



Guide Concession Program (GCP) Workgroup

July 27, 2023, at 9:00 AM via Zoom

Members: Jason Bunch, Chair of the Big Game Commercial Services Board (BGCSB); Registered Guide; DCCED
Christy Colles, Division Director, Mining, Land, and Water; DNR
Rick Green, Special Assistant; DFG
Coke Wallace, Master Guide
Ted Spraker, Public Member

Facilitator: Sara Chambers, DCCED Boards and Regulations Advisor

The meeting convened at 9:03 a.m. Many members of the public observed via Zoom.

TRANSPORTERS

The chair reviewed his ideas for moving forward on the topic of transporters. He felt adding transporters to a concession program was premature since the BGCSB was currently pursuing several regulations to help address some of the industry's current concerns. The board is seeking to work within its existing authority before requesting additional authority from the legislature. He also cautioned against restricting the availability of transporters to resident hunters.

The group discussed what current mechanisms exist within DNR to establish landing zones for transporters. Ms. Colles explained that transporters are currently required to register according to the type of use they are anticipating, but they don't have to pinpoint exact locations. Mr. Wallace encouraged regulatory authorities to keep the regulations simple. He reminded the group that rivers change and circumstances change, so where a transporter may plan to drop a client may not be the best or safest place to do so when they reach the field.

Mr. Spraker agreed with Chair Bunch and Ms. Colles that a concession program for guides would be enough to handle. He also reminded the group that transporters are not guides and can't select hunting areas for clients, which would be guiding. Major Frenzel agreed that only licensed guides can do that. Mr. Spraker said the client needs to dictate the location for dropoff, which would make pinpointing a location for the purpose of a permit nearly impossible.

Tim Booch

Mr. Booch discussed several unfortunate incidents with transporters who landed their planes in his camp. He has also had these issues with resident hunters piloting themselves. He believes the federal system seeks to reduce conflicts. He supports a concession program.

Thor Stacey, Alaska Professional Hunters Association

Mr. Stacey reviewed the APHA's unofficial position on transporters. They are concerned about overregulating transporters to the detriment of guides and residents who may need their services in various locations. He reviewed a federal process that intended to address possible over-harvesting of trophy black bears in Southeast. Guides, residents, and transporters used different methods of gaining permission to utilize federal land (drawing and concession). It worked well to address the different dynamics among types of participants. It's hard to see an advantage to adding transporters to a concession program. In the 1990s, the proposed concession program's legislative controversy was primarily about transporters. He feels adding transporters will be a distraction and detract from the work needed to

successfully implement a guide portion of the program, which is more needed. He appreciated the BGCSB's current work to regulate transporters within current authority.

Joe Klutsch

Mr. Klutsch agreed with Mr. Stacey and said that flexibility is needed to ensure transporters can land safely depending on weather conditions.

Jeff Callison

Mr. Callison agreed with Mr. Stacey's comments. His area has only one area for marine vessels to safely land. He said transporters in his area work well with guides to ensure harmony. His area doesn't experience the same conflicts as Kodiak does.

Chair Bunch said that when residents show up at his camp, they work together to ensure each has a fair chance because they have the same right to the land and wildlife.

Chris Zulinsky

Mr. Zulinsky said that limiting the number of animals is why there are fewer resident-guide conflicts in Kodiak. He supports limited entry for transporters.

Mr. Wallace said that the industry has to be about wildlife resources above all. Mr. Spraker has heard that guides will put tents on sheep hunting strips to deter transporters from using the strip, even if the tent has not been used the entire season ("ghost camping"). This is a big problem for residents, as well as other guides and transporters. He has experience cooperating with other hunters in the same area. The area and resources can't be exclusive. Chair Bunch said the BGCSB has cracked down on ghost camping.

ENFORCEABILITY

Chair Bunch asked Ms. Colles to describe how their processes are enforced. She said there are periodic spot checks, resulting in written requests for improvement, leading to revoking authorization if it is not corrected timely. It can lead to trespass and requesting AWT assistance. Mr. Bunch asked how proposals would be enforced as conditions of being awarded a concession (doing what they said they would do). Ms. Colles said that DNR needs statutory authority to enforce violations, which also empowers AWT to ticket violators. She mentioned that the 2013 proposal included adding troopers to recognize the additional regulatory overlay. It would be necessary if a concession program is implemented.

Chair Bunch suggested that agencies should share enforcement where it is appropriate, such as a concession violation in DNR could also be referred to the BGCSB for potential revocation of the guide's GUA, as an example. Ms. Colles agreed that violations in one agency's program should reach to evaluation of other permissions in other agencies and authority to act upon them. Major Frenzel explained how this currently works with sportfishing concessions. He suggested this authority would need to be conferred to AWT/BGCSB/DNR through statute; for the most part, troopers don't typically enforce regulations but refer the complaint to the agency since those matters often do not have a criminal component. Ms. Chambers encouraged whomever might propose statutory change to intentionally include enforcement authority for the lead agency, as well as other agencies that might have a public protection interest, such as professional licensing. AWT may need explicit authority to enforce a concession program on behalf of the agency. Major Frenzel said troopers already check for compliance across all relevant agencies, so this should not be problematic to add. Enforcement of all details of a proposal will be more difficult than just checking a permit the guide has on hand. Those details may need to be carried with the guide to make it possible for troopers to enforce.

Mr. Spraker suggested the Board of Game, BGCSB, AWT, and others should increase coordination of data to ensure problems are identified early and addressed, including adding statutory authority to enforce, if needed.

Tim Booch

Mr. Booch described what he has to do to physically identify his camp under his current permit. He thinks spike camps should also have to identify themselves with physical monuments. He also thinks moose should require a guide license and check stations, as required in other states. He thinks DNR should enforce their own permits, not AWT.

Thor Stacey, Alaska Professional Hunters Association

The most basic level of enforcement should be compliance with concessions. As of now, guides can commit all kinds of violations and still receive permits. A concession program will ensure guides do what they say they are going to do. Likely enforcement will fall on the civil side since violations are unlikely to rise to a criminal level. For the program to have integrity, guides must be held accountable for what they say they will do in their proposals. He suggested self-reporting or auditing as a check-in, including a sworn statement under AS 11 that the report is accurate. Site visits and in-field inspections should be a minority of the enforcement effort. Patterns of violations can escalate enforcement.

Joe Klutsch

Mr. Klutsch appreciated the conversation thus far. He cited the Peninsula as an area where there is no enforcement, so conditions are “disgusting.” AWT needs authority to write tickets, and the agency needs the authority to enforce; otherwise there is no public good, and it’s a fee-collecting exercise. He believes camp locations, including spike camps, need to be identified on a map and spaced away from each other. This benefits all users. Main camps should be a minimum of three miles apart. He was uncertain how allocation of hunters might be done by the BOG.

Jeff Callison

His understanding is that DNR and AWT already have the authority to enforce permits. DNR permits are revocable and reportable. Ms. Colles stated that permit violations can be reported to BGCSB and AWT but they cannot write tickets themselves.

Chair Bunch considered next steps. Ms. Chambers suggested the workgroup could develop a framework based on the 2013 model as a start. Agencies need to discuss internally what authority, resources, and funding is needed to move forward. Ms. Colles agreed that agencies need to discuss together, and an outline of a proposal would make sense as a work product. Chair Bunch volunteered to author a first draft based on all the discussions and public input received since January. He will circulate to the workgroup for revision, agencies can discuss concurrently, and the workgroup can ultimately endorse a product. Who carries the ball to the legislature would be determined at that point.

Mr. Stacey stated that APHA appreciates the transparency and input of the workgroup, especially since their membership is a significant portion of the industry. The workgroup’s process has made it easy to communicate with their membership. APHA is committed to partnering in the legislative process and trusts that this process has been sound.

The workgroup discussed Mr. Bunch’s draft proposal to be submitted to the workgroup by September 11 after he returns from the field. The group can individually review and make suggestions, pulling a draft together by September 22, if not earlier. The workgroup could then publicly review its draft framework when guides are generally available to listen in, culminating in signing off on a recommendation to whomever may carry the ball to the legislature.

The meeting adjourned at 11:22 a.m.