



Guiding on State Land and the Guide Concession Program

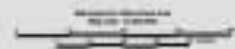
Department of Natural Resources
Division of Mining, Land and Water
November 2012

Who we are:

- The Division of Mining, Land & Water – Regional Offices consists of 66 professional staff
- Managing over 100 million acres of state owned upland as well as tide, shore and submerged lands



Department of Natural Resources
Division of Land Regions



Northern
Region

Southcentral
Region

Southeast
Region



Guide Industry History

- In 1973 the Alaska Legislature created the Guide License and Control Board
- The intent of the Board was to “protect fish and game management”, and “to get competent people as guides in Alaska”
- In 1974 the Board established an area system limiting guides within Exclusive Guide Areas
- By 1976 the program was extended statewide

*Owsich*ek Decision

- In 1988 the Alaska Supreme Court found the Exclusive Guide area system to be unconstitutional
- The court cited 4 primary reasons in its decision:
 - Not subject to competitive bidding and were exclusive
 - Assignments were not based on wildlife management
 - Provided no remuneration to the state
 - Of unlimited duration and were not subject to any other contractual terms or restrictions

After *Owsichuk*

- Very little regulation of the guiding industry early on
- The Big Game Commercial Services Board (BGCSB) was created and was tasked with oversight and management of the industry: statutes (AS 08.54), regulations (12 AAC 75), and enforcement
- The BGCSB is under the Department of Commerce, Community and Economic Development (DCCED), Division of Corporations, Business and Professional Licensing (CBPL)

Currently to Guide on State Land:

- If there is only day use of state land, i.e., no overnight camping or facilities, then the only requirement is Commercial Day Use Registration for a \$25 fee.
- If there is overnight use of state land:
 - For camps or facilities in place for up to 14 days, a Commercial Recreation Permit (CRP) is required. This is an authorization that can be processed on the same day that the application and fee are received. Fees are \$500 for up to 6 months authorization and \$1000 for up to 12 months. Authorization term is up to 12 months.
 - For camps or facilities in place longer than 14 days, a Land Use Permit is required (LUP). These permit authorizations cost \$100 to apply, usually have a public notice period, and can take 60-90 days to adjudicate. These permits require insurance and bonding and annual fees are based on the level of infrastructure such as year round storage, tent platforms, cabins, and number of sites. LUPs are usually issued for periods up to five years.

Currently to Guide on State Land (cont):

- There are a few guide operations that have leases for the lands where they camp and have facilities. These are often larger operations with more infrastructure such as multiple cabins and/or lodges.

Other current details:

- There are no DNR restrictions on state land on the number of guides operating or the number of guides granted permits within an area.
- Permit stipulations do not carry regulatory citation authority but are revocable at will.

Current Issues on State Land

- Since the demise of the EGAs there have been attempts to recreate the program in a manner which satisfies the deficiencies noted in the Owsichuk Decision, and which addresses important conservation and stewardship values.
- Without a way to more closely manage guide activity, several problems have repeatedly been raised in connection with guided hunt activities on state land. Those problems include:
 - overcrowding in the field leading to user conflicts and increased competition for trophy and food source animals
 - impacts to certain animal populations
 - poor stewardship of public lands
 - inefficient enforcement actions due to poor record keeping
 - increasing demands for further restrictions on guided hunting activities

The Guide Concession Program:

Purpose for Program

- Address the issues identified by the guide industry, the Big Game Commercial Services Board and the Alaska Board of Game related to the ongoing problems identified in the field.
 - Decreased incentive to practice wildlife conservation
 - Decreased quality of experience for guided clients
 - Conflicts between user groups
 - An overall lack of land stewardship
 - Difficulties enforcing game laws

Efforts prior to February 15, 2012

- Whitepaper distributed 2009 for review
- Informational meetings were held in Anchorage, Fairbanks, Juneau, Tok, Dillingham, Kodiak, Kotzebue and Little Rock, Arkansas
- The public and agency comment period was open from December 8, 2009 through March 31, 2010

Proposed Decision Issued

- Proposed decision released February 15, 2012
- The public and agency comment period was February 15, 2012 through April 23, 2012
- DMLW hosted statewide public meetings in Juneau, Fairbanks and Anchorage
- DMLW hosted several online web based meetings
- We received 192 comments, including recorded testimony at the meetings and on webinars

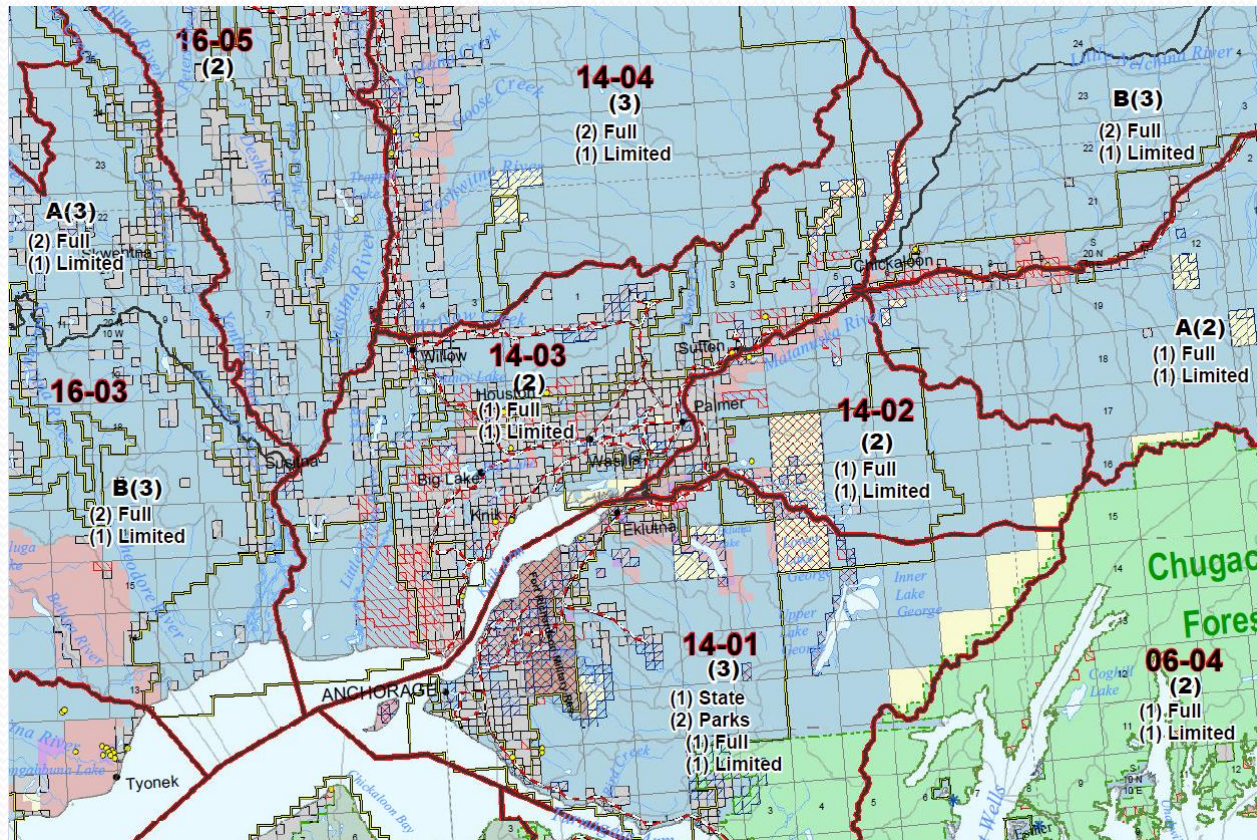
Process to the Final Decision

- In June 2012, DMLW formed an Interagency Steering Committee with representatives from ADF&G, DPOR, and BLM. The purpose of the committee is to cooperatively design and develop the final GCP. DMLW hosted multiple meetings with the cooperating agencies to decide on key issues brought forward by public comments and the agencies.
- In response to public comments asking for increased industry participation, the steering committee also held information sharing meetings with the Acting Chairs of the BGCSB and BOG. The purpose of these meetings was to receive additional feedback from the two regulatory boards that impact the guiding industry on possible changes to the GCP prior to the issuance of a Final Decision.

Aspects of the Program

- Application
- Scoring process and evaluation panel
- Fees (application, annual and per client)
- Full and limited guide concessions
- Limit on the number of assistant guides
- Apply for and be awarded a maximum number of areas
- Maps
- Duration of the permit
- Transferability and vacancies

GCA Map Close-up



Timeline

- Summer and Fall 2012 – Committee meetings, issue analysis and resolution, Draft final decision and publish in December
- January 2013 – Brief legislature, acquire necessary budget, personnel, limited enforcement authority and program receipt authority
- January 2014 – Applications available
- Summer 2014 – Award notifications
- January 2015 – Guide concession areas effective

Contact Information

State of Alaska

Department of Natural Resources

Division of Mining, Land & Water

550 W. 7th Avenue, Suite 900c

Anchorage, Alaska 99501-3577

907-269-8587 – phone

907-269-8913 – fax

<http://dnr.alaska.gov/mlw/gcp/> – website

dnr.mlw.gcp@alaska.gov – e-mail