

DNR GUIDE CONCESSION PROGRAM

BRIEFING PAPER

February 8, 2013

WHY IMPLEMENT A GUIDE CONCESSION PROGRAM (GCP) ON STATE LAND?

In 1988, the Alaska Supreme Court found the former “Exclusive Guide Area” (EGA) system unconstitutional in the *Owsichek* decision. Since then, there has been no framework in place for the allocation of commercial use of state land by big game hunting guides, which has led to overcrowding and overutilization in some areas and underutilization in others. Furthermore, a number of issues have been identified by the public, members of the guide industry, the Big Game Commercial Services Board (BGCSB), and the Alaska Board of Game (BOG). Subsequently, DNR has been working to consider, develop, and propose a program that would address issues brought forth by the industry while working within the confines of the Alaska Constitution and address the findings of the court in the *Owsichek* decision.

WHAT IS THE GCP?

The GCP is designed to encourage land stewardship and to promote a healthy guiding industry. The current proposal allows for two types of concessions: full or limited. To apply for a concession, a person will be required to meet a set of minimum requirements and submit an application. The application will be reviewed by an evaluation panel of agency personnel which may include employees of: DNR, ADF&G, DCCED, DOL, DPS, and BLM. The scoring process of the GCP awards points to guides that can demonstrate: their experience and competence in the field, their ethics, stewardship principles, and professional business practices. Concessions will be offered to the highest scoring applicants within each guide concession area (GCA) according to the number and type of concessions offered. Concessions are a permit granted under AS 38.05.850.

ISSUES IDENTIFIED AND GCP PROPOSED SOLUTIONS

Since DNR released its December 2009 White Paper, DNR has been working with the public and affected parties to address their concerns. DNR recognizes that not all issues have a workable solution.

Industry Issues	Proposed Solution
Decreased incentive to practice wildlife conservation	Points awarded for demonstrated wildlife conservation practices
Decreased quality of experience for guided clients	Points awarded based on experience, business practices, and safety plan and deductions for violations and records of non-compliance
Conflicts between user groups	Points awarded for demonstrated ability to avoid and resolve conflicts as well as a reduction in the number of guides contracting hunts in currently over-utilized guide concession areas
Identified lack of land stewardship	Points awarded for land use permit compliance and stewardship activities
Difficulties in enforcing game laws	DNR is requesting to have limited enforcement authority for the GCP in order to improve compliance and the program will benefit wildlife law enforcement by clearly identifying who is authorized to operate and where they should be

<i>Owsichek</i> Issues	Proposed Solution
Lack of a connection to wildlife management	ADF&G is directly involved with program design and development, providing direction on wildlife conservation and management issues
No remuneration to the State	DNR is implementing a fee structure so that the program will eventually be self-supporting
Not subject to competitive bidding and exclusivity	No exclusivity, unless there are biological concerns or lack of state land in a GCA, in the GCP and concessions awarded on a competitive basis
Unlimited duration without contractual terms or restrictions	Concession permits will be awarded for two, five-year terms and a review and reissue at the end of the first five years with stipulations

ANTICIPATED BENEFITS OF THE GCP

Because guides will score points based on specific criteria, DNR believes this program will benefit the state, local communities, and residents by creating incentives for positive performance in the guiding industry. With the GCP, we may expect:

- A similar quality of experience to that reported by concession holders on federal lands (NPS, USFWS, USFS): less crowding, less competition for finite resources, and a predictable business environment
- Benefits to local communities and residents due to the incentive to cooperate with other user groups and minimize conflicts
- Increased land and wildlife stewardship
- Increased effectiveness of enforcement activity
- A guiding industry that is more competitive on the world stage

MOST COMMON CONCERNS

Even though the goal of the GCP is to promote a healthy guide industry, there are concerns that remain about the program. DNR has worked to address these concerns as much as possible but there is not always a clear solution. As identified through the public process, the most common concerns we have heard and DNR's responses are:

- Displacement of guides: In certain areas the number of guides authorized to contract hunts on state land will be reduced.
 - In order to address the issues as outlined above, there may be a redistribution of the number of contracting guides currently operating in some areas. The goal of the scoring process is to award concessions to those guides with experience, good business practices, and clean records. Guides that do not win their preferred concessions may decide to work for other guides or apply for less competitive areas.
- Guides lacking in experience or who are new to operating in an area may have difficulty competing for their concession of choice.
 - The structure and design of limited concessions addresses the ability of new guides to enter the program.
- Transferability: guides want to be able to sell or transfer their concessions.
 - In the old EGA system there was a lack of oversight and areas were bought and sold like a commodity, the court found this unconstitutional in the *Owsichek* decision.
 - Concessions are permits and are not transferrable.

- Guides want to be able to apply for more than three concessions to increase their chances at getting three awards.
 - The program has administrative limits: there are currently 298 concession opportunities and we may receive a thousand or more applications that will be individually considered and scored.
 - Concessions that become vacant may be filled by an "over the counter" approach allowing unsuccessful applicants who are qualified to be awarded vacant opportunities.
- Increased industry participation – there should be direct industry representation on the evaluation panel(s).
 - DNR and the Interagency Steering Committee has considered this concern and discussed many ideas on how to allow more participation by the industry. However, we were unable to find a solution that was free of the potential for bias.

DRAFT