for the guiding industry over time.

MR. KUBAT indicated approximately 1,400 licensed guides operate in Alaska, of which 550 are registered and master guides who can conduct hunts. He reported only 312 registered and master guides contracted at least one hunt last year.

[1:48:35 PM](#)

MR. KUBAT indicated that APHA membership averages 125 members per year or approximately one-third of the number of guides who contracted guided hunts last year. However, research shows that APHA's membership conducts approximately 50-70 percent of the guided hunts in any one year.

MR. KUBAT stated that the APHA board held a teleconference with its membership in January, with 45 of its members participating on-line. While support for the GCP was not unanimous, a strong majority supported the program. As a result, the APHA's BOD voted unanimously to support the GCP and subsequently, for HB 158, which will authorize DNR to implement the program.

[1:49:33 PM](#)

MR. KUBAT said that when the state licenses other professionals, such as pharmacists, hairdressers, or other professionals, they don't provide free office space to them, but instead allow the professionals to operate in the industry. He said it seemed to him the state is offering "free" space to registered guides by allowing anyone with a guide license to operate in up to three guide use areas on state land for virtually no cost at all. He offered his belief that this policy hurts the wildlife resources

as well as the quality of experience for thousands of Alaska's resident hunters. While the 300 guides currently wonder how the GCP will affect them, thousands of resident hunters will also be affected by the bill, he said.

[1:50:41 PM](#)

THOMAS ATLIN DAUGHERTY, Registered Guide 1250, said he started guiding when he was 18 years old and has been guiding for 10 years. He was born and raised in Juneau and is a third generation Alaskan. He has worked as a commercial fisherman and a big game guide. He has guided in most regions of the state, including Southeast Alaska, Kodiak, Alaska Peninsula, Western Alaska, and central Alaska, GMU 20, and the Arctic. He offered his belief that guiding on federal lands with concessions is far better for guides than guiding on state lands. He offered his support for the GCP program. Furthermore, he believed that changes to guiding must happen if younger guides are to have a sustainable long-term industry. He hoped the committee would give the DNR the tools to make this happen.

[1:52:19 PM](#)

CO-CHAIR FEIGE asked for the number of hunts contracted on average.

MR. DAUGHERTY said he assists other guide-outfitters [and does not contract hunts]. In further response to a question, he indicated about 20 percent of his income is derived from guiding hunters.

[1:52:48 PM](#)

LYLE BECKER, Registered Guide 1276, said he obtained his assistant guide license in 2006, his registered guide license in 2009, and he guides about 8-10 clients per year. Approximately 70 percent of his annual income is derived from guiding activities. Additionally, he spends about 90-100 nights per year in a sleeping bag on the ground. While he is a registered guide and could contract for hunts, he does not currently do so. He began working for a registered guide on state lands in 2006 in GMU 14A for sheep. He said he noticed immediately the area was overrun with guides and hunters. Within two years the area changed from a general hunt to a drawing hunt permit. Thus his initial experience in guiding was in an overcrowded area. He said he learned his lesson that state land was not the place for him to make long-term investments. In all good conscience, he

realized he couldn't tell clients that he would be able to provide a quality hunt on state lands, even though he is legally allowed to contract hunts. Thus he sought out guides he could work for on federal lands to carve out a niche. Last year when the rotation for permits on federal lands came up he applied for an area and was awarded a small area. He characterized himself as being an example of a guide who follows the rules and benefits from guiding, noting guiding is his livelihood and vocation.

MR. BECKER offered his belief that the GCP would reduce user conflicts with resident hunters, which is a major concern. The GCP could prevent some areas from going to drawing hunt permit areas. Finally, the GCP would help provide hunters with a quality experience.

[1:55:39 PM](#)

REPRESENTATIVE SEATON asked how the GCP would create less contact with resident hunters. He further asked whether that would be due to less animals being taken.

MR. BECKER replied that [fewer hunters and less contact] is part of it. He said it would depend on the area in the state, but in his experience he has worked in areas with numerous guides operating in small areas. He anticipated that fewer animals would be taken under the plan. One other component under the GCP that would reduce user conflicts is that the hunter would know in advance the number of guides operating in an area. Currently, whoever fills out the paperwork and wants to take a client in an area could do so. Theoretically, 100 people could land on one landing strip. However, if the GCP or a similar system were implemented, the hunter would know in advance the number of tags allocated to an area.

[1:57:09 PM](#)

REPRESENTATIVE TARR said one criticism she has heard about the bill is that it would be more difficult for independent guides to participate. She asked whether he would continue to work as an assistant guide or if he would apply for one of the concessions.

MR. BECKER answered that his goal is to be self-sustaining and be a contracting guide for his own areas. Now that he has a small area, which is for three brown bear and two moose hunts, he'll be able to do so. While the income from guiding won't

sustain him for the year, little by little he hopes to acquire other small concessions.

1:58:16 PM

REPRESENTATIVE TUCK inquired whether an assistant guide is limited to hunting in the proximity of the [master or registered] guide or if it is easy to transfer and hunt other species of animals in different areas.

MR. BECKER clarified that a master guide or a registered guide can contract for hunts in three guide use areas statewide. As an assistant guide or as a registered guide functioning as an assistant guide - as he has been doing - the guide shifts around. In any given year, he has hunted for up to six different contracting guides. He said that people with a normal fulltime job usually cannot work for multiple guides. Instead, those assistant guides will typically work with a guide in one area.

1:59:31 PM

REPRESENTATIVE TUCK asked whether anyone can apply to become an assistant guide.

MR. BECKER responded that the basic minimum qualifications for guides include the applicant must hold a first aid card, have a clean and clear violation record, plus spend time hunting in Alaska, which he recalled was a minimum of approximately 60 days of hunting. He further recalled the requirement to harvest a big-game animal during that time period was recently dropped. In response to Representative P. Wilson, he said he is an APHA member.

2:00:36 PM

REPRESENTATIVE P. WILSON suggested it is helpful if testifiers will identify whether they hold a membership with the APHA.

2:00:56 PM

HENRY TIFFANY IV, Master Guide 144, Alaska Perimeter Expeditions, said he previously resided in Juneau and Anchorage, but has resided in Fairbanks for the past 25 years. He said he was lucky as a young man to find a vocation that ignited a passion in him. Becoming a guide took time and dedication. He learned guiding from others. He found the process valuable, and

is glad to have gone through the process. He fully supports HB 158. He has supported the [GCP] process ever since a group of guides approached DNR to identify problems that exist on state lands. He stated the majority of his income is earned through guiding and the guides that work for him are all Alaskans. The vast majority, if not all, of the income derived from his camps stays in Alaska.

[2:02:59 PM](#)

MR. TIFFANY stated that many user groups in Alaska enjoy the lands and resources. He emphasized his belief that the GCP program would not affect negatively affect resident hunters. The only difference would be that resident hunters would notice fewer hunters in the field. As a resident hunter himself, the fewer people he encounters, the better his experience has been. He did not believe that the GCP would restrict resident hunters, but would also benefit rural communities. He said if rural residents find something amiss, but are acquainted with the few guides working in their area, they can go to these guides and discuss their problems; however, currently there may be so many guides operating in an area that the residents wouldn't know who to contact to address the issue.

MR. TIFFANY offered his belief that if guided hunts were changed to drawing hunt permits, it would result in the death of legitimate professional guiding. The majority of the income would go to booking agents and companies that already exist, such as Cabela's. Cabela's offer services to applicants on drawing hunt permits. He predicted the market would be flooded with agreements to particular guides who were willing to pay Lower 48 companies more money if they will apply their clients to book the drawing hunts. He expressed an interest in keeping Alaska in good fiscal shape. He believed that the guiding industry represents an important factor. He argued against going down a path that could divert funds to Lower 48 corporations, which otherwise would stay in Alaska.

[2:05:45 PM](#)

CO-CHAIR FEIGE queried what Cabela's would have to do with Alaska's guiding program.

MR. TIFFANY explained that some corporations, such as Cabela's, offer a service to apply for drawing hunts throughout the Lower 48. He said in many states the only opportunity for a hunter to participate in a hunt is through a drawing hunt process. He

explained that these companies have huge data bases of potential clients and the ability to flood the market with clients. These companies might offer guides an opportunity to guide hunters in the field who draw a tag for a "bigger cut." He cautioned that if a GCP or similar program is not implemented, the BOG will need to make some hard decisions, such as one under consideration to go to a drawing hunt permit. In all likelihood, outside interest groups would gain more than other groups within Alaska.

CO-CHAIR FEIGE asked whether the methods the corporations such as Cabela's are keeping residents from drawing hunt permits.

MR. TIFFANY allowed his knowledge in this regard is general because the areas he hunts are not drawing hunt permits, but he did not think it would prevent a resident from applying. For example, he surmised that if 10 non-resident permits will be issued and 900 of the 1,000 applicants come from a specific organization so it is likely that the organization's applicants will have a better chance of obtaining those permits. In response to a question, he acknowledged he is a member of the APHA.

[2:09:07 PM](#)

STEVEN PERRINS, Master Guide 123, Rainy Pass Lodge, stated he operates Rainy Pass Lodge, which is located in the Alaska range. He said Rainy Pass Lodge is the oldest hunting lodge in Alaska, commemorated last year for 75 years in business as a hunting and recreational lodge. Although he has concerns with the proposed guide concession program, he is in support of it. He said he has been guiding in Alaska since 1977 and holds master guide license number 123.

MR. PERRINS said he currently runs a business with his wife and five sons, four of whom are guides. One son is a registered guide and the other three are assistant guides. He said he has guided on Kodiak since 1981. He purchased an area under the old guide area system and when the Alaska Supreme Court issued its decision [Owsichek] he lost his guide area. He reported that 18 guides applied for the permit, which he believed is currently the most sought after permit for non-residents and multiple guides on Kodiak Island.

[2:10:47 PM](#)

MR. PERRINS said he went from having a business guiding five bear hunt clients per year to guiding seven bears per year; however, with the current system he was only awarded one permit last year and none for this spring. He said he has lost nearly all of his business due to inconsistency in drawing hunt permits. In fact, he previously was booked three years in advance and considered one of the top-tier operators, who provided a good-quality guided-service with permanent camps, good accommodations, heat, and "the whole nine yards." He characterized his clients as being among the wealthiest in the world, but he also catered to clients who saved for five years to go on their "dream hunt in Alaska." While the current permit system is still in place and helps conservation, he offered his belief the system has removed any business security for guides.

MR. PERRINS said he has clients waiting to draw hunting permits. He has observed registered guides in the area that he characterized as being "hobby guides" who do not have permanent structures. He acknowledged there isn't anything wrong with a hobby guide. However, more importantly, the guiding industry generates a lot of revenue to the state, bringing positive representation as a hunting destination - noting that Alaska and Africa are still the two best known areas to hunt with professionals. In fact, to maintain that image it is important to protect the industry. He carried a guide license in Colorado for several years and he also guided in Texas many years ago. Those states with a drawing hunt permit system do not provide any stability [for guides]. A rancher may attract some people this year to hunt, but the next year his hunters may not draw permits; however, the biggest difference is that the rancher doesn't count on the hunts for his livelihood. He said, "This business is my entire livelihood." He said he derives his primary income from guiding.

[2:13:11 PM](#)

MR. PERRINS posed an analogy if one considered the airplane charter services on Lake Hood as a whole that the view would be it helps the folks travel to remote areas in Alaska. However, only a small group of the charter services are businesses that have survived for many years. Their safety record and procedures keep them in business. In addition, there are a group of "hobby pilots" who are in business one year and out of business the next. Perhaps in year three these "hobby pilots" will be back on Lake Hood trying to get the guide business again, but those kinds of businesses don't create stability. While it may give the pilots supplemental income, it simply

doesn't create stability. Perhaps these businesses allow them to have tax advantages for their hobby, their airplane, and their own personal hunting. However, that activity doesn't give tourists or future hunters a stable industry, one that continually strives to improve and invest in an industry to make it better for the people they serve, such as the one that the guides who earn a living attempt to do.

MR. PERRINS pointed out the difficulty in maintaining his hunting structures when he only conducts a hunt with one hunter per year. He offered his belief that the focus should be on the industry and the people who guide for their livelihood since they are the ones who will invest in their businesses.

2:15:26 PM

MR. PERRINS expressed his concern that currently there is no transferability [of guide units]. He said he has 15 horses and if one of his horses kicks him and he is injured, there should be a provision so his business can continue to operate. He emphasized that transferability is a must to keep the industry solid. Investment in the business is important yet there is not any credit for it. He said he has asked DNR consistently for an industry representative [to serve on the board]. As much as he wants a concession program supported by the legislature, he also thinks some additional parameters need to be placed on [the GCP] and it needs to be fixed during the process, not afterwards. He said most guides share his concern.

MR. PERRINS predicted that a drawing hunt permit situation will put him out of business even though he has the oldest hunting lodge in Alaska. Granted, many other guides who count on this as their livelihood will be put out of business, as well.

2:17:15 PM

ISRAEL PAYTON, Registered Guide 1111, stated that he is a lifelong Alaskan and a registered guide, but is not a member of APHA. He has guided on state and federal land for 17 years and derives approximately 20 percent of his income from guiding. He typically works for other contracting guides. He asked to testify in opposition to HB 158.

MR. PAYTON expressed concern that DNR would be given the authority to allocate small business in a free market system. He wondered if the current administration's policy is to grow the government. He focused attention on the carrying capacity for hunting guides in the state. He said guides are currently

split on the answer. However, the decisions should be based on facts, not on the current personal preferences, blanket allegations, and anecdotal information pushed by a strong and vocal segment of the industry.

[2:18:34 PM](#)

MR. PAYTON said the DNR reported on the level of guided hunters in Alaska in appendix C, which he previously provided to the committee [unidentified document]. In 2000, approximately 4,600 guided hunters were reported and in 2010, 3,000 guided hunters were reported, which is a decrease of 1,600 guided hunters or 33 percent fewer hunts. In concluded this means there is less pressure on the wildlife resources and less crowding in the field in recent years.

MR. PAYTON, regarding the sheep scenario presented by ADF&G on 3/11/13, on GMU 13D and 14A, reported these GMUs are easy driving distances from Anchorage and the Matanuska-Susitna Valley. However, statewide sheep data from ADF&G's website shows hunter participation and successful harvest has been stable without any recent spikes during the past 29 years.

MR. PAYTON said in 1991, DNR proposed an action similar to HB 158, which would have limited fishing guides on the Kenai River. He stated this proposal was denied by the attorney general's office based on their view that the data did not support the conclusion of overcrowding or indicate increased fishing pressure. Additionally, the data did not indicate that limiting the number of guides alone would help solve the problem if one existed.

[2:20:11 PM](#)

MR. PAYTON said he asked DNR whether guided hunters coming into the state would be reduced by this program. He reported that DNR answered that none or very few non-resident hunters would be reduced. He offered his belief that the problem is [allocation of wildlife resources] between non-resident hunters versus resident hunters. If the number of guided hunters will be reduced, he asked how the GCP would address the alleged problem. He characterized the proposed program as being a guide competition program. He understood that individual guides would want to be the only ones allowed to operate their business in an area. He also understood their arguments. However, turning to previous testimony, the indication is that if guides are restricted that air taxis and transporters will fill the void

with drop-off hunters. Besides, it isn't right to restrict one group alone.

MR. PAYTON suggested if the committee decides that wildlife management and stewardship are the true concerns, HB 158 needs to be amended. He further suggested a proposed amendment be adopted by DNR to not only limit hunting guides but to limit all commercial operations related to non-resident hunters, including air taxi and transporters who drop hunters in the field. Only when DNR has developed a program to cover all commercial user groups simultaneously, should the GCP or a similar program be implemented.

[2:21:43 PM](#)

MR. PAYTON offered his belief that current hunting guides are fighting among themselves. He recalled Mr. Spraker's testimony [Chair, Board of Game] that the true problem is not a guide problem. It is a people problem. Hence, this means too many hunters. Thus he asked members to consider this perspective. Additionally, the proposed program doesn't provide any money to the general fund or a fish and game fund since fees are based on administrative costs of the program. Therefore, the state would be allocating the state's natural resources to a commercial operation without any direct benefit or royalty to the state. In response to a question, he stated that his percentage of income from guiding is approximately 20 percent. In the past three years he has not contracted a hunt although he could do so in guide units 16 and 19. In the 17 years that he guided on state lands he had only one user conflict with another guide during all that time.

[2:24:18 PM](#)

PETER BARELA, Registered Guide 1272, stated that he has held his registered guide license since 2007 and he derives approximately 60-70 percent of his income from guiding. He said he is an APHA member and he does not support HB 158. He contracts two to five guided hunts per year. He also works for another guide on an additional eight hunts.

MR. BARELA said the issues are related to conflict. He did not think that HB 158, which would give DNR the authority [for concessions] would solve the problem of transporters and air taxis since these operators are regulated by the Federal Aviation Administration (FAA). Further, regulating game populations is accomplished through ADF&G, not the DNR. The Big

Game Commercial Services Board (BGCSB) is tasked with disciplining rogue and pirate guides. In fact, if the BGCSB uses its authority it could eliminate some of the guides that have created problems for the industry. He questioned how HB 158 will give DNR the authority to control the other huge problems on state lands.

[2:26:50 PM](#)

REPRESENTATIVE TUCK asked whether he would support the bill if it was under ADF&G.

MR. BARELA answered no; because there are other issues with HB 158 that would need to be changed.

[2:27:19 PM](#)

RONALD PAYNE, Registered Guide 1286, stated has been guiding since 2006 and is not an APHA member. While he thinks something needs to be done, he is opposed to HB 158. He said the proposed GCP is a bad program for several reasons. First, he found most of the APHA's testimony to be rhetorical, except for some facts stated by Mr. Barela. Second, he did not think that anyone has identified the true cost of the proposed[GCP].

[2:28:41 PM](#)

MR. PAYNE cited an example of how DNR never has sufficient funding to implement its programs. He described a mining incident that took several complaints by an Alaska State Trooper (AST), who had observed devastation at a mine site. Several months later DNR finally investigated the AST's complaints. He concluded that DNR does not have the capabilities to handle the program. He predicted it would cost hundreds of millions of dollars in the foreseeable future. With respect to enforcement, he pointed out the department has one Super Cub under the Division of Parks and Outdoor Recreation that has "been in pieces" for the past two years. He questioned whether the DNR could adequately enforce its program. Finally, he did not believe the revenues would outweigh the costs to implement the program.

[2:30:46 PM](#)

TIM BOOCH, Master Guide 176, Aleutian Islands Guide Service, stated he is a 35-year resident of Kodiak, holds registered master guide license number 176, and averages 12 hunts per year.

He conducts his hunts in guide use areas 8,9, and 10. He has had two DNR recreational camp permits for his bear and moose hunts since 1996. Additionally, he has two U.S. Fish & Wildlife Service (USFWS) refuge permits. He said he is a member of the APHA. He averages about 12 hunts a year and he participates in drawing permit hunts. He spoke in opposition to HB 158 and to the DNR's guide use area concession.

[2:31:52 PM](#)

MR. BOOCH outlined six alternatives to HB 158. First, he suggested including DNR commercial recreation permit camps in the BGCSB statute designating spacial distribution between established guide camps statewide on state land and specifically GMU 9. He referred to regulation 12 AAC 75.340, relating to ethics standards for guides, which includes a provision for buffer areas. He read, "Allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunter experiences. In GMU 9, a person holding any class of guide license may not place a camp within two miles of a permanent structure or permanent camp being used for big game guide purposes." Permanent structures or permanent cabins are not the only established guide operations on state land anywhere in the state. If the intent of the regulation and the BGCSB was to identify where the established guide camps were in GMU 9, the board could have consulted with DNR to identify the existing camp permits or implemented it statewide.

[2:32:49 PM](#)

MR. BOOCH outlined his second recommendation, suggesting the 14-day statewide permit should be eliminated. Specifically, operators under this land permit have contributed to a considerable amount of the problem. Third, he recommended that the ADF&G demand the Board of Game (BOG) stick to the previous 10-year average when allocating percentages to drawing hunt permits. He asserted that the APHA/DNR guide concession program has contributed to the decline in the big game guide industry by the BOG in its up to 10 percent non-resident precedent setting allocation of the Delta Sheep permit. Furthermore, the APHA's lobbying effort convinced the BOG that the implementation of the Kodiak model drawing hunt permit guidelines model would not work in other areas, and the concession program eliminated the need for a drawing hunt permit. Otherwise, the BOG would have adopted a statewide drawing hunt permit guideline for all new and existing drawing hunts and would have applied the previous 10-year average policy.

2:34:56 PM

MR. BOOCH suggested a fourth measure, which is to implement regulations for resident hunter ethics that mirror guide statutes and enforce them through prosecutions, fines, and disciplinary actions. Unless resident hunters are evaluated in terms of their contributions to the problems, the [guides] will continually concede the free market liberties to the federal style bureaucratic take-over of the rest of the guide industry on state lands.

MR. BOOCH suggested a fifth measure, which is to require all commercial transporters providing services to big game sport hunters to have transporter licenses with the Division of Occupational Licensing and include commercial transporters in the aforementioned professional ethics standards for guides His sixth and final recommendation to address the problem, would be to add moose to the guide-required species for non-resident hunters.

2:36:25 PM

MIKE MCCRARY indicated he has a familiarity with the guiding issues and he hopes this bill will not move out of the committee. He recalled previous testimony that in 2007, former Governor Palin instructed the DNR to collaborate with the APHA to create this program. He characterized this as being APHA's "special interest." The DNR would like the committee to believe that other proposals have been through a formal vetting process; however, no public meetings or hearings have been held to indicate this has happened. In fact, not a single proposal has been put through the Board of Game's vetting process that would provide the BOG any rational basis to believe that resident hunters and the public support the DNR's GCP program. Yet, letters from the BOG dating back to 2007 indicate the BOG's support for the DNR's plan.

MR. MCCRARY contrasted this with Mr. Spraker's [Chair, Board of Game] testimony on 3/11/13, which indicated that numerous proposals have come before the BOG to limit the numbers of non-resident hunters. He quoted Mr. Spraker as saying, "The problem is not too many guides. The problem is too many hunters." This has been what Alaskans have been submitting to the BOG for years. Essentially, Mr. Spraker has concluded that the BOG would eventually limit the number of hunters overall, regardless of whether the DNR's proposal is implemented or not.

[2:39:00 PM](#)

MR. MCCRARY predicted the next "bite of the apple" the APHA will ask for is to allocate tags to guides. He turned to the cost of the proposed program, noting the BGCSB currently does not collect enough fees from guides to cover its operating costs. Therefore the public has already been subsidizing the guide industry. He said the proposed GCP will not sustain itself since the wildlife resources cannot support it.

MR. MCCRARY addressed the contracts proposed under HB 158. He pointed out DNR refers to permits as concession permits. The legal meaning of lease, permit, and concession is significant. He asserted there is no such thing as a concession permit, which is a new legal concept developed by DNR. On 3/11/13, Mr. Clark did not answer Representative Tarr's question, which was who can control one of the contracts by selling the business and transfer ownership of the contract. He stated that a corporation cannot obtain a guide license. Under the proposed GCP, only a person who holds a guide license can compete. In other words, businesses cannot compete for these special rights to hold exclusive commercial use areas on state lands, but individuals with guide licenses can do so. Ultimately, unless an agreement is entered into with the guide, big box outfits could end up controlling all contracts.

MR. MCCRARY concluded by stating that the BOG's long history and pattern of favoring commercial hunting industry is an unsustainable wildlife conservation management practice. He said that the problem is not too many guides, but too many hunters.

[2:42:21 PM](#)

CHRIS BRANHAM, Master Guide 65, Branham Adventures, stated he is a master guide, operates Branham Adventures, and derives 100 percent of his business from guiding, although 80 percent of it is related to fish guiding. His family started the oldest fishing lodge in Alaska in 1937.

MR. BRANHAM said if the goal of HB 158 is to give DNR the power to limit guides and the industry, he is not in favor of the proposal. The DNR's responsibility is over natural resources. Hunting has nothing to do with natural resources.

[2:43:42 PM](#)

MR. BRANHAM predicted HB 158 will be ruled unconstitutional. Second, the bill would limit competition. Third, the proposal would prevent free enterprise. Any guide that has a concession under a federal permit should be limited to one or two concessions. Fourth, the proposal would not generate revenue for the state and if limited concessions are given, the state concessions should not add to federal concessions already held by guides. Those guides have an exclusive privilege with federal concessions. Fifth, the proposal would not prevent user conflict nor ensure quality hunting experiences. Finally, the proposed GCP does not allow for people with limited budgets to hunt.

MR. BRANHAM proposed the committee create a guide program that provides state leases to guides, which would allow the state an opportunity to generate revenue and identify locations of guides. Similar to the sport fish guiding industry daily log reporting, guides should also be required to adhere to daily reports. In essence, his recommendation is for DNR to have a guide leasing program to resolve land use permitting and deal with the other issues later.

[2:45:57 PM](#)

DON (SMOKEY) COLEMAN DUNCAN, Master Guide 136, Alaska Private Guide Service, stated he has been guiding for 20 years, contracts with 20 or more clients annually, and guiding provides his sole source of income. In contrast to the APHA testifiers, all of his guide areas are on state land. He said, "You cannot pay me to take a federal area. In fact, the federal system causes a lot of the problems and is known for favoring operators who take fewer animals." Consequently, this puts the hunting pressure on state lands. In fact, the majority of guides who support a guide concession program conduct most of their business on federal lands. He predicted that 50 percent of the original supporters of the GCP no longer want it, in particular, due to the DNR drafting of the proposal. Furthermore, the vast majority of guides don't support the proposed GCP. If HB 158 passes, the DNR will not have any incentive to fix the program. Likewise, if air taxis and transporters are not required to be part of the program, the GCP will not accomplish anything, except to put 50 percent of the current guides out of business. Furthermore, the program will fail in court on multiple fronts resulting in a waste of money and time.

MR. DUNCAN pointed out the pie chart of one guide per area isn't reasonable. Besides, if 100 guides are awarded three guide use areas, this would translate into 80 percent of the guides being out of business for no good reason.

[2:47:52 PM](#)

MR. DUNCAN offered his belief that a realistic study has not been done to justify any part of the program. Nor did he believe another industry would be subjected to this type of abuse. He has e-mailed two long letters containing truth and facts. He asked members to please take time to read the two letters he has sent, which will persuade members not to vote for HB 158. He characterized this proposal as "a resource grab." Parts of guide area unit 17 have more guides assigned than anywhere else in the state, up to 17 guides in the area he hunts. Basically, he has had few conflicts with residents or guides. To a great extent, 90 percent of the complaints he has heard related to transporters and not guides. The biggest impact to his area has been inaction by the BOG and ADF&G. In closing he said, "Repeating a lie over and over and over doesn't make it true." He urged members to demand proof for these accusations of overcrowding.

[2:49:20 PM](#)

PETE BUIST, Master Guide 79, stated he has been guiding for about 40 years. He offered to provide his unique perspective since he retired from 30 years' service with DNR, as well as having served several terms with the Guide Licensing and Control Board, the BGCSB, and on former Governor Cowper's Task Force on Guiding and Game. He acknowledged some areas of guide overcrowding exist, particularly in some sheep areas. However, this is not the fault of the guides. Instead, the Owsich decision and Department of Commerce, Community & Economic Development's (DCCED) policies have created this problem. For example, the policy to allow non-residents to become licensed guides in Alaska while insisting the guide testing system be more egalitarian rather than a test of knowledge and ability are the real culprits. Instead of addressing the real issues, HB 158 authorizes DNR to design a program to "limit the number of guides working on state land." Apparently, the DNR has already designed such a program, apparently without any statutory authority. He predicted the system that DNR proposes will have exactly the opposite effect. Incidentally, after working for 30 years at DNR, he is familiar with the "mindset" at DNR. He offered his belief the DNR views this as an opportunity to put

some guides out of business and obtain a "budget booster" with program receipts to perpetuate DNR's control.

2:51:07 PM

MR. BUIST said in his experience most DNR employees do not have the expertise or the proper attitude to fairly administer a guide concession program. While the Fairbanks office has done a pretty good job of handling guide operations, guides south of the Alaska range have been subjected to a lot of ridiculous and unreasonable bureaucratic nonsense.

MR. BUIST predicted if HB 158 passes and DNR is authorized to expand its control, this will only get worse. As written, the GCP shows that most DNR employees do not have more than a vague understanding of what is entailed in running a guide business. Further, the DNR assumes every guide is a millionaire and needs to share his/her fortune with DNR. As designed, the GCP would financially prohibit and eventually phase out all but the largest operations. In fact, the GCP could force guides to take on an increasing number of clients on state lands in order to pay the fees, which could exacerbate the overcrowding problems currently experienced. He asked the committee to consider what the bill and the proposed GCP will really do to the guide industry instead of listening to the large-scale guides and DNR's bureaucrats who will benefit if the bill passes.

2:52:45 PM

SAMUEL FEJES, JR., Master Guide 73, Tsui River Lodge, stated he is a lifelong Alaska and holds master guide license number 73. Additionally, he said he serves as an APHA board member, guiding is his fulltime occupation, and he guides between 30-40 clients per year. He guides on the south end of Kodiak Island and east of Cordova. He has been guiding in Cordova area for over 30 years and in Kodiak for over 20 years. He asked to speak in favor of HB 158. The proposed GCP is good, not just for the guiding industry, but for resident hunters, subsistence users, and the wildlife resources. Further, the GCP would reduce the impact on the current state guide use areas that are overcrowded. Likewise, the GCP could create less impact on Alaska's wildlife resources. Over 30 years ago he was one of three guides who applied for a state commercial lease. Since then he has invested hundreds of thousands of dollars on his five-acre leased parcel. He travels all over the world to hunt and has found paying fees to the country or government is a

normal process. Subsequently, the fees guides pay will be passed on to their clients, he said.

[2:55:23 PM](#)

CHRIS ZWOLINSKI, Master Guide 145, stated he is not a member of the APHA, that he contracts about 4-6 hunts per year, and approximately 60 percent of his business is based on guiding. He related that he guides exclusively on state land. He has been contracting hunts for 24 years on the same state lands. He has observed an influx of guides in the past 12 years using aircraft, which has resulted in a declining population. Therefore he has self-regulated and has taken less game. While he agrees that something needs to be done, did not believe that HB 158 is the solution. He characterized the GCP as pushing regulation that has too many flaws. He didn't want to bring up points that have already been raised. He expressed concern that the GCP will be "rubber stamped," which he did not want to see this happen. He offered his belief that the DNR's program is a start but it is too flawed in its current form.

MR. ZWOLINSKI said the issue of the transporters must be addressed since it has a huge impact on the wildlife since it is unregulated.

[2:57:55 PM](#)

CO-CHAIR FEIGE asked whether he has ever investigated guiding on federal lands.

MR. ZWOLINSKI responded that he has applied for federal concessions but has been unsuccessful.

[2:58:53 PM](#)

ALLEN (AL) BARRETTE, Class A Assistant Guide 765, stated that he holds Class A assistant guide license number 765. To begin with it is the DNR's mission to manage state lands for multiple use and maximum benefit to Alaskans. While significant discussion has ensued on the issue of overcrowding and under-utilization in some guide use areas, the problem has resulted from DNR's inability to manage the land. In part, some overcrowding happens because game is productive and concentrated in some areas but is not concentrated in others. However, the DNR has not taken any action to improve moose habitat and population in the Kenai area. Similarly, DNR limits access, which leads to

more overcrowding, he said. He offered his belief the DNR is not using its authority to maximize and benefit Alaskans.

MR. BARRETTE recalled previous testimony that without this program, the incentives to practice wildlife conservation will disappear. However, the responsibility to manage wildlife conservation on a sustained-yield basis rests with BOG, who sets restrictions on antlers, full-curl sheep, sex, bag limits, and dates for hunts. Thus, guides must work within these guidelines.

[3:01:10 PM](#)

MR. BARRETTE predicted that DNR will be allocating permits based on the applications indicating the amount of game an applicant plans to take. Similar to the federal concession, the less the guide takes, the less the imprint on the land, and the more likely the guide will be successful in obtaining the permit. In terms of allocation, he offered his belief it is clear that the BOG allocates game and not the DNR and usually, the non-resident hunters are on the lower end of the [allocation].

MR. BARRETTE added that he is a self-employed person and not one state program is in place to try to protect his business.

[3:02:22 PM](#)

THOMAS (TOM) KIRSTEIN, Master Guide 98, Alaska Adventures Unlimited, stated that he holds master guide license number 98. He has been guiding for 39 years. He said hunts on the Kodiak National Wildlife Refuge, and on two guide areas on state lands, including one on the Alaska Peninsula and one in Interior Alaska in unit 20-04. He typically contracts with 20 clients per year although he has reduced that number in the past few years on state lands due to increased hunting pressure. Prior to the Owsichek decision in 1988, unit 20-04 was comprised of five guides spread out in an area of about 2,000 square miles. Today unit 20-04 is a much smaller area, about half that size, with over 20 guides operating in this geographic area. During the 1990s the economy improved in the U.S. and after the Owsichek decision the federal government threatened to take over management on federal lands each year through 1992. In fact, he offered his belief that the state neglected to act or the problem could have been remedied. Restricted areas were thrown out under the decision. Nevertheless, the guides are now living with federal control on 72 percent of Alaska's lands. He said

it was much easier for guides to be licensed under deregulation, but the only place to hunt was state lands.

MR. KIRSTEIN would like the state to fix the problem. In essence this industry is worth at least one-third of what is generated by tourism. This may not be a perfect venue, but DNR has been working on for a number of years to refine and solve. In conclusion, he would like to see the state do what's in the best interests for the state to allow the industry to go forward. He characterized the guiding industry as unique and a renewable resource. He cautioned that an unlimited number of people cannot use a limited resource. He said he's enjoyed the very best and would like the committee to resolve the problem.

CO-CHAIR FEIGE held public testimony open on HB 158.

[HB 158 was held over.]

[3:07:14 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:07 p.m.