

SB

1911

file 1

PROPOSED AMENDMENT # 1
CS SB 191 (Finance) am

On Page 3, Line 15 after "with" inset:

"permanent"

AH -

SC MV -

passed

PROPOSED AMENDMENT #2
CS SB 191 (Finance) am

On Page 3, Line 24, Insert new section:

"guide" or "guiding" does not include setting up a camp for a big game hunter, if the person providing this service has departed the camp before a big game hunter arrives at the camp.

Renumber the subsequent sections.

Handwritten notes: "AH", "SE", "Hold - Table to", "# 2".

Handwritten notes: "4-30 2nd page 0." with a horizontal line drawn through it.

4-30-88

PROPOSED AMENDMENT #3
CS SB 191 (Finance) am

On Page 3, Delete Line 9 - 14 and Replace with:

(3) "guide" or "guiding" means accompanying or being present with a big game hunter in the field, or providing a personal service for a big game hunter while that hunter is in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation.

SC-170

SC WITHDRAW

ATT M.V.
SC - subject

1-1-88 - Set.

2d -

4-30-88 purdy 1st p. 0

KF
4-30

PROPOSED AMENDMENT # 4 CS SB 191 (Finance) am

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

On page 1, line 29, through page 2, line 1;

Delete all material, and insert in its place the following:

"(4) a person without a current valid registered or master guide license to advertise as or represent to be

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

Handwritten notes: CD, OP, amendments, SC, DP, Yes, 8

PROPOSED A M E N D M E N T # 6

Offered in the HOUSE

By Cotten

TO: CSSB 191 (Finance) am

Page 2, line 11, after "if":

Insert "(A)"

Page 2, line 14, after ";":

Insert "or"

Page 2, after line 14:

Insert a new subparagraph to read:

"(B) an owner, operator, or employee of, or a person under contract with a hotel or lodge transports a hunter to or from the field and the

(i) hunter is a guest at the hotel or lodge;

(ii) transportation is incidental to the business of the hotel or lodge; and

(iii) aircraft is operated under 14 C.F.R. Part 91;"

Page 3, line 21, after "game":

Insert "during the transportation"

4-30 by Commerce,
M. of Occup-
ational Licensi-
ng
re: Oral Exams

Page 1, after line 13:

Insert a new bill section to read:

** Sec. 2. AS 08.54.040(a) is amended to read:

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

(1) prepare, grade, and administer

(A) a written and oral examination of an applicant for a registered guide license that requires demonstration that the applicant is qualified generally to provide guided hunts and, in particular, to guide in each game management unit the applicant has selected; if an applicant demonstrates limited ability to read or write the English language, the entire examination shall be administered orally; and

(B) an oral examination of a registered or master guide who seeks an amendment of a game management unit certification; the examination must require demonstration that the guide is qualified to provide guided hunts in each new game management unit for which the guide seeks to be certified [EXAMINATIONS, WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

(2) determine qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;

SC
K

PROPOSED AMENDMENT # 7 Continued

(3) establish guide performance standards and regulate activity;

(4) compile, maintain, and publish an annual register of master and registered guides who have not been convicted of a violation of a state game or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while the guide's license is revoked or suspended;

(5) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

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

(7) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, reasonable, and consistent procedure for limiting the number of guides to that quota; preference may be given to qualified available and willing licensed guides who reside within the designated game unit or subunit;

(8) meet at least twice annually, once in Anchorage and once in another municipality."

Renumber the following bill sections accordingly.

PROPOSED AMENDMENT #5
CS SB 191 (Finance) am

On Page 3, Line 24, Insert a new (E):

for the purpose of providing commercial photography services to big game hunters if the provider of that service is in possession of a commercial photographer's license and has held that license for at least one year and has been photographing big game hunters for one year.

Renumber following sections.

Not printed

ADDITIONAL CONCEPTS TO INCLUDE IN THE LETTER OF INTENT

CS SB 191 (Finance) am

- 1) In the second paragraph of the Senate letter of Intent after "Alaskan hunters," insert: "and other Alaskans,"
- 2) Further Definition of "personal services," "big game hunting services,"
- 3) Examination of whether rural residents from remote communities have an adequate and equal opportunity to participate in the guiding system.
- 4)

HOUSE RESOURCES COMMITTEE:

MEETING DATE: _____ :

SESSION '88:

MEETING TIME: _____ :

5-2-88
SB 191

COMMITTEE MEMBERS:

ROLL CALL VOTE:

NAME:	YEA:	NEA:
HERRMANN:	✓	
COTTEN:	✓	
SUND:	✓	
NAVARRE: Obey		✓
DAVIDSON:	✓	
PEARCE:	✓	
SPRINGER:	✓	
HOFFMAN:		✓
SHULTZ:		✓

SC - 1111

6

3

5-2

1.
Passeel

A M E N D M E N T

Offered in the HOUSE

TO: HCS CSSB 191 (Resources)
(4/29/88 draft)

Page 4, line 25, through page 5, line 9:

Delete all material and insert the following:

"(3) "guide" or "guiding" means accompanying or being present with, or providing a personal service for, a big game hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation; "guide" or "guiding" does not include

(A) accompanying or being present with a hunter

(i) in a boat with ^{permanent (HS)} living quarters;

(ii) at a lawfully established cabin or permanent lodge;

(iii) while providing transportation to or from the field, if the persons providing transportation and the persons being transported do not stalk, pursue, track, kill, or attempt to kill big game; or

(iv) in a ^{base} camp while attending to ~~horses~~ ^{horses} that are being used to transport big game hunters to or from the field; or

(B) setting up a ^{SC Base} camp for a big game hunter while the hunter is not in the field;"

~~XXXX~~ MN - object horses

HS
#2
PAC animal
Passeel

#2 = 2-5

A M E N D M E N T

Offered in the HOUSE

TO: HCS CSSB 191(Resources) (4/29/88 draft)

Page 3, line 20, after "person":

Insert "for compensation or hire"

Page 3, lines 23 - 25:

Delete "if the person is providing the transportation or any other big game hunting service to the hunter for compensation"

Page 3, line 29, after "Part 91;":

Insert "in this paragraph, "for compensation or hire" means receiving any monetary consideration for the transportation, regardless of whether the consideration is directly attributable to the transportation;"

MS - AMO
PADS 10

A M E N D M E N T

3
5-2

Offered in the HOUSE

TO: HCS CSSB 191(Resources)

Page 4, line 29, after "include":

Insert "selling, leasing, or renting goods, if the transaction does not take place in the field; or"

5C 11/12/88

DRAFT
House Resources Letter of Intent
For
CS SB 191 (Finance) AM

It is the intent of the Legislature that the task force established under the provisions of SB 191 shall have full investigative powers to research and make recommendations.

Under the Alaska Constitution all fish and game resources are the common property of the people, managed by the state in trust for their use. The task force shall examine how the taking of Alaskan big game by nonresidents and aliens conforms with the needs of Alaskan hunters, and what would be the effects of adding additional species to the guide-required list.

Other states and Canadian provinces have experienced similar commercial hunting pressures and problems. The task force should obtain as much information about the problems these other jurisdictions have experienced, examine how they solved the problems, and recommend accordingly for Alaska.

The task force shall examine who can provide commercial hunting services in the field, and what role transporters, air taxi operators and gear providers should play in the provision of commercial hunting services.

The Alaska Supreme Court will soon decide Owsichuk vs. the State of Alaska dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision and recommend methods of accommodating the court's decision.

The task force shall work closely with the Department of Fish and Game to create a linkage between the commercial take of big game and game management.

The task force should examine all aspects of a head tax, the problems it had when it was in use in the past, and what would be the ramifications to game management if it was reinstated.

The task force should examine the licensing of transporters, and make recommendations as to whether such a system ought to be renewed, and, if so, under what conditions.

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically, the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the

Administrative Procedures Act. The task force shall also analyze the joint use concept and supporting agreements between guides in joint use areas as to whether these agreements are in the best interest of the state and commercial users. The task force shall also investigate whether there shall be one consistent policy for determining guide areas so that all areas are treated equally.

The guide system in Alaska is highly dependent on the restricted guide area concept for its success. The task force should examine all aspects of this system, and make recommendations pertaining to whether it is an open and accessible system, whether guides ought to be able to sell their areas, whether the state ought to lease areas or in some other manner establish a concessionaire approach to area management.

The task force should also work to define the definitions of "camp" and "in the field." The task force should describe what commercial providers should be allowed in "camps" and "in the field."

The task force should also provide further explanation of what constitutes a "boat with permanent living quarters."

The task force should address the issue of whether fish and wildlife protection officers and other state employees whose responsibilities include managing game resources, or enforcing the state's guiding laws or game management laws, should be able to hold guide licenses or participate in the industry.

The role of federal agencies in managing and permitting commercial uses of federal parks, reserves, and other federal lands has a direct impact in how the state's guide laws are monitored and enforced. The task force is directed to look at the role of federal agencies in monitoring and permitting these activities.

The legislature recognizes that hunting, flying and other travel in Alaska involves certain risks. The task force should review the issue of differing requirements for air transportation liability insurance and make a recommendation on the establishment of minimum insurance requirements for guides, lodge owners, and others who are not now required to carry liability insurance.

The task force should also look at the role of sled dog hunts, and when dogs should be allowed in camps.

ADDITIONAL CONCEPTS TO INCLUDE IN THE LETTER OF INTENT

CS SB 191 (Finance) am

- 1) In the second paragraph of the Senate letter of Intent after "Alaskan hunters," insert: "and other Alaskans,"
- 2) Further Definition of "personal services," "big game hunting services,"
- 3) Examination of whether rural residents from remote communities have an adequate and equal opportunity to participate in the guiding system.
- 4)

A M E N D M E N T

Offered in the HOUSE

By Cotten

TO: CSSB 191 (Finance) am

Page 2, line 11, after "if":

Insert "(A)"

Page 2, line 14, after ";":

Insert "or"

Page 2, after line 14:

Insert a new subparagraph to read:

"(B) an owner, operator, or employee of, or a person
under contract with a hotel or lodge transports a hunter to or
from the field and the

(i) hunter is a guest at the hotel or lodge;

(ii) transportation is incidental to the business
of the hotel or lodge; and

(iii) aircraft is operated under 14 C.F.R. Part
91;"

Page 3, line 21, after "game":

Insert "during the transportation"

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

On page 3, line 11, following the word, "providing",

Insert: "a camp or"

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

On page 1, line 29, through page 2, line 1;

Delete all material, and insert in its place the following:

"(4) a person without a current valid registered or master guide license to advertise as or represent to be

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

14

Amendments to CSSB 191 (Finance) am

by Navarre

* Sec. 3.

Page ~~8~~⁵, line ~~16~~², amend as follows:

(B) at a lawfully established camp, cabin or permanent lodge;

Page ~~8~~⁵, after line ~~25~~⁹, add the following definitions:

(4) for the purposes of this section,

(A) "in the field" means being physically outside the immediate area of the camp, cabin or permanent lodge, airstrip or landing area necessary for access to a camp, cabin or permanent lodge or a corridor between the airstrip or landing area and the camp, cabin or permanent lodge necessary for transporting material, gear and equipment to and from an airplane;

(B) "personal services" means actively assisting a big game hunter in reconnaissance, stalking, pursuit, killing, dressing out and transporting game in the field, or from the field to a camp, cabin or permanent lodge, "personal services" does not include setting up or taking down a camp, advising a hunter about the dangers of weather or other hazards, supplying the hunter with necessary equipment, training the hunter to use a radio or other equipment, loading or unloading aircraft necessary for transporting a hunter to or from a camp, cabin or permanent lodge.

These changes would clearly illustrate the difference between guides and outfitters, and acts and situations prohibited by law.

SC - agent

~~(5)~~ - see next

~~(11)~~ - DS - (11) - LH - 55

[Handwritten signature]

PROPOSED AMENDMENT # 1
CS SB 191 (Finance) am

Adopted

11-0

On Page 3, Line 15 after "with" inset:

"permanent"

PROPOSED AMENDMENT #2
CS SB 191 (Finance) am

H. J. ...

On Page 3, Line 24, Insert new section:

"guide" or "guiding" does not include setting up a camp for a big game hunter, if the person providing this service has departed the camp before a big game hunter arrives at the camp.

Renumber the subsequent sections.

S. J. ...

PROPOSED AMENDMENT #3
CS SB 191 (Finance) am

On Page 3, Delete Line 9 - 14 and Replace with:

(3) "guide" or "guiding" means accompanying or being present with a big game hunter in the field, or providing a personal service for a big game hunter while that hunter is in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation.

Handwritten notes:
11
a) - hunt
- assistant
- compensation
- intent or agreement

Handwritten notes:
11
a) - hunt
- assistant
- compensation
- intent or agreement

KF

PROPOSED AMENDMENT # 4 CS SB 191 (Finance) am

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

Handwritten notes:
12/1/11
6/3/11
Due 11/1/11
Passed
4-2

On page 1, line 20, through page 2, line 1;

Delete all material, and insert in its place the following:

"(4) a person without a current valid registered or master guide license to advertise as or represent to be

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

PROPOSED AMENDMENT #5
CS SB 191 (Finance) am

Handwritten notes:
A) - 1
B) - 1
C) - 1
D) - 1
E) - 1

On Page 3, Line 24, Insert a new (E):

for the purpose of providing commercial photography services to big game hunters if the provider of that service is in possession of a commercial photographer's license and has held that license for at least one year and has been photographing big game hunters for one year.

Renumber following sections.

PROPOSED A M E N D M E N T # 6

Offered in the HOUSE

TO: CSSB 191 (Finance) am

Cotten not
10/11
By Cotten

Page 2, line 11, after "if":

Insert "(A)"

Page 2, line 14, after "i":

Insert "or"

Page 2, after line 14:

Insert a new subparagraph to read:

"(B) an owner, operator, or employee of, or a person under contract with a hotel or lodge transports a hunter to or from the field and the

(i) hunter is a guest at the hotel or lodge;

(ii) transportation is incidental to the business of the hotel or lodge; and

(iii) aircraft is operated under 14 C.F.R. Part 91;"

Page 3, line 21, after "game":

Insert "during the transportation"

*by Commerce,
Mr. of Occup-
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re: Oral Exams*

Insert a new bill section to read:

** Sec. 2. AS 08.54.040(a) is amended to read:

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

(1) prepare, grade, and administer

(A) a written and oral examination of an applicant for a registered guide license that requires demonstration that the applicant is qualified generally to provide guided hunts and, in particular, to guide in each game management unit the applicant has selected; if an applicant demonstrates limited ability to read or write the English language, the entire examination shall be administered orally; and

(B) an oral examination of a registered or master guide who seeks an amendment of a game management unit certification; the examination must require demonstration that the guide is qualified to provide guided hunts in each new game management unit for which the guide seeks to be certified [EXAMINATIONS, WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

(2) determine qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;

PROPOSED AMENDMENT # 7 Continued

(3) establish guide performance standards and regulate activity;

(4) compile, maintain, and publish an annual register of master and registered guides who have not been convicted of a violation of a state game or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while the guide's license is revoked or suspended;

(5) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

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

(7) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, reasonable, and consistent procedure for limiting the number of guides to that quota; preference may be given to qualified available and willing licensed guides who reside within the designated game unit or subunit;

(8) meet at least twice annually, once in Anchorage and once in another municipality."

Renumber the following bill sections accordingly.

CONCEPTUAL ADDITIONS TO MAKE TO THE TASK FORCE IN THE LETTER OF INTENT

The following are a list of proposed topics to include in the letter of intent for the task force to look into:

- 1) The issue of who can be in a camp, and defining what a camp is;
- 2) The definition of "in the field";
- 3) Further explanation of boats with living quarters or permanent living quarters;
- 4) The issue of whether Fish and Wildlife Protection officers should be given an option of being licensed guides or protection officers;
- 5) The role of the Federal Fish and Wildlife Service, Park Service, and Forest Service in permitting commercial hunting activities..

CONCEPTUAL ADDITIONS TO MAKE TO THE TASK FORCE IN THE LETTER OF INTENT

The following are a list of proposed topics to include in the letter of intent for the task force to look into:

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- 2) The definition of "in the field";
- 3) Further explanation of boats with living quarters or permanent living quarters;
- 4) The issue of whether Fish and Wildlife Protection officers should be given an option of being licensed guides or protection officers.

PROPOSED AMENDMENT #C
CS SB 191 (Finance) am

On Page 3, Line 24, Insert a new (E):

for the purpose of providing commercial photography services if
the provider of that service is in possession of a commercial
photographers license and has held that license for at least one year.

Renumber following sections.

JUSTIFICATION FOR AMENDMENT # A

By inserting the word "PERMANENT" before "living quarters" it is made clear that someone who rigs up a tent in a skiff, or puts in a make-shift bed can not qualify.

JUSTIFICATION FOR AMENDMENT # B

Amendment # B makes it clear that when talking about providing a service to a hunter in the field it means "while" that hunter is in the field. This should clear up any confusion about whether a person who is not a guide can provide a service (such as renting a tent) to a big game hunter before that big game hunter goes into the field.

JUSTIFICATION FOR AMENDMENT # C

One very small group of "legitimate" outfitters that has been identified is video-photographers. This would allow those video-photographers (there are only a couple on the record) to continue operating. Only a couple will have had a commercial photographer's license for at least year.

JUSTIFICATION FOR AMENDMENT # D

This is to allow outfitters to set up camp for big game hunters, fly (or otherwise transport themselves) out of the camp, and then let someone with a Part 135 license fly the hunter in. At no time could the outfitter be in the camp or in the field with the big game hunter.

AMENDMENT TO SB 191 - DEFINITION OF GUIDE OR GUIDING

JUSTIFICATIONS

1. THIS NEW DEFINITION WOULD MAKE ENFORCEMENT FEASIBLE BY CLOSING A LOOPHOLE THAT ALLOWS A VARIETY OF PEOPLE IN THE FIELD DURING THE HUNT. CURRENTLY, A PERSON WHO IS ILLICITLY GUIDING CAN CLAIM HE IS A COOK, PACKER, CATERER OR SOMETHING ELSE OTHER THAN A GUIDE, IF HE IS QUESTIONED BY AN ENFORCEMENT OFFICER. THE ONLY WAY THE PROTECTION DIVISION CAN ENFORCE ILLICIT GUIDING UNDER CURRENT LAW IS THROUGH THE EXPENSIVE, TIME CONSUMING MEANS OF UNDERCOVER OR COVERT OPERATIONS. THIS CHANGE WOULD ALLOW PROTECTION TO DROP IN ON A CAMP AT ANY TIME, AND IF THE PERSON THERE WAS NOT INVOLVED IN A LEGAL GUIDING OPERATION, THE STATE WOULD HAVE A CASE.
2. THE DEFINITION DOES NOT PRECLUDE INDIVIDUALS OR BUSINESSES FROM PROVIDING A WIDE RANGE OF SERVICES SUCH AS RIVER RAFTING, MOUNTAINEERING, OR RETAIL STORES SELLING SPORTING GOODS.
3. THIS ALSO DOES NOT PREVENT INDIVIDUALS FROM PROVIDING CAMPS, FOOD, EQUIPMENT, ETC, OR TRANSPORTATION TO AND FROM A HUNTING AREA, AS LONG AS THEY DO NOT REMAIN IN THE FIELD, WHICH INCLUDES IN THE CAMP. THE CURRENT STATUTE DOES NOT ADEQUATELY DEFINE "BASE CAMP", WHICH COULD BE CONSTRUED TO BE SOMETHING AS SIMPLE AS A PIECE OF VISQUEEN. THE NEW DEFINITION ALSO SPECIFIES THAT "GUIDING" EXCLUDES CERTAIN SITUATIONS, SUCH AS A BOAT WITH LIVING QUARTERS, A PERMANENT CABIN OR LODGE, OR WHEN THE HUNTER IS BEING TRANSPORTED.

AMENDMENT TO SB 191 - AIR TAXI REQUIREMENT

JUSTIFICATION

1. THIS AMENDMENT PROVIDES ACCOUNTABILITY.
2. SIMPLY REQUIRES THAT IF YOU ARE IN THE BUSINESS OF PROVIDING AIR TRANSPORTATION, YOU HAVE TO HAVE THE PROPER FAA LICENSE. IF YOU ARE IN THE BUSINESS OF PROVIDING GUIDING SERVICES, AND THE AIR TRANSPORTATION IS INCIDENTAL TO THE SERVICES YOU ARE SELLING, THEN YOU SHOULD BE ABLE TO PROVIDE THAT TRANSPORTATION IN YOUR OWN AIRCRAFT.
3. THE AMENDMENT TARGETS HIGH VOLUME, DROP-OFF OR "OUTFITTER" OPERATIONS, MANY OF WHICH ARE BASED OUT OF STATE.

PROPOSED AMENDMENTS TO CS for SB 191 (Finance) am

Sec 3 (3) Proposes to make serious felony crimes out of violations of sections 2 (a) (7) - (9) without clearly defining the terms and conditions under which a felony crime would exist. To remedy this problem, the following amendments are offered:

Sec. 3. (3), Page three, Lines 11-12.

Definition: " In the field" means "being physically outside the immediate area of a camp, cabin or lodge licensed or permitted by the state or federal government, an airstrip or landing area necessary for access to a camp, cabin or lodge licensed or permitted by the state or federal government or a corridor between the airstrip or landing area and a camp, cabin or lodge, necessary for the transportation of material, gear and equipment to and from an airplane."

Definition: "Personal services" means actively assisting a big game hunter in reconnaissance, stalking, pursuit, killing, dressing out and transporting game in the field and from the field to a camp, cabin or lodge. "Personal Services" does not mean setting up or taking down a camp, advising a client about the dangers of weather and other hazards, training the client how to use radio or other equipment , loading or unloading aircraft necessary for the transportation of the client to a camp, cabin or lodge, or transporting a client to or from a camp, cabin or lodge and the community of origin."

Sec. 3 (3) (B), Page three, line 16, replace the existing language with "at a camp, cabin or lodge licensed or permitted by the state or federal government."

These changes would help define the difference between Guides and Outfitters, more clearly define acts and situations prohibited by law and help define chargeable felony offenses for law enforcement and judicial officials.

Ned - give me a call please

Cole x4925

SECTIONAL ANALYSIS
CS SB 191 (FIN) Am

Section 1

Extends the Guide Board for one year until June 30, 1989.

(If this extension were not made, the Guide Board would have until June 30, 1989 to wind down their business. If they are not extended beyond June 30, 1989 during the next legislative session then they will have until June 30, 1990 to close up their business.)

Section 2

This is the section in the current law that outlines what is unlawful. The changes are on page 2 to numbers 6 and 9(b).

6) The change under Subparagraph 6 deals with transporters. This amendment makes it so that you have to be a specially licensed pilot in order to transport a hunter or except compensation from them for any other service provided by the transporter in the field. Guides and their assistants are exempt from this provision if they are transporting hunters from their areas.

Most outfitters do not have such a license. Reed Stoops who represents the air carriers association indicated support for the amendment.

9) (b) The changes under this Subparagraph is for the purposes of renumbering.

Section 3

Changes the definition of guide and guiding. Under the new language anyone who accompanies, is present with, or provides a personal service to a hunter in the field (for compensation) is a guide or is guiding.

The only exceptions:

- 1) being in a boat with living quarters; (that is the same as current law to accommodate Kodiak fishermen);
- 2) being at a lawfully established cabin or permanent lodge (basically anything that isn't a trespass cabin. The current law is "at a lodge or base camp"); and;
- 3) while providing transportation if the transporters and those being transported do not stalk, pursue, track, kill, or attempt to kill big game. (this is new language for transporters).
- 4) being in a camp while attending to horses that are being use to transport big game hunters to or from the field.

Section 4 & 5

Together these sections make it so that a nonresident hunting moose or caribou needs to file an affidavit with the state that shows where the hunter will be hunting and what guiding, transportation or other big game hunting services the non-resident will be employing. There are strict penalties for non-compliance.

Section 6

This section makes it so that "big game transporters" are required to report any fish and game code violations that the transporter believes was committed by a client or an employee. Penalties are set out for violating this statute.

Section 7

This section establishes the task force under legislative council.

The Task Force is directed to review the operation of the Guide Board and study the problems related to commercial take of the resource. They are supposed to submit a report on findings and proposed legislation to address the problems by January 15, 1989.

The Task Force terminates on January 15, 1989.

Section 8

Immediate effective date.

TENTATIVE AGENDA FOR 4/29/88 - H.Res. SB 191

Steve White, Assistant AG - Juneau - 15 Minutes

- * FAA Part 135 Explanation/Legality
- * Is it possible to exclude non-resident outfitters
- * Drue Pearce Question

Randall Burns, Occupational Licensing - Juneau - 5 Minutes

- * Oral Examination Amendment

Jack Jordan, Public Safety, F&WL Protection - On Line Anch.
- 15 Minutes

- * Ramona Barnes Idea?

Lew Pamplin, Game Division, - Juneau - 10 Minutes

- * To answer questions?

Ed Hein, Legal Services, - Juneau

- * To answer questions
- * Help explain and draft amendments

DISCUSSION ON BILL

AMENDMENTS

1 Hour

ANNOUNCEMENT ABOUT HOW THINGS ARE GOING TO PROCEED SATURDAY -
UNCERTAINTY ABOUT FLOOR SCHEDULE.

ADDITIONAL CONCEPTS TO INCLUDE IN THE LETTER OF INTENT

CS SB 191 (Finance) am

- 1) In the second paragraph of the Senate letter of Intent after "Alaskan hunters," insert: "and other Alaskans,"
- 2) Further Definition of "personal services," "big game hunting services,"
- 3) Examination of whether rural residents from remote communities have an adequate and equal opportunity to participate in the guiding system.
- 4)

DRAFT ADDITION TO HOUSE LETTER OF INTENT FOR

CS CS SB 191 (RES)

The task force should review the issue of differing requirements for air transportation liability insurance and make a recommendation on the establishment of minimum insurance requirements for guides, lodge owners, and others who are not now required to carry liability insurance.

CONCEPTUAL ADDITIONS TO MAKE TO THE TASK FORCE IN THE LETTER OF INTENT

The following are a list of proposed topics to include in the letter of intent for the task force to look into:

- 1) The issue of who can be in a camp, and defining what a camp is;
- 2) The definition of "in the field";
- 3) Further explanation of boats with living quarters or permanent living quarters;
- 4) The issue of whether Fish and Wildlife Protection officers should be given an option of being licensed guides or protection officers;
- 5) The role of the Federal Fish and Wildlife Service, Park Service, and Forest Service in permitting commercial hunting activities.

10/1/68

*St. Louis
Missouri
Missouri*

Be ...

(

SB 191 SECTION 2

This section sets out unlawful acts for those commercially involved in big game hunting service activities.

Section (a)(6) delineates that those who offer their transportation services for hire must be part 135 certificated, as is currently required under federal law.

The section additionally provides that guides, who use aircraft in their hunting operations, even though they don't charge for flying (the flying is free, incidental to the basic charge for field or guiding services) must limit their use of aircraft for transporting hunters first, to their own aircraft and secondly, to their own restricted or joint use areas.

It is a policy call, which precludes guides from "outfitting" in areas other than their own, ensures that they are flying aircraft with which they are intimately familiar in limited areas with which they are familiar.

The purpose of Section 2 is not just to ensure safe flights. Part of the purpose of section 2, and of the legislation, is to clarify that only guides are allowed to offer and charge for hunting services in the field. Others then, who cannot charge for such services, yet who are conducting "drop off" hunts must then be primarily offering air transportation services for which current federal law, and now this state statute, require a part 135 certificate.

Using the operative requirements of FAA part 135 regulations this section clarifies in practice, concept and law, that guides, as pilots, do not take passengers or property for hire (that being incidental) while others who charge primarily for air transportation do, and must therefore be part 135 certificated.

Transporters, air taxis and guides are not similarly situated relative to flying activities.

Guides, by concept and design of state statute and guiding regulations, must confine themselves to a limited number of clients. Transporters may, and frequently do, handle large volumes of passengers since their primary service is air transport.

Guides must limit their operation to small areas with which they are familiar. Transporters are licensed and can operate throughout Alaska.

Guides must, as per the statute, use their own aircraft, transporters can fly any aircraft, whether they are familiar with it or not.

One of the purposes of this bill is to ensure that those involved in facilitating commercial harvest of big game resources be well regulated to ensure proper conservation, as well as public health and safety. Section 2 of the bill helps meet this purpose by requiring that those who are involved commercially be regulated either as air taxis, or under the guide laws of the state. Currently one segment of the commercial industry is dodging, or doing an end run, around both sets of regulation. This section would help close that loophole.

TELECOPY COVER SHEET
FAIRBANKS INFORMATION OFFICE
907-452-4448

TO: John

FOR: House Resource Rep. Hummer (chair) PHONE: 465-3715

FROM: H.C. "Bud" Wise PHONE: 456-5401

INSTRUCTIONS: Written testimony for HRES T/C-5B191
4/30/88

DATE/TIME SENT: 4/30/88 SENT BY: Fran

PLEASE ACK. RECEIPT: _____ HOLD FOR PICK-UP: _____

NUMBER OF PAGES: 1 (NOT COUNTING COVER SHEET)



RECEIVED

Alaska State Legislature

Please enter into the record my testimony to the _____
 committee name

committee on SB 191, dated April 30, 1988
 bill/subject

I support SB-191 - but it has to be more restrictive for this coming season until the Task Force Report is in.

My resume is over 47 years in Alaska. Over 40 years active in sports men organizations. About 10 years on the guide board, part as a non-guide and part as a guide - and for over 40 years Fish & Game has accounted for about 99% of our meat.

During these 40 plus years, competition for these resources has continued to grow, and to add more pressure on this resource, we continue to lose access and land open to the public for hunting and fishing.

The commercial use of big game hunting brought about the guide bill and the guide board to license and control the industry. The effect was standards and responsibility for the guides to follow for their clients and the resource. Though not perfect, it has allowed the industry to survive and stopped most of the abuse of the resource. The problem I hear most with the guiding control system is that it's restrictive for additional guiding operations. But this is true in most cases where there is commercial use of a limited resource. There is or has to be a limiting factor.

It is my belief that any and all services, outside of "Air Taxi", be controlled under one Agency, and until something better comes along, that should be the guide bill.

Signed: *[Signature]* v. C. (Bud) Wiese
 Testifier

[Signature]
 Representing (Optional)

1426 Second Avenue, Fairbanks, Alaska 99701
 Address

456-5441
 Phone No.

CONSTITUENT COMMENTS

Joe Klutch (King Salmon)
In support

Mike Denuet (sp?) (Pope Vannoy)
In support

David "Buck" Williams (King Salmon)
In support

Scott Deslauriers (King Salmon)
In support

Thomas Karshekoff (Nondalton)
In support

Dennis Harms (Chugiak not Dist. 26)
In support

Dicky Deigh (Egegik)
In support

Dan Salmon (Igiugik)
In support



Legislative
Information and
Teleconference Networks

SIGN-IN SHEET

Date: 4-30-88

Site/Location: Guides & Outfitters

Sponsor/Subject:

PLEASE PRINT

Name/Representing	Address	Zip	Phone	Here to Testify	Here to Observe
REP. HERDMANN				✓	
REP. SPRINGER				✓	
REP. COTTEN				✓	
REP. NAVARRE				✓	
REP. PEARCE				✓	
REP. COLLINS				✓	
REP. SHULTZ				✓	
Schocky (GIBSON)	STAFF / REP. HERDMANN			✓	
BANDALL BURNS	DIRECTOR OF OCCUPATIONAL LICENSING			✓	
RICK URION	LOBBYIST			✓	
JOE KLUTSCH	GUIDE			✓	
DARRYL FARMEN				✓	
ED HINE	LEGAL SERVICES			✓	
REED STOOPS				✓	
RON SOMMERVILLE				✓	
PAT MALONE	STAFF				✓
John MANLEY	" "				
KATE TESSER	" "				
John FROM LARSON'S OFFICE	" "				
DAVE STAN CHIEF	" "				
TOM WRIGHT	" "				
RICK SOLIC	" "				
### OTHER PEOPLE OBSERVED	" "				

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*****
*
* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT: 04/30/88 TIME: 14:21
* FROM: LIOCKOT
* SUBJECT: HRES;FS;GUIDES;4-30-88
* PRINT DATE: 04/30/88 TIME: 14:22
*
*****

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```

DATE: APRIL 30, 1988
SITE: KOTZEBUE
SPONSOR: HOUSE RESOURCES
SUBJECT: SB 191 - GUIDES
MODERATOR: MARY BROWN

```

FINAL STATS

TESTIFIED	NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1.	PETE SCHAEFFER,	NANA REG. CORP.,	BOX 49,	KOTZEBUE, 99752, 442-3301
2.				
3.				
4.				
5.				
6.				

OBSERVED	NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1.				
2.				
3.				
4.				
5.				
6.				

```

TESTIFIED: 1
UNABLE: 0
OBSERVED: 0
TOTAL: 1

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----- START/END TIME ----- 1:00 - 2:10 P.M. -----

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*****
*
* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT:          04/30/88  TIME: 15:16
* FROM:          LIOCMAT
* SUBJECT:       FINAL STATS HRES SB 191
* PRINT DATE:   04/30/88  TIME: 15:16
*
*****

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DATE:          4-29-88
SITE:          M-S LIO
SPONSOR:       HRES
SUBJECT:       SB 191 GUIDE BILL
MODERATOR:    JODI

```

FINAL STATS			
1. DICK GUNLOGSON	PO BOX 193	WILLOW 99688	495-6434
2. TOM HUNDLEY	PO BOX 2772	PALMER 99645	745-2084
3. ED GRASSER	PO BOX 1350	PALMER 99645	745-6944
4. ROSEMARY LAROSE	PO BOX 3412	PALMER 99645	745-3775

```

TESTIFIED:    3
UNABLE:       0
OBSERVED:     1
TOTAL:        4

```

START 1:00 PM

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*****
*
* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT: 04/30/88 TIME: 15:16
* FROM: LIOCNOB
* SUBJECT: HRES;FS;SB191GUIDE;4-30-88
* PRINT DATE: 04/30/88 TIME: 15:16
*
*****

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4-30-88
NOME
HOUSE RESOURCES
L.W.S: SB191 BIG GAME GUIDE
ROXANNE BARRON

FINAL STATS

TESTIFIED:	ADDRESS	PHONE#	BILL#
NAME/REPRESENTING			
1. CHUCK WHEELER	BOX 190-NOME	443-2345	SB191

OBSERVED	ADDRESS	PHONE#	BILL#
NAME/REPRESENTING			

TESTIFIED: 1
UNABLE: 0
OBSERVED: 0
TOTAL: 1

2:40 P.M.-3:07 P.M.

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*****
*
* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT: 04/30/88 TIME: 15:41
* FROM: LIOCKOD
* SUBJECT: HRES;FS;SB 191;4-30-88
* PRINT DATE: 04/30/88 TIME: 15:42
*
*****

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DATE: APRIL 30, 1988
SITE: KODIAK LIO
SPONSOR: HOUSE RESOURCES
SUBJECT: SB 191 GUIDING
MODERATOR: MARY JO SIMMONS

```

FINAL STATS

TESTIFIED

NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1. DICK ROHRER, BOX 2219,	KODIAK 99615	486-5835	SB 191
2. OMAR STRATMAN, BOX 2376,	KODIAK 99615	486-5578	SB 191

OBSERVED

NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1. SUE ROHRER, BOX 2219,	KODIAK 99615	486-5835	SB 191

```

TESTIFIED: 2
UNABLE:
OBSERVED: 1
TOTAL: 3

```

START/END TIME - 1P.M. TO 3:40P.M.

*
* DELIVER TO: LIOCJAM *
* *
* ORIGINAL *
* SENT: 04/30/88 TIME: 15:49 *
* FROM: LTCCHOM *
* SUBJECT: FINAL STATS SB 191 *
* PRINT DATE: 04/30/88 TIME 15:49 *
*

4-30-88
SB 191 BIG GAME GUIDING
FINAL STATS
HOMER
JEAN

TESTIFIED:
MERYL WOLFORD BOX 813 HOMER, AK 99603 235-7427
BRENT JONES 12441 SHELburne RD. ANCHORAGE 99516 345-0379
CECIL JONES HCR 33675 JONES DR. HOMER, AK 99603 235-6455
RICHARD KOSKOVICH BOX 1282 HOMER, AK 99603 235-5405

OBSERVED:
SID WOLFORD BOX 942 HOMER, AK 99603 235-7427
STARTING TIME 1:00 ENDING TIME 3:45 TESTIFIED - 4 OBSERVED - 1

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*****
*
* DELIVER TO: LIOCJAM
*
*
* ORIGINAL
* SENT: 04/30/88 TIME: 15:57
* FROM: LIOCBAR
* SUBJECT: HRES;FS;SB191;4-30-88
* PRINT DATE: 04/30/88 TIME: 15:57
*
*****

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4-30-88
BARROW
HOUSE RESOURCES
SB 191
MEG

FINAL STATS

TESTIFY:

NAME/REPRESENTING	ADDRESS	PHONE #
1. GRANT THOMPSON	P.O. BOX 549, BARROW	852-8333
2. DAVE ILMAR	P.O. BOX 836, BARROW	852-7155
3. MICHAEL KAZMIERCZAK	P.O. BOX 718, BARROW	852-4428

OBSERVE:

NAME/REPRESENTING	ADDRESS	PHONE #
1.		

3- TESTIFIED
0- UNABLE TO TESTIFY
0- OBSERVED
3- TOTAL

START/END TIMES: 1:00 - 3:50 P.M.

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*****
*
* DELIVER TO: LIOCJAM
*
* ORIGINAL
* SENT: 04/30/88 TIME 17:00
* FROM: LTCCFBX
* SUBJECT: HRES:FS,SB191:4-30-88,NENANA
* PRINT DATE: 04/30/88 TIME 17:00
*
*****

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***** ORIGINAL STATE *****

```

DATE: APRIL 30, 1988
SITE: NENANA
SPONSOR: HOUSE RESOURCE
SUBJECT: SB 191: BIG GAME GUIDING
MODERATOR: KAREN HARVEY

```

***** TESTIFY *****

NAME REPRESENTING	ADDRESS	PHONE #
1.) E. LEROY TIECE	P.O. BOX 153, NENANA, 99760	832-5807
2.) WAYNE WALTERS	P.O. BOX 326, NENANA, 99760	582-2682
3.) MARC GROBER	P.O. BOX 467, NENANA, 99760	832-5227

***** OBSERVE *****

NAME REPRESENTING	ADDRESS	PHONE #
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*****
TESTIFIED ___ 3 ___ TIME START ___ 2:00 P.M.
OBSERVED ___ 0 ___ TIME END ___ 4:25 P.M.
TOTAL ___ 3 ___

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* DELIVER TO: LIOCJAM *
 * * * * *
 * ORIGINAL *
 * SENT: 04/30/88 TIME: 17:15 *
 * FROM: LTCCFBX *
 * SUBJECT: HRES;FS;SB191,4-30-88 *
 * PRINT DATE: 04/30/88 TIME: 17:15 *
 * * * * *

*****FINAL STATE*****

DATE: APRIL 30 1988
 SITE: FAIRBANKS
 SPONSOR: HOUSE RESOURCES
 SUBJECT: SB191 GUIDING
 MODERATOR: FRAN

TESTIFY

NAME REPRESENTING	ADDRESS	PHONE #
1.) AUSTIN L. SITES	2409 KEENEY RD., N.P., 99705	488-9820
2.) DON TROUTHAN	2453 HOMESTEAD, N.P., 99705	488-8300
3.) BERNIE KARL	105 FORAN CT., FBKS, 99712	457-6880
4.) CHARLIE CARR	82 STEELHEAD RD., FBKS, 99709	474-0162
5.) WILLIAM WAUGAMAN	P.O. BOX 80589, FBKS, 99708	479-2812
6.) JIM ROTHENBUHLER	P.O. BOX 72944, FBKS, 99707	488-5014
7.) BILL ERLUND	2259 KEENEY RD., N.P., 99705	488-2250

OBSERVE:

NAME REPRESENTING	ADDRESS	PHONE #
1.) JOHN TAYLOR	408 12TH AVE., FBKS, 99701	479-1808
2.) JACK CAMPBELL	P.O. BOX 55491, NORTH POLE, 99705	488-3233
3.) VERN MATES	2256 DILLON AVE., NORTH POLE, 99705	488-2631
4.) BUD MELMERICKS	930 9TH AVE., FBKS, 99701	452-5417
5.) ROBERT HERRING	P.O. BOX 60003, FBKS, 99706	488-8212
6.) HARRY GROOM	P.O. BOX 28248, FBKS, 99711	488-0964
7.) H.C. "BUD" WEISE	1426 2ND. AVE., FBKS, 99701	456-5441

 TESTIFIED _____ 7 _____ TIME START _____ 1:20 P.M. _____
 OBSERVED _____ 7 _____ TIME END _____ 4:25 P.M. _____
 TOTAL _____ 14 _____

 * DELIVER TO LIOCJAM *
 * *
 * ORIGINAL *
 * SENT 04/30/88 TIME 16:42 *
 * FROM LIOCJAM *
 * SUBJECT 20 191 TELE *
 * PRINT DATE 04/30/88 TIME 13:42 *
 * *

*** FINAL TELECONFERENCE STATISTICS ***

DATE APRIL 30, 1988
 SITE HOUSING LIOC
 SPONSOR HOUSE RESOURCES
 SUBJECT 20 191 - BIG GAME BUILDING
 LOCAL MODERATOR GEC

TESTIFIED:

NAME\REPRESENTING	ADDRESS	PHONE #
1. ED CRAWFORD	P.O. BOX 220223, ANC 522	3492044
2. TRACY VREM	P.O. BOX 520623, CHUGIAK	688-1419
3. PHIL DRIVER	1306 E 26TH AVE, ANC	277-8829
4. BOB MCCONNELL	1013 E DIEDE, #435, ANC	
5. JIM BICKMAN	P.O. BOX 2117, #233 E.R.	694-9694
6. CURT DEANS	P.O. BOX 171907 E. R.	694-5459
7. SEAN BRADLEY	P.O. BOX 92870, ANC 509	274-3495
8. KOREEN LAPOUREN	3230 W. 79TH, ANC	248-3012
9. DENNIS TORREY	BELUGA RIVE, AK	688-4453
10. JAY MASSEY	P.O. BOX 429, GIRDWOOD	
11. ED WHITE COGAR	BOX 8855 SRC, PALMER	
12. MEL GILLIS	P.O. BOX 220247, ANC	344-8589
13. HANK RUST	BOX 190325, ANC 519	243-1595
14. STAN FROST	BOX 112449, ANC 511	345-2862
15. LINDA VREM	P.O. BOX 670742, CHUGIAK	688-3736
16. KEITH JOHNSON	3646 N POINT DR, ANC	343-5087
17. ED BEEMAN	P.O. BOX 134, CHUGIAK	688-2722
18. MARC LIND	P.O. BOX 670182, CHUGIAK	688-4515

OBSERVED:

NAME\REPRESENTING	ADDRESS	PHONE #
1. LINDA VREM	P.O. BOX 520623, CHUGIAK	688-2419
2. SUSAN BICKMAN	P.O. BOX 2117-233, E. R.	
3. LESS KRANK	610 W. 91ST AVE	
4. PAUL ELLIS	2312 LOUSSAC DR, ANC	248-3548
5. ROGER MORRIS	2820 LEXINGTON, ANC	243-1067

TESTIFIED: -18- START TIME: 1:00 P.M.
 OBSERVED: -5- END TIME: 4:25 P.M.
 TOTAL: -23-

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*****
*
* DELIVER TO: LIUCJAM
*
* ORIGINAL
* SENT 04/30/88 TIME 16:40
* FROM LTDCSOI
* SUBJECT H REC SB191.F2#2.4-30-88
* PRINT DATE 04/30/88 TIME 16:40
*
*****

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1-50-88
 H REC
 30-91
 SOLDOTNA
 AUTO IN

FINAL STATS

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*****
TESTIFIED
NAME/ REPRESENTING ADDRESS PHONE BILL PRO/CON
1.VERN PORTER BOX 4478 SOLDOTNA, 99669 262-3224
SB191 CON
2.CHARLES DICKSON POBOX 2018 SOLDOTNA 262-6020 SB191 CON
3.DUNCAN KESHAUGH BOX 1066 SOLDOTNA 262-4509 SB191 CON
4.CLARK WHITNEY 43735 SPORT LK. RD. SOLDOTNA 262-4979
SB191 CON
*****

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*****
OBSERVED
NAME/ REPRESENTING ADDRESS PHONE BILL PRO/CON
1.RAY MCURT BOX 469 STERLING, 99672 262-4678
SB191 PRO
2.MARK BELL PO BOX 486 SOLDOTNA 262-5237 SB191 CON
3.GREG BELL POBOX 486 SOLDOTNA 262-5237 SB191 CON
4.RON ALDRIDGE BOX 3028 SOLDOTNA 262-7585
SB191 CON
5.DAVE LEONARD BOX 1426 KENAI 99611 283-4010
SB191 PRO
6.NANCY B. NEEL PO BOX 876606 WASILLA 376-7955
SB191 PRO
7.BILL SLEMP BOX 903 SOLDOTNA 262-7409 SB191 CON
8.DAVE NEEL BOX 876606 WASILLA 99687 376-7955
SB191 PRO
9.MATT WOLFE BOX 309 KASILOF 99610 262-7058
SB191 PRO
*****

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4 TESTIFIED
 0 UNABLE
 9 OBSERVED
 13 TOTAL

1:07/4:25P

START/END TIME

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*****
*
* DELIVER TO LIOCJAM
*
* ORIGINAL
* ( JCT) 04/30/88 TIME 16:29
* FROM LIOCJCT
* TO JCT HRES, 38191-GUIDING, 4-30
* PAL DATE 04 30 88 TIME 16:29
*
*****

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DATE 04 30 88
SITE DELTA JUNCTION
PROJECT HOUSE RESOURCES
SUBJECT SB, 91 - BIG GAME GUIDING
REMARKS SANDI

```

FINAL STATE

TESTIFIED	NAME REPRESENTING	ADDRESS	PHONE #
	1. JAY FRAZIER	P.O. BOX 1331, DELTA JCT	895-4740
	2. RAYMOND G. MILLER	5449 RICH. HWY, DELTA JCT	895-4202

OBSERVED	NAME REPRESENTING	ADDRESS	PHONE #
	None		

TESTIFIED	2
UNABLE	0
OBSERVED	0
TOTAL	2

START/END TIME 1:15-4:25 PM

02. SEP 21. 1968

1968
SEP 21 11 30 AM
1968

1:30
THELMA SCHRAH
BIG GAME GUIDING
ROBERT LOR

FINAL STATE

TESTIFIED	NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1.	BILL ELLIS	SR BOX 370, GAKONA 99586	322-3126	28 19
2.	COLE ELLIS	WABESNA RD, CLANA 99586	322-3426	28 21
3.	KTRK ELLIS	WABESNA RD, CLANA 99586	322-3426	28 21

OBSERVED	NAME/REPRESENTING	ADDRESS	PHONE #	BILL #
1.	THELMA SCHRAH	SR BOX 380, GAKONA 99586	322-3426	28 19
2.	BOB TAYLOR	SR BOX 340, GAKONA 99586	322-3239	28 19

TESTIFIED: 5
 OBSERVED: 2
 TOTAL: 5

START/END TIME
 START TIME: 1:15 P.M. END TIME: 4:30 P.M.

HOUSE RESOURCES COMMITTEE:

MEETING DATE: 5-2-88:

HRC 88-101, 2, #053

SESSION '88:

MEETING TIME: 8:00 :

SB 191

SJK 62

SB 112

SB 472

COMMITTEE MEMBERS:

SB 192

HB 126

NAME:	PRESENT:	ABSENT: yes - No
HERRMANN:	✓	
COTTEN:	✓	
SUND:	✓	
NAVARRE:	✓	
DAVIDSON:	✓	
PEARCE:	✓	
SPRINGER:	✓	
HOFFMAN:	✓	
SHULTZ:	✓	

Approved
P. [Signature]



Official Business

COMMITTEE:

Hs. Resources

DATE: May 2, 88

SIGN-IN

Subject of meeting:

SB 191 SJR 62
SB 112
SB 472
SB 192
HB 186

NAME

ADDRESS

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY?

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
John Danker	1003 "B" St. JUNEAU 99801	581-4109	SELF	Yes SB-112
C.S. CHRISTENSEN	CR 111	3255	SEN. FAIKS	SJR 62
Peter Kerttula	Box V	3771	SEN KERTTULA	IF NEEDED SB-192
KATE GRAHAM	211 4TH ST SUITE 100 JUNEAU 99801	6-2820	UNITED FISHERMEN OF AK	YES SB 112

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*****
*
* DELIVER TO: LHSCRES
*
*
* ORIGINAL
* SENT: 05/02/88 TIME: 16:51
* FROM: LIOCCCC
* SUBJECT: FS 4-30-88HRES SB 191 GUIDES
* PRINT DATE: 05/02/88 TIME: 16:51
*
*****

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DATE 4-30-88
SPONSOR HRES
SUBJECT SB 191 GUIDING
SITE MAT-SU LIO
MODERATOR JODIE

```

FINAL LIST

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*****
TO TESTIFY
NAME/REPRESENTING ADDRESS PHONE #
1. DICK GUNLOGSON POB 193 WILLOW 99688 495-6434
2. TOM HUNDLEY POB 2772 PALMER 99645 745-2084
3. ED GRASSER POB 1350 PALMER 99645 745-6949

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*****
TO OBSERVE
NAME/REPRESENTING ADDRESS PHONE#
1. ROSEMARY LAROSE POB 3412 PALMER 99645 745-3775

```

```

TESTIFIED 3
UNABLE 0
OBSERVED 1
TOTAL 4

```

START/END TIME 1PM

LEGISLATIVE SPONSOR:

H. RES

TC DATE/DAY: 4/25 MONDAY

Pub. Hear Work Ses. Inv. Hear

TIME: 9:30-10:30

LEGISLATIVE REFERENCE: P... L...

JUNEAU ROOM: C-124

SUBJECT: Informa...

BRIDGE: DD. 486-8118

Board of F...

OF PORTS:

CONTACT: Shocky PH: 4942

DATE TAKEN/BY: 4/22/88 DAN

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow *
- Bethel
- Delta Junction *
- Dillingham *
- Fairbanks
- Glennallen *

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

Juneau

Ketchikan

Kodiak

-486-8118

Kotzebue

Mat-Su

Nome

Petersburg *

Sitka

Soldotna

Valdez *

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS:

CHAIRING SITE: Juneau

CHAIRPERSON: Rep. Harrmann

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

Signature of Rose for Deborah Greenberg 4-22-88

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

SPECIAL INSTRUCTIONS

*****Testimony YES -- NO -- BY INVITATION ONLY -- *****

* SESSION ONLY

* DELIVER TO: LHSCRES *
* * * * *
* ORIGINAL *
* SENT: 05/02/88 TIME: 14:10 *
* FROM: LTCCGIN *
* SUBJECT: H.RES;FS;SB 191;4/30/88 *
* PRINT DATE: 05/02/88 TIME: 14:10 *
* * * * *

DATE: APRIL 30, 1988
SITE: SLANA
SPONSOR: HOUSE RESOURCES
SUBJECT: SB 191 - BIG GAME GUIDING
MODERATOR: THELMA SCHRANK

FINAL STATS

TESTIFIED
NAME/REPRESENTING ADDRESS PHONE # BILL #
1. BILL ELLIS SR BOX 370, GAKONA 99586 822-3426 SB 191
2. COLE ELLIS NABESNA RD, SLANA 99586 822-3426 SB 191
3. KIRK ELLIS NABESNA RD, SLANA 99586 822-3426 SB 191

OBSERVED
NAME/REPRESENTING ADDRESS PHONE # BILL #
1. THELMA SCHRANK SR BOX 380, GAKONA 99586 22-3426 SB 191
2. DON TAYLOR SR BOX 340, GAKONA 99586 822-3239 SB 191
TESTIFIED: 3
UNABLE: 0
OBSERVED: 2
TOTAL: 5

START/END TIME
START TIME 1:15 P.M. END TIME: 4:30 P.M.

* DELIVER TO: LHSCRES *
* * * * *
* ORIGINAL *
* SENT: 05/02/88 TIME: 14:30 *
* FROM: LIOCDJT *
* SUBJECT: HRES;FS;SB191-GUIDING;4-30 *
* PRINT DATE: 05/02/88 TIME: 14:30 *
* * * * *

DATE: APRIL 30, 1988
SITE: NORTHWAY VOLUNTEER SITE
SPONSOR: HOUSE RESOURCES
SUBJECT: SB191 - BIG GAME GUIDING
MODERATOR: CHRIS

FINAL STATS

TESTIFIED
NAME/REPRESENTING ADDRESS PHONE #
NONE

OBSERVED
NAME/REPRESENTING ADDRESS PHONE #
1. CHRIS WORKER P.O. BOX 533, NORTHWAY 788-2251
2. TERRY OVERLEY GEN.DELIVERY, NORTHWAY
3. CHRISTY JAMES MILE 1253 AK HWY, TOK
4. DANNY JAMES MILE 1253 AK HWY, TOK
5. UNIDENTIFIED ANCHORAGE

TESTIFIED: 0
UNABLE: 0
OBSERVED: 5
TOTAL: 5

START/END TIME 1:15 - 4:25 PM

FISCAL NOTE

REQUEST:

Revision Date: 3/11/88
Title: An act relating to the Guide Board and Establishing a Task Force on Guiding
Sponsor: Coghill & Eriks
Requestor: _____

Agency Affected: Fish and Game
BRU: Game
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This analysis includes personal services costs to prepare for and participate in 3 meeting of the Guide Task Force in Anchorage per year and 3 teleconferences. These costs will be borne by existing personnel; no additional costs anticipated.

Prepared by: Donald E. McKnight Phone: 465-4190
Division: Game Date: 3/11/88

Approved by Commissioner: *William G. Blot* Date: 3/11/88
Agency: Fish and Game

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version. CSSB 191 (Fin)

Publish Date: Senate 3/31/88

REQUEST

Revision Date: _____

Title: "An Act amending the definition of big game guiding.."

Sponsor: Senator Coghill

Requestor: Senate Resources

Agency Affected: Public Safety

BRU: Fish & Wildlife Protection

Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

File

Prepared by: Kyle Weaver

Phone: 269-5539

Division: Fish & Wildlife Protection

Date: 3/23/87

Approved by Commissioner: William R. Nix

Date: 3/24/87

Agency: Public Safety

Distribution (by preparer):

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

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 191 (FIN)
PUBLISH DATE: Senate 3/31/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: CSSB 191 (Finance)
An Act relating to the Guide Board...
Sponsor: Senator Coghill
Requestor: Senate Finance

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council
Components: Council and Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	10.9	0	0	0	0
CONTRACTUAL	0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	12.9	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	12.9	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	12.9	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)

The Task Force on Guiding and Game is established under the jurisdiction of the Legislative Council Committee. The Task Force is composed of thirteen members, three from the Executive Branch, four legislators from the Legislative Branch, and six public members appointed by the Governor.

Prepared by: Patricia A. Steops, Manager *Patricia A. Steops* Phone: 465-3850
Division: Administrative Services Date: March 29, 1988

Approved by: Warren Endicott *Warren Endicott* Date: March 29, 1988
Agency: Legislative Affairs Agency

Distribution (by preparer):

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

CONTINUATION OF FISCAL ANALYSIS

It is assumed that travel funds for this task force will be paid as follows:

3 Executive Branch members - absorbed within existing executive branch departments.

4 Legislative Branch members -- absorbed within existing Legislative Operating Budget.

6 Public members - paid by Legislative Council funds as projected below.

Projected expenses for the Task Force on Guiding and Game are as follows:

Personal services - Staff for the Task Force will come from existing staff under the Legislative Operating Budget.

Travel	- 3 trips @ 366 x 6 members	= 6,588
	3 days per diem (\$80)	
	3 trips x 6 members	= 4,320
Contractual	- Transcription of meetings	1,000
	Printing and binding of report	1,000
Supplies	- Will come from existing Legislative Council and Legislative Operating supplies.	
Equipment	- Will come from existing Legislative Council and Legislative Operating equipment.	

FISCAL NOTE

REQUEST:

Revision Date: 3/14/88
 Title: An Act relating to the Guide Brd., the taking of big game, & services to hunters
 Sponsor: Senate Resources Committee
 Requestor: _____
 Agency Affected: Dept. of Commerce
 BRU: Occupational Licensing
 Components: Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		65.1	9.0	9.0	9.0	9.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		65.1	9.0	9.0	9.0	9.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		65.1	9.0	9.0	9.0	9.0
---------	--	------	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		65.1	9.0	9.0	9.0	9.0
TOTAL		65.1	9.0	9.0	9.0	9.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		1.0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by RPB Randall P. Burns Phone: 465-2535
 Division: Occupational Licensing Date: 03/30/88
 Approved by Commissioner: Larry Marshall for Jantzen Smith Date: 7/30/88
 Agency: Department of Commerce & Economic Development

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Senate Bill 191

The attached two letters regarding this fiscal note are fully explanatory of the problem and the proposed approach to solve the Guide Board's mapping problems. This page summarizes the proposed plan:

First, the Division of Occupational Licensing will RSA the sum of \$23.5 to the Department of Natural Resources' Division of Management, Cartography Section, to provide the Guide Board with revised and updated maps.

Second, the Division of Occupational Licensing will contract with an arbitrator from the American Arbitration Association to fund a series of arbitrations on the guide areas currently permitted in each of the twenty-six (26) game units. The estimated cost of this project is \$41.6.

Finally, the Division of Occupational Licensing will, annually, provide \$9.0 to DNR's Cartography Section to continue the process of updating the Guide Board's display maps.

The entire cost of this fiscal note will be borne by an increase in the licensing fees of licensed guides. The increase in fees for FY 89 will be \$45.00, or \$22.50 per year. This increase will only be necessary for one year, unless the Guide Board subsequently seeks approval of an executive secretary position, in which case the fees would stay at the increased level permanently. The amount needed to fund the ongoing updates by DNR will necessitate a minimal uncrease of \$7.00 in a guide's biennial licensing fee.

There are currently 1,446 licensed guides in Alaska. The fee increase of \$45.00 will bring in \$65.1 in program receipts, which will fully fund the proposed mapping projects.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: 0953101131 (20)
PUBLISH DATE: (SENATE) 3/14/88

(a)

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: CSSB 141 (3d Res)
An Act relating to the Guide Board...
Sponsor: Senate Resources
Requestor: Senator Coghill

Agency Affected: Legislative Affairs
BRU: Legislative Council
Components: Council and Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	7.3	0	0	0	0
CONTRACTUAL	0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	9.3	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	9.3	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	9.3	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)

The Task Force on Guiding and Game is established under the jurisdiction of the Legislative Council Committee. The Task Force is composed of eleven members, three from the Executive Branch, four legislators from the Legislative Branch, and four public members appointed by the Governor.

Prepared by: Pamela Stoops, Manager
Division: Administrative Services

Phone: 465-3850
Date: 03/11/88

Approved by: Warren Endicott
Agency: Legislative Affairs Agency

Date: 03/11/88

Distribution (by preparer):

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

Introduced by: McGahan
Date: April 19, 1988
Vote: 12 Yes, 4 No
Action: Amnd, Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 88-38

SUPPORTING THE FORMATION OF A TASK FORCE BY THE SENATE RESOURCES COMMITTEE IN REGARD TO SENATE BILL 191, AND URGING THAT EQUAL REPRESENTATION OF ALL USER GROUPS BE ASSURED.

WHEREAS, considerable controversy has arisen over the harvest of big game in Alaska by all user groups in the sports hunting public; and

WHEREAS, all user groups have recognized that there are inherent problems in this regard that must be resolved; and

WHEREAS, historical evidence shows genuine needs of all user groups; and

WHEREAS, because of the issues involved, the committee substitute for SB 191 would create a task force to try to reach an equitable solution to these issues; and

WHEREAS, the task force will determine the protections needed to preserve and maintain the hunting resources of the state; and

WHEREAS, this task force would include not only members of the guide board, but would require membership and participation by representatives of all groups using the hunting resource; and

WHEREAS, the assembly supports such an effort to reach a solution to this issue; and

WHEREAS, the elimination or unnecessary restriction of any of these user groups could create serious financial hardship on borough residents and businesses;

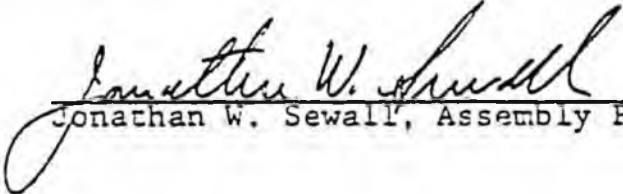
NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the assembly hereby expresses its support for the Resources Committee substitute to SB 191 that would create a task force to recommend an equitable solution to questions regarding conflicts between user groups of the sports hunting public.

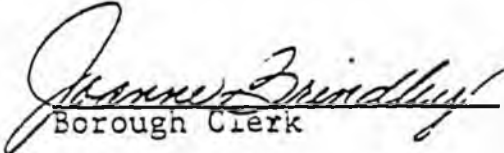
Section 2. That the Assembly opposes any version of SB 191 or other legislation that would restrict or possibly eliminate any user group until after the Task Force has completed its work and made its recommendations.

Section 3. That copies of this resolution shall be sent to Governor Steve Cowper; Commissioner of Fish & Game; Senator John B. Coghill, Chairman of the Senate Resources Committee; Senators John Binkley, Paul Fischer, Jalmar Kerdtula and Mike Szymanski; and Representatives Adelheid Herrmann and Sam Cotten, Co-Chairmen of the House Resources Committee and Representatives Bette Cato, Mike Navarre, C.E. Swackhammer, Kay Wallis and Jim Zawacki.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 19th DAY OF April, 1988.


Jonathan W. Sewall, Assembly President

ATTEST:


Borough Clerk

Introduced by: McGahan
Date: April 19, 1988
Vote: 12 Yes, 4 No
Action: Amnd, Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 88-38

SUPPORTING THE FORMATION OF A TASK FORCE BY THE SENATE RESOURCES COMMITTEE IN REGARD TO SENATE BILL 191, AND URGING THAT EQUAL REPRESENTATION OF ALL USER GROUPS BE ASSURED.

WHEREAS, considerable controversy has arisen over the harvest of big game in Alaska by all user groups in the sports hunting public; and

WHEREAS, all user groups have recognized that there are inherent problems in this regard that must be resolved; and

WHEREAS, historical evidence shows genuine needs of all user groups; and

WHEREAS, because of the issues involved, the committee substitute for SB 191 would create a task force to try to reach an equitable solution to these issues; and

WHEREAS, the task force will determine the protections needed to preserve and maintain the hunting resources of the state; and

WHEREAS, this task force would include not only members of the guide board, but would require membership and participation by representatives of all groups using the hunting resource; and

WHEREAS, the assembly supports such an effort to reach a solution to this issue; and

WHEREAS, the elimination or unnecessary restriction of any of these user groups could create serious financial hardship on borough residents and businesses;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the assembly hereby expresses its support for the Resources Committee substitute to SB 191 that would create a task force to recommend an equitable solution to questions regarding conflicts between user groups of the sports hunting public.

Section 2. That the Assembly opposes any version of SB 191 or other legislation that would restrict or possibly eliminate any user group until after the Task Force has completed its work and made its recommendations.

5-0848D

Hein
4/29/88

Notes indicate changes from CS SB 191 (Fin)am
Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board and big game
7 guiding, transporting, outfitting, and hunting and
8 establishing an interim task force on guiding and the
9 commercial taking of big game; and providing for an
10 effective date."

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

12 * Section 1. AS 08.03.010(c)(20) is amended to read:

13 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

14 * Sec. 2. 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

17 (A) a written and oral examination of an applicant for
18 a registered guide license that requires demonstration that the
19 applicant is qualified generally to provide guided hunts and, in
20 particular, to guide in each game management unit the applicant
21 has selected; if an applicant demonstrates limited ability to
22 read or write the English language, the entire examination shall
23 be administered orally; and

Oral
exams
available
for
everyone

24 (B) an oral examination of a registered or master
25 guide who seeks an amendment of a game management unit certifica-
26 tion; the examination must require demonstration that the guide
27 is qualified to provide guided hunts in each new game management
28 unit for which the guide seeks to be certified [EXAMINATIONS,
29 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE

LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

(2) determine qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;

(3) establish guide performance standards and regulate activity;

Comma X

(4) compile, maintain, and publish an annual register of master and registered guides who have not been convicted of a violation of a state game or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while the guide's license is revoked or suspended;

(5) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

Comma X

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

(7) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, reasonable, and consistent procedure for limiting the number of guides to that quota; preference may be given to qualified available and willing licensed guides who reside within the designated game unit or subunit;

(8) meet at least twice annually, once in Anchorage and once in another municipality.

* Sec. 3. AS 08.54.210 is amended to read:

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

(1) a master guide, registered guide, special guide, class A assistant guide, or assistant guide to fail to timely report to the

1 Department of Public Safety, division of fish and wildlife protection,
 2 and in no event later than 30 days, a violation of a state fish, game,
 3 or guiding statute or regulation that the guide reasonably believes
 4 was committed by a client or an employee of the guide;

5 (2) a guide to commit or aid the commission of a violation
 6 of this chapter or of a state game or guiding statute or regulation or
 7 to permit the commission of a violation that the guide knows or rea-
 8 sonably believes is being or will be committed without attempting to
 9 prevent it, short of using force, and without reporting it;

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

12 (4) a person without a current valid registered or master
 13 guide license to advertise as or represent to be

advertising
 as a
 "guide"
 or
 "outfitter"

14 (A) a guide; or

15 (B) an outfitter offering big game hunting services

16 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

17 (5) a guide to intentionally obstruct or hinder or attempt
 18 to obstruct or hinder lawful hunting engaged in by a person who is not
 19 a client of the guide;

20 (6) a person to transport a hunter to or from the field in
 21 an aircraft for which the person does not hold a current valid air
 22 taxi commercial operator (ATCO) operating certificate issued by the
 23 Federal Aviation Administration under 14 C.F.R. Part 135 if the person
 24 is providing the transportation or any other big game hunting service
 25 to the hunter for compensation, except that it is not a violation of
 26 this paragraph if a licensed guide transports a hunter to or from a
 27 restricted or joint-use guide area assigned to the guide or to the
 28 guide's employer in an aircraft owned by the guide and operated under
 29 14 C.F.R. Part 91;

1 (7) a person to guide without being validly licensed as a
2 guide under this chapter and as a resident hunter under AS 16;

3 (8) ~~[(7)]~~ an assistant guide to contract to conduct a
4 guided hunt;

5 (9) ~~[(8)]~~ an assistant guide to be in the field on a
6 guided hunt except while employed and supervised by a registered or
7 master guide.

8 (b) A person who violates (a)(1) - (6) ~~[(a)(1) - (5)]~~ of this
9 section is guilty of a misdemeanor and upon conviction is punishable
10 by a fine of not more than \$1,000 or by imprisonment for not more than
11 one year, or by both, and the person's license may be revoked for a
12 period up to five years. However, a person who engages in guiding
13 activity during the period for which the person's license is suspended
14 or revoked under this chapter, or who violates (a)(7) - (9) ~~[(a)(6) -~~
15 ~~(8)]~~ of this section, is guilty of a felony punishable, upon con-
16 viction, by a fine of not more than \$5,000 and by imprisonment for not
17 less than one year nor more than three years. In addition to punish-
18 ment for a felony, all guns, fishing tackle, boats, aircraft, automo-
19 biles or other vehicles, camping gear and other equipment and para-
20 phernalia used in, or in aid of, guiding activity engaged in during
21 the period of suspension or revocation may be seized by persons au-
22 thorized to enforce this chapter and may be forfeited to the state as
23 provided under AS 16.05.195."

24 * Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

25 (3) "guide" or "guiding" means accompanying or being pre-
26 sent with, or providing personal service for, a big game hunter in the
27 field, personally or through an assistant, for compensation or with
28 the intent or an agreement to receive compensation; "guide" or "guid-
29 ing" does not include accompanying or being present with a hunter

- 1 "permanent" inserted { (A) in a boat with permanent living quarters;
 2 (B) at a lawfully established cabin or permanent
 3 lodge;
 4 (C) while providing transportation to or from the
 5 field, if the persons providing transportation and the persons
 6 being transported do not stalk, pursue, track, kill, or attempt
 7 to kill big game; or
 8 (D) in a camp while attending to horses that are being
 9 used to transport big game hunters to or from the field;

10 * Sec. 5. AS 16.05.407(d) is amended to read:

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

16 * Sec. 6. AS 16.05.407 is amended by adding a new subsection to read:

17 (e) An applicant for a nonresident big game tag for the taking
 18 of moose or caribou shall first furnish to the state, on a form pro-
 19 vided by the state, an affidavit showing where the applicant will be
 20 hunting and what guiding, transportation, or other big game hunting
 21 services the applicant will be employing. A person who falsifies an
 22 affidavit under this subsection is guilty of perjury under AS 11.56.-
 23 200.

24 * Sec. 7. AS 16.05 is amended by adding a new section to read:

25 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-
 26 LATIONS. (a) A person who transports a big game hunter to or from
 27 the field for compensation, or with the intent or an agreement to
 28 receive compensation, shall promptly report to the Department of
 29 Public Safety, division of fish and wildlife protection, and in no

1 event later than 30 days, a violation of a state fish, game, or guid-
2 ing statute or regulation that the person reasonably believes was
3 committed by a client or employee of the person.

4 (b) A person who violates this section is guilty of a misde-
5 meanor and upon conviction is punishable by a fine of not more than
6 \$2,000 or by imprisonment for not more than one year, or by both.

7 * Sec. 8. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
8 on the Guide Board and the commercial taking of big game is established
9 under the jurisdiction of the legislative council. The task force consists
10 of the commissioners of fish and game, commerce and economic development,
11 and public safety, or their designees; two members of the senate appointed
12 by the president of the senate; two members of the house of representatives
13 appointed by the speaker of the house; and six members appointed by the
14 governor as follows: one member of the Guide Board; one big game guide
15 licensed under AS 08.54 who is not a member of the Guide Board; and one
16 person engaged in a business, other than guiding, that includes transport-
17 ing big game hunters to and from the field; and three public members, at
18 least one of whom has no financial interest in any business involving or
19 related to the commercial taking of game. The governor shall appoint at
20 least one member from each judicial district in the state.

21 (b) The task force shall review the operations of the Guide Board and
22 shall study problems and issues concerning the commercial taking of big
23 game in the state and the businesses or professions that provide goods and
24 services to big game hunters in the state. The task force shall submit to
25 the legislative council, not later than January 15, 1989, a report on its
26 findings and proposed legislation to address the problems and issues cover-
27 ed in the report.

28 (c) The task force terminates January 15, 1989.

29 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).

Mel Gillis,

called re: SB 191. Would like a specific F+WL protection, Joe Domico to come + testify on this issue. He has ~~presented~~ facts + figures that no one else presents.

Mel also wants to see the amendment that makes it so that "outfitters" can't use the term, unless they are "guides." He has no objection to retail outfits using the term "outfitters."

Mel is getting ~~the~~ worried about the timing.

Thinks it's ~~really~~ very important that there is something done this year.

Mel will probably be one of the people soon lobbying on this.

*CS - Amend pending

- *Dries → Air Taxi Insurance
- Letter of debit
- Camp
- Monetary Consideration
- Goods + Services

* Chuck Wheeler in Name - call & clarify -
Could take a few friends out, in a
Pvt A 91

* Mark in Ed's amendment

Name / Chuck Wheeler - E.C. Wheeler
675-4452

Baranof
586-2660

5-0848D

Hein
4/29/88

Notes indicate changes from CS SB 191 (Fin)am

Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE RESOURCES COMMITTEE
 2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Resources)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FIFTEENTH LEGISLATURE - SECOND SESSION
 5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board and big game
 7 guiding, transporting, outfitting, and hunting and
 8 establishing an interim task force on guiding and the
 9 commercial taking of big game; and providing for an
 10 effective date."

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

12 * Section 1. AS 08.03.010(c)(20) is amended to read:
 13 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

14 * Sec. 2. 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

17 (A) a written and oral examination of an applicant for
 18 a registered guide license that requires demonstration that the
 19 applicant is qualified generally to provide guided hunts and, in
 20 particular, to guide in each game management unit the applicant
 21 has selected; if an applicant demonstrates limited ability to
 22 read or write the English language, the entire examination shall
 23 be administered orally; and

24 (B) an oral examination of a registered or master
 25 guide who seeks an amendment of a game management unit certifica-
 26 tion; the examination must require demonstration that the guide
 27 is qualified to provide guided hunts in each new game management
 28 unit for which the guide seeks to be certified [EXAMINATIONS,
 29 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE

Oral
exams
available
for
everyone

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LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

(2) determine qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;

(3) establish guide performance standards and regulate activity;

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(4) compile, maintain, and publish an annual register of master and registered guides who have not been convicted of a violation of a state game or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while the guide's license is revoked or suspended;

(5) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

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

(7) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, reasonable, and consistent procedure for limiting the number of guides to that quota; preference may be given to qualified available and willing licensed guides who reside within the designated game unit or subunit;

(8) meet at least twice annually, once in Anchorage and once in another municipality.

* Sec. 3. AS 08.54.210 is amended to read:

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

(1) a master guide, registered guide, special guide, class A assistant guide, or assistant guide to fail to timely report to the

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Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, a violation of a state fish, game, or guiding statute or regulation that the guide reasonably believes was committed by a client or an employee of the guide;

(2) a guide to commit or aid the commission of a violation of this chapter or of a state game or guiding statute or regulation or to permit the commission of a violation that the guide knows or reasonably believes is being or will be committed without attempting to prevent it, short of using force, and without reporting it;

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

advertising
as a
"guide"
or
"outfitter"

(4) a person without a current valid registered or master guide license to advertise as or represent to be

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

(5) a guide to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the guide; *for compensation or hire*

(6) a person to transport a hunter to or from the field in an aircraft for which the person does not hold a current valid air taxi commercial operator (ATCO) operating certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135 if the person is providing the transportation or any other big game hunting service to the hunter for compensation, except that it is not a violation of this paragraph if a licensed guide transports a hunter to or from a restricted or joint-use guide area assigned to the guide or to the guide's employer in an aircraft owned by the guide and operated under 14 C.F.R. Part 91;

1 (7) a person to guide without being validly licensed as a
2 guide under this chapter and as a resident hunter under AS 16;

3 (8) [(7)] an assistant guide to contract to conduct a
4 guided hunt;

5 (9) [(8)] an assistant guide to be in the field on a
6 guided hunt except while employed and supervised by a registered or
7 master guide.

8 (b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this
9 section is guilty of a misdemeanor and upon conviction is punishable
10 by a fine of not more than \$1,000 or by imprisonment for not more than
11 one year, or by both, and the person's license may be revoked for a
12 period up to five years. However, a person who engages in guiding
13 activity during the period for which the person's license is suspended
14 or revoked under this chapter, or who violates (a)(7) - (9) [(a)(6) -
15 (8)] of this section, is guilty of a felony punishable, upon con-
16 viction, by a fine of not more than \$5,000 and by imprisonment for not
17 less than one year nor more than three years. In addition to punish-
18 ment for a felony, all guns, fishing tackle, boats, aircraft, automo-
19 biles or other vehicles, camping gear and other equipment and para-
20 phernalia used in, or in aid of, guiding activity engaged in during
21 the period of suspension or revocation may be seized by persons au-
22 thorized to enforce this chapter and may be forfeited to the state as
23 provided under AS 16.05.195."

24 * Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

25 (3) "guide" or "guiding" means accompanying or being pre-
26 sent with, or providing personal service for, a big game hunter in the
27 field, personally or through an assistant, for compensation or with
28 the intent or an agreement to receive compensation; "guide" or "guid-
29 ing" does not include accompanying or being present with a hunter

- 1 permanent" inserted { (A) in a boat with permanent living quarters;
- 2 (B) at a lawfully established cabin or permanent
- 3 lodge;
- 4 (C) while providing transportation to or from the
- 5 field, if the persons providing transportation and the persons
- 6 being transported do not stalk, pursue, track, kill, or attempt
- 7 to kill big game; or
- 8 (D) in a camp while attending to horses that are being
- 9 used to transport big game hunters to or from the field;

10 * Sec. 5. AS 16.05.407(d) is amended to read:

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

16 * Sec. 6. AS 16.05.407 is amended by adding a new subsection to read:

17 (e) An applicant for a nonresident big game tag for the taking
 18 of moose or caribou shall first furnish to the state, on a form pro-
 19 vided by the state, an affidavit showing where the applicant will be
 20 hunting and what guiding, transportation, or other big game hunting
 21 services the applicant will be employing. A person who falsifies an
 22 affidavit under this subsection is guilty of perjury under AS 11.56.-
 23 200.

24 * Sec. 7. AS 16.05 is amended by adding a new section to read:

25 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-
 26 LATIONS. (a) A person who transports a big game hunter to or from
 27 the field for compensation, or with the intent or an agreement to
 28 receive compensation, shall promptly report to the Department of
 29 Public Safety, division of fish and wildlife protection, and in no

1 event later than 30 days, a violation of a state fish, game, or guid-
2 ing statute or regulation that the person reasonably believes was
3 committed by a client or employee of the person.

4 (b) A person who violates this section is guilty of a misde-
5 meanor and upon conviction is punishable by a fine of not more than
6 \$2,000 or by imprisonment for not more than one year, or by both.

7 * Sec. 9. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
8 on the Guide Board and the commercial taking of big game is established
9 under the jurisdiction of the legislative council. The task force consists
10 of the commissioners of fish and game, commerce and economic development,
11 and public safety, or their designees; two members of the senate appointed
12 by the president of the senate; two members of the house of representatives
13 appointed by the speaker of the house; and six members appointed by the
14 governor as follows: one member of the Guide Board; one big game guide
15 licensed under AS 08.54 who is not a member of the Guide Board; and one
16 person engaged in a business, other than guiding, that includes transport-
17 ing big game hunters to and from the field; and three public members, at
18 least one of whom has no financial interest in any business involving or
19 related to the commercial taking of game. The governor shall appoint at
20 least one member from each judicial district in the state.

21 (b) The task force shall review the operations of the Guide Board and
22 shall study problems and issues concerning the commercial taking of big
23 game in the state and the businesses or professions that provide goods and
24 services to big game hunters in the state. The task force shall submit to
25 the legislative council, not later than January 15, 1989, a report on its
26 findings and proposed legislation to address the problems and issues cover-
27 ed in the report.

28 (c) The task force terminates January 15, 1989.

29 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).

House Resources Letter of Intent
For
CS SB 191 (Finance) AM

It is the intent of the Legislature that the task force established under the provisions of SB 191 shall have full investigative powers to research and make recommendations.

Under the Alaska Constitution all fish and game resources are the common property of the people, managed by the state in trust for their use. The task force shall examine how the taking of Alaskan big game by nonresidents and aliens conforms with the needs of Alaskan hunters, and what would be the effects of adding additional species to the guide-required list.

Other states and Canadian provinces have experienced similar commercial hunting pressures and problems. The task force should obtain as much information about the problems these other jurisdictions have experienced, examine how they solved the problems, and recommend accordingly for Alaska.

The task force shall examine who can provide commercial hunting services in the field, and what role transporters, air taxi operators and gear providers should play in the provision of commercial hunting services.

The Alaska Supreme Court will soon decide Owsichek vs. the State of Alaska dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision and recommend methods of accommodating the court's decision.

The task force shall work closely with the Department of Fish and Game to create a linkage between the commercial take of big game and game management.

The task force should examine all aspects of a head tax, the problems it had when it was in use in the past, and what would be the ramifications to game management if it was reinstated.

The task force should examine the licensing of transporters, and make recommendations as to whether such a system ought to be renewed, and, if so, under what conditions.

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically, the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the

Administrative Procedures Act. The task force shall also analyze the joint use concept and supporting agreements between guides in joint use areas as to whether these agreements are in the best interest of the state and commercial users. The task force shall also investigate whether there shall be one consistent policy for determining guide areas so that all areas are treated equally.

The guide system in Alaska is highly dependent on the restricted guide area concept for its success. The task force should examine all aspects of this system, and make recommendations pertaining to whether it is an open and accessible system, whether guides ought to be able to sell their areas, whether the state ought to lease areas or in some other manner establish a concessionaire approach to area management.

The task force should also work to define the definitions of "camp" and "in the field." The Task force should describe what commercial providers should be allowed in "camps" and "in the field."

The task force should also provide further explanation of what constitutes a "boat with permanent living quarters."

The task force should also address the issue of whether fish and wildlife protection officers and other state employees whose responsibilities include managing game resources, or enforcing the state's guiding laws or game management laws, should be able to hold guide licenses or participate in the industry.

The role of federal agencies in managing and permitting commercial uses of federal parks, reserves, and other federal lands has a direct impact in how the state's guide laws are monitored and enforced. The task force is directed to look at the role of federal agencies in monitoring and permitting these activities.

The legislature recognizes that hunting, flying and other travel in Alaska involves certain risks. The task force should look into the issue of who should have insurance, how much and what kind. This includes the issue of what kind of insurance should be required for air taxi operators.

The task force should also look at the role of sled dog hunts, and when dogs should be allowed in camps.

HOUSE COMMITTEE REPORT

5/3

(9)

Date referred: 4/20/88

FURTHER REFERRALS:

Finance

DATE: 5-2-88

The Resources Committee has considered CSSB 191(Fin)am

"An Act relating to the Guide Board and big game guiding, transporting, outfitting, and hunting and establishing an interim task force on guiding and the commercial taking of big game; and providing for an effective date."

RECOMMENDS:

- replace with Hcs CSSB 191 (Res) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: Hs. Resurre letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact _____
- zero fiscal note
- zero with analysis _____
- same as previous ² fiscal note published 3/31/88
- same as previous zero fiscal note published 3/31/88

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrman
Leinich Springer
Jan Ost
Wendy Pearce
Chip Davidson

Lyne Hoff (No Rec)
Mike ... (not ...)
John ... (no rec)
Paul Slutz No Rec

Adelheid Herrman
 CO - Chairman's signature



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

House Resources Letter of Intent For CS SB 191 (Finance) AM

It is the intent of the Legislature that the task force established under the provisions of SB 191 shall have full investigative powers to research and make recommendations.

Under the Alaska Constitution all fish and game resources are the common property of the people, managed by the state in trust for their use. The task force shall examine how the taking of Alaskan big game by nonresidents and aliens conforms with the needs of Alaskan hunters, and what would be the effects of adding additional species to the guide-required list.

Other states and Canadian provinces have experienced similar commercial hunting pressures and problems. The task force should obtain as much information about the problems these other jurisdictions have experienced, examine how they solved the problems, and recommend accordingly for Alaska.

The task force shall examine who can provide commercial hunting services in the field, and what role transporters, air taxi operators and gear providers should play in the provision of commercial hunting services.

The Alaska Supreme Court will soon decide Owsichek vs. the State of Alaska dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision and recommend methods of accommodating the court's decision.

The task force shall work closely with the Department of Fish and Game to create a linkage between the commercial take of big game and game management.

The task force should examine all aspects of a head tax, the problems it had when it was in use in the past, and what would be the ramifications to game management if it was reinstated.

The task force should examine the licensing of transporters, and make recommendations as to whether such a system ought to be renewed, and, if so, under what conditions.

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically, the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the Administrative Procedures Act. The task force shall also analyze the joint use concept and supporting agreements

between guides in joint use areas as to whether these agreements are in the best interest of the state and commercial users. The task force shall also investigate whether there shall be one consistent policy for determining guide areas so that all areas are treated equally.

The guide system in Alaska is highly dependent on the restricted guide area concept for its success. The task force should examine all aspects of this system, and make recommendations pertaining to whether it is an open and accessible system, whether guides ought to be able to sell their areas, whether the state ought to lease areas or in some other manner establish a concessionaire approach to area management.

The task force should also work to define the definitions of "camp" and "in the field." The task force should describe what commercial providers should be allowed in "camps" and "in the field." "Compensation", and "monetary consideration" should also be further defined and explained by the task force.

The task force should also provide further explanation of what constitutes a "boat with permanent living quarters."

The task force should address the issue of whether fish and wildlife protection officers and other state employees whose whose responsibilities include managing game resources, or enforcing the state's guiding laws or game management laws, should be able to hold guide licenses or participate in the industry.

The role of federal agencies in managing and permitting commercial uses of federal parks, reserves, and other federal lands has a direct impact in how the state's guide laws are monitored and enforced. The task force is directed to look at the role of federal agencies in monitoring and permitting these activities.

The legislature recognizes that hunting, flying and other travel in Alaska involves certain risks. The task force should review the issue of differing requirements for air transportation liability insurance and make a recommendation on the establishment of minimum insurance requirements for guides, lodge owners, and others who are not now required to carry liability insurance.

House Resources Letter of Intent
For HCS CS SB 191 (Resources)
Page 3

The task force could examine the possibility of bonding requirements for providers of big game hunting services.

The task force should also look at the role of sled dog hunts, and when dogs should be allowed in camps.

Adelheid Herrmann

Rep. Adelheid Herrmann
Co-Chairman, H. Resources
5/2/88

Sam Cotten

Rep. Sam Cotten
Co-Chairman, H. Resources
5/2/88

FISCAL NOTE

REQUEST:

Revision Date: 3/11/88
Title: An act relating to the Guide Board and Establishing a Task Force on Guiding
Sponsor: Coghill & Faiks
Requestor: _____

Agency Affected: Fish and Game
BRU: Game
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This analysis includes personal services costs to prepare for and participate in 3 meeting of the Guide Task Force in Anchorage per year and 3 teleconferences. These costs will be borne by existing personnel; no additional costs anticipated.

Prepared by: Donald E. McKnight Phone: 465-4190
Division: Game Date: 3/11/88

Approved by Commissioner: *Norman G. Holt* Date: 3/11/88
Agency: Fish and Game

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version. CSSB 191 (Fin)

Publish Date: Senate 3/31/87

REQUEST
Revision Date: _____
Title: "An Act amending the defini-
tion of big game guiding.."
Sponsor: Senator Coahill
Requestor: Senate Resources

Agency Affected: Public Safety
BRU: Fish & Wildlife Protection
Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Kyle Weaver
Division: Fish & Wildlife Protection

Phone: 269-5539
Date: 3/23/87

Approved by Commissioner: William R. Nix
Agency: Public Safety

Date: 3/24/87

Distribution (by preparer):

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

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 191 (FV)
PUBLISH DATE: Senate 3/31/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: CSSB 191 (Finance)
An Act relating to the Guide Board...
Sponsor: Senator Coghill
Requestor: Senate Finance

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council

Components: Council and Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	10.9	0	0	0	0
CONTRACTUAL	0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	12.9	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	12.9	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	12.9	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)

The Task Force on Guiding and Game is established under the jurisdiction of the Legislative Council Committee. The Task Force is composed of thirteen members, three from the Executive Branch, four legislators from the Legislative Branch, and six public members appointed by the Governor.

Prepared by: Pamela A. Stoops, Manager *Pamela A. Stoops* Phone: 465-3850
Division: Administrative Services Date: March 29, 1988

Approved by: Warren Endicott *Warren Endicott* Date: March 29, 1988
Agency: Legislative Affairs Agency

Distribution (by preparer):

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

CONTINUATION OF FISCAL ANALYSIS

It is assumed that travel funds for this task force will be paid as follows:

- 3 Executive Branch members - absorbed within existing executive branch departments.
- 4 Legislative Branch members - absorbed within existing Legislative Operating Budget.
- 6 Public members - paid by Legislative Council funds as projected below.

Projected expenses for the Task Force on Guiding and Game are as follows:

Personal services - Staff for the Task Force will come from existing staff under the Legislative Operating Budget.

Travel	- 3 trips @ 366 x 6 members	= 6,588
	3 days per diem (\$80)	
	3 trips x 6 members	= 4,320
Contractual	- Transcription of meetings	1,000
	Printing and binding of report	1,000
Supplies	- Will come from existing Legislative Council and Legislative Operating supplies.	
Equipment	- Will come from existing Legislative Council and Legislative Operating equipment.	

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 191 (Fin)
PUBLISH DATE: Senate 3/31/88

FISCAL NOTE

REQUEST:

Revision Date: 3/14/88 Agency Affected: Dept. of Commerce
Title: An Act relating to the Guide Brd., BRU: Occupational Licensing
the taking of big game, & services to hunters
Sponsor: Senate Resources Committee Components: Administration
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		65.1	9.0	9.0	9.0	9.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		65.1	9.0	9.0	9.0	9.0
CAPITAL						
REVENUE		65.1	9.0	9.0	9.0	9.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		65.1	9.0	9.0	9.0	9.0
TOTAL		65.1	9.0	9.0	9.0	9.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		1.0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: RPB Randall P. Burns Phone: 465-2535
Division: Occupational Licensing Date: 3/30/88
Approved by Commissioner: Kathy Marshall Date: 3/30/88
Agency: Department of Commerce & Economic Development

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Senate Bill 191

The attached two letters regarding this fiscal note are fully explanatory of the problem and the proposed approach to solve the Guide Board's mapping problems. This page summarizes the proposed plan:

First, the Division of Occupational Licensing will RSA the sum of \$23.5 to the Department of Natural Resources' Division of Management, Cartography Section, to provide the Guide Board with revised and updated maps.

Second, the Division of Occupational Licensing will contract with an arbitrator from the American Arbitration Association to fund a series of arbitrations on the guide areas currently permitted in each of the twenty-six (26) game units. The estimated cost of this project is \$41.6.

Finally, the Division of Occupational Licensing will, annually, provide \$9.0 to DNR's Cartography Section to continue the process of updating the Guide Board's display maps.

The entire cost of this fiscal note will be borne by an increase in the licensing fees of licensed guides. The increase in fees for FY 89 will be \$45.00, or \$22.50 per year. This increase will only be necessary for one year, unless the Guide Board subsequently seeks approval of an executive secretary position, in which case the fees would stay at the increased level permanently. The amount needed to fund the ongoing updates by DNR will necessitate a minimal uncrease of \$7.00 in a guide's biennial licensing fee.

There are currently 1,446 licensed guides in Alaska. The fee increase of \$45.00 will bring in \$65.1 in program receipts, which will fully fund the proposed mapping projects.

Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE RESOURCES COMMITTEE
 2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Resources)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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 8 establishing an interim task force on guiding and the
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 19 applicant is qualified generally to provide guided hunts and, in
 20 particular, to guide in each game management unit the applicant
 21 has selected; if an applicant demonstrates limited ability to
 22 read or write the English language, the entire examination shall
 23 be administered orally; and

24 (B) an oral examination of a registered or master
 25 guide who seeks an amendment of a game management unit certifica-
 26 tion; the examination must require demonstration that the guide
 27 is qualified to provide guided hunts in each new game management
 28 unit for which the guide seeks to be certified [EXAMINATIONS,
 29 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE

LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

(2) determine qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;

(3) establish guide performance standards and regulate activity;

(4) compile, maintain, and publish an annual register of master and registered guides who have not been convicted of a violation of a state game or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while the guide's license is revoked or suspended;

(5) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

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

(7) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, reasonable, and consistent procedure for limiting the number of guides to that quota; preference may be given to qualified available and willing licensed guides who reside within the designated game unit or subunit;

(8) meet at least twice annually, once in Anchorage and once in another municipality.

* Sec. 3. AS 08.54.210 is amended to read:

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

(1) a master guide, registered guide, special guide, class A assistant guide, or assistant guide to fail to timely report to the

Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, a violation of a state fish, game, or guiding statute or regulation that the guide reasonably believes was committed by a client or an employee of the guide;

(2) a guide to commit or aid the commission of a violation of this chapter or of a state game or guiding statute or regulation or to permit the commission of a violation that the guide knows or reasonably believes is being or will be committed without attempting to prevent it, short of using force, and without reporting it;

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

(4) a person without a current valid registered or master guide license to advertise as or represent to be

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

(5) a guide to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the guide;

(6) a person for compensation or hire to transport a hunter to or from the field in an aircraft for which the person does not hold a current valid air taxi commercial operator (ATCO) operating certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135, except that it is not a violation of this paragraph if a licensed guide transports a hunter to or from a restricted or joint-use guide area assigned to the guide or to the guide's employer in an aircraft owned by the guide and operated under 14 C.F.R. Part 91; in this paragraph, "for compensation or hire" means receiving any monetary consideration for the transportation, regardless of whether the

consideration is directly attributable to the transportation;

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

(8) [(7)] an assistant guide to contract to conduct a guided hunt;

(9) [(8)] an assistant guide to be in the field on a guided hunt except while employed and supervised by a registered or master guide.

(b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both, and the person's license may be revoked for a period up to five years. However, a person who engages in guiding activity during the period for which the person's license is suspended or revoked under this chapter, or who violates (a)(7) - (9) [(a)(6) - (8)] of this section, is guilty of a felony punishable, upon conviction, by a fine of not more than \$5,000 and by imprisonment for not less than one year nor more than three years. In addition to punishment for a felony, all guns, fishing tackle, boats, aircraft, automobiles or other vehicles, camping gear and other equipment and paraphernalia used in, or in aid of, guiding activity engaged in during the period of suspension or revocation may be seized by persons authorized to enforce this chapter and may be forfeited to the state as provided under AS 16.05.195."

* Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

(3) "guide" or "guiding" means accompanying or being present with, or providing a personal service for, a big game hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation; "guide" or

"guiding" does not include

- (A) accompanying or being present with a hunter
 - (i) in a boat with permanent living quarters;
 - (ii) at a lawfully established cabin or permanent lodge;
 - (iii) while providing transportation to or from the field, if the persons providing transportation and the persons being transported do not stalk, pursue, track, kill, or attempt to kill big game; or
 - (iv) in a base camp while attending to horses that are being used to transport big game hunters to or from the field; or
- (B) setting up a base camp for a big game hunter while the hunter is not in the field;
- (C) selling, leasing, or renting goods, if the transaction does not take place in the field;

* Sec. 5. AS 16.05.407(d) is amended to read:

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

* Sec. 6. AS 16.05.407 is amended by adding a new subsection to read:

(e) An applicant for a nonresident big game tag for the taking of moose or caribou shall first furnish to the state, on a form provided by the state, an affidavit showing where the applicant will be hunting and what guiding, transportation, or other big game hunting services the applicant will be employing. A person who falsifies an affidavit under this subsection is guilty of perjury under

AS 11.56.200.

* Sec. 7. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIOLATIONS. (a) A person who transports a big game hunter to or from the field for compensation, or with the intent or an agreement to receive compensation, shall promptly report to the Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, a violation of a state fish, game, or guiding statute or regulation that the person reasonably believes was committed by a client or employee of the person.

(b) A person who violates this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$2,000 or by imprisonment for not more than one year, or by both.

* Sec. 8. TASK FORCE ON GUIDING AND GAME. (a) The interim task force on the Guide Board and the commercial taking of big game is established under the jurisdiction of the legislative council. The task force consists of the commissioners of fish and game, commerce and economic development, and public safety, or their designees; two members of the senate appointed by the president of the senate; two members of the house of representatives appointed by the speaker of the house; and six members appointed by the governor as follows: one member of the Guide Board; one big game guide licensed under AS 08.54 who is not a member of the Guide Board; and one person engaged in a business, other than guiding, that includes transporting big game hunters to and from the field; and three public members, at least one of whom has no financial interest in any business involving or related to the commercial taking of game. The governor shall appoint at least one member from each judicial district in the state.

(b) The task force shall review the operations of the Guide Board and shall study problems and issues concerning the commercial taking of big

1 game in the state and the businesses or professions that provide goods and
2 services to big game hunters in the state. The task force shall submit to
3 the legislative council, not later than January 15, 1989, a report on its
4 findings and proposed legislation to address the problems and issues cover-
5 ed in the report.

6 (c) The task force terminates January 15, 1989.

7 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 468-3715

Representative Adelheid Herrmann, co-Chair - 465-4942 *ah*
Representative Sam Cotten, co-Chair - 465-3715 *sc*

Committee Schedule April 25 -30, 1988

Monday, April 25, 1988

8:00 - 10:00 a.m., Capitol 124

Mariculture Briefing by State on Market Study

Confirmation Hearing: Robert Lochman, Board of Fish

HB 393 Unauthorized Release of Farm Animals

HB 395 Fur Animal Collection Permits

SB 397 Obstructing or Hindering Hunting/Fishing

Bills Previously Heard in Committee

Tuesday, April 26, 1988

8:00 - 10:00 a.m., Capitol 124

SB 112 Forest Management Agreements
(Work Session)

* SB 431 Establishing AK Cartographic Center

SB 41 Purchase of Cabins on State Land

Bills Previously Heard in Committee

Wednesday, April 27, 1988

8:00 - 10:00 a.m., Capitol 124

* SB 472 Lease and Sale of Matanuska Maid Creamery

* SB 206 APA; Bonding Authority/Project
Exemptions

* SB 248 Interest Rates/State Land Sale Contracts

* SCR 42 Supporting Mini-Module Production

Bills Previously Heard in Committee

Thursday, April 28, 1988
8:00 - 10:00 a.m., Capitol 124

* SB 191 Guide Board; Big Game Guiding
(Work Session)

Bills Previously Heard in Committee

Friday, April 29, 1988
8:00 - 10:00 a.m., Capitol 124

SB 191 Guide Board; Big Game Guiding (Work Session)
Statewide Listen-in Teleconference, public testimony
if time allows

Bills Previously Heard in Committee

Saturday, April 30, 1988
1:00 - 3:00 p.m., Capitol 124

SB 191 Guide Board; Big Game Guiding (Work Session)
Statewide Teleconference Public Testimony

4-28-88/20
4 more off net
total 23
3 subjects

via cr

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

APR 13 1988

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

April 19, 1988

SUBJECT: Impairment of the obligation of
contracts (CSSB 191(Finance) am)

TO: Senator Ken Fanning

FROM: Edward H. Hein *EHA*
Legislative Counsel

You have asked for a brief explanation of the constitutional prohibition on the impairment of contracts and how it applies to amendment #3 to CSSB 191 (Finance).

The Contracts Clause is found in Article I, section 10 of the United States Constitution, which reads: "No state shall . . . pass any . . . law impairing the obligation of contracts. . . ." This language is mimicked in Article I, section 15 of the Alaska Constitution, which states "No law impairing the obligation of contracts . . . shall be passed."

The Contract Clause of the United States Constitution, in general, prevents the states from passing any legislation that would alleviate the commitments of one party to a contract or make enforcement of the contract unreasonably difficult. The primary intent behind the drafting of the clause was to prohibit states from adopting laws that would interfere with the contractual arrangements between private citizens. Specifically, the drafters intended to inhibit the ability of state legislatures to enact debtor relief laws. Those who attended the Constitutional Convention recognized that banks and financiers required some assurance that their credit arrangements would not be abrogated by state legislatures. Although the framers of the Constitution believed the Contract Clause would have limited

Senator Ken Fanning
Page 2
April 19, 1988

application, the United States Supreme Court over the years has expanded its scope to protect property interests from unwarranted state regulation. Since the Great Depression of the 1930's, however, the court has sustained the great majority of state laws against attacks to their constitutionality under the Contract Clause. Rotunda, Nowak, and Young. Constitutional Law: Substance and Procedure, Sec. 15.8 (West, 1986).

State governments are not absolutely prohibited from modifying the obligations in private contracts (or public contracts, for that matter). As the United States Supreme Court stated in Allied Structural Steel Co. v. Spannaus, 57 L.Ed2d 727, 734, (1978): "It is the settled law of this court that the interdiction of statutes impairing the obligation of contracts does not prevent the State from exercising such powers as are vested in it for the promotion of the common weal, or are necessary for the general good of the public, though contracts previously entered into between individuals may thereby be affected. This power, which in its various ramifications is known as the police power, is an exercise of the sovereign right of the Government to protect the lives, health, morals, comfort and general welfare of the people, and is paramount to any rights under contracts between individuals." Citing Manigault v. Springs, 50 L.Ed. 274.

In determining whether a state law affecting an individual's ability to carry out obligations under contract is an improper impairment of contract, the court must go through a three-step analysis. First, the court must ask whether the state law has "operated as a substantial impairment of a contractual relationship." Second, if the law does constitute a substantial impairment, the court asks whether the state law is designed to promote a significant and legitimate public purpose. Third, the court asks whether the law is a reasonable and narrowly tailored means of promoting the significant public purpose identified in step two of the analysis. Spannaus, at 734 - 736; also see Rotunda, Sec. 15.8.

The Alaska Supreme Court has not interpreted the Contracts Clause. Because of the lack of guidance from our court, and because of the similarity of language in the state and federal clauses, it must be presumed that the legal analysis under both clauses is the same.

Senator Ken Fanning
Page 3
April 19, 1938

Amendment #3 to CSSB 191 (Finance) was adopted by the Senate on April 15. The amendment changes the definition of "guiding" under AS 08.54.240(3). Under current law, guiding means "accompanying or directing a hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation, while the hunter or the person accompanying or directing the hunter spots, stalks, pursues, tracks, kills, or attempts to kill big game." The term "in the field" does not include being present in a boat with living quarters or at a lodge or base camp. The amendment broadens the scope of guiding to cover any "accompanying or being present with, or providing a personal service for, a big game hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation." The amendment specifically allows a person without a guide license to accompany a hunter in the field under four circumstances: (1) in a boat with living quarters; (2) at a lawfully established cabin or permanent lodge; (3) while providing transportation to or from the field; and (4) in a camp while attending the transporter's horses.

The first question in the analysis is whether this restriction on non-guides' activities is a substantial impairment of a contractual relationship. Clearly the amendment will affect the contractual relationships of outfitters who have agreed to provide clients with certain kinds of personal services in the field that are currently allowed under the statute. These would include any services provided in a base camp, such as cooking. Arguably, this is a substantial impairment in cases in which the outfitter's main service is setting up and maintaining a camp and providing all personal services in the camp while the hunters are in the field. On the other hand, the amendment does not restrict transportation services; providing quarters, meals and other personal services in a lawful cabin, permanent lodge, or a boat; renting equipment; or setting up a camp in the field before the hunters arrive. In addition, it must be recognized that most contracts are contingent on the seasons and bag limits set by the Board of Game, and subject to possible emergency closures by the board or commissioner. Thus, these contracts by their own terms are already subject to being impaired by regulatory action by the state. Therefore, a reasonable argument can be made that amendment #3 does not substantially impair the outfitters' contractual obligations and, therefore, does not violate the constitution.

Senator Ken Fanning
Page 4
April 19, 1988

Even assuming that the amendment does represent a substantial impairment of contract, it is designed to promote a significant and legitimate public purpose. By restricting non-guides' access to hunting areas while accompanying hunters, the amendment serves to reduce the opportunities for outfitters to violate guiding and game laws. It also promotes the use of licensed guides, who generally are more qualified to protect the hunter's safety in the field. Given the difficulty of detecting guiding and game law violations in the field, the amendment appears reasonably calculated to achieve the legitimate goal of protecting both the game resources of the state and the hunters. It is narrowly tailored in that it does not prevent outfitters from providing services in the field or from continuing existing operations.

In light of all these considerations, it should be concluded that amendment #3 does not violate the Contracts Clause of the United States Constitution or of the Alaska Constitution. To conclude otherwise would be to allow outfitters by contract to frustrate the legislature's ability to expand the definition of guiding and to effectively regulate the guiding industry and manage game resources. The private interests at stake in this instance are outweighed by the state's interest in exercising its legitimate police powers for the protection of its game resources and for the safety of the public.

EHH:gc
WKG3:009



Alaska State Legislature

Senate

Official Business

April 22, 1988

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Rep. Adelheid Herrmann, Co-Chair
Rep. Sam Cotten, Co-Chair
House Committee on Resources

From: Senator Ken Fanning *KF*

Subject: SB 191 - Guide bill

Thank you for scheduling SB 191 in a most expeditious manner. You know, as I do, the urgency of addressing the guide/outfitter problem in a meaningful way this session. I appreciate your willingness to take up the bill and resolve the issue.

I believe the bill, as it left the Senate, is a good first step toward stopping the current uncontrolled commercial pressure on big game. However, with some simple but significant additions, the bill would be considerably strengthened.

The first suggestion is to prohibit the use of the term "outfitter" by anyone other than licensed master and registered guides. It has been well-documented that the use of this term by those who are not licensed to provide guided hunts has caused enormous confusion throughout the lower 48, because in other states and Canadian provinces, the outfitter is the one who holds that legal capability. Prospective hunters unwittingly sign up thinking they are contracting with licensed guides. Please refer to the testimony of Lew Pamplin for how hunters react when they become dissatisfied with the services they've paid for.

The second suggestion I would make is in the definition of "guide" or "guiding" in sec. 3, where "providing a camp" should be included as part of what guides do. So long as the unregulated operators are able to maintain camps in the field, they will be able to wholesale the state's big game. By removing that ability, their activities are further reduced by a diminished incentive.

Although other amendments might be proposed, the two I have attached would help to further tighten up the bill.

Thank you again for your quick action on SB 191. If I or my staff can be of any assistance, please call.

enclosure

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

On page 1, line 29, through page 2, line 1;

Delete all material, and insert in its place the following:

"(4) a person without a current valid registered or master guide license to advertise as or represent to be

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

On page 3, line 11, following the word, "providing",

Insert: "a camp or"

Opening weekend
Sept 1, 1987

ALASKAN

WILDERNESS OUTFITTING COMPANY

BOX 1516 • CORDOVA, ALASKA 99574

907-424-5552



February 19, 1986

Brian S. Nantais
P.O. Box 96
26364 Pine Avenue
Rimforest, California 92378

Dear Mr. Nantais,

Thank you for your letter and I am sorry to be so long in getting back to you, but I have been on the road working sport shows. There would be no problem in setting you up for a moose hunt in 1987--in fact, it is good to plan ahead as we already have parties talking about next year's hunts. Cow, bull or calf are all open in the area of our camp and you will have excellent chance for taking a black bear. It would be almost impossible to spend a week there and not shoot a moose with the availability of cow, bull or calf--or I would give you a 50-50 chance of four hunters each shooting a trophy bull of 55 inches or better. Moose season will start September 1st in 1987 and you will have six full days of hunting after flying into camp. Daylight at that time of year will usually be from 6:30 a.m. until almost 9:00 p.m..

Our moose camp is our only hunting camp that does not offer good fishing. We advise everyone to plan one extra day on the tail end of their trip in case of bad weather, so if you got out of camp on schedule you could spend a day salmon fishing out of Cordova.

The hunt costs \$995.00 per person for a party of four persons and as long as you are planning on others joining the two of you, you may base the deposit on that fare--making the deposit \$298.50 for each of you. This will hold the first week of the camp and we can adjust the rate later if others do not join you.

Please feel free to call or write again if you have any other questions. We still can be reached at 209-952-7595.

Sincerely yours,

Pat Magie, Managing Owner
ALASKAN WILDERNESS OUTFITTING COMPANY



FISHING
HUNTING

RAFTING
HIKING

TOURS
CABINS



September 29, 1987

Pat Maggie
Alaskan Wilderness Outfitting Co.
Box 1516
Cordova, Alaska 99574

Dear Mr. Maggie,

In January, 1985, I began talking with you about a moose hunt in Alaska. As I am sure you recall, there were several letters and numerous questions and concerns we had. Having been convinced that our needs would be met, we reserved opening weekend for 1987 and sent you a deposit on July 1, 1986. We met with your family members at the Anaheim Convention Center twice, sent several more letters and I'm sure asked the same questions several times. One thing we were especially concerned about was caring for the meat and butchering. You assured us on several occasions that was not a problem and that it would be taken care of, even quoting a price of 30 cents per pound.

One of our hunting party has his own airplane in Anchorage and the primary reason for using your service was to learn, having never hunted moose or in Alaska before. We are all experienced hunters, however, and do hunt all over the United States.

Our experience with Alaskan Wilderness Outfitting Co. was less than satisfactory. First, it appeared to us that we were not in a prime hunting area, recognizing the weather was not cooperative and it was hot. We felt as if we were a convenience for you to drop us where you did in route to and from your fishing camps. Your helpers rode the ATV for miles near the hunting area, then left the vehicle for us with a large hole in the rear tire and no pump, patch kit or tools. The boat had a leak where it had been patched previously, and several items on the supplies list were not included in the camp supplies.

Our real frustration came when it involved the game. We did manage to see two cows during the week and take both animals. The first was taken on Tuesday, August 25. Your note left at camp the same day said you would be back Wednesday, August 26, "about noon". We all waited from 10:00 a.m. until 3:30 p.m. and you never showed. Finally, about 4:30 p.m. one of your employees stopped by but couldn't take the meat as they were on their way to pick up people at the fish camp. On Thursday morning, the meat was picked up. Thursday afternoon we took the second animal. Friday afternoon the airplane could not take the meat because again they had to pick up people at the fish camp.

At that time, we were informed that there was no one in Cordova who could butcher our game. We were also told that you would be there at 8:30 a.m. Saturday morning to pick up the second animal and around 4:30 p.m. to pick us up and our gear. Everyone waited in camp all day until you showed up with the big airplane at 4:30 p.m. to take meat, gear and us in one trip. At that point, we felt we had lost two complete days of our trip in the field unnecessarily.

Upon arrival back in Cordova, we were told that still no one had been located who could butcher our game. On Sunday, August 30, there was still no change. You would not fly the meat to Anchorage, even when we requested, so we were forced to resolve the issue the best we could. We made three trips from Cordova to Anchorage in our private airplane between Sunday and Monday. We had to remove the seats from our plane Monday to bring the meat over. This was more than \$60.00 each trip for fuel. Second, we had to change our return flight home reservations from Cordova to Anchorage which was an additional \$72.00 each. Finally, we lost yet a third full day of our two week stay because of your lack of organization.

When we finally received our meat we lost several pounds due to maggots. Our finished product, including 270 pounds of burger and 100 pounds of sausage, was 654 pounds for the two animals.

Mr. Maggie, we feel that first we should have been given an opportunity to come on September 1, 1987, and hunt your "regular" moose camp. We were not given that choice. Second, we would have appreciated more counsel on how to hunt the area, browse, sign, etc., especially with the hot weather. We felt like all we received was lip service with no action. No instruction or helpful hints were expressed. All you said was "With this weather it will be weeks before anything is moving in this area" and also told us to position someone on a small hill near the camp every morning. We were not even told of the need for bug nets for our heads considering the weather. Third, we feel you should reimburse us for some of those unnecessary expenses such as \$180.00 fuel, \$288.00 additional airline tickets and \$107.00 for one night in a motel, etc. How do you place a dollar value on three days lost of a two week trip that had been planned for two years?

You draw an enormous amount of business from California through the Sports and R.V. shows, etc., Mr. Maggie. You have been in business a long time, as you told us, and handle upward of 300 clients per year, as you stated. We feel we have been dealt a disservice. Legally, we feel you did not meet your contractual obligations.

I speak for the four of us and challenge you to make things right. This type of service will destroy a good business.

Sincerely,



Brian S. Nantais
42635 Remora St.
Rancho California, CA 92390

BSN:cj

cc: Edward W. White
Donald R. Martin
Norman E. Stevens
Anaheim Convention Center
State of California Dept. of Corporations
State of California Secretary of State
State of Alaska Dept. of Fish and Game
H. Warner Buck Enterprises
Alaska Professional Hunters Assoc. Inc.

FROMTELEX NO: 147118
Answerback: HUNT REPORT NY

A MONTHLY NEWSLETTER

"SERVING THE HUNTER WH

Alaskan Trophy Hunting

**DICK GUNLOGSON**PROFESSIONAL HUNTER
MASTER GUIDEBOX
193WILLOW, ALASKA
99888PHONE
(5-7) 495-6434**DATELINE: ALASKA**

(Editor Note: A big Alaska-Yukon moose is high on the list of many US and European Hunting Report subscribers. But where—and with whom—should you book a hunt? Here are some suggestions from Alaska correspondent, Clive Butler.)

Most people who know the Alaska hunting scene will tell you that trophy Alaska-Yukon moose exist throughout the state. However, some Game Management Units do have larger concentrations of moose. And more moose, obviously, means a better chance of nabbing a big bull. At present, moose populations in Interior Alaska are at low levels and either stable or increasing. Many populations in Northwest Alaska (units 22 and 23) and southcentral Alaska, however, are at high densities and stable or increasing. Here are my picks for the 1988 season: Guide **Bob Hannon** hunts some high-moose-density areas in Western Alaska and says a hunter has an above-average chance of taking a record-class moose with him. There's plenty of evidence to back up his claim. Western Alaska is a top producer of record-class moose. On the Seward Peninsula, Unit 22, biologists estimate a total population of 3,260 to 4,150 moose. The most popular areas include the Kuzitrin drainage, an area with good access and high harvest, and the Agiapuk drainage, an area with limited access and moderate harvest. The Kuzitrin area has a bull/cow ratio of 36 to 100. In the Agiapuk, the ratio hovers around 80 to 100, perhaps the highest in the state. I feel this latter is the best place in Alaska to bag a record-book moose. In Unit 23, the Kotzebue Sound area, there are

5,000 to 7,000 moose. Best hunting areas include the Buckland and Noatak River drainages, and Eli and Tagagawik rivers. Very high moose densities can also be found in Unit 24, especially in the Koyukuk drainage, where biologists estimate density to be 3.6 moose per square mile. A hunter who books with Hannon has the option of hunting in September or November for a trophy moose. "November offers a totally different moose-hunting experience," Hannon told *The Hunting Report*. "We go out on snowmachines and glass for moose along the riverbottoms. It's no problem locating moose. They're every-



where. It's a matter of holding back until you see a really large one." Hannon says trophy moose are also available in September, but are a bit harder to locate, because of thick foliage then. Nonetheless he does frequently take 60-plus inchers then. Overall, he takes numerous record-class and even record-book moose each year. Hannon points out to all would-be hunters that his snowmobile hunt is very different from most moose hunts. "The only time you get off the machine is when you're glassing or making a stalk," he says, adding that "may turn some hunters on and turn some off." The machines save

a lot of walking, but they don't mean the hunt is easy, he warns. "You should be in good shape for this hunt, and be prepared to ride long distances in the cold." . . . Another guide to consider is **Bill Fitzgerald**, who hunts the Talkeetna Mountains and the Alaska Range, both of which are known for their record-book moose. Fitzgerald has been hunting moose for 12 years, and has been 100 percent: "We took three bulls last year (the maximum number of moose he takes from his area per year), two of which went over 60 inches," Fitzgerald said. "One was the second-best moose I ever helped a client take. It measured 67 inches and scored 249 1/2 SCI. It was taken by a hunter from West Germany." The best moose Fitzgerald ever took was a 72-incher several years ago. "A 'trophy' moose is in the eye of the beholder," he said. "That 72-incher was quite ugly, if you ask me, but the client was happy with it." He says many of his clients are interested in moose that measure 55 to 60 inches, which are "average" animals in his area. "Plenty of them go 60 to 67 inches and have good baskets and palms, he says. Fitzgerald hunts moose in September, and at this writing had only one opening left in 1988. It was a 1x1 hunt, from spike camps. "Hunters who go with me should be in good physical condition," Fitzgerald warned. "We go where the moose are. I fly over the area before the season, and locate the big ones. That saves a lot of scouting, but it doesn't take the work out of my hunts." Another area that has been producing good numbers of bulls is the Mulchatna area. According to Doug Brewer, who arranges unguided, drop-off hunts, last year was one of

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"SERVING THE HUNTER WHO TRAVELS"

his best ever for big moose. "Our success rate was 71 percent for moose, and 93 percent for caribou," he said. "We took more than 140 caribou and 62 moose. Three of those moose qualified for Boone and Crockett, while one made it into Pope and Young." Brewer says more than half of the hunters he books want a "Super Cub hunt." This involves ferrying hunters to a large lake or river, where they are dropped off and taken one at a time to an alpine lake or air-strip away from other hunters. "I think the word is getting out that this is a much more successful way to hunt Alaska," Brewer says. His hunts are completely do-it-yourself affairs. He merely drops hunters off in an area, and picks them (and their meat) up for transportation back to civilization. Hunters must



know how to live and hunt in a wilderness, and how to bag the species they are hunting. Most of the hunting in Brewer's area is in high, alpine country or along riverbottoms. Both types of terrain require hunters to be in good condition. Significantly, the high alpine areas offer a chance for a black bear and caribou, as well as a moose. These are backpack-type hunts, and gear is limited to about 60 pounds per person. Ankle-fit hip boots are a must for both areas due to soggy patches of tundra and riverbottom. Brewer recommends seven to 10 days for one of these hunts, although there is no limit on the stay or extra charge for extra days. . . . Another do-it-yourself operator to consider is **Jim Kacur** of Frontier Flying Service. Ask him about Units 21A and 21E, with a bull/cow ratio of 47 to 100, and Unit 21D, where latest surveys indicate that densities along the Yukon River range

from 2.5 to 3.5 moose per square mile. Densities along the Koyukuk River range from 2.8 moose per square mile in the lower portion to four to six moose per square mile in the upper portion. . . . A final operator to consider is **Joe Klutsch** who hunts Unit 9E on the Alaska Peninsula, which historically has been a big producer of record-book moose. Klutsch has been hunting this area for years, and is one of the few guides who specializes in large moose here. His clients take several record-class moose annually. He also has one of the best record-book caribou areas in the state. Expect large expanses of flat, swampy terrain with dense thickets near riverbottoms. The area offers spectacular scenery of dormant volcanoes, cinder flats and tidal areas. The season on the Peninsula is subject to change, but usually takes place in September.—*Chris Batin.*

(Editor Note: The guides and operators mentioned in this report can be reached as follows: Bob Hannon, General Delivery, Koyuk, Alaska 99753. Tel. 907-963-3221; Bill Fitzgerald, Box 93, Talkeetna, Alaska 99676. Tel. 907-733-2566; Joe Klutsch, P.O. Box 313, King Salmon, Alaska 99613. Tel. 907-246-3030; Doug Brewer, Box 8553, NRB, Kenai, Alaska 99611. Tel. 907-776-5147; Jim Kacur, 3820 University Ave., Fairbanks, AK 99701. Tel. 907-474-0014.)

DATELINE: TEXAS

(Editor Note: A Texas hunting area we've never written about before is famed Palo Duro Canyon in the Panhandle. Correspondent Ray Sasser filed the gap this month with the following short report on the mule deer and aoudad hunting available there.)

With one notable exception, the Texas Panhandle is a flat, featureless plain. That exception is Palo Duro Canyon, southeast of Amarillo, where the Prairie Dog Town Fort of the Red River created a canyon that's as colorful and unusual as the name of the river that formed it. The canyon is a harsh and rugged 1,000 feet deep and eight miles across at its widest point. This area is home, however, to mule deer and the state's first and largest free-ranging herd of aoudad



"SERVING THE HUNTER WHO TRAVELS"

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The Hunting Report, is a newsletter for the active hunter/conservationist who travels in search of the world's best hunting, and who is deeply involved in efforts to save that hunting for future generations. The Hunting Report is not a booking agent, nor is it affiliated with a booking agent, outfitter or guide. All recommendations contained herein are based on the best information available. The Hunting Report is published monthly by The Hunting Report, Inc., G.P.O. Box 1742, New York, N.Y. 10116. A one-year subscription costs \$60/year. Single copies cost \$7.50. For airmail delivery to all foreign countries except Canada and Mexico add \$21/year. Foreign subscribers send US BANK DRAFT or charge subscription to American Express card. Convertible foreign currency checks from Europe, Japan, Canada and Australia are acceptable. Please send in local currency the equivalent of \$87 US to cover check-clearing charges. Canadian subscribers send local currency equivalent of \$66 US. Send editorial queries and manuscripts to The Hunting Report, G.P.O. Box 1742, New York, N.Y. 10116. Attn: Don Causey. For subscription information use same address, Attn: Cathy Bell. Contents copyrighted © 1988 by The Hunting Report. Material herein may not be reproduced without permission of The Hunting Report. Tel. 212-929-7152. Telex 147118. Answerback, HUNT REPORT NY

Production/Research Mgr., Ben Montanelli
Design by Victor Kloss

MEMORANDUM

State of Alaska

TO: Don McKnight
Acting Deputy Director
Division of Game
Juneau

DATE: April 11, 1988

FILE NO:

TELEPHONE NO: 267-2231

THRU:

SUBJECT: HB 183 (Resources)

FROM: *Lew Pamplin*
Lew Pamplin
Director
Division of Game
Department of Fish and Game
Anchorage

Provided below is the testimony I gave on April 8, 1988 to House Resources on HB 183.

- My comments were similar to those given to the various Senate committees addressing this issue.
- ° The Guide License and Control Board should be retained and expanded as appropriate to provide a regulatory framework for commercial activities involving the harvest of game.
- ° We would be pleased to participate on an interim task force if one is established to evaluate the current situation.
- ° Big game guiding, air taxi operators, "outfitters," and others providing hunting services influence game management in certain areas and for some species (e.g., moose) by affecting hunter distribution and harvest in terms of the number of animals taken and the sex and age composition of populations.
- ° Increased access by using aircraft, boats, ATV's, and other means is affecting hunter success and hunting quality in some areas.
- ° It is important that the public, including nonresidents, clearly understand the different categories of commercial activities relating to hunting big game. We agree completely with the efforts to tighten-up on outfitters and others trying to exploit Alaska's big game, particularly those using false and misleading pretenses. There is no question that these activities are getting out-of-hand in certain areas (e.g., moose hunting in portions of Units 9, 19, 21, and 23).

- Although we do not have a "good handle" on the number of outfitters using most parts of the state, we do know that the number has increased substantially in the last 3 to 5 years. It is very difficult knowing how many people are providing these kinds of services since the only requirement is for a person to have a business license to operate as an outfitter.
- There are about 30 guides using Kodiak (i.e., Unit 8) and we know of at least 60 outfitters. In Unit 21, we know of one outfitter who has booked over 220 moose hunters into one subunit of that area; two years ago this person took only 10 to 15 hunters into the same area. In Unit 17, there are about 120 to 130 commercial operators including big game guides, fishing lodge owners, air transporters, and outfitters. We suspect that more than half of these operations are outfitter-related.
- If a task force is established, we recommend that it review what species should be added to the guide-required list for nonresident hunters. We do not agree that moose, caribou, and deer should be added to the list and are opposed to reporting requirements being placed on residents who may take nonresidents hunting (e.g., friend, relative). These requirements would be impractical, unenforceable, and an unnecessary burden on Alaska resident hunters. These requirements would probably result in a substantial decrease in nonresident license and tag fees going into the Fish and Game Fund.
- One possible solution to the current dilemma would be to simply make it unlawful for a person (a resident or nonresident) to take another person (a resident or nonresident) big game hunting for compensation or with an intent of an agreement for compensation unless the person is a guide.
- The rumors floating around that the Division of Game does not want to work with the Guide Board and is unwilling to provide information are not true. When requested in the past, we have provided information and assistance, and we will continue to do so. We do not believe that it would be appropriate for this department to have the responsibility for regulating guides. However, this does not mean that we don't want to assist the Guide Board.
- When asked what percentage of outfitters were non-residents, I took a "wild guess" that about 40 percent were nonresidents and 60 percent residents.

Rep. approved

- ° I made it clear that the increase in outfitting services is a serious problem in certain portions of the state and that it would get worse over time, unless something is done to control these activities.
- ° Page 2 of the bill, line 7, add or hunting after the word "camping."
- ° In line 7, the word "vehicle" needs to be defined. I suggested adding a section (C) in this paragraph and defining vehicle--"a vehicle includes such things as aircraft, pickup trucks, boats, rafts, and all terrain machines (i.e., ATV's)."

cc: Norman Cohen
Roland Shanks
Warren Wiley
Game Regional Supervisors

the state is either good or bad whether Alaska is organized, you know, doing things that are decent for the public and all that and when you have a lot of ambiguity or confusion, it leaves a bad taste in people's mouth which is not good for Alaska as a state.

TESTIMONY OF
LEW PAMPLIN
DIR. DIVISION OF
GAME, FISH &
SEN. RESOURCES
COMMITTEE
MARCH 2, 1988

And the other thing is back to the department's position is that when people go out, for example, and they read things in you know outdoor magazines or catalogs or this or that, and they see these advertisements in terms like outfitters used, or other terms, the impression they get is that they are actually dealing with is a master guide because, most states like Montana and other states, that is the term that is used to describe guide. What happens is they come to Alaska and think that is what they're getting. Well, they may not be getting that and so what do they do? The first thing they do is come to the Department of Fish and Game and raise all kinds of hell. We end up answering correspondence, doing this, doing that, and we're using state money to compensate for something that is unclear and, again, the people get the bad taste and it tarnishes our image - the state and the departments - since we have no control (over) any of that stuff.

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Regarding the drafts dated 2/26/88, I have a few specific comments on that. Any reporting requirements that are placed on transporters or guides or anyone else involved in

Nota Page 2!!!

Alaska Adventure Planning

3605 Arctic Blvd. #2328, Anchorage, Alaska 99503

Phone: (907) 243-6374

January 14, 1988

North Star Aviation
P.O. Box 193
Willow, Alaska 99688

FEB 18 1988


Dear Sirs,

My name is Bruce Nelson, and I have started a new business called Alaska Adventure Planning. I will be planning all aspects of a self-guided trip in Alaska for hunters, fishermen, and other sportsmen. Most importantly I will be selecting a destination and booking any "bush flying".

Perhaps of most interest to flying services such as yourself is the fact that I am asking no commissions of any kind from you. My idea is to get an up-front fee from the client, thus assuring him that there is no bias on my part; I'm looking to find the best, safest, and most economical flying for them.

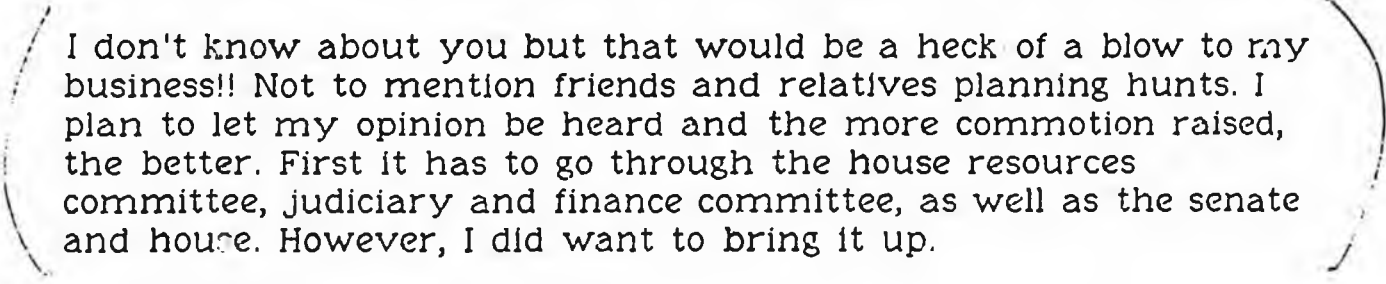
Hopefully this will work out well for all parties involved; I receive my fee, the hunter or fisherman gets a good trip planned, and the flying service gets "free advertising", and deals with people who are squared away on such things as what to pack, how to pack it, dealing with unavoidable flight delays, etc.

As time allows I would like to talk with you personally. In the meantime I would appreciate any brochures, rate schedules, or any other information you may already have printed up. Things I'd like to know are your experience, safety record, number and type of aircraft, capacity of each, float/gravel bar landing capabilities, areas you fly, packages you already have set up, (such as float trips), any outfitting you may do, past hunter/fisherman success, deposit policy, and insurance.

I'm advertising quite extensively in "Field and Stream", "Outdoor Life", "Petersen's Hunting", etc., and I hope to book about 300 people total this summer, so I could be sending quite a bit of business your way. 

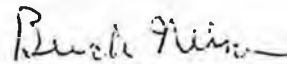
One other point I'd like to make that you're no doubt aware of, and that's House Bill 331. The part of most concern to us is obviously Sec. 9. which reads, in part:

"A nonresident may not hunt, pursue, or take a moose, black bear, brown bear, grizzly bear, polar bear, goat, or sheep in the state, unless personally accompanied by a licensed master guide, registered guide, class A assistant guide, or assistant guide

I don't know about you but that would be a heck of a blow to my business!! Not to mention friends and relatives planning hunts. I plan to let my opinion be heard and the more commotion raised, the better. First it has to go through the house resources committee, judiciary and finance committee, as well as the senate and house. However, I did want to bring it up. 

Hope to be talking to you soon!

Sincerely,



Bruce L. "Buck" Nelson 

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

April 28, 1988

Hon. Adelheid Herrmann, Chair
House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Herrmann:

In response to your requests and in comment on CSSB 191 (Finance) am, I offer the following.

I. PREVENTING NON-RESIDENTS FROM BECOMING TRANSPORTERS

You asked me to explore legal ways to prevent nonresidents from becoming transporters.

At my last meeting with the committee, I explained our reasons for recommending against enforcement of the law which prevented non-residents from becoming registered guides. As you may recall, the Attorney General Opinion of October 29, 1986, stated that this law violates the privileges and immunities clause, Article 4, Section 2 of the U.S. Constitution. This is because the pursuit of a livelihood is a protected privilege under the privileges and immunities clause, and there is no substantial justification for this type of discrimination against nonresidents.

Any law which discriminates in the same way against persons who desire to become transporters would have the same weakness. There may be ways to distinguish the two groups without directly using the terms "resident/nonresident." But no matter how written, if the application of a law categorically and without substantial justification excludes persons from a vocation because of their residency, it would likely be found unconstitutional.

If the legislature decides to regulate transporters, it may establish qualifications based upon other criteria, for example, experience, skill, financial responsibility, and demonstrated knowledge of pertinent laws. Then the only constitutional requirement is that these qualifications be

reasonable and not arbitrary. (See discussion of substantive due process in Part II below.) I would be glad to assist you in developing such criteria.

II. PROPOSED AMENDMENT BY REPRESENTATIVE PEARCE

Representative Pearce asked me to comment on a proposed amendment which would prohibit transporters from providing services to nonresidents. The effect of this proposal would be to limit a transporter's business to only Alaska residents and to limit the access of nonresidents to all game species.

As I stated before the committee, this proposal is not jeopardized by the privileges and immunities clause. This is because recreational hunting has not been recognized as a protected privilege under this clause. Baldwin v. Montana Fish and Game Commission, 436 US 371 (1978).

Nevertheless, this proposal must meet other constitutional requirements, in particular, those of equal protection and substantive due process. These requirements call for an analysis which is similar to an analysis under the privileges and immunities clause. Lynden Transport, Inc. v. State, 532 P.2d 700 (Alaska 1975).

A. Equal Protection

The 14th Amendment of the U.S. Constitution and Article 1 of the Alaska Constitution guarantee citizens equal protection of the law. Equal protection analysis is appropriate whenever legislation creates "classifications," that is, whenever it treats people differently who may be similarly situated. At a minimum, the legislation must be (1) based on a legitimate public purpose (2) the classification must be reasonable, not arbitrary, and (3) the classification must rest upon some ground of difference which has a fair and substantial relationship to the object of the legislation. State v. Ostrosky, 667 P.2d 1184 (Alaska 1983).

Applying this analysis, Representative Pearce's proposal could conceivably be based on the "legitimate public purposes" of hunter safety, consumer protection, or the management and preservation of game resources. Her proposal intends to serve these purposes by distinguishing between nonresidents and residents and between transporters and others who provide services to hunters. Thus, the outcome depends on whether this double classification has a fair and substantial relationship to

these purposes. In other words, the final step in equal protection analysis is to ask whether it is reasonable for the legislature to attempt to promote hunter safety, consumer protection, or the preservation and management of game resources by prohibiting transporters from serving nonresidents, but not placing a similar restriction on other providers.

Concerning the first purpose, her proposal would survive if there is evidence that nonresidents in the hands of transporters constitute a greater hunter safety problem than nonresidents with guides, unaccompanied nonresidents, unaccompanied residents, residents with transporters, or residents with guides. Does the legislature know how many transporter clients are nonresidents and whether these persons are responsible for proportionately more hunter accidents than the other groups?

The same questions apply to the other purposes. Has the legislature any testimony, studies, or similar information that nonresidents are more often victims of consumer fraud by transporters than they are by guides, or than residents are by either transporters or guides? Is there evidence that nonresidents served by transporters are proportionately a greater threat to game resources than are nonresidents with guides, unaccompanied nonresidents, unaccompanied residents, or residents with either transporters or guides?

These are questions that a court would likely ask if this proposal is challenged on equal protection grounds. Unless the state has evidence that this classification reasonably serves at least one of these purposes, a court may find that the classification serves only the purpose of economically assisting one group over another. When a classification that serves only economic purposes is based upon residency, it has been struck down by our Supreme Court. Lynden Transport, Inc. v. State, 532 P.2d 700 (Alaska 1975).

B. Substantive Due Process

Under the Alaska Constitution, substantive due process is denied "when a legislative enactment has no reasonable relationship to a legitimate governmental purpose." Concerned Citizens of South Kenai Peninsula v. Kenai Peninsula Borough 527 P.2d 447, 452 (Alaska 1974). This constitutional guarantee assures that a legislature's actions are not arbitrary, but are instead based on some rational policy. Concerned Citizens, 527 P.2d at 452.

Although substantive due process does not examine the treatment of different classes, its approach is similar to that of equal protection. Because it uses a "reasonable means-to-end" approach, the analysis would be the same as above.

III. COMMENTS ON SECTION 2 OF CS FOR SB 191 (FINANCE) am

This section requires a transporter to have an air taxi commercial operator certificate under federal regulation 14 C.F.R. Part 135, but exempts a guide from the same requirement if the guide operates his or her aircraft under 14 C.F.R. Part 91 to the guide's exclusive or joint use area.

Regulations under Part 91 pertain to the operations of all aircraft pilots. Regulations under Part 135 place additional requirements on those pilots who carry passengers or property for compensation or hire in smaller aircraft. (Section 135.1(a)(3)).

Operating requirements under Part 135 are significantly greater than those under Part 91. According to the FAA, Part 135 operators must have either a commercial or an airline pilot license, must meet more stringent maintenance and equipment requirements, have stricter limitations on operating in inclement weather, have required rest and duty periods, and must undergo additional training requirements beyond those required for their licenses. Also, Part 135 pilots must maintain an operating base in the state and must comply with reoccurring proficiency, exam, and training requirements. For example, they must undergo a flight review either once or twice a year. In contrast, pilots operating under Part 91 must undergo this review every other year.

Section 2 makes a "classification" because it treats transporters and guides quite differently even though they may be similarly situated. Therefore, it also must pass the equal protection/substantive due process analyses. Again, the questions are, "What are the legitimate purposes of this legislation? Are the means chosen by the legislature reasonably related to these purposes?"

The FAA regulations deal with pilot proficiency, safe operation, and equipment standards. Presumably, then, the purpose of Section 2 is insure safe flights for the clients of guides and transporters.

Apparently, this section has been justified because proportionately more of a transporter's business consists of

providing transportation than that of a guide's. There is a belief that under the FAA regulations, the former would be required to have an air taxi certificate, but not the latter. Apparently, there is a belief that need for a 135 certificate is determined by whether business flying is "incidental" to the main service provided.

Another regulation, 14 C.F.R. 61.118, does speak about whether a flight is incidental to a pilot's business or employment. However, that regulation deals with what a person who holds a private pilot license may do. This regulation is not related to Part 135; the operative condition for an air taxi certificate is whether the pilot takes passengers or property for compensation or hire.

As a matter of practice, the Alaska office of the FAA does not categorically require transporters to hold air taxi certificates and allow guides to operate under private pilot licenses. The policy of that office is to examine each operator on a case-by-case basis, and only examine an operator if he or she comes to the office's attention by way of a report or complaint. An attorney for the FAA stated that under his interpretation of Part 135, both guides and transporters would be required to become air taxi operators.

The reasonable conclusion is that the distinction in Section 2 cannot be grounded on an interpretation of a federal regulation that speaks about proportion of flying or upon a federal policy that does not exist. Whether a provider's service has a greater or lesser flying component is irrelevant to the safety of that flying.

Thus, Section 2 must be justified by independent evidence that speaks to the public safety purpose. In the case of guides, perhaps this purpose is served because they will be exempted from Part 135 only if flying their own aircraft into country with which they are familiar. However, the requirements of 135 go well beyond such local knowledge. A court would ask how safety is furthered by requiring one group but not the other to hold a higher pilot license, to have more stringent equipment standards, to have more frequent FAA "check rides," to maintain a facility in Alaska, and so forth. Without a reasonable basis for this distinction, Section 2 would likely be struck down.

IV. COMMENTS ON SECTION 3 OF CS FOR SB 191 (FINANCE) am

Section 3 changes the definition of guiding so that certain non-guiding activities would be prohibited. With several exceptions, transporters would be prohibited from setting up and maintaining a camp, cooking in the camp, or performing other camp services while their clients are in the field.

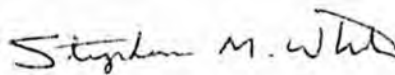
Because the bill has an immediate effective date, Section 3 would necessarily alter the commitments of any transporter who already had contracted to provide that type of service. Both the federal and the Alaska constitution prohibit laws "impairing the obligation of contracts." U.S. Constitution, Article I, Section 10, Alaska Constitution, Article I, Section 15. Thus, there is a question whether these "contract clauses" would prevent section 3 from taking immediate effect with respect to those earlier commitments.

I have concluded that the contract clauses would not prevent Section 3 from taking immediate effect. My analysis was similar to that provided by Legislative Counsel Ed Hein in his April 19th memo to Senator Fanning, and my conclusion was the same. Since this memo is available to your committee, I will not burden you with a redundant discussion of this issue.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By:



Stephen M. White
Assistant Attorney General

SW:jf:prm

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1988

SUBJECT: Constitutionality of air transport
 requirements under guide bill
 (CSSB 191(Fin) am)

TO: Senator Arliss Sturgulewski

FROM: Edward H. Hein EHH/LMB
 Legislative Counsel

You have asked for a brief discussion of whether the provisions in CSSB 191 (Finance) am, at page 2, lines 5 - 14, violate the equal protection clause of the state or federal constitutions. You asked that I assume as fact that guides engage in substantially less air transportation of clients than outfitters and others who provide big game hunting services; that air travel is only incidental to the business of guiding; and that the state's interest in making these requirements is public safety.

The provision in question makes it a class A misdemeanor for a person to fly a hunter to or from the field for compensation unless the pilot holds an FAA part 135 certificate. A licensed guide, however, may provide air transportation to a client in the guide's own plane, within the restricted area assigned to the guide or the guide's employer, without having a part 135 certificate if the aircraft is operated under part 91. A private pilot is authorized under federal regulations to operate under part 91 instead of part 135 if the flying is only incidental to the business or employment, and if the aircraft does not carry passengers or property for compensation or hire. 14 C.F.R. 61.118. The part 135 certificate, which applies to air taxi operators and commercial pilots, has more stringent requirements than part 91 with respect to qualifications, inspections, and safety.

Because this is an area of economic regulation, the courts would apply the lowest standard of equal protection scrutiny. Under the federal constitution, the test would be

Senator Arliss Stureulewski

Page 2

April 29, 1988

whether the different treatment of guides is rationally related to any conceivable legitimate state interest. Under the Alaska constitution, the test is whether the different treatment substantially furthers a legitimate state interest, and the interest and the means are balanced against the interest of the persons required to have the part 135 certificate.

Public safety is clearly a legitimate state interest, and attempting to protect it is a legitimate exercise of the state's police powers. Requiring guides, outfitters, and others who provide air transportation to big game hunters to comply with federal regulations designed to promote safety is rationally related to and substantially furthers the goal of public safety. The question is whether it is rational to require less of guides in certain circumstances than of other air transporters, or whether this different treatment substantially furthers the goal of protecting public safety.

Under your assumptions, guides are not similarly situated to air taxi operators, commercial pilots, and big game outfitters and transporters. Because guides transport substantially fewer passengers by air and because flying is only incidental to guiding, it can be argued that their flying operations pose substantially less of a risk to public safety. Therefore, imposing higher standards for nonguides is justified and is rationally related to and substantially furthers the state's interest in promoting public safety. The interest of nonguides in saving money and inconvenience by not having to obtain the more expensive and burdensome part 135 certificate is outweighed by the state's interest in promoting safety. Therefore, based on your assumptions, under both the federal and Alaska constitutions the provisions in question do not violate the equal protection clause.

If you have further questions about this matter, feel free to contact me at your convenience.

EHH:bb
b5/069

4/18

New SENATE LETTER OF INTENT

For

CSSB 191 (Finance)

It is the intent of the Legislature that the task force established under the provisions of SB 191 shall have full investigative powers to research and make recommendations.

Under the Alaska Constitution all fish and game resources are the common property of the people, managed by the state in trust for their use. The task force shall examine how the taking of Alaskan big game by nonresidents and aliens conforms with the needs of Alaskan hunters, and what would be the effects of adding additional species to the guide-required list.

Other states and Canadian provinces have experienced similar commercial hunting pressures and problems. The task force should obtain as much information about the problems these other jurisdictions have experienced, examine how they solved the problems, and recommend accordingly for Alaska.

The task force shall examine who can provide commercial hunting services in the field, and what role transporters, air taxi operators and gear providers should play in the provision of commercial hunting services.

The Alaska Supreme Court will soon decide Owsichuk vs. the State of Alaska dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision and recommend methods of accommodating the court's decision.

The task force shall work closely with the Department of Fish and Game to create a linkage between the commercial take of big game and game management.

The task force should examine all aspects of a head tax, the problems it had when it was in use in the past, and what would be the ramifications to game management if it was reinstated.

The task force should examine the licensing of transporters, and make recommendations as to whether such a system ought to be renewed, and, if so, under what conditions.

Senate Letter of Intent
For CS SB 191 (Fin) am
Page 2

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically, the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the Administrative Procedures Act. The task force shall also analyze the joint use concept and supporting agreements between guides in joint use areas as to whether these agreements are in the best interest of the state and commercial users. The task force shall also investigate whether there shall be one consistent policy for determining guide areas so that all areas are treated equally.

The guide system in Alaska is highly dependent on the restricted guide area concept for its success. The task force should examine all aspects of this system, and make recommendations pertaining to whether it is an open and accessible system, whether guides ought to be able to sell their areas, whether the state ought to lease areas or in some other manner establish a concessionaire approach to area management.

Senate adopted 4/19/88

RECEIVED APR 24 1988

Bud and Mike Branham's Adventure Unlimited

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ATC 191

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Bud Branham
Hunting Conservation
Reservation Department

Rancho Vieo Desert

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April 26, 1988

Honorable Adelheid Herrmann
Alaska State Representative
Juneau, AK 99801

Dear Ms. Herrmann:

We have been following Senate Bill 191 since its inception last year and are more than pleased that it has passed the Senate even in its present form. As you are aware, I am sure, it is not strong enough nor is it defined enough to correct the problems that exist in the outfitting and guiding field. As you are also probably aware, I have been in this field for over 50 years and still am very active and zealous for Alaska, even though I am retired. My son, Mike, is, of course, very active in our business in Alaska and this bill affects us very much.

The Bill is now in the House Resources Committee and I want to urge you to try to get the bill scheduled and passed. If you can possibly do so strengthen the measures with regard to the so called "outfitters" and try to make sure that the rights and prerogatives of registered and master guides in Alaska are well protected. It is the only way the future of our wildlife resources will be adequately taken care of, for they are the representatives in the field and they are the ethical ones. I know because I have been in this business over half a century and certainly have had a great deal of experience in this field.

We will deeply appreciate your actions with regard to this bill and will monitor it all the way through. If we can help in any manner all you need do is ask.

With every good wish, we are,

Sincerely,



Adventure Unlimited
Bud & Mike Branham

cc: Senator Ken Fanning

BB:sw

'THE BEST IN THE SPORTING WORLD'

Member - Alaska and International Professional Hunters Association

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

DEAR ADELHEID HERRMANN,

I AM WRITING YOU THIS LETTER TO ASK FOR YOUR SUPPORT TO ALLOW ME TO CONTINUE MY PROFESSIONAL PHOTOGRAPHY BUSINESS. I AM AFRAID THE WORDING OF S.B. 191 "SECTION 3 AS 08.54.240(3)" WOULD MAKE MY OPERATION AN ILLEGAL ONE. MY SERVICE DOES REQUIRE ME TO BE IN THE FIELD TO VIDEO TAPE MY CLIENTS. I IN NO WAY ASSIST WITH THE SPOTTING, STALKING, PURSUIT, OR KILLING OF ANIMALS. AFTER THE SEASON, I HAVE A VIDEO PRODUCTION COMPANY PRODUCE MY MATERIAL INTO AN EDITED VERSION FOR COMMERCIAL SALES. HAVE A COMMERCIAL PHOTOGRAPHY BUSINESS LICENCE FOR THIS. I ALSO HAVE COMMERCIAL USERS PERMITS FROM THE NATIONAL PARK TO OPERATE IN THE PARKS PRESERVE AREA. I AM AN ALASKA RESIDENT, AND I HAVE THREE CHILDREN IN ANCHORAGE SCHOOLS. THE REVENUE I RECIEVE FROM THIS BUSINESS, SUPPORTS ME AND MY FAMILY, PLEASE DO NOT FORBID ME TO CONTINUE TO OPERATE MY BUSINESS. I AM NOT TRYING TO CREATE A LOOP HOLE FOR OUTFITTING. I CAN PROVE THAT I HAVE BEEN OPERATING IN GOOD FAITH IN THE PAST. AS ROBERT BOUTANG OF FISH AND GAME PROTECTION WILL TELL YOU, I AM AN HONEST OPERATOR. I HAVE NO DESIRE TO BREAK THE LAW. I KNOW THERE IS A PROBLEM WITH ILLEGAL GUIDING OPERATIONS, I DO NOT WISH TO ADD TO THE PROBLEM. PLEASE CONSIDER MY REQUEST. IF NEEDED I REQUEST THAT I MAY CONTINUE TO OPERATE BY A GRANDFATHER RIGHT. I AM SURE THERE ARE VERY FEW OPERATORS LIKE MYSELF THAT CAN PROVE PAST PRACTICE OF THIS SERVICE, BY A PAPER TRAIL. IF I HAVE MISINTERPRETATED THE MEANING OF THIS BILL PLEASE INFORM ME BY WRITING.

THANK YOU

LES KRANK

ALASKA BUSH ADVENTURES

610 W. 91 ST. AVE.

ANCHORAGE ALASKA

99515

Les Krank



Alaska State Legislature

Please enter into the record my testimony to the House Resources
committee name

committee on SB 191 , dated Apr 29 1988
bill/subject

The problem with the terminology "outfitting" is that it is a commonly accepted term in the hunting fraternity and is usually synonymous with "guide". A person trying to advertise as a "transporter" or "photographer" or any other terminology is unlikely to attract attention nor are they likely to book many hunting clients. The amendment to make an outfitter also a guide is a good one.

As to FAA part 135 - the FAA itself cannot require or whether guides offer flying service. Let the FAA worry about that but do regulate the transporters as they do other flying service as their main service. If they "do" not fly they won't be affected.

Signed: Philip L. Shoemaker

Testifier

Grizzly Skins of Alaska

Representing (Optional)

PO Box 876110, NASTILLA, AK 99687

Address

376-2234

Phone No.

DAVID L. LAZER

MASTER GUIDE
AND OUTFITTER

Hunting -- Fishing -- Photography



LAZER'S GUIDE SERVICE

STAR BUSH A BOX 487
PALMER, ALASKA 99645

907-743-4500

4-29-88

Dear Jan Faiker:

I thank you for returning a answer to my earlier letter. You sent me a copy of SB 191, dated 3-31-88. It only has 3 pages and deals only with the tusk force, which is fine. However I have another copy of SB-191 and it is 5 pages long! Page 3, line 9 to 23; "Sec. 3 AS 03.54.240(3) is repealed and reenacted to read:" etc.

Line 16 "(B) of a lawfully established cabin in permanent lodge" This is the killer to my income. It is illegal to build on Federal land; I use tent camps for my Base camp. Can you add the wording "Base camp". I get a \$100.00 permit each year from the Fed. Refuge manager, including a map of my outfitting area, showing Base camp. But I am not allowed to build any permanent structures. From the Base camp I then fly my unguided Caribou hunters up into the mts, drop them off on their own and return to base camp. This Base camp is about 100-miles S.E. of King Salmon.

Page 2

DAVID L. LAZER

MASTER GUIDE
AND OUTFITTER

Hunting -- Fishing -- Photography



LAZER'S GUIDE SERVICE

STARBUCK A. BOX 5877

PAULIGN, ALASKA 99648

907-745-4504

So you can see it would be impossible to return to King Salmon each night.

1. I agree with the task force ^{and} there are several guide Board members who shouldn't be on the Board!
2. 100% of my income comes from guiding - outfitting.
3. Figure out a way to stop the non-resident outfitting front.
4. Let F. & G. control the game harvest, it's their job. Guides, outfitters, Guide Board, legislators, task force are all jumping on the bad bandwagon to supposedly save the game. When in reality it's to strengthen the monopoly of a few big money guides with big exclusive areas, and eliminate the little business operators.
5. I've been guiding - outfitting for 20 years now. Yet with the stroke of your legislation you can eliminate half of my livelihood. I am 44 years old. I don't have another trade or livelihood.
6. How come you don't ever put anything in these bills to grant "grandfather rights"

DAVID L. LAZER
 MASTER GUIDE
 AND OUTFITTER

Hunting — Fishing — Photography



LAZER'S GUIDE SERVICE
 5147 HOLLIS A. BOE SQ.
 DENVER, COLORADO 80231
 907-758-1504

6 Cont.

You can change tomorrow but I can't change yesterday or the day before that or the last 20 years of my life which I've spent developing my business, clientele, experience in the guiding-outfitting field.

7. Page 5 Line # 14. * sec 8. "This act takes effect immediately under sec 01.10.070 (c). What about all the deposits from booked clients for this year and next, which I've spent paying bills, living, insurance etc. Must have been booked over a year in advance, the same would be true for vacation later a year in advance. Yet you can pass a law effective immediately?!

No warning, no grandfather clause, or nothing?!!

If I have to file bankruptcy then I will give you notice to all the clients who cannot come and they can — all with you — and ask why you ruined their trip of a lifetime, and the state can refund their deposits.

DAVID L. LAZER
 MASTER GUIDE
 AND OUTFITTER

Hunting — Fishing — Photography



LAZER'S GUIDE SERVICE
 5744 BOULEVARD 4, BOX 4077
 PALM BEACH, FLORIDA 33410
 507-715-4304

8. There are approx. 500 registered and master guides now in Alaska. A.P.H.A. (Alaska Professional Hunter Assoc.) only has 92 members, as of Jan. 68. This group of less than 20% makes the laws for the other 80%, is that fair? If the A.P.H.A. were as good as they test their own horn, don't you think they would have a much greater membership?

7. The Guide & guide Board is like a union. A union run by a handful of big money, exclusive use, arrogant type people. In this guide union the members do not get to vote.

6. I would like to see a law requiring all my master guides to vote on any new bills - laws - regulations that affect them.

5. The guide Board needs to have a rule book (like a state) from which to make decisions. Their decisions from one meeting to another are never the same. It all depends who the certain party is and what their asking. They are so bias it makes a person want to throw up.

- Page 6 -

DAVID L. LAZER
MASTER GUIDE
AND OUTFITTER

Hunting -- Fishing -- Photography



LAZER'S GUIDE SERVICE
5740 RD 117 P.O. BOX 6877
PALMER, ALASKA 99645
907-263-4304

12. My guide sleep area is # 14. It goes from Palmer to Chulitna. Not including Chulitna then, I joint use it with 2 other guides. Elly Jones (Jack Lee), and Martin Crosser. I only have the Drainages of the Matanuska River. My sleep area goes from Prince William Sound to Talkeetna!

Martin Crosser has a exceptionally good sleep area in the Brooks Range. Last year reports we he had to sleep, and so the year before that. He does not need an "area" in the Matanuska River area but had to show 2 contracts a year to hold it. Last year he let another guide, Kelly Ben, use it, which is legal but to me shows he doesn't need the area. I had this problem

to Juneau guide meeting 2 weeks ago, asking for Crosser be removed from unit 14 (Matanuska River area). They laughed us right out of the room. Martin & Ed Crosser are heavy hitters with the guide board and APHA. !!

I only take 4-5 sleep huts per year. Because there is also heavy resident pressure plus 2 other guides. I can't live on 4-5 sleep huts.

— Page 6 —

DAVID L. LAZER
MASTER GUIDE
AND OUTFITTER

Hunting — Fishing — Photography



LAZER'S GUIDE SERVICE
5014 ROUTE 1, BOX 611
PALMER, ALASKA 99645
907-743-4024

13. I don't mean to get off the subject but there are many guides with no area and some with very large areas. I know the guide who bought Ron Hayes out a number of years ago on the Alaska Peninsula took 20 Brown Bear hunters last fall. This is big money. That area could be divided into 2 or 3 guide areas. But as long as big money rides in the guide board and A.G.S., those big money guides will never be touched.
14. Do there any offices that unbiasedly investigate problems?
15. Who can I refer to, to ask legal questions? Is there someone independent of the guide Board, etc., that can give factual, legal answers?
16. In early April when I went before the board the chairman stated out by saying, gruffly saying — 'And now what do you want.' I might as well saved my breath. They turned me down anyway.
17. Chuck Weir owns a insurance company in Anch. He sells guide ins. I don't buy from him. How can he act on the board? Isn't that a conflict of interest? He has always turned down my proposals.

Page # 7

DAVID L. LAZEN
MASTER GUIDE
AND OUTFITTER

Hunting Fishing - Photography



LAZEN GUIDE SERVICE
5740 JENKINS AVE, SUITE 207
PALMER, ALASKA 99645
907-445-1504

18. Ken Fanning is in the Legislature. He is a virtual paid lobbyist by the State, for the guide Board. He's their boy. Do it for that my state and tax money should be used to pay someone to ruin my livelihood?
19. I fully agree with the forming of the Task Force but it was not right to slip in (page 2, line 2, sec 3 ASAC 34,240 (3). lines 9 to 23, legislation, certainly, are eliminating my legal outfittery in this bill 50-197. I agree the Task Force should start immediately but disagree with line 9-23 becoming law immediately.
20. Have you talked to all 500 reg. winter guides, the 30 legal outfitters of A.C.A. to get their opinion? Or have you just heard from Fanning, Ed Jensen, bias guide board, a few of the A.P.H.A. heavy hitters?!!!

Thank you very much for your time, I know you are very busy right now, but this is a critical life & death issue with me.

Sincerely,
David Lazen

operations to accommodate structures that will make requirements.

al provisions.

enna farm area consists of geographical location, dimensions of area, antenna towers with respect on aviation may in such area is established by rule making action. proposal for an antenna evaluated on the basis of the use of navigable laws of the Federal Communications Commission are required that each established antenna farm area would statutory responsibilities submitted by it are fulfilled before the antenna farm established. If the Commission that the establishment of antenna farm area is in accordance with its statutory requirements the proposed area is not

establishment of an antenna considered whenever it is

Federal Communications

Director of a proposed antenna

any person having a substantial interest in a proposed antenna

10 FR 1839, Feb. 10, 1965, as amended, 37 FR 4705, Mar.

establishment of antenna farm

areas described in the provisions of this subpart are antenna farm areas.

77.77 through 77.1100 regulations of antenna farm

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 91—GENERAL OPERATING AND FLIGHT RULES

SPECIAL FEDERAL AVIATION REGULATIONS

- SPAR No. 21
- SPAR No. 27-5
- SPAR No. 28-4
- SPAR No. 41
- SPAR No. 44-5
- SPAR No. 44-6
- SPAR No. 45-1 (NOTE)
- SPAR No. 47

Subpart A—General

- Sec.
- 91.1 Applicability.
 - 91.2 Certificate of authorization for certain Category II operations.
 - 91.3 Responsibility and authority of the pilot in command.
 - 91.4 Pilot in command of aircraft requiring more than one required pilot.
 - 91.5 Preflight action.
 - 91.6 Category II and III operations: General operating rules.
 - 91.7 Flight crewmembers at stations.
 - 91.8 Prohibition against interference with crewmembers.
 - 91.9 Careless or reckless operation.
 - 91.10 Careless or reckless operation other than for the purpose of air navigation.
 - 91.11 Alcohol or drugs.
 - 91.12 Carriage of narcotic drugs, marijuana, and depressant or stimulant drugs or substances.
 - 91.13 Dropping objects.
 - 91.14 Use of safety belts and shoulder harnesses.
 - 91.15 Parachutes and parachuting.
 - 91.17 Towing: Gliders.
 - 91.18 Towing: Other than under § 91.17.
 - 91.19 Portable electronic devices.
 - 91.20 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.
 - 91.21 Flight instruction; simulated instrument flight and certain flight tests.
 - 91.22 Fuel requirements for flight under VFR.
 - 91.23 Fuel requirements for flight in IFR conditions.
 - 91.24 ATC transponder and altitude reporting equipment and use.
 - 91.25 VOR equipment check for IFR operations.
 - 91.27 Civil aircraft: Certifications required.
 - 91.28 Special flight authorizations for foreign civil aircraft.
- Sec.
- 91.29 Civil aircraft airworthiness.
 - 91.30 Inoperable instruments and equipment for multiengine aircraft.
 - 91.31 Civil aircraft flight manual, marking, and placard requirements.
 - 91.32 Supplemental oxygen.
 - 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates: instrument and equipment requirements.
 - 91.34 Category II manual.
 - 91.35 Flight recorders and cockpit voice recorders.
 - 91.36 Data correspondence between automatically reported pressure altitude data and the pilot's altitude reference.
 - 91.37 Transport category civil airplane weight limitations.
 - 91.38 Increased maximum certificated weights for certain airplanes operated in Alaska.
 - 91.39 Restricted category civil aircraft; operating limitations.
 - 91.40 Limited category civil aircraft; operating limitations.
 - 91.41 Provisionally certificated civil aircraft; operating limitations.
 - 91.42 Aircraft having experimental certificates; operating limitations.
 - 91.43 Special rules for foreign civil aircraft.
 - 91.45 Authorization for ferry flights with one engine inoperative.
 - 91.47 Emergency exits for airplanes carrying passengers for hire.
 - 91.49 Aural speed warning device.
 - 91.50 [Reserved]
 - 91.51 Altitude alerting system or device: turbojet powered civil airplanes.
 - 91.52 Emergency locator transmitters.
 - 91.53 [Reserved]
 - 91.54 Truth in leasing clause requirement in leases and conditional sales contracts.
 - 91.55 Civil aircraft sonic boom.
 - 91.56 Agricultural and fire fighting airplanes; noise operating limitations.
 - 91.57 Aviation Safety Reporting Program; prohibition against use of reports for enforcement purposes.
 - 91.58 Materials for compartment interiors.
 - 91.59 Carriage of candidates in Federal elections.
- Subpart B—Flight Rules
- GENERAL
- 91.61 Applicability.
 - 91.63 Waivers.
 - 91.65 Operating near other aircraft.
 - 91.67 Right-of-way rules; except water operations.

Part 91

- Sec.
- 91.69 Right-of-way rules; water operations
 - 91.70 Aircraft speed.
 - 91.71 Acrobatic flight.
 - 91.73 Aircraft lights.
 - 91.75 Compliance with ATC clearances and instructions.
 - 91.77 ATC light signals.
 - 91.79 Minimum safe altitudes: general.
 - 91.81 Altimeter settings.
 - 91.83 Flight plan; information required.
 - 91.84 Flights between Mexico or Canada and the United States.
 - 91.85 Operating on or in the vicinity of an airport; general rules.
 - 91.87 Operation at airports with operating control towers.
 - 91.88 Airport radar service areas.
 - 91.89 Operation at airports without control towers.
 - 91.90 Terminal control areas.
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 - 91.93 Flight test areas.
 - 91.95 Restricted and prohibited areas.
 - 91.97 Positive control areas and route segments.
 - 91.100 Emergency air traffic rules.
 - 91.101 Operations to Cuba.
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- 91.105 Basic VFR weather minimums.
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- 91.109 VFR cruising altitude or flight level.

INSTRUMENT FLIGHT RULES

- 91.115 ATC clearance and flight plan required.
- 91.118 Takeoff and landing under IFR.
- 91.117 [Reserved]
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- 91.123 Course to be flown.
- 91.125 IFR radio communications.
- 91.127 IFR operations; two-way radio communications failure.
- 91.129 Operation under IFR in controlled airspace; malfunction reports.

Subpart C—Maintenance, Preventive Maintenance, and Alterations

- 91.161 Applicability.
- 91.163 General.
- 91.165 Maintenance required.
- 91.167 Operation after maintenance, preventive maintenance, rebuilding, or alteration.
- 91.169 Inspections.

14 CFR Ch. I (1-1-87 Edition)

- Sec.
- 91.170 Changes to aircraft inspection programs.
 - 91.171 Altimeter system and altitude reporting equipment tests and inspections.
 - 91.172 ATC transponder tests and inspections.
 - 91.173 Maintenance records.
 - 91.174 Transfer of maintenance records.
 - 91.175 Rebuilt engine maintenance records.

Subpart D—Large and Turbine-Powered Multiengine Airplanes

- 91.181 Applicability.
- 91.183 Flying equipment and operating information.
- 91.185 Familiarity with operating limitations and emergency equipment.
- 91.187 Equipment requirements: Over-the-top, or night VFR operations.
- 91.189 Survival equipment for overwater operations.
- 91.191 Radio equipment for overwater operations.
- 91.193 Emergency equipment.
- 91.195 Flight altitude rules.
- 91.197 Smoking and safety belt signs.
- 91.199 Passenger briefing.
- 91.200 Shoulder harness.
- 91.201 Carry-on baggage.
- 91.203 Carriage of cargo.
- 91.205 Transport category airplane weight limitations.
- 91.209 Operating in icing conditions.
- 91.211 Flight engineer requirements.
- 91.213 Second in command requirements.
- 91.215 Flight-attendant requirements.

Subpart E—Operating Noise Limits

- 91.301 Applicability; relation to Part 36.
- 91.302 Part 125 operators: Designation of applicable regulations.
- 91.303 Final compliance: Subsonic airplanes.
- 91.305 Phased compliance under Parts 121 and 135: Subsonic airplanes.
- 91.306 Replacement airplanes.
- 91.307 Service to small communities exemption: Two-engine, subsonic airplanes.
- 91.308 Compliance plans and status: U.S. operators of subsonic airplanes.
- 91.309 Civil supersonic airplanes that do not comply with Part 36.
- 91.311 Civil supersonic airplanes: Noise limits.

APPENDIX A—CATEGORY II OPERATIONS: MANUAL, INSTRUMENTS, EQUIPMENT AND MAINTENANCE

APPENDIX B—AUTHORIZATIONS TO EXCEED MACH 1 (491.55)

Federal Aviation Administration

Sec.
APPENDIX C—OPERATIONS IN THE ATLANTIC (NAT) MINIMUM PERFORMANCE SPECIFICATIONS SPACE

AUTHORITY: 49 U.S.C. 1301(c) 1348, 1352 through 1355, 1401, 1431, 1471, 1472, 1502, 1510, 1519 through 2125; Articles 12, 29, of the Convention on International Aviation (61 Stat. 1180); 42 U.S.C. 1954; E.O. 11514; 49 U.S.C. 1101; Pub. L. 97-449, January 12, 1981.

SOURCE: Docket No. 1580, FR 8704, June 29, 1983, uncorrected.

SPECIAL FEDERAL AVIATION REGULATIONS

SFAR No. 21—SOUTHERN AVIATION SANCTIONS

- 1-3 [Reserved]
- 4 Records.
- 5 Reports.
- 6 Violations.

1-3 [Reserved]

4. *Records.* (a) Each person in any carriage or operation subject to Federal Aviation Regulations before December 16, 1979, shall maintain and accurate record of each carriage or operation of this kind in which he is engaged, regardless of whether it was effective to license or otherwise, and the record available for at least the date of carriage or operation.

(b) This section does not require a particular method of recordkeeping, but records customarily kept by the operator, so long as the records are available for examination, shall be kept in the form of microfilm or photographic copies.

5. *Reports.* Each person who is engaged in any carriage or operation subject to Federal Aviation Regulations before December 16, 1979, shall report on his activities under this regulation as the Administrator may require.

6. *Penalties.* (a) Attention is directed to section 5(b) of the United States National Act of 1945 (22 U.S.C. 2151) which provides in part:

Any person who willfully violates or attempts to violate any order, rule, or regulation issued by the President pursuant to subsection (b) of section 5 shall, upon conviction, be fined more than \$10,000, or, if a natural person, be imprisoned for not more than 5 years, or both.



*Phil Driver ... Master Guide
Excellence, Quality, Reliability in Outfitting and Guiding
for Alaskan Hunting and Fishing Experiences
Based from our Wulik River Lodge*

April 25, 1988

Representative Adelheid Herrmann
Co-Chairman Resources Committee
Alaska State Legislature, P.O. Box V (MS3100)
Juneau, Alaska 99811

It is of vital importance to the State of Alaska, to all citizens and particularly to the Animal Resource of Alaska, that SB/191 be passed. We must act responsibly now, to stop the wholesale slaughter of our game resource by uncontrolled, unlicensed guides, calling themselves "outfitters". Many of whom are non residents and even aliens. This bill is needed now, with an immediate effective date, if our animal resource is to survive.

Twelve years ago the State of Alaska realized the wisdom of restricting operating Master and Registered Guides, to conduct hunts in geographically defined areas to enhance game conservation. This went a long way in promoting management, by all the professional guides in their respective restricted areas.

Now however, we find this well founded premise to instill conservative hunting practices, which provides for the taking of trophy animals on a sustained bases, being circumvented by "Unlicensed Alaskan Outfitter" types, who are free to go wherever, taking game with no care for impact on the areas particular game resource they abuse. Because of this uncontrolled pressure, hunting seasons on both subsistence and sport hunting had to be shortened in several game units this year.

Here in Alaska we obviously have a different set of statutes to define what a professional big game hunter is called and how and who they can be. The crux of much of the problem comes about from the word GUIDE, compared to OUTFITTER. In Alaska the only license issued by the State, is that of GUIDE. These Guide licenses are of several classifications. Allowing the holder of a particular class of guide license to execute certain actions, for compensation, as prescribed by the Guide Statutes under 08.54 or Regulations 12AAC38, which are authorized from the Statute.

The different classes of Alaskan Guides follow, listed from the first to the last class by seniority. 1st. MASTER GUIDE, 2nd. REGISTERED GUIDE, 3rd. SPECIAL GUIDE LICENSE, 4th. CLASS A ASSISTANT GUIDE and 5th. ASSISTANT GUIDE LICENSE. The first two classes of guides in Alaska are the only two types that can contract to conduct hunts and be permitted Restricted Guide Areas.

1. The word "Outfitter" must be removed from use by unlicensed guides. The meat of the problem is the term Outfitter. The States in the lower 48, who have populations of big game to hunt, do have state licensed professional hunters, called Outfitters. Because of this the word outfitter is very often confused to mean the same as registered guide, by hunters booking Alaska hunts. Anyone can call himself an outfitter and book and guide big game hunters in

Alaska, because Alaska has no laws against this.

2. By writing into our guide laws a strict definition of "Guiding", this oversight can be corrected. By absolutely allowing for only a Licensed Master or Registered Guide, to accompany personally or through an assistant, to provide a camp or personal services and assistance to the big game hunter in the field. To outfit these camps is part of the guides responsibility.

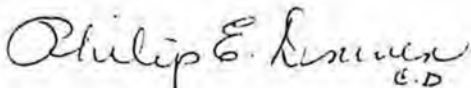
In game management Unit 23, in Northwest Alaska where I have a Restricted Guide Area, there are 9 guides allotted areas. Of these only 5 or 6 guides are actively pursuing a livelihood. Compare this to 25 known, documented, Non licensed, uncontrolled, "Outfitters" in this one Unit of Alaska. When the animals are gone from Unit 23 these 25 outfitters will move elsewhere to continue the slaughter.

I have watched one of the prime Moose rutting areas of the Noatak Valley, virtually destroyed by the relentless pressure of the drop-off type outfitter. A large camp is set up, capable of handling 8 to 12 hunters a week, on the very edge of the rutting area. Over the course of a month to six weeks, about 50 to 60 people attack, disrupting this vitally important, naturally selective area, where the rut has been an on going thing for years. The last three years the animals using this rutting area has noticeably declined. I unfortunately observed the same scenario take place on the Alaska Peninsula, some 16 to 18 years ago.

There are over 500 documented outfitters known state wide by the Dept. of Fish and Game Protection, so you can see the severe damage the animal resource is suffering. Not only are the subsistence animals suffering, but many illegally taken Grizzly Bear and Dall Sheep are being smuggled out of Alaska in luggage.

It is one of the basic primacies of a Professional Alaska Licensed Guide, that we do outfit our clients. Our responsibility as well, is the conservation of the harvestable resource in our restricted areas. However, the opposite is not true. The unlicensed outfitter is responsible for neither his client, or their actions, nor the areas game population he affects. This is a distinction in Alaskan hunting that cannot be stressed enough to the consumer client coming here to enjoy an Alaskan hunting experience. Anyone can call themselves an Outfitter, without any State recognized qualifications or testing. They too can go through the licensing system and become qualified guides.

Thank you for your vote for Senate Bill 191.



Philip E. Driver
President: Alaska Professional Hunters Assn.

Editorial Opinion and Comment of

FAIRBANKS

Daily News - Miner

"Independent in All Things. . . Neutral in None"

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.

A temporary fix

The bill to take outfitters out of the guiding business is a good one, and we hope the Legislature passes it this session.

SB191, which has passed the Senate and awaits action in the House, is a temporary solution to a thorny problem that has arisen during the last three years. That is, a proliferation of outfitters, some from out of state, who are conducting commercial, mass-production hunts anywhere in the state they find sufficient game.

One section of the bill would establish an interim task force of 13 members to investigate the various questions and problems that the guide/outfitter controversy has brought to light.

Another section would require that to legally transport hunters to or from the field, a person would have to either hold an air-taxi license from the Federal Aviation Administration, or be a licensed guide flying to or from his assigned area.

Under the state's system, only registered guides are allowed to take clients on full-service hunts for sheep, grizzly and musk oxen. Anyone with an airplane or other method of transportation can drop off hunters, resident or non-resident, to hunt these and other big-game animals. In Alaska, these people call themselves outfitters, and they're not supposed to accompany hunters in the field.

Guides are restricted to specific areas where they can conduct their activities. Outfitters have no such restrictions and may be less inclined to practice good conservation measures.

The overriding concern in the controversy is the welfare of our big game animals. Commercial hunting should be carefully regulated just as commercial fishing is. This is the reason the state registers guides.

Persons who want to get into the guiding business should go through the qualification process that other guides have had to. Pilots who just drop hunters off may still do so under the bill as long as they meet minimum safety requirements as air taxi operators.

SB191 is a temporary fix, but it is a good one until a task force can find a permanent solution.

RECENT LETTERS OF SUPPORT

CS SB 191 (FIN) AM



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

SB 191 GUIDE BILL

The problem to be remedied is that unregulated outfitters, providing essentially guided hunts without the actual presence of a guide, are putting heavy hunting pressure on moose and caribou in Alaska. Operators exploiting this loophole in existing guiding regulations are not restricted to certain areas, nor are there any limits on the number of hunters they can book. When one area is hunted out, they are free to move to another, creating a disincentive for conservation or protection for other uses, including subsistence, sport hunting, or nonconsumptive activities. The Alaska Department of Fish and Game cites a compelling example of the problem in one unit where an outfitter has gone from booking 10 hunters several years ago to booking over 220 hunters in the same area this year.

The current version of this bill requires that:

- Anyone providing field or hunting camp personnel be a licensed guide.
- Anyone flying hunters for compensation either have an air taxi or guide license.
- Outfitter information be submitted on all non-resident moose and caribou tag applications.
- A task force be established to study the problems and issues concerning the commercial taking of big game and the businesses or professions that provide goods and services to big game hunters in the state.

The Alaska Environmental Lobby supports conservation of the game resources of the state by closing the loophole that allows outfitters who are not licensed guides to commercially exploit those resources. There are responsible outfitters who might be adversely affected, but we do not see better solutions at present. We are concerned that legislation must not grant undue privilege to licensed guides or unnecessarily restrict legitimate and responsible activities of others. Resource protection must remain the focus. Uncompensated friends and other legitimate transporters, such as the air taxi and riverboat charter operations, should be allowed to continue transporting hunters. Rights of guides and outfitters involved in activities other than big game hunting (i.e., fishing, float trips, hiking, photography) should be protected.

The Alaska Environmental Lobby supports the current version of SB 191 and will work to see that final versions continue to address these concerns.

Issue paper prepared by Bill Glude, April 22, 1988.

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • JUNEAU GROUP, SIERRA CLUB • SITKA GROUP, SIERRA CLUB
 KNIK GROUP, SIERRA CLUB • DENALI GROUP, SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY
 DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY
 KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDLIFE ALLIANCE
 SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL
 KNIK KANOERS AND KAWAKERS



ALASKA OUTDOOR COUNCIL, INC.

3780 MCGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

POSITION STATEMENT BIG GAME GUIDING SB 191

April 10, 1988

The Alaska Outdoor Council membership clarified their official position on SB 191 which deals with Big Game Guiding.

The Alaska Outdoor Council has consistently supported the maintenance of a well regulated, ethical, economically viable and stable guiding industry in Alaska. The Council has supported the establishment and maintenance of the Guide Board, elimination of illegal or non-fair chase operators, reasonable allocations for non-resident hunters and reasonable non-resident fees.

The Alaska Outdoor Council has actively supported efforts to clean up the guiding industry from the "vacuum guiding" operations that existed in Alaska during the late 1950's and early 1960's. We give the industry credit for the progress that has been made so far, although we recognize that some dissention still exists within the industry. We support continued efforts by the Department of Commerce, the Guide Board and the guiding industry to improve the regulations and policies dealing with licensing, area designations and other aspects peculiar to this industry.

This particular piece of legislation has gone through numerous drafts which has required the Alaska Outdoor Council to once again enunciate its position more clearly.

The Council originally supported the concepts outlined in the original SB 191 which: (1) clearly defined the term "guide"; (2) more clearly delineated between a so called transporter or outfitter and a licensed guide by defining "in the field" services; and (3) extended the Guide Board.

From the very beginning, the Fish and Wildlife Protection officers have asked for a clear separation of "in the field" guiding from other transporter type activities. From an enforcement standpoint, this is essential and we support a clear distinction for enforcement purposes.

The Outdoor Council is concerned about the rapid increase in so-called quasi-guiding activities which have grown in recent years and we are particularly concerned about the rapid increase

in non-resident businesses who are posing as legitimate Alaskan guides and outfitters. Part of this problem would be corrected if the Fish and Wildlife Enforcement Division were adequately funded. The Council is actively supporting increases in this enforcement program.

A major concern of the Council is the fact that, in some areas, a new and rapidly growing commercial big game harvesting industry is being established which will create increasing conflicts between urban and rural residents, subsistence versus non-subsistence users and resident versus non-resident hunters. Inevitably, an extremely mobile commercial harvesting operation similar to the ones that existed in the early 1960's will lead to severe resource management problems and user conflicts.

Alaskans are relatively lucky that at this point most of our big game populations are fairly high. We are concerned that severe winter mortalities like those we experienced from 1969 - 1971 may create severe big game shortages again which will further elevate the conflicts, especially with increasing commercial harvests.

We recognize that the legislature has chosen in the past to allow for transporters to exist to provide access to Alaska's back country. We support the continuation of that policy. We also support the concept that outdoor users be allowed to rent equipment and supplies for their outdoor activities. We do, however, propose that there be a clear distinction between these potential commercial activities and those of the registered, licensed and closely regulated guiding industry.

During our annual meeting in Sitka (April 8-10, 1988) the delegates voted to reaffirm their support of their original position as stated above. They did, however, vote to oppose adding additional species to the list of those requiring a licensed guide for non-residents. Their concern was the added complexity of the legislation, the increased constitutional questions raised by adding moose and caribou, the problems created if a resident is hunting with a non-resident friend and the impact on legitimate transporters.

The Alaska Outdoor Council supports a resolution of this issue during this session. Delaying the solution another year or two will only allow a continued escalation of the conflicts. We believe that legislation can be crafted to provide reasonable control of both the big game type transporters and the guiding industry. Most importantly, it is critical that legislation be developed to continue the careful control of any existing or potential commercial big game harvesting industry.

2

April 18, 1988

2 Representative Adelheid Herrmann and all members of the
Chairman - House Resources Comitee House of Representatives
P.O. Boxx V (MS 3100)
Juneau, Alaska 99811

From: David "Buck" Williams
Box 375
King Salmon, Alaska 99613

Dear Adelheid and members of the Resources Committee,

I have lived in King Salmon since 1961. I am a commercial fisherman, trapper, class A Assistant Guide, and dog musher.

I have played by the rules and came through the ranks the last ten years of my life in the guiding profession. I feel this is a good system and improves every year but doesn't do anyone any good with the so called outfitters raping our resourse. Most all of the guides are residents while the so called outfitters will only spend the hunting season in the State. They get away with using the word outfitter to cover for the fact they are really guiding and you can bet they know it! They don't respect or even or even appreciate our resourcs because most of them don't live in the State and are out for a fast buck. And I'm damn sick of watching these jerks get away with it!

I love our game animals and want them to be around when my children are my age. The only way this can be accomplished is through good game management and a system that controls the explôitation that I have described. Thats why there is a Guide law and thats what I am asking you to tighten up. Guides are responsible to there areas and we would ruin our futures if we over harvest game.

You should make sure that the law does not allow the Phoney class of operator to call themselves outfitters because outfitting is what lisenced Guides do. No one other than guides should be allowed to go with people in the field. Don't believe for one minute that meat packing and camp cooking is a big industry for Alaskans. That's just a cover for being in the field to guide without a lisencc!

If you straighten this out, the game animals will be better protected for everyone - resident and subsistance hunters and people who just want to look at these beautiful animals. Legitimate guiding provides many jobs for Alaskans. This will all be lost along with the resource unless the members of the Legislature get this problem straightend out this Year!

Sincerely, 

RECEIVED APR 25 1988

Scott Deslauriers
Box 494
King Salmon, Alaska 99613

To all members of the House of Representatives

Dear Legislator,

As an Assistant guide and commercial fisherman in the State of Alaska, I depend heavily on the natural resources seriously threatened by these so called outfitters. SB 191 does not do nearly enough to slow down this kind of hunting. We need the existing guide system for the resources to be harvested in a responsible manner especially when this involves non residents.

The so called outfitters who are running rampant all over the State are not interested in the number of animals left but only the number they can get. This sort of hunting is unethical, unfair, and has to be stopped! A real strong definition of guiding in the field is needed. Guiding services in the field whether cooking, packing, camping or any other services should only be provided by licensed guides who have worked their way through a proven effective and professional system. Licensed guides are the only people who should be able to use the word outfitter. This is the loop hole name that is used to get away with all this destructive hunting.

You must take action to make this bill effective this year or there won't be anymore decent hunting for anybody. These are the facts. I just can't believe it has taken so long to figure out a common sense solution to stopping these pirates.

Sincerely,



PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: THOMAS KARSHEKOFF
TITLE:
ADDRESS: BOX
CITY: NONDALTON ZIP: 99640
PHONE: N/R-

BILL NO: SB 191

SUBJECT: GUIDE BOARD; BIG GAME GUIDING

MESSAGE: I URGE THE HOUSE COMMITTEES OF FINANCE, RULES, AND RESOURCES TO TAKE IMMEDIATE ACTION TO PASS SB 191 THIS SESSION. THIS BILL NEEDS TO CONTAIN A STRICTER DEFINITION OF GUIDE/GUIDING, IT NEEDS TO LIMIT THE USE OF THE TERM "OUTFITTER" TO REGISTERED GUIDES ONLY, AND SHOULD BECOME EFFECTIVE IMMEDIATELY.

POMID: 03151911
DATE: 04/26/88
TIME: 15:19:11
LIONAME: ANCHORAGE LIO



Darrell Farmen, Registered Guide
12800 Ridgewood Road
Anchorage, Alaska 99516

907-345-0786 (Evening)
907-344-9719 (Day)

Fall brown bear and Sitka deer
hunting at Deadman Bay
Kodiak Island

Representative Adelheid Herrmann
P.O. Box V (MS 3100)
Juneau, AK 99811

April 20, 1988

Dear Representative Herrmann:

I am a 35 year resident and have been associated with the guiding industry throughout that time. My first guide license was obtained in 1961 and I have been active up to now and would like to continue in the profession.

I am requesting that SB 191 be made more effective by further curtailment of illegal guiding activities being conducted under the guise of outfitting. Guiding, a longtime Alaskan industry, is threatened by the unrestricted outfitter participation in the taking of certain big game species, primarily moose and caribou. These two species cannot withstand the increasing demand placed upon them by an expanding entity. The outfitter is creating problems for certain villages to obtain their subsistence moose and is resulting in seasons being shortened in certain areas. The local people are the ones left to deal with the problem of a depleted species while the outfitter moves on to a new area since there are no restrictions placed upon them.

It is important to maintain SB 191 as passed by the Senate and to strengthen the definition of guiding to include the setting up of camps in the field for hunters. Further, the term "outfitter" should be restricted to use by only registered or master guides. Outfitter and guide mean the same thing in the rest of the states and Canada. Lets clear up the confusion.

This bill must be passed this session. The problem continues to grow and the ultimate losers will be our moose and caribou stocks.

With best personal regards,

Darrell Farmen

Darrell Farmen



The Kodiak Island experience for hunters who enjoy the outdoors

RECEIVED APR 25 1988



Howard D. Flynn & Son

Registered Guides
Motner Goose Lake Lodge
Alaska Peninsula



April 22, 1988

DEAR SIRs,

I URGE you to support
SB 191. My LIVELIHOOD Depends
on it. The Outfitters Do NOT HAVE
TO ABIDE by the Rules set up
to conserve game in AK. This is NOT
Right! YOU AS my Representatives
SHOULD NOT let this situation pass
you by. IF you do it ONLY MAKES
the UNLAWFUL Hunters ~~AND~~ ENCOURAGED.
PLEASE put A STOP to UNLICENSED
guides.

Howard D. Flynn
4203 Minnesota Dr.
Anchorage, Alaska 99503
Telephone: 907 - 562-4541

David H. Flynn
9800 Tolsona Cir.
Anchorage, Alaska 99502
Telephone: 907 - 349-5752

RECEIVED APR 25 1988

LARRY RIVERS

REGISTERED GUIDE AND OUTFITTER



P.O. BOX 107
TALKEETNA, ALASKA 99676
(907) 733-2471

State of Alaska
Resource Committee
Mr. Herrmann
Sam Cotton
Juneau, Alaska

April 20, 1988

Gentlemen,

I am writing in regards to SB 191 as it passed on Monday, April 18. This legislation is very important to the survival of a healthy wildlife resource and deserves your dedicated support.

We have a critical resource problem that has been getting worse over the last several years and that is simply defined as wanton disregard for the resource by a few unregulated individuals the "outfitters". We had a similar problem in the early 1970's when the guides were allowed to roam at will over the state. At that time a few individuals found it to their financial advantage to go into an area and take all the game possible, with the idea that they would simply change location the next year. Obviously this was disaster for the game. Many of the guides recognized this problem and moved to eliminate it. In 1977 a new concept was introduced, restricted guiding area. The primary criteria in application for an area was one of previous use. A guide had to show that he had hunted the same area for three years out of the past five in order to qualify for consideration of his application. The purpose of this policy was to effectively eliminate those individuals who had displayed disregard for the wildlife resource. It virtually eliminated the guides who had abused the game year after year. It also gave individuals a great incentive to care for the game populations in their areas. In other words, what was good for the game became good for the business. The restricted area concept has worked exceptionally well.

Now we have a new problem. Because of a broad loophole in the guiding laws, unlicensed individuals have been able to start up illegal guiding operations under the guise of "Outfitting". For the most part these individuals are operating illegally, providing the services guides, taking compensation for assisting on the hunt, and many if not most are abusing the resource. Quite simply, they operate much as the guiding bandits of our past, as they have the freedom to hunt the state at will without restriction. In many areas the resources are in critical shape to the extent that resident and subsistence hunting opportunities are being jeopardized. They are guiding illegally, and have absolutely no incentive to care for the game population. As guides, we have been

LARRY RIVERS

REGISTERED GUIDE AND OUTFITTER

P.O. BOX 107
TALKEETNA, ALASKA 99676
(907) 733-2471



trying to work with the Department of Fish and Game and the Department of Protection in an attempt to solve this problem but we have had very little success. We need your help.

Guiding has been an established industry in this state for over fifty years, and attracts tens of millions of dollars to the state annually. Not only does it support the guides but the dollars are plowed right back into the Alaskan economy through purchases of food, wages, equipment, fuel and maintenance. The industry has been a solid part of the Alaska heritage for many many years and deserves your support.

At this point I would like to say that I am not at all opposed to the pure concept of Outfitting, only the way it has been corrupted by illegitimate operators. If an individual wishes to go into business renting camping or hunting equipment, I feel he has a genuine right to do so. However when that individual starts providing hunting services to the general public, offering operating camps with transportation and "camp help that know the area and the game" as is often advertised, then this is stepping over the boundary into the realm of guiding, and infringes illegally on an activity that the state has long chosen to regulate under stiff and exacting laws and standards. The guiding laws have been developed over a period of more than fifty years, developed with the specific purpose of protecting the game resource. Now we have individuals who have simply chosen to ignore the intent of the law and are doing so at the expense of the vary resource we have been so careful to protect.

I support one ninety one, (191), but would like to see the definitions made tighter to preclude continued abuse. Lets make the law clear and concise. Guiding has always been defined as the providing of hunting services for financial gain. This included established camps and personal services. If an airtaxi wishes to provide equipment, that's fine. If an individual wishes to go into the equipment rental business, that's perfectly in line with the intent of existing laws. However, once an individual starts providing air service to established camps without an airtaxi license he is stepping into the realm of licensed airtaxis or guides. And once either of them start providing established camps, with or without camp help, they are infringing on the guiding profession, and the opportunity for abuse is present. In order to clear up the question and eliminate a cloudy area that is open for abuse, permanent camps must be limited to the use of licensed guides. This does not restrict the airtaxi from flying or renting and it does not stop the legitimate operation from renting out equipment, but it does eliminate any temptation to provide illegal guiding services.

LARRY RIVERS

REGISTERED GUIDE AND OUTFITTER

P.O. BOX 107
TALKEETNA, ALASKA 99676
(907) 733-2471

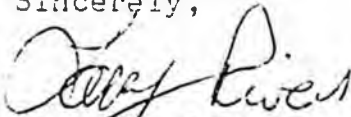


I would also like to see you define the term "OUTFITTER", as it relates to the hunting industry. Many of our current crop of "outfitters" ie: unlicensed guides, attend the hunting conventions, and advertise their services as OUTFITTERS. This is a serious form of fraud. In every part of the world, except Alaska, outfitting refers to the services of licensed guides. These individuals know this, and in advertising themselves this way they present themselves as guides, seldom telling the client differently. Many a hunter comes to Alaska to hunt with an outfitter, believing that they are licensed guides, approved by the State of Alaska. Let's clear up this terminology so that individual purchasing the various services knows exactly what they are dealing with. In other words, its time our terminology came in line with the world standard. Only Registered or Master Guides should be allowed to use the term outfitter. Furthermore, I would suggest that the term be further restricted so that it applies only to those Registered or Master guides with restricted guiding areas assigned by the State of Alaska.

It is extremely important that we protect the resource NOW. Alaska needs this legislation now, before the problem is totally out of hand. We need the bill this session and it needs to become effective as soon as it is signed by the Governor.

I sincerely thank you for you support of this bill.

Sincerely,



Larry R. Rivers

LR:dd

cc: House of Representatives

RECEIVED APR 23 1988

MIKE McCANN

ALASKAN REGISTERED GUIDE

TROPHY HUNTING • BACKCOUNTRY TRAVEL • FISHING • PHOTOGRAPHY

BOX 583 • GLENNALLEN, AK 99588

(907) 822-3240



Dear Adelheid,

I am writing in regards to the bill 191, and it is imperative that you vote for it. I have been guiding for 12 years in Alaska and am now a registered guide. My entire living is made by guiding in the spring and fall and in the winter I trap by dog team. And after I passed the registered guide exam I am still working with other guides, because I do not have an area. The passing of bill 191 is very important to me. And to the state of Alaska! These people that are calling themselves "Outfitters" are taking the resources without a license and an area! The word Outfitter should only legally be used for a legitimate registered or master guide. People in the lower 48 states assume an outfitter is one and the same. A lot of these people are taking too much of the game and is making a resource crisis. Legitimate subsistence hunting is being threatened and the general resident hunting is going to lose out if these people continue to illegally guide. The resource cannot take the pressure. The definition of guiding needs to be tightened up and keep this people out of the field. Camps for hunting should be the legitimate, licensed guides function.



MIKE McCANN

ALASKAN REGISTERED GUIDE

TROPHY HUNTING • BACKCOUNTRY TRAVEL • FISHING • PHOTOGRAPHY

BOX 583 • GLENNALLEN, AK 99588

(907) 832-3240

If you do not pass bill 191, The state of Alaska is going to lose out in many ways, not just the guides, The people of the state, the economy that the guides generate, and the natural resources will all lose it. These people are allowed to advertise and outfit without restrictions. The guides have licenses (mine cost \$240) and regulations to abide by. The situation is very critical! Please vote for 191.

Sincerely,

Michael J. McCann

cc - John Sand
 Mike Naumov
 Clift Davidson
 Druce Pierce
 Henry Springer
 Lyman Hoffmann
 Dick Shultz

RECEIVED APR 25 1988

THE HELMERICKS

Walker Lake - Colville Village
Via 930-9th Avenue
Fairbanks, Alaska 99701-9998
(907) 452-5417

April 22, 1988

Dear Adelhiide,

We want to ask you to schedule the bill SB 191 and move it out for quick passage this session. It is important for us to extend the Guide Board for another year and to pass this bill to protect our wildlife resources and strengthen the guiding industry.

The outfitters who wish to become guides may, those who want to be air taxi operators may while those who wish to become both may but they must pass the same exams and abide by the laws the way the rest of us have to.

I have been a registered or master guide for 43 years and I have not found it a hardship to follow our regulations. I'm proud to have worked in the guiding industry all those years and I want to see the guides continue to protect our fish and wildlife resources as we all once did. Anyone guiding in Alaska should be an Alaskan.

Thanks for your help. May each day be a happy one. We send our best wishes and our kindest personal regards.

Sincerely yours,

Red + Martha



RECEIVED APR 25 1988

P. O. Box 670071
Chugiak, Ak. 99567
April 20, 1988

Ms. Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS3100)
Juneau, Ak. 99811

Dear Ms. Herrmann,

Our big game wildlife resources are being threatened by an uncontrolled group, illegally guiding hunters, who call themselves "outfitters".

This group is made up of past guides who lost their licenses through illegal activities, non-residents, and those too lazy or defiant of the restrictions of the law to get a legal guide's license.

Senate Bill 191 passed out of the Senate April 19, 1988, addresses this issue, but doesn't go nearly far enough. This group of unlicensed guides, who call themselves outfitters, are grossly out of control. From every region of the State, I have heard of and have personally seen, atrocities against good game management.

This group of illegal guides, who call themselves outfitters, have used unbelievable imagination in finding loopholes to operate through. It will take a tough law to bring this back into control. These illegal guides go into an area, wipe the game out and move on.

Loopholes, like letting illegal outfitters rent camps in the field, are big enough for them to wholesale thousands of precious Alaska game animals to non-residents.

Absolutely every last one of these illegal outfitters knew they were outright illegal or operating through a loophole in the guide law.

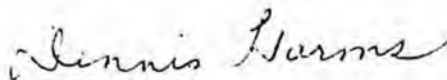
Legal licensed guiding has over a 50-year history. Legal licensed guides are the most controlled and restricted industry in Alaska. The legal guides have gone to great extent to enact laws to help the law enforcement revoke the licenses of those guides who did not respect game resources.

A licensed registered guide is limited to his area of operation so it would be foolish for him not to be a good steward of the game resources. However, he is at the mercy of the illegal outfitters who move in and out of guide areas wiping out the game populations.

This is a critical resource issue that is grossly out of control. I urge you to support S.B. 191 with strong amendments to stop these atrocities against our wildlife resources.

Every resident of the State will benefit from properly controlled game harvest.

Sincerely,



Dennis Harms
Alaska Master Guide

RECEIVED APR 27 1988

DONALD TROUTMAN
2453 HOMESTEAD DRIVE
NORTH POLE, ALASKA 99705
(907) 488-6300

April 26, 1988

Representative Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS3100)
Juneau, Alaska 99811

Dear Representative Herrmann,

I am writing in regards to SB191. I am very concerned about this legislation which has passed from the Senate to the House of Representatives. I feel that the time has come for the Senate and House to open their eyes as to the situation regarding Alaska big game moose and caribou. It is time to STOP the unregulated slaughtering of our animals by outsiders who are only interested in a fast buck, instead of trying to wisely use the available moose and caribou in a way that is best for Alaska residents.

I have enclosed two copies of advertisements that have been published in NATIONWIDE magazines. If something isn't done soon to regulate our animal resources, there won't be moose or caribou to hunt. What will we tell our children when they are grown? "I'm sorry but the State of Alaska legislatures, didn't care ten years ago about the moose and caribou, so now you as a resident of Alaska are not permitted to hunt for subsistence or sport." This situation is fast getting out of hand, and if something isn't done now to stop it, it will have grave consequences on the future of Alaska.

Thank you for your time to review my thoughts on this subject and the enclosed literature.

Sincerely,



Donald Troutman

James B. Bates
2256 Dillon Ave.
North Pole, Ak. 99705
(907) 188-2631
April 1, 1988

Senator or Representative
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator or Representative,

I would like to take a few moments of your time to discuss an issue that, if you are reluctant to face controversy, you may prefer not to discuss. However, because it concerns the big game resources of Alaska, I think it would be good of you to consider what I have to say.

As a resident hunter, I feel like I am caught in the middle of the outfitter controversy. There seem to be four important elements to this question. First, there are the guides, some good and some bad, who have worked within the system over the years, and who generally tolerate the other legal hunters who hunt in their areas. Then there are the so-called "outfitters", who, because they are not restricted to any particular area, are able to hunt wherever they want, and take as many clients as they can find moose for. Then there are the resident hunters like myself, who, at this point have not been seriously impacted as a group, but many of whom have been individually effected by uncontrolled outfitters. Finally, there are the subsistence users. As we all know, the subsistence users are given the priority when a game resource runs in short supply.

Now, if the outfitters put so much pressure on the moose population in a particular game management unit that the subsistence priority kicks in, what happens to the other user groups? Obviously, a guide is out of business, because he cannot move to another area. An outfitter can and will. The resident hunter will also be forced out of his traditional spot and will have to move to another area, if possible. The problem is that if all the hunters move to another unit, the game in that other unit will be decimated. The net result will obviously be that nobody will be able to hunt moose or other species except for subsistence.

For these reasons, I strongly urge you to support a serious solution to this problem before you adjourn in May.

Thank you.

Best regards,

James B Bates

March 25, 1988

John G. Daly
2190 Remington Circle
North Pole, Alaska 99705
(907) 435-3741

Senator or Representative
P.O. Box 6
Juneau, Alaska
99811

Dear Senator or Representative,

I have been a resident hunter in Alaska for the past three years, and am concerned that the uncontrolled influx of outfitters into the State will eliminate my hunting opportunities if nothing is done to stop it. SB191, as it passed out of Senate Resources does not accomplish anything, and I urge you not to support that version. In order for any piece of legislation to be effective, it must address the problem this year, not put it off until next year. I would urge you to insist that SB191 or HB183 include a definition of guiding, to eliminate anyone out in the field, such as a 'camp cook', who could very well be guiding - we don't know unless protection investigators them. My opinion is that many of these men character as guiding under the guise of 'cooking', etc. In addition, the bill should

put more of our big game on the guide required
list for nonresident hunters - particularly moose
and caribou - as long as residents can take
furds out.

As I said above, I have been an Alaskan
hunter for many years, and I am personally
acquainted with many other Alaskan hunters
who will not tolerate more closed and shorter
seasons that are resulting from uncontrolled
hunting pressure from outside outfits.

Thank You. Please do something now.

Sincerely Yours,
John G. Daly

Kurt Smith
Box 1351
North Pole, Ak. 99705
(907)488-2596
April 5, 1988

Senator or Representative
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator or Representative,

I have just read the Third(!) Resources committee substitute for Senate Bill 191, and I must say there appears to be a shortage of backbone down there in Juneau! Don't you people realize that if this illegal outfitter problem isn't fixed this session it will very likely be beyond fixing next session? I am a resident and a hunter, and am concerned for my right to hunt big game in my home state - especially moose.

I recognize this is an election year, and that this latest - gutted - version of this important bill may be written so as not to offend or put out of business some very important campaign supporters. However, you must realize that if the resident hunters of Alaska are prevented from pursuing their favorite big game animal, just so a few illegal resident outfitters and a whole bunch of Outside commercial operators like Cabellas and others from New Jersey, Pennsylvania and Wisconsin can get them, the resident hunters will remember that at the ballot box.

I urge you to support any amendments to this stripped-down bill that will put some effectiveness back into it.

Thank you for hearing me out, and don't hesitate to show some guts on this one.

Sincerely yours,

Kurt Smith

Rick Davis

3/25/88

300 Howland #59

Fairbanks, AK. 99712-1506

Phone 457 2720

Dear Senator or Representative,

I AM A Resident Hunter, having hunted in The Fairbanks Area For The PAST 27 years. I hope To continue To hunt in This Area in The Future, but Am quite concerned That if you in The Legislature do not do something About The illegal outfitting Problem - And very soon - I will not be able To continue To hunt.

I have Followed The Progress of SB 191 + HB 183, ALTHOUGH There hasn't been much progress on either one. From The Looks of The latest Version of SB 191, I would wonder if maybe some one down There is AFRAID To make A decision. Be Forewarned That This Failure To decide is STILL A decision, & IT will have grave consequences For US Resident Hunters of ALASKA because of our subsistence priority law. IT WILL ALSO have A Great impact on non-Alaskans VOTE. IT will ALSO have consequences on subsistence hunters, since a priority is of little value if The moose + caribou are gone.

Please sincerely consider passing An amended version of EITHER of These Two bills That will stop The Flow of illegal outfitters into AK
(over)

These people should be guides if they want
to be involved in commercial taking of big game
make them go through the guide system.

Thank you for taking the time to read my
comments. Also the new game regulations for
1988 put moose "spike-bull" & over 50" moose for
hunting only in unit 20A this puts half of the
residents from filling their freezers this year.
I will be watching to see if you resolve this
problem

Sincerely yours



Andrew J. Fuchs,
P.O. Box 51651
North Pole, Alaska 99705
468-1547

Re: CS 82-191

Dear Senator or Representative,

I see that in the above-referenced version of the bill the committee would let go of making a decision to solve the illegal poaching problem for another year. It is not the way to handle the problem, and I hope you will show a little more statesmanship when the bill comes to some place for a vote. It should be amended, and Alaska's big game resources are depending on it. I am totally opposed to the concept of a law force to take on the problems associated with the guide industry, and could support that part of the bill that had some guts to it. Although I am not a guide, I support a well-regulated guide system, and would think the guides would welcome the secondary law force would provide however - a resident hunter. I am very outraged over these "inspectors" coming into the state and slipping off hundreds of moose and caribou hunter for game populations. Cannot maintain this type of business for long and when they crash, we will go with them. Please take positive action on this issue immediately.

Thank you
Andrew J. Fuchs

Charlie Draper
2820 RIVERVIEW
FAIRBANKS, ALASKA
99709

474 9612

Dear Senator or Representative

Alaska's best game resources are in a very vulnerable position at this time. Because of loopholes in our hunting and guiding laws. I hope you support closing those loopholes this session. As you are no doubt aware, our big game guide system came about in response to just this type of predatory activity we are now seeing with outfitters. At that particular time it was the guides who could operate freely anywhere in the state, and who had no vested interest in taking care of the resources. We have effectively regulated their businesses since then, and both sheep populations have benefited by the system. Now, however, we have a parallel situation with uncontrolled hunting on moose and caribou. If we are to protect these important big game species it is imperative that you take action this session. I hope you will take my concerns into account. I am not a guide and have no interest in any guide business, and hereby am not concerned.

favor quiet. As a religious matter, however,
I am very concerned that my meeting opportunities
will be diminished, if not eliminated, and for what
to a few wholesale outbitter from outside will
make a great profit on Alaska by some
means. This is wrong and I hope you
will seriously attempt to rectify it.
Thank you for considering my point of view.

Sincerely,

John P. ...

KEITH N. JOHNSON

MASTER GUIDE & OUTFITTER

3646 NORTH POINT DRIVE
ANCHORAGE, ALASKA 99515

April 26, 1988

Phone: (907) 243-5087

Representative Adelheid Herrmann
P. O. Box U
State Capitol
Juneau, Alaska 99811

Dear Representative Herrmann:

I would like to see Senate Bill 191 moved through the house as rapidly as possible this session so that it can be passed before the end of the legislative session. In order for this to be done, we are going to need a lot of help from all of you and sincerely request your help on this.

The general public and the guiding industry needs this bill to be passed in order to get some restraints put on those who are now literally raping the natural resource. It has been called to all of our attention that several outfitters are taking between 100 and 300 hunters in the field each season. They are not restricted to any general area so when one areas game is used up, so to speak, they move on to another valley.

We also need to strengthen S.B. 191 by adding some wording to it. Just recently a decision by an Assistant District Attorney made it illegal for the oral portion of the Registered Guide Exam to be required for licensing. The oral exam is extremely effective in sorting out those who really know Alaska, its wildlife and the guiding regulations from those who have just studied books and are good at taking written tests.

We need to insert the words "Written and Oral" in (a) (1) between administer and examinations to correct this matter in Sec. 08.54.040 Powers and Duties.

I know of no person that is against the insertion of these words into the bill. It is just something that was deleted because of confusing wording. It is merely a housecleaning change that must be done on this bill.

The guiding industry respectively requests your support on S.B. 191. Our industry has come a long way in the last few years to clean up our act and strengthen our regulations and we need all the help we can get from all of you. One step that would certainly be beneficial to the guiding industry is if we were given more than one year extension of the sunset. The dates should be moved to June 30, 1990 to give us time to correct any problems we have in the industry. As it currently stands we seem to spend most all of our time in political turmoil trying to get a bill passed.

Respectively yours,



Keith N. Johnson
Guide Board Advisory Committee Chairman

April 26, 1988

Representative Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Herrmann,

I too, am an Alaskan who enjoys our state's game resources and I applaud Governor Cowper's recent commercial, which I heard on public radio. "The Fish and Game Zenith number", to report game violations is a way to protect our state's game resources.

Why then is the same administration not willing to address and support the issue of "Unlicensed Outfitting". It would seem to me that to truly protect our game "Unlicensed Outfitters" should have to follow the same rules and state regulations that are demanded of current licensed guides, both Master and Registered.

How can the game resource be protected when "Outfitters" are guiding people, both residents and non-residents anywhere in the state to take Moose and Caribou without regulation? How can we know the impact on the area populations without knowledge of "where" and "how many"?

As the wife of an assistant guide, I am especially concerned with the answers to these questions and the outcome of SB 191, as it is our livelihood.

If these "Unlicensed Outfitters" can not or will not become a part of the state's guide licensing system, then they should be regulated in their taking of game.

Our state's game resources depend on it.

Sincerely concerned,

Cindy Chadd

Cindy Chadd
P.O. Box 230241
Anchorage, Alaska 99523

T.F. SMITH

Licensed Master Guide

~~P.O. BOX 1132~~ 3407 HPR

SITKA, ALASKA 99835

(907) 747-8807

April 27, 1988

RECEIVED APR 29 1988

Representative Adelheid
Co-Chair: Resources Committee
Alaska State Legislature
P. O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Adelheid Herrman:

Please schedule SB 191 and move it out of your
Committee, if this hasn't already been done. I support this Bill
and feel that it is too important to let die upon adjournment.
Thank you.

Sincerely,

T. F. Smith
T. F. Smith

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: VERN NOWELL
TITLE:
ADDRESS: 12241 AVION
CITY: ANCHORAGE
PHONE: 345-4417
BILL NO: SB 191
SUBJECT: GUIDE BOARD; BIG GAME GUIDING

ZIP: 99516

MESSAGE: I AM A VIDEO PHOTOGRAPHER AND STILL PHOTOGRAPHER. I ACCOMPANY HUNTERS
IN THE FIELD AND PHOTOGRAPH THE HUNT. PLEASE MAKE ALLOWANCES IN THIS BILL FOR
ME TO CONTINUE OPERATIONS.

PMID: 03133352
DATE: 04/25/88
TIME: 13:33:52
LOCATION: ANCHORAGE LTD

COPIES: REPRESENTATIVES

COTTEN
DAVIDSON
HOFFMAN
NAVARRE
PEARCE
SHULTZ
SPRINGER
SUND

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: NICK ERICSON
TITLE:
ADDRESS: 3450 LAKEVIEW DRIVE #313
CITY: FAIRBANKS ZIP: 99701
PHONE: 456-5210
BILL NO: SB 191
SUBJECT: GUIDE BOARD; BIG GAME GUIDING
MESSAGE: I SUPPORT THE ABOVE REFERENCED BILL WITH THE FOLLOWING AMENDMENT.
IN THE 2ND READING DATED 4/15/88 ON AMENDMENT #3, SEC. 3 (D) CHANGE TO READ,
"IN A CAMP WHILE ATTENDING TO HORSES OR SLED DOGS THAT ARE BEING USED TO
TRANSPORT BIG GAME HUNTERS TO OR FROM THE FIELD." MY MAIN INTEREST
IS TO SEE THAT SLED DOGS ARE INCLUDED AS A FORM OF TRANSPORTATION FOR THE
HUNTERS. THIS WOULD CHANGE 08.54.240 (3).

POMID: 07135906
DATE: 04/27/88
TIME: 13:59:06
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

BOYER	FAHRENKAMP
COTTEN	COGHILL
DAVIDSON	FAIKS
HOFFMAN	
NAVARRE	
PEARCE	
SHULTZ	
SPRINGER	
SUND	



March 23, 1988

Senator Rick Uehling
Pouch V
Juneau, AK 99811

Dear Senator Uehling:

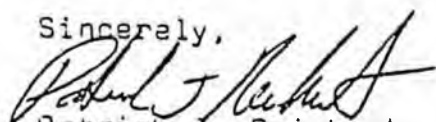
Attached you will find a letter of support for Senate Resolution #62, "Relating to making state facilities and national parks in Alaska accessible to visitors." Also attached is a detailed budget of how Challenge Alaska would spend a \$35,000 grant for the promotion of tourism for the physically challenged. This grant would be made available through the Division of Tourism. I recently had discussions with Mr. Hugh Gellert, Director of the Division, and he is very supportive of our initiative.

Originally, we had combined this request with an existing contract with State Parks. Presently, we are in the Governor's budget under Parks at the \$35,000 level. These funds help support Challenge Alaska recreation activities for disabled Alaskans. We have asked for an additional increment of \$25,000 from Parks to support recreation activities in the Fairbanks area. Your support of this request is appreciated by all those disabled Alaskans who benefit from our program.

As you will notice, the funding we requested for visitor promotion is only 75% of the project budget. Challenge Alaska is committed to the project, and we will demonstrate this commitment by raising the additional funds through service contracts, workshop fees, and donations from private industry. We have also been very successful in raising funds for the activities we provide to disabled Alaskans. You should know that the grant provided by State Parks is less than 25% of our total activity budget.

We have a unique opportunity in Alaska to develop a truly accessible visitor industry. I believe you recognize this fact. I want to thank you for your support of Challenge Alaska and being sensitive to the needs of the physically challenged visitor.

Sincerely,



Patrick J. Reinhart
Executive Director



Attachments: Physically Challenged Visitor Promotion Budget
Letter of Support for SJR #62

P.O. BOX 110065 ANCHORAGE, ALASKA 99511: (907) 563-2658
(907) 783-2925

GOALS AND OBJECTIVES OF PROJECT

GOALS:

1. Facilitate travel and outdoor recreation in Alaska by all physically challenged visitors.
2. Bring economic benefits to Alaskans (both disabled and non-disabled) through development of this new visitor market.
3. Generate sufficient resources, through service contracts, grants, fees, commissions, memberships, donated funds, goods or services, volunteer work and other means, to maintain a continuing program.

OBJECTIVES:

1. Obtain funding for startup phase of project; as part of startup, revise project plan for FY89 in line with funding level.
2. Continue to provide outdoor recreation activities. Develop demonstration activities to test their marketability and to stimulate the interest of private vendors in replacing Challenge Alaska as the operator of these activities wherever possible.
3. Develop and maintain research program on challenged visitor market, including elderly with limited mobility.
4. Promote Anchorage and Alaska as destinations for these visitors.
5. Facilitate travel planning for such visitors with materials, information services, reservation services and other appropriate means.
6. Create new job opportunities for Alaskans experiencing a disability in the travel trade.
7. Develop and maintain ongoing relationships within the travel trade so as to facilitate challenged visitor development.
8. Provide disability awareness or other needed training to front line visitor related employees.
9. Develop ongoing financial support through grants, contracts, memberships, donated funds, donated goods, donated services or other means.
10. Examine feasibility of charging fees or obtaining commissions for provision of training, materials, or travel consulting services to the travel trade.
11. Recruit and train volunteers to support this program as appropriate.
12. Provide information on tax breaks and other financial advantages of providing increased accessibility in private accommodations and visitor related facilities.

CHALLENGE ALASKA
 Visitor Promotion Program
 Budget - FY89

SALARIES	
1 FT Visitor Access Specialist	25,000
TAXES/FRINGE	
FICA	737
WORKMANS COMP	1,000
ESC	810
Medical	360
FACILITIES	
Telephone	300
SUPPLIES	
Office	1,000
Workshop Supplies	1,200
Postage	800
Software	1,000
EQUIPMENT	
Computer Hardware	1,600
Workshop Equipment	600
TRAVEL	
Mileage (.25/mile at 4,000)	1,000
Vehicle Rent	300
Airfare (in-state)	
In-state	800
(Juneau, FBX, Kodiak Workshp	
Out-of-state	700
(National Park Service	
Access Workshop)	
Food/Lodging	440
CONTRACT SERVICES	
Consultants	2,000
Workshop Coordinators	2,400
OTHER	
Training	250
Promo/Advertising	500
Printing/Copying	1,500
Resource Materials	250
Miscellaneous	1,200

Total:	46,337

DEAR MEMBERS OF THE HOUSE,

I AM WRITING YOU THIS LETTER TO ASK FOR YOUR SUPPORT TO ALLOW ME TO CONTINUE MY PROFESSIONAL PHOTOGRAPHY BUSINESS. I AM APPAID THE WORDING OF S.B. 87 "SECTION 3 OR 08.54.240 (3)" WOULD MAKE MY OPERATION AN ILLEGAL ONE. MY SERVICE DOES REQUIRE ME TO BE IN THE FIELD TO VIDEO TAPE MY CLIENTS. I IN NO WAY ASSIST WITH THE SHOOTING, STALKING, PURSUIT, OR KILLING OF ANIMALS. AFTER THE SESSION, I HAVE A VIDEO PRODUCTION COMPANY PRODUCE MY MATERIAL INTO AN EDITED VERSION FOR COMMERCIAL SALES. HAVE A COMMERCIAL PHOTOGRAPHY BUSINESS LICENCE FOR THIS. I ALSO HAVE COMMERCIAL USERS PERMITS FROM THE NATIONAL PARK TO OPERATE IN THE PARKS PRESERVE AREA. I AM AN ALASKA RESIDENT, AND I HAVE THREE CHILDREN IN ANCHORAGE SCHOOLS. THE REVENUE I RECIEVE FROM THIS BUSINESS, SUPPORTS ME AND MY FAMILY. PLEASE DO NOT FORBID ME TO CONTINUE TO OPERATE MY BUSINESS. I AM NOT TRYING TO CREATE A LOOP HOLE FOR OUTFITTING. I CAN PROVE THAT I HAVE BEEN OPERATING IN GOOD FAITH IN THE PAST, AS ROBERT BOUTANG OF FISH AND GAME PROTECTION WILL TELL YOU, I AM AN HONEST OPERATOR. I HAVE NO DESIRE TO BREAK THE LAW. I KNOW THERE IS A PROBLEM WITH ILLEGAL GUIDING OPERATIONS, I DO NOT WISH TO ADD TO THE PROBLEM. PLEASE CONSIDER MY REQUEST. IF NEEDED, I REQUEST THAT I MAY CONTINUE TO OPERATE BY A GRANDFATHER RIGHT. I AM SURE THERE ARE VERY FEW OPERATORS LIKE MYSELF THAT CAN PROVE PAST PRACTICE OF THIS SERVICE, BY A PAPER TRAIL. IF I HAVE MISINTERPRETATED THE MEANING OF THIS BILL PLEASE INFORM ME BY WRITING.

THANK YOU

LES KRANK

ALASKA BUSH ADVENTURES

610 W. 91 ST. AVE.

ANCHORAGE, ALASKA

99510

Les Krank

RECENT LETTERS/OTHER COMMENTS ON

CS SB 191 (FIN) AM

RECEIVED APR 28 1988

FISHING AND FLYING
Box 2349
Cordova, Alaska 99574
April 28, 1988

Representative Adelheid Hermann
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Hermann:

This letter concerns SB 191 which involves big game guiding, transporting, outfitting, and hunting. . . obviously, there was some need for a new look at management of hunts. I believe that the Bill successfully addresses the issues. However, I would like to point out a minor problem with the Bill which could become a grave problem.

My concerns are about Sec. 3 (3). . . "guide" or "guiding" means accompanying or being present with, or providing personal service for, a big game hunter in the field. . .
it continues on with "guide" or "guiding" does not include accompanying or being present with a hunter . . . B at a lawfully established cabin or permanent lodge;

We operate a small air taxi and do some outfitting. . . We go through the long, arduous process of obtaining permits for temporary tent camp sites. We are allowed, after the massive paperwork and the necessary fees and the outfitters insurance, to set up camps for use with our guests--and these are hikers, sportsfishermen, and hunters. We are not guides and therefore we simply fly our clients out to the camps, arrange for a pickup time and they are on their own. The advantages to our guests are these:

1. They do not have to bother with bringing all of the camp gear with them. It is all ready for use, and the visitors do not have to worry about shipping things ahead. What a lot of hassle is avoided by flying into an outfitted camp!

2. Obviously, this is not a champagne and lobster setup--and it is a lot less expensive. Our visitors have to be prepared to rough it (if you call a nice dry tent with a wood stove AND bunks roughing it!) and they have to be capable of being on their own in the woods. Obviously, from the time a

person first contacts us, there are a lot of questions asked: if the person requires the luxury route, we direct them to a guide with lodge facilities. But it must be remembered that hunting is a privilege and should not be limited to guided hunts. We must protect the rights of the middle-class hunter, who may be able to afford a tent camp hunt, unguided, but wonderfully Alaskan.

3. When a person goes to an outfitted camp, we know that the person has the right type of camp for the weather and for the area. Often, people elect to provide their own gear. For locals, it works. They know our area and know how to stay dry and warm. For people unfamiliar with an area, it can mean a miserable, uncomfortable time.

Therefore, I would respectfully submit that the SB 191 needs the wording changed to include (B) at a lawfully established cabin, permitted camp, or permanent lodge. Otherwise, we are in danger of a very unfair situation.

Please contact me if I have not explained my thoughts clearly: I know what I'm trying to say, but it may not be very obvious or clear to you. Thank you for your attention to this matter.

Sincerely,

Gayle Ranney

RECENT LETTERS AGAINST

CS SB 191 (FIN) am

DEAR MEMBERS OF THE HOUSE,

I AM WRITING YOU THIS LETTER TO ASK FOR YOUR SUPPORT TO ALLOW ME TO CONTINUE MY PROFESSIONAL PHOTOGRAPHY BUSINESS. I AM AFRAID THE WORDING OF S.D. 191 "SECTION 3 AS OR. 54.240(3)" WOULD MAKE MY OPERATION AN ILLEGAL ONE. MY SERVICE DOES REQUIRE ME TO BE IN THE FIELD TO VIDEO TAPE MY CLIENTS. I IN NO WAY ASSIST WITH THE SPOTTING, STALKING, PURSUIT, OR KILLING OF ANIMALS. AFTER THE SEASON, I HAVE A VIDEO PRODUCTION COMPANY PRODUCE MY MATERIAL INTO AN EDITED VERSION FOR COMMERCIAL SALES. HAVE A COMMERCIAL PHOTOGRAPHY BUSINESS LICENCE FOR THIS. I ALSO HAVE COMMERCIAL USERS PERMITS FROM THE NATIONAL PARK TO OPERATE IN THE PARKS PRESERVE AREA. I AM AN ALASKA RESIDENT, AND I HAVE THREE CHILDREN IN ANCHORAGE SCHOOLS. THE REVENUE I RECEIVE FROM THIS BUSINESS, SUPPORTS ME AND MY FAMILY, PLEASE DO NOT FORBID ME TO CONTINUE TO OPERATE MY BUSINESS. I AM NOT TRYING TO CREATE A LOOP HOLE FOR OUTFITTING. I CAN PROVE THAT I HAVE BEEN OPERATING IN GOOD FAITH IN THE PAST, AS ROBERT BOUTANG OF FISH AND GAME PROTECTION WILL TELL YOU, I AM AN HONEST OPERATOR. I HAVE NO DESIRE TO BREAK THE LAW. I KNOW THERE IS A PROBLEM WITH ILLEGAL GUIDING OPERATIONS, I DO NOT WISH TO ADD TO THE PROBLEM. PLEASE CONSIDER MY REQUEST. IF NEEDED, I REQUEST THAT I MAY CONTINUE TO OPERATE BY A GRANDFATHER RIGHT. I AM SURE THERE ARE VERY FEW OPERATORS LIKE MYSELF THAT CAN PROVE PAST PRACTICE OF THIS SERVICE, BY A PAPER TRAIL. IF I HAVE MISINTERPRETATED THE MEANING OF THIS BILL PLEASE INFORM ME BY WRITING.

THANK YOU

LES KRANK

ALASKA BUSH ADVENTURES

610 W. 91 ST. AVE.

ANCHORAGE ALASKA

99515

Les Krank

RECEIVED APR 25 1988



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

DON GILMAN
MAYOR

April 20, 1988

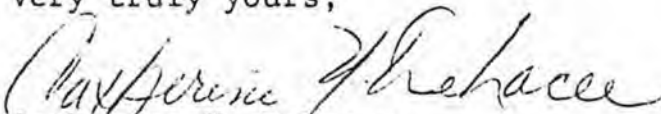
The Honorable Adelheid Herrmann, Chairman
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Chairman Herrmann:

On April 19, 1988, the Kenai Peninsula Borough Assembly adopted Res. 88-38, "Supporting the Formation of a Task Force by the Senate Resources Committee in Regard to Senate Bill 191, and Urging that Equal Representation of all User Groups be Assured" (McGahan). Both Mayor Don Gilman and the Assembly have requested the enclosed copy of the resolution be forwarded to you.

Your review is most appreciated.

Very truly yours,


Catherine Y. DeLacee,
Deputy Borough Clerk

ENC: (1)

Introduced by: McGahan
Date: April 19, 1988
Vote: 12 Yes, 4 No
Action: Amnd, Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 88-38

SUPPORTING THE FORMATION OF A TASK FORCE BY THE SENATE RESOURCES COMMITTEE IN REGARD TO SENATE BILL 191, AND URGING THAT EQUAL REPRESENTATION OF ALL USER GROUPS BE ASSURED.

WHEREAS, considerable controversy has arisen over the harvest of big game in Alaska by all user groups in the sports hunting public; and

WHEREAS, all user groups have recognized that there are inherent problems in this regard that must be resolved; and

WHEREAS, historical evidence shows genuine needs of all user groups; and

WHEREAS, because of the issues involved, the committee substitute for SB 191 would create a task force to try to reach an equitable solution to these issues; and

WHEREAS, the task force will determine the protections needed to preserve and maintain the hunting resources of the state; and

WHEREAS, this task force would include not only members of the guide board, but would require membership and participation by representatives of all groups using the hunting resource; and

WHEREAS, the assembly supports such an effort to reach a solution to this issue; and

WHEREAS, the elimination or unnecessary restriction of any of these user groups could create serious financial hardship on borough residents and businesses;

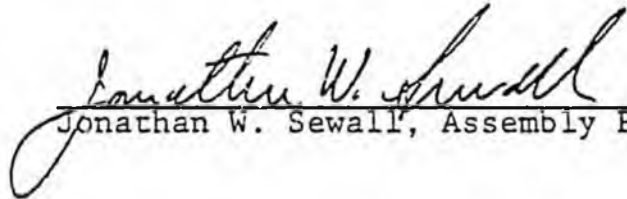
NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the assembly hereby expresses its support for the Resources Committee substitute to SB 191 that would create a task force to recommend an equitable solution to questions regarding conflicts between user groups of the sports hunting public.

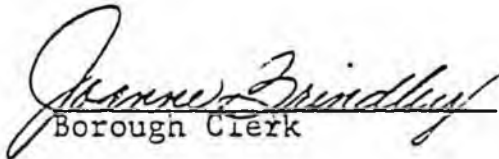
Section 2. That the Assembly opposes any version of SB 191 or other legislation that would restrict or possibly eliminate any user group until after the Task Force has completed its work and made its recommendations.

Section 3. That copies of this resolution shall be sent to Governor Steve Cowper; Commissioner of Fish & Game; Senator John B. Coghill, Chairman of the Senate Resources Committee; Senators John Binkley, Paul Fischer, Jalmar Kerttula and Mike Szymanski; and Representatives Adelheid Herrmann and Sam Cotten, Co-Chairmen of the House Resources Committee and Representatives Bette Cato, Mike Navarre, C.E. Swackhammer, Kay Wallis and Jim Zawacki.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 19th DAY OF April, 1988.


Jonathan W. Sewall, Assembly President

ATTEST.


Borough Clerk

RECEIVED APR 27 1988

TO: MR. ADEL HEID HERRMANN
POUCH B
JUNEAU AK. 99811

FROM: MR. JOHN LONGSTREET
UNITED STATES COAST GUARD AIR STATION
TRAVERSE CITY, MI. 49684

DEAR SIR

I AM AN ALASKA RESIDENT STATIONED IN MICHIGAN. I HAVE BEEN HEARING SOME VERY DISTURBING THINGS CONCERNING OUTFITTERS IN ALASKA. I UNDERSTAND THAT SENATE BILL 191, THAT IF PASSED WILL MAKE OUTFITTING ILLEGAL, PUTING ALOT OF PEOPLE OUT OF WORK, TAKEING BUSINESS AWAY FROM SPORTING GOODS STORES, OUTDOOR CLOTHING STORES, FOOD STORES, AND AIR TAXI SERVICES, TO NAME A FEW.

I AM A VERY ACTIVE HUNTER AND FROM TIME TO TIME EMPLOY THE SEPVICES OF OUTFITTERS. THE REASON I USE OUTFITTERS INSTEAD OF GUIDES IS ECONOMICS. I CAN HIRE A GOOD OUTFITTER WHO WILL MAINTAIN A VERY COMFORTABLE CAMP, AND PROVIDE FOR ME EVERYTHING FROM A SLEEPING BAG, TENTS, FOOD, A CAMPCOOK, ECT. FOR AROUND \$1000.00 PER WEEK, WHERE A GUIDE CHARGES ABOUT \$6000.00 PER WEEK.

I REALIZE THAT AN OUTFITTER CAN NOT ACCOMPANY ME IN THE FIELD NOR HAVE I EVER HAD ONE THAT WANTED TO. I DO NOT WANT OR NEED A GUIDE, BUT I ENJOY COMING BACK FROM A HARD DAYS HUNT TO A COMFORTABLE CAMP, WHERE THE CAMPCOOK MEETS ME WITH A HOT CUP OF COFFEE, WITH SUPPER NOT TO FAR BEHIND. I KNOW THAT I AM NOT ALONE IN THIS, I HAVE TALKED AND HUNTED WITH SEVERAL OTHER HUNTERS BOTH RESIDENT AND NON-RESIDENT WHO PREFER TO USE OUTFITTERS, IF FOR NO OTHER REASON THAN THAT GUIDES HAVE OVER PRICED THEM SELFS COMPLETELY BEYOND REASON.

IF YOU PASS THIS BILL, COMFORTABLE CAMPS WILL BE SOMETHING ONLY A RICH MAN CAN AFFORD. AND FEWER PEOPLE WILL COME TO HUNT IN ALASKA WHICH FROM AN TOURISM POINT OF VIEW MEANS FEWER DOLLARS SPENT IN LOCAL STORES.

ALSO I FEEL IT IS MY RIGHT TO HAVE A CHOICE BETWEEN OUTFITTERS AND GUIDES, THEY BOTH FILL IMPORTANT AREAS IN THE HUNTING COMMUNITY, IF YOU CAN AFFORD A GUIDE AND WANT ONE GREAT, BUT IF YOU ARE LIKE ME AND CANNOT AFFORD A GUIDE, AN OUTFITTER IS THE ONLY WAY TO GO.

SO PLEASE VOTE AGAINST "SENATE BILL 191" AND ANY OTHER BILL THAT WOULD STOP OUTFITTERS FROM PROVIDING A MUCH NEEDED SERVICE.

THANK YOU FOR YOUR TIME

John Longstreet
JOHN LONGSTREET

Introduced by: McGahan
Date: April 19, 1988
Vote: 12 Yes, 4 No
Action: Amnd, Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 88-38

SUPPORTING THE FORMATION OF A TASK FORCE BY THE SENATE RESOURCES COMMITTEE IN REGARD TO SENATE BILL 191, AND URGING THAT EQUAL REPRESENTATION OF ALL USER GROUPS BE ASSURED.

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WHEREAS, all user groups have recognized that there are inherent problems in this regard that must be resolved; and

WHEREAS, historical evidence shows genuine needs of all user groups; and

WHEREAS, because of the issues involved, the committee substitute for SB 191 would create a task force to try to reach an equitable solution to these issues; and

WHEREAS, the task force will determine the protections needed to preserve and maintain the hunting resources of the state; and

WHEREAS, this task force would include not only members of the guide board, but would require membership and participation by representatives of all groups using the hunting resource; and

WHEREAS, the assembly supports such an effort to reach a solution to this issue; and

WHEREAS, the elimination or unnecessary restriction of any of these user groups could create serious financial hardship on borough residents and businesses;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the assembly hereby expresses its support for the Resources Committee substitute to SB 191 that would create a task force to recommend an equitable solution to questions regarding conflicts between user groups of the sports hunting public.

Section 2. That the Assembly opposes any version of SB 191 or other legislation that would restrict or possibly eliminate any user group until after the Task Force has completed its work and made its recommendations.

Guides & Outfitters

111

Performance Report on the Guide Licensing And Control Board - Nov. 1985

A PERFORMANCE REPORT ON THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
GUIDE LICENSING AND CONTROL BOARD

November 21, 1985

Audit Control Number

08-1253-86-R

Commissioner, Department of
Commerce and Economic Development

Loren H. Lounsbury

Deputy Commissioners, Department of
Commerce and Economic Development

Terry Elder
Greg Baker

Members of the
Guide Licensing and Control Board

Chairman
Member
Member
Member
Member
Member
Member

Ray McNutt
Edward J. Shavings, Sr.
Douglas Pope
Charles Weir
Poldine Carlo
Ralph G. Fenner
James Harrower

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

November 22, 1985

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Titles 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT ON THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
GUIDE LICENSING AND CONTROL BOARD

November 21, 1985

Audit Control Number

08-1253-86-R



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

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PURPOSE AND SCOPE OF THE REPORT

Purpose

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Guide Licensing and Control Board for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Guide Licensing and Control Board should be reestablished. The law now specifies that the Board will terminate June 30, 1986 and will have one year from that date to conclude its affairs.

Scope

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Interviews with the license examiners.
3. Tests of files and documents of licensees.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General Opinions applicable to professional boards.

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ORGANIZATION AND FUNCTION

The Guide Licensing and Control Board was established by the 1973 Legislature and succeeded the Board of Fish and Game, Department of Fish and Game, which previously had regulated the guiding industry. The seven member Board is appointed by the Governor with confirmation by the Legislature and is restricted to having no more than three members as licensed guides. Board members serve staggered terms of three years or until their successors are appointed.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing. The Division assists the Board in the performance of their duties by providing administrative, licensure, and investigative support.

By law, a nonresident may not hunt, pursue, or take brown bear, grizzly bear, polar bear, or sheep in Alaska unless personally accompanied by a licensed master, registered, or assistant guide. Nonresidents hunting with an Alaskan relative are exempt from this requirement. The Guide Licensing and Control Board was appointed in part to protect these nonresident hunters from incompetent individuals holding themselves out to be qualified Alaskan guides.

The function of the Board is primarily regulatory, mandated by AS 08.54.040. Accordingly, the Board has the capacity to administer examinations, determine qualifications of guides, establish performance standards and regulate activities, maintain guide registers, prohibit harmful guiding activities, conduct hearings regarding licensure, and establish quotas of guides for specified geographical areas (exclusive guiding areas). The Board, through the assignment of exclusive guiding areas, limits hunting pressure by guides within a specific geographical area.

In addition, the Board licenses "transporters"; a licensed "transporter" is a person who transports hunters for hire.

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REPORT CONCLUSION

Policy Issues

This report contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the Guide Licensing and Control Board should be reestablished. The regulation and licensing of qualified guides is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum qualification and experience requirements that provide reasonable assurance that persons licensed are both capable of safely conducting guided hunts and familiar with their prospective guiding areas. Assurance that those licensed act in a competent manner is also provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

However, the following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Guide Licensing and Control Board (GLCB) should develop a prioritized set of criteria to use in assigning both exclusive and joint-use guiding areas (EGAs).

Alaska Statute 08.54.040(a)(8) allows GLCB to:

Establish a quota of licensed operating guides who may operate within designated geographical units or subunits of the state and provide for an equitable and reasonable procedure for limiting the number of guides to that quota; preference shall be given to qualified available guides who reside within the designated game unit or subunit.

GLCB has implemented this provision through the establishment of both exclusive and joint-use guide areas (EGAs), which limit the number of guides who can conduct hunts in various regions of the State. The GLCB's authority to assign EGAs is supported by an April 1977 Attorney General memorandum which determined that GLCB's regulations and activities implementing exclusive guiding areas were within their statutory powers.

This limitation on the practice of guiding ostensibly provides public benefits by providing for better game management; promotion and enforcement of ethical guiding practices; enhancing the "wilderness" aspect of big game hunting experience by separating guided hunting parties; and allows for the separation of non-compatible forms of hunting. The limits are also designed to provide for a greater degree of safety to the guided hunter by allowing guides to become familiar with the terrain and seasonal weather conditions of their assigned area.

GLCB 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. Additionally, GLCB often does not adequately document the basis on which they make their assignments. We found inconsistencies and contradictions in the way that GLCB applied the following criteria when awarding EGAs:

1. Game Management Information - GLCB does not consistently review game management information in their area assignment decisions. What game information they do consider usually is second hand and anecdotal, provided by applicants or current users (see Recommendation No. 2).

2. Demonstration of Experience - When applying for an EGA, applicants must demonstrate that they have had guiding experience in the applicable game unit. Guides demonstrate their experience through the submittal to GLCB of a Statement of Financial Remuneration (SFR) for each guided hunt. SFRs list the names of hunters, guides assisting in the hunt, game units hunted, and the type of game taken.

Under the Board's regulations, SFRs are the primary evidence of a guide's activity and familiarity with the game unit involved. However, we found instances where the Board awarded EGAs to guides with no SFRs in the appropriate game unit, while denying other EGA applicants because they had no SFRs on file demonstrating their experience or activity.

3. Transfers of guiding areas - GLCB has been essentially approving transfers of guiding areas with little or no consideration of any other criteria such as game management, objections of joint users, or experience of the guide receiving the transferred area (see Recommendation No. 3).

This inconsistency on the part of GLCB in its decision-making, along with the lack of proper documentation of its rationale, ultimately results in a loss of effective control over the activities and policy of the guiding industry.

During the past four years, hearing officers have repeatedly found Board decisions to be arbitrary and capricious with little or no support. In effect, the Board has abdicated much of its control over area assignments through its inconsistent application of criteria. Hearing officer decisions are beginning to effectively replace GLCB in setting quotas for guides. Essentially, GLCB has not fully met its statutory responsibility to adopt an equitable and reasonable procedure for the assignment of guide areas.

We believe GLCB's responsibility would be better met by identifying pertinent criteria to be used in area assignment decisions, assigning some priorities to those criteria, and applying them consistently.

Recommendation No. 2

GLCB should improve methods of obtaining game management information from independent sources, such as the Alaska Department of Fish and Game (ADFG).

One of the primary justifications for the whole concept of EGAs is to enhance overall management of the public's game resources. Guides are awarded exclusive or joint-use areas so that they have a long-term interest in managing the game

in their EGA. GLCB has adopted regulations [12 AAC 38.053(d) (1)] that require it to consider an area's ability "... to sustain an additional guided hunting operation, in terms of game populations, terrain, methods of hunting, and use by other guides and hunters."

As stated in Recommendation No. 1, we found that GLCB rarely considers independent information regarding game populations and management concerns when assigning EGAs. GLCB relies on information provided by applicants and guides operating in the region under consideration. Certainly, the assessment of an active registered guide is important and should be considered. However, whether coming from an applicant or current user, it must be recognized that the guide has a vested interest in how the information is presented and interpreted.

Oftentimes, information presented to the Board is conflicting, depending on the desire of the guide. New applicants for areas claim game is plentiful, and the area is underutilized. Current users, on the other hand, emphasize game scarcity and hunting pressures.

If GLCB established better, more formal communications with ADFG they would better meet their regulatory and statutory obligation to enhance the management of the State's game resources. ADFG information may be no better than that of guides; however, it is more independent and more objectively developed. ADFG is charged with management of the State's game resources, and guided, non-resident hunters take up to an estimated 40% of the game in the State. We believe GLCB should attempt to improve communications and coordination with ADFG while taking steps to include their assessment of game populations and hunting pressures when considering assignment of EGAs.

Recommendation No. 3

GLCB should take more responsibility for area assignments by repealing regulations that allow a guide to designate to whom his EGA be reassigned.

Registered and master guides may each have a maximum of three EGAs. Typically, when a guide wishes to retire or perhaps become eligible for another, different EGA, he is allowed to turn back an existing EGA to the Board and designate the recipient of this reassignment. GLCB regulations currently allow, but do not necessarily require, this practice.

We found that these designated transfers override all other area assignment criteria. Essentially, GLCB has been automatically approving transfers of EGAs regardless of game management considerations, demonstration of experience

in the area by the transferee, and over the objections of affected joint users. Whereas GLCB evaluates, albeit inconsistently, regular area assignments, our review indicated they gave transfers much less scrutiny.

We believe that this lack of scrutiny encourages the practice of guides selling their EGAs to other guides in violation of GLCB regulations. With the Board giving little review to transfers, they greatly increase the potential of EGAs being awarded based solely on economic consideration; i.e., can the designated recipient afford to buy the area from its holder? This potential abuse is contrary to GLCB's statutory responsibility of establishing quotas for guide areas in an equitable and reasonable manner. We feel that all qualified guides for the area should receive equal chance at receiving an EGA, regardless of their ability to "buy" the rights from the previous holder.

By not adequately reviewing transfers of guide areas, the GLCB is missing an opportunity to achieve one of its stated policy goals. In the Board's FY 85 annual report, they state one of their policy objectives is to not allow additional joint use in areas that already have enough guides operating.

We feel that it would be better if the EGAs were surrendered to the Board; the Board review pertinent and prioritized criteria to determine if the region would support one or more additional guide operations; then consider all applications for the area under a equitable and reasonable method of allocation. Such a method could take into consideration unique qualifications such as a son or daughter who had worked as an assistant to their father, or perhaps a registered guide, who had "apprenticed" in the region under the surrendering EGA holder and accordingly, is more knowledgeable of the area than other applicants. By following such a procedure the Board would promote compliance with its own regulation restricting the transfer of guiding area permits.

Recommendation No. 4

GLCB should adopt procedures to improve the administration of the oral portion of the registered guide examination.

The oral portion of the registered guide examination is arbitrary and inconsistent in content and grading. This is because the examination content and grading guidelines are left to the discretion of the individual examiners.

To qualify for licensure as a registered guide, an applicant must successfully pass the registered guide examination. This examination, which is prepared and administered by GLCB, is composed of two parts, a written and an oral section. Passage of the examination requires the applicant to obtain a score of 80% on both sections.

GLCB procedures require the oral portion of the registered guide examination to be administered by three examiners, consisting of a Board member and two master guides. Questions asked by the examiners are based on an oral exam sheet, which does not limit examiners to specific questions nor does it provide predetermined question grading values.

This allows individual examiners to emphasize whatever subject areas they wish in the questioning of applicants. Despite the lack of specific grading criteria on which to base examination scores, instances were noted in which applicants narrowly failed exams by combined examiner scores as high as 79%.

The inconsistency of exam content and grading is demonstrated by the following example. In February 1985, an applicant failed the oral portion of the examination. The reason for failure noted by the examiners was that the applicant needed more hunting experience in the field. Examiners recommended the applicant obtain specific area experience along with spring, late fall, and winter experience. One month later, the applicant took the oral examination again, and was passed by an examination committee made up of three different examiners.

GLCB appears to have demonstrated its own doubts regarding the validity of oral examination results. GLCB's regulation 12 AAC 38.010(c), states the failure to achieve a passing score on either section of the examination constitutes failure of the entire examination. However, on several occasions, after having been petitioned by applicants who passed the written portion of the exam while failing the oral portion, the Board waived the requirement that the written portion of the examination be retaken.

The lack of specific guidelines dictating the objective administration of the oral portion of the registered guide examination has resulted in inconsistent content and grading between individual examinations. The likelihood of exam passage is as much affected by who the examiners are and their individual judgement as it is by the knowledge and competence of the applicant.

Structured guidelines governing the administration of the oral portion of the registered guide examination should be implemented by GLCB. These guidelines need to provide examiners with specific directions as to examination questions to be asked and their assigned grading values. If implemented, structured guidelines will provide a more objective means of administering the examination. This will provide the Board with more of a fair and consistent test of applicant competence.

Recommendation No. 5

GLCB should seek both statutory and regulatory changes in order to improve the protection of the public from unethical guiding practices.

One of the primary purposes of licensing and regulating guides is to protect the public from unethical guiding practices. We identified regulations and statutes that serve to block effective consumer protection action on the part of GLCB and serves to protect guides at the expense of the public. We recommend that GLCB enhance its consumer protection responsibilities by taking the following actions:

- A. Pursue amendment of statutes that limit GLCB's authority to discipline guides for unethical activity.
- B. Adopt regulations and/or recommend legislation to require guides to post performance bonds.

Statutory Constraints to Effective Disciplinary Action

Alaska Statute 08.54.200(a)(1) does not allow the Board to consider complaints of unethical or incompetent guiding practices until receiving complaints from "... three or more clients [hunters] of separate [hunting] parties."

In the course of our review we found four instances where guides had two allegations of unethical guiding activity, as defined by GLCB's regulations, but still had not been brought before the Board for review. Law enforcement officials told us that the statute requiring three separate complaints was particularly onerous for effective resolution of consumer complaints. Law enforcement officials are put in the position of consumer ombudsman, trying to mediate and negotiate settlements of hunter-and-guide or guide-and-guide disputes.

GLCB's effectiveness and visibility would be enhanced if all allegations regarding unethical guide practices was brought to it for review on a case-by-case basis. It appears that the intent of the statute was to keep down the number of frivolous and unfounded complaints against guides. Other professional licensing boards listen to, and sort through, all cases and complaints, no matter how trivial, as a means of keeping apprised of the conduct of their licensees. We recommend that GLCB begin doing the same.

Bonding of Guides

Almost all hunters who use guiding services are non-residents, a large number from outside of the United States. As a result, when disputes arise between guides and hunters it is often very difficult and expensive for the complaining

hunter to seek legal remedies or implement administrative action. This difficulty is compounded by the three complaint requirement of the statutes discussed previously.

In the course of our review, we noted four cases where a non-resident hunter and guide were disputing the refundability of a deposit. One example, two out-of-state hunters sent in deposits of \$2,500 six months in advance of a hunt. Just prior to their departure for Alaska, the guide notified them that he would have to cancel their hunt. He offered to apply their deposits to a hunt the next year, but the hunters decided they wanted a refund. The guide did not respond to requests, and due to the statutory three complaint requirement, law enforcement officials were not able to bring the dispute before GLCB. The two hunters retained a Fairbanks attorney to pursue legal remedies, but soon abandoned the effort due to costs of litigation.

We recommend that GLCB pursue the necessary statutory and regulatory changes that would implement a mandatory requirement that guides post performance bonds. Performance bonds would allow hunters with legitimate grievances and claims against guides an easier, less expensive alternative in obtaining settlement of their claims. Guiding is a large industry in the State. It is important that GLCB do all it can to maintain the integrity of the guiding industry and uphold the reputation of the Alaskan guides with hunters outside of the State. The Board should recognize the unique type of consumer for guide services and take steps to adequately protect the interest of the out-of-state hunter/consumer.

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ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but to address those areas we were able to cover during our review.

- I. The extent to which the board, commission, or program has operated in the public interest.
 - A. The Board has adopted regulations defining unethical conduct which clarify and strengthen the professional's responsibility to the public.
 - B. The Board does not consistently review the Department of Fish and Game game management information prior to assignment or transfer of an exclusive guiding area (EGA) (see Recommendation No. 1).

- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. Regulation 12 AAC 38.054(b) allows an EGA permit holder to designate the qualified guide to whom he wishes to transfer his guide area. These transfers often take precedence over other guide area assignment criteria such as joint user objections, experience in the game unit, or game management considerations (see Recommendation No. 3).
 - B. Alaska Statute 08.54.200(a)(1) does not allow the Board to consider complaints of unethical or incompetent guiding practices until receiving complaints from three or more clients of separate parties regardless of the potential magnitude of the unethical act (see Recommendation No. 5).

- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.
 - A. Senate Bill No. 294, which was introduced in April 1985 by the Resources Committee, contains the following items which should enhance public protection if ratified:

1. An amendment to AS 08.54.010 would increase game management considerations in regulating guide activities (see Recommendation No. 2).
 2. An amendment to AS 08.54.040 and a proposed new section (AS 08.54.195) would require consistency in procedures used in allocating EGAs (see Recommendation No. 1).
 3. New sections would require those guides that contract with more than one client at a time (an outfitter) to maintain a surety bond of \$5,000 (see Recommendation No. 5).
 4. The bill would require closer supervision over assistant guides while in the field.
 5. Unethical activities would be amended to include unsafe or unsportsmanlike actions that are detrimental to the game resources of the State.
 6. Statutes dictating qualifications for, and restrictions on, transporters would be repealed. Many of the services now being provided by transporters would be subject to the proposed outfitter statutes contained in this bill.
- B. Additional portions of SB 294 which do not appear to us to be in the public's best interest are as follows:
1. Current law limits the number of Board members that have guide licenses to no more than three of the seven members. SB 294's amendment of AS 08.54.010 would require that at least three Board members be active guides. This amendment would increase the potential for expanding the number of industry members on the Board at the expense of public participation.
 2. Currently, AS 08.54.200(a)(1) does not allow the Board to consider complaints of unethical or incompetent guiding practices until receiving complaints from three or more hunters of separate parties. SB 294 contains an amendment of this statute which would require that these complaints be received within five years prior to the hearing date. This would compound those problems outlined in Recommendation No. 5.

3. Currently, AS 08.54.210(a)(6) makes it unlawful for a master or registered guide to employ or supervise more than three assistant guides at the same time.

SB 294 would repeal this statute and could allow a master or registered guide to employ more assistants than they are capable of effectively supervising. The experience and professional judgement of the master or registered guide may not be available to clients when needed.

Alaska Statute 08.54.141 of this bill also provides that assistant guides shall be supervised at all times while in the field on guided hunts. The potential problem noted above will depend on enactment of this new section and on the Board's interpretation of the term "supervised."

4. Enactment of amendments to AS 08.54.200(c)(3) may unnecessarily restrict those hunting statutes or regulations upon which the Board can take disciplinary action.

IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

- A. The public is invited to attend Board meetings and to give their input about the workings of the Board. Notices of meetings are advertised in at least five newspapers throughout the State. In addition, guides are notified by registered mail of meetings that might affect them.
- B. Publication of meeting information does not always precede the meeting by a reasonable time period. We found that the public was given less than a one week notice for two of the last eleven Board meetings.
- C. Teleconference meetings are not being noticed publicly. This limits public input at those meetings and may legally jeopardize Board decisions and actions.

V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

- A. As stated under IV, the public is invited, by published notices in newspapers, to attend Board meetings to give their input about Board regulations or submit written testimony.
- B. Those problems noted in IV B and C above also represent potential problems in this public need area.

VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

- A. Since July 1983, ten complaints have been filed with the Ombudsman's Office concerning Board activity. Only one of these complaints, alleging improper denial of a registered guide license, was found to be justified.
- B. Since August 1984, 19 complaints against guides have been submitted to the Department of Commerce and Economic Development, Division of Occupational Licensing for investigation. These cases appear to have been investigated in a reasonable fashion and are pending Board action or court rulings.
- C. As mentioned in III above and in Recommendation No. 5, AS 08.54.200(a)(1) does not allow the Board to consider complaints of unethical or incompetent guiding practices until receiving complaints from three or more hunters of separate parties.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

- A. As of September 1985, 46 master guides and 361 registered guides were licensed in Alaska. These individuals were required to pass both a written and an oral exam, as well as obtaining practical experience in the field, prior to licensure.
- B. The oral portion of the registered guide examination is arbitrary and inconsistent in content and grading. This is because the examination content and grading guidelines are left to the discretion of the individual examiners (see Recommendation No. 4).

VIII. The extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

A. The Board established 12 AAC 38.010(c) whereby an applicant for licensure who:

because of a language barrier, is unable to read and competently understand the English language may be excused from taking the written examination, and may be issued a license based on successful completion of the oral portion of the examination and demonstration of his capabilities and experience.

B. Regulations also provide that when assigning guide area permits,

the board will give preference to qualifying guides whose permanent residence is within the district in which the area is located.

IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Findings and Recommendations.

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APPENDIX A

GUIDE LICENSING AND CONTROL BOARD
REVENUES COMPARED WITH EXPENDITURES

June 30, 1985

(UNAUDITED)

(Note 1)

	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
Revenues (Schedule 1, Note 2)	\$46,000	\$53,735	\$88,578
Expenditures (Note 3)	<u>21,663</u>	<u>13,483</u>	<u>11,777</u>
Excess of Revenues over Expenditures	<u>\$24,337</u>	<u>\$40,252</u>	<u>\$76,901</u>

Schedule 1
Types of Revenues
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Master Guide License	\$150	Biennially
Registered Guide License	150	Biennially
Class-A Assistant Guide License	30	Biennially
Assistant Guide License	20	Biennially
Transporter License	10	Biennially
Application For A Guide Examination	25	With Application

Note 1

This revenue/expenditure comparison was prepared from available reports prepared by Occupational Licensing personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Revenues Compared with Expenditures.

Note 2

Revenue amounts reported do not include revenue obtained from the sale of game tags or hunting licenses. They only include revenue obtained from fees required to obtain and/or renew guide licenses.

Note 3

Expenditures consist of direct costs resulting from Board activities. These include miscellaneous contractual, travel, and per diem costs incurred by Board members and the Board's licensing examiner. The amounts do not include the administrative expenditures of the Division of Occupational Licensing such as employee salaries or the expenditures made to other departments such as the Department of Law, which assist the boards and the Division.

Note 4

Amounts reflected are those established by statute for FY 85. Chapter 37, SLA 1985 provides that the Department of Commerce and Economic Development shall set license fees effective upon adoption of said regulations.

APPENDIX B
GUIDE LICENSING AND CONTROL BOARD
EXAMINATION STATISTICS

Number of Examinations Given in FY 1984-1985 (Note 1)

<u>Fiscal Year</u>	<u>Written Exam</u>		<u>Oral Exam</u>		<u>Total</u>
	<u>Passes</u>	<u>Fails</u>	<u>Passes</u>	<u>Fails</u>	
1984	22	13	26	7	41
1985	19	9	17	4	30

Note 1

Licensure as a registered guide requires a passing score on both a written and oral examination. Licensure as a master guide requires a passing score on an oral examination only. Licensure as assistant guides and transporters does not require examination.

APPENDIX C

GUIDE LICENSING AND CONTROL BOARD
ADMINISTRATIVE STATISTICS
September 30, 1985

Currently Licensed

Master Guides	46
Registered Guides	361
Class-A Assistant Guides	139
Assistant Guides	829
Transporters	141

Board Meetings Between
July 1, 1983 and June 30, 1985

July 17-22, 1983
October 25-26, 1983
December 7-13, 1983
March 12-17, 1984
December 13-14, 1984
February 9-17, 1985
March 18-19, 1985

BILL SHEFFIELD, GOVERNOR

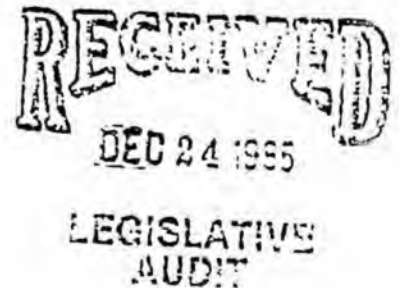
**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

December 23, 1985

Mr. Gerald L. Wilkerson
Legislative Auditor
Legislative Audit Division
Pouch W
Juneau, AK 99811



Dear Mr. Wilkerson:

Re: Preliminary Audit Findings
Guide Licensing and Control Board

Thank you for the opportunity to comment on your preliminary audit report on the Guide Licensing and Control Board.

Our position remains the same from previous correspondence in that, we concur with your findings and recommendations, and also support continuation of the board. We once again offer the following comments regarding your recommendations:

In reference to recommendation #1, it is important to note that many of the actions or decisions made by the Guide Licensing and Control Board were made upon advice and support of counsel from the Department of Law. This is done especially in relation to your finding that hearing officer decisions are replacing that of the Guide Licensing and Control Board where setting quotas for guides are concerned. However, we believe the board has demonstrated an honest effort to act accordingly within the parameters of what they perceived to be correct, based on legal advice.

Regarding recommendation #4, this matter was brought to the attention of the board by staff of the Division of Occupational Licensing during previous board meetings. Although the board did acknowledge the need to address this issue, no time was given to address the oral examination for registered guides.

Mr. Gerald L. Wilkerson

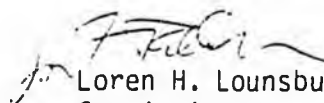
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December 23, 1985

We strongly support your suggestions in recommendation #5 and feel that, although performance bonds posted by master and registered guides may not be entirely adequate to rectify all complaints, it would certainly allow some means of restitution for injured parties from receiving unethical services.

Thank you once again for the opportunity to comment on your findings and for your cooperation.

Sincerely,


Loren H. Lounsbury
Commissioner

LHL/sal:44s
122335b

The Legislature
Budget and Audit Committee
Jim Griffin, Auditor

DEC 19 1965

LEGISLATIVE
AUDIT

Recommendation #1

The Guide Licensing and Control Board (GLCB) uses the Statements of Financial Remunerations as proof of use and experience in areas when assigning Exclusive Guide Areas (EGA). There have been discrepancies in the past, the last year the GLCB have been adhering closely to the criteria of using SFRs. The GLCB seeks biological and Fish & Game surveys when they are available. This cannot always be done. Some areas Fish & Game haven't run surveys or recent surveys. Most of the time, the GLCB doesn't know which areas will be before them until the applicant comes before the GLCB with his application. This doesn't allow enough time to obtain the information. In cases that are held over and coming before the GLCB at a later date do allow time for soliciting biological information from the Fish & Game biologist located in the area involved. I have solicited Fish & Game information in several cases that are coming before the GLCB this next meeting in December 1965. I hope to get a regulation passed that requires an applicant applying for an EGA to obtain this information from the Fish & Game for presentation to the GLCB.

Along these lines there also should be a regulation requiring the same criteria for a transfer be the same as a new applicant. That is to show proof of experience in the area as would a new applicant. And going farther, an applicant for a transfer from an EGA holder to himself show proof of working with the EGA holder for a certain time. One or two years. Co-signing SFRs could be used as proof as well as additional proof, either in EGAs or joint use areas.

Recommendation #2

Regulation (12 AAC 38.053 (7) (1) applies mostly to applications for joint use areas and EGAs being applied for by more than one guide. The proposal to pass a regulation requiring the applicant to obtain Fish & Game biological information on the area applied for will help in this area.

Recommendation #3

I do not agree that an EGA holder should have to surrender his EGA to the GLCB and not have the opportunity to transfer the EGA to a guide of his choice with the approval of the GLCB. There are many cases where an EGA holder has farmed his area, carefully not to over harvest, so has improved both game populations and size of the animals in the area. To enhance game populations and sportsmen enjoyment is one purpose of the GLCB. Financial investments should also be considered in transfers, land, buildings and equipment related to guiding in the area. A guide who has spent many years building up an area with improvements to game populations should certainly have something to say about who's care the area ~~XXXXXX~~ comes under. Son, ~~XXXXXX~~ Daughter, apprentice or acule who is well qualified to guide in the area.

The GLCB has a policy not to issue a new applicant an area in joint use. In other words filing over an area that is already in joint use, or use by only one EGA holder. The GLCB is working to eliminate as much joint use as possible. This can only be done through natural attrition. The GLCB cannot choose two permit holders out of six joint users and pull their permits without due cause. I do think, and it has been the GLCB's policy the last two years. A Ega holder is convicted of some violation that merits revoking his area that is in joint use with others, that area will not be reassigned ~~XXXXXXXXXXXXXXXXXXXX~~ ..

Where the area is extremely large and doesn't have many joint users some leeway should apply to a new applicant. The guide losing the area should not have a say one way or the other in the matter. However, in cases such as this very careful scrutiny in all criteria must be made. One thing along these lines. At one time the intent of GLCB to review and reassess all EGAS. Considering size, utilization and condition of game populations. This was never done, primarily because time and budget restrictions wouldn't allow it.

Recommendation #4

Oral guide examinations:

There are inconsistencies in administering oral tests. The purpose of the oral test is to determine the applicant's practical field experience and knowledge of game habits, size and the area he is being tested for. Most of this is impossible to determine with a tightly held oral tests with set questions and answers. The examiner should have some flexibility but should not be allowed to wander far afield and asking impertinent questions. There should also be a standard time for the test, say 1 or 1½ hours. One problem that keeps cropping up is first aid. I propose that an applicant be required to have passed a first aid course within the year prior to taking the guide exam.

The GLCB has been trying to upgrade this portion of the guide test. Here again, the increasing number of applications for testing each meeting is also increasing the work load of the GLCB.

Recommendation #5

There should be some changes in Statute 05.54.200 (A) (1). The change should give the GLCB some flexibility on guide complaints. Taking in consideration of the severity of the complaint. Endangering life, flagrant game violations, and unethical practices, etc. The GLCB does have a guiding ethics regulation (12AAC 38.130) The complaint are slowly being corrected since the administration was consolidated in the Department of Commerce, Division of Occupational Licensing. The GLCB investigator is investigating all complaints that come in now.

We are trying to get a section in the new guide bill, (Senate Bill #294) to satisfy the change mentioned above. Bonding is already addressed in 3294.

The bill also creates an outfitter's license and repeals the transporters license. This should help to alleviate the wide spread unlicensed guiding. These unlicensed guides are a big factor in guiding complaints.

The bill also goes into more detail on what guiding is. Enforcement people say the present bill doesn't explain guiding enough for them to make a case on ~~unlicensed~~ unlicensed guiding. The new bill should give them the tools they need to enforce that section.

The GICB would like to conduct more work on all these programs and others as well.

It is very important to the guiding industry that the GICB not be sun setted. If the guide bill is not extended or a new bill passed, the guiding industry will be plunged into a chaos that it could never recover from. Just about everyone with a super cub or 185 will become instant guides creating an impossible situation for game populations and sportsmen safety.

In addition to recommendation 14.
At this last GICB meeting we appointed 2 master guides and a registered guide to study the oral test and make up a new one that would standardize the test. These men ~~will~~ all have an educational background.

Comments Regarding Interior Letter #1
Sunset review 1971

Recommendation # 1.

I agree with all of Mr. McNutt's comments. In addition I might add. There have been a number of meetings to establish a point for awarding and transferring guiding areas. The suggested method that had the most merit was to award points for criteria relating to use of the area, financial investment in the area, residence alternate areas, etc. I would suggest that those who did so much work on this system be contacted and a system be finalized and approved. This will eliminate most of the criticism related to transfers.

Recommendation # 2.

Agree with Mr. McNutt.

Recommendation #3.

I completely agree with Mr. McNutt's comments and would like to add emphasis here. The assigned area concept will do more to elevate the quality of guiding in Alaska than any change in years. It gives the area holders a responsibility toward the area and game. Now through leases from the state and permits from the federal government, it will be possible for guides to build permanent structures in many areas. The guides will continue to increase their investments in areas. As the investment both in time and monetary increases so does the guides financial responsibility increase. After working for years to build a high quality operation it seems only just that upon retirement the permit holder would be able to choose his successor, who in nearly every case would be the most qualified person for the transfer no matter what selection criteria were used. There have been abuses of this in the past as there were some transactions that seemed to be merely real estate sales. The GLCB is aware of this and is taking a firm stance against real estate dealers. It would seem that guiding like any other business would allow a successful and ambitious business man to build some value into his business so that when it came time for retirement he would have something to sell. Because the guiding business involves land and resources that belong to the public, the burden of responsibility upon the area permit holder is great. aside from his investment in property and equipment the value lies in his concessionary right to the area and it's wildlife. If he has treated these right with regard and respect and obeyed all covenants both moral and legal it seems only right that he should be able to sell this right to another qualified individual of his Choosing. This would allow him to maximize the return for his investment.

Recommendation #4.

The GLCB commented on this in addition to Mr. McNutt's comments and covered it quite thoroughly.

Recommendation # 5.

Agree with Mr. McNutt.

Guides & Outfitters

IV

Position Paper - Department of Public Safety

BILL NO: HB 183

DATE: 3/23/87

MAR 26 1987

TITLE: An Act relating to the provision of goods or services to hunters."

CONTACT: Capt. James Nutgrass
Acting Director

~~Department of Public Safety, supports HB 183~~ an act amending the definition of big game guiding.

DEPARTMENT OF PUBLIC SAFETY
REGISTRATION

The passage of the amendments to AS 08.54.210 and AS 08.54.240 will give the Department of Public Safety an important enforcement tool to investigate and prosecute cases against unlicensed guides in Alaska. The amendments should reduce the number of unlicensed guiding activities, which will allow us to better utilize our manpower to monitor other resource problems in Alaska. The amendments will further allow our uniformed officers to better enforce the laws pertaining to guiding in Alaska. Finally, these amendments strengthen the guide bill, making it more enforceable when dealing with unlicensed guiding activities. The penalty for unlicensed guiding in Alaska is a felony with a penalty of one (1) to three (3) years in prison and a fine of up to \$5,000.00. In sum, the passage of the amendments will aid our Department in carrying out its responsibilities: The enforcement of state laws and the protection of the fish and wildlife resources in the State of Alaska.

The following amendments to this legislation are proposed:

(Page 1, lines 24 and 25)

(4) A person to advertise as, or represent to be, or act as a guide or outfitter without holding a current valid registered or master guide license.

Justification: The advertising or representing to be a guide many times occurs in the lower 48 states. However, if a person "acts" as a guide, this would most likely occur within the State of Alaska, and within the criminal jurisdiction of the State of Alaska.

By adding Master or Registered guide to this section, this eliminates the ability of validly licensed assistant guides to represent themselves as outfitters or guides. We have determined that a substantial number of outfitters operating illegally in Alaska are, in fact, licensed assistant guides.

(Page 2, line 11 and 12)

Recommended amendment to the penalty provision of AS 08.54.210(9)(A) to: In the field does not include being present in a boat with living quarters or at a permanent lodge or a lawfully established cabin that the parties have a lawful right to be using.

Justification: Many residents of Alaska suffer trespass damages by persons utilizing cabins without permission. This amendment would close the loophole that a party could use to avoid prosecution under AS 08.54.210(6) by requiring a person to use only cabins that they have a legal right to be in rather than base camps that can be easily created.

Addition to AS 08.54.210(b)(1-5) Penalty Provisions

Position Paper
HB 183
Continued

(Page 2; lines 17-21)

Recommend increasing the penalty provisions for violations of AS 08.54.210 (b)(1-5) to Standard Class A misdemeanor penalties which are a fine of not more than \$5,000.00 and imprisonment for a period of up to one year, or by both.

Justification: A \$1,000.00 maximum fine and imprisonment of up to six months currently allowed is not substantial enough to provide a deterrent, as judges are reluctant to imposed jail time for these cases.

(Page 2; line 23-26)

Recommend amending to the penalty provision of AS 08.54.210(10). We recommend amending the penalty provision of AS 08.54.210(9) to a Class A misdemeanor.

Justification: Standard Class A misdemeanor punishment should be sufficient to deter "clients" from engaging in this practice.



William R. Nix
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST

Revision Date: _____
 Title: "An Act relating to the provi-
 sion of goods or services to hunters."
 Sponsor: Rep. Herrmann
 Requestor: House Resources

Bill Version: H3 183

Publish Date: _____

Agency Affected: Public Safety
 BRU: Fish & Wildlife Protection

Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Kyle Weaver
 Division: Fish & Wildlife Protection

Phone: 269-5539

Date: 3/23/87

Approved by Commissioner: William R. Nor
 Agency: Public Safety

Date: 3/24/87

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

page ____ of ____

Guides & Outfitters

v

Position Paper - Division of Occupational Licensing

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

APR 24 1987
STEVE COWPER, GOVERNOR

P. O. BOX D
JUNEAU, ALASKA 99811-0900
PHONE: (907) 465-2534

April 22, 1987

Dear Legislator:

At the Guide Board meeting held in Fairbanks, Alaska on April 11-14, 1987, the board unanimously adopted the following resolution and requested that the resolution be copied to each member of the Legislature:

"The Guide Board wishes to go on record as supporting Senate Bill 191."

SB 191: An Act relating to guide licensing fees; amending the definition of big game guiding; prohibiting compensation of an unlicensed person for guiding; and prohibiting a person not licensed as a guide from advertising as or representing to be an outfitter.

Sincerely,

DIVISION OF OCCUPATIONAL
LICENSING

5836W42287a

Guides & Outfitters

v1

AG's Opinions on the Issue of Residency & Licenses

Steve Cowner, Governor

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

December 8, 1986

The Honorable Jim Duncan
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

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

Re: Hunting guide area
residency requirements
A.G. No. 661-87-0259

Dear Representative Duncan:

Your request of December 2, 1986, to the Acting Attorney General for "an opinion concerning the current guide licensing law and a constitutional question about residency requirements" has been referred to me.

As you are no doubt aware, in 1986 the legislature reimposed a residency requirement on professional guiding activities in Alaska. (A similar requirement had been repealed in 1983, following an Attorney General's opinion that the requirement was most likely unconstitutional.) As amended by sec. 20, ch. 71, SLA 1986, the relevant section reads:

Sec. 08.54.210. Unlawful acts. (a) It is unlawful for

. . . .

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

. . . .

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

On September 29, 1986, in response to a request from the director of the Division of Occupational Licensing, Department of Commerce and Economic Development, the Attorney General issued a formal opinion concerning the residency requirement imposed by AS 08.54.210(a). A copy of the opinion is attached to this letter. The gist of the Attorney General's opinion is that the state cannot discriminate against nonresidents in its regulation of the guiding

A.G. No. 661-87-0259

profession. That is, the opportunity to professionally guide hunts in Alaska must be the same for residents of Alaska and for residents of other states. The analysis supporting this opinion is equally applicable to the state's assignment of restricted guide areas to individual guides (see AS 08.54.195). The opinion does not, however, make any pronouncement as to the validity of AS 08.54.040(a)(7), which states:

Sec. 08.54.040. Powers and duties. (a) Except as provided in AS 08.54.045, the board shall

.

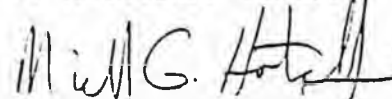
(7) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, reasonable, and consistent procedure for limiting the number of guides to that quota; preference may be given to qualified available and willing licensed guides who reside within the designated game unit or subunit

(emphasis added.) The distinction in AS 08.54.040(a)(7) is significantly different from the distinction drawn in AS 08.54.210(a). AS 08.54.040(a)(7) distinguishes not between residents and nonresidents of the state, but rather between a resident applicant for a restricted area and applicants who do not reside in the applied for area. The 1986 amendments (sec. 6, ch. 71, SLA 1986) changed the language of this section from "preference shall be given" to "preference may be given." Again, the September 29, 1986, Attorney General's opinion expresses no view as to the validity of this provision.

I believe that the September 29, 1986, formal opinion of the Attorney General answers your questions. If you have further questions which are not answered by the opinion, feel free to contact me.

Sincerely,

RONALD W. LORENSEN
ACTING ATTORNEY GENERAL

By: 
Michael G. Hotchkin
Assistant Attorney General

MGH/ma

enclosure

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:

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

September 29, 1986
Page 2

memorandum dated August 3, 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; [and] shows by all attending circumstances that his intent is to make this state his permanent residence."

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

September 29, 1986
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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 08.54.210(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, "The 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, 280, 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 280, n.9, 105 S.Ct. at 1277, n.9 (quoting United Building & Construction Trades Council v. Mayor & Council of Camden, 465 U.S. 208, 219 (1984)). 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 280, 105 S.Ct. at 1276 (quoting Toomer v. Witsell, 334 U.S. 385, 396 (1948)).

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." Shelev 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, 479 U.S. at 284, 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.

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 any 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 III, 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. 888 (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

^{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 335, n.13, 105 S.Ct. at 1270, n.13.

issue of whether the requirements are severable from the 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. Lynden, 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

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

September 29, 1986
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included in the act and held bad should fall." Lynden, 502 P.2d
at 713 (quoting Dorchy v. Kansas, 264 U.S. 236, 240 (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 resi-
dency requirements, the subsection would read, in pertinent part:

Sec. 08.54.210. UNLAWFUL ACTS. 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 a
. . . 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 ques-
tion is whether the legislature intended to require guides to be
licensed as hunters, regardless of the residency requirement. The

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

September 29, 1986
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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 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.

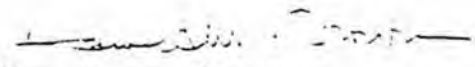
2/ Further evidence of the legislature's intent to require guides to be licensed as hunters may be found at AS 08.54.100(1) and 08.54.110(2) and 12 AAC 08.120(11).


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

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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 Soll, Department of Law
Dennis D. Kelso, Department of Fish and Game
Ray McNutt, Chairman, Guide Board

MEMORANDUM

State of Alaska

TO: Sgt. Robert Boutang
Division of Fish & Wildlife
Protection
Department of Public Safety

DATE: July 29, 1986

FILE NO: 661-87-0055

TELEPHONE NO:

FROM: Harold M. Brown
Attorney General

SUBJECT: Interpretation of
guide statutes and
regulations under
ch. 71, SLA 1986

By: Sarah Elizabeth McCracken ^{SEM}
Assistant Attorney General
Natural Resources-Anchorage

Your request of July 22, 1986 raised several questions regarding interpretation of the new guide law, ch. 71, SLA 1986, and guide board regulations under this new regime.

Your first inquiry was whether Fish and Wildlife Protection officers should be directed to enforce AS 08.54.210(a)(3), which makes it unlawful, inter alia, for a person to guide without having a resident hunting license in possession. The term "resident" is defined in AS 08.54.240(4) and AS 16.05.940(19) to mean residency for 12 consecutive months.

You should be aware that Richard Long, Chief Investigator for the Department of Commerce and Economic Development, division of occupational licensing, has already requested a written Attorney General's opinion on the question of the constitutionality of the residency requirement in the new guide law. That request is pending, and an opinion will probably not be issued before your meeting on July 30. I am enclosing, however, a copy of the bill review letter from the Attorney General to the Governor regarding HCS CSSB 294 (Res) am H, the bill enacted as ch. 71, 1986. Page five of that letter discusses briefly the residency requirement in section 20, and notes that durational residency requirements for obtaining vocational or professional licenses have previously been held invalid, and that a court is unlikely to uphold the provision. Unless there is a strong record demonstrating a legitimate state need to impose a durational residency requirement, it is unlikely that a charge of violating AS 08.54.210(a)(3), with respect to the resident hunting license, would result in a conviction. Although our formal response to Richard Long's request is being drafted by another attorney and is not yet available, it is unlikely that the opinion will recommend enforcement of this provision.

Your second question related to criminal sanctions for violations of guide regulations. As explained on page five of

the attached bill review letter, section 20 of the bill (now AS 08.54.210(a)(2)) makes it clear that it is unlawful (a misdemeanor) for a guide to commit a violation of a guide statute or a guide regulation. Therefore, for example, a guide could be charged under AS 08.54.210 and 12 AAC 38.060 for failing to file or have in camp a statement of financial remuneration, and could be charged with violating 12 AAC 38.070 (responsibility of guide to his client), about which you specifically inquired.

You also asked whether a guide could be charged criminally with guiding in another guide's exclusive guide area. The answer to that question is also yes. The express terms of AS 08.54.210(a)(2) apply to a violation of a guide regulation, and this intent is further clarified by the reference in AS 08.54.200(c)(4) to a "conviction for hunting in a restricted area not assigned to the licensee without proper written permission." (Emphasis added).

You also inquired about the requirement in 12 AAC 38.090 that a master, registered, or class A assistant guide must be "in the field and participating in the conduct of the guided hunt whenever assistant guides are guiding." This regulation is not affected by the changes in ch. 71, SLA 1986, although the regulation is made somewhat more clear by the new definition of "guide" or "guiding" in AS 08.54.240(3). The new definition provides:

(3) "guide" or "guiding" means accompanying or directing a hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation, while the hunter or the person accompanying or directing the hunter spots, stalks, pursues, tracks, kills, or attempts to kill big game; in this paragraph, "in the field" does not include being present in a boat with living quarters or at a lodge or base camp;

There is no specific definition of the term "in the field" in the statute or in guide board regulations, but the new statute does clarify that "in the field" does not include being present "in a boat with living quarters or at a lodge or base camp." If "in the field" does not include being at a lodge or base camp, it must mean being in the hunting area, including being at a spike camp or actually stalking game. Because there is no special legal meaning attached to the term "in the field" (other than that now clarified in ch. 71, SLA 1986), the term should be interpreted consistent with its common dictionary

Sgt. Robert Boutang
Division of Fish & Wildlife Protection
661-87-0055

July 29, 1986
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meaning. See State v. Debenham Electric Supply Co., 612 P.2d 1001, 1002 (Alaska 1980) (unless words have acquired special meaning by statute or case law they are to be construed in accordance with common usage); see also AS 01.10.040. For a general definition of "field" in the context of hunting, see Webster's Third New International Dictionary 845 (1971 ed.) In short, the term "in the field" should be interpreted in accordance with its common usage in the context of the specific facts of each case. If you have questions about a specific case, please contact this office or the District Attorney's Office.

Finally, you asked how the new guide bill affects outfitters or people who simply transport hunters or game for hire. Section 27 of ch. 71, SLA 1986 repeals AS 08.54.142--AS 08.54.146, the statutes governing transporters. Accordingly, it is now no longer necessary for a person who merely transports hunters or game to obtain a transporter's license or file a report. Similarly, a person who, for example, rents hunting equipment (tents, vehicles, etc.) and perhaps also provides transportation to a lodge or base camp, but who does not accompany a hunter on the hunt (in the field), is not required to obtain a guide's license. The new definition of "guiding" in AS 08.54.240(3) is somewhat different from the former definition, but still only applies to a person who, for compensation, accompanies or directs a hunter in the field "while the hunter spots, stalks, pursues, tracks, kills, or attempts to kill big game." For a discussion of the meaning of "guiding" that is based on the former AS 08.54.240(2) but which remains valid under the amended language, see 1977 Inf. Op. Att'y Gen. (Sept. 26; Meacham), copy attached.

If you have additional questions, please let us know.

SEM/jmo
Encl:

cc: Capt. James Nutgrass
Col. Red Henderson

Part 11

House Resources Committee Hearings

Guides & Outfitters

October 1987

House Bill 183

Senate Bill 191

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Selected Articles

Four charged with illegal guiding

The Associated Press

Four Anchorage men have been indicted for illegal guiding activities and a fifth has pleaded no contest to a related charge, the Alaska State Troopers said Friday.

James Baum, 44, was indicted this week on 24 counts for allegedly illegally guiding two undercover police officers and two unlicensed hunters from Australia.

A grizzly bear, three caribou, a moose and a deer were taken on the illegal hunts last fall, the troopers said.

Two aircraft, a Piper Super Cub and a Cessna 180 on floats, were seized, along with several rifles and big-

game trophies, the troopers said.

In a related case, Steven Hart, 26, pleaded no contest to possession and transportation of illegally taken game. Troopers said the charges stemmed from a hunt that Hart participated in with one of Baum's Australian clients.

In a separate case, Jake Gaudet, 35, Keith Mattison, 35 and David Somers, 34, were charged with guiding without a license and possession of illegally taken game. Gaudet owns Jake's Alaska Wilderness Outfitters. Mattison and Somers were his employees.



Times 4/25/87

Dentists indicted on four felony counts of illegal hunting, transporting

KENAI (AP) — Dentists from Kenai and North Pole have been indicted by a federal grand jury for a variety of illegal hunting activities.

Jerry DeFoor and Errol Remsing are charged with four felony counts of illegally taking

and transporting wildlife. Each charge carries a maximum penalty of five years in jail and a \$250,000 fine.

According to the U.S. Attorney Steve Cooper in Fairbanks, Remsing is accused of conspiring with DeFoor to hunt by illegal

means, out of season, in closed areas and of illegally transport wildlife.

In addition to conspiracy, DeFoor is charged with three counts of hunting unlawfully in Canada and transporting the animal parts illegally into the

United States.

Remsing also is charged with 17 other felony and misdemeanor counts based on the acts in the alleged conspiracy.

According to Cooper, the illegal activity took place in the Arctic National Wildlife Refuge,

Yukon Flats, the Noatak National Preserve and other parts of Alaska and Canada closed to hunting.

The indictments are based on "sting" operation set up by undercover U.S. Fish and Wildlife Service agents.



Letter From the President

by Phil Driver

How long can Alaska's high quality game resource withstand the ever-mounting pressure of present-day mass hunting, supported by mechanically efficient and dependable transportation?

There are several factors which when combined, will bring this loss of quality more surely. The quality I refer to is the older trophy animal, which we as guides select for our clients. A subjective truth in trophy hunting is "you can have your cake and eat it too."

What are the factors that adversely affect trophy game populations? Obviously overhunting is the cause that brings it about. It takes a long time to grow trophy-sized animals.

The State Constitution mandates maximum sustained yield. In practice this has been translated to mean, Maximum Sustained Harvest, which does not lend itself to the viability of a trophy age class of animals. The latest word we have been hearing is BIOMASS. If the biomass is there and the game resource sustains itself, all is well. Not so, I believe the quality of the mass has to be considered. A sustained cross section of all age section of all age groups that make up this mass is a justifiable concern.

The loss of large areas in Alaska for recreational hunting by Federal closure, added to congestion in the areas that were left open.

The reluctance to address the use of engine or motor-powered conveyance, to more easily pursue game, is another real concern. I do not see much difference, say between an aircraft or a snow machine the same day it has been used for transportation in pursuit of game.

The use of powered mechanical convenience is certainly necessary to transport individuals into back country, for access to the hunting and for speedy transfer of meat from the field. Which, in itself, will produce more salvageable meat for the table. Common sense and a conservative mind tell us we do not have game populations that will stand unlimited hunting. That is the reason

we have seasons, bag limits and restrictions, on methods and means. Unfortunately, I do not believe the people we have representing Alaska in Juneau, as Senators and Representatives, have one care in the world about the general well being of the State's game populations, or realize its importance.

Alaska's game resource is important in several ways. The trophy game of Alaska has since Territorial days been a drawing card for new money, to be left here by the non-resident hunter who comes here to hunt. These hunters paid hard cash for their licenses, tags and the services of guides; who were licensed even at that time.

The licensing in Territorial days was administered by the U.S. Fish and Wildlife Service. Not only were the guides licensed to guide, but were also sworn in as game wardens. Mark Jensen, a past chairman of the first Alaska Guide Board, shared this point of interest by sending me a copy of the original document he received, way back when, accompanying his numbered bronze badge and authorization as a Territorial Game Warden.

In this present day and age Alaska's trophy game continues to draw outside money and provides the income for the long standing profession of the Licensed Guide.

Compounding the age-old use of wild game as meat on the table is the recent emphasis placed on the subsistence use of the resource, by a particular socio-political group, here in Alaska.

It is apparent, that with some of the subsistence users, there is a definite effort to dramatize need of particular game populations, by over use, to prove a point.

The latest uncontrolled pressure on the wild game resource, is the drop off outfitter operation. This type of operation has virtually exploded in the last three years. Typically the drop off outfitter has one to several multi-seated aircraft flying out hunters as fast as he can. No control or handle by the state whatsoever on this type of operation.

Unfortunately, as I stated earlier, our legislatures and the Alaska Board of Game seemingly are unaware or could care less, about the consequences of this latest unprecedented pressure is having on the big game animals. Many

of these self-proclaimed outfitters are not even residents of the State of Alaska. In all fairness to the powers to be, my accusation of uncaring may be too harsh a judgement, but most certainly they are unaware.

Some of these drop off round-trip would-be hunters to the field and back for as little as \$400.00 per head, from the prearranged pick-up point. It takes a whole lot of \$400.00 hunters to add up enough to make this type of operation pay. This is where the problem of the drop off operator lies. VOLUME, volume is the only way to make it pay. The quality of game drops quickly when there are many more hunters than there are trophy animals. Not one of these type hunters wants to go home empty handed. However, when by overhunting an area, which a licensed guide has cared for, to maintain quality, the outfitter picks up and moves to some place else.

If you are one of the drop off consumers, who gets in on the first or maybe even the second year of the bulk drop off operation, you may luck out and get a nice trophy, but I'll guarantee you in short order it's over.

The guide who is restricted to operate in a specified area and has farmed it conservatively to maintain an on going trophy population, is left holding the bag. Unfortunately, our short sighted Legislators as well as all consumers will be in the same boat with the professional guide in one significant way, for there will be no quality resource left for anyone.

It takes a long time for a trophy game population, once depleted, to turn around. A for-instance is the Alaska Peninsula Moose population and the Nelchina Caribou herd. There are many more examples, this is just two of them.

It is not too late to address this oversight and conserve the one renewable resource that has always provided Alaska with hard cash and food on the table. We CAN maintain the high quality trophy wildlife Alaska has always been known for.

Sincerely,

Phil Driver

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 out-fitters (unlicensed guides), who provided drop-off type hunts, were actually going so far as to personally accompany the clients in the field, calling in

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

Once such unlicensed guide 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



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*Record Class Spring Grizzly, taken by Mike Green of
Arlington, Texas 1965*



*Record Class Spring Grizzly taken by John Macaluso of
Murrysville, Pennsylvania 1965*

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.

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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 person has joined as a Life Sustaining member:

Charles Folkman of Oconomowoc, Wisconsin

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Alaska Department of Public Safety
PRESS RELEASE

RELEASE #1

On April 16, 1987, an Anchorage Grand Jury returned true bill indictments against John "Jake" Gaudet, age 35, Keith Mattison, age 35, and David Somers, age 34, all of Anchorage. Gaudet is the owner of Jake's Alaska Wilderness Outfitters, a big game hunting outfitter service in Anchorage. Mattison and Somers were employees of Gaudet. The men were charged with Guiding Without a License, and Possession of Illegally-Taken Game. The violations occurred during caribou and moose hunts near McGrath and King Salmon in August and September of 1986. Trial was set for May 18, 1987 in Superior Court in Anchorage.

RELEASE #2

On 4/23/87 in Anchorage District Court, Barry R. Stafford age 36 and Gregory C. Synner age 28, both of Wasilla entered pleas of no contest to the charges of attempting to guide without a license. The charges stemmed from an investigation conducted by troopers of the Statewide Investigation Section of the Division of Fish and Wildlife Protection in Anchorage. An undercover trooper was guided on a caribou and grizzly bear hunt by the two men operating S & S Outfitters near Cantwell, during last fall's hunting season. The two men were each sentenced to serve six months in prison, pay restitution to the state of \$800.00 and lost hunting privileges for three years. 120 days of the prison sentence was suspended on the condition that they successfully serve three years of probation.

RELEASE #3

On April 16, 1987, an Anchorage Grand Jury returned true bill indictments in a 24 count complaint against James L. Baum, age 44 of Anchorage, for illegal game and guiding violations. The violations occurred during a three month period in the fall of 1986. Baum was charged with illegal guiding of two undercover police officers, and two unlicensed hunters from Australia. A grizzly bear, three caribou, a moose and a blacktail deer were killed during the violations. Two aircraft, a Piper Supercub and a float-equipped Cessna 180, along with several rifles and animal trophies were seized during the investigation.

In a related case, on April 15, 1987, Steven Hart, age 26 of Anchorage, entered a plea of no contest to the charges of possession and transportation of illegally-taken game. The charges stemmed from a hunt that Hart participated on with one of Baum's Australian clients. Sentencing for Hart was set for May 13, 1987. Trial for Baum was scheduled for June 1987 in Superior Court in Anchorage.

Guides & Outfitters

viii

Letters of Support

APR 17 1987

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: GARY POGANY
TITLE:
ADDRESS: BOX 323
CITY: EAGLE RIVER
PHONE: 696-2390

ZIP: 99577

BILL NO:

SUBJECT: GUIDES/OUTFITTERS HB 183 AND SB 191

MESSAGE: I ATTENDED 7 SPORT SHOWS IN THE LOWER 48. THERE WERE NUMEROUS BOOKS
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Mar 13 1987

Mystic Lake Lodge - Alaska Trophy Hunts

Master Guide George Palmer
Registered Guide Marty Palmer

Box 878
Palmer, Alaska 99645
(907) 745-3168

Representative, Edelheid Hartmann
P.O. Box 11
Juneau, AK 99811

March 11, 1987

Dear Senator:

I have just received information concerning a proposed bill that is intended to curtail or control the rapidly expanding unlicensed, and often illegal big game guiding in this state. This is an issue that many of us have tried to get the legislature to address in the past, but with absolutely no success. For some reason the legislators thought this to be a political hot potato that they best leave alone for the election sake.

We are now reaching a very critical point on this issue, as more and more people, and companies come into this state for the sole purpose of setting up volume hunting and/or sport fishing business in Alaska. Last fall The Biologist at Cordova was forced to close mt. goat hunting by emergency order, in game management unit 4 because of an over harvest in some isolated areas in Prince William Sound. That over harvest was due entirely to the so called outfitters, and airtaxi operators that are trying to make big bucks doing a volume business. Luckily their activities are thus far limited to areas that are easily accessible to float planes, and to a lesser extent, wheel planes and boats. As they deplete the goat populations in the easily accessible areas, they will no doubt expand into the rest of the goat habitat, cleaning it out as they go.

If you listen to the fish and game biologists, the field personnel with Fish and Wildlife Protection, licensed hunting guides, and legitimate Alaskan fishing lodge operators, they will all tell you, this is a serious problem throughout Alaska on most species NOW.

During my travels this winter, I attended some commercial sport shows in the south US, and what I saw at those shows puts the fish and wildlife in this state in deep trouble, and makes the licensed Alaskan guides a threatened species. Many of the people and businesses that are promoting Alaska hunting and fishing trips at those shows were NOT Alaskan entities. For instance, of the 25 "Alaskan" booths that were at the sport show in Denver, Colo., in Feb. 87, at least 12 were from outside Alaska, but actually conducting trips here. In addition, there were a number of booths from other states that were also selling trips to Alaska.

Some of what some of the booths were selling included 5 to 10 days or 10 day hunts for caribou or four or more people for \$490.00 per person. The operator told me that they had booked over 20 people for that trip, and they were still selling them. Another booth was selling 7 day hunts and caribou hunts for \$2,100.00 per person, the fee included license and tags, and transportation from Denver, Colo. to the Alaska Peninsula and return. Considering the cost of license and moose and

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Registered Guide Marty Palmer

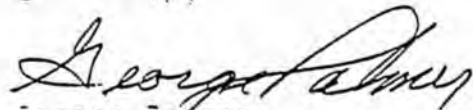
Box 878
Palmer, Alaska 99645
(907) 745-3168

car tags at \$600.00, and the air fare from Denver to King air port was to be in excess of \$900.00, cost leaves about \$540.00 for the whole hunt. Goat and bear hunts were also offered at a cost of \$990.00 per person. Alaska sport fishing was also highly popular at the shows, and although honest Alaskans probably dominated, there were some high volume operations from outside the state representing themselves as Alaskan Outfitters. One such organization bragged that they would book over 250 people for their out state Alaskan fishing trips. In addition to the fact that these outfits are selling our resources down the pipe, almost none of the monies generated remain in Alaska. In fact in some instances none of the monies ever get to Alaska.

This isn't to say that all the volume operators in this field are out of state. There are a number of in state air taxi operators, moose boat operators and others that are selling cheap hunting and fishing trips and attempting to make big bucks doing a volume business. In the normal contemporary market place this type of competition is considered healthy by our society. "The free enterprise system" has been the argument in the past used by those that oppose any restrictions or controls in these areas.

However these resources, although renewable, are finite. If the current trend is allowed to continue unchecked, the outstanding wild life resources which belong to all the people of this state, will be seriously depleted. Only the state legislature has the power or authority to solve this problem. I only hope, for the sake of the wildlife of this country and the people who use and enjoy our wild heritage, that the current legislature and governor has the foresight and guts to make the hard decisions that are necessary. Our fish and wildlife represents a very valuable resource to the people of this state, and to allow anyone to wholesale these resources away is absolutely absurd.

Sincerely,


George Palmer

and Jan Parks, Senate President
Senator, Jack Cognhill
Senator, Mike Jaymanaki
Senator, Palmer Kentulla
Representative, Sam Cotton
Representative, Lucius Menard

MAR 24 1987

Ms. Greenberg

Nice talking to you yesterday, I do sincerely
~~appreciate your efforts in this regard~~, and want
to thank you for taking the time to consider my
ideas.

As I said yesterday, I believe this ~~is the~~
~~most important problem~~ the
of irresponsible and illegal hunting operators have
caused in rural Alaska.

~~It is a fact that~~ ~~the~~ ~~problem~~ ~~is~~ ~~caused~~
~~by~~ so called spot hunters, that is taking
place in many areas.

It is a fact that wanton waste of edible game
meat is illegal in our state, ^{however} the latitude in the
regulations is such that with a lame excuse and
the testimony of an accomplice a person may waste
all the meat taken on a hunt and keep only what
they desire, usually the trophy (antlers, horns - etc.)

Due to the large area of Alaska, it hardly makes
sense for most people to go meat hunting in a remote
area, that is people who are not local to a given
area. The logistics are such that by the time a
hunter leaves - say Anch - goes to western Alaska -
shoots a moose - packs the meat - charts it to a local
airport - ships it back to Anch - and then ships it
home - to the lower 48, or wherever - that this meat
turns out to be very expensive, as well as a lot of -

work. Because of this it becomes quite a burden for most sport hunters to get the meat from their trophy animals out of the field. The obvious easy way out of course is to waste the meat, and save only the trophy.

I know that this scenario is encouraged by most irresponsible hunting operations, and air charter business, as they offer a single price for a hunt, and the added expense and effort of retrieving tons of meat is not a welcome factor in their operations.

Under 52 C. 08.54.210 (1-2) it is illegal for any guide not to report a violation he knows or reasonably believes was committed by a client or another employee.

- Or to aid or permit a violation he knows or reasonably believes is being or will be committed.

This is a good law, as it makes the people making money off the resource, responsible to that resource.

Unfortunately this law applies only to guides. It should apply to anyone making their money from hunters and the hunting business, or for that matter to anyone.

I believe that the previously quoted regulation should be applied to anyone responsible for transporting hunters, or their take, or anyone receiving ~~such~~ trophies or meat.

I also believe that the laws governing wanton waste should be tightened. The commonly used excuse is that, "the weather ruined the meat" - or "the bears

got it". Far too often such reasons are used only as an excuse to leave meat in the field. For some reason - hunters seldom have these problems with their trophies.

The best way to prevent unwanted loss of meat while hunting, is to remove it immediately from the field. As soon as a big game animal is taken, care and removal from the field should take immediate priority.

Such a regulation is already in effect for several northern units, in respect to caribou, I believe it should be a state wide regulation in respect to all big game-edible meat.

Therefore I propose the following regulations:

① Based on the wording of SEC 08.54.210 (142) of the guide law.

- It shall be unlawful for any person or persons to transport or receive any big game animals or parts thereof that the person knows or reasonably believes, has been taken, transported or possessed in violation of State statutes, without trying to prevent such violation, short of using force, and without reporting it as soon as possible to State fish & game. Or to aid in the commission of such a violation.

② Based on -5 AAC 92.220 - C / Salvage of Game meat, furs and hides. PG 9 - Alaska Game Regs NO 27

② - The edible meat from all big game animals taken in the State shall be immediately removed from the field.

I believe that these regulations are necessary to prevent the further waste of an important resource in the state of Alaska. The importance of game meat to subsistence lifestyles and local personal use is of deep concern to most Alaskans, and its waste can no longer be tolerated.

I believe that these amendments will strengthen the bill - as opposition to such a responsible point of view - would not be well regarded by most people. However - I trust your judgement on this. Rather than jeopardize the entire bill, I would as soon see these regulations wait. But I do believe they are extremely important.

Again, thank you for your time and consideration. If there is anything I can do to assist you - please let me know.

I sincerely appreciate everything you, Ms. Herrmann and the other sponsors have done for hunting and the game resource of our State - Thank you

Sincerely
Patrick Kennedy

MIDNIGHT SUN LODGE
KIVILINA ALASKA
99750

TRIDENT RADIO SER.
ANCH - 345-1160
CALL SIGN WCZ 85

FISHING

HUNTING

PHOTOGRAPHY

Katmai Guide Service

JOE KLUTSCH
REGISTERED GUIDE

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

January 10, 1987

MEMBER



Dear Adelheid,

Thanks for allowing the time to hear about the current effort being made to eliminate the deluge of "outfitters" who are threatening Alaska's game resources. This situation has gone beyond the point of being a problem. It's an over used word these days, but for the future of quality game populations, it's a crisis.

After the meeting with Senators Faiks, [redacted] and Coghill, we felt like some progress was reached at educating these people about the problem. Faiks and [redacted] listened closely as the chairman of the guide board, several other guide board members, and Fish and Game protection officers Botang, Nutgrass, and Damico explained how quickly "outfitters" set up operations all over the state. These people have chosen to circumvent the guide license and control system. They are not bound by an area system and they have no professional standards. The guide system was from its very inception aimed at controlling commercial use of the resource. Coghill is the snag. He immediately wanted to know what we were willing to give to accomodate or "grandfather" outfitters" many of whom are his constituents. I wanted to remind him that he has more guides in his district than outfitters but that wouldn't have helped our cause. Faiks reminded us that it would only take one vote to can our effort. The problem I see with Coghills approach is that the sanctioning outfitters ignores the problem and in fact compounds it. Phil Driver felt Coghill didn't give a damn about game resources either that or he just doesn't know about the net effect these kind of operators can have.

Enclosed is the specific wording we would like to see in a bill. Much of it is based on a current guide - outfitter law (Montana) which has withstood legal tests. If any "compromises" are made concerning outfitting, I would hope they could be made in a way that requires these people be incorporated within the present guide license and control system. There simply isn't room for another class of commercial operator in Alaska. This will be sticky but I trust something can be worked out.

I'll be in touch with you after my return from several hunting conventions outside. Thanks so much for working on this legislation.

Sincerely,

EGEGIK VILLAGE COUNCIL

Box 29

Egegik, Alaska 99579

(907)233-2231

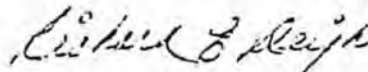
Representative
Adelheid Herman
Box 63
Naknek, Alaska 99633

RE: Hunting in Game Unit 9-E

Dear Rep. Herman:

The people of Egegik are concerned about the number of outfitters being issued permits to bring hunters into the Alaska Peninsula Wildlife Refuge. The Refuge has been a traditional source of meat for our village until recent years. Now the large number of outfitters which are not licensed by the State or controlled in any way, are flooding the area with hunters. These Outfitters are not under any State Law: they are not air taxi operators or registered guides. The result has been that the game is being killed by people who have resident hunting licenses but are really residents of other states and they often leave meat to rot. There are so many the Wildlife Protection Officer cannot check them all. Outfitters called "Wilderness Experiences" set eight hunters from Maryland out on the King Salmon River. They arrive at Egegik with eight sets of antlers and little if any meat. People who normally hunt their winter meat from this village went hungry last winter. It appears that with the excess of Caribou Hunters and lack of moose due to over hunting by outside hunters, the same thing will happen this winter. We would appreciate an answer to this letter telling us what you can do to change this situation and what you think you can do to limit the number of hunters in this area.

Sincerely yours



Richard E. Deigh
President

RE:jw

GUS & FRENCHY LAVOUREUX

P.O. Box 90444 → ANCHORAGE, ALASKA 99509 → FRENCHY, 248-4971 → GUS, 248-3012 → (AREA CODE 907)

90444

October 2, 1986

Rep. Adelheid Herrmann
House Resources Committee
1024 West 6th Avenue
Anchorage, Alaska 99501

Dear Rep. Herrmann:

I suppose this is an exercise in futility but one never knows until one tries and try we must.

My son and I are long time guides in the Ugashik Lakes area of your district and this past fall we encountered a problem that has been plaguing other guides for some time. The mass invasion of the "Outfitter" and his bargain hunting client who are mostly non-residents in both cases. It is apparently something no one can do anything about as the "rapists" do not qualify as guides and can hunt anywhere and are not bound by the laws legitimate guides are.

A solution must be forthcoming and with subsistence laws looming larger and larger each year it does not seem fair that legitimate guides with guide area investment should see their investment and future existence threatened by "Out-of-State fly-by-nighter-rapists", and that is just what these "Outfitters" are. They don't care if tomorrow comes gamewise, the only thing that matters is the "fast buck" today.

With this attitude in mind I would like to request a change in the existing law. Require all non-residents to hire a registered guide with the exception of non-resident Military and relative guided hunts. Do not allow any more non-residents to come up here and hunt where they please without benefit of registered guide.

These people are a threat in many areas of the State as they come up and hunt areas where game is now in lessened supply. In the Interior residents see these people come up pulling their trailers loaded down with freezers, RVs and supplies they bought out-of-State and in these areas they are in conflict with resident hunters who are just trying to fill their own freezer. At least on a guided hunt these non-residents are usually not in conflict with residents as guides utilize the more inaccessible areas. Non-residents hunting on their own leave very little in the way of revenue in the State. The Game resource is worth money to the State and should be managed to see that the utmost dollar amount for each game head is realized. If the "Outfitter" is going to be allowed to continue then my son and I will cease to be guides as we cannot protect our guide area from the over-hunting that will occur and may as well become outfitters ourselves and join the club and rape the country.

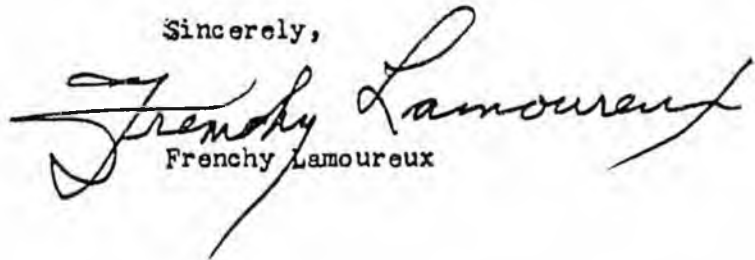
October 2, 1986
Page two

Most of these outfitters are "Out-of-State" operators and spend their winter months lining up people at Sportsman's clubs and shows. They offer a cut-rate trip for lesser money than is offered by the guide. The Guide maintains permanent camps, employs guides (in our case Native), pays insurance and property tax and thus has a higher overhead. Let's face it--if a person can afford to even consider an Alaskan hunt he can afford the going rate for a guided hunt.

The legality of such a law has already been tested in Wyoming so it should pose no problem as to being constitutional.

I realize you represent people of an area where I cannot vote but really the future of your area should be your concern and I ask you to please consider introducing legislation to put a stop to the practice of "Outfitters". I know that Fish and Wildlife would be among the first to champion this legislation as well as all the guides in Alaska. Please believe that Guides must be game conservationists if we aren't we'll be out of business.

Sincerely,

A handwritten signature in cursive script that reads "Frenchy Lamoureux". The signature is written in dark ink and is positioned to the right of the typed name.

Frenchy Lamoureux

FL:ll

Darrell Farnen
12800 Ridgewood Rd.
Anchorage, Alaska 99516

March 25, 1987

Senate Resources Committee
Att: Chairman Jack Coghill

Dear Chairman Coghill:

This letter is written in support of S.B. 191. It is my opinion that this bill is an important piece of legislation protecting the stability of our wildlife resources and it should be passed as soon as possible.

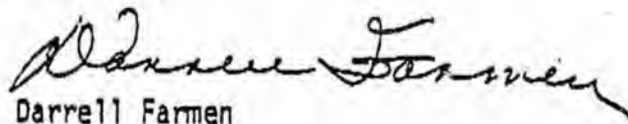
As a guide, licensed since 1960, I have seen what unlimited demands upon a limited wildlife resource can do. We have limited the number of guides and restricted the areas in which they may operate. This has enhanced a concern for wildlife species because it is now difficult for a guide to change areas.

By neglecting to regulate outfitters we have allowed a proliferation of demands upon big game species which the resource cannot absorb. Certain areas of the state are impacted to the degree that local residents are deeply concerned about the ability of certain species to maintain adequate numbers. It now appears that there are more outfitters than active guides.

In all fairness there are areas where the outfitters operation does not exist due to access problems or because they haven't found the areas. Once highly impacted areas cease to provide an adequate supply of animals the outfitter just moves to another area. Therefore, it is imperative to make restrictions apply statewide. Since there are no restrictions upon outfitters, mobility is very easy.

In closing, I urge the passage of S.B. 191. The well being of our big game species warrants the support of every Senate member.

Sincerely,


Darrell Farnen

Paul Reynolds
5530 South Tahiti Loop
Anchorage, Alaska 99507

March 25, 1987

Senate Resources Committee
Att: Chairman Jack Coghill

Dear Chairman Coghill:

This letter is in concern of Senate Bill 191. I am in total support of this bill. My main concern is the wildlife resource of the state. With no restrictions on the "outfitter" areas of the state are getting hit hard, which will result in a poor future for this resource. For this reason we must restrict the outfitter state wide.

Thank you for your time.

Sincerely,



Paul Reynolds



DICK GUNLOGSON

Master Guide and Outfitter

BOX 193
WILLOW, ALASKA 99688
TELEPHONE (907) 495-6434



March 26, 1987

Senator Jack Coghill
Senate Resources Committee
Pouch V
Juneau, AK 99811

Dear Senator Coghill:

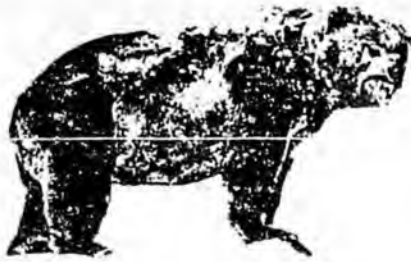
Let me thank you and your committee for recognizing the importance of, and need for, the legislation contained

I am a Master Guide and have been actively involved in Outfitting and Guiding in Alaska for 25 years. In just the last five years I have witnessed the rapid growth of a practice that poses the greatest threat of abuse to our wildlife resources of any that I have seen since Statehood. This is the unlicensed, unregulated so called "outfitter".

Lack of regulation in the 1960's and early 1970's led to the abuse of wildlife resources which was largely, and, to a large extent justifiably, laid at the feet of the Guiding Industry. The Guide Licensing and Control Board was created and through its efforts and the cooperation of the Guides themselves, the Industry was cleaned up. Areas were assigned and Licensed Guides became game managers, cooperating with Fish and Game people and Protection people to protect the resources they depended on for their livelihood. Licensed Alaskan Outfitter/Guides are now recognized throughout the world for their high ethical and fair chase standards. Those who could not, or would not, conform to these new standards were weeded out one by one.

Comes now then, through a monstrous loophole in our regulations, the unlicensed, unregulated, so called "outfitter". If some of these "outfitters" should turn out to be the same ones weeded out of the Guiding Industry for illegal and/or unethical activity it should hardly come as a surprise. Certainly it is not hard to see that it would be more convenient (and more profitable) to operate with virtually no regulations or licensing requirements, no ethical standards and no responsibility for the wildlife resources within any given area - compared to the highly regulated standards a Licensed Outfitter/Guide must adhere to.

Hunt **ALASKAN** *Big Game*



DICK GUNLOGSON

Master Guide and Outfitter

BOX 193
WILLOW, ALASKA 99688
TELEPHONE (907) 495-6434



Many of the unlicensed "outfitters" operating in Alaska are non-residents. They move large numbers of hunters into the State for short periods of time, come virtually self-contained and leave little or no revenue in the State for their passing. Solicitation of "outfitted" hunts in Alaska is openly, brazenly and aggressively being practiced at major sport shows in the south 48. Through clever and deceptive wording in advertising many or most hunters are led to believe they are arranging a hunt with a legitimate Licensed Outfitter/Guide, who is responsible to the State of Alaska for his conduct in the field.

Now, while it is true that these unlicensed "outfitters" pose a threat to legitimate Licensed Outfitter/Guides, the threat clearly does not end there. Since sheep and brown/grizzly bear hunting in Alaska requires that the hunter be accompanied by a Licensed Guide, the unlicensed "outfitters" focus their attention on the animals where a guide is not required. Moose and caribou are the heaviest hit species with black bear and goat victimized to a lesser degree. The net result is that SUBSISTENCE HUNTERS AND RESIDENT MEAT HUNTERS are going to be the most heavily impacted. Reports of a single unlicensed "outfitter" taking 30 or more moose from an area - and some taking more than twice that many caribou are definitely founded on more than campfire smoke!

The bottom line is that licensing and regulation are absolutely necessary when commercial exploitation of wildlife resources is taking place. The State regulates the Guide Industry for this reason, the individual hunter is regulated with season and bag limits, the salmon and herring resources are regulated by Permits. It is now time to plug the loophole the unlicensed and unregulated "outfitter" is using to abuse our wildlife resources. I am sure that future hunters, subsistence, resident and non-resident alike will join me in thanking you for your attention to this problem.

Respectfully yours,


Dick Gunlogson

Hunt **ALASKAN** *Big Game*



ALASKA TROPHY HUNTING AND FISHING

MAR 25 1987

MEL GILLIS
Registered Guide
& Outfitter

P. O. Box 22024,
Anchorage, Alaska 99522-0247
Phone (907) 344-8589
(907) 344-8589



3-25-87

Senator Jack Coghill
Chairman of the Senate
Resource Committee

Dear Chairman Coghill:

~~of the bill...~~

~~...~~ This bill addresses the defination
of Big game Hunting & Prohibiting compensation of an
unlicensed person for guiding. I request you to pass
this legislation as quickly as possible for the
stability of Alaska's Wildlife resources in the state.

We need this bill passed to stop the Unlicensed
guides (outfitters) from operating in the state of
Alaska.

The unlicensed guides (outfitters) in the state of
Alaska are not regulated by or responsible to any
Agency or Agency in the state. Unlicensed guides (outfitters)
take as many animals as they want, Kill out small
pockets of animals & move to other parts of the state.
When they have the animals slaughtered from one area,
they are free to move to another & repeat the process.

There are over 300 known outfitters (unlicensed guides)



ALASKA TROPHY HUNTING AND FISHING

MEL GILLIS
Registered Guide
& Outfitter

P. O. Box 220247
Anchorage, Alaska 99522-0247
Phone (907) 344-8589



operating in the state + many more that are not even known about. Many of these people are not Alaskan residents. Fish + Wildlife protection estimates that about 50% of the (unlicensed guides/outfitters) are Non Residents.

The (unlicensed guides) operate on large volume of hunters + low-prices causing Overharvesting.

Many of the unlicensed guides bring their work force up with them from the lower 48.

An example of overharvest by an outfitter (unlicensed guide) is: I took two moose in one of my guide areas last year. I figure resident hunters 4 to 6 moose. A unlicensed guide took between 35 + 40 moose hunters in this area. This is going on over the entire state of Alaska the wildlife cannot take this kind of pressure.

Many of the Non-Resident hunters believe they are going on a legal hunt with licensed guides because of the way national guides are advertising in the lower 48. Outfitters in the lower 48 are the same as Reg. guides are in Alaska. Everyone thinks



ALASKA TROPHY HUNTING AND FISHING

MEL GILLIS
Registered Guide
& Outfitter

P. O. Box 220247
Anchorage, Alaska 99522-0247
Phone (907) 344-8589
(907) 344-8589



The term guide & outfitter is one in the same.

The guiding profession in the state of Alaska is open to anyone who meets the requirements which are

1. Be a resident of the state
2. Serve a 3 year apprenticeship
3. Pass a written & Oral test given by the guide licensing & control board.

There are guide areas coming up at every guide board meeting.

By examining the guide register you will find that there are many guides in rural Alaska.

Guiding was the 7th largest industry in the state & is not subsidized by any state or federal program, and will be a viable industry from now on, if handled right.

In closing I would like to say that the Wildlife is a renewable resource, and should be handled as such. Senate Bill 191 will help stop the wholesale slaughter of big game animals. I have enclosed copies of a few motions for your information.

Sincerely
Mel Gillis

cc Senators Jiaroff, Ginter, Brumby, Sturgis, Lewski Jones, Ellason, P...
alond

APR 03 1987

3/30/86
Adelheid Herrmann
House of Representatives
Box V, Mail Stop:3100
Juneau, Alaska 99811

RE [REDACTED] and important reasons for the bills passage.

[REDACTED]

In ref. to HB [REDACTED], dealing with the amendment to the Alaska Guide Bill, one of the major problems with understanding the purposes of the bill, is the confusion in peoples minds over the terms used, especially how the term Outfitter is currently being misinterpreted in the State of Alaska.

Hunting like any other business has it's own structure and nomenclature.

However, the terms applicable to professional hunting have a more restrictive and more universally accepted definition, than perhaps any other profession, due to the scope of its clientele and involvement.

With the exception of Alaska, in North America the word outfitter is recognized as meaning the person who owns and runs a legitimate professional hunting operation. In all places, but Alaska, where hunting is a viable business this definition is written into law.

It is universally understood in the hunting world and legally mandated in all important hunting areas that the term "outfitter" is applied to the person who must meet licensing requirements, who is entitled to the legitimate hunting privileges mandated by the states and provinces and are the people responsible to the resource in their areas, and are the people held accountable for any violations of laws or restrictions by their clients or employees.

Outside of Alaska, the term guide is accepted as meaning a person in employ of an outfitter, usually unlicensed and not required to meet any particular standards or qualifications under the law.

Anyone involved with hunting understands this definitive relationship, including the governmental and regulatory agencies of the states and provinces involved, that is except Alaska.

The only exception is Alaska. In Alaska the term Guide is applied to the person qualified under the law and is therefore held responsible for the clients actions and well-being. Registered and Master guides are the people who must meet licensing requirements, are entitled to the professional hunting privilege mandated by the state, are subject to the restrictions of those

page 2

privileges, and are the people held accountable for violations of laws or ethics by their clients or employees.

It is the guides who must be concerned with the resources in their areas.

In Alaska the term "Outfitter" is a misnomer and means absolutely nothing. Due to this switch of terms in our state and the resulting confusion among hunters, many unqualified, unlicensed people have used the term "Outfitter" as a play on words, to lure clients and set up illegitimate and irresponsible hunting operations in Alaska.

These so called "outfitters" are designating themselves with a term that under accepted usage they in no way deserve.

It is impossible for people from anywhere else to understand this relationship and is very hard to explain, as it makes no sense.

Conditions created by their confusion however, have become disastrous to Alaska's hunting and the resources involved.

Sincerely,



Patrick R. Kennedy
Registered Guide

P.O. Box 771896
Eagle River, Ak. 99577

Phone 907-696-2484

1024 W. 6th
Corner K. n. W. 6th
215

P.O. Box 670071
Chugiak, Alaska
99567

Alaska Trophy Safaris

MAR 26 1987

WITH

Dennis Harms
MASTER GUIDE



Letter stating outfitting illegal.....

Legislative Affairs Offices



Arliss Sargeluski, Senate Resources *all*
Coghili, Senate Resources

Adeline Herman, House Resources *all*

March 26, 1987

This letter concerns illegal guiding of hunters under a loophole called outfitting.



The past three to five years this activity has exploded into a major problem.

Persons who didn't have the ambition to become licensed guides found a loophole, and so many operations have started that seriously threaten our valuable wildlife resources.



The outfitters mode of operation is generally to wholesale Alaska resources. To make their operation pay they need to sell alot of game. One outfitter on Ugashik Lake took more than 30 caribou hunters last fall, and the licensed guide there only took a half-dozen or so.

Most of the outfitters are borderline guiding to outright guiding hunters, which is a felony, but they are still operating.



Since there are no controls, they usually go into one area, wipe out the game and move on. Several outfitters even use this as a selling point when selling their hunts.

Several outfitters are not even residents of Alaska.

A licensed registered guide is limited to his area of operation so it would be foolish for him not to be a good steward of the game resources.

You are going to hear cries that we are putting outfitters out of business. Absolutely every last one of them knew they were walking a very gray, thin line between legal and illegal. Everyone knew they were testing the law to the limit.

We should not have let them make such a fool out of our system to this point, and we must pass a tough law to protect the resources ethics and order of our state now.

Sincerely,

Dennis Harms
Alaska Master Guide

ALASKA PROF. HUNTER'S ASSOC.
TESTIMONY ON SB 191 BEFORE THE SENATE RESOURCES COMMITTEE
3/27/87

MR. CHAIRMAN, DISTINGUISHED MEMBERS OF THE COMMITTEE, WE WOULD LIKE TO TAKE THIS OPPORTUNITY TO EXPRESS OUR APPRECIATION FOR YOUR EFFORTS ON THIS PIECE OF LEGISLATION AND FOR PROVIDING US THIS OPPORTUNITY TO RELATE OUR CONCERNS TO YOU.

THE RESOURCE PROBLEM

THE PRIMARY REASON FOR CONCERN RELATIVE TO THE "ILLICIT OUTFITTING" OF BIG GAME HUNTS IN ALASKA TODAY IS UNNECESSARY & NEGATIVE IMPACTS ON BIG GAME POPULATIONS, PRIMARILY MOOSE & CARIBOU WITHIN THE STATE. UNREGULATED COMMERCIAL HARVEST OF OUR PUBLIC GAME RESOURCES IS AN UNACCEPTABLE SITUATION.

IN MANY SPECIFIC LOCATIONS THROUGHOUT ALASKA THIS UNREGULATED COMMERCIAL HARVEST HAS REACHED EPIDEMIC PROPORTIONS AND IS RAISING HAVOC WITH OUR VALUABLE BIG GAME POPULATIONS; AND THEREFORE WITH BOTH SUBSISTENCE & RECREATIONAL HARVEST PATTERNS. THE RECENT AND CONTINUING INCREASE IN THIS COMMERCIAL HARVEST HAS BEEN WELL DOCUMENTED AT TODAY'S HEARING.

THERE ARE SOME WHO SUGGEST THAT SUCH HARVEST IS & OUGHT TO CONTINUE TO BE SOLELY THE PURVIEW OF OUR FISH & GAME MANAGEMENT SYSTEM. SEASONS AND BAG LIMITS SHOULD SIMPLY BE CUT IN AREAS WHERE THE POPULATIONS DECREASE TO UNACCEPTABLE LEVELS. SUCH RECOMMENDATIONS ARE IN OUR OPINION A PRESCRIPTION FOR CRISIS HINDSIGHT MANAGEMENT, ALLOWING CONTINUATION OF AN UNREGULATED COMMERCIAL HARVEST OF OUR PRECIOUS WILDLIFE RESOURCES IS THE HEIGHT

OF MANAGEMENT FOLLY AND INDICATES A DISREGARD FOR BOTH THE RESOURCE AND MANAGEMENT. WE KNOW WE HAVE A PROBLEM ONE WHICH IS DECIMATING SPECIFIC UNGULATE POPULATIONS, ONE WHICH IS CAUSING CURTAILMENT OF OPEN SEASONS TO THE DETRIMENT OF SUBSISTENCE AND RECREATIONAL HARVESTS. THE POTENTIAL FOR ABUSE IN THE IMMEDIATE FUTURE (THIS YEAR) IS FRIGHTENING AND IN THE NEAR TERM CATASTROPHIC. THE NEGATIVE IMPACTS ON OUR WILDLIFE AND THOSE WHO DEPEND ON THEM FOR FOOD, FOR A LIVLIHOOD AND FOR ENJOYMENT IS OF PARAMOUNT CONCERN TO ALL OF US.

JUST AS THOSE WHO PROMOTE AND FACILITATE THIS EXCESSIVE HARVEST MUST BEGIN TO SHOULDER THE RESPONSIBILITY FOR THEIR ACTIONS, SO MUST WE WHO ARE FAMILIAR WITH THIS SITUATION AND WHO ARE CONCERNED WITH WILDLIFE POPULATION LEVELS TAKE THE LEAD IN PREVENTING IT. WE'VE GOT A RUNAWAY LOCOMOTIVE FUELED BY NEWLY DISCOVERED LOOPHOLES AND SEMANTICAL DIATRIBE WHICH THREATENS AN IMPORTANT RESOURCE BASE. WE MUST FACE IT HEAD ON. COMMERCIAL OPERATORS, BE THEY GUIDES OUTFITTERS, QUASI-GUIDES, OR OUTFITTERS, ETC. MUST ALL BE MADE EQUALLY RESPONSIBLE FOR THEIR ACTIONS AND THE ACTIONS OF THEIR CLIENTS.

OUTFITTER SEMANTIC PROBLEM

A SEPARATE POINT WHICH WE WOULD LIKE TO TRY TO CLARIFY FOR THE COMMITTEE RELATES THE THE DIFFERENT CONCEPTS OF WHAT A GUIDE OR AN OUTFITTER IS. HERE IN ALASKA, THE FELLOW WE CALL A REGISTERED OR MASTER GUIDE, THE ONE WHO MEETS VARIOUS STRINGENT LICENSING REQUIREMENTS, WHO CONTRACTS HUNTS, WHO IS REGULATED BY THE APPROPRIATE STATE AGENCIES, IS ELSEWHERE IN NORTH AMERICA AND THE WORLD KNOWN AS, AND IS LICENSED AS AN OUTFITTER. WE HAVE PRESENTED TO THE COMMITTEE FOR YOUR INFORMATION, EVIDENCE OF THIS WITH AN EXAMPLE OF THE

TYPICAL BADGE ISSUED TO EACH GUIDE AT NATIONAL HUNTING CONVENTIONS AND A BOOKING CONTRACT ISSUED BY AN INTERNATIONAL HUNTING CONSULTANT. AS YOU WILL NOTICE, BOTH REFER TO AN ALASKAN REGISTERED GUIDE NOT AS A GUIDE, BUT AS AN OUTFITTER. THE RESULT OF THIS CONFUSION OF COURSE IS THAT CLIENTS ARE LURED INTO THINKING OF THOSE WHO ADVERTISE AS OUTFITTERS IN ALASKA ARE REGISTERED GUIDES, WHEN IN FACT, OUTFITTERS ARE NOT LICENSED OR REGULATED IN ANY MEANINGFUL WAY IN OUR STATE. THE LEGISLATION BEFORE YOU WOULD HELP END THIS CONFUSION.

AN OPEN PROFESSION

SEVERAL ADDITIONAL MISCONCEPTIONS SEEM TO PERSIST REGARDING THE GUIDE LAWS AND THE GUIDING INDUSTRY IN ALASKA. SOME SEEM TO THINK OURS IS A "CLOSED" INDUSTRY, NOTHING COULD BE FURTHER FROM THE TRUTH. OURS IS ONE OF THE MOST OPEN AND AVAILABLE PROFESSIONS OF THE PROFESSIONS UNDER DEPARTMENT OF COMMERCE JURISDICTION. OUR APPRENTICESHIP PERIOD IS MERELY THREE MONTHS, CONSIDERABLY LESS THAN DOCTORS, CHIROPRACTORS, TEACHERS, ELECTRICIANS AND A MYRIAD OF OTHER PROFESSIONS. WHILE PASSAGE OF A STRINGENTLY WRITTEN AND ORAL EXAMINATION IS REQUIRED, NO EDUCATIONAL LEVEL SUCH AS IS REQUIRED IN MANY OTHER PROFESSIONS IS ESTABLISHED. THE GUIDE LICENSING AND CONTROL BOARD GIVES EXAMS TWICE A YEAR AND WHILE THEY ARE COMPREHENSIVE, THEY ARE NO MORE SO THAN EXAMS FOR LAWYERS, PHYSICIANS, OR A MYRIAD OF OTHER WELL ESTABLISHED TRADES. THESE QUALIFICATIONS ARE MINIMAL AND A SMALL PRICE TO PAY TO INSURE HIGH PROFESSIONAL STANDARDS IN ALASKA'S GUIDING INDUSTRY.

ONCE HAVING RECEIVED A REGISTERED GUIDE LICENSE, AN INDIVIDUAL CAN WORK FOR OTHER REGISTERED OR MASTER GUIDES OR HE OR SHE CAN BEGIN AN INDEPENDENT BUSINESS. SOME CRY THERE ARE NO AVAILABLE AREAS; HOWEVER THIS IS FAR FROM

TRUE. THERE ARE MANY OPEN AREAS IN THE STATE AT THIS TIME WHERE ANY REGISTERED OR MASTER GUIDE MAY GUIDE OR CONTRACT HUNTS, AREAS NOT YET TAKEN. ADDITIONALLY, A QUICK REVIEW OF THE MINUTES OF THE LAST 4 GUIDE BOARD MEETINGS SHOWS THAT OVER 30 NEW GUIDES HAVE BEEN LICENSED AND 40 NEW AREA ASSIGNMENTS OR TRANSFERS HAVE TAKEN PLACE. FURTHERMORE, 38 ADDITIONAL AREAS HAVE BEEN OPENED UP AND ARE AVAILABLE....AT NO COST!!!! WE ARE NOT AWARE OF MANY VOCATIONS THAT CAN PROMISE OR OFFER SUCH REASONABLE ENTRY.

IN ADDITION TO THE OPEN AREAS THAT CAN BE OPERATED IN BY QUALIFIED GUIDES FOR NO INITIAL CAPITAL OUTLAY, MANY GUIDES' BUSINESSES, SOME WITH PRIVATE LAND AND LODGES AND CABINS AND OTHERS WITH EQUIPMENT AND ESTABLISHED CAMPS ARE FOR SALE. THE AREAS ARE IN ALL CASES UNDER THE PURVIEW OF THE STATE. ANYONE SERIOUSLY DESIRING TO TO BECOME A GUIDE, WILLING TO WORK AT IT AND RUN A LEGITIMATE PROFESSIONAL BUSINESS CAN DO SO WITH A VERY REASONABLE INVESTMENT OF TIME AND MONEY.

IMPACT ON LEGITIMATE "OUTFITTERS"

AN ADDITIONAL MISCONCEPTION SEEMS TO EXIST OVER THE IMPACTS THE LEGISLATION BEFORE YOU WILL HAVE ON LEGITIMATE OUTFITTERS. FROM SOME OF THE COMMENTS ON THE SUBJECT TO DATE, SOME WOULD HAVE YOU BELIEVE SB 191 PROHIBITS BREATHING. AGAIN, NOTHING COULD BE FURTHER FROM THE TRUTH. MOST OUTFITTERS JUST DON'T WANT ANY LEGISLATION WHICH MAY TO LEAD TO REGULATION OF THEIR BUSINESS. IN OUR JUDGEMENT THIS WOULD SEEM TO INDICATE A LACK OF DESIRE TO BE HELD RESPONSIBLE FOR THEIR ACTIONS WHICH ARE INCREASINGLY DETERIORATING BIG GAME RESOURCES IMPORTANT TO MANY OTHER ALASKANS.

THIS LEGISLATION HAS UNDERGONE A NEAR RECORD NUMBER OF

DRAFT ALTERATIONS AND ANALYSES PRIOR TO ITS EVEN BEING INTRODUCED. YOUR COMMITTEE AND STAFF, ALONG WITH OTHER LEGISLATORS, STAFF MEMBERS AND LEGISLATIVE DRAFTERS ARE TO BE COMMENDED FOR THEIR CONSCIENTIOUS EFFORTS TO CRAFT A BALANCED AND LEGALLY ARTICULATED SIMPLY MODIFICATION TO EXISTING STATUTES. THIS LEGISLATION WILL (1) PROTECT OUR RESOURCES (2) HELP ELIMINATE DOUBLE STANDARDS OF RESOURCE REGULATORY RESPONSIBILITY (3) INSURE EQUITABLE SOLUTIONS TO A COMPLEX PROBLEM AND (4) CONTINUE TO ALLOW LEGITIMATE TRANSPORTERS AND PROVIDERS OF GEAR AND EQUIPMENT TO OPERATE. IT WILL CONTINUE TO ALLOW LEGITIMATE AIR TAXI OPERATORS, CHARTER BOAT OPERATORS AND PROVIDERS OF GEAR, TRANSPORTATION AND SUPPLIES FOR DROP-HUNTS TO DO BUSINESS.

WHILE THIS LEGISLATION WILL NOT SATISFY EVERYONE, IT WILL IN OUR OPINION GO A LONG WAY TOWARD ALLEVIATING WHAT HAS BECOME A MANAGEMENT CRISIS OF OUR VALUABLE GAME RESOURCES. IT WILL ALLOW LEGITIMATE OPERATORS TO CONTINUE TO DO BUSINESS, IT WILL INSURE THE PRESENCE OF MUCH NEEDED RESOURCES FOR SUBSISTENCE AND RECREATION AND IT WILL ALLOW INDIVIDUALS TO CHOOSE FROM A VARIETY OF LEGITIMATELY OPERATED BUSINESS ONE WHICH WILL MOST SUIT THEIR NEEDS AND BUDGET.

WE SUPPORT THE LEGISLATION BEFORE YOU, SB 191, AND THE AMENDMENTS WE'VE SEEN WHICH WOULD HELP CLARIFY THE FOLLOWING POINTS.

(1) MAKE ADVERTISING TO BE AN OUTFITTER ILLEGAL WITHOUT A VALID CURRENT REGISTERED OR MASTER GUIDES LICENSE.

(2) INCLUDE ALL MODES OF TRANSPORTATION NOT JUST VEHICLES.

(3) CLARIFYING USE OF PERMANENT CABINS TO BE LAWFUL AND LEGALLY ESTABLISHED.

WE URGE YOU TO EXPEDITE THE PASSAGE OF THIS CRUCIAL LEGISLATION. WE ARE GRATEFUL YOU RECOGNIZE THE EMERGENCY

NATURE OF THIS SITUATION AND APPRECIATE THE TIME YOU'VE PUT IN ON THIS BILL. WE IN THE ALASKA PROFESSIONAL HUNTERS ASSOCIATION WOULD BE PLEASED TO ANSWER ANY QUESTIONS OR FURTHER CLARIFY ANY POINTS OR ASSIST YOU IN ANYWAY WE CAN. ONCE AGAIN, THANK YOU FOR YOUR EFFORTS AND FOR LISTENING TO OUR CONCERNS.

Katmai Guide Service

JOE KLUTSCH
REGISTERED GUIDE

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

January 4, 1987

MEMBER



Dear Adelheid,

I'm writing to ask your help in dealing with a problem threatening game resources throughout the State. During the last 5 years there has been a proliferation of "outfitters" engaging in commercial hunting. Unlike guides who are licensed by the State, assigned specific areas and limited in number within each game management unit, these operators are bound by no area restrictions or professional certification at all. A majority of these operators are nonresidents who have discovered the loop hole in the guide law which allows them to book hunters, provide camps and personnel (packers, cooks, boatmen etc.) and in effect provide all the services of a guide.

Outfitters generally "sell themselves to that segment of the hunting public that is looking for a bargain. They sell cheap hunts which requires they do a much larger volume of hunts. In that they are not bound by area restrictions, they are able to hunt out any given area and move on to greener pastures. Guiding was the first licensed profession in the territory of Alaska. Under State hood, a guide law has evolved that requires a person spend a minimum of 7 to 10 years of his life to become a licensed Registered guide and to become an area permit holder. The idea behind the evolution of this law was to limit the extent of commercial hunting of big game resources and set professional standards and regulations by which a guide must abide. The system has not been without its faults over the years but it has been refined and improved to a point that commercial hunting activities can be regulated effectively at least as far as guiding is concerned. "Outfitting" is as yet an un defined activity in terms of regulation and statute.

Demands on all resources through out the State have increased greatly in recent years. Allocation of fish and game resources becomes more complicated every year. With subsistence needs to be met, and legitimate allocations to nonresidents to be met, there is simply no room for another category of commercial operator engaging in big game hunting. As I stated in one of our conversations, allowing "outfitting" outside of the present system of guide licensing and control is the same as allowing 120 foot sieners to operate in Bristol Bay because they engaged in commercial "catching" instead of fishing and thereby require no permit to sell their catch.

Unfortunately, it is the resource that suffers first and then the legitimate right of all user groups is jeopardized.

ADFG Protection division and Game division are well aware of this problem and have shown considerable interest in working with the guiding industry to find a solution to this problem.

The wording to the following proposed amendment to the current guide law was worked out in Anchorage with the help of Fish and Game Protection people. It would fall under section 08.54.210. UNLAWFUL ACTS

(9) a person to outfit hunters or to provide outfitter service as defined in this chapter personally or through assistants to persons or hunting parties without being validly licensed as a Registered or Master Guide under this chapter.

For the sake of the big game resource and then for the benefit of your constituents as well as all other people who might utilize big game in Alaska, I am urging you to prefile this proposed amendment to the current guide law. As chairman of the House Resources Committee, and as a person who I know to be sensitive and knowledgeable on Alaska's resource issues, I feel you can be instrumental in solving the problem we are faced with.

I will work for you in any way possible to see to it this proposed amendment can be passed.

Sincerely,



Alaska

MAY 1 1987

Professional Hunters Association, Inc.

P.O. Box 441 • Talkeetna, Alaska 99676 • (907) 733-2688

April 29, 1987

Adelheid Herrmann
AK State Legislature
Pob V (Ms 3100)
Juneau, AK 99811

Dear Adelheid

Alaska is facing a crisis, the long term effects of which may be as undesirable as the present problems we find ourselves in with declining oil revenues. Our precious wildlife resources are being plundered by illegitimate ~~tourists~~ passing themselves off as ~~tourists~~.

Twenty years ago, Alaska's valuable wildlife species were being similarly threatened by some members of the professional guiding industry. Because of weak regulations and our inability to field a sufficient number of protection officers, some individuals took advantage of the situation and WHOLESALD Alaska's wildlife. The problem was eventually brought under control by stricter regulations regarding the take of game animals and the guide industry itself. Guides are no longer allowed to mass harvest in one area then move on to the next. Furthermore, many regulations were put into effect to make individual guides more responsible for their conduct in the field, as well as the conduct of their assistants and clients.

Recently, some individuals have discovered loopholes in statutes which allows them to circumvent the law and operate as "outfitters." This situation has escalated in the last couple of years, putting terrific strains on wildlife populations in specific areas. If these illegitimate "guides" are allowed to continue, more wildlife populations will almost certainly be threatened and resident Alaskans will soon be faced with more and more restricted hunting seasons and permit hunts.

Alaska's wildlife populations bring millions of dollars into our economy from a variety of sources. Thousands of tourists come to view them, sportsmen pursue them on hunting excursions and many rural Alaskans depend on them as a factor in their economic survival. Allowing these illegitimate "guides" to continue to deplete our limited wildlife resources will have definite long term negative impacts, not just on the resource base itself, but also on our economy.

Shortly after statehood, a licensed, regulated guide industry was created. A presumption must be made here, that early government leaders in Alaska felt a well regulated guide industry would be in the best interest of Alaskans and our wildlife populations. In a certain sense, commercial guiding is no different than commercial fishing. Both have become somewhat limited entry occupations;



Alaska

Professional Hunters Association, Inc.

P.O. Box 441 • Talkeetna, Alaska 99676 • (907) 733-2688

however, I seriously doubt quasi-commercial fisherman would be allowed to exist. The question is why do we consider allowing illegitimate "guides?" It just does not make good sense. We have a limited resource which must be protected for everyone's benefit. We already have a state sanctioned system allowing for commercialization in that resource base. It is not a closed system as some would have you believe. Anyone with the desire to enter the guiding profession may do so, they only have to meet the rather simple qualifications. With that in mind, the loopholes allowing these illegitimate, unregulated "outfitters" to exist should be eliminated. In the best interest of the resource and the economy of Alaska, it is a decision which should be made in the near future.

Thank you for your time and any consideration you can give this important subject.

Please note our new address: POB 91932, Anchorage, Alaska 99509, and phone number is 907-522-3221.

Sincerely

Ed Grasser
Vice President
Eg/Lfs

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: KEITH KLEPPE
TITLE:
ADDRESS: 6630 E. 10TH
CITY: ANCHORAGE
PHONE: 337-2216
BILL NO:
SUBJECT: STATE INCOME TAX
MESSAGE: I'M AGAINST A STATE TAX, TRY CUTTING BUDGET. LEAVE PERMANENT FUNDS ALONE. THE STATE CAN CUT WASTE.

ZIP: 99504

POMID: 03124506
DATE: 04/15/87
TIME: 12:45:06
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

ADAMS	BARNES	ABOOD
BOUCHER	BOYER	BEHNETT
BROWN	CATO	BINKLEY
COLLINS	COTTEN	COGHILL
DAVIDSON	DAVIS	DUNCAN
DOHLEY	ELLIS	ELIASON
FRANK	FURNACE	FAHRENKAMP
GOLL	GRUENBERG	FAIKS
GRUSSENDORF	HANLEY	FISCHER
HOFFMAN	HUDSON	HALFORD
KOPONEN	LARSON	HENSLEY
MARTIN	MENARD	JONES
MILLER	NAVARRE	JOSEPHSON
PEARCE	PETTYJOHN	KELLY
PHILLIPS	POURCHOT	KERTTILA
RIEGER	SHULTZ	RODEY
SPRINGER	SUMD	STURGULEWSKI
SHACKHAMER	TAYLOR	SZYMAWSKI
ULMER	HALLIS	UEHLING
ZAWACKI		ZIAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: WAYNE KUBAT
TITLE:
ADDRESS: PO BOX 874867
CITY: WASILLA
PHONE: 376-9568
BILL NO: HB 183
SUBJECT: OUTFITTING IN THE FIELD; GUIDE LICENSE
MESSAGE: I SUPPORT YOUR BILL AND HOPE YOU PASS IT SOON. OTHERWISE ALASKA
HUNTING WILL END UP BEING BY PERMIT ONLY.

ZIP: 99687

POMID: 14125911
DATE: 04/15/87
TIME: 12:59:11
LIONAME: MAT-SU LIO

COPIES: REPRESENTATIVES

COTTEN
DAVIDSON
HOFFMAN
NAVARRE
PEARCE
SHULTZ
SPRINGER
SURD

44
1945

Alaska Chapter Foundation for North American Wild Sheep

P.O. Box 110-774 ☐ Anchorage, Alaska 99511 ☐ Phone 243-1067

April 30, 1987

Dear Honorable Ms. Herrmann,

The Foundation For North American Wild Sheep, Alaska Chapter requests your support to pass into law the bills known as ~~AS 08.54.240 and AS 08.54.241~~. Specifically we are concerned with AS 08.54.240. We feel strongly that Alaska is facing another crisis in game management. Illegitimate guides, passing themselves off as outfitters, have discovered a loophole in the State Statutes which circumvents the laws which govern the guiding industry and the principles of good game management.

Twenty years ago a similar problem existed where Alaska's wildlife species were threatened by members of the professional hunting industry. Some individuals took advantage of weaknesses in the regulations and enforcement procedures to rapidly deplete some wildlife populations. Better regulations have provided for a more responsible industry and better game management, for the benefit of all users whether consumptive or non-consumptive.

Now the problem arises again where illegitimate guides, under the guise of "outfitters," are again miss-using the resource. The attached newspaper clippings and press releases are examples of the extent of this problem. Continuing unchecked, these types of outfitters can put a tremendous strain on the wildlife populations in our state. This can only result in more restrictive seasons and increased numbers of permit hunts. All this to the detriment of both resident and non-resident hunters. In addition, lowered game populations restrict the ability of the non-consumptive user to view the game. All together this means decreased income to the state from its valuable game resources.

The Foundation For North American Wild Sheep, Alaska Chapter represents 360 members statewide and several thousand nationwide. Members are both consumptive and non-consumptive. We are joining in the fight to ensure the loopholes are closed that are allowing these illegitimate outfitters to operate. Although, at the present time all guided non-residents must employ the services of a licensed registered or master guide operation to hunt sheep, we feel the current situation creates a dangerous precedent to the future of sheep management. In addition, we feel obligated to speak out for sound game management for all species in Alaska.

At the present time, according to the Alaska Dept. of Public Safety, there are over 300 documented illegal outfitters operating without a guide license. If each of these outfitters are taking out 20 hunters, it takes only a little addition to figure out that the resource is being abused. It is also important to note that these hunters are competing with resident hunters and legitimate guide operations. However, unlike a guide operation which is restricted to a specific area, these illegal outfitters can clean an area of the game resources and then move on to somewhere else. The enclosed news releases were provided by the Alaska Dept. of Public Safety. According to the DPS there are more indictments coming. Therefore, we solícite your support in closing this loophole.

Sincerely,

Daniel R. Schwarzer
Daniel R. Schwarzer
President

A Nonprofit Organization

MAY - 7 1987

Anchorage, Alaska
May 5, 1987

Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Adelheid,

Please pass Senate ~~Bill 191~~ or House Bill 183 or a combination thereof, because;

1) The 300 outfitters operating last year are endangering our wildlife resource. They do not hesitate to overhunt an area since conservation is of no concern to them. They decimate an area and move on.

2) The 300 outfitters operating last year consistently break our Fish and Game Regulations. Examples: non-residents hunters paying for less expensive resident licenses and trophy tags, killing of illegal game by hunters who have not been informed by their outfitter who is not legally required to do so, and hunters flagrantly violating our wanton waste laws.

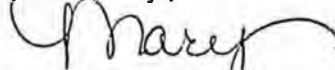
3) The 300 outfitters could become legal Registered guides under our current laws and then they would be responsible for conservation and upholding our Fish and Game Regulations. That is why we passed the law in 1960 to get rid of all the Get-Rich-Quick Outfitters who had a Super Cub and a tent. Registered guides were then - and are now - a reliable means of marketing our surplus renewable big game resource.

I am especially concerned about the village of Egegik on the Alaska Peninsula. I live there six months each summer. The people are harmed when outfitters turn hunters loose to float the near-by rivers. They arrive at Egegik with many antlers and no meat. This re-occurred over and over again last fall much to the dismay of the local people.

Secondly, I am concerned about hunters dropped off in an overhunted area. I have been professionally guiding in Alaska for almost thirty years and have a reputation for maintaining a good game population in my guide areas. Several guides I know are now operating as outfitters because they can go anywhere and are not responsible for keeping the game laws or conservation.

Please pass some form of these bills as the wildlife can't stand the amount of hunting pressure and mis-use it is getting from indiscriminate outfitting. These outfitters are not part of the balance established to utilize the renewable game harvest. If this situation continues, we will loose our reputation as a big game hunters paradise, our subsistence opportunities for villagers and our chance for resident hunters to enjoy the great hunting that many of them came to Alaska to enjoy.

Sincerely,



Mary Oldham, Registered Guide
Box 220343
Anchorage, Alaska 99522-0343

MAY 6 1987

May 4, 1987

Senator Paul Fischer
Alaska State Legislature
P.O. box V (3100)
Juneau, Alaska 99811

Dear Sirs:

I am writing with regard to ~~XXXXXXXXXXXXXXXXXXXX~~ which addresses outfitting in the field.

Presently, at this time, the State of Alaska doesn't define what an outfitter is. Nor does the State require anything other than a business license to conduct this kind of activity.

Last year the requirements and licenses for a transporter were repealed in the State of Alaska.

I am a Registered Guide in this State and have been for six years. I went through 5 years of residency, 3 years of field work, as an assistant guide, met all the other criteria established by the state and, finally passed an extremely difficult exam before I was privileged to hold a Registered Guide License.

At this moment, the Game Resources of Alaska face an extremely important decision regarding their existance in notable numbers.

The resource belongs to everyone but, everyone must try to manage it properly.

I currently have two "Restricted Guide Areas" in G.M.U's 23 & 26. I have to take limited numbers of hunters in order to maintain good, healthy game populations. To over harvest these areas myself would be to exemplify total disrespect for the game resource, not to mention putting myself out of the guiding business.

A person who operates a "Drop Off Type Commercial Hunting Operation", usually calls himself an outfitter. First off, he is Free to Operate wherever he wants, taking as many hunters as he chooses. Secondly, since the state doesn't clarify his business, it is extremely easy for him to step around the law and run "guided" hunts by unlicensed personnel. Often times this happens with such frequency that sheep, grizzly & brown bears start being harvested by non residents with their unlicensed guides. The problem gets more involved, since they've violated the law, they must sneak the hides, horns, etc., out of the state without being noticed. This can easily be done in their baggage. Meanwhile, the State of Alaska, Dept. of Fish and Game is being circumvented and their harvest reports are thrown out of kilter. This creates a bad situation which is snowballing and growing larger all the time. The state spends a lot of money and time doing aerial population surveys and after speaking with Dept. of Fish and Game personnel, I can see they are quite frustrated that their methods for harvest reports are being bypassed on a high volume basis and throwing their population estimates off. Not to mention a waste of hard work and money.

Alaska State Legislature
May 4, 1987

If the game resource is to survive in harvestable populations for the future, something must be done now! The problem will not cure itself. We must work together on this situation before it is too late.

House Bill 183 and Senate bill 191 might not be the perfect answer, however they can be rewritten and modified in 1988 if necessary. Unfortunately devastated game populations will not be changed in such a short time, it takes many years of management and conservation.

Thank you all for your time.

Sincerely,

Dave Leonard
Registered Guide

cc: Sam Cotten, Alaska State Legislature
Jan Faiks, Alaska State Legislature
C.E. Swackhammer, Alaska State Legislature
Adelheid Herrmann, Alaska State Legislature
Ben Grussendorf, Alaska State Legislature
Mike Navarre, Alaska State Legislature

APR 30 1987

Peter R. Buist
Box 1561
Fairbanks, Alaska 99707

Rep. Herremann
The Dutch tells me you
are very supportive & you
help us get SB 191 back on track.
It's been pretty well gutted in the Senate
Thank you - Peter Buist

I appreciate the entire Legislature's attention and concern to the resource depletion problems caused by our lack of a statutory definition of "outfitter" in this state. Hopefully, SB 191 in some form will have passed the Senate and be moving through the House by the time you receive this letter. It is rewarding to me to see the bill moving well and to see guides, sportsmen, natives and environmentalists all supporting the same piece of legislation. I think it bodes well for passage!

I have enclosed some information which may prove helpful in your continued support for the legislation. Included are some advertisements and brochures as well as some lists of the numbers and types of operations that we are talking about.

The Fish and Wildlife Troopers tell me that they now estimate that there are more "outfitters" than registered and master guides combined in Alaska! Their best guess is that 35-40% of these "outfitters" are not Alaska residents. My observations are the same, but I should add that many of the out-of-state operations are much larger and take proportionately more game. There are plenty of horror stories about the impact of these types on the meat supply for rural villages. There are some economic horror stories about the impact of registered guides trying to hunt in the limited areas assigned to them by the state while the "outfitters" clean out area after area. Suffice it to say, it is a terrific drain on a lot of wildlife populations.

There are at least four somewhat weak arguments that some "outfitters" are making to try to weaken this legislation.

1. "The Legislature will put many small Alaskan businesses out of business and take away many people's livelihoods." There may be a few Alaskans for whom "outfitting" is their only income, but it's apparently a tiny fraction of the total number. If, for example, it takes a \$50,000 a year gross to make your living at the commercial use of game, and further, a guide charges \$5000 as an average hunt price and an "outfitter" charges \$500, we then see that the "outfitter" needs to take 100 clients while the guide takes only 10. This translates to 10 times the amount of pressure on the resource.

2. "There are a lot of small businesses, some not even involved in catering to hunters, that have the word 'outfitter' in their business name. They should not have to bear the cost of changing their names." I submit that the protection of our wildlife resources is more important in this case. If we do not limit the use of the term "outfitter" to licensed persons, we leave a huge loophole for the abuse of the resources and we defeat the purpose of the legislation. The term "outfitter" is used extensively across North America (except Alaska!) to mean a

Buist - p. 2

person who contracts with hunters, fishermen or other outdoor users to provide transportation, shelter and groceries for outdoor expeditions. Every western state (except Alaska) and all western Canadian provinces now statutorily define "outfitter" and regulate them accordingly. The term is universally understood; it is misconstrued only in Alaska, predominantly by those wanting to circumvent the guide laws. You can correct that.


3. "The reason registered guides back the legislation is because they want more clients." Obviously I can't speak for all guides, but as a guide myself, I have all the business I need. The reason I support the legislation as a guide is that unregulated commercial use of wildlife in competition to my use in my assigned guide area may soon mean I won't be able to take any clients, much less the 5 to 10 I guide annually now. I can only hunt in the area assigned to me by the Guide Licensing and Control Board. Unlike an "outfitter" I can't just pick up and move when the game gets scarce. If I were to drop my guide license and become an "outfitter" I would be free to operate in any part of the state.

4. "Outfitters are being blamed unfairly for game violations." While not all "outfitters" are violators, apparently a great percentage of them are. There have been a myriad of arrests in the last year as the problem has grown. What is more important though is that many "outfitters" are causing resource depletion problems and it is currently legal! That's why we need the new legislation.

The Registered and Master Guides of Alaska are highly regulated and restricted as to where they may operate. They are assigned restricted guide areas by the Guide Board. They are required to apprentice at their trade and are rigidly tested and examined before licensing. If they commit one game violation, they may have their license revoked by the Board. They are legally liable for any violations committed by their assistant guides and their clients. "Outfitters" are not even defined, much less regulated.

I hope that the legislature will be able to put an end to this inequity and the resultant drain on our important wildlife resources.

Sincerely,



Pete Buist

Guides & Outfitters

1X

Letters of Opposition

APR 24 1987

GUINPAT LANDING HOTEL
P O BOX 410
KING SALMON, AK 99613

March 27, 1987

Aselheid Herrmann
P O Box 23
Neknek, AK 99633

Dear Representative Herrmann:

I would like to comment on [redacted] which has been introduced into the House for the State of Alaska. My partners and I are owners of a new Guinpat Landing Hotel in King Salmon, Alaska. We have no intention of being in the guiding business, per se. We do want to provide a focus of activity for other people who may be interested in guiding and who are registered legal guides, etc. I am concerned about provision #5 on page 2, line 7. It seems to me that this is a rather broad sweeping statement when it applies to "carrying equipment." We have had a number of people inquire as to whether or not some equipment may be available to be rented or loaned from the Hotel, and in turn they would fly out with airplane operators to hunt caribou, etc. It would seem to me that we would not be in the guiding business if we provided carrying equipment as part of a package, which included flying, food and staying at our hotel. I'm wondering if provisions of the bill would preclude that kind of activity? I am in full support of limiting guiding to registered guides, but not Alaska's wants to have a guide, and I am concerned that some of the language may inadvertently encroach upon otherwise legal activities.

I hope you will consider these observations in your deliberations relative to this bill. Thank you for your attention to this matter.

Sincerely,
David A. McGuire
David A. McGuire, M.D.

DAM:es

I look forward to meeting you - Please stop by for a tour of the new hotel.

March 18, 1987

Rep. Kay Brown
Box V
Juneau, AK 99811

Dear Kay:

I'm writing to offer my thoughts and concerns on HB 183. This bill interests me because it could affect my chief means of livelihood.

For the past eight years, I've operated an outfitting/river floating service for nonresident archery hunters in Game Management Unit 19. I do not actually accompany the hunters, but merely provide the inflatable rafts, food, camping gear, etc. which allows them to conduct on-your-own type hunts in a remote area. The only access to this river is an airstrip which I literally built by hand with a pick and a shovel.

I take pride in running a clean operation which benefits me and other Alaskans while having little impact on the wildlife resource. I outfitted 14 hunters in 1985 and 15 hunters in 1986, and these hunters took only five moose and one black bear. I have no figures on tourist dollars spent by these hunters in Alaska, but I know they paid me \$2500 each for my outfitting services. In turn, I paid air charter operators in Anchorage and McGrath \$26,600 for flying services and more than \$6,000 for equipment and food in Anchorage during that time.

The people of Stony River village benefitted too: four of the five successful moose hunters gave all or portions of their moose meat to residents of that community. All of my hunters have explicit instructions to deliver any unwanted meat to local residents - at my expense.

I have an investment of more than \$50,000 in this operation, which includes rafts, all-terrain vehicles, tents, stoves, etc.

As mentioned, I do not personally accompany the hunters, nor do I allow them to hunt from my base camp. I am not a registered guide, nor do I wish to become one. I worked as an assistant guide back in 1969, but discovered that as a guide, I had to actively participate in the "kills" - something I've never enjoyed. However, I do enjoy outfitting a limited number of ethical hunters - hunters who value the wilderness experience as much or more than the kill - for unguided hunts.

I realize that some friction exists between guides and outfitters. Some of the resentment comes from guides who feel outfitters have not "paid their dues." However, there are some legitimate outfitters - and I am one - who certainly should not have to apologize for their activities. I have hunted Alaska each of the past 19 years and have taken many species of game, from Kodiak deer to Dall sheep, with homemade bows and arrows. I have written three Alaska outdoor/hunting books. I worked for nine years as an employee of the Alaska Department of Fish and Game. And I currently serve on the Alaska Board of Game, a thankless job if ever there was one.

This outfitting problem, as I see it, is two-fold: 1.) a few so-

called outfitters are actually accompanying hunters in the field and performing all the services of a registered guide; and 2.) a few of the outfitters are putting far too many people in the field. I know of one outfitter here in Anchorage - a state employee - who outfitted 52 moose hunters on the Innoko River last year and never left town. He simply tells the hunters where to go and sends the rafts and equipment out with them. Neither HB 183 nor SB 191 would restrict such a person, for in effect, he is simply "renting equipment."

I saw this problem coming several years ago, and I've given it a great deal of thought. I think I can offer a solution but it might take more work than simply writing a law which redefines guiding and outfitting.

In fact, I can offer two possible solutions: 1.) a graduated wildlife resource depletion tax; or 2.) the creation of a special board which would govern all commercial uses of the fish and wildlife resource.

At the present, a commercial user of the wildlife resource pays only \$25 for an Alaska business license - which is utterly ridiculous when we consider that many commercial users gross several hundred thousand dollars each season.

I don't think it unreasonable to assess a guide or outfitter a tax for each animal taken by his clients, and I suggest that the amount should be equal to the amount of the client's big game tag - \$300 for a moose or a caribou. Furthermore, if the tax level were graduated - a certain amount assessed for say, ten animals, and then doubled for the next ten - it would put the brakes on the "mass producers" - both guides and outfitters - who put the most strain on the wildlife resource.

The outfitter mentioned above reportedly charges only \$600 for his float hunts - which explains why he has to outfit 52 moose hunters to make a profit! If he were assessed \$300 for each moose (or \$600 for each moose over 10 taken), he could not afford to run his cheapie operation. It should be noted that a guide - who charges more for his personalized services - could easily absorb this tax or pass it on to his client. The mass-producer outfitters could not stay in business.

This tax wouldn't place an unreasonable burden on the guide/outfitter who takes out only a dozen or so clients.

The second option - the creation of a commercial fish and wildlife resource board - is probably years down the road. But it is coming. The outdoor recreation business is just starting to boom in Alaska. There is room for everyone - hunting guide, outfitter, lodge owner and fishing guide - but controlling the activities will be impossible without a board which represents all types of commercial users.

Anyway, thanks for letting me share my thoughts on these important issues, Kay. I've always known you to be honest, even idealistic, and I believe you'll work for a bill which is fair to all of us.

Best regards,

Jay Massey

P.O. Box 429, Girdwood, AK 99587

783-2129 (home)

or

349-3700 (temporary)

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE BROWN

NAME: DONA M. PFAFF
TITLE:
ADDRESS: 1600 W. 11TH, #29
CITY: ANCHORAGE
PHONE: 276-8280

ZIP: 99501

BILL NO:
SUBJECT: GUIDING AND HUNTING/HB 183 AND SB 191
MESSAGE: EXPAND DEFINITION OF A HUNTING GUIDE TO ONE WHO ACCOMPANIES OR PROVIDE A CAMP, EQUIPMENT OR PERSONAL SERVICES. THESE PROPOSED LAWS RESTRICT MY CONSTITUTIONAL RIGHTS TO PURSE HAPPINESS, THE RIGHTS OF OTHER TO A MEANS OF LIVELIHOOD, AND STATE AND LOCAL INCOME. I OPPOSE.

POMID: 03123512
DATE: 03/31/87
TIME: 12:35:12
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BARNES	BOUCHER	ABOOD
COLLINS	COTTEN	FAIKS
DONLEY	ELLIS	HALFORD
FURNACE	GRUENBERG	JOSEPHSON
HANLEY	MARTIN	KELLY
PEARCE	PETTYJOHN	KERTTULA
PHILLIPS	POURCHOT	RODEY
RIEGER	ZAWACKI	STURGULEWSKI
DAVIDSON	HERRMANN	SZYMANSKI
HOFFMAN	NAVARRE	UEHLING
SHULTZ	SPRINGER	COGHILL
SUND		DUNCAN
		ELIASON
		FISCHER
		JONES
		ZHAROFF

NO RESPONSE REQUIRED

APR 01 1987

Box 524
Soldotna, Alaska 99669
March 28, 1987

Representative Adelheid Herrmann
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Herrmann:

~~_____~~
~~_____~~
~~_____~~ has come to my attention. I am asking that you
~~_____~~ his bill when it comes to a vote on the Senate
floor.

If passed, outfitters would be virtually eliminated unless they work for a registered guide. It seems to me that most Alaskan residents who like to hunt should be able to contract for transportation and camps. Whether or not that transportation be by boat, plane, or horses--that is all the Alaskan hunter needs; not the experience or high cost of a registered guide. With the permit system like it is, resident hunters cannot plan ahead, nor can they all afford to be able to outfit themselves, should they be lucky enough to draw a permit.

Is the idea behind this bill to stop a few who illegally transport hunters to sites? Or is it to provide a few registered guides with a monopoly? It seems that you would be hurting many who for years have legally transported and outfitted resident hunters.

We have lived on the Peninsula for 18 years and have always enjoyed hunting and invested in horses, gear, and camping equipment so that we could enjoy Alaska's beautiful wilderness. Now I would like an opportunity to start an Outfitting business. If passed SB191 would also hurt many licensed outfitters who now make their living from those who cannot afford, nor find it necessary to purchase their own transportation and camping gear. I do not think it fair for them to have to contract for an expensive guide.

Again, please help to defeat SB 191.

Sincerely,

Bruce McGuiness

Bruce McGuiness

4-14-87

Representative Kay Brown : Representative Johnnie Ellis
P.O. Box V, Juneau, Ak. 99811

I feel compelled to write this letter in hopes that you can help rectify another sad situation. The Senate has passed Senate Bill #191 in regard to prohibiting hunting "outfitters" in Alaska, unless they possess a "Guides" license. The House Bill #183 contains nearly the same language as the Senate bill and is no doubt going to eliminate all "Outfitters" for hunting in this state, if passed.

Please do not pass this bill! Outfitters provide a much needed vocation in our fine state. Their charges to set up a camp and provide transportation to that camp are considerably less than guides charge. There are a whole lot of people in this state that cannot afford (nor perhaps even want) the services of a guide. Many hunters want only the access to a camp to hunt from and then go out on their own from that camp. Why should they have to pay \$500 to a \$1000 a day to have a guide with them (when they don't even want one) on a hunting float trip?

The way this bill is worded, if I take some friends of mine hunting, provide a boat, some camping gear and they pay me to offset my costs, this is compensation for which I could be fined up to \$5000, 1 to 3 yrs in jail plus the loss of all my

year! This is a sad state of affairs and could possibly happen to you under the right circumstances!

I agree that the guides have a problem in some areas with illegal guides infringing on their designated areas. This should be approached in a manner of law other than the Carte Blanche elimination of Outfitters. For every "bad guide or outfitter" there are probably 99 others who are decent law abiding citizens and providers of very good transportation and camp facilities. The outfitters have rules already that they must follow or run the risk of fines, jail imprisonment if they don't follow the rule of the laws.

Do not eliminate outfitters with the passage of House Bill #183. Please contact and conduct a hearing with all the outfitters in the state. All of them have business licenses (or should have) and I feel their input will help create a reasonable set of laws that they and the guides can live with. To take away the livelihood of respectable outfitters and remove this reasonable hunting opportunity from a lot of us in-state, not-rich hunters would be another gross injustice to bear. (Most out-of-state hunters are already required to have a guide)

Please relate my position to the rest of the House members)

Thank You, Charles T. Jackson
3612 E. 18th Avenue
Anchorage, Ak. 99508

MAR 27 1987

KENAI FAMILY MEDICAL CLINIC
CHARLES ESSEX, M.D., AAFP JOHN STANDEFER, PA-C
& ASSOCIATES

March 24, 1987

Hon. Adelheid Herrman
Hon. Sam Colten
Chairmen, House Resources Committee
P.O. Box V
Juneau, Alaska 99811

RE: S.B. 191

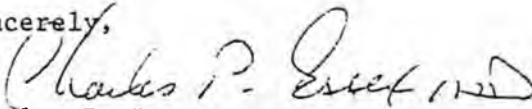
Sirs:

~~There are small outfitters who do run the camp, cook for the hunters,
etc., and the bill as written would take away their livelihood. The
intent it seems, is to preventing unregistered guides from charging for
guide services, not to prevent the outfitter from visiting, socializing,
or working about the camp. The bill should be written that way.~~

There are small outfitters who do run the camp, cook for the hunters,
etc., and the bill as written would take away their livelihood. The
intent it seems, is to preventing unregistered guides from charging for
guide services, not to prevent the outfitter from visiting, socializing,
or working about the camp. The bill should be written that way.

Thank you for your consideration.

Sincerely,


Charles P. Essex, M.D.

CPE/dmc

pc: Rep. Mike Navarre
Sen. Paul Fischer



L & L OUTFITTERS

Jack Lechner
P.O. Box 1616
Kodiak, Alaska, 99615
(907) 486-5851



APR 1 1987

REPRESENTATIVE CLIFF DAVIDSON
STATE OF ALASKA
HOUSE OF REPRESENTATIVES
Box U, JUNEAU, ALASKA 99811

DEAR CLIFF,

SORRY FOR THE DELAY IN ANSWERING YOUR LETTER, BUT HAVE BEEN WORKING 12-14 HOURS A DAY GETTING MY AIRPLANE ANNUAL INSPECTION DONE AND THE BOAT READY FOR THE HERING SEASON. STILL DON'T HAVE MY GEAR DONE, BECAUSE OF DELAY OF THE SHIPMENTS OF WEB FROM JAPAN. ORDERED THE WEB LAST NOVEMBER, BUT THE NET COMPANY HAVEN'T RECEIVED THEIR ORDER FROM JAPAN DUE TO DELAYS. TO BAD THE U.S. CAN'T PRODUCE ANYTHING ANYMORE. WE ARE EVEN AT THE MERCY OF JAPAN, WHETHER WE HAVE WEB TO FISH WITH NOW.

To answer your letter; I cannot believe that a select group of people in Alaska have such a fanatic desire to control Resource Utilization.

IF ANY LEGISLATION IS ADDRESSED IT SHOULD BE AIMED AT THE ENTIRE PROBLEM OF UNDEFINED GUIDING AND OUTFITTING IN THE STATE. THE CURRENT BIG GAME GUIDES DERIVED FROM ORIGINAL HIGH VALUE BROWN BEAR AND SHEEP HUNTS, AS TIME PASSED THEIR INTEREST WAS EXPANDED TO BIG GAME animals as Moose, then Caribou, due TO INFLUX OF FOREIGN CLIENTS. At some point GUIDING INCLUDED Big Game animals. When deer were classified big game, They too fell under The resources in which Big Game Guides control. Certainly most Big Game Guides feel They should control all activities within The Guide area. In Kodiak These were based on Brown Bear How do you expand Brown Bear Guide areas to include all commercial resource utilization of The Present Day. Kodiak Island & ADGNAL Have been divided among approximately 20 Guides For Bear HUNTING, THIS HAS BEEN a long established system, and should probably remain This way SINCE IT WAS The investment basis by many individuals. But how does This expand to other resource uses That have developed many over The past few years. It's a limited entry system, that They want to expand to all resource uses, that have developed from The INCREASED resource use The past few years.

A subsistence animal as deer should Never been classified as Big Game to fall under The control of original Bear Guides.

You have to really look at how The Guiding industry operates in Kodiak. of The

(3)

approximately 20 guides that have the entire island divided into guide areas (originally for bear). There may be only 34 individuals that are from Kodiak. The rest are from other areas of the state that have exclusive use areas. In many cases the individual that has the guide area never sets foot in Kodiak, but contracts the hunt and sends an assistant guide to Kodiak. I'll accept this for bear, but not the utilization of the other resources. Except for the client that gets weather bound in Kodiak, most never leave much in the community to assist our local economy. Representative Heremans comment about an industry of outfitters largely from outside is apparently an accurate description of the big game guiding industry. A high percentage of the guides I know, except for our Kodiak guides mostly live much of their time outside Alaska. The person that bought Vern Humble's guide area (Humble is a school principal in Palmer) spends most of his time in New Hampshire working on building houses.

It's amazing that with all the deregulation of all other industries that guiding is accepted as a highly regulated limited entry program.

I had an Alaska Air Commerce certificate that was deregulated out of existence, so now anybody with an airplane can compete with me as a part time business or write off on their taxes!

(4)

You could go on and on in respect to The Guiding Problem, But I SHOULD ADDRESS THE POINTS THAT I'VE MADE BEFORE, BUT THE LEGISLATURE WANTS TO AVOID THE PROBLEM.

FIRST, THE LACK OF DEFINITIONS OF GUIDING IN ALASKA HAS BEEN THE MAIN PROBLEM. ALSO NO REAL DEFINITION OF OUTFITTING HAS NEVER BEEN ADDRESSED. YOU HAVE TO DEFINE WHAT YOU'RE TALKING ABOUT BEFORE YOU CAN ADDRESS THE PROBLEMS OF THE ENTIRE RESOURCE USE INDUSTRY. LEGISLATION TO ENHANCE RESTRICTION OF BIG GAME COMMERCIAL OPERATIONS, DOESN'T SERVE THIS PURPOSE, EXCEPT TO WORK TOWARDS TOTAL CONTROL. THE BIG GAME GUIDES ARE OPPOSED TO DEFINITIONS ~~THAT~~ THAT DEFINE THE OTHER RESOURCE USES. GUIDING IS MORE THAN BIG GAME GUIDES CONTRACTING TRIPS. OTHER AREAS SUCH AS:

1. PHOTOGRAPHY GUIDING
2. SIGHTSEEING GUIDING
3. FISH GUIDING.
4. GUIDING FOR SMALL GAME (DUCK-HUNTING ETC)

THERE IS NO REAL DEFINITION OF OUTFITTING BY THE STATE. VESSEL TRIPS, PRIVATE CABINS RENTED AND BASE CAMPS ARE CONSIDERED OUTFITTING. I'M THE ONLY OPERATOR I BELIEVE ON KODIAK THAT OUTFITS WITH TEMPORARY CAMPS FOR HUNTERS, PHOTOGRAPHERS, FISHERMEN AND SIGHTSEEING.

THE REFUGE WHICH IS MOST OF KODIAK ISLAND IS LIMITED TO 17 OUTFITTERS BY THE FEDERAL GOVT. RECENT KODIAK MIRROR ADDRESSES THIS SUBJECT. EACH OUTFITTER CAN ONLY OPERATE IN HIS ASSIGNED AREA FOR THE YEAR AND

(5)

CANNOT BE WITHIN 1 MILE OF THE OTHER
OUTFITTING CAMP. THEY HAVE OUTFITTING
HIGHLY REGULATED, BUT DOESN'T SOLVE THE
PROBLEM. THE OUTFITTER CAN ONLY HAVE A
CAMP IN ONE LOCATION FOR 14 DAYS, THEN HE
HAS TO MOVE THE CAMP ONE MILE FOR THE
NEXT 14 DAYS. AIR TAXI OPERATORS ARE NOT
RESTRICTED AS INDIVIDUALS TRANSPORTING THEMSELVES,
SO THE SITUATION ASSURES THAT LIKE MYSELF
I'M RESTRICTED TO OPERATE ONLY IN THE SPIRIDON
PENINSULA AND NO PLACE ELSE ON THE ISLAND
AND HAVE TO MOVE MY CAMP EVERY 14 DAYS. GENERAL
PUBLIC USE PLACED IN LOCATIONS BY AIR TAXI
OPERATORS ARE UNRESTRICTED. LAST SEASON I HAD
8-10 CAMPS SURROUNDING MY CAMP FROM THIS
SOURCE FOR MOST OF THE SEASON. DURING OCT.-
NOVEMBER AND EARLY DECEMBER, UPWARDS TO 150
CAMPS ARE TRANSPORTED BY AIR TAXI OPERATORS

Uyak Air - 10-15
ISLAND AIR - 30-40
PENINSULA AIR - 30-40
SEA HAWK - 20-30
L-H OUTFITTERS - 2

THIS # CAMPS EACH
DAY, WITH MOST
CAMPS ROTATING WITH
NEW PEOPLE ON THE
BASIS OF 4-6 DAY
CAMPSITES.

ALONG WITH THIS IS THE LOCAL PEOPLE THAT
TRANSPORT THEMSELVES AND I WOULD ESTIMATE AT
LEAST 50 VESSELS WITH HUNTING PARTIES

WHAT DOES THIS MEAN?

- ① THAT COMMERCIAL OUTFITTING & GUIDING
IS INSIGNIFICANT TO THE TOTAL UTILIZATION.
- ② THAT FOR THE PAST 3-4 YEARS, THE ONLY
REAL ECONOMY IN THE FALL HAS BEEN DERIVED

(6)

FROM FALL HUNTING OPERATIONS, UNTIL RECENT DEVELOPMENT OF SOME BOTTOMFISH INDUSTRY.

IT WOULD BE INTERESTING TO KNOW THE TOTAL IMPACT ON KODIAK, WITHOUT THIS INDUSTRY. WE ESTIMATED THAT WHEN THE ELK FELL DOWN THE CLIFF AND CLOSED THE SEASON IN THAT MANAGEMENT UNIT ON AFOGNAK LAST FALL, CAUSED THE INCOME TO AIR TRANSPORTATION OPERATORS OF APPROXIMATELY \$40,000 WORTH OF BUSINESS. MY CLIENTS BUY THEIR GROCERIES IN KODIAK, MANY THEIR TOUL WEATHER GEAR, HOTEL ROOMS WAITING TO GO HUNTING, NEEDED HUNTING SUPPLIES. TOTAL IT CREATES A TREMENDOUS IMPACT ON THE ECONOMY. I NATURALLY PURCHASE MY SUPPLIES FROM LOCAL STORES, FUEL & MAINTENANCE FOR MY AIRCRAFT FROM LOCAL VENDORS, JUST LIKE THE REST OF OUR LOCAL OPERATORS.

I BETTER END THIS, BUT ITS AN IMPORTANT BUSINESS FOR KODIAK.

LETS DEFINE GUIDING OF ALL TYPES AND OUTFITTING OF ALL TYPES, BEFORE WE DO ANYTHING ELSE. I HAVE NO PROBLEMS WITH STANDARDS BEING EVOLVED OR BONDING OR LIABILITY INSURANCE REQUIREMENTS, BUT MAINLY I WOULD LIKE TO KNOW WHAT I AM!

Sincerely
Jack

DEAR SENATORS,

CONCERNING BILL #183 (GUIDE DEFINITIONS)

I FEEL THE WORDING OF THIS BILL WOULD MAKE THE VIDEO-STILL PHOTOGRAPHY, AND CAMPING EQUIPMENT RENTAL SERVICE I PROVIDE FOR SPORTSMAN ILLEGAL. THIS WOULD SURELY PUT ME OUT OF BUSINESS. I DO BELIEVE SOMETHING NEEDS TO BE DONE TO STOP ILLIGAL GUIDING, AND OVER HUNTING DONE BY IMMOARL PEOPLE. MY SERVICE IS DESIGNED FOR PEOPLE WHO DO NOT NEED A GUIDING SERVICE TO TAKE THEM ON THERE TRIP, BUT WOULD LIKE TO HAVE THE NECESSARY CAMPING GEAR TO COMPLETE A CAMPING, HUNTING, OR FISHING TRIP, WITHOUT HAVING TO PURCHASE THE COSTLY EQUIPMENT FOR THEMSELVES AND FREIGHT IT FROM NORMALY LONG DISTANCES, TO BE USED ONLY ONCE IN MANY CASES. ALONG WITH THE EQUIPMENT RENTAL, MANY PEOPLE WANT TO HAVE THERE TRIP VIDEO TAPED, TO KEEP FOREVER, A VERY ENJOYABLE TIME.

I HAVE NO PRE-ARRANGED CAMP SITES, OR BASE CAMPS, AS MY CLIENTS CHOOSE THERE OWN. CAMPS A'E NOT USED OVER AND OVER, AS EACH CLIENT OR GROUP GOES IN DIFFERANT AREAS, OR UNITS. MY SERVICE IN THE FEILD, DOES NOT IN NO WAY GUIDE OR ASSIST IN THE TAKEING OF GAME, INSTEAD IT PROVIDES A RECORDING OF AN EXCITEING EVENT EXACTLY AS IT HAPPENS. I FEEL IT IS A SERVICE GREATLY APPRECIATED BY MANY ALASKAN VISITORS. YOU HAVING LIVED HERE, SHOULD UNDERSTAND WANTING SUCH.

I HAVE A RECREATION AND COMMERCIAL PHOTOGRAPHY BUSINESS LICENCE. I ALSO HAVE INSURANCE AND THE PROPER USERS PERMITS FOR THE AREAS THAT REQUIRE THEM. I LIVE IN ALASKA, AND CONTRIBUTE TO THE ALASKAN ECONOMY FROM REVENUES RECIEVED FROM THIS LIVELYHOOD. I HOPE YOU WILL ADMEND BILL # 183, TO ALLOW ME TO CONTINUE TO REMAIN IN OPERATION WITH MY BUSINESS.

THANK YOU

HUGH L. KRANK

ALASKA BUSH ADVENTURERES

610 W. 91st Ave
Anch. AK 99515

WAR

March 25, 1987

Dear Legislators,

There is a bill in the Senate, #191, and in the House, #183, that is a self-interest, resource monopolizing bill for the registered guides of Alaska and an enforcement simplification bill for Robert Boutang, Public Servant of the Fish and Wildlife Protection Division and self-appointed savior to the Alaskan professional guide (see his article enclosed).

Do any of you understand the impact this bill will have on the tourist economy of the state of Alaska, the number of jobs that will be lost? How many less; gallons of gas, car rentals, motel and hotel rooms, meals, watches, rings, fur coats, beverages, hunting and fishing licenses, hunting tags, hunting coats, pants, tents, canteens, stoves, guns, groceries and much more will not be sold each year in Alaska because of this bill. How much less operating time will air taxi's, boat charrers and river guides have because of this bill.

These questions and many more must be answered before any bill of this nature is to be even slightly considered. It is a felony to guide without a license and SB 294, effective July 1, 1986, defines guiding (see enclosed copy). Isn't this enough to allow Fish & Game to arrest and prosecute violators? Do we need more legislation to protect the registered Alaskan guide, or are their problems as a group, found internallu.

Our free enterprise system operates on supply and demand. Out-fitters, river guides, charter boats, air taxi's, wilderness lodges and camps supply a service that most guides do not. This service must be acceptable to their clientele or they would be out of business.

Who will assume liability for the out-of-state hunter that is injured on the coast or who has lost his raft in the sweepers on the river because the State of Alaska did not allow him the opportunity to purchase the services of a professional charter boat operator or river guide?

At a meeting of concerned citizens and tour operators held in Anchorage on March 24, 1987, we discussed this bill and its impact on our businesses and the impact on the revenues to the voters of Alaska. We concluded the impact to be too monstrous and dominoing to evaluate this impact without much time and effort.

This concerned group of citizens appeals to your best judgment and concern for your state voters at a time when ends do not meet, at a time when state and private sectors need all the financial stimulation legally available to continue life, liberty and the pursuit of happiness, and to pay their bills.

We appeal to all of our legislators to:

- A.) Declare a minimum of a two year moratorium on all guide laws.
- B.) Establish public hearings on all guide laws.
- C.) Form a statewide board to manage all commercial Fish & Game user groups.
- D.) Appoint public and private agencies to study and determine the financial impact of any law which will totally wipe-out the opportunity for an out-of-state American citizen to purchase only field support for his unguided hunt.

Thank you for taking the time to read this letter. I am sure that you share our concerns for our states people and economy and will act in the best interest of the people of the State of Alaska.

Sincerely,

Nick Pierskalla

Nick Pierskalla
P.O. Box 870834
Wasilla, AK 99687

P.S. Please respond as to your feelings and support for the four appeals outlined.

APR 13 1987

April 8, 1987

Pouch V
Juneau, AK 99811

Dear Legislator:

Please be advised that ~~_____~~
~~_____~~ throughout the State of Alaska. An outfitter, in my opinion, is defined as: an entity (person or company) who provides equipment and/or services to persons unfamiliar with the unique climate and conditions of the north.

The services that can be provided by the outfitters are limited and non-duplicable to the guiding services for various reasons. However, there are services which most guides will not provide that outfitters can provide, without violating Fish & Game regulations, that increase the safety and comfort of a non-resident's hunting and/or fishing trip. These services and trips do not only supplement the incomes of the outfitters, but also effect the tourism income, here in our great state. Many potential non-resident sportsmen cannot afford the higher prices charged by guides. Their decision to hunt and fish elsewhere would mean; 1) a substantial loss of licencing fees as well as other tourism income to the State, 2) lost jobs, and 3) lost advertising, as well as the complete waste of advertising dollars already spent on this season. Not to mention the value such tourism has in attracting individuals who may provide repeat income and even investment capital into Alaska.

By continuing to create more legislation on this issue, rather than upgrading the enforcement of the existing regulations, the issue becomes even more confused. I am assuming that these bills have been drafted, due to existing problems in the field. If this is a game management problem, shouldn't we let our friends at Alaska Dept. of Fish and Game handle it? Otherwise, the resources in the state are still available to all citizens of America on an equal basis. I feel the implementation of the above referenced bills will violate the personal rights of citizenship and free enterprise.

Legislator
04-08-87
Page 2

In conclusion, I would recommend:

1. that the bills be put on hold until the financial ramifications to the state, the tourism industry, and the individual can be studied, and
2. that public hearings be provided so that view points from all persons involved can be reviewed, and
3. that, after careful consideration, a plan be created and implemented over a period of time, so that guides, outfitters and the enforcement agencies can be educated accordingly, and adjustments can be made.

Your attention to this matter and to the opinions of your constituency is greatly appreciated.

Sincerely,

NORTHERN WILDERNESS ADVENTURES

Sid Richards - V.P.

ST RT D Box 9741
Palmer, Alaska
99645

PUBLIC OPINION MESSAGE

MAR 27 1987

DEAR: REPRESENTATIVE HERRMANN

NAME: GLENN ALSWORTH SR.
TITLE:
ADDRESS: THE FARM
CITY: PORT ALSWORTH, ALASKA ZIP: 99653
PHONE: 761-2211
BILL NO: SB 191

SUBJECT: OUTFITTING IN THE FIELD; GUIDE LICENSE
MESSAGE: HB 183 - OUTFITTING IN THE FIELD; GUIDE LICENSE
1. DO NOT SUBMIT ANY LEGISLATION EFFECTING GUIDES OR OUTFITTERS UNTIL
STATEWIDE BOARD EXISTS REPRESENTING ALL COMMERCIAL USERS. 2. NO LEGISLATION
WITHOUT PUBLIC HEARINGS IN ALL AREAS EFFECTED. 3. NO LEGISLATION WITHOUT
ECONOMIC AND RESOURCE IMPACT STUDIED AND EVALUATED. 4. DON'T ALLOW THESE BILLS
ON THE FLOOR.

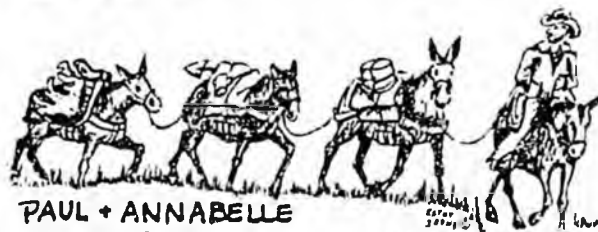
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COPIES: REPRESENTATIVE SENATORS

COTTEN	HALFORD
	RODEY
	COGHILL
	DUNCAN
	ELIASON
	FISCHER
	JONES
	STURGULEWSKI
	ZHAROFF

SLACK WATER RANCH
DIVISION OF

APR 15 1987



PAUL + ANNABELLE
DETONI

(907) 567-3937

P.O. Box 238 NINILCHIK, ALASKA 99639

April 13 1987

I'm writing this letter in regard to SB191. I feel the restrictions on big game hunting have taken a turn for the worse. Not only do you have to follow a book of rules and regulations concerning big game hunting, but now they want to do away with outfitters that have less of an impact on big game than guides do. There is a great tendency for guides to take game of any size, when it's their clients last day in the field. An outfitter, on the other hand, does not become as involved, for it is up to the hunter as to what he shoots.

To limit big game hunting to guides only would cut down on out of state licenses, not to mention place senseless restrictions on residents that hunt for the purpose of subsistence.

Alaska is having enough problems with the economy why pass a bill (SB191) that would ruin small businesses struggling to improve and expand the economy in our state.

Sincerely,

Annabelle Detoni

June 11, 1987

Congressman John Sund
2504 2nd Avenue
Ketchikan, Alaska 99901

Dear Congressman Sund:

I am opposed to portions of House Bill 183. First, I believe that a registered guide should be a resident of the State and hold a resident hunting license. I was told the other day by a registered guide that it was the intent of the guide board to reduce the number of guides in southeast from 17 to 6 (I assume by attrition) and that while new licenses would be issued, no guide areas would be assigned. It will not do our struggling economy any good for these guides to be residing in Mexico or Hawaii. I am pleased that the House Bill does not change this requirement. Do not lose this in negotiations with Senate Bill 191.

I am totally opposed to Sec. AS 08.54.210 UNLAWFUL ACTS. as admended by HB 183. I support the concept of simplification of regulations and fully support the Fish and Wildlife Protection Departments position to clarify these regulations to make thier job easier in catching and convicting outlaw guides, but all House Bill 183 would do as written is make the issue cloudier. It is not clear that Outfitters would not be able to "outfit" (provide camping equipment) to base camps, since base camps are not considered "in the field". If it is the intent of HB 183 to eliminate the outfitter from setting up and supplying base camps, then I strongly oppose this legislation. If that is not the intent, then it needs to be rewritten to spell out precisely what an outfitter can do or not do. Lets not eliminate the honest outfitters to make it easier to catch the crooked ones.

Furthermore, this bill should be expanded to repeal AS Section 08.54.110 (a)(7) (a)(8) and (a)(10).

Explanation: It is an continuing uphill battle for a person to become a registered guide. Repealing these sections will not lower the quality of the qualifications because the other 7 are pretty inclusive. If a person is qualified in sections (a)(1) through (a)(6) and (a)(9) and can demonstrate those qualifications to the Board, why burden him with 3 years as an assistant guide, which in reality is an apprenticeship. Apprenticeships should be encouraged but not required. Again, repealing these sections in no way lessens the Boards authority or judgement in licensing qualified applicants. What it would do is give folks like me with over 30 years of hunting experiance, 20 years of employment in the great outdoors, 11 of them in Alaska, who believe that they can demonstrate to the Board thier competence, ethical conduct, and moral turpitude without serving an apprenticeship.

Your support on these issues will be greatly appreciated.

Sincerely,
Dave Helmick *Dave Helmick*
Box 913
Petersburg, Alaska 99833

Jake's

ALASKA WILDERNESS OUTFITTERS

Offering Fishing Hunting & Float Trips in WILD ALASKA

4-3-87

State House Representatives
Herrmann, Adams, Coto, Collins,
Hoffman, Koponen, Springer,
Wallis, Ulmer, Pearce, and Brown.

Dear House Representatives:

I feel I must voice my opinion on house bill # 193.
Not only as a outfitter, but as a fifteen year Alaska resident
and citizen of the United States.

Alaska state law only requires a hunter to hire the services
of a registered licensed guide when hunting Dall Sheep, and
BRN/Grizzly Bear.

This is very confusing to me and many others like me. Maybe
you can explain why this law reads this way. and how it was
established.

I beleive as long as the law reads this way, there is and will
be a high demand for outfitters. I must point out that many
longtime Alaska residents use my outfitting services. This
bill will not only effect non residents, but Alaska residents
as well.

Guided hunts are very expensive compared to unguided hunts.
I feel that non resident citizens and Alaska residents have
the right to make the choice between a guided or outfitted
hunt.

I feel this bill ^{will} take away the opportunity and right for the
average sportsmen to ever hunt in Alaska.

We are talking about a large loss of revenue to the State Of
Alaska.

I feel this bill is one step away from establishing that
no one, resident or non resident can hunt in Alaska with out
a registered guide. If this happens, the State is in for all
kinds of problems

Already more and more sportsmen are chooseing to hunt in
Canada or elsewhere.

I think the state should establish, along with the guide board,
a board to regulate outfitters or allow the opportunity for
more guides.

New beginning guides really don't have a chance today. There
are no areas.

If a new guide wants to aquire the guideing rights of another
guide, it's going to cost hundreds of thousands of dollars.

I have personally checked into this. One guide said when I got
my guide licenses I could take over his guide area for \$200,000.00
How many young guides do you think could ever do this.

I know it is by law illegal for a guide to sell or lease his
guide area, but it happens all the time. How is a young guide
ever going to have a chance.

Jake's

ALASKA WILDERNESS OUTFITTERS

Offering Fishing, Hunting & Float Trips in WILD ALASKA

4-3-87

Don't get me wrong ,I have nothing against registered guides. I hope to be one in the very near future.

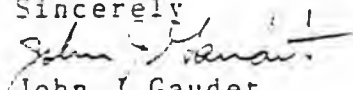
I do not think the guide board was established to regulate the game populations. I think that is the job of the Fish & Game Department, through research and sound game management policies.

A good example, a guide might have a very large guide area, but he is only required to take two hunters per year to keep his guide rights to that area. On the other hand you have a guide with the same size area and he takes as many hunters as he can get. There for one area is un hunted and the other is overhunted.

I hope if nothing else, this letter will encourage you to do more research on the effects of this bill before you push it through the House.

Thank you for your concern in this matter.

Sincerely


John J Gaudet

CC:

Steve Cowper
Governor State Of Alaska
P.O Box A
Juneau, AK 99811-0101

Don Collinsworth
Commissioner
Dept. Fish & Game
P.O Box 3-2000
Juneau, AK. 99802

J. Anthony Smith
Commissioner
Dept. Commerce
P.O Box D
Juneau, AK. 99811

Albert P. Adams
P.O Box 333
Kotzebue, AK. 99752

Kay Brown
P.O Box 20-2661
Anchorage, AK. 99520

Bette Cato
P.O Box 775
Valdez, AK. 99686

Virginia M. Collins
2600 Denali, Suite 301
Anchorage, AK. 99503

Adelheid Herrmann
P.O Box 63
Naknek, Ak. 99633

Lyman F. Hoffman
P.O Box 763
Bethel, AK. 99559

Brue Pearce
4150 W. 88th Ave
Anchorage, AK. 99502

Heinrich Springer
P.O Box 352
Nome, Ak. 99762

Fran Ulmer
1700 Angus Way
Juneau, Ak. 99801

F. Kay Wallis
P.O Box 267
Fort Yukon, AK. 99740

Guides & Outfitters

X

Other Letters

To
Mr. Jerry Wilkerson, Legislative Auditor
Legislative Audit Division
P.O. Box 1
Juneau, Al. 99811-0300
From
Edd White-Cougar Reg. Guide
Box 3553MC
Wolf Lake via Palmer
99645

Handwritten notes:
I will provide you with a copy of the...
for starting...
will provide...
- Edd White

Subject; Guide Bill legislative audit

Dear Mr. Wilkerson

I have been informed by Senator Sturgulewski's office that your office will be conducting a legislative audit of the Guide Bill and the operation of the Guide Board. This is to take place before the sunset option date of June 1988. The board and APMA will present a new bill and lobby for its passage.

I have been guiding since 1975 and find the industry filled with illegal and unethical guiding practices. The board is the spokesman for the Good Ol' Boys Club and strives to protect their own. Most guides are afraid to speak out as the board is very vindictive and powerful.

The APMA Alaska Professional Hunters Association is the lobby group which attempts to insure passage of laws to continue present biased practices. Between the board and APMA the Good Ol' Boys are well represented.

Please review my case and that of Mr. Len Cwsiak as examples. We will give written permission if necessary. I am going to suggest you send an anonymous questionnaire to each master, reg. and assistant guide asking for their comments and suggestions.

I would like to meet with you or whoever will conduct this audit to present my allegations. I can provide documentation for your viewing. I live in a very remote area and have been told the audit will take place in Oct. That is a bad time for me to travel and to freeze up. Would it be possible to meet in Sept. or during the guide board meetings in Dec? Would it be possible for someone from your office to be available during the guide board meetings at the same location to receive testimony??

Kathy Archell the director of Occup. Lic. said at a recent board meeting that the Guide Board generates more appeals than all other boards. I don't think the state can afford this expense; neither can the guides who must obtain attorneys to obtain justice. This is something the board counts on that a guide who is not well established can't afford an att. to oppose their unfair and biased decisions or fight a Good Ol' Boy.

Guiding is an industry which is not widely known to anyone outside the occupation. APMA has lobbied and convinced legislators that the guide industry is honest and fair. Nothing could be further from the truth.

The most unfair practice occurs in the restricted area concept. These areas are commonly bought and sold with the boards blessing and then transferred before the board in a position to CG. 64.195 sec. (e). No area is to be bought or sold only improvements may be sold for fair market value. Trespass and an airstrip hacked out on public land for 100,000 is a really fair. I meant to say trespass cabin. I have personally been offered FIVE different ranging in price from 20,000 to 2000,000.

According to reg. no. 12 AAC 30.052 areas cannot be rented or leased and a guide may only use as per sec. (c) (1) (2) (3). Rent of these areas is common.

I would like to see statutes passed to stop both these practices and making it a crime. These laws were to protect game which is not being done.

The 35 legislature passed a statute mandating a point system for assignment of areas. There is no point system as yet. I'm forced to have the point system the board will attempt to make financial investment the highest

points which means when you buy an area you have more investment than any one else. This point system should be fair and based on qualifications, not breaking the law or who has the most money.

I believe the point system must be approved by the legislature rather than just the board.

The statutes and regs which the board has approved are full of loop holes which make it almost impossible to enforce. These loopholes make it possible for the board to favor their friends.

I would like to see the composition of the board changed to include a f&w agent who would act as chairman, a F&W biologist, only 1 guide and interested citizens with no vested interests. At present the most powerful member of the board is Mr. Chuck Wier who sells guide insurance and plays favorites.

I don't expect you to believe me I ask that myself and the board protect our sides.

The board and APWA claim this is an open profession with 38 areas open in the state. Intrus. There may be some areas open up north where the caribou migrate through and you couldn't make bears. At the last meeting a guide lost his area due to non-use because the natives in the area told him to stay out. Technically this is an open area but the natives are not going to welcome anyone else either. Please ask them to show you these open areas and biologist reports on game populations in them.

I believe I have covered some of the worst problems and will be looking forward to meeting with you to go through the rest.

I am encouraging some other guides to contact you with their problems.

The purpose of a regulated is simple. Guiding industry

1. To protect the natural resources of the state; primarily the game.
2. To provide clients who use guides with competent, honest, reliable and honest guides.

The regulating agency should be completely fair in their operation this is not the case under the present system.

During a hearing on July 20, 87 Mrs Hen Lanch admitted under oath to selling an area and Mr. Rocky Keene admitted buying one. This may be public record; if it isn't I will give permission for you to obtain it.

The following guides have indicated they would like to be contacted.

Dick Carlson 562-4994

Ken Owsichuk 245-5399

Mario Verime 344-7484

Ralph Burnett 206-676-9951 or contact him through Dep.

Robin Taylor

Terry Porter, Hunt Dept.

George Romero 362-0974

All guides addresses can be found in the guide register. I will also try to contact them.

Sincerely
Eld White Egan
344-7484


P.S. (over)

P.S. from Karen (Eddie's wife) White Cougar

for a fair and workable and enforceable system for game population protection - We suggest that all guide (and outfitters) hunts be put on a permit system (equal # of permits) for each species of game - This would limit wholesale marketing of our Natural Resources & allow time for true trophy-growth - as outsiders do not "meat hunt" - and yet trophies are rapidly becoming shamefully small - If a limit were put on #s & sizes, then it will not matter if both Reg. guides & outfitters enjoy the same privileges - and equally participate in professional hunting practices - The present - (and proposed) guide bill does not address the all important issue - And ~~is~~ unfortunately ~~to~~ ~~bring~~ this issue is being clouded & neglected by the current power struggle between guides & outfitters - Game population protection can only be achieved thru an enforceable & clear set of regulation designed to enhance our Natural Resources - and control human greed.

Your time & interest & Effort are ~~greatly~~ appreciated and Encouraged.

If we do not protect what we "have"
Then ~~we~~ we will "have" nothing to protect

Very Sincerely Karen (Eddie's wife)
White Cougar 

APR 0 0 1987



Telegram

02009 NL TDA TELLER ALASKA 108 03-30 1115A AST

PMS

HENRY SPRINGER, CHAIRMAN
Box V
COMMUNITY & REGIONAL AFFAIRS COMMITTEE
JUNEAU AK 99811

01923

APR

1 1987

Copy: Herman
Cotton
Resource
Committee
Herman

FOLLOWING MESSAGE SENT TO GOVERNOR STEVE COWPER THIS DATE:

~~PREDATOR GUIDES AND OUTFITTERS SEEK TO HOLD ALASKA UP LIKE A WEDDING~~
CAKE AND DENY THE RANK AND FILE ALASKAN UNLIMITED ACCESS TO OUR FISH AND GAME RESOURCES. ALASKAN PEOPLE COLLECTIVELY ENJOY THEIR FREEDOM TO HUNT AND FISH UNTETHERED OTHER THAN BY ORDINARY HUNTING AND FISHING LICENSES AND NORMAL BOARD OF FISH AND GAME REGULATIONS. THERE MUST BE NO SHUT OUT OF THE RANK AND FILE ALASKAN TO ACCOMODATE A BUNCH OF PREDATOR GUIDES AND OUTFITTERS WHO WANT TO ESTABLISH CLOSED CORPORATIONS OF THE PEOPLES HUNTING AND FISHING AREAS TO THE EXCLUSION OF THE RANK AND FILE ALASKAN.

SINCERELY

P.R. BOB BLOIGETT
ALASKA STATE SENATOR RETIRED

MAY 10 1987

Alaska Hunting & Fishing Ventures
Box 815
Nomer, Alaska 99603

May 14, 1987

C. E. Swackhammer
Representative
Box V
Juneau, Alaska 99611

Dear Representative Swackhammer,

Thank you for your answer to my testimony on Senate Bill 191 and House Bill 183.

I agree that we need some regulations on the outfitting industry. My concern is for the resource and this is the only sound argument made by the registered guides. Other than that their motives are ones of greed.

The guides are a relatively small group with a great deal of political clout. They would like to control the hunting in our state. My suggestion would be that they clean up their own act before they try to shut down the outfitters. It seems that whenever there is a major violation of our game laws a registered guide is involved. All of our more reputable guides are turning away clients so I don't know what their problem is.

My operation is mostly boat charters. All three of our captains hold Ocean Operators licenses. We had to spend 700 days on the water and pass a Coast Guard test so I feel we are qualified for our jobs. I also have a sizeable investment in boats and equipment.

Whatever legislation comes about, I hope we can protect the resource without putting me out of business.

Thank you for your attention.

Sincerely,



Neryl Wolford

cc: Representative Herrmann
Senator Faiks