

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

January 23, 2012

3:32 p.m.

MEMBERS PRESENT

Senator Joe Paskvan, Co-Chair
Senator Thomas Wagoner, Co-Chair
Senator Bill Wielechowski, Vice Chair
Senator Bert Stedman
Senator Lesil McGuire
Senator Hollis French
Senator Gary Stevens

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Cathy Giessel

COMMITTEE CALENDAR

SENATE BILL NO. 13

"An Act providing for the waiver of certain fees and charges in state parks for disabled veterans."

- MOVED CSSB 13(RES) OUT OF COMMITTEE

SENATE BILL NO. 24

"An Act establishing the Sport Fishing Guide Services Board and licensing requirements for sport fishing guide-outfitters, sport fishing outfitters, sport fishing assistant guides, and sport fishing transporters; making conforming amendments; allowing the Department of Fish and Game to collect information on guiding services; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 13

SHORT TITLE: WAIVE PARK FEE FOR DISABLED VETERANS

SPONSOR(S): SENATOR(S) FRENCH

01/19/11 (S) PREFILE RELEASED 1/7/11
01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) RES, FIN
03/21/11 (S) RES AT 3:30 PM BUTROVICH 205
03/21/11 (S) Heard & Held
03/21/11 (S) MINUTE(RES)
01/23/12 (S) RES AT 3:30 PM BUTROVICH 205

BILL: SB 24

SHORT TITLE: SPORT FISHING GUIDING SERVICES
SPONSOR(S): SENATOR(S) MCGUIRE

01/19/11 (S) PREFILE RELEASED 1/7/11
01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) RES, FIN
02/07/11 (S) RES AT 3:30 PM BUTROVICH 205
02/07/11 (S) Heard & Held
02/07/11 (S) MINUTE(RES)
02/19/11 (S) RES AT 10:00 AM BUTROVICH 205
02/19/11 (S) Heard & Held
02/19/11 (S) MINUTE(RES)
02/21/11 (S) RES AT 3:30 PM BUTROVICH 205
02/21/11 (S) Heard & Held
02/21/11 (S) MINUTE(RES)
10/10/11 (S) RES AT 9:00 AM Anch LIO Conf Rm
10/10/11 (S) PUBLIC COMMENT
01/23/12 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

MICHAEL PAWLOWSKI
Aide to Senator McGuire
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented CSSB 24().

TOM OHAUS, representing himself
Sitka, AK

POSITION STATEMENT: Supported CSSB 24().

GREG SUTTER
Alaska Charter Association (ACA)
Homer, AK

POSITION STATEMENT: Supported CSSB 24().

JOEL HANSON
The Boat Company

Sitka, AK

POSITION STATEMENT: Supported CSSB 24().

STAN MALCOM, President
Petersburg Charter Boat Association
Petersburg, AK

POSITION STATEMENT: Supported CSSB 24().

RICKY GEASE, Executive Director
Kenai River Sport Fishing Association
Soldotna, AK

POSITION STATEMENT: Supported CSSB 24().

REUBEN HANKE, representing himself
Fairbanks, AK

POSITION STATEMENT: Supported CSSB 24().

DICK ROHRER, representing himself
Kodiak, AK

POSITION STATEMENT: Had lots of suggestions for more changes to
CSSB 24().

DON "SMOKEY" DUNCAN, Alaska Private Guide Service, Fairbanks,
Alaska, said he

POSITION STATEMENT: Opposed CSSB 24().

REED MORISKY
Wilderness Fishing
Fairbanks, AK

POSITION STATEMENT: Supported CSSB 24().

VIRGIL UMPHENOUR, representing himself
Fairbanks, AK

POSITION STATEMENT: Supported CSSB 24().

SCOTT EGGEMEYER, representing himself
Soldotna, AK

POSITION STATEMENT: Supported CSSB 24().

JIMMY JACK DRATH
Kenai River Professional Guide Association
Kenai, AK

POSITION STATEMENT: Supported CSSB 24().

GARY AULT
Homer Charter Association
Homer, AK

POSITION STATEMENT: Supported CSSB 24() with some reservations.

DON WESTLAND, representing himself
Ketchikan, AK

POSITION STATEMENT: Did not support SB 24, because it doesn't go far enough.

LARRY MCQUARRIE
Sportsman's Cove Lodge
Ketchikan, AK

POSITION STATEMENT: Supported the original concept of SB 24, but had concerns.

KEN LARSON, representing himself
North Pole, AK

POSITION STATEMENT: Opposed CSSB 24().

MELVIN GROVE, President
Prince William Sound Charter Boat Association
Big Lake, AK

POSITION STATEMENT: Opposed CSSB 24().

HEATH HILYARD, Kulik Lodge
Anchorage, AK

POSITION STATEMENT: Supported CSSB 24().

PETE RAYNOR, Manager
Kulik Lodge
Anchorage, AK

POSITION STATEMENT: Did not support CSSB 24().

SONNY PETERSEN, President
Katmai Service Providers
Anchorage, AK

POSITION STATEMENT: Opposed CSSB 24().

JIM ALBERT, Manager
Brooks Lodge,

POSITION STATEMENT: Opposed CSSB 24() even with the substantial changes.

BUD HODSON, owner
Tikchik Narrows Lodge (Bristol Bay)
Anchorage, AK

POSITION STATEMENT: Did not support CSSB 24().

CHACO PEARMAN, representing himself

Kodiak, AK

POSITION STATEMENT: Supported CSSB 24(), but he wanted the board to be able to limit participation in specific areas and without that he didn't know if his community could continue supporting it.

ACTION NARRATIVE

[3:32:22 PM](#)

CO-CHAIR THOMAS WAGONER called the Senate Resources Standing Committee meeting to order at 3:32 p.m. All members were present at the call to order.

SB 13-WAIVE PARK FEE FOR DISABLED VETERANS

[3:33:43 PM](#)

CO-CHAIR WAGONER announced SB 13 [27-LS0097\A] to be up for consideration. He recapped that he had objected to the bill in a previous meeting for discussion purposes.

SENATOR FRENCH moved to adopt Amendment 1, [labeled 27-LS0097\A.1] for SB 13.

CO-CHAIR WAGONER objected for discussion purposes.

SENATOR FRENCH explained that this bill helps waive park fees for disabled veterans. There wasn't a lot of controversy around the bill except for cabins; the concern that Department of Natural Resources (DNR) had was that if there were no fee whatsoever a person could book a bunch of cabins and if he decided not to go to the cabin no one else would get to use it. Their use is very popular in the state.

He explained that over the summer decided to charge disabled vets 50 percent for a cabin so they "have some skin in the game," as a middle ground. It costs them something to forfeit the cabin and the cabin gets put back in the pool for other people to use. He said essentially Amendment 1 does that; it puts a 50 percent rule in for disabled vets who want to rent a cabin.

CO-CHAIR WAGONER removed his objection and finding no further objections, announced that Amendment 1 was adopted. He opened up public comment. Finding no comments he closed the public comment period.

[3:36:04 PM](#)

SENATOR FRENCH moved to report SB 13 as amended from committee with individual recommendations and attached fiscal note(s). There were no objections and therefore CSSB 13(RES) moved from the Senate Resources Standing Committee.

[3:36:57 PM](#)

At ease from 3:36:57 to 3:38:10 p.m.

SB 24-SPORT FISHING GUIDING SERVICES

3:38:10 PM

Due to technical difficulties the meeting was not recorded from 3:38 to 3:49 PM. The following is a summary of what took place in that time:

CO-CHAIR WAGONER called the meeting back to order at 3:38:10 p.m. and announced SB 24 to be up for consideration. He said it was held over from last year and was put into a subcommittee over the Interim.

SENATOR MCGUIRE, sponsor of SB 24, said Mr. Pawlowski would walk through the proposed committee substitute (CS). She stated there were many passionate concerns and they are addressed in the CS; the most controversial pieces were removed.

SENATOR MCGUIRE said that some of the owners of the lodges testified that their population was aging. They were worried about recruiting new people into the industry and found that it was too hard to train residents and thought they should be allowed to bring people in from the outside. But, she stated the training requirements weren't removed because Alaska manages its fisheries as Alaskans and it's up to us to come up with a way to do it using Alaskan residents.

SENATOR MCGUIRE moved to adopt the CS for SB 24(), [labeled 27-LS0278\I], for discussion purposes.

CO-CHAIR WAGONER objected for discussion purposes, and he invited Mr. Pawlowski to review the changes in the CS.

MICHAEL PAWLOWSKI, aide to Senator McGuire, said the CS is a result of many concerns he heard stated as well as some policy changes. The following excerpt is

a summary of the changes taken from Senator McGuire's memo:

Changes to SB 24 (27-LS0278\A) in CS SB 24 (27-LS0278\I)

Please note that this analysis is not an authoritative interpretation of changes to the bill. The bill itself is the best statement of its contents.

The following references are to the A version of SB 24
Title The following changes were made to the Title of the bill:

1. No changes.

Section 1 The following changes were made to section 1:

1. Inserted new subsection (b) which expresses legislative intent that the funding for the electronic systems required under section 6 are to come from general funds.

Section 2 The following changes were made to section 2:

1. No changes.

Section 3 Inserted new subsection 3 inserting the Sport Fish Guide Services Board established in section 4 to the list of Boards and Commissions in AS 08.03.01(c) that provides for termination dates (2018) and transition provisions upon termination.

[3:49:37 PM](#)

MR. PAWLOWSKI next went to Section 4 (old Section 3) that is the substantive change and said the reference to units throughout this section have been removed. New language was inserted in the composition of the board section on page 2, lines 19-28. There was a lot of testimony about the interest in regional representation on the board and that one member of the board has to be from each of the Interior Southeast and Southcentral regions. Testimony concerning the commercial and sport fisheries on page 3, lines 5-6, spurred an added requirement to the at-large public member that he couldn't have ever held a commercial fishing license.

[3:50:46 PM](#)

A very substantive change was made in the duties and powers of the board section that begins on page 3, line 16, and goes

through page 4, line 26. This was added on lines 7-13; while occupational boards interact with the governor and make recommendations, industry felt that the Guide Commercial Services Board should offer some more level of benefit (a substantial policy point). So, language from the Minerals Commission, which is not a licensing board, was inserted into the bill to the effect that this board would commission and prepare a report to the legislature and the governor on the impact of sport fishing on the state's economy. (Typically, occupational reports go to the governor and don't go directly to the legislature.) Subsection 10, lines 11-13, are the second portion of that setting up a timeline for when the report has to be made.

[3:52:02 PM](#)

Another substantial point was in response to concerns over the limited entry provisions of the original bill related to guide use unit areas. There was a concern that the sport fishing industry wanted to see that the table in the event that limited entry regulations are drafted. That was the attempt on page 4, lines 20-22, requiring a regulation that has the effect of limiting entry to sport fish guides to come through this board in order to be approved. He said that those are major policy calls that came through public input and the committee should consider those carefully.

MR. PAWLOWSKI said that new language was added on page 4, lines 23-26. Concern was brought up with the requirement for an examination; under the direction to the board (the goal being that this test is available electronically and that a person that fails the test may retake it) the point being that the purpose of the test should not be to exclude participants in the fishery, but to guarantee a certain level of knowledge relating to the fish and game regulations of the state that the guide is naturally assisting their clients in a program.

SENATOR FRENCH asked if a guided client now runs afoul of the fish and game laws - if, for instance, the guide takes the client into a closed area and the client has the line in the water - is he on the hook.

MR. PAWLOWSKI said he preferred to have the Department of Fish and Game answer that.

SENATOR STEVENS asked the reasoning behind immediately retaking the exam.

MR. PAWLOWSKI answered that the guiding community wanted assurances that an immediate retake was not required but that it was permissible.

SENATOR STEDMAN went to page 3, line 5, and asked if that language means someone cannot ever have held a commercial fishing license.

MR. PAWLOWSKI answered yes.

SENATOR STEDMAN said that that might need looking into, because a five-year old could have a commercial fishing license in a parent's boat and then be excluded for the rest of his life.

[3:56:10 PM](#)

SENATOR STEDMAN asked why "or in Canada or in Mexico" were included and not Brazil and Venezuela.

MR. PAWLOWSKI replied that is part of the language from the original task force. It had to do with provisions under treaties between the US and Canada that they were required to accept as part of commerce under services. That issue has not been raised as the bill has moved through and therefore has not been addressed from the original version.

SENATOR STEDMAN asked him to point out the connection between the sport fishing outfitter license and the guide license. Would the outfitter be the lodge?

MR. PAWLOWSKI replied that often it would be the lodge, but the intent is to go deeper than that and to include people who are renting equipment specifically for sport fishing services like a rod. Someone might be renting without being the lodge.

SENATOR STEDMAN said he wanted the ability to tie any illegal guiding activity that is sanctioned by a lodge from the guide to the lodge. They have trouble doing that currently. Sometimes the guide works for the lodge virtually year-round.

MR. PAWLOWSKI said it is an incredibly important piece of this bill that is different from existing law and is on page 13, line 30, through page 14, line 11. In subsection (1) [of the CS] on page 14, line 2, the outfitter transporter or guide is equally responsible for violations of regulations under this chapter. The CS deletes "assistant guides" from the original bill. Since assistant guides have to be under the employ or supervision of a licensed guide, assistant guides were removed from that section,

since the onus and responsibility in the way the bill is designed falls to the licensee that is employing or supervising. He noted that this language may need to be tightened more.

[4:00:11 PM](#)

Page 5, line 4, had a "nitpicky" change. In the original version the license was called a sport fishing guide outfitter license, but in the interest of simplicity it was changed to sport fishing guide. The sheer number of licenses was quite confusing to the public; the guide retains the ability to be an outfitter, but it's still called a sport fishing guide license.

On page 5, line 5, in the original bill all the different licenses were bi-annual. The departments felt that annual licenses were cleaner and easier to administer.

MR. PAWLOWSKI said one of the deleted provisions from requirements to become a guide was requiring that a person be licensed as an assistant guide for three years and have a certain amount of time within the fishery. This was a major departure from the existing system to become a guide in the State of Alaska. The public said that was onerous and didn't fit with business models. The difference is the requirement to pass an examination (on page 5, lines 17-18, the design of which is on page 3, lines 17-20).

Several requirements were taken out; an additional one was a general requirement that allowed the board to adopt regulations that the guide licensee had to meet. The public was very concerned about a guide board coming up with regulations that the legislature hadn't envisioned, so it has been tightened down to only these specific items.

[4:02:41 PM](#)

On page 6, lines 9-23, the master guide license provision has been retained. Considerable public testimony indicated that this was unnecessary since it is an elective license. Part of the thinking behind it was that in hunting a master guide is a very specific thing that comes with very specific credentials. Fishing doesn't have the same type of statutory construction as what would be a master guide. There were concerns about what could be considered almost duplicitous advertising to the public. So, some form of master guide clarification was retained in the bill.

The provision taken out of the sport fishing outfitter license section was the requirement to pass a test, the reason being

that the outfitter lodge owner might not actually be a guide. The point of the license is to identify people engaged in the sport fishing business so that ultimately a logbook program might be able to be put into their hands. Since they are not providing guiding licenses the public didn't feel that they needed to be guides.

SENATOR STEDMAN asked if the outfitter has the responsibility of the guide and if the guide has the responsibilities of the assistant guide.

MR. PAWLOWSKI replied that the outfitter and the guide may be considered co-equal. Because the prohibition on page 7, line 7-9, says a person holding a sport fishing outfitter license may not provide sport fishing guide or transportation services, you might have a situation where there is an outfitter who does not ever operate as a guide, although it might be rare.

SENATOR STEDMAN said his point was that it might be beneficial to have the outfitter know what acceptable behavior is, so when he is dealing with other guides or assistant guides within the industry, he would be more apt to know when someone's behavior is out of bounds.

MR. PAWLOWSKI added that page 3, lines 17-20, contain a description of the test that the board is required to prepare in case they decide to reintroduce the testing requirement to the other licenses.

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CO-CHAIR PASKVAN commented that he thought Senator Stedman was focusing on what happens if the outfitter employs the guide but the outfitter doesn't need to pass a test. Then you have theoretically broken the connection between the guide and the outfitter.

MR. PAWLOWSKI said that is a fair question, but in order to be a guide and to provide the guide services you have to have a guide license. So, an outfitter might employ a guide, but they might also not. And if they're not, they would have to get the outfitter license.

SENATOR STEDMAN said he was trying to make sure that the outfitter under all circumstances knows the difference between right and wrong within the industry, because a small number of lodge owners don't know how to treat the state's resources.

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MR. PAWLOWSKI said the next substantial change is in the sport fishing assistant guide license which goes from page 7, line 22 through page 8, line 26. Here a change was made to the reduction of 16 years of age. You had to be 18 in the original bill to be a sport fishing assistant guide. The reason that change was made is a person 16 to 18 years old could not qualify for Coast Guard licensing, which is required on page 7, line 30, through page 8, line 2. You are required to have a Coast Guard license if you are in an area that a Coast Guard license is required, but they have received significant testimony from people that there are areas of the state where 16 and 17 year olds work as walk-in guides in the summers, and there was an attempt to give them an opportunity to still remain in that type of employment.

He reminded them that an assistant guide (page 8, lines 25-26) has to carry proof of employment or supervision, which takes one back to the responsibility section that says they have to work under a licensed guide.

The generic requirement in the original bill (of all additional requirements being adopted in regulation) has been removed from the requirements in order to get a license. The reasoning behind that was to not give the board the ability to go too far beyond what the legislature expressed was required to become a guide, assistant guide, outfitter or transporter.

The next section, Article 3, on page 10, line 15, through page 11, line 31, is the enforcement section. It gives powers to the board to enforce certain specific violations. A couple things have been removed from this section as a result of public testimony. Originally there were provisions that allowed board discipline in the event of a breach in an agreement or contract with a client. There were some discretion-able actions by the board. The language was tightened up to specifically only be related to people convicted of a violation of a state or federal statute or regulations related to sport fishing. The public did not want the board to have too much discretion right out of the gate. He said current statutes potentially have a gap in that it is almost impossible for the Department of Fish and Game to not give someone a license who is committing violations.

SENATOR STEDMAN said he wanted more thought about licensing a person convicted of a felony or a crime of moral turpitude. He said there are a lot of licenses a person with certain types of offenses can't have.

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MR. PAWLOWSKI responded that he might ask the department to define that a little bit better. The language was made broad specifically to encompass laws relating to and that may be too narrow for Senator Stedman's concerns because theft or fraud wouldn't be included in that.

SENATOR STEDMAN said a conviction of drug trafficking is not desirable as a lodge operator.

MR. PAWLOWSKI said specific acts were listed on page 12, line 1, through page 13, line 29, related to guiding and do not cover the universe of issues Senator Stedman was referencing.

He said that the enforcement section on page 11, lines 8-10, was added at the input of ADF&G and says if the board imposes a disciplinary sanction under this title they may notify the appropriate state and federal agencies; this just refers to the ability to communicate in case communications are required to say this person is sanctioned and may be trying to go to different states. The board needs the authority to share that information in statute.

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He said as far as the rest of the bill goes, another major change was repeal under the transporter section, on the old page 11, that allowed a sport fishing guide to personally pilot a plane. That ran afoul of FAA rules.

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MR. PAWLOWSKI said the other major substantive change is in section 6 on page 17 through page 18, line 8 that changes "may" to "shall" for electronic reporting storage. The final major changes are in sections 9, 10 and 12-15 where the effective dates were moved to delay implementation for two years. Because this was a major change for the industry, there was concern about it being implemented too rapidly and the public process being gone through inadequately. He listed the effective date sections.

[4:19:27 PM](#)

CO-CHAIR WAGONER opened public testimony.

TOM OHAUS, representing himself, Sitka, Alaska, said he is a charter business and lodge owner, and thanked Senator Wagner for his efforts with the new CS for SB 24 and said he supported it. Electronic monitoring coming from the general fund rather than

license fees is a big plus for the industry, he said, because it decreases the fiscal note and the overall licensing fee. Industry supports the general purpose of SB 24 because it provides for an industry governed by a board of its peers to provide a platform for increased participation in fisheries management. They have often had concern that those managing them do not understand their business model or understand the regulatory requirements they need in order to keep their industry whole and contribute to local economies. It's also important to get their hands around what would be non-guided lodges so they know what is really going on in boats that don't have a guide that people are paying to be in.

[4:22:17 PM](#)

GREG SUTTER, Alaska Charter Association (ACA), Homer, Alaska, mirrored Mr. Ohaus' comments. He said the CS to SB 24 will really help the industry. He said ACA couldn't support the original version and that half of the members liked the last version. He would put this new version out to the membership and hopefully more support and meaningful feedback could be gained that would make it more marketable and user friendly for people who want to come up fishing.

[4:24:22 PM](#)

JOEL HANSON, The Boat Company, Sitka, Alaska, said he operates a couple of 150 ft. cruise vessels that are mother ships to a small fleet of skiffs and that each of the skiffs is independently licensed as charter boat and carries its own logbook. He said there is a huge difference between some of the business models that operate in the charter universe and his is one. He thanks all who worked on this version because it is at least workable and much different than the original in that respect.

MR. HANSON said the immediate retake of the test is important to his business, because he has to rely on having a licensed guide on each of the mother vessels as well as a number of assistant guides operating the skiffs. He might need an assistant guide to jump in and cover for someone who can't work that day on fairly short notice.

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CO-CHAIR PASKVAN asked if he had a definition of "independently operated boats." He thought it meant they were under independent contractor financial arrangements.

MR. HANSON replied that all of their skiffs, which are carried on board the mother vessels, are operated by crew members who are direct employees; his company doesn't contract with anyone.

CO-CHAIR PASKVAN asked what "independently-operated" means if they are operated by employees.

MR. HANSON replied that they often go off in different directions; so multiple skiffs are out at any given point in time.

CO-CHAIR PASKVAN said then that they are all employees under the law, not independent entities under independent contract arrangements.

MR. HANSON responded that was correct.

CO-CHAIR WAGONER asked how his business works.

MR. HANSON replied that they do week-long trips between Sitka and Juneau. While one of the vessels does a turnaround on a weekend in Juneau the other vessel is doing a turnaround in Sitka at the opposite end of the trajectory. When they start a trip they meet half-way somewhere around the south end of Admiralty Island. They have been doing this for 35 years.

CO-CHAIR WAGONER asked where his guides and assistant guides are hired from.

MR. HANSON replied that while they hire some from Alaska, a majority of them are from out-of-state. Their crew members do double service; they are guides as well as licensed officers for the big vessel. Because of the level of license that is required for operating the larger vessels, they specifically hire people with a higher level license to run them. Their operation generally is of interest to employees because it provides an opportunity to get good qualifying sea time on larger vessels for going up the ladder of command.

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CO-CHAIR PASKVAN asked when it comes to the licensing of the business, how many types of licenses he needs to get.

MR. HANSON answered that The Boat Company needs a "pretty substantial" number. He added that they need to get a sport fishing business license and all the various licenses that are required by the Coast Guard. He added that both mother vessels

are inspected passenger vessels covered by Coast Guard regulations.

CO-CHAIR PASKVAN asked if his business has to get an outfitter license.

MR. HANSON answered no.

[4:32:39 PM](#)

STAN MALCOM, President, Petersburg Charter Boat Association, Petersburg, Alaska, said he is also the owner of a sport fishing charter business. He supported SB 24. He was a member of the original stakeholder task force formed by the state to discuss issues concern the sport fishing industry a few years back. One of the things he was concerned about was the no licensing or reporting requirements for the unguided segment of the sport fish industry as well as the absence of a single body to bring concerns or ideas to. Task force discussions led to the concept of a sport fish guide service board similar to the Big Game Guide Services Board and to what is now SB 24. He thanked Senator McGuire for bring this idea forward and for all her and her staff's time in refining that concept into what he thinks is a good vehicle for representing the industry to the state, the legislature and other management and regulatory agencies that they deal with while also providing for needed requirements for the industry.

RICKY GEASE, Executive Director, Kenai River Sport Fishing Association, Soldotna, Alaska said they believe SB 24 is a very good step in the right direction of bringing minimum professional standards to the guided industry across Alaska. He also said they believe the comprehensive nature of having professional standards for guide outfitters and transporters and requiring each to have a logbook is important to get a comprehensive view of the harvest that is being taken throughout Alaska. It's important information for area managers to look at and see trends. They support the electronic logbook requirement for the Department of Fish and Game.

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REUBEN HANKE, representing himself, Fairbanks, Alaska, said he and his wife operate a fish camp on the Kenai River. He, too, was on the original sport fishing task force that came up with this type of suggestion. He said the committee had listened to what other people in the industry have to say and he thinks the CS to SB 24 is a great product.

4:37:45 PM

DICK ROHRER, representing himself, Kodiak, Alaska, said he is a master big game guide and has been in the sport fish guiding business since 1982 and he had just completed two terms on the commercial services board. He encouraged them to reinsert the authority for the board at some time to identify guide use areas and maximum numbers of operators per area; not that it had to be done right now, but if that authority isn't given now it would never happen. He also urged them to develop terms for contracts between guides and clients for services (like the Big Game Commercial Services Board has) to specify what the client is paying for.

He had some question about the value of easy retesting and said the Big Game Guiding industry thinks that for those who are registered, have master licenses and can demonstrate years of involvement in the sport fish guide industry, that a grandfather license should be part of this legislation, and the same goes for sport fishing guides who have been in the industry a long time.

Also, on page 6, line 5, he thought having documents "readily available" needed a definition. And page 9, line 9, section (b) could be deleted, because that language came from the big game side where it had a purpose, but he couldn't see any reason for a transporter to have clients on a boat with living quarters and not have a guide license because the clients would be fishing. Also, related to "sport fishing outfitter services" on page 16, section 8, he explained that on the big game side a new business has come into play in the last few years that is essentially unregulated, called trip planning services, and that wording should be included under this definition as well as someone who provides camping equipment. So, that section would identify not just renting fishing rods and vessels, but also camping equipment.

4:42:10 PM

DON "SMOKEY" DUNCAN, Alaska Private Guide Service, Fairbanks, Alaska, said he opposed SB 24. He said he holds a big game commercial services board license and SB 24 shouldn't apply north of the Alaska Range, because it's isn't needed. It's a state-wide solution to a localized problem along the ocean and along the Kenai. He advised them to get the list of licensed sport fishing guides in their communities and and ask them if they support this.

He said SB 24 is not good particularly for interior guides or small town guides. Specifically, he objects to the requirements under getting a Coast Guard license. To get a Coast Guard license you have to get a TWIC card [Transportation Worker Identification Credential]. To get a TWIC the closest place for him would be Anchorage; all of the TWIC locations are along the coast. One of his guys just renewed his license and it cost him two trips (you have to go in person twice) and cost him \$3,000. He said the Coast Guard has no presence in the Interior or on the rivers north of the Alaska Range, and they shouldn't have jurisdiction on waters controlled by the state or where they have no aids to navigation or patrols.

MR. DUNCAN said he believes SB 24 needs a specific exemption for big game guides who may allow a contracted hunter to fish incidentally during the hunt. He also suggested removing an insurance requirement because Alaska law currently says recreation service providers are exempt from liability except for gross negligence - and gross negligence is denied on most policies. So, they get to pay for no coverage. "Most land owners, if they allow you to be on their property, are going to require something; let them require it. This bill doesn't need it," he said.

He pointed out a loophole in the Big Game Commercial Services Board. They have a transporter license; those are one person holding one license but they may employ any number of "assistant transporters" that haven't been vetted and haven't passed anything and pay no license fees. He thought this bill would require everyone to have a license.

CO-CHAIR WAGONER asked him to send his comments to his office.

[4:46:33 PM](#)

REED MORISKY, Wilderness Fishing, Fairbanks, Alaska, supported SB 24. He said he was one of the original task force members that helped formulate this concept and he wants to be part of managing his own industry.

VIRGIL UMPHENOUR, representing himself, Fairbanks, Alaska, said when he was on the Board of Fisheries they tried to do this 15 years ago and Senator Halford killed it then. He is in support of SB 24. He explained that NAFTA stands for North American Free Trade Agreement and that is why it has to be in the bill. The board wanted to do this 15 years ago because of the number of European-owned lodges that are a pure extraction economy with zero conservation ethic. But like Mr. Duncan and Mr. Rohrer, he

is a master big game guide and when he took his test to become a registered guide a long time ago, about 10 percent of the test was on sport fishing. "To leave us out and then have the troopers harassing us and have us have to go through two different systems is absurd," he said and they should be grandfathered in.

He related that when the board had its meetings, they were state-wide, and the large lodge owners were 100 percent against this. So, he asked them why they didn't hire local people. They said local people won't work. So, he went to the University of Alaska, Fairbanks and Anchorage, job placement offices for students and found that no lodge had ever asked any of them for any Alaskan resident college students to work for them. It's because they're too cheap he stated, and they don't want to pay anything - unlike all the registered and master guides that pay their employees at least \$250/day to work guiding.

CO-CHAIR WAGONER said he was also seriously thinking about putting in a bill that restricts shipping personal use fish outside the State of Alaska, since it's supposed to be for family use.

MR. UMPHENOUR said he would support that.

SCOTT EGGEMEYER, representing himself, Soldotna, Alaska, said he supported SB 24. He thanked Senator McGuire's office for continuing to work on this issue and to make it palatable to everyone involved.

[4:50:36 PM](#)

JIMMY JACK DRATH, Kenai River Professional Guide Association, Kenai, Alaska, said he had been guiding for 16 years and supported SB 24. He said the Kenai River has had an exam in place for quite a while and an association that is fairly strong. They have seen a lot more professionalism on the river over the past few years. He specifically supported the electronic logbooks and said his hope is that this industry would become more professional in the future. He commented that he is an outfitter and hires five to six guys in a season and he requires them to take an exam that he also gives them personally, believing that he has to know what his guides are doing out there.

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GARY AULT, Homer Charter Association, Homer, Alaska, supported SB 24 with some reservations. One was how the state could

require halibut charters to get licenses when they are fishing in federal waters and the Coast Guard requires a certain number of deck hands depending on the number of people. Are the deck hands assistant guides? He said keeping a crew through the summer is difficult at best and there will be an issue with keeping boats manned properly. But, he said, electronic logbooks are long overdue since they have to record every fish they touch. He urged them to do everything they can to make the provisions more user friendly.

[4:55:04 PM](#)

DON WESTLAND, representing himself, Ketchikan, Alaska, said he did not support SB 24, because it doesn't go far enough. It doesn't do what the board asked them to do. It doesn't restrict any growth in the industry, for one thing. Robin Taylor tried to come up with a limited entry program back in the '80s, and the state did a study in '92 to outline how to get them into limited entry.

He said there is a suggestion that people who organize sport fishing trips should hold a license, but that would mean cruise ships vendors and travel agents from down south, too. He also felt this was "kind of a money grab" as he already pays a lot. As a commercial fisherman, he would be excluded from participating on the board - even if he sold his permits.

He didn't support exempting the Kenai River guides from taking the test (page 20) and said "everybody needs to be into this." If big game operators are going to be grandfathered in, he, as a sport fishing guide needs to be grandfathered in as a master hunting guide. He summarized that he had been in this business since 1986 and considers himself a person who has a business that is not worth anything unless there is something that will limit the growth of the guided sport industry. That means some type of limited entry or restrictions on guide licenses.

CO-CHAIR WAGONER said SB 24 doesn't address salmon chartering, but the federal government has pretty well already limited halibut charters.

MR. WESTLAND added that the state is creating two types of guide services.

CO-CHAIR WAGONER said he didn't disagree and that they still need to pursue something like that, because the Kenai and the Kasilof Rivers are getting to be pretty crowded.

[5:00:14 PM](#)

LARRY MCQUARRIE, Sportsman's Cove Lodge, Ketchikan, Alaska, said he employs about 32 people in-season and contributes about \$2 million to the Ketchikan economy each year. He said he has been very active in fisheries politics, mostly on halibut issues. He said he earns all of his living fishing both commercially and sport fishing. He said he has serious issues with SB 24 although in general he supports the original concept. Originally he thought it was leading to the process of limited entry and this bill doesn't do that. It doesn't limit vessels or guides, which is what has to happen. Basically you pay a fee and take the exam enough times to pass it.

The composition of the board concerned him also. One of the other stated intents of the bill was to provide a unified sport fishing voice that could speak for the industry, but the nine members of the board are very diverse and it even includes two people who are not members of the industry. They have tried in the past to build a state-wide organization to encompass all the various sport fish entities throughout the state - like the Alaska Sport Fish Council that collapsed because they couldn't coalesce over a unified position.

[5:04:04 PM](#)

KEN LARSON, North Pole, Alaska, said he still opposed the present form of SB 24 even though it had come a long way through the process. He disagreed with it because it creates another different bureaucracy that has to be funded and fed - and they have a bad habit of growing. It's a duplication of requirements in most cases. He objects to "one size fits all." He noted that he had been a small lodge and charter operator out of Valdez since 1984.

[5:05:16 PM](#)

MELVIN GROVE, President, Prince William Sound Charter Boat Association, Big Lake, Alaska, said he opposed SB 24. He said he is a board member of the Alaska Outdoor Council, president of the Alaska Outdoor Access Alliance and vice chair of the MatSu Valley Fish and Game Advisory Committee. When the original guide license fee was scheduled to sunset, his complaint was why individual operators should pay the tax to cover the logbook program when the state accepted this responsibility from the federal government. It's ironic that the state legislative legal staff is recommending the state use general funds to pay for the electronic logbook program now.

He said SB 24 doesn't solve any problems and that "it's being pushed by friends who fish with friends on the Kenai River." And while he sympathizes with the overcrowding issue, adding a bureaucracy doesn't solve that problem. He suggested requesting the governor to designate one more sport and one more subsistence user to the North Pacific Fisheries Council as put forth in HCR 13.

[5:08:42 PM](#)

HEATH HILYARD, Kulik Lodge, thanked Senator McGuire and her staff in crafting the CS and said he supported SB 24. A number of changes made it more palatable to even some opponents. He added on behalf of the Southeast Alaska Guides Organization, that they are committed to continuing the discussion with other people throughout the industry and facilitating those talks with Senator McGuire's office. He said the development of the electronic logbook through general funds was a very positive move forward.

[5:10:13 PM](#)

PETE RAYNOR, Manager, Kulik Lodge, Anchorage, Alaska, thanked Senator McGuire, her staff and the committee for making the many changes in SB 24, but he said he still didn't like it. It doesn't accomplish anything good for the industry. Local issues can be dealt with in their area; one size fits all "doesn't fit." He said Bristol Bay is a highly competitive place, but he doesn't fear his competition; he fears the government.

SONNY PETERSEN, President, Katmai Service Providers, an organization of both operators that do bear viewing, sport fishing and others that operate in Katmai National Park, said he operates Katmai Land Inc., Katmai Air, Kulik Lodge, Brooks Lodge and Grosvenor Lodge in Katmai National Park. He said he appreciates that their testimony was listened to, because as written the bill would have put them out of business. But he still can't support it. It places an undue burden on lodge owners and besides there is no problem with the resources that this bill solves. No one is suggesting reducing bag limits or continuing the logbook program. It's about limiting commerce.

[5:15:11 PM](#)

JIM ALBERT, Manager, Brooks Lodge, said he opposed SB 24 even though there has been substantial changes to it. He said it is still overly burdensome and he didn't see the need to create another government agency to regulate their industry that is already heavily regulated.

BUD HODSON, owner, Tikchik Narrows Lodge (Bristol Bay), Anchorage, Alaska, said he had been in the sport fishing business over 30 years and served four years on the Board of Fisheries. He chaired the guide charter task force that developed the language that is law now. He said it's unfortunate how they got to this point, because when the task force came up with a guide board, they wanted it to limit entry, halve areas, have tests for different areas and to limit how many areas a guide could be in, pretty much like the Big Game Commercial Services Board. This bill doesn't limit entry, halve areas, test assistant guides or test people for different areas of the state - there is one generic test - so he questioned whether a nine-member guide board was even needed.

[5:17:37 PM](#)

CHACO PEARMAN, representing himself, Kodiak, Alaska, said he was a member of the original task force that helped come up with this board and he thanked Senator McGuire for all her work. Last time that he testified he questioned what the fees would be and he still had concerns about funding for the purpose of this board. He thought the outfitter test needed to be put back in as well as the ability for the board to limit use in specific areas and have specific tests for specific areas. Otherwise he is not sure what the purpose of the testing is. To be able to retest immediately doesn't seem to validate someone's qualifications; it's a little too easy. He said he did support SB 24, however, but he wanted the board to be able to limit participation in specific areas and without that he didn't know if his community could continue supporting it.

CO-CHAIR WAGONER closed public comment and held SB 24.

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Finding no further business to come before the committee, Co-Chair Paskvan adjourned the Senate Resources Standing Committee meeting at 5:20 p.m.