

APPENDIX A – COMMENT RESPONSE SUMMARY

Topic: Additional Elements to Consider for Proposed Program

Issue: Discourages Guides to Invest in an Area

Comment Summary Statement: Commenter's are concerned the initial staggered term of four, seven, and 10 years as well as the eventual established 10 year term discourages guides from investing in their awarded area. They state there is no incentive to invest in an area you could lose in 10 years.

Response:

Thank you for your comment. The original Exclusive Guide Areas (EGAs) were for an unlimited duration which was called out in the *Owsichek* decision. The Guide Concession Program (GCP) addresses the unlimited duration by limiting the concession term (please see Appendix D for a full discussion of the *Owsichek* decision). The initial terms are designed to build a stagger into the program to help with the administrative burden of reviewing applications statewide every 10 years but instead fewer applications every three to four years. A concession authorization is a permit granted under AS 38.05.850. Existing Department of Natural Resources (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 permitted 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 permitted for two five year terms (10 years). This means that once the first concession period is complete, all of the concessions statewide will be permitted for two five year terms (10 years).

Topic: Additional Elements to Consider for Proposed Program

Issue: Exclusive Areas

Comment Summary Statement: Commenter's are concerned the non-exclusive concession areas will not work.

Response:

Thank you for your comment. The original EGAs were exclusive and the court found this element to be unconstitutional in the *Owsichek* decision because EGA grants allowed a guide to exclude all other guides from leading hunts in an area and that exclusivity was determined to fall within the category of grants prohibited by the common use clause (please see Appendix D for a full discussion of the *Owsichek* decision). Division of Mining, Land, and Water (DMLW) designed the GCP to address this element by allowing at least two guides in every Guide Concession Area (GCA) except in areas where a combination of the following gave reason to allow only one guide: a lack of state land, a very low number of contracted hunts, low numbers of guides registered for the area or from the identification of a biological issue.

Topic: Additional Elements to Consider for Proposed Program

Issue: Loss of Current Investment

Comment Summary Statement: Commenter's are concerned of the potential impacts the program will have on their current investments in an area if they are not awarded a concession.

Response:

Thank you for your comment. DNR recognizes there may be an initial financial burden for current guides with the implementation of the program. Permits currently granted through the state are revocable and do not convey any long term rights. If a guide has previously invested in infrastructure under a permit in an area and they are not awarded a concession, they may sell the facilities or personal items to the GCP permitted guide. The GCP guide will still be required to obtain a separate authorization for the site. If a guide has infrastructure authorized under a lease they may continue to use the site for business other than commercial big game guiding.

Topic: Additional Elements to Consider for Proposed Program

Issue: Subsistence

Comment Summary Statement: Commenter's would like for subsistence and traditional use in the concession areas to be recognized by the DNR while developing the program.

Response:

Thank you for your comment. The department considered subsistence and traditional uses during the development of the GCP. Public comments on these issues were received and considered during the 2009 scoping, 2012 Proposed Decision and 2013 GCP Management Framework Document. The scoring criteria incorporates some of these ideas specifically under Criteria 3 Sub-factor C.

Topic: Alaska Professional Hunters Association (APHA)

Issue: Relationship with DMLW

Comment Summary Statement: Commenter's are concerned with the relationship between APHA and DNR. They expressed concern the APHA is advocating for the GCP as representatives of the guides even though they state the APHA does not represent all guides.

Response:

Thank you for your comment. The APHA is an organized group representing big game guides of Alaska. DNR understands the APHA does not represent every guide in Alaska and has taken that into account during the development of the GCP. The APHA is just one group that DNR has heard from and their comments are not weighted more than any other group or individual.

Topic: Application

Issue: Number of Applications a Guide Can Submit

Comment Summary Statement: Commenter's expressed concern with the limitations on the number of applications a guide can submit. They state the limitation may have negative economic impacts on their business and lessens their chance to obtain a concession permit.

Response:

Thank you for your comment. In the Proposed Decision DNR decided to limit the number of applications a guide could submit to two. The limit was set to address the administrative burden the department was facing by implementing the GCP statewide. The comments received from the public expressed great concern with the limitation. The concerns raised were if a guide could only submit two applications then the likelihood of being awarded an area was greatly diminished. Many comments received requested the ability to submit an unlimited number of applications. Although we understand the reasoning behind this request, there is not enough time for the evaluation panels to score the likely large quantity of applications. The amount of time required to evaluate an unlimited number of applications would cause implementation of the GCP to go past the projected 2015 implementation date.

However, in response to the comments and concerns, it was decided to increase the number of applications a guide can submit to three. The increase will allow a guide to improve their chances of being awarded up to three concessions.

Topic: Application

Issue: Suggestions to Simplify Application Process

Comment Summary Statement: Commenter's state the application is too lengthy, complicated, and requires too much private documentation.

Response: Thank you for your comments. DNR appreciates all the comments and suggestions on how to simplify the application process. Comments and suggestions were discussed and incorporated into both the limited and full application packets.

Topic: Award of Guide Concession Areas

Issue: Number of Concessions Awarded

Comment Summary Statement: Some commenter's feel the current concession award limit of two is fair, allowing more guides to win an area. There was also a large concern that two goes against long established guide law allowing three Guide Use Areas (GUAs) and the limit will not allow guide businesses to be economically viable.

Response: Thank you for your comments. DNR considered comments received regarding the number of concessions a guide could be awarded. After reviewing the comments received, new data obtained from Occupational Licensing and discussing the issue with the Interagency Steering Committee, consensus was reached to increase the number of concessions a guide could be awarded to three.

Topic: Award of GCAs

Issue: Reissue of GCA

Comment Summary Statement: Commenter's are concerned with the 10 year term that includes a five year reissue. Commenter's requested a solid 10 year term. They also suggest points be awarded at the time of reissue for being the previous concession holder or an earned reissue of the area.

Response: Thank you for your comments. The original EGAs were for an unlimited duration which was called out in the *Owsichek* decision. The GCP addresses the unlimited duration by limiting the concession term (Appendix D for a full discussion of the *Owsichek* decision). Concession permits will be authorized under AS 38.05.850 which states permits may be authorized for up to five years. The final term of five years with a five year non-competitive reissue meets the current regulation and also allows the awarded guide time to work in an area to build up experience in the GCA. The application does reward points for experience under Scoring Criteria 1. Points will not be automatically given for being a previous concession holder. The competitive process must allow other guides the ability to compete against the incumbent guide to possibly win a concession area to meet the standards set in the *Owsichek* decision.

Topic: Big Game Commercial Services Board (BGCSB)

Issue: Regulating Authority

Comment Summary Statement: Commenter's stated the BGCSB has the regulatory authority to solve guide conflicts and even limit the number of guides in a problem area.

Response: Thank you for your comment. While the BGCSB does have important responsibilities in regulating the hunting guide industry, DNR/DMLW is the agency tasked with regulating and administering the allowable uses of Alaska's public land and water (AS 38.05.020, AS 38.05.035, AS 38.05.070-085, AS 38.05.850), including, as necessary, limitations on commercial uses such as the big game guiding industry.

Topic: Board of Game (BOG)

Issue: Non DNR Jurisdiction Issues

Comment Summary Statement: Commenter's had a variety of concerns involving draw permits and allocation issues.

Response: Thank you for your comments. BOG's main role is to conserve and develop Alaska's wildlife resources. This includes establishing open and closed seasons, areas for taking game, setting bag limits, and regulating methods and means. The BOG is also involved with setting policy and direction for the management of the State's wildlife resources. The BOG is charged with making game allocation decisions, and the Alaska Department Fish & Game (ADF&G) is responsible for management based on those decisions. The authority to adopt regulations is described in AS 16.05.255 and the regulations can be found under 5 AAC chapters 84, 85, 92, and 99. Issues concerning draw permits and allocation of wildlife is not within the jurisdiction of the DMLW and must be addressed to the BOG.

Topic: Board of Game

Issue: Responsibilities

Comment Summary Statement: Commenter's expressed the need for a more hands on approach from the BOG and better clarification as to what the responsibilities are.

Response: Thank you for your comment. BOG's main role is to conserve and develop Alaska's wildlife resources. This includes establishing open and closed seasons, areas for taking game, setting bag limits, and regulating methods and means. The BOG is also involved with setting policy and direction for the management of the State's wildlife resources. The BOG is charged with making game allocation decisions, and the ADF&G is responsible for management based on those decisions. The authority to adopt regulations is described in AS 16.05.255 and the regulations can be found under 5 AAC chapters 84, 85, 92, and 99.

In a letter to DMLW (1/11/08), the BOG described comments received from the guiding industry regarding problems associated with resource conservation, industry stewardship, social conflicts, and public safety concerns. The BOG acknowledged that it can only respond to these comments by creating and adopting complex regulations and would rather manage the issues through an area management approach. The BOG cited the *Owsichek* decision (*Owsichek v. State of Alaska*) and pointed out that Judge Rabinowitz stated in this decision, 'Nothing in this opinion is intended to suggest that leases and exclusive concessions on state lands are unconstitutional.' The decision further stated that the ability to develop such a system was available to DMLW. It is for these reasons that DNR/DMLW is developing a program to address the issues raised by the public and not the BOG.

Topic: Current Program

Issue: No Issues or Conflicts

Comment Summary Statement:

Commenter's state there are no current conflicts or issues and guides are already overregulated. If there are any current issues they may have been caused by the proposed program.

Response:

Thank you for your comment. DNR acknowledges that significant conflicts do not occur in every GUA; however, a statewide solution is necessary to avoid causing additional conflicts in new areas due to the limitation of guides in selected areas. Currently DMLW issues an unlimited number of land use and commercial recreation permits to guides who want to operate on state land. The process is not competitive, involves a simple application process and requires minimal fees. Permit stipulations do include terms for land stewardship and permits are revocable at the will of the state. The current system does not address: wildlife management concerns, quality of hunting experience, conflicts between user groups, lack of land stewardship, and/or enforcement issues.

Topic: Current Program

Issue: Over Crowding of Guides

Comment Summary Statement:

Commenter's state the overcrowding of guides is a problem but not occurring in every area.

Response:

Thank you for your comment. It is the intent of the GCP to reduce crowding problems, where they occur, by allocating commercial guided hunting opportunities. Conflicts occur over hunting areas, landing strips, meat care, trespass, and the perceived over-harvest of game animals. The GCP addresses these conflicts within the new Scoring Criteria. In Scoring Criteria One, Sub-factor B, applicants are required to describe how they train their employees and educate clients on local customs, traditions, and courtesies. They also have to describe their methods of handling conflicts with other user groups. In Criteria 3, the entire Sub-Factor C asks applicants to document how their business practices demonstrate cooperation with local communities. The solution offered by the GCP is to reward those guides and businesses that respect other users and identify and address conflicts between users in productive and successful ways.

Topic: Current Program

Issue: Poor Guide Quality

Comment Summary Statement:

Commenter's expressed support for the program to reduce the number of ineffective guides.

Response:

Thank you for your comment. Some comments received by the department are direct criticisms of guides that contract too many clients, use too many assistant guides, and do not adequately ensure their clients' comfort and safety. Finally, quality of experience can relate to the hunting ethics guides use in the field. Numerous comments received during the scoping process focused on ways to score applicants that would reward ethical guides who follow game laws and employ stewardship principles in their business. The GCP has several elements that attempt to address these issues. First, the number of concessions offered in some areas is less than the number of guides currently registered to operate in a given GUA (see the Guide Concession Areas – Mapping section in the GCP Management Framework Document, for a full discussion on the number of concessions per area). These restrictions will reduce the number of guides in the most crowded areas, where the impacts to quality of experience have been high. Second, guides operating a full concession will be restricted to six assistant guides and those operating limited concessions are allowed one assistant guide with a limit of four clients per concession, again resulting in fewer personnel in the field. To address services and support to clients, the Scoring Criteria asks that applicants provide detailed operations plans, describing for example, how many clients they plan to serve, what kind of camp(s) they will have, what the guide to client ratio will be, and what safety measures and emergency procedures are in place. Finally, to address stewardship and ethical concerns, the Scoring Criteria requires applicants to demonstrate their stewardship principles and has a section that deducts points for violations.

Topic: Current Program

Issue: Poor Stewardship of Resources

Comment Summary Statement:

Commenter's state that under the current program, guides are noticing a depletion of game populations and that good stewardship is not being practiced.

Response:

Thank you for your comment. The GCP addresses this issue in the Scoring Criteria in several ways. First of all, in Criteria 2 applicants are given credit if they can demonstrate stewardship of wildlife resources and how they have minimized their impacts to those resources. In that same Criteria, applicants are also given credit for tracking wildlife populations, using wildlife population factors to determine how many clients they will serve, demonstrating meaningful communication with wildlife managers, and for participating in state sponsored predator control efforts. Second, in Criteria 3, applicants have to provide a detailed operating plan that includes the number of clients and types of hunts that will be offered. The plan will be scored on whether or not the proposed operation is biologically feasible and then the plan itself, such as the number of clients proposed, will become binding terms in the permit.

Topic: Current Program

Issue: Suggested Changes

Comment Summary Statement:

Commenter's made recommendations to make changes to the currently run DNR permitting process.

Response:

Thank you for your comment. DNR has considered alternatives to the GCP and a full discussion of these can be seen in the 2012 Proposed Decision. DMLW reviewed alternatives to the overall GCP and also considered alternatives within the GCP framework. All of the alternatives have the potential to address some of the issues that have been identified but the GCP is the preferred alternative because it has the potential to address the majority of the

issues effectively.

Topic: Lack of Current Enforcement

Issue: Need Enforcement of Current Regulations

Comment Summary Statement: Commenter's would like to see proper funding of Occupational Licensing and enforcement of current regulations on commercial operators and residents.

Response: Thank you for your comment. Additional funding for Occupational Licensing and other enforcement agencies is outside DNR's jurisdiction.

Topic: Land Ownership

Issue: Cooperation between State/State Parks/BLM and Boroughs

Comment Summary Statement: Commenter's referenced their issues and concerns with the regulations of state/State Park/BLM lands. Some were for combining the three and making them into one administrative role with one fee structure where as others felt that only state lands be involved in the program. Boroughs also requested fee sharing within borough boundaries.

Response: Thank you for your comment. The department created an Interagency Steering Committee that included representatives of the Division of Parks and Outdoor Recreation (DPOR), ADF&G and Bureau of Land Management (BLM). At the present time all participating agencies are cooperating in the development of the GCP but no formal agreement with BLM has been reached regarding their future participation in the program. Therefore the current fee structure does not incorporate fee sharing with other local, state or federal agencies. The proposed fees in the GCP Management Framework document are currently set at an amount that will pay for DMLW costs to run the program.

Topic: Level of Concession Rights

Issue: Eliminate Limited Concessions

Comment Summary Statement: Commenter's requested the limited concession opportunities be eliminated from the GCP.

Response: Thank you for your comment. DNR recognizes that there are many types of guide operations in the state. The GCP seeks to ensure that the opportunity exists for all types of operators to be able to compete for a concession and that we have a fair competitive process for all sizes of operations. Another concern, born out of the *Owsichek* decision, is that the original EGAs did not allow new entrants into the guiding industry. Because of *Owsichek*, the GCP also needs to ensure that there is opportunity for new guides to gain entry into the industry on state lands.

Topic: Level of Concession Rights

Issue: Limited Concession Issues

Comment Summary Statement: Many commenters' stated the limited concession guides are not limited enough with only one assistant guide to not be in direct competition with the full concession guide. Many suggested different options to reduce the competition between limited and full concession guides.

Response: Thank you for your comment. Many comments received were concerned with the guide awarded a limited concession not having sufficient restrictions, therefore putting them in direct competition with a full concession guide. These concerns were discussed and considered when changing the limited concession guide to a maximum of four clients and employing only one assistant guide per concession. DMLW reviewed the guide and hunt record data, discussed the options with the GCP Interagency Steering Committee and

reviewed all comments received when determining the client and assistant guide restrictions.

Topic: Level of Concession Rights

Issue: Support two Levels of Concession Rights

Comment Summary Statement: Commenter is supportive of having two levels concession rights as they support the quality of the hunt while allowing more guides to stay in business.

Response: Thank you for your comment. DNR reviewed the advantages and disadvantages of having two types of concessions within the GCP. For a full discussion of the concession types and rationale, please see the current GCP Management Framework Document.

Topic: Management Intent/Program Goals and Objectives

Issue: Conservation of Resources

Comment Summary Statement: Commenter's stated the program may reduce the number of guides but will not reduce the overall pressure on the resource.

Response: Thank you for your comment. The intent of the GCP is to help achieve management and conservation goals developed by the ADF&G and the BOG. The GCP addresses wildlife conservation through the Scoring Criteria and through coordination and communication with ADF&G. First of all, applicants are given credit if they can demonstrate how they have conserved wildlife and minimized their impacts to wildlife resources (Criteria 2). In that same Criteria, applicants are also given credit for tracking wildlife populations, using wildlife population factors to determine how many clients they will serve, demonstrating communication with wildlife managers, and for participating in state sponsored predator control efforts. Second, in Criteria 3, applicants have to provide a detailed operating plan that includes the number of clients and types of hunts that will be offered. The plan will be scored on whether or not the proposed operation is biologically feasible and then the plan itself, such as the number of clients proposed, will become binding terms in the permit.

Topic: Management Intent/Program Goals and Objectives

Issue: Transporters and Other Commercial Users

Comment Summary Statement: Commenter's state transporters must be included in the program to address the conflicts and hunting pressure occurring in the field. Also other commercial non-consumptive operators and residents must be regulated in order to have the program be successful.

Response: Thank you for your comments. DNR understands and recognizes the role of transporters and air taxis in the broader system of hunting in Alaska. The department is committed to further research and evaluation of the issues and need for potential management strategies surrounding this industry.

Topic: Map/Geography

Issue: General Comments / Areas Without a GUA Number / GUA 19-04A Number of Guides / GMU 17 / GMU 19 Boundary / GMU 19B Boundary / GMU 20 Boundary / GMU 23 / GUA 08-02 Number of Concessions / GUA 08-02 Number of Guides / GUA 08-03 / GUA 08-03 Number of Guides / GUA 08-04 Number of Guides / GUA 08-26 Number of Guides / GUA 09-12 Boundary / GUA 09-19 / GUA 09-25 / GUA 09-26 / GUA 09-99 / GUA 13-05 / GUA 13-06 / GUA 14-01 / GUA 16-02 / GUA 17-2 / GUA 17-3 / GUA 19-04 Boundary / GUA 19-07 Number of Guides / GUA 19-08 / GUA 19-08 Boundary / GUA 19-08 Number of Guides / GUA 19-09 Number of Guides / GUA 20-04 / GUA 20-04 & 20-05 Number of Guides / GUA 20-08 Number of Guides / GUA 22-07 & 24-01 General Comments / GUA 25-02 / GUA 26-09 / GUA 26-09 Number of Guides / GUA 26-10 Number of Guides / GUA 26-12 General Comment / GUA 26-12 Number of Guides

Comment Summary Statement: Commenter's commented on GUAs boundaries, number of guides for specific GUAs, Boundaries of GUAs, and general comments on GUAs.

Response: Thank you to everyone who commented on the proposed GCP Concession Maps. We have reviewed the maps extensively and have made changes. Our process for editing the maps had several steps. DMLW staff requested updated information from the Division of Occupational Licensing and we were given access to the online hunt record database. This data, along with all of the public comments were used to evaluate the number of concessions in each GCA and to evaluate any other issues brought forward in the public comments. Consideration was also given to land status and ownership in each GCA. For general state land we followed our previous decision, to ensure a fair and competitive experience for both guides and clients, every GCA in which there are 5,000 or more contiguous acres would have a minimum of two guide concessions offered. 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 contracting guides or hunts, or from the identification of a biological issue.

Topic: Miscellaneous Comments and Commenter Background Information

Issue: Thank you for your comment

Comment Summary Statement: Commenter's provided information on their personal backgrounds (e.g. number of years of guiding experience), thanked DMLW for efforts to date, discussed other public comments, and discussed additional background information on other agencies such as BGCSB and ADF&G.

Response: Thank you for your comment. We received numerous comments in support of DNR's efforts to develop the GCP and also numerous comments in support of retaining the current DMLW land use permit system. DNR appreciates the commenter's history with guiding in Alaska, their experience, perspective and opinions.

Topic: Process

Issue: Additional Review of Proposed Program

Comment Summary Statement: Commenter's request the proposed program to be brought back to the public for additional review and comment if any revisions are made to the proposed program.

Response: Thank you for your comment. During both the White Paper and Proposed Decision comment periods DNR has listened to members of the industry, agencies and concerned residents regarding the development of the GCP. DNR will be going out for an additional 30 day review of the GCP Management Framework Document. The public will also have the ability to comment during the development of the regulations, which should occur during the Spring of 2013.

Topic: Process

Issue: Alternatives Considered

Comment Summary Statement: Commenter's are concerned other viable alternatives to the GCP were not considered or properly evaluated.

Response: Thank you for your comments. DNR has considered alternatives to the GCP and a full discussion of these can be found in the 2012 Proposed Decision. DNR reviewed alternatives to the overall GCP and also considered alternatives within the GCP framework. All of the alternatives have the potential to address some of the issues that have been identified but the GCP is the preferred alternative because it has the potential to address the majority of the issues effectively.

Topic: Process

Issue: Authority/Legality of Concession Program

Comment Summary Statement: Commenter's do not agree DNR has the current statutory authority to implement the program. They also state the program is in direct conflict with the Alaska Constitution Article VIII – Natural Resources.

Response: Thank you for your comment. Multiple agencies through statutory authorities enacted by the Alaska Legislature have responsibilities related to conservation and use of Alaska's game animals. ADF&G manages game populations for sustained yields. The BOG regulates the harvest of game. The Department of Public Safety (DPS), Division of Alaska Wildlife Troopers, enforces the State's game laws and regulations. The BGCSB is responsible for licensing and administration of licenses for registered big game hunting guides. The Division of Corporations, Business and Professional Licensing, within Department of Commerce, Community and Economic Development (DCCED), provides investigative services and makes recommendations to the BGCSB on guide licensing compliance issues. Through statutory authority DNR manages state land and water for the use and enjoyment of all Alaskans, including commercial recreational uses such as big game guiding. Depending upon the degree of activity, and permanency of any improvement on state land, DNR/DMLW may use AS 38.05.020, AS 38.05.035, AS 38.05.070-.085, AS 38.05.850 and other statutes for authority to write land use authorizations to licensed guides. The Alaska Supreme Court recognized, in the *Owsichek* decision ("*Owsichek v. State of Alaska*"), that DNR's existing statutory authority provides a basis to create a program that directly addresses the deficiencies that the Court found to exist in the original Exclusive Guide Area program. All state lands subject to the program will remain open to all other allowable uses including resident and subsistence hunting, according to existing laws and regulations. Concessions permits are not considered to convey an interest in state land, rather a right to enter upon state land for the purpose of conducting professionally guided commercial hunts.

Topic: Process

Issue: Availability of Supporting Materials

Comment Summary Statement: Commenter's expressed concern over the lack of supporting legal documents available for public review.

Response: Thank you for your comment. Historical documents are posted on DNR's GCP website and are available for public to review at the DNR/DMLW Anchorage office.

Topic: Process

Issue: Public Participation in Process; Handling of Previous Comments/Input

Comment Summary Statement: Commenter's do not feel the public process has been fair and open to all guides. Also they do not believe prior public comments and industry input were taken into consideration during the proposed GCP development.

Response: Thank you for your comment. The initial public process began in December of 2009 and ended on March 31, 2010. The Proposed Decision public process began on February 15, 2012 and ended on April 23, 2012. Public meetings were held during both comment periods as well as webinars during the Proposed Decision process. Announcements were posted in The Anchorage Daily News, Juneau Empire, and The Fairbanks Miner. Postcards were sent to all licensed guides as well as any individual that commented during the 2009 comment period. In both 2009 and 2012 comments were accepted by email, mail, and hand delivery. During the 2012 comment period public testimony given during public meetings and webinars was recorded and transcribed as part of the official record. All comments have been considered and discussed.

Topic: Process

Issue: Timeline

Comment Summary Statement:

Commenter's state the proposed timeline is not timely enough to withhold BOG non-resident restrictions.

Response:

Thank you for your comment. The proposed timeline is one of necessity. For the program to be implemented it must be funded by the Legislature and they will be considering it in the 2013 session. If a GCP budget is approved, hiring and training will begin in July of 2013. There is no feasible alternative to accepting applications any earlier than January of 2014. The BOG is tasked with considering wildlife biology and population ecology along with the public's interests when making regulatory decisions. The BOG has said in their deliberations that the implementation of the GCP has been a factor when they have considered restricting non-resident opportunity.

Topic: Process

Issue: Use of Public Funds

Comment Summary Statement:

Commenter's state that Public Funds could be better utilized.

Response:

Thank you for your comment. The department has utilized funding from the Legislature in developing the GCP. We understand the concerns that not all areas of the state have the issues that are driving the implementation of the GCP. However, DNR has decided that in order to prevent 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 development and implementation of a program addressing these issues is necessary.

Topic: Program Alternatives

Issue: Permit/Draw/Lottery Issues

Comment Summary Statement:

Commenter's are opposed to awarding a concession area based on lottery and not merit.

Response:

Thank for your comment. 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. For the current GCP Management Framework Document, 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 Interagency Steering Committee. Therefore, limited concessions will be awarded identical to the method of awarding a full concession, as outlined in the Application Process located on page 11 of the GCP Management Framework Document. All Applicants will submit applications addressing Forms A-D and the highest scoring applicant(s) will be awarded the concession.

Topic: Program Alternatives

Issue: Suggestions

Comment Summary Statement:

Commenter's give multiple suggestions on alternatives to the program and also suggestions on how to improve the current proposed GCP.

Response:

Thank you for the suggestions and comments concerning alternatives to the program and on how to improve the proposed GCP. We have reviewed the Proposed Decision, with the changes resulting in the current GCP Management Framework Document. Our review process included consideration of the public comments we received, review of other similar agency programs from the US Fish and Wildlife Service (USFWS) and the National Park Service (NPS) in Alaska, as well as discussions with other state ADF&G and federal (USFWS, NPS, &

BLM) agency personnel. Many of your comments resulted in direct changes to the criteria and we encourage you to review the new criteria outlined in Table 1 on page 7 of the GCP Management Framework Document.

Topic: Proposed Budget and Fee Structure

Issue: Fee amounts, application fee, annual fee and client fees

Comment Summary Statement: **Commenter's are opposed to the proposed fee structure. The concern is that the proposed fee structure will not support responsible game management due to an increase in harvesting game so that guides can recoup money.**

Response:

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 first round of changes to the fees was based on these comments and on discussions within the Interagency Steering Committee.

In addition to comment based changes, the current 2013 fee structure is also based on all of the aspects involved with the administration of the GCP. 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 revenue generated, 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.

Topic: Proposed Budget and Fee Structure

Issue: GCP Revenue Allocation

Comment Summary Statement: **Commenter's suggested additional revenue is used towards wildlife research.**

Response:

Thank you for your comment. DNR recognizes the importance of wildlife research with respect to area wildlife populations and wildlife conservation. However, it is not within the department's ability to distribute funds directly towards wildlife research. Revenue from the GCP is intended to be receipted back into the GCP. The GCP proposes to have a staff of seven full time permanent positions with one wildlife biologist position proposed for ADF&G and partial funding for DPOR staff.

Topic: Proposed Program

Issue: Agency Cooperation Issues

Comment Summary Statement: **Commenter's state how important ADF&G's role is to the management of wildlife and request that all participating agencies have a seamless approach in permitting for their lands.**

Response:

Thank you for your comment. The development process of the GCP has relied heavily on the cooperation and involvement of ADF&G, Division of Wildlife Conservation. ADF&G has been engaged in program design discussions and will be directly involved in the program as it is implemented. In 2009 and for the Proposed Decision ADF&G biologists reviewed the GCP maps and provided feedback on area wildlife populations and assisted DMLW in identifying areas where other issues occur such as social conflicts or land stewardship problems. It is expected that ADF&G personnel will participate on the evaluation panel and will provide biological information to assist in scoring applicant's operating plans.

Topic: Proposed Program

Issue: Applied too Broadly v. Area Specific

Comment Summary Statement: Commenter's do not see the conflicts and overcrowding in every area of the state. They would like to see the program be applied to specific problem areas.

Response: Thank you for your comment. The scope of the GCP encompasses all general state lands, including submerged lands and water. Potentially DNR and BLM may be GCP partners. If so, BLM lands will be included in the GCP as well. The GCP does exclude all Mental Health Trust lands and University of Alaska lands. No other areas of state land are proposed to be excluded from the GCP.

Topic: Proposed Program

Issue: Concession Vacancies

Comment Summary Statement: Commenter's are concerned with vacant concessions sitting fallow for long periods of time. They would like to see a process to make the vacant concessions available as soon as possible.

Response: In the Proposed Decision, vacancies would be filled within the first year of the authorization 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 loss of the use of 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 an area is vacant for any reason and there is more than a year left on the original permit 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 the department 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 the department will look at the scores of all applicants within the entire Game Management Unit (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 permittee, 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 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.

Topic: Proposed Program

Issue: Difficult for New Guides

Comment Summary Statement: **Commenter's are concerned new guides will not be able to compete against well established guides.**

Response:

Thank you for your comment. As proposed the GCP offers two types of concessions, as described in the GCP Management Framework Document, Guide Concession Areas—Types of Concessions, page 9. The intent of offering two types of concessions (full and limited) is to provide entry opportunities for newer, smaller guides that either cannot or do not want to compete for the full concession. A new operator awarded a limited concession could then build up knowledge and experience in an area and increase their chance for competing for a full concession in the future if they choose to.

Topic: Proposed Program

Issue: Do Not Support

Comment Summary Statement: **Commenter's are not in support of proposed program and feel it needs to be looked over again.**

Thank you for your comment. The department has considered all comments on the GCP, with many comments resulting in changes to the program and an extensive review and edit of the scoring criteria and guide concession maps. The revised documents will be available for review and comment during a 30 day public and agency review period in February 2013.

Topic: Proposed Program

Issue: Does Not Enhance Stewardship of the Land

Comment Summary Statement: **Commenter's state the program will not increase stewardship of the land and land stewardship is not enforceable.**

Response:

Thank you for your comment. The intent of the GCP is to help achieve management and conservation goals developed by ADF&G and the BOG. One of the purposes of the proposed GCP is to select the best qualified individuals to conduct big game commercial guiding on state land. The competitive aspects of the program are designed to reward hunting and land conservation ethics and encourage continuing land stewardship.

Topic: Proposed Program

Issue: Duration of Concession Award

Comment Summary Statement: **Commenter's do not feel the proposed seven or even 10 year term is long enough for a guide to establish a client base or security for their business.**

Response:

Thank you for your comment. The concession permits will be awarded for two five years 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 with the terms of the permit.

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. While all of the concessions in the state will be offered in the first year, one third of those will be permitted 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 permitted for two five year terms (10 years). This means that once the first concession period is complete, all of the concessions statewide will be permitted for two five year terms (10 years).

At 10 years, the individual would need to resubmit an application and go through the

competitive process again. This aspect of the program is necessary to meet the constitutional requirements, as identified in the *Owsichek* decision (“*Owsichek v. State of Alaska*”), that the program must be competitive and limited in duration.

Topic: Proposed Program

Issue: Economic Impacts of Proposed Program

Comment Summary Statement: **Commenter’s are concerned the impacts of the program being implemented will put guides out of business and effect local communities that depend on the guide industry.**

Response: Thank you for your comment. Currently there is no process by which the commercial use of state land is distributed 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 BGCSB, and the 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 GCP may put some guides out of business but the consequences of not implementing the GCP may have more damaging effects to guides and local communities if the current issues are not addressed.

Topic: Proposed Program

Issue: Establish Community Relation Advisory Committees

Comment Summary Statement: **Commenter suggests that a community relation advisory committee in the 12 regions of Alaska to rate guides and provide input to the DNR agency as part of their overall determination of guides in good standing should be established.**

Response: Thank you for your comment. There is currently an established regulatory board, BGCSB, which is tasked with the regulating licensed guides. The BGCSB is a board consisting of two licensed Registered Guide-Outfitters, two licensed Transporters, two private landholders, two public members, and one member from the BOG. The BGCSB adopts regulations governing the big game commercial service industry in Alaska. This board makes final licensing decisions and takes disciplinary actions against persons who violate licensing laws.

Topic: Proposed Program

Issue: Funding

Comment Summary Statement: **Commenter’s are concerned that the program lacks guarantees for long term adequate funding.**

Response: Thank you for your comment. As designed the program is expected to generate sufficient revenues to pay for all costs associated with the administration of the program. The GCP will generate income in three different ways. The first is through a \$250 application fee per concession applicant. The second way is through an annual fee of \$1000 or \$2000 for limited and full concession holders. The third and final way the state will receive income is through a client fee of \$250 or \$500 depending on the species pursued by the client during the contracted hunt; this client fee will be assessed and collected annually. 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.

Topic: Proposed Program

Issue: Guide Hunt Data

Comment Summary Statement: Commenter's feel that guide hunt data is not being assessed accurately and may not be easily available to guides depending on their tenure as a guide.

Response: Thank you for your comment. 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.

Topic: Proposed Program

Issue: Guides with Violations

Comment Summary Statement: Commenter's suggest various ways to either eliminate or penalize guides with violations.

Thank you for your comments. In order to address stewardship and ethical concerns, the Scoring Criteria requires applicants to demonstrate their stewardship principles and has a section that deducts points for violations. Additionally, the permits will be awarded for two five years 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 with the terms of the authorization.

Topic: Proposed Program

Issue: Improves Current Conditions

Comment Summary Statement: Commenter's see the potential for the program to enhance the quality of experience and decrease in-field conflicts.

Response: Thank you for your comment. The department recognized that there are conflicts between users in some areas. The negative perceptions result from interactions between residents and guides or guided hunters in the field, in local towns, or along transportation corridors. Conflicts occur over hunting areas, landing strips, meat care, trespass, and the perceived over-harvest of game animals. The GCP Scoring Criteria addresses this issue in several ways. In Scoring Criteria One, Sub-factor B, applicants are required to describe how they train their employees and educate clients on local customs, traditions, and courtesies. They also have to describe their methods of handling conflicts with other user groups. In Criteria 3, the entire Sub-Factor C asks applicants to document how their business practices demonstrate cooperation with local communities. The solution offered by the GCP is to reward those guides and businesses that respect other users and identify and address conflicts between users in productive and successful ways.

Topic: Proposed Program

Issue: Industry Cooperation

Comment Summary Statement: Commenter's state that there needs to be a direct industry link with DNR regarding the program.

Response: Thank you for your comment. DNR considered your comments on the makeup of the review panel. The department has come to the conclusion that input by industry personnel on the review panel would be subject to accusations of bias and would constitute a conflict of interest. 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, Department of Law (DOL), DPS, and the BLM.

Topic: Proposed Program

Issue: Issues Regarding Guides holding both State and Federal Concessions

Comment Summary Statement: Commenter's would like to see federal concessions held by a guide to be considered when awarding state guide concessions.

Response:

Thank you for your comment. All Registered or Master Guides licensed with the BGCSB, and are in good standing, are eligible to submit a application to the department to conduct big game commercial guiding activities on state land, whether or not they have a federal concession. Under AS 08.54.750(b)(1) a registered guide-outfitter may not register for, or conduct big game hunting services in more than three guide use areas during a calendar year. Because of this requirement guides who are selected for a GCA and who hold other concessions may have to make decisions of where they wish to operate.

Topic: Proposed Program

Issue: Limited Number of Assistant Guides

Comment Summary Statement: Commenter's discussed the proposed limit of three assistant guides per guide concession area awarded. A majority of individuals requested there be no limitation on the number of assistants guides full concession award holders can hire. Some commenter's did state the need for a limitation on assistants and discussed a variety of possible limitations.

Response:

Thank you for your comment. The department has heard many comments relating to the quality of experience that guides are able to offer clients. Some comments received by the department are direct criticisms of guides that contract too many clients, use too many assistant guides, and do not adequately ensure their clients' comfort and safety. The GCP has several elements that attempt to address these issues. First, the number of concessions offered in some areas is less than the number of guides currently registered to operate in a given GUA (see the Guide Concession Areas – Mapping on page 8 of the GCP Management Framework Document, for a full discussion on the number of concessions per area). These restrictions will reduce the number of guides in the most crowded areas, where the impacts to quality of experience have been high. Second, guides operating a full concession will be restricted to six assistant guides and those operating limited concessions will be allowed only one assistant guide and will be limited to four clients per GUA, again resulting in fewer personnel in the field (for the definition of full and limited concessions, see page 9 of the GCP Management Framework Document).

Topic: Proposed Program

Issue: Post-Season Reporting

Comment Summary Statement: Commenter's suggest including a graded system similar to NPS (Satisfactory, Unsatisfactory, and Marginal) as well as anecdotal information regarding wildlife populations, predator concerns, and any habitat and nutritional observations and concerns without asking for numbers of mature male animal sighting.

Response:

Thank you for your comment. The department is proposing to require post season reports from guides to ensure concession holders are complying with contract terms (stipulations, conditions, etc.) on an annual basis.

Topic: Proposed Program

Issue: Potential Loop Holes

Comment Summary Statement: Commenter's warned of potential loop holes in the program that may prove to be problematic once the program is implemented.

Response:

Thank you for the comment. Implementation of this program is the first step in creating a management structure for the GCP that will address the present and emerging management problems. 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.

Topic: Proposed Program

Issue: Predator Control Issues

Comment Summary Statement: Commenter's are concerned the decrease in guides will increase the number of predators.

Response:

Thank you for your comment. In addition to internal DNR 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. In addition, the GCP proposes to have one wildlife biologist position to provide wildlife data to the department to adjust GCA numbers as needed to address wildlife concerns as they arise.

The GCP also addresses predator control in Scoring Criteria 2. Applicants are given credit for tracking wildlife populations, using wildlife population factors to determine how many clients they will serve, demonstrating communication with wildlife managers, and for participating in state sponsored predator control efforts.

Topic: Proposed Program

Issue: Process to Report Problems

Comment Summary Statement: Commenter's would like to see a process in place in the GCP to report guide conflicts or compliance issues.

Response:

Thank you for your comment. In the GCP Management Framework Document it is stated that there will be a required review and reissue at five years on the seven and 10 year concessions in their first term and then on every concession thereafter. The review will consist of a records check for compliance with the concession contract requirements and regulations and a check for any changes in violation history. If the concession holder is in good standing and wants to continue the permit, a second five years will be issued non-competitively.

Topic: Proposed Program

Issue: Proposed GCP has Increased Conflicts

Comment Summary Statement: Commenter has seen an increase of in the field issues since the GCP proposal. Areas that were stable have had an increase of new guides creating conflicts between guides and local residents.

Response:

Thank you for your comment. It is the intent of the GCP, once implemented, to reduce crowding problems, where they occur, by allocating commercial guided hunting opportunities. Conflicts occur over hunting areas, landing strips, meat care, trespass, and the perceived over-harvest of game animals. The GCP addresses these conflicts within the Scoring Criteria, specifically in Criteria 3. The entire Sub-Factor C asks applicants to document how their business practices demonstrate cooperation with local communities and also describe how they train their employees and educate clients on local customs, traditions,

and courtesies. They also have to describe their methods of handling conflicts with other user groups. The solution offered by the GCP is to reward those guides and businesses that respect other users and identify and address conflicts between users in productive and successful ways.

Topic: Proposed Program

Issue: Suggestions

Comment Summary Statement:

Commenter's gave a variety of suggestions for the program including the exclusion of non-residents from obtaining a guide license, a mechanism to close specific areas to guiding and a constitutional amendment to address the guiding industry.

Response:

Thank you for your comments. All Registered or Master Guides licensed with the BGCSB and in good standing are eligible to submit a proposal to DMLW to conduct big game commercial guiding on state land. Alaska Statute 08.54.610, administered and enforced by the BGCSB, provides the requirements to be met for a Registered and Master Guide License. These requirements do not require a guide to be a resident of Alaska; rather the license requires an applicant to have Alaska big game hunting experience. Moreover, such a blanket prohibition on out of state residents being excluded from work within another state industry has consistently been held to be unconstitutional under the Commerce Clause and/or Privileges and Immunities Clause of the United States Constitution.

The GCP will affect all tentatively approved and patented general state lands, as well as state managed tideland, submerged lands, shorelands, and those state lands managed by DNR's DPOR where commercial guiding is allowed. A Memorandum of Understanding is currently under consideration between DNR and the BLM to apply the GCP to their lands. The department will not close the above described lands for big game guided hunting. The department will depend on the BOG to set bag limits and harvest regulations for non-resident hunters in areas that may have wildlife conservation issues.

The issue in the "*Owsichek v. State of Alaska*" case was to decide whether two statutes, AS 08.54.040(a)(7) and .195, comport with article VIII, section 3 of the Alaska Constitution. The statutes authorized the Guide Licensing and Control Board to grant hunting guides 'Exclusive Guide Areas'. The *Owsichek* decision stated that the EGAs were unconstitutional for four major reasons including 1) not subject to competitive bidding; 2) assignments were not based on wildlife management concerns and therefore could not be justified as a wildlife management tool; 3) provided no remuneration to the state; and 4) EGAs were grants of unlimited duration and were not subject to any other contractual terms or restrictions (such as effectively selling an EGA as if it were a property interest). The court went on to say that 'Nothing in this opinion is intended to suggest that leases and exclusive concessions on state lands are unconstitutional. The statutes and regulations of the Department of Natural Resources authorize leases and concession contracts of limited duration, subject to competitive bidding procedures and valuable consideration. The four major reasons the court cited to support its finding have been addressed in the GCP. The GCP has a competitive application process, has been developed with the ongoing involvement of ADF&G, provides remuneration to the state, and concessions are of limited duration (and are not transferable). Additionally, all state lands subject to this program will remain open to all other allowable uses including resident and subsistence hunting, according to existing laws and regulations. Concessions awarded are not considered to convey an interest in state land, rather a right to enter upon state land for the purpose of conducting professionally guided (commercial) hunts.

Topic: Proposed Program

Issue: Support

Comment Summary Statement:

Commenter's are in favor of proposed plan to help reduce in-field competition between professional guides for finite wildlife resources in historically crowded areas.

Response:

Thank you for your comment. Currently there is no process by which the commercial use of state land is distributed among 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 BGCSB, and the 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 GCP is an effort by DNR, ADF&G, and other agencies to implement a program that addresses the main issues that have been identified throughout the program development process and from the *Owsichek* decision.

Topic: Proposed Program

Issue: Will Not Resolve Conflicts

Comment Summary Statement:

Commenter's do not agree the implementation of this program will resolve conflicts for a variety of reasons including: the areas not being exclusive, the program does not efficiently downsize the number of guides in the field and does not eliminate unethical guides.

Response:

Thank you for your comment. The GCP has several elements that attempt to address these issues. First, the number of concessions offered in some areas is less than the number of guides currently registered to operate in a given GUA (see the Guide Concession Areas – Mapping on page 8 of the GCP Management Framework Document, for a full discussion on the number of concessions per area). These restrictions will reduce the number of guides in the most crowded areas, where the impacts to quality of experience have been high. Second, guides operating a full concession will be restricted to six assistant guides and those operating limited concessions will be allowed only one assistant guide and will be limited to four clients per GUA, again resulting in fewer personnel in the field (for the definition of full and limited concessions, see pages 9 and 10 of GCP Management Framework Document). Finally, DMLW will consider those commercial operators who can demonstrate, through words and actions, a commitment to the conservation of land, water, and wildlife resources, and can do so on a consistent, repetitive basis. Additionally, the department will have better oversight and compliance opportunities through the creation of an allocation system where operators are chosen competitively based upon their past activity, intent to meet or exceed expected conservation goals, violation history and whose continued success depends upon performance.

Topic: Revenue

Issue: Fee Sharing

Comment Summary Statement:

Commenter suggests sharing concession fee with other local governments that are affected by Guide Concession Areas.

Response:

Thank you for your comment. The department recognizes that local governments may be affected by Guide Concession Areas; however it is not within the department's ability to distribute funds to municipalities. Revenue from the GCP is intended to be receipted back into the GCP.

Topic: Review Panel

Issue: Membership

Comment Summary Statement: Commenter's discussed whether a guide industry representative should reside on the review panel. Some commenter's state there needs to be a retired guide on each panel to help provide experience and knowledge of the guiding industry. Others feel there might be bias if members of the industry were to score applications.

Response: Thank you for your comment. 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 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, DPS, and BLM. The panel(s) will use a standardized scoring system when reviewing and scoring applications.

Topic: Scoring Criteria

Issue: Form A Scoring Criteria #1 Sub-factor A / Form A Scoring Criteria #1 Sub-factor B / Form B / Form B Scoring Criteria #2 Sub-factor A / Form B Scoring Criteria #2 Sub-factor B / Form B Scoring Criteria

Comment Summary Statement: Commenter's made suggestions to change questions or criterion on forms A-D of the application packet.

Response: Thank you for your comment. The department and the Interagency Steering Committee has reviewed and discussed all comments received regarding the Scoring Criteria. Many of your comments resulted in changes to the criteria and we encourage you to review the updated Scoring Criteria and provide feedback during the next public comment period.

Topic: Scoring Criteria

Issue: General Scoring Criteria Ideas and Concerns

Comment Summary Statement: Commenter's gave different ideas on how to score or change questions. They were also concerned some of the questions were unfair to some guides and too much documentation was being required.

Response: Thank you for your comment. The department and the Interagency Steering Committee has reviewed and discussed all comments received regarding the Scoring Criteria. Many of your comments resulted in changes to the criteria and we encourage you to review the updated Scoring Criteria and provide feedback during the next public comment period. The department understands the concern over the amount of documentation required but these requirements are only in place to ensure a fair and unbiased process.

Topic: Scoring Criteria

Issue: Personal Interview should be Element of Selection Process

Comment Summary Statement: Commenter's stated personal interviews should be part of the selection process.

Response: Thank you for your comment. The department has considered personal interviews as an element of the selection process. However, due to the anticipated volume of applicants, the department has decided personal interviews are not administratively feasible.

Topic: Scoring Criteria

Issue: Point Allocation

Comment Summary Statement: Commenter's would like to see a certain number of points assigned to each question, not just the entire section.

Response: Thank you for your comment. The department has assigned points to each question within the Scoring Criteria. The evaluation panel will use these point values while scoring each application. The point value for each question will not be for public review.

Topic: Scoring Criteria

Issue: Points for Experience

Comment Summary Statement: Commenter's suggest more emphasis be put on field knowledge/experience instead of emphasis on formal education.

Response: Thank you for your comment. Scoring Criteria 1: Relevant Experience as a Big Game Hunting Guide and Guide Business Owner is intended to evaluate the applicant's knowledge and experience of the industry, the area being applied for, and their ability to work with other individuals, agencies, and communities. Sub-factor A, question 1 asks how many days per year a guide spent in the field per GUA and total for all GUAs per year. "In the field" is defined as being present in a main or spike camp directly interacting with the client.

Topic: Scoring Criteria

Issue: Points for Investment

Comment Summary Statement: Commenter's would like to see points awarded to individuals that have made investments in the area they are applying for.

Response: Thank you for your comment. The department recognizes the desire for guides to have the ability to make investments in awarded GCAs. Guides can make investments, however, the department believes that experience in a GUA is equally or more valuable than investments in a GUA. Allocating more points to guides that have experience in a GUA promotes guide longevity within that GUA and allows for better competition during the selection process.

Topic: Transferability

Issue: Add Ability to Transfer

Comment Summary Statement: Commenter's suggested that DNR consider future transferability aspects of the program.

Response: Thank you for your comment. The *Owsichek* decision ("*Owsichek v. State of Alaska*") found EGAs as unconstitutional and cited four major reasons in their decision (please see Appendix D for a full discussion on the *Owsichek* decision). The fourth reason was that the EGAs were not subject to any contractual terms or restrictions, including the fact that guides were able to transfer the EGA as if they owned them. For this reason, the GCAs within the GCP are designed to be limited in duration (10 years), subject to a five year review and reissue, with competitive selection, and without the ability to transfer.