



April 1, 2016

Comments on HB 254 Extend Big Game Commercial Services Board

Resident Hunters of Alaska (RHAK) strongly **opposes** HB 254 to extend the termination date of the Big Game Commercial Services Board (BGCSB).

We would like to point out at the outset that the report, *A Sunset Review of the Department of Commerce, Community, and Economic Development, Big Game Commercial Services Board*, mistakenly implies in its report conclusions on the cover page that the BGCSB has anything at all to do with ensuring that federally regulated Part 135 air taxis who transport hunters to and from the field are “qualified to do so.”

The only entity that provides “reasonable assurance” that individuals licensed to commercially carry any class of air passengers to and from the field are qualified to do so is the Federal Aviation Administration and the federal Department of Transportation.

The entire “transporter” system now attached to the BGCSB as it applies to air-charter transportation of hunters to and from the field is one of the main reasons why this Board should be sunsetted and **not** extended.

Currently there is a BGCSB Transporter Sub-Committee operating within the Board. This committee will meet by teleconference on April 7th, 2016 to discuss, among other things, the legality of the state trying to regulate federally-regulated commercial air carriers under the “transporter” system, and the new fees imposed on “transporters” for hunt-activity reports they are required to file.

As to the former topic, there is case law that demonstrates that federally regulated Part-135 air-taxis that also hold a federal Department of Transportation certificate are preempted within Alaska from any further city or state regulations governing routes, tariffs, or advertising. Currently the Alaska Air Carriers Assn and the BGCSB Transporter Sub-Committee are seeking a legal opinion on this matter. Should the legal opinion hold that the BGCSB has no authority to regulate federally regulated air carriers who hold a federal DOT certificate, it would make the entire “transporter” system as it relates to air carriers untenable.

As to the latter topic to be discussed at the BGCSB Transporter Sub-committee meeting on April 7th, many of the air carriers that *choose* to be a “transporter” – and this is an important distinction to recognize; not all air carriers who transport hunters to and from the field *choose* to be a “transporter,” in fact many of the major air-taxis who fly hunters are not “transporters” – are requesting the new fees for mandated transporter hunt activity reports be reduced or rescinded entirely, and those who say they will remain as

“transporters” will be forced to shift these new costs on to their clientele, most of whom are resident hunters.

We want to stress that the BGCSB was never intended to regulate resident hunters in any way, shape, or form. The clear intent of adding on this “transporter” system to the guide board’s authority was so the guide industry could regulate the access of unguided hunters who compete with commercial guiding activities. But this was really never under the authority of the BGCSB. Only the Board of Game has the authority to restrict or limit the number of hunters in the field, or how those hunters can access the field, via such avenues as permit hunts and controlled use areas.

If the main focus of whether or not to extend or sunset the BGCSB revolves around the ability of the Board to pay off its debt, then we would ask legislators to consider the fact that the Board will soon engage in open discussion and vote on whether or not to reduce or eliminate the new transporter fees. Neither the Chairman of the Board or any of its members can tell the legislature with any kind of certainty that the Board will not vote to reduce or eliminate those fees. Too, as stated, many air-carriers currently with “transporter” licenses have stated they will forego their “transporter” license if these new fees are not reduced or eliminated. So when the legislature looks at the current budget predictions for the BGCSB, please note that the Board’s ability to pay off its debt is very much dependent on these new transporter fees and at minimum retaining the current number of “transporters” within the system to pay those fees.

In closing, Resident Hunters of Alaska would have no issues with the BGCSB if it returned to its original purpose: regulating the Big Game Guiding industry. Alaska Statute 08.54.600 defines the Board’s functions, and nowhere within that statute does it say anything about regulating air carriers that fly hunters to and from the field, or imposing additional fees on unguided hunters using an air taxi for transportation services ...in order to fund the guide board’s activities.

“Transporters” had absolutely no role in the Board’s incurred million-dollar debt. Burdening “transporters” – and particularly the resident Alaskan hunter who uses air-taxi transporters to access the hunting grounds – with these new \$50 fees is unwarranted and unfair. The entire “transporter” system within the BGCSB as it relates to air carriers needs to be abandoned.

We urge the legislature to sunset this Board now. We don’t believe it is operating as intended by the legislature and we question whether or not it truly will ever be self-funding in way that puts those costs on the intended licensees it is designated to oversee.

Sincerely,

Mark Richards

Executive Director Resident Hunters of Alaska