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2094

Hein:
3/17/86

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 294 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986]).

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
17 purposes of licensing and regulating the activities of guides in the
18 interest of the state's wildlife resources there [THERE] is created
19 the Guide [LICENSING AND CONTROL] Board consisting of seven members.
20 No more than three members of the board shall have a guide license.
21 The other members must [SHALL] have a general knowledge of the game
22 resources of the state. A minimum of 10 years residence in the state
23 is required for all members of the board. For administrative pur-
24 poses, the board is in the Department of Commerce and Economic Devel-
25 opment.

26 * Sec. 4. AS 08.54.020 is amended to read:

27 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
28 the board shall be appointed by the governor and confirmed by the
29 legislature for staggered terms of three years or until their

1 successors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE
2 MEMBERS FOR ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR
3 THREE YEARS.] A member may be removed at the pleasure of the gover-
4 nor.

5 * Sec. 5. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
7 board constitute a quorum for the transaction of business, for the
8 performance of a duty, and for the exercise of any power under this
9 chapter. The board may not adopt a regulation, revoke, suspend, or
10 deny renewal of a license, or assign, modify, or revoke a restricted
11 guide area unless the action is approved by a vote of a majority of
12 the full membership of the board.

13 * Sec. 6. AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may
16 include oral examinations of applicants who demonstrate limited abil-
17 ity to read or write the English language;

18 (2) determine [AND PASS ON] qualifications of applicants
19 for licenses and authorize the issuance of licenses to those who
20 qualify;

21 (3) establish guide performance standards and regulate
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]
24 register of master and registered guides who have not been convicted
25 of a violation of a federal or state sport fish, game, or guiding
26 statute or regulation; a guide listed in the register whose license is
27 revoked or suspended shall be removed from the register while the
28 guide's license is revoked or suspended;

29 (5) collect and maintain records of hunts conducted by

1 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER
2 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMME-
3 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

4 (6) prohibit guiding activities which are unsportsmanlike,
5 unethical, unsafe, against principles of conservation, degrading to
6 the guiding profession, or which adversely affect the natural re-
7 sources;

8 (7) after a hearing, revoke, suspend or deny renewal of a
9 license in accordance with AS 08.54.200;

10 (8) establish a quota of licensed operating guides who may
11 operate within designated geographical game units or subunits of the
12 state and provide for an equitable, [AND] reasonable, and consistent
13 procedure for limiting the number of guides to that quota; preference
14 shall be given to qualified available and willing licensed guides who
15 reside within the designated game unit or subunit;

16 (9) meet at least twice annually, once in Anchorage and
17 once in another municipality.

18 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

19 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
20 special guide license to a person who applies to conduct a guided hunt
21 for a specific species of marine mammal in a specifically designated
22 area if the applicant

23 (1) is 21 years of age or older;

24 (2) has, for at least 10 years, resided and hunted in the
25 area of the state in which the applicant is to guide;

26 (3) is physically able to perform the duties of a special
27 guide;

28 (4) has demonstrated knowledge of the following areas to an
29 extent and degree satisfactory to the board:

- 1 (A) fish and game laws and regulations;
2 (B) relevant characteristics of the specific species
3 to be hunted;
4 (C) field preparation of trophies;
5 (D) care of game meat;
6 (E) use of guiding gear;
7 (F) firearm safety;
8 (G) practical first aid;
9 (H) booking and contracting hunts;

10 (5) has not been convicted of a game or guiding law viola-
11 tion during the previous five years.

12 * Sec. 8. AS 08.54.110 is amended to read:

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of
18 firearms, hunting, judging trophies, field preparation of trophies,
19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportation
21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared
23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-
25 dards of competence and ethical conduct and has not been convicted of
26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state for all or part
28 of each of five years in a manner directly contributing to the per-
29 son's experience and competency as a guide;

1 (7) [(8)] has been licensed as and performed the services
2 of an assistant guide in the state for a part of each of three years,
3 or has guided in the state for a part of each of three years under a
4 special guide license issued under AS 08.54.045;

5 (8) [(9)] submits a written recommendation to the board
6 from a registered guide for whom the applicant has worked; however,
7 the requirements of this paragraph do not apply to a person who has
8 guided under a special guide license for three years;

9 (9) [(10)] is capable of performing the physical duties
10 associated with guiding activities;

11 (10) [(11)] has been favorably recommended in writing by two
12 hunters that the person has guided or assisted in guiding during each
13 year of the person's three years as an assistant guide, whose recom-
14 mendations have been solicited by the board from a list provided by
15 the applicant [;

16 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
17 REQUIRE].

18 * Sec. 9. AS 08.54 is amended by adding a new section to read:

19 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
20 LICENSE. An assistant guide

21 (1) may not contract for guided hunts; and

22 (2) shall be employed and supervised by a registered or
23 master guide at all times while the assistant guide is in the field on
24 guided hunts.

25 * Sec. 10. AS 08.54.170 is amended to read:

26 Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce
27 and Economic Development shall set license fees under AS 08.01.065 for
28 each of the following:

29 (1) master guide;

- 1 (2) registered guide;
- 2 (3) class A assistant guide;
- 3 (4) assistant guide;
- 4 (5) special guide [TRANSPORTER].

5 (b) The license fee for a master guide, registered guide, spe-
6 cial guide, class-A assistant guide, or assistant guide license is in
7 addition to the fee required for a hunting or fishing license.

8 * Sec. 11. AS 08.54 is amended by adding a new section to read:

9 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
10 administer the qualification examination required under AS 08.54.110
11 at least twice a year. An examination may not be given within 90 days
12 after the previous exam. At least once every other year the board
13 shall give the examination at a location other than Anchorage.

14 * Sec. 12. AS 08.54.190 is amended by adding a new subsection to read:

15 (d) A master guide, registered guide, special guide, class-A
16 assistant guide, or assistant guide license expires biennially, on a
17 date set by the Department of Commerce and Economic Development.

18 * Sec. 13. AS 08.54 is amended by adding a new section to read:

19 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
20 board may establish and assign guide areas for master guides or regis-
21 tered guides. The board shall adopt regulations under the Administra-
22 tive Procedure Act (AS 44.62) that establish uniform and consistent
23 criteria, including a point system, to be used by the board when it
24 creates and assigns a restrictive guide area.

25 (b) The board shall consider the following factors before it
26 assigns a restrictive guide area:

27 (1) the extent to which the guide who has applied for the
28 area has used the game management unit in which the area is located;

29 (2) the extent to which the guide occupied and invested in

1 the area;

2 (3) the effect on other guides that would result from
3 creation of the area;

4 (4) big game populations in the area;

5 (5) the land ownership status of the area; and

6 (6) other relevant facts or circumstances.

7 (c) The board may adopt regulations establishing a schedule of
8 fees to be charged to persons to whom the board transfers restrictive
9 guide areas.

10 (d) The board shall transfer a restrictive guide area to a
11 person qualified for assignment who has been recommended by the guide
12 to whom the area was assigned, or by a person on behalf of the guide,
13 if the recommendation is made

14 (1) after five years have elapsed from the date of the
15 assignment of the guide area; or

16 (2) during the first five years after the date of assign-
17 ment and the guide has died or suffered a major disability, as defined
18 by the board.

19 * Sec. 14. AS 08.54.200(a) is repealed and reenacted to read:

20 (a) The board shall hold a hearing to determine whether disci-
21 plinary action is necessary if (1) complaints concerning a licensee's
22 guiding activities are filed with the board by three or more of the
23 licensee's clients from separate parties; (2) a complaint concerning a
24 guide's conduct during a life-threatening situation is filed with the
25 board; or (3) a licensee has been convicted of a violation of a state
26 hunting or guiding statute or regulation. The board may hold a hear-
27 ing to determine whether disciplinary action is necessary if a com-
28 plaint concerning a licensee's guiding activities is filed with the
29 board by a client of the licensee.

1 * Sec. 15. AS 08.54.200(b) is amended to read:

2 (b) After a hearing, the board may revoke, suspend, or deny
3 renewal of a license if the board finds that the licensee

4 (1) engaged in unethical activity, unsafe activity, or
5 activity that [WHICH] adversely affects the natural resources of the
6 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
7 AND LEGITIMATE] purposes of the contract hunt; or

8 (2) violated a provision of a federal or state sport fish,
9 game, or guide statute or regulation.

10 * Sec. 16. AS 08.54.200(c) is amended to read:

11 (c) After a hearing, the board shall revoke a license if the
12 board finds that the licensee

13 (1) does not meet the qualifications specified by statute
14 or regulation for the class of license held;

15 (2) is incompetent as a master guide, registered guide,
16 special guide, class-A assistant guide, or assistant guide;

17 (3) during the five years immediately preceding the hearing
18 has been convicted of a violation [TWO VIOLATIONS] of a federal or
19 state statute or regulation prohibiting

20 (A) waste of a wild food animal;

21 (B) hunting on the same day airborne; or

22 (C) hunting during a closed hunting season; or

23 (4) during the five years immediately preceding the hear-
24 ing, has been convicted of two violations of a state statute or regu-
25 lation prohibiting hunting in

26 (A) a restricted area not assigned to the licensee and
27 without proper written permission; or

28 (B) an area closed by the board [SPORT FISH, GAME OR
29 GUIDE STATUTES OR REGULATIONS].

1 * Sec. 17. AS 08.54.200(d) is repealed and reenacted to read:

2 (d) A person who is disciplined under this section may not
3 engage in a guiding activity during the period of license revocation
4 or disciplinary action. A person licensed under this chapter may not
5 knowingly hire as a guide a person whose guide license is suspended or
6 revoked under this section. A guide whose license is suspended or
7 revoked may not guide in the employ of a person licensed under this
8 chapter.

9 * Sec. 18. AS 08.54.200 is amended by adding new subsections to read:

10 (f) If certified copies of two judgments of conviction of a
11 guide for offenses described under (c)(3) of this section are filed
12 with the board, the board shall immediately suspend the guide's li-
13 cense. The suspension may be ordered even if the conviction resulted
14 from a plea of nolo contendere or if the conviction is under appeal.
15 The order remains in effect until after the final disposition of the
16 disciplinary proceeding under this section.

17 (g) A certified copy of a judgment of conviction of a guide for
18 an offense is conclusive evidence of the commission of that offense in
19 a disciplinary proceeding instituted against the guide or outfitter
20 under this section based on that conviction.

21 (h) In this section "two violations of a state statute or regu-
22 lation" means two violations of a single statute or a single regu-
23 lation, or violations of two statutes or two regulations, or one
24 violation of a statute and one violation of a regulation.

25 * Sec. 19. AS 08.54.210 is amended to read:

26 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

27 (1) a master guide, registered guide, special guide,
28 class-A assistant guide, or assistant guide [OR TRANSPORTER] to fail
29 to timely report to the Department of Public Safety, division of fish

1 and wildlife protection, and in no event later than 30 days, a viola-
2 tion [VIOLATIONS BY A CLIENT] of a state fish, game, or guiding stat-
3 ute or regulation that the guide reasonably believes was committed by
4 a client or an employee of the guide;

5 (2) a master guide, registered guide, special guide,
6 class-A assistant guide, or assistant guide [OR TRANSPORTER] to aid
7 the commission of a violation of this chapter or of AS 16.05 or a
8 regulation adopted [PROMULGATED] under either chapter, or permit the
9 commission of a violation in the guide's [OR TRANSPORTER'S] sight
10 without attempting to prevent it, short of using force, and without
11 reporting it;

12 (3) a person to guide [OR TRANSPORT] as defined in this
13 chapter without being licensed under this chapter and without having
14 the license in actual possession; [HOWEVER, FOR PURPOSES OF TRANSPORT-
15 ING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
16 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE
17 OF BUSINESS OF THE BUSINESS ENTITY;]

18 (4) a person to imply by advertisement, representation, or
19 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a
20 licensed master guide, registered guide, special guide, class-A assis-
21 tant guide, or assistant guide [OR TRANSPORTER] without being current-
22 ly licensed [, OR TO FALSELY ADVERTISE SERVICES];

23 (5) a person to act as a registered or master guide as
24 defined in this chapter without having a current valid resident hunt-
25 ing [AND FISHING] license [IN THE PERSON'S POSSESSION.

26 (6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE
27 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

28 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
29 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e)].

1 (b) A person who violates (a)(1) - (4) [(6)] of this section is
2 guilty of a misdemeanor and upon conviction is punishable by a fine of
3 not more than \$1,000 or by imprisonment for not more than one year, or
4 by both, and the person's license may be revoked for a period up to
5 five years. However, a person who engages in guiding [OR TRANSPORT-
6 ING] activity during the period for which the person's license is
7 suspended or revoked under this chapter, or who violates (a)(5) of
8 this section, is guilty of a felony punishable, upon conviction, by a
9 fine of not more than \$5,000 and by imprisonment for not less than one
10 year nor more than three years. In addition to punishment for a
11 felony, all guns, fishing tackle, boats, aircraft, automobiles or
12 other vehicles, camping gear and other equipment and paraphernalia
13 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
14 during the period of suspension or revocation shall be seized [CON-
15 FISCATED] by persons authorized to enforce this chapter. [A PERSON
16 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
17 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
18 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
19 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
20 BOTH.]

21 * Sec. 20. AS 08.54.240 is amended to read:

22 Sec. 08.54.240. DEFINITIONS. In this chapter

23 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

24 (2) "guide" [, "GUIDES"] or "guiding" means (A) being
25 physically present in the field to provide a service related to a hunt
26 for compensation or with the intent or an agreement to receive
27 compensation for the service; or (B) assisting another person directly
28 or through an assistant, to locate or take, or attempt to locate or
29 take, big game for compensation or with the intent or an agreement to

1 receive compensation for the assistance; "guide" or "guiding" does not
2 include the services of licensed commercial carriers who limit their
3 services solely to transportation and who do not remain in the field;
4 in this paragraph, "present in the field" does not include being
5 present at a lodge or camp [ASSISTING ANOTHER PERSON TO TAKE GAME WITH
6 THE INTENT OF RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE
7 SERVICES, BY ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR
8 THROUGH A LICENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT, AND NOT
9 SOLELY FOR THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

10 (3) "resident" has the meaning given in AS 16.05.940 [MEANS
11 A PERSON WHO

12 (A) MAINTAINS A PLACE OF RESIDENCE WITHIN THE STATE;

13 (B) REPEALED

14 (C) SHOWS BY ALL ATTENDING CIRCUMSTANCES THE INTENTION
15 TO PERMANENTLY RESIDE IN THIS STATE];

16 (4) ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
17 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
18 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
19 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
20 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
21 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
22 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;

23 (5) "unethical activity" means

24 (A) deception or misrepresentation [IN ANY DEGREE]
25 involving prospective or actual clients either before, during, or
26 following a contract hunt, including misrepresentation through
27 private or public advertising of the type, duration, cost or
28 conditions of the contract hunt [HUNTS];

29 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE

1 COMMUNICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE,
2 DURATION, COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

3 (C)] making a guaranty that a species or certain
4 number of species of game will be taken on a contract hunt;

5 (C) engaging in unsafe or unsportsmanlike activities
6 that are detrimental to the game resources of the state, as
7 defined by regulations of the board, including violations of
8 state or federal hunting or guiding laws or regulations; or

9 (D) accepting a deposit for guiding services before
10 signing a contract to provide the services;

11 (5) "big game" means brown bear, grizzly bear, polar bear,
12 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
13 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

14 * Sec. 21. AS 16.05.407(a) is amended to read:

15 (a) It is unlawful for a nonresident to hunt, pursue or take
16 brown bear, grizzly bear, polar bear, or sheep in this state, unless
17 personally accompanied by

18 (1) a person who is licensed as a master guide, registered
19 guide, class-A assistant guide or assistant guide by the Guide [LI-
20 CENSING AND CONTROL] Board; or

21 (2) a resident over 19 years of age who is

22 (A) the spouse of the nonresident; or

23 (B) is related to the nonresident, within and includ-
24 ing the second degree of kindred, by marriage or blood.

25 * Sec. 22. AS 16.05.407(b) is amended to read:

26 (b) An applicant for a nonresident big game tag for the taking
27 of an animal specified in (a) of this section or in regulations adopt-
28 ed under this section shall first furnish to the state, on a form
29 provided by the state, an affidavit showing that the applicant will be

1 personally accompanied while hunting by a person who is qualified
2 under the terms of (a) of this section. A person who falsifies the
3 required affidavit is guilty of perjury under AS 11.56.200.

4 * Sec. 23. AS 16.05.407(d) is amended to read:

5 (d) A nonresident who violates (a) [OR (c)] of this section, or
6 who fails to furnish an affidavit under (b) of this section, is guilty
7 of a misdemeanor and upon conviction is punishable by imprisonment for
8 not more than one year, or by a fine of not more than \$5,000, or by
9 both.

10 * Sec. 24. AS 39.50.200(b) is amended by adding a new paragraph to
11 read:

12 (48) the Guide Board.

13 * Sec. 25. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
14 05.340(e) and 16.05.407(c) are repealed.

15 * Sec. 26. This Act takes effect July 1, 1986.
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Alaska State Legislature

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Senate Committee on Resources

TO: Senate Resource Committee Members February 3, 1985

FROM: Senate Resource Committee Staff *MF*

RE: Committee Substitute for Senate Bill No. 294 (Resources)
"An Act relating to guiding; and providing for an
effective date." and
SCR 18 Relating to the Guide Licensing and Control
Board.

The guide board will sunset on June 30th of this year unless its term is extended. SB 294, introduced by this committee, extends the life of the board until 1990. The bill also rewrites many of the guide statutes to try to cleanup the problems that have been associated with industry and the board.

SCR 18 is a resolution by Senator Faiks that urges the guide board to make a number of regulatory changes related to its meetings and to the assigning of exclusive guide areas. A number of these changes are statutorily addressed in SB 294, however, there is no conflict between the bill and the resolution and they work well together as companions.

The Alaska Professional Hunters' Association, representatives of the Air Taxi industry, the Division of Fish and Wildlife Protection, the Governor's special assistant for Boards and Commissions, and the Division of Occupational Licensing are some of the groups or people that have been consulted in the

preparation of this bill. This is not to suggest that everyone consulted agrees with all parts of this bill, and it is hoped there will be testimony from a number of these groups at the public hearing where they can point out any specific concerns.

Since the original bill was prepared, Legislative Audit has done a sunset performance report on the guide board. In the audit, a number of recommendations were made to improve the performance of the board. Many of these areas were already addressed in the bill and in the proposed committee substitute, we have tried to address the remainder of those problems that can be helped by statutory change. In the brief sectional analysis later in this memo, each of the audit's statutory recommendations is discussed.

In addition to changes suggested by the audit, one of the significant changes between the CS and the original bill is the deletion of the Outfitter concept. Outfitters would have been master or registered guides specifically licensed to contract multiple hunts. There were a number of problems connected with this concept that caused its deletion.

Enclosed in this packet are copies of SCR 18, SB 294 and the proposed CS for SB 294. A brief sectional analysis of the CS follows. Also in this packet is a copy of the sunset performance report on the Guide Board. Under the audit are copies of relevant existing law.

In addition
In Packet
Fiscal Note SB 294
from Dept of Com -
In desk fiscal note
from Public Safety

Sectional Analysis

Committee Substitute for Senate Bill No. 294 (Resources)

"An Act relating to guiding; and providing for an effective date."

In Packet memo
In. Fills in
SCR 18

Section 1 - deletes "licensing and control" from the name of the board.

Section 2 - extends the life of the board to June 30, 1990.

Section 3 - adds intent language that increases game management considerations to the section that establishes the guide board. The audit approves of this change (pg 16, item A-1). Additional new language clarifies that for administrative purposes, the board is in the Department of Commerce. In the original bill, the number of guides on the board was changed from no more than three to no less than three. The audit (pg.16, item B-1) said this had the potential of expanding the number of industry members at the expense of public participation. The CS deletes this change.

Section 4 - adds nonattendance as grounds for removal of a board member.

Section 5 - is a new section that establishes a quorum requirement of four and requires a majority vote (4) of the full membership of the board for approval of changes to regulations, licenses or restricted guide areas.

Section 6 - amends the powers and duties of the boards. There are three substantive changes. The first amends subsection (a)(1) to allow the board to administer oral examinations to applicants with a limited ability to read or write English. The second adds "consistent" to the requirement in subsection (a)(8) that the procedure for limiting the number of guides operating in a designated game unit be "equitable and reasonable". The audit approves of this change (pg 16, item A-2). The third would require the board to have two meetings per year, one in Anchorage and one in another city.

Section 7 - the special guide license section is repealed and reenacted to provide more detailed criteria for the license.

Section 8 - amends the qualifications for a registered guide license. There are two substantive amendments. The first allows a person who has served as a special guide for three years and meets all other criteria to become a registered guide. The second requires that registered guides file a \$5,000 bond with the board. The audit approves of this requirement (pg.16, item A-3) and the change was also suggested by the Division of Occupational Licensing.

Section 9 - clarifies the limitations of an assistant guide license. It specifies that assistant guides may not contract for hunts and that assistant guides must be employed and supervised at all times while the assistant guide is in the field. The audit approves of this change (pg 16, item A-4).

Section 10 - in accordance with AS 03.01.065 (last page in the current law section of the packet) this section specifies that fees shall be set by the department by regulation.

Section 11 - is a new section requiring the registered guide exam to be given at least twice a year. At least once every other year the location of the exam has to be somewhere other than Anchorage.

Section 12 - is a new section that specifies licenses expire biannually on a date specified by the department. The change in language from the original bill to the CS was requested by the department.

Section 13 - is a new section that requires the board to adopt uniform and consistent criteria to be used in assigning restrictive guide areas and specifies a number of the criteria to be used. This section grandfathers existing areas but requires the board to review the assignment upon request by any guide. If the board finds that a substantial injustice, according to guidelines in this section, was done in the assignment of the area, the board shall modify, terminate or reassign the area. This section also permits the board the board to charge a fee per acre to a guide to whom it reassigns a restricted area. The assignment of restricted areas has been a particular problem for the Guide Board in the past. The audit approves of this section (pg. 16, item A-2).

Section 14 - under existing law the board can only consider complaints of unethical or incompetent guide practices after receipt of three separate complaints. The original bill contained a provision that would have required those complaints to be received in the five years prior to the hearing. The audit said this made a bad situation worse. In the CS, the five year requirement has been dropped and the section modified to allow the board to hold a hearing on any complaint. A new subsection has also been added to require the board to hold a hearing on any complaint filed concerning a life threatening situation. See audit (pg 16, item B-2).

Section 15 - sets out the offenses for which the board may revoke, suspend, or deny renewal of a license.

Section 16 - sets out the offenses for which the board is required to revoke a license. The audit (pg.17, item B-4), expressed concern that amendments to this section might unnecessarily restrict the offenses upon which the board can take disciplinary action. This is wrong. Nothing in this section is a limitation on the board's power, the new language adds offenses for which license revocation is mandatory.

Section 17 - clarifies that a person may not engage in guiding during a period of license revocation or other disciplinary action, nor can the person work for another guide during the period. It also forbids someone knowingly hiring a person as a guide while that person's license is revoked or suspended.

Section 18 - establishes that a certified copy of judgement of conviction is conclusive evidence of the commission of that crime and upon receipt of two such judgements of a guide for offenses listed under AS 08.54.200(c)(3) the board shall immediately suspend the guide's license until disciplinary proceedings are concluded.

Section 19 - lists a series of specific acts related to guiding that are unlawful and specifies the penalties for these acts.

Section 20 - is the definition section. The definition of "guide" is expanded to clarify that persons who provide strictly transportation, property, or equipment in connection with locating or taking game are not guiding. The intent of this section is that a person who is physically present in the field while another person locates or takes game and who receives or expects remuneration for this or any other activity connected with the hunt is guiding. The definition of unethical conduct is expanded, and a definition of big game is added.

Section 21 - adds mountain goats to the list of animals which a nonresident is required to be accompanied by a guide while hunting. Class A assistant guides are also added to list of master guides, registered guides and assistant guides that nonresidents may be accompanied by.

Section 22 - allows the board to expand this list by regulation.

Section 23 - is cleanup drafting related to the repeal of AS 16.05.407(c) (discussed in Section 28).

Section 24 - adds the Guide Board to the list of boards and commissions in AS 39.50.200(b).

Section 25 - is the repealer section. AS 08.54.040(b) deals with oral exams and is replaced in this bill with AS 08.54.040(a)(1). AS 08.54.142-146 were the transporter sections. AS 16.05.407(c) repeals a section that made it unlawful to import polar bear hides into Alaska unless personally accompanied by a guide. Polar bears are currently managed by the federal government.

Section 26 - is a July 1, 1986 effective date.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 294 (Res) am
 Title : An Act relating to guiding

 Sponsor : Resources Committee
 Requestor : House Resources
 Date of Request : 4/17/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

REVENUE	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

K. N. N.
 Prepared by : Captain James R. Nutcrass Phone : 269-5509
 Division : Fish & Wildlife Protection Date : 4/14/86

Approved by Commissioner : *J. W. ...* Date : 4/16/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSSB 294 (Res) am

SUPPORT
April 14, 1986

CSSB 294 (Res) am - "An Act relating to guiding."

The Department of Public Safety supports CS for Senate Bill No. 294, an act relating to guiding.

Since the initial inception of the guide statute there has been a substantial increase in the level of professionalism that has been obtained within the guide industry. The state has gained in more recent years an acceptable level of compliance to the hunting and guiding laws. We believe that it is very critical that a guide bill be enacted if we are to maintain a level of professionalism that has been experienced within the guide industry in recent years.

Presently the state is experiencing an increase in the number of outfitters/transporters operating hunting businesses in the state of Alaska.

In addition, there have been individuals who have recently been apprehended for providing guide service without being properly licensed as Alaskan guides. The Division of Fish and Wildlife Protection is closely monitoring and evaluating information and complaints received regarding guiding activities being performed by non-licensed individuals. It is extremely difficult to enforce or apprehend an unlicensed individual who does, in fact, provide all services that a licensed guide can under the provisions of the law. The professional guide is presently highly regulated, and to eliminate the regulatory responsibilities that have been imposed on the guiding industry would more than likely have an adverse affect on the commercial utilization of the state's resource.

Page 1, Line 16-18: We believe the purpose of licensing and regulating the activities of guides should be in the interest of promoting professionalism within the guide industry and to insure that quality, ethical and legal hunts are provided to clients consistent with the management of the state's wildlife resources.

Page 1, Line 24-25: Delete new wording.

Comments: Title 08.01.050(a) 1-18 provides that the Department of Commerce and Economic Development shall provide administrative and budgetary service to the Guide Board.

Page 2, Line 29, Page 3, Line 1 & 2: It is recommended that paragraph (5) collect and maintain records of hunts conducted by guides be deleted.

Comments: This responsibility should be under the authority of the Department of Commerce, as they are already physically maintaining all documentation and records of hunts conducted by guides.

The Guide Board should not have the responsibility or authority by statute or by regulations adopted by the Board to maintain or dictate the use or exclusion of documents relating to guiding to state agencies responsible for the enforcement of the regulations or statutes.

Page 3, Line 20-23: SPECIAL GUIDE LICENSE.

Comments: This bill does not address the responsibility that can be carried out by a special guide. Can a special guide conduct and book guided hunts independent from a registered or master guide, etc.? Is there a listing of specific species of marine mammals that a special guide may guide clients for? AS 16 would not provide for a special guide to conduct guided hunts for polar bear with non-resident clients. It does not appear that the state will in the near future have the management responsibilities for any specified marine mammals.

Page 4, Line 11 (5): We recommend the following wording has not been convicted of a state or federal game or guiding law during the previous five years.

Page 4, Line 17 (2): The residency requirement was repealed, however, in unlawful acts, AS 08.54.210 (5), a registered guide is required to have a resident hunting license.

Page 5, Line 3-4: How does a special guide document or report his guiding activity? Does he submit statements of financial remuneration?

Page 5, Line 14 (10): We recommend that or special guide be inserted after "assistant guide" and before "whose". A special guide should also meet the requirements of being favorably recommended by clients.

Page 8, Line 2-3: AS 08.54.200: Recommend adding the words or federal after "state" and before "hunting".

Page 8, Line 26: (A) Waste of animal.

Comments: There is currently no violation for wanton waste in the guide statute or regulations. A person who kills a wild food animal and fails to salvage the meat per 16.30.010 would be in violation of wanton waste, not the guide.

Page 9, Line 5: (B) An area closed by the board.

Comments: We recommend that the following wording be deleted "The Board". Recommend the following wording: hunting in an area closed to hunting by either state or federal regulations. A professional guide should have to obey and respect closed areas, even if they are federal

regulations. A professional guide should not have immunity from Guide Board action if apprehended in KATMAI NATIONAL PARK, MCKINLEY PARK or any federal park closed to hunting.

Page 9, Line 11: Recommend that the word knowingly be deleted.

Comments: A guide has a professional responsibility to know in hiring a person the status of his guide license. We should not have a greater burden of proof.

Page 10, Line 8: Recommend adding the words or federal after "state" and before "fish".

Section 05.54.210 Unlawful Acts.

Page 10, Line 12 (2): We recommend that the words commit or be added after "to" and before "aid".

Page 10, Line 13 (2): We recommend that .05 be deleted. Delete .05 after "AS 16" and before "or".

By having the wording AS 16, it would then include WANTON WASTE under AS 16.30.010 and be consistent with the proposed section of this bill (c)(3)(A) wanton waste.

Page 10, Line 19 (3): Add having the appropriate license that is issued after "without" and before "under".

Comments: We have experienced where a licensed assistant guide did in fact contract for a guided hunt and did independently guide a client on a guided hunt in 1985. This individual was apprehended and prosecuted through the federal court. The Department of Law declined state prosecution. The current wording of Title 8, Unlawful Acts, does not provide for prosecuting an assistant or Class A guide who is licensed, but does act in the capacity as a master or registered guide.

In this case, the licensed assistant guide did assist the client in taking a brown bear the same day as being airborne and in the middle of Katmai National Monument. On completion of the federal prosecution, this case was presented to the Department of Commerce for civil litigation concerning the assistant guide's license. This is a good example of why federal violations should be included in this bill, otherwise flagrant violations such as this can occur and the licensed assistant guide is immune from civil action by the Guide Board. In addition, this type of individual, once he meets the requirements for registered guide, could, in fact, be so licensed as the federal violation would not be considered.

Page 10, Line 27 (4): Recommend adding having a current and appropriate license after "without".

Page 10, Line 29 - Page 11, Line 2 (5): This paragraph requires a "resident" hunting license, but the residency requirements have been repealed from the bill.

Comments: We presently do have non-residents who are licensed assistant guides. Once they meet the registered guide requirements and pass the necessary test, they can be legally licensed, even though they are non-residents. This bill provides for a person who is a non-resident, but who has obtained a registered guide license, to be convicted of a felony for not having a valid Alaskan resident hunting license. This section appears to be in conflict with other sections which delete the residency requirement for obtaining a guide license. This could create a legal problem which may not be prosecutable.

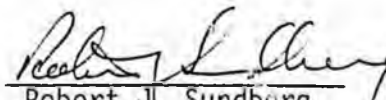
Page 11, Line 12 (7)(b): Add WITHOUT APPROPRIATE LICENSE OR after "activity" and before "during".

Page 12, Line 11: Delete..."or being present in the field for the purpose of providing meat packing services for the big game animal only after the animal has been killed."

One of the major problems facing Fish and Wildlife Protection today is the increasing number of unlicensed guiding operations developing in the state under the guise of transporting and/or outfitting. To successfully prosecute we must be able to determine what is occurring in the field between the unlicensed guide and the hunter, i.e., is the hunter being personally accompanied and directed by the unlicensed guide. The only way we have been successful in these cases is by placing undercover hunters in the camp of the suspect operation. This is a very time consuming and expensive operation. Under the current guide definition the unlicensed guide can be "in the field" with the hunter providing he is not personally accompanying and directing the hunter.

Consequently, a guide or guiding definition which would allow only a licensed guide to be present in the field with the hunter would greatly enhance our ability to enforce the guiding statutes and regulations and to better prevent the occurrence of unlicensed guiding activity.

We would therefore request the removal of any part of the definition which would allow a person to be present in the field with a hunter if there was a financial or mutual arrangement for hunting services and if that person is not a licensed guide.


Robert J. Sundberg

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

September 29, 1986

Kathy Marshall, Director
Department of Commerce
and Economic Development
Division of Occupational Licensing
P.O. Box D
Juneau, AK 99811

Re: Resident hunting license
requirement for guides;
AS 08.54.210(a)(3), (a)(6)
Our File: 661-87-0063

Dear Ms. Marshall:

In your memorandum dated July 22, 1986, you asked several questions concerning AS 08.54.210(a)(3) and (a)(6). You asked, first, if the cited sections prohibit a currently licensed registered guide, master guide, class-A assistant guide, or assistant guide from continuing to work as a guide in Alaska, if the guide does not possess a resident hunting license. Second, you asked whether the division of occupational licensing must reject new guide license applications filed by persons who do not possess resident hunting licenses. Finally, you asked our opinion regarding the constitutionality of the requirement imposed by AS 08.54.210(a)(3) and (a)(6), that a person must possess a resident hunting license in order to guide in Alaska.

Only your third question need be answered. The short answer to that question, which has been provided to you by

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

memorandum dated August 8, 1986, is that the residency requirement imposed by AS 08.54.210(a)(3) and (a)(6) is unconstitutional as applied to currently licensed or prospective guides in any of the listed guide categories. Your department need not and should not implement or enforce the requirement that a guide must possess a resident hunting license. The relevant sections should be read as if the word "resident" did not appear. Thus, the requirements that a guide be validly licensed as a hunter under AS 16, and have a current (resident or nonresident) hunting license in actual possession while guiding, are valid and should be enforced.

BACKGROUND

The qualifications for a person to receive a master guide license are found at AS 08.54.100, for a registered guide license at AS 08.54.110, for a class-A assistant guide license at AS 08.54.120, and for an assistant guide license at AS 08.54.140. Before July, 1983, an applicant for any of these licenses was required by statute to be a resident of the State of Alaska. "Resident" was defined in AS 08.54.240(3) to mean "a person who maintains a place of residence within the state; has not claimed residency in another state for the immediately preceding 12 months; shows by all attending circumstances that his intent is to make this state his permanent residence."

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Division of Occupational Licensing
661-87-0063

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In 1982, following the Alaska Supreme Court's decision in Noll v. Alaska Bar Association, 649 P.2d 241 (Alaska 1982), the Alaska Attorney General opined that "it is highly likely" that a court would find each of the above-referenced residency requirements unconstitutional. 1982 Inf. Op. Att'y Gen. (Dec 3; 366-357-83). The next year, the legislature repealed each of the guide license residency requirements. Sec. 19, ch. 68, SLA 1983, p. 10, l. 25.

Unlike the repealed residency requirements, AS 03.54.210(a)(3) and (a)(6), which were enacted in 1986 (sec. 20, ch. 71, SLA 1986), do not impose a residency requirement per se on a license applicant. Instead, they require an already licensed guide to possess a resident hunting license in order to act as a guide. Such a license may be obtained only by a person who has maintained a permanent place of abode and a voting residence in the state for 12 consecutive months. See AS 16.05.940(19), "resident" defined. Thus the new provisions, like the repealed provisions, effectively restrict the guiding profession in Alaska to Alaska residents of at least 12 months duration.

LEGAL ANALYSIS

A. Constitutionality

State imposed requirements, that use residency status to differentiate between classes of persons wishing to pursue an occupation in a state, are subject to challenge under several constitutional provisions. For present purposes, only article IV, section 2, clause 1 of the United States Constitution (the "privileges and immunities clause"), need be considered. This clause, which states, "[t]he citizens of each state shall be entitled to all privileges and immunities of citizens in the several states," was "intended to create a national economic union." Supreme Court of New Hampshire v. Piper, 470 U.S. 274, ___, 105 S.Ct. 1272, 1276 (1985). According to the United States Supreme Court, "the pursuit of a common calling is one of the most fundamental of those privileges protected by the Clause." Piper, 470 U.S. at ___, 105 S.Ct. at 1277. The Court has stated that "one of the privileges which the Clause guarantees to citizens of State A is that of doing business in State B on terms of substantial equality with the citizens of that State." Piper, 470 U.S. at ___, 105 S.Ct. at 1276.

Review of a residency requirement under the privileges and immunities clause proceeds in three steps. First, in order for the clause to be implicated, it must be established that the

residency requirement infringes a protected privilege of a citizen of another state. Once such infringement is established, the rationale for the discrimination against the nonresident is examined to determine whether there is a substantial justification for it, beyond the mere fact that the person who is discriminated against is a citizen of another state. Finally, if such justification exists, the residency requirement is examined to determine whether it bears a substantial relationship to the particular "evil" posed by the nonresident. A residency requirement which does not pass each of the latter two steps violates the privileges and immunities clause, and is constitutionally impermissible. Noll v. Alaska Bar Association, 649 P.2d 241 (Alaska 1982).

Applying the first step of this test to the statute in question, it is clear that the ability to act as a commercial hunting guide is a privilege which is protected under the privileges and immunities clause. The Alaska Supreme Court, in recognizing the practice of law as a protected privilege, noted that privileges protected under the clause include "common callings . . . ordinary livelihoods . . . [and] professional pursuits." Sheley v. Alaska Bar Association, 620 P.2d 640, 643 (Alaska 1980). "Guiding" is defined at AS 08.54.240(3) to mean, "accompanying or directing a hunter . . . for compensation or

with the intent or an agreement to receive compensation" Hunting guides in Alaska generally make their living from their guiding activities. The activity of commercial guiding is, therefore, a protected privilege. Of course, AS 08.54.210(a), which prohibits a nonresident from commercially guiding in Alaska, impinges upon the nonresident's exercise of that privilege.

The next two steps in privileges and immunities clause analysis are closely related to each other. The first requires a determination of whether there is a "substantial justification" for the discrimination against nonresidents. No such justification can exist absent a showing that nonresidents are "a peculiar source of the evil" which the state's action is meant to remedy. Noll, 649 P.2d at 243. The final step requires a determination of whether the discrimination bears a "substantial relationship" to the state's objective. No such relationship exists if the state could accomplish its objective (i.e., elimination of the "evil" posed by nonresidents) through a less restrictive means than the discrimination imposed against nonresidents. Piper, 470 U.S. at ___, 105 S.Ct. at 1279.

These latter two steps pose more difficult questions than the first step, as neither the statute nor the legislative history behind sec. 20, ch. 71, SLA 1986 disclose the

legislature's reasons for imposing the residency requirement on guides. The several obvious reasons which may be postulated are examined below. None of the postulated reasons survives scrutiny under the privileges and immunities clause test.

One possible justification for the residency requirement involves the safety of hunters, and is based on the presumption that resident guides are more likely to be familiar with the terrain, hunting conditions and species likely to be encountered in the field than are nonresidents. This justification was raised by the State of Wyoming when it attempted to defend a similar guide residency requirement from a privileges and immunities clause challenge. Powell v. Daily, 712 P.2d 356 (Wyo. 1986). The Powell court held the justification to be insufficient, finding that it failed both steps of the privileges and immunities test. First, it is not a "substantial" justification, because nonresidents are not a peculiar source of the evil of incompetent or unsafe guides. The Powell court noted:

[mere] residence in this state does not make a competent guide. If the State's position were to be upheld, a person born and raised in New York City who moved to Cheyenne over a year ago could qualify for a guiding license, while Mr. Powell, who has hunted and fished in Idaho, Montana and Wyoming for 30 years, cannot qualify because he makes his home in Idaho Falls. The State cannot seriously contend that merely living in Cheyenne for a year makes a prospective guide a better safety risk when guiding hunters in the rugged wilderness areas of our state.

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

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Page 8

Powell, 712 P.2d at 361. This statement applies equally to the situation in Alaska. This justification fails the final step of the test as well, because the state could guard against incompetent or unsafe guides through less restrictive means than discrimination against nonresidents. In fact, it already does so, by requiring each applicant for a registered guide license to pass both written and oral examinations, which test the applicant's knowledge not only of general guiding and hunting matters, but also of the particular terrain and conditions in which the prospective guide is applying to operate. 12 AAC 38.010.

Another justification for the discrimination might be that residents are more likely to know and abide by local laws and regulations than are nonresidents. This justification, too, fails for the reasons discussed above.

Finally, the discrimination might be justified if the state had some definite need to control or police the guiding industry which required that its practitioners be physically located within the confines of the state. The present record, however, discloses no such unique need, nor an greater administrative need to control or police the commercial guiding industry than the need to control or police the commercial fishing

industry or any other industry in which both residents and nonresidents of Alaska participate. 1/

Based on the information available to us, we conclude that the discrimination against nonresidents under AS 08.54.210(a)(3) and (a)(6) cannot be justified, and that the residency requirement imposed by those paragraphs on persons wishing to commercially guide in Alaska violates article IV, section 2 of the United States Constitution. We note that the only courts that have considered this or a similar issue have reached the same conclusion. Powell v. Daily, 712 P.2d. 356 (Wyo. 1986) (residency requirement for applicants for guide license held unconstitutional); Godfrey v. Montana State Fish and Game Commission, 631 P.2d. 1265 (Mont. 1981) (residency requirement for applicants for outfitter license held unconstitutional).

B. Severability

Our conclusion that the residency requirements of AS 08.54.210(a)(3) and (a)(6) are unconstitutional raises the issue of whether the requirements are severable from the

1/ One other possible rationale, protection of resident guides from competition by nonresidents, is not a valid justification for discrimination against nonresidents, as "[t]he Privileges and Immunities Clause was designed primarily to prevent such economic protectionism." Piper, 470 U.S. at ___, 105 S.Ct. at 1279, n.18.

remaining portions of AS 08.54.210(a). AS 08.54 does not contain an express "savings clause," specifying that any provision found to be invalid is to be severed from the rest of the Act. The general savings clause set forth in AS 01.10.030, however, is applicable. This statute provides as follows:

CONSTITUTIONALITY AND SEVERABILITY. Any law heretofore or hereafter enacted by the Alaska legislature which lacks a severability clause shall be construed as though it contained the clause in the following language, "If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby."

The purpose of this statute is to "preserve to as great an extent as possible all valid portions of enactments by the Alaska State Legislature." Lynden Transport, Inc. v. State, 532 P.2d 700, 711 (Alaska 1975). As the court noted in Lynden, however, a general severability clause creates only a weak presumption in favor of severability. Lyden, 532 P.2d at 712-713.

The test the court announced in Lynden for determining the severability of a statutory provision is as follows: "A provision will not be deemed severable 'unless it appears both that, standing alone, legal effect can be given to it and that the legislature intended the provision to stand, in case others included in the act and held bad should fall.'" Lynden, 532 P.2d at 713, quoting Dorchy v. Kansas, 264 U.S. 286, 290 (1924).

As to the first issue, it is apparent that if the residency requirements are stricken, the relevant paragraphs can still be given complete legal effect. After striking the residency requirements, the subsection would read:

AS 08.54.210(a) It is unlawful for

. . .
(3) a person to guide without having a current valid guide license and . . . hunting license in actual possession;

. . .
(6) a person to guide without being validly licensed as a guide under this chapter and as . . . hunter under AS 16;
. . . .

The next issue is whether the legislature intended the remainder of the two paragraphs to stand, absent the residency requirements. It is self-evident that the legislature's intent to prohibit persons from guiding without first obtaining a guide license, which they must carry in their possession while guiding, is completely separate from the residency requirement. The guide license requirements are, therefore, severable from the residency requirements, and should be enforced. The only remaining question is whether the legislature intended to require guides to be licensed as hunters, regardless of the residency requirement. We conclude that the legislature did so intend, for the following reason. In enacting AS 08.54.210(a)(3) and (a)(6), the legislature imposed requirements that guides be (a) residents of Alaska, and (b) licensed as hunters. Had the legislature intended by

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

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this provision to require only that guides be residents of Alaska, it would have said so, and not also required guides to obtain and carry hunting licenses with them while guiding. 2/

CONCLUSION

We have concluded that a court would find AS 08.54.210(a)(3) and (a)(6) to be unconstitutional, insofar as these paragraphs require a commercial hunting guide to be a resident of Alaska, because they unjustifiably discriminate against citizens of other states. Your agency should not implement or enforce the residence requirement provisions of this statute.

We have also concluded that the residency provisions of the paragraphs are severable from the remainder of the statute. You should, therefore, implement and enforce AS 08.54.210(a) as if the word "resident" did not appear therein.

2/ Further evidence of the legislature's intent to require guides to be licensed as hunters may be found at AS 08.54.100(1) and 08.54.110(2) and 12 AAC 38.180(11).

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

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Page 13

If you have any questions or comments about this opinion, please do not hesitate to contact us.

Sincerely,

HAROLD M. BROWN
ATTORNEY GENERAL

Michael G. Hotchkin
Assistant Attorney General

HMB/MGH/ma

cc: Colonel Robert M. Henderson, Department of Public Safety
Herb Soil, Department of Law
Dennis D. Kelso, Department of Fish and Game
Ray McNutt, Chairman, Guide Board

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 294
 Title: An Act relating to
guiding
 Sponsor: Senate Resources
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
 Program Category Affected: _____
Consumer Protection
 BRU, Program or Subprogram(s) Affected: _____
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
200 TRAVEL		4.4	4.6	4.9	5.1	5.3
300 CONTRACTUAL		.5	.5	.6	.6	.6
400 SUPPLIES		-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT		-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		4.9	5.1	5.5	5.7	5.9
CAPITAL						
REVENUE		39.7	41.7	43.8	46.0	48.3

FUNDING: (Thousands of Dollars)

GENERAL FUND		4.9	5.1	5.5	5.7	5.9
FEDERAL FUNDS						
OTHER						
TOTAL		4.9	5.1	5.5	5.7	5.9

POSITIONS:

FULL-TIME		-0-	0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This legislation repeals the licensing of transporters and creates two new categories of licensure, for special guides license (marine mammal guides), and outfitter license.

The only new revenue to be generated by this legislation is licensing fees for the two new categories. Based on a 1982 study by the Guide Licensing and Control Board, 68 marine mammal guides were identified.

Prepared By: Jennifer Strickler, Mgmt Analyst Phone: 465-2144 (continued)

Division: Occupational Licensing Date: 5-3-85

Approved by Commissioner: Doreen W. Lounsbury Date: 5/10/85

Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

This Fiscal Note is for the original bill. The division will be present to testify on changes. 7/1/84.

SB 294 - ANALYSIS, continued

The legislation also mandates that one must be a Master or Registered Guide to qualify for an outfitters license. There are 363 current Master and Registered Guides who could obtain an Outfitters license. Revenues for succeeding years are based on a 5% increase.

SB 294 - FISCAL IMPACT

200 TRAVEL:

Section 13 of the bill mandates "two" examinations a year. Funding in the department's operating budget was based on mandatory requirements in current statutes which require one examination a year, usually administered in Anchorage.

Because the new mandate also requires an exam to be given in a location other than Anchorage, the following costs would apply for an additional exam to be administered in Juneau:

Transportation for 1 member from Makoryuk	873.00
Per diem at \$80 per day x 8 days (three days travel, one way, + 2 days exams)	640.00
Transportation for 2 members from Anchorage at \$352 ea. x 2	704.00
Per diem at \$80 per day x 2 days x 2	320.00
Transportation for 1 member from Sterling	416.00
Per diem at \$80 per day x 3 days (one extra day to travel)	240.00
Transportation for 1 member from Fairbanks	564.00
Per diem at \$80 per day x 2 days	160.00
Transportation for 1 member from Sitka	120.00
Per diem at \$80 per day x 2 days	160.00
1 Juneau member, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
	<u>\$ 4,359.00</u>

300 CONTRACTUAL SERVICES:

Examination facilities at \$150 per day per facility	300.00
Notices of regulation projects are mandated by the Administrative Procedure Act to be published in the "newspaper of general circulation." Therefore, the following estimated costs would apply:	
Advertising (public noticing) costs at \$60 each x 3 major newspapers	120.00
Regulation hearing costs using the teleconference network (Base fee = \$50) (Anchorage, Juneau, and Fairbanks sites free during normal State work hours.)	50.00
	<u>\$ 470.00</u>

GRAND TOTAL:

\$ 4,829.00

UC

SENATE AMENDMENT #2

By RODEY

To: CSSB SENATE BILL No. 294 RES
To: _____ HOUSE BILL No. _____

PAGE: 13 LINE: 20

After the word "polar bear" add:

"Moose"

SENATE AMENDMENT

BY Senator Ferguson

To: Committee Substitute for SENATE BILL No. 294 (Res)

To: _____ HOUSE BILL No. _____

PAGE: LINE:

7 After line 20

insert new subsection to read:

"(e) A guide may not sell or otherwise transfer a restricted guide area. A guide may sell or otherwise transfer a lodge, camp, or other lawful improvement to property located in a restricted guide area. Sales price may not exceed fair market value."

Alaska State Legislature

CO-CHAIRMAN
FINANCE COMMITTEE

907-465-3740

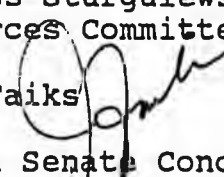
JAN FAIKS
POLCH V
CAPITOL BUILDING
JUNEAU ALASKA 99811

Senate

February 3, 1986

MEMORANDUM

TO: Senator Arliss Sturgulewski, Chairman
Senate Resources Committee

FROM: Senator Jan Faiks 

SUBJECT: Background on Senate Concurrent Resolution No. 18

The Guide Licensing and Control Board governs a system that controls entry into the big game guiding industry in Alaska. The Board assigns exclusive and joint-use guide areas in the state, and thereby confers upon a few persons a substantial benefit that is derived from a public resource.

For these reasons, and because the Board is composed of former guides and other persons having direct interest in the guiding industry, it is important that the actions of this Board be governed by objective standards. In order to avoid an appearance of conflict of interest, it is also important that these standards be strictly comply with.

From complaints of my constituents and an investigation by my staff, however, I believe that the Board is not operating by such standards. I have identified the following problem areas, and they are the focus of this resolution.

After SCR 18 was introduced, the Division of Legislative Audit published a performance report on this Board which confirms many of my observations.

1. The Board has failed to timely publish notice of its meetings and has failed to strictly follow accepted rules of order for conducting these meetings.

OUT OF SESSION

1024 WEST SIXTH AVENUE, SUITE 302 ANCHORAGE, ALASKA 99501 907-274-6611

The audit report observes that, "Publication of meeting information does not always precede the meeting by a reasonable time period." and "Teleconference meetings are not being noticed publicly". (Please see Section IV, page 17.)

2. Concerning exclusive and joint-use guiding areas, the Board lacks objective criteria for determining the maximum number of guides who can be licensed for an area and lacks criteria for issuing, reassigning, and placing conditions on guide area permits.

According to the auditors, "(the Guide Board) does not act consistently when considering the assignment of exclusive and joint-use guiding areas. The criteria on which any given area assignment decision is made varies from decision to decision." (page 7) They conclude, "Essentially, the (Guide Board) has not fully met its statutory responsibility to adopt an equitable and reasonable procedure for the assignment of guide areas." (page 8)

Senate Concurrent Resolution 18 urges the Guide Board to adopt regulations that address these problems. I believe that these actions are needed to restore and maintain public confidence in the integrity of this Board.

Thank you.

PUBLIC OPINION MESSAGE

File

TO: SENATOR ARLISS STURGULEWSKI
FROM: WAYNE FLEEK
4340 S. PARK BLUFF DR.
ANCHORAGE, 99516
N/A

BILL NO: SB 294

SUBJECT: GUIDING AND THE GUIDE BOARD
MESSAGE.

PLEASE AMEND SB 294 TO PROHIBIT GUIDES BEING ABLE TO SELL THEIR EXCLUSIVE AREAS. AS FORMER ADMINISTRATIVE OFFICER FOR THE GUIDE BOARD, IT WAS NEVER INTENDED THAT ANY RIGHT TO SELL ANYTHING OTHER THAN CAPITAL IMPROVEMENTS BE GRANTED. MANY GUIDES HAVE TRESPASS CABINS AND ARE ON NATIVE OR PUBLIC LAND.

DATE: 04/14/86 TIME: 13:07:31 SENT BY: ANCHORAGE LIO

COPIES TO: HOUSE MEMBERS
SENATE MEMBERS

Definition that is well supported
takes care of audit problems

Guide board has
had some real
problems - getting
better

~~maintaining list~~
Offered: 3D9/86
Referred: Finance

Original sponsor: Resources Committee
- it asked - list of amounts same

about
Dec 13
second session

in late
first blank
more

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 294 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986].

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
17 purposes of licensing and regulating the activities of guides in the
18 interest of the state's wildlife resources there [THERE] is created
19 the Guide [LICENSING AND CONTROL] Board consisting of seven members.
20 No more than three members of the board shall hold or have held a
21 guide license. The other members must [SHALL] have a general know-
22 ledge of the game resources of the state and may not have a vested
23 interest in the guiding industry. A minimum of 10 years residence in
24 the state is required for all members of the board. For administra-
25 tive purposes, the board is in the Department of Commerce and Economic
26 Development.

27 * Sec. 4. AS 08.54.020 is amended to read:

28 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
29 the board shall be appointed by the governor and confirmed by the

1 legislature for staggered terms of three years or until their succes-
2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR
3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]
4 A member may be removed at the pleasure of the governor.

5 * Sec. 5. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
7 board constitute a quorum for the transaction of business, for the
8 performance of a duty, and for the exercise of any power under this
9 chapter. The board may not adopt a regulation, revoke, suspend, or
10 deny renewal of a license, or assign, modify, or revoke a restricted
11 guide area unless the action is approved by a vote of a majority of
12 the full membership of the board.

13 * Sec. 6. AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may
16 include oral examinations of applicants who demonstrate limited abil-
17 ity to read or write the English language;

18 (2) determine [ALL PASS ON] qualifications of applicants
19 for licenses and authorize the issuance of licenses to those who
20 qualify;

21 (3) establish guide performance standards and regulate
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]
24 register of master and registered guides who have not been convicted
25 of a violation of a federal or state sport fish, game, or guiding
26 statute or regulation; a guide listed in the register whose license is
27 revoked or suspended shall be removed from the register while the
28 guide's license is revoked or suspended;

29 (5) collect and maintain records of hunts conducted by

1 guides and shall make the records available to appropriate state
2 agencies [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR
3 MASTER GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS
4 IMMEDIATELY PRECEDING THE PUBLISHING OF THE RECORD];

5 (6) prohibit guiding activities which are unsportsmanlike,
6 unethical, unsafe, against principles of conservation, degrading to
7 the guiding profession, or which adversely affect the natural re-
8 sources;

9 (7) after a hearing, revoke, suspend or deny renewal of a
10 license in accordance with AS 08.54.200;

11 (8) establish a quota of licensed operating guides who may
12 operate within designated geographical game units or subunits of the
13 state and provide for an equitable, [AND] reasonable, and consistent
14 procedure for limiting the number of guides to that quota; preference
15 shall be given to qualified available and willing licensed guides who
16 reside within the designated game unit or subunit;

17 (9) meet at least twice annually, once in Anchorage and
18 once in another municipality.

19 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

20 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
21 special guide license to a person who applies to conduct a guided hunt
22 for a specific species of marine mammal in a specifically designated
23 area if the applicant

24 (1) is 21 years of age or older;

25 (2) has, for at least 10 years, resided and hunted in the
26 area of the state in which the applicant is to guide;

27 (3) is physically able to perform the duties of a special
28 guide;

29 (4) has demonstrated knowledge of the following areas to an

1 extent and degree satisfactory to the board:

2 (A) fish and game laws and regulations;

3 (B) relevant characteristics of the specific species
4 to be hunted;

5 (C) field preparation of trophies;

6 (D) care of game meat;

7 (E) use of guiding gear;

8 (F) firearm safety;

9 (G) practical first aid;

10 (H) booking and contracting hunts;

11 (5) has not been convicted of a game or guiding law vi
12 tion during the previous five years.

13 * Sec. 8. AS 08.54.110 is amended to read:

14 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
15 person is entitled to be licensed as a registered guide if the person

16 (1) is 21 years of age or older [MORE];

17 (2) [Repealed

18 (3)] has practical field experience in the handling of
19 firearms, hunting, judging trophies, field preparation of trophies,
20 first aid and photography;

21 (3) [(4)] is familiar with the terrain and transportation
22 problems in the district for which the license is requested;

23 (4) [(5)] has passed the qualification examination prepared
24 and administered by the board;

25 (5) [(6)] has demonstrated to the board sufficient stan-
26 dards of competence and ethical conduct and has not been convicted of
27 a crime involving moral turpitude;

28 (6) [(7)] has legally hunted in the state for all or part
29 of each of five years in a manner directly contributing to the

1 person's experience and competency as a guide;

2 (7) [(8)] has been licensed as and performed the services
3 of an assistant guide in the state for a part of each of three years,
4 or has guided in the state for a part of each of three years under a
5 special guide license issued under AS 08.54.045;

6 (8) [(9)] submits a written recommendation to the board
7 from a registered guide for whom the applicant has worked; however,
8 the requirements of this paragraph do not apply to a person who has
9 guided under a special guide license for three years;

10 (9) [(10)] is capable of performing the physical duties
11 associated with guiding activities;

12 (10) [(11)] has been favorably recommended in writing by two
13 hunters that the person has guided or assisted in guiding during each
14 year of the person's three years as an assistant guide, whose recom-
15 mendations have been solicited by the board from a list provided by
16 the applicant [;

17 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
18 REQUIRE].

19 * Sec. 9. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
21 LICENSE. An assistant guide

22 (1) may not contract for guided hunts; and

23 (2) shall be employed and supervised by a registered or
24 master guide at all times while the assistant guide is in the field on
25 guided hunts.

26 * Sec. 10. AS 08.54.170 is amended to read:

27 Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce
28 and Economic Development shall set license fees under AS 08.01.065 for
29 each of the following:

- 1 (1) master guide;
- 2 (2) registered guide;
- 3 (3) class A assistant guide;
- 4 (4) assistant guide;
- 5 (5) special guide [TRANSPORTER].

6 (b) The license fee for a master guide, registered guide, spe-
7 cial guide, class-A assistant guide, or assistant guide license is in
8 addition to the fee required for a hunting or fishing license.

9 * Sec. 11. AS 08.54 is amended by adding a new section to read:

10 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
11 administer the qualification examination required under AS 08.54.110
12 at least twice a year. An examination may not be given within 90 days
13 after the previous exam. At least once every other year the board
14 shall give the examination at a location other than Anchorage.

15 * Sec. 12. AS 08.54.190 is amended by adding a new subsection to read:

16 (d) A master guide, registered guide, special guide, class-A
17 assistant guide, or assistant guide license expires biennially, on a
18 date set by the Department of Commerce and Economic Development.

19 * Sec. 13. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
21 board may establish and assign guide areas for master guides or regis-
22 tered guides. The board shall adopt regulations under the Administra-
23 tive Procedure Act (AS 44.62) that establish uniform and consistent
24 criteria, including a point system, to be used by the board when it
25 creates and assigns a restrictive guide area.

26 (b) The board shall consider the following factors before it
27 assigns a restrictive guide area:

- 28 (1) the extent to which the guide who has applied for the
29 area has used the game management unit in which the area is located;

1 (2) the extent to which the guide occupied and invested in
2 the area;

3 (3) the effect on other guides that would result from
4 creation of the area;

5 (4) big game populations in the area;

6 (5) the land ownership status of the area; and

7 (6) other relevant facts or circumstances.

8 (c) The board may adopt regulations establishing a schedule of
9 fees to be charged to persons to whom the board transfers restrictive
10 guide areas.

11 (d) Unless the board determines after a public hearing that it
12 is not in the public interest to do so, the board shall transfer a
13 restrictive guide area to a person qualified for assignment who has
14 been recommended by the guide to whom the area was assigned, or by a
15 person on behalf of the guide, if the recommendation is made

16 (1) after five years have elapsed from the date of the
17 assignment of the guide area; or

18 (2) during the first five years after the date of assign-
19 ment and the guide has died or suffered a major disability, as defined
20 by the board.

*needs
separately*
(e)

21 * Sec. 14. AS 08.54.200(a) is repealed and reenacted to read:

22 (a) The board shall hold a hearing to determine whether disci-
23 plinary action is necessary if (1) complaints concerning a licensee's
24 guiding activities are filed with the board by three or more of the
25 licensee's clients from separate parties; (2) a complaint concerning a
26 guide's conduct during a life-threatening situation is filed with the
27 board; or (3) a licensee has been convicted of a violation of a state
28 hunting or guiding statute or regulation. The board may hold a hear-
29 ing to determine whether disciplinary action is necessary if a



1 complaint concerning a licensee's guiding activities is filed with the
2 board by a client of the licensee.

3 * Sec. 15. AS 08.54.200(b) is amended to read:

4 (b) After a hearing, the board may revoke, suspend, or deny
5 renewal of a license if the board finds that the licensee

6 (1) engaged in unethical activity, unsafe activity, or
7 activity that [WHICH] adversely affects the natural resources of the
8 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
9 AND LEGITIMATE] purposes of the contract hunt; or

10 (2) violated a provision of a federal or state sport fish,
11 game, or guide statute or regulation.

12 * Sec. 16. AS 08.54.200(c) is amended to read:

13 (c) After a hearing, the board shall revoke a license if the
14 board finds that the licensee

15 (1) does not meet the qualifications specified by statute
16 or regulation for the class of license held;

17 (2) is incompetent as a master guide, registered guide,
18 special guide, class-A assistant guide, or assistant guide;

19 (3) during the five years immediately preceding the hearing
20 has been convicted of a violation [TWO VIOLATIONS] of a federal or
21 state statute or regulation prohibiting

22 (A) waste of a wild food animal;

23 (B) hunting on the same day airborne; or

24 (C) hunting during a closed hunting season; or

25 (4) during the five years immediately preceding the hear-
26 ing, has been convicted of two violations of a state statute or regu-
27 lation prohibiting hunting in

28 (A) a restricted area not assigned to the licensee and
29 without proper written permission; or

1 (B) an area closed by the board [SPORT FISH, GAME OR
2 GUIDE STATUTES OR REGULATIONS].

3 * Sec. 17. AS 08.54.200(d) is repealed and reenacted to read:

4 (d) A person who is disciplined under this section may not
5 engage in a guiding activity during the period of license revocation
6 or disciplinary action. A person licensed under this chapter may not
7 knowingly hire as a guide a person whose guide license is suspended or
8 revoked under this section. A guide whose license is suspended or
9 revoked may not guide in the employ of a person licensed under this
10 chapter.

11 * Sec. 18. AS 08.54.200 is amended by adding new subsections to read:

12 (f) If certified copies of two judgments of conviction of a
13 guide for offenses described under (c)(3) of this section are filed
14 with the board, the board shall immediately suspend the guide's li-
15 cense. The suspension may be ordered even if the conviction resulted
16 from a plea of nolo contendere or if the conviction is under appeal.
17 The order remains in effect until after the final disposition of the
18 disciplinary proceeding under this section.

19 (g) A certified copy of a judgment of conviction of a guide for
20 an offense is conclusive evidence of the commission of that offense in
21 a disciplinary proceeding instituted against the guide or outfitter
22 under this section based on that conviction.

23 (h) In this section "two violations of a state statute or regu-
24 lation" means two violations of a single statute or a single regu-
25 lation, or violations of two statutes or two regulations, or one
26 violation of a statute and one violation of a regulation.

27 * Sec. 19. AS 08.54.210 is amended to read:

28 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for
29 (1) a master guide, registered guide, special guide,

1 class-A assistant guide, or assistant guide [OR TRANSPORTER] to fail
2 to timely report to the Department of Public Safety, division of fish
3 and wildlife protection, and in no event later than 30 days, a viola-
4 tion [VIOLATIONS BY A CLIENT] of a state fish, game, or guiding stat-
5 ute or regulation that the guide reasonably believes was committed by
6 a client or an employee of the guide;

7 (2) a master guide, registered guide, special guide,
8 class-A assistant guide, or assistant guide [OR TRANSPORTER] to aid
9 the commission of a violation of this chapter or of AS 16.05 or a
10 regulation adopted [PROMULGATED] under either chapter, or permit the
11 commission of a violation in the guide's [OR TRANSPORTER'S] sight
12 without attempting to prevent it, short of using force, and without
13 reporting it;

14 (3) a person to guide [OR TRANSPORT] as defined in this
15 chapter without being licensed under this chapter and without having
16 the license in actual possession; [HOWEVER, FOR PURPOSES OF TRANSPORT-
17 ING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
18 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE
19 OF BUSINESS OF THE BUSINESS ENTITY;]

20 (4) a person to imply by advertisement, representation, or
21 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a
22 licensed master guide, registered guide, special guide, class-A assis-
23 tant guide, or assistant guide [OR TRANSPORTER] without being current-
24 ly licensed [, OR TO FALSELY ADVERTISE SERVICES];

25 (5) a person to act as a registered or master guide as
26 defined in this chapter without having a current valid resident hunt-
27 ing [AND FISHING] license [IN THE PERSON'S POSSESSION.

28 (6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE
29 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

1 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
2 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e)].

3 (b) A person who violates (a)(1) - (4) [(6)] of this section is
4 guilty of a misdemeanor and upon conviction is punishable by a fine of
5 not more than \$1,000 or by imprisonment for not more than one year, or
6 by both, and the person's license may be revoked for a period up to
7 five years. However, a person who engages in guiding [OR TRANSPORT-
8 ING] activity during the period for which the person's license is
9 suspended or revoked under this chapter, or who violates (a)(5) of
10 this section, is guilty of a felony punishable, upon conviction, by a
11 fine of not more than \$5,000 and by imprisonment for not less than one
12 year nor more than three years. In addition to punishment for a
13 felony, all guns, fishing tackle, boats, aircraft, automobiles or
14 other vehicles, camping gear and other equipment and paraphernalia
15 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
16 during the period of suspension or revocation shall be seiz_d [CON-
17 FISCATED] by persons authorized to enforce this chapter. [A PERSON
18 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
19 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
20 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
21 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
22 BOTH.]

23 * Sec. 20. AS 08.54.240 is amended to read:

24 Sec. 08.54.240. DEFINITIONS. In this chapter

25 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

26 (2) "guide" [, "GUIDES"] or "guiding" means (A) being
27 physically present in the field to provide a service related to a hunt
28 for compensation or with the intent or an agreement to receive compen-
29 sation for the service; or (B) assisting another person directly or

1 through an assistant, to locate or take, or attempt to locate or take,
2 big game for compensation or with the intent or an agreement to re-
3 ceive compensation for the assistance of a "guide" or "guiding" does not
4 include the services of persons who limit their services solely to
5 transportation and who do not remain in the field; in this paragraph,
6 "present in the field" does not include being present at a lodge or
7 camp or being present in the field for the purpose of providing meat-
8 packing services for a big game animal only after the animal has been
9 killed [ASSISTING ANOTHER PERSON TO TAKE GAME WITH THE INTENT OF
10 RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE SERVICES, BY
11 ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR THROUGH A LI-
12 CENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT, AND NOT SOLELY FOR
13 THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

14 (3) "resident" has the meaning given in AS 16.05.940 [MEANS
15 A PERSON WHO

16 (A) MAINTAINS A PLACE OF RESIDENCE WITHIN THE STATE;

17 (B) REPEALED

18 (C) SHOWS BY ALL ATTENDING CIRCUMSTANCES THE INTENTION
19 TO PERMANENTLY RESID' IN THIS STATE];

20 (4) ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
21 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
22 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
23 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
24 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
25 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
26 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;

27 (5)] "unethical activity" means

28 (A) deception or misrepresentation [IN ANY DEGREE]
29 involving prospective or actual clients either before, during, or

1 following a contract hunt, including misrepresentation through
2 private or public advertising of the type, duration, cost or
3 conditions of the contract hunt [HUNTS];

4 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
5 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
6 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

7 (C)] making a guaranty that a species or certain
8 number of species of game will be taken on a contract hunt;

9 (C) engaging in unsafe or unsportsmanlike activities
10 that are detrimental to the game resources of the state, as
11 defined by regulations of the board, including violations of
12 state or federal hunting or guiding laws or regulations; or

13 (D) accepting a deposit for guiding services before
14 signing a contract to provide the services;

15 (5) "big game" means brown bear, grizzly bear, polar bear,
16 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
17 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

18 * Sec. 21. AS 16.05.407(a) is amended to read:

19 (a) It is unlawful for a nonresident to hunt, pursue or take
20 brown bear, grizzly bear, polar bear, or sheep in this state, unless
21 personally accompanied by

22 (1) a person who is licensed as a master guide, registered
23 guide, class-A assistant guide or assistant guide by the Guide [LI-
24 CENSING AND CONTROL] Board; or

25 (2) a resident over 19 years of age who is

26 (A) the spouse of the nonresident; or

27 (B) is related to the nonresident, within and includ-
28 ing the second degree of kindred, by marriage or blood.

29 * Sec. 22. AS 16.05.407(b) is amended to read:

1 (b) An applicant for a nonresident big game tag for the taking
2 of an animal specified in (a) of this section or in regulations adopt-
3 ed under this section shall first furnish to the state, on a form
4 provided by the state, an affidavit showing that the applicant will be
5 personally accompanied while hunting by a person who is qualified
6 under the terms of (a) of this section. A person who falsifies the
7 required affidavit is guilty of perjury under AS 11.56.200.

8 * Sec. 23. AS 16.05.407(d) is amended to read:

9 (d) A nonresident who violates (a) [OR (c)] of this section, or
10 who fails to furnish an affidavit under (b) of this section, is guilty
11 of a misdemeanor and upon conviction is punishable by imprisonment for
12 not more than one year, or by a fine of not more than \$5,000, or by
13 both.

14 * Sec. 24. AS 39.50.200(b) is amended by adding a new paragraph to
15 read:

16 (48) the Guide Board.

17 * Sec. 25. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
18 05.340(e) and 16.05.407(c) are repealed.

19 * Sec. 26. This Act takes effect July 1, 1986.

STATE OF ALASKA

THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

Kie
AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

January 31, 1986

Members of the Legislative Budget
and Audit Committee:

Re: Fish and Wildlife Protection Employment Policies

This letter constitutes our report on the Committee's concern of possible conflict of interests relating to Fish and Wildlife Protection (FWP) officers holding guide or assistant guide licenses.

Purpose of Report

In accordance with Title 24 and a special request by the Legislative Budget and Audit Committee, we reviewed the issues and activities surrounding the holding of guide or assistant guide licenses by certain FWP officers. Our review was primarily focused on determining whether or not the holding of such licenses represented a conflict of interest for the officers and determine the Department of Public Safety's (DPS) policy in this area.

Background

Concerns have been expressed that a possible conflict of interest exists when FWP officers hold guide or assistant guide licenses. This conflict is said to exist because FWP officers are in a position to adversely affect a competing guide's business by harassing the guide and his clients under the guise of game law enforcement; or help another guide, who may be an employer or partner, by not enforcing game laws and restrictions.


The Commissioner of DPS recognized this potential conflict when he established a policy in December 1984 prohibiting departmental employees from having outside employment in the guiding profession. Prior to the formal establishment of this policy, we determined that at least five FWP officers either held or currently hold an assistant guide license. However, we found in our review of guide board files that since establishment of the policy those FWP officers were not recorded as being employed as assistant guides.

In July 1984 the Attorney General issued a memorandum, at the request of DPS's Commissioner, that stated that law enforcement officers who work as outfitters or hunting and fishing guides do not present a conflict of interest. Although this memorandum suggests that the Commissioner's policy may not be enforceable, we have been told informally by the Attorney General's office that the Commissioner has wide discretion to establish appropriate employment policies as he sees fit, and that the prohibition employment policy would be defensible if shown to be reasonable.

Auditor's Conclusion

We agree with and support the current DPS policy prohibiting outside employment in the guiding industry. Based on our review of the activities and operations of the Guide Licensing Board and discussion with the Assistant Attorney General with the most extensive experience with the Guide Licensing and Control Board, it is our understanding that there is potential for a conflict of interest if FWP officers are also licensed as guides. Although there is no reason to believe that DPS employees would make unprincipled decisions, the probability of risk to DPS's integrity is greatly increased and public perception of wrongdoing can be harmful and create operational inefficiencies.

There may be some question regarding the Commissioner's ability to enforce his policy in light of the Attorney General memorandum. Accordingly, the Legislature may want to consider legislation, perhaps as part of any contemplated executive branch ethics initiative, to clarify conflict of interests statutes in this area.


Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

*Unan
Consent*

Hein ✓

A M E N D M E N T

/

By M W Miller

Offered in the HOUSE

TO: HCS CSSB 294(Resources)

Page 5, after line 27, insert a new paragraph to read:

"(2) the board's denial or refusal has been upheld by a final administrative order, and the order has not been appealed to the superior court under AS 44.62.560;"

Renumber remaining paragraphs in the subsection accordingly.

337
4N

Pass

AMENDMENT

#2

OFFERED IN THE HOUSE:

BY: Sund

TO: House CS for CS HOUSE BILL No. _____

SENATE BILL No. 294 (Resources)

PAGE: 1

LINE: 13

delete "1990", and insert 1988.

84
30N

F

AMENDMENT #3

OFFERED IN THE HOUSE:

BY: MARRIOLI

To: HCS CSSB 24-(123) HOUSE BILL No. _____

SENATE BILL No. 294

PAGE: 3

LINE: 12

...to that quota; the quota for any area shall be consistent with appropriate game harvest levels in the area and with traditional use of the area by guides but may not be less than two guides; preference shall be given to qualified, available, and willing licensed guides who reside within the designated game unit or subunit.

W/D
AMENDMENT #4

OFFERED IN THE HOUSE:

By: MARROU

To: HCS CS (RGS) HOUSE BILL No. _____

SENATE BILL No. 294

PAGE: 1

LINE: 13

DELTG:

[1990]

INSRT:

1987

File of
Bill

FL

Dear Senator Sturgulewski:

1986

Thanks so much for your time, efforts and the consideration given to Lu Harrouse, Phil Driver and myself when we were in Juneau last week. We sincerely appreciate all the help given us in trying to get a workable Guide Bill through.

Hopefully we can all continue to work along these lines.

Thanks

Keith D. Johnson

GUIDE BILL ACTIVITIES

The Guide Bill that has been discussed for the past several years seems to raise a number of questions. There is a general lack of knowledge among our members as to just what is going on. Here is the story from my position as a committee member. We all thought the bill sunsetted this year, but that is not true, it sunsets in 1986. There are certain legal interpretations as to just what will happen upon sunset. Some say that it will be carried from year to year as it has been and another opinion is that the Guide Board guide areas in the current guide bill will dissolve in that guiding, licensing and all control would go back to Fish and Game as it was years ago. There are some who favor this latter scenario. An intelligent analysis would show that the guiding industry would be thrown into instant chaos if six hundred guides were turned loose to hunt at will. This will ultimately lead to tremendous harvests in some

areas finally resulting in more permit drawings and timely area closures. It would be disastrous to the industry. Most of us are champions of the free enterprise system and resist regulation and regimentation. However, there are times and situations that necessitate sensible restrictions and regulations.

This is what the Guide Bill is intended to do:

To provide for a board to issue licenses, arbitrate disputes and act as a disciplinary body.

The bill is law by statute and enforceable by the State Enforcement Agencies. There is a Guide Bill in effect today. The activities to get an amended bill introduced centered primarily around just getting another bill accepted so that we can have a few years of consistency regarding meetings, policy and build membership. There were areas in the old bill that needed to be changed. The changes in

the amended bill concentrate on five areas, they are:

1. changes in the definition of guiding, to put more teeth into the law to prevent so much competition from non-licensed guides.

2. eliminate the transporter law—this is also designed to prevent non-license guiding.

3. to eliminate the per animal head tax.

4. eliminate restricting registered guides to using only three assistant guides.

5. to provide a penalty to guiding unauthorized in another guide's area.

These are the major changes. There are a few word changes here and there, merely to make language specific. But basically this is it. This amended bill is currently being reviewed by Senator Arliss Sturgulewski (R-Anchorage), who has been very helpful and cooperative. She has agreed to select a proper time to introduce it as well as soliciting the support from other Senators and Legislators who could be instrumental in its passage. She is a fair, frank lady who we should appreciate a great deal, because the guiding industry just does. It happens to be the most popular industry in the state, especially to the current administration and powerful rural interests.



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Hunting Knives Designed for Alaska

In the February issue of the *Professional Hunter* (page 5) we printed a short article on a special set of knives being made especially for APHA. Knives designed and produced specifically for the requirements of extended field use. If you attended either the SCI or FNAWS conventions, you have already had the opportunity to have seen the set. We are now taking orders on the knives and have about a three-month lead time between placing the order and receipt of the finished knives. They can be ordered individually or in a set.

The prices (F.O.B. Talkeetna) are: **caping knife, \$115.00; hunting knife, \$130.00; fleshing knife, \$150.00.**

glide across your fingernail without the slightest tendency to catch. A stropped edge is a higher quality edge, and should be touched up occasionally on the strop, not on a steel or stone, otherwise, you will lose the microscopic rolled edge and have to return to one of the previous steps.


Those small pocket whetstones you see in the field are fine for a quick touchup, but are not suited for a proper honing. If your knife starts dragging a little and seems to be taking more effort, then it's time to pull out the pocket stones and touch up the edge. You can use saliva for oil.

You will hear many people say they don't like their knives to be too sharp because they utilize the jagged edge for "sawing" whatever they are cutting in half. Many also feel that a bad cut is less likely with a knife that doesn't possess a keen edge. I feel these people are wrong. Give any such person a really sharp knife and he will discover that by comparison his dull knives are dangerous. You can control a sharp knife with much less pressure and carelessness will soon be avoided by the user.

If, after the honing process is completed, you intend to store your knife

for an extended period, there are a few things to consider. Leather sheaths collect atmospheric moisture and give off fumes from tanning acids, so if the knife is shoved into the sheath and tossed into the closet, the moisture and acids will probably pit the steel badly in time. My suggestion is to rub a light coat of oil onto the blade, wrap it in waxed paper and place in a box separate from the sheath. You might go a step further and place a few bits of silica gel inside the box to help dry up moisture.

Well, that just about covers one

"tried and true" method of replacing the finely honed edge that your favorite hunter/skinner deserves. There are many other methods, gadgets, and gimmicks designed to allow short cuts and other "helps" such as mechanically keeping the proper bevel at all times. I'm not trying to discredit these appliances because a lot of them work great. It has been my endeavor this time however to do my part in keeping alive what could otherwise become a lost art. The art of putting a truly fine edge on a quality tool using the good ole ARKANSAS stone. 

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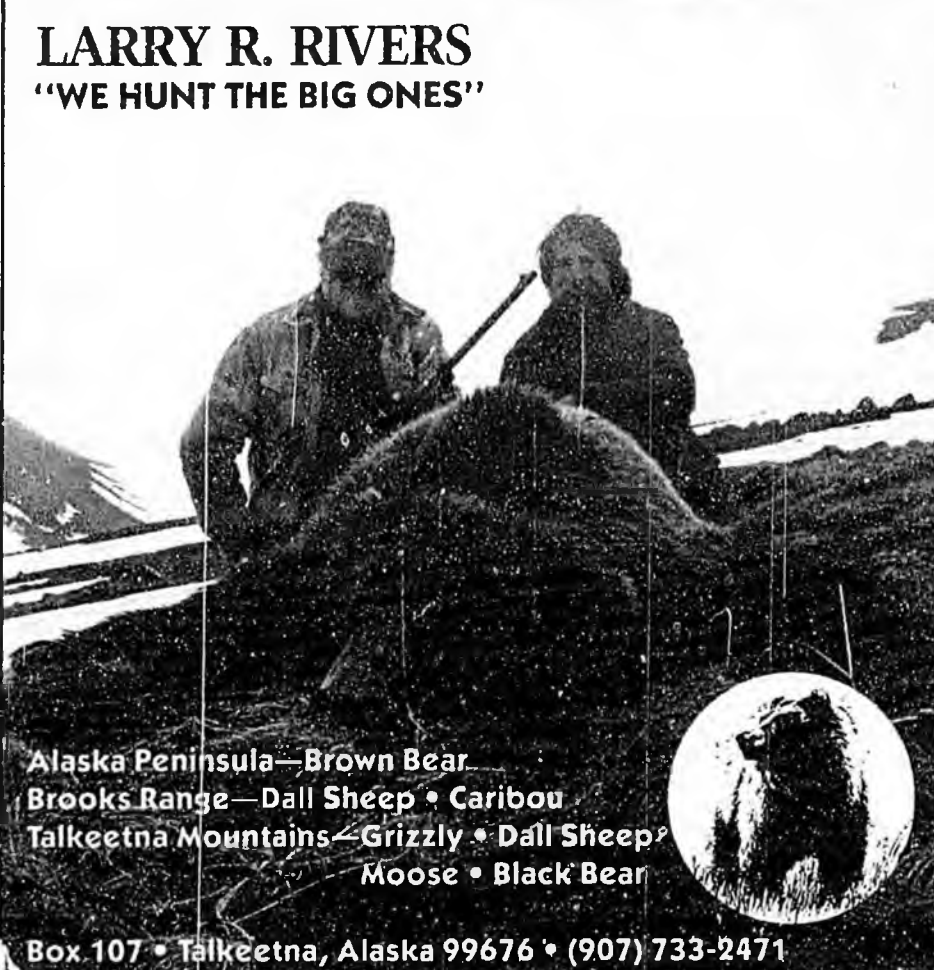
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THE ALASKA

Professional Hunter

Official Publication of the Alaska Professional Hunters Association, Inc.

Volume 10, No. 1
February 1986



Illegal Commercial Operations Affecting the Alaska Professional Guide

by Robert Boutang
Alaska Department of Public Safety
Fish and Wildlife Protection
Statewide Investigations

In 1973 the Guide Licensing and Control Board was formulated as the regulatory body for the guiding industry. In the mid 1960's to the mid 1970's, drastic regulation changes in seasons, bag limits and methods of taking game had a direct impact on many of the guiding operations.

These ten years of regulation changes had the most direct impact on the guiding industry. During these ten years, the brown bear season on the Alaska Peninsula was cut from nine months per year to four weeks every two years. The use of aircraft was also severely limited by regulation. It was understandable with the numerous statute and regulation changes that did occur in such a short period of time, that some guides found it difficult at best to adapt their guiding operations to meet the changing times. What were legal methods of hunting

one day were all of a sudden illegal the next.

In many cases, however, some guides did operate as though there were no restrictions on the methods and means of taking big game. We did, in fact, have guides who operated with little fear of being apprehended in the commission of a crime.

In 1972, one of the enforcement priorities established within the Division of Fish and Wildlife Protection was the illegal guides who persisted in continually taking big game animals unlawfully.

Through the efforts of the Guide Licensing and Control Board in establishing standards, regulations and exclusive and joint use areas, in conjunction with a concerted enforcement effort taken by the Division of Fish and Wildlife Protection in the 1970's, we have seen a dramatic decline of the flagrant illegal guide operations.

The State of Alaska can take pride in the fact that we now have a professional guiding industry that provides an outstanding service to a clientele from all

over the world and the revenue that is generated from the guiding industry is one that benefits many people and businesses inside the State of Alaska.

Today, we face a new problem that concerns and affects the professional Alaskan guides, the public and State of Alaska. This concern is the unlicensed individuals who are in fact booking clients and acting as guides. It is now known that there is more illegal unlicensed guiding activity than anyone thought existed.

This is one concept of illegal guiding which virtually has never before been worked by Alaska Fish and Wildlife Protection. The Investigative section of Fish and Wildlife Protection is now developing intelligence regarding this problem. The Division has established unlicensed guiding operations as one of our main enforcement priorities.

We found some of these so-called outfitters (unlicensed guides), who provided drop-off type hunts, were actually going so far as to personally accompany the clients in the field; calling in

moose, using aircraft to drive and herd animals and using radio communications to aid and take animals.

Once such unlicensed guides showed a client (undercover hunter) a check which was two times the amount of a regular hunt and he said, "This is what I get for my hunts and I produce more record book animals than anyone in Alaska and I don't even have a guide license."

Another unlicensed guide, who recently pled guilty, took a client (undercover hunter) in Game Management Unit 9, Katmai National Park, during the off season and killed a brown bear the same day he was airborne. He also tried to solicit our hunter into getting him more clients. This is the type of people we are dealing with; they have no respect for the legal guides or the resources.

This year our Investigative section investigated two outfitters (unlicensed guides) who took approximately 40-50 moose each in a two-year period. That is putting a serious dent in someone's exclusive guiding area and in Alaska's moose population. These illegal non-licensed guides are going into honest hard-working professional guides' areas and stealing the resources and giving hunting and the professional guides through the publicity, a bad name. The licensed guides, hunters, the general

public and the State are all the victims.

These illegal operations have a direct impact on the licensed professional guides, the State's regulations and the public's operation.

While we discuss the problem of unlicensed guides in Alaska, we first have to identify the people involved. To do this, we need all the help we can get from the Guide Board, professional guides and the concerned citizens.

In addition, it is extremely important that the Guide Board, professional guides, concerned public, and our Division continue to mutually cooperate in identifying individuals who are unlicensed and operating in the capacity of licensed guides.

The unlicensed guides do not have to follow any laws. They are not bound by restrictions, seasons and in many cases, they have a total disregard for the resources and other guides. They take game anytime and place and use any methods they want to.

Only through our continuing cooperation of all those working together can we hope to rid the illegal unlicensed guiding operations that exist in the State of Alaska.

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POUCH V
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(907) 465-4907

Senate

Committee on Resources

TO: Senate Resource Committee Members

March 17, 1986

FROM: Senate Resource Committee Staff

MEL

RE: Committee Substitute for Senate Bill No. 294 (Resources)
"An Act relating to guiding; and providing for an
effective date." and
SCR 18 Relating to the Guide Licensing and Control
Board.

The guide board will sunset on June 30th of this year unless its term is extended. SB 294, introduced by this committee, extends the life of the board until 1990. The bill also rewrites many of the guide statutes to try to cleanup the problems that have been associated with industry and the board.

SCR 18 is a resolution by Senator Faiks that urges the guide board to make a number of regulatory changes related to its meetings and to the assigning of exclusive guide areas. A number of these changes are statutorily addressed in SB 294, however, there is no conflict between the bill and the resolution and they work well together as companions.

The Alaska Professional Hunters' Association, representatives of the Air Taxi industry, the Division of Fish and Wildlife Protection, the Governor's special assistant for Boards and Commissions, and the Division of Occupational Licensing are some of the groups or people that have been consulted in the

preparation of this bill. This is not to suggest that everyone consulted agrees with all parts of this bill, and it is hoped there will be testimony from a number of these groups at the public hearing where they can point out any specific concerns.

Since the original bill was prepared, Legislative Audit has done a sunset performance report on the guide board. In the audit, a number of recommendations were made to improve the performance of the board. Many of these areas were already addressed in the bill and in the proposed committee substitute, we have tried to address the remainder of those problems that can be helped by statutory change. In the brief sectional analysis later in this memo, each of the audit's statutory recommendations is discussed.

Committee members have previously been given copies of SCR 18, SB 294 and the proposed CS for SB 294 and copies of the sunset performance report on the Guide Board.

An updated brief sectional analysis of the new CS follows. One of the main differences between this CS and the previous one is additional clarification in the definition of "guiding" to make certain that it does not adversely effect legitimate outfitters. Senator Coghill's office also suggested a number of amendments which have been incorporated.

Sectional Analysis

March 17, 1986

Committee Substitute for Senate Bill No. 294 (Resources)
"An Act relating to guiding; and providing for an effective date."

Section 1 - deletes "licensing and control" from the name of the board.

Section 2 - extends the life of the board to June 30, 1990.

Section 3 - adds intent language that increases game management considerations to the section that establishes the guide board. The audit approves of this change (pg 16, item A-1). Additional new language clarifies that for administrative purposes, the board is in the Department of Commerce. In the original bill, the number of guides on the board was changed from no more than three to no less than three. The audit (pg.16, item B-1) said this had the potential of expanding the number of industry members at the expense of public participation. The CS deletes this change.

Section 4 - is a technical revision dealing with terms of office.

Section 5 - is a new section that establishes a quorum requirement of four and requires a majority vote (4) of the full membership of the board for approval of changes to regulations, licenses or restricted guide areas.

Section 6 - amends the powers and duties of the boards. There are three substantive changes. The first amends subsection (a)(1) to allow the board to administer oral examinations to applicants with a limited ability to read or write English. The second adds "consistent" to the requirement in subsection (a)(8) that the procedure for limiting the number of guides operating in a designated game unit be "equitable and reasonable". The audit approves of this change (pg 16, item A-2). The third would require the board to have two meetings per year, one in Anchorage and one in another city.

Section 7 - the special guide license section is repealed and reenacted to provide more detailed criteria for the license.

Section 8 - amends the qualifications for a registered guide license. There are two substantive amendments. The first allows a person who has served as a special guide for three years and meets all other criteria to become a registered guide. ~~The second requires that registered guides file a \$5,000 bond with the board.~~ The audit approves of this requirement (pg.16, item A-3) and the change was also suggested by the Division of Occupational Licensing.

*Section
w/ signed
contract per
to assigning
Dept. 8/16
from Chen*

Section 9 - clarifies the limitations of an assistant guide license. It specifies that assistant guides may not contract for hunts and that assistant guides must be employed and supervised at all times while the assistant guide is in the field. The audit approves of this change (pg 16, item A-4).

Section 10 - in accordance with AS 08.01.065 (last page in the current law section of the packet) this section specifies that fees shall be set by the department by regulation.

Section 11 - is a new section requiring the registered guide exam to be given at least twice a year. At least once every other year the location of the exam has to be somewhere other than Anchorage.

Section 12 - is a new section that specifies licenses expire biennially on a date specified by the department. The change in language from the original bill to the CS was requested by the department.

Section 13 - is a new section that requires the board to adopt uniform and consistent criteria to be used in assigning restrictive guide areas and specifies a number of the criteria to be used. The section lists criteria the board is required to consider before assignment of an area. The assignment and transfer of restricted areas has been a particular problem for the Guide Board in the past. This section also allows a guide

to transfer a guide area if the guide has had the area for over five years. This time requirement is designed to limit speculation in guide areas. The audit approves of this section (pg. 16, item A-2).

Section 14 - under existing law the board can only consider complaints of unethical or incompetent guide practices after receipt of three separate complaints. The original bill contained a provision that would have required those complaints to be received in the five years prior to the hearing. The audit said this made a bad situation worse. In the CS, the five year requirement has been dropped and the section modified to allow the board to hold a hearing on any complaint. This five year limit was not related to the five year requirement mentioned above. A new subsection has also been added to require the board to hold a hearing on any complaint filed concerning a life threatening situation. See audit (pg 16, item B-2).

Section 15 - sets out the offenses for which the board may revoke, suspend, or deny renewal of a license.

Section 16 - sets out the offenses for which the board is required to revoke a license. The audit (pg.17, item B-4), expressed concern that amendments to this section might unnecessarily restrict the offenses upon which the board can take disciplinary action. This is wrong. Nothing in this section is a limitation on the board's power, the new language adds offenses for which license revocation is mandatory.

Section 17 - clarifies that a person may not engage in guiding during a period of license revocation or other disciplinary action, nor can the person work for another guide during the period. It also forbids someone knowingly hiring a person as a guide while that person's license is revoked or suspended.

Section 18 - This section establishes that a certified copy of judgement of conviction is conclusive evidence of the commission of that crime and upon receipt of two such judgements of a guide for offenses listed under AS 08.54.200(c)(3) the board shall immediately suspend the guide's license until disciplinary proceedings are concluded.

Section 19 - lists a series of specific acts related to guiding that are unlawful and specifies the penalties for these acts.

Amendment

Section 20 - is the definition section. The definition of "guide" is expanded to to clarify that persons who provide strictly transportation, property, or equipment in connection with locating or taking game are not guiding. The intent of this section is that a person who is physically present in the field while another person locates or takes game and who receives or expects remuneration for this or any other activity connected with the hunt is guiding. The new CS clarifies that "in the field" does not include being present at a lodge or camp. The definition is designed to allow legitimate transportation services and outfitters to continue to provide services but to prohibit them from actually accompanying hunters into the field where illegal guiding may take place. The definition of unethical conduct is expanded, and a definition of big game is added. - *Allows meat packers in field after game is killed.*

Section 21 - Class A assistant guides are added to the list of master guides, registered guides and assistant guides that nonresidents may be accompanied by.

Section 22 - allows the board to expand this list by regulation.

Section 23 - is cleanup drafting related to the repeal of AS 16.05.407(c) (discussed in Section 28).

Section 24 - adds the Guide Board to the list of boards and commissions in AS 39.50.200(b).

Section 25 - is the repealer section. AS 08.54.040(b) deals with oral exams and is replaced in this bill with AS 08.54.040(a)(1). AS 08.54.142-146 were the transporter sections. AS 16.05.407(c) repeals a section that made it unlawful to import polar bear hides into Alaska unless personally accompanied by a guide. Polar bears are currently managed by the federal government.

Section 26 - is a July 1, 1986 effective date.

Illegal Commercial Operations Affecting the Alaska Professional Guide

by Robert Boutang
Alaska Department of Public Safety
Fish and Wildlife Protection
Statewide Investigations

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public and the wildlife are all the victims.

These types of illegal operations have a direct effect on the licensed professional guide whereas the licensed guide must adhere to statutes and regulations which affect his operations.

While we do have the problem of unlicensed guides in Alaska, we first have to identify the people involved. To do this, we need all the help we can get from the Guide Board, professional guides and the concerned citizens.

In addition, it is extremely important that the Guide Board, professional guides, concerned public, and our Division continue to mutually cooperate in identifying individuals who are unlicensed and are acting in the capacity of licensed guides.

The unlicensed guides do not have to follow any laws. They are not bound by restrictions or ethics and in many cases, they have a total disregard for the resources and other guides. They take game anytime and place and use any methods they want to.

Only through the continuing cooperation of all of us working together can we hope to reduce the illegal unlicensed guiding operations that exist in the State of Alaska.

A.P.H.A.

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Charter Life Sustaining membership's final issuance was December 31, 1984. However, another classification was created which is referred to as Life Sustaining membership offered for \$250.00 instead of the \$200.00 Charter Life Sustaining offer. The following person has joined as a Life Sustaining member:

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JOE KLUTSCH
REGISTERED GUIDE

P. O. BOX 313, KING SALMON, ALASKA 99613

MEMBER



April 8, 1985

APR 16 1985

Dear Senator Sturgulewski,

I am writing you in regard to the pending guide legislation which as I understand, you are currently reviewing.

Specifically, I am interested in addressing a growing problem faced by resident hunters and guides alike - that is the influx of "outfitters" and "drop off" hunt businesses who are now setting up operations on the Alaska Peninsula and throughout the State. Under the present system, each Registered or Master Guide who books and conducts hunts, and accepts financial remuneration (money for his services), is assigned an exclusive/joint use Guide Area with very specifically defined boundaries. He is responsible for the game within that area. It is definitely not in his interest to over hunt or offer poor service to his hunters. At the present time, non-resident hunters are required to hire a Guide for Dall Sheep and Brown/Grizzly Bear only. The commercial operators such as "outfitters" who are not Registered or Master Guides, are able to book anyone for a Moose, Caribou, Black Bear, and Goat. They are also able to hunt anywhere without restriction to an area. Most of the new wave of commercial operators charge prices far less than that of a Guide. This requires them to book, in many cases, far more hunters than is biologically sound. These type of operators are often mistaken for Guides by village residents who resent incursions by outsiders on fish and game resources.

There seem to be several solutions to the problem of unlicensed commercial operators. First, the Guide Bill could be amended to require that non-resident hunters be accompanied by a Licensed Guide or first degree next of kin who is a resident while hunting for all big game species in Alaska. There are very few non-residents who are equipped to handle the logistics of carrying and distributing all the meat from Alaska big game animals. Next, all forms of commercial hunting activities including "outfitting" and "drop off" operations should be defined as a form of Guiding and therefore would be subject to the same regulations and statutes as Guides.

The Guide Law has evolved with the intent of insuring professional standards of conduct and limiting the number of Guides by district. This protects ethical Guides, but most importantly, it protects the resource. And that is what is at stake here. You can not allow an unlimited number of

individuals engage in commercial hunting activities any more than you can allow anyone to engage in commercial salmon fishing if they were to label themselves something other than a fisherman.

Please let me know if I can clarify my position on these matters and if I can be of assistance in seeing to it that a legislative solution to this problem is found. There appears to be no better time than now to stop the trend towards unlimited and un-regulated commercial hunting activities.

Your consideration of these views will be greatly appreciated.

Sincerely,

Joseph R. Klutach

①

3 7886

KEN OLDHAM & SONS
Registered Alaskan Guide
Box 220545 • Anchorage, Alaska 99522-0545
(907) 248-5466

March 8, 1986

Senator Arliss Sturgulewski
Alaska State Legislature
Juneau, Alaska 99801

Dear Senator Sturgulewski,

Twenty five years ago we labored mightily with our new guide regulations. The result was a somewhat imperfect set of regulations that have been amended, repealed and added to. I am much in favor of revising the Statutes and I admire your courage to make a beginning at that chore.

I contributed a good deal to making the first guide examination; and, I have been active in the guiding industry since then. My sons are now beginning careers in guiding. I have a degree in Biology and a longterm interest in maintaining a good game population in Alaska. So you see, I have a lot invested in the past and a real concern for the future of guiding in Alaska.

We need to be concerned with basic facts:

1. Alaska has the smallest game population per square mile of any of the States due to carnivores depending on herbivores who depend on a very short growing season for their sustenance.

2. Game populations, that are traditional and necessary food for small subsistence villages where money is in short supply and barter is a way of life, must be allocated to those in need.

(1)

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3. The remaining game animals available for harvest need to be divided among sport hunters. But there will need to be limits placed on the harvest to prevent overkill. Local sportsmen (voters), registered guides (more voters) and the businesses who support them (still more voters) need to return something to the general welfare for this privilege.

a. The local sportsmen pays out \$47 to the State in hunting and fishing licenses and trophy tags for a four specie hunt.

b. The non-resident hunter pays out \$1210 to the State in hunting and fishing licenses and trophy tags for a four specie hunt- plus about \$19,000 in registered guide fees (money kept in the Alaskan economy)- plus air taxi fees (also part of the Alaskan economy) of anywhere from \$300 to \$1500- plus room and board (paid to local hotels and restaurants) for at least two nights of about \$200- plus gift to take home and taxidermy of varying amounts. Of all "tourists", the non-resident hunter has more to spend than any other. He's paying for the privilege of hunting in Alaska.

4. The registered guide areas are one of the best game management programs in Alaska. No guide will overkill an area, if he knows he cannot go to another area to guide for his living.

5. The registered guide needs a substantial investment in his business to be successful. He needs to invest thousands of dollars in advertising Alaskan hunting. He needs supplies: food, fuel, lanterns, first aid kits, etc. He needs costly transportation equipment: horses, boats, all-terrain vehicles and

6

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airplanes. And most of all, he needs shelters: cabins, lodges and tent frames for the protection of his clients.

6. The registered guide represents a good way for Alaska to market the renewable wild game resource. He/She is adequately controlled in his/her business by a myriad of federal, state and economic regulations.

7. The registered guide needs to protect his/her investment in time and money against outfitters, transporters or special guides who operate with fewer regulations and have no vested interest in maintaining a good game population in any area, no legal requirement to assure hunters have proper tags and licenses, or that they hunt in a legal manner.

Does Alaska want a registered guide industry? We did twenty five years ago. When Alaska became a State, there were hundreds of pilots with a Super Cub and a tent who characterized themselves as "Guides". Their attitude was go out and kill everything you can because if you don't someone else will before you can make a "killing" on harvesting game. So what if the scarcity of game closes the hunting season in the Nelchina. They have no investment there. They can move on to the next closest area to decimate. This situation has come to pass again. There are literally hundreds of amateur "guides" operating all over the State. There are also fine registered guides operating at a loss all over the State because of this unfair competition. There are hundreds of game animals being sealed by residents at with a \$25 trophy tag for non-resident hunters when they should have paid the State \$410 to take a bear. I don't think we can afford to

(7)

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see this continue any longer. The fault is not with the Department of Safety. The fault is in the Statutes for which our legislators are responsible.

I have before me Senate Bill 294. Consider Sec. 8.54.185 (e) (1) which provides for guides areas to be reassigned every five years. What kind of investment in cabins and lodges or in maintaining a good game population would a guide make if he knew his claim to the area would be in jeopardy every five years?

Or Sec. 14 AS 08.54.200 (a) which provides for hearings before the Board for guides against whom three separate complaints have been lodged by clients. What kind of complaints? Maybe the Guide didn't provide the congenial atmosphere the client expected; or, in one case that I know of the complaint was that the floor of the tent was cold or that the weather was very bad. How about considering complaints that deal with (1) completion of the contract, (2) personal safety of the client and (3) unlawful acts. These are enumerated in Sec. 15. Why not provide some method of determining the seriousness of the complaints short of Board consideration?

Or Sec 29 AS 08.54.210 (2) which defines "guide" or "guiding". Right now permits are being issued to non-resident "guides" by Ronald Hood, Refuge Manager, Alaska Peninsula/Becharof National Wildlife Refuge, which allows them to set up camps and fly non-residents out to these camps and outfit them for big game hunts. They have applied for these permits and Mr. Hood is reluctantly issuing them as required by law since there isn't a State Statute that prohibits that. I spoke to him by telephone

(3)

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and he is certain that these "outfitters" are mostly interested in the good game population my husband and I have maintained in our guide area. If we were unionized, we could complain about "local hire" since a registered guide is required to be a resident of Alaska. But it isn't just these non-resident "guides" who are operating freely outside the regulations and inadequate statutes, one "guide" who had his license revoked, told me he wasn't certain he wanted his registered license back because it was so much less restrictive to "guide" without the responsibility of a license. Perhaps setting up a camp or taking hunters into the field; that is, away from a commercial center of transportation for the purpose of hunting, should be restricted. As it stands these "guides" are doing more guiding than the registered guides and more transporting than the air taxi operators. As it stands the law allows plenty of room for "guiding" without any of the responsibility a license would engender.

SEC 16 AS 08.54.200 (c)(3) concerning violations of statutes and regulations deletes "Federal". I understand that the Federal agencies have agreed to honor state statutes and regulations concerning game laws; however, this leaves a gap when you consider guiding. Unlicensed or improperly licensed persons can guide hunters on Federal land; and, even if convicted in a Federal court of hunting in a closed area, these persons should they have any type of guide license from the State are immune to censure under Alaskan guide laws.

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SEC 19 AS 08.54.210 (2) under unlawful acts does not provide for our wanton waste law (Chapter 30).

Sec 20 AS 08.54.240 (2) does not clearly define "guiding". It should also cover those who transport hunters into the field for the purpose of taking game animals. It should specify a person licensed by the State of Alaska as a registered guide or master guide and air taxi operators, who are engaged in transporting hunters to destinations of their own choosing.

Perhaps it could also be wise to insert a stipulation that the air taxi operator should not drop off hunters within a five mile radius of a registered or master guides establish camp. While this is a matter of ethics, it would insure a better quality of hunting for all hunters. We have seen so many instances of air taxis operators dropping off hunters in an area where guides are established. As a guide, we often book hunts a year in advance with the full knowledge of game available in our area. Our client hunter arrives to find the area shot-out by hunters dropped in indiscriminately by the local air taxi operator who has little interest in a contract the guide has signed with his client. In our own case, a Mr. Bosch from Anchorage, landed near our camp, took four friends onto a mountain and in full sight of our client who had paid thousands in transportation and guide fees plus \$460 in State licenses and tags, shot all the legal game animals(full curl rams). In another case Worbelos air taxi landed many hunters near all of Bill Ellis' camps and devoided his whole area of legal rams. He must close down his twenty year of guide business. Many guides

(7)

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Registered Alaskan Guide
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are or have been air taxi operators and we understand the economic strains they are now enduring. If they benefit from the game animals, they should also have the responsibility of maintaining a good game population.

Sec. 20 AS 08.54.240 (5)(D) requires a guide to provide a contract before accepting a deposit. This is really superfluous. Almost all clients have brochures and letters from a guide before they send the deposit. These letters and printed material spell out most facets of the hunt in more detail than any contract. Does this mean that a guide must hold a check to reserve a hunt until a Guide-Client Contractual Agreement has been signed by the client? That would serve little purpose since the forms required by the State are general. Also most hunts are reserved through the mail. And, a letter has the strength of the law.

Guiding under the law in Alaska has become a part-time occupation. I feel that the quality of guided hunts is deteriorating rapidly as it did once before in the early 1960s. If it is to flourish, it requires the same type of "protectionism" that doctors enjoy against "quacks" or attorneys have against those not admitted to the Bar. If the State is to have the game protection and revenue from licenses and trophy tags, there must be laws to prevent just anyone from providing hunting services.

Sincerely,

Mary Oldham

Mary Oldham

Registered Guide #243

KIE

MAR 11 1986

March 6, 1986

Arliss Sturgulewski
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski;

I am writing in response to the impending legislative action pertaining to the Guide Licensing and Control Board. I am concerned about the illegal guiding activities taking place and believe that these activities must cease.

In regard to Senate Bill #294, Section 20. AS 08.54.240. DEFINITIONS

(2) guides or guiding means:

(A) being physically present in the field to provide a service related to a hunt for compensation.....for the service.

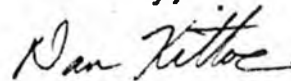
I feel that the wording of the bill at this time will eliminate quite a few legitimate businesses that cater to outdoor hunting clients. Charter boat operators, River floaters, Lodge facilities, and others that maintain their presence in the field while their clients are out hunting, will have to close down their operations. There are legitimate outfitting businesses that cater to the individual who can not afford a guided hunt, enjoy hunting on their own, but prefer comfortable, clean lodging.

I have been operating a small outfitted camp providing tents, stoves, and food, to bowhunters for the last four years. The animals our archery clients hunt are moose, caribou, and occasionally black bear. I feel my presence in the camp does not constitute that I am guiding. I do not accompany any of the clients while they are hunting. Also I do not feel our camps cause any hardships on our game resources or land resources. Our percentage of hunters being successful in taking game is less than 50% over the past four years.

- Not only will Bill #294 help put me out of business, but it will take away a fair amount of business from flying services, sporting good stores, grocery stores, etc.... that provide services for me to run a good, legitimate, comfortably outfitted camp.

I am sure that these concerns will be taken into consideration and a fair decision will be made.

Sincerely,

A handwritten signature in cursive script that reads "Dan Kittoe".

Dan Kittoe
9410 Strathmore
Anchorage, AK 99515

February 7, 1986

Senator Arliss Sturgulewski
Fouch V
State Capitol
Juneau, Alaska 99811

FEB 18 1986

Dear Senator Sturgulewski,

Senator Jan Faiks was kind enough to send me a copy of the performance report on the Department of Commerce and Economic Development Guide Licensing and Control Board. I have read the document and wish to direct my comments to you as chairman of the Senate Resources Committee.

First of all, I applaud the audit for recognizing the need to continue the existence of the GLCB. I believe the hunting guiding in the State of Alaska is rapidly undergoing a metamorphosis from a somewhat disorganized, occasionally abusive conglomerate of adventuresome opportunists to a much more cohesive, conscientious industry. I credit much of this obvious improvement in the way the business of hunting guiding is conducted to the hard work of the GLCB and a large share to the Alaska Professional Hunters Association.

The professional guiding of non-resident sport hunters has been an important economic activity in Alaska since well before statehood not only because of the dollars brought to the State directly by hunters but also because of dollars directed to Alaska by the Federal Government through the Pittman-Robertson Bill which provides our Fish and Game Department's Game Division with much of its budget. Funding from this source is allocated to states with respect to their land mass and by how many sport hunting licences are sold in the state. In addition, the national visibility of guided sport hunting provided in the many outdoor magazines has only enhanced our State's tourism industry.

I have been employed as a fisheries biologist by Alaska Department of Fish and Game since 1974, with a majority of my career spent working with the sport fisheries of Southcentral Alaska. In this capacity I regularly come in contact with both fishing and hunting guides. I see most of these people as caring strongly for the resources of the state but struggling to succeed economically against a political climate that refuses to acknowledge the vast potential of their industry. Although I have many ideas how the State could enhance its sport hunting and fishing industries I will restrict the remainder of this letter to the GLCB audit.

The audit provides five recommendations of which four appear to me to be of "housekeeping" nature. Recommendation No. 3

which reads, GLCB should take more responsibility for area assignments by repealing regulations that allow a guide to designate to whom his EGA be reassigned, has the possibility of doing enormous harm to the guiding business. With your legislative help, a guide can now obtain a land lease within his EGA upon which he can build a permanent headquarters. I believe that many guides will take advantage of this opportunity to increase the quality of their operations and subsequently their investment. As the investment increases so does the guide's responsibility, both in the financial sense and to the natural resources upon which his business is based. It would seem that guiding like any other business would allow a successful and ambitious businessman to build some value into his business so that when it became time for retirement he would have something to sell. Together with the guide's investment in property and equipment, the value of his business lies in his concessionary right to the area and its resources. If a guide were to abuse this privilege in the way he does business he should not be allowed to keep the use of an area. The GLCB already has the power to respond in this manner. If however the guide has treated the resource with respect and built a viable business it only seems right that he should be able to sell this right to another qualified individual of his choosing and thereby maximize the return for his investment. The precedent for this is already set by the Limited Entry Permit system in our salmon fisheries.

Thank you very much for taking the time to consider my comments.

Yours Truly,

A handwritten signature in cursive script that reads "Kevin Delaney". The signature is written in dark ink and is positioned below the typed name.

Kevin Delaney
10218 Jamestown Dr. #D
Anchorage, Alaska 99507

Mar. 4, 1986

MAR 7 1986

Sen. Arliss Sturgulewski, Chairman
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Sen. Sturgulewski:

Here are a few comments on SB 294 which might be helpful:

One of the purposes of the bill, as I understand it, is to exert some control over people who are guiding without a guide license. At present, the differences between "guiding" and "transporting" and "outfitting" are not adequately spelled out. This gray area can easily be cleared up by amending the law to prohibit anyone, except a registered or assistant guide, from actually assisting a hunter in taking a big game animal for financial gain.

The term "Guiding," I believe, should be roughly defined as helping locate, stalk, decoy or butcher a wild game animal while in the company of the paying client. The key here is the phrase, "in the company of the paying client."

In other words, anyone who actually accompanies a paying hunter to assist in locating, stalking, decoying or butchering game is acting as a guide. A person who accepts money for transporting hunters or their gear, or who merely provides hunting equipment or sets up a camp, is a transporter or an outfitter.

However, in the latest draft of SB 294 (2/18/86), guiding is defined as merely being in the field with a paying client.

I believe this definition is too broad. The in the field clause would put dozens of legitimate outfitters and charter boat operators, river-rafting companies and outdoor equipment leasing agencies out of business. Under this definition, many charter boat operators would be breaking the law. So would a person who maintains any sort of base camp for non-guided hunters, even though he may be miles away from where the hunting is taking place.

I'm sure that some guides would prefer that only registered guides be allowed to provide any service whatsoever for hunters. However, in determining what actually constitutes "guiding," I would urge you to consult Webster's New World Dictionary for a definition. The word "guide," according to Webster's, "implies the showing of the way by one who is thoroughly familiar with the course, and connotes his continuous presence or direction along the way."

It follows, then, that a charter boat operator who transports hunters to a bay and drops them off to hunt deer is not guiding UNLESS he actually accompanies the hunters. If he merely waits on his boat, he is not guiding them - at least under the Webster's definition.

My ideas on guiding and outfitting are not entirely without prejudice. For the past eight years I have operated a river-floating business which caters to salmon fishermen and archery hunting clients. I provide rafts, food, tents, stoves and other equipment but do not actually accompany hunters on the float trips. However, I am technically in the field, although the only service I provide for the hunters is to pump up the rafts, organize the river gear and provide instructions which will insure their safety when running the river. If the definition of "Guiding" as written under Sec. 08.54.240 becomes law, I would not even be allowed to maintain the base camp from which my clients begin floating.

Incidentally, my fees are less than half the amount charged for hunts by registered guides, and I attract mostly people who neither need nor can afford the services of a guide. The net result of my operation, I believe, has a low impact on the wildlife resource (last year, 14 bowhunters who floated the river took only 4 moose) and a very positive impact on the local (McGrath/Stony River) economy. Most of the hunters I outfit end up giving their moose and caribou meat to the residents of Stony River, and I do a considerable business with air charter services in McGrath and Sleetmute. With such a small operation, I cannot afford my own airplanes.

Here is a list of my qualifications, so that you may weigh my advice:

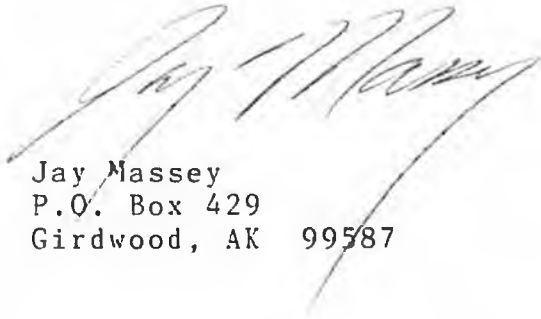
I've lived in Alaska for the past 18 years, and was employed by the Alaska Dept. of Fish and Game for nine of those years. I have hunted in Alaska for each of 18 years, and have taken most species of Alaska big game - all with homemade bows and arrows. I am a founder of the Alaskan Bowhunters Association and am vice-president of the International Moose Federation. I was recently appointed to the Alaska Board of Game. I have written two books on hunting in Alaska - Bowhunting Alaska's Wild Rivers and A Thousand Campfires - and have written for such national outdoor magazines as Gray's Sporting Journal, Sports Afield and Bowhunter Magazine.

In summation, I believe a law can be written which will eliminate the illegal activities of the unlicensed guides. But while we are rewriting the law, I believe we should try to accomodate the legitimate outfitters and transporters who provide support services for unguided hunters. For without the transporters and outfitters, hunting in Alaska would evolve into a pursuit which could be enjoyed only by a privileged few.

I would urge you to drop the phrase, "and who do not remain in the field," under (B) of Sec. 08.54.240 so that other legitimate outfitters and transporters, as well as air carriers, are allowed to perform simple logistic services not related directly to hunting.

If this bill passes and becomes law, dozens of self-employed Alaskans, such as myself, would have to find another means of making a living.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Jay Massey". The signature is written in dark ink and is positioned above the typed name and address.

Jay Massey
P.O. Box 429
Girdwood, AK 99587

cc Members, Senate Resources Committee

FEB 19 1986

JIM HARROWER
13830 JARVI DR.
ANCHORAGE, ALASKA 99515

February 12, 1986

Rick Halford
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

RE: SENATE BILL #294

Dear Rick,

I was dissapointed that we didn't get back together on our recent visit to Juneau.

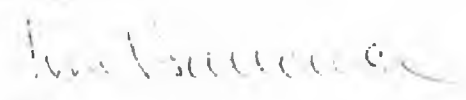
I can understand your reluctance and apprehension, as I agree there is no apparent perfect solution to the problem. But it is also apparent that we must accept the best considered alternative.

We have been attempting to draft the perfect guide bill for several years and many hours of concerned effort had been expended by others prior to our involvement. Every agency and group that would be impacted by this bill have been consulted and considered. We feel that it will place another level of responsibility on the guiding industry while simultaneously protecting the industry in previously vulnerable areas. It will give the guide board a more defined set of guide lines and addresses all the concerns of the audit report.

Our proposal to impose a five year holding period on restrictive areas before the holder can influence the transfer will eliminate the speculators and real estate dealers. This coupled with the revised definition of a guide and guiding will clarify the activities relating to guiding and make infractions more easily enforcable.

I urge you to support this bill. With your support it would easily come out of the Resource Committee and pass through the House. Your areas of concern have all been addressed and it would seem that the time is here for you to compromise your feelings and conflictes and yield to the joint best interest of the guiding industry and the public. Both would be very grateful.

Sincerely,



Jim Harrower

cc. All members of the Resource Committee
Senator Jan Faiks
Bob Curtis

Phil Driver
Kieth Johnson

MAR 5 1986

February 26, 1986

Senator Sturgelewski
Senate Resource Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Sturgelewski and Members of the Senate
Resource Committee:

Thank you for your assistance on SB294. Several folks from the Fairbanks area were interested in and prepared to testify on CS for SB294 at the scheduled teleconference February 19. Since your schedule required that you postpone hearings until March 3, we felt we'd like to offer the following written comments relative to the Guide Board Bill, along with a few possible amendments, some of which are primarily of a housekeeping nature. Please accept these comments as testimony on behalf of those signing this letter and enter them into the hearing record.

In general, we are very supportive of the legislation CS SB294. We consider the legislation beneficial to the guiding industry and to the fish and wildlife resources of the State of Alaska.

The restrictive area concept offers many benefits to resident hunters who are not guides, to the wildlife populations and to guides, whether or not they are registered or master guides, and whether or not they currently have areas.

The positive impacts on resident hunters include the knowledge that when hunting in a restrictive area they are not likely to run into excessive non-resident pressure that would be generated if many guides were allowed to hunt in the area. Likewise, the game populations are more likely to be given stewardship through limited harvest practices which insure both the guide and any residents hunting in the area are more likely to find more stable wildlife populations. Residents are also able to find out which guides are hunting where, which can help in planning hunts under this system, if they chose. Without the restrictive area concept, there would be no reasonable way of telling who hunts where.

Guides who do not have areas are able to ascertain where open areas are located and are also able to contact individuals who operate in areas they might be interested in working in the future.

Perhaps most importantly, the game populations have a tendency to remain more prolific since only one individual is involved in guiding in the restrictive areas and he may thereby minimize impact through client limitation in a manner which is conducive to helping produce healthy game stocks which are the backbone of his livelihood.

The Guiding industry is a vital and viable industry which brings millions of new dollars into the Alaskan economy each year, in addition to offering jobs for thousands of Alaskans. The 200-300 active registered and master guides employ well over two thousand individuals (assistant guides, cooks, packers, pilots, etc., each year). Big game guiding provides a very substantive portion of the visitor trade in our state.

Moreover, a viable professionally-run guide industry ensures that the many visitors who come to share Alaska are recipients of enjoyable, successful wilderness ventures in areas and under conditions which could otherwise (and have) provided chaotic and unsafe situations.

This bill goes a long way in helping correct problems the industry has faced in the past relative to inconsistencies in evaluating restrictive area criteria. It also ensures that those who would abuse our game resources, or violate certain serious hunting regulations would be swiftly dealt out of business.

Without a few minor word changes, however, the legislation is not nearly as severe as it should be on those who guide without a license and continue to operate outside the existing framework of guiding statues and who would presumably continue to do so unless more stringent corrective measures are included in this legislation.

We recommend minor word changes on page 8, lines 18, 19, 28 and 29; page 9, line 1; and on page 10, lines 21, 22, 26 and 27 which would correct this problem as we read the bill.

A change on page 13, line 10 would be a minor conforming alteration only.

These changes are outlined on an enclosed "recommend amendment" sheet, along with their justifications.

It should be noted that those who endorse these comments and applaud many of the corrective measures outlined in this legislation and changes proposed by the Department of Public Safety, the A.P.H.A., individual legislators and guides also feel it is important to point out that unless proper funding is allocated, the good intentions will go for naught.

We understand that the State does not earmark funds. However, it seems reasonable that since the guide fees, as charged currently and through this legislation generate in excess of \$400,000 annually that the Board and administrative personnel should be allocated adequate funds to keep accurate records, make appropriate mailing notifications, and hold hearings with the proper personnel

and recording equipment to ensure that consistent criteria and accurate tapes and minutes are possible.

In conclusion, we urge you to expedite passage of this legislation through the Senate Resource Committee, then through finance and the Senate floor. Likewise, your efforts to keep the legislation moving on the House side would be appreciated.

Apparently some, or at least one senator, is of the opinion that next year is okay. That is simply not the case. Many of you have been working on this or similar legislation for several years now. In the past, last minute efforts have generated only simple extensions of the Board. If sunsetted, the problems generated in the past and now will only be aggravated and compounded.

Thanks again for your timely assistance in this urgent matter.

Sincerely,

NAME	GUIDE STATUS	ADDRESS
Harold	Class "A" Assistant	1426-2 nd AVE FBKS 99701
Don Deere	KEPT GUIDE	BOX 8E589 COLLECTOR 99708
Pete Burt	Reg Guide	Box 1561 5.5 Steese Hwy FBKS 99707
Charles Gray	MASTER #28	311 SLATER ST. FAI. AK 99701
Ken Fanning	Registered Guide	Box 80929 College, AK 99708
Harmon R "Bud" Helmerick	Master #4	WALKER LAKE, 930 9TH FBKS. AK
Bernad Hauke	Master	Box 20424, Fairbanks 99708
Richard Hawley	Assistant #75	1165 COPPOUT ST. FAIRBANKS, ALASKA 99709
Keith C. Koontz	Master 104	BOX 74877 FAIRBANKS AK 99707
Bill Hagan	Asst - Cd.	431 Haffney Rd FBKS 99701

March 5, 1986

MARK 10 1986

TO:
Senator Arliss Sturgulewski
Senate Resources Committee
1024 W. Sixth Avenue
Anchorage, Alaska 99501

REF: Senate Bill #294 (Resources) "An Act Relating to Guiding and Providing for an Effective Date)."

The undersigned disagree with and stongly request you oppose the portions of SB #294, which require a 10 year residency to obtain licenses mentioned in SB #294 and the elimination of outfitters service (Requirement for outfitter to be registered guides or become transporter/asst. guides).

We feel that it is unfair to require a 10 year residency. There are numerous people, who have become Alaska Residents, that have invested large amounts of money in recent years either in the pursuit of game through personnel who operate outfitting, a/o Riverboat Services or who have opened up businesses which provide the service at a cost that is affordable to the average sportsman. To require a 10 year residency and a guides license, will not only put sports fishing and hunting out of reach of the average sportsman, but will channel the money of those who can afford the luxury of hiring a registered guide/transporter to a selected few in the state. Residency time does not relate to qualification.

We urge you to change the bill to allow anyone pursuing a guides license to be allowed to do so as soon as they're qualified without regard to years of residency. Also, allow outfitters to provide equipment/service, as well as, accompany clients to the field. In most cases, the outfitter will accompany clients to the field to maintain equipment, provide cooking/cleaning services, etc., or to drive their riverboats/float planes, etc. Outfitters, as we know them today, provide a valuable/affordable service that we need to keep.

Your support in this matter will be greatly appreciated.

Sincerely,

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. Jesse B. Strickland	211 Havana Drive, Eagle River AK 99577	694-6781
2. Alan L. H.	307 B Adak Cir, Eagle River AK 99577	694-3770
3. Humphreys	1130 MILA ST, ANCHORAGE ALASKA 99504	333-9008
4. Roger Williams	2632 Diamond Willow Way, Delta Junction, AK	895-4132
5. John A. Habig	1504 EAGLE RIVER RD EAGLE RIVER AK	694-8629
6. Jeffrey Coleman	109 Pine Alder Chugiak AK 99503	688-5363
7. Beckley	387 B Kenai Ave Ft Richardson AK 99505	428-0256
8. [Signature]	10 Box 592 Ft Richardson AK 99505	694-5825

Recommended Amendments to CS SB294

Conforming Amendments:

Page 8, Line 18, 19 — delete (or outfitter)

Justification—It appears that this is just an oversight as the outfitter classification has been deleted with the rest of the bill.

Page 8, line 28, 20 — delete (during the five years immediately preceding the hearing, has been convicted of two violations of a state statute or regulation)

Justification—This is duplicative language of that contained on page 8, lines 20, 21, and 22, and again appears to be a drafting oversight.

Substantive Amendment:

Page 10, lines 21 and 22—reword to state: (4) a person to imply by advertisement or representation to be a licensed master guide. . . . and so forth.

Page 10, lines 26 through 28 — reword to state: (5) a person to act as, or to provide services of a registered guide or master guide as defined in this chapter without having a current valid resident hunting and current valid registered or master guides license.

Justification—This change would make guiding without a license a felony punishable as explained on page 11, lines 10-18. As it currently reads, a legally licensed guide is subject to felony charges if he doesn't have a hunting license, yet a person guiding with no hunting license and no guide license is only subject to misdemeanor charges.

One of the biggest "guiding" problems in the state is unethical operators who are finding it to their benefit to guide without obeying the guide laws. They can't be stripped of their licenses—they don't have any; nor are they subject to the laws, regulations and requirements of this legislation. These operators are giving both the state and the industry a black eye, and should be dealt with in a more severe manner. These proposed changes would accomplish that result.

Conforming Amendment:

Page 13, line 10: delete (or federal)

Justification—Apparently a drafting oversight—throughout the legislation the words "or federal" have been removed.

REF: Senate Bill #294 (Resources) "An Act Relating to Guiding and Providing for an Effective Date)." con't.

	NAME	ADDRESS	PHONE #
9	Thomas B. Bunn	455-D Delta Pt Richardson, AK	925-2471
10	W. E. B.	3335 Eagle River 99570	694-8120
11	Chuck [unclear]	2715 ISLAND DR ANC, AK	264-4575
12	Murray Jewell	79 Birch Hill, Ft Richardson, AK	428-0965
13	[unclear]	5721 Box 106 CHUGIAK	688-1963
14	[unclear]	109A Gulkawa ⁹⁹⁵⁶⁷ Rochester ⁹⁹⁵⁶⁵	428-2082
15	Shirley V. Jensen	429F Sixth Street Ft Richardson	863-1197
16	E. A. Cooney	305 H 6th St Fort Richardson	428-3340
17	[unclear]	5247 Box 6073-C Palmer AK ⁹⁹⁶⁴⁵	745-6250
18	[unclear]	387-B Kengi Ave Ft Rich	428-0256
19	Lempsey Birmingham	118 B. Shamma Ave ⁹⁹⁵⁰⁸	428-3944
20	Jane D. Bell	7036 Cosmos Dr ANCH. AK	248-0747
21	Doug A. Dwyer	16779 Jackson Hole Ct Eagle River, AK 99506	694-4538
22	Heekwata	671625 CHUGIAK, AK 99567	688-4084
23	Jerry Herstein	212 LIANOVA DR. Eagle River AK	694-7385
24	Ralph Miller	P.O. Box 607 Delta Pt Ak ⁹⁹⁵⁷⁷	995-4202
25	Kevin [unclear]	372 Resurrection Dry Anch. AK 99504	333-5913

P.S. I can obtain many more signatures if need be. please advise if its necessary.

Sincerely,
 Janis R. Strickland
 4-C94 6781 w-862-4200

March 6, 1986

MAR 13 1986

KIC

Sen. Jack Coghill
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Sen. Coghill:

It's been some time since we met, and so you may not remember me. Since 1974, I have been a partner in Rockford Corporation here in Anchorage.

I'm writing you about a matter that concerns not just myself, but several friends as well. This matter is Senate Bill 294.

If my instincts serve me right, I imagine you're getting lots of support for this bill from the guide lobby, and perhaps even from the Alaska Division of Fish and Wildlife Protection. The guides, of course, like the bill because as written, it would give them almost exclusive use of the wildlife resource. And the Fish and Wildlife Protection people will like it because it would make their job easier by narrowing down the field of people who are providing a service to hunters.

I have several problems with SB 294. First, it would benefit a relatively small number of registered guides while disenfranchising hundreds of other Alaskans. Let's face it: there are literally hundreds, if not thousands, of Alaskans who earn some sort of income, directly or indirectly through the commercial use of Alaska's wildlife resource. A guide, of course, gets paid for providing his knowledge of hunting and big game habits. A wild game meat processor gets paid for providing a service after the hunt has ended.

In between are dozens of other types of resource users.

From the way I read the present (as of Feb. 18) version of SB 294, it looks as if the guide lobby wants to outlaw every type of hunting service except those provided by a registered guide. This bill smacks of protectionism - protectionism for a special interest group. If this bill passes as written, hundreds of Alaskan small businessmen will be put out of business and thousands of nonresident hunters will have to literally "pay through the nose" for an expensive Alaskan hunt.

I am vice-president of a national archery/bowhunting organization, the Professional Bowhunters Association. As such, I have been asked to speak at several state archery conventions during the past several years. From my experience, I can assure you there are thousands of competent hunters "Out there" who do not need the services of a registered guide and who would not travel to Alaska to hunt if they were forced to hire one. However, many of these hunters will pay a lesser fee to an air charter operator or an outfitter or boat operator to take them on a do-it-yourself type hunt. It's a question of money: \$4,000 to \$8,000 for a guided hunt versus one-quarter to one-half that amount for a drop-off or unguided hunt

From the viewpoint of the nonresident hunter, there are basically three types of Alaskan hunts: fly-in/drop-off hunts, outfitted hunts and guided hunts.

On the fly-in/drop-off hunt, the hunter is often dropped off into an easily-reached area with other hunters. After all, there is a finite number of landing spots, such as gravel bars or lakes. As a result, the wildlife populations surrounding such spots are over-hunted. The hunter is often unhappy.

On the opposite end of the scale is the guided hunt. On a guided hunt, the hunter is transported to a more remote site where there is less hunting pressure and where he will be personally guided until he bags his game. A guided hunt is great - if you can afford one.

In the middle is the outfitted hunt. An outfitter usually provides the means which will allow the hunter to reach an area with less hunting pressure. However, he does not actually guide the hunter, and so the hunter must do everything else on his own. In essence, what the outfitter is selling is not personal guide service, but a means of transportation whereby the hunter can reach a more remote hunting location. A river-rafting outfitter, for example, provides the rafts and equipment which allows an unguided hunter to travel down a little-used river "highway." A boat operator, likewise, is selling a form of transportation which allows a deer, goat or bear hunter to reach little-hunted areas.

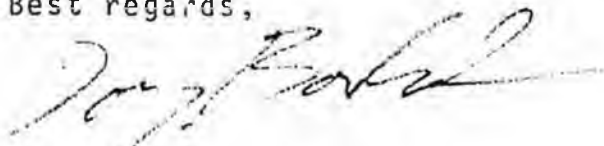
I realize I am generalizing here, but the typical cost of a fly-in/drop-off hunt ranges from \$400 to \$1,000; most outfitted hunts go from \$1,000 to \$2,500; and guided hunts range anywhere from \$3500 to more than \$10,000.

Obviously, the unguided, outfitted hunt has gained in popularity during recent years. The reason: it represents the best buy for the dollar.

Naturally, the registered guides are upset over the outfitters. Admittedly a few people have abused the practice of outfitting, but to my knowledge, most outfitters are hard-working, small businessmen who are providing a legitimate - and very much needed - service.

I respectfully ask that you carefully scrutinize the implications of SB 294 before giving it your approval.

Best regards,



Doug Borland

cc Sen. Arliss Sturgulewski

Richard D. Thomas
2830 North Circle
Anchorage, Ak. 99507

1986

Senator Arliss Sturgulewski
Box V
Juneau, Ak. 99811

March 7th, 1986

Dear Senator,

I'm writing in reference to SSB#294 section 08.54.240 Definitions. It reads as follows as of 2-13-86.

"Guide" or "guiding" means being physically present in the field to provide a service related to a hunt for compensation, etc. The wording in this form will completely make it illegal for an outfitter to even be in the camp that he is providing. He couldn't even do the cooking unless he was a registered guide with restricted guide area.

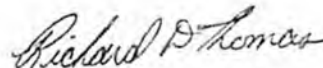
This isn't fair and isn't in the best interest of the people or conservation. It puts more power and control of the game into the hands of the registered guides that have restrictive areas.

No out of state hunters would be able to hunt unless they went through a registered guide. Many can't afford \$3000.- to \$4000.- just for a caribou. An outfitter would be less than half of that. The biggest question is and always has been what are the limitations of an outfitter. In my opinion, as well as many others, to outfit means to provide equipment and/or lodging with meals and cooking. No more, no less. The outfitter would not be out with the hunter for any reason other than an emergency. The field being where the hunter actually takes the game not where the lodging is. We need to define outfitting and its limitations.

The game and outdoors is a natural resource that shouldn't be monopolized on by one special interest group such as registered guides.

It would be a hardship on me and my family if we were to lose our investment of equipment and supplies and to refund deposit by season hunters. So would it be to many other outfitters.

Sincerely Yours,



Richard D. Thomas

*
* DELIVER TO: JFOM *
* * *
* ORIGINAL *
* SENT: 03/14/86 TIME: 16:06 *
* FROM: JEAN MILLER *
* SUBJECT: FOM *
* PRINT DATE: 03/14/86 TIME: 16:08 *
* * *

21

TO: ALL SENATORS

FROM: CAL DAVIDSON
214 MIDDLE CREEK DRIVE
EAGLE RIVER, AK 99577 PHONE: 694-3564

SUBJECT: SB 294 - GUIDING BILL

I AM OPPOSED TO SB 294. IT APPEARS TO REINFORCE THE ALREADY UNFAIR MONOPOLY HELD BY GUIDES. WHILE GUIDING SHOULD BE CLOSELY REGULATED, IT SHOULD NOT BE INACCESSIBLE TO NEW GROUPS. ALSO, TRANSPORTERS SHOULD BE CONSIDERED SEPARATELY.

TO JUNEAU INFO
FROM JUDY MATSU

TO: SENATORS STURGULEWSKI, FAHRENKAMP, COGHILL, ELIASON, V.
FISCHER, HALFORD, AND ZHAROFF

FR: TOM ENGLISH
P.O. BOX 2153
KENAI AK 99611 283-9484

RE: SB294 THE GUIDE BILL

I AM AGAINST CHANGES TO THE GUIDE LAWS AS PROPOSED BY THIS BILL.
THEY WOULD ALLOW ONLY LICENSED GUIDES TO ACT AS PACKERS AND
OUTFITTERS, DESTROYING THOSE PEOPLES INCOMES INVOLVED IN
TRANSPORTING DURING A TIME OF HIGH UNEMPLOYMENT FOR THE BENEFIT
OF A SMALL SPECIAL INTEREST GROUP.

13
TO: SENATORS STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF,
HALFORD, COGHILL, V FISCHER, SACKETT, FAIKS, KERTTULA
P FISCHER, FERGUSON

FROM: WAYNE WATSON
ST RT 127-A
ANCHOR POINT 99556

567-3351

RE: SB 294 - GUIDES

I'M AGAINST THIS BILL. IT WILL DETRIMENTALLY AFFECT BUSINESS PEOPLE IN ALASKA (PACKERS, TRANSPORTERS, OUTFITTERS), AT A TIME OF HIGH UNEMPLOYMENT, TO THE BENEFIT OF A SPECIAL INTEREST GROUP. IT CONTRADICTS OUR FREE ENTERPRISE SYSTEM.

TO: SENATORS STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF,
HALFORD, COGHILL, V FISCHER, SACKETT, FAIKS, KERTTULA,
P FISCHER, FERGUSON

FROM: GAIL MORRISON
POB 739
PALMER 99645

745-8946

RE: SB 294 - GUIDES

I OPPOSE SB 294 BECAUSE IT ELIMINATES INCOME TO OUTFITTERS, TRANSPORTERS, & EVEN LODGES & BUSH PILOTS. AS THE ECONOMY OF ALASKA WEAKENS, SUCH A BILL WOULD ONLY BE FAVORABLE TO A SMALL SPECIAL INTEREST GROUP.

TO: SENATORS STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF,
HALFORD, COGHILL, V FISCHER, SACKETT, FAIKS, KERTTULA
P FISCHER, FERGUSON

FROM: ROBERT WARNOZK
11906 WILDERNESS DR
ANCHORAGE 99516

345-0629

RE: SB 294 - GUIDES

SB 294 CAN ELIMINATE OUTFITTERS & TRANSPORTERS. WE CAN END UP WITH A SPECIAL INTEREST GROUP, WITHOUT COMPETITION, WHO CAN CHARGE WHAT THEY LIKE. SB 294 IS A CLASSIC EXAMPLE OF A SPECIAL INTEREST GROUP FORCING LEGISLATION AT THE EXPENSE OF THE PUBLIC. THE WORDING IS MISLEADING, IT IS NOT A GUIDING ACT-IT IS A RESTRICTION FOR OTHERS AND GROSSLY UNDEMOCRATIC.

TO: SENATORS STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF,
HALFORD, COGHILL, V FISCHER, SACKETT, FAIKS, KERTTULA,
P FISCHER, FERGUSON

FROM: BRUCE JOHNSON
PALMER 99645

745-4655

SRD BOX 9575

RE: SB 294 - GUIDES

PRESENT LAW TOO VAGUE CONCERNING RIGHTS & RESPONSIBILITIES OF TRANSPORTERS. THIS SHOULD BE CORRECTED. HOWEVER, ELIMINATING THEM WILL NOT ENHANCE THE STATE'S WILDLIFE RESOURCES, WILL NOT BENEFIT THE GENERAL PUBLIC, BUT WILL GRANT A SPECIAL INTEREST GROUP A VIRTUAL MONOPOLY TO PROFIT FROM THE STATE'S PUBLIC RESOURCES.

TO: SENATORS STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF, 13
HALFORD, COGHILL, V FISCHER, SACKETT, FAIKS, KERTTULA,
P FISCHER, FERGUSON

FROM: SHIRLEY DICKSON 376-4879
POB 873636
WASILLA 99687

RE: SB 294 -GUIDES & GUIDING

I'M AGAINST THIS BILL BECAUSE IT ELIMINATES OUTFITTERS &
TRANSPORTERS IN ALASKA. IN A TIME OF ECONOMICAL CRISIS IT IS
UNWISE TO DESTROY A GROUP OF BUSINESS PEOPLE SOLELY FOR THE
BENEFIT OF A SPECIAL INTEREST GROUP.

TO: SENATORS STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF,
HALFORD, COGHILL, V FISCHER, SACKETT, FAIKS, KERTTULA,
P FISCHER, FERGUSON

FROM: DOUGLAS EDMONSTON 333-2046
6056 DONCASTER
ANCHORAGE 99504

RE: SB 294 - GUIDES

SB 294 IS NOT CALLED FOR! IT WILL ELIMINATE TRADITIONAL
OUTFITTERS, PACKERS, LODGES, & CHARTER BOATS ENGAGED IN HUNTING
ACTIVITIES. THE BILL IS DEFINATELY NOT WISE IN HARD TIMES.

TO: SENATORS STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF,
HALFORD, COGHILL, V FISCHER, SACKETT, FAIKS, KERTTULA,
P FISCHER, FERGUSON

FROM: BILL MEREDITH 745-8298
POB 751
PALMER 99645

RE: SB 294 - GUIDES

I'M OPPOSED TO CHANGES IN THE GUIDE LAWS AS POSED BY SB 294.
THIS ACT WOULD ALLOW ONLY GUIDES TO ACT AS PACKERS & WOULD
DESTROY A THRIVING BUSINESS IN ALASKA. IS IT WISE TO DESTROY A
BUSINESS IN TIMES OF HIGH UNEMPLOYMENT?

TO: SENATORS STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF,
HALFORD, COGHILL, V FISCHER, SACKETT, FAIKS, KERTTULA,
P FISCHER, FERGUSON

FROM: JIM TAYLOR 262-2782
338 LUPINE
SOLDOTNA 99669

RE: SB 294 - GUIDES

I AM AGAINST THIS BILL. IT WOULD ALLOW ONLY LICENSED GUIDES TO
ACT AS PACKERS, OUTFITTERS, & CHARTER BOAT SKIPPERS. THIS
DESTROYS A SET OF BUSINESSES IN ALASKA DURING A TIME OF HIGH
UNEMPLOYMENT FOR THE BENEFIT OF A SPECIAL INTEREST GROUP.

* DELIVER TO: LTCJ *
* * * * *
* OFFICIAL *
* SENT: 03/17/88 TIME: 13:40 *
* FROM: JONCO *
* SUBJECT: PARTICIPANT LIST *
* PRINT DATE: 03/17/88 TIME: 13:40 *

TO: LISA IN JONCO
FROM: JONCO
RE: GEN. LETTERING OF 1988 QUOTE
EMAIL #2

OK  TO TESTIFY:
DICK ROHRER - supports Bill

* DELIVER TO: LTCJ
*
* ORIGINAL
* SENT: 03/17/02 10:00 AM
* FROM: 10000
* SUBJECT: EARLY DEPART LIST
* PRINT DATE: 03/17/02 10:00 AM

TO: LISA IN JUNE
TO: MARY JO IN COBLENK
RE: SEN. RESOURCES OF 294 SENATORS

EMAIL #1

OK TO TESTIFY
MICK SZABU

EQM

DELIVER TO LTEL
ORIGINAL
SENT 02/17/84 TIME 13:44
FROM TERRY
SUBJECT GEN. RESOURCEZ '84
PRINT DATE 02/17/84 TIME 13:44

C-MADE # 1 - SENATE RESOURCEZ - LOUIS BILLE - FROM TRIP BANK

OK 1. CHUCK GRAY - HIS DUES HAVE A TIME RESTRAINT
supports bill

- HERE TO DESERVE:
- 1. JAMES LOW - FISH & WILDLIFE
 - 2. BYRON BLAW - WAP STUDENT

OK 3. PETE GUEST

ALSO ON LINE:

424
5711

Cordova*

766-
2885

HAINES*

235-
7878

HOMER - 2 to testify: ^{OK Joyce} John McLaughlin
OK Bruce Willard

* May have witnesses, but names have not
been furnished.

1. Cordova
2. Soldotna
3. Kenai
4. Kodiak
5. Palmer
6. Homer

All new list

* ENVOYED TO LTON *
* *
* ORIGINAL *
* SENT: 08:17 06 TIME: 1-19- *
* FROM: (MAY) BARRINGTON *
* SUBJECT: SENATE RECORDS - TD *
* PRINT DATE: 03/17/78 TIME: 10:14 *

TO: COTA-28 JUNERU
FROM: HARRY D. ANCHORAGE

- TO TESTIF ^{0/4} CLARK ENGLE (SB 294)
- ^{0/12} DENNIS HARRIS (SB 294)
- ^{0/3} CHUCK GREEN (SB 294)
- 4 JIM CANN (SB 294)
- 5 DARRELL FARMEN (SB 294)
- 6 CHARLES E. WEIS (SB 294)
- 7 DICK GUNLOGSON (SB 294)
- 8 MEL GILLIS (SB 294)
- 89 JIM HARRONEN

TO OBSERVE: BARRY R. CLOT
 Capt. JAMES R. NUTGRANT - Fish + wildlife protection
 STEVEN R. PORTER (SB 430)
 MICHAEL HOTCHKIN - AG office
 ELINOR JONES

Also on line:

~~Delta~~
Cordova
Sold
Haines
Kodiak
MatSu
Anchorage
Fly.

DELTA AIR LINES
ORIGINAL
SENT: 03/17/82 TIME 12:12
FROM: LIDEST
SUBJECT: 5 RES GAY TO
FORM DATE: 03/17/82 TIME 13:18

SEPARATE RES TO CO 290, SOB 18 AND 22 430

FROM: LID IN DELTA

WE HAVE 4 PERSONS SO FAR

- TO: TETLEY
- OK STEVE USMAN Done
- OK BIL WOOD
- OK RALPH MILLER
- JOHN WERNER

THESE PERSONS WISH TO TESTIFY ON THE GUIDE BILLS

but they don't want to be first

* DELIVER TO: LYLE
*
* ORIGINAL
* SENT: 03/17/86 TIME: 13:31
* FROM: TCMGT
* SUBJECT: 10 PARTICIP
* PRINT DATE: 03/17/86 TIME 13:31

MESSAGE NUMBER 1 FROM MAT-SU

HERE TO TESTIFY

OK WAYNE WOODS, PALMER

NEW LIST

* DELIVER TO= LTQJ *
* *
* ORIGINAL *
* SENT: 03/17/88 TIME: 04:15 *
* FROM: HARRY HAMILTON *
* SUBJECT: SENATE RESOURCES AND BUDGET *
* PRINT DATE: 03/17/88 TIME: 09:10 *

TO: LISA H. JENSEN

FROM: HARRY HAMILTON (ANCHORAGE)

TO TESTIFY: CLARK ENGLE (SB 294)
DENNIS HARKS (SB 294)
~~JAMES R. NUTGRASS (CHANGED FROM OBSERVE TO TESTIFY)~~
DIN CANN (SB 294)
DARRELL FARMER (SB 294)
CHARLES E. WEIR (SB 294) *Grade Bd*
DICK GUNLOCKSON (SB 294)
MEL GILLIS (CHANGED TO OBSERVE ONLY)
JIM HARRISON

*P.S.
Fresh Life
Protection*

TO OBSERVE: GARRY R. CLOT
LARRY GREEN (CHANGED FROM TESTIFY TO OBSERVE)
STEVEN R. PORTER (SB 294)
MICHAEL HOTCHKIN
ELINOR JONES

 * DELIVER TO: UTCa
 * ORIGINAL
 * SENT: 02/17/86 TIME: 13:39
 * FROM: LRSCL
 * SUBJECT: EMERGENCY LOG
 * PRINT DATE: 03/10/86 TIME: 13:39

TO LISA
 FROM BECKY SOLOVINA

ENCL 4
 RE: SEN. RESOURCES T/C ON GUIDE BILLS

TO JESSIE

MARK TETTER
 RON ALDRICH
 RICHARD THOMAS
 VERN PORTER
 RAY MONUTT
 CARL SCHNEIDERBACH

-good testimony from outfitters point of view - would be good.
-vehemently against guide areas
-chairman of guide board

NO 1
 OK2
 OK3
 OK4
 OK5
 OK6

to testify on SB 430 ;
 WALDO + RUBY COYLE

COPY

February 26, 1986

Senator Sturgelewski
Senate Resource Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Sturgelewski and Members of the Senate
Resource Committee:

Thank you for your assistance on SB294. Several folks from the Fairbanks area were interested in and prepared to testify on CS for SB294 at the scheduled teleconference February 19. Since your schedule required that you postpone hearings until March 3, we felt we'd like to offer the following written comments relative to the Guide Board Bill, along with a few possible amendments, some of which are primarily of a housekeeping nature. Please accept these comments as testimony on behalf of those signing this letter and enter them into the hearing record.

In general, we are very supportive of the legislation CS SB294. We consider the legislation beneficial to the guiding industry and to the fish and wildlife resources of the State of Alaska.

The restrictive area concept offers many benefits to resident hunters who are not guides, to the wildlife populations and to guides, whether or not they are registered or master guides, and whether or not they currently have areas.

The positive impacts on resident hunters include the knowledge that when hunting in a restrictive area they are not likely to run into excessive non-resident pressure that would be generated if many guides were allowed to hunt in the area. Likewise, the game populations are more likely to be given stewardship through limited harvest practices which insure both the guide and any residents hunting in the area are more likely to find more stable wildlife populations. Residents are also able to find out which guides are hunting where, which can help in planning hunts under this system, if they chose. Without the restrictive area concept, there would be no reasonable way of telling who hunts where.

Guides who do not have areas are able to ascertain where open areas are located and are also able to contact individuals who operate in areas they might be interested in working in the future.

Perhaps most importantly, the game populations have a tendency to remain more prolific since only one individual is involved in guiding in the restrictive areas and he may thereby minimize impact through client limitation in a manner which is conducive to helping produce healthy game stocks which are the backbone of his livelihood.

The Guiding industry is a vital and viable industry which brings millions of new dollars into the Alaskan economy each year, in addition to offering jobs for thousands of Alaskans. The 200-300 active registered and master guides employ well over two thousand individuals (assistant guides, cooks, packers, pilots, etc., each year). Big game guiding provides a very substantive portion of the visitor trade in our state.

Moreover, a viable professionally-run guide industry ensures that the many visitors who come to share Alaska are recipients of enjoyable, successful wilderness ventures in areas and under conditions which could otherwise (and have) provided chaotic and unsafe situations.

This bill goes a long way in helping correct problems the industry has faced in the past relative to inconsistencies in evaluating restrictive area criteria. It also ensures that those who would abuse our game resources, or violate certain serious hunting regulations would be swiftly dealt out of business.

Without a few minor word changes, however, the legislation is not nearly as severe as it should be on those who guide without a license and continue to operate outside the existing framework of guiding statues and who would presumably continue to do so unless more stringent corrective measures are included in this legislation.

We recommend minor word changes on page 8, lines 18, 19, 28 and 29; page 9, line 1; and on page 10, lines 21, 22, 26 and 27 which would correct this problem as we read the bill.

A change on page 13, line 10 would be a minor conforming alteration only.

These changes are outlined on an enclosed "recommend amendment" sheet, along with their justifications.

It should be noted that those who endorse these comments and applaud many of the corrective measures outlined in this legislation and changes proposed by the Department of Public Safety, the A.P.H.A., individual legislators and guides also feel it is important to point out that unless proper funding is allocated, the good intentions will go for naught.

We understand that the State does not earmark funds. However, it seems reasonable that since the guide fees, as charged currently and through this legislation generate in excess of \$400,000 annually that the Board and administrative personnel should be allocated adequate funds to keep accurate records, make appropriate mailing notifications, and hold hearings with the proper personnel

and recording equipment to ensure that consistent criteria and accurate tapes and minutes are possible.

In conclusion, we urge you to expedite passage of this legislation through the Senate Resource Committee, then through finance and the Senate floor. Likewise, your efforts to keep the legislation moving on the House side would be appreciated.

Apparently some, or at least one senator, is of the opinion that next year is okay. That is simply not the case. Many of you have been working on this or similar legislation for several years now. In the past, last minute efforts have generated only simple extensions of the Board. If sunsetted, the problems generated in the past and now will only be aggravated and compounded.

Thanks again for your timely assistance in this urgent matter.

Sincerely,

NAME	GUIDE STATUS	ADDRESS
<u>Alvin</u>	<u>Class "A" Assistant</u>	<u>1426-2nd AVE FBKS 99701</u>
<u>Don [unclear]</u>	<u>GUIDE</u>	<u>Box 80589 COLLEGE 99708</u>
<u>Pete Bessie</u>	<u>Reg Guide</u>	<u>Box 1561 S.S. Steese Hwy FBKS 99707</u>
<u>Charles Gray</u>	<u>MASTER #23</u>	<u>311 SLATER ST. FAI AK 99701</u>
<u>Ken Fanning</u>	<u>Registered Guide</u>	<u>Box 90929 College, AK 99708</u>
<u>Harmon R "Bud" Helmerich</u>	<u>Master #4</u>	<u>WALKER LAKE 930 9TH FBKS. AK</u>
<u>Bernad Hauke</u>	<u>Master</u>	<u>Box 2024, Fairbanks 99708</u>
<u>Richard Burley</u>	<u>Assistant #75</u>	<u>1165 CapDot St. Fairbanks, Alaska 99709</u>
<u>Mike C. [unclear]</u>	<u>Master 104</u>	<u>Box 74877 Fairbanks AK 99707</u>
<u>Bill [unclear]</u>	<u>Asst - Ed.</u>	<u>431 Halfway Rd Fbks 99701</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

SB 294

CHARLES GRAY

311 Slater Street
FAIRBANKS, ALASKA 99701

1986

Feb. 26, 1986

Senator Arliss Sturgelewski
Senate Resources Committee
Alaska State Legislature
Pouch V (MS3100)
Juneau, AK. 99811

Dear Senator,

How about postponing the March 3rd hearing on the Guide Bill for a couple weeks? This might seem like a strange request from those of us who have been wanting action, but the fact of the matter is most of the big-time guides are out of state to the sheep hunters convention and only us lowly part-time guides have been left to carry the load.

However, before everyone bailed out, several of us did get together and hammered out a letter to you and your committee about the guide bill. It has now been typed and is being sent to you today under separate cover.

The local opinion is running 100% that we need a bill that provides for a Guide Board and restricted areas, and that while CSSB294 (Res) is perhaps more detailed than necessary, we can live with it.

The Guide Board has done so much to restore respectability to the guiding industry and to help insure quality hunts for non-residents that passage of a guide bill seems like mother-love. We can't understand how anyone could oppose this bill unless they have some ulterior motives.

We appreciate the support you have given the bill to date, and hope you can keep it moving.

Sincerely

Chuck Gray

cc: Sen. Don Bennett

*
* DELIVER TO: JPOM *
*
* ORIGINAL *
* SENT: 02/05/86 TIME: 17:30 *
* FROM: ANNIE NEUBAUER *
* SUBJECT: POM/FAIRBANKS *
* PRINT DATE: 02/05/86 TIME: 17:30 *
*

3

Rice

TO: SENATORS STURGULEWSKI AND COGHILL
FROM: CHUCK GRAY, 311 SLATER ST., FAIRBANKS 99701
PHONE: HOME 452-3788 WORK 456-6661

RUMORS REACHING FAIRBANKS INDICATE HALFORD SANDBAGGING GUIDE BILL
OVER TRANSFERS. PRESENT BILL SAVED GUIDING INDUSTRY AND RESTORED
SOME RESPECTABILITY. GUIDES THAT HAVE MANAGED AREAS WELL AND
HAVE CAPITAL IMPROVEMENTS SHOULD HAVE INPUT INTO TRANSFERS.
FAIRBANKS AREA GUIDES DIDN'T KNOW ABOUT RECENT HEARINGS, BUT WILL
APPRECIATE YOUR HELP IN MOVING BILL.

MAR 25 1986

Mr. Steve Kiene
2144, Road D
Leipsic, OH 45856
March 17, 1986

Senator Arliss Sturgulewski, Chairwoman
Senate Resolutions Committee
P.O. Box U
Juneau, Alaska 99811

Dear Senator Sturgulewski:

Just last week I heard about a new Bill (#SB294) that Congress is trying to pass. It has to do with having a mandatory guide for goat hunting. I understand the reason for this bill, however, I have shot many big game animals, mostly with a bow, and I would do everything in my power to recover a hurt animal. I think this is true for most experienced, sincere hunters.

For the last three years I have been planning and saving for a trip to Alaska to hunt goat. I already have my airline reservations, etc. If this bill is passed I would have to change everything already planned, including never being able to hunt goat.

I would very much appreciate it if you would do everything in your power to delay the passing of this bill.

Sincerely,

Steve Kiene

SB 294
Bill file

*
* DELIVER TO: JPOM 8 *
* *
* *
* ORIGINAL *
* SENT: 01/29/86 TIME: 16:22 *
* FROM: LIOSOL *
* SUBJECT: POM *
* PRINT DATE: 01/29/86 TIME: 16:24 *
* *

POM

TO SENS. COGHILL, ELIASON, FAHRENKAMP, FISCHER, V., HALFORD,
STURGULEWSKI, ZHAROFF

FROM VERNON PORTER
BOX 4478
SOLDOTNA, AK 99669
262-3224
RE: SB 294 GUIDES

MESSAGE: PLEASE RECTIFY INEQUITIES WITH GUIDE AREA SYSTEM BEFORE
APPROVAL OF THIS BILL. GUIDE AREAS ARE BEING USED FOR HUNTING
PRESERVES BY FOREIGN HUNTING CLUBS. AMERICANS THAT ARE
NON-RESIDENTS OF ALASKA CAN'T HUNT ON LAND RESERVED FOR GERMAN
HUNTING CLUBS. PLEASE REPLY.

EOM

Introduced: 4/10/85
Referred: Resources

1 IN THE SENATE

BY FAIKS

2

SENATE CONCURRENT RESOLUTION NO. 18

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to the Guide Licensing and

6

Control Board.

7

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8

WHEREAS the Guide Licensing and Control Board governs a system that

9

controls entry into the big game guiding industry in the state and assigns

10

exclusive guiding areas throughout the state; and

11

WHEREAS three of the board's seats are occupied by licensed guides and

12

many of the remaining seats often have been occupied by former guides or

13

others having a direct personal interest in the industry; and

14

WHEREAS unless the board adopts objective criteria and complies

15

strictly with the criteria when issuing licenses and assigning exclusive

16

guide areas, the public may perceive that the board's decisions are based

17

on self-interest rather than the public interest, and this perception would

18

erode public confidence in state government;

19

BE IT RESOLVED by the Alaska State Legislature that the Guide Licens-

20

ing and Control Board is requested to adopt regulations relating to the

21

following:

22

(1) publication of notice of board meetings and the procedures

23

the board follows at its meetings;

24

 (2) establishment of a maximum number of guides who can be

25

licensed for a particular area;

26

(3) objective and detailed criteria for the issuance and reas-

27

signment of guide area permits;

28

(4) guidelines for placing conditions on the issuance or reas-

29

signment of guide area permits;

1 (5) other matters in which the public may perceive an appearance
2 of impropriety or conflict of interest by board members; and be it

3 FURTHER RESOLVED by the Alaska State Legislature that the Guide Li-
4 censing and Control Board is requested to comply strictly with and document
5 its deliberations on regulations adopted in accordance with this resolu-
6 tion.

Call

7th floor
State Office

Jenny
Strichter

Occupational
licensing

2144 -

re Guide bills

1963; am §§ 2, 3 ch 75 SLA 1964; am § 1 ch 83 SLA 1966; am § 2 ch 32 SLA 1968; am § 1 ch 4 SLA 1972; am §§ 1, 2 ch 180 SLA 1972; am §§ 2, 3 ch 82 SLA 1974; am § 1 ch 198 SLA 1976; am §§ 1, 2 ch 268 SLA 1976; am §§ 1, 2 ch 73 SLA 1979; am § 2 ch 19 SLA 1980; am §§ 1, 2, 4 ch 57 SLA 1980; am §§ 16, 17 ch 94 SLA 1980; am §§ 1—6 ch 40 SLA 1982; am §§ 2, 3 ch 23 SLA 1983; am § 1 ch 35 SLA 1983; am § 3 ch 71 SLA 1984; am §§ 15 — 17 ch 81 SLA 1984; am §§ 3—5 ch 96 SLA 1984; am §§ 12, 13 ch 132 SLA 1984)

Effect of amendments. — The first 1984 amendment added paragraph (17) to subsection (a).

The second 1984 amendment, in paragraph (12) of subsection (a), inserted "biennial" in subparagraphs (A) and (B) and substituted "100" for "50" in subparagraph (A) and "400" for "200" in subparagraph (B); in paragraph (13) of subsection (a), inserted "biennial" in subparagraphs (A) and (B) and substituted "150" for "75" in subparagraph (A) and "400" for "200" in subparagraph (B); and, in paragraph (14) of subsection (a), inserted "biennial" and substituted "200" for "100." For provisions of paragraphs (12), (13) and (14) of subsection (a) prior to January 1, 1985, see the title pamphlet.

The third 1984 amendment, in subsection (a), substituted "22" for "15" in paragraph (3), "10" for "3" in paragraph (4), and "32" for "25" in paragraph (6). For provisions of paragraphs (3), (4) and (6) of subsection (a) prior to January 1, 1985, see the title pamphlet.

The fourth 1984 amendment, in subsection (a), substituted "Nonresident" for "Visitor's" at the beginning of paragraph (7) and, in paragraph (10), substituted "under (15) of this subsection" for "to the nonresident as provided in (15) of the subsection" at the end of the first sentence, "must" for "shall" in two places in the second sentence, and "an animal of any other species" for "any other animal of the species named" in the last sentence.

Sec. 16.05.346. Permit applications [Effective until August 1, 1989]. (a) If the Board of Game establishes an open season for musk oxen and has not reduced or eliminated the \$500 resident tag fee under AS 16.05.340(a)(16), the department shall conduct a drawing for permits to take the musk oxen. If the Board of Game establishes an open season for musk oxen for which the Board of Game has reduced or eliminated the resident tag fee, the department shall issue permits to take the musk oxen in the order in which applications are received by the department. A person is not eligible for more than one musk oxen permit a year. The department may not charge a fee for an application for a musk oxen permit for an open season in which the Board of Game has reduced or eliminated the resident tag fee under AS 16.05.340(a)(16). In all other cases the application fee for a musk oxen permit is \$10.

(b) The application fee for a drawing permit issued by the department for the hunting of bison in the Delta Junction bison range area is \$10.

(c) Except as provided in (a) and (b) of this section, the permit application fee for all species for which a limited drawing is conducted is \$5. (§ 3 ch 57 SLA 1980; am § 1 ch 118 SLA 1984)

Effect of amendments. — Section 1, ch. 118, SLA 1984 rewrote this section.

Editor's notes. — Section 2, ch. 118, SLA 1984, effective August 1, 1989, rewrites this section to appear as it did prior

Sec. 16.05.350. Expiration of tags required under AS 16.05.346. Licenses, the nonresident special trapping license, and the waterfowl conservation tag close of December 31 following issue. A trapping license expires at the close of December 31 of the year following the year in which the conservation tag expires at the close of December 31 of the year following the year of issue of the tag. (AS 16.05.346; am § 13 ch 71 SLA 1984; am § 14 ch 81 SLA 1984; am § 14 ch 81 SLA 1984)

Effect of amendments. — The first 1984 amendment added the third sentence and substituted "the resident trapping license, and the waterfowl conservation tag" for "and the resident trapping license" in the first sentence.

The second 1984 amendment inserted

Sec. 16.05.407. Nonresident hunters to be accompanied. (a) It is unlawful for a nonresident to hunt or take brown bear, grizzly bear, or moose, unless personally accompanied by

(1) a person who is licensed as an assistant guide by the Guide Licensing and Control Board;

(2) a resident over 19 years of age;

(A) the spouse of the nonresident;

(B) is related to the nonresident to the first degree of kindred, by marriage or blood;

(b) An applicant for a nonresident hunting license specified in (a) of this section, and an applicant for a nonresident trapping license provided by the state, an applicant will be personally accompanied by a person qualified under the terms of (a) of this section if the required affidavit is guilty of perjury.

(c) It is unlawful for a nonresident to hunt or take any animal specified in (a) of this section unless personally accompanied by a person qualified under the terms of (a) of this section.

(d) It is unlawful for a nonresident to hunt or take any animal specified in (a) of this section unless personally accompanied by a person licensed as a master guide, registered assistant guide, or registered guide by the Guide Licensing and Control Board.

(e) It is unlawful for a nonresident to hunt or take any animal specified in (a) of this section unless personally accompanied by a person licensed as a master guide, registered assistant guide, or registered guide by the Guide Licensing and Control Board.

(f) It is unlawful for a nonresident to hunt or take any animal specified in (a) of this section unless personally accompanied by a person licensed as a master guide, registered assistant guide, or registered guide by the Guide Licensing and Control Board.

..... \$ 300
 135
 250
 250
 300
 400
 500
 150
 150
 1,100

1. 25
 ation effective for not more than one
 or grizzly bear tag and fee for all or
 unit.

..... 500
 y by regulation reduce or eliminate
 tag for musk oxen for an open season
 g 5
 n waterfowl hunting without having
 ; in the person's actual possession,

fe fee under AS 16.05.340(a)(6);
 of 16;
 and has been a resident for at least

gible for a free license under AS

r regulation exempt the requirement
 or waterfowl hunting in areas of the
 from programs described in AS

nd game may issue without cost a
 , including fur animals, subject to
 are appropriate, for a scientific,
 ose. In addition, the commissioner
 collecting of wild fur animals for
 farm animals. Permits issued under
 dance with current sustained yield
 pecies of wild game for which the
 permit fee for an Alaska resident to
 ming purposes is the same as the fee

he may issue a duplicate license or a
 r a license or tag issued under (a) of
 charged for each duplicate license or

tag and the duplicate shall not be issued unless the commissioner of revenue or a delegate is satisfied that the original has been lost or destroyed. This subsection does not apply to a 25-cent license issued under (a)(6) of this section.

(d) Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940, may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(15) of this section.

(e) Each master guide licensed under AS 08.54.100 and each registered guide licensed under AS 08.54.110 shall pay a fee in the following amount for each caribou, sheep, moose, brown or grizzly bear and polar bear taken on a hunt guided by or under the active supervision of the guide:

- (1) polar, brown or grizzly bear:
 - (A) for each polar, brown or grizzly bear taken over a total of 5 polar, brown or grizzly bear per season and up to a total of 10 polar, brown or grizzly bear — \$20;
 - (B) for each polar, brown or grizzly bear taken over a total of 10 polar, brown or grizzly bear per season and up to a total of 25 polar, brown or grizzly bear — \$100;
 - (C) for each polar, brown or grizzly bear taken over a total of 25 polar, brown or grizzly bear per season — \$500;
- (2) moose:
 - (A) for each moose taken over a total of 5 and up to a total of 10 per season — \$20;
 - (B) for each moose taken over 10 and up to a total of 25 per season — \$100;
 - (C) for each moose taken over 25 per season — \$500;
- (3) sheep:
 - (A) for each sheep taken over a total of 5 and up to a total of 10 per season — \$20;
 - (B) for each sheep taken over 10 and up to a total of 25 per season — \$100;
 - (C) for each sheep taken over 25 per season — \$500;
- (4) caribou:
 - (A) for each caribou taken over 5 and up to a total of 10 per season — \$20;
 - (B) for each caribou taken over 10 and up to a total of 25 per season — \$100;
 - (C) for each caribou taken over 25 per season — \$500. (§ 2 art II ch 94 SLA 1959; am § 1 ch 96 SLA 1959; am §§ 7 — 13 ch 131 SLA 1960; am § 1 ch 16 SLA 1963; am § 1 ch 29 SLA 1963; am § 2 ch 31 SLA

Recommended Amendments to CS SB294

Conforming Amendments:

Page 8, Line 18, 19 — delete (or outfitter)

Justification—It appears that this is just an oversight as the outfitter classification has been deleted with the rest of the bill.

Page 8, line 28, 20 — delete (during the five years immediately preceding the hearing, has been convicted of two violations of a state statute or regulation)

Justification—This is duplicative language of that contained on page 8, lines 20, 21, and 22, and again appears to be a drafting oversight.

Substantive Amendment:

Page 10, lines 21 and 22—reword to state: (4) a person to imply by advertisement or representation to be a licensed master guide. . . and so forth.

Page 10, lines 26 through 28 — reword to state: (5) a person to act as, or to provide services of a registered guide or master guide as defined in this chapter without having a current valid resident hunting and current valid registered or master guides license.

Justification—This change would make guiding without a license a felony punishable as explained on page 11, lines 10-18. As it currently reads, a legally licensed guide is subject to felony charges if he doesn't have a hunting license, yet a person guiding with no hunting license and no guide license is only subject to misdemeanor charges.

One of the biggest "guiding" problems in the state is unethical operators who are finding it to their benefit to guide without obeying the guide laws. They can't be stripped of their licenses—they don't have any; nor are they subject to the laws, regulations and requirements of this legislation. These operators are giving both the state and the industry a black eye, and should be dealt with in a more severe manner. These proposed changes would accomplish that result.

Conforming Amendment:

Page 13, line 10: delete (or federal)

Justification—Apparently a drafting oversight—throughout the legislation the words "or federal" have been removed.

A M E N D M E N T S

Offered in the Senate

TO: CS FOR SENATE BILL 294 (Resources 2/18/86 draft)

Page 1 line 20 to read:

No more than three members of the board shall hold or have held a guide license. The other members must [SHALL] have a general knowledge of the game resources of the state and may not have a vested interest in the guiding industry.

Page 11 line 24 to read:

(2) "guide" [,"GUIDES"] or "guiding" means personally accompanying a hunter for compensation, or with the intent or an agreement to receive compensation, while the hunter or the person accompanying the hunter spots, stalks, pursues, tracks, kills, or attempts to kill big game [ASSISTING ANOTHER PERSON TO TAKE GAME WITH THE INTENT OF RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE SERVICES, BY ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR THROUGH A LICENSED ASSISTANT GUIDE FOR THE DURATION OF THE HUNT, AND NOT SOLELY FOR THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

Hein

A M E N D M E N T

Offered in the SENATE

Coghill
By ~~Sturgulewski~~

TO: CSSB 294 (Resources)

Page 12, line 5, after "camp" insert:

"or being present in the field for the purpose of providing
meatpacking services for a big game animal only after the animal has
been killed"

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSS294 (Resources)
 Title : An Act relating to guiding and providing an effective date

Sponsor : Original Sponsor: Resources Com'te
 Requestor : Senate Resources
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

K. Nutgrass

Prepared by : Captain J. R. Nutgrass
 Division : Fish & Wildlife Protection

Phone : 269-5509
 Date : 3/13/86

Approved by Commissioner : _____
 Agency : Public Safety

Date : 3/12/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

REGULATIONS
NOTICE OF PROPOSED CHANGES TO THE REGULATIONS
OF THE GUIDE LICENSING AND CONTROL BOARD

Notice is hereby given that the Department of Commerce and Economic Development, Guide Licensing and Control Board, under authority vested by AS 08.54.040 and AS 08.54.050, proposes to adopt and amend regulations in Title 12 of the Alaska Administrative Code dealing with written permission to use another guide's area, reassignment of guide area permits, guide quota for game management Units 1 through 4, procedure for changing a guide area permit, base of operation, first aid skills, and other general provisions to implement AS 08.54.040 and AS 08.54.050 as follows:

1. 12 AAC 38.052(d) is amended to establish a new procedure for filing written permission to use another guide's area;
2. 12 AAC 38.054(g) is added to authorize the board to revise a guiding area permit when reassigning that permit;
3. 12 AAC 38.054(h) is added to establish a quota for the number of guides licensed in each game management Unit 1 through 4;
4. 12 AAC 38.056(f) is added to clarify the procedure required to request changes to a guide area permit;
5. 12 AAC 38.085 is added relating to the base of operation in game management Units 1 through 4; and
6. 12 AAC 38.140(a)(3) is added to require first aid certification of applicants.

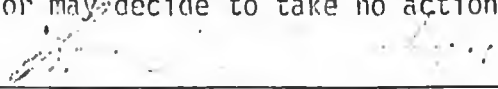
Notice is also given that any person interested may present written statements or arguments relevant to the action proposed by mailing them to Kevin Henderson, Regulations Specialist, Division of Occupational Licensing, P.O. Box 6-LIC, Juneau, Alaska 99811, so that they are received no later than Friday, March 14, 1986.

Notice is also given that written or oral statements or arguments relevant to the action proposed may be presented at a public hearing to be held Friday, March 21, 1986, from 3:00 p.m. to 4:30 p.m., at Anchorage, Alaska. The specific location to be public noticed at a later date.

Copies of the proposed regulations may be obtained by writing to the above address or by telephoning (907) 465-2535.

This action is not expected to require an increased appropriation.

The Guide Licensing and Control Board, upon its own motion or at the instance of any interested person, may, after the deadline stated above, adopt the proposals within the scope of this notice without further notice or may decide to take no action on them.



Loren H. Lounsbury, Commissioner

DATE: JANUARY 17, 1986

Introduced: 4/22/85
Referred: Resources
and Finance

Lieth Johnson
3646 N. Point Dr.
Anch., Ak 99515
213-5087

MARK UP / WORK DRAFT

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 SENATE BILL NO. 294

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.01.010(20) is amended to read:

10 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986]).

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
17 purposes of licensing and regulating the activities of guides in the
18 interest of managing the state's wildlife resources there [THERE] is
19 created the Guide [LICENSING AND CONTROL] Board consisting of seven
20 members. ~~At least~~ } NO MORE THAN } three members of the board ~~must be~~
21 licensed registered or master guides who are actively involved in the
22 guiding profession } SHALL HAVE A GUIDE LICENSE}. The other members
23 shall have a general knowledge of the game resources of the state. A
24 minimum of 10 years residence in the state is required for all members
25 of the board. For administrative purposes, the board is in the De-
26 partment of Commerce and Economic Development.

27 * Sec. 4. AS 08.54.020 is amended to read:

28 Sec. 08.54.020. APPOINTMEN AND TERM OF OFFICE. The members of
29 the board shall be appointed by the governor and confirmed by the

1 legislature for staggered terms of three years or until their succes-
2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR
3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]
4 A member may be removed by [AT THE PLEASURE OF] the governor for
5 cause including non attendance.

6 * Sec. 5. AS 08.54 is amended by adding a new section to read:

7 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
8 board constitute a quorum for the transaction of business, for the
9 performance of a duty, and for the exercise of any power under this
10 chapter. The board may not adopt a regulation, revoke, suspend or
11 deny renewal of a license, or assign, modify or revoke a restricted
12 guide area unless the action is approved by a vote of a majority of
13 the full membership of the board.

14 * Sec. 6. AS 08.54.040(a) is amended to read:

15 (a) Except as provided in AS 08.54.045, the board shall

16 (1) prepare, grade and administer examinations, that may
17 include oral examinations of applicants who demonstrate limited abil-
18 ity to read or write the English language;

19 (2) determine [AND PASS ON] qualifications of applicants
20 for licenses and authorize the issuance of licenses to those who
21 qualify;

22 (3) establish guide performance standards and regulate
23 activity;

24 (4) compile, maintain and publish an annual [A GUIDE]
25 register of master and registered guides who have not been convicted
26 of a violation of a federal or state [SPORT FISH,] game [,] or guiding
27 statute or regulation; a guide listed in the register whose license is
28 revoked or suspended shall be removed from the register while the
29 guide's license is revoked or suspended;

1 (5) collect and maintain records of hunts conducted by
2 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF RECORD OR MASTER
3 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THE YEARS IMMEDIATELY
4 PRECEDING THE PUBLISHING OF THE RECORD];

5 (6) prohibit guiding activities which are unsportsmanlike,
6 unethical, unsafe, against principles of conservation, degrading to
7 the guiding profession, or which adversely affect the natural resources;
8

9 (7) after a hearing, revoke, suspend or deny renewal of a
10 license in accordance with AS 08.54.200;

11 (8) establish a quota of licensed operating guides who may
12 operate within designated geographical game units or subunits of the
13 state and provide for an equitable, [AND] reasonable, and consistent
14 procedure for limiting the number of guides to that quota; preference
15 shall be given to qualified available and willing licensed guides who
16 reside within the designated game unit or subunit.

17 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

18 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
19 special guide license to a person who applies to conduct a guided hunt
20 for a specific species of marine mammal in a specifically designated
21 area if the applicant

22 (1) is 21 years of age or older;

23 (2) has, for at least 10 years, resided and hunted in the
24 area of the state in which the applicant is to guide;

25 (3) is physically able to perform the duties of a special
26 guide;

27 (4) has demonstrated knowledge of the following areas to an
28 extent and degree satisfactory to the board:

29 (A) fish and game laws and regulations;

INSERT New Section - 08.01.070⁷ - require minimum of two meetings per year, 1 in Anchorage, 1 in another city.

- 1 (B) relevant characteristics of the specific species
- 2 to be hunted;
- 3 (C) field preparation of trophies;
- 4 (D) care of game meat;
- 5 (E) use of guiding gear;
- 6 (F) firearm safety;
- 7 (G) practical first aid;
- 8 (H) booking and contracting hunts;
- 9 (5) has not been convicted of a game or guiding law viola-
- 10 tion during the previous five years.

11 * Sec. 8. AS 08.54 is amended by adding a new section to article 2 to
12 read:

13 [Sec. 08.54.090. OUTFITTER'S LICENSE. A person is entitled to be
14 licensed as an outfitter if

- 15 (1) the person is a licensed master or registered guide and;
- 16 (2) the board has assigned to the person at least one
17 restricted guide area under AS 08.54.195; and
- 18 (3) the person has filed with the board a bond with a
19 corporate surety qualified to do business in the state running to the
20 State of Alaska in the amount of \$5,000.]

21 * Sec. 9. AS 08.54.110 is amended to read:

22 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
23 person is entitled to be licensed as a registered guide if the person

- 24 (1) is 21 years of age or older [MORE];
- 25 (2) [Repealed
- 26 (3)] has practical field experience in the handling of
27 firearms, hunting, judging trophies, field preparation of trophies,
28 first aid and photography;
- 29 (3) [(4)] is familiar with the terrain and transportation

1 problems in the district for which the license is requested;

2 (4) [(5)] has passed the qualification examination prepared
3 and administered by the board;

4 (5) [(6)] has demonstrated to the board sufficient stan-
5 dards of competence and ethical conduct and has not been convicted of
6 a crime involving moral turpitude;

7 (f) [(7)] has legally hunted in the state for all or part
8 of each of five year in a manner directly contributing to the per-
9 son's experience and competency as a guide;

10 (7) [(8)] has been licensed as and performed the services
11 of an assistant guide in the state for a part of each of three years,
12 or has guided in the state for a part of each of three years under a
13 special guide license issued under AS 08.54.045.

14 (8) [(9)] submits a written recommendation to the board
15 from a registered guide for whom the applicant has worked; however,
16 the requirements of this paragraph do not apply to a person who has
17 guided under a special guide license for three years;

18 (9) [(10)] is capable of performing the physical duties
19 associated with guiding activities;

20 (10) [(11)] has been favorably recommended in writing by two
21 hunters that the person has guided or assisted in guiding during each
22 year of the person's three years as an assistant guide, whose recom-
23 mendations have been solicited by the board from a list provided by
24 the applicant [;

25 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
26 REQUIRE].

27 * Sec. 10. AS 08.54 is amended by adding a new section to read:

28 [Sec. 08.54.115. LIMITATION ON MASTER AND REGISTERED GUIDES. A
29 master or registered guide may not contract for more than one client

1 at a time unless also license' as an outfitter.]

2 * Sec. 11. AS 08.54 is amended by adding a new section to read:

3 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
4 LICENSE. An assistant guide

- 5 (1) may not contract for guided hunts; and
- 6 (2) shall be employed and supervised by a registered or
- 7 master guide at all times while the assistant guide is in the field on
- 8 guided hunts.

9 * Sec. 12. AS 08.54.170 is amended to read:

10 Sec. 08.54.170. LICENSE FEES. (a) License fees for engaging in
11 the profession of guiding [or outfitting] are:

- 12 (1) master guide license, biennial\$150
- 13 (2) registered guide license, biennial150
- 14 (3) class-A assistant guide, biennial30
- 15 (4) assistant guide license, biennial20
- 16 (5) special guide license, biennial50
- 17 [(6) outfitter license, biennial100]

18 (b) The license fee for a master guide, registered guide,
19 special guide, class-A assistant guide, [OR] assistant guide, [or
20 outfitter's] license is in addition to the fee required for a hunting
21 or fishing license.

22 [(c) THE LICENSE FEE FOR A TRANSPORTER IS \$10.]

23 * Sec. 13. AS 08.54 is amended by adding a new section to read:

24 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
25 administer the qualification examination required under AS 08.54.110
26 at least twice a year. An examination may not be given within 90 days
27 after the previous exam. At least once every other year the board
28 shall give the examination at a location other than Anchorage.

29 * Sec. 14. AS 08.54.190 is amended by adding a new subsection to read:

1 (d) A master guide, registered guide, special guide, class-A
2 assistant guide, assistant guide, [or outfitter license] expires two
3 years after the date it was issued.

4 * Sec. 15. AS 08.54 is amended by adding a new section to read:

5 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
6 board may establish and assign guide areas for master guides or regis-
7 tered guides. The board shall adopt regulations under the Administra-
8 tive Procedure Act (AS 44.62) that establish uniform and consistent
9 criteria to be used by the board when it creates a restrictive guide
10 area.

11 (b) The board shall recognize all restrictive guide areas as-
12 signed before the effective date of this section. If requested by a
13 guide, the board shall hold a hearing to determine if an assignment of
14 a restrictive area made before the effective date of this section
15 creates a substantial injustice as determined by criteria set out in
16 (c) of this section. If the board determines that a substantial
17 injustice was created, the board shall modify, terminate or reassign
18 the area, or take other reasonable steps to correct the injustice.

19 (c) The board may find that a substantial injustice was caused
20 by the assignment of a restrictive area if

21 (1) a person was unfairly discriminated against by the
22 assignment;

23 (2) a person who applied for the guide area was denied a
24 hearing; or

25 (3) a qualified person was not given a preference at the
26 time the area was assigned in accordance with AS 08.54.040(a)(8).

27 (d) The board shall consider the following factors before it
28 assigns a restrictive guide area:

29 (1) the extent to which the guide who has applied for the

1 area has used the game management unit in which the area is located;

2 (2) the extent to which the guide occupied and invested in
3 the area;

4 (3) the effect on other guides that would result from
5 creation of the area;

6 (4) big game populations in the area; and

7 (5) the land ownership status of the area.

8 (e) The board may consider relevant facts or circumstances
9 before assigning a restrictive guide area.

10 (f) The board may charge a person to whom it reassigns a re-
11 strictive guide area a fee for the reassignment based on the number of
12 acres in the guide area.

13 * Sec. 16. AS 08.54.200(a) is amended to read:

14 (a) The board shall hold a hearing to determine if disciplinary
15 action is necessary if, ~~during the five years immediately preceding~~
16 ~~the hearing.~~

17 (1) complaints concerning a licensee's guiding or outfit-
18 ting activities [THE LICENSEE] have been filed with the board from
19 three or more clients of separate parties; or

20 ^{complaints are received concerning a life threatening}
21 ^{situation} (2) [A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDER-
AL OR STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS; OR

22 (3)] a licensee has been convicted of a violation of a
23 [FEDERAL OR] state hunting or guiding [SPORT FISH, GAME OR GUIDE]
24 statute or regulation.

25 * Sec. 17. AS 08.54.200(b) is amended to read:

26 (b) After a hearing, the board may revoke, suspend, or deny
27 renewal of a license if the board finds that the licensee

28 (1) engaged in unethical activity, unsafe activity, or
29 activity that [WHICH] adversely affects the natural resources of the

one complaint - may hold hearing
keep shall requirements as is.

(E) Guiding in an area assigned to another guide w/o proper permission from the area permittee

Possible

1 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
2 AND LEGITIMATE] purposes of the contract hunt; [OR]

3 (2) violated a provision of a [FEDERAL OR] state hunting or
4 guiding [SPORT FISH, GAME OR GUIDE] statute or regulation; or

5 (3) during the five years immediately preceding the hear-
6 ing, has been convicted of two violations of a state statute or regu-
7 lation prohibiting hunting in a restricted area not assigned to the
8 licensee and without proper written permission.

9 * Sec. 18. AS 08.54.200(c) is amended to read:

10 (c) After a hearing, the board shall revoke a license if the
11 board finds that the licensee

12 (1) does not meet the qualifications specified by statute
13 or regulation for the class of license held;

14 (2) is incompetent as a master guide, registered guide,
15 special guide, class-A assistant guide, [OR] assistant guide, or
16 outfitter;

17 (3) during the five years immediately preceding the hearing
18 has been convicted of two violations of a [FEDERAL OR] state statute
19 or regulation prohibiting

20 (A) waste of a wild food animal;

21 (B) hunting on the same day airborne;

22 (C) hunting in an area closed to hunting by the Board
23 of Game; or

24 (D) hunting during a closed hunting season [SPORT
25 FISH, GAME OR GUIDE STATUTES OR REGULATIONS].

26 * Sec. 19. AS 08.54.200(d) is repealed and reenacted to read:

27 (d) A person who is disciplined under this section may not
28 engage in a guiding [or outfitting] activity during the period of li-
29 cense revocation or disciplinary action. A person licensed under this

1 chapter may not knowingly hire as a guide a person whose guide license
2 is suspended or revoked under this section. A guide whose license is
3 suspended or revoked may not guide in the employ of a person licensed
4 under this chapter.

5 * Sec. 20. AS 08.54.200 is amended by adding new subsections to read:

6 (f) If certified copies of two judgments of conviction of a
7 guide [or outfitter] for offenses described under (c)(3) of this section
8 are filed with the board, the board shall immediately suspend the
9 guide's ^{new} [or] outfitter's license. The suspension may be ordered even if
10 the conviction resulted from a plea of nolo contendere or if the
11 conviction is under appeal. The order remains in effect until after
12 the final disposition of the disciplinary proceeding under this sec-
13 tion.

14 (g) A certified copy of a judgment of conviction of a guide or
15 outfitter for an offense is conclusive evidence of the commission of
16 that offense in a disciplinary proceeding instituted against the guide
17 or outfitter under this section based on that conviction.

18 (h) In this section "two violations of a state statute or regu-
19 lation" means two violations of a single statute or a single regu-
20 lation, or violations of two statutes or two regulations, or one
21 violation of a statute and one violation of a regulation.

22 * Sec. 21. AS 08.54.210 is amended to read:

23 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

24 (1) a master guide, registered guide, special guide,
25 class-A assistant guide, assistant guide, [or outfitter] [TRANSPORTER]
26 to fail to timely report to the Department of Public Safety, division
27 of fish and wildlife protection, and in no event later than 30 days, a
28 violation [VIOLATIONS BY A CLIENT] of a state hunting [FISH, GAME] or
29 guiding statute or regulation known by the guide [or outfitter] to have

1 been committed by a client or an employee of the guide or outfitter;

2 (2) a master guide, registered guide, special guide,
3 class-A assistant guide, assistant guide, [or outfitter] [TRANSPORTER]
4 ^{commit or} to ~~void~~ the commission of a violation of this chapter or of AS 16.05 or ^{AS 16.30 or}
5 a regulation adopted [PROMULGATED] under either chapter, or permit the
6 commission of a violation in the guide's [or outfitter's] [TRANSPORT-
7 ER'S] sight without attempting to prevent it, short of using force,
8 and without reporting it;

9 (3) a person to guide [or outfit] [TRANSPORT] as defined in
10 this chapter without being licensed under this chapter and without
11 having the license in actual possession; [HOWEVER, FOR PURPOSES OF
12 TRANSPORTING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNER-
13 SHIP OR OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL
14 PLACE OF BUSINESS OF THE BUSINESS ENTITY;]

15 (4) a person to imply by advertisement, representation, or
16 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a
17 licensed master guide, registered guide, special guide, class-A assis-
18 tant guide, assistant guide, [or outfitter] [TRANSPORTER] without being
19 currently licensed [, OR TO FALSELY ADVERTISE SERVICES];

20 (5) a person to act as a registered or master guide as
21 defined in this chapter without having a current valid resident hunt-
22 ing [AND FISHING] license [in the person's possession]

23 [(6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE
24 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

25 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
26 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e).]

27 (b) A person who violates (a)(1) - (4) [(6)] of this section is
28 guilty of a misdemeanor and upon conviction is punishable by a fine of
29 not more than \$1,000 or by imprisonment for not more than one year, or

1 by both, and the person's license may be revoked for a period up to
2 five years. However, a person who engages in guiding or outfitting
3 [TRANSPORTING] activity during the period the person's license is
4 suspended or revoked under this chapter or who violates (a)(5) of this
5 section is guilty of a felony punishable, upon conviction, by a fine
6 of not more than \$5,000 and by imprisonment for not less than one year
7 nor more than three years. In addition to punishment for a felony,
8 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
9 cles, camping gear and other equipment and paraphernalia used in, or
10 in aid of, guiding (or outfitting) [TRANSPORTING] activity engaged in
11 during the period of suspension or revocation shall be seized [CON-
12 FISCATED] by persons authorized to enforce this chapter. [A PERSON
13 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
14 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
15 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
16 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
17 BOTH.]

18 * Sec. 22. AS 08.54.240 is amended to read:

19 Sec. 08.54.240. DEFINITIONS. In this chapter

20 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

21 (2) "guide" [, "GUIDES"] or "guiding" means assisting
22 another person to take or attempt to take big game with the intent of
23 receiving monetary or material remuneration for the service [SER-
24 VICES], by accompanying and directing that person personally or
25 through an [A LICENSED] assistant guide for the duration of a hunt,
and not solely for the purpose of providing transportation, ~~services~~

26 ~~(3) "outfit" or "outfitting" means providing services~~
27 ~~transportation, property, or equipment such as aircraft, boats, or~~
28 ~~other vehicles, or camping or hunting equipment, in connection with~~
29

one
27
§
~~Repeal licensed air transportation~~

1 providing assistance in locating or taking game;

2 (4) [(3)] "resident" means a person who

3 (A) maintains a place of residence within the state;

4 (B) [Repealed

5 (C)] shows by all attending circumstances the inten-
6 tion to permanently reside in this state;

7 [(4) "TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
8 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
9 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
10 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
11 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
12 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
13 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;]

14 (5) "unethical activity" means

15 (A) deception or misrepresentation [IN ANY DEGREE]
16 involving prospective or actual clients either before, during, or
17 following a contract hunt including, misrepresentation through
18 private or public advertising of the type, duration, cost or
19 conditions of the contract hunt [HUNTS];

20 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
21 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
22 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

23 (C)] making a guaranty that a species or certain
24 number of species of game will be taken on a contract hunt; or

25 (C) unsafe or unsportsmanlike activities that are
26 detrimental to the game resources of the state, as defined by
27 regulations of the board, including violations of state or feder-
28 al hunting guiding laws or regulations;

29 (6) "big game" means brown bear, grizzly bear, polar bear,

1 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
2 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

3 * Sec. 23. AS 16.05.255(a) is amended to read:

4 (a) The Board of Game may adopt regulations it considers advis-
5 able in accordance with the Administrative Procedure Act (AS 44.62)
6 for

7 (1) setting apart game reserve areas, refuges and sanctu-
8 aries in the water or on the land of the state over which it has
9 jurisdiction, subject to the approval of the legislature;

10 (2) establishing open and closed seasons and areas for the
11 taking of game;

12 (3) establishing the means and methods employed in the
13 pursuit, capture and transport of game;

14 (4) setting quotas, bag limits, harvest levels, and sex,
15 age, and size limitations on the taking of game;

16 (5) classifying game as game birds, song birds, big game
17 animals, fur bearing animals, predators or other categories;

18 (6) methods, means, and harvest levels necessary to control
19 predation and competition among game in the state;

20 (7) watershed and habitat improvement, and management,
21 conservation, protection, use, disposal, propagation and stocking of
22 game;

23 (8) prohibiting the live capture, possession, transport, or
24 release of native or exotic game or their eggs;

25 (9) establishing the times and dates during which the
26 issuance of game licenses, permits and registrations and the transfer
27 of permits and registrations between registration areas and game
28 management units or subunits is allowed;

29 (10) designating the areas of the state to which AS 16.05.-

1 407(a) applies.

2 * Sec. 24. AS 16.05.407(a) is amended to read:

3 (a) It is unlawful for a nonresident to hunt, pursue or take
4 brown bear, grizzly bear, polar bear, or sheep in this state, unless
5 personally accompanied by

6 (1) a person who is licensed as a master guide, registered
7 guide, class-A assistant guide or assistant guide by the Guide [LI-
8 CENSING AND CONTROL] Board; or

9 (2) a resident over 19 years of age who is

10 (A) the spouse of the nonresident; or

11 (B) is related to the nonresident, within and includ-
12 ing the second degree of kindred, by marriage or blood.

13 * Sec. 25. AS 16.05.407(b) is amended to read:

14 (b) An applicant for a nonresident big game tag for the taking
15 of an animal specified in (a) of this section or in regulations adopt-
16 ed under this section shall first furnish to the state, on a form
17 provided by the state, an affidavit showing that the applicant will be
18 personally accompanied while hunting by a person who is qualified
19 under the terms of (a) of this section. A person who falsifies the
20 required affidavit is guilty of perjury under AS 11.56.200.

21 * Sec. 26. AS 16.05.407(d) is amended to read:

22 (d) A nonresident who violates (a) [OR c)] of this section, or
23 who fails to furnish an affidavit under (b) of this section, is guilty
24 of a misdemeanor and upon conviction is punishable by imprisonment for
25 not more than one year, or by a fine of not more than \$5,000, or by
26 both.

27 * Sec. 27. AS 39.50.200(b) is amended by adding a new paragraph to
28 read:

29 (48) the Guide Board.

↑
Sent?

- 1 * Sec. 28. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.142 - 08.54.146,
2 08.54.185, 08.54.240(5); AS 16.05.340(e), and 16.05.407(c) are repealed.
3 * Sec. 29. This Act takes effect July 1, 1985.



OFFICIAL BUSINESS

Alaska State Legislature

Senate

Office of the Secretary

PO BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 22, 1986

MEMORANDUM

TO: Senator Stungulewski
Chairman, Resources Committee

FROM: Peggy Mulligan *PM*
Secretary of the Senate

RE: Sunset Audit Report

The President has referred the following Sunset Audit Report to your committee:

A Performance Report on the Department of Commerce and Economic Development, Guide Licensing and Control Board No. 08-1253-86-R, AS 08.54.010

Enclosure

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No.: CSS294 (Resources)
 Title: An Act relating to guiding and providing an effective date

Sponsor: Original Sponsor: Resources Committee
 Requestor: Senate Resources
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Public Safety
 BRU: Fish & Wildlife Protection

Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

Prepared by: Captain J. R. Nutgrass Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 3/13/86

Approved by Commissioner: _____ Date: 3/12/86
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 294
 Title : " An Act relating to quiding,
 and providing an effective date."
 Sponsor : Resources Committee
 Requestor : S Resources Committee
 Date of Request : 2/03/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL			0	0	0	0
----------------	--	--	---	---	---	---

REVENUE		0	0	0	0	0
----------------	--	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Kathy Niles, Admin. Ass't Phone : 465-4336
 Division : Commissioner's Office Date : 2/03/86
 Approved by Commissioner : [Signature] Date : 2/3/86
 Agency : Public Safety

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and Finance

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1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 294

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.01.010(20) is amended to read:

10 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986]).

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
17 purposes of licensing and regulating the activities of guides in the
18 interest of managing the state's wildlife resources there [THERE] is
19 created the Guide [LICENSING AND CONTROL] Board consisting of seven
20 members. At least [NO MORE THAN] three members of the board must be
21 licensed registered or master guides who are actively involved in the
22 guiding profession [SHALL HAVE A GUIDE LICENSE]. The other members
23 shall have a general knowledge of the game resources of the state. A
24 minimum of 10 years residence in the state is required for all members
25 of the board. For administrative purposes, the board is in the De-
26 partment of Commerce and Economic Development.

27 * Sec. 4. AS 08.54.020 is amended to read:

28 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
29 the board shall be appointed by the governor and confirmed by the

1 legislature for staggered terms of three years or until their succes-
2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR
3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]
4 A member may be removed by [AT THE PLEASURE OF] the governor for
5 cause including non attendance.

6 * Sec. 5. AS 08.54 is amended by adding a new section to read:

7 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
8 board constitute a quorum for the transaction of business, for the
9 performance of a duty, and for the exercise of any power under this
10 chapter. The board may not adopt a regulation, revoke, suspend or
11 deny renewal of a license, or assign, modify or revoke a restricted
12 guide area unless the action is approved by a vote of a majority of
13 the full membership of the board.

14 * Sec. 6. AS 08.54.040(a) is amended to read:

15 (a) Except as provided in AS 08.54.045, the board shall

16 (1) prepare, grade and administer examinations, that may
17 include oral examinations of applicants who demonstrate limited abil-
18 ity to read or write the English language;

19 (2) determine [AND PASS ON] qualifications of applicants
20 for licenses and authorize the issuance of licenses to those who
21 qualify;

22 (3) establish guide performance standards and regulate
23 activity;

24 (4) compile, maintain and publish an annual [A GUIDE]
25 register of master and registered guides who have not been convicted
26 of a violation of a federal or state [SPORT FISH,] game [.] or guiding
27 statute or regulation; a guide listed in the register whose license is
28 revoked or suspended shall be removed from the register while the
29 guide's license is revoked or suspended;

1 (5) collect and maintain records of hunts conducted by
2 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER
3 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMME-
4 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

5 (6) prohibit guiding activities which are unsportsmanlike,
6 unethical, unsafe, against principles of conservation, degrading to
7 the guiding profession, or which adversely affect the natural re-
8 sources;

9 (7) after a hearing, revoke, suspend or deny renewal of a
10 license in accordance with AS 08.54.200;

11 (8) establish a quota of licensed operating guides who may
12 operate within designated geographical game units or subunits of the
13 state and provide for an equitable, [AND] reasonable, and consistent
14 procedure for limiting the number of guides to that quota; preference
15 shall be given to qualified available and willing licensed guides who
16 reside within the designated game unit or subunit.

17 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

18 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
19 special guide license to a person who applies to conduct a guided hunt
20 for a specific species of marine mammal in a specifically designated
21 area if the applicant

22 (1) is 21 years of age or older;

23 (2) has, for at least 10 years, resided and hunted in the
24 area of the state in which the applicant is to guide;

25 (3) is physically able to perform the duties of a special
26 guide;

27 (4) has demonstrated knowledge of the following areas to an
28 extent and degree satisfactory to the board:

29 (A) fish and game laws and regulations;

INSERT New Section - 08.01.070³ - require minimum of two meetings per year, 1 in Anchorage, 1 in another city.

- 1 (B) relevant characteristics of the specific species
- 2 to be hunted;
- 3 (C) field preparation of trophies;
- 4 (D) care of game meat;
- 5 (E) use of guiding gear;
- 6 (F) firearm safety;
- 7 (G) practical first aid;
- 8 (H) booking and contracting hunts;
- 9 (5) has not been convicted of a game or guiding law viola-
- 10 tion during the previous five years.

11 * Sec. 8. AS 08.54 is amended by adding a new section to article 2 to
12 read:

13 Sec. 08.54.090. OUTFITTER'S LICENSE. A person is entitled to be
14 licensed as an outfitter if

- 15 (1) the person is a licensed master or registered guide *and*;
- 16 (2) the board has assigned to the person at least one
17 restricted guide area under AS 08.54.195; and
- 18 (3) the person has filed with the board a bond with a
19 corporate surety qualified to do business in the state running to the
20 State of Alaska in the amount of \$5,000.

21 * Sec. 9. AS 08.54.110 is amended to read:

22 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
23 person is entitled to be licensed as a registered guide if the person

- 24 (1) is 21 years of age or older [MORE];
- 25 (2) [Repealed
- 26 (3)] has practical field experience in the handling of
27 firearms, hunting, judging trophies, field preparation of trophies,
28 first aid and photography;
- 29 (3) [(4)] is familiar with the terrain and transportation

1 problems in the district for which the license is requested;

2 (4) [(5)] has passed the qualification examination prepared
3 and administered by the board;

4 (5) [(6)] has demonstrated to the board sufficient stan-
5 dards of competence and ethical conduct and has not been convicted of
6 a crime involving moral turpitude;

7 (6) [(7)] has legally hunted in the state for all or part
8 of each of five years in a manner directly contributing to the per-
9 son's experience and competency as a guide;

10 (7) [(8)] has been licensed as and performed the services
11 of an assistant guide in the state for a part of each of three years,
12 or has guided in the state for a part of each of three years under a
13 special guide license issued under AS 08.54.045;

14 (8) [(9)] submits a written recommendation to the board
15 from a registered guide for whom the applicant has worked; however,
16 the requirements of this paragraph do not apply to a person who has
17 guided under a special guide license for three years;

18 (9) [(10)] is capable of performing the physical duties
19 associated with guiding activities;

20 (10) [(11)] has been favorably recommended in writing by two
21 hunters that the person has guided or assisted in guiding during each
22 year of the person's three years as an assistant guide, whose recom-
23 mendations have been solicited by the board from a list provided by
24 the applicant [;

25 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
26 REQUIRE].

27 * Sec. 10. AS 08.54 is amended by adding a new section to read:

28 Sec. 08.54.115. LIMITATION ON MASTER AND REGISTERED GUIDES. A
29 master or registered guide may not contract for more than one client

1 at a time unless also licensed as an outfitter.

2 * Sec. 11. AS 08.54 is amended by adding a new section to read:

3 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
4 LICENSE. An assistant guide

5 (1) may not contract for guided hunts; and

6 (2) shall be employed and supervised by a registered or
7 master guide at all times while the assistant guide is in the field on
8 guided hunts.

9 * Sec. 12. AS 08.54.170 is amended to read:

10 Sec. 08.54.170. LICENSE FEES. (a) License fees for engaging in
11 the profession of guiding or outfitting are:

12 (1) master guide license, biennial\$150

13 (2) registered guide license, biennial150

14 (3) class-A assistant guide, biennial30

15 (4) assistant guide license, biennial20

16 (5) special guide license, biennial50

17 (6) outfitter license, biennial100

18 (b) The license fee for a master guide, registered guide,
19 special guide, class-A assistant guide, [OR] assistant guide, or
20 outfitter's license is in addition to the fee required for a hunting
21 or fishing license.

22 [(c) THE LICENSE FEE FOR A TRANSPORTER IS \$10.]

23 * Sec. 13. AS 08.54 is amended by adding a new section to read:

24 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
25 administer the qualification examination required under AS 08.54.110
26 at least twice a year. An examination may not be given within 90 days
27 after the previous exam. At least once every other year the board
28 shall give the examination at a location other than Anchorage.

29 * Sec. 14. AS 08.54.190 is amended by adding a new subsection to read:

1 problems in the district for which the license is requested;

2 (4) [(5)] has passed the qualification examination prepared
3 and administered by the board;

4 (5) [(6)] has demonstrated to the board sufficient stan-
5 dards of competence and ethical conduct and has not been convicted of
6 a crime involving moral turpitude;

7 (6) [(7)] has legally hunted in the state for all or part
8 of each of five years in a manner directly contributing to the per-
9 son's experience and competency as a guide;

10 (7) [(8)] has been licensed as and performed the services
11 of an assistant guide in the state for a part of each of three years,
12 or has guided in the state for a part of each of three years under a
13 special guide license issued under AS 08.54.045;

14 (8) [(9)] submits a written recommendation to the board
15 from a registered guide for whom the applicant has worked; however,
16 the requirements of this paragraph do not apply to a person who has
17 guided under a special guide license for three years;

18 (9) [(10)] is capable of performing the physical duties
19 associated with guiding activities;

20 (10) [(11)] has been favorably recommended in writing by two
21 hunters that the person has guided or assisted in guiding during each
22 year of the person's three years as an assistant guide, whose recom-
23 mendations have been solicited by the board from a list provided by
24 the applicant [;

25 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
26 REQUIRE].

27 * Sec. 10. AS 08.54 is amended by adding a new section to read:

28 Sec. 08.54.115. LIMITATION ON MASTER AND REGISTERED GUIDES. A
29 master or registered guide may not contract for more than one client

1 (d) A master guide, registered guide, special guide, class-A
2 assistant guide, assistant guide, or outfitter license expires two
3 years after the date it was issued.

4 * Sec. 15. AS 08.54 is amended by adding a new section to read:

5 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
6 board may establish and assign guide areas for master guides or regis-
7 tered guides. The board shall adopt regulations under the Administra-
8 tive Procedure Act (AS 44.62) that establish uniform and consistent
9 criteria to be used by the board when it creates a restrictive guide
10 area.

11 (b) The board shall recognize all restrictive guide areas as-
12 signed before the effective date of this section. If requested by a
13 guide, the board shall hold a hearing to determine if an assignment of
14 a restrictive area made before the effective date of this section
15 creates a substantial injustice as determined by criteria set out in
16 (c) of this section. If the board determines that a substantial
17 injustice was created, the board shall modify, terminate or reassign
18 the area, or take other reasonable steps to correct the injustice.

19 (c) The board may find that a substantial injustice was caused
20 by the assignment of a restrictive area if

21 (1) a person was unfairly discriminated against by the
22 assignment;

23 (2) a person who applied for the guide area was denied a
24 hearing; or

25 (3) a qualified person was not given a preference at the
26 time the area was assigned in accordance with AS 08.54.040(a)(8).

27 (d) The board shall consider the following factors before it
28 assigns a restrictive guide area:

29 (1) the extent to which the guide who has applied for the

1 area has used the game management unit in which the area is located;

2 (2) the extent to which the guide occupied and invested in
3 the area;

4 (3) the effect on other guides that would result from
5 creation of the area;

6 (4) big game populations in the area; and

7 (5) the land ownership status of the area.

8 (e) The board may consider relevant facts or circumstances
9 before assigning a restrictive guide area.

10 (f) The board may charge a person to whom it reassigns a re-
11 strictive guide area a fee for the reassignment based on the number of
12 acres in the guide area.

13 * Sec. 16. AS 08.54.200(a) is amended to read:

14 (a) The board shall hold a hearing to determine if disciplinary
15 action is necessary if, during the five years immediately preceding
16 the hearing,

17 (1) complaints concerning a licensee's guiding or outfit-
18 ting activities [THE LICENSEE] have been filed with the board from
19 three or more clients of separate parties; or

20 *complaints are received concerning a life threatening*
situation (2) [A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDER-
21 AL OR STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS; OR

22 (3)] a licensee has been convicted of a violation of a
23 [FEDERAL OR] state hunting or guiding [SPORT FISH, GAME OR GUIDE]
24 statute or regulation.

25 * Sec. 17. AS 08.54.200(b) is amended to read:

26 (b) After a hearing, the board may revoke, suspend, or deny
27 renewal of a license if the board finds that the licensee

28 (1) engaged in unethical activity, unsafe activity, or
29 activity that [WHICH] adversely affects the natural resources of the

1 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
2 AND LEGITIMATE] purposes of the contract hunt; [OR]

3 (2) violated a provision of a [FEDERAL OR] state hunting or
4 guiding [SPORT FISH, GAME OR GUIDE] statute or regulation; or

5 (3) during the five years immediately preceding the hear-
6 ing, has been convicted of two violations of a state statute or regu-
7 lation prohibiting hunting in a restricted area not assigned to the
8 licensee and without proper written permission.

9 * Sec. 18. AS 08.54.200(c) is amended to read:

10 (c) After a hearing, the board shall revoke a license if the
11 board finds that the licensee

12 (1) does not meet the qualifications specified by statute
13 or regulation for the class of license held;

14 (2) is incompetent as a master guide, registered guide,
15 special guide, class-A assistant guide, [OR] assistant guide, or
16 outfitter;

17 (3) during the five years immediately preceding the hearing
18 has been convicted of two violations of a [FEDERAL OR] state statute
19 or regulation prohibiting

20 (A) waste of a wild food animal;

21 (B) hunting on the same day airborne;

22 (C) hunting in an area closed to hunting by the Board
23 of Game; or

24 (D) hunting during a closed hunting season [SPORT
25 FISH, GAME OR GUIDE STATUTES OR REGULATIONS].

26 * Sec. 19. AS 08.54.200(d) is repealed and reenacted to read:

27 (d) A person who is disciplined under this section may not
28 engage in a guiding or outfitting activity during the period of li-
29 cense revocation or disciplinary action. A person licensed under this

1 chapter may not knowingly hire as a guide a person whose guide license
2 is suspended or revoked under this section. A guide whose license is
3 suspended or revoked may not guide in the employ of a person licensed
4 under this chapter.

5 * Sec. 20. AS 08.54.200 is amended by adding new subsections to read:

6 (f) If certified copies of two judgments of conviction of a
7 guide or outfitter for offenses described under (c)(3) of this section
8 are filed with the board, the board shall immediately suspend the
9 guide's ^{and} [or] outfitter's license. The suspension may be ordered even if
10 the conviction resulted from a plea of nolo contendere or if the
11 conviction is under appeal. The order remains in effect until after
12 the final disposition of the disciplinary proceeding under this sec-
13 tion.

14 (g) A certified copy of a judgment of conviction of a guide or
15 outfitter for an offense is conclusive evidence of the commission of
16 that offense in a disciplinary proceeding instituted against the guide
17 or outfitter under this section based on that conviction.

18 (h) In this section "two violations of a state statute or regu-
19 lation" means two violations of a single statute or a single regu-
20 lation, or violations of two statutes or two regulations, or one
21 violation of a statute and one violation of a regulation.

22 * Sec. 21. AS 08.54.210 is amended to read:

23 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

24 (1) a master guide, registered guide, special guide,
25 class-A assistant guide, assistant guide, or outfitter [TRANSPORTER]
26 to fail to timely report to the Department of Public Safety, division
27 of fish and wildlife protection, and in no event later than 30 days, a
28 violation [VIOLATIONS BY A CLIENT] of a state hunting [FISH, GAME] or
29 guiding statute or regulation known by the guide or outfitter to have

1 been committed by a client or an employee of the guide or outfitter;

2 (2) a master guide, registered guide, special guide,
3 class-A assistant guide, assistant guide, or outfitter [TRANSPORTER]
4 ^{COMMITOR} to void the commission of a violation of this chapter or of AS 16.05 or AS 16.30 or
5 a regulation adopted [PROMULGATED] under either chapter, or permit the
6 commission of a violation in the guide's or outfitter's [TRANSPORT-
7 ER'S] sight without attempting to prevent it, short of using force,
8 and without reporting it;

9 (3) a person to guide or outfit [TRANSPORT] as defined in
10 this chapter without being licensed under this chapter and without
11 having the license in actual possession; [HOWEVER, FOR PURPOSES OF
12 TRANSPORTING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNER-
13 SHIP OR OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL
14 PLACE OF BUSINESS OF THE BUSINESS ENTITY;]

15 (4) a person to imply by advertisement, representation, or
16 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a
17 licensed master guide, registered guide, special guide, class-A assis-
18 tant guide, assistant guide, or outfitter [TRANSPORTER] without being
19 currently licensed [, OR TO FALSELY ADVERTISE SERVICES];

20 (5) a person to act as a registered or master guide as
21 defined in this chapter without having a current valid resident hunt-
22 ing [AND FISHING] license [in the person's possession]

23 [(6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE
24 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

25 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
26 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e).]

27 (b) A person who violates (a)(1) - (4) [(6)] of this section is
28 guilty of a misdemeanor and upon conviction is punishable by a fine of
29 not more than \$1,000 or by imprisonment for not more than one year, or

1 by both, and the person's license may be revoked for a period up to
2 five years. However, a person who engages in guiding or outfitting
3 [TRANSPORTING] activity during the period the person's license is
4 suspended or revoked under this chapter or who violates (a)(5) of this
5 section is guilty of a felony punishable, upon conviction, by a fine
6 of not more than \$5,000 and by imprisonment for not less than one year
7 nor more than three years. In addition to punishment for a felony,
8 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
9 cles, camping gear and other equipment and paraphernalia used in, or
10 in aid of, guiding or outfitting [TRANSPORTING] activity engaged in
11 during the period of suspension or revocation shall be seized [CON-
12 FISCATED] by persons authorized to enforce this chapter. [A PERSON
13 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
14 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
15 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
16 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
17 BOTH.]

18 * Sec. 22. AS 08.54.240 is amended to read:

19 Sec. 08.54.240. DEFINITIONS. In this chapter

20 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

21 (2) "guide" [, "GUIDES"] or "guiding" means assisting
22 another person to take or attempt to take big game with the intent of
23 receiving monetary or material remuneration for the service [SER-
24 VICES], by accompanying and directing that person personally or
25 through an [A LICENSED] assistant guide for the duration of a hunt,
and not solely for the purpose of providing transportation services;

26 [(3) "outfit" or "outfitting" means providing services
27 transportation, property, or equipment such as aircraft, boats, or
28 other vehicles, or camping or hunting equipment, in connection with
29

one
27
28
29
↑ exempt licensed Air Taxi operators

1 providing assistance in locating or taking game;

2 (4) [(3)] "resident" means a person who

3 (A) maintains a place of residence within the state;

4 (B) [Repealed

5 (C)] shows by all attending circumstances the inten-
6 tion to permanently reside in this state;

7 [(4) "TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
8 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
9 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
10 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
11 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
12 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
13 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;]

14 (5) "unethical activity" means

15 (A) deception or misrepresentation [IN ANY DEGREE]
16 involving prospective or actual clients either before, during, or
17 following a contract hunt including, misrepresentation through
18 private or public advertising of the type, duration, cost or
19 conditions of the contract hunt [HUNTS];

20 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
21 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
22 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

23 (C)] making a guaranty that a species or certain
24 number of species of game will be taken on a contract hunt; or

25 (C) unsafe or unsportsmanlike activities that are
26 detrimental to the game resources of the state, as defined by
27 regulations of the board, including violations of state or feder-
28 al hunting or guiding laws or regulations;

29 (6) "big game" means brown bear, grizzly bear, polar bear,

1 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
2 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

3 * Sec. 23. AS 16.05.255(a) is amended to read:

4 (a) The Board of Game may adopt regulations it considers advis-
5 able in accordance with the Administrative Procedure Act (AS 44.62)
6 for

7 (1) setting apart game reserve areas, refuges and sanctu-
8 aries in the water or on the land of the state over which it has
9 jurisdiction, subject to the approval of the legislature;

10 (2) establishing open and closed seasons and areas for the
11 taking of game;

12 (3) establishing the means and methods employed in the
13 pursuit, capture and transport of game;

14 (4) setting quotas, bag limits, harvest levels, and sex,
15 age, and size limitations on the taking of game;

16 (5) classifying game as game birds, song birds, big game
17 animals, fur bearing animals, predators or other categories;

18 (6) methods, means, and harvest levels necessary to control
19 predation and competition among game in the state;

20 (7) watershed and habitat improvement, and management,
21 conservation, protection, use, disposal, propagation and stocking of
22 game;

23 (8) prohibiting the live capture, possession, transport, or
24 release of native or exotic game or their eggs;

25 (9) establishing the times and dates during which the
26 issuance of game licenses, permits and registrations and the transfer
27 of permits and registrations between registration areas and game
28 management units or subunits is allowed;

29 (10) designating the areas of the state to which AS 16.05.-

1 407(a) applies.

2 * Sec. 24. AS 16.05.407(a) is amended to read:

3 (a) It is unlawful for a nonresident to hunt, pursue or take
4 brown bear, grizzly bear, polar bear, or sheep in this state, unless
5 personally accompanied by

6 (1) a person who is licensed as a master guide, registered
7 guide, class-A assistant guide or assistant guide by the Guide [LI-
8 CENSING AND CONTROL] Board; or

9 (2) a resident over 19 years of age who is

10 (A) the spouse of the nonresident; or

11 (B) is related to the nonresident, within and includ-
12 ing the second degree of kindred, by marriage or blood.

13 * Sec. 25. AS 16.05.407(b) is amended to read:

14 (b) An applicant for a nonresident big game tag for the taking
15 of an animal specified in (a) of this section or in regulations adopt-
16 ed under this section, shall first furnish to the state, on a form
17 provided by the state, an affidavit showing that the applicant will be
18 personally accompanied while hunting by a person who is qualified
19 under the terms of (a) of this section. A person who falsifies the
20 required affidavit is guilty of perjury under AS 11.56.200.

21 * Sec. 26. AS 16.05.407(d) is amended to read:

22 (d) A nonresident who violates (a) [OR (c)] of this section, or
23 who fails to furnish an affidavit under (b) of this section, is guilty
24 of a misdemeanor and upon conviction is punishable by imprisonment for
25 not more than one year, or by a fine of not more than \$5,000, or by
26 both.

27 * Sec. 27. AS 39.50.200(b) is amended by adding a new paragraph to
28 read:

29 (48) the Guide Board.

- 1 * Sec. 28. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.142 - 08.54.146,
- 2 08.54.185, 08.54.240(5); AS 16.05.340(e), and 16.05.407(c) are repealed.
- 3 * Sec. 29. This Act takes effect July 1, 1985.

*Request made
mid 3 year ago*

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSSB 294 (Res)

Support with amendments

March 13, 1986

CSSB 294 (Res) - "An Act relating to guiding; and providing for an effective date."

The Department of Public Safety supports CS for Senate Bill 294, an act relating to guiding, with the following recommendations and amendments. We believe that there is a need for updating the current guide statute consistent with the intent and purpose of regulating and maintaining the level of professionalism that has been experienced within the guide industry in recent years. The statutory authority does rest within the Department of Commerce in carrying out the administrative and regulatory responsibilities of Title 8. The Division of Fish and Wildlife Protection has, however, continued to support the Department of Commerce on requests for assistance in conducting investigations into complains of violations of the civil regulations that occur in the outlying areas. This Division is the primary enforcement agency for investigating criminal acts committed under unlawful acts of Title 8, Title 16 and the state regulations. In considering that the Department of Commerce, Public Safety and the Guide Board do have common responsibilities that interrelate in carrying out the administrative and enforcement aspects of Title 8, it becomes increasingly more important that a clear understanding of the application of this bill be provided. We do not believe the word federal should be deleted or omitted from this bill. To do so is to lower the professional standards and provide immunity to guides from any judicial proceeding being initiated by Title 8, Guide statutes, for violations of the federal game laws. State agencies having authority or responsibility for administering or enforcing Title 8 should have full access to state documents that relate to guiding without obtaining a court order or a search and seizure warrant.

CS does
not delete

A proposed regulation was recently adopted by the Guide Board prohibiting access to any person or agency for reproduction of statements of financial remunerations or other documents relating to contracted hunts without a court order. This type of action and regulation is counter productive and is not in keeping with the intent and purpose for administering and regulating the guide industry as provided for under the provisions of Title 8. We would support a section under Title 8 that would provide for confidentiality of SFR's and related guide documents, with the provision that this Department have access to these documents for official business. This Department is already controlled by state statutes and Department policy that dictates the confidentiality that is required in carrying out civil and criminal investigations. The following comments and proposed amendments are provided for the Guide Bill.

Page 1, Line 16-18: We believe the purpose of licensing and regulating the activities of guides should be in the interest of promoting

professionalism within the guide industry and to insure that quality, ethical and legal hunts are provided to clients consistent with the management of the state's wildlife resources.

That is what
new wording
says →

Page 1, Line 23-25: Delete new wording.

Comments: Title 08.01.050(a) 1-18 provides that the Department of Commerce and Economic Development shall provide administrative and budgetary service to the Guide Board.

Page 2, Line 29, Page 3, Line 1: It is recommended that paragraph (5) collect and maintain records of hunts conducted by guides be deleted.

Comments: This responsibility should be under the authority of the Department of Commerce. The Guide Board should not have the responsibility or authority by statute or by regulations adopted by the Board to maintain or dictate the use or exclusion of documents relating to guiding to state agencies responsible for the enforcement of the regulations or statutes. We do concur that the statements of financial remuneration should be confidential, but not made so by regulation. This is impractical in application and only hinders the effectiveness and efficiency of the responsible agencies in enforcing and investigating complaints or violations of regulations or statutes.

Page 3, Line 19-22: SPECIAL GUIDE LICENSE.

Comments: This bill does not address the responsibility that can be carried out by a special guide. Can a special guide conduct and book guided hunts independent from a registered or master guide, etc.? Is there a listing of specific species of marine mammals that a special guide may guide clients for?

? Page 13, Line 17-22: AS 16.05.407(a).

Comments: This bill totally excludes a special guide from guiding for polar bear. The definitions in this bill defined polar bear and walrus as big game.

Page 4, Line 10 (5): We recommend the following wording has not been convicted of a state or federal game or guiding law during the previous five years.

Page 4, Line 13: Qualifications for registered guide license.

Comments: This section also provides for the requirements of a special guide becoming a registered guide.

Page 4, Line 16 (2): The residency requirement was repealed, however, in unlawful acts, AS 08.54.210 (5), a registered guide is required to have a resident hunting license.

Page 5, Line 3-4: How does a special guide document or report his guiding activity? Does he submit statements of financial remuneration?

Page 5, Line 13 (10): We recommend that or special guide be inserted after "assistant guide" and before "whose". A special guide should also meet the requirements of being favorably recommended by clients.

Page 7, Line 27-28: AS 08.54.200: Recommend adding the words or federal after "state" and before "hunting".

Page 8, Line 10: Recommend that federal or be inserted after "a" and before "state".

Comments: This bill has eliminated all reference to violation of federal laws. A professional guide should be subject to disciplinary action for violation of federal wildlife law and violations of wildlife law in other states or providences.

Page 8, Line 18-19: Outfitter has been inserted in this subsection, but excluded in all other parts of this bill. Recommend that it be deleted or defined.

Page 8, Line 21: Recommend that the words aiding or committing be added after "of" and before "two" and add federal or after "a" and before "state".

Page 8, Line 23: (A) Waste of a wild food animal.

Comments: There is currently no violation for wanton waste in the guide statute or regulations. A person who kills a wild food animal and fails to salvage the meat per 16.30.010 would be in violation of wanton waste.

Page 8, Line 25: (C) Hunting in an area closed to hunting by the Board of Game.

Comments: We recommend that the following wording be deleted "The Board of Game". Recommend the following wording: hunting in an area closed to hunting by either state or federal regulations. A professional guide should have to obey and respect closed areas, even if they are federal regulations. A professional guide should not have immunity from Guide Board action if apprehended in KATMAI NATIONAL PARK, MCKINLEY PARK or any federal park closed to hunting.

Page 8, Line 27 & Page 9, Line 2: (E) Under present statutes and regulations there is no convictable crime for guiding in another guide's area.

Comments: The present regulation that was adopted by the guide board relating to written permission and use of another guide area is poor and is not a criminal act. In addition, the guides can use the statement of financial remunerations system.

The guide regulations provide for three criteria for which permission can be given for a guide using another guide's area: (1) Mental or physical incapacitation; (2) State-federal land that is closed to hunting in a guide's area; (3) Caribou moves out of a guide's area. Written permission can then be

CS does

CS take
care of

granted and a copy of the written permission has to be filed with the guide Board by December 31, of the year permission has been granted.

If the Guide Board or guide industry is concerned about guides going into another guide's area, then they need to define the legal methods that will allow one guide to use another guide's area.

Page 9, Line 6-7: May not engage in guiding during the period of disciplinary action.

Comments: What does the period of disciplinary mean? Does the period of disciplinary action start on receipt of notification, etc.?

CS substitutes
'reasonably believes'
Page 9, Line 8: Recommend that the word knowingly be deleted.

Comments: A guide has a professional responsibility to know in hiring a person the status of his guide license. We should not have a greater burden of proof.

Page 9, Line 22: Delete outfitter or provide definition.

Comments: In review of 08.54.200 (f) and (C)(3)(A) - (E), a state conviction as it relates to this section is not forthcoming on (C) and (E). (A) waste of a wild food animal is questionable.

A conviction is very possible for (B) and (D); however, a guide being apprehended on (D) is far and few between.

UNLAWFUL ACTS

CS takes care of
Page 10, Line 5: Recommend adding the words or federal after "state" and before "hunting".

Section 05.54.210 Unlawful Acts.

CS takes care of → Page 10, Line 5: (1) add or federal after "state" and before "hunting".

Page 10, Line 10: (2) delete ".05" after "AS 16" and before "OR".

Comments: This would then include WANTON WASTE of AS 16.30.010 and be consistent with the proposed section of this bill.
AS 08.54.200(C) (3) (A) WASTE OF WILD FOOD ANIMAL.

Page 10, Line 16: (3) Add having the appropriate license that is issued after "without" and before "under".

Comments: We have experienced where a licensed assistant guide did in fact contract for a guided hunt and did independently guide a client on a guided hunt in 1985. This individual was apprehended and prosecuted through the federal court. The Department of Law declined state prosecution. The current wording of Title 8, Unlawful Acts, does not provide for prosecuting an assistant or Class A guide who is licensed, but does act in the capacity as a master or registered guide.

In this case, the licensed assistant guide did assist the client in taking a brown bear the same day as being airborne and in the middle of Katmai National Monument. On completion of the federal prosecution, this case was presented to the Department of Commerce for civil litigation concerning the assistant guide's license. This is a good example of why federal violations should be included in this bill, otherwise flagrant violations such as this can occur and the licensed assistant guide is immune from civil action by the Guide Board. In addition, this type of individual, once he meets the requirements for registered guide, could, infact, be so licensed as the federal violation would not be considered.

Page 10, Line 24 (4): Recommend adding having a current and appropriate license after "without".

Page 10, Line 26-28 (5): This paragraph requires a "resident" hunting license, but the residency requirements have been repealed from the bill.

Comments: We presently do have non-residents who are licensed assistant guides. Once they meet the registered guide requirements and pass the necessary test, they can be legally licensed, even though they are non-residents. This bill provides for a person who is a non-resident, but who has obtained a registered guide license, to be convicted of a felony for not having a valid Alaskan resident hunting license. This section appears to be in conflict with other sections which delete the residency requirement for obtaining a guide license. This could create a legal problem which may not be prosecutable.

Page 11, Line 9 (7)(b): Add WITHOUT APPROPRIATE LICENSE OR after "activity" and before "during".

Definitions:

Page 11, Line 27-29, Page 12, Line 1-7: This bill is specific in defining guiding.

Comments: By deleting licensed from the definition as it relates to guiding through an assistant "guide" has eliminated one of the minor problems that has been encountered with some of our unlicensed cases.

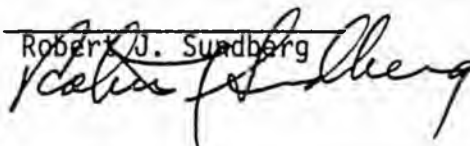
CS modifies

This definition does not include services for transportation as long as the carrier does not remain in the field.

Section (A) specifically will eliminate outfitters who remain in the camp with their clients, especially those who assist in field dressing and packing game meat for clients.

The phrase "in the field" is broad and would probably include main camps, lodges, etc. This is a very good definition as it relates to broadly separating guiding activities from those activities commonly known as outfitting or transporting.

Robert J. Sundberg



Hein
2/18/86

Original sponsor: Resources Committee

*Mustangs
Comments*
+ AG comments

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 294 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986]).

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the

17 purposes of licensing and regulating the activities of guides in the

18 interest of managing the state's wildlife resources there [THERE] is

19 created the Guide [LICENSING AND CONTROL] Board consisting of seven

20 members. No more than three members of the board shall have a guide

21 license. The other members shall have a general knowledge of the game

22 resources of the state. A minimum of 10 years residence in the state

23 is required for all members of the board. For administrative pur-

24 poses, the board is in the Department of Commerce and Economic Devel-

25 opment.

26 * Sec. 4. AS 08.54.020 is amended to read:

27 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of

28 the board shall be appointed by the governor and confirmed by the

29 legislature for staggered terms of three years or until their

*professionals
of service
to the public
in connection*

1 successors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE
2 MEMBERS FOR ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR
3 THREE YEARS.] A member may be removed by ~~AT THE PLEASURE OF~~ the
4 governor, for cause, including nonattendance at board meetings.

5 * Sec. 5. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
7 board constitute a quorum for the transaction of business, for the
8 performance of a duty, and for the exercise of any power under this
9 chapter. The board may not adopt a regulation, revoke, suspend or
10 deny renewal of a license, or assign, modify or revoke a restricted
11 guide area unless the action is approved by a vote of a majority of
12 the full membership of the board.

13 * Sec. 6. AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may
16 include oral examinations of applicants who demonstrate limited abil-
17 ity to read or write the English language;

18 (2) determine [AND PASS ON] qualifications of applicants
19 for licenses and authorize the issuance of licenses to those who
20 qualify;

21 (3) establish guide performance standards and regulate
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]
24 register of master and registered guides who have not been convicted
25 of a violation of a federal or state [SPORT FISH,] game [,] or guiding
26 statute or regulation; a guide listed in the register whose license is
27 revoked or suspended shall be removed from the register while the
28 guide's license is revoked or suspended;

29 (5) collect and maintain records of hunts conducted by

1 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER
2 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMME-
3 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

4 (6) prohibit guiding activities which are unsportsmanlike,
5 unethical, unsafe, against principles of conservation, degrading to
6 the guiding profession, or which adversely affect the natural re-
7 sources;

8 (7) after a hearing, revoke, suspend or deny renewal of a
9 license in accordance with AS 08.54.200;

10 (8) establish a quota of licensed operating guides who may
11 operate within designated geographical game units or subunits of the
12 state and provide for an equitable, [AND] reasonable, and consistent
13 procedure for limiting the number of guides to that quota; preference
14 shall be given to qualified available and willing licensed guides who
15 reside within the designated game unit or subunit;

16 (9) meet at least twice annually, once in Anchorage and
17 once in another municipality.

18 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

19 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
20 special guide license to a person who applies to conduct a guided hunt
21 for a specific species of marine mammal in a specifically designated
22 area if the applicant

23 (1) is 21 years of age or older;

24 (2) has, for at least 10 years, resided and hunted in the
25 area of the state in which the applicant is to guide;

26 (3) is physically able to perform the duties of a special
27 guide;

28 (4) has demonstrated knowledge of the following areas to an
29 extent and degree satisfactory to the board;

- 1 (A) fish and game laws and regulations;
 2 (B) relevant characteristics of the specific species
 3 to be hunted;
 4 (C) field preparation of trophies;
 5 (D) care of game meat;
 6 (E) use of guiding gear;
 7 (F) firearm safety;
 8 (G) practical first aid;
 9 (H) booking and contracting hunts;

10 > (5) has not been convicted of a game or guiding law viola-
 11 tion during the previous five years.

12 * Sec. 8. AS 08.54.110 is amended to read:

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
 14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of
 18 firearms, hunting, judging trophies, field preparation of trophies,
 19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportation
 21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared
 23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-
 25 dards of competence and ethical conduct and has not been convicted of
 26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state for all or part
 28 of each of five years in a manner directly contributing to the per-
 29 son's experience and competency as a guide;

1 (7) [(8)] has been licensed as and performed the services
2 of an assistant guide in the state for a part of each of three years,
3 or has guided in the state for a part of each of three years under a
4 special guide license issued under AS 08.54.045;

5 (8) [(9)] submits a written recommendation to the board
6 from a registered guide for whom the applicant has worked; however,
7 the requirements of this paragraph do not apply to a person who has
8 guided under a special guide license for three years;

9 (9) [(10)] is capable of performing the physical duties
10 associated with guiding activities;

11 (10) [(11)] has been favorably recommended in writing by two
12 hunters that the person has guided or assisted in guiding during each
13 year of the person's three years as an assistant guide, whose recom-
14 mendations have been solicited by the board from a list provided by
15 the applicant [;

16 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
17 REQUIRE].

18 * Sec. 9. AS 08.54 is amended by adding a new section to read:

19 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
20 LICENSE. An assistant guide

21 (1) may not contract for guided hunts; and

22 (2) shall be employed and supervised by a registered or
23 master guide at all times while the assistant guide is in the field on
24 guided hunts.

25 * Sec. 10. AS 08.54.170 is amended to read:

26 Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce
27 and Economic Development shall set license fees under AS 08.01.065 for
28 each of the following:

29 (1) master guide;

- (2) registered guide;
- (3) class A assistant guide;
- (4) assistant guide;
- (5) special guide [TRANSPORTER].

(b) The license fee for a master guide, registered guide, special guide, class-A assistant guide, or assistant guide license is in addition to the fee required for a hunting or fishing license.

* Sec. 11. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall administer the qualification examination required under AS 08.54.110 at least twice a year. An examination may not be given within 90 days after the previous exam. At least once every other year the board shall give the examination at a location other than Anchorage.

* Sec. 12. AS 08.54.190 is amended by adding a new subsection to read:

(d) A master guide, registered guide, special guide, class-A assistant guide, or assistant guide license expires during the second year after the year in which it was issued, on a date set by the Department of Commerce and Economic Development.

* Sec. 13. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the board may establish and assign guide areas for master guides or registered guides. The board shall adopt regulations under the Administrative Procedure Act (AS 44.62) that establish uniform and consistent criteria, including a point system, to be used by the board when it creates and assigns a restrictive guide area.

(b) The board shall consider the following factors before it assigns a restrictive guide area:

- (1) the extent to which the guide who has applied for the area has used the game management unit in which the area is located;

1 (2) the extent to which the guide occupied and invested in
2 the area;

3 (3) the effect on other guides that would result from
4 creation of the area;

5 (4) big game populations in the area; and

6 (5) the land ownership status of the area.

7 *College info*
8 *Section 14 have* (c) The board may consider relevant facts or circumstances
9 before assigning a restrictive guide area.

10 (d) The board may adopt regulations establishing a schedule of
11 fees to be charged to persons to whom the board transfers restrictive
12 guide areas.

13 (e) The board shall transfer a restrictive guide area to a
14 person qualified for assignment who has been recommended by the guide
15 to whom the area was assigned, or by a person on behalf of the guide,
16 if the recommendation is made

17 (1) after five years have elapsed from the date of the
18 assignment of the guide area; or

19 (2) during the first five years after the date of assign-
20 ment and the guide has died or suffered a major disability, as defined
21 by the board.

22 * Sec. 14. AS 08.54.200(a) is repealed and reenacted to read:

23 (a) The board shall hold a hearing to determine whether disci-
24 plinary action is necessary if (1) complaints concerning a licensee's
25 guiding activities are filed with the board by three or more of the
26 licensee's clients from separate parties; (2) a complaint concerning a
27 guide's conduct during a life-threatening situation is filed with the
28 board; or (3) a licensee has been convicted of a violation of a state
29 hunting or guiding statute or regulation. The board may hold a hear-
ing to determine whether disciplinary action is necessary if a

1 complaint concerning a licensee's guiding activities is filed with the
2 board by a client of the licensee.

3 * Sec. 15. AS 08.54.200(b) is amended to read:

4 (b) After a hearing, the board may revoke, suspend, or deny
5 renewal of a license if the board finds that the licensee

6 (1) engaged in unethical activity, unsafe activity, or
7 activity that [WHICH] adversely affects the natural resources of the
8 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
9 AND LEGITIMATE] purposes of the contract hunt; or

10 (2) violated a provision of a [FEDERAL OR] state hunting or
11 guiding [SPORT FISH, GAME OR GUIDE] statute or regulation.

12 * Sec. 16. AS 08.54.200(c) is amended to read:

13 (c) After a hearing, the board shall revoke a license if the
14 board finds that the licensee

15 (1) does not meet the qualifications specified by statute
16 or regulation for the class of license held;

17 (2) is incompetent as a master guide, registered guide,
18 special guide, class-A assistant guide, [OR] assistant guide, or
19 outfitter;

20 (3) during the five years immediately preceding the hearing
21 has been convicted of two violations of a [~~FEDERAL-OR~~] state statute
22 or regulation prohibiting

23 (A) waste of a wild food animal; *chapter 36*

24 (B) hunting on the same day airborne;

25 (C) hunting in an area closed to hunting by the Board

26 of Game;

27 (D) hunting during a closed hunting season; or

28 (E) during the five years immediately preceding the

29 hearing, has been convicted of two violations of a state statute

Revised

Make unlawful act

*commentary - so no
no penalty
can't amend*

or regulation prohibiting hunting in a restricted area not assigned to the licensee and without proper written permission [SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS].

* Sec. 17. AS 08.54.200(d) is repealed and reenacted to read:

(d) A person who is disciplined under this section may not engage in a guiding activity during the period of license revocation or disciplinary action. A person licensed under this chapter may not knowingly hire as a guide a person whose guide license is suspended or revoked under this section. A guide whose license is suspended or revoked may not guide in the employ of a person licensed under this chapter.

*include
outfitter
subject*

* Sec. 18. AS 08.54.200 is amended by adding new subsections to read:

(f) If certified copies of two judgments of conviction of a guide for offenses described under (c)(3) of this section are filed with the board, the board shall immediately suspend the guide's license. The suspension may be ordered even if the conviction resulted from a plea of nolo contendere or if the conviction is under appeal. The order remains in effect until after the final disposition of the disciplinary proceeding under this section.

(g) A certified copy of a judgment of conviction of a guide for an offense is conclusive evidence of the commission of that offense in a disciplinary proceeding instituted against the guide or outfitter under this section based on that conviction.

(h) In this section "two violations of a state statute or regulation" means two violations of a single statute or a single regulation, or violations of two statutes or two regulations, or one violation of a statute and one violation of a regulation.

* Sec. 19. AS 08.54.210 is amended to read:

Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

1 (1) a master guide, registered guide, special guide,
2 class-A assistant guide, or assistant guide [OR TRANSPORTER] to fail
3 to timely report to the Department of Public Safety, division of fish
4 and wildlife protection, and in no event later than 30 days, a viola-
5 tion [VIOLATIONS BY A CLIENT] of a state hunting [FISH, GAME] or
6 guiding statute or regulation that the guide (knows) was committed by a
7 client or an employee of the guide;

8 (2) a master guide, registered guide, special guide,
9 class-A assistant guide, or assistant guide [OR TRANSPORTER] to aid
10 the commission of a violation of this chapter or of AS 16.05 or a
11 regulation adopted [PROMULGATED] under either chapter, or permit the
12 commission of a violation in the guide's [OR TRANSPORTER'S] sight
13 without attempting to prevent it, short of using force, and without
14 reporting it;

15 (3) a person to guide [OR TRANSPORT] as defined in this
16 chapter without being licensed under this chapter and without having
17 the license in actual possession; [HOWEVER, FOR PURPOSES OF TRANSPORT-
18 ING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
19 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE
20 OF BUSINESS OF THE BUSINESS ENTITY;]

21 (4) a person to imply by advertisement, representation, or
22 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a
23 licensed master guide, registered guide, special guide, class-A assis-
24 tant guide, or assistant guide [OR TRANSPORTER] without being current-
25 ly licensed [, OR TO FALSELY ADVERTISE SERVICES];

26 (5) a person to act as a registered or master guide as
27 defined in this chapter without having a current valid resident hunt-
28 ing [AND FISHING] license [IN THE PERSON'S POSSESSION.

29 (6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE

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1 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

2 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
3 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e)].

4 (b) A person who violates (a)(1) - (4) [(6)] of this section is
 5 guilty of a misdemeanor and upon conviction is punishable by a fine of
 6 not more than \$1,000 or by imprisonment for not more than one year, or
 7 by both, and the person's license may be revoked for a period up to
 8 five years. However, a person who engages in guiding [OR TRANSPORT-
 9 ING] activity during the period for which the person's license is
 10 suspended or revoked under this chapter, or who violates (a)(5) of
 11 this section, is guilty of a felony punishable, upon conviction, by a
 12 fine of not more than \$5,000 and by imprisonment for not less than one
 13 year nor more than three years. In addition to punishment for a
 14 felony, all guns, fishing tackle, boats, aircraft, automobiles or
 15 other vehicles, camping gear and other equipment and paraphernalia
 16 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
 17 during the period of suspension or revocation shall be seized [CON-
 18 FISCATED] by persons authorized to enforce this chapter. [A PERSON
 19 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
 20 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
 21 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
 22 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
 23 BOTH.]

24 * Sec. 20 AS 08.54.240 is amended to read:

25 Sec. 08.54.240. DEFINITIONS. In this chapter

26 (1) "boa-d" means the Guide [LICENSING AND CONTROL] Board;

27 (2) "guide" [, "GUIDES"] or "guiding" means (A) being
 28 physically present in the field to provide a service related to a hunt
 29 for compensation or with the intent or an agreement to receive

99A 1.0002
under
with

1 compensation for the service; or (B) assisting another person,
2 directly or through an assistant, to locate or take, or attempt to
3 locate or take, big game for compensation or with the intent or an
4 agreement to receive compensation for the assistance; "guide" or
5 "guiding" does not include the services of licensed commercial
6 carriers who limit their services solely to transportation and who do
7 not remain in the field [ASSISTING ANOTHER PERSON TO TAKE GAME WITH
8 THE INTENT OF RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE
9 SERVICES, BY ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR
10 THROUGH A LICENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT,
11 AND NOT SOLELY FOR THE PURPOSE OF PROVIDING TRANSPORTATION SERVI-
12 CES];

13 (3) "resident" means a person who

14 (A) maintains a place of residence within the state;

15 (B) [Repealed

16 (C)] shows by all attending circumstances the inten-
17 tion to permanently reside in this state;

18 (4) ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
19 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
20 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
21 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
22 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
23 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
24 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;

25 (5) "unethical activity" means

26 (A) deception or misrepresentation [IN ANY DEGREE]
27 involving prospective or actual clients either before, during, or
28 following a contract hunt including, misrepresentation through
29 private or public advertising of the type, duration, cost or

1 conditions of the contract hunt [HUNTS];

2 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
3 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
4 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

5 (C)] making a guaranty that a species or certain
6 number of species of game will be taken on a contract hunt;

7 (C) engaging in unsafe or unsportsmanlike activities
8 that are detrimental to the game resources of the state, as
9 defined by regulations of the board, including violations of
10 state or federal hunting or guiding laws or regulations; or

11 (D) accepting a deposit for guiding services before
12 signing a contract to provide the services;

13 (5) "big game" means brown bear, grizzly bear, polar bear,
14 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
15 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

16 * Sec. 21. AS 16.05.407(a) is amended to read:

17 (a) It is unlawful for a nonresident to hunt, pursue or take
18 brown bear, grizzly bear, polar bear, or sheep in this state, unless
19 personally accompanied by

20 (1) a person who is licensed as a master guide, registered
21 guide, class-A assistant guide or assistant guide by the Guide [LI-
22 CENSING AND CONTROL] Board; or

23 (2) a resident over 19 years of age who is

24 (A) the spouse of the nonresident; or

25 (B) is related to the nonresident, within and includ-
26 ing the second degree of kindred, by marriage or blood.

27 * Sec. 22. AS 16.05.407(b) is amended to read:

28 (b) An applicant for a nonresident big game tag for the taking
29 of an animal specified in (a) of this section or in regulations adopt-

1 conditions of the contract hunt [HUNTS];

2 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
3 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
4 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

5 (C)] making a guaranty that a species or certain
6 number of species of game will be taken on a contract hunt;

7 (C) engaging in unsafe or unsportsmanlike activities
8 that are detrimental to the game resources of the state, as
9 defined by regulations of the board, including violations of
10 state or federal hunting or guiding laws or regulations; or

11 (D) accepting a deposit for guiding services before
12 signing a contract to provide the services;

13 (5) "big game" means brown bear, grizzly bear, polar bear,
14 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
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18 brown bear, grizzly bear, polar bear, or sheep in this state, unless
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21 guide, class-A assistant guide or assistant guide by the Guide [LI-
22 CENSING AND CONTROL] Board; or

23 (2) a resident over 19 years of age who is

24 (A) the spouse of the nonresident; or

25 (B) is related to the nonresident, within and includ-
26 ing the second degree of kindred, by marriage or blood.

27 * Sec. 22. AS 16.05.407(b) is amended to read:

28 (b) An applicant for a nonresident big game tag for the taking
29 of an animal specified in (a) of this section or in regulations adopt-

1 ed under this section shall first furnish to the state, on a form
 2 provided by the state, an affidavit showing that the applicant will be
 3 personally accompanied while hunting by a person who is qualified
 4 under the terms of (a) of this section. A person who falsifies the
 5 required affidavit is guilty of perjury under AS 11.56.200.

6 * Sec. 23. AS 16.05.407(d) is amended to read:

7 (d) A nonresident who violates (a) [OR (c)] of this section, or
 8 who fails to furnish an affidavit under (b) of this section, is guilty
 9 of a misdemeanor and upon conviction is punishable by imprisonment for
 10 not more than one year, or by a fine of not more than \$5,000, or by
 11 both.

12 * Sec. 24. AS 39.50.200(b) is amended by adding a new paragraph to
 13 read:

14 (48) the Guide Board.

15 * Sec. 25. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
 16 05.340(e) and 16.05.407(c) are repealed.

17 * Sec. 26. This Act takes effect July 1, 1986.

* = Difference in CS

Hein
5/1/86 ✓

Original sponsor: Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE
 2 HOUSE CS FOR CS FOR SENATE BILL NO. 294 (Resources)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - SECOND SESSION
 5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
 7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
 13 June 30, 1990 [1986]).

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
 17 purposes of licensing and regulating the activities of guides in the
 18 interest of the state's wildlife resources there [THERE] is created
 19 the Guide [LICENSING AND CONTROL] Board consisting of seven members.
 20 No more than three members of the board shall hold or have held a
 21 registered, master, or class A assistant guide license. The other
 22 members must [SHALL] have a general knowledge of the game resources of
 23 the state and may not have a vested interest in the guiding industry.
 24 A minimum of 10 years residence in the state is required for all
 25 members of the board. For administrative purposes, the board is in
 26 the Department of Commerce and Economic Development.

27 * Sec. 4. AS 08.54.020 is amended to read:

28 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
 29 the board shall be appointed by the governor and confirmed by the

1 legislature for staggered terms of three years or until their succes-
 2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR
 3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]

4 A member may be removed at the pleasure of the governor.

5 * Sec. 5. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
 7 board constitute a quorum for the transaction of business, for the
 8 performance of a duty, and for the exercise of any power under this
 9 chapter. The board may not adopt a regulation, revoke, suspend, or
 10 deny renewal of a license, or assign, modify, or revoke a restricted
 11 guide area unless the action is approved by a vote of a majority of
 12 the full membership of the board.

13 * Sec. 6. AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may
 16 include oral examinations of applicants who demonstrate limited abil-
 17 ity to read or write the English language;

18 (2) determine [AND PASS ON] qualifications of applicants
 19 for licenses and authorize the issuance of licenses to those who
 20 qualify;

21 (3) establish guide performance standards and regulate
 22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]
 24 register of master and registered guides who have not been convicted
 25 of a violation of a [FEDERAL OR] state [SPORT FISH,] game [,] or
 26 guiding statute or regulation; a guide listed in the register whose
 27 license is revoked or suspended shall be removed from the register
 28 while the guide's license is revoked or suspended;

29 (5) [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED

1 OR MASTER GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE
2 YEARS IMMEDIATELY PRECEDING THE PUBLISHING OF THE RECORD;

3 (6)] prohibit guiding activities which are unsportsmanlike,
4 unethical, unsafe, against principles of conservation, degrading to
5 the guiding profession, or which adversely affect the natural re-
6 sources;

7 (6) [(7)] after a hearing, revoke, suspend or deny renewal
8 of a license in accordance with AS 08.54.200;

9 (7) [(8)] establish a quota of licensed operating guides
10 who may operate within designated geographical game units or subunits
11 of the state and provide for an equitable, [AND] reasonable, and
12 consistent procedure for limiting the number of guides to that quota;
13 preference may [SHALL] be given to qualified available and willing
14 licensed guides who reside within the designated game unit or subunit;

15 (8) meet at least twice annually, once in Anchorage and
16 once in another municipality.

17 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

18 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
19 special guide license to a person who applies to conduct a guided hunt
20 for a specific species of marine mammal in a specifically designated
21 area if the applicant

22 (1) is 21 years of age or older;

23 (2) has, for at least 10 years, resided and hunted in the
24 area of the state in which the applicant is to guide;

25 (3) is able to perform the duties of a special guide;

26 (4) has demonstrated knowledge of the following areas to an
27 extent and degree satisfactory to the board:

28 (A) fish and game laws and regulations;

29 (B) relevant characteristics of the specific species

1 to be hunted;

2 (C) field preparation of trophies;

3 (D) care of game meat;

4 (E) use of guiding gear;

5 (F) firearm safety;

6 (G) practical first aid;

7 (H) booking and contracting hunts;

8 (5) has not been convicted of a game or guiding law viola-
9 tion during the previous five years;

10 (6) has not been convicted of a crime involving mora-
11 turpitude.

12 * Sec. 8. AS 08.54.110 is amended to read:

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE.

14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of
18 firearms, hunting, judging trophies, field preparation of trophies
19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportatio-
21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepar-
23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient sta-
25 ndards of competence and ethical conduct and has not been convicted
26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state during any [F
28 ALL OR PART OF EACH OF] five years in a manner directly contributi-
29 to the person's experience and competency as a guide;

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1 (7) [(8)] has been licensed as and performed the services
 2 of an assistant guide in the state for a part of each of three years,
 3 or has guided in the state for a part of each of three years under a
 4 special guide license issued under AS 08.54.045;

5 (8) [(9)] submits a written recommendation to the board
 6 from a registered guide for whom the applicant has worked or from two
 7 registered guides; however, the requirements of this paragraph do not
 8 apply to a person who has guided under a special guide license for
 9 three years;

10 (9) [(10)] is capable of performing the essential [PHYSI-
 11 CAL] duties associated with guiding [ACTIVITIES];

12 (10) [(11)] has been favorably recommended in writing by two
 13 hunters that the person has guided or assisted in guiding during each
 14 year of the person's three years as an assistant guide, whose recom-
 15 mendations have been solicited by the board from a list provided by
 16 the applicant [;

17 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
 18 REQUIRE].

19 * * Sec. 9. AS 08.54.110 is amended by adding a new subsection to read:

20 (b) The commissioner of commerce and economic development may
 21 order that an applicant for an initial license under this section be
 22 allowed to take the license examination or be issued the license if,
 23 after reviewing a petition filed by the applicant, the commissioner
 24 finds that

New <

25 (1) the board denied the applicant an opportunity to take
 26 the license examination, or refused to approve issuance of the li-
 27 cense;

28 (2) the board's denial or refusal was based on
 29 (A) an error of fact by the board;

new }

(B) the applicant's failure of the license examination due to faulty or unfair examination questions or procedures; or

(C) an erroneous or false statement in a recommendation submitted under (a)(8) of this section;

(3) the applicant is otherwise qualified to take the examination or to be issued the license; and

(4) sustaining the board's denial or refusal would work a substantial injustice on the applicant.

* Sec. 10. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE LICENSE. An assistant guide

(1) may not contract to conduct a guided hunt; and

(2) shall be employed and supervised by a registered or master guide at all times while the assistant guide is in the field on guided hunts.

* Sec. 11. AS 08.54.170 is amended to read:

Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce and Economic Development shall set license fees under AS 08.01.065 for each of the following:

- (1) master guide;
- (2) registered guide;
- (3) class A assistant guide;
- (4) assistant guide;
- (5) special guide [TRANSPORTER].

(b) The license fee for a master guide, registered guide, special guide, class-A assistant guide, or assistant guide license is in addition to the fee required for a ~~*~~ hunting license.

* *out*

* Sec. 12. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall

1 administer the qualification examination required under AS 08.54.110
2 at least twice a year. An examination may not be given within 90 days
3 after the previous exam. At least once every other year the board
4 shall give the examination at a location other than Anchorage.

5 * Sec. 13. AS 08.54.190 is amended by adding a new subsection to read:

6 (d) A master guide, registered guide, special guide, class-A
7 assistant guide, or assistant guide license expires biennially, on a
8 date set by the Department of Commerce and Economic Development.

9 * Sec. 14. AS 08.54 is amended by adding a new section to read:

10 Sec. 08.54.195. RESTRICTED GUIDE AREAS. (a) Under AS 08.54.-
11 040(a)(7), the board may establish and assign restricted guide areas
12 for master guides or registered guides. The board shall adopt regula-
13 tions* that establish uniform and consistent criteria, including a
14 point system, to be used by the board when it establishes and assigns
15 a restricted guide area.

16 (b) The board shall consider the following factors before it
17 assigns a restricted guide area:

18 (1) the extent to which the guide who has applied for the
19 area has guided in the game management unit in which the area is
20 located;

21 (2) the extent to which the guide occupied and invested in
22 the area;

23 (3) the effects, including the economic effect, on other
24 guides that would result from creation of the area;

25 (4) big game populations in the area;

26 (5) the land ownership status of the area; and

27 (6) other relevant facts or circumstances.

28 (c) The board may adopt regulations limiting the number of
29 clients with which a guide may contract for hunts in a restricted

1 guide area used by more than one guide.

2 (d) Unless the board determines after a public hearing that it
3 is not in the public interest to do so, the board may transfer a
4 restricted guide area to a person qualified for assignment who has
5 been recommended by the guide to whom the area* is assigned, or by a
6 person authorized to represent the guide, if the recommendation is
7 made

* Change (over)

8 (1) after five years have elapsed from the date of the
9 assignment of the guide area; or

10 (2) during the first five years after the date of assign-
11 ment and the guide has died or suffered a major disability, as defined
12 by the board.

13 (e) A guide may not sell or lease a restricted guide area. A
14 guide may sell or otherwise transfer a lodge, camp, or other lawful
15 improvement to property located in a restricted guide area. Sales
16 price may not exceed fair market value.

17 * Sec. 15. AS 08.54.200(a) is repealed and reenacted to read:

18 (a) The board shall hold a hearing to determine whether a li-
19 censee should be disciplined within a reasonable time after (1) com-
20 plaints concerning a licensee's guiding activities are filed with the
21 board by three or more of the licensee's clients from separate
22 parties; (2) a complaint concerning a guide's conduct during a life-
23 threatening situation is filed with the board; or (3) a licensee has
24 been convicted of a violation of a* federal or state hunting or guiding
25 statute or regulation. The board may hold a hearing to determine
26 whether disciplinary action is necessary if a complaint concerning a
27 licensee's guiding activities is filed with the board by a client of
28 the licensee.

* in Public Safety

29 * Sec. 16. AS 08.54.200(b) is amended to read:

1 (b) After a hearing, the board may revoke, suspend, or deny
 * 2 renewal of a license, * and may withdraw a licensee's restricted guide
 3 area assignment, if the board finds that the licensee

4 (1) engaged in unethical activity, unsafe activity, or
 5 activity that [WHICH] adversely affects the natural resources of the
 6 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
 7 AND LEGITIMATE] purposes of the contract hunt; or

8 (2) violated a provision of a federal or state [SPORT
 9 FISH,] game or guide statute or regulation.

10 * Sec. 17. AS 08.54.200(c) is amended to read:

* 11 (c) After a hearing, the board shall revoke a license * and shall
 12 withdraw a licensee's restricted guide area assignment if the board
 13 finds that the licensee

14 (1) does not meet the qualifications specified by statute
 15 or regulation for the class of license held;

16 (2) is incompetent as a master guide, registered guide,
 17 special guide, class-A assistant guide, or assistant guide;

18 (3) during the five years immediately preceding the hearing
 19 has been convicted of a violation [TWO VIOLATIONS] of a federal or
 20 state statute or regulation prohibiting

21 (A) waste of a wild food animal;

22 (B) hunting on the same day airborne;

23 (C) hunting during a closed hunting season; or

* 24 (D) hunting in an area closed by federal regulation;

25 or

26 (4) during the five years immediately preceding the hear-
 27 ing, has been convicted of two violations of a state statute or regu-
 28 lation prohibiting hunting in a restricted area not assigned to the
 29 licensee and without proper written permission [SPORT FISH, GAME OR

1 GUIDE STATUTES OR REGULATIONS].

2 * Sec. 18. AS 08.54.200(d) is repealed and reenacted to read:

3 (d) A person who is disciplined under this section may not
4 engage in a guiding activity during the period of license revocation
5 or disciplinary action. A person licensed under this chapter may not
6 hire as a guide a person whose guide license is suspended or revoked
7 under this section. A guide whose license is suspended or revoked may
8 not guide in the employ of a person licensed under this chapter.

9 * Sec. 19. AS 08.54.200 is amended by adding new subsections to read:

10 (f) If a certified copy of a judgment of conviction of a guide
11 for an offense described under (c)(3) of this section, or for each of
12 two offenses under (c)(4) of this section, is filed with the board,
13 the board shall immediately suspend the guide's license. The suspen-
14 sion may be ordered even if the conviction resulted from a plea of
15 nolo contendere or if the conviction is under appeal. The order
16 remains in effect until after the final disposition of the disciplin-
17 ary proceeding under this section.

* 18 out
(sufficer)

19 (g) A certified copy of a judgment of conviction of a guide for *
20 an offense is conclusive evidence of the commission of that offense in
21 a disciplinary proceeding instituted against the guide under this
22 section based on that conviction.

23 (h) Within 30 days after a hearing under this section, the board
24 shall notify the complainant of the results of the hearing, including
25 written reasons justifying a decision not to take disciplinary action.
26 If the board decides not to hold a discretionary hearing, the board
27 shall give the complainant written notice of its reasons within 30
28 days after making the decision.

29 (i) In this section "two violations of a state statute or regu-
lation" means two violations of a single statute or a single

1 regulation, or violations of two statutes or two regulations, or one
2 violation of a statute and one violation of a regulation.

3 * Sec. 20. AS 08.54.210(a) is repealed and reenacted to read:

4 (a) It is unlawful for

5 (1) a master guide, registered guide, special guide, class
6 A assistant guide, or assistant guide to fail to timely report to the
7 Department of Public Safety, division of fish and wildlife protection,
8 and in no event later than 30 days, a violation of a state fish, game,
9 or guiding statute or regulation that the guide reasonably believes
10 was committed by a client or an employee of the guide;

* 11 *New Public Safety*
12 (2) a guide^{*} to commit or aid the commission of a violation
13 of this chapter or of a state game or guiding statute or regulation or
14 to permit the commission of a violation that the guide knows or rea-
15 sonably believes is being or will be committed without attempting to
16 prevent it, short of using force, and without reporting it;

17 (3) a person to guide without having a current valid guide
18 license and resident hunting license in actual possession;

19 (4) a person to advertise as or represent to be a guide
20 without holding a current valid guide license;

21 (5) a guide to intentionally obstruct or hinder or attempt
22 to obstruct or hinder lawful hunting engaged in by a person who is not
23 a client of the guide;

24 (6) a person to guide without being validly licensed as a
25 guide under this chapter and as a resident hunter under AS 16;

26 (7) an assistant guide to contract to conduct a guided
27 hunt;

28 (8) an assistant guide to be in the field on a guided hunt
29 except while employed and supervised by a registered or master guide.

* Sec. 21. AS 08.54.210(b) is amended to read:

1 (b) A person who violates (a)(1) - (5) [(6)] of this section is
 2 guilty of a misdemeanor and upon conviction is punishable by a fine of
 3 not more than \$1,000 or by imprisonment for not more than one year, or
 4 by both, and the person's license may be revoked for a period up to
 5 five years. However, a person who engages in guiding [OR TRANSPORT-
 6 ING] activity during the period for which the person's license is
 7 suspended or revoked under this chapter, or who violates (a)(6) - (8)
 8 of this section, is guilty of a felony punishable, upon conviction, by
 9 a fine of not more than \$5,000 and by imprisonment for not less than
 10 one year nor more than three years. In addition to punishment for a
 11 felony, all guns, fishing tackle, boats, aircraft, automobiles or
 12 other vehicles, camping gear and other equipment and paraphernalia
 13 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
 14 during the period of suspension or revocation ^{*}may [SHALL] be seized
 15 ^(Public List) [CONFISCATED] by persons authorized to enforce this chapter and may be
 16 forfeited to the state as provided under AS 16.05.195. [A PERSON WHO
 17 VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO THE
 18 SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) - (6)
 19 OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT MORE
 20 THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
 21 BOTH.]

22 * Sec. 22. AS 08.54 is amended by adding a new section to art. 3 to
 23 read:

24 Sec. 08.54.230. RECORDS OF GUIDED HUNTS. The Department of
 25 Commerce and Economic Development shall collect and maintain records
 26 of hunts conducted by guides. The department shall make the records
 27 available to state and federal agencies charged with the enforcement
 28 of statutes and regulations relating to guiding or game if requested
 29 for enforcement purposes. For all other purposes, the records are

1 confidential and are not subject to inspection or copying under
2 AS 09.25.110 - 09.25.121.

3 * Sec. 23. AS 08.54.240 is amended to read:

4 Sec. 08.54.240. DEFINITIONS. In this chapter

5 (1) "big game" means brown bear, grizzly bear, polar bear,
6 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
7 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

8 (2) "board" means the Guide [LICENSING AND CONTROL] Board;

9 (3) [(2)] "guide" [, "GUIDES"] or "guiding" means accompan-
10 ying or directing a hunter in the field, personally or through an
11 assistant, for compensation or with the intent or an agreement to
12 receive compensation, while the hunter or the person accompanying or
13 directing the hunter spots, stalks, pursues, tracks, kills, or at-
14 tempts to kill big game; in this paragraph, "in the field" does not
15 include being present in a boat with living quarters or at a lodge or
16 base camp [ASSISTING ANOTHER PERSON TO TAKE GAME WITH THE INTENT OF
17 RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE SERVICES, BY
18 ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR THROUGH A LI-
19 CENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT, AND NOT SOLELY FOR
20 THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

21 (4) [(3)] "resident" has the meaning given in AS 16.05.940
22 [MEANS A PERSON WHO

23 (A) MAINTAINS A PLACE OF RESIDENCE WITHIN THE STATE;

24 (B) REPEALED

25 (C) SHOWS BY ALL ATTENDING CIRCUMSTANCES THE INTENTION
26 TO PERMANENTLY RESIDE IN THIS STATE];

27 (5) [(4)] "restricted guide area" is a geographical area of
28 the state the boundaries of which are determined by the board, and in
29 which guided hunts may be conducted only by the guides to whom the

1 area is assigned under AS 08.54.195 ["TRANSPORTING" OR THE "ACTIVITY
2 OF TRANSPORTING" MEANS CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN
3 AREA FOR REMUNERATION OR MATERIAL BENEFIT IN EXCESS OF NORMAL OPERAT-
4 ING COSTS, WHEN THE PRIMARY PURPOSE OF THE PERSON BEING CONVEYED IS
5 THE TAKING OF BIG GAME AND THE ASSOCIATED REMOVING OF BIG GAME MEAT
6 AND PARTS OF BIG GAME AFTER BIG GAME HAS BEEN TAKEN; BIG GAME AS USED
7 IN THIS PARAGRAPH MEANS GAME WHICH, IF TAKEN BY A NONRESIDENT, WOULD
8 REQUIRE A BIG GAME TAG];

9 (6) [(5)] "unethical activity" means

10 (A) deception or misrepresentation [IN ANY DEGREE]
11 involving prospective or actual clients either before, during, or
12 following a contract hunt, including misrepresentation through
13 private or public advertising of the type, duration, cost or
14 conditions of the contract hunt [HUNTS];

15 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
16 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
17 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

18 (C)] making a guaranty that a species or certain
19 number of species of game will be taken on a contract hunt;

20 (C) engaging in unsafe or unsportsmanlike activities
21 that are detrimental to the game resources of the state, as
22 defined by regulations of the board, including violations of
23 state hunting or guiding statutes or regulations; or

24 (D) accepting a deposit for guiding services without
25 providing before the hunt a signed contract to provide the ser-
26 vices.

27 * Sec. 24. AS 16.05.407(a) is amended to read:

28 (a) It is unlawful for a nonresident to hunt, pursue or take
29 brown bear, grizzly bear, polar bear, or sheep in this state, unless

1 personally accompanied by

2 (1) a person who is licensed as a master guide, registered
3 guide, class-A assistant guide or assistant guide by the Guide [LI-
4 CENSING AND CONTROL] Board; or

5 (2) a resident over 19 years of age who is

6 (A) the spouse of the nonresident; or

7 (B) is related to the nonresident, within and includ-
8 ing the second degree of kindred, by marriage or blood.

9 * Sec. 25. AS 16.05.407(d) is amended to read:

10 (d) A nonresident who violates (a) [OR (c)] of this section, or
11 who fails to furnish an affidavit under (b) of this section, is guilty
12 of a misdemeanor and upon conviction is punishable by imprisonment for
13 not more than one year, or by a fine of not more than \$5,000, or by
14 both.

15 * Sec. 26. AS 39.50.200(b) is amended by adding a new paragraph to
16 read:

17 (48) the Guide Board.

18 * Sec. 27. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
19 05.340(e) and 16.05.407(c) are repealed.

20 * Sec. 28. This Act takes effect July 1, 1986.

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 294 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986]).

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
17 purposes of licensing and regulating the activities of guides in the
18 interest of managing the state's wildlife resources there [THERE] is
19 created the Guide [LICENSING AND CONTROL] Board consisting of seven
20 members. No more than three members of the board shall have a guide
21 license. The other members shall have a general knowledge of the game
22 resources of the state. A minimum of 10 years residence in the state
23 is required for all members of the board. For administrative pur-
24 poses, the board is in the Department of Commerce and Economic Devel-
25 opment.

26 * Sec. 4. AS ~~08.54.020~~ is amended to read:

27 Sec. 08.54.020. ~~APPOINTMENT AND TERM OF OFFICE.~~ The members of
28 the board shall be appointed by the governor and confirmed by the
29 legislature for staggered terms of three years or until their

1 successors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE
2 MEMBERS FOR ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR
3 THREE YEARS.] A member may be removed ~~[by]~~ {AT THE PLEASURE OF} the
4 governor ~~[for cause, including nonattendance at board meetings]~~

5 * Sec. ~~4~~ AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
7 board constitute a quorum for the transaction of business, for the
8 performance of a duty, and for the exercise of any power under this
9 chapter. The board may not adopt a regulation, revoke, suspend or
10 deny renewal of a license, or assign, modify or revoke a restricted
11 guide area unless the action is approved by a vote of a majority of
12 the full membership of the board.

13 * Sec. ~~5~~ AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may
16 include oral examinations of applicants who demonstrate limited abil-
17 ity to read or write the English language;

18 (2) determine [AND PASS ON] qualifications of applicants
19 for licenses and authorize the issuance of licenses to those who
20 qualify;

21 (3) establish guide performance standards and regulate
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]
24 register of master and registered guides who have not been convicted
25 of a violation of a federal or state {SPORT FISH,} game [,] or guiding
26 statute or regulation; a guide listed in the register whose license is
27 revoked or suspended shall be removed from the register while the
28 guide's license is revoked or suspended;

29 (5) collect and maintain records of hunts conducted by

1 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER
2 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMME-
3 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

4 (6) prohibit guiding activities which are unsportsmanlike,
5 unethical, unsafe, against principles of conservation, degrading to
6 the guiding profession, or which adversely affect the natural re-
7 sources;

8 (7) after a hearing, revoke, suspend or deny renewal of a
9 license in accordance with AS 08.54.200;

10 (8) establish a quota of licensed operating guides who may
11 operate within designated geographical game units or subunits of the
12 state and provide for an equitable, [AND] reasonable, and consistent
13 procedure for limiting the number of guides to that quota; preference
14 shall be given to qualified available and willing licensed guides who
15 reside within the designated game unit or subunit;

16 (9) meet at least twice annually, once in Anchorage and
17 once in another municipality.

18 * Sec. **6** AS 08.54.045 is repealed and reenacted to read:

19 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
20 special guide license to a person who applies to conduct a guided hunt
21 for a specific species of marine mammal in a specifically designated
22 area if the applicant

23 (1) is 21 years of age or older;

24 (2) has, for at least 10 years, resided and hunted in the
25 area of the state in which the applicant is to guide;

26 (3) is physically able to perform the duties of a special
27 guide;

28 (4) has demonstrated knowledge of the following areas to an
29 extent and degree satisfactory to the board:

- 1 (A) fish and game laws and regulations;
2 (B) relevant characteristics of the specific species
3 to be hunted;
4 (C) field preparation of trophies;
5 (D) care of game meat;
6 (E) use of guiding gear;
7 (F) firearm safety;
8 (G) practical first aid;
9 (H) booking and contracting hunts;

10 (5) has not been convicted of a game or guiding law viola-
11 tion during the previous five years.

12 * Sec. 7 AS 08.54.110 is amended to read:

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of
18 firearms, hunting, judging trophies, field preparation of trophies,
19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportation
21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared
23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-
25 dards of competence and ethical conduct and has not been convicted of
26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state for all or part
28 of each of five years in a manner directly contributing to the per-
29 son's experience and competency as a guide;

1 (7) [(8)] has been licensed as and performed the services
2 of an assistant guide in the state for a part of each of three years,
3 or has guided in the state for a part of each of three years under a
4 special guide license issued under AS 08.54.045;

5 (8) [(9)] submits a written recommendation to the board
6 from a registered guide for whom the applicant has worked; however,
7 the requirements of this paragraph do not apply to a person who has
8 guided under a special guide license for three years;

9 (9) [(10)] is capable of performing the physical duties
10 associated with guiding activities;

11 (10) [(11)] has been favorably recommended in writing by two
12 hunters that the person has guided or assisted in guiding during each
13 year of the person's three years as an assistant guide, whose recom-
14 mendations have been solicited by the board from a list provided by
15 the applicant [;

16 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
17 REQUIRE].

18 * Sec. ~~8~~ AS 08.54 is amended by adding a new section to read:

19 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
20 LICENSE. An assistant guide

21 (1) may not contract for guided hunts; and

22 (2) shall be employed and supervised by a registered or
23 master guide at all times while the assistant guide is in the field on
24 guided hunts.

25 * Sec. ~~9~~ AS 08.54.170 is amended to read:

26 Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce
27 and Economic Development shall set license fees under AS 08.01.065 for
28 each of the following:

29 (1) master guide;

- 1 (2) registered guide;
2 (3) class A assistant guide;
3 (4) assistant guide;
4 (5) special guide [TRANSPORTER].

5 (b) The license fee for a master guide, registered guide,
6 special guide, class-A assistant guide, or assistant guide license is
7 in addition to the fee required for a hunting or fishing license.

8 * Sec. **10** AS 08.54 is amended by adding a new section to read:

9 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
10 administer the qualification examination required under AS 08.54.110
11 at least twice a year. An examination may not be given within 90 days
12 after the previous exam. At least once every other year the board
13 shall give the examination at a location other than Anchorage.

14 * Sec. **11**. AS 08.54.190 is amended by adding a new subsection to read:

15 (d) A master guide, registered guide, special guide, class-A
16 assistant guide, or assistant guide license expires ~~during the second~~ ^{every two years}
17 ~~year after the year in which it was issued~~, ^{biannually} on a date set by the
18 Department of Commerce and Economic Development.

19 * Sec. **12** AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
21 board may establish and assign guide areas for master guides or regis-
22 tered guides. The board shall adopt regulations under the Administra-
23 tive Procedure Act (AS 44.62) that establish uniform and consistent
24 criteria, including a point system, to be used by the board when it
25 creates and assigns a restrictive guide area.

26 (b) The board shall consider the following factors before it
27 assigns a restrictive guide area:

28 (1) the extent to which the guide who has applied for the
29 area has used the game management unit in which the area is located;

1 (2) the extent to which the guide occupied and invested in
2 the area;

3 (3) the effect on other guides that would result from
4 cre 'on of the area;

5 (4) big game populations in the area; and

6 (5) the land ownership status of the area.

7 ~~(c) The board may consider~~ ^{Other} relevant facts or circumstances,
8 ~~before assigning a restrictive guide area.~~

9 (c)(f) The board may adopt regulations establishing a schedule of
10 fees to be charged to persons to whom the board transfers restrictive
11 guide areas.

12 (d)(f) The board shall transfer a restrictive guide area to a
13 person qualified for assignment who has been recommended by the guide
14 to whom the area was assigned, or by a person on behalf of the guide,
15 if the recommendation is made

16 (1) after five years have elapsed from the date of the
17 assignment of the guide area; or

18 (2) during the first five years after the date of assign-
19 ment and the guide has died or suffered a major disability, as defined
20 by the board.

21 * Sec. ~~13~~ AS 08.54.200(a) is repealed and reenacted to read:

22 (a) The board shall hold a hearing to determine whether disci-
23 plinary action is necessary if (1) complaints concerning a licensee's
24 guiding activities are filed with the board by three or more of the
25 licensee's clients from separate parties; (2) a complaint concerning a
26 guide's conduct during a life-threatening situation is filed with the
27 board; or (3) a licensee has been convicted of a violation of a state
28 hunting or guiding statute or regulation. The board may hold a hear-
29 ing to determine whether disciplinary action is necessary if a

1 complaint concerning a licensee's guiding activities is filed with the
2 board by a client of the licensee.

3 * Sec. **14** AS 08.54.200(b) is amended to read:

4 (b) After a hearing, the board may revoke, suspend, or deny
5 renewal of a license if the board finds that the licensee

6 (1) engaged in unethical activity, unsafe activity, or
7 activity that [WHICH] adversely affects the natural resources of the
8 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
9 AND LEGITIMATE] purposes of the contract hunt; or

10 (2) violated a provision of a {FEDERAL OR} state ~~hunting or~~
11 ~~guiding~~ {SPORT FISH, GAME OR GUIDE} statute or regulation.

12 * Sec. **15** AS 08.54.200(c) is amended to read:

13 (c) After a hearing, the board shall revoke a license if the
14 board finds that the licensee

15 (1) does not meet the qualifications specified by statute
16 or regulation for the class of license held;

17 (2) is incompetent as a master guide, registered guide,
18 special guide, class-A assistant guide, {OR} assistant guide. [~~or~~
19 ~~outfitter~~];

20 (3) during the five years immediately preceding the hearing
21 has been convicted of two violations of a {FEDERAL OR} state statute
22 or regulation prohibiting

23 (A) waste of a wild food animal;

24 (B) hunting on the same day airborne;

25 (C) hunting in an area closed to hunting by the Board
26 of Game;

27 (D) hunting during a closed hunting season; or

28 (E) during the five years immediately preceding the
29 hearing, has been convicted of two violations of a state statute

1 or regulation prohibiting hunting in a restricted area not
2 assigned to the licensee and without proper written permission
3 [SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS].

4 * Sec. **16** AS 08.54.200(d) is repealed and reenacted to read:

5 (d) A person who is disciplined under this section may not
6 engage in a guiding activity during the period of license revocatic.
7 or disciplinary action. A person licensed under this chapter may not
8 knowingly hire as a guide a person whose guide license is suspended or
9 revoked under this section. A guide whose license is suspended or
10 revoked may not guide in the employ of a person licensed under this
11 chapter.

12 * Sec. **17** AS 08.54.200 is amended by adding new subsections to read:

13 (f) If certified copies of two judgments of conviction of a
14 guide for offenses described under (c)(3) of this section are filed
15 with the board, the board shall immediately suspend the guide's
16 license. The suspension may be ordered even if the conviction result-
17 ed from a plea of nolo contendere or if the conviction is under
18 appeal. The order remains in effect until after the final disposition
19 of the disciplinary proceeding under this section.

20 (g) A certified copy of a judgment of conviction of a guide for
21 an offense is conclusive evidence of the commission of that offense in
22 a disciplinary proceeding instituted against the guide or outfitter
23 under this section based on that conviction.

24 (h) In this section "two violations of a state statute or regu-
25 lation" means two violations of a single statute or a single regu-
26 lation, or violations of two statutes or two regulations, or one
27 violation of a statute and one violation of a regulation.

28 * Sec. **18** AS 08.54.210 is amended to read:

29 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

1 (1) a master guide, registered guide, special guide,
2 class-A assistant guide, or assistant guide [OR TRANSPORTER] to fail
3 to timely report to the Department of Public Safety, division of fish
4 and wildlife protection, and in no event later than 30 days, a viola-
5 tion [VIOLATIONS BY A CLIENT] of a state ~~hunting~~ [FISH, GAME] or
6 ~~guiding~~ statute or regulation that the guide ^{Reasonably believes} ~~knows~~ was committed by a
7 client or an employee of the guide;

8 (2) a master guide, registered guide, special guide,
9 class-A assistant guide, or assistant guide [OR TRANSPORTER] to aid
10 the commission of a violation of this chapter or of AS 16.05 or a
11 regulation adopted [PROMULGATED] under either chapter, or permit the
12 commission of a violation in the guide's [OR TRANSPORTER'S] sight
13 without attempting to prevent it, short of using force, and without
14 reporting it;

15 (3) a person to guide [OR TRANSPORT] as defined in this
16 chapter without being licensed under this chapter and without having
17 the license in actual possession; [HOWEVER, FOR PURPOSES OF TRANSPORT-
18 ING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
19 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE
20 OF BUSINESS OF THE BUSINESS ENTITY;]

21 (4) a person to imply by advertisement, representatic or
22 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE]
23 licensed master guide, registered guide, special guide, class-A assis-
24 tant guide, or assistant guide [OR TRANSPORTER] without being current-
25 ly licensed [, OR TO FALSELY ADVERTISE SERVICES];

26 (5) a person to act as a registered or master guide as
27 defined in this chapter without having a current valid resident hunt-
28 ing [AND FISHING] license [IN THE PERSON'S POSSESSION.

29 (6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE

1 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

2 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
3 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e)].

4 (b) A person who violates (a)(1) - (4) [(6)] of this section is
5 guilty of a misdemeanor and upon conviction is punishable by a fine of
6 not more than \$1,000 or by imprisonment for not more than one year, or
7 by both, and the person's license may be revoked for a period up to
8 five years. However, a person who engages in guiding [OR TRANSPORT-
9 ING] activity during the period for which the person's license is
10 suspended or revoked under this chapter, or who violates (a)(5) of
11 this section, is guilty of a felony punishable, upon conviction, by a
12 fine of not more than \$5,000 and by imprisonment for not less than one
13 year nor more than three years. In addition to punishment for a
14 felony, all guns, fishing tackle, boats, aircraft, automobiles or
15 other vehicles, camping gear and other equipment and paraphernalia
16 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
17 during the period of suspension or revocation shall be seized [CON-
18 FISCATED] by persons authorized to enforce this chapter. [A PERSON
19 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
20 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
21 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
22 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
23 BOTH.]

24 * Sec. 19 AS 08.54.240 is amended to read:

25 Sec. 08.54.240. DEFINITIONS. In this chapter

26 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

27 (2) "guide" [, "GUIDES"] or "guiding" means (A) being
28 physically present in the field to provide a service related to a hunt
29 for compensation or with the intent or an agreement to receive

present in the field does not include
being present at a lodge or camp

or being present in the field only when by
some animals has been killed for
the purpose of providing meat packing services

1 compensation for the service; or (B) assisting another person,
2 directly or through an assistant, to locate or take, or attempt to
3 locate or take, big game for compensation or with the intent or an
4 agreement to receive compensation for the assistance; "guide" or
5 "guiding" does not include the services of licensed commercial
6 carriers who limit their services solely to transportation and who do
7 not remain in the field [ASSISTING ANOTHER PERSON TO TAKE GAME WITH
8 THE INTENT OF RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE
9 SERVICES, BY ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR
10 THROUGH A LICENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT,
11 AND NOT SOLELY FOR THE PURPOSE OF PROVIDING TRANSPORTATION SERVI-
12 CES];

ref- 16.05 res def

13 (3) "resident" means ~~a person who~~

14 (A) maintains a place of residence within the state;

15 (B) [Repealed

16 (C) shows by all attending circumstances the inten-
17 tion to permanently reside in this state;

18 (4) ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
19 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
20 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
21 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
22 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
23 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
24 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;

25 (5) "unethical activity" means

26 (A) deception or misrepresentation [IN ANY DEGREE]
27 involving prospective or actual clients either before, during, or
28 following a contract hunt including, misrepresentation through
29 private or public advertising of the type, duration, cost or

why not
refer to
residence statute

1 conditions of the contract hunt [HUNTS];

2 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
3 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
4 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

5 (C)] making a guaranty that a species or certain
6 number of species of game will be taken on a contract hunt;

7 (C) engaging in unsafe or unsportsmanlike activities
8 that are detrimental to the game resources of the state, as
9 defined by regulations of the board, including violations of
10 state or federal hunting or guiding laws or regulations; or

11 (D) accepting a deposit for guiding services before
12 signing a contract to provide the services;

13 (5) "big game" means brown bear, grizzly bear, polar bear,
14 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
15 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

16 * Sec. **20** AS 16.05.407(a) is amended to read:

17 (a) It is unlawful for a nonresident to hunt, pursue or take
18 brown bear, grizzly bear, polar bear, or sheep in this state, unless
19 personally accompanied by

20 (1) a person who is licensed as a master guide, registered
21 guide, class-A assistant guide or assistant guide by the Guide [LI-
22 CENSING AND CONTROL] Board; or

23 (2) a resident over 19 years of age who is

24 (A) the spouse of the nonresident; or

25 (B) is related to the nonresident, within and includ-
26 ing the second degree of kindred, by marriage or blood.

27 * Sec. **21** AS 16.05.407(b) is amended to read:

28 (b) An applicant for a nonresident big game tag for the taking
29 of an animal specified in (a) of this section or in regulations adopt-

1 ed under this section shall first furnish to the state, on a form
2 provided by the state, an affidavit showing that the applicant will be
3 personally accompanied while hunting by a person who is qualified
4 under the terms of (a) of this section. A person who falsifies the
5 required affidavit is guilty of perjury under AS 11.56.200.

6 * Sec. **22** AS 16.05.407(d) is amended to read:

7 (d) A nonresident who violates (a) [OR (c)] of this section, or
8 who fails to furnish an affidavit under (b) of this section, is guilty
9 of a misdemeanor and upon conviction is punishable by imprisonment for
10 not more than one year, or by a fine of not more than \$5,000, or by
11 both.

12 * Sec. **23** AS 39.50.200(b) is amended by adding a new paragraph to
13 read:

14 (48) the Guide Board.

15 * Sec. **24** AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
16 05.340(e) and 16.05.407(c) are repealed.

17 * Sec. **25** This Act takes effect July 1, 1966.
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Head Jay - want to get rid of

planned for Johnson Kodak - can we get it available

Armb Soldotna Kodak

Hein 2/3/86

Bond - problem w/

Original sponsor: Resources Committee

Refer employees deposit from client

Head Jay Law - illegal to sell rather than just in regulation

Guides real estate licenses paying to limit

IN THE SENATE

BY THE RESOURCES COMMITTEE

Recognizing exclusion of aids

CS FOR SENATE BILL NO. 294 (Resources) IN THE LEGISLATURE OF THE STATE OF ALASKA FOURTEENTH LEGISLATURE - SECOND SESSION

3 guide limit expanded superann @ current standard

Unit 1-4

A BILL

For an Act entitled: "An Act relating to guiding; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 08.01.010(14) is amended to read:

(14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

* Sec. 2. AS 08.03.010(c)(20) is amended to read:

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ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the purposes of licensing and regulating the activities of guides in the interest of managing the state's wildlife resources there [THERE] is created the Guide [LICENSING AND CONTROL] Board consisting of seven members. No more than three members of the board shall have a guide license. The other members shall have a general knowledge of the game resources of the state. A minimum of 10 years residence in the state is required for all members of the board. For administrative purposes, the board is in the Department of Commerce and Economic Development.

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If applied remains until removed applied

*2 have 88.
more specific
election
7 rules
H how to appoint
delete*

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2 MEMBERS FOR ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR
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4 governor for cause, including nonattendance at board meetings.

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8 performance of a duty, and for the exercise of any power under this
9 chapter. The board may not adopt a regulation, revoke, suspend or
10 deny renewal of a license, or assign, modify or revoke a restricted
11 guide area unless the action is approved by a vote of a majority of
12 the full membership of the board.

13 * Sec. 6. AS 08.54.040(a) is amended to read:
14 (a) Except as provided in AS 08.54.045, the board shall
15 (1) prepare, grade and administer examinations, which may
16 include oral examinations of applicants who demonstrate limited abil-
17 ity to read or write the English language;
18 (2) determine [AND PASS ON] qualifications of applicants
19 for licenses and authorize the issuance of licenses to those who
20 qualify;
21 (3) establish guide performance standards and regulate
22 activity;
23 (4) compile, maintain and publish an annual [A GUIDE]
24 register of master and registered guides who have not been convicted
25 of a violation of a federal or state [SPORT FISH,] game [,] or guiding
26 statute or regulation; a guide listed in the register whose license is
27 revoked or suspended shall be removed from the register while the
28 guide's license is revoked or suspended;
29 (5) collect and maintain records of hunts conducted by

1 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER
 2 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS INTE-
 3 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

4 (6) prohibit guiding activities which are unsportsmanlike,
 5 unethical, unsafe, against principles of conservation, degrading to
 6 the guiding profession, or which adversely affect the natural re-
 7 sources;

8 (7) after a hearing, revoke, suspend or deny renewal of a
 9 license in accordance with AS 08.54.200;

10 (8) establish a quota of licensed operating guides who may
 11 operate within designated geographical game units or subunits of the
 12 state and provide for an equitable, [AND] reasonable, and consistent
 13 procedure for limiting the number of guides to that quota; preference
 14 shall be given to qualified available and willing licensed guides who
 15 reside within the designated game unit or subunit;

16 (9) meet at least twice annually, once in Anchorage and
 17 once in another municipality.

18 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

19 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
 20 special guide license to a person who applies to conduct a guided hunt
 21 for a specific species of marine mammal in a specifically designated
 22 area if the applicant

23 (1) is 21 years of age or older;

24 (2) has, for at least 10 years, resided and hunted in the
 25 area of the state in which the applicant is to guide;

26 (3) is physically able to perform the duties of a special
 27 guide;

28 (4) has demonstrated knowledge of the following areas to an
 29 extent and degree satisfactory to the board:

*Don't like
 whole section
 Don't like
 after 15*

- 1 (A) fish and game laws and regulations;
2 (B) relevant characteristics of the specific species
3 to be hunted;
4 (C) field preparation of trophies;
5 (D) care of game meat;
6 (E) use of guiding gear;
7 (F) firearm safety;
8 (G) practical first aid;
9 (H) booking and contracting hunts;

10 (5) has not been convicted of a game or guiding law viola-
11 tion during the previous five years.

12 * Sec. 8. AS 08.54.110 is amended to read:

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of
18 firearms, hunting, judging trophies, field preparation of trophies,
19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportation
21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared
23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-
25 dards of competence and ethical conduct and has not been convicted of
26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state for all or part
28 of each of five years in a manner directly contributing to the per-
29 son's experience and competency as a guide;

1 (7) [(8)] has been licensed as and performed the services
 2 of an assistant guide in the state for a part of each of three years,
 3 or has guided in the state for a part of each of three years under a
 4 special guide license issued under AS 08.54.045;

5 (8) [(9)] submits a written recommendation to the board
 6 from a registered guide for whom the applicant has worked; however,
 7 the requirements of this paragraph do not apply to a person who has
 8 guided under a special guide license for three years;

9 (9) [(10)] is capable of performing the physical duties
 10 associated with guiding activities;

11 (10) [(11)] has been favorably recommended in writing by two
 12 hunters that the person has guided or assisted in guiding during each
 13 year of the person's three years as an assistant guide, whose recom-
 14 mendations have been solicited by the board from a list provided by
 15 the applicant;

16 (11) has filed with the board a bond with a corporate surety
 17 qualified to do business in the state running to the state in the
 18 amount of \$5,000

19 [(12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
 20 REQUIRE].

21 * Sec. 9. AS 08.54 is amended by adding a new section to read:

22 Sec. 08.54.14. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
 23 LICENSE. An assistant guide

24 (1) may not contract for guided hunts; and

25 (2) shall be employed and supervised by a registered or
 26 master guide at all times while the assistant guide is in the field on
 27 guided hunts.

28 * Sec. 10. AS 08.54.170 is amended to read:

29 Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce

*Deliberate
 opportunity bond
 is unenforceable
 5000
 5000*

*Att. (1)
Problems
Material*

*Law (1)
Sec 13 - 1974 anyone guiding some cases
req. hearing.*

*(2) doesn't give board new authority -
Conflict w/ existing Statutes.*

1 and Economic Development shall set license fees under AS 08.01.065 for
2 each of the following:

- 3 (1) master guide;
- 4 (2) registered guide;
- 5 (3) class A assistant guide;
- 6 (4) assistant guide;
- 7 (5) special guide [TRANSPORTER].

8 (b) The license fee for a master guide, registered guide,
9 special guide, class-A assistant guide, or assistant guide license is
10 in addition to the fee required for a hunting or fishing license.

11 * Sec. 11. AS 08.54 is amended by adding a new section to read:

12 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
13 administer the qualification examination required under AS 08.54.110
14 at least twice a year. An examination may not be given within 90 days
15 after the previous exam. At least once every other year the board
16 shall give the examination at a location other than Anchorage.

17 * Sec. 12. AS 08.54.190 is amended by adding a new subsection to read:

18 (d) A master guide, registered guide, special guide, class-A
19 assistant guide, or assistant guide license expires during the second
20 year after the year in which it was issued, on a date set by the
21 Department of Commerce and Economic Development.

22 * Sec. 13. AS 08.54 is amended by adding a new section to read:

23 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
24 board may establish and assign guide areas for master guides or regis-
25 tered guides. The board shall adopt regulations under the Administra-
26 tive Procedure Act (AS 44.62) that establish uniform and consistent
27 criteria to be used by the board when it creates a restrictive guide
28 area.

29 (b) The board shall recognize all restrictive guide areas

1 assigned before the effective date of this section. If requested by a
2 guide, the board shall hold a hearing to determine if an assignment of
3 a restrictive area made before the effective date of this section
4 creates a substantial injustice as determined by criteria set out in
5 (c) of this section. If the board determines that a substantial
6 injustice was created, the board shall modify, terminate or reassign
7 the area, or take other reasonable steps to correct the injustice.

8 (c) The board may find that a substantial injustice was caused
9 by the assignment of a restrictive area if

10 (1) a person was unfairly discriminated against by the
11 assignment;

12 (2) a person who applied for the guide area was denied a
13 hearing; or

14 (3) a qualified person was not given a preference at the
15 time the area was assigned in accordance with AS 08.54.040(a)(8).

16 (d) The board shall consider the following factors before it
17 assigns a restrictive guide area:

18 (1) the extent to which the guide who has applied for the
19 area has used the game management unit in which the area is located;

20 (2) the extent to which the guide occupied and invested in
21 the area;

22 (3) the effect on other guides that would result from
23 creation of the area;

24 (4) big game populations in the area; and

25 (5) the land ownership status of the area.

26 (e) The board may consider relevant facts or circumstances
27 before assigning a restrictive guide area.

28 (f) The board may adopt regulations establishing a schedule of
29 fees to be charged to persons to whom the board reassigns restrictive

*opposes
based on acreage*

1 guide areas. The fee for the reassignment of a restrictive guide area
2 shall be based on the number of acres in the area.

3 * Sec. 14. AS 08.54.200(a) is repealed and reenacted to read:

4 (a) The board shall hold a hearing to determine whether disci-
5 plinary action is necessary if (1) complaints concerning a licensee's
6 guiding activities are filed with the board by three or more of the
7 licensee's clients from separate parties; (2) a complaint concerning a
8 guide's conduct during a life-threatening situation is filed with the
9 board; or (3) a licensee has been convicted of a violation of a state
10 hunting or guiding statute or regulation. The board may hold a hear-
11 ing to determine whether disciplinary action is necessary if a com-
12 plaint concerning a licensee's guiding activities is filed with the
13 board by a client of the licensee.

14 * Sec. 15. AS 08.54.200(b) is amended to read:

15 (b) After a hearing, the board may revoke, suspend, or deny
16 renewal of a license if the board finds that the licensee

17 (1) engaged in unethical activity, unsafe activity, or
18 activity that [WHICH] adversely affects the natural resources of the
19 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
20 AND LEGITIMATE] purposes of the contract hunt; [OR]

21 (2) violated a provision of a [FEDERAL OR] state hunting or
22 guiding [SPORT FISH, GAME OR GUIDE] statute or regulation; or

23 (3) during the five years immediately preceding the hear-
24 ing, has been convicted of two violations of a state statute or regu-
25 lation prohibiting hunting in a restricted area not assigned to the
26 licensee and without proper written permission.

*B-9
line
add*

27 * Sec. 16. AS 08.54.200(c) is amended to read:

28 (c) After a hearing, the board shall revoke a license if the
29 board finds that the licensee

1 (1) does not meet the qualifications specified by statute
2 or regulation for the class of license held;

3 (2) is incompetent as a master guide, registered guide,
4 special guide, class-A assistant guide, [OR] assistant guide, or
5 outfitter;

6 (3) during the five years immediately preceding the hearing
7 has been convicted of two violations of a [FEDERAL OR] state statute
8 or regulation prohibiting

9 (A) waste of a wild food animal;

10 (B) hunting on the same day airborne;

11 (C) hunting in an area closed to hunting by the Board
12 of Game; or

13 (D) hunting during a closed hunting season [SPORT
14 FISH, GAME OR GUIDE STATUTES OR REGULATIONS].

15 * Sec. 17. AS 08.54.200(d) is repealed and reenacted to read:

16 (d) A person who is disciplined under this section may not
17 engage in a guiding activity during the period of license revocation
18 or disciplinary action. A person licensed under this chapter may not
19 knowingly hire as a guide a person whose guide license is suspended or
20 revoked under this section. A guide whose license is suspended or
21 revoked may not guide in the employ of a person licensed under this
22 chapter.

23 * Sec. 18. AS 08.54.200 is amended by adding new subsections to read:

24 (f) If certified copies of two judgments of conviction of a
25 guide for offenses described under (c)(3) of this section are filed
26 with the board, the board shall immediately suspend the guide's
27 license. The suspension may be ordered even if the conviction
28 resulted from a plea of nolo contendere or if the conviction is under
29 appeal. The order remains in effect until after the final disposition

1 of the disciplinary proceeding under this section.

2 (g) A certified copy of a judgment of conviction of a guide for
3 an offense is conclusive evidence of the commission of that offense in
4 a disciplinary proceeding instituted against the guide or outfitter
5 under this section based on that conviction.

6 (h) In this section "two violations of a state statute or regu-
7 lation" means two violations of a single statute or a single regu-
8 lation, or violations of two statutes or two regulations, or one
9 violation of a statute and one violation of a regulation.

10 * Sec. 19. AS 08.54.210 is amended to read:

11 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

12 (1) a master guide, registered guide, special guide,
13 class-A assistant guide, or assistant guide [OR TRANSPORTER] to fail
14 to timely report to the Department of Public Safety, division of fish
15 and wildlife protection, and in no event later than 30 days, a viola-
16 tion [VIOLATIONS BY A CLIENT] of a state hunting [FISH, GAME] or
17 guiding statute or regulation that the guide knows was committed by a
18 client or an employee of the guide;

19 (2) a master guide, registered guide, special guide,
20 class-A assistant guide, or assistant guide [OR TRANSPORTER] to aid
21 the commission of a violation of this chapter or of AS 16.05 or a
22 regulation adopted [PROMULGATED] under either chapter, or permit the
23 commission of a violation in the guide's [OR TRANSPORTER'S] sight
24 without attempting to prevent it, short of using force, and without
25 reporting it;

26 (3) a person to guide [OR TRANSPORT] as defined in this
27 chapter without being licensed under this chapter and without having
28 the license in actual possession; [HOWEVER, FOR PURPOSES OF TRANSPORT-
29 ING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR

1 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE
2 OF BUSINESS OF THE BUSINESS ENTITY;]

3 (4) a person to imply by advertisement, representation, or
4 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a
5 licensed master guide, registered guide, special guide, class-A assis-
6 tant guide, or assistant guide [OR TRANSPORTER] without being current-
7 ly licensed [, OR TO FALSELY ADVERTISE SERVICES];

8 (5) a person to act as a registered or master guide as
9 defined in this chapter without having a current valid resident hunt-
10 ing [AND FISHING] license [IN THE PERSON'S POSSESSION.

11 (6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE
12 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

13 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
14 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e)].

15 (b) A person who violates (a)(1) - (4) [(6)] of this section is
16 guilty of a misdemeanor and upon conviction is punishable by a fine of
17 not more than \$1,000 or by imprisonment for not more than one year, or
18 by both, and the person's license may be revoked for a period up to
19 five years. However, a person who engages in guiding [OR TRANSPORT-
20 ING] activity during the period for which the person's license is
21 suspended or revoked under this chapter, or who violates (a)(5) of
22 this section, is guilty of a felony punishable, upon conviction, by a
23 fine of not more than \$5,000 and by imprisonment for not less than one
24 year nor more than three years. In addition to punishment for a
25 felony, all guns, fishing tackle, boats, aircraft, automobiles or
26 other vehicles, camping gear and other equipment and paraphernalia
27 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
28 during the period of suspension or revocation shall be seized [CON-
29 FISCATED] by persons authorized to enforce this chapter. [A PERSON

1 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
 2 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
 3 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
 4 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
 5 BOTH.]

6 * Sec. 20. AS 08.54.240 is amended to read:

7 Sec. 08.54.240. DEFINITIONS. In this chapter

8 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

9 (2) "guide" [, "GUIDES"] or "guiding" means assisting

10 another person to take or attempt to take big game with the intent of
 11 receiving monetary or material remuneration for the service [SER-
 12 VICES], by accompanying and directing that person personally or
 13 through an [A LICENSED] assistant guide for the duration of a hunt,
 14 and not solely for the purpose of providing transportation, property,
 15 or equipment such as aircraft, boats, or other vehicles, or camping or
 16 hunting equipment, in connection with locating or taking game [SERVI-
 17 CES];

18 (3) "resident" means a person who

19 (A) maintains a place of residence within the state;

20 (B) [Repealed

21 (C)] shows by all attending circumstances the inten-
 22 tion to permanently reside in this state;

23 (4) ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
 24 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
 25 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
 26 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
 27 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
 28 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
 29 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;

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1 (5)] "unethical activity" means

2 (A) deception or misrepresentation [IN ANY DEGREE]
3 involving prospective or actual clients either before, during, or
4 following a contract hunt including, misrepresentation through
5 private or public advertising of the type, duration, cost or
6 conditions of the contract hunt [HUNTS];

7 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
8 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
9 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

10 (C)] making a guaranty that a species or certain
11 number of species of game will be taken on a contract hunt; or

12 (C) unsafe or unsportsmanlike activities that are
13 detrimental to the game resources of the state, as defined by
14 regulations of the board, including violations of state or feder-
15 al hunting or guiding laws or regulations;

16 (5) "big game" means brown bear, grizzly bear, polar bear,
17 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
18 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

19 * Sec. 21. AS 16.05.407(a) is amended to read:

20 (a) It is unlawful for a nonresident to hunt, pursue or take
21 brown bear, grizzly bear, polar bear, mountain goat, or sheep in this
22 state, unless personally accompanied by

23 (1) a person who is licensed as a master guide, registered
24 guide, class-A assistant guide or assistant guide by the Guide [LI-
25 CENSING AND CONTROL] Board; or

26 (2) a resident over 19 years of age who is

27 (A) the spouse of the nonresident; or

28 (B) is related to the nonresident, within and includ-
29 ing the second degree of kindred, by marriage or blood.

*Must amend
subject to this*

1 * Sec. 22. AS 16.05.407(b) is amended to read:

2 (b) An applicant for a nonresident big game tag for the taking
3 of an animal specified in (a) of this section or in regulations adopt-
4 ed under this section shall first furnish to the state, on a form
5 provided by the state, an affidavit showing that the applicant will be
6 personally accompanied while hunting by a person who is qualified
7 under the terms of (a) of this section. A person who falsifies the
8 required affidavit is guilty of perjury under AS 11.56.200.

9 * Sec. 23. AS 16.05.407(d) is amended to read:

10 (d) A nonresident who violates (a) [OR (c)] of this section, or
11 who fails to furnish an affidavit under (b) of this section, is guilty
12 of a misdemeanor and upon conviction is punishable by imprisonment for
13 not more than one year, or by a fine of not more than \$5,000, or by
14 both.

15 * Sec. 24. AS 39.50.200(b) is amended by adding a new paragraph to
16 read:

17 (48) the Guide Board.

18 * Sec. 25. AS 08.54.040(b), 08.54.142 - 08.54.146, and AS 16.05.407(c)
19 are repealed.

20 * Sec. 26. This Act takes effect July 1, 1986.
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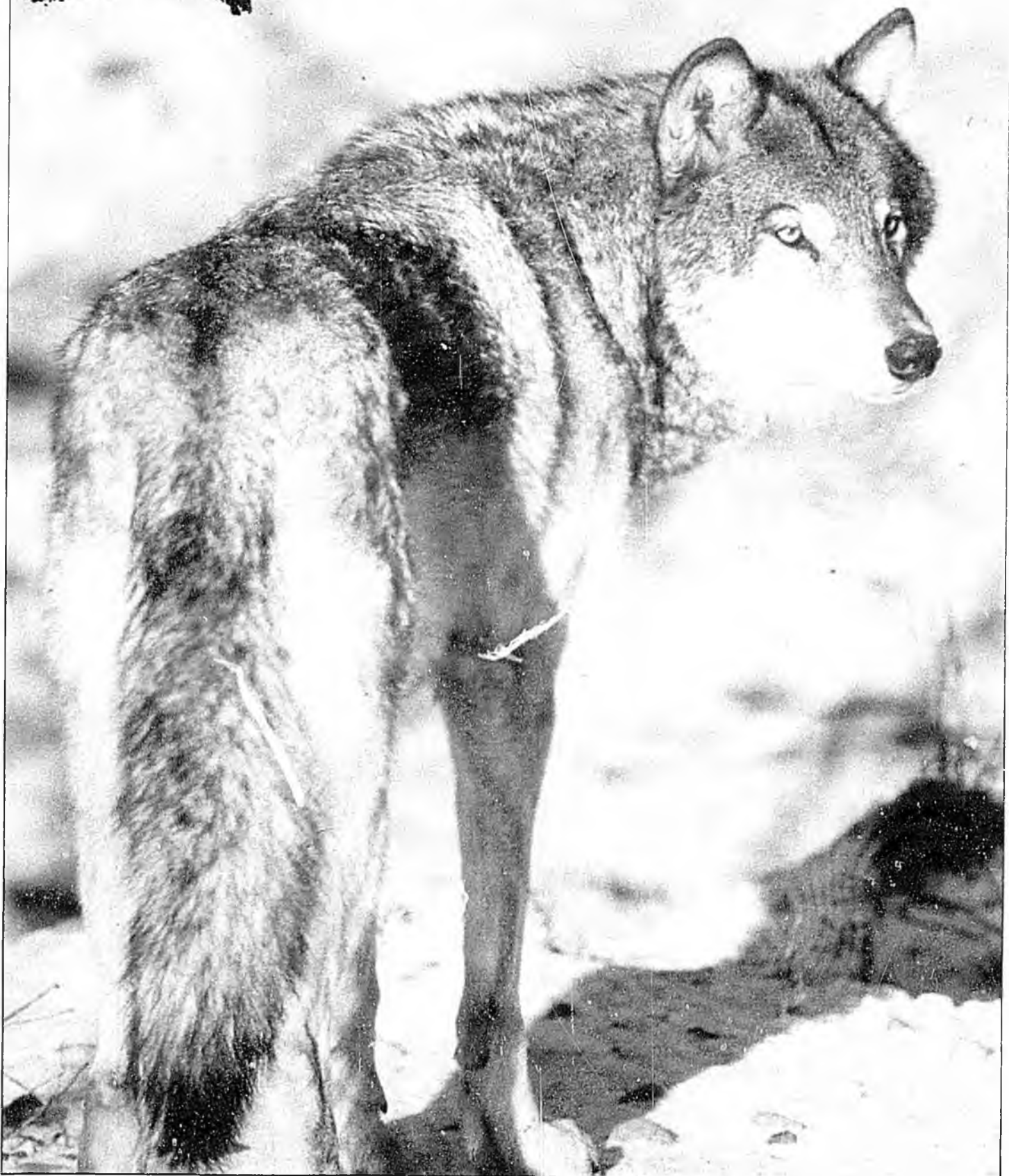
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transcript*

December 1985



THE ALASKA

Professional Hunter



OFFICIAL PUBLICATION OF THE ALASKA PROFESSIONAL HUNTERS ASSOCIATION, INC.



Letter From the President

This issue of the *PROFESSIONAL HUNTER* marks the end of yet another year of hunting in Alaska. I am sure that most of us are relieved to have wrapped up the hunting season with our operations remaining more or less intact, especially after operating in the dismal weather conditions that have plagued most of Alaska these last few months. Now that the hunting is over, hopefully we can slow down enough to enjoy the Christmas season.

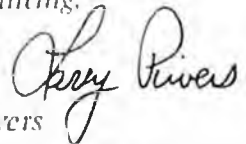
This year has been a busy one for APHA. We have not always been as visible as I would have liked, but we have been fairly successful. My efforts in 1985 were primarily aimed at education. The lower 48 states are home to quite a number of hunting and sporting organizations, large and small. A few of these organizations have tried to keep informed on the current flow of political problems and legislation that seem to always threaten our hunting, but others, large and small alike simply have had no idea. In addition almost all organizations have assessed the situation as being an "Alaskan" problem, something of interest but of no major importance to their membership. This attitude has been a real stumbling block, it has made it difficult to raise the funds necessary to deal with the problems successfully. At other times it has been equally difficult to find individuals who were qualified or had the time to commit to dealing with the important issues as they came to surface in Washington, D.C. Our emphasis this year has been to contact as many of these organizations and individuals as possible and point out that it's not just an "Alaskan" problem, but that the problem is theirs too. The reasoning is simple, if we are not successful in dealing with

these issues currently at hand, they and their memberships will no longer have the opportunity to hunt in Alaska! We have pointed to this prospect for several years, but people found it difficult to believe that it would ever really come to pass. Now, it's at the doorstep and nothing has brought this more in focus than recent court interpretation of the federal subsistence law.

Under current federal law, Alaska is forced to give a preference to subsistence use of fish and game. The courts have interpreted this to mean that all rural Alaskans are subsistence hunters. Furthermore, subsistence hunters may hunt without restrictions as long as a "sport" hunt ("non-resident hunt") is provided for. Even if the subsistence hunt and harvest get out of control the Department of Fish and Game cannot restrict subsistence hunters in any manner as long as non-resident/non-subsistence hunting is allowed. The result is that many areas of Alaska have already been placed off limits to non-resident hunters, and some open areas have been closed by emergency order. For example, a portion of our brown bear habitat in unit 17 was closed by emergency order when it was discovered that eighteen brown bears had been shot for "subsistence" use. It was reported that the skulls were left in the field and not brought in to be sealed as required by law, a law that could not be enforced and a harvest that could not be controlled until the non-resident season was eliminated. Thus, in order to control the subsistence hunt and protect the resource, the area had to be closed to "sport" hunting and the other legitimate users were denied the opportunity to participate in the harvest. Such a closure could have cost you your bear hunt this year, and may force the cancellation of your sheep and grizzly (or any other big game) hunt next year. It's a very important issue that has its foundation set in an ill-conceived Federal law. This is a law that needs to be changed, and that's not just an Alaskan problem, it's a national problem that will re-

quire the efforts of hunting organizations and individuals in every state. I believe there is hope for the future, providing that each individual and each organization comes to understand that this is a problem that is of great concern and consequence to them personally. The initial support sent to Alaska to help finance this work is encouraging. FNAWS contributed some \$45,000 to various areas of need. Detroit SC, gave us \$5,000, and at least \$2,500 was donated by Dallas Houston Safari Club and the Wildlife Legislative Fund of America has taken on the responsibility of defending our right of hunting on the National Wildlife Refuge system. In addition to this, the Governmental Affairs Committee of Safari Club International has made the Alaska subsistence bill a top priority in 1986 and has appointed Washington wildlife conservation attorney, Richard Parsons, as their representative and have pledged to support his work on this project. The participation of these various organizations is most encouraging, and if we continue to work together we can put up a formidable offensive. We are headed in the right direction, and together we do have a chance. 

Good Hunting,



Larry Rivers

P.S. Have you ordered your 1985/86 APHA Stamp Print yet? This is the first of what we hope will be annual program, the first of a very collectible series. The Million Edition is about sold out, and promotion in the major hunting newsletters and art galleries is just getting underway. This print is a fitting decor for any trophy room wall. Clearwater Publishing has earmarked a percentage of the proceeds to be returned to APHA and the Alaska Outdoor Council!

If you have not ordered, don't wait until it's too late. Pick up the phone and call their toll-free number 1-800-354-7900.



THE ALASKA

Professional Hunter

Volume 9, No. 6
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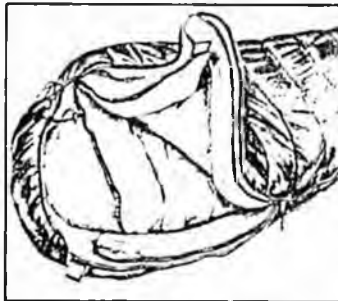
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The articles contained herein are not necessarily the opinions of the Alaska Professional Hunters Association. They are published for the information and benefit of our membership.

APHA Hunting School

The Alaska Professional Hunters Association will once again be conducting a hunting school open to the public, in conjunction with the annual meeting and banquet. This school will offer a two-day course that will include seminars on all areas of big game hunting in Alaska. Individual classes will cover such topics as caping, photography, equipment, firearms and emergency first aid. Classes related to the

individual game species, their characteristics and hunting techniques will be conducted by professional hunters that are noted in the specific field. All instructors are exceptionally qualified and recognized for their expertise in the area of their instruction.

The cost of the school is \$175.00 per person, of which a deposit of \$50.00 is required as a non-refundable fee. The school fee will include all seminars, classes, a lunch (both days), and a year's Sustaining membership in APHA. The location for this year's school will be the Captain Cook Hotel, Anchorage, Alaska. Each day the school/seminar will include a luncheon catered by the Captain Cook. Tentative class structure to begin on Friday, November 29 at 9:00 a.m. to 4:30 p.m. with an hour break for lunch. On Saturday classes will run from 8:00 a.m. to 3:00 p.m., with a break for lunch. For further details please contact the APHA office, POB 451, Talkeetna, AK 99676, (907) 733-2688.



HUNTING SEMINAR NOV. 29-30

\$50.00 non-refundable deposit
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Professional	\$100.00	Sustaining	\$ 25.00
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If you are not a member of the Alaska Professional Hunters Association, please consider this to be an offer of membership. We receive the majority of our financial support from individuals such as you, who choose to join us in an appropriate class of membership. If you would like to receive the "Professional Hunter," as well as a membership certificate, card and arm patch, you need only send your name and a check to: APHA, P.O. Box 451, Talkeetna, Alaska 99676. Phone: (907) 733-2688.

A sustaining membership is only \$25 a year and you receive a patch, certificate and a year's subscription to the Professional Hunter bimonthly newsletter. There are several additional classes of membership: associate, \$50/year; foreign sustaining, \$50/year; professional, \$100/year; business, \$100/year; and life sustaining, \$250/year. Those memberships that sell for \$50 or more also include a Sid Bell pewter belt buckle displaying the APHA logo.

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APHA/SCI Awards Program

The awards program is open to all APHA members, so if you took an exceptional animal during your hunt to Alaska please get in contact with the office. You will be sent the necessary forms and information to enter your trophy in the program.

If you are not familiar with the program, give us a call at (907) 733-2688. We will have the information off to you in the next day's mail.

DATES TO REMEMBER

November 15-25

Fish & Game Region 3 public hearings in Anchorage at the Capt. Cook Hotel, for more info call 907-267-2193.

November 29-30

Hunting School/Seminar APHA sponsored

November 29-30 & December 1

APIHA Official print, "ALASKAN GRIZZLY" by wildlife artist Michael Coleman on display at the Captain Cook.

November 30-December 7

Tentative dates for the Guide Licensing Board meetings to be held in Anchorage at the National Guard Armory and Spenard Recreation Center, for further information call 907-262-4678

December 1

APIHA Annual Meeting and Professional Membership Forum

December 1

Deadline for ads and articles for February APHA convention newsletter, nothing may get in for this convention issue if it is received after this date, as it is imperative that we get this issue out to the public prior to the conventions.

December 2

Tentative date set for registered guide written examination, to be held in Anchorage

December 13

Permit Application Deadline: Kodiak Brown Bear/Spring Season Musk Ox/Spring Season (residents only) Brown/Grizzly Bear

December 15-January 5

APIHA office will be technically closed as LesLee will be on vacation.

December 20

Deadline for written comments for Fish & Game's Jan. 7-17th all other regions public hearings

January 7-17, 1986

Alaska Fish & Game. All other regions public hearings on regulations, etc. affecting those areas.

January 22-25

SCI Convention in Las Vegas, Nevada at the Hilton

February 26 through March 1, 1986

FNAWS Convention in Honolulu, Hawaii at the Hilton Hawaiian Village

March 20-22

Dallas Safari Club convention at the Amfac East Hotel, Dallas, TX

March 22

Detroit SCI Convention

Give the *Professional Hunter* for Christmas!

Do you have hunting friends that would enjoy the *Professional Hunter* newsletter and a membership in the Alaska Professional Hunters Association? This year give them a subscription to the *Professional Hunter* and a year's sustaining membership in APHA. Simply fill in the coupon on this page with the names and addresses you wish to submit, along with your check for \$25.00 per membership/subscription. In December we will send them a card with your name, announcing your gift along with a copy of the December issue of *Professional Hunter* and a 1986 membership packet. If the coupon has already been used, just send a letter with the names and addresses along with your check, and the notation "Christmas". A great gift for your hunting friends and family. Remember, this will apply towards your earning a new Ruger Ultra-Light rifle. See membership drive ad for further information about this program, or call APHA office 907-733-2688.

A year's subscription to the *Professional Hunter* and a membership in APHA is an easy and appreciated way to remember your friend, family, and business associate throughout 1986.

Please send a Christmas card in my name, the December issue of the *Professional Hunter*, and a 1986 membership to:

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Please mail to APHA, P.O. Box 451, Talkeetna, Alaska 99676

ATTENTION PROFESSIONAL MEMBERS

A number of assistant guides have requested professional memberships and several registered guides have contacted the APIHA office in regards to joining the association as sustaining members due to their not being active, or not having areas. This has resulted in some discussion on the topic of creating a special non-voting professional membership class. Some individuals have also suggested that there has not been any change in Professional dues for many years and that perhaps it is time to raise them to some extent. Please plan on being at the annual meeting, as these will be two points that will need to be considered by the Professional Membership. The annual meeting is scheduled for Saturday, November 30, 1985, at the Captain Cook Hotel in Anchorage, Alaska.

WFLA REPORT

Excerpt from the September newsletter of the Wildlife Legislative Fund of America

Sportsmen Paying Their Own Way With Record-Breaking Revenues

The sportsman continues to put his money where his mouth is, generating \$666 million last year for wildlife management programs.

Through the sale of hunting and fishing license and permit fees and special excise taxes placed on sporting goods by the federal government, sportsmen are "paying their own way" according to the U.S. Fish and Wildlife Service (FWS).

"Sports such as hunting and fishing, by and large, are funded by the people who participate—the hunters and fishermen. Through their dollars, we cover the costs of game, non-game and endangered species management," said an FWS spokesman. "They pay their own way."

For that matter, he added, they pay

everybody else's way too. "That's something most anti-hunters and the tax-paying public don't seem to realize."

This year, approximately \$114 million in federal excise taxes on outdoor equipment borne by hunters, fishermen and trappers has been apportioned to the states. These taxes finance a variety of programs, from salmon and steelhead recreational fisheries research in Idaho and the development of ringneck pheasant cover in Illinois to the management of bear, moose and deer populations in Maine.

Combined with the \$552 million sportsmen spent on license fees in 1984, a record-breaking amount of revenue is replenishing state wildlife management coffers throughout the country.

MEMBERS EARN FREE RUGER RIFLE

Last summer and early fall the Wisconsin chapter of SCI had their own membership drive for soliciting members for APHA. They did this by writing to all their members and inviting them to purchase one of the twenty \$25 tickets they were selling for a chance at a Ruger Rifle, with the added feature of "nothing to lose" because with every ticket they purchased that person would then become a Sustaining member in the Alaska Professional Hunters Associ-

ation, Inc. So after their hard work and efforts they sent us their list of not twenty but twenty-one new members for APHA and their request for a .270 Ruger Ultra Light rifle. Thanks so much for your support Wisconsin SCI and congratulation to Don Brown, Tucson, AZ, who won the drawing and then donated the rifle back to the Wisconsin SCI Chapter for their future convention and raffle. This was a great idea!

AUCTION HUNT

APHA is looking for donated hunts to auction to our membership and other interested individuals. The hunt will be sold by APHA and the funds retained for APHA's own use. A percentage of the proceeds will be available for refund to the outfitter to cover his/her cost of operations. If you would like to support the association in this manner, or with any other auctionable item, please contact LesLee Solberg or Larry Rivers, POB 451, Talkeetna, AK 99676, or call 733-2688, the APHA office. This will also be an item of discussion at the annual meeting, which will be November 30, 1985 at the Captain Cook Hotel in Anchorage, Alaska.

I will donate a hunt.

Species: _____

I will donate (please specify)

Name: _____

Address: _____

City: _____ State: _____



Zip: _____ Tel: _____

Mail to: Alaska Professional Hunters Association
PO. Box 451 Talkeetna, Alaska 99676



Print Debut

The First official print for the Alaska Professional Hunters Association, Inc., "Alaskan Grizzly" by wildlife artist Michael Coleman and published by Clearwater Publishing will make its debut at the annual convention, hunting school, and banquet November 29, 30 & December 1. You may purchase or place your order if you wish at the convention this year. Hope to see you all there at the official unveiling during the annual meeting Saturday afternoon November 30, 1985 at the Capt. Cook, Anchorage, Alaska.

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- 'IT PAYS TO WAIT' -

by Roger Morris

As Brent Jones and I stood in the air terminal at Cold Bay waiting for the Reeve bird to touch down, I thought back to the last three months of planning, shipping the equipment, and setting up the camps for our first brown bear season as partners of AAA Alaskan Outfitters.

We had really worked hard trying to cover all aspects but I wondered if we had forgotten or overlooked anything. It was

too late now, the plane had landed and our very first clients, George Caswell of Enid, Oklahoma and Tim Orten of Walker, Minnesota were standing in front of us. The excitement of taking a big brown bear was evident. After quick introductions and grabbing the luggage, we were on our way.

Before George and Tim had arrived, their names had been given to the refuge manager as our two hunters who would hunt in the Izembek Wildlife Refuge. Each guide that operates in the refuge is limited to two bear hunters per season.

Because inflatable boats are portable and handle well in rough water, we chose them as our mode of transportation. The trip across the bay was typical, eating a little salt water from the overspray as the boat crashed into the one to two foot swells. After reaching the shore, we pulled the boats above the tideline to avoid damage from the surf.

Base camp was two four-man Eureka drawtight tents, dug into a fifty-foot bank, two hundred yards from shore. It was well protected from the wind, which is of prime importance in the Cold Bay area. Several weeks before our arrival, the winds were clocked at over a hundred miles per hour and had blown down a weather tower and the Flying Tiger refrigeration building. We didn't need any problems like that.

As supper was being cooked, we all talked of previous experiences and the



Guides Brent Jones and Roger Morris with 10' 10" and 10' 2" brown bears, taken by George Caswell and Tim Orten in May 1984.

plans for this hunt. George was looking around at the numerous boxes of food and asked if we thought we had enough. We all laughed. I told him to eat hardy because we wouldn't have much at spike camp, which was three miles inland. However, Brent and I had made numerous trips to the spike camp and the food supply there was about the same. We wouldn't get hungry, that was for sure! Supper consisted of spaghetti, fresh garden salad, rolls and cheesecake. It was delicious.

After supper we finalized our plans. George would hunt with Brent and Tim with myself. Brent and I had already decided we would first hunt the shoreline for a day or so, because during our many trips inland we hadn't spotted a bear, and the local reports indicated that most of the bears were still hibernating.

The first morning we were up and at 'em early, but the long hard day produced nothing. On day two, we moved inland and another day went by without spotting a single bear. The third day we hiked about two miles to a good spotting hill where Brent spotted a wolf coming across the flats. We watched him until he came within a couple of hundred yards from us. What a great shot it would have been, had wolves been in season!

Everyone was seriously glassing that afternoon, when finally Brent spotted one. Excitement at last! Both spotting scopes were set on sixty power to study

him carefully. He appeared to be a good three miles away at the end of the valley in the snow. We estimated his size to be about an 8-footer. We watched him until he disappeared into a draw on the side of the mountain. Things were looking good, we had finally spotted one. We knew now that it would do nothing but improve here on out.

Brent and I both spotted from the same hill. It was the highest hill in the

open valley floor. We could glass seventy-five percent of our total inland area from this hill. Brent had been successful in the previous fall using this hill, in that they were able to spot a 9-footer the first day and a 10-foot-plus a couple of days later; both climaxing in successful takes. But, it was spring now and things were different.

On day four, we went into the mouth of the valley where we had spotted the bear. This time, we climbed a little higher to see the whole valley and sighted nothing but old tracks, lots of them. We spent the morning glassing together, as afternoon approached Brent and George decided to check out a couple other valleys. Tim and I chose to stay put. Around 4:00 p.m., I spotted a 7- to 8-footer. We watched as he moved about in the snow looking for food. There were wind-blown areas around him, but they were frozen solid. This seemed to only aggravate the hungry bear in his desperate search for his early spring dinner.

We continued to glass. It was about 6:00 p.m. when all of a sudden high up in the snow-covered mountain, was the sight we'd been waiting for, it was the "BIG" one, working his way down and across the mountain. I examined him from nose to tail for rubs and judging his size, "he'd go 9-foot-plus," I told Tim. Tim was ready to go. He had taken an 8-foot grizzly a few years before and was hoping to get a 10-foot this year. The wind had been blowing out of the

valley and in our faces all day, so, it was in our favor. It was fairly open across the valley floor, the terrain uneven with a few creeks flowing down and out. The bear was about a mile away still angling down. I told Tim we'd angle across to an intersect point and meet him there. We crossed the valley to that point when all of a sudden the wind switched and was hitting us from behind. 'st about the absolute worst thing that could happen. The bear was still coming down the mountain and moving faster. Suddenly he stopped, sniffed, looked around, and jolted back up the mountain. He was moving so fast we couldn't gain on him. The higher he went, the slower we got. The snow was getting deeper and deeper. Here was our big bear, and he was getting away! As we watched him go over the ridge with sickened heart I wondered if we'd ever see him again.

Day five rolled around, to find us at it early again. We didn't spot any bears that morning. However, we did spot two different bears high in the snow that afternoon; one was too small and the other disappeared across the mountain.

It was blowing and raining a bit on the sixth day, but it wasn't too bad, the weather had been great until now. That afternoon Brent and George went back to base camp to hunt the shoreline, and Tim and I decided to move a spike camp

to the hill we used for spotting, which would save us about two hours of hunting time.

We packed a light camp and were on our way early. It stopped raining and looked like we were in for another nice day. We crossed the second creek out in the middle of the open flats when I turned to check the area behind us. "There's a wolf!" I said. Tim turned, expecting to see the wolf a long way off, but there in the bear trail, that we'd been walking in less than thirty yards away, was a full grown wolf. When we stopped, he stopped. I eased a shell into the chamber of my .357 H&H not knowing what to expect. He started to circle, getting closer at the same time. Every five steps or so, he would stop, turn his head as if to say, "what is this?" I asked Tim to take my camera out of my pack. I continued to keep him covered, still not knowing what to expect. Did he have rabies, was he brave, or was he just dumbfounded having never seen humans before? He had eased his way now to within fifteen to twenty yards. I took a few pictures and then got Tim's camera out so he could take a few as the wolf moved back and forth about the same distance. This was a great experience. We had never been this close to a wolf in the wild. It was getting late, so I told Tim we needed to get a move on it.



Our pet wolf on the Alaskan Peninsula

I figured the wolf would run as soon as we started walking, but I was wrong. He followed right behind us just like a dog. I suggested to Tim that he not limp because the wolf was checking us out to decide which one he was going to dine with! Tim got a big chuckle out of that. We had about three quarters of a mile to go before we would reach the hill where we could glass. The wolf stayed right with us. When we reached the hill, we sat down and so did the wolf. This was ridiculous, a pet wolf!

While we were resting, we glassed the hillside. I spotted a bear moving along the base of a hill, but he disappeared into the alder. I really didn't get a very good look at him. If he was a good one, he just managed to get away. I didn't relish the fact of leaving the gear for the spike camp with the wolf still hanging around, but we had to get a closer look. We made our way to a small knoll which was about four hundred yards from where the bear was last seen, but no bear. We sat and glassed for five hours and still no bear. I figured he had laid down. Then out of the corner of my eye I caught some movement. "There he is!" I exclaimed. He had crossed a draw and had laid down about four hundred yards from where we last spotted him. He was nice, just a little over 8 feet. He was an extremely pretty bear with lots of blond highlights. Tim debated but then decided to pass him up.

Time was getting short, we only had three more days. On our way back to camp, we discussed our choices and decided to stay one more day, then head for the shoreline.

We had a late supper and finally laid down around midnight. "What's that noise," Tim asked? We listened intently as paper rustled and cans clanged disrupting the immediate silent night. Since we had eaten supper so late, I had left our dinner trash right outside the small two-man tent. I got my gun ready and started to unzip the tent door. As I peeked out, I turned the flashlight only to have two eyes meet mine. Not more

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than three feet away was a fox. He had his nose in one of the cans. I shouted at him, hoping to run him off. He just stared and continued to eat. Then he carried a peach can about five feet away and laid down with it. I clapped my hands and continued shouting, and finally he moved out of sight. As I crawled back into the tent mumbling something like, "there, now we can sleep," the night's silence was broken by familiar sounds. This time Mr. Fox brought with him a friend. As I unzipped the tent's door I found them so close I could touch them. I shouted, screamed, and hollered, but it didn't even phase them. Each one of them had an empty can, and since I'd left only two cans and some candy wrappers I decided that they couldn't do too much damage, so we left them alone and snuggled back down into our sleeping bags and finally got some zzz's.

The next morning was a beautiful one. As soon as we started cooking, with the aroma of breakfast sausage filling the air low and behold but what appears! You guessed it, the previous night's guests. They showed up dressed in their early fall dinner jackets ready to eat. We took a couple of pictures of them, then made sure all the garbage was cleaned up and put away, and off we went in pursuit of the elusive bear we had been so diligently struggling to hunt.

After a half day of glassing and no bear, we decided to use the afternoon to move to the coast. Even though we had seen several bears I figured Brent had to be doing better than we were. There just weren't that many bears out. We stopped by the other camp to pick up Tim's gear and then we were on our way.

When we arrived at base camp it was bursting with excitement and rightfully

so. George had taken a beautiful 10' 10" bear the night before, a few miles down the coast. The skull was later, officially measured 29 $\frac{5}{16}$ inches to place him #58 in the Boone and Crockett record book. Out of the two hundred twenty-four bears taken on the Alaskan Peninsula, George's was the largest.

Even though it was late, we still had a couple of hours of hunting left, so Tim and I loaded some gear into the boat and were off. Less than half a mile from base camp, I spotted a nice bear about five hundred yards from shore and on the hillside. We docked the boat and made our way up the mountain above the bear to study him for size. Another 8 $\frac{1}{2}$ footer. Tim was tempted again, but decided he'd hold out. It was getting dark so we headed back to base camp, to work on some strategy details and to of course hear George's and Brent's successful bear story. After all, nothin's better than a good bear story late at night in bear country.

That night at camp we got the detailed story about George's big bear. Brent told me he hadn't spotted a bear until he'd spotted George's. They were just making plans on moving inland where we were when they spotted this "ol grand daddy."

It was the morning of the ninth day when Tim and I left early for the valley where George had taken his bear. They had spotted two others when they were stalking George's bear, one being at least nine feet. But that too offered no luck. The thought of one more day and it would be all over for Tim kept nagging at me for the rest of the day. Tim talked about the ones he had passed up and the reasons for doing so. The pressure was really on us now. We had to connect... we just had to.

It was the last day now, we examined

our plan and options and decided we'd spend it in the same valley. We spotted a sow with cubs but no lone bears. Somewhat dismayed, tired, and a bit quiet but not totally giving up we left the valley around 8:00 p.m. Glassing the shoreline on the trip back would produce success... or would it? "There's one, Tim!" I shouted. A real dark one, and did he look big! I checked the wind before we went to shore. We motored past him. He was only two hundred yards up the mountain and in the open surrounded by alder eating the early spring grasses. This was indeed, Tim's last chance. I knew Tim would shoot him if he was over 8 feet, and he was at least nine. We moved slowly up the bluff and through the alder staying in a small creek to cover up our sound. As we came into the open, we couldn't see him. Somewhat excited we both nodded to each other about the hill having different levels so we continued to climb higher. Finally there he was, moving slowly... very slowly away. All we could see was his back side. He started down into a creek, stopped, stood up and rubbed his back on a tree. "What a sight!" Still not a good shot. We were within seventy-five yards when he disappeared into the creek ravine. I put Tim in front and instructed him that when the bear came up on the other side to take him. I knew now he was a good 9 $\frac{1}{2}$ foot, maybe bigger. Waiting seemed like a lifetime, but I'm sure only a minute or so passed before he ambled up the other side and turned broadside for the perfect shot. Tim readied in his position and squeezed off a well-placed round and the bear was down. Tim's .338 did the job. It was 11:05 p.m. on the last day. After congratulations and the immediate rush of excitement we hustled over to check him out. What a bear!

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NEWS RELEASE

Alaska Fish & Wildlife Conservation Fund



Tim Orton with his 10' 2" brown bear which scored officially at 28 $\frac{3}{4}$ " Be $\frac{3}{4}$ C. Tim's was the 4th largest taken on the Alaskan Peninsula in the spring of '84.

He was close to 10 feet, a dark chocolate, and with no rubs. Tim was ecstatic. We hurried and took pictures, as the darkness of the night was coming upon us. We marked the area, left some of our gear and went back to camp for a lantern. Brent had lit a lantern and set it out so we could find the camp. He had supper waiting, but we didn't stop, we went back to skin the bear. Tim had to catch his plane early the next afternoon and we had a lot of work to do in the meantime. That was the first bear I had skinned by lantern, and I might add, "it probably won't be the last one either." We got back to camp at 3:00 a.m. and celebrated with a prime rib dinner. What a treat! Tim and I were exhausted, but very happy.

We were up at 6:00 a.m. packing, fleshing and measuring. He measured 10' 2", the fourth largest taken on the Alaskan Peninsula and with a 28 $\frac{3}{4}$ -inch skull officially measured for Boone and Crockett. It really did pay to wait.

We had a great season. Two Boone and Crockett 10-footers. Our next hunter, Mike Dobransky, got a 9-footer and our last hunter missed a nine footer and passed up two smaller bears. All in all, a great start and quite a reputation to live up to.

The Alaska Fish and Wildlife Conservation Fund Board of Directors voted to provide financial support for litigation testing the Constitutionality of portions of the State's subsistence law and implementing regulations.

Kupe Andrews, President of the Conservation Fund and the Alaska Outdoor Council, stated, "The Board of Directors carefully reviewed the various pending cases and concluded that the lawsuits filed by the Constitutional Legal Defense Fund were the best vehicles for the Constitutionality test." "The Directors are convinced that the growing social unrest associated with the subsistence law will not be reduced until certain aspects such as discriminatory allocations of fish and game resources based on residency of the user are clarified through a Supreme Court ruling," he added.

The Alaska Conservation Fund and the Alaska Outdoor Council are affiliated conservation organizations with a statewide Alaskan membership of approximately 9,000 members representing 44 sportsmen and outdoor user clubs and organizations.

Both the Conservation Fund and the Council have been active participants in the continuing "subsistence" struggle in Alaska. The Alaska Outdoor Council has directed a considerable portion of its resources toward legislative relief on the subsistence and other outdoor issues by maintaining a lobbyist in Juneau during the sessions. Mr. Andrews pointed out, "clearly the intent of both the Conservation Fund and the Council is to pursue corrections to the State subsistence

law through administrative, legislative and legal avenues."

The Alaska Conservation Fund and the Alaska Outdoor Council have consistently adopted a position in support of the continuation of subsistence uses in Alaska but opposes allocating common property resources based on residency. Both organizations have favored completely restructuring the State subsistence law.

Mr. Andrews concluded by saying, "We favor a complete revision of the State subsistence law to clean up major problems. Eliminating allocations based on residency; providing authority for the Boards of Fisheries and Game to blend uses rather than eliminating sport and commercial uses; providing authority to the Boards to identify alternative resources and target subsistence species and providing clear criteria for subsistence qualification based on personal or family need are some of the critical items that must be addressed."

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WOLF ATTACK

An Eyewitness Account

May 18, 1983. 9:15 a.m. A light rain was falling on the Yanert River valley, obscuring the high ridges on either side. The place was about twelve miles upriver from the small gravel airstrip that serves Denali Park in Central Alaska, and perhaps a hard day's ride from the impressive Yanert Glacier. Scarcely eighty miles away loomed the mightiest mountain in North America, 20,320-foot Mt. McKinley.

There was little movement on the river below as a Chicago ad agency president and professional guide John Harkey crouched behind the dripping bushes, forcing themselves down into lichen covered depressions in an attempt to gain comfortable positions.

"What do you see?," I whispered.

For a second there was no response as John continued to stare through his spotting scope, across the brushy gravel bars that dotted the Yanert's broad bed, and into the thick spruce emerging from snowy hummocks on the far side.

"I thought I saw a flash of yellow," replied John. "I saw it twice, and I'm trying to track its direction."

"Which way?" I asked. With arms raised and finger pointing he directed my eyes and ears. "Locate a huge, dead tree laying partly down the far bank. Go straight up the hill about a hundred yards to a little clearing, and look to the left of that about fifty yards."

With the excitement building I exclaimed with one single breath, "I see him, what do you think, I think what we've got is a grizzly, but I can't make out his size!"

"Well, keep watching," encouraged John. "Because when he goes downhill, and if he gets out of that heavy stuff,

we're going after him."

I settled back, hat pulled low to keep his glasses dry, eyes glued to the rear of his 10x Leitz, and studied the approach of the big bear.

This was the third day of a spring grizzly hunt I had booked a year earlier with outfitter and old friend from Safari magazine days, Lynn Castle. Lynn was off on Kodiak Island, hunting the highly productive, but infamous Dead Man's Bay for the giant brown bear. However, he had left horses, gear and provisions at the airstrip near Denali, along with young John Harkey; "Hawkeye," to those who'd experienced his ability with a spotting scope.

Hawkeye and I had been riding and glassing the Yanert for several days now, trailing three pack horses, pitching their tent each afternoon among the tall trees and lofty peaks that make up the Central Alaska range. Up until this morning, we had enjoyed blue, sunny skies and incredible visibility which enabled us to spot the little, white specks of Dall sheep moving on high slopes. Down in the timber, the occasional moose would appear frolicking up and down the dry river bed where the regal, but more often foolish looking, barren



by Keith Bates
(Chicago, IL)

ground caribou reside. A pair of bald eagles accompanied them for a while, often posing at distances of less than a hundred yards, satisfying the voracious appetite of my 200mm lens.

The day before had been a day to remember. And I savored the memory now, as Hawkeye and I followed the movement of their quarry. That day had started much like this one, with an early rise from warm sleeping bags, hastily saddling the horses to gain the high ridges before sun up, and the settling down with glasses to watch for the morning feeding bears.

But, unlike today, the action had started earlier. . . .

John had casually remarked "I see a bear." Unemotionally, like it was no big deal.

To me, more used to the asphalt jungles of the "lower 48," it was a moment fraught with anticipation. The old adrenalin began to flow as it had countless times before. Like that time the big bull elephant charged me in Zambia, the bloody buffalo from the thorn bushes of Kenya and the big yellow cat from deep in the Kalahari.

The stalk began.

He was a beautiful Toklat; the long

silvery blond fur of his body supported by four chocolate posts for legs swirled and eddied in the wind. He was diggin' for roots in the river bottom's loose gravel oblivious to the world.

John watched for a second more, then jumped up. "Let's go take a closer look," he said. "He looks beautiful to me." I responded, as I untied my horse and swung onto the saddle.

Quickly narrowing the several hundred yards that separated bear and hunter, the horses were again tied. We began to close the distance on foot, while the bear continued to forage. At one point, he looked up, but with his

notoriously poor eyesight, and thanks to the fickle wind, failed to notice us as we approached.

After dodging around small bushes and squirming through high grass, we were finally separated from the bear by only a small island, populated sparsely by young birch. The bear started to feed faster now. We lunged to our right in an effort to head him off—and miscalculated. The bear moved like a streak and had now emerged less than fifty yards ahead of us. As the bear slowly approached us, cutting the distance to some thirty yards, he would bark at us with a low "woof" sound; a real

memorable experience! At this range, and with no real cover for a hundred and fifty yards in either direction, the bear was ours!

"His coat is beautiful, but he's not much of a bear," I whispered to Hawkeye. "If you want him you'd better shoot," replied John. "He's not going to hold that pose long." "I don't think he's more than 6 to 6½ feet," I said. "You're probably right, but how often does anyone get within handgun range of an Alaskan grizzly?" asked John.

After a long pause of hunter and the hunted studying one another, I decided and said, "I'm letting him go." "Watch out!" exclaimed John. "He may not go where you want. You'd better stay ready to shoot."

After a few more tense moments I slowly straightened from my two-armed handgunners crouch, and let the .44 Ruger slowly go down to my side. The bear sensing the release of tension, hesitated only slightly, gave out a small pride-salvaging grunt, and loped off through the shallow water for the protective brush on the far side of the river.

... but that was yesterday. Today offered promise of a substantially bigger bear, maybe the 8- or 9-footer some lucky hunters occasionally encounter.

John and I continued to follow the movements of the big, blond grizzly through the spotting scope and binoculars. I squirmed to dislodge an uncomfortably positioned rock from my left hip, and in doing so, I lost the position of the bear, as I was attempting to re-align them, a movement near the center of the semi-dry river bed caught my eye. I focused my binoculars on what appeared to be a strange sight. Three caribou splashing frantically in the icy water of a still flowing stream. At first I wasn't too surprised, because caribou often engage in such antics. Why it was only the day before, while we were relaxing in the river bed that a small herd had trotted right up to us, looked us over and walked away. In that particular herd there was a large bull, his antlers were still in velvet, favoring one leg. Although, no wound was visible he was definitely lame. Now, as I watched the splashing trio, I suddenly realized it wasn't three caribou, but one caribou. Could it be the big bull from the previous day, I asked myself. And after a closer more intense look—it sure was the crippled caribou. The other two animals were Great Gray Timber Wolves intent on making a kill. Apparently, the wolves had cut this cripple from the rest of the small herd while they continued to graze nonchalantly downriver, about a half mile from the grizzly scene.

"John," I called. "There's a wolf attack

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going on right in front of us. Point your scope down there." John, trying hard to follow the bear, was torn by a desire to witness an occurrence rarely seen by man. He didn't resist long, and swung the big spotting scope onto the battle below.

The scene that took place over the next half hour was the most incredible struggle for survival either of us had ever seen. Both wolves and the frantically lunging caribou charged wildly back and forth through the icy water and snowy banks, then onto an icy overhang and back into the water. The water's depth varied from a few inches to several feet. Repeatedly, the wolves bit at his sides, neck and hind legs, and frequently, he would go down with both wolves on top of him. Several times he seemed to disappear under the water, but with all the splashing, it was hard to see what was actually happening. On at least five occasions the caribou seemed down, lying still with the wolves biting at his back, then suddenly he would jump to his feet, and the whole wild chase would start again. Once, following a particularly long period when the caribou lay stretched in the water we were convinced he was dead, he leaped up once more throwing off the wolves.

At this point, one wolf lost interest and walked off and laid on the river bank, as if to rest or become a spectator. The other wolf continued to push the attack, back and forth they went in the water, water splashing everywhere. The caribou was able to finally get to some deeper water which slowed the wolf

considerably. Positioning himself in the three foot deep water, he faced the wolf, legs apart and antlers down. For a time this action successfully kept the wolf at bay. What a tremendous will it is... that ol' will to live; the drive, the battle, the desire, and the conqueror.

However, the stalemate lasted only a few minutes. The caribou, thinking he had discouraged the wolves from any further attack, trotted out of the water heading upstream to join his buddies. But as soon as he hit the shallow water, the big wolf that he had held at bay made a flying leap from the icy overhang, back into the water for a firm hold on one hind leg. The caribou stumbled and half fell, and now the second wolf rejoined the fray. With a tremendous leap, that wolf hit the caribou in the side, and the turmoil in the water began again. Except, that by this time it was obvious the caribou was very weak and exhausted from the struggle, but he was still not showing any sign of blood or in real trouble. Knocked down by the force of the second wolf, the big bull was unable to regain its feet. He laid still, although in an upright position in about twelve inches of water, its legs all folded beneath him, helplessly swinging his massive head, and looking from one side to the other as the wolves began to eat.

Without any further attempts to kill the caribou, the wolves began pulling large chunks of flesh from the caribou's back and hind quarters. They would tear off huge pieces, carry them to the river bank, and lay there chewing them.

This went on for perhaps ten or fifteen minutes, while the caribou looked plaintively around continuing to turn its head from side to side until finally succumbing to shock and loss of blood. His final movement was to slowly lower

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Author in front of cabin at one of several camps during spring grizzly hunt.

his head and his magnificent antlers to the ground and to stretch his nose forward and die. The battle had been fought... it's over... there's no winner and there's no loser... the ecocycle continues.

Half-heartedly and much more somberly we returned to the grizzly on the far shore. We eventually made a long stalk, played tag with the bear among the trees and thick brush for a while, and finally lost him when a wind shift allowed the bear to pick up our scent. That day ended the hunt, as a medical emergency at home forced me to cancel the balance of the hunt.

Riding back to camp that evening, we stopped to photograph and examine the caribou carcass. Only to find that the backstraps and hindquarters were eaten. The wolves must have consumed ten to fifteen pounds apiece. A tragic spectacle to watch, but a daily occurrence in the wilderness. The unusual aspect of this episode was... the human eyewitness.



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NPS REPORT

WILDFIRE!

Wildfire is an important process that has influenced ecosystems over much of Alaska. Man has attempted to suppress these fires for at least the last forty-five years of Alaska, however, regional plans now give land managers in the state the option of allowing lightning caused fires to burn through low risk areas. This option is based upon sound ecological management principles and is consistent with the National Park Service's management philosophy for natural areas of allowing ecological processes to operate freely within them.

As the role of fire, its behavior, and its effects are better understood for park lands in Alaska, additional areas will be included in the low risk category. A research program is in progress to provide much of this needed information for Denali, Katmai, Lake Clark, Wrangell-St. Elias, Gates of the Arctic National Parks and Preserves, Kobuk Valley National Parks, Noatak, Yukon-Charley Rivers, Bering Land Bridge National Preserve, and Cape Krusenstern National Monument.

Fire history statistical data for Alaska are most reliable for the period since 1967, but data do exist for some fires back to 1940. These records were compiled when wildfires were being actively suppressed in Alaska, so they probably underestimated the occurrence of fire. One of the objectives of our fire research is to learn more about the fire regime of national park lands in Alaska. Samples from fire-killed trees are obtained from old burns so that annual growth rings can be cross-dated with rings from living trees to determine the year of the burn. Using this technique, burns have been identified that occurred well over

two hundred years ago. With the aid of color infra-red aerial photographs, the perimeters of old burns are mapped when they can be discerned. These data are providing us with better information about the frequency of major fires in specific areas.

After old burns are located, the vegetation is sampled in plots to determine the successional state. A fuel inventory is also made. The effects of a low intensity surface fire can be overcome rapidly, while the effects of a high intensity crown fire may be evident for more than a hundred years. For burned areas, the type of fire that occurred or its intensity, can be estimated through a consideration of the state of the vegetation, the amount of fuel accumulation, and the number of years since the area last burned.

When fires are permitted to burn in a low risk area, fire weather and fire behavior characteristics are monitored. These data will be used to refine fire behavior models for specific fuel types, which in turn will improve our ability to make accurate fire behavior predictions. Such predictions are crucial for making decisions of whether or not to let a natural fire run its course when developed areas, inholdings, and park boundaries must be considered.

Although the National Park Service does not manage natural areas for the exclusive benefit of individual features or species, fires usually result in improved habitat for many wildlife species. Natural fires are important to the Service's management policy for the protection of the total environment or ecosystem and its processes.



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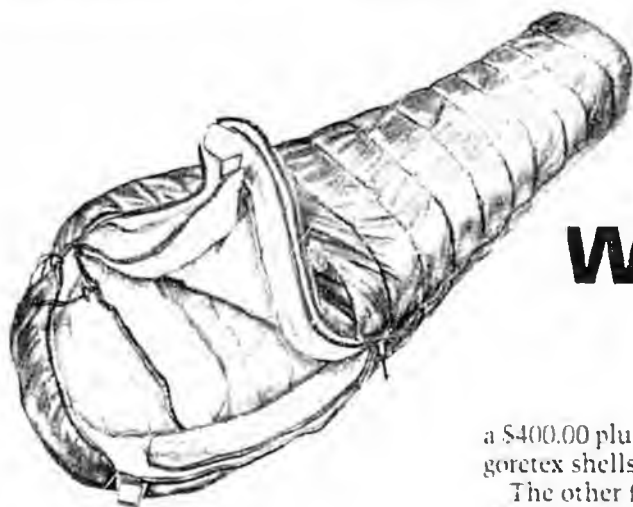
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DECISION

Which Bag Will It Be?

by Bob Hodson

Choosing a sleeping bag is one of the most important decisions a camper has to make. A sleeping bag is not only a key to survival, but is an investment. In this article I am going to try and explain sleeping bag construction and help make buying a sleeping bag easier for you.

LOFT & INSULATION TYPE:

The key to staying warm in a sleeping bag is how efficiently the bag will retain the user's body heat. Loft is the term used to describe the distance between the sleeper and the outside. In general the greater the distance the warmer the bag.

Sleeping bag insulators range from high end down to the inexpensive man-made fibers. Peoples needs vary and so it is important to understand the different uses for the various fibers. I will briefly explain the advantages and disadvantages of five of the most popular fills on the market today.

1. Down
2. 3M's Polarguard
3. DuPont's Quallofil (trademark)
4. Hollofil (trademark)
5. Hollofil 808 (trademark)

DOWN: It is considered the best insulator in the world. A good down bag will also be the most expensive. Down has many advantages, it is very light, compressible and it has a long life if properly cared for. Down does have one major drawback—when it gets wet it loses its insulative value.

The type and fill power of down is also important. Goose down with a fill power of 500 or greater is recommended. The higher the fill power number the higher the insulative value per ounce of the down. It is also important to find out if the bag is filled with duck or goose down. Duck down is generally found in lower end bags—due to its high oil content.

If you are looking for a very light, compact bag that can be kept dry, down would be a good choice. If you can afford

a \$400.00 plus bag—the down bags with goretex shells may be of interest to you.

The other fibers, Polarguard, Quallofil, Hollofil, and Hollofil 808 are all manmade fibers. These fibers have several distinct advantages.

The most important is that when the bag is wet it still retains most of its insulating qualities. Another advantage is that if a person gets wet and crawls into a synthetic bag the fibers tend to wick moisture away from the body. The synthetic filled bags also cost less for comparable temperature rated bags. Again, this is dependent on quality. The biggest drawback to synthetic filled bags is their weight. A zero degree rated down bag weighs about three and three fourths pounds versus five pounds for a Quallofil insulated bag. A person needs to decide if weight or having a bag that insulates when its wet is more important. If you decide to go synthetic your next choice is what fiber to go with. In this article we will take a look at the major fibers currently available.

QUALLOFIL is the latest in synthetic fills. Its unique four-hole construction and silicone type finish provides high insulative value, durability, lightweight and excellent feel. This fiber is the lightest and most compactable fiber in this group. The four air chambers in the fiber traps air thus giving it excellent insulative value. The silicone finish gives the fiber its good feel. Even in the wettest conditions Quallofil retains most of its warmth.



Quallofil



Hollofil II

HOLLOFILL II—Another synthetic fiber that is sprayed with silicone to reduce friction and give it a better feel. Hollofil II is a single hole fiber that is superior to most other conventional synthetic fills, due to this coating. It

drapes over the body very well, it is fairly easy to compact, and it retains body heat very well. It is less expensive, as a general rule, than Quallofil. However, it is heavier, bulkier, and not as compactable as Quallofil.

POLARGUARD—A very similar product to Hollofil II except that the fibers are longer and more stable. It is a product made by 3M versus Hollofil II which is made by DuPont. I will not go into details of this fiber, because of its similar characteristics to Hollofil II.

HOLLOFILL 808—This is the least expensive of the fibers in this article. It is less compactable and has a harsher feel than any of the fibers listed. It does retain most of its insulating properties when wet and it is less costly than the other fibers. It would be a good choice for sleeping bags used in cabins.

After deciding on the fill type you need to decide several things:

1. How big of a bag do I want? Square cut, modified mummy or mummy. The larger the bag the harder it is to heat. However, the fuller cut bags do provide more comfort. A modified mummy bag is a compromise bag that gives you more room through the shoulders and feet than a mummy bag and it is relatively compact.
2. What temperature rating do I need? I recommend buying a bag ten degrees colder than what a person feels they need. It is always easier to try and make it warmer. A very important point in comparing bags is to compare fill weight not total weight. Sleeping bag manufacturers tend to over rate sleeping bags. By comparing fill weights on comparably sized bags a person can see if any one manufacturer is over rating their bag. Simply make a few notes, if most manufacturers use fifty ounces of fill and another uses thirty ounces of fill be suspicious. Make sure that you are comparing comparable fill types. Remember also to buy a good ground pad since most of your heat is lost through the bottom of the bag. I recommend either closed cell foam or a self-inflating air/foam combina-

tion. A standard air mattress is a very poor insulator.

3. How is the bag constructed? I could devote this entire article to this subject alone. Some of the more important features to look for are:

Differential cut—the outer bag being larger than the inner bag to help reduce

cold spots and material bunching.

Non-sewn through construction—the bag should not have a seam sewn through both inner and outer insulating layers. If it is sewn through a "cold spot" will result.

Draft tube—a tube which covers the zipper to prevent cold from entering the bag.

Zipper—continuous coil zippers seem to work best. Most sleeping bags can now be zipped together to make double bags.

Hood construction—the bag should have a cinch string in the hood so it would be drawn up around the face in cooler temperatures. I recommend sculpted hoods on bags rated at zero degrees and cooler. This hood design allows uniform lofting around the head and it does not bunch the materials.

Layering system—how is the fill put in the bag? Single layer—one layer of insulation, this is found in warm weather bags. Double layer offset—one layer of insulation running at a ninety degree angle to another layer of insulation. Triple offset—three layers running alternate directions to one another, typically found in cold weather bags

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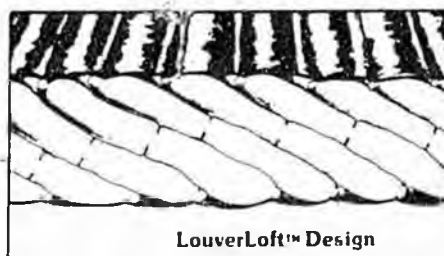


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Material and stitching—these two items tell a lot about the manufacturer. Look at the stitching to see if it's uniform. Feel the material, will it get a clammy feeling to it, will the material compress and stuff easily?

Warranty—how is the bag warranted and will the dealer stand behind the product. If something fails on the bag due to a defect will you be out a bag for three or four weeks? Being without a bag for this period of time could wreck a hunting season.

Finally shop around—compare features and salespersons' knowledge. It is important to deal with a store that is willing to educate and work with you.

A sleeping bag is a very important part of your camping gear. This article is meant as a brief guide to help you in selecting a sleeping bag. A good bag will give you many comfortable nights sleep in the outdoors.

HAPPY CAMPING 

Editor's note: Bob Hodson, is an avid supporter of APHA and the Alaska out-of-doors. We would like to thank him for volunteering this article for our readers' knowledge. Mr. Hodson also is the owner of Barney's Sport Chalet in Anchorage, Alaska.

First of State

The thrill of a cloud of honking geese spiraling overhead is exciting for most Americans. Few people realize, however, that Alaska is the breeding ground for approximately ten million ducks and one million geese that leave the state each fall. Although most ducks and geese from Alaska use the Pacific flyway, many others travel as far east as the Atlantic coast.

Good news for Alaskans is that they now have a mechanism to participate in funding the waterfowl program of our state. Just as the name implies, "The Alaska Waterfowl Conservation Stamp" is intended to raise money for conservation and enhancement of waterfowl, acquisition of wetland habitats, and related projects, much like the federal migratory bird hunting stamp, better known as the "duck stamp." Alaska's stamp will be provided to hunters and non-consumptive users alike with a means of contributing to waterfowl management, while giving them something to show for their contribution.

The Alaska waterfowl conservation stamp act was authorized by the Legislature and signed into law by Governor Bill Sheffield in 1984. The \$5.00 stamp is mandatory for the 1985 hunting season for all waterfowl hunters in Alaska between the ages of 16 and 60. Exceptions are low-income persons eligible for the 25-cent hunting license and disabled veterans. Waterfowl hunters must purchase both the Alaskan stamp and the Federal Duck Stamp.

First of State stamps are available now and will be on sale until June 30, 1987. Stamp collectors and hunter may order directly from the Department of Revenue or purchase through the usual license outlets.

An acrylic painting by Minnesota artist Daniel Smith of emperor geese beside a tundra pond was selected for Alaska's first stamp design. Artwork was selected as part of an artist-publisher partnership package. That is, all the artwork was submitted by artists already sponsored by publishers. Ten

proposals from six publishing companies were submitted in a national competitive bid process. The number and quality of the original designs and proposals were exceptional and included a total of 35 waterfowl paintings. Selection criteria included the need for the proposal to provide a good opportunity for fundraising while establishing the Alaska Waterfowl Stamp series as a fine collection-quality art. The Department of Revenue, the Alaska State Council of the Arts, and ADF&G judged the proposals.

Approximately 130,000 stamps were printed with 25,000 set aside to go with the limited edition prints of the artwork. The actual number of limited edition prints was determined by the number of prints ordered by October 31, 1985. Approximately 4,000 art-quality posters are also available for sale. The posters and limited edition prints are on sale at most art dealers. Prints will be issued to distributors no later than January 10, 1986, and perhaps earlier.

Regular edition prints, numbered, signed by the artist and accompanied by the mint stamp will retail at \$140.00. A special "First of State" collector medallion and print set, numbered and signed by the artist and with a gold plated medallion, plus a stamp will retail for \$305.00. Executive edition prints, numbered and signed by the artist with stamp medallion and a color remarque hand painted by the artist will retail for \$755.00. Posters will sell for \$16.00. Collectors may purchase plate block numbers for \$20.00 and full sheets of 30 stamps for \$150.00. Records of all print numbers and buyers will be kept so that matching numbers will be available in future years.

The Alaska Department of Fish and Game believes that more than 85 percent of revenue will come from the sale of art prints and stamps outside the state. Revenue estimates of \$200,000 to \$1 million for next fiscal year contrast with the department's present waterfowl budget of \$76,000. Approximately, some of the revenue will help to bring back the emperor goose which has recently declined to less than 60,000 birds.

Many bird watchers and ornithologists rate the emperor goose as the most beautiful goose in the world. The throat and lower neck of this moderate-sized goose are black. The remainder of the

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head and neck is white, but is often stained a rusty hue from feeding in tidal ponds where concentrations of iron oxide occur. The short bill is pink, and its legs are orange or yellow. Adult birds have symmetrically scalloped gray, black and white plumage. Sometimes called "beach geese," emperors frequently forage for seaweed and eelgrass along coastal flats, occasionally thrusting their heads into the mud to eat mussels or clams.

Wetlands and coastal salt marshes are vital to emperors and other waterfowl. It has been estimated that nearly one-half million acres of wetlands are lost each year. With about one-third of our nation's endangered or threatened species utilizing these areas, the conservation of these key habitats is critical.

Alaska joins with New York in becoming the 30th and 31st states with waterfowl stamp programs. Other states and a growing number of private organizations are raising funds for fish and wildlife conservation by meeting a growing demand for wildlife art.

In addition to being a good investment, wildlife stamps and art prints offer opportunities for the public to address the growing concern for the welfare of fish, wildlife, and wildlife habitat. During the last ten years, North American waterfowl populations have fallen dramatically, primarily due to continued loss of habitat. Problems in the "lower 48," such as drought in the prairie region, disease, and overcrowding of wintering areas, require a great deal more attention on the part of both state and federal agencies. A combination of good breeding grounds, adequate food, and protection will allow goose populations to expand and restore depleted stocks. Broad public support is imperative for that situation to occur.

Department of Fish and Game officials are hopeful that Alaska's first waterfowl stamp and beautiful emperor goose art prints will be highly successful in assisting state waterfowl programs. Both the mystique of Alaska and public demand for wildlife art should bring great benefits to Alaska's waterfowl.

Dolores Larson has been an Information Officer with the Department for the past 14 years. Oil painting and pastel work are among her hobbies.

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HANDGUN HUNTERS HALL OF FAME

Larry Kelly, president of the Handgun Hunters Hall of Fame, located in Mt. Clemens, Michigan, is overwhelmed with the excellent trophies that have been entered for the 1985 Handgun Hunter Trophy Award. The prestigious award was designed by Tom Tischler of Kerrville, Texas. Lucky Nightingale of Brandywine, Maryland was selected as this year's winner. Lucky has taken many trophies with handguns, amongst them is a new world record #1 Bontebok. Larry Kelly stated that to his knowledge twelve elephants were taken in 1984 with a handgun. Not only were elephants taken, but African lion, Cape buffalo, rhino and many other species including, North American brown bear and moose.

The goal of the Handgun Hunters Hall of Fame is to show the public that handguns are used for sport, and not just for killing people, as the anti-gunners would lead us to believe. The Handgun Hunter Trophy Award is to give special recognition to the hunter for taking a trophy with a handgun. In 1984 Kelly presented the first Handgun Hunter Trophy Award to Bob Good for



Bob Good presents Lucky Nightingale the bronze Dall sheep trophy award as the Handgun Hunter of the Year

taking a 40" Dall Sheep. The 1985 Handgun Hunter Trophy Award was presented as part of the awards program of the Outstanding American Handgunner Awards Foundation.

Anyone can enter his or her trophy as long as it was legally taken with a handgun and in fair chase. Each year the deadline for all applications is January 1st. For more information on the Handgun Hunters Hall of Fame or the Handgun Hunter Trophy Award write to: Handgun Hunters Hall of Fame, 41302 Executive Drive, Mt. Clemens, MI 48045, (313) 469-6727.

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Grin & Bear It . . .



by Gil Marick

Seems that every time you turn around in Alaska, someone's come up with some sort of a bear story, and not to be outdone. . . I guess I've got one too. . .

Well, a few years back, there was a hellacious blow down of timber in the Yakutat area that is known for the winds coming out of the St. Elias Range. In this area about 10,000 acres of timber simply blew down over the winter, and the US Forest Circus, not wanting to appear wasteful, decided to harvest said timber along with whatever other trees lay by the proposed road that they would use to haul out the timber. . . that's where I come in.

I was recovering from a badly wrenched knee when I received a phone call from the personnel office of the USFS in Juneau asking me if I'd be available to work for them as a Lead Timber Tech. on the project. Well, city life was getting old and the fact that I could at last be on my way and make some money plus having a little fun on the side beckoned, and I was on a plane within a day. Down in Juneau they sent me back to Yakutat (Makes sense, doesn't it?), along with a crowd of college kids out to take the tiger-by-the tail and show us old folks "how-it-was-done". . . While I was down in Juneau, they found out how long I'd been up here (Hell, anyone over four years in Alaska was considered a pioneer status!!!), and along with my official title, I was accorded the dubious honor of being "Chief Bear Guard & Ordinance Officer." Next to the cook, a wonderful rascal by the name of Buzz Bulard, who could make a turnover so light that you'd need a butterfly net to catch it, we were the only ones that had different titles. By some quirk of fate, all the others had the same title, a point that they raised various hell about later.

Any hoo, these folks were the most typical of world saviors, and they were going to have an "Alaskan Experience," or die trying. Many of them had NEVER even fired a .22 much less a Mod. 70, .375 F&H. Some, turned out pretty good, and the rest were pretty mediocre.

In fact, by the way they handled their rifles they were downright careless for a

bunch of idealistic saviors. I was to inspect the rifles after every day's usage, and I can say without a doubt that most of them were, well, in pretty sad shape to say the least. The first thing that I did was to use duct tape around the magazine floorplate, one cannot simply have one's rounds dropping whilst defending oneself from "URSUS URSUS."



Don't disturb this guy at the dinner table.

Little by little, the kinks came out and things started to function smoothly. All in all, the season turned out with little incident, that was until the day that I was scheduled for "R&R," which in my case came about every month.

That morning came with the usual downpour. . . after one SOLID WEEK of sunshine. Picking up my pack with about sixty pounds of dirty laundry and assorted gear, I sallied forth. Pulling my bush hat down near the eyebrows to keep the aqua out of my eyes and off my specs, I started the five mile trek, by myself, to the nearest road. Now, unless you are out on the muskeg, trying to orient oneself by landmarks in the Yakutat area is pretty difficult, especially on an overcast day. Therefore, it is imperative that one carry and use a COMPASS. The timber is thick and substantial, and you cannot make out the St. Elias Range unless you are out in an open muskeg area. I hadn't been out on foot during my tour of duty thus far, as they had flown me in by helicopter to my work area.

I grabbed an aerial photo, got some directions that included information that the trail had been flagged by the Engineering Crew. (At this point it is

worthy of mention that certain members of the deer family are VERY fond of surveyors flagging, a good point for you folks who like to use it.) None-the-less, I was soon heading down the trail and somehow, got "turned around." I did a little backtracking and finally found the trail, or what passed for it, paralleling the Situk River about fifty feet to my right. The trail was basically a BEAR trail. "Luckily," I thought, "the salmon are not quite running at this time, so there's little for me to worry about."

The wind picked up and the rain was now practically a horizontal sheet. I gritted my teeth, pulled my hat down over my eyes, and plodded through the alders. What I didn't realize was that there was a converging trail coming up, much in the same manner as that of a confluence of railroad tracks. On up ahead on the nearing trail, unbeknownst to me was not a freight train but a rather large "denizen" that could do about as much damage to my miserable carcass. There I was tootling along, dulled into the lethargy of a route march due to the rain and wind, just glancing up from time to time and trying to "eat up the miles" (THAT was my FIRST MISTAKE).

The first inkling that there was a bear in my immediate area was a sharp "WOOF!!!" I glanced to the left, and saw a large, furry shape within about four to five feet of me. . . and. . . the rest is a BLANK. To my right lay the river through about fifty feet of alder, and we're talking THICK ALDER—but there I was a 220 pound man, carrying a 60 pound pack, holding a rifle and wearing an ammo belt, standing in the middle of the Situk River on a sand bar with my rain gear and hip waders on, jacking a shell into the chamber of the .375 H&H. How, you might ask—that's my question exactly, I have no idea how. . . it's a simple mystery. Hell, I either had grown wings or had been transported like they do in "Star Trek." The point is that I simply don't remember how I got there, and the funny thing was that I was dead calm for the MOMENT. In that time period, I fished out a cigarette, calmly lit it, (let's hear it for

Zippos)...and waited to see what would develop. I didn't have too long to wait...the Brownie calmly walked to the bank stood up and squinted, sniffed the air, got down on all fours and let out a tremendous growl reclaiming the forest as his domain or...now that I think about it, was it a belch? He then turned around and moseyed back into the woods. I decided to wait exactly where I was...my knees started acting like a maracas players hands in a Cuban Dance Band, my mouth was all of a sudden parched, I felt more than slightly bilious and all I could do was squat and finish my smoke. While I was kneeling I started to rub my left leg and discovered there was a tear in my hip boot from the thigh to the knee...and it was a SHARP TEAR. Now this could be strictly conjecture on my part and yes, I could have caught it on a branch in my haste, but it leaves me to wonder, even to this day (which improves with age), of what REALLY happened? Did the brownie swat me out of his way? And is that why I don't recollect those harrowing moments? Who's to know really, but the brownie himself! All I know is that just as soon as I got up my courage I got the hell out of there but this time when I was on the trail I was ALERT and we're talking alert to every little snap, crackle and yes pop; rain or no rain.

When I finally reached town I ran into Buzz, the cook, and of course I relayed the story of my adventure to him. He had some pretty darn good advice to pass on, which is this...NEVER, NEVER, TAKE ANYTHING FOR GRANTED...NO MATTER WHAT THE CONDITIONS, not even if there hasn't been reported any sightings of bears in the "civilized areas!" It is usually when you least expect it that things of this sort happen.

I still keep that old pair of waders around, hung up, just to remind me of Buzz's words of wisdom and the day my fate was almost ended on that ol' trail that the bear and I met face to face. 🐻

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Notice of Proposed Changes in the Regulations of the Department of Commerce and Economic Development, Division of Occupational Licensing

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WHAT GUIDED BIG GAME SPORT HUNTING IS LIKE

by Jack Atcheson

You obviously know and feel as I do that hunting is the greatest sport there is or you wouldn't be going. It's a fantastic experience, but a guided hunting trip is not like normal guided tourist tours that your local travel agency offers. Your local tour agent probably has an itinerary and a place describing conditions, accommodations, etc. . . . something that can be reasonably followed. *But*, big game sport hunting just doesn't work that way. You might say that guided big game sport hunting has an open itinerary . . . lots of plans and ideas that are likely to change daily, or hourly. Everything may go as planned—or nothing! There are no guarantees. You must accept this or don't go. Surprises, weather conditions, risks, hazards, great joy and sudden changes are normal. . . that is hunting. You will find it different, with different standards, but that is what sport hunters like and that is why they go. The success of the hunt is only a small part of that experienced mountain hunter. You must fit the mold! The experiences and uncertainty are what separates sport hunting.

Obviously, most people who go sport hunting do get game and are quite satisfied. . . but, all hunting may not be for everybody. Some hunts or certain species are easier than others. Book what your time and income can handle without skimping; sport hunting is seldom a bargain. Your mental and physical ability is important and must be considered. Wild animals and horses can be dangerous, so can boats, planes, the weather, mountains, elevators and your fellow man, etc. You could get hit by a taxi, too. As Justice Cordozo said, "the timorous may stay at home," but you might not have any adventures at home!!

Your party may be better off on the African Plains than in the mountains, or to hunt pronghorn or quail instead of lions, bear or sheep. *You must decide that*. Africa is easier in most ways, but some people prefer the challenge of the alpine regions. People and customs may be very different, take your camera and an open mind.

Outfitters have various camps and methods which they alternately use depending on the situation, you may have discussed several but you and your outfitter must be free to use other methods. The outfitter has to reserve the right to be flexible, which is one of the keys to success. There are hundreds of variations to the hunt—sometimes you can hunt out of a nice cabin and other times you'll be hunting from a base tent camp and then probably from a spike tent camp, if the game moves you may have to make some even bigger changes too. This is hunting. . . and most people do seem to like it. *It is said that all the days you spend hunting and fishing are not counted against your time on Earth*. So go now while you are physically able. . . the prices won't come down and it won't be easier next year!

Duplicate Mailings

If you have been one of the few people who have been receiving two newsletters in the past few months, please pass the extra along to a friend. These duplicate mailings are from lists that we have received for soliciting new members. If you purchased one or more Alaskan game tag last year and/or are already a member of APHA, this is the reason for your getting more than one copy of the Alaska Professional Hunter newsletter.

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THE HUNTERS' GALLERY

This page contains photographs from APHA members submitted to our office for publication. We welcome photos from APHA members. Please send them to our new office: APHA, Attn: Solberg, Box 451, Talkeetna, Alaska 99676. Include a descriptive caption with each photo.



Roger Card with his 10'4" brown bear. Guide Sam Fejes.



Don Picumbo, CT, and his Ak. Peninsula Barren Ground Caribou (438 BC pts.)



Penny Castle shown here posing with the camp's late night dinner.



Kirk Courson, TX, with his 10'4" brown bear. Guide Dick Gunlogson.



Fred Steudler, PA, with the oldest bear taken on Kodiak Island. Spring 1983. 22 years old. Guide Dick Rohrer.



James Stoval, Kilgore, TX, with his caribou. Guide Dick Gunlogson.



Wilma Kirm with her brown bear. Guide/outfitter Phil Driver.



"Heavy Duty Caribou." Photo: W.D. Phifer and D. Phifer. Diamond Bear, CA.

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OFFICIAL PUBLICATION OF THE ALASKA PROFESSIONAL HUNTERS ASSOCIATION, INC.



Letter From the President

This issue of the Professional Hunter will be void of your President's Letter due to the many duties at this time of year: such as legislative meetings on House and Senate bills currently in legislation that affect the guiding industry, trips to Juneau and other areas on behalf of APHA and the Alaskan guiding industry, conventions to attend, and lastly, the pressing upcoming hunting seasons with camp preparations, bookings to attend to and all the finalizing of details.

We have tried to make sure that pertinent issues are covered in the pages that follow. Please refer to articles such as the Legislative Report by Ed Grasser and Guide Bill SB294 by Jim Harrower plus others.

Thanks for "bearing" with us and good luck on your spring hunts.

Phil Driver, President, and LesLee Solberg, Office Manager

APHA HUNTING SCHOOL

The Alaska Professional Hunters Association will be conducting our hunting school open to the public, in conjunction with the annual meeting and banquet. This school will offer a two-day course that will include seminars on all areas of big game hunting in Alaska. Individual classes will cover such topics as caping, photography, equipment, firearms and emergency first aid. Classes related to the individual game species, their characteristics and hunting techniques will be conducted by professional hunters that are noted in the specific field. All instructors are exceptionally qualified and recognized for their expertise in the area of their instruction.

The cost of the school is \$175.00 per person, of which a deposit of \$50.00 is required as a non-refundable fee. The school fee will include all seminars, classes, and a year's Sustaining membership in APHA. The location for this year's school will be the Captain Cook Hotel, Anchorage, Alaska. Tentative class structure to begin on Friday, November 28 at 8:30 a.m. to 5:30 p.m. with an hour break for lunch. On Saturday classes will run from 8:00 a.m. to 5:00 p.m. with an hour break for lunch. For further details please contact the APHA office, POB 451, Talkeetna, AK 99676, (907) 733-2688. Limited space available so register early.

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If you have booked a hunting trip to Alaska drop us a note or call the office and request a license application. This will be mailed out immediately with the related information on tags and license costs. It takes only a few minutes of your time to fill out the form and issue a money order or cashier's check which you return to the APHA office. You will receive your license and tags by return mail. The license applications are processed and mailed the same day as they are received along with the current newsletter. Please do not separate out any of the carboned copies, they must all remain intact.

Outfitters, send us your clients' applications. APHA receives a percentage of the revenue generated from the sale of all licenses and tags through this office. In this way we not only provide a service to you, but also generate income to support the operation of the organization.

This service is offered to all member, outfitters and non-resident hunters. Contact: APHA, Box 451, Talkeetna, Alaska 99676, (907) 733-2688.

RUGER DEADLINE ANNOUNCED

The final date to get all of your APHA signed-up memberships in for the free Ruger rifle order is December 31, 1986. See back cover for ad details and start today to participate in this program. Contact the APHA office for further details. APHA, POB 451, Talkeetna, Alaska 99676 or phone (907) 733-2688.



THE ALASKA

Professional Hunter

Volume 10, No. 2
April 1986



Official Publication of the Alaska Professional Hunters Association, Inc.

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The articles contained herein are not necessarily the opinions of the Alaska Professional Hunters Association. They are published for the information and benefit of our membership.

SCI REPORT

SCI Challenges Discrimination Against Non-resident Hunters

Because large public land states have increasingly closed or limited non-resident hunting on approximately seven-hundred acres of federal lands, Safari Club International is preparing the groundwork to bring suit against Alaska, concerning discriminatory policies toward non-resident sportsmen.

SCI President Don McMillan and Governmental Affairs Chairman Vern Edewaard stated that after reviewing the recent non-resident closures in Alaska and the limited big game permits being

allocated by other public land states to non-residents for some hunts on federal lands, it was inevitable that the issue would end in court.

"The concept of this potential suit would be that SCI challenges, on basic constitutional grounds, the discrimination shown non-resident sportsmen who wish to pursue their sport on federal lands," stated Vern Edewaard.

"As citizens, we all pay the taxes which support the wildlife and natural resource programs on federal lands. We

all pay for the million of dollars of "in lieu" tax payments made by the federal land managing agencies to the public land states. And, yet, a state like Alaska is now eliminating non-resident hunting for many desirable big game species in federal land areas. Other states are limiting non-resident hunting opportunities on federal land by allocating only a small percentage of the available permits to non-resident sportsmen. What we are striving for is a fair and just system," said Edewaard.

DATES TO REMEMBER

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If you are not a member of the Alaska Professional Hunters Association, please consider this to be an offer of membership. We receive the majority of our financial support from individuals such as you, who choose to join us in an appropriate class of membership. If you would like to receive the *Professional Hunter*, as well as a membership certificate, card and arm patch, you need only send your name and a check to: APHA, P.O. Box 451, Talkeetna, Alaska 99676. Phone: (907) 733-2688.

A sustaining membership is only \$25 a year and you receive a patch, certificate and a year's subscription to the *Professional Hunter* bimonthly newsletter. There are several additional classes of membership: associate, \$50/year; foreign sustaining, \$50/year; professional (Alaska licensed guides only), \$100/year; business, \$100/year; and life sustaining, \$250/year. Those memberships that sell for \$50 or more also include a Sid Bell pewter belt buckle displaying the APHA logo.

Brown/Grizzly Bear Table

STATE OF ALASKA
DIVISION OF FISH AND
WILDLIFE PROTECTION

Report by Bob Boutang

Have you shot a brown/grizzly bear in the past few years, and wonder when you are eligible for another? Here is a handy-dandy table for brown/grizzly bear hunters. Per 5 AAC 81.320 a hunter can take only one brown/grizzly bear every four regulatory years, except in G.M.U. (game management unit) 12, 13, and 20E. Bears taken in those units are not to be counted against the one bear every four regulatory year bag limit in other units. Statewide bag limits shall not exceed one bear annually.

Brown/Grizzly Taken Spring	Can Take Another	
	Fall	Spring
1978	1981	1982
1979	1982	1983
1980	1983	1984
1981	1984	1985
1982	1985	1986
1983	1986	1987
1984	1987	1988
1985	1988	1989
1986	1989	1990

Brown/Grizzly taken in fall	Can Take Another	
	Fall	Spring
1978	1982	1983
1979	1983	1984
1980	1984	1985
1981	1985	1986
1982	1986	1987
1983	1987	1988
1984	1988	1989
1985	1989	1990

WANTED:
YOUR HUNTING STORY...


Do you have an exciting, unusual, or just downright interesting story? We would like to print it in the Alaska Professional Hunter Newsletter, along with any photographs or illustrations you may be able to include. The deadline for each issue of this newsletter falls on the 10th of the month preceding the month of publication. So if you want your story to appear in a certain month's issue, get it in the mail so we will receive it by the 10th of the month preceding the month of publication.

New Life Sustaining Members

Charter Life Sustaining membership's final issuance was December 31, 1984. However, another classification was created which is referred to as Life Sustaining membership offered for \$250.00 instead of the \$200.00 Charter Life Sustaining offer. The following persons have joined as Life Sustaining members:

Fred Fortier of Ripley, Mississippi
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Lloyd E. Samsal of Anchorage, Alaska
Bill Gillespie of Calabasas Park, California
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WLEA REPORT

Hunters Push Gun Owners Protection Act

Hunters and other gun owners nationwide are urging their congressmen to sign a discharge petition for the Firearms Owners Protection Act.

The pro-gun measure is currently bottled up in the House Judiciary Committee. Committee Chairman Peter Rodino (D-NJ), a notorious anti-gunner, declared the measure "dead on arrival" following Senate passage by a five-to-one margin.

An infrequently used maneuver, a discharge petition will force the Protection Act out of the Judiciary Committee and directly to the floor of the House. Congressman Harold Volkmer (D-MO), John Dingell (D-MI), Tommy Robinson (D-AR), Trent Lott (R-MS) and Larry Craig (R-ID) have initiated the petition. They need the signatures of two-hundred eighteen members of the House.

The Firearms Owners Protection Act amends the Gun Control Act of 1968. It lessens restrictions on the sale and transport of firearms. Additionally, it enacts penalties for the intentional sale of firearms to criminals and for violent federal gun crime.

More specifically, the bill would:

- Permit the interstate transport of guns, even through jurisdictions that have banned gun ownership.
- Permit individuals to purchase guns outside of their home state in face-to-face transactions, as long as the sale is legal under the laws of the seller's and buyer's home states.
- Prohibit federal gun registration programs.

The National Rifle Association (NRA) and other pro-gun groups are calling on the nation's gun owners to write their congressmen and urge them to sign the discharge now being circulated in the House of Representatives.

"The time is right for the sportsmen and gun owners to flex their muscles in the legislative arena," said Michael J. Lashbrook, the NRA's director of state and local affairs, "and we can begin today by uniting to secure passage of the Firearms Owners Protection Act out of the House of Representatives and before President Reagan who has pledged to sign this bill."

Insurance Again Available

by F. Darrell Lindsey of High Country Insurance Agency

Everyone is certainly aware that insurance for the Recreation Industry is considerably higher than last year or not available at all. Limits are lower and coverages limited.

To deal with this problem High Country considered many possible alternatives. We have contacted almost every Insurance Company, Re-insurance Company, Insurance Intermediary, Off Shore Captive Insurance Company, and even considered managing a self insurance pool. It became apparent that our task would not be an easy one.

As of February 15, 1986 (or before) High Country and its associated contracted agencies will be able to write Recreation Insurance and Outfitter and Guide coverage throughout the United States.

High Country Insurance Agency has now contracted with several Insurance Companies in support of our underwriting programs and will be able to provide up to \$1,000,000 of liability for most classes of business. Also, a Utah Corporation has been formed called The High Country Outdoorsman Association, Inc. that will provide Outfitters and Guides a variety of valuable services and benefits. Insurance Benefits currently available through the Association include (1) a Master Automobile coverage policy primarily for passenger carrying vehicles, (2) a Master Liability Policy covering the business operations of participating Association members, and (3) a Group Life and Health Program. The Association also provides legislative representation, newsletters, and an industry support system nationwide.

For more information contact High Country Insurance Agency, Inc., 1787 E. Fort Union Blvd., Suite 201, POB 06357, Salt Lake City, UT 84106. (801) 942-3000.

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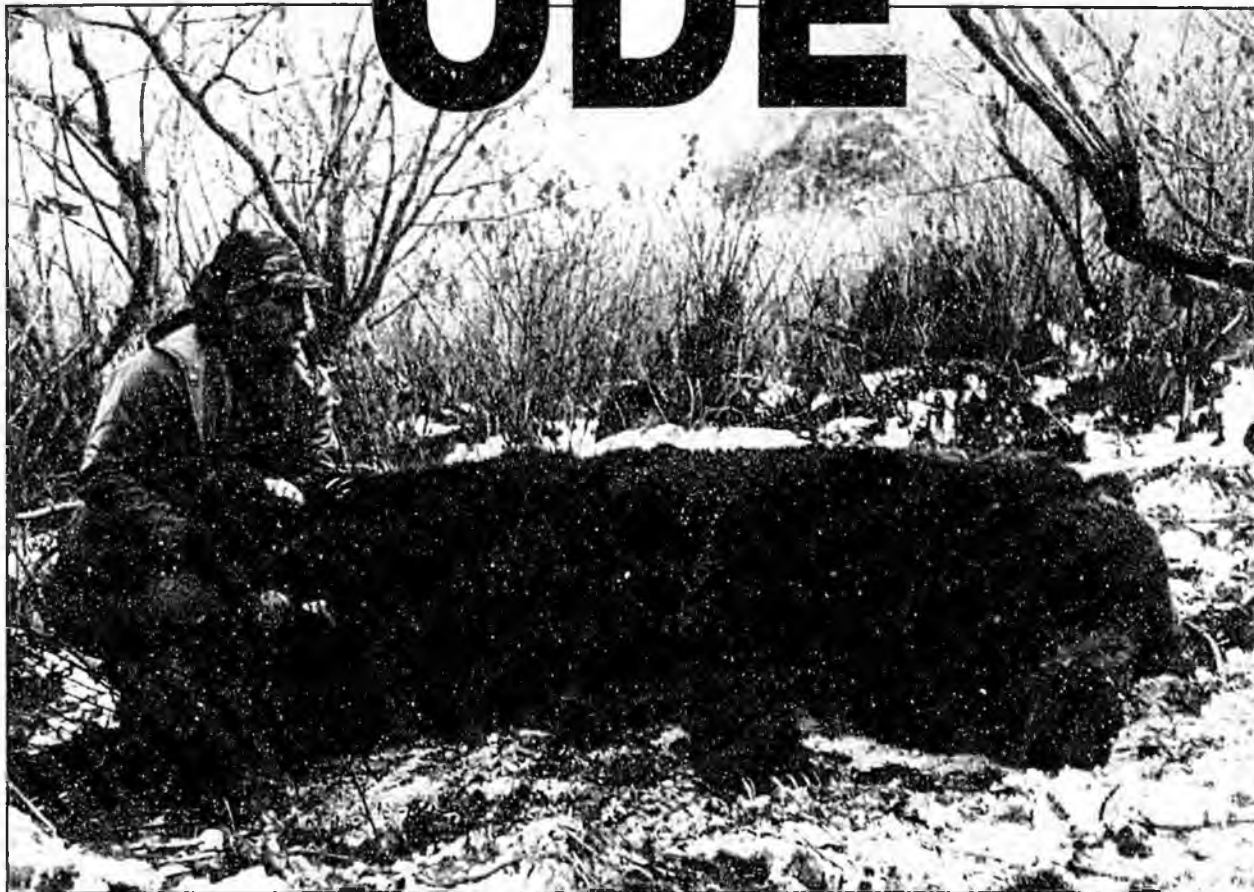
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ODE



TO AN ALDER



by (Rev.) Dave Hall

"Climbing through that stuff is like trying to elbow your way through some Third World marketplace, being jostled, snagged, snatched at and hassled by beggars, hawkers, pick-pockets and belligerent merchants—only worse!"

Dick Rohrer, brown bear guide *extraordinaire*, listened in contemplative silence to my panting prose. We were taking a breather between alder patches that quilt the slopes rising out Uganik Bay, Isle of Kodiak.

Ah, but there is nothing quite like the alder, Sitka alder, that is. *Alnus sinuata*, as christened by botanists, and whose extended family includes the subspecies *crispa*, *fruticosa*, and *sitchensis*. Names doubtless derived from sound uttered by frustrated thicket thrashers!

We toiled on up the mountainside in good spirits, however, thankful for blue-skied sunshine after days of scowling skies and oft-times *horizontal* rainfall! Topping out on the skyline of the soaring ridge separating the Mush Lake and

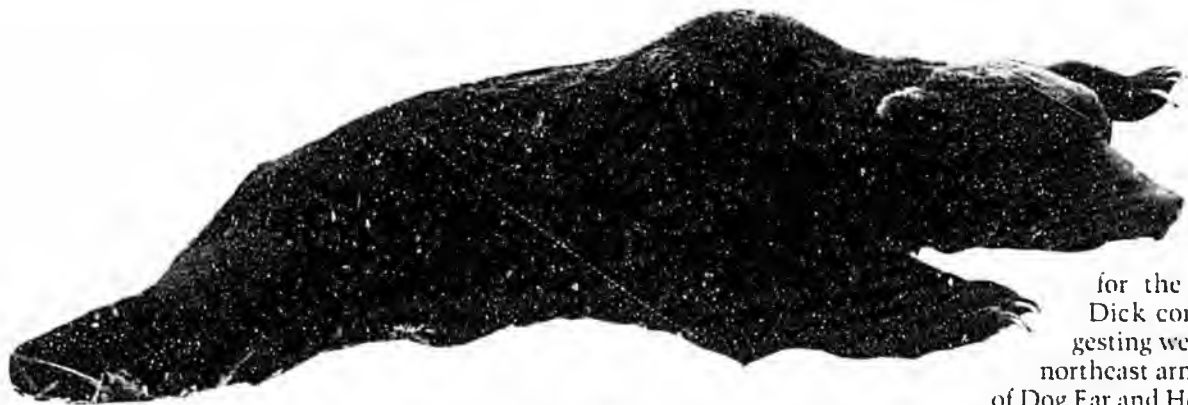
South Arms of Uganik Bay, we were now overlooking Rohrer's Mush Bay camp, with a commanding view—a breath-taking panoramic view—of the entire bay area, as well as Mush Lake itself, Uganik Lake, and the rugged crags towering over the interior lakes region. To the north Packers Spit jutted into the bay, and we could see Rocky Point, noted for its turbulent seas.

It was near noon, so while we went to work with binoculars we munched on Cadbury's "Fruit & Nut" chocolate bars and apples. The terrain was blanketed by snow, deceptively deep in places where it had drifted. We were looking for a good Sitka blacktail buck as well as a Brownie, and I was armed with my Ruger M-77.335 Magnum. Surrounded by sunbathed scenery, the sharp wind nonetheless vied for our attention, kept me fidgeting with creeping cold from the dampness of perspiration generated during the climb. Each time we shifted position to change vantage points for scanning, we tried to hunker in the lee of a protruding rock or nob. The rut was

in full swing, and there were deer in sight most of the time, but the bears were staying put, out of sight in the alders.

About 3:30 p.m. we started our descent, a meandering course combining further hunting with avoiding fighting alders unless absolutely necessary. As we rounded the crest of a draw in the hillside we saw a big buck on the far slope, preoccupied with a couple of sleek does. The three main tines and eyeguards on each side of the antlers were in the record-class, but it was, nonetheless, a worthy trophy. A moment later the wicked slug dumped the buck in the snow. Sidehilling our way toward the buck One-hundred-fifty yards beyond, Dick glanced downhill and hissed, "There's a bear!" The sound of the shot had disturbed a bear hiding from view, tucked underneath the base of a bench some four-hundred yards below. It ambled along the sidehill, easing its way through a strip of alders with a fascinating, rolling gate. Working our

(Continued on page 6)



way toward where the buck lay face down in the snow, Dick said, "Better keep an eye on that bear. . ."

The bear, bedded briefly in an alder patch, then finally moved on out of sight beyond a fold in the mountainside. With remaining daylight a factor there was no time to investigate further, but we were on the lookout for its tracks to check the size. Sure enough, we cut its trail as we drug the buck off the mountain. A clear front paw print showed a pad measuring seven and one-half inches, which interpolates into an eight and one-half foot (squared hide) bear. Hmmm. . .

Thursday, November 7, 1985 began with a hearty breakfast, followed by donning raingear against the knifing

slash of cold wind in an open powerboat. Dick skipped the whaler back around the point and into the south arm again. He cut the engine off-shore and we drifted quietly, glassing the hillside where we'd disturbed the bear the previous afternoon. Our attention focused on some unusual magpie bird activity in a tangle of alders blanketing a ledge. Dick started analyzing the terrain for an optimum approach to climb the slope for a better look from above, down into the suspicioned patch of brush. "But the question I have, Dick," I queried, "Is this the bear we want?" Pausing, I then explained that I really would like to hold out or at least a nine-footer since this was for me a once-in-a-lifetime opportunity.

Having expressed my desire to look

for the bigger bear, Dick concurred, suggesting we return to the northeast arm. The slopes of Dog Ear and Helmet Mountains overlooking the bay there have produced good bears in the past.

With good weather the sea around Rocky Point is not nearly as rough, and the water in the arm itself was calm enough for us to cut the motor and drift along, sprawled out and settled back for some meticulous binocular work. After forty-five minutes or so, seeing lots of deer, but no sign of bear, Dick said, "Why don't we go check out the beach where Ronnie's father-in-law saw that bear. Maybe we can find a clear track to measure for size." He observed that while usually so-called "big" bears don't turn out to be much; still ya never can tell. . . the whaler's big Yamaha engine rumbled to life and Dick headed for Sheep Island.

(Continued on page 7)

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We nosed the boat onto the beach at the point of a strait, and I stayed in the boat while Dick climbed over the bow to check the beach for tracks. Bundled in raingear against the cutting wind, I stood idly looking around. My gaze had wandered to contemplating the toes of my boots when suddenly my reverie was slapped awake by the sound of running, crunching boots on gravel. I looked up to see Dick, seemingly in panic, racing toward the boat. He was frantically gesturing, mouthing words for me to bring my rifle! I jerked the cover off the Kolpin Gun Boot yanked out my .338, bailed over the bow, chambered a round, and put the safety on.

Dick panted that a bear was coming toward us through the strip of alders tapering to the point of the island right in front of us. He hissed that he'd heard brush crack, and looked up to see the feet of the bear moving down the slope in our direction. But he said he wasn't sure of the size, so for to wait for his command to shoot.

Almost immediately the gloom of the alders became an apparition, and there, not fifteen yards in front of us a monstrous *big* head appeared! When it saw us it raised up slightly for an instant, then did an about-face back into the alders. As it was turning Dick barked, "Take him!" But I held my fire, habitually refusing to open hostilities with *any* dangerous game unless sure of my first shot.

We rushed to the left to be able to see into the alders flanking the ridge. The snow on the ground helped silhouette the bear as it ambled unhurriedly toward higher ground. Dick was chanting "Shoot! Shoot! Shoot!" But I intuitively felt the bear would stop for a look before it headed on into thicker brush. Sure enough, the bruin stopped and turned quartering slightly toward us. "Shoot!" . . . *Wham!* The 250-gr Bitterroot handload smashed its near shoulder, ploughing through the chest and exited behind the far shoulder with a reverberating roar it spun, snapping at its shoulder,—then headed straight toward us! It didn't clear the alders before the next shot slammed into its chest. The *Ursus* just got worse! It went absolutely berserk!

I reached for more ammo in my belt shellholder—but it was covered with layers of raingear! With the raging bear just thirty-five yards from us I yanked and tore at my waist, finally freeing a cartridge which I single-loaded and fired again into the whirling, bellowing mass. "Keep shooting!" Dick howled. Another

single-loaded shot stilled the bear which keggered-up face down, a massive mound with sides still heaving. "Okay, hit him one more time!" Dick commanded. The .338 bucked—and I was almost flattened by Dick's whallop on my back, accompanied by a hoop of "Congratulations!" and an even louder "Praise the Lord!" I stood there stunned, stammering something about the good Lord having really done a number on us. Dick told me to keep an eye on the bear while he went to secure the boat, which fortunately had not drifted loose!

It wasn't until we began trying to unfold the bear that we realized fully just how *big* it was! A massive head the size of a washtub, with a snout like a stovepipe, ivory claws, with forepaw pads measuring an even *nine* inches (could it really be? a *ten*-ooter?), and a deep-pile, chocolate brown coat without a flaw! We stood in awe, gazing around us at the blood-splashed snow and shredded brush. I was struck with a sense of reverence—for *alders!* That much-maligned, hated and cursed product of the third day of the Genesis creation week had ushered my bear right to me!

The hide did indeed square ten-feet two-inches, and when we checked the skull and hide in at the Kodiak Fish &

Game office biologist Larry Van Daele calipered the skull length plus width to total 27 $\frac{3}{8}$ inches, estimated the age at perhaps 18 years. I asked Dick for an educated guess as to what the bear would have weighed. We agreed on the maximum of up to 1,400 pounds with 1,200 being incontestable. Cecil Ranney of the Kodiak Daily Mirror happened by and commented on the "Big bear you've got there," asked if I'd hold the skull for a picture. We chatted while he took notes, and the front page of the next morning's edition featured a story, "Missionary takes time out for a Kodiak experience." With full information about the mission convention too, Pastor Simmons said that it was the only time he knew of that the church made front page news!

Back in Kodiak I asked biologist Van Daele for information "about alders", he looked at me as if I had a screw loose. Then he chuckled that by the time anyone got out of the alders they were in no mood to do research on them! But he did manage to come up with the U.S. Department of Agriculture Forest Service Handbook No. 410, *Alaska Trees and Shrubs*, by Viereck & Little, Jr. It notes that alder wood produces a good fuel and is used for smoking fish. To that I would add that it also produces monster brown bear!

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Alaska, the "Last Frontier," home of the America's pioneering spirit and the rugged individualist. As I grew up in the "49th" State, I was constantly aware of this unique status that "we Alaskans" shared. Ours was the last vestige of America's once wide open spaces. A place where a person could carve out his or her future with their own grit and determination. Where neighborly hands helped shape a young and growing community.

"What happened to us?" is the phrase I hear most often now. The dream and destiny seemed to have escaped us. Where once Alaskans stretched across the U.S.'s largest state in "one interconnected community," we now have been literally thrown apart by an assortment of ongoing political events. The "Frontier Myth" has been irrevocably exploited and the friendly relationship among all Alaskans has given way to suspicion and distrust.

If the truth be known, Alaska actually lost her "Frontier" status some time ago. The only real claim to a stable economy she has had for the last forty some years has been in the public sec-

tor. Without government spending, both federal and more recently state, Alaskans would continue to be stuck within a boom and bust economy. So much for the rugged individualist.

I can still remember, as it was not long ago, the friendly receptions most visitors to Alaska's more remote areas received. Now more often than not, you're likely to be greeted by resentful and unfriendly folks.

What happened to Alaska and her people can only be explained by the self-serving politics of a few powerful interests. As a state, we are facing the prospect of federal controls at several levels. As a primarily resource rich state, we have been deprived of many of our best development areas due to federal legislation (1980 ANILCA Act). Now we face the prospect of being the first state in the Union to lose control of our wildlife resources, unless we knuckle under to "big brother." And what reason is given for this precedent setting move, "subsistence," the idea that wildlife resource can and should be utilized as a form of welfare payment.

The judiciary has further exacerbated

the problem with one-sided legal interpretations. Recently, Judge von der Heydt, handed down an opinion here in Alaska essentially granting carte blanche hunting and fishing rights to certain groups of Alaskans. According to the decision, we now have *legal* unrestricted seasons on some of Alaska's wildlife, unless Secretary of Interior Hodel promulgates some regulations governing subsistence hunting and fishing here in the 49th state.

No matter how it's accomplished, a successful usurpation of Alaska's sovereign rights will lead to the same abuses in other states. If the political leaders of Alaska and in Washington continue to forge a schism between people by granting unilateral rights to one group over another, we will not only abridge the rights of the respective states, we will hopelessly and unnecessarily cause bitter long-lasting divisions among people.

It's too bad things have come to this juncture. With the kind of legal interpretations we are getting to day, it will be doubly difficult to get this mess straightened out. Of course, many would argue that the decisions handed

(Continued on page 9)

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down by those currently in charge of our judicial system are perfectly right and legal. To buy that though would be tantamount to admitting the Supreme Court was absolutely right in its decisions regarding segregation just before the beginning of this century. Fortunately, sometimes these kind of ridiculous "policy setting" decisions can be overturned.

Alaska still has its chance, there are still those who are willing to stand-up for those principles which our founding fathers gave all the peoples of America. The land is still young and the wide open spaces still beckon. The choice is now ours, we can choose to continue along the way we have been heading, or we can choose to begin to solve our problems in a reasonable and equitable manner Alaska has her chance now, we elect a new governor this year. This election is important for Alaskans, however, others in the rest of the U.S. should be concerned, for if we lose our rights of statehood, the way's paved for the erosion of state rights elsewhere.

PRINT BRINGS HIGHEST BID

The Alaska Professional Hunters Association and Clearwater Publishing donated a 1985/86 Alaskan Grizzly print and stamp set by artist Michael Coleman, to be silent auctioned at the International Moose Federation convention held in Anchorage, Alaska on February 22, 1986. During the evening the bidding was in heavy participation with the final bidder Janice M. Kittoe of Anchorage, Alaska successfully outbidding her opponents.

The bid of \$280.00 for the Alaskan Grizzly print and stamp set was the highest received of all prints in the silent auction.

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1985/86 Alaska Professional Hunters Association Stamp Print



Artist **MICHAEL COLEMAN** Hunter


Michael Coleman, grew up fishing and hunting in the countryside surrounding his hometown of Provo, Utah. His boyhood experiences in the wild compelled him to become a painter... to recreate those "magic moments."


Coleman received his formal art training at Brigham Young University and at the San Francisco Art Institute. He has exhibited in numerous gallery shows, including a one-person show at the Kennedy Galleries in New York, and was given a retrospective at the Buffalo Bill Historical Center. He is also a regular exhibitor in the Celebrity Exhibition, Biltmore Gallery, Los Angeles, California. He is listed in "Who's Who In American Art" and has been featured in several major magazines; Southwest Art, Sports Afield, and Gray's Sporting Journal to name a few.

Michael Coleman is a rare and fascinating combination of outdoorsman, wildlife artist and big game hunter. Having travelled extensively throughout North America on hunting and fishing expeditions, he knows his subjects well. His careful observations, along with sketches done in the field, result in unusually accurate recreations of the landscape and the wildlife that abounds there.

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NEWS RELEASE

Div. of Fish & Wildlife Protection, Investigations Section

January 30 1986

Master Guide Douglas B. Vaden, age 67, of Wasilla, was sentenced on January 24, 1986, by the Glennallen Court. The sentencing was a result of convictions of multiple game and guiding violations in the White River area of the Wrangell Mountains in 1984. Magistrate Sprecher sentenced Vaden to loss of his hunting license for two years, one hundred eighty days in jail with one hundred eighty days suspended, forfeiture of Vaden's Piper PA18 Supercub and placement on probation for two years.

The conviction stemmed from an investigation into complaints by Vaden's employees that he was engaged in extensive illegal aircraft hunting for big game animals and furbearers. The investigation was conducted by the Division of Fish & Wildlife Protection's Statewide Investigation Section. Mr. Vaden's attorney was Mr. Dan Allan of Anchorage.

Assistant Guide Floyd Saltz, Jr., age 45, of Anchorage, was convicted on six-

teen counts of illegal hunting and guiding violations, including Wanton Waste and Killing Big Game the Same Day Airborne by a Kenai, Alaska jury on January 26, 1986.

The convictions stem from an illegal hunting and fishing trip conducted by Saltz with a non-resident in the Stony River and Iliamna Lake areas. The District Court Judge Dave Stewart will sentence Saltz in early spring.

The investigation stemmed from complaints by private citizens that Saltz has been involved in illegal aircraft hunting for big game animals. This investigation was conducted by the Division of Fish & Wildlife Protection's Statewide Investigations Section.

OUR APOLOGIES

To Mr. R. J. Hayes

In the February 1986 issue on page 5 we incorrectly printed his name. It should have read: CONVENTION PHOTOS by R.J. Hayes.

1983 and 1984 APHA/SCI Award Results

Animal	Placing	Hunter	Score	Guide
Brown Bear	1st	George Caswell	29 ⁵ / ₁₆	Brent Jones & Roger Morris
	2nd	Roger Card	28 ¹ / ₁₆	Sam Fejes
	3rd	Ken Hayden	28 ³ / ₁₆	Richard Guthrie
	3rd	Tim Orton	28 ⁵ / ₁₆	Brent Jones & Roger Morris
Caribou	1st	Ken Higginbotham	635 ⁷ / ₁₆	Keith N. Johnson
	2nd	Irvine Barnhart	490 ¹ / ₁₆	Keith N. Johnson
	3rd	Stuart Rees	489 ¹ / ₁₆	Lynn M. Castle
Moose	1st	Smokey Davis	275 ⁴ / ₁₆	Sam Fejes
	2nd	Ray Heisler	246 ³ / ₁₆	J.P. "Jake" Jacobson
	3rd	P. A. Johnstone	241 ¹ / ₁₆	J.P. "Jake" Jacobson
Grizzly	1st	Herman Storey	27 ⁷ / ₁₆	Larry Rivers
	2nd	Dudley M. Coleman	26 ³ / ₁₆	Kirk D. Gay
	3rd	George Malekos	25 ¹ / ₁₆	Anthony B. Lee
Mountain Goat	1st	Pat Bollman	29 ² / ₁₆	Sam Fejes
	2nd	Michael J. Dobransky	28 ³ / ₁₆	Brent Jones & Roger Morris
	3rd	John Kliegl	27 ¹ / ₁₆	Brent Jones & Roger Morris
Blacktail Deer	1st	Richard E. Nail	101 ¹ / ₁₆	Andy Runyan
	2nd	Bob Gilliland	94 ¹ / ₁₆	Richard Rohrer
Dall Sheep	1st	Michael J. Dobransky	158 ⁷ / ₁₆	Brent Jones & Roger Morris
	2nd	Carroll Heyward	157 ¹ / ₁₆	Brent Jones & Roger Morris
	3rd	Bob Gourley	156	Brent Jones & Roger Morris

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ALASKAN FIELD TEST

of the North American 450 Mag Express Handgun



The following story is actually two-fold as it covers the field testing of the North American Arms 450 Mag Express Handgun and an outstanding Alaskan Hunt. I'm not going into all of the lab specifications and ballistics on this handgun at this time but to report on the real test of this or any gun made for hunting and that is, its performance in the field.

by Walter J. "Mack" McDowell

Approximately a year ago I was introduced to this gun at the North American Manufacturing plant in Spanish Fork, Utah and immediately fell in love with it. It was the first time in many years that I had walked into a shop and found the quality of workmanship and material that I found in this production model. This covers forty plus years as the owner and user of several hundred firearms. As I said the love affair had started. After working out a program with the fine folks at North American I embarked upon developing the bullet

and load I would finally use in an Alaskan Hunt.

The first field test came in late December 1984, when I was asked to find and remove a two-thousand-six-hundred pound rogue buffalo which had roamed at will with his small herd of cows, in the south park area of Colorado. After locating him it took only two shots at approximately seventy yards to drop the big bull. The gun performed excellent, but the bullet disintegrated almost completely, so it was back to the drawing board. Even so I felt we were ready for the next step in our planned field test, a grizzly, Kodiak or

big brown in Alaska. I started in on developing a better bullet and trying to set up the Alaskan hunt, believe me the bullet was the easier task! I tried to locate a spring hunt but had to give it up when the only hunt available could only be set up for early September, unfortunately it was just that, it was a set up. A lot of talk and no results, I guess it was just one of those feelings you get that something just isn't right. So, Friday prior to the scheduled leaving on Sunday I called the party in Alaska and sure enough the trip was off. As I sat there looking at my packed bags and

(Continued on page 12)

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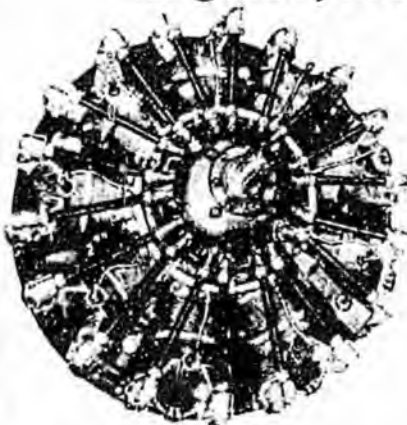
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ticket in hand I got madder than hell, so I thought I would share the news with my partner and cameraman, Dick Zimmerman. Dick was sitting looking at the same items as I and felt the same way. Well after venting our frustrations, we settled down and started figuring what we could do next. Dick remembered a friend, Alvin Mitchell, who had moved to Alaska some years ago. In a few days, Dick, Al and I were burning up the telephone lines between Alaska and Colorado and our luck started to change for the better. Al put us in touch with Irvin and Allen Swenson of the Alaskan Outdoor Publications in Alaska. Now Irvin and Allen are father and son and real fine folks. After we relayed our story to them, Allen assured us that he would do all he could to help, and did. In less than a week he came up with the Westwind Guide Service. Soon we were in contact with its owner Tony Lee and his charming fiancée, Caroline, (who was worth her weight in gold in helping with our arrangements). Caroline had gotten in touch with Tony who was in the field, and found out that there had been a cancellation. If Dick and I could get there by the first of next week he would take us, and as you can imagine he didn't have to say it twice. Within an hour arrangements were made.

Meanwhile, the development of the bullet had come along very well, but not totally to my satisfaction. Even so we were proceeding with a pretty high level of confidence. At last everything was in place and we were on our way. Two days later we arrived at Tony's base camp, located on the headwaters of the King Salmon River. What a great feeling that was, at last, I had reached my destination. After storing my gear in the tent we all sat down for a bowl of soup and a sandwich; all being Tony, Kurt, one of the guides, Barb and Greg, who did an excellent job of cooking and keeping the camp in order, Jack Perkins, the big Texan hunter and all-around "good ole boy," and myself. All through lunch there was a great deal of interest and questions concerning the hand gun, especially my reason for using it. The feeling I got from everyone, but not said was that, "He's crazy." Well, just as I finished my last spoonful of soup Tony said let's see the gun and the ammo that goes along with it. And, of course, I was proud to do this, as always. There were a lot of nice comments made concerning both the scoped ten inch and hip packing five inch arms. After additional discussions Tony asked, "Can you shoot it?" Of course my answer was, "You can bet on it." Then I thought to myself that after a couple thousand rounds, if I couldn't shoot it I was even crazier than they

thought. As we stepped from the tent Tony pointed to a target that was set up approximately seventy yards out and said, go to it. I loaded up, and using a tree limb as a rest I fired three shots for a nice two inch group. Of course, every one there took a turn at shooting it and did well for the first time. As a matter of fact, they were very surprised at how they were able to handle the recoil. That was adequate for Tony so we made plans to head for spike camp, located some ten miles away. We threw my gear, fresh bread, cookies and a few other staples into the supercub and were off. In a few minutes we were winging it down a valley to a beautiful lake; here's where I got my first glimpse of the spike camp. We circled the lake and made a quick landing on a hundred-thirty paced runway. Before the engine stopped a gentleman was opening the door with a dry greeting of, "Hi." Tony climbed out made a quick introduction. "Mack, this is Al Mollo, your guide." With another "Hi" and a quick handshake Al turned to Tony and asked, "Can the gun do the job?" "Yes!" Tony replied. "Can he shoot it?" Once again Tony replied "Yes!," Then he can stay." Al responded. At that Tony climbed back into the plane and said he would check on us in a couple of days. The rest of the day was spent discussing hand gun hunting, however, I don't believe I put Al's mind at ease.

Early the next morning we were set to go. The day before my arrival Al had spotted a bear on its kill in a box canyon approximately three miles east of camp. Al thought that would be the best place to start. Upon arrival at the west side of the open end of the canyon we ascended on the blind side approximately two hundred yards and slowly moved into the open until we were in a position to scope the bear. The bear was approximately a mile away and up the face of the slope three hundred yards. We were scanning the canyon to see if there would be any cover that we could use for an approach when we spotted a second bear on a kill right in the center of the canyon, a beautiful "Toklat." Did he ever shine in the early morning sun! He was a little smaller than the first bear but he made up for it in beauty. There was no doubt in my mind, he was the one.

As we were scoping for our approach the bear jumped up off its kill, ran twenty-five yards, stood up and started snarling and snapping his teeth. Immediately, Al said, "There has got to be another bear or wolves in this area." Sure enough, a big ugly brown appeared on a small rise twenty five yards in front of the Toklat. It was obvious that he had

(Continued on page 13)

thoughts of taking the kill for himself.

Now this situation was a real challenge, three bears in a half mile. It took about an hour to pick an approach, at which time we started back down toward the canyon floor. After crossing the open end of the canyon to the east slope we dropped our packs and moved up the canyon, using what little cover there was. Finally we were able to get to an opening within approximately a hundred yard of our prey. Now this opening was grass and knee high water, and at the other side was the big brown, pacing back and forth on the bank.

What took place next couldn't have been planned as well by Hollywood. The Toklat came off his kill in a charge at the big brown, which provoked a charge by the brown. They stopped ten yards from each other, stood up and started snarling and snapping their teeth. No sooner had they done this, then a young bull caribou appeared and started to walk slowly across the opening. Their attention went immediately to the caribou, and we started to move.

I don't know how fast we covered that fifty yards, but it put us within forty yards of the bears. Just then the big brown heard us, turned, roared and started snapping his teeth. The Toklat was standing with his back to the brown and hearing the reaction must have thought he was being attacked. He spun around in a crouched position, prepared to defend himself.

By that time, I was in position with the hammer back and the crosshairs of the scope on the Toklat's shoulder. Al shouted, "Now, Now!" And I squeezed off the first round. It struck him in the shoulder which caused him to drop to all fours. He turned and started toward the brush. I then squeezed off a second and third shot to finish the kill. As the Toklat dropped Al shouted, "Get ready for the brown!" Knowing what he meant, I quickly dropped my long barreled revolver and grabbed the five inch gun from its holster. I pulled down on the bear as he stopped his charge just ten yards away. Then he turned and ambled off up the canyon two or three hundred yards, where he stopped to watch the proceedings.

Needlessly to say we did the photo and skinning session very quickly. After skinning out the 8'3" Toklat, we crossed the canyon floor and started back to camp. Luckily the direction we took was the right choice, not only did it avoid an additional contact with the two bears at the box end of the canyon, it put us in a position to avoid a head on with a fourth bear moving up the canyon.

At camp we reflected on the day's

hunt, had a good meal (Al's also an excellent cook) and changed to dry clothing. I think Al put it in its right perspective, "God, in eight years as a guide I have never encountered anything like today's hunt. How sweet it was!"

The next three days found us on the plains and rolling country watching the movements of the caribou. At times, we were within twenty-five yards or less of nice bulls but each time Al would say "Too small." We will find the big ones in the herd. Well, sure enough the fourth day found us scoping a large canyon watching several small herds. Al then informed me that this is it. We will see the big herd today. By 3:30 p.m. I started to doubt, but not for long. Just then I spotted a herd of approximately ninety animals. Al scoped them carefully, spotting three big bulls on the valley floor. Turning to me he stated, "It's happening." No sooner than these words were out of Al's mouth then right above this herd on top of the bluff caribou started to appear, just as if they had grown out of the tundra. As they appeared we could see several large bulls close to the center of a herd that must have numbered three hundred or so. What a sight! Shortly the caribou in the canyon started moving toward the large herd. Of course, as the two herds approached, the head bulls in both came out to see who was going to be the boss. Quickly Al laid out a route for us approaching the herd. We had to move fast while they were preoccupied with each other.

Now covering two and one-half miles in this country quickly and trying not to be discovered is a damn good chore. The wind was to our backs, toward the herd, and the route was over tundra, mounds and bogs. In addition, there were numerous small herds in the area. The odds were against us. As we moved across the canyon we had to avoid numerous caribou. Finally we arrived at the base of the slope and started to ascend. We couldn't see the main herd from this angle and didn't want to blow it so we slowed our pace. We moved up the slope slowly, sometimes crawling sometimes duck walking. As we approached the crest of the hill we watched the last of the two lead bulls finish their final bout of the title fight. As the new champ took his final victorious trot through the herd he stopped eighty yards in front of us. By that time, I had the crosshairs on their mark. Taking a deep breath, I squeezed off the shot. As I recovered from the recoil he was still standing. My first thought and verbal expression was, "Good God, I missed." But as I pulled the hammer back to take a second shot Al put his

hand on my shoulder and said, "Hold it, you got him." Then the bull lowered his head and trotted in a twenty yard circle, stopped and fell over. He didn't move again. The champ was mine. I looked up at Al, who was already standing and without saying a word he gave me my answer. "I saw the bullet hit him right where it should have. I knew it would be a kill shot."

Those of you who have experienced this, know the feeling that comes at this time. As I rose from the ground I noticed that the herd had little to no reaction to the event, and as we crossed the field they just sort of parted like the Red Sea. As we approached the bull Al started shouting and waving his hands. I followed suit and only then did the herd respond. The herd circled around us, moved off approximately three hundred yards and started milling as they had been, paying no attention to us. Believe me, it was hard to believe, especially after thirty years of elk hunting.

As I stated earlier this hunt was like a Hollywood movie script with everything falling into place, even the weather which we know was produced and directed by the director of the universe. As of the field testing of the North American Arms 450 Mag Express Hand Gun, well, it was flawless, "Any questions? Just ask the man who used one." My special thanks to all of those mentioned, especially my partner and friend Al Mollo.

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This hunt is 12 days, September 9-20, 1986. The hunter is responsible for his or her own transportation to and from the main camp. This hunt must be taken in 1986. The hunt will be conducted in Game Management Units 18 and 19 which are located in Western Alaska. This area has produced over 20 animals eligible for B&C or SCI record books between 1980 and the present. *In 1985 alone this area produced five Brown Bears, four Grizzlies, three Moose, two Caribou and two Black Bears that qualified for SCI records.*

A bid sheet will be available at the SCI convention in Las Vegas, and the FNAWS convention in Honolulu. In addition, you may call or write the office at any time to place or raise a bid, or to check on the current status of your last bid offer.

Deadline for placing your final bid is 5:00 p.m. (Alaska time) May 1st, 1986, all entries received after this deadline will be returned, via U.S. Postal Service, unopened. Postmark *will not* be accepted. The winner will be notified May 2, 1986, via telephone followed by written confirmation. Payment equal to the winning bid must be received by APHA no later than May 12, 1986. If payment is not received by that date, the hunt will be awarded to the runnerup.

Proceeds of this hunt will go to the Alaska Professional Hunters Association, Inc.



Name _____

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MY BID for the APHA Multi-species hunt is (minimum bid \$5500.00)

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Signature of bidder

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SEALED BID OFFER!!

The opportunity you've been looking for, a **Brown/Grizzly Bear** and **Black Bear** hunt offered by APHA Professional Member and Outfitter, of Alaska Wilderness Outfitters, Gerald Pahl of Glennallen, Alaska.

Gerald (Gary) has resided in Alaska since 1973 and has been guiding there for 13 years. This hunt is 10 days, October 1-10, 1987. The hunter is responsible for his or her own transportation to and from the main camp and to Alaska. The minimum acceptable bid will be \$4000.00. Use entry form provided here.

This hunt will take place in Game Management Unit 13D in the Chugach Mountains. Alaska Wilderness Outfitters provides you with the comfort of home surroundings while you hunt with them. You will be served home cooked meals at their main lodge/home in the mountains. There are saunas and showers available for your comfort. At Alaska Wilderness Outfitters Lodge you have access to float and wheel plane flying and hunting by horseback. Their success ratio is 80%. According to new changes from Boone & Crocket regarding the 62nd parallel, some grizzlies taken will have to be scored by them as a Brown Bear.



Deadline for receiving **sealed bids** is May 1st, 1986, all entries received after that date will be returned, via US Postal Service, unopened. Postmark *will not* be accepted. The winner will be notified May 2, 1986, via telephone (if possible) and in writing. In the case of a tie a drawing of those persons qualifying will be conducted by members of the board of directors. Hunt to be paid in full by May 12th, 1986.

Proceeds of this hunt will go to the Alaska Professional Hunters Association, Inc.

APHA ALASKA BROWN/GRIZZLY BEAR AND BLACK BEAR HUNT!!!

Name _____

Mailing Address _____

Telephone _____ (daytime) _____ (evenings)

Where I can be reached weekdays _____

Where I can be reached weekends _____

MY BID for the APHA Multi-species hunt is (minimum bid \$4000.00)

_____. I fully understand that the highest bidder will be awarded the hunt, and if I am awarded this hunt I am responsible to pay for the hunt no later than May 12, 1986. I also understand that APHA shall be held harmless.

Signature of bidder

Make money order, bank draft, or bank check payable to APHA.

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GUIDE BILL SB 294

by Jim Harrower

On February 4, Senate Bill 294 was introduced in the Senate Resources Committee by chairman Arliss Sturgulewski. Representing the guiding industry were Phil Driver, Keith Johnson, and Jim Harrower. Open testimony was heard by teleconference from Anchorage, Kodiak, and Soldotna. The testimony was overwhelmingly in favor of the bill even though there were certain sections that attracted adverse comments.

The members of the Resource Committee unanimously agreed that a guide bill is needed this year. After discussing the controversial sections, most areas of disagreement were resolved. Several members of the committee were apprehensive over certain sections and it was agreed that some deletions and language changes would ease these apprehensions.

The latest draft of this bill is available through any of the legislative affairs offices throughout the state and it would not be worthwhile to reprint it here. The controversial sections will be discussed here.

Bonding and Insurance

Considerable discussion regarding a bonding requirement resulted in its

deletion from the bill. The difficulty and expense of obtaining bonding would make it prohibitive especially for young and new guides. It was agreed to require guides to have a written financial agreement with all clients before accepting deposits. This would eliminate the greatest need for bonding.

The difficulty of obtaining insurance was discussed and it was decided not to include insurance as a requirement.

Assignment and Re-Assignment of Guide Areas

This is the most controversial issue related to this bill. As many of you may know, Senator Rick Halford, who is a member of the Senate Resources Committee, has some long-standing philosophical problems with the assigned area concept. The similarity to the limited entry system used to control harvests in commercial fishing is obvious. Limited entry is an extremely controversial and volatile issue in the halls of Juneau. As controversial as it is there doesn't seem to be a better method of protecting the resource. Rick Halford agrees that the area system that has become so firmly installed is probably the best. Any radical change from this concept including abolishment would be a disaster. His areas of concern were recognized as valid. In-depth discus-

sions both during the formal hearing as well as in a private meeting later centered around the sale of areas and how much influence the holder of the area should have when they are transferred.

The proposal to place a transfer fee on all transfers was discarded because the size of the area does not necessarily reflect its true value. The original idea was to bring revenue to the state when these areas changed hands. Since the areas include other land owners besides the state it would be very complicated. This system was also considered to help curtail if not eliminate the real estate dealings that have unfortunately happened in the past where guides have required and transferred areas at a profit without ever conducting guiding activities in the area.

We must admit that the guides who qualified for the original issuance of these areas were very fortunate. Those who came later as well as those who will seek areas in the future will not have it so good. It is a privilege to hold these areas and with this privilege is the responsibility to treat the area and its use with great respect and honor. The area holders have a legal concessioning exclusive to conduct guided hunts for profit on land that belongs to the people, for animals that also belong to the people. This carried with it the responsibility to treat this trust with utmost consideration.

All were in complete agreement that the guiding industry is of extreme importance in Alaska both from an economic standpoint as well as to convey an image to the visitor industry in general. It was also agreed that the guiding industry could benefit a great deal by improving its image in the eyes of the public.

A major consideration to the industry, especially in light of its desires for greater public approval is to place more responsibility on each guide as an individual. The restrictive areas are the perfect vehicle for this. As a guide develops his area with improvements and investments, as he depends from year to year on sustained harvest quotas he would be very foolish to jeopardize these assets by some wrongdoing.

It should then be logical that when an area holder has operated in an acceptable manner invested time, effort, and money in the development of his business that he should have the ability to sell just like any other successful businessman. This concept was also apparently acceptable to the committee.

With these considerations in mind the following language was added to the bill.

(Continued on page 17)



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The board shall transfer a restrictive guide area to a person qualified for assignment who has been recommended by the guide to whom the area was assigned, or by a person on behalf of the guide if

- (1) Five years have elapsed from the date of the assignment of the guide area providing the area holder has developed or enhanced the area with assignable assets.
- (2) During the first five years after the date of assignment the guide has died or suffered a major disability as defined by the board.

It was the feeling of the drafting committee that the above handling of the sale or transfer of these improved areas would erase most of the concerns regarding sale speculation and real estate dealing.

Definition of Guiding

Another major concern that has consumed many hours of discussion is the development of guidelines that would prevent the unlicensed guides from operating freely throughout Alaska.

There had been discussions regarding establishing an outfitters designation or category. But after careful consideration of the implications and possible confusion this would create it was abandoned. There is not and will not be an outfitters license under this bill.

It has been the unanimous decision of everyone involved with drafting this bill to use the definition of guide and guiding to prevent illegal guiding operations.

Guide or guiding means (1) being physically present in the field to provide any service related to a hunt for compensation, or with the intent or an agreement to receive compensation for the service or (2) assisting another person, directly or through an assistant to locate and take or attempt to take big game, for compensation or with the

intent or an agreement to receive compensation for the assistance.

Licensed commercial carriers whose services are limited solely to transportation and who do not remain in the field are not guides.

The above definition will allow licensed air taxi and charter boat operations to continue as they have but will prevent anyone from providing services associated with guiding unless they are licensed guides.

The bill also includes language that makes it a statute violation for a guide to conduct guided hunts in an area assigned to another guide without the

proper written permission.

These are the major sections of the bill that have been under discussion. There are a number of word changes throughout the bill that will merely clean up or clarify the previous wording.


The Resources Committee will meet again March 4th to discuss the changes in this bill. It is our hope that it will pass out of that committee the same day. With the support of all members of the committee including Senator Halford it would undoubtedly pass on through the House. We are all very hopeful that it will be finalized this session.



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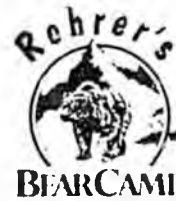
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HUNTER'S BOOKSHELF

by Scott Hebertson

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A Thousand Campfires

by Jay Massey

One of my main complaints about the current trend in hunting literature is the main focus on how-to books. I tend to shy away from the self-proclaimed experts who try to teach every aspect of a broad hunting subject. Did you ever notice these authors always have a story about some idiot who is struggling to skin a moose with a dull spoon, when in steps our hero to show them the correct way to do it. I really get tired of this style of writing.

That is why it was refreshing to find Jay Massey's new book, *A Thousand Campfires*. A collection of twelve of Jay's favorite bowhunting experiences. These are the type of stories one could expect to hear around any hunter's campfire. Just plain good hunting adventures relating to the situations one would find in your average hunting camp.

The first six stories are some of his favorite hunting trips. I especially liked

his trip on Kodiak after Sitka deer, and in the Brooks Range after sheep. These are the type of stories I can easily relate to. The next three stories are about the unique characters and the funny little misadventures that happen in everyone's hunting camp. In the last three stories Jay discusses his own hunting ethics.

This book will never sell like one of Peter Hathaway Capstick's bestsellers because it is not meant to thrill the reader with gory details and macho tale of glory. If you are looking for exciting and bloodcurdling hunting stories, you will not like this book. This book is more like a quiet moment of reflection; an expression of one man's love for the outdoors and what hunting has meant to him. If you are the type that likes to lie in his sleeping bag after a long day's hunt and quietly contemplate every detail of the trip, then you have something in common with the author. So if you have a little bit of the dreamer in you, and like a good hunting tale then you will enjoy this book.

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June	April 1
August	June 1
October	August 1
December	October 1

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Record Class Spring Grizzly taken by John Macaluso of Murrysville, Pennsylvania 1985

As professional hunters in Alaska we often find ourselves dealing with the "seasoned" hunter, an individual who has hunted for many years in the lower states, perhaps made a hunt or two into Canada, and now is coming further north to hunt for some species that has alluded him elsewhere. These individuals are most often experienced, knowing what firearm they need, what basic equipment is likely to be necessary, and they know the ropes in regards to travel. The most noticeable thing about them is how little they stand out in an airport. It's obvious that these individuals have done this before and they know what they are about. They generally bring one rifle in a hard case, sighted in

Part One of Two

is true of everyone else in camp. The truth of the matter is that very few hunters actually meet all the requirements of the above described perfect hunter. In truth, most still bring too much gear, packed in oversize gun cases and extra large duffles, all of which have been especially designed so that they will not go into a cub. In spite of such strong evidence to the contrary, we most often find that they are experi-

new, the size of the country, the remoteness, and the casual manner in which everyone treats small aircraft, is quite different from what they are used to. In addition, they may not feel like they "fit in." They don't know who is supposed to carry their gear, where they should take it, or if they should unpack. Quite often they don't ask questions for fear of looking ignorant, or maybe at times they just don't know what to ask. It has become obvious to me that quite a number don't book hunts simply because they do not know what to expect from a booked hunt. Others are willing to go provided they have someone else along that has already "been there."

WHAT



FROM A GUIDE

and sporting a fiberglass stock, quality scope (generally Leopold) and a couple of boxes of extra ammunition. In addition, they travel with a minimum of personal equipment which is distributed between a duffle and a frame back pack of good quality. These are packed so that they will easily fit behind the seat of a Super-Cub. New ankle-fit hip boots are securely tied to the pack, and his small superlight 135mm camera is most often tucked in a shirt pocket. Perhaps the only items of obvious excess are the sport-jacket and ostrich skin boots that are worn for travel.

Many first-time hunters are sure that they know someone of the type that I am talking about, furthermore, on their first hunt they are often positive that it

ended, and have hunted the north on at least two or three occasions, hopefully in one of our own camps. The fellows really do have a pretty good idea of what is going on, they ask a minimum of "dumb" questions and are quick to make themselves at home. We consider them to be "good" clients and they do not present us with too many surprises. I think we probably come to expect this of everyone, and all too often forget about the other hunters, those individuals who are not quite so experienced or who simply have not hunted in the "North" before. These fellows are often overwhelmed by what is going on around them. At last they are in *Alaska*, "The Great Land," "The Last Frontier," the stuff that dreams are made of. It's all

What to expect . . .

What should a client expect from a guided hunt, and how should he prepare? These are valid questions, which in a sense almost defied a solid answer, so much depends on the outfitter, area and form of transportation to be used, but nonetheless it's a valid question, so in answer to the inquiries we have received I will attempt to answer these questions.

When you first write to an outfitter concerning a hunt you should receive a prompt response, which should include complete information including prices and reference list. Do not necessarily expect a personal letter, equipment list,

(Continued on page 20)



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or list of hooked and unhooked hunts. He probably receives hundreds of such letters and often cannot afford the time for a detailed response unless he is sure of your interest. If you are serious about a hunt, select several names that have caught your interest and write to them, or call. Do not send a Xerox letter, it indicates a lack of interest on your part.

When you get an answer, *read the information*, and call several references from each outfitter, even if remotely interested, you may learn a lot more than the printed information tells you. Don't be reluctant to call them, most are more than willing to tell you of their hunt, its part of the camaraderie of the sport. Now you should have a better idea of whom you are interested in, so pick up the phone and give the outfitter a call. Remember the time difference, you won't learn much if you get him out of bed at 3:00 a.m., you will be lucky if he remembers you called. When you get him on the phone, take some time to visit, check available openings, dates, etc. and ask him any questions you may have concerning his operation. You should find out how many actual days of hunting are involved. Is travel into and out of camp done on days separate from the hunting, or are those days numbered as part of the hunt. Where in Alaska should you fly into, and what Alaskan carriers do you fly on once you arrive in Alaska. What is the cost of the flights from your arrival point to the point of outfitting. Most outfitters do not include cost of transportation into camp as part of the hunt price. Be sure to check as the higher priced hunt you are shying away from may include the cost of your bush charter. What equipment does he provide, (check with the references to see that it is of good quality) and what are you responsible for. Outfitters that do and do not provide sleeping bags and pads are about evenly split, so be sure to ask. Generally you will be expected to provide your personal gear, rifle, binoculars, pack, license and tags. You should not be expected to bring such items as spotting scopes or camp gear as these should be provided by your outfitter and/or guide. Ask if you can stay for the full length of the hunt if you fill out early, or if you will be expected to leave camp. Are there extra fees if you are successful? What deposit is required to book a hunt? Will the guide pick up your licenses, or do you need to do it yourself. If you are fortunate enough to fill your tag, how are the trophies shipped and who pays for it? Does every hunter have a personal guide? How many hunters hunt out of any one camp? What is the success rate on what quality of game. How are you

(Continued on page 21)



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expected to pay for the balance of the hunt, and when?

There are no right or wrong answers to these questions, they will vary with the outfitter, and may vary on different hunts with the same outfitter. The important thing is to know in advance, so that you can pick the arrangement that you are most happy with. Equally important is the opportunity to visit with the outfitter, you may or may not like someone's attitude and that can make a big difference on how you enjoy your hunt.

You've made your decision . . .

So now you have made a decision, you are ready to book your hunt. Call your outfitter immediately and make the booking, then follow this up with written confirmation, *and* your deposit. Most outfitters will hold a hunt for a few days while they wait for your deposit, but they can not be expected to hold it indefinitely. The booking season is short, so don't be surprised if your outfitter books the hunt elsewhere if he has to wait more than seven or ten days for your deposit! Remember, for you this hunt may be recreation but for him it's business, and he has to treat it that way.

Now that your hunt is booked you should expect to receive a confirmation, equipment list, specific letter of dates, air carriers and connections, and any other related information that you may require to make specific and final plans for the trip. In most cases your travel agent will be able to make and confirm flights and hotels, but some local commuter airlines and charters will require the assistance of your outfitter.

Once you start to pack, study the equipment list. You may wish to call one of the references again for a personal view on some items. If your outfitter states that you need a specific item, believe him, and purchase exactly what he says, there is bound to be a good reason. Pack light, and use soft luggage such as is offered by the major outdoor manufacturers like North Face. Pack items that have a multiple purpose, in order to keep weight down. If you have too much gear you can expect to pay a lot for excess baggage, even to the extent of additional charters. You may even have to thin down your gear at the airport in order to get it down to the point where it can fit into your aircraft. Bring everything you need, but be positive that you need everything you bring! One more thing, bring your own personal binoculars, and expect to use them. You cannot purchase binoculars of too good a quality! Shirt pocket type binocs are not generally adequate.

(Continued on page 22)



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Transportation from home to the camp varies on every hunt, and you will have to rely on your outfitter's advice. Plan enough time to make all connections, and time to take care of any luggage problems that may arise. Be sure you have your name and address physically written on your gun case, not just on a tag, and put your business card and address in the case with the gun, just in case all other identification is lost or removed.

Once you arrive in camp you should expect to be met by your guide, or someone else who has been given such responsibility. They will assist you in getting your gear to your quarters, and may familiarize you with the camp. Don't expect too much at once, or to be the center of attention! The aircraft that brings you in is generally an important contact with the outside world. Most likely your outfitter will have important items that he needs to discuss with the pilot. It's also likely that other clients will be departing on the flight and there will be good-byes that need to be given. Be patient, your outfitter will be free to talk to you once the aircraft has departed.

Once you are in camp and things have settled down, feel free to ask your guide any questions that you may have. Before you go into the field you will have some paperwork to fill out. You will be asked to sign a Financial Remuneration statement that is required by the State of Alaska. Your guide will also want to go over your license and tags to be sure that they are in order, and of course there is the matter of payment. Normally you are expected to pay the balance due on your hunt upon your arrival in camp, before the hunt starts. Funds should be in the form requested by the outfitter.

(To be continued June 1986 issue)



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THE HUNTERS' GALLERY

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Dr. Bob Bauder with his south-west Alaskan caribou. Outfitter: Kelly Vrem.



Dr. John Ribic, Cleveland, OH, with his 1985 bow & arrow bear. Guide: Tony Lee.



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Cliff Jackson, TX, with his beautiful caribou taken with guide Dick Gunlogson.



Louis Foernkolb, MD, and Steve Bridges, AZ, with their Dall sheep horns. Guide: Dick Gunlogson.



Karl Renz, HI, with his 62" moose. Outfitter: Bill FitzGerald.



Bill Paulin, Lompoc, CA, with his 500+ SCI points caribou. Guide: Lynn Castle.



Vernon Scott, TX, shown with his 65" moose taken with guide Tony Lee.

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THE ALASKA

Professional Hunter

Volume 10, No. 3
June 1986



Official Publication of the Alaska Professional Hunters Association, Inc.

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COVER PHOTO: Mary Parker and her Spring Grizzly scoring 24½ SCI points. Photo provided by Guide/Outfitter Phil Driver, APHA President.

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1980-1985 Dall Ram Statistics

Hunter success ratio is always an item of interest to nearly everyone who is planning a hunt, unfortunately it is not the type of information that is always easy to locate. As a result a lot of misinformation is passed around for truth, and used in the planning of important hunts. The following statistics will be of interest to anyone planning a sheep hunt in Alaska in the near future. A little time in looking over the charts will give you some idea of the popularity of a mountain range,

the number of total hunters, and the numbers of sheep being taken. Bear in mind that this chart only deals with guided hunts and does not give any information on horn length. Legal horn length may vary with the area being hunted and you should refer to the Alaska game regulations for specific regulations pertaining to each area. The chart includes the five most active mountain areas in Alaska, as determined from hunter reports.

Area	Year	Number Killed	Number of Hunters	Success	Area	Year	Number Killed	Number of Hunters	Success
Ak Range E. of McKinley Park	1980	44	61	72%	Chugach Range (continued)	1983	22	41	54%
	1981	43	44	98%		1984	26	44	59%
	1982	34	38	89%		1985	16	28	57%
	1983	44	60	73%	Talkeetna— Chulitna Mts— Watana Cr. Hills	1980	31	51	61%
	1984	38	43	88%		1981	31	43	72%
	1985	39	52	75%		1982	15	27	56%
Ak Range W. of McKinley Park	1980	46	63	73%		1983	17	27	63%
	1981	49	57	86%		1984	26	31	84%
	1982	33	42	79%	1985	21	37	57%	
	1983	44	69	64%	Wrangell— Mentasta— Nutzotin Mtns.	1980	54	70	77%
	1984	57	70	81%		1981	83	101	82%
	1985	44	52	85%		1982	76	90	84%
Brooks Range	1980	65	106	61%		1983	79	99	80%
	1981	52	69	75%		1984	71	97	73%
	1982	58	64	91%	1985	97	124	78%	
	1983	64	86	74%	All of Alaska	1980	268	412	65%
	1984	87	101	86%		1981	278	354	79%
	1985	100	118	85%		1982	243	296	82%
Chugach Range	1980	18	37	49%		1983	277	395	70%
	1981	19	35	54%		1984	314	408	77%
	1982	22	26	85%		1985	323	423	76%

APHA/SCI Awards Program

The awards program is open to all APHA members, so if you took an exceptional animal during your hunt to Alaska please get in contact with the office. You will be sent the necessary forms and information to enter your trophy in the program.

If you are not familiar with the program, give us a call at (907) 733-2688. We will have the information off to you in the next day's mail.

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In the field . . .

At last you are in the field and ready for the hunt. Your outfitter should now have the time to introduce you to your guide. Yes, you will probably be guided by someone other than your outfitter. Most outfitters have several registered and assistant guides working for them. These are highly competent individuals who are licensed by the State of Alaska. They are employed by the outfitter to do the actual guiding, cooking, packing, and trophy care. It's unlikely that your outfitter would have the time to guide you even if he wanted to, he has responsibilities to many other people. Your outfitter or your guide should take time to explain what is going on. He will tell you where you are going, how the camp is run, what equipment you will need in the field, when you should expect to be back to main camp, etc., etc. All of which will be somewhat tentative as the timing will always depend on a lot of factors, not the least of which is the weather.

Initially you are going to have to make a few adjustments! All too often hunters come into camp directly out of Corporate America. In their businesses they have to keep an exact time schedule, and they come to expect it of everyone they deal with. Initially, this one area is likely to cause you some problems and misunderstanding. In remote areas like hunting camps there are a lot of things that are important, and a tight time schedule just is not. Problems and unexpected events are constantly turning up. Your guide has a tremendous amount of responsibility to a number of people, all of whom are important. He constantly has to give priority to different events, sometimes he will be late into another camp because he has to assist you in some manner, other times you will be the one waiting. Always remember that you are not the only one in camp; so be patient when your guide does not show up just exactly when you expect.

Your guide will do everything possible, within the law, to insure your success. Believe me, any reputable outfitter will be extremely interested in your success. That's what his reputation is built on! Where you go and what you do will all depend on his estimation of what would be most successful. Sometimes these decisions are made on gut

feelings, and defv explanation. In the evening you may be told that you will do something in the morning, only to find that plans are changed by morning. This is not necessarily indecision or poor planning! The best laid plans have to be scrapped if the circumstances dictate. Perhaps the wind changed over night, or the weather deteriorated. Maybe your outfitter saw something on an earlier flight that made a change advisable, or perhaps he realized that the area he had in mind is too difficult for your condition. Day in and day out he is making value judgments, judgments that are aimed at making your hunt a success. Sometimes it may be confusing, but listen to your guide, you hired him for his ability to make these fine tuned decisions, so don't fight

only hunting the animal of choice, for the whole hunt if necessary, and forget the second until you are successful on the first. Counting on two or more animals will put a tremendous amount of pressure on you if you get into the ninth or tenth day and still have not taken your first trophy. With only four or five days left to hunt the pressure gets intense, too many animals and too few days. You can forget enjoying the hunt. Set your goals, if you are concentrating on a sheep, then four or five days still gives you enough time, let's hunt. But if you HAVE to take the sheep and a moose and a bear. . . . Book a realistic hunt, and then set realistic goals within the perimeter of that hunt, and enjoy it.

Once you are in the field, pitch in and help with the camp chores. The less time spent on chores, the more time will be available for the hunt. A guide in North America is not a servant, he is there to ASSIST you on the hunt. If you act like you are on an African Safari, you will have great trouble gaining his respect, and it's likely that he will not put out the effort he would if you were at least taking care of your

What from a Guide

Part Two

by Larry Rivers

them! If he has the time he will probably explain to you why he changed his mind, but if he is pressed he may not cooperate with him, it's to your advantage. I know of a situation where a last minute change of plan was in order, but the client complained loudly about poor planning and indecision, demanding that they continue with the plan he had been preparing for. In disgust the outfitter relented, and put him where planned, in spite of the fact that wind was now blowing up the valley, and the game had moved elsewhere. As in any business "the customer is always right," but in this case its usually to his disadvantage.

As much as you and your guide may hope-wish-and work for success, it won't always come. You know this, and you have often said "That's Hunting." That's easy to say from where you sit right now, but it becomes more difficult to accept once you have paid for a hunt and you are in the field, but it's no less true. Go into your hunt with realistic expectations. Ten days for a single animal, fourteen days for two or more, unless the area is really exceptional. If you plan a combination hunt, plan on

own gear. It's true you are paying good money for a service, but most guides and outfitters don't figure you are paying for THAT kind of service. The price notwithstanding, you will have a much better time if you help a little around the camp.

Once your hunt has drawn to a close you will undoubtedly return to main camp. At this time you should have the opportunity to talk to your outfitter. It's good to let him know how the hunt went, and what you thought about your guide. By far, the majority of hunters hve nothing but praise for their guide, but even so they often have words of advice on how small things could have been better. You owe it to your outfitter and future hunters, to let him know of both the good and bad points in the hunt. That's what we need in order to improve. Another item that often comes up at this time, is the subject of tips for the one who guided you in the field. Many new hunters are uneasy about this as they do not know the policy, or what is expected. Assistant guides do appreciate a tip, and they work hard in the anticipation of this reward. If you

(continued on page 4)



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tip an assistant, he is anxious to guide you on future hunts, if you don't he will undoubtedly prefer to guide someone else the next time around. The amount of the tip is really up to you, and should be based on the effort your guide put out. It's possible to take good heads in spite of a lazy guide, and it's possible to get skunked regardless of your guide's super-human effort. You must weigh everything in the balance, trophies, effort and attitude. Then decide what is fair. Currently tips seem to range between \$100 and \$500 depending on the client and the hunt. The majority fall in the lower half of this range. On occasion they may go lower or higher, that's up to you.

A good collection of North American game is one of the most impressive displays a sportsman can acquire. Unlike Africa, each hunt is likely to provide only one or two trophies at the expense of a great deal of time and work. As a sportsman your pride in the collection will be proportional to the effort. Don't wait, hunt Alaska while you can. Prices can only go up, and you will only get older, so book that hunt. The first one is the most difficult, after that you will look forward to the variety and adventure that is a part of each and every Alaskan hunt you make. 🐾

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by Mary Parker

What do you do after you have mailed in your tax return on April 15? Leave for Alaska! That is just what Wilma Kirn and I did, and we talked our husbands, Warren and Don into going with us. After all, our guide Phil Driver had called and told us it would only take about four days to get our grizzly and he had seen quite a few out already. We were ready to go, it was spring in Alaska and boy were we excited. Spring! That sounds great! Remembering our sheep hunt in August the year before and how beautiful it was.

Well, let me tell you, to get off a plane in Nome, Alaska at forty degrees below zero is not my idea of a great time. But Warren said, "Don't worry, it will be easier to track the bears with all of the snow cover."

When we arrived in Kotzebue, Alaska April 17th, Phil was there to meet us in the Beaver (aircraft). The heater in the plane didn't work, but that was alright, after all we had to check out our endurance and get ready to rough the forty degrees below zero. Don loved the ride to camp; five people, four bags of luggage, two gun cases, three boxes of food and one dog. If you don't believe me, ask him how well he likes Alaskan flying.

Wilma and I couldn't wait to site in our guns. I was shooting a custom 270 by 'Brown Precision,' using 150 grain Nozzler bullets and Wilma was shooting a custom 6.5 .308 Winchester built by Glen Pierce. We got

ance that afternoon.

he next morning we

set out to take our first lesson on snowshoes with Warren as our instructor. It was explained to us that we just couldn't hunt bear in four feet of snow without them. It was fun and we caught on quickly. We had no trouble as long as we didn't get our snowshoes crossed in front of us, and as long as we stayed upright. Have you ever tried to climb out of four feet of snow with two baskets on your feet?

With the training out of the way we were looking forward to getting out to camp, but the weather was getting bad. The fog soon set in and we were unable to fly. That was a little discouraging but we decided to make the best of it, and

planned a Ptarmigan hunt on snowshoes for the next morning. Now, I hadn't ever shot a gun up until last year, let alone shoot a shotgun. It was quite an experience. The next morning Wilma, Pai (a guide) and I were up at 4 a.m. and didn't return until around 7:00 a.m. Even though we didn't get back to camp until this late hour we had to wake Warren, Don, and our Outfitter up to show them the two ptarmigans we had taken out of the hundred or so birds we had shot at.

Day three. Wilma's day started off with excitement when she and her guide spotted a bear from the spike camp, but it ended in disappointment. She and her guide were stalking her grizzly on snowshoes when an outlaw hunter flew in, landed his plane in front of Wilma and killed her bear.

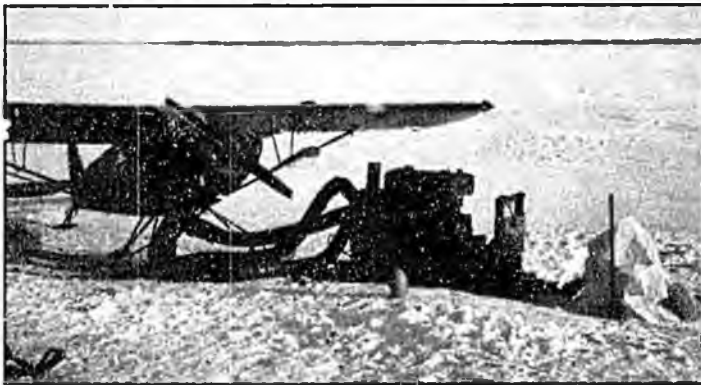
Day five. On this day I was going to try and get out into spike camp in preparation for the hunt, but I too was to be disappointed as some other hunter had beat me to my grizzly. Nothing can be more disappointing than getting your gear all ready, then fly out to your spike camp to meet your guide and find that some other hunter has flown in shortly before and shot your bear. This occurred even though flying and hunting the same day is a no-no!

Weather was predicted to get bad the following few days, so Don and Warren decided to return home. Wilma and I

(continued on page 6)



SPRING IN ALASKA



stayed on to continue our search for grizzly bears. We didn't have a lot of hope as the weather grew consistently worse and we felt that the bears had probably returned to their dens.

Day 15. Two nice bears were spotted, so Wilma was flown to spike camp.

The next day around noon, Phil had flown out to spike camp to check on Wilma and Pat (her guide) and spotted them in a river bed heading for the other side of the mountain range tracking a big grizzly. Phil returned to the lodge and asked me if I would like to fly with him and watch Wilma shoot her bear. It only took me two minutes to get my boots, gloves, coat and camera and hop in the supercub. We arrived just in time to see Wilma down her grizzly in five well-placed shots. She was about a hundred yards from the bear and shooting down into the river bed. It sure was exciting and I was excited and happy for her. You would have thought that I had been the one who shot it.

Wilma returned to main camp around 10:00 a.m. the following morning, very happy, sunburned, and very tired. We measured her beautiful grizzly at 8' 10" and it SCI scored at 24½. That's a gold medal: on for Wilma.

Day 19 through 21. My hunt continued as we searched for another good bear. On day 21 Phil and I flew out to spike camp determined to take a bear that had been sighted bedding in a nearby alder patch. The following morning we snowshoed four miles, tracking a grizzly to his bedding area, only to find he had up and left during the night to search for food. Boy, what a

disappointment!

Day 24. We spotted what looked like a good-sized dark bear. After spotting it Phil turned to me and said, "This is your day, you will get your bear." The temperature stood at thirty below zero but, a beautiful day. It was 2:00 p.m. We had snowshoed about two miles along the creek bed when all of a sudden the ice broke and down I went into icy cold water. Oh, how cold! I figured there was nothing else to do but laugh, Phil was very concerned. "Let's go back to camp so you can get dry clothes on," he insisted. But I said, "No, I'll stay warm if I keep on walking, and after all it has probably warmed up to at least twenty degrees below by now!" Phil finally consented and we continued on the stalk.

As we approached the bear the snow and ice started getting crusty and it became very difficult to move quietly. We finally got to a point where we could rest and glass the bear, but it didn't last long. Shortly after we arrived at our lookout point he got up from his bed and began moving out of the timber and into the creek bottom. This was very disheartening and such a disappointment. Even from this distance the bear was ugly and he didn't appear very big. I simply didn't want this bear. Looking at Phil I said, "I sure hope you don't tell me to shoot this one, 'cuz I sure don't want him as my trophy." Phil agreed and we spent the remaining time taking pictures and watching the grizzly for the next twenty minutes. After that we moved quietly away and returned to camp. Yes, it was very disappointing

but, it was Mother's Day and I wouldn't have given up the experience for anything. After all, what other woman can say she snowshoed seven miles, fell in a creek at thirty below and passed up a grizzly bear all on a Mother's Day? I was not going to give up, but I knew that we should be returning to the states. Wilma and Warren felt otherwise, their advice to me was simple, "Go get your bear!"

Day 28. Once again we were out scouting for grizzly. We were flying over a creek bed, when all of a sudden we saw the grizzly I was to have. When my eyes fell on that bear I knew that I had found my trophy. It was the most beautiful of all the bears I had seen. As we made camp I was so excited, I wished we hadn't seen the bear until later in the day, for I knew that sleep that night was going to be impossible. I spent so much time worrying that he wouldn't remain on the moose kill where we'd seen him. You can bet we were up early! At first light we were on the trail, moving into a position which we hoped we could see the bear. Fortunately all went smoothly and Phil was able to get me into a position for a shot at about forty yards.

Just to see this bear through my scope was a privilege. I could hardly believe how beautiful he was. His fur was as golden as wheat and his paws and the hump on his back were dark. I must have looked in for a long time because suddenly I was aware of Phil talking, "You can fire now." I shot and down he went, only to roll over and return to all fours. I was so excited I could hardly hear when

(continued on page 7)

Alaska and the Grizzly symbolize all that is wild and free
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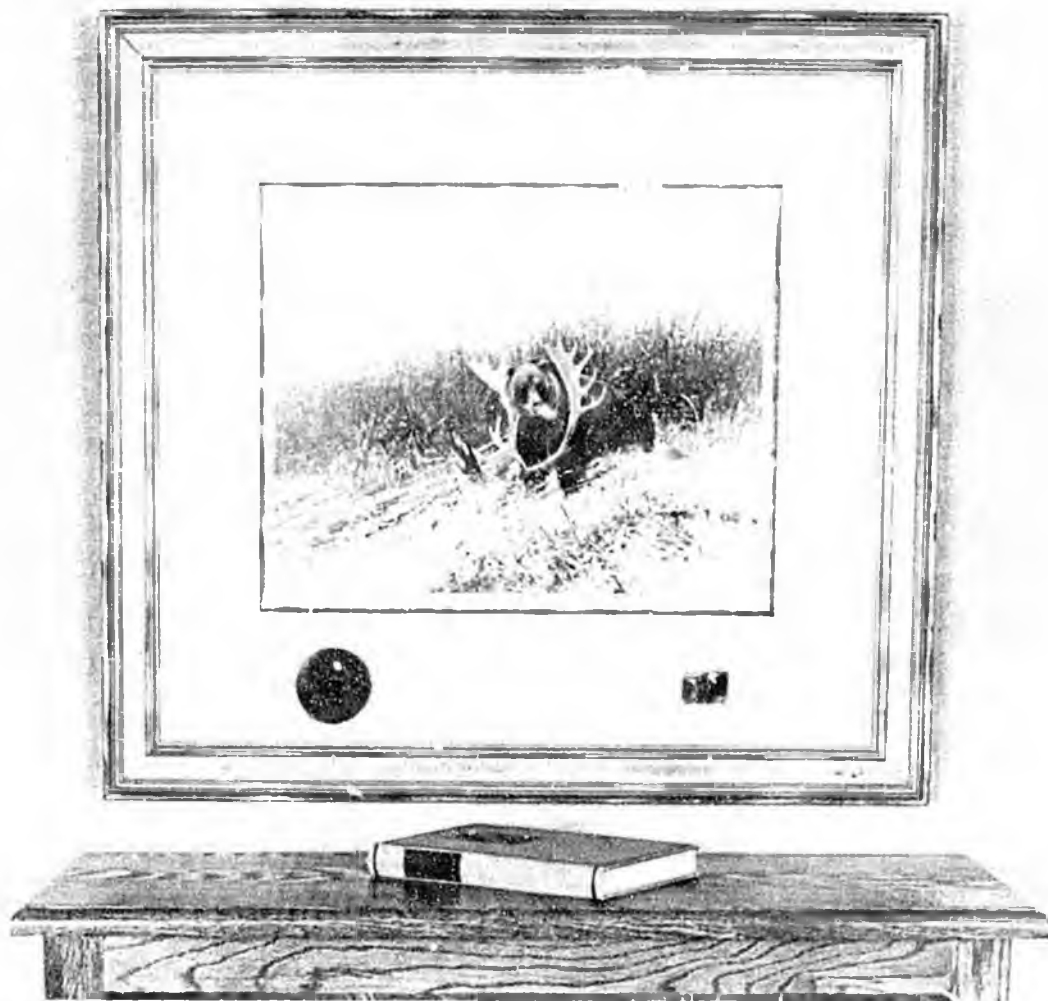
ALASKAN GRIZZLY

MICHAEL COLEMAN



PUBLISHING

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About The Organization

The Alaska Professional Hunters Association is dedicated to the premise that recreational sport hunting and fishing, pursued in a sportsmanlike manner and in keeping with sound conservation principles, is compatible with wise utilization of our wildlife resource. The members have pledged themselves to conduct their business in a professional and ethical manner and pursue game only in the tradition of true sportsmanship. The APHA supports the protection of non-replaceable wildlife habitat, biological research directed towards proper game management technique, the right to keep and bear firearms in a lawful manner without undue restriction and in the continuation of sportsmanship in the traditional sense, including restriction of many of the modern mechanical aids used in pursuit of game.

About the Program

Clearwater Publishing of Santa Ana, California and the Alaska Professional Hunters Association chose nationally known wildlife artist, Michael Coleman to design the painting. The selected sub-

ject, "Alaskan Grizzly," has been published in a limited edition print and stamp for the APHA. Funds raised from the sale of the program will be used to help support the continuing work the Association does, working closely with the Alaska Department of Fish and Game and the state legislature to improve Alaskan hunting for the future and to preserve our traditional rights to wise use of the land and waterways, supporting wildlife conservation organizations through contributions for game management, and public education programs on hunting, to name just a few. The APHA also supports the Alaska Fish and Wildlife Federation and Outdoor Council, a coalition of outdoor user groups ranging from rescue clubs to mountain climbers.

About the Print

"Alaskan Grizzly" has been reproduced in a regular limited edition of 1200 prints, each signed by the artist and numbered and accompanied by a matching mint stamp. Printed on fine, 100% archival paper, the image size is 14" x 18" with overall size of 19" x 22" . . . Price: \$130

Bronze Medallion Edition

A special, very limited Bronze Medallion Edition is also available. 150 sets will be produced, consisting of a signed and numbered print, matching stamp and a 2 1/2" round bronze medallion numbered to match the print. The medallion designed from the original painting, was cast by Rod Lingren, known for his western and wildlife sculpture . . . Price: \$230



Phil yelled, "Fire again, Mary!" I knew as I fired the second shot he was down.

As we were waiting, before we approached the bear, I realized I couldn't express my feelings in words. That feeling of self-achievement, what an experience. I took great pleasure in knowing that I could do this and enjoy it as much as my husband has for so many years. I now knew that I could accompany him on any hunt as I knew that I could make it. If you can climb the high craggy cliffs and down the rocky mountain sides, snowshoe through four feet of snow and fall into iced creek beds, you can do just about anything.

We flew back into camp on day 29, which was May 14th. Wilma was as excited as I was. We measured my beautiful golden-blonde griz at 8' 2". I too scored a 24½ in SCI.

We both had ourselves two beautiful trophies, and we would have been ready to head home except for the fact that a blizzard set in and lasted until the 21st. Late that evening the weather started to clear and we made it to Kotzebue, then on to Anchorage. We were two very happy grizzly hunters.

We have heard that there are two trophy moose and caribou just waiting for two girls from Missouri to find them. Look out, we're going hunting.

1985/86 Alaska Professional Hunters Association Stamp Print



Artist **MICHAEL COLEMAN** Hunter

Michael Coleman, grew up fishing and hunting in the countryside surrounding his hometown of Provo, Utah. His boyhood experiences in the wild compelled him to become a painter — to recreate those "magic moments."

Coleman received his formal art training at Brigham Young University and at the San Francisco Art Institute. He has exhibited in numerous gallery shows, including a one-person show at the Kennedy Galleries in New York, and was given a retrospective at the Buffalo Bill Historical Center. He is also a regular exhibitor in the Celebrity Exhibition, Biltmore Gallery, Los Angeles, California. He is listed in "Who's Who In American Art" and has been featured in several major magazines, Southwest Art, Sports Afield, and Gray's Sporting Journal to name a few.

Michael Coleman is a rare and fascinating combination of outdoorsman, wildlife artist and big game hunter. Having travelled extensively throughout North America on hunting and fishing expeditions, he knows his subjects well. His careful observations, along with sketches done in the field, result in unusually accurate recreations of the landscape and the wildlife that abounds there.

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LEGISLATIVE REPORT

by Ed Grasser

SB 294 Guide Bill

Although we are on the downhill slide here in Juneau, things have pretty much slowed down. Most pieces of legislation are moving along at a snail's pace and it is probably safe to assume that will be the case until the FY 87 budget is put together.

The one bill which most of us are interested in from a professional standpoint, SB 294 (guiding and the guide board), has finally moved out of Senate Resources and is now in the Senate Finance Committee. If we can get this bill moving on the Senate side, it may have a good chance of getting resolved this year. There are some questions on certain points, but overall most legislators seem to agree with the system of regulating the industry as it now exists.

The subsistence controversy continues to brew, as Senator Rick Halford offered an amendment to add a "needs" criteria in the Senate Judiciary Committee. For us, this is probably the best move we could hope for within the current structure of the bill which was approved by the Senate Resources Committee. Senator Halford will probably take a lot of flak for adding the needs criteria to the list of restrictions upon subsistence users, but in all fairness, this is the only equitable approach. We

should all chip in and thank Rick for his efforts on behalf of those of us who would be eliminated by those forces who oppose access to public resources by a majority of Alaskans.

One piece of legislation which has recently started moving that should be of interest to hunters and fishermen is HB 440 (recreational management plan for Bristol Bay). On the surface this doesn't seem to be too much of a problem; however upon closer analysis, the bill proves to provide some measures which may have a detrimental effect on resource utilization in the Bristol Bay Area. In effect we would be creating another level of local control over the management of public wildlife resources. As everyone should know by now, local advisory groups and local opinions usually are quite provincial and tend to run toward blocking access and participation by other members of the public.

For those of you interested in the above pieces of legislation and others, you can look into what's happening in Juneau by stopping by your local Legislative Information Office. Remember, it's your state and your resources which are being dealt with, so take time, get involved and let your Legislators know what YOU think!!!

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I Always Wanted a .270 for Mother's Day!

by Christa Ryan

My husband, Jimmy Ryan, was planning another trip to Alaska, this time to hunt Dall sheep with a bow. The planning was going pretty much as it had on previous hunts with one exception, he asked if I wanted to go! Now that was something to consider. Like most thirty-seven year old women, playing tennis a few times a week was the most exercise I got, and whether or not I could get myself into shape was a big concern. I decided I'd like to go, so we made a few phone calls and chose Chuck Wirschem to guide us.

We knew that a sheep hunt would be difficult so we started working out early. In April I started going to morning aerobics class followed with mountain climbing with Jimmy in the evening. I had no idea I was in such bad condition.

The first day we only went about a half mile, but I had to stop every fifty yards to rest as my chest felt like it was going to break apart. This gave me reason to doubt whether I could do it and every day Jimmy would encourage me to go further before I rested. Before long I was going to the top of the mountain without stopping, this was about three miles. On the weekends we would hike about ten miles with twenty-five to thirty pounds in our backpacks and also found the time to practice shooting.

On Mother's Day I was given a Remington .270 and a Redfield 4 x 12 scope. I was really pleased, and began serious practice. I shot standing up, prone and sitting while resting firmly on my knee. Starting out at fifty yards I eventually went up to three hundred and fifty and

was shooting well by the time August came.

We read all the magazine articles and books we could find on sheep hunting, hoping to get some idea of what to expect, and when that seemed to be lacking we began calling other people who had been on hunts to get some idea of how to get in shape. Whenever Jimmy or one of the boys would tell their friends that I was going to Alaska on a backpacking sheep hunt they would look at me as if there was no way I could do it. The women thought I had gone crazy, and there were many times I thought about giving up, but then some man would imply that I would never make it and I would regain my determination. For four months all I could think about was getting ready for our sheep hunt, mixed with some doubts, due to the bear stories we had read.

Chuck Wirschem and Howard Knutson met us at Fort Yukon. From there we flew to the Brooks Range where our hunt was to be conducted. The flight from Fort Yukon to camp took a couple of hours and I was relieved to finally get to base camp, just a little airsick.

There were ten people in base camp: four hunters, four guides, and two very brave ladies that took care of camp while the rest of us went hunting. I enjoyed talking to everyone, hearing about all the different and exciting

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hunts they had been on. It made me anxious to get started. The food in camp was a nice surprise, not at all what I had expected so far from civilization. Camp was as nice as they could possibly make it. The first evening there Jimmy and I went fishing and I caught a ten-pound male Arctic Char with a bright, fluorescent orange belly. It was beautiful! To top it off, we saw a silver fox with a white tipped tail as we walked back to camp. The experience was all the more uncommon as it was midnight. It was hard for me to realize how late it was because we were in full daylight.

Base camp was set up across from a large, beautiful mountain. When Chuck told us that we would start our hunt by crossing the river and going up that mountain, I thought he was joking. After leaving camp, we climbed for several hours. Chuck and Steve Smith (assistant guide) wanted to divide my pack and carry it for me. I thanked them and told them I could carry it myself. I certainly didn't want a man to carry my pack after the way the men back home harrassed me about making this trip. I had worked hard to get in shape. I had to prove to myself that I could do it.

We had been gone only a few hours when we saw our first close-up ram. We had been scoping a band some distance away when this one showed up just ten yards from us! It would have been a perfect shot for Jimmy with his bow, but we decided he was just a little small. Since this was our first day hunting Jimmy decided to pass him up. When I saw that sheep that close I thought about all the stories I had read about the difficulty of getting close to sheep. Chuck assured us this was very unusual and that it was unlikely to happen again.

We scoped several more rams that day but didn't make a stalk. By late afternoon we still had not seen an acceptable ram so we decided to make camp for the night down by the creek. We were finally going downhill. It was very steep and rocky, and my legs began to tremble. Once I fell, landing on my backpack and I just couldn't get up. Jimmy said I looked like a turtle on my back with my arms and legs flapping about. We didn't get camp set up until 10:30 p.m. I was exhausted.

The next morning we walked down the valley winding our way further and further away from base camp. After lunch we spotted a few rams two to three miles away. Through binoculars we could only tell that they were sheep, so we stopped to have a better look. After looking at them through the spotting scope Chuck turned to us and said,

"There's a pretty good one up there, I think that we had better make a try for him." After taking a look at him we too felt it was worth a try. We would have to climb around and up the back side of the mountain in order to get close without the sheep seeing us.

We cached part of the load we were carrying and headed out. After climbing for nearly an hour we came to the low gap on a point where the rams were lying. We took our backpacks off then proceeded to sneak over the top of the ridge, hoping to get a better look at them. Just as Chuck got to where he could see the rams, he saw an even bigger one and several others leaving the area below us. The largest ram was 40"! They had picked up our scent when we crossed the low gap. We moved as fast as we could, but by the time he got me into position for a shot they were out of range.

The rams we started after had not spooked, so we decided to leave them for a "Plan B" and chase the big ram awhile. This meant another two hours of hard climbing to get above him. We eventually came to a point where we could go no further, yet we could see the ram standing on a cliff about two miles away. There was no way we could get to him from where we were. We waited and watched him through the spotting scope for awhile, during that time we spotted another group of rams on still another mountain, but nothing of any size. Since we couldn't continue, we decided to go back for the rams we left behind.

Chuck picked out the best route down the mountain to get into shooting range, it was almost impossible to move down without dislodging rocks that would scare the sheep. I held my breath every time I took a step. The wind was in our favor and we were half way down to our ram when we came into view of a small ram feeding on the mountain side. At first we were afraid that he would spook and take the other ram with him. There was nothing to do but freeze while Chuck figured out what to do next. At last he turned and whispered, "I think that he is far enough away on the ridge that if we kind of shoo it away he will walk over the ridge without disturbing the other rams."

It worked out just as Chuck had planned. All that stood in our way now was a thousand yards of loose rock! Finally, I was inching to the point on the ridge where I was to shoot from, but when I got there I discovered that the ram had left!

While Chuck moved down to see if he

(continued from page 11)

could spot the sheep, Jimmy came down to where we were sitting to find out what was wrong. There was nothing to do but keep our eyes open, and hope for another chance. Our wishes were answered when we suddenly spotted the ram running across the creek bottom and up the slope on the other side. While I was locating him in my scope, Jimmy was looking through his rangefinder to check the distance. The ram was three hundred and fifty yards away. After Jimmy adjusted my scope all I had to do was pull the trigger. Sounds easy, huh?

I rested the rifle across my knee and took a shot, and hit him with the very first round. I couldn't believe it! I had done what seemed to be impossible for me four months ago. I was half laughing and half crying at the same time. When the ram started rolling down the hill I was afraid it would break its horns, but it didn't. I think all four of us were in shock for a few seconds. I thanked Jimmy, Chuck, Steve, and God for helping me. We did a little celebrating, took some pictures and then headed down to the ram.

We took a lot of pictures when we reached the ram, and continued our celebration. He wasn't the biggest, but he was mine, and I was proud of myself. After Chuck and Steve had finished skinning and cutting the meat, we made our way out of the ravine to the river where we made camp for the night. Chuck told me to prepare myself mentally for a longer day tomorrow, even longer than we had had that day! That was just what I wanted to hear before going to bed!

The next day Jimmy and Chuck left early to chase rams with the bow while Steve and I broke camp. We spent the day packing and after hiking all day we got into base camp. It was good to get back. I cleaned up and after the months of hard work I could finally relax... mentally and physically.


Jimmy had several opportunities with the bow, but didn't score. We both decided to return the following year, so we did and we both took nice rams. I figured if I could do it once, I could do it again.

Two sheep hunts had made me realize that I could do a lot of things that I thought were impossible before. By setting goals high and working hard, anything can be accomplished!!



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JOINT SUIT FILED

Safari Club, a non-profit organization, representing more than 900,000 hunters around the world, filed suit in Anchorage, Alaska in the U.S. District Court against the State of Alaska's Commissioner of Fish and Game, the Director of Game Division, and the Game Board members saying it is unconstitutional for them to bar non-resident hunters from participating in many of the state's hunting seasons, particularly those of federal lands.

SCI is joined in the suit by the Alaska Professional Hunters Association, two native Alaskan guides who charge they have been deprived of income from guiding non-residents for muskox hunting, and two non-resident hunters who say they were deprived of the opportunity to hunt trophy Dall sheep in areas specifically managed for trophy hunting.

Although Alaska's laws have for a number of years required that subsistence hunting—the hunting of game for food by Alaska residents—be given priority over all other types of hunting, SCI lawsuit charges that the law never

had been applied to exclude non-residents until 1985. The lawsuit charges that, until last year, the Alaska Board of Game used various methods to allow for subsistence hunting when issuing its hunting regulations. These methods did not discriminate against the non-resident, the lawsuit said, while allowing the game board to manage its wildlife.

However, a 1985 case in the state's Supreme Court called *Madison vs. Alaska Department of Fish and Game* threw out the state's game regulations, saying that state law required that every Alaska resident, and not just those living in rural areas be given the subsistence priority. The court so ruled that non-resident hunters had to be curtailed if the game board imposed restrictions on subsistence hunting by residents.

The Board of Game then issued new regulations, closing sixty-one hunts to non-residents by shifting the hunts into newly created subsistence categories. These included all muskoxen and bison

hunts, plus some of the best moose and Dall sheep hunting areas.

The issue did not stop there, however. Under federal law rural Alaskan residents must be granted priority over other subsistence hunters on federal land. The *Madison vs. Alaska* ruling and the state's new hunting regulations resulted in the U. S. Department of Interior warning the state that it must bring its regulations into compliance before June 1st by granting higher priorities on federal land to rural resident hunters. If Alaska does not comply by the deadline, the law requires the Interior to take over active management of game and fish resources on federal land in the state.

According to SCI officials, about 75% of all land in Alaska is owned by the federal government. Between 50-75% of the Alaska Fish and Game Department's income is from non-resident hunting licenses and permit fees. The state's guiding industry, which caters mostly to non-resident hunters, brings about \$10 million to the state every year.

Verne Edewaard, Chairman of SCI's Governmental Affairs Committee, said the committee spent four months investigating the issue and concluded that, "the issue is so outrageous that the only recourse for non-resident hunters is a lawsuit asking that the Alaska law be declared unconstitutional."

It was also stated by Edewaard that SCI did not oppose to granting priority to Alaska's game animals to resident subsistence hunters, nor does it challenge the state's right to manage fish and game or issue regulations. "What SCI wants is for fair treatment for the non-resident hunter, he said. "The current situation is anything but that. The current scheme is an artificial device that has no relationship whatsoever to the real subsistence needs of Alaskans. It has twisted the concept of subsistence out of all recognition. This has unfairly taken the right to hunt from non-residents and threatens the Alaskan guiding industry. As if this wasn't bad enough, other Alaskan hunts now require a special subsistence permit. These permits are granted only after a costly and time-consuming evaluation of the applicant's residency, need and 'traditional' use," Edewaard said. "Many Alaska sportsmen have lost hunting rights in this process. The entire system is cumbersome, costly and artificial."



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For the Life of the Wife of a Guide

by Sue Rohrer

How did a hometown Pennsylvania Dutch girl like me get to Alaska? I suppose I should have been suspicious. . . as we were writing our wedding vows, my husband, Dick, suggested I say, "for richer or poorer, in sickness and in health, in hunting and in fishing!"

We'd been married for two months and living in Kodiak when Dick left me. Not for the reasons some may think, but for a month of guiding combination hunts on the Kenai. Not knowing many people in my new town, I set about finding my niche in this growing community.

As fifteen years passed, we had worked our way into the guiding profession, eventually purchasing our own hunting camp. Thus began my life as the wife of a guide.

Clients ask me: "Just what do you do? Cook?" (Some guides' wives do.) "Guide?" (Some wives do.) "Stay at home and out of his way?" (Some wives do!)

No, I don't cook at camp; no, I don't guide; and no, I don't stay out of his way! What does this wife do as part-owner of our business, 'Rohrer's Bear Camp'? Our first season is the spring bear hunt and my initial task is to find our first four clients at the airport. Now that doesn't sound too difficult, does it? All it takes is a little detective work. Will they all be decked out in camouflage from head to toe, looking as if they model for L.L. Bean? Will they be dressed as a tourist in city clothes with a camera slung around their necks, gold necklace, watchband, and diamond rings? Or will they be outfitted in cowboy hat, boots, and jeans? Or will they be a combination of all of the above? Regardless of how they are dressed, they all arrive at the airport sharing the same dream: To put the crosshairs on a ten-foot Kodiak brownie.

There are four approaches to locating the clients booked with us at the



airport. First, the meek approach: Stand off to the side in an inconspicuous place, wait 'til everyone has left the airport but four men who are obviously looking for someone to meet them. Or the bold approach: Walk with your head high to the first promising looking person. "Are you John Smith? No? Oh, uh, I'm sorry, please excuse me." Then back off and try again. The third way is to stand by the baggage claim area, read the names on the gun cases, pick out the right ones and wait for them to be claimed by their owners. (This only works if the gun cases have made it through with the rest of the gear, and haven't been lost enroute.) The fourth and most effective way is to bring one of my children with me adorned with a Rohrer's Bear Camp hat and a Rohrer's Bear Camp T-shirt and place them at the gate as the passengers deplane. However, the older the children get, the less inclined they are to cooperate with me in this manner.

Having found the clients, we load the

mountain of gear into our van and drive seven miles to town. There we purchase licenses, check in at Fish & Game, register them at the motel, and part with these encouraging words: "Have a good night's rest, hopefully the weather will be fit to fly tomorrow!"

The next day all is well, if the weather is decent. Decent is anything except heavy fog or high winds. If all is well, take them to the air charter where the aircraft is waiting, either the 206 on floats, the Widgeon, or the Goose, depending on how much gear we have. If the weather is bad, they sit it out at our home drinking coffee, stare out the picture window and wait for a break in the weather. At this time I can count on answering a predetermined set of questions. "Think it'll clear up?" "Looks like it's getting clearer over toward the mountains." "I think I hear a plane. Shouldn't you call the charter service?"

Kodiak's weather changes every five minutes, so most likely they won't have to wait around for long. Before we know it, men and gear are loaded on the plane, ready for the thirty-minute flight to camp where Dick is waiting for them.

Ahhhhhhh, I'm always relieved when they get out to camp. I'm free for ten days, except for daily radio contact with Dick. Ten o'clock each evening. . . KNX 77 Mush Bay, this is KLT 73 Kodiak, how's everything going? Dick usually gives me a list of items he needs sent out on the next plane. Food? Fuel? Parts for the outboards? Batteries? Shopping will be on my agenda for the following day.

Did I think I had ten days free? Always a good possibility is that a hunter who gets a bear early will get itchy being at camp and want to get home to tell his bear story to all the guys. So, I charter a float plane to pick him up, schedule his commercial flight out of town, call his wife, meet the float

(continued on page 14)

DATES TO REMEMBER

November 21, 22, & 23	APHA Annual Meeting at the Captain Cook Anchorage, Alaska
December 6	Written Guide's Test (more to be announced) Anchorage, Alaska
December 8	Oral Guide's Test (more to be announced) Anchorage, Alaska
December 9-13th	Tentative Guide Board Meetings Anchorage, Alaska

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plane, check him out at Fish & Game, then race to the airport to catch the jet.

Most of the men, however, like to stay at camp as long as possible to fish, exchange hunting stories, hike around the area, or just plain relax. After the first four complete their hunt, and fly back into Kotlik, it's time for the second group of four to arrive and the preceding series of events repeat themselves.

What occurs at home during the time Dick is at camp? The list is long: Collect rent from our twenty-plus renters (not always an easy job), the sewer line or the furnace or the electricity may quit on the apartments and I have to find someone to fix whatever breaks, the ad needs proofreading at the printers, potential clients call, inquiry letters need answered, our four children need attention, and the ever-present cooking and cleaning and running of a household keep me busy. The days are never dull and the time passes quickly. Spring hunting season soon becomes history.

After a few months respite in the summer, sheep fever causes my husband to head for the mainland for a few weeks of guiding sheep hunts. At the end of August, the silver salmon start running, and our fishing clientele begin arriving. The elk and deer hunters come next, and finally, the fall bear season opens. The climax of our hunting season is when our children and I and two other families fly out to camp for the Thanksgiving Holidays for some hunting of our own and a chance to unwind.

We've met wonderful hunters in the past years and developed lasting friendships with some of them. They keep us informed of their hunting adventures, family news, and often we are able to meet them at hunting conventions.

When the long Alaskan winter nights grow shorter; when the sun rises earlier and the days get longer, and when the snow begins to recede, my usually calm husband gets restless. It must be that time of year again. Spring bear hunts are almost here. Check the boats, schedule the air charters, buy the groceries. Hunting season has begun!

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RUGER DEADLINE ANNOUNCED

The final date to get all of your APHA signed-up memberships in for the free Ruger rifle order is December 31, 1986. See back cover for ad details and start today to participate in this program. Contact the APHA office for further details. APHA, POB 451, Talkeetna, Alaska 99676 or phone (907) 733-2688.



Michael Coleman, grew up fishing and hunting in the countryside surrounding his hometown of Provo, Utah. His boyhood experiences in the wild compelled him to become a painter... to recreate those "magic moments."

Coleman received his formal art training at Brigham Young University and at the San Francisco Art Institute. He has exhibited in numerous gallery shows, including a one-person show at the Kennedy Galleries in New York, and was given a retrospective at the Buffalo Bill Historical Center. He is also a regular exhibitor in the Celebrity Exhibition, Biltmore Gallery, Los Angeles, California. He is listed in "Who's Who in American Art" and has been featured in several major magazines: Southwest Art, Sports Afield, and Gray's Sporting Journal, to name a few.

Michael Coleman is a rare and fascinating combination of outdoorsman, wildlife artist and big game hunter. Having travelled extensively throughout North America on hunting and fishing expeditions, he knows his subjects well. His careful observations, along with sketches done in the field, result in unusually accurate recreations of the landscape and the wildlife that abounds there.



Rod Lingren, sculptor of miniature and medium-size western and wildlife bronzes. Born in Santa Barbara, California and raised in the outskirts of San Diego, Lingren "drew my way through school, instead of spelling, arithmetic, and English. My time was spent drawing"—while the other kids were playing. At age thirteen, he took a college-level class in printmaking. At sixteen, he accompanied his father on a European tour taking in the Near East and India. The result of this traveling was exposure to the finest art that our culture has to offer. "Having seen Michelangelo, Titian, and Cellini gives me a very high goal and expectation when creating a sculpture," says Lingren. Rod is presently working out of his studio in Alpine, California. His work is included in private collections around the world. His most famous commission was a bust of President Reagan which is currently in the White House.

Profile of a Grizzly



What's in a Grizzly?

Grizzlies once ranged across most of western North America, but their present range has shrunk to, basically, extreme western Canada and Alaska. The grizzly is one animal that has never been able to adapt to man's ways, and, since the Lewis and Clark Expedition, the bear has been pushed ever farther into the fast dwindling true wilderness areas.

Today, the remotest areas of Wyoming, Montana, Washington, Idaho, and Colorado still harbor a very few grizzlies, with the majority of these in Yellowstone and Glacier national parks. Total population in the lower 48 is believed to be about 700. It is also thought that perhaps 25 Mexican grizzlies still exist in the rugged Chihuahua Mountains.

The remainder of this continent's 25,000 or so grizzlies are found in Alaska, the Yukon, British Columbia, Alberta, and the Northwest Territories. Alaska has perhaps the largest population, estimated from 7000 to 10,000, but northern British Columbia probably has the most dense grizzly population remaining.

Like all bears, the grizzly varies considerably in both size and coloration. An average mature bear will weigh around 500 pounds, but large specimens will tip the scales up to 800 pounds or so, and grizzlies over 1100 pounds have been recorded.

The grizzly is a low-slung, short-legged animal, usually attaining a height of about 3½ feet at the shoulder. Nose-to-tail length is normally from 4½ to 7½ feet. The grizzly's shoulder hump, wide dished face, and bowed front legs make it immediately distinguishable from the smaller black bear. Both front and rear claws are much longer than those of the black bear, with the front claws particularly exaggerated for digging. A grizzly's front claws often exceed four inches in length.

A grizzly's coat is long and silky just before and after hibernation, but, like all bears, can be patchy and rubbed during the hot summer months. Coloration can vary from honey-blond to nearly black, and practically any variation in between. The unique "silvertip" coloration found on some bears is caused by white-tipped guard hairs on back and shoulders. This "grizzled" appearance accounts for the bear's name, but is not found on all individuals.

The grizzly stands for all that is wild, free, and untamed in our too-civilized world. It will never live side by side with man, and as our wilderness areas shrink, so will our remaining populations of this mighty bear. Today, hunting has no effect on its populations, but energy and resource development does. What will the future hold for the grizzly? No one can say.

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SOVEREIGNTY! Who Benefits?

by Ed Grasser

This spring in Congress, our Delegation introduced a package of legislation, H.R. 4162 and S.R. 2065, which will in effect forever split the peoples of Alaska. Specifically, certain portions of this legislation to amend the 1971 Alaska Native Claims Settlement Act will "roll back" or reinstate opportunities for Alaskan Natives to obtain sovereign tribal status. For those of you who may not grasp the implications of this move, imagine Alaska being carved up into regions controlled by native governments of equal status to the State of Alaska. This may be an erroneous assumption, but it would seem most people would adamantly oppose giving in to that kind of control over their public resources.

One of the problems we seem to be facing is the conception, or cop out, by other members of Congress to allow this to slide through as "Alaskan Legislation." The tragedy is these people are supposedly representing the citizens

of the United States. Doesn't it seem rather strange that when the Alaskan Delegation and the people of Alaska wanted to open up more parklands set aside in ANILCA to hunting under S. 49, the rest of Congress opposed it as not being in the best interest of the people of this country? Why then is it okay to lock up forever public resources, not under the control of U.S. or State authority, but under the rule of a special interest minority?

Perhaps the greatest tragedy in this whole scenario is the complete eradication of any avenue for reconciliation between Alaska's peoples. In 1971, we gave to the aboriginal peoples of Alaska the most magnanimous settlement ever extended to an assimilated group of people. Part of that settlement was supposed to extinguish some of the problems which would occur if they had been placed on reservations, and given "tribal" status. Now we find that perhaps that won't be the case and in fact have been threatened with legis-

lation that will accomplish the opposite of ANCSA's original intent. The subsistence issue given to Alaskans under ANILCA has already caused bitter splits in Alaska's population. One must really wonder about the wisdom of continuing along this path by extending management level control through separate government status for a small portion of Alaska's population.

It is truly unfortunate that Alaska's Congressional Delegation would introduce such legislation. It is even more unfortunate that other members of Congress would condone it. The people who represent the citizens of this country have an obligation to protect the public welfare. Clearly, some of the provisions of the proposed amendments to ANCSA do not meet that criteria and are therefore unacceptable. If Congress passes this legislation, they will have seriously breached their obligation to provide the kind of leadership necessary if this nation is to grow and remain united.

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Outfitters, send us your client's applications. APHA receives a percentage of the revenue generated from the sale of all licenses and tags through this office. In this way we not only provide a service to you, but also generate income to support the operation of the organization.

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Sportsmen Lack Representation at Commission Meetings

Hunting, fishing and trapping interests must be better represented at future meetings of the President's Commission on Americans Outdoors if they are to receive their fair share of attention as plans are made to maintain and improve outdoor opportunities in America.

WLFA National Affairs Director Carol Porter recently attended the first set of commission meetings. She reported that hunting, fishing and trapping spokesmen were largely absent from the meetings. Other interests, including camping, canoeing, hiking and bicycling attended and were heard by the commission.

The commission was established by President Reagan to review outdoor recreation opportunities available to the American public. It will hold several

public hearings across the country during 1986. At the end of the year, the commission will make recommendations to ensure opportunities for the future.

"Sportsmen will really be dropping the ball if they don't take advantage of this opportunity to voice their needs and concerns for the future of hunting, fishing and trapping in this country," said Porter. "The President Commission on Americans Outdoors can do a lot to enhance the future of outdoor sports—but it's up to sportsmen to let the commissioners know what they want."

A schedule of public hearings was made available by the commission early in 1986.

Steel Shot Suit Filed

A lawsuit to ban the use of lead shot for waterfowl hunting nationwide has been filed in federal court against the U.S. Department of the Interior.

Depending on which side of the ongoing steel vs. lead shot controversy they're on, reactions from environmentalists and conservationists range from jubilation to confusion to outright anger.

The action was filed in the Sacramento federal district court. The plaintiff, the National Wildlife Federation, intends the case to end the fifteen year debate over use of steel shot for waterfowling.

The suit was filed at an inopportune time, according to some conservationists, the ammunition manufacturers and the U.S. Fish and Wildlife Service. Plans have been in the works to phase-in non-toxic shot over a wider range of lead shot "hot spots" over the next five years.

The Wildlife Legislative Fund of America has recently retained the world-renowned scientific research organization, Battelle Memorial Institute, to identify an alternative to steel as a non-toxic shot. Battelle's directive has been to find a substitute which will be ballistically similar to lead, but lack lead's toxicity.

The National Rifle Association has joined WLFA in the effort, helping to pay for the research.

"We know full well that attempts have been made in the past to identify non-toxic shot substitutes," said WLFA President Jim Glass. "However, the most recent attempts occurred several years ago. Evolving metallurgy technology may just be able to help in the development of a good, effective substitute. Certainly, the scientists at Battelle have given us a strong indication that a substitute can be found."

Glass said that the lead vs. steel controversy has been among the most divisive of all inter-sportsmen disputes in history.

"It's our intention to try and bring this in-fighting to an end," he said. "Squabbles like this divert sportsmen's attention from other important issues. Let's find a non-toxic substitute and get this controversy behind us."



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HUNTER'S BOOKSHELF

by Scott Hebertson

Safari Africa by SCI

As I meet and get to know more Alaskans interested in hunting books I hear the same comment from those lucky enough to have hunted in Africa, "Once Africa has gotten in your blood, you have to keep going back." I regret I have not gone yet, but I feel like I am a little closer after reading "Safari Africa."

This is a Safari Club International special edition on current African hunting conditions. The editors did a very nice job in formatting this edition with lots of color pictures and a good mix in story types. There are the usual articles about hunting Bongo, Kudu, and Elephants, but the two sections I liked best were written by Craig Boddington and Ellen Enzler Herring.

Craig Boddington wrote a special supplement on the different political situations and hunting conditions in various areas of Africa. The supplement is laid out by the different regions and list the species available, so you can plan your

safari around the current political climate.

I was most impressed with Ellen Enzler Herring's article on the history of African hunting literature. It was very well written and informative. She traces the history of African hunting literature in a storyline manner, from the early Portuguese and Spanish explorers to the current trend of reprints.

At \$15.95, I consider this book overpriced especially when you consider it is a paperback with only 128 pages. But I do have to admit I bought one, and enjoyed it enough to place it in my library.

Editor's Note: Scott Hebertson, Sustaining member of APHA, owns and operates Alaskan Big Game Books which deals in rare and out-of-print hunting books. For further information contact him at 9410 Kylie Circle, Anchorage, Alaska 99515.

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A sustaining membership is only \$25 a year and you receive a patch, certificate and a year's subscription to the *Professional Hunter* bimonthly newsletter. There are several additional classes of membership: associate, \$50/year; foreign sustaining, \$50/year; professional (Alaska licensed guides only), \$100/year; business, \$100/year; and life sustaining, \$250/year. Those memberships that sell for \$50 or more also include a Sid Bell pewter belt buckle displaying the APHA logo.

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THE HUNTERS' GALLERY

This page contains photographs from APHA members submitted to our office for publication. We welcome photos from APHA members. Please send them to APHA, Attn. Solberg, Box 451, Talkeetna, Alaska 99676. Include a descriptive caption with each photo.



Paul Richter of Stout, OH with his 9'6" brown bear taken in 1985 with guide/outfitter Tony Lee.



Peggy Brady with her double shovel caribou taken with guide/outfitter Rich Guthrie.



Jay Wick with his 24 1/2" grizzly. Guide/outfitter Kelly Vrem.



Naomi Rivers shown with her 37" ram taken with guide/outfitter Larry Rivers.



Doug Fritz of Scottsdale, AZ pictured with his 41" ram taken with guide/outfitter Larry Rivers.



John Gillette's moose horns scoring 236 SCI points and 222 B&C points. Taken with guide/outfitter Kelly Vrem.



"The results" from one week of moose and caribou hunting at Chris Goll's Rainbow River Lodge.



Randy Jenkins of Henderson, KY pictured with his 10'1" brown bear. Guide/outfitter Tony Lee.



Lance Lupton of Mesa, AZ shown with his beautiful caribou taken with guide/outfitter Dick Gunlogson.



Associate Member, Ron Raykowski of Juneau pictured with his 41" ram taken during a snow-storm.



Vern Child and Darrell Mower of Syracuse, UT with Darrell's "opening day" brown bear. Guide and outfitter Chris Goll.



Mrs. Dale Clark of Dallas, TX. Salmon fishing, 1985 AK Peninsula Caribou-Salmon Fishing and Bird Shooting Expedition.



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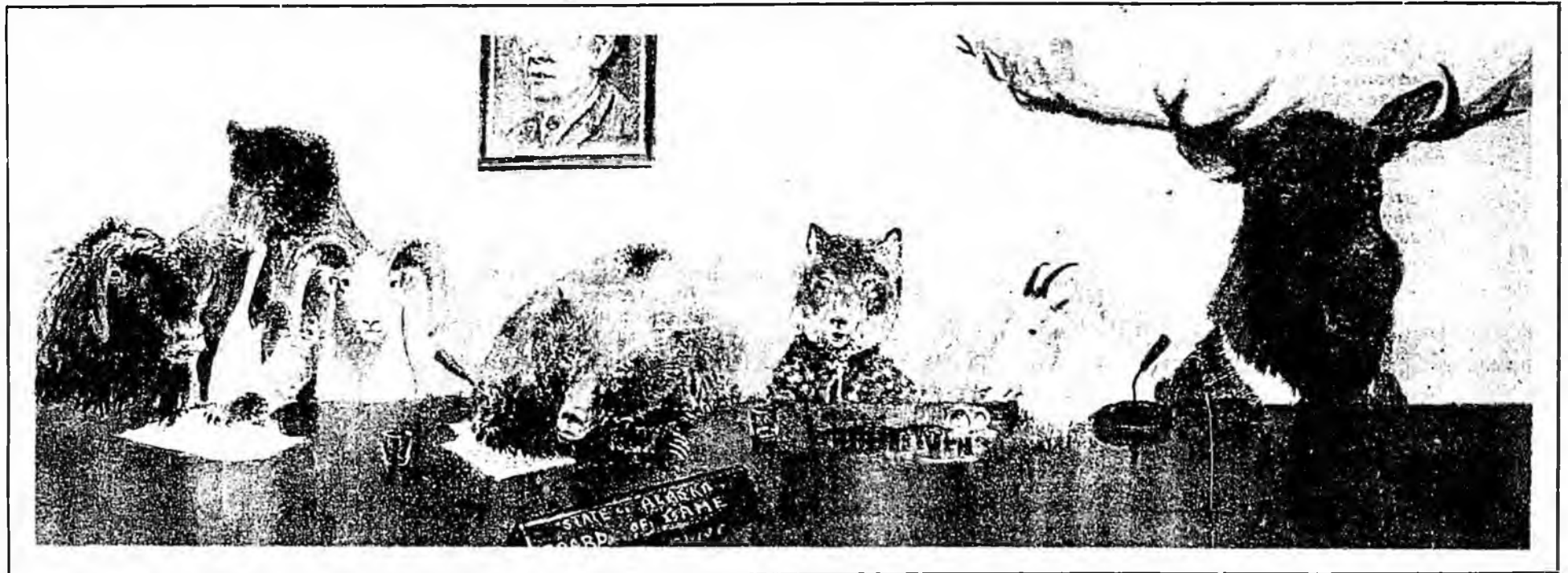


OUT OF DOORS IN ALASKA



Official Publication Of The:
ALASKA FISH AND WILDLIFE FEDERATION AND OUTDOOR COUNCIL
ALASKA FISH AND WILDLIFE CONSERVATION FUND

AOC sells the 'Board of Game'



AOC lobby efforts are supported by sales of Sandy Jamieson's 'Board of Game'. See page 7 for the limited edition print order form.

The grizzly bear is asleep, the sheep is stuffed and a black bear, looking suspiciously like an attorney, explains a point to the meeting members.

Jamieson said. "It was too much of an invitation."

Besides being a fun play on the game board title, the watercolor reflects the

painting on the wall behind the furry board members.

"The photo of Sheffield is to give it a place in time and also to make it look like

kan, and they have two children, Abigail and Ben.

Jamieson has made 200 prints of the "Board of Game" available as Alaska

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APRIL - JUNE 1991

Amendments to ANCSA:

Republican leadership mixed on "1991"

Republican leaders in Alaska are not all of one mind on proposed amendments to the Alaska Native Claims Settlement Act (ANCSA).

A package of amendments to the 1971 Act has been introduced into Congress by Alaskan Senators Stevens and Murkowski and Representative Young, all of whom are Republicans.

State leaders in the Republican Party oppose certain provisions of the amendments and have produced a series of letters, resolutions, advertisements and opinion articles expressing their views. Their main concern is that the amendments would strengthen legal arguments for Alaska Native sovereignty.

Meanwhile, the Alaska Federation of Natives has staged an intensive lobby effort in Washington D.C. to support the amendment package, commonly known as the "1991 amendments". The lengthy amendment package makes significant changes to the original act.

Republican districts' 8 and 10 chairmen Wayne Ross and Cheri Jacobus, both Anchorage attorneys, sent an eight page letter to Alaska's Congressional delegation

urging them to withdraw their support for certain sections of the amendment package.

"DO NOT PASS THIS LEGISLATION IN ITS PRESENT FORM", wrote Jacobus and Ross. "The amendments that you and your colleagues have introduced would create the type of racial tensions that this country has not seen since the 1950's and 1960's."

Ross and Jacobus point to the current legal case in Tyonek Village. The village, which receives a substantial amount of state funding, "went to Federal District Court to evict and permanently enjoin white people from living in the village of Tyonek and to enjoin Native members from renting to whites!" They set this as an example of the type of thing that will proliferate in the state if the proposed legislation is passed.

Republicans in Fairbanks' District 21 approved a resolution obviously aimed at the brewing native sovereignty issue. The Republican district resolved that "all public officials have responsibility to Alaska's people and resources to resist strongly all moves for sovereignty."

The resolution will be considered by delegates to the Republican State Convention in

mid-May, says district chairman Brenda Wilcox. The district resolution recognizes that various private entities in Alaska are advocating self-governance, including the control and management of resources and the powers of taxation, and notes that lands conveyed pursuant to the 1971 Alaska Native Claims Settlement Act clearly were not intended to be held in trust by the federal government for Alaska natives.

In Fairbanks Republican District 20, chairman Judy Reece confirmed that committee members have expressed their strong reservations regarding the ANCSA amendments by letter to the Congressional delegation.

A recent ad in the *Fairbanks Daily News-Miner*, cosponsored by former republican state legislator Bob Bettisworth, questions the value of the "1991 amendments."

Likewise, Tom Fink, former Republican legislator, was severely critical of the amendments in a March 15th *Anchorage Times* opinion column. Fink wrote that the "amendments are not in the best interests of the natives or all the rest of the citizens of the state of Alaska" because individual stockholders' rights would be given to the regional corporate management. Fink also claimed the amendments would reopen the sovereignty issue which ANCSA had foreclosed.

