

**ALASKA STATE LEGISLATURE  
SENATE RESOURCES STANDING COMMITTEE**

March 17, 2014

3:31 p.m.

**MEMBERS PRESENT**

Senator Cathy Giessel, Chair  
Senator Fred Dyson, Vice Chair  
Senator Peter Micciche  
Senator Click Bishop  
Senator Lesil McGuire

**MEMBERS ABSENT**

Senator Anna Fairclough  
Senator Hollis French

**COMMITTEE CALENDAR**

HOUSE BILL NO. 135

"An Act relating to the reservation of certain mining claims from all uses incompatible with the purposes for establishing the Petersville Recreational Mining Area."

- MOVED HB 135 OUT OF COMMITTEE

SENATE BILL NO. 160

"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

CS FOR HOUSE BILL NO. 77(RES)

"An Act relating to the Alaska Land Act, including certain authorizations, contracts, leases, permits, or other disposals of state land, resources, property, or interests; relating to authorization for the use of state land by general permit; relating to exchange of state land; relating to procedures for certain administrative appeals and requests for reconsideration to the commissioner of natural resources; relating to the Alaska Water Use Act; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 135

SHORT TITLE: PETERSVILLE RECREATIONAL MINING AREA

SPONSOR(S): REPRESENTATIVE(S) KELLER

02/22/13 (H) READ THE FIRST TIME - REFERRALS  
02/22/13 (H) RES  
02/19/14 (H) RES AT 1:00 PM BARNES 124  
02/19/14 (H) Moved Out of Committee  
02/19/14 (H) MINUTE(RES)  
02/21/14 (H) RES RPT 2DP 4NR 1AM  
02/21/14 (H) DP: HAWKER, SADDLER  
02/21/14 (H) NR: JOHNSON, P.WILSON, TARR, SEATON  
02/21/14 (H) AM: KAWASAKI  
03/10/14 (H) TRANSMITTED TO (S)  
03/10/14 (H) VERSION: HB 135  
03/12/14 (S) READ THE FIRST TIME - REFERRALS  
03/12/14 (S) RES  
03/14/14 (S) RES AT 3:30 PM BUTROVICH 205  
03/14/14 (S) <Bill Hearing Postponed>  
03/17/14 (S) RES AT 3:30 PM BUTROVICH 205

BILL: SB 160

SHORT TITLE: DNR: HUNTING GUIDES, CONCESSION PROGRAM

SPONSOR(S): SENATOR(S) COGHILL

02/07/14 (S) READ THE FIRST TIME - REFERRALS  
02/07/14 (S) RES, FIN  
03/14/14 (S) RES AT 3:30 PM BUTROVICH 205  
03/14/14 (S) <Bill Hearing Postponed>  
03/17/14 (S) RES AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

REPRESENTATIVE WES KELLER

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 135.

JIM POUND, staff to Representative Keller

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Commented on HB 135 for the sponsor.

BRENT GOODRUM, Director

Division of Mining, Land and Water

Department of Natural Resources (DNR)  
Juneau, Alaska

**POSITION STATEMENT:** Said HB 135 is simple, but the issue is complex.

ASHLEY BROWN, Assistant Attorney General  
Civil Division  
Oil, Gas and Mining Section  
Department of Law (DOL)  
Juneau, Alaska

**POSITION STATEMENT:** Commented on the constitutionality of HB 135.

MICHELE STEVENS, representing herself  
Petersville, Alaska

**POSITION STATEMENT:** Supported HB 135.

CHAD HUTCHISON, staff to Senator Coghill  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Commented for the sponsor of SB 160.

ED FOGELS  
Deputy Commissioner  
Department of Natural Resources (DNR)  
Anchorage, Alaska

**POSITION STATEMENT:** Provided agency background to SB 160.

LYLE BECKER, Board Member  
Alaska Professional Hunters Association  
Anchorage, Alaska

**POSITION STATEMENT:** Supported SB 160.

PAUL JOHNSON, representing himself  
Elfin Cove, Alaska

**POSITION STATEMENT:** Supported SB 160.

DOUG VINCENT-LANG, Director  
Division of Wildlife  
Alaska Department of Fish and Game (ADF&G)  
Anchorage, Alaska

**POSITION STATEMENT:** Supported SB 160.

CLIFFORD SMITH, registered guide 1318, representing himself  
Wasilla, Alaska

**POSITION STATEMENT:** Opposed SB 160.

HENRY TIFFANY, member  
Big Game Commercial Services Board  
Anchorage, Alaska  
**POSITION STATEMENT:** Supported SB 160.

**ACTION NARRATIVE**

[3:31:21 PM](#)

**CHAIR CATHY GIESSEL** called the Senate Resources Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Dyson, McGuire, Bishop, and Chair Giessel.

CHAIR GIESSEL announced that HB 77 would not be heard today.

**HB 135-PETERSVILLE RECREATIONAL MINING AREA**

[3:32:21 PM](#)

CHAIR GIESSEL announced HB 135 to be up for consideration.

REPRESENTATIVE KELLER, sponsor of HB 135 said this bill was before them last session and didn't quite make it. { He said that basically it allows the state to fulfill a good faith transaction between it and a potential business owner in the 90s; HB 135 is needed for the deal to come to fruition. The state cannot get title to 220 acres, because the Bureau of Land Management (BLM) has it. That land is destined to become recreational mining land. So, it is supported by the Alaska Miners Association.

[3:33:05 PM](#)

SENATOR MICCICHE joined the committee

[3:34:19 PM](#)

JIM POUND, staff to Representative Keller, Alaska State Legislature, Juneau, Alaska, said they are mostly talking about the Petersville Road area near Trapper Creek where someone wants to make a mining museum out of the remaining buildings of a mining facility. It would be designed for people to do some gold panning without having to worry about stepping on someone else's claim.

[3:35:39 PM](#)

BRENT GOODRUM, Director, Division of Mining, Land and Water, Department of Natural Resources (DNR), Juneau, Alaska, said HB 135 is simple, but the issue is complex. He explained that a Ms. Stevens has a number of at-risk standing state mining claims on

top of state selected federal lands. The lands are currently in a legislatively designated area - that being the Petersville Recreational Mining Area - as well as being subject to Mineral Closing Order 674.

He explained that in May of 1997, HB 46 was signed into law establishing two areas for recreational mining in the Petersville area of the Upper Susitna Valley. The North Petersville Recreational Area, approximately 280 acres, is currently open and active. The southern portion of the Petersville Recreational Mining Area, approximately 220 acres, is not yet in state ownership.

HB 135 is the first necessary step to begin to unravel a complexity of issues by simply removing the southern portion from legislative designation, which would move the area closer to potentially fulfilling what the state had originally envisioned with this land.

[3:37:27 PM](#)

SENATOR BISHOP asked if this bill would allow the same type of use that occurs at the Pedro Monument in Fairbanks for recreational mining.

MR. GOODRUM answered that it would be very similar to the activities at Crow Creek Mine near Girdwood, which is on private land, and El Dorado Gold Mine near Fairbanks.

SENATOR BISHOP asked for a description of approved mining methods.

MR. GOODRUM answered they hadn't developed an official management plan, but a recreational mining area would have some sort of lease or concession where gold panning opportunities would be made available to tourists. Traditionally, you don't have that type of activity on active commercial mining claims. People could learn about gold mining history and activities with the structure and the equipment that is already there.

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SENATOR MICCICHE said they are talking about 200 acres of land and asked him to talk about the prohibition against local and special legislation in Article 2, section 19, of the Constitution and the ruling by Mr. Bullock.

[3:40:17 PM](#)

ASHLEY BROWN, Assistant Attorney General, Civil Division, Oil, Gas and Mining Section, Department of Law (DOL), Anchorage, Alaska, responded that she had looked at Mr. Bullock's letter that concluded this legislation did not violate the constitutional provision.

3:41:09 PM

MICHELE STEVENS, representing herself, Petersville, Alaska, supported HB 135. She said she is the property owner in question and this legislation removes several mining claims from the southern part of the recreational mining area. She explained that in 1994, she discussed the creation of a recreational mining area located at Petersville with the Division of Mining. At that time the director was Jules Tileston and the deputy commissioner was Marty Rutherford. The federal claims were already surveyed, so she and the division agreed to use the federal monuments and names as reference points and boundaries for the proposed site. She agreed to gift the federal portions of her state mining claims, which encompassed the federal claims, to the State of Alaska with an express commitment by the Division of Mining that once the federal land was conveyed to Alaska approximately 220 acres of that area would become known as the Petersville Recreational Mining Area and be leased to her for establishment of a commercial recreational mining concession. This would include a museum and other amenities.

In December 1996, Jules Tileston introduced regulations for the use of Petersville Recreational Area and thus started working with her, the Alaska Miners Association (AMA), and the president of the Yetna Mining District to secure a place that provided the public a high quality chance to pan for gold and revenues to the state, that promoted local enterprise and provided an educational experience about gold mining. At this time having a recreational business on a mining claim was not allowed and the Division of Mining chose to go through legislation to get the recreational area designated.

MS. STEVENS said the intent of the DNR was to lease back the southern recreational area to her when it received conveyance of the land from the BLM. HB 135 provided direction that the department should aggressively pursue the opportunity to have private enterprise develop and run a high quality public recreational experience centered on gold panning.

Subsequent to the claims being gifted to her by the Division of Mining and issuance of the Mineral Closing Order, the DNR Division of Lands determined that it could not under existing

state law establish a lease without it going out to competitive, commercial bid. Then in 2006 the Division of Lands found a legal way for a commercial business to be operated on a portion of state mining claim by establishing a miscellaneous land use lease provided there was concurrence with the mining claim holder. This approach cannot be used on lands designated by statute as a recreational mining area.

She explained that the HB 135 contains two provisions: it would reinstate her full mineral rights to those portions of her mining claims in the southern recreational area and it would remove the statutory designation and allow the DNR to lift the Mineral Closing Order, which would give the state the authority to go forward and her claims would become whole. Then the DNR could fulfill its original agreement with her.

Questions arose around a letter from Dick Mylius about whether or not the claim would revert back to her, but the state has now accepted her amendment to the claims and in the event HB 135 passes, the land will automatically revert back to her and make her whole. The DNR, the AMA, and the Yetna Mining District all concur that this is the best mechanism with which to proceed forward.

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CHAIR GIESSEL, finding no further comments, closed public testimony.

REPRESENTATIVE KELLY thanked them for their consideration adding that it had been going on a long time and had a lot of support.

SENATOR DYSON moved to report HB 135, version 28-LS0190\A, from committee with attached fiscal note and individual recommendations. There were no objections and it was so ordered.

[3:47:20 PM](#)

At ease from 3:47 to 3:48 p.m.

#### **SB 160-DNR: HUNTING GUIDES, CONCESSION PROGRAM**

[3:48:42 PM](#)

CHAIR GIESSEL announced SB 160 to be up for consideration.

CHAD HUTCHISON, staff to Senator Coghill, sponsor of SB 160, Alaska State Legislature, Juneau, Alaska, said the bill authorizes the Department of Natural Resources (DNR) commissioner to implement a guide concession program or

otherwise restrict authorized individuals to conduct big game commercial hunting on state land.

MR. HUTCHISON said this bill is necessary because currently there is no process relating to commercial guide use on state land and there are no limits to the number of authorizations that a guide can have on state land. This has created a number of different problems that they will hear about. Key issues identified by the Board of Game, the Big Game Commercial Services Board, and members of the guiding industry include conflicts between user groups, decreased quality as it related to guided hunts on state land, decreased incentive for wildlife conservation, lack of stewardship on state land, and difficulties in enforcing game laws and regulations.

[3:51:02 PM](#)

He said Senator Coghill's solution is to restrict the Guide Concession Program to a number based on a scoring system where essentially the people with the highest tally are the ones deemed fit to receive some of these permits.

Another benefit to the program would be that it would benefit the average day-hunter in Alaska that has nothing to do with any of the commercial guiding practices. These are simply the hunters that want to go out and get meat to put in their freezer.

CHAIR GIESSEL asked why the DNR is engaged in this.

[3:52:16 PM](#)

ED FOGELS, Deputy Commissioner, Department of Natural Resources (DNR), Anchorage, Alaska, explained that in 2006 the department was asked to develop a concession program with exclusive guide areas through a Supreme Court decision and to see if it would work. So, over a number of years with a number of public processes they got pretty close to what they would do to regulate a concession program.

He said this was a weighty decision, because it would be new regulation regulating an industry that is not currently regulated, and a growth in government. They would need staff to undertake this program. The concept is to have the industry pay for the program with fees, but the state would have to provide the initial funding for getting ramped up.

[3:55:08 PM](#)

CLARK COX, Natural Resources Manager\* Division of Mining, Land and Water\* Department of Natural Resources (DNR)\* said the guide concession program is not a new idea; they are used now in Alaska on federal lands. It is primarily a land use tool to select those commercial businesses that want to work on state lands. Right now there are no rules or limits, so some areas have an overabundance of guides working one spot or many spots around the state creating a lot of crowding and conflicts come with that.

[3:56:51 PM](#)

He said a competitive selection process for those working on state land was a key component of the 1988 Owsichuk decision. With stakeholder input that has been covered pretty well the idea being to manage the industry use that puts commercial guiding pressure on state lands. So, instead of letting guides pick where they want to go the process thinned them out in the overcrowded areas and put additional ones in areas that were underutilized.

In 1973 the Guide License Control Board was established and they started off with a similar system called "exclusive guide areas." In 1988 that was found unconstitutional in the Owsichuk decision that created clear sideboards.

MR. COX said the main problem of overcrowding is where the game populations are high, but sometimes that migrates. Sometimes it's where the easy access is and that's where the pressure builds that results in lots of phone calls to the Troopers. Clients don't want to see other camps and planes flying over on their Alaskan wilderness experience.

So, they came up with some main issues to address while working with ADF&G, the Board of Game, and the Commercial Services Board:

- decrease incentive to practice wildlife conservation: the idea is if I don't shoot that legal moose now, someone will shoot it tomorrow. Guides have talked about not being able to "farm" their areas.

- the experience of the clients and other hunters

- the overall lack of land stewardship: now the guides have a base camp and site camp all over on state lands. They have noticed it's difficult to trace back whose stuff has been left at those sites, not at the base camp. This would be a way to reign in who exactly is commercially working that area. They expect those guides to be their best allies in solving these problems.

-general difficulties in enforcing game laws: caribou is a great example. As the migrations swell, some of the guides will work the hot areas for a couple of years and then move on. That tends to crowd in the guys and gals who have been established for years. They are trying to limit some of that by focusing folks on working in an area for an extended period of time.

4:01:43 PM

GCP design: They started off by trying to keep the decision process simple and came up with four main criteria on the application:

- experience of the guide
- operating strategies for running a successful business
- operations plan (how they will do their business)
- violations

MR. COX emphasized that violations is a big issue, because they would be adding points for the first three sections, but then they subtract points for violations including both game violations and non-game violations of certain kinds, in Alaska and outside. They want to know if anyone who wins an area up here, came up here because they were kicked out of another state.

He said the applications would be reviewed by staff and concessions would be offered to the highest scoring applicants; many areas would have more than one guide; two and three are pretty common numbers. And because the new guys thought there would be no way they could ever compete with the big guys, two different types of opportunities are proposed.

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He said the application is "fairly involved" with a scoring process and a timeline of availability around January through March. They would be evaluated by a panel using a standardized scoring matrix. There will be fees that are intended to pay for the program.

MR. COX said the differences in the two concessions - full and limited - are fairly vast. A full concession would be for four years for a full time guide who would be given additional assistant guides to work with; whereas a limited concession would be like an apprenticeship for some areas where there isn't as much pressure and they are allowed a lesser number of assistant guides to work with. It would be their choice and they would compete only against other like-applications.

4:06:00 PM

SENATOR MICCICHE asked how the resident population of animals versus migratory will be treated: caribou versus moose. Are they still in one area and hunting whatever happens to come through?

MR. COX answered that they actually looked at going species-specific, but decided whatever area you want to work in is yours. If you've worked an area for a while you would know the trends. But they established a limit for the number of areas one can apply for. This is an additional tool that could be used by the Boards of Fisheries and Game and the Troopers. The duration of the permit came from the Owsichuk decision that was basically unlimited, but these have a very finite term; it's a 10-year term with a 5-year review in the middle to make sure everything is going good. If everything is going good, you get the additional five non-competitive years.

They heard a lot about transferability and vacancies and they are proposing to issue these as a permit, because they are non-transferable. If someone is done in an area, the permit reverts back to the department for competitive selection. Working with the public and the agencies, as vacancies arise, they have an application pool that gives them ideas about people who have applied for a permit in that area. They don't want to have areas sitting fallow for a couple of years and try to use existing area boundaries throughout the state, but they split some areas because of animal populations or topography.

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SENATOR MICCICHE said if you were a sheep guide, and also brown bear, moose, and caribou, it would be tough to land adequate acreage for the four species, because they live in different geography.

MR. COX said he was right and this program would encourage people to find a certain area and work with the species in it.

SENATOR BISHOP asked how many guides are registered in Alaska.

MR. COX answered 548 in 2011.

SENATOR BISHOP remarked that they only have 298 hunting spots.

MR. COX said that was right.

SENATOR BISHOP said unit 1402, as an example, shows one full concession and one limited concession and asked what a full

concession would accomplish there and what a limited one would accomplish.

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MR. COX answered that there are 298 opportunities available on state land, first, but there are still Park Service, Forest Service, Fish and Wildlife Service lands, and 44 million acres of private land where hunting opportunities exist. There are 548 registered guides; to run a hunt you have to be a registered guide or a master guide. Of those 548, typically, only about 300 run at least one hunt every year. So you have 250 who keep the license current but don't use it for some reason. Some folks might not win an area because of violations.

The difference is in their business plan, which the department reviews. Knowing they chose to apply for a full concession, applicants will have to show their history in the area, how they plan to run their business, and what equipment they have, and compete with maybe 14 or 15 other applicants. So, the full and the limited concessions would work in the same geographic area and will have to "play nice in the sandbox together" for the next 5-10 years. Now you never know who your neighbor is or how many you have.

SENATOR BISHOP asked if they would draw a DMZ and let guides come up with a gentleman's agreement.

MR. COX answered that in some areas they did draw the DMZ.

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SENATOR MICCICHE asked what states they can look at to compare programs.

MR. COX answered Canada, Africa, and wherever there is Park Service land in the USA.

MR. FOGELS added that Alaska is pretty unique amongst the states in that they are talking about program for 5 million acres of state land, which most states don't have.

SENATOR DYSON asked how a person just starting out in business wanting to get a concession area can enter that career path.

MR. COX answered that it's a "bit of a road;" you have to get a license first and do a lot of apprenticeship work through the Commercial Services Board. He explained that the Board licenses big game guides. You have to work a few years as a packer and as

an assistant guide for a few years. You can't run hunt without the appropriate license as a registered guide or above.

SENATOR DYSON asked if the folks who already have a concession area hang tight and there is no opportunity for a new guy, does he just continue to build his points hoping that an area shows up. He was thinking about it in terms of limited entry in the fishing industry where the licenses are transferable.

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MR. COX said some families would love to have that opportunity and explained that they had done two things to address vacancies. First of all, they plan to stagger the offerings over three periods of 3-4 years, 7 years and 10 years.

SENATOR DYSON said that was problematic for him, but the telling point will be being able to manage the resource and there being incentive for those who have the concessions to be good stewards of the resource. He asked when someone has won an area and then they choose not operate it for just one year, can they delegate it to someone else for just that year.

MR. COX responded that they want these areas utilized - for the hunters and for the revenue it generates - and as drafted now, if you can't use an area for one year, it can't be farmed out to someone else to use for an indefinite period of time.

SENATOR BISHOP asked if one part of the reasoning behind this is to protect the resource and that letting an area sit fallow for one year would let that bull get a little bit bigger. But how would he make sure his buddy on the other side of the line would honor his fallow piece of ground?

MR. COX replied these are not monopolistic areas; in many cases there are two or three other folks there. So, if they come across a bull that's legal, they can take it.

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He said the department went public with a draft document in 2009 that laid out some of the program's ideas and took 544 comments on a total of 218 days. They released the management framework document in January 2013 and got public comment, but there has been no funding for the program, so nothing was finalized and no staff is working on it today. They were looking at existing authorities: limited enforcement authority, program receipt authority, and confidentiality. If this bill is approved this legislative session, they could bring on staff in July or

August. They have draft regulations from before, but another public process would have to be done. Applications would be out by January 2016.

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MR. FOGELS added that they see this would be a huge change to the guiding industry, restructuring it fundamentally. They can't go forward without their buy-in and coordinate with ADF&G and the Board of Game. He likes the stewardship component that would come with this program, because they have a lot of state land to manage without enough resources to manage it.

4:29:39 PM

LYLE BECKER, Board Member, Alaska Professional Hunters Association, Anchorage, Alaska, supported SB 160. About 75 percent of his annual income comes from guiding big game hunts, which he thought was fairly consistent with many members of the association.

One of the items that has brought this into more urgent focus is on guides coming into the industry on Refuge lands where they have had to go through a limited entry competitive process to get permits. If the DNR concession program models that in any way, that can be used as a precedent. Also, many have been saddened to see the trend on state land that more resident hunters are adding pressure on the game itself. The first place they go to is DNR lands, so with no limits to the number of guides who can enter one area - for example, sheep hunting in Chugach (Units 14(A) and (B) - there was no limit to the number of guides who hunt in certain drainages and every year there would be more and more conflicts in the field. That area went to a drawing process including both residents and non-residents, which is a shame and perhaps could have been avoided. Their concern is if something doesn't happen on DNR land, more and more guides will be hunting there and it will become more crowded and there will be more conflicts between resident hunters, potentially subsistence resident hunters, and non-resident hunters with more areas going to a drawing system.

MR. BECKER said they believe the concession program is going to be a great piece of hope for the longevity of guiding in Alaska. They hear two complaints fairly regularly; one has to do with the whole procedure being one more piece of government encroachment on free enterprise. But he clarified that this has to do with land access on DNR property; they are not inviting government carte blanche to come into their lives and take things away.

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Secondly, young guides having less opportunity to come into the industry and establish themselves, because at the end of the day there are going to be fewer registered guides signing contracts in Alaska. It will take a little bit longer to go out on your own and start a new guiding business. But as things stand today, either they will see more areas go to a draw, which will be far less guides having possible businesses or the pressure on DNR land will grow to the point that no one will bother hunting there - not good for hunters or the guiding industry.

MR. BECKER said he is part of the new wave of younger guides who are trying to establish themselves and he saw early on that hunting on state land you had to "elbow your way into an area" that already had close to 100 percent usage of the resource. As a result, he tried to establish himself with the Federal Refuge System, but that is another area that takes time to build up business. He was able to do that and was granted a small refuge concession on the Alaska Peninsula.

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PAUL JOHNSON, representing himself, Elfin Cove, Alaska, supported SB 160. He said he had watched this process unfold for over 40 years and there isn't any question that guides are competing on a world-wide basis for people to come to Alaska. But to keep that or improve on that, there is no choice; it is not working now and this is an answer.

He said after the Owsichek decision the federal government eventually stepped in and the fees the feds get the state doesn't get. Everybody would rather deal with the state than the feds. DNR has a solution and it is necessary. It might take a little bit to ramp up but other costs, including court costs, will go down.

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SENATOR MICCICHE asked how he viewed the species challenges for a particular lease.

MR. JOHNSON answered that in several areas of the state multi-specie hunts were taken and in some places there will be again, but it's getting harder and harder when the Board of Game is trying to deal with all the issues in, for instance, his property in Brooks Range that used to have 3 or 4 guides and now has 22.

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DOUG VINCENT-LANG, Director, Division of Wildlife, Alaska Department of Fish and Game (ADF&G), said that ADF&G has existing authorities and tools to manage wildlife populations for sustained yield and they don't believe a guide concession program is necessary for only conservation purposes. The primary benefit they see in a guide concession program would to provide for an additional tool for managing allocation issues. These issues are increasing in front of the Board of Game that also supports this measure, which is needed primarily in many of the sheep hunting areas across the state.

Such a program has been of "incredible use" to federal land managers. He emphasized that ADF&G worked very closely with the DNR to develop this program and they would assist them in implementing it, especially bringing a biological perspective, if it is adopted.

SENATOR DYSON asked him to talk about what should be done to increase hunting opportunities for Alaska residents on non-guided hunts.

MR. LANG answered that right now because the Board doesn't have a guide concession program, they typically set a draw limit on non-resident hunters, saying 10 percent of the permits can go to non-resident hunters. Or they are season-based differentially. This would give the Board another tool by capping the number of guides that are operating in an area that keeps them short of having to go to drawing permits. For instance, in Units 26(b) and (c) where there is a federal guide concession program, non-resident guided hunters took 27 percent of the harvested shoot but comprised only 15 percent of the total hunters. In Unit 20(a) which is not covered by a guide concession program, guided hunters took 60 percent of the harvest shoot, but only comprised 34 percent of the total hunters. Having a guide concession program would be just another tool for allocation as opposed to going to a drawing.

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SENATOR DYSON asked how the circumstances are going to be dealt with when a resident hunter spots some game and sets down on an airstrip in a particular area that the guide who has a concession to that area has maintained, then the guide with his wealthy clients show up.

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MR. LANG said those conflicts exist now and the Board would limit the number of non-residents that are hunting in those areas, which in essence causes hardship on the guided industry. Seeing the experience on federal lands, when a guided industry is capped in an area, it's more stable and typically there seems to be fewer user conflicts. User conflicts might dissipate if this tool is put in place, but those could be dealt with using other mechanisms if they have to.

[4:48:49 PM](#)

CLIFFORD SMITH, registered guide 1318, representing himself, Wasilla, Alaska, opposed SB 160. He said he is a new member of the Alaska Professional Hunters Association and his testimony was based on being a young guide coming in through the new system. Since 2004 he had put millions of dollars into creating his business. He was very concerned about the potential to lose 10 years of his life investments if he doesn't get one of the guide use areas.

He stated that a lot of conflicts occur in sheep areas on state land in Unit 9 and those are the areas that need to be addressed. He found his niche, which was bear hunting on state property in certain areas, so he was concerned about the impacts this would have on his livelihood. Seventy-five percent of his income is through guiding hunters and the other 25 percent is from fishing. He can't even compete for a federal area until 2021, so if he didn't get an area he would be out of business. He didn't see how this would help biologically whatsoever. He advised them to look at all the public testimony over the years that have been put into this project before making a decision.

[4:52:47 PM](#)

HENRY TIFFANY, member, Big Game Commercial Services Board, Anchorage, Alaska, supported SB 160. He said the Big Game Commercial Services Board regulates the guiding and transporter activity in Alaska and remains in full support of the guide concession program. An independent economic impact study completed just a few months ago has highlighted the significant positive economic impacts the guiding industry has on Alaska. In 2012 guiding hunting accounted for a total of 2210 jobs and \$35 million in total labor income. Guided hunting generated a total of \$78 million in economic activity in Alaska in 2012.

He said that guiding big game hunters has been a part of the fabric of Alaska for over 100 years and passing SB 160 will help it remain a vital part of the state's tapestry for another 100 years. The industry went to the DNR asking for help because it

saw the growing problems developing on state lands and asked for help for the benefit of the land, the resources, and all user groups. His Board has been very active and supportive throughout the entire time the guide concession program has been in development. A very diverse group of individuals and professional independent guides understand the very real necessity that something must be done on State of Alaska land and understand that, while not perfect, the guide concession program is the best solution to curbing the growing issues that are developing.

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MR. TIFFANY said if the state doesn't act immediately and implement a guide concession program, the industry will fall victim to yet another encroachment of federal regulatory authority, this time on BLM land. While it is natural to respond with anger and frustration at the thought of federal overreach and a BLM guide concession program, it should be clearly understood that that outcome is avoidable. The BLM has made it clear that they have given the state as much time as they possibly can to fill the regulatory vacuum and permanently forestall this potentially irreversible course of action. It is in the state's best interest to create a viable state concession program that could eventually result in the state reasserting its role as the sole regulatory authority.

CHAIR GIESSEL invited Mr. Tiffany to send his written testimony. She announced that she would keep public testimony open on SB 160.

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CHAIR GIESSEL adjourned the Senate Resources Standing Committee meeting at 4:59 p.m.