

Guide Concession Program

Management Framework Document

ADL 230869



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State of Alaska
Department of Natural Resources

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STATE OF ALASKA
Department of Natural Resources
GUIDE CONCESSION PROGRAM
ADL 230869

This document supersedes and updates the Proposed Decision dated February 15, 2012, on the Guide Concession Program.

The Department of Natural Resources (DNR) has completed a management framework for a Guide Concession Program (GCP) that will competitively select big game guide outfitters to conduct commercial guiding on state land. The program's selection process will involve qualified individuals submitting an application with supporting documentation to DNR's Division of Mining, Land and Water (DMLW) Lands Section, which will then be reviewed and scored by a panel of agency personnel. Concession permits will be awarded and managed by DMLW. A concession is a permit granted under AS 38.05.850 and authorizes non-exclusive access to state land within a guide concession area and permits commercial big game guiding. This program does not address any other commercial or private entities.

The purpose of the GCP is to encourage land stewardship, support wildlife conservation, and to promote a healthy guiding industry to benefit the people of Alaska. The framework of this program is the first step in creating a management structure for the GCP that will address present and emerging problems.

PROBLEM STATEMENT

Currently there is no process by which the commercial use of state land is allocated among commercial big game hunting guides and there are no limits on the number of DMLW authorizations a guide can have on state land. This method of management has led to overcrowding and overutilization in some areas and underutilization in others. A number of related issues have been identified by members of the guide industry, the Big Game Commercial Services Board (BGCSB), and the Board of Game (BOG), including: a decreased incentive to practice wildlife conservation, decreased quality of experience for guided clients, conflicts between user groups, an overall lack of land stewardship, and difficulties in enforcing game laws.

The Commissioner of DNR has been asked, as the manager of state lands, to consider, develop, and propose a program that would address these issues. Changing the management and distribution of these commercial uses makes it important to consider the issues brought forward in the 1988 Alaska Supreme Court ruling, *Owsichek v. State of Alaska*, which found a system of exclusive guide areas unconstitutional. DNR may not be able to effectively address all of the issues noted but the management of commercial uses of state land for big game guiding falls within DNR's overall mission to manage state lands for multiple use and the maximum benefit of Alaskans.

MANAGEMENT ACTIONS

1. This document outlines the management framework of a GCP that will competitively select qualified individuals to conduct commercial big game guiding on state land.
2. This document provides the basis for program specific statute development and amendment related to confidentiality, program receipt, and enforcement authorities.
3. This document provides the rationale for specific management actions and the rationale for the development of program specific regulations under the Alaska Administrative Procedures Act to be listed under the Alaska Administrative Code.

PROGRAM SCOPE

Authority: This program will be authorized pursuant to: AS 38.05.020, Authority and duties of the commissioner, AS 38.05.035, Powers and duties of the director, and AS 38.05.850, Permits. This document is solely applicable and limited to the GCP in accordance with AS 38.05.035(a)(2) and (4), which is a subset of the power and duties of the director that applies to application procedures and practices.

Administrative Record: Case file ADL 230869 constitutes the administrative record for the GCP.

Location: This program will affect all tentatively approved and patented general state lands, as well as state managed tidelands, submerged lands, shorelands, and those state lands managed by DNR's Division of Parks and Outdoor Recreation (DPOR) where commercial guiding is allowed. A Memorandum of Understanding is currently under consideration between DNR and the Bureau of Land Management (BLM) to apply the GCP to their lands.

Responsible Agency: Under direction from the Commissioner, DNR manages general, state park, and special use state lands within Alaska and has direct management responsibility for over 100 million acres of uplands, as well as state managed tidelands, submerged lands, and shorelands.

PROCESS & NOTICE

The first drafts and concepts of what a DNR led program would look like were published and presented to the public in a White Paper and other supporting documents in December of 2009. This scoping effort was intended to get feedback from the public, other agencies, and members of the guide industry. Informational meetings were held in Anchorage, Fairbanks, Juneau, Tok, Dillingham, Kodiak, and Kotzebue. In order to give industry members who live outside of Alaska a chance to contribute, there was also a meeting held in Little Rock, AR, in conjunction with the Western States Land Commissioner Association meeting. The public and agency comment period was open from December 8, 2009 through March 31, 2010. The comments received were considered and responded to by DMLW. These comments resulted in changes to the proposed program and an extensive review and edit of the application scoring process and guide concession maps which were reflected in the February 2012 Proposed Decision.

In February of 2012, consistent with AS 38.05.945, the proposed decision was advertised and distributed for agency and public comment for a 68 day comment period beginning February 15th and ending April 23rd. Notice of the proposed decision was published on the DNR website, in the Anchorage Daily News, The Juneau Empire, and the Fairbanks Daily News-Miner on February 19, 2012. Three public meetings were held in Anchorage, Juneau and Fairbanks as well as four web based meetings during the comment period. Notice was sent to all guide license holders, any persons who had previously commented on the program, landowners, agencies, and other interested parties. During the comment period, 192 comments were received.

In June 2012, DNR formed an Interagency Steering Committee with representatives from Alaska Department of Fish and Game (ADF&G), DPOR, and BLM. The purpose of the committee is to cooperatively design and develop the framework of the GCP. DNR hosted multiple meetings with the cooperating agencies to decide on key issues brought forward by public comments and other agencies.

In response to public comments asking for increased industry participation, the Interagency Steering Committee also held information sharing meetings with the Chairs of the BGCSB and BOG. The purpose of these meetings was to receive additional feedback from the two regulatory boards that impact the guiding industry on possible changes to the GCP.

In addition to their participation on the Interagency Steering Committee, BLM is a potential landowner partner in the GCP. If BLM commits to the GCP, contracting guides who wish to operate on their lands will have to be the DNR concession permittee for that area. It is expected that the permits, stipulations, and fees that BLM currently requires of operators will remain, though the system of fee collection and administration may be streamlined amongst the agencies.

As a first step in potentially joining DNR as a partner in the GCP, BLM has begun their own process to address commercial hunting guide capacities for BLM lands in Alaska. BLM conducted a 60 day public notice and scoping period to investigate commercial hunting guide Special Recreation Permit capacities for BLM lands in Alaska. The scoping period began on July 9, 2012 and ended on September 9, 2012.

Table 1 depicts the historical changes to the GCP design elements that have occurred during its development since 2009 until this 2013 document. The information in the table reflects how the public comment process and agency and industry feedback has influenced the progression of the GCP.

PROGRAM DESIGN

The below information is the current framework of the program. The final framework of the program will not be implemented until regulations are adopted for the GCP. Within the framework of the regulations there will be flexibility built in and processes for making changes to the program.

Table 1: Historical Changes to the Guide Concession Program

Issue	2009 White Paper	2012 Proposed Decision	2013 GCP
The # of applications a guide can submit	3	2	3
The # of concessions a guide can be awarded	2	2	3
The application fee	\$250	\$250	\$250
The per client fee	\$200	\$500/\$750	\$250/\$500 AK resident exemption
The annual fee	Flat fee and a bid	\$2000 limited \$4000 full	\$1000 limited \$2000 full
Assistant guide or clients limitations (full)	Set by operations plan no limit of clients	Limit of 3 assistants per concession permit no limit of clients	Limit of 6 assistants per concession permit no limit of clients
Assistant guide or client limitations (limited)	No assistant guides client limit of 6 – 8	1 assistant guide no limit of clients	1 assistant guide with client limit of 4 per concession permit
Transferability	Non-transferable	Non-transferable	Non-transferable
Concession permit term	5 year term with 5 year reissue	5 year term with 5 year evaluation and reissue	5 year term with 5 year evaluation and reissue
Vacancies	Not Discussed	Vacant within first year of award offered to next highest score/ past first year rolled into regularly scheduled offering	Vacant with more than a year left on the contract offered to next highest score first in GCA, next GUA, final GMU
Limited concession award options	Same as full	3 options: Meet minimum score & lottery Highest score Combination of lottery & high score	Highest score
Industry representation on evaluation panel	No industry representation on evaluation panel	No industry representation on evaluation panel	No industry representation on the evaluation panel
Transporters	Not included in program	Not included in program	Not included in program * For more details see page 17
Ties	Pre- determined weighted questions	3 step process: 1 - If multiple concessions, both offered a concession 2 - Pre-determined weighted questions 3 - Lottery	4 step process: 1 - If multiple concessions, both offered a concession 2 - Pre-determined weighted question 3 - Drop high and low score 4 - Lottery
Number of concessions offered	244 full concessions	215 full concessions 85 limited concessions	208 full concessions 90 limited concessions

Guide Concession Areas - Mapping

History

The original guide concession map areas and numbers were drafted during a BGCSB Meeting in March of 2008 and input was received from all meeting attendees. The BGCSB then approved these maps and forwarded them to DMLW as proposed Guide Concession Area's (GCAs). The resulting maps were published during the 2009 - 2010 GCP public comment period along with all other information pertaining to the proposed program.

For the next iteration of the maps, published with the Proposed Decision, a review and analysis was conducted based on several sources of information, including 2009-2010 public comments and data obtained from the Department of Commerce, Community and Economic Development (DCCED). DMLW reviewed the following data:

- Number of licensed assistant, class A assistant, registered, and master guides in 2009 & 2010
- Number of guides registered for each Guide Use Area (GUA) for 2009 & 2010
- Number of actual contracted hunts by GUA 2009 & 2010
- Number of contracted hunts per guide 2009 & 2010 (names or guide license # not required or needed)
- Number of clients broken down by type of species taken 2009 & 2010
- The same historical information for the operating years of 1990 & 2000

After reviewing the data received from DCCED, DMLW staff re-considered the map concession boundaries, the number of concessions within each GCA, and the full and limited types of concessions. Several adjustments were made and it was decided to implement the two types of concessions. It was also decided, to ensure a fair and competitive experience for both the guide and client, that all areas with more than 5,000 contiguous acres of state land would have at least two concession opportunities. There are a few GCAs that have only one concession offered due to a combination of: a lack of state land, a very low number of contracted hunts or guides registered for the area, or from the identification of a biological issue.

In addition to internal DMLW review, ADF&G Area Biologists were given the GCA maps to review. DMLW requested that the biologists review the number of proposed concessions within each GCA and provide feedback related to biological population information for the area and any known social issues or conflicts. The maps were also provided to BLM staff and DPOR staff for review. The agency comments were reviewed by DMLW staff and adjustments to the maps were made.

Recent Mapping Evaluation

Numerous comments were received about the Proposed Decision maps during the February-April 2012 comment period, including concerns over the accuracy of the data obtained from DCCED. In response to these concerns, DMLW requested and gained access to original data from DCCED and the results were compared with the previous numbers. An additional review and analysis of the concession areas, types, and numbers was conducted, taking into consideration the comments received and a review of the new data. The number of concessions offered for each GCA includes those state lands managed by DPOR.

GCA concession numbers and types will be incorporated into the GCP regulations and the numbers and types will be flexible. In cases where there is a biological issue identified by ADF&G, the terms of existing concessions may be altered (to increase or decrease harvest) or the number and type of concessions may be amended to address concerns. The process for amending concession numbers in response to biological issues will involve ADF&G personnel and the BOG if allocation of wildlife resources is involved. Concession numbers may also be amended by DMLW if the need arises to address land stewardship or other concerns.

Guide Concession Areas – Types of Concessions

Full Concession

The full concession is the primary type of concession that will be offered (208 concessions). Full concession permits will consist of the following:

General Terms

1. Access is granted to participating agency lands within a designated GCA for the purpose of conducting big game guided hunts.
2. On DNR/DMLW lands: the ability to utilize short term portable camps within the same concession area for periods of up to 14 consecutive days in one location. Stipulations similar to those in the existing Commercial Recreation Permit (CRP) will apply. Other participating agency lands are subject to those agency's permitting requirements.

Restrictions

1. Full concession permittees will be allowed up to a maximum of six assistant guides with no set maximum number of clients per calendar year, per concession area. These may be assistants with any class of license including Master, registered, Class-A, or assistant guides. There are no limits on employees or staff that are not required to hold a professional license by statute (AS 08.54.605 – AS 08.54.640). Examples of these types of staff include, but are not limited to: camp-host, packer, or cook. However, if staff hold any class of guide license, they will count towards the assistant guide limit.

2. On DNR/DMLW lands, if a base camp of longer than 14 days is desired, the concession permittee will be required to obtain the appropriate land owner authorization and will be subject to the agency's regular permitting process and fee structure. There is no limit on the number of base camps or authorizations that a full concession permittee may apply for.

Duration

1. There will be a review and reissue at five years required on the 7 and 10 year concession permits in their first term and then on every concession permit thereafter. The review will consist of a records check for compliance with the concession permit requirements and regulations and a check for any changes in violation history. If the permittee is in good standing and wants to continue, a permit will be reissued for the second five years non-competitively.

Limited Concession

The limited concession is the second type of concession that will be offered and there are approximately 90 statewide. The general terms and the duration of the concession permits are the same as those listed above for full concession permits.

Restrictions

1. Limited concession permittees will only be allowed one assistant guide with a maximum of four clients per calendar year, per concession area. This may be an assistant with any class of license including Master, registered, Class-A, or assistant guide. There are no limits on employees or staff that are not required to hold a professional license by statute (AS 08.54.605 – AS 08.54.640). Examples of these types of staff include, but are not limited to: camp-host, packer, or cook. However, if staff hold any class of guide license, they will count towards the assistant guide limit.
2. On DNR/DMLW lands, if a base camp of longer than 14 days is desired, the concession permittee will be required to obtain the appropriate land owner authorization and will be subject to the agency's regular permitting process and fee structure. There is no limit on the number of base camps or authorizations that a limited concession permittee may apply for.

Award of Limited Concessions

In the Proposed Decision, three alternatives were discussed for how Limited Concessions would be awarded: minimum score and lottery draw, highest scoring applicant, and a combination of lottery draw and high score. The chosen alternative is highest scoring applicant. This choice was based on public comments that expressed a dislike for the idea of a lottery and based on discussions within the steering committee. Therefore, limited concessions will be awarded identical to the method of awarding a "Full Concession," as outlined below.

Application Process

To Apply

Each person wishing to apply for a concession will be required to meet a set of minimum requirements and submit an application that includes an application fee, the responses to Forms A-D of the Scoring Criteria, and all supporting documents (hunt records, violation reports, etc). Incomplete applications will not be evaluated.

Applications will be accepted by mail or hand delivery to DMLW and must be submitted by the published deadline. Submissions must be made in hard copy and in a digital .pdf format. Applicants may apply for and be awarded up to three concessions. Guides may be awarded only one concession per GCA.

Minimum Requirements

In order to be considered for a concession, applicants must meet several minimum requirements:

1. Applicants must have a current State of Alaska business license.
2. Applicants must be a current Master or registered guide in good standing with the DCCED and the BGCSB (applicants with suspended licenses or who are on probation due to disciplinary actions are not eligible to be awarded a concession).
3. Applicants must be certified to conduct hunts in the Game Management Unit (GMU) that the concession area they are applying for falls within.
4. Applicants must be in good standing on any land use authorizations with DMLW, DPOR, and BLM. Good standing includes at least that the applicant, for the land owners above, is not currently in trespass status and is not delinquent on any fees owed.
5. Applicants must certify they are capable of holding and will obtain commercial liability insurance if they are awarded a concession.
6. Applicants must declare that they have the financial ability to perform according to their proposed operations plan.
7. An additional screening question on the application is whether the applicant has any prior convictions of a felony within the past five years or convictions of a felony against a person under AS 11.41 within the last 10 years. Convictions under either criterion will result in the application being removed from consideration and the applicant is automatically disqualified.

Scoring Process & Evaluation Panel

All of the applications will be reviewed to ensure that the minimum requirements are met and that the application is complete, with all supporting documentation. The applications will then be grouped by concession area and type of concession applied for. The full and limited concession applicants will be scored and considered separately. The scoring of applications will be conducted by an evaluation panel of agency personnel. There may be more than one panel, representing different regions of an agency's jurisdiction. Panel participants may be employees of: DNR, ADF&G, DCCED, DOL, Department of Public Safety (DPS), and BLM. The panel(s) will use a standardized scoring system when reviewing and scoring applications.

In response to numerous public comments that there needs to be industry representation on the panel(s), the Interagency Steering Committee discussed several options but found no solution free of the potential for bias.

The evaluation panel will select the highest scoring applicant(s) based on points that are awarded out of a maximum of 300 points. Applicants will be scored on their responses to Forms A-D of the Scoring Criteria. The members of the evaluation panel will score each application independently and the average of these scores will be used to determine the final score for each individual applicant. For example, an applicant will receive a score from each panel member on Form A. All of those scores will be averaged together and that will be the final score for Form A. The sum of all of these average scores for all forms, minus the averaged deductions from Form D, will be the applicant's final score. Concessions will be offered to the highest scoring applicants within each GCA and according to the number and type of concessions offered. If a concession offer is not accepted, the next highest scoring applicant will be considered eligible for an offer.

Ties

Ties in scores for the same concession area and type will be settled in the following manner:

1. If a GCA has the same number of concessions available as there are applicants tied with the highest score, these applicants will be offered a concession.
2. If a tie occurs between applicants and there are not enough concessions to make an offer to all applicants with the same score, the tie will be broken by the scores on pre-determined questions from the scoring criteria. DMLW will determine which questions are the tie-breakers prior to the panel(s) review of any applications. The applicant who had the highest combined score on the pre-determined questions will be offered a concession.
3. If a tie has occurred on the combined scores of the pre-determined questions, then the highest and lowest score from those questions will be dropped and the median score used to determine the winner.
4. If a tie remains after the steps above, a random lottery draw of the tied applicants will be used to decide the winner.

Once the scores have been determined for all of the applicants in a concession area, all applicants to that GCA will be informed of the results. Individual applicants may request their complete scores but only the total scores of concession winners will be published. Publication of the results will be on the DNR Guide Concession website and by letter to all applicants. Decision on concession award results will be appealable in accordance with the regulations that will be adopted to implement the GCP.

Fee Structure

The Proposed Decision had several fee elements in its design, including an application fee, an annual fee, and client fees. There were many public comments received on each of these fees and on broader fiscal and economic concerns for the program overall. All comments were reviewed and considered. The changes to the fees were based on these comments and on discussions within the Interagency Steering Committee.

GCP Cost Evaluation

In addition to comment based changes, the fee structure is also based on all of the aspects involved with the administration of the GCP. Many factors have been analyzed and estimates calculated for costs. These include:

1. **Staff salaries:** The GCP proposes to have a DNR staff of seven full time permanent positions (differing levels of job class) and two, three year non-permanent staff to help with the initial large workload. These staff may be split between regions of the state. There is also one wildlife biologist position proposed for ADF&G and partial funding for DPOR staff.
2. **Administrative Costs:** These are the costs associated with travel, field inspections, staff training, services such as GIS database management and mapping, office space, and supplies.
3. **Loss of existing revenue sources:** There will no longer be visitor day fees or Commercial Recreation Permits for guides and this loss of revenue must be accounted for.
4. **Unknown contingencies:** The calculation of fees for the GCP are based on the assumption of full occupancy of the concessions and on a two year average for the number of clients served. Full occupancy of concessions is uncertain and there may be variation in the number of clients served on state land annually.

The goals of the GCP fee structure are to cover the administrative cost of the GCP, which is currently estimated at \$1,168,000.00 to start. However, based on the revenue generated and the actual costs of administering the program, the proposed fees may be adjusted. DNR will be requesting from the Legislature that all fees will be solely program receipted to the GCP and not to the state's general fund. All of the fee amounts will be established in regulation.

Fee Amounts

The fee amounts for the GCP are planned to start as follows:

1. **Application Fee:** Every application must be accompanied by a non-refundable \$250 application fee. This fee is to cover the administrative costs of handling and preparing applications for the evaluation panel(s) to review and for covering the costs associated with the hosting of the panels.
2. **Annual Fee:** All concession permittees will be required to pay an annual fee for the duration of the concession permit. Annual fees for full concessions will be \$2000 and limited concessions will be \$1000.
3. **Client Fee:** There will be a per client fee assessed annually and these fees will only apply to non-resident clients that are guided or outfitted. Guides will not be required to pay a fee on clients who are Alaska residents. The fee is \$500 per client for those species that require a guide for non-resident hunters (brown bear, Dall sheep, mountain goat) and \$250 per client for all other species. This fee is per client/per contracted hunt only, no matter the number of animals pursued by that client within that contracted hunt. For example, if a client is pursuing a brown bear *and* a Dall sheep, the client fee is \$500 for that contracted hunt. If a client is pursuing a brown bear *and* a moose the client fee is also \$500 for that contracted hunt. If a client is pursuing a moose *and* a caribou the client fee is \$250 for that contracted hunt.
4. **Liability Insurance:** Per 11 AAC 96.065, concession permittees shall secure, and maintain in force, insurance during the term of the permit with the State of Alaska, Department of Natural Resources included as an additional insured party.
5. **Bonding:** After consideration of the potential risk to the state, per 11 AAC 96.060(a), the department may require bonding for GCP concession permits. Bonds for any other authorizations such as land use permits or leases may still be necessary.

Concession Authorizations

A concession authorization is a permit granted under AS 38.05.850. Existing DNR permit regulations are found within 11 AAC 96. It is important to note that the GCP will be developing and adopting a set of regulations specific to the program and will incorporate pertinent existing regulations.

The permits will be awarded for two five year terms with a review and reissue at the end of the first five years. The second five year term is awarded non-competitively as long as the permittee has remained in compliance.

DNR has decided to offer all of the concessions statewide at the same time to start off the program. To ensure regular opportunities to compete for concessions and to provide for future administrative feasibility, the initial concession offerings will be staggered. So while all of the

concessions in the state will be offered in the first year, one third of those will be authorized for four years, one third for a seven year term (one five and one two year term), and one third for a 10 year term (two five year terms). At the end of the four and seven year terms, the next concessions offered for those same areas will be authorized for two five year terms (10 years). This means that once the first concession period is complete, all of the concessions statewide will be authorized for two five year terms (10 years).

DNR has decided to make the initial three GCA groups by using the existing ADF&G Regions. ADF&G divides all of their GMUs into Regions I, II, III, IV, and V. The first group, where the initial concessions will be permitted for four years, will consist of all GCAs that fall within Regions I, II, and V (approximately 73 concessions). The second group, whose initial concession duration will be a five and two year term, will be all GCAs in Region IV (approximately 115 concessions). Finally, the last group will be all GCAs in Region III (approximately 110 concessions) and the concessions will be permitted for two five year terms. These groupings were made based on the number of concessions that fell within each ADF&G Region.

Once the results of the scoring process have been published, those applicants offered a concession will have 45 days to sign a permit with DMLW, agreeing to the terms of the permit and providing all needed deliverables. Permits will be binding and at the minimum will be subject to the following:

1. Permits and/or concessions will not be transferable.
2. There will be annual requirements that will include but are not limited to: a post season report, insurance, client fees, and an annual concession fee.
3. Permits will be revocable and are subject to review and reissue at year five. The reissue is not guaranteed but will be non-competitive. Revocations or non-reissuance may be appealed.
4. Where appropriate, the answers that pertain to what the applicant is proposing to do for the next 10 years, given in Scoring Criteria 3, Sub-Factor D, Operations Plan, will be incorporated into the stipulations and terms of the final permit. These terms will be amendable.
5. All other land use authorizations must be current and remain in good standing.
6. Concessions must be used; the holder of a concession is required to conduct big game guiding activity annually unless there is a land or wildlife conservation concern or extenuating circumstance where the lack of activity is approved by DNR. Concessions where hunts are not conducted may be subject to revocation for non-use.

Concession Vacancies

In the Proposed Decision, vacancies would be filled within the first year of the permit by offering the concession to the next highest scoring applicant. If the vacancy occurred after that first year, the concession would sit idle until the next regularly scheduled offering, within two years typically. This proposal was met with concern from the public and agencies that concessions had the potential to sit vacant for any length of time. Concerns raised by the public were for lost hunting opportunity and the inability to use an area. Concerns from the agencies centered on the impacts to management goals from loss of harvest and a concern that drawing permit areas could sit vacant, leaving the permit winners without a way to hunt. To address these concerns, the Interagency Steering Committee developed a process designed to try and minimize impacts resulting from vacancies. The process is a stepwise hierarchy that proceeds as follows:

1. If a concession is vacant for any reason and there is more than a year left on the original authorization DMLW will first go to the last round of applications for that GCA and offer the concession to the next highest eligible applicant.
2. If the concession still remains vacant DMLW will look at the scores for all applicants within the entire GUA of where the GCA is located and offer the concession to the next highest eligible applicant.
3. If the concession is still not filled DMLW will look at the scores of all applicants within the entire GMU of where the GCA is located and offer the concession to the next highest eligible applicant.
4. If none of the above results in finding an eligible concession holder, the concession will be re-offered at the next scheduled offering, which should be within two years.

If an eligible applicant is found and the vacant concession is awarded, the term for the permit will only be for the remainder of the original permit's term. If a concession becomes vacant with less than a year left on the original permit, the concession will be offered at the next regularly scheduled offering.

STATUTORY CHANGES

Currently DMLW can monitor and permit commercial recreation operations on state land (including hunting camps) but has no citation authority on those lands. Citation authority is an indispensable tool which improves compliance with applicable land use regulations and permit stipulations and enhances stewardship of state land.

Formal adoption of agency regulations will be the next step toward bringing the program forward. In order for these regulations to become enforceable, statutory authority must be granted by the Alaska Legislature and a Bail Forfeiture Schedule adopted by the Alaska Supreme

Court. Once the regulations are adopted and enforceable, citations may be issued by designated Peace Officers of the State and by Alaska State Troopers, imposing penalties for violations.

REGULATION STATEMENT

The GCP is intended to be a dynamic program that can be amended and modified as needed over time. The program requirements will be set into regulations but the regulations are not intended to be static and are expected to be adjusted as necessary to achieve the original purpose and mission of the program.

TRANSPORTERS / AIR TAXIS

The GCP does not address transporters and air taxis though there have been numerous public comments about issues and conflicts related to these operations. DNR understands and recognizes the role of transporters and air taxis in the broader system of hunting in Alaska. DNR is committed to further research and evaluation of the issues and need for potential management strategies surrounding this industry.

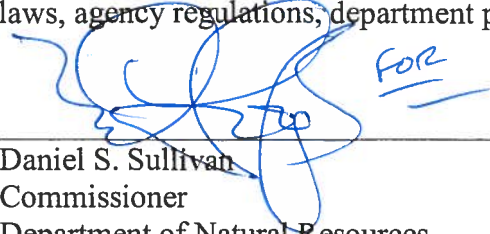
RECOMMENDATION

This program will encourage the development of the state's resources, provide direct and indirect economic benefits to the state, and is not prohibited by any state area plans.

This document provides the rationale for specific management actions and the basis for the development of regulations under the Alaska Administrative Procedures Act for the GCP to be listed under the Alaska Administrative Code.

The mission of the GCP is to encourage land stewardship, support wildlife conservation, and to promote a healthy guiding industry to benefit the people of Alaska. Managing commercial big game guides on state lands in accordance with the guidelines and management framework set forth herein will help to encourage sound wildlife conservation, good stewardship of lands, reduce user conflicts, and increase the quality of experience for all involved. After consideration of the GCP and other alternatives brought to the department's attention, DNR finds the GCP, as outlined above, to be consistent with the Department of Natural Resources management authority.

Under the authority of AS 38.05.020, I find that this program is consistent with applicable state laws, agency regulations, department policies and management authority.

 *FOR*

Date: 1 / 22 / 13
Daniel S. Sullivan
Commissioner
Department of Natural Resources

PUBLIC NOTICE & COMMENT PERIOD

Public Notice: Public notice will begin January 23rd, 2013 and end February 28th, 2013. There will be three public meetings held during the comment period, one in Anchorage, Juneau, and Fairbanks, locations and times to be announced. Please check the program website regularly for all information updates and meeting times, locations, and dates.

Agency Review: Agency notice will be concurrent with public notice.

Comment Period: During this open public review process comments may be submitted until 5:00 pm on February 28th, 2013. To be considered comments must be in writing and timely submitted. DNR has created a project website, <http://www.dnr.alaska.gov/mlw/gcp/>, where documents may be reviewed and comments submitted. Comments may also be submitted in writing, email or fax to:

State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Attn: Guide Concession Program
550 W. 7th Ave., Suite 900C
Anchorage, AK 99507
Email: dnr.mlw.gcp@alaska.gov
Fax: (907) 269-8913