

**ALASKA STATE LEGISLATURE**  
**SENATE RESOURCES STANDING COMMITTEE**

March 19, 2014

3:30 p.m.

**MEMBERS PRESENT**

Senator Cathy Giessel, Chair  
Senator Fred Dyson, Vice Chair  
Senator Peter Micciche  
Senator Click Bishop  
Senator Lesil McGuire  
Senator Anna Fairclough  
Senator Hollis French

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

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

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 ON 3/17/14

**PREVIOUS COMMITTEE ACTION**

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

03/17/14 (S) Heard & Held  
03/17/14 (S) MINUTE(RES)  
03/19/14 (S) RES AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

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

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

ROBERT FITHIAN, representing himself  
Lower Katina, Alaska

**POSITION STATEMENT:** Supported SB 160.

TED SPRAKER, Chairman  
Board of Game  
Soldotna, Alaska

**POSITION STATEMENT:** Supported SB 160.

KELLY VREM, Master Guide 102, representing himself  
Juneau, Alaska

**POSITION STATEMENT:** Supported SB 160.

TOM KIRSTEIN, Master Guide 98, representing himself  
Fairbanks, Alaska

**POSITION STATEMENT:** Supported SB 160.

JOEY KLUTSCH, Registered Guide 1277, representing himself  
King Salmon, Alaska

**POSITION STATEMENT:** Supported SB 160.

ATLIN DAUGHERTY, Registered Guide 1250, representing himself  
Juneau, Alaska

**POSITION STATEMENT:** Supported SB 160.

WADE WILLIS, representing himself  
Anchorage, Alaska

**POSITION STATEMENT:** Opposed SB 160.

BRAD DENNISON, Master Guide 138, representing himself  
Sitka, Alaska

**POSITION STATEMENT:** Supported SB 160.

SMOKEY DON DUNCAN, Master Guide 136, representing himself  
Fairbanks, Alaska

**POSITION STATEMENT:** Opposed SB 160.

TIM BOOCH, Master Guide Outfitter 176, representing himself  
Kodiak, Alaska

**POSITION STATEMENT:** Opposed SB 160.

THOR STACEY, lobbyist  
Alaska Professional Hunters Association (APHA)  
Juneau, Alaska

**POSITION STATEMENT:** Supported SB 160.

CLIFFORD SMITH, Registered Guide 1318, representing himself  
Wasilla, Alaska

**POSITION STATEMENT:** Opposed SB 160.

AL GILLIAM, Registered Master Guide 185, representing himself  
Haines, Alaska

**POSITION STATEMENT:** Supported SB 160.

STEVE PERRINS, Master Guide 123, representing himself  
Rainy Pass Lodge, Alaska

**POSITION STATEMENT:** Supported SB 160.

HENRY TIFFANY, Master Guide 144, representing himself  
Fairbanks, Alaska

**POSITION STATEMENT:** Supported SB 160.

MIKE COWAN, Registered Guide 1126, representing himself  
Soldotna, Alaska

**POSITION STATEMENT:** Opposed SB 160.

FRANK BISHOP, Master Guide 191, representing himself  
Kodiak, Alaska

**POSITION STATEMENT:** Whole-heartedly supported SB 160.

JASON BUNCH, Registered Guide 1311, representing himself  
Kodiak, Alaska

**POSITION STATEMENT:** Supported SB 160.

DAVID LAZER, Master Guide 175, representing himself  
Los Angeles, California

**POSITION STATEMENT:** Opposed SB 160.

ANNA STOCKER, representing herself  
Wasilla, Alaska

**POSITION STATEMENT:** Opposed SB 160.

NATE TURNER, Registered Guide 1036, Vice Chair

Board of Game  
Fairbanks, Alaska  
**POSITION STATEMENT:** Supported SB 160.

STEVE PERRINS, II, Registered Guide 1295, representing himself  
Alaska Range Remote Hunting Lodge  
**POSITION STATEMENT:** Supported SB 160.

COKE WALLACE, Master Guide 172, representing himself  
Healy, Alaska  
**POSITION STATEMENT:** Opposed SB 160.

TRACY VREM, Master Guide 96  
Chugiak, Alaska  
**POSITION STATEMENT:** Supported SB 160, "warts and all."

**ACTION NARRATIVE**

[3:30:20 PM](#)

**CHAIR CATHY GIESSEL** called the Senate Resources Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Fairclough, McGuire, and Chair Giessel.

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

[3:31:06 PM](#)

**CHAIR GIESSEL** announced that the Resources Committee would continue its discussion of SB 160.

[3:31:11 PM](#)

**CHAD HUTCHISON**, staff to Senator Coghill, sponsor of SB 160, said the general idea of this bill is to allow the DNR commissioner the ability to create a guide concession program (GCP) or otherwise restrict the number of commercial guides on state land.

[3:31:43 PM](#)

**SENATOR BISHOP** joined the committee.

**SENATOR FRENCH** joined the committee.

[3:32:03 PM](#)

**MR. HUTCHISON** said two salient points came out of Monday's testimony and one touched on a theme of federal overreach: the Bureau of Land Management (BLM) is preparing a statewide guide capacity study and environmental assessment; they are already

through the assessment phase, but have halted their work now to see what the state was going to do. The BLM will certainly fill the void if the state does not proceed with the guide concession program.

[3:32:36 PM](#)

SENATOR DYSON joined the committee.

[3:32:49 PM](#)

Secondly, Mr. Hutchison said, Senator Coghill believed that if the GCP is implemented by DNR, it will help local resident hunters.

[3:33:52 PM](#)

ROBERT FITHIAN, Guide License 126, representing himself, Lower Katina, Alaska, supported SB 160. He said he has 30-plus years of providing a family operated professional guide service within Alaska. He had also conducted many projects, leadership services within the guiding, mining, and agricultural and forestry industries as well as serving on a number of related council, boards, and commissions. He currently was serving as the elected national spokesperson for the seven long-standing individual State Professional Outfitter and Guide Associations of America (USPOGAA) as well as the representative for America's guide and outfitter and tourism industries within the bipartisan Wildlife Hunting Heritage Conservation Council in Washington, D.C.

He said SB 160 will provide long-term viability and sustainability to this important rural Alaska industry. Without GCP there is no way he would encourage viable new entry initiative into it. He also strongly believed that the failure of former legislators to approve this GCP had done more to generate the nucleus of usurping state management authority by the federal government than any other action since the passing of ANILCA. These include development of deep and dividing dual wildlife management actions that reduced or eliminated mandated state/federal cooperation, as well as utilization of the Endangered Species Act that restricts prudent stewardship within Alaska. The cost of this to Alaska as a whole is incalculable, he said, and adoption of the GCP at this time will help sustain and eventually regain state authority.

MR. FITHIAN said he had seen the same equation play out in numerous western states and in each case resident hunters put forth initiatives that addressed these failures, which also reduced the number of non-resident hunters through restricted measures that eliminated the viability of professional hunting

guide businesses. The results were: elimination of many long time established guide businesses, significantly reduced rural economies, significant loss of important state-generated funding for wildlife conservation through non-resident license sales, substantial loss of matching Pittman-Robertson Wildlife Restoration funding, and reduced overall wildlife conservation and stewardship.

With the GCP established, the Board of Game can be confident and fair with their conservation-based decisions regarding allocation of social considerations, which will benefit all hunters, including resident hunters. Furthermore, the stewardship-based selection criteria for the GCP will help build and sustain industry professionalism, which Alaska will be proud to provide. He had worked with DNR many times and had faith that it can and will provide a GCP program that will work and only get better with time. He reminded them that no other renewable natural resource provides the returns to Alaska per capita that wildlife does.

[3:38:03 PM](#)

SENATOR MICCICHE joined the committee.

[3:39:57 PM](#)

TED SPRAKER, Chairman, Board of Game, Soldotna, Alaska, supported SB 160. He said he had been involved in and supportive of the DNR's concept of a system to stabilize guide activities on state lands from the very beginning and he noted the three letters of support from the Board. As identified in the letters, he said the Board respects and recognizes the historic role this industry has had in providing safe and successful hunting experiences to Alaska's visitors. Yet, it is increasingly challenged with competition between resident and guided non-resident hunters in several well-identified areas, which has resulted in statewide proposals to limit or exclude non-residents. The Board believes that if only the problem area is addressed, the conflict will spread to other areas and relocate rather than solving the problem.

He said implementing a statewide GCP on state land will improve the relationship between resident hunters and guides. It will also increase the state stewardship responsibilities by permitting the department to lease guide use areas for up to 10 years effectively eliminating the problem of guides overharvesting an area and moving to a new area every few years. With the Big Game Commercial Services Board certifying 8-12 new registered guides each year, this problem will only get worse.

An example of competition between residents and guided non-residents was recently dealt with by the Board in Game Management Unit 13(d), part of the Chugach Range between Anchorage and Glennallen, where guide numbers for sheep increased from just a few to about 36. Resident hunters and guides came to the Board asking that this area be restricted to a limited draw permit area to address the crowding problem. This request resulted in the Board restricting hunter numbers by a limited permit draw system displacing resident and guided non-resident hunters to other parts of the state. He said there are several other areas in the state with similar crowding situations. Creating this program will also encourage local employment and working with local communities to provide meat from animals harvested by non-resident hunters.

MR. SPRAKER said it was important that the Board of Game and the Big Game Commercial Services Board continue to work with DNR to address specific problem areas and issues into the future.

[3:44:15 PM](#)

KELLY VREM, Master Guide 102, representing himself, Juneau, Alaska, supported SB 160. He said failing to pass this bill will result in lottery-type hunts and his business can't exist in an atmosphere where he has no certainty of income from year to year. The entire industry would be reduced to a bunch of part-time guides. He said he used to be a state land guide and fled the state system for the federal areas, because they were stable. This is very important.

[3:46:05 PM](#)

TOM KIRSTEIN, Master Guide 98, representing himself, Fairbanks, Alaska, supported SB 160. He said he had been guiding for 40 years and operates in the Kodiak National Wildlife Refuge and the Interior Alaska on state land. Deregulation in the industry in the early 1990s led them to this point and new guides without training has led to the need to address game populations.

He said that federal lands had been controlled since the early 1990s, but in the big picture, problems with non-regulated guides on state land need to be fixed. The guide industry needs guidelines to live by which will be in the best interests of the state into the future.

[3:51:10 PM](#)

SENATOR FAIRCLOUGH asked if he got to say everything he wanted.

MR. KIRSTEIN replied that he had enjoyed a long history in the guiding business and would like to continue, but it needs parameters for people to work in. He had seen displacement of hunters, guides running into guides, resident issues, conflicts in the field, and the resource changing dramatically, but he thought it could be fixed with regulations and laws.

[3:53:04 PM](#)

SENATOR BISHOP asked if he thought this was the right way to go for young guys getting into the business.

MR. KIRSTEIN replied that he thought this was the right way to go, because every other place in the big picture of the hunting world has regulations; Alaska state land is the only exception. The federal agencies recognized the problem in the early 1990s and came to the state four years in a row. So, now there is federal management on those lands. The state lost control of them, but he wanted to think the state could get them back.

He said the hunting world is small, but there are two famous places that people look at: Africa and Alaska. Canada is right next door and they are up and coming, but they don't have everything that Alaska has. State land is a problem and the way game areas are designed (to overlay federal land) affects other lands.

[3:56:04 PM](#)

JOEY KLUTSCH, Registered Guide 1277, representing himself, King Salmon, Alaska, supported SB 160. He grew up in the guiding profession and started packing as a kid; he earned his assistant guide license when he turned 18 and got his registered guide license six years ago. He is an avid hunter as well as a subsistence user.

As a young guide, he wanted to emphasize the importance of the DNR guide concession program to both the future of guiding as well as to the wildlife resource. It will reduce conflicts in the field, reduce pressure on game species, and will improve the quality of experience for everybody. If SB 160 passes, everyone including the wildlife resource will benefit.

CHAIR GIESSEL asked if he was worried as a new hunter that he would have difficulty getting an area.

MR. KLUTSCH replied that he was not worried; a highly motivated young registered guide, like himself, would definitely be able

to get one of these areas. He was recently awarded two Fish and Wildlife Service permits.

3:58:00 PM

ATLIN DAUGHERTY, commercial fisherman and registered guide 1250, representing himself, Juneau, Alaska, supported SB 160. He said the guiding industry has declined both in quality and opportunity in the last 25 years since it was deregulated. This has to pass; it's what is needed.

CHAIR GIESSEL asked if he had concerns about getting an area as a new young guide.

MR. DAUGHERTY answered no; he wasn't worried about getting one.

CHAIR GIESSEL said that was the end of invited testimony and she start taking people who had signed in to testify on this issue.

3:59:27 PM

WADE WILLIS, representing himself, Anchorage, Alaska, opposed SB 160. He said he is a former employee of the Alaska Department of Fish and Game (ADF&G) and a 25-year resident hunter, and passing SB 160 wouldn't help the resident hunter. He said the Board of Game is the root of the problem; the chair, Ted Spraker, just testified that guides were going into areas and overharvesting wildlife and then going into other areas to overharvest wildlife there. The Board of Game should never allow an area to be overharvested under any circumstance, but it is allowing unsustainable harvest in some areas and trying to shuck that reality by telling them they don't have to allocate properly between user groups (resident v. non-resident). There are areas that require all the harvestable surplus to go to a resident harvest, he said, and this GCP doesn't address that at all. He said the Big Game Commercial Services Board has the authority to restrict guides from moving from one area to another every other year and it could "get rid of the bad apples in the guiding industry" and they refuse to do it.

SENATOR BISHOP asked him if he thought there was a problem.

MR. WILLIS answered yes; there is a limited resource and every year more people, residents and non-residents, want to hunt. A small minority of guides want to own the industry, but they don't represent the majority of the guides. If there isn't enough game for guides, they have to realize they are working in areas where there is harvestable surplus available for non-residents. He said the drawing system works, because guides need

a contract before they apply for the hunt and everybody who "wins" the draw is guaranteed to get a guide. DNR can't do it, because its mission is to "maximize the use of resources." Legislators need to tell the Board of Game and Commercial Services Board to do the job they have been tasked to do.

[4:07:33 PM](#)

BRAD DENNISON, Master Hunting Guide 138, representing himself, Sitka, Alaska, supported SB 160. He said he had submitted supportive testimony previously and that he now faces the same overcrowding issues on state land as in the early 1990s. The system they came up with then is very similar to the DNR system, which isn't perfect, but it works. The system for the National Forest went into effect 15 years ago and continues to work. Federal Preserves and Refuges to the north have similar controls in place. The state is behind the curve a bit, but there is an opportunity to push this forward and get back on track. A drawing is a poor option.

[4:09:41 PM](#)

"SMOKEY" DON DUNCAN, Master Guide 136, representing himself, Fairbanks, Alaska, opposed SB 160. He makes his living 100 percent exclusively as a guide on state land. You couldn't give him a federal area and he loved working with DNR. He had operated in a crowded guide use area with up to 17 other guides and this area will see a huge reduction in guides under the GCP, none of whom are asking for this plan.

He said he would be a survivor under the GCP in all of his areas, but he was against it, because it has too many fatal flaws. He had submitted a detailed letter that counteracts all the lies and half-truths they had been hearing. Contrary to what they have heard, the current system is working extremely well across the state.

MR. DUNCAN said the proponents of this bill had failed to look at the devastating ramifications of a GCP to the industry and the state. This is a land and resource grab by those who want to pay nothing for exclusivity. In the Owsichek decision the state must receive fair compensation for a guide use area concession to be legal. Simply put, DNR's plan will fail a court challenge, because it lacks a fair market bid component based on the area. Instead, all of the areas are valued the same, "which is insane."

He said the GCP in SB 160 failed to include air taxis and transporters. If those aren't included in the solution, nothing

has been accomplished. He said ADF&G and DNR were forced to support this program by the Governor; the rank and file employees do not. Big Game Commercial Services Board and the Board of Game members, all appointed by the Governor, have stacked the Alaska Professional Hunters Association (APHA) since 2005.

MR. DUNCAN said he would guarantee that 50 percent of the guides will be put out of business, 30 percent will be hurt, and 20 percent will "come out smelling like money." Further, he said there are only 408 guides and DNR has only 300 opportunities. He uses all three of his guide use areas to make a living.

Since 1990, 6,500 assistant guides and 800 registered guides have dropped out, so the guide population is not growing. The sad fact is the guide concession plan will only solve a few problems in a few areas short-term and this is a statewide solution to a local problem that should be dealt with by the Board of Game.

They have heard repeatedly that the industry wants this GCP, but that's not true; only 10-20 percent of the industry wants it. The Guide Board and DNR refused numerous requests to survey those in the industry; they didn't do it because they knew what the survey would say.

The claim that the GCP will eliminate the problem with BLM is not true, because BLM will still issue permits to those people. The DNR point system strongly favors guides who have been in an area for a long time and that is the exact same reason that the two previous guide boards were sunset. And again, it can't be considered conservation or stewardship of the land if air taxis are allowed to bring in an unlimited number of people to any area they want at any time.

[4:15:06 PM](#)

TIM BOOCH, Master Guide Outfitter 176, representing himself, Kodiak, Alaska, opposed SB 160 saying he had zero conflict in his area. He had been a Kodiak resident for the past 33 years and has conducted guided moose and brown bear hunts on state land from DNR camps that he had paid for and was personally responsible for the last 17 years. He knows where his neighbors are, where the residents hunt, and what the use is.

He hoped they had a chance to read his written comments that contested a number of false statements and purposeful disinformation that was part of the DNR testimony regarding the

APHA/DNR concession program. They began their presentations with proclamations that the federal-style limited guide concession program was developed due to there being "no regulation in place regarding the guide industry on state land." Additional false statements were presented as fact such as: guides never knowing where their neighbors were and guides crawling all over each other. His position was that there is strong appropriate regulation in place that has provided a way for multiple user groups to utilize the resource and have a quality experience.

He suggested alternatives to the GCP:

- Eliminate the 14-day statewide DNR commercial recreational camp permit. Guides who use this type of permit have immunity from accountability for their impact on the resource and these permits provide no record of where they have camped.

- Include DNR commercial recreational camp permits in the Big Game Commercial Services Board regulation.

- Apply Game Management Unit 9 regulations statewide.

- Adopt the caveats of the Kodiak Model Brown Bear drawing permit guidelines and apply them to all existing and new drawing permit allocations.

- Require all commercial service providers to have a transporter license and include them in the professional ethics standards found in the Big Game Commercial Services Board under ACC code.

- Hold resident sport hunters to the same ethical standards commercial guides are regulated under and include these standards in the hunting regulations.

- Enforce the standards with prosecutions, fines, and punishment.

MR. BOOCH said the GCP was initiated by a few professional members of a private sport hunting guide association, the APHA that does not represent the entire guide industry on state land; its membership represents approximately 10 percent of the guide industry.

This is not a conservation issue; it is a commerce issue. He had been a member of APHA since 1996 until he dissolved his membership this year due to the Board of Directors' refusing to address his complaints to them concerning the unethical action of two of their high-profile members during this past fall

hunting season on the Alaska State Peninsula. This is the agenda of a handful of guides who want to eliminate their competition. He urged giving as much support as possible to existing agencies - the Board of Game, the Big Game Commercial Services Board, and the Troopers - that were tasked with the allocation process.

He said the GCP will not eliminate the drawing process. Another APHA statement by Mr. Tiffany that the GCP will stop BLM from instigating a federal-style concession plan on state land isn't true. He wanted everyone to look at each other as team members on this.

[4:22:25 PM](#)

THOR STACEY, lobbyist, Alaska Professional Hunters Association (APHA), Juneau, Alaska, supported SB 160. He compared this resource issue to the Kenai River. For many years the members of Responsible Kenai River Fishing Guides have come before the legislature asking to be regulated for the benefit of the resource and for their future with the same types of arguments such as the Board of Fisheries can handle it, there's no resource issue, we don't know what's going on. They are hearing from the opposition to the GCP that was never put in place, but one thing they do know is that there isn't a guide industry on the Kenai River right now, because it doesn't have any fish. The GCP works on federal land and it should be used on state land for the survival of something that is valuable, precious, and something that should be renewable.

SENATOR DYSON asked if we'll see the same as what is happening on federal land.

MR. STACEY responded that he meant to say because the federal concessions were put on federal lands over 20 years ago, they know what the result of those types of concessions are and what quality of animals and resource exist where there are concessions. Yet, under the same board processes the Big Game Commercial Services and Board of Game don't have the adequate tools to ensure a sustainable future where allocation needs are met by Alaska residents and the small percentage of non-resident hunters that the guide industry relies on are not in conflict with subsistence users or state resident hunting. The template for those concession programs was developed in Senate Resources; it just wasn't passed. Those concession programs have been successful.

[4:25:38 PM](#)

SENATOR DYSON said he understood that it was represented that if we just did it like the feds have done it, everything would be wonderful, but that is not what he is saying.

MR. STACEY answered that was what he was saying in essence, except they wished that the state was administering the concessions instead of the feds, because the state had the opportunity to do this program immediately following the Supreme Court case in 1988 and for a variety of political reasons and arguments in opposition to this program, the legislature didn't act - didn't vote it up or down. They know what the result on state land has been, an unregulated commercial industry using a renewable resource, and that where the industry was regulated on federal land it's been a success.

[4:26:41 PM](#)

CLIFFORD SMITH, Registered Guide 1318, representing himself, Wasilla, Alaska, opposed SB 160. He supported previous statements in opposition. He said both boards are loaded with APHA members and almost every supporter of this bill already has a private federal concession that they solely use. He implored them to look at the truth: this is purely a land resource grab by a private hunting club. The Board of Game has the right and the ability to fix any problems they see with the overharvesting of animals and the Commercial Services Board has the ability and power to take care of any bad or unlawful guiding on state, and federal land, or anywhere in the State of Alaska. This will just exclude guides and destroy the industry.

He said you already have to be a very committed person to even want to try to get a registered guide license let alone have the resources to commit to becoming a commercial operator anywhere, private or state.

[4:29:36 PM](#)

AL GILLIAM, Registered Master Guide 185, representing himself, Haines, Alaska, supported SB 160. Approximately 80 percent of his annual income comes from the guiding business. He said he had sent letters of support and an email attachment which was a recent news release announced by Karen Loeffler, U.S. Attorney, District of Alaska regarding recent federal court convictions of two Haines, Alaska, hunting guides who were charged as a result of Operation Bruin; they were hunting on state lands. Operation Bruin was a three-year long field investigation by the Alaska Wildlife Troopers and U.S. Fish and Wildlife Service, which terminated in the fall of 2011. It was one of the largest busts for wildlife-related offenses in the history of Alaska. One of

the long-time guides prosecuted had a track record of guiding infractions spanning decades. And if the state had long ago instigated a guide concession program such as the one in SB 160 that individual would not have qualified for a concession area based on his past violation record alone.

The money and time spent on this operation along with the associated legal expenses would have been avoided if they already had a guide concession program in place.

CHAIR GIESSEL asked him to send his letter to her so committee members could see it.

[4:32:22 PM](#)

STEVE PERRINS, Master Guide 123, representing himself, Rainy Pass Lodge, Alaska, supported SB 160. He said his lodge was commemorated in 2012 by the legislature as the oldest hunting lodge in Alaska with 75 years of service. He started working with APHA about eight years ago and asked them to help get a program set up because of the inherent problems with overcrowding.

MR. PERRINS suggested adding "transferability with some tweaking." In relation to a new guide getting into the business he explained that it takes a guide approximately two years to get his training as a packer and three years as an assistant guide before qualifying to test as registered guide for a total of five or six years. With a GCP or on federal land today he would then be able to apply for a concession and it may take him another 10-year cycle before he gets enough points to get that.

He said another way to do that is the good old free enterprise way of working with an owner/operator and eventually buying him out. Mr. Perrin said he has four boys who are guides in the family business and they hope to take over some day with his grandson. A GCP with no transferability makes it hard for someone to want to invest time and money for something that in 10 years may be taken away.

On federal land, recently a young guide testified that he had just won four concessions over and above guides that were more qualified in most cases; however, he had someone else in the industry write his prospectus. He also understood that this young person had never signed a guiding contract prior to that. So, they want to be careful about getting into a concession program without some tweaking.

Transferability is not the same as selling the resource; rather it is an incentive for good stewardship, which has to be a priority for both resident and non-resident hunting.

MR. PERRINS said today's guides in many cases do not have a lodge, but a Super Cub with 35 inch tires; they are mobile and that inherently is not a good thing for conservation. If they had a GCP and an area, they would be forced to farm it properly or they would put themselves out of business. So, with a five-year check-in half way through their term, if they are doing things improperly, they'd be stopped.

This program is a great improvement for the resident hunter. He prefers to let them use his camps and works something out with them so he doesn't interrupt their experience or his hunters' experience. Without a GCP, the Board of Game has been saying that it will create a permit system, and with that he thought the industry dies or becomes all part-time operators and the quality of hunts will go down in Alaska, because investment incentive will go away.

MR. PERRINS related that he bought an area in Kodiak under the pre-Owsichuk ruling and had a viable business, was booked three years in advance, and was the top price in his market. He no longer has that area and basically his brown bear guiding operation and his reputation for being able to hunt there is gone; that income has disappeared. So, that permit system will not do what is needed in this state.

He concluded by saying that he preferred to see the Big Game Commercial Services Board as their industry representative; there are overcrowding and ethics problems and a guide concession program is needed for the long-term.

[4:38:28 PM](#)

HENRY TIFFANY, Master Guide 144, representing himself, Fairbanks, Alaska, supported SB 160. He clarified that he spoke on behalf of the Big Game Commercial Services Board on Monday in support of SB 160, but today he is speaking as a life-long Alaska resident. The time is well past due and there is still time to correct the issue.

[4:40:14 PM](#)

MIKE COWAN, Registered Guide 1126, representing himself, Soldotna, Alaska, opposed SB 160. He said guiding provides 100 percent of his income and as a member of APHA, he agreed with some of the things they lobby for, but this was not one of them.

The language and format is too complex and it doesn't address the overcrowding problem entirely. He agreed that something must be done, but now only one part of the equation is being addressed and that's only the guides. The problem is not just the guides; it's all air charters and air taxis that can drop people off wherever they want.

He stated that SB 160 does not address emergency transfers or any kind of transferability. He urged them to study and address the entire problem, which he thought was conservation. He also pointed out that non-resident hunters provide a lot of revenue to the state that helps fund a lot of programs in communities throughout the state and the dollars generated by the concession program will only benefit DNR. "Where would they get the funding to start it, in the first place?" he asked. His closing thought was that there is no mention of emergency transferability in case of death or major illness and all guides would be impacted by the financial burden this program would impose in that event.

[4:44:16 PM](#)

FRANK BISHOP, Master Guide 191, representing himself, Kodiak, Alaska, whole-heartedly supported SB 160. He said the transporters are a major problem and causing the overcrowding on state land, which is where he guides.

[4:45:22 PM](#)

JASON BUNCH, Registered Guide 1311, representing himself, Kodiak, Alaska, supported SB 160. He trusted that the DNR would work hard to establish a viable program before it's too late.

[4:46:25 PM](#)

DAVID LAZER, Master Guide 175, representing himself, Los Angeles, California, opposed SB 160. He had been guiding in Alaska for 44 years and pointed out that there are 408 registered master guides in Alaska and only 126 APHA members; the little guy doesn't have a vote. This is all slanted; in 1989 the Supreme Court said that guide areas are unconstitutional and they actually need to kick the federal government out of the state.

MR. LAZER said guides who are confined to an area don't interfere with the residents who can go anywhere. The transporters and air taxis need to be controlled, as well.

[4:47:50 PM](#)

ANNA STOCKER, representing herself, Wasilla, Alaska, opposed SB 160.

4:48:48 PM

NATE TURNER, Registered Guide 1036, Vice Chair, Board of Game, Fairbanks, Alaska, supported SB 160. He said his entire livelihood comes from either trapping or guiding, so he had two perspectives. He asked which perspective they wanted to hear.

CHAIR GIESSEL said whichever he chose.

MR. TURNER said from the Board's perspective, development of this program has been both requested and strongly supported by the Board of Game since the beginning of these discussions. Since the Board is tasked with the primary responsibility regarding most management and policy decision regarding wildlife in Alaska including the allocation decisions between both users and types of uses, their work often involves regulating the guiding industry even if it's indirectly. They have often been challenged to create very complicated permits and hunt structures and unique permit stipulations that are sometimes burdensome for the ADF&G to manage in the attempt to both limit the extent of guided non-resident participation in areas where resident hunters or resources may be unduly affected and at other times even creating complicated hunt structures in the attempt to provide stability for the guiding industry where external issues threaten to severely impact or force guided hunt opportunity off the landscape.

He said this program will help the Board of Game address two primary goals that it has established: limiting highly competitive guide activity in areas of concern and providing some assurance that this historic type of hunting opportunity and experience has a place in Alaska's future. This program will directly help mitigate user conflicts in sub-unit 20(A), the Ward River drainage, and sub-unit 19(C), sheep country in the Chandelar Region. Reducing the number of guide operations in these areas will bring direct benefit to resident hunters, other uses, the remaining guide operations, and their hunting guests.

The closest example of how the landscape would look after implementation of the proposed GCP are on U.S. Fish and Wildlife Refuges. This type of program can actually help with the management goals of the board. Hunting pressure and conflicts are rising dramatically in ANWR; the board has heard a lot about it through recent public testimony and other sources. These in-the-field conflicts mean, in a general sense, that there are too many hunters for the limited amount of hunting space and resource, and many have requested that non-resident hunters be

severely restricted or even eliminated from the landscape in that entire region. But many in the public are unaware that the entire ANWR area is currently under limited guide concessions and non-resident Dall sheep hunters are required to be guided, and that even these limited uses have been reduced over the last 15 years through the federal competitive process. Having the GCP in place will help the board more accurately identify and regulate the conflicts and concerns in this region and other regions, as needed. This will not fix all the allocative problems or conflict issues in the state, but it is a necessary first step, Mr. Turner said. The public perception is that non-residents are the sole source of the problem regardless of what the data says and when limitations are placed on hunters and hunter access, it is necessary that the non-residents be the first to be impacted.

He said it's important to remember when looking at conservation concerns or conflicts in the field that the board has to address them, and when they do that they have a "stepped order" that they are sometimes mandated to follow it and often they choose to follow just because it's the right thing to do. Obviously, the non-resident hunter is the first one that has to be impacted by any changes in regulation.

MR. TURNER said it's interesting that this program came from the guiding industry to the board and various boards, even to the Governor's office. This industry asked to be regulated partially in a sense of pre-emptive self-defense in realizing that if something didn't fix a lot of the identified issues somebody would fix it for them and the guiding industry might not be able to survive under that outcome. So, it would be a wise move to try and shape what that outcome would be from the outset.

He said the board strongly feels it will need to be part of the administration of this program in one way or another as it addresses potential limitations on hunter numbers or hunting opportunities for guided hunters or non-residents in general, because it will allow for the continuance of a familiar and respected public process for all the affected parties. They also believe that the Big Game Commercial Services Board should retain its authority as to whether there should be limitations on the number of assistant guides, for example, and other areas of authority that currently reside with it. It may be necessary to form some sort of a joint board process or have that built into the program to address special circumstances.

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From his personal experience guiding for 17 years on both federal and state lands, Mr. Turner said they won't hear a few perspectives from the people that oppose this program on public record for a reason. A lot of people who are afraid of this program are those that know they will likely not receive a concession area due to having a history of wildlife or guiding violations or permit compliance issues; those who have built their business model upon a wide network of subordinate registered guides so that they can operate in multiple areas annually across the state, essentially subcontracting, which is contrary to the intent of the current three guide use area system, most federal permit requirements, and the intent of state law; those that know they have a long list of client complaints on file with the state, those that know they will stand to lose any areas that they gain through this program if they continue to use threatening or aggressive hunting tactics on resident hunters, those who do not consider themselves full-time professional guides who are afraid that they won't receive an area; those that believe government shouldn't meddle with anything they do regardless of the circumstance; and those who are afraid generally that they won't obtain an area because of inexperience within the industry or the profession.

He said some of those perspectives have merit and deserve due consideration, but some don't and they should be taken at face value, but they won't be mentioned on the record.

In closing, Mr. Turner said, he supported a guide concession program, but he wanted intent language or something that would convince him that the guides could have more of an impact on how this program is administered. Most of the opposing guides would be for this bill if something like that was added.

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STEVE PERRINS, II, Registered Guide 1295, representing himself, Alaska Range Remote Hunting Lodge, supported SB 160. He was calling on a satellite phone from the Alaska Range and stated that the industry desperately needs a guide concession program. His family owns the oldest hunting lodge in Alaska and he works for the lodge year round with the goal of someday being able to take over what his Dad started and what he had helped to build, that being their guiding business. But if the GCP does not allow for transferability, he might as well go out on his own and compete with his father.

Transferability is also needed for conservation reasons, Mr. Perrins said. If you cannot sell your area after years of good stewardship, then many guides will be faced in their final years of guiding with an end to their income; many may be tempted to book a few more hunters in their final years and some unethical ones may even completely hunt out their area to assure their financial future. On the other hand, if they know they can sell a well-managed area with a healthy game population, that is even more of an incentive to help the resource.

He said the DNR GCP seems to focus too much on how well someone can write up a good business plan and operating strategy and not enough on the experience, time in the field, and investment in the area. As a newer, younger guide, he sees the very likely possibility of a healthy industry if the GCP is properly administered and the GCP could create many opportunities for younger guides to work their way up the ranks and take over or buy an area. Alaska could have a better conservation program by eliminating the overharvesting of species and stop falling short of places like Canada, Russia, and Africa, as a premier hunting destination.

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COKE WALLACE, Master Guide 172, representing himself, Healy, Alaska, opposed SB 160. He said he operates in the same guide use area as he has operated in for 20-plus years. Unfortunately he is in one of the contentious areas and didn't think another layer of bureaucracy was an answer to the problem.

He had encouraged all along the way giving the Big Game Commercial Services Board or other boards of that stature the tools necessary to take care of the problems. He had dealt with being burned out and vandalized including this past winter by some unscrupulous brothers in the industry. He had brought the "pirates" or miscreants to the DNR but nothing came of it. DNR has not shown him that they can handle what they have on their plate now and he didn't think more responsibilities could be heaped on. This problem needs fixing, but a guide concession program is not the answer. He said a good professional industry regulates itself like a dentist or a doctor.

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TRACY VREM, Master Guide 96, Chugiak, Alaska, supported SB 160 "warts and all." He said he gets 90 percent of his income between hunt guiding and fish guiding. The only time he does other sorts of work is when seasons and bag limits get closed and the non-resident hunter gets cut out of the allocation

system and he has to find another job to support himself. Thankfully, that hadn't happened since 1998 on the Alaska Peninsula for caribou.

He related that he started in this business pre-Owsichuk decision working his way up the ranks. He ended up buying out a guide's improvements on the Alaska Peninsula thinking that having an exclusive guide area or joint use was the only way to go.

CHAIR GIESSEL thanked him and finding no questions, closed public testimony.

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At ease from 5:08 to 5:09 p.m.

CHAIR GIESSEL said SB 160 would be held in committee until Friday.

[5:09:44 PM](#)

CHAIR GIESSEL adjourned the Senate Resources Standing Committee meeting at 5:09 p.m.