

# The Alaska Department of Natural Resources

## Guide Concession Program

### White Paper

#### The Problem

Since before statehood, Alaska's professional hunting guides and outfitters have provided a valuable service to visiting hunters and other outdoor enthusiasts by conducting safe, productive and efficient escort operations into the wilds of Alaska. The guide/outfitter industry is dependent upon the successful management of Alaska's wildlife and land resources, and unquestionably is one very important component in a network of resource dependent users that must contribute to, and participate in achieving the State's wildlife management and conservation goals.

Growth of the big game guide industry and its impact on wildlife populations led to creation of the Alaska Guide Licensing and Control Board in 1973. In 1976 a system of exclusive guide use areas (EGA) was created to address wildlife conservation, consumer protection, social consideration and industry sustainability. Although this system had its positive attributes, and supporters, it was found unconstitutional in 1988 by the Alaska Supreme Court in its Owsichuk Decision. The court found the program to be "in contravention of article VIII, section 3 of the Alaska Constitution". The decision cited four major reasons in support of the finding, stating the Exclusive Guide Areas were: not subject to competitive bidding; provided no remuneration to the state; were of unlimited duration; and guides were able to transfer them for a profit as if they owned them. The court went on to say that the Department of Natural Resources (DNR) leases and concession contracts did not share those characteristics. Indeed the court further stated 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."

DNR has been asked to create an area based allocation system for commercial big game guides on state land. This paper details how such a program might be designed under existing departmental authority and the process to be followed. DNR seeks comments and suggestions from affected and interested individuals with respect to certain areas of program design or operation. Public comment will be accepted through January 21, 2010. A series of public informational meetings will be held throughout the state starting in Anchorage on December 8, 2009. A complete list of meeting places and times are listed on the project website, <http://www.dnr.alaska.gov/mlw/gcp/>. Following this public review process, and depending on adequate funding, DNR will promulgate regulations to implement the program. The public will have full opportunity to weigh in on the proposed regulations during that process as well. The regulation process will be the second major opportunity for the public to review and comment on program specifics being proposed in regulation.

Program implementation may follow adoption of the regulations. Applications will be accepted for concession areas and awarded to successful individuals through a competitive process. Those affected by selection decisions will have recourse through administrative appeals or state superior court at that time.

Since the demise of the EGAs there have been attempts to recreate the program in a manner which satisfies the deficiencies noted in the Owsichuk Decision, and which addresses important conservation and stewardship values. Without a way to more closely manage guide activity, several problems have repeatedly been raised in connection with guided hunt activities on state land. Those problems include: overcrowding in the field leading to user conflicts and increased competition for trophy and food source animals; impacts to certain animal populations; poor stewardship of public lands; inefficient enforcement actions due to poor record keeping; and increasing demands for further restrictions on guided hunting activities.

Certainly not all problems noted in the field between users, or the lack of respect for conservation or stewardship goals, or impacts to certain, highly sought after animals can be attributed solely to professional hunters. However, on January 11, 2008, in a letter to Commissioner Tom Irwin, the State of Alaska Board of Game (BOG) developed the problem statement linking these problems, at least in part, to the guided hunting industry, and asked for DNR's assistance in addressing those problems. The BOG clearly articulated its desire to bring about certain changes in the administration of the guiding of non-resident hunters throughout the state. On Page 2 of his letter Mr. Judkins states, "In short, it appears that development of a system limiting the amount of guided hunt activity that can occur on state lands, similar in nature to the existing DOI program, will effectively address the following concerns," and he goes on to list Resource Conservation, Land Stewardship, Social Considerations, and Public Safety as the concerns needing to be addressed.

In that letter Mr. Judkins points out difficulties the BOG faces in dealing with growing tensions between guided and non-guided hunters. He writes, "Since the loss of the former area system utilized by the guide industry, the BOG has received a continuous flow of proposals that ask to reduce or even eliminate the amount of wildlife harvested on State lands by guided hunters". Mr. Judkins goes on to point out that such proposals are "...variously supported by the public, impacted rural communities, local State Fish and Game Advisory Committees and Department of Fish and Game".

Those proposals are based primarily on the following concerns: in-the-field crowding; competition for food source game animals in rural areas; poor stewardship of land and water resources; and conditions which result in poor or inefficient enforcement of state game laws and regulations. The BOG has a clear desire to manage these issues through an area management approach rather than continue developing a complex set of regulations that limit guided hunter opportunity throughout the state.

At a recent meeting in Nome, Alaska on November 13, 2009, the BOG once again indicated its continued support for this program approach and ordered a letter written to DNR reflecting that continued support.

For the past two years DNR has attended meetings of the Big Game Commercial Services Board, appeared on a local Anchorage radio talk show, and attended a local meeting of the BOG's Anchorage Advisory Committee, all in an effort to increase awareness of the issues. During that time, several people (guides and members of the general public) have called, emailed, or visited

our DNR offices with questions, comments and suggestions. What is clear from this interaction is there is *some level of support* for a change in the way guided hunting is managed in the state, *but much diversion of opinion* on exactly how that change should be accomplished.

## **Authority and Responsibility**

Based on statutory authorities enacted by the Alaska Legislature, the following agencies have responsibilities related to conservation and use of Alaska's game animals. The Department of Fish and Game (ADF&G) manages game populations for sustained yields. The State Board of Game (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 Big Game Commercial Services Board (BGCSB) is responsible for licensing and administration of licenses for registered big game hunting guides. The Division of Corporations, Business and Professional Licensing, within the Department of Commerce, Community, and Economic Development (DCCED), provides investigative services and makes recommendations to the BGCSB on guide licensing compliance issues. DNR manages state land and water for the use and enjoyment of all Alaskans, including commercial recreational uses such as guided hunting.

All of the above agencies play important roles in managing some aspect of the legal framework applicable to the big game commercial services industry in Alaska. This paper addresses the role of DNR's mission is "To develop, conserve, and enhance natural resources for present and future Alaskans". Natural resources managed by DNR include land based resources (trees, vegetation, minerals, sand & gravel), and water (appropriations, use of, or activities on or in). DNR is the agency tasked with regulating and administering the allowable uses of Alaska's public land and water, including, as necessary, limitations on commercial uses such as big game commercial services.

The DNR Commissioner has broad authority to manage state lands, create authorizations allowing certain activities, and determine terms and conditions for those activities. Depending upon the degree of activity, and permanency of any improvements they may wish to place on state land, DNR 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. Thus, registered guides conducting hunts on state lands secure Land Use Permits (temporary base camp facilities for greater than 14 days), Commercial Recreation Permits (short-term temporary camp facilities for 14 days or less), Commercial Recreation Registration (*de minimus* day use activities), or land leases (permanent, lodge type structures) from DNR. These authorizations are limited in duration, require fees and other charges (remuneration to the state), are subject to competitive bidding (if DNR determines a competitive interest exists), and in the case of Land Use Permits, are not transferable. Land leases are transferable, with the approval of DNR, because they went through a public notice process, a written decision, and were subject to administrative appeal.

As the Alaska Supreme Court recognized in the *Owsichek Decision*, DNR's existing statutory authorizations provide a basis to create a program that directly addresses the deficiencies that the Court found to exist in the original EGA program. DNR, therefore, should be able to develop a legal and reliable structure for determining the number of big game commercial service operations that will be authorized to use state land, and the conditions of that use.

As noted, administrative regulations will be adopted through a public process itself regulated by the Administrative Procedures Act prior to implementation of this program. During this public review and comment period we will be discussing ideas, answering questions, and accepting comments on any and all aspects of this program. However, it is the regulation process that will set such criteria as fees, guide selection and scoring criteria, concession area boundaries and the number of guides allowed to operate in each, the makeup of the agency evaluation/scoring team, criteria for enhancement of stewardship and conservation of resources and other discreet program criteria.

## **Project Overview**

DNR proposes a program that will select the best qualified individual to conduct big game commercial guiding on state land (and possibly federal land if federal agencies adopt the State's program and process). The process will involve qualified individuals submitting a prospectus with supporting documentation to DNR, specifically the Division of Mining, Land and Water (DMLW) Lands Section, which will then be reviewed by a panel of agency personnel. Qualified individuals are those that are licensed to provide commercial guiding services in the particular area they are applying for. Although there have been recommendations that industry personnel also be on the panel, there is concern that any input by industry personnel will be subject to accusations of bias. For that reason, only agency personnel will make up the panel. Agencies could include DNR, ADF&G, DCCED, DOL, DPS, State Parks and possible federal agencies if at some point federal lands are included in the concession areas.

The panel will select the most qualified individual based on the selection criteria and points awarded. Selected individuals will receive an authorization from DNR to conduct commercial big game guiding on state land. Individuals affected by that decision, and whom disagree with the manner in which it was derived, will be afforded the opportunity to administratively appeal the decision.

At this time, concession area boundaries and numbers of guides to be allocated for each area are proposed. The proposal at this time is to have at least 2 – 3 guides for each concession area. While DNR does have proposed concession areas and number of guides allocated for those areas, DNR is seeking additional public input regarding concession area boundaries and number of guides within each area. The maps containing this information are posted on the project website at (<http://www.dnr.alaska.gov/mlw/gcp/>).

We are also considering two levels of concession rights to be offered. In addition to the full rights package, we are considering, and would like public comment on, offering a secondary level of rights. The secondary level would perhaps require that the guide personally accompany his clients in the field, and would be limited to a specific number of clients, maybe 6 or 8. This option can provide entry opportunities for newer, smaller, more niche oriented guides that cannot, or perhaps do not want to compete for the full rights package. A new operator winning a limited rights (secondary level) package could then build up knowledge and experience in an area and increase his or her chances of competing for a full rights package in the future.

Any improvements, such as seasonal camps or temporary structures, would need to go through current established processes for authorization. For example a seasonal camp on state land would require a land use permit which would be a separate process. The intent of the program is for the concession awarded to include the authorization for spike camps as is similar to the current Commercial Recreation Permit.

The concession authorization would likely be valid for 5 years, and would be renewable for one consecutive 5 year term as long as the guide was in good standing and had complied with all terms and conditions of the original authorization. At 10 years, the individual would need to resubmit a prospectus and go through the competitive process again. This is necessary to meet the constitutional requirements as identified in the Owsichek Decision. The program must be competitive and be limited in duration. Initially there may be authorizations issued for shorter time periods in order to stagger when the permits expire and when the competitive process must be completed again. This would disperse the administrative work throughout the years versus all permits expiring at the same time across the state.

### **What Is The Scope Of This Program?**

The scope of this program is limited to development of a legal and reliable structure for determining the number of big game commercial service operations that will be authorized to use state land, and the conditions of that use, including development of a competitive process. This program will be administered statewide on all lands and waters belonging to the state, including tidelands, managed by the DMLW. It is important to note that all state lands subject to this program will remain open to all other allowable uses including resident and subsistent 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.

The program may be administered on state park lands through a Memorandum of Agreement. Federal agencies may choose to recognize this program in the management and administration of guiding authorizations on adjacent federal lands, again, through a Memorandum of Agreement.

This program will not address issues and concerns associated with air taxi operators or transporters. Those questions may be addressed through a different forum at a later date.

### **DNR Approach to Management of This Program**

DNR's mission is to "develop, conserve, and enhance natural resources for present and future Alaskans". DNR's long standing policy has been to work closely and productively with other resource agencies, interest groups, and the interested public to achieve the best possible outcome on proposed projects that impact our natural resources. DNR strives to create authorizations that allow for the use and enjoyment of our resources while minimizing impacts. In implementing this program DNR will recognize those commercial operators who can demonstrate, through words and actions, a commitment to the conservation of land, water, and wildlife resources, and who can do so on a consistent, repetitive basis.

## Management Goals and Objectives

To create an area based system for allocation of commercial guiding services we have analyzed the deficiencies of the original, now defunct Exclusive Guide Area (EGA) program, primarily through the Owsichek Decision which explains those deficiencies. Additionally, in consideration of the problems pointed out in the BOG letter of January, 11, 2008 we believe the following goals and objectives address problems associated with past efforts, and opportunities to improve delivery of public benefits through a managed commercial guiding industry.

### *Wildlife Management/Conservation*

At the heart of an area based allocation system is the need to deliver results on wildlife management and conservation goals developed by the ADF&G and state Board of Game. In his January 11, 2008 letter (attached) BOG chair Cliff Judkins states that based upon the body of scientific evidence presented to the BOG by ADF&G biologists, "... science has made it clear that impacts on the wildlife resources by the guide industry have occurred." Citing the U.S. Department of the Interior's concern for the potential failure to achieve stewardship goals following the Owsichek Decision, Mr. Judkins asserts that on federal land where DOI implements a managed guide program very few proposals regarding guided hunting have come before the BOG.

The intent of this program is to help achieve management and conservation goals that will benefit all Alaskan's and to help sustain an industry that provides an important service to non-resident hunters as well.

### *Land Conservation/Stewardship*

DNR has long recognized and understood that some users of public lands do not place a high value on land stewardship. It is generally agreed that it is a relatively small proportion of total users that create problems for others and devalue the resources. It is also understood that no user group is more or less responsible than any other. It is a stated goal of DNR to conserve and enhance commonly owned resources for future generations of Alaskans, to this end DNR places a high value on land stewardship.

With respect to the guiding industry, DNR shares the BOG's experience in dealing with some operators who, along with their clients, have shown a disrespect for the commonly owned natural resources that they use, and depend upon for their success. To be clear, DNR has, over time, received and acted upon reports of incidents, the same as, or similar to those listed in the BOG's January 11, 2008 letter, which are related to "solid waste, human waste, garbage, fuels, and abandoned camps."

Creation of an allocation system where operators are chosen competitively based upon their past activity, intent to meet or exceed expected conservation goals, and whose continued success depends upon performance can only result in positive benefits to the owners of the resources. Successful applicants will be required contractually to accomplish the objectives presented in their winning prospectus. DNR will have better oversight and compliance opportunities with a limited allocation program.

### *Economic Return*

Economic return to the state is an important consideration prior to, and during the implementation of this program. To be considered feasible there are two objectives to achieve: revenue sufficient to cover the cost of administering the program; and, in addition, provide a reasonable return to the state. Because complete details of program administration cannot be finalized until the conclusion of the public notice period, and conclusion of the regulation adoption process, cost estimates for the program have not been calculated.

It is anticipated that a flat fee will be assessed to all concession holders that will be designed to cover the program costs. A formula, based on final estimates of program costs and the number of concession holders, will be used to determine the actual dollar value of the flat fee. It is anticipated that cost and structure of this program will be discussed during the upcoming legislative session. If funded, the legislature will determine the initial level of support for the program, and that would be the starting point for use in the formula to calculate the flat fee.

Additional fees in the form of competitive bids or per client charges will be addressed specifically in the regulation process. No decisions have been made regarding exactly how to assess and collect revenue from concession holders. DNR is asking for comments and suggestions in this regard. Please keep in mind the objectives listed above when commenting.

Initial funding from the legislature will be necessary to cover “start up” costs. Continued funding of the program, based upon annual revenues received, must be approved by the legislature.

### *Reduce User Conflicts*

Clearly, spreading out the impacts of guided hunts will not totally solve the crowding or intense competition problems. There are other, well known factors that contribute to this problem as well. Significant guide on guide conflicts do not occur in all Game Management Units now. However, it is believed that allocating guided hunting opportunities will contribute significantly to the reduction of these problems where they do occur.

### *Administratively Feasible*

A clear goal of this DNR is to create a program that is feasible administratively, as well as implementable. At this time we believe it is possible to design a program which is administratively feasible. However, to be implementable one important administrative tool must be added, and that is enforcement authority through written citations. Monitoring and compliance is the heart and soul of public land management. It has been proven time and again that a weak enforcement program leads to disrespect for our natural resources and poor conservation practices.

In this case DNR needs to be able to enforce the regulations adopted to implement this program. For example, if a camp is abandoned on state land the responsible party is contacted and given a certain amount of time to remedy the situation. If the party does not

comply with that order, a citation could be written whereby a penalty would be assessed, either lump sum or per day, until resolved. Only the ability to cite an offender is envisioned, not full law enforcement training for each employee, and no firearms for DNR employees administering this program.

Finally of course whether or not the program is implemented at all, and to what level it is implemented, depends solely upon the level of funding it receives.

#### *Economic Development/Industry Sustainability*

Big game guides have had a presence in Alaska since long before statehood. The industry provides a valuable service, primarily to out-of-state residents, to people needing assistance when traveling in Alaska's wilderness for hunting or other recreational experiences. Advances in technology and better business practices have enabled the guiding industry, in general, to extend their reach around Alaska and become very efficient operators. Big game guides are only one component, but a very important component of resource users in the state who can deliver positive results in helping state officials achieve resource management and conservation goals.

At the present time there are over 1,800 registered guides in the state of Alaska. Not all are active, and among those that are indeed active, not all are eligible to contract hunts. Rules presently in effect presently seem to allow or at least encourage overcrowding in areas having high value big game species, intense competition in those same areas, and make compliance and enforcement goals difficult to achieve. An area based system of guide services allocation is presumed to be a major step in achieving the public and social goals set out above.

#### **Alternatives**

As mentioned above, DNR staff has had many ad hoc discussions with interested parties regarding a possible allocation system. During those discussions many questions and issues have been raised, generally leading to "why not try this", or "what if" scenarios. Below is a list of what we believe are possible alternatives to the system being designed at this time.

These alternatives will be presented in bulleted, outline form to assist in providing clear, concise information. DNR is seeking public comment on these alternatives. Specifically, we would like to know the pros and cons of each option, from the commenter's perspective. We would like to be advised of information pertinent to any of these alternatives which, in the commenter's opinion, we may have left out. All relevant comments and suggestions will be considered in an attempt to fully understand the options, the impacts of those options, and how well they may, or may not help achieve our resource management and conservation objectives (as discussed above), and go the furthest to help alleviate the social problems noted above.

The alternatives listed are:

- The Null Alternative, or Do Nothing At All
- DNR Guide Concession Program



- 10% Non-Resident Allocation
- Permit/Draw
- Occupational Licensing Changes in Requirements/Limits
- Strict Limit on Number of Guide Licenses Issue
- Increase Qualifications for Guide License

#### 1. Null –

- This alternative would be a commitment not to change any of the current permitting or other standards which affect the big game guiding industry.
  - Crowding and in-field conflicts will continue
  - Popular areas continue to see unchecked competition.
  - Trophy animals are being taken with great efficiencies
  - Enforcement difficulties persist
  - Reductions in non-resident hunting opportunity will happen
  - May negatively affect the state's overall economy
  - Quality of hunts will continue to diminish
  - Will increase need for ADF&G staff to administer complex regulations needed to address issues raised
  - High costs to achieve Conservation & Stewardship goals
  - Does not directly address any of the issues that have been raised
  - The problems(s) will not go away
  - Provides maximum opportunity for new entrants into the business
  - No stability for the long term interest of guiding industry
  - Other boards or committees may effect changes to the industry

#### 2. DNR Guide Concession Program –

- This alternative creates specific areas for commercial guide/outfitters to work in. These areas will be authorized by DNR thru a competitive process; these areas may exist in two configurations full rights and limited rights concessions.
  - Provides predetermined areas for guides to operate
  - Creates predictable work environments
  - Time needed to create implement new program
  - May not allow all guides the opportunity to get a concession
  - Concession holders may hire other guides
  - Provides predetermined areas on BLM, and state lands for guides to work within
  - Does not affect other private or commercial users
  - Provides more incentive for wildlife conservation and land stewardship
  - Increases the accountability of the commercial operators
  - Increased revenue to the state over current system
  - New program will take time to develop
  - Some guides working today will not be selected to a concession area
  - Upfront cost to the state
  - Additional administrative hurdles for the industry

- Full rights concessions will allow concession holder the ability to operate with unlimited ability
- Limited Rights concessions will adhere to similar terms as the full rights concessions but will be greatly reduced in:
  - Number of employees
  - Number of clients
  - Requirement to guide clients on own

3. A set allocation for non-residents; for example 10%

- This alternative establishes specific harvest amounts which will be made available to non-resident hunters based on previous years harvest number. The number currently under consideration is 10% of the previous year's harvest.
  - Sets limits on harvestable surplus
  - Severely limits commercial opportunities for professional hunters
  - Provides for specific allocation of harvestable surplus be made available to non-residents
  - This is a simple option to implement
  - Severely limits the opportunities for commercial operators in Alaska
  - Severely limits non-resident hunters hunting opportunities for brown/grizzly bear
  - Significant reduction in revenue from non-resident license/tag sales
  - No connection to realistic wildlife management goals

4. Permit/Draw Statewide (most species) -

- This alternative establishes opportunity for hunters to compete for a limited amount of tags per species on a statewide basis.
  - Create limited opportunities throughout the state
  - Similar systems already in place
  - Marginal increased costs to expand statewide
  - Promotes equal opportunity
  - Requires F&G to monitor herds to assure harvest numbers are good
  - Similar systems are already in place in Alaska and elsewhere; concept could be expanded statewide with limited cost or staff increases
  - Cost of draw opportunity to applicant is minimal
  - Provides equal opportunity for everyone
  - Allows flexibility for ADF&G to adjust pressure by the # of tags available
  - Additional responsibilities for ADF&G
  - Unnecessary in most areas and reduces hunting opportunity/flexibility
  - Artificially creates demand
  - Reduces revenue to ADF&G for license and tag sales

5. Changes to Occupational Licensing requirements/limits

- This alternative reviews the Statutes and Regulations of DCCED – OL and the Big Game Commercial Services Board, who is the licensing body of the Guide/Outfitters. This alternative includes limiting the # of areas a guide can register for each year, or the term of the registration in addition to changing the size of some or all of the GUAs.
  - Limit the number of guide areas available to each guide
  - Change the size (reduce) the number of areas available
  - BGCSB has licensing authority to do this
  - Minimal additional cost to make these changes
  - Likely require guide to stay with choices for longer time
  - The Division of Occupational Licensing lacks personnel and resources to implement
  - May not reduce direct competition for an area
  - More guides will be compressed into smaller area

6. Strict limit on the # of guide licenses available.

- This alternative suggests the state place a limit on the number of registered guide licenses that would be available in the state. This alternative is not viable, and will not be discussed here because it has broader constitutional issues.

7. Greatly increase qualifications for guide license.

- This alternative would require a much high set of standards to obtain registered and Master guide licenses. This may include years of guiding, apprenticeship, biological knowledge of wildlife, handling animals for taxidermy. This would include written, oral and practical evaluations (similar to Namibia and Zimbabwe)
  - Greatly increases the quality of the hunt
  - Provides high quality experience for the client
  - Will take many years to address current issues
  - Will increase competitiveness of Alaska's guides on the world-wide market

Is It Feasible?

DNR was asked to evaluate the feasibility of creating an area based system for limiting or allocating specific numbers of commercial big game guides on state lands. This request is consistent with DNR's overall responsibility to solve problems, such as user conflict, or act upon opportunities that are consistent with DNR's mission. To date this analysis has centered upon legal, administrative, management and implementation considerations. Any program implemented by DNR will be based upon a set of administrative regulations adopted following this public review process, perhaps beginning in the spring 2010.

To decide on the administrative feasibility of such a program, some assumptions had to be made. For example, it is assumed that all licensed guide/outfitters, in good standing according to licensing requirements, are eligible to participate in the program. The program would be based

upon a competitive process that would begin with submittal of a prospectus type of document. Scoring criteria will be developed that evaluates qualified experience, ability to meet or exceed stewardship and conservation goals, appropriate and achievable business and operations plans, financial preparedness, record of violations. Scoring will be done by a panel of agency representatives. Decisions made by that panel will be administratively appealable.

Applicants will apply to operate in a specific concession area(s) consistent with regulations of the BGCSB and DNR. Concession area boundaries and the number of guiding opportunities to be offered in each will be adopted through the regulation process. Two levels of opportunities will be offered in each concession area: full rights to hunt consistent with current practices and the approved business and operations plans; and a limited rights opportunity designed to allow smaller, niche operators the opportunity to get into the system and establish experience and knowledge of the concession areas. Monitoring, compliance, and enforcement activities will take place among all the agencies having a role and responsibility for such action.

That is the general framework under which the program has been envisioned. Based upon those assumptions and considerations DNR has concluded that it could create, administer, and implement an area based guide allocation program. To be realistic, i.e. implementable, certain additional goals should be met. Those goals are:

- Appropriate “start up” funding is necessary to fund additional staff and cover implementation costs
- Budget structure created that recognizes the ability of this program to pay its own way, and provides for use of funding to continue program administration
- DNR be granted citation level enforcement authority to raise the rates of compliance with adopted regulations

At this point in time DNR is open to comments, concerns, and suggestions for how the details of this program might look. It is DNR’s responsibility to design and create an implementable program. However, to be implemented, this program, and the program details, will have to be adopted through a rigorous, public regulation adoption process. All affected and interested parties will be able to participate in the regulation adoption process.

During this open public review process comments may be submitted until the close of business on January 21, 2010. 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 documentation may be reviewed, and comments may be submitted. Comments may also be submitted in writing by regular mail to the South Central Regional Office’s address which is on the website.

Following this public review process, and depending on adequate funding, DNR will promulgate regulations to implement the program. The public will have full opportunity to weigh in on the proposed regulations during that process as well. The regulation process will be the second major opportunity for the public to review and comment on program specifics being proposed in regulation.