

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

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July 5, 1994

Walter Stieglitz
Regional Director
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Dear Mr. Stieglitz:

The State of Alaska has reviewed the Advance Notice of Proposed Rulemaking concerning Special Use Permits on National Wildlife Refuges in Alaska (50 CFR Part 36; FR Vol. 59, No. 85, Wednesday, May 4, 1994). The notice addresses intent to revise regulations for administration of special use permits, including the competitive selection process for guide-outfitters. This letter represents the consolidated comments of the State's resource agencies, and has been developed in consultation with the Chairman of the Big Game Commercial Services Board.

The State of Alaska requests the Service suspend its guide/outfitter permit selection system and use the State's as has been repeatedly promised. The State has implemented a system which issues guiding permits. The Federal Register notice says: "the State may not be able to implement a satisfactory system for the selection of guide-outfitters..." and "If the State develops a selection system that meets Service requirements,...." The Service continues to imply that the State is not providing a "satisfactory system"; but we have yet to learn the criteria of the "Service requirements" the State is not meeting. We urge that such criteria be clearly defined and provided to the State.

If the Service has **statutory** mandates which preclude use of the State's system, then we request the following changes in the existing system of awarding guide/outfitter permits:

1. **Adopt and use the State's uniform coding units (UCU)** instead of independently developed boundaries of areas for permitting guides to use. The Service is interpreting the state's harvest information in allocating areas, but the interpretations lack the benefit of the State's tenure, on-the-ground expertise, and experience in the communities and with the guides. At the same time, the Service's

boundaries align with landownership instead of natural breaks for population management which the State's UCUs provide. One of the objectionable side effects of the Service's system is a continual, unnecessary reduction in the number of permits awarded. We are not aware of evidence that this downscaling is necessary to protect the refuge; hence it appears to be an administrative bias to reduce legislatively protected activities.

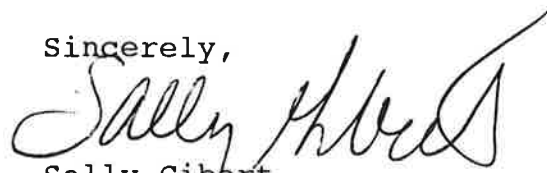
2. **Eliminate bias in applying points to the applicants' prospectus based upon fish and wildlife harvests.** The State manages fish and wildlife. This management authority has been infringed upon by the Service awarding guide/outfitter permits based upon "intended" harvests for particular species. For example, in the case of big game guides, the Service inappropriately issues permits in favor of those applicants indicating intent to harvest fewer animals than other applicants. In awarding permits for river guides, the Service point system is biased against guides whose primary purpose is for fishing as opposed to just floating the rivers. Such criteria has no appropriate role for the Service in awarding permits for use of refuge lands.

The Service must also consider ANILCA Section 1307 which gives guidance in awarding preference for visitor services except sport fishing and guiding. It was Congress' presumption that the State would continue to be the lead agency in permitting of fishing and hunting guides.

Regarding fees collected from commercial operations, we encourage the Service to base its fee system for guides and outfitters upon the commensurate value of the actual use of refuge lands, not the harvests of fish and wildlife.

Thank you for the opportunity to provide these comments. If you have any questions, please call this office.

Sincerely,



Sally Gibert
State CSU Coordinator

cc:

Carl Rosier, Commissioner, Department of Fish and Game
Harry Noah, Commissioner, Department of Natural Resources
John Sandor, Commissioner, Department of Environmental
Conservation
Michael Barton, Commissioner, Department of Transportation and
Public Facilities
Richard Burton, Commissioner, Department of Public Safety
John Katz, Governor's Office, Washington, D.C.

Distribution List
FWS Guide/Outfitter Permit regulations
July 12, 1994

Tina Cunning, Department of Fish & Game, Anchorage

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