



# Guide Concession Program Workgroup

## FINAL Meeting Notes

Alaska Department of Commerce, Community, and Economic Development  
 Jan 20, 2023, at 9:00 AM via Zoom

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

**Facilitator:** Sara Chambers, Boards and Regulations Advisor; DCCED

**Guests:** Tom Bay, BGCSB Executive Administrator; Harriet Milks, Senior AAG

1. Reviewed and confirmed the mission of the workgroup

Per the Big Game Commercial Services Board, which convened the workgroup in March 2022: The purpose of the workgroup is to work on a legislative proposal for a limited guide use area registration or concession program for state lands; the proposal intent is for the BGCSB to manage the limited GUA or concession program.

2. Walked through the proposed work plan, as updated below:

Time Frame	Date	Event	Purpose	Logistics
January	1/20	Workgroup meeting	<ul style="list-style-type: none"> <li>Map out work plan</li> <li>Discuss participation, logistics, funding, etc.</li> </ul>	Organizing: DCCED/Chambers Staffing: DCCED/Chambers Location: Zoom Other:
February	2/9 2/16	Workgroup meetings	<ul style="list-style-type: none"> <li>GCP "Vision"               <ul style="list-style-type: none"> <li>Identify what each agency is envisioning</li> <li>Identify what did not work in previous proposals</li> <li>Think through all alternatives</li> <li>Discuss impacts &amp; needs</li> </ul> </li> </ul>	Organizing: DCCED/Chambers Staffing: DCCED/Chambers Location: Zoom Other: Christy Colles will be in Juneau
March	3/2  3/16  3/28-30 TBD	Workgroup meeting  Workgroup meeting  Public Forum (coordinate with BGCSB meeting last week of March)	<ul style="list-style-type: none"> <li>Work through the 2013 framework &amp; 2023 alternatives</li> <li>Work through the 2013 framework &amp; 2023 alternatives</li> <li>Prepare for public forum</li> <li>Present information so far</li> <li>Hear public/industry ideas and concerns</li> </ul>	Organizing: Staffing: Location: Other:  <u>Public Forum:</u> Organizing: DCCED Staffing: Location: Pike's Waterfront Lodge and Zoom Other:
April	4/13 4/27	Workgroup meeting  Workgroup meeting	<ul style="list-style-type: none"> <li>Debrief the public forum</li> <li>Solidify primary points for new proposal</li> </ul>	Organizing: Staffing: Location:

			<ul style="list-style-type: none"> <li>• Include agency leadership</li> </ul>	Other:
April	4/10	Public Forum in Anchorage & Zoom	Hear public/industry ideas and concerns	Organizing: DNR/Colles Staffing: Location: DNR conference room (can fit 100 people) Other:
	Date?	Workgroup meeting	<ul style="list-style-type: none"> <li>• Debrief the public forum</li> <li>• Solid outline of proposal coming together</li> </ul>	<u>Public Forum:</u> Organizing: DNR/Colles Staffing: Location: DNR conference room (can fit 100 people) Other:
May	Two Thursdays	Workgroup meeting (guides done by 15 <sup>th</sup> )	<ul style="list-style-type: none"> <li>• Review draft and discuss resources with leadership of target agency</li> </ul>	Organizing: Staffing: Location: Other:
June	Two Thursdays	Workgroup meeting	<ul style="list-style-type: none"> <li>• Lead agency alert GLO to anticipate proposal (depends on GLO timeline)</li> </ul>	Organizing: Staffing: Location: Other:
July	TBD	Workgroup meeting		Organizing: Staffing: Location: Other:
August	TBD	Work with GLO/LAW and/or shop to legislators for sponsorship		Organizing: Staffing: Location: Other:
September	TBD			Organizing: Staffing: Location: Other:
October	TBD			Organizing: Staffing: Location: Other:
November	TBD			Organizing: Staffing: Location: Other:
December	TBD			Sponsor prefile legislation

3. Heard comments from eight members of the public regarding direction, what didn't work in the 2013 proposal, and how they are looking forward to a transparent and engaged process this time.
4. Directed the public to send comments to [biggamecommercialservicesboard@alaska.gov](mailto:biggamecommercialservicesboard@alaska.gov). Future meetings will be on the BGCSB web site. Documents will be posted on a future GCP web page housed by the BGCSB.



# Guide Concession Program (GCP) Workgroup

## **DRAFT Meeting Notes for Workgroup Review: Not for distribution**

February 16, 2023, at 9:00 AM via Zoom

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

**Facilitator:** Sara Chambers, Boards and Regulations Advisor; DCCED

The meeting convened approximately 9:20 a.m. Many members of the public observed via Zoom.

Mr. Bunch requested the group use the first seven pages of the GCP Framework from 2013 as a starting place for discussion.

### **Purpose & problem**

- The Big Game Commercial Services Board has received more guide-guide and resident hunter-guide complaints in last two years than all previous eight combined. Need to determine if it is because of issues that a concession program could resolve or if it is related to other issues.
- For the first time, resident hunters came to a BGCSB meeting and complained about congested grounds near their homes and cabin.
- Losing state ground to federal takeover of state land is potentially dislocating guides.
- Loss of sheep is relocating guides to other areas.
- New businesses in new areas impacting consistent and established businesses.
- Guides are complaining about congestion and an increase in illegal activities. Need to prove where congestion is a problem.
- Client's wilderness experience is being impacted.

In previous efforts to enact a GCP in 2009-2013, DNR heard from a wide variety of stakeholders and attempted to fix the problem, but DNR didn't have the tools. The Owsichek decision further limited their tools. There was a lot of public engagement, and DNR tried to capture what they were hearing. Board of Game discussed support for concessions and offered a lot of comment to DNR.

To define the problem, data needs to be added to the anecdotal feedback. Previously, DNR went through all the hunt records and looked at client numbers to estimate impact. Need more input whether guides want more government management/limitation of their businesses.

### **Management & Scope**

#### Limited Areas vs. Statewide

Thinking about implementation, the group is concerned about limiting to a few guide use areas vs. doing implementing across all areas at the same time. In the previous proposal, the volume of applications and time for a statewide rollout was not manageable. Staggered expiration was not supported by guides.

There is concern that limiting access in some areas will create congestion in other areas. “If you push the bobber down, it will pop up somewhere else.” Camp locations and proximity to others seem to be the biggest concerns. Need to protect smaller areas that may not currently need limits and could get overrun.

Commercial set nets limit entry in a small number of areas. This idea hasn’t been discussed for GCP. Shorefish program is successful and includes leases—but those are not allowed in land use context.

Piloting the project in a few areas could help with rollout and implementation.

### Federal Process

Need to look at the federal concession process; timing is perfect because they just finished. Their prospectus system is not good, too complex; they are struggling, and their prospectus process will create appeals. There will be a high administrative burden to the state to do this. Prospectus should be simple; it takes feds 28 hours per application. Concession permits can clearly limit and state activity; guides who don’t follow the plans they submit will lose their permits.

### State Agency Ownership

The group discussed pros and cons of various agencies spearheading this effort. Previously, DNR was appropriated funding for a consultant to help review and build regs packages, as well as four staff nearly full time to work on the proposal. Thinking ahead, possibly 1500 applications could come in, so the process should be simplified. DNR wanted to pay for a wildlife trooper and wildlife specialist if implemented.

Whatever agency implements would need to have expertise and access to data. Concerns about BGCSB reviewing prospectus if they are also competing for concessions. Some discussion about the cost of the program to guides; currently, the legislature has not provided expenditure authority for use of the BGCSB surplus.

Any statutory change must clearly state what is needed to create a limitation on state land. Especially if determining who gets to work over another guide. The previous effort likely would have been appealed and gone to court. Confidentiality, program receipts, and program authority are necessary.

### Transferability

Transferability of a concession was a problem in the 2013 proposal; as proposed, it was illegal per Owsichek. Not being able to transfer a business is a loss of investment.

### Transporters

How are transporters affected or included?

### **Tasks for Next Meeting**

- Workgroup will review the list on the Framework page 7 and come with ideas on how to narrow/simplify it. For example, prospectus was based on subjective narrative. How can that change to be simpler, more defensible, and require less specialized staff?
- Also review Appendix F which shows DNR’s proposed rollout.
- Summary will be posted on BGCSB meeting web site after workgroup members approve and according to staff availability.

### **Upcoming meeting dates**

Future dates may be flexible due to workgroup member availability. Dates will be posted on the Online Public Notice System and BGCSB web page as soon as confirmed. Currently scheduled:

~~March 2 @ 9am via Zoom~~ *Cancelled*

March 16 @ 9am, via Zoom  
Written public comment only.

March 29 @ 6pm  
Oral public comment in person at the BGCSB meeting at Pike's Place Lodge in Fairbanks.

April 10 @ 3pm  
Oral public comment at the Atwood Conference Center (ACC) in Anchorage on the 1<sup>st</sup> Floor.

April 13 @ 9am via Zoom  
Written public comment only.

~~April 27 @ 9am via Zoom~~ *Cancelled*

The meeting adjourned at 11:00am.

Comments, feedback, and ideas may be submitted to [BigGameCommercialServicesBoard@Alaska.Gov](mailto:BigGameCommercialServicesBoard@Alaska.Gov). They will be forwarded to workgroup members ahead of the next upcoming meeting.



# Guide Concession Program (GCP) Workgroup

March 16, 2023, at 9:00 AM via Zoom

## FINAL Meeting Notes

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

**Absent:** Ted Spraker, Public Member

**Facilitator:** Sara Chambers, Boards and Regulations Advisor; DCCED

The meeting convened approximately 9:10 a.m. Many members of the public observed via Zoom.

### **Continued Review of Framework**

The group continued reviewing the table on Page 7 of the 2013 Framework. Jason reminded everyone that we are not making decisions today but still working through the evaluation of past proposals.

### *Awards, Terms, and Fees*

Jason suggested looking at whether more applications and awards than what was proposed in 2013 could be made. No one expressed a desire to change from a 5-year term. Awards were proposed to be based on highest score, not lottery. Concerns had been expressed that industry on the panel may lead to bias. Jason encouraged public comment on this. Coke suggested using retired guides with experience and who are not actively guiding. Christy indicated that DNR heard both sides in previous proposals and clarified that the evaluation panel is not the enforcement authority. DNR would pay for Troopers to write citations. DNR could also review violations such as not being good stewards of the land or not paying fees. Looking at number of concessions offered (208 full/90 limited), Jason thought there would be room for everyone. Some may need to relocate or change their business models.

He suggested looking at fees to evaluate what is viable for guides. The actual fees are determined by the cost of running the program, so they can't be determined until the program is fleshed out. He reminded everyone that the current hunt fees charged to clients cover the high cost of being a contracting guide and is not guide take-home pay. A robust program will likely have high fees. Charging a per-client fee helps provide equity among guides. Christy mentioned that the 2013 proposed fees assumed that start-up funding would come from the legislature, then the program would eventually pay for itself through fees. Current spike camp fees are comparable to 2013 annual fees.

### *Full and Limited Permits*

Jason wasn't sure why assistant guides would be limited. Christy indicated that she wasn't sure why a limited program was offered; likely this was in response to public comment received. She will go back and look at the rationale at the time.

### *Transferability*

Sara and Christy will work with Law to look into what's possible regarding transferability under the constitution. Public comments are encouraged so they can have examples and ideas to review. Christy reiterated that DNR was never against transferability but there were no solutions proposed that would be compliant per *Owsichek*. Coke stated transferability is the top concern with a concession program and believes there is a statute in DNR that allows transfer of land. Christy clarified that statute regards leases of specific pieces of land and not hunting

concessions in a large GUA. Coke feels that “lease” and “permit” or “concession” result in the same outcome. Christy explained the differences in property rights and state interest among the types of uses. Permitting refers to a right to use state land while leasing confers more ownership (like a car lease or mortgage). She suggested that it would depend on how the law is written.

#### *Vacancies*

Jason was concerned that concession areas that are dependent on drawing hunts might go vacant due to no fault of their own. Vacancy is defined as not having a concessionaire—more that it is abandonment, not just that someone didn’t hunt that year.

#### *Transporters*

Jason suggested including concessions for transporters in order to reduce conflict in the field. Transporters have been cited as a current problem in overcrowding. Transporters and air taxis currently only register for commercial day use of existing resources if they are not overnighting; they should be paying per client. DNR doesn’t robustly regulate transporters. Coke suggested they be included.

#### *Breaking a Tie*

Christy described the 2013 proposed process to break a tie. The shorefishing program includes historical use of the area and letters of support, in addition to other criteria, in case of a tie. Christy walked through differences and similarities between Commercial Fisheries Entry Program and hunting concessions and reminded everyone that they are based on different areas of law. Coke suggested a CFEC-type program be created for commercial guiding services. Christy encouraged everyone to start by looking at AS 38.05.082 as a model; however, fisheries are treated differently in the constitution.

### **Next Steps**

Jason suggested we keep moving through the framework and next look at the maps. Christy registered concern about available resources regarding mapping. Rick suggested the next meeting be focused on transferability and transporters. Jason said he would ask staff to send a message out on the board listserv requesting input on these topics

The group decided to discuss transferability and transporters at the April 13 meeting. Christy and Sara will coordinate and request Law weigh in on the legality of various transferability ideas.

### **Upcoming meeting dates**

Sara reminded everyone about the upcoming public comment and workgroup dates. March 29 is in-person oral comment only; Jason and Sara will coordinate to open a Zoom line so workgroup members can listen. Future dates may be flexible due to workgroup member availability. Dates will be posted on the Online Public Notice System and BGCSB web page as soon as confirmed. Currently scheduled:

March 29 @ 6pm

Oral public comment in person at the BGCSB meeting at Pike’s Place Lodge in Fairbanks.

April 10 @ 3pm

Oral public comment at the Atwood Conference Center (ACC) in Anchorage on the 1<sup>st</sup> Floor.

April 13 @ 9am via Zoom

Written public comment only.

The meeting adjourned at 10:40am.

Comments, feedback, and ideas may be submitted to [BigGameCommercialServicesBoard@Alaska.Gov](mailto:BigGameCommercialServicesBoard@Alaska.Gov). They will be forwarded to workgroup members ahead of the next upcoming meeting.





# Guide Concession Program (GCP) Workgroup

April 13, 2023, at 9:00 AM via Zoom

## FINAL Meeting Notes

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

**Absent:** Ted Spraker, Public Member

**Facilitator:** Sara Chambers, Boards and Regulations Advisor; DCCED

The meeting convened at 9:01 a.m. Many members of the public observed via Zoom.

### Continued Review of Framework

Jason updated the group on what the group discussed at the last meeting. He reiterated his goal to work through the 2013 framework so guides are focused on specific ideas and offering feedback on them. This meeting will be focused on transporters, transferability, and mapping.

Jason indicated that he was soliciting input from guides on transferability ideas. Sara and Christy are working with LAW to explore transferability ideas. This remains an important topic that is in progress.

Jason asked if we could gather numbers of contracted hunts per person, per GUA. Sara said that she could organize a list of the workgroup's questions for IT to query the hunt record database if the workgroup provided the data points they were seeking. She reassured attendees that the hunt record information would be aggregated and remain confidential. She also said that she could create an online survey for guides to volunteer this information.

### Mapping

The group moved to a discussion of mapping. Jason used 20-04 as an example: DNR offers 5 full and 3 limited permits in that area, but there are 16 currently registered by the BGCSB. Christy mentioned that they had asked guides for input for limits into each area. She mentioned that limited permits were designed to be small in number and cater to assistant guides who needed to gain experience.

Coke guides in 20-04 and said he felt the area could handle 4-6 guides but not 8-16. He rarely sees some of the guides he knows actively work in the area. However, he sees "back pocket" guides moving into areas where they know people are successful and then parking on top of them. Jason stated the board's own regulation about "appropriate buffer" was ambiguous. He plans to continue to seek input regarding maps. Reviewing maps might help reveal areas that are more congested than others; data and input can be discussed publicly among GUA users.

### Application Process

Jason walked through the full permit application in Appendix B. He listed some questions that may not need to be asked but overall thought the application was useful. Suggested reducing subjectivity in questions about clients, land use, and hunt success. Question 1 in in Sub-factor A was an example of how the application could be subjective and could also require paid professional help in completing the requirement; answering this question could be dozens of pages. Guides would say that they do certain practices to "say the right thing" that they

actually don't do in practice. Some of the questions in sub-factor A were offensive to guides; potential applicants were unclear what the panel was looking for or if they would be penalized for what the law considers generally acceptable use.

Looking at the scoring criteria from the 2009 proposal, it seemed like a simpler process but one that would result in multiple ties. Christy said that with that type of application, tiebreakers ended up being determined by lot or by fee, which has other unintended consequences. Jason suggested that the operating plan could be submitted as a fairly subjective document and limit its size. (Feds limit to 5000 characters.) Jason suggested that experience should be weighted. He felt that the number of clients should also affect the score (more clients might mean a lower score because of potential negative impacts to land and wildlife).

Jason said guides would not be truthful in completing lengthy applications. Christy said that guides would be held accountable for the land management practices they state in the application. In the 2013 proposal, DNR asked for authority to enforce this on the ground, as well as in the permit renewal review period. Jason said that the operating plan should be a contract that is enforced.

### **Next Steps**

Christy asked when the workgroup could discuss the alternative ideas that have been offered, especially those that will require less of a bureaucratic lift. Jason said that he is hearing "unbiased" guides desiring a concession program, but they don't know what a program might look like, so they can't truly say what they support. Sara and Christy offered that the alternatives might provide a fast track to solutions, especially if they are within current BGCSB statutory authority. Jason was concerned they might be band-aid solutions and ultimately not solve the problems.

He would like to see more guide involvement, and Sara indicated that it's unlikely 100% of guides will ever be involved, but more will engage once the workgroup offers a proposal. She cautioned the group that a concession program at this rate, especially if there are changes to maps, will not be ready for 2024 and possibly not 2025. Rick suggested that the 2013 program be tweaked in the few places where guides see the need for changes. Christy reiterated that the current program doesn't address transporters and that the system of awarding concessions and avoiding appeals is unclear. Rick would like to hear from guides regarding whether they want a concession program, especially if it doesn't address full transferability and other areas of concern, such as transporters, resident hunters, and air taxis.

Coke mentioned the "hunt planner" industry is growing and should be regulated along with guides and transporters. He reinforced the need to link guide activity to availability of game. He said if guides don't participate, they will have to live with the outcome that is produced.

Christy, Rick, and Sara will meet on legal transferability parameters and bring back to the group. Jason suggested looking at the federal program as a model; Christy indicated they were reviewed thoroughly in 2013 but US and Alaska laws are very different, so what is allowable in federal programs may not be constitutionally allowable on state land.

### **Upcoming meeting dates and topics**

- Friday, June 9, 9am-12pm: GCP Workgroup will discuss **transferability**, including public comment.
- Public comment on specific topics (9am -11am):
  - Friday, June 23: **Permit terms and fees** (# of applications that can be submitted, length of time, full vs. limited/number of assistant guides, number of concessions that can be awarded per guide, vacancies; application fees, per-client fees)

- Thursday, June 29: **Application and award process; award evaluation panel; ties**
- Thursday, July 6: **Mapping considerations**
- Thursday, July 13: **Transporter considerations**
- Thursday, July 20: **Wildlife considerations**
- Thursday, July 27: **Enforcement considerations**

Sara will organize and send a plan out to the team to review by midweek and publish to the public. If Christy can't attend, she will send a senior member of her team to participate on her behalf.

The meeting adjourned at 11:05am.

Comments, feedback, and ideas may be submitted to [BigGameCommercialServicesBoard@Alaska.Gov](mailto:BigGameCommercialServicesBoard@Alaska.Gov). They will be forwarded to workgroup members ahead of the next upcoming meeting.



# Guide Concession Program (GCP) Workgroup

June 9, 2023, at 9:00 AM via Zoom

## FINAL Meeting Notes

**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

**Absent:** Ted Spraker, Public Member

**Facilitator:** Sara Chambers, Boards and Regulations Advisor; DCCED

The meeting convened at 9:05 a.m. Many members of the public observed via Zoom.

### Transferability Discussion

The group discussed the guidance provided to the agencies by Department of Law, which essentially stated that a concession (permit, lease, license) meets the Owsichek test if it is competitive and has an end date when the existing permission would be reviewed and potentially renewed. If the new “owner” of the concession met the concession standards, it might have an advantage in the renewal process.

The legal review related to the constitutional question and not any specific concession/lease/permit process authorized in statute. The legislature could determine to make a concession non-transferable and, thus narrower, than what is constitutionally available.

Director Colles stated it would be clearest if statute set forth the authority for transferability and regulation clarified the terms or parameters of the transferability of any instrument used. She felt it would be cleanest if a concession was issued to a natural person since the individual, not the business, must be registered in the GUA and responsible for adhering to the laws.

Chairman Bunch outlined the U.S. Fish and Wildlife standards for their concession program, including aspects that might be beneficial to a state program and those that might not work. The group felt it would be important to prevent “insincere profiteering” in selling a concession because of the lack of public process, potential for exorbitant cost, and other possible restrictions on those who could compete.

Other ideas discussed included giving the new owner a one-time credit of the “experience points” of the previous owner when renewing the permit and accommodations for downscaling instead of short-term divestment. Mr. Wallace gave an example of how complete divestment would not be advisable when guides want to sell part of their business. Resource driven, not revenue, driven. The concession could be longer than existing permits in order to extend the time they are working under the initial term.

### Public comment: Transferability

#### Mike Sciotti

Questions about whether the concession program is new or replacing the existing permitting scheme. Director Colles explained that there is no current proposal but a new program would have to work with the existing permit/lease program. Asked about transferability to spouses under the USFW program. Wanted the group to

consider newer guides' ability to enter the concession program, so criteria in addition to longevity should be considered.

Aaron Carter

Agrees that the program should be resource, not revenue, focused. Should be transferred to a natural person, not an entity. Should be a competitive process, not sold. If someone leaves a permit, is there a waiting period until a new permit can be issued?

Tim Booch

Has experience guiding on state land permits, as well as federal land. Concerned about what may happen if a death or health emergency occurs, placing the existing hunt contracts in jeopardy. Permits should be transferred to another non-contracting registered guide to fulfill the remaining contracts. Feels that DNR's existing permits and leases should be limited. How is the two-mile spatial separation being maintained by DNR? He has had permits issued right next to his camp. Director Colles mentioned that was a BGCSB limitation, not DNR's. DNR can't limit by location.

Allen Barrette

Would a concession discriminate against other permittees in the area, like trap-line cabins? Would that open a can of worms for other industries? Agrees this should be about resources and issue to natural persons. Would want to see public disclosure of contracts with corporations. Mr. Green said the statute would be specific to the kind of concession and not apply to all industries. Director Colles said that currently, any cabin transfer goes through DNR and is not a competitive process. He would not want to see an area locked up by a corporation for their own clients' exclusive use. Stated that his comments were his own.

Wayne Kubat

Would like to see a ten-year permit and include a right of first refusal clause if constitutionally allowed.

Hugh Krank

Was one of seven committee members on the first GCP proposal. Raised concern that the committee was meeting when many guides are not available. Preferred to meet only in the winter. If a guide unexpectedly passes away, how could the assets be transferred? For example, his wife is not a guide, but could she work to hire a guide to take over the business and assume the concession? Concerned about proposal process that favors guides who are not very polished or able to express themselves in writing. Could a guide who loses a bid on his own be able to assume the concession of another person? Does the BGCSB have the authority to limit the number of guides in a GUA? Can it stop approving GUA registrations until areas are less congested? Can proposals be provided to the public? Chair Bunch said that the board can't refuse to issue a permit if someone is qualified. He mentioned that the workgroup has been meeting since January. There is no current proposal under consideration.

Thor Stacey

Speaking on behalf of APHA, which submitted written comment, as well. Appreciated this discussion. APHA believes emergency transfer should be included for a short time to ensure obligations are met and not a hardship on the survivors. APHA has always understood that there is a narrow path to transfer a concession that needs clear-cut standards. APHA shares the concern about monetization and monopolization. The current fear is that without a program going forward, hunting issues will be managed by drawing permits, which is likely to mean Outside corporations will take over Alaska because they can hire many guides to apply for the draw. This has a hard impact on small businesses. APHA expects that a statute change will be required and would like to do that in concert with this committee. Appreciates the committee's work.

Sam Fejes

Was one of three guides who had an original 55-year lease. Appreciates the committee's work. Agrees with transfer only to a natural person. The top priority should be the resource, which may suffer if there is no concession program.

#### Willie Dvorak

Appreciates the committee's work since it is difficult. Ten years ago, the discussion was that the guide industry would not survive without a GCP—and here we are. The GCP is like a "Rube Goldberg machine." Instead of a new, complex concession program, a solution might be simply to limit the availability of tags through DFG. That keeps the focus on the resource. Reduces a lot of concerns.

#### Zach Decker

Is a lease or permit considered "real property" that could be used as collateral for a loan? Works under USFS permit system, which is different than the USFW system. There are some models for entities to assume concessions under USFW. Other considerations include insurance and other aspects that are done through the entity. Mr. Wallace acknowledged that there will be a lot of details and complexity when dealing with these issues. Canada is moving in the direction of corporate domination of the industry.

#### Joe Klutsch

Has a considerable background in this topic. Supports the APHA comments sent to the committee. Discussed the supreme court decision on Owsichek and felt the 2013 GCP proposal was consistent with the decision. Spatial distribution of hunters is important. Does not want to see a draw system be the result. Concerned about who would be judging the prospectus process. Doesn't think the legislative process will be successful and believes DNR currently has the authority to implement a concession program. Appreciates the committee's work.

#### Mel Gillis

Agrees with Mr. Klutsch that the prospectus process should be reviewed by people who have the qualifications to do so. People should be able to protect their investments, which can take time. Should be resource-driven and issued to a natural person. Agrees with APHA comments. Appreciates so many people being part of the meeting, listening, and offering comments.

### **Upcoming meeting dates and topics**

- Public comment on specific topics (9am -11am):
  - Friday, June 23: **Permit terms and fees** (# of applications that can be submitted, length of time, full vs. limited/number of assistant guides, number of concessions that can be awarded per guide, vacancies; application fees, per-client fees)
  - Thursday, June 29: **Application and award process; award evaluation panel; ties**
  - Thursday, July 6: **Mapping considerations**
  - Thursday, July 13: **Transporter considerations**
  - Thursday, July 20: **Wildlife considerations**
  - Thursday, July 27: **Enforcement considerations**

The meeting adjourned at 11:42a.m.

Comments, feedback, and ideas may be submitted to [BigGameCommercialServicesBoard@Alaska.Gov](mailto:BigGameCommercialServicesBoard@Alaska.Gov). They will be forwarded to workgroup members ahead of the next upcoming meeting.



# Guide Concession Program (GCP) Workgroup

June 23, 2023, at 9:00 AM via Zoom

## FINAL Meeting Notes

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: Thomas Bay, Executive Administrator for the BGCSB; DCCED

The meeting convened at 9:02 a.m. Many members of the public observed via Zoom.

## Permit Terms and Fees

### **Full Concessions and Limited Concessions. How are they Awarded?**

The group discussed the administrative burden of a concession program including time, cost and resources. Full concessions are a considerable opportunity and will be very competitive. An application in the form of a prospectus is used by federal land managers with much success. Limited concessions could be completed through a "drawing". It is understood a drawing type award would be lawful and in-line with the Owisechik Decision. The limited permit would maximize opportunity for new entry and provide a low impact opportunity to gain experience in the field as a contracting guide. It would also provide opportunity for a smaller business model or single species services within a Guide Use Area. Minimum requirements would need to be met before participating in a draw for limited use of an area. The DNR 2013 proposed limited permit establishes sound parameters to begin with.

### **Number of Concessions per Guide**

The USFWS special use permit allows up to three concessions on USFWS lands as long as they are within 3 guide use areas mandated by Alaska statute. This means a person could possess multiple state, private and federal concessions at the same time. Land ownership around Alaska is diverse. Applying too narrow of a stipulation could have undesirable consequences in the balance of opportunity to compete and viable business. Limiting a contracting guide to 3 state land concession may be the best solution.

### **Length of Time**

The USFWS uses 5-year permits with a second 5-year earned renewal totaling 10 years between competitive processes. Permit stipulations and criteria for holding a concession negate the additional work associated with the 5-year review and ongoing award. A business owner needs at least 10 years to invest in an area and begin to see a return on those investments (infrastructure and conservation). As long as the permit stipulations are sound, a concession holder will lose their opportunity if engaged in unlawful activity regardless of the 5-year review. In other words, it seems unnecessary to have the 5-year review. 10-year concessions are recommended with precise permit criteria.

## **Number of Applications**

A minimum number of applications was established under the 2013 DNR proposal to maintain control of the administrative effort of scoring and awarding many concessions at the same time. Implementing concessions with a criteria-based policy of conservation or allocation by GMU subunit or GMU in the absence of a subunit makes application limits unnecessary.

## **Application Fee**

The group realizes application fees will need more scrutiny once the program is fully developed. Many licensees would like to see as many concession fees as possible wrapped into one. Application fee, per client fee and an annual fee are generally accepted as long as the viability of a business is protected.

## **Vacancy**

The term vacancy still needs clearly defined. The group realizes the need for a vacancy clause and understands the definition must ensure little subjectivity. There are many reasons a concession permittee may choose to not utilize an area. These reasons are broad throughout the state but need safeguarded to ensure good stewardship of an area is not lost due to ambiguous terminology.

## **Criteria to move a GMU or GMU Subunit to Concession**

More discussion is required. The group understands statewide, or region wide implementation will be costly and difficult if not impossible. The group also understands statewide implementation is not necessary and has the potential for many unintended consequences. It is general understood the group should focus on two criteria, conservation and allocation by GMU or GMU subunit. The group understands displaced business owners may relocate to other areas within the state creating the very problem concessions are attempting to correct. It is difficult to know the level at which that will actually happen. By utilizing GMU subunit or GMU in the absence of a subunit, this unintended consequence should be minimized.

## **Public Comment: Permit Terms and Fees**

### Wayne Kubat

Mr. Kubat thinks there is potential for a bunch of concessions if the group moved forward with Mr. Bunch's proposal. He suggested a limit of four concessions. He also suggested lengthening the amount of time for a concession to 15 years. He and Mr. Bunch discussed State and federal concessions that don't conform to a guide use area. Mr. Spraker asked if redrawing the guide use area boundaries was something they wanted to do. Mr. Bunch said no, and that one of the requirements for a concession would be that it conformed to the guide use areas.

### Cabot Pitts

Mr. Pitts liked the discussion on using the concession as a management tool for ADF&G in problem areas in the state. Mr. Pitts provided some examples of areas that do not need concessions and some that do. Mr. Spraker said he was a strong supporter of a statewide concession versus picking a few small problem areas because he is fearful that it will push guides into areas that don't currently have problems, but, after listening to Mr. Pitts, talking to Mr. Bunch before the meeting, and thinking about the administrative task of statewide, he changed his mind and thinks that the concession should be specific to problem areas in the state, and move forward to other areas as needed.

### Thor Stacey



Mr. Stacey said that he was providing comments for the Alaska Professional Hunter's Association (APHA) and that he wanted to be clear that APHA does not have a set position that has been developed with the board and its members, and that the comments he was providing were in the hope of providing some framework or clarification for the workgroup's decisions. He said that if there is going to be a limit on the number of guides in a concession that it needs to begin by defining the problem area. He used the earlier discussion on limiting concessions on a GMU subunit basis as an example, suggesting that as long as one guide does not monopolize the entire GMU, then limiting each GMU subunit to one concession should be fine. However, he said that it depends on the problem you are trying to solve, such as a valuable species on the threshold of going to draw or a drawing hunt afterwards. He said, if there is going to be an effective tool, that you need to decide as a matter of policy if you are going to have one or two concessions within a GMU subunit, and that, if you were to have more than two, how do you avoid the permit draw situation, with one of them being the possibility of joint use concessions. Mr. Stacey said that Mr. Kubat made some good comments regarding limiting concessions. In his experience with APHA, Mr. Stacey said that there was a fear that a state-concession program would unfairly benefit existing or non-existing federal concession holders and suggested that whatever restrictions are put on concession numbers, if that is the route taken, that they do not unfairly benefit federal or State concession holders down the road. He said that if they limit concessions, they should have open communication with the federal government and existing federal concession holders. He said that it would make sense for agencies to offer terms and conditions up front on limited concessions because the goal is to solve a conservation and Board of Game allocation problem. Regarding the issuance of full concessions, he said that the prospectus itself should probably be designed to migrate into the permit terms and conditions. Regarding narrowing concessions to problem areas and reminding everybody that he cannot speak for APHA at that point, he said that the thought process of using concessions as a tool for those areas has a lot of merit behind it.

#### Tim Booch

Mr. Booch said that he is completely supportive of the GCP effort. He said that his business, clients, and the product he provides has a lot to do where his camps are located. He said that, if there were two full concessions provided in a GMU subunit, then DNR needs to address camp placement, to reduce competition.

#### Mark Richards

Mr. Richards, representing Resident Hunters of Alaska, asked if the written comments from Resident Hunters of Alaska, which he provided earlier in the day, would be made available to the public, to which Jason said yes, but that they had to wait for Sara to get back.

#### Dick Rohrer

Mr. Rohrer does not want to see any change to the current model of three guide use areas. He said that a limit to guide concessions would be an issue because you can have many concessions within one guide use area. He agreed with Mr. Stacey's comments in regard to limiting full concessions to one GMU subunit. He said there was some merit to have further discussion on a draw for limited concessions, assuming that the purpose of those were for new entrants that met certain criteria.

## **Guide Concession Program Workgroup**

Listening Session on Applications, Award Process, Evaluation Panel, and Ties - 6/29/23

Via Zoom

Meeting Notes by Jason Bunch

Jason Bunch, MGO, BGCSB chair and GCP Workgroup chair, opened with an overview of how the US Fish & Wildlife Service concession program process worked this year and his experience as a concessionaire. He said the imbalance on the scoring panel resulted in a wide discrepancy among raters, likely due to a poorly designed scoring matrix. He also said that the cost and administrative steps were extreme.

He presented a screen share of his personal recommendation after looking at various federal processes. The workgroup discussed various high-level strategies to streamline the application, create a clear and defensible application, and take steps to reduce appeals.

The public was invited to offer public comment on the topics of the day.

### **Joe Klutsch**

Has been involved in this conversation for years. Hopes to keep it simple and avoid bloated bureaucracy. It's difficult to find people with the relevant experience to validly evaluate applications. Likely will need mapping, Board of Game involvement, and coordination with enforcement. Camp location identification and other particulars will be necessary for applicants to provide—not just “checking the box.” Appeal process is fundamental to any public process.

### **Wayne Kubat**

Concerned with hypocritical actions by federal government. Mistakes happen but the government is not held accountable to same way as individuals/businesses. Need to consider number of complaints against a business. A successful business might lose their ability to operate if they lose a concession, which is bad for that company and family.

### **Tim Booch**

Does the application include a provision that if someone is already in place, do they have a plan to move if they lose the concession? That was a question on a federal application. His experience with DNR was that his appeal of a leasing issue took nine years. Where are camps going to be located? Who will manage the concession program? Needs to be someone with more experience with guiding than DNR. Big Game Commercial Services Board could oversee it and hire reviewers.

Workgroup members reinforced that the legislature will ultimately decide who runs the program and that any concession program will be a partnership among stakeholder agencies.



# Guide Concession Program (GCP) Workgroup

July 6, 2023, at 9:00 AM via Zoom

## FINAL Meeting Notes

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: Thomas Bay, Executive Administrator for the BGCSB; DCCED

The meeting convened at 9:02 a.m. Many members of the public observed via Zoom.

## Mapping

Mr. Bunch recommended the board follow the mapping provisions outlined in the 2013 Guide Concession Program Management Framework Document (ADL 230869). If the workgroup decides to utilize a recommendation from the Board of Game to implement a concession offering via Game Management Subunit(s), boundaries of Guide Use Areas can be considered at that time. The BGCSB currently has authority to adjust GUA boundaries when required. Considering boundaries in this manner provides for the most detailed inspection, ensuring the least amount of errors. It also provides for a transparent public process, which is necessary as agencies, and boards cannot be expected to evaluate every GUA statewide. Mr. Bunch reminded the workgroup that the 2013 Guide Concession Program Management Framework Document (ADL 230869) was constructed with public input.

Members of the work group agreed the maps were completed with diligence by DNR during that process and the areas and boundaries of each recommended concession should be adopted with our recommendation.

The group opened the floor for public comment.

### **Public Comment: Permit Terms and Fees**

#### Tim Booch

Mr. Booch mentioned that the same guides are commenting every meeting and that he wanted younger guides to provide comment because they are the future of the industry. He asked how the camps are going to be issued, suggested mapping out the camps in each guide use area, and said there will be issues if the guide use areas are joint-use. Mr. Booch agreed with Sam Fejes' suggestion for exclusive guide camps.

#### Wayne Kubat

Mr. Kubat said that each area will have their own unique issues when it comes to implementation, such as private landholder boundaries.

#### Sam Fejes

Mr. Fejes said that GUA boundaries should follow private landholder boundaries to prevent conflict. He said that, instead of arguing about where to put camps, there needs to be exclusive guide camps, which fixes the

question of where to put the camps. He reminded everybody that the reason the GCP workgroup was created is because the game is suffering due to more and more users, and they need to limit them.

Thor Stacey

Mr. Stacey, representing the Alaska Professional Hunters Association, said that the group should give some thought to mapping when it comes to private landholders, and that they are not made less valuable if they span multiple GUA's or concessions.



# Guide Concession Program (GCP) Workgroup

July 20, 2023, at 9:00 AM via Zoom

## FINAL Meeting Notes

**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

**Absent:** Ted Spraker, Public Member

**Facilitator:** Sara Chambers, DCCED Boards and Regulations Advisor

The meeting convened at 9:09 a.m. Many members of the public observed via Zoom.

Chair Bunch acknowledged that the Transporter discussion cancelled for the previous week would be rescheduled to July 27 (in addition to the Enforcement topic) and apologized for the cancellation. He reviewed several transporter regulations changes that were in progress by the Big Game Commercial Services Board (BGCSB) and would be publicly noticed in the near future. He mentioned the bag limit reduction for deer made recently by the Board of Game to address an overabundance of hunters in Kodiak. He mentioned that restricting transporters would reduce services to resident hunters, which the BGCSB wanted to avoid doing.

The workgroup discussed the need to ensure DFG and Board of Game are included in the development of a concession plan, especially if the concession proposal is piecemealed in areas and not implemented statewide. Workgroup members felt that reductions in sheep limits are inevitable. The goal today is to hear the public's concern.

### **Thor Stacey, Alaska Professional Hunters Association**

He stated that conservation is a prominent concern. APHA looked forward to DFG's input on the conservation angle relating to concessions. He cited that the federal concession programs have been functioning well for several years. Guides participating in these program expect to be successful, so their applications reflect trophy quality, as well as high success rates. This leaves a surplus of game for resident hunters and to prioritize subsistence hunting. Guide behavior favors conservation to ensure continued success, especially in a concession model. The competition is greater outside of a concession area, which eats into to availability of game. APHA favors a concession program that provides a "soft landing" for concessionaires when a die-off happens, as it did in GMU 19C. The current process of the Board of Game setting reductions and cancelling hunts as a reaction is difficult for businesses. APHA recommended taking a more proactive management approach that would create a higher guarantee for hunters and clients. APHA believes a concession program would create that climate. A draw leaves the outcome to chance and is not desirable. The current model encourages unlimited resource use, which doesn't support wise conservation. He said he would provide written comment on these points.

### **Wayne Kubat**

He believes bears are more durable than other big game animals. He has heard that guides and transporters who can't hunt in GMU 19C are just going somewhere else. He operates using a conservation-focused business model. There are options outside of concessions.

**Spencer Pape**

He appreciated those who have expressed concern about his operations in 19C. He had reduced his numbers of hunters up to 50% to conserve the Dall sheep population and is now unable to operate. His goals are to encourage sustainability of the resource.

**Chris Zulinsky**

He has observed that many hunters are simply greedy. Just like farming, sometimes there is drought, and sometimes there is bounty. Proactive management is needed and is not currently the Board of Game's way of operating. Limited entry is very important. Emergency closures are not helpful to sustain businesses.

Mr. Wallace made an observation that guides who are operating unethically may need peer pressure from fellow guides to change their behavior. Mr. Stacey stated that Mr. Zulinsky is a respected guide who worked ethically and responsibly but whose business was suffering because there are too many other guides in his area.

Chair Bunch suggested that workgroup members bring ideas to the next meeting on July 27 regarding Transporters and Enforcement.



# Guide Concession Program (GCP) Workgroup

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

## FINAL Meeting Notes

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.



# Guide Concession Program (GCP) Workgroup

September 28, 2023, at 1:00 PM via Zoom

## FINAL Meeting Notes

Members: Christy Colles, Division Director, Mining, Land, and Water; DNR  
Rick Green, Special Assistant; DFG  
Coke Wallace, Master Guide

Absent: Jason Bunch, Chair of the Big Game Commercial Services Board (BGCSB); Registered Guide; DCCED  
Ted Spraker, Public Member

Facilitator: Sara Chambers, Boards and Regulations Advisor; DCCED

The meeting convened at 1:05 p.m. Two members of the public observed via Zoom.

The workgroup set as its only agenda item the review of Chairman Bunch's initial workgroup summary draft (version 1.6). Ms. Chambers offered to lead the walkthrough since Chair Bunch was in the field and unable to attend. She explained that the draft was his attempt to gather the information and ideas gleaned through the workgroup process. He offered it as a starting point and not a final version for vote at this meeting. He expected the workgroup to make revisions, ask questions, and offer additional edits.

Generally, that group agreed that it liked the direction and content. Members provided various minor working edits and suggestions, which will be incorporated in a version 2.0 to be provided for review ahead of the next meeting. Mr. Green and Mr. Wallace expressed excitement that the proposal has a conservation focus and that it would be implemented after a review of wildlife and use criteria in specific guide use areas, not statewide.

Ms. Colles suggested that the workgroup should wait on endorsing DNR as the implementing agency until her suggestions for placing the program in DCCED could be more fully considered. She stated that she would work on alternative proposal that could be reviewed at the next meeting.

Mr. Wallace approved of an advisory board that includes user groups. Ms. Colles agreed and cautioned that the board should remain nimble, including appointment by the implementing agency, and not be granted rulemaking authority itself.

Mr. Wallace said these fees might actually be low and that guides would be willing to pay more, especially if it is a larger flat fee instead of the more complicated scaled approach in the proposal.

The workgroup agreed to meet next via Zoom at 1:00 p.m. on October 19. Ms. Colles agreed that she would provide her summary ahead of the meeting so members could review and be ready with any questions.

The meeting adjourned at approximately 2:50 p.m.



# Guide Concession Program (GCP) Workgroup

October 19, 2023, at 1:00 PM via Zoom

## FINAL Meeting Minutes

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

Absent: Ted Spraker, Public Member

Facilitator: Sara Chambers, Boards and Regulations Advisor; DCCED

The meeting convened at 1:03 p.m. Several members of the public observed via Zoom.

DNR/MLW Director Colles walked through her proposal, which would shift implementation of the program from DNR to DCCED. Her thoughts were that more lands would be available, fees could be more streamlined, less personnel may be required, additional enforcement authority would not be needed, a competency threshold already exists, and the adjudication of appeals could be faster. She raised concern that there could be fundamental conflicts with the U.S. Constitution's commerce clause, as well as potential to sunset with the BGCSB.

Chairman Bunch raised concerns about the program being in DCCED based upon the *Owsichek* decision. He recommended the proposal initiate with the Board of Game and reside in DNR to help address some of the hurdles in *Owsichek*. He reviewed his thought process in his original proposal and that more work will need to be done as regulations are ultimately adopted. He stated his concern with implementing in DCCED because of the potential for cost and time for appeals within the federal constitution.

DCCED/CBPL Director Robb joined the meeting, raising concerns about the potential for conflict of interest with the Big Game Commercial Service Board, as well as the lack of expertise among staff to implement a program like this. Chairman Bunch reiterated the concerns with placing the program within the board and felt strongly that the board not be responsible for the concession program. Ms. Chambers stated that none of the "pros" discussed currently exist in DCCED outside of the BGCSB.

Director Colles added that Mental Health Trust could potentially participate upon their own motion. State Parks may also need statutory authority to include their lands in this project.

Chairman Bunch walked through his vision for the BOG and advisory committee roles, which would help reduce the staff work for the implementing agency. He walked through how the BGCSB had unsuccessfully attempted to manage this type of limitation in the past. He stated that we are already behind the curve on wildlife limitations, adding that draw systems are not sustainable for businesses and climate change is affecting animal availability. A concession program is necessary to maintain both wildlife and businesses.

Chairman Bunch mentioned that the process has taken longer than expected but has been necessary to properly vet options. Director Colles mentioned that her attorney needs time to review some of the legal issues raised, including federal interstate commerce and *Owsichek*. She offered to work with Director Robb on next steps to complete any legal or operational review.

Mr. Green with DFG reiterated that keeping the conservation focus is crucially important and he was glad it remains the focus. Mr. Wallace agreed about the urgent need for a conservation solution. He also thinks transporters should be required to follow registration and helicopter use laws.

APHA representative Thor Stacey mentioned that their attorney, Bill Horn, has extensive ANLCA and land use legal experience. Mr. Horn was involved in prior legislation regarding guides/transporters and has reviewed the pertinent federal and state issues at hand with the current proposals. Mr. Horn believes the additional available lands are not as large as some may believe, due to other programs in place. He thinks there may be federal interstate commerce risks if implementing in DCCED and interprets *Owsichek* as pointing toward DNR as the proper implementing agency. APHA supports the most legally defensible option, which they and their attorney have said is DNR, due to the risks inherent in running the program out of DCCED. He agreed with the concerns that Director Robb mentioned, especially potential conflicts of interest with BGCSB having oversight, and thinks that existing DNR leasing programs provide a solid existing framework for a concession program. He thinks the mission and authority of natural resource management rests more strongly with DNR than with DCCED.

RHA representative Mark Richards appreciated the legal information provided by Mr. Stacey. He stated frustration with the BGCSB for not reducing the number of GUAs that guides can register for. He would like to see the board do more with their current authority. He would also enjoy seeing the public comments submitted this year.

Allen Barrette, who is a guide and who sits on the Board of Game, stated that he is speaking as his own representative. He asked whether the Alaska Constitution's common use clause has been explored and asked for clarification of the BOG's role in the current proposal.

Directors Robb and Colles agrees to coordinate legal review of these issues. The group discussed the various legislative processes available and how the workgroup might best engage in the drafting process. The workgroup unanimously determined next steps to be:

- DNR/DCCED complete legal review
- Ms. Chambers update Version 2.0 to reflect a neutral implementing agency
- Administration determines best implementing agency and next steps in legislative process

Recognizing that the business of the workgroup was concluded, Chairman Bunch thanked the workgroup and the public for their hard work and participation in this process. Mr. Green thanked Mr. Bunch for his work leading the effort, and a round of appreciation was given to all.

The meeting adjourned at 2:50 p.m.