

HB

175

SPONSOR STATEMENT

CSHB 175 - "SPORT FISH GUIDE LICENSING"

FEBRUARY 21, 1996

The guided sportfishery is an important and rapidly growing industry in the Alaskan economy. The ability of the state to provide for the sustainable development and sound, sensible management of the resource is dependent upon the availability of complete information upon which to base decisions. The goal of HB 175 is to provide for the collection of this data.

There is an incredible lack of hard data available regarding the guided sportfishery in Alaska. In some parts of the state regulation requires vessels engaged in sportfish guiding to be registered. Registration of the guides themselves is required on a few rivers, but not everywhere. No uniform licensing procedure exists in Alaska. Thus, we do not have complete information about who is actively engaged in sportfish guiding, how many clients are served, what the catch rates are, and what rivers, streams, and marine waters are being utilized.

Without a means for gathering dependable information, it is impossible to monitor the activity or growth of the fisheries on a statewide basis. It is imperative for the state to have solid information to ensure the sustainable development of the industry and to ensure the sound

management of the fishery resources upon which the industry depends. It is time to acknowledge this important growing industry and make sure that management decisions can be based on complete information.

The bill establishes three options of guide licensure: (1) A sport fishing services operator license costs \$75 for sport fish guide business owners and is obtainable from the department. An Alaska business license and proof of insurance are the only requirements. (2) A fishing guide license costs \$25 for sport fish guides and will be readily available through ADFG's vendor licensing system. This is modeled after how commercial crew licenses are obtained. Requirements for the guide license include U.S. citizenship, a first aid/CPR card, 6-pack license and a current sport fishing license. (3) We have also provided a third alternative in response to earlier versions of HB 175 in which an individual could obtain both guide and operator licenses as one combined license for \$75 from the department to accommodate many small operators.

Each person who plans to engage in sportfish guiding, both on fresh and salt water, from a vessel or otherwise, will be required to purchase the license. The sportfish division of ADFG will develop reports which license holders will be required to submit. This will enable the state to build a data bank regarding the guided sportfishery.

The cost of guide licensing, data gathering and analysis will be funded by the revenues generated from the license fees. Therefore, this program will be fiscally self-sustaining.

This is a data gathering bill only. It does not impose any limitations on the number of guides or vessels in the state, or who can purchase the license to guide, nor does it affect their activities other than them having to report and carry the documentation on their persons.

This is a piece of forward looking legislation which 5, 10, and 20 years from now the charter industry and our states' resources will benefit as a result of it's passage.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 29, 1996

SUBJECT: Licensing of fishing services operators and fishing guides (Draft CSHB 175(FSH))

TO: Representative Alan Austerman
Attn: Amy Austerman

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum accompanies draft CSHB 175(FSH), relating to the licensing of fishing services operators and fishing guides. The bill consists largely of the proposals contained in the final report prepared by the Alaska Sport Fishing Guide/Charter/Outfitter Task Force.

The definitions of key terms in the bill need careful consideration.

The definitions of "fishing services" and "fishing guide services" contain significant ambiguities and are unclear as to what activities will require a person to obtain a fishing services operator license or a fishing guide license. For the most part the ambiguities arise out of the exceptions to the basic definitions of "fishing services" and "fishing guide services." For example, a fishing services operator is a person who provides employees to provide fishing guide services, offers outfitting services, and fishing club services to fishermen. However, most activities listed under the exceptions to the basic definition of "fishing services" include several activities that are not encompassed under the basic definition. The exceptions raise issues as to whether the additional activities (transportation, sale of gear, charter of vessels, etc.) listed there are encompassed under the basic definition.

The concepts behind the exceptions need to be fleshed out in order to be workable. Is it the intent of the proposal that a person does not need a license if he sells tackle in the field but will need a license if he sells tackle and cigarettes in the field? See, page 4, lines 23 - 24. Is it the intent that a person must have a license to sell a post card with a picture of a sport fisherman (because it is an item relating or pertaining to sport fishing) in the field? See, page 4, lines 21 - 22. Is it the intent to require a license to provide transportation to fishermen in the field? See, page 4, lines 16 - 18. Is it the intent to require a license if the agreement to rent a vessel is made in town, but not if the agreement is made in the field? See, page 4, lines 25 - 28. Etc. Similar issues arise with the definition of "fishing guide services."

Representative Alan Austerman

January 29, 1996

Page 2

Many of the issues raised by the exception to the basic definition of "fishing services" may be addressed in the definition of "outfitting."

The bill needs to be more specific about what it means by the state road system. because that term is so critical in defining what is in the "field." Does the state road system include the marine highway system? Are Bethel, Nome, Barrow, and Gustavus on the state road system, because they have state maintained roads? Does the state road system include trails? See the definitions of "highway" at AS 19.45.001 and AS 28.40.100.

If I may be of further assistance, please advise.

GU:pl

96-039.plm

RECEIVED
JAN 23 1996
Ans'd.....

January 17, 1995

Representative Alan Austerman
Alaska House of Representatives
Chair - Fisheries Committee
State Capitol
Juneau, AK 99801

Dear Alan,

As you are aware, the Alaska Board of Fisheries considered several proposals relating to the Alaskan guide/charter industry at its March 1995 meeting. Given the complexity of this issue, the Board opted to create a task force to make recommendations regarding the orderly development of the Alaskan guide/charter industry. The task force is composed of members of the Alaskan guide/charter industry and the public.

The task force met several times during the spring of 1995 and developed a mission statement and identified issues for consideration and review (refer to the attached mission statement). After much discussion, the group decided to focus their initial efforts towards developing a statewide licensing proposal for sport fishing guides, charters, and outfitters. The group met several times during the fall of 1995 to develop a draft licensing proposal. The draft proposal was mailed out to over 3,000 companies and guides who registered with the Alaska Department of Fish and Game as sport fishing guides and charters during 1995 soliciting their comments. In addition, a teleconference with your committee was held soliciting public opinion. The Task Force held another meeting in January 1996 to discuss the comments received. After considerable discussion, the draft proposal was amended to address several major concerns identified. The final licensing proposal of the Task Force is attached for your review and consideration as substitute language for HB 175. This final proposal received unanimous support of the Task Force.

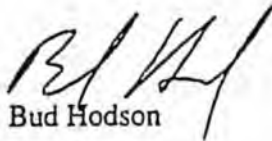
The Task Force believes that a comprehensive licensing system is needed to better define this diverse industry. The proposed licensing system provides needed definitions for companies and individuals who provide sport fishing guiding, chartering, and outfitting services. Through such definitions, it is hoped that the industry can be more fully identified and organized. It is also believed that the definitions will close loopholes in current definitions, thereby providing a level playing field for the industry and for better enforcement of regulations pertaining to sport fishing guides and charters. It is also hoped that comprehensive licensing will add stability to this economically important industry which supports many

jobs throughout Alaska. Insurance requirements for companies and safety requirements for guides are stipulated to assure that anglers utilizing this industry are protected and a professional level of service is maintained. The proposed license package also establishes fees and reporting requirements that provide the needed foundation to help management agencies build a reasonable and stable regulatory environment to assure for the long term health of both the industry and the resource it depends upon.

Please feel free to contact me if you have any questions. I will be glad to testify in front of your committee when the bill is introduced and/or discussed. I believe I can add significant background to the Task Force's recommendations and the extensive public process used to arrive at the proposed licensing system.

Again, thank you for your interest in helping this issue move forward.

Sincerely,



Bud Hodson

Chair, Sport Fishing Guide/Charter/Outfitter Task Force

cc: Sport Fishing Guide/Charter/Outfitter Task Force Members
Doug Vincent-Lang, Alaska Department of Fish and Game

ATTACHMENTS:

Sport Fishing Guide/Charter/Outfitter Task Force Mission Statement
Proposed Licensing Package

MISSION STATEMENT GUIDE/CHARTER TASK FORCE

April 14, 1995

The guide/charter industry is an important component of fisheries throughout Alaska, providing access to fishing opportunities throughout Alaska. At its March 1995 meeting, the Alaska Board of Fisheries considered proposals relating to the Alaskan guide/charter industry. Given the complexity of this issue, the Board created a task force to make recommendations regarding the orderly development of the Alaskan guide/charter industry. The task force is composed of members of the Alaskan guide/charter industry and the public.

The task force's mission is to evaluate and recommend regulatory and legislative options regarding the management and development of the Alaska guide/charter industry. The task force has identified the following issues for consideration and review:

1. *guide/charter definitions*
2. *requirements/standards*
3. *guide/charter restrictions*
4. *guide/charter reporting*
5. *statewide licensing*
6. *participation*

The task force will be scheduling meetings throughout Alaska to solicit public comment. The task force is scheduled to report back to the Board of Fisheries at its October 1995 meeting and to complete their recommendations for possible regulatory and statutory actions by the end of January 1996.

For further information, please contact Bud Hodson, Chairman Guide/Charter Task Force, at (907) 243-8450 or Doug Vincent-Lang of the Alaska Department of Fish and Game, Division of Sport Fish, at (907) 267-2218.

Task Force Members

Bud Hodson, chair
Tikchik Narrows Lodge
(907) 243-8450

Ken Dole
Waterfall Resort, Keetchikan
(907) 225-9461

Ken Parker
Juneau Charterboat Association
(907) 789-0702

Robert Ward
A-Ward Charters, Homer
(907) 235-7014

John Goodhand
Goodhand's Fishing Charter, Valdez
(907) 479-5562

Jeff King, vice chair
King's Budget Charters, Kenai
(907) 262-4564

Bruce Knowles
Big Fishermen Charters, Wasilla
(907) 745-4965

Pat Carter
Recreational angler, Anchorage
(907) 465-2647

Lynn Whitmore
Chairman, Homer Advisory Board
(907) 235-8551

SPORT FISHING GUIDE/CHARTER/OUTFITTER TASK FORCE

STATEWIDE LICENSING PROPOSAL FOR SPORT FISHING GUIDES, CHARTERS, AND OUTFITTERS

The Sport Fishing Guide/Charter/Outfitter Task Force (hereafter referred to as the Task Force) is recommending a two-tier licensing system for businesses and individuals who offer sport fishing guiding, chartering, and/or outfitting services. One tier would require the owners and operators of businesses who provide such services to acquire a ***SPORT FISHING SERVICES OPERATOR LICENSE***. This license would be administered through the State of Alaska, Department of Commerce and Economic Development, Division of Occupational Licensing. A second tier would require the individual guides who provide sport fishing guiding, chartering, and/or outfitting services in the field to acquire a ***SPORT FISH GUIDE LICENSE***. This license would be administered through the Alaska Department of Fish and Game through its existing license vendors program, much like a commercial fishing crewmen's license. Under this two-tiered system, licensed sport fish guides would have to work under/for a licensed operator. To reduce the impact on small operators, individuals who acquire a ***SPORT FISHING SERVICES OPERATOR LIENSE*** would automatically obtain a ***SPORT FISH GUIDE LICENSE***.

SPORT FISHING SERVICES OPERATOR LICENSE

A person or business may not provide sport fishing service operations without first obtaining a ***SPORT FISHING SERVICES OPERATOR LICENSE*** from the State of Alaska Department of Commerce and Economic Development, Division of Occupational Licensing. A ***SPORT FISHING SERVICE OPERATOR*** must meet the following requirements to be eligible for a license:

1. have a valid Alaska Business License and
2. show proof of a general liability insurance policy with an annual minimum aggregate coverage of \$300,000 for protection and indemnity.

A ***SPORT FISHING SERVICES OPERATOR*** must comply with reporting requirements which may be requested by the Department of Commerce and Economic Development and/or the Alaska Department of Fish and Game.

The fee for the ***SPORT FISHING SERVICES OPERATOR*** license will be set by the Alaska Department of Commerce and Economic Development to recover only the actual cost of issuing and administrating this licensing program.(Note: Based on discussions with the Department of Commerce it is estimates that the license fees will be between \$50 and \$75 per year.)

*(Note: A majority of the public comments received by the Task Force expressed serious concern about the number of licenses, permits, and registrations currently required by the various state and federal agencies to legally operate a sport fishing guide, charter, or outfitting service in Alaska. The Task Force members fully recognize this problem and suggest that means be found to reduce the load. One option is to combine the **SPORT FISHING SERVICES OPERATOR LICENSE** with the Alaska Business License requirement. Unfortunately, the Task Force did not have the time or expertise to fully explore this option. The Task Force would encourage the legislature to look for ways to promote and simplify current licensing programs, such as combining licenses where possible.)*

Definitions:

A **SPORT FISHING SERVICES OPERATOR** is any person or business who provides services for fishing under sport, personal use, subsistence regulations for compensation or with the intent or agreement to receive compensation for providing fishing guides, guiding, outfitting or fishing clubs. A **SPORT FISHING SERVICES OPERATOR** does not include:

1. A person or business providing only transportation to or from the field, if the person or business providing the transportation does not assist, direct, and/or accompany the person(s) in the taking or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations.
2. Selling, leasing, or renting goods that pertain to fishing, camping, or outfitting for sport, personal use, or subsistence fishing if the transaction does not take place in the field.
3. Selling tackle, bait, or fuel in the field as long as no other services are provided.
4. Renting vessels or skiffs in the field without an operator as long as no fishing equipment, gear, bait, tackle, or any other services are provided.

SPORT FISH GUIDE LICENSE

A natural person may not guide another person in the taking of or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations with out first obtaining a **SPORT FISH GUIDE LICENSE** from the Alaska Department of Fish and Game or hold a valid a **SPORT FISHING SERVICES OPERATOR LICENSE** from the Alaska Department of Commerce and Economic Development. A **SPORT FISH GUIDE** must meet the following requirements while guiding:

1. be a U.S. Citizen or U.S. National;
2. hold a valid first aid and cardiopulmonary resuscitation (CPR) certification cards issued by the American Red Cross, American Heart Association, or an equivalent organization;

3. hold any appropriate license(s) to meet U.S. Coast Guard vessel operators licensing requirements;
4. hold a current State of Alaska Sport Fishing License; and,
5. hold a current Sport Fishing Guide License or a Sport Fish Services Operator License.

While guiding, a *SPORT FISH GUIDE* must have in his/her possession: proof of valid and current first aid & CPR training, drivers license or pictured identification, appropriate license(s) that may be required by the U.S. Coast Guard, a valid State of Alaska sport fishing license, a copy of their current *SPORT FISH GUIDE LICENSE* and a copy of the *SPORT FISHING SERVICES OPERATOR LICENSE* of the company they are employed under or their *SPORT FISHING SERVICES OPERATOR LICENSE*.

A *SPORT FISH GUIDE* must work under the authority of a licensed *SPORT FISHING SERVICES OPERATOR*.

The *SPORT FISH GUIDE* license would be purchased through the existing fishing and hunting license vendor system. The license would cost \$25 for residents and \$75 for non-residents. This money would go to the Alaska Department of Fish and Game to help pay for the cost of gathering data on the industry.

A *SPORT FISH GUIDE* may not contract directly with a person for the service of providing sport fish guiding services or outfitting for compensation or the intent or agreement to receive compensation, without acquiring a *SPORT FISHING SERVICES OPERATOR LICENSE*.

Definitions:

SPORT FISH GUIDING means a natural person who assist another person who is providing compensation or with the intent or agreement to provide compensation to a *SPORT FISHING SERVICES OPERATOR* to take or attempt to take fish or shellfish under sport, personal use or subsistence fishing regulations by accompanying and or directing that person personally for the duration of or any portion of a fishing trip. *SPORT FISH GUIDING* does not include

1. providing transportation to or from the field, if the person providing the transportation does not assist, direct, and or accompanies persons in the taking of or attempting to take fish or shellfish;
2. selling, leasing or renting goods that pertain to fishing camping or outfitting for sport, personal use, or subsistence fishing if the transaction does not take place in the field;
3. renting vessels or skiffs without a operator, as long as no fishing equipment, gear bait, tackle or any other services are provided;

4. selling tackle, bait or fuel in the field as long as no other services are provided and that natural person selling tackle, bait or fuel does not accompany or direct another person in the taking of or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations; and,
5. helpers or assistants or deck hands on board a vessel who work directly under the supervision of and in the presence of a licensed *SPORT FISH GUIDE*.

OUTFITTING means the provision of services and equipment or other fish guiding services for sport, personal use or subsistence fishing in the field for compensation or with the intent or agreement to receive compensation.

FIELD means an area outside of established developments usually associated with a city or town and areas and waters not reasonably accessible by foot along the State of Alaska road system. Field does not include permanent hotels, bed & breakfast, or roadhouses on the state road system.

FISHING CLUBS means an organization that offers use of property, equipment or services to individuals who pay a fee for the privilege of using the property, equipment, or services for sport, personal use or subsistence fishing.

George Siavelis

P.O. Box 74
Aniak, Alaska 99557
(907) 675-4510

Siavelis



REGISTERED GUIDE • OUTFITTER

Oct. 30, 1995

Dear Doug,

I have received the proposals on the sport fishing guiding industry. I cannot afford to attend the up-coming meeting as there are so many meetings and other obligations at different dates when you're a big game hunting and fishing guide.

I am in agreement with the task force on most of these proposals I read. The only one I am concerned about is the minimum limit of insurance. I agree with the need for insurance, but if I am not mistaken the minimum needed for hunting guides is less than 500,000 per occurrence and 1,000,000 annual aggregate. I believe, unless there has been a change in the last couple of months that I'm unaware of, the minimum limit of liability insurance for big game hunting guides is 300,000 per occurrence or 500,000 annual aggregate. Many hunting guides transport their clients by boat and also usually find themselves in situations and areas that are every bit as potentially dangerous, often with no communication or transportation other than walking. So I don't believe fishing guides should have to carry insurance in excess of hunting guides and it will be an undue burden for the real small operators such as myself.

I hope that it is somehow possible for this to be considered by the task force. I thank you and the task force for your time and consideration.

Sincerely,

Talkeetna River Guides

Box 563 • Talkeetna, Alaska 99676 • (907) 733-2677



Sousa
R

Mr. Doug Vincent Lang
Div. of Sport Fish
333 Raspberry Rd.
Anchorage, AK 99518

Dear Mr. Vincent-Lang,

After reading the proposals I received in the mail dated November 1, 1987, regarding the Alaskan guide/charter industry, I cannot help but comment that I feel you left out one of the most important items in our industry "a **FLOTATION REQUIREMENT**" (and I am not just talking about a seat cushion).

If the Alaska Guide/Charter Task Force sees fit to require items such as CPR and first-aid cards of guides (which incidentally I think is a good idea) why have you skipped a flotation requirement. Flotation will not only exhibit professionalism on the part of the guides but perhaps it could influence independent river anglers into actually using flotation themselves. Someone dies on the Talkeetna River every year and it never ceases to amaze us here at Talkeetna River Guides that we are the only company in this area that requires use of flotation (as in the form of a float coat or vest) on every single person in one of our vessels. The writing is on the wall. The industry needs the encouragement of a regulation in order to be safe. Many more people die in this state because they are not wearing flotation than ever died of a heart attack with a guide not knowing CPR.

I would also like to comment on the future insurance requirements of the operator. A standard insurance policy for registered guides, sport fishing guides etc. has a general liability minimum coverage of \$300,000.00 per each occurrence limit and a general aggregate limit of \$600,000.00. I believe that small business' will be hurt if you go to a standard policy which has more coverage and is more in-tune with a large lodge outfit than a small sport fishing operation. You could probable do your homework and call Alaska Business Insurance and find out the normal policy that most of us already have.

Please take my two points into consideration. Otherwise, thank you for the attempt.

Sincerely,

Gerald Sousa, Registered Guide

SEAL SOUND CHARTERS

P.O. BOX 422
CORDOVA, ALASKA 99574
907-424-5488

Steffen

Date 12/11/95

To: Alaska Guide/Charter Task Force
IN REGARD TO:
Written response to Teleconference held on 12/05/95

Task Force Members

My thoughts are as follows.

A mandatory licenseing for Guide/Charters operators is a good move in the right direction.

The two tier system is understandable, but an operators license should automatically make the holder a guide with out another license or fee.

Why should an operator or guide have a sport fishing license, when there is a law that prohibits an operator or guide to fish when clients are present?

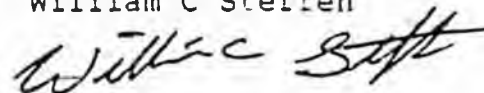
If records is made mandrory the records should be kept confidential and not available to the public, keep reporting forms simple.

How will this be enforced? It is ease to police the operators that comply, but what about the ones that don't register. State enforcement is already short funded and staffed. With out enforcement what good will this system do?

Proof of insurance should be enough, let insurance companys set the limits.

Thank you for your
Time and Consideration

William C Steffen



WILLIAM C. STEFFEN

Jon Adventures
Ltd.
James

James

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December 4, 1995

Mr. Doug Vincent-Lang
Alaska Dept. of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, AK 99518

FAX Transmittal to 267-2424; total of 1 page

RE: Statewide licensing proposal for sport fishing guides


Dear Mr. Vincent-Lang:

I think it is important to license the sport fishing guides in Alaska, and I support the proposals which the task force has developed.

My only concern is in any redundancy of permits. I am currently licensed on the Upper Kenai River, which already requires permits from three agencies--State Parks, National Forest Service, and Kenai National Wildlife Refuge. In regard to this, my suggestion would be for businesses already licensed on the Kenai to have automatic or reciprocal permits under the proposed statewide licensure program.

Thanks for addressing my concerns.

Sincerely,



Jon James, Owner
Jon James Adventures

ALL YEAR
200 W. 34TH AVE., STE 991
ANCHORAGE, ALASKA 99503
PHONE: (907) 344-3340
FAX: (907) 267-7610



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CAPTAIN G.P. (PETE) HEDDELL, AGENT

Douglas Vincent-Lange
Regional Management Biologist
Sportfish Division
333 Raspberry Rd.
Anchorage, Alaska 99518

November 29, 1995

Dear Sir,

By way of introduction, my wife Marilyn and I have operated a marine charter service from Whittier since 1988 specializing in the western half of Prince William Sound. In the past 7 years we have witnessed increased usage of the sound by recreational people and those involved in commercial operations. Unfortunately some of this usage has had an adverse impact in that there are too few facilities to accommodate the different users. An example is the area of Lake Bay on Esther Island. This area is home to a fish hatchery that supports the commercial salmon fishing. The near proximity to Whittier also brings the recreational users to this area to fish, boat and occasionally attempt to camp ashore. When the fish are running the air taxi operations from Anchorage also bring people to this area to fish from shore.

It has come to our attention that the proposal by Alaska State Parks to place a suitable dock in Lake Bay near the hatchery has been dropped from the Sport Fish Access Budget. We feel that it is a serious mistake to delete this project. We support the dock project because the dock would help direct people off the very small inadequate working dock at the hatchery. The project would provide much more fishing access for shore based anglers, and safe moorage for private boaters and cabin users.

Thank you for reconsidering this matter.

Sincerely yours,

Pete & Marilyn Heddell

Pete and Marilyn Heddell

CC: Andy Hoffman, Area Biologist, Prince William Sound
Wyn Menefee, Park Ranger 1

JUL 20, 1972

Doug Vincent-Lang.

Just a quick note regarding the proposed "Guide Licensing".

I'm a commercial Troller, longliner in Southeast Alaska
I am also making the transition into the Charter Industry in
preparation of the collapse of the Troll fishery.

The Charter Industry needs to be regulated and controlled!
The ever increasing numbers of operators, left unchecked, will
result in a situation similar to that of our past open-access
inhabited and blacked fisheries. We need to limit the number of
operators and guides before this trend becomes reality and conflict
begins. The time is now! Start the process and don't
wait for the problem to become so apparent it cannot be avoided
any longer.

I agree with Commercial Fisheries Entry Commission to
issue a gear-card for guides and operators. This system works
for preventing overcrowding and overfishing. Please help to
assure a place in our fisheries and avoid Alaskans from being
pushed out by outsiders and outside capital money interests.

Thank you.

Jim Betzner
HU Bold Venture
ALASKAN ESCAPES

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

Fabry

Log Cabin Sports Rental, Inc. (Klawock Wilderness Adventures)

Box 54
Klawock, Alaska 99925
907-755-2205

1 December 95

Doug Vincent
Div. Sports Fish
333 Raspberry Rd.
Anchorage, Ak. 99512

Re: Fish Guide Charter

Dear Mr. Vincent:

There are three main issues I would like to see addressed by your office, and then the legislature. They are:

- 1. Limit the number of charter boats fishing in an area by considering the number of square miles of fishable waters, the number of commercial boats working it, and the run of fish to that area.

The Sitka, Ketchikan and Western Prince of Wales are swamped with too many charter boats. Yes, the fishing has improved since the early 70's, but that is due to regulation, not the lack of people fishing!

I have also counted up to 53 seiners just off Hoves two years ago, all fishing.

- 2. Place a much higher fee on charter and lodge outfits that reside out of state. Our current laws are exporting money from Alaska. Charter fishing is just under the construction trade in this funneling of money outside.

- 3. Beef up enforcement on the charter outfits. Hire summer extras to check bag limits. I've been charter fishing out of this location for 23 years and I've learned that many of the guides that don't own the boats and lodges often go overboard on catches. Large times are taken on what is boated and what is returned to the water.

If we as lodge owners, and you as enforcement, lose the resource, we will both be out of jobs. Thank you.

Sincerely,

Skip Fabry
 Skip Fabry
 Log Cabin Campgrounds, Resort, Boat Rentals, Charters, &
 Rent A Cars, Sporting Goods Stores (I'd have a lot to
 loose.)



Jeka

2915 W. 101st St. Evergreen Park, IL 60805 PH. 708.422.5352

November 30, 1995

ADF&G Division of Sport Fish
333 Raspberry Rd.
Anchorage, AK 99518-1599

Dear ADF&G Division of Sport Fish,

Welcome from (OESI) Outdoor Excursions & Supply, Inc. OESI is a newly formed travel brokerage service specializing in fishing and hunting trips. Aside from the travel brokerage services we also function as an outside travel agent service. We would like to get any information you might be able to supply regarding fishing and hunting resorts and services in all of the regions that you cover. Additionally, any information regarding fishing and hunting regulations and conditions in these regions would be helpful. Please let your outfitters and resorts know our service is available to them, if possible. Thank you in advance for your help.

Sincerely,

A handwritten signature in cursive script that reads "Gerald T. Jeka".

Gerald T. Jeka
President

Goodhand Charters

winter: P.O. 218, Ester, Alaska 99725 ph. 907-479-5562
summer: P.O. 970, Valdez, Alaska 99686 ph. 907-835-4333

FAX TRANSMITTAL

RE: Guide/Charter Task Force & HB 175 (1995)

TO: Bert Sharp,
Copies to all Interior Delegation & Gene Kubina

FAX: _____ PHONE: _____

FROM: John Goodhand, President: Halibut Charter Assoc. of Alaska
Board of Directors: Alaska Sportfishing Industry Assoc.
Member: Valdez Charter Boat Assoc.
Alaska Outdoor Council
Alaska Sportfishing Assoc.

PHONE: 907-479-5562 FAX: 907-479-0395 Fairbanks
PHONE: 907-835-4333 FAX: 907-835-4385 Valdez

DATE: 1/10/96

PAGES: LOTS and LOTS [including cover sheet]

COMMENTS: Of the 39 "guides" in the Interior, and the 41 charters (1/2 are Fairbanks residents) in Valdez, I have yet to find anybody who likes this, or 1995's HB 175. While the idea of "ethics" and safety are a concern of all, how to get there is hard. Please call me to go over this any time, or any sportfish issue. These letters are, for the most part, very impressive and with 89% against, well, this speaks for itself. Please keep in mind, these are mostly letters from small business owners, a rare and endangered Alaskan and American species, who have a right to be in business no matter their net worth. You need to read these letters, they're good!!

Thank You, John Goodhand

COMMISSIONERS
RICHARD BEAMISH
VANANCO B.C.
WALFING HOARD
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PETERSBURG AK
STEFEN PENNOYER
JUNEAU AK
ALLAN SHEPPARD
POINCE SUPERT B.C.
BRANDAN COFF
RICHMOND B.C.

INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A TREATY BETWEEN THE
UNITED STATES OF AMERICA

DIRECTOR
DONALD A. MCCAUGHYRAN

PO BOX 35000
SEATTLE WA 98145-0000

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(206) 634-1838

FAX
(206) 632-2983

February 15, 1995

State Representative Allan Austerman
Chairman of House Special Committee on Fisheries
Capital Building 434
Juneau, Alaska 99801

Dear Representative Austerman:

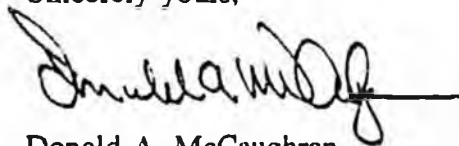
The International Pacific Halibut Commission (IPHC) would like you to know we strongly support the passage of House Bill No. 175, dealing with sport catch reporting by sport fishing guides.

As you are probably aware, IPHC is charged by treaty between the United States and Canada to manage the halibut resource for both countries. In order to perform this function it is necessary to have accurate removal information from all sources. Sport catch in Alaska amounts to 17% of the sport/commercial removals.

The Alaska Department of Fish and Game provides the Commission with sport catch statistics each year; we view this bill as providing ADF&G with the necessary tools to obtain accurate halibut sport catch information.

Thank you for your consideration.

Sincerely yours,



Donald A. McCaughyran
Director

DAM:ps

RECEIVED

FEB 20 1995

Ans'd.....

ALT

**NORTHERN ALASKA FISHERIES SERVICE
KENNETH T. ALT
P.O. BOX 10104
FAIRBANKS, ALASKA 99710
907-457-4124**

Doug Vincent-Lang
ADF&G Sport Fish
333 Raspberry Rd.
Anchorage AK 99518

5 December 1995

RE: ALASKA GUIDE/CHARTER TASK FORCE

Dear Doug,

The sport fish guide/operator licensing proposal seems to me to be an attempt by the larger entrenched operators to restrict access to new operators and make it more difficult for small operators to stay in business. Please note that most members of the task force are larger operators. Since the proposal indicates that this is only the starting point, can you imagine all the red tape an operator-guide will be confronted with in future years. The yearly licence costs including state, federal, and native will make it difficult for small operators to stay in business.

I choose to take out only two to three groups of fishermen per year. I book my clients, then I buy liability insurance. Under the proposed scenario I would probably be forced to cease operations.

I feel the present situation of guides registering with the Sport Fish Division, then taking the responsibility of attaining other permits and insurance is adequate. If you want us to provide information on harvest and effort-just ask for it.

I suggest the entire proposal be scrapped, especially north of the Alaska Range.

Thank you for the opportunity to comment on this proposal.


Kenneth T. Alt
Owner/Guide

Gehring ✓



**P.O. Box 240126
Douglas, Alaska 99824
Phone & Fax 907-364-3341
Computer: Seawind AK@AOL.COM**

12-5-95

Mr. Doug Vincent-Lang
Alaska Department of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, AK 99518

Dear Mr. Lang,

This is in regards to the proposal to create two "additional" licenses for chartering in Alaska.

I'm sorry, but I read the Mission Statement several times and I honestly cannot find a "mission". One sentence contains the words "orderly development of the Alaskan guide/charter industry". In my opinion the tools are already in place for the development of the Alaskan guide/charter industry.

Our business is primarily a sightseeing service in SE Alaska, but we do allow the guests to spend part of the cruise fishing if they desire. If we receive an inquiry from a group that just wants to fish all day we refer the call or letter to another company in Juneau that provides that type of service. Because we occasionally fish, this proposal would require that I obtain two additional licenses.

Each year I purchase/provide the following licenses and reports:

- We purchase a commercial vessel license that identifies my vessel as a "charter" vessel.
- We purchase a business license
- We register with the Department of Fish and Game as a charter vessel
- We purchase a sport fishing license
- We purchase a King Salmon stamp
- We pay a permit fee to the US Forest Service and report to them how many times we allowed our guests to walk on their beaches to stretch their legs

5/1/96

- We pay a permit fee to the National Park Service for four entries into Glacier Bay and report activities annually
- We register annually with the International Pacific Halibut Commission
- We keep current other certificates that are required such as operators license, drug test, radio license, first aid CPR card, insurance (including additional cost for insurance required by the Forest Service and National Park Service)

I'm sure I left something out, but if its required, we have it.

If this proposal becomes law I will have to purchase and maintain two more additional licenses and in addition a "operator" would be required to "comply with the reporting requirements which may be requested by the Department of Commerce and Economic Development or the Alaska Department of fish and Game". I'm also afraid that the "or" in the last sentence will be changed to "and".

The fee for the Operators License would cover the cost to administer and issue the licenses, and the guiding License would help pay for the cost of gathering data on the industry. The data bases are already in place, i.e. F & G charter registration, commercial vessel license, business license, why do we need two more.

I like to keep things simple, here are my suggestions. If additional information is needed or would be helpful to the industry, modify the existng data bases. The form that I use to register as a charter vessel asks many questions, ask more. The commercial vessel license has one category for this service, "Charter". Perhaps more categories could be added such as "Charter, Fishing", "Charter, Sightseeing", and "Charter, Sightseeing and Fishing". The business license application form could also be modified to include these same categories as sic codes.

I may be alone but I don't favor the proposal to create two additional licenses. But, if it becomes law, I will add the licenses to my list of licenses / permits to renew each year.

I don't mean to create work for the Task Force, however many of us in this business would like to see someone come up with a way to make the charter vessels and so called "bare boats" from the lower 48 comply with Alaska's present rules and regulations. Actually, forget I mention this, because Alaska has the rules, we just don't have the people to enforce the rules because of budget cuts.

Thank you for sending me the proposal and ability to comment.

Sincerely,


Ken & Barb Gehring

Hayes ✓

RON HAYES'

ALASKA RAINBOW LODGE

P.O. Box 39

King Salmon, Alaska 99613

1-800-451-6198



Mr. Doug Vincent-Lang

ADEG

Division of Sport Fish

333 Raspberry Road

Anchorage, Alaska 99518

December 5, 1995

Dear Mr. Vincent-Lang:

I just received your mailing with notification of a public meeting on December 6th. The mailpiece is postmarked December 2nd from King Salmon, forwarded on to me in Texas at my winter address. Hardly enough time to prepare comments. I personally will not be able to attend this public meeting. I am submitting comments regarding the Alaska Guide/Charter task force licensing proposal.

I would like to add these proposals as a requirement to receiving a license:

- A. Every operator who hires employees obtain Workman Compensation Insurance.
- B. Every operator who hires employees do so as employees and not as contract labor.

My suggestion (A.) would close loopholes of unscrupulous employers not paying workman compensation insurance on employees who work in Alaska. Since you are already suggesting a requirement of general liability insurance, and the State of Alaska does require this insurance on any employee, this should not be a problem to include Workman Compensation insurance proof.

My suggestion (B.) is qualified by the guidelines stipulated by federal law regarding who an employee is. I've found several operators who claim their employees are contract labor, but truth be known, they are really employees. This poses a problem to us legal operators. The regulation I propose would create a more level playing field in the sport fish operator business regarding fees charged for sport fishing trips. Some lodges are contracting all their employees (probably not legally), but many are doing it, saving them at least 20% of their gross payroll. Payroll is the major expense in operating a guiding operation. This saves these operators 20% by not paying workman compensation insurance fees and standard payroll deductions, allowing these same lodges to operate for less money, and operate in a manner unsafe to employees. This stipulation would not allow employers/operators to avoid paying federal social security, Medicare and withholding income tax.

I would also like to make a comment concerning what a sport fish guide must have in his possession. You list that the guide must carry a first aid card, a CPR card, guide registration form, drivers license and the appropriate license that may be required by the US coast guard and a valid State of Alaska sport fish license. You're talking a passel of paper here. Many of our guides only carry their fishing license with them in their fly vest pocket. Rather than require them to carry all

Mr. Doug Vincent-Lang--ADFG

this paper, why not stipulate that they must meet these requirements, and that the operator who hires them have this paperwork on file. If there is an incident out in the field, the guides name and employer name would be taken, and the employer contacted and asked to provide the paperwork. My guides complained last season about the size of the registration form, and I believe they have a valid point.

I understand the need for some type of regulation of the sport fish guiding business, since it grows every year. I do have a problem with another agency to deal with. We already file paperwork with six different agencies in order to receive permits for the various state and federal park usage. Most of these agencies require the same things you're listing here. What I can't determine is what is to be gained by obtaining a sport fish operators license. You mention that the license would promote public safety. In what way? The fees would be based on administering and issuing the license, and to help pay the cost of gathering data on the industry. What data, and what use would it be put to? Who would enforce the license requirement? It appears to me that enforcement is the problem most of the agencies have right now. Paperwork and fees paid are the only result I've seen.

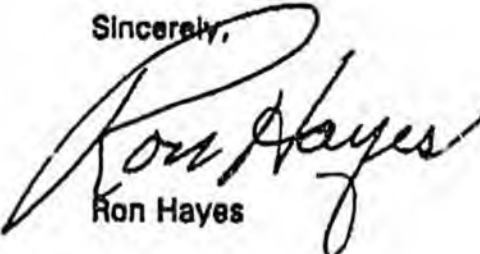
Ours is a seasonal business. We have new employees every year. If we have to let someone go after a few weeks and hire a replacement right away, how quickly would this system of licensing this new employee work? We're out in the bush, mail only goes out once per week. How would this be handled?

You mention in the task force proposal that you didn't want to create a paperwork nightmare. My question is why create this licensing at all? It seems repetitive to what we're already doing. If you're not going to regulate competency, then what is the reasoning behind this licensing besides more paperwork and fees, more administrative work with no mention of benefits or enforcement.

Please take these comments into consideration. If you have a program defined that shows how this new requirement would benefit operators and their guides, I would like to see it. My winter address is:

PO Box 10459
Fort Worth, TX 76114-0459

Sincerely,



Ron Hayes

Dear Mr. D. Vincent - Lang

These are my group's concerns
reference the Alaska Guide/Charter
Task Force.

1. Why is sport fish handling
a commercial enterprise?

We are guide and charter people
and we do it for the money
not the sport.

2. The state wide licensing proposal
will benefit the large operators
but will impose extra cost and
expense to our small operators
putting us out of business or
to employees states working
for some large operator.

3. The licensing of a corporation
to do business in a state

reference made our group extremely
upset. The licensing of a corporation
must be stopped right now. That
is a lawyer play to hide tax
money, limit liability, not
be responsible to the state of Alaska
for over harvest of fish or a

~~to~~ to the environment. If
the rules guide and charter
business goes to limited entry,
wild corporations be treated with
unfair advantage.

4. We are tired of non-Alaskan
using out of state registers but
cars, trucks, trailers for business
our state. The out of state
operators take from Alaska
the season and put a leave
in Alaska but their money.

5. There is a rush by the big
operators to get the proposal into
place as soon as possible to try
to eliminate us one person operators
that are Alaskan and that

~~we~~ have been year round and work
stay in Alaska. We do not
like it because of mentioned unfairness.

E. Heidemann

PO Box 770061

Eagle River, Alaska 99577



Mr. Doug Vincent Lang
Alaska Department of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, Ak. 99518

December 1, 1995

Dear Mr. Vincent - Lang,

I just received your memo dated November 22, 1995 in regards to an Alaska Guide/Charter Task Force and the proposal contained within. I have been involved in the charter sportsfishing industry since 1977, and as such, have seen many changes take place over the years. I was very surprised to receive your letter and to learn about the task force that had been formed and the meetings that have taken place. Taking into account that your memo was received today, December 1st, and that any responses would need to be in your hands no later than December 5th (the public meeting is to be held on December the 6th), requires that I need to respond today, with very little time to digest the ramifications of this proposal.

I have to first question if the procedures that are being followed to obtain public impute toward this proposal are in agreement with the wishes of the Alaska legislature. I suggest that if I am only being allowed less than 24 hours to comment on an important industry wide proposal, that is suggesting sweeping changes to this industry, that others also may not have time to either respond or receive this notice in time to be able to participate in the public comment process. Also, I am very surprised that the Alaska Department of Fish and Game had not sent out notices previously in regards to the formation and progress of this Task Force. Further, our legal counsel advises us that this proposal has insufficient comment period and we suggest that the comment period be extended until June 1, 1996.

After reviewing the information I find that the proposal as it stands is unconstitutional because it is vague, overbroad and ambiguous. As a result, it will have a chilling effect on all fisherpersons be they natural persons or regular persons since the language appears to include compensated and uncompensated individuals. I believe that the formation of a state-wide fishing guide/charter operator's licensing program is going to create many more problems that it will solve. The State of Alaska, because of its immense size and diversification of its fisheries, calls for more specialized treatment than that being addressed in the proposal. For example, currently any sportsfishing guide involved in the guide/charter industry on the Kenai Peninsula is far more regulated than individuals involved in the industry elsewhere in the state. We already are required to have and possess a current U.S. Coast Guard license, to have a current Kenai Peninsula Borough sales tax collection certificate, have and possess current first-aid and C.P.R. cards, have a

current State of Alaska business license. In addition, all of our vessels have to have a current State of Alaska commercial vessel license and a current Federal vessel certificate. Further, for operating in the marine fishery, a State of Alaska Parks permit is required. If our boats operate on the stretches of River that are encompassed by the Kenai National Moose Range, then an additional permit is required by that government agency. A State of Alaska Sportsfishing license is also required to guide/charter on the Kenai Peninsula. All guides/charter boat operators must belong to a Drug Consortium and comply with drug testing (ongoing cost of \$65-\$200 per year per person). Once we have attained all the above permits, which all require a fee from \$25 dollars to several hundred dollars per vessel, we now qualify to be able to purchase a Kenai River Special Management Permit, at the cost of between \$550 and \$1475 per guide or vessel. A guide can not operate on the Kenai or Kasilof Rivers, or out of any Special Management areas without this permit.

In order to be able to actually participate in the guide/charter industry on the Kenai Peninsula you must, after meeting all the above requirements and criteria, you must register with the Alaska Department of Fish and Game. Of course, all the different agencies involved require that you carry on your person or in your vessel all the permits, requirements, licenses and documentation. I am not absolutely positive, but I believe that the charter industry on the Kenai Peninsula is the most highly regulated charter industry in the world. I have had the opportunity to meet with members of other charter fleets involved in sportsfishing in other areas of the State of Alaska and the United States, and I have found that they are not even closely regulated to the extent that Kenai Peninsula charter companies and guides are.

I am trying, in an attempt to understand what the task force is really trying to accomplish, asking myself do we really need more regulations and government control. Presently, as you can see, in order to operate on the Kenai Peninsula, the imposed requirements already far exceed those outlined in the draft proposal before me. I believe that the task force, the mission and the recommended restrictions serve no useful purpose. This whole affair seems to be another layer of government without performing any useful benefit, which is contrary to the wishes of the Alaska Legislature. Mr. Vincent-Lang, do you really believe that those of us involved in the charter/guide industry on the Kenai Peninsula need more regulations and that we should be required to have additional licenses? It would seem that the Alaska Department of Fish and Game already has adequate guide/charter reporting requirements in place. This appears to be a creation of more reporting requirements and restrictions which may well be conflicting with present restrictions and reporting guidelines.

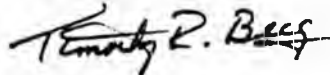
Somehow I believe that members of the task force are not aware of what is involved to operate or guide on the Kenai Peninsula. Evidently, they do not have to meet the same requirements that we do, or they would not be proposing any additional licensing. Possibly, there is a hidden agenda behind this proposal. I would suggest that all the operators from western Alaska and from southeast Alaska become involved in the charter business on the Kenai Peninsula and then they would understand what it is like to be over-regulated and then they would not support the proposal they have put forth.

Certain aspects of the sportsfishing/charter business has not been addressed in the proposal. For example, what about independent contractors. What about court law, how is liability responsibility viewed should this proposal, or some form of it, be adopted? A close evaluation by our legal counsel indicates that this proposal, should it be adopted, may be a violation of the Commerce Clause and a further violation of the Fair Labor Standards Act.

Any attempt to redefine what constitutes guide services is certainly a trespass into already known waters. Further, an attempt to initiate new requirements and standards in already chartered waters may well result in a conflict which leads the guide and charter operators in a constant position of violation. It does not seem beneficial to have duplicative but non-conforming requirements and standards.

In conclusion, possibly there should be certain area exemptions to any new proposals as adequate restrictions and guidelines already exist in certain areas, in particular the Kenai Peninsula. I respectfully submit that this approach should not be applicable to the Kenai Peninsula or the Cook Inlet guides and operators. Any possible benefit would surely be outweighed by the burden of this additional layer of bureaucratic state-wide licensing proposal. In any event, at the minimum, a proposal as important as this needs a thorough and well thought evaluation, then must be re-drafted in non-ambiguous, specific language and distributed throughout the industry while offering an adequate opportunity for public comment so the public and decision makers may be adequately informed.

Regards,



Timothy R. Berg
President, Alaskan Fishing Adventures , Inc.

V
Bouska

November 15, 1995

State of Alaska
Department of Fish and Game
333 Raspberry Road
Anchorage, AK 99518

Attention: Mr. Doug Vincent-Lang
Guide Registration Program

Mr. Lang:

We would like to report a serious incident that we feel is a detriment to the Alaskan Tourism Industry and especially damaging to the reputation of the guide service industry there in Alaska.

We were sold a package at the Minneapolis Sportsman's Show by Hook-M-UP Tours out of Aniak by the owner, Roy Wooderson. The package we got was no way what we were sold. ::

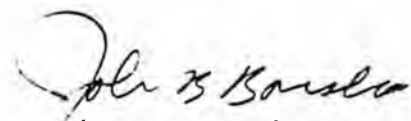
Our question to you I believe would be, are these people really licensed? If so, are they ever checked? Have you had other complaints? I can't believe you have not. Mr. Wooderson was by far the most unprofessional guide we have ever had the misfortune to encounter. He had absolutely no concept of safety. He had little or no respect for his customer, we almost seemed to be in his way.

He had no respect for his surroundings, lands or game.

We feel Mr. Wooderson and his total operation should be thoroughly investigated and serious consideration should be given to even allowing him to operate.

Thank you

Sincerely



John B. Bouska
1032 16th Street North
Virginia, MN 55792

Erickson

(A)

— Ventures North —

PO Box 21362; Juneau, Alaska 99802-1362
(907) 780-8669

Date: 12-08-95
From: Chris Erickson
Please deliver to: Alaska Guide Charter Task Force
RE: Statewide Licensing Proposal

I respect your effort to regulate the Charter Industry in Alaska, it's been a long time coming, and in fact, is overdue. However, I see nothing in this proposal that is beneficial to the Charter Operator. It would seem the State is the only beneficiary here, via another layer of licenses and revenues added to the State coffers.

First let me state that I am a licensed Hunting Guide (Tok River Outfitters), Commercial Fisherman, registered Fresh & Saltwater Guide-Charter Owner Operator (Ventures North), hold a 50 ton Masters License, IPHC License, an Alaska Business License, and most likely a few other permits and licenses that don't immediately come to mind.

As concerns the Hunting Guide: Fishing is a big part of the hunting business, be it on the coast or in the Interior - I've hunted professionally in both areas and speak from experience. I feel that it is unfair and unnecessary to ask the Hunting Guide to purchase another license for fishing privileges - we already pay dearly for our hunting privilege:

per annum: \$130 Guide Outfitter license
 \$100 each for three hunting areas
 \$100 for commercial use permit
 \$150 for transporter license

Add to this the \$300,000 per occurrence, \$500,000 per annual aggregate insurance coverage the State requires us to provide as Hunting Guides. It is only fair to take this into consideration when you propose another tier of licensing to regulate the Fishing Guide Charter Outfitter.

Another area in which I believe you dropped the ball concerns the Non-Resident Fishing Guide Charter Outfitter. To qualify as an Alaska Hunting Guide you must be at least 21 years of age, demonstrate practical field experience and competence, be familiar with the area in which you wish to operate, and have legally hunted in the State for five years. When we consider the Fishing Guide Charter Outfitter would it not be prudent to require something similar? The fishing situation in Washington and Oregon has, in the last couple of years, pushed a great many non-resident boats into Alaskan waters. What with the concerns over Salmon allocation I think something other than a \$75 Non-Resident Sport Fishing Services Operators License is required.

In closing let me suggest we should consider the Charter business from another angle. The service provided for capital gain is a commercial enterprise. This includes the Charter Owner/Operator. It is time for the State to face the facts, call a spade a spade, etc., and put Chartering where it belongs, in the Commercial Fishing category. Perhaps then we could consider Limited Entry or Interim permits, and better protect our vanishing salmon and halibut fishery.

Let's close the barn door before the horse gets out.

Thank you,

Chris Erickson

Bill of Rights, Amendment II

A well regulated Militia, being necessary to the security of a free State,
the Right of the People to Keep and Bear Arms, shall not be infringed

De Franco

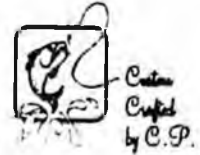
De Franco ✓

HAINES TACKLE CO.

P.O. BOX 765

HAINES, ALASKA 99827

(907) 766-2255



Re: Alaska Guide/Charter Task Force

Dec. 4, 95

Dear Task Force Members,

I would like to start first by introducing myself. My name is Carmen De Franco and I live in Haines Ak. I have been a fresh water guide for over twenty five years and a charterboat operator for some twenty years of which fifteen are on Alaskan waters. I have serviced as Vice Chairmen and Chairmen of the Haines Fish and Game Advisory Committee along with the Governors Bald Eagle Advisory Committee. Yes, there are a few years on these bones but I would like to continue my current employment as long as possible.

I find a need to speak out about your Statewide Licensing Proposal. In your cover letter I quote "Given the complexity of this issue, the Board created a task force to make recommendations regarding the orderly development of the Alaskan guide/charter industry." No where in the statutes do I find that the Fish Board or Department have the mandate to develop a Charter Industry.

Next, as some of you are aware, I am currently required to obtain thirteen different cards, permits, licenses, not counting medical physicals and drug tests to operate a charter boat/ guide service in The City of Haines, The Borough of Haines, The State of Alaska, and The United States of America. It seem to me two more licenses will not make it any easier or orderly to regulate the industry. It is just an other increase in over head which could run the little man out of business.

The goals desired by the Fish Board can be achieved with the required cards, permits and licenses. What is missing, that is not addressed, is enforcement and without it no number of added requirements will make much difference.

C.P. De Franco
cc Governor Tony Knowles
Commissioner Frank Rue

A

ALASKA PRIVATE GUIDE SERVICE
Don Duncan, Registered Guide
299 Alvin Street
Fairbanks AK 99712
907-457-8318

Duncan ✓

Nov. 27, 1995

I ask that the Board of Fish, the House Special Committee on Fisheries, and the Fishing Guide licensure task force to recognize and admit or refute and defend the following statements #1-45.

- 1) The legislature has repeatedly failed to pass a sport fishing guide licensure statute because of opposition from the guides and the public.
- 2) The appointed task force has no voting representative representing the interior and northern regions.
- 3) The Task force was appointed in Anchorage with no prior notice and was pro-licensure from the beginning.
- 4) The task force, the Board of Fish, and the House Special Committee on Fisheries initially made no effort to obtain the list of Registered fishing guides from the Dept of F.&G. and contact them for input or opinions.
- 5) Fish and Game's primary need is for information on how many fish are caught, where they are caught, who catches them and whether they are guided or un guided is not a primary concern of management but rather a concern of sport/commercial/subsistence and resident, non-resident and non-resident alien allocations.
- 6) Licensure will not stop illegal guiding including operating without use permits, poaching, etc...
- 7) Licensure as opposed to registration, will place substantial and sometimes insurmountable road blocks in front of small subsistence fish guiding operations particularly village guides and part time guides.
- 8) Road Blocks such as USCG Licensure and other will cost all guiding operations time, trouble and money and that additional cost will affect small operations proportionally more. (Beat down the small guy run him out of business and make him an outlaw.)
- 9) Costly Road blocks will encourage non compliance from small subsistence guides, therefore actually creating violators.
- 10) The Interior and Northern Regions do not have the problems (over crowding, foreign operators, mother ships, poaching, lack of enforcement, etc...) that cause SOME S.E. S.C. & S.W. guides to ask for licensure.
- 11) The Interior Region of the Dept. of Fish & Game does not recommend licensure and feels that their needs can be adequately met with the current registration and harvest questionnaires.
- 12) The words "confidential information", as used in context with guides reporting, really means that the information can and is routinely forwarded to and used by many different federal, state and local agencies including, F&WP, Child Support Enforcement,

Workman's Compensation Division, et al, and the "secret" information may very well wind up as a topic of discussion at a public meeting of the Fish Board, or wind up in the public hand via a well intentioned biologist recommending a fishing area. Trade Secrets become Public Information.

13) The actual dollar value of the contribution fish guide make to the states economy is not known.

14) The actual value to the economy is NOT relevant to management concerns, however it IS very relevant to the determination of allocations between sport and commercial. The value of a sport caught fish is generally 27 times that of a commercially caught fish.

15) The BGCBSB was sunsetted because enough guides contacted their legislators and requested sunseting because the board was out of control and not in touch with the industries needs.

16) The BGCBSBs costly regulations/requirements and definitions should not be used to make mirror images for fish guiding.

17) The USCG has extremely limited enforcement in fresh water.

18) The USCG has not been North of the Alaska Range in 35 years.

19) The USCG has no aids to navigation on almost all "Navigable Rivers".

20) The USCG does not really want to be annoyed with licensing River fishing guides and routinely looses licensure paper work.

21) The Dept of Natural Resources only attempts to police those operators that have a permit and turns a Blind Eye towards most "ECC-TOUR" operators.

22) The minimum use fees established by DNR are high and will affect small operators more negatively. Currently the minimum use permit for hunting guides is \$350 for the first minute of State land use.

23) Large Lodge operators are exempt from the permit if the clients fly back to the lodge nightly, while the camp out guide or float guide must pay for the permit. (Minimum \$350)

24) Conflicts between user groups (sport vs guided sport vs commercial vs. subsistence) will not be solved by licensure.

25) Licensure is the first step required to restrict guides to areas and subsequently to limit clients or kick guides out of popular (crowded) areas. And this appears to be the Boards and the task forces long range intention.

26) F&G has known for some time the names of all registered fishing guides, and for 4 years the names of some if not most of the operating guides.

27) F&G has seldom, if ever in some areas, directed surveys or questionnaires to guides requesting the information F. & G. say they need.

28) F&G, seldom, if ever, has not allowed guides to tag fish in remote unstudied areas. They have repeatedly refused free help and free information.

29) If guides were licensed, non-resident guides may not be restricted more so than resident guides.

30) Guided fishermen contribute more to the state economy than unguided fishermen.

31) Non-resident fishermen pay more license fees to the state than residents.

32) Guides do not control access, allocations or bag limits the state controls them. No differentiation is made for guided or unguided fishermen concerning allocation or bag limits.

33) The State continues to under-promote the guided fishing industry and sport fishing as a whole, and when the state does promote, it promotes the areas where crowding and conflict already exist. The State has thrown fuel on the fire in "problem" areas, while completely ignoring the Interior and Far North. The State gives millions to the AVA and ATMC to promote tourism, unfortunately the AVA and ATMC do not promote fishing or hunting at any realistic and responsible level. Non-residents fishermen are recruited to this state almost exclusively by commercial operators (guides/transporters/outfitters).

34) The Board of Fish and the task force know that licensure as being discussed (Like a hunting Guide/outfitter) will result in driving many small operations out of business or make them outlaws.

35) The Dept. of Commerce and Economic Development has never economically developed any guiding industry.

36) Licensure, will drive up the cost of providing a guided fishing trip significantly, which will cost guides lost business as fishermen elect to fish unguided.

37) F&WP enforcement problems will not be solved by licensure.

38) Requiring insurance and First Aid/CPR cards are costly cosmetics and should be left up to the individual operator.

39) The State takes on Liability when it requires licensure.

40) Deaths and injuries have never and will never substantially, hurt the industry, or be prevented by, licensure, insurance, or CPR/ P.A.

41) Horror stories of over-harvest by illegal guides is a problem best solved by enforcement not licensure. Over harvest by a single large mobile guiding operation is not solved by licensure.

42) The biggest problem facing the guiding industry is the low allocation numbers given to sport fishermen and the emergency closures that result from commercial over-fishing.

43) The Board of Fish has historically been slanted toward commercial fishing interests.

44) The Interior and Far North Regions do not have a sport fishing representative on the board or the task force.? Virgil represents the Yukon River commercial interest, and Goodhand reps PWS.

45) The Interior Region and Far North should be left out of any licensure requirements. The fishing guides here do not want or request it.

46) The cost of Licensure, as proposed, are as follows

First Aid/ CPR card \$100/yr. minimum

Insurance \$650/yr min.

State Land use Permit \$350/yr min.

Operators license ESTIMATED at \$50-\$75/yr min.

Guiding License ESTIMATED at \$25-\$75/yr min.

Mandatory Fishing License \$15.

Business License \$25

Total cost to the individual guiding operator is averaging \$1255.

Total cost attributable directly to licensure is averaging \$905.

Total LICENSURE cost to the industry based on 2000 guides is \$2,510,000.

Total licensure cost paid directly to the state (Business & Fishing Lic. included) is \$1,010,000.

NOTE No cost of complying with the paper work/reporting the Dept. Of F. & G. may require, nor have the cost of lost "Trade Secrets", been included.

When one carefully weighs the cost of licensure versus the benefits we see licensure does little FOR the industry, while it cost the industry and particularly small operators A LOT. The primary benefactors are the State Employees in F. & G., DNR and DCED, and the Insurance companies.

One must ask, "What tangible benefits will the individual guide/operator get for \$1255. Will the State and Insurance companies promote guided fishing more? Will it alleviate, for certain, 'problems' like mother ships, poaching, crowding, etc...? Will it tend to make more "outlaws" than we have now? Will it put small part time operators out of business? What effect/\$ cost will requiring CPR/FA cards and USCG Licenses on villagers. How does the state benefit from CPR/FA cards, USCG licenses, mandatory insurance." I believe that Licensure will just be the beginning and the tool used for bureaucratic abuse. For Example. The Task Force is recommending that "A Sport Fish Guide must have in his/her possession proof of valid and current CPR/FA training, F.&G. registration form, drivers license or Picture ID, USCG License, and Fishing License". Why must all of this bulky paperwork be in possession when it is all a matter of record at various public agencies and supposedly required to have been submitted before a license is issued? I am sure that the next step will be to make it a felony offense if you leave your wallet or brief case with all this paper work in camp as now it is with hunting guides. This is just the kind of violation F&WP can count on using to make an arrest. Forget that you have it and it is on file.

Why must a single operator guide get two Licenses, one for guiding and one for operating.

I say that if the Dept. of F. & G. wants me to provide them with valuable information then should not charge me to provide it. They should pay me for it.

I say that if the state wants me to be CPR/FA certified the state should pay for the courses just like they do with their employees.

I say that if the state wants everybody licensed by the USCG and insured the state should pay for it.

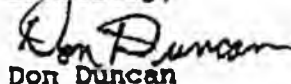
I say that the state should not be able to mandate requirements, through the DCED, that the DCED does not require of other regulated professions. For Example. Doctors are not required to carry at all times, all of their degrees and certifications. It is only a misdemeanor (maximum penalty) to practice medicine with out a license, not a felony, like it is for a hunting guide.

I see required Licensure as providing absolutely nothing for me as a guide or operator and costing me way too much. I know that every guide/operator that may support licensure now, will deeply regret it in the near future. Government regulations never decrease.

I see the state profiting greatly from the license and stamp monies generated from our recruited non-resident clients. Furthermore I see these proposed regulations and license fees as completely ignoring the fact that many hunting guide operations already pay for guide licenses and these regulations would double the fees we pay now.

I believe that the Fish Guiding industry should be left as it is now. Let DNR, USFW, BLM, and private landowners regulate land uses. Let F&WP regulate enforcement. Let the USCG do it's own job. Let the Board of Fisheries regulate seasons and bag limits and allocation concerns between resident and non-resident, and let F.&G. manage, study, enhance fisheries and recommend management strategies to the Board and Advisory Committees. Let the Board and the Dept of F.&G. manage the fishermen and the fish. Let the Dept survey the guides for information and maintain a simple registration system. Let the guides manage themselves including whether they want to be CFR/FA trained or insured. We have doing just fine with out any government help. And if some one does want to really help the industry, then please lobby the legislature, AVA, and ATMC to promote guided fishing fairly and comprehensibly in all parts of the state. Lobby the Board of Fish to allocate more fish to sportsmen and establish more stocked trophy fishing areas. Lobby the DCED to develop the industry through JPTA programs rather than destroy it with licensure hurdles. Let the Board establish a regulation that says non-residents or aliens must guided or accompanied. Recognizing what the industry does for the state, the philosophy should be "What can the state do to help the industry?" Not how much can the state regulate and cost the industry!

Sincerely,



Don Duncan

BOB ELLIOTT
Licensed Hunting, Fishing Guide & Commercial Pilot
4582 ELLIOTT LANE
FAIRBANKS, ALASKA 99709

ELLIOTT

MEMO (A)
LETTER

(907) 479-6323 "in Business For 29 Years"

Date DEC. 1, 1995

Subject SPORT FISHING GUIDES
TASK FORCE

TO DOUG [REDACTED] 16
ALASKA DEPT. OF FISH AND GAME
333 RASPBERRY ROAD
ANCHORAGE, AK. 99518

DEAR MR. VINCENT-LANG:

I'VE BEEN A HUNTING AND FISHING GUIDE FOR 35 YEARS. MY GUIDE LICENSE NUMBER IS 160 AND I'VE HAD IT SINCE 1960. IT IS THE WAY THAT I MAKE MY LIVING. I AM GOING TO RETIRE AFTER THE 1996 SEASON, SO WHATEVER COMES FROM THIS TASK FORCE WILL NOT AFFECT ME. HOWEVER I DO HAVE SOME COMMENTS WITH REGARD TO THE STATEWIDE LICENSING PROPOSAL.

THE CONDITIONS THAT THE RECOMMENDATIONS ADDRESS DO NOT EXIST IN SPORT FISHING GUIDING IN THE INTERIOR OR FAR NORTH (BROOKS RANGE). THE FISHING IS FOR LOCAL POPULATIONS OF FRESH WATER SPECIES. CHARTER SIX-PACK BOATS DO NOT EXIST HERE. THE VOLUME OF BUSINESS IN THE INTERIOR CAN'T COMPARE TO THE COAST OR BRISTOL BAY DRAINAGES. THERE ISN'T A NEED FOR REGULATING PEOPLE WHO CALL THEMSELVES FISHING GUIDES HERE IN THE INTERIOR. IT IS A VERY SMALL INDUSTRY AND REGULATION WILL KILL IT.

MOST OF THE STUFF THAT THE COMMITTEE TALKS ABOUT, I DON'T EVEN UNDERSTAND. THEY ARE THINGS & SITUATIONS THAT I HAVE NEVER ENCOUNTERED. MY

Please reply

No reply necessary

SIGNED

needs enforcement +

BOB ELLIOTT
Licensed Hunting-Fishing Guide & Commercial Pilot
4582 ELLIOTT LANE
FAIRBANKS, ALASKA 99709

(907) 479-6323 "In Business For 29 Years"

MEMO

LETTER

Date DEC. 1, 1995

Subject SPORT FISHING GUIDES
TASK FORCE

To

PAGE 2

SUGGESTION IS TO LICENSE BY REGION. THE INTERIOR AND FAR NORTH ARE DIFFERENT FROM THE COAST. LEAVE THEM OUT OF ANY LICENSING STATUTES. THE HALF-A-MILLION AND ONE MILLION DOLLAR LIABILITY INSURANCE REQUIREMENTS CANNOT EVEN BE PURCHASED HERE IN FAIRBANKS. THESE KIND OF NUMBERS ARE NOT REALISTIC FOR A SMALL BUSINESS. ANOTHER VERY IMPORTANT ITEM. HERE IN THE INTERIOR THERE ISN'T GOING TO BE ANY ENFORCEMENT OF GUIDING STATUTES, SO WHY ENCOURAGE NEW LAWS TO BE PASSED. THERE SIMPLY IS NO ONE TO ENFORCE THEM HERE IN THE INTERIOR OR FAR NORTH.

IF A PERSON HAS A BIG GAME HUNTING GUIDE/OUTFITTER LICENSE HE SHOULD BE ABLE TO CONTRACT AND GUIDE SPORT FISHERMEN. IT IS RIDICULOUS TO REQUIRE HUNTING GUIDES TO GET ANOTHER SET OF LICENSES. HUNTING AND FISHING HAVE GONE HAND IN HAND DOWN THROUGH THE AGES.

PLEASE PASS THESE COMMENTS ON TO THE TASK FORCE AT THEIR DEC. 6th MEETING. THANKS.

VERY TRULY YOURS,

SIGNED Bob Elliott

Please reply No reply necessary

November 30, 1995

Emery ✓
Mark Emery
PO Box 516
Ocklawaha, FL 32179

Doug Vincent-Lang
Alaska Department of Fish and Game
Division of Sport Fish,
333 Raspberry Road,
Anchorage, AK 99518

Dear Doug,

First let me say that I applaud the efforts of the Alaska Guide/Charter Task Force. I have been guiding in the King Salmon area for twelve years and have noticed an increase in the weekend guide phenomena. Folks who have no Coast Guard license, boats that are unsafe, and lacking even the basic in safety equipment poorly represent the guide business. Just to identify who is a working professional guide is of considerable help to guides and to the consumer.

But I need to understand what it is I am getting for my money. In our town there is a lodge, a German operation that runs a number of fishermen on the river every day. I had their 1995 brochure translated into English. Besides making several derogatory statements about the people of King Salmon they stated that they offer guided service as well as unguided trips. They have been operating in King Salmon for a number of years. When these German guides are approached by the Coast Guard for instance they simply say they are not guiding. The same guides have been operating their boats for at least five years. To compound the problem the guides and the lodge visitors have been arrested and convicted on several occasions for various illegal fishing practices including snagging fifty salmon in one afternoon. They are still guiding.

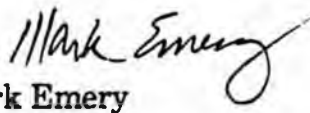
So my fellow guides and I have been paying the insurance fees, maintaining Coast Guard Captain's licenses, taking courses yearly on CPR and First Aid, and paying a fee to be commercial operators in Katmai National Park, meanwhile by simply declaring that they are not guides, this group is seemingly exempt from all these requirements. Worse yet the word is out that Alaska is an easy mark and this activity is increasing.

Needs Enforcement

If you can show how this licensing proposal will help curb even some of this activity you will have my gratitude and support. At present from what I have read so far this proposal again asks honest guides to pay more for a license that doesn't protect them from unscrupulous operators. Please tell me I am wrong. But from what I have seen there are no teeth in the game laws particularly as they apply to sport fisheries.

Make mandatory large fines, impound boats, revoke fishing licenses and possibly even imprisonment for flagrant repeat violators and you can sign me up. This is what we need to curb the problem. A slap on the hand for guiding illegally will not work.

Yours truly,


Mark Emery

VALDEZ FISH & GAME ADVISORY COMMITTEE

Chairman: Mr Pat Day

PO Box 788

Valdez, Alaska 99686

V Day

TO: Alaska Department of Fish & Game
Division of Sport Fish
Attn: Mr Doug Vincent-Lang
333 Raspberry Road
Anchorage, Alaska 99518

20 Dec 1995

Dear Mr Doug Vincent-Lang

During our recent meeting of 19 Dec 1995, I opened public discussion concerning the Alaska Guide/Charter Task Force proposal.

On addition to two charter owner and operators holding seats on the Valdez F&G committee, several other local charter owner and operators were in the audience.

This committee strongly opposes this proposals for the following reasons:

OPPOSITION OVERVIEW:

1. As in other sport / commercial fish related proposals, this proposal did not come to us through normal proposal procedure. We feel that we have been left out of the proper information flow.
2. The task force is made up of people that cannot represent those commercial sport-fishing interest of the north, west and interior parts of Alaska.
3. Mr John Goodhand (is indicated on the task force members list) as being from Valdez. This erroneous statement should be clarified that he is a Valdez seasonal operator that resides in Fairbanks. The resident operators were very clear on this concern and no attending operators concurred with this proposal.
4. The BOF should have identified a mission statement or goal to this task force, however because of no guidance or direction they developed their own mission statement. It appears that they have done a very complete job in attempting to protect their own bias interest.
5. Through public discussion, We were informed that you (Mr Vincient-Lang) have previously stated to the North Pacific Management Council that you have full confidence in the current sport catch data and the method it is obtained. If this statement remains true, then Sport Caught harvest data should equally apply by simple modification to current means of data collection.
6. In the mission statement, the task force stated that scheduled meetings throughout Alaska to solicit public comment would be done. However the only meeting solicited in the Prince William Sound was by a letter that was mailed from Anchorage on 21 Nov 95, this letter was received on short notice indicating a mid-week teleconference on 6 Dec 95. It was also only received by a few. Not all concerned parties received this letter.

COMMENTS FROM THE PUBLIC:

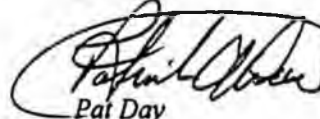
- A: The Charter operators already are required to register with the State of Alaska. The Fisheries Entry Commission (Rate also increased this year.) requires all vessels to register annually. State Business Licenses indicate SIC codes that reflect business activity. Why is the State trying to develop another license system, when the tools for information gathering are already in place?
- B. It looks like just another scheme to rake revenue from the small businesses, without any realized gain to the industry.
- C. Why does the Task force feel compelled to provide common requirements to promote public safety as it relates only to the sport fisherman, When thousands of people annually get on boats to watch falling ice at no concern of the State as to any safety requirements?

D. The requirements for passenger vessel operations on any navigatable waters in the State of Alaska is already covered under the legal jurisdiction of the United States Coast Guard. As the Task force has stated, these requirements are very restrictive. The State of Alaska does not need to allow another layer of licensing on those that are being heavily burdened by these federal requirements already in place.

E. Other major commercial sport fish impact users that are not identified by this proposal that impact the recreational fishery heavily are the Air Taxi operators, the Sport Fish Lodge owners and the growing mother boats in the South East portion of the State.

F. At this point in time it is obvious that a true State Fisheries Management Plan will not be prepared in time for the upcoming NPFMC meeting because of time lost on this poorly authored proposal. I guess the Halibut Charter industry will have to accept what the Feds hand them. Its unfortuniate that those on the task force may have to except their due, when the opportunity was truely provided to resolve a major issue that could have been in the interest of all sport fisherman.

Sincerely

A handwritten signature in cursive script, appearing to read "Pat Day".

Pat Day
Chairman
Valdez F&G Adv.

cc: Mr Larry J. Engel / Chair AK BOF
Mr Laird A. Jones / Ex Dir. BOF

COPPER VALLEY FISH GUIDES

AT GULKANA RIVER RANCH

To: Alaska Guide Charter Task Force
From: Copper Valley Fish Guides
Date: 12/6/95

P.O. BOX 288
GAKONA, ALASKA 99588
PH /FAX 907-822-3131

Please respond to the questions below in writing, via the mail. Or, if the answer is available at the time of teleconference, may be it will be included in the transcripts or tape of the teleconference? We are not able to attend the teleconference today but are very interested in the discussion that is to take place. I spoke with Patsy Hill at the Glennallen LIO and she said that we may be able to obtain a copy of the tape or transcripts of the hearing?

Q) How will operations that provide fishing activities incidental to a float or recreational or sightseeing trip be treated?

Q) How will regulatory agencies discern the difference between those who are fishing incidental to their river/lake/ocean adventure and those who have been sold a trip that includes fishing as a primary activity?

I have two reasons for asking this question.

1. In addition to our guided fishing trips, we provide outdoor adventures that include river floats and backpack trips where fishing is indeed incidental to the overall purpose of the trip. The client may bring his own gear, or we may provide it. Another example of this kind of situation is where you charter a sailboat in Prince William Sound but bring your pole and when you are anchored off in the evening you fish.

2. This is an area easily abused. There are those who's advertising indicates that they are primarily recreational guides but who also provide fishing guide services. They do sell trips where fishing is the primary reason for the purchase of the trip by the client. During the "season" their guides can be seen guiding clients in the act of fishing. They may use the same employees for guided fishing as they do for trips that are primarily non-consumptive. Some of these people have not registered with ADF&G as fish guides and don't intend to. If asked about their activities they will tell you that they are not fish guides therefore they can avoid all of the insurance and registration requirements that go with fish guiding.

12/3/95

Day

Mr. Doug Vincent-Lang,
To Sunday's paper the article about New
Charter Boat Regulations and inviting comment led
to this letter:

I'm a 55 year old man who recently lost his
job because I have a disabiled left knee which
is getting worse.

Just about the only job that I find "job

Service" could come up with is Charter skipper
either on my boat or on anothers, possibly
running a Mini cruise ship.

Now according to the ~~times~~ newspaper another
bunch of people who want to control others lives +
live/hired are going to make it impossible for the
Non-rich small operator to make a living.

I know that I'm not alone in my dismny +

anymore that some petty ~~business~~ politicians are trying
to get more money + clout on more restrictions on

The small boat operator in S.E. Alaska.

You keep this up and people on Unemployment +
Medicare are going to increase. You're going to regulate
people right out of business.

Doug Vincent-Lang
5/1 Kubapack, Nuwom Harbor



PUFFIN CHARTERS, INC.

Fishing · Sightseeing · Cruising
the
Waters of Southeast Alaska

Cheatham

December 5, 1995

Dear Representative Austerman:

We have a copy of the task force recommendations relating to the Alaskan guide/charter industry and appreciate the opportunity to offer our comments and concerns.

General: We are concerned that two additional licenses are proposed that would add to the five other licenses and registrations that are presently required. We believe that sufficient information presently exists in State files and computer programs to identify participants in the industry-- checking and enforcing the present regulations would go a long way toward solving the problem. To our knowledge no one has been checked to insure that they have all the required licenses.

We believe that brokers should not be licensed as operators. They have little, if any responsibility regarding clients and could easily gain control over a significant number of guides as a result of being licensed.

We also strongly suggest that the owners of facilities and boats carry required liability insurance, not the operators. In addition we believe that the recommended \$500,000 - \$1,000,000 policy is too high and should be reduced. The cost of such a policy along with the many license fees is reaching the point of forcing the small operator out of business.

Fees: We do not believe that fees (\$50-\$75) are appropriate for either the operators license or (\$25-\$75) for the sport fish guiding license, particularly in view of the 150% increase in the 1996 business license fee.

Operator License: We are concerned that reporting requirements are open ended--What will they be?

We question why an operator must, in addition to obtaining a license from the State turn around and register with the State. What is the license for and isn't that of record?

Sport Fishing Guide License: While many people who obtain guide licenses will be operating boats and need to have appropriate U.S. Coast Guard vessel operator licenses, we believe there are those guides that will guide without boats and not need vessel operator licenses. This situation should be recognized.

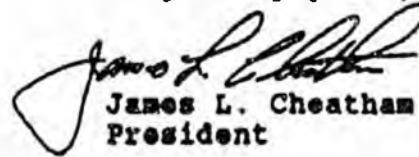
We also suggest provision be made for sport fish guides who are
4418 Mint Way • Juneau, Alaska 99801 • Phone: (907) 789-0001

not employed by, but work under the authority of a licensed sport fishing services operator.

Again, we urge that present laws and regulation be enforced along with current State information and data to remove the need for more and more layers of regulations, permits and costs.

We appreciate the opportunity to comment and we look forward to the final action on the proposals.

Very truly yours,



James L. Cheatham
President

Pelican Charters
P.O. Box 211372
Auke Bay, Alaska 99821

Norm and Linda Carson

✓ (A)
Carson

November 26, 1995

Doug Vincent-Lang
Alaska Department of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, Alaska 99518

Dear Mr. Vincent-Lang:

I am grateful for the opportunity to address the proposals put forth by the Alaska Sport Fishing Guide/Charter/Outfitter Task Force. I was not aware of the existence of said Task Force or these proposals until receiving a November mailer.

My experience in the fisheries arena is:

Nine years - salmon power troller
Eleven years - halibut longline
Two years - crewman, black cod longlining
Four years - owner/operator of Pelican Charters

In addition to commercial fisheries activity, I have sports fished and hunted in the Pelican vicinity for thirty years.

I am adamantly opposed to the Task Force proposal requiring proof of insurance in order to obtain a sports services operator's license. My objections to this proposal are:

1. There is NO established need. I am not aware of any statistics demonstrating guided sports fishing to be unsafe in Alaska. Based upon my experience, the preponderance of accidents occur in the non-guided activities.

(907) 780-6310 Juneau
(907) 780-4122 Fax

(907) 735-2460 Pelican



2. Operator and client safety are best served through:

- stringent entrance exams for guides
- high training and experience requirements for guides
- required safety inspections of all vessels chartered or rented
- required safety briefing forms for all clients with their signatures
- enforcement of licensing requirements

3. Insurance requirements will result in higher rates. With a captive audience, the insurance companies will jack up the rates.

- if you make a claim, they will try to find a technicality to avoid payment
- if you make a claim, they will raise your rates no matter what the circumstances

4. Mandatory insurance is economic limited entry. The expensive rates of insurance will force small operators out of business or underground and then without any safety or training requirements.

5. Before any mandatory insurance requirements are initiated, the insurance corporations should justify their high rates for Alaskan operators.

- are we being charged on the track record of the commercial fleet?
- What is the rate for a commercial charter operation on the Oregon Coast?
They have much worse entrances to the ocean and more accidents.

The other proposal I object to is the license fee. The Task Force recommends the licenses for either an operator or a guide cost no more than \$75. There is a very slight distinction between resident and non-resident. My objections to the fee schedule are:

1. Our resources are valuable and cost plenty to replenish. Commercial salmon fishermen tax themselves 3% for salmon enhancement projects. Resident operators and/or guides could surely pay \$250 to help offset enhancement and enforcement costs.

2. Resident operators and guides need some protection from the proliferation of non-resident operator/guides. Most of these non-residents are big operators and are making a profit off Alaskan resources. Charge them accordingly. A \$1,000 non-resident license would not be too much to ask.

In conclusion, I urge the committee to reject mandatory insurance. Increase the license fees to cover the cost of enforcing operator and vessel standards but keep us out of the hands of the insurance companies. If the legislature is willing to allow licensed gun toting citizens to be uninsured, they certainly should not consider charter operators to be a greater public hazard.

Thank you for considering these remarks.

Sincerely,

Norm Carson

Norm Carson

(A)

Kaleidoscope Cruises
 P.O. Box 1201
 Petersburg, AK 99833
 November 30, 1995

Bracker

Alaska Guide/Charter Task Force
 C/O Doug Vincent-Lang
 ADF&G
 333 Raspberry Rd.
 Anchorage, AK 99518

Thank you for sending the informational packet with the recommendations of the Alaska Guide/Charter Task Force. I agree that the industry needs to be better identified and regulated, but the proposed two-tier licensing system goes way beyond what is necessary to identify and regulate the industry.

A simple registration program, such as currently required for charter vessels and fresh water guides in Southeast Alaska, modified and required state wide would meet all of the objectives your licensing proposal. The registration form could have separate sections for operators and guides on the same form. A companion set of regulations may have to be drafted to list the requirements for each category. The burden of compliance could be put on the operator/guide by requiring us to acknowledge that we have met all the legal requirements in each category before signing the registration form.

I can see several major advantages to state-wide registration in lieu of licensing:

First, it would keep the program simple and entirely within the managing agency. ADF&G would have full control of the program and would have complete and immediate access to all of the registration information.

Second, requiring two more licenses is unduly burdensome and unnecessary, particularly since all of the objectives of the proposed program(s) can be achieved through a much simpler in-house registration requirement. I am currently required to hold eight separate licenses and permits for my marine charter operation. I have a Coast Guard Master's license, an Alaska Business License, an FCC Radio License, an ADF&G Vessel license, an IPHC Sport Charter License, and an ADF&G Sport Fish License. Charter Vessel Registration is already required for our area and we need a Forest Service special use permit to take clients ashore.

Third, it would be much more fair and equitable than the proposed program. I object to the concept of a small single-person operation being required to pay for two licenses when much larger operators such as the lodge owners and fleet managers will only need one. This places a disproportionately greater financial burden on small operators analogous to requiring a working hand troller to pay more for licenses than the owner of a factory trawler.

Post-It™ brand fax transmittal memo 7871		# of pages > 2
To <i>Doug Vincent-Lang</i>	From <i>B. Bracker</i>	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

Vincent-Lang

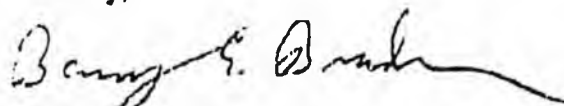
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November 30, 1995

In conclusion, I would like to reiterate that the objectives of your mission statement can be obtained in a much simpler and more equitable manner than the proposed two-tier licensing program. I would not object to paying a nominal fee to help defray costs of the a registration program, but object strongly to obtaining two additional licenses for so little apparent gain. Please give a state-wide ADF&G outfitter/guide registration program serious consideration before burdening our industry with so much additional and unnecessary bureaucracy and expense.

Thank you.

Sincerely,



Barry E. Bracken,
Captain, M/V ISLAND DREAM
(907) 772-3726



Greg Boyd
Registered Guide

13 December 1995

Mr. Doug Vincent-Lang
Alaska Dept. of Fish & Game
Division of Sport Fish

REF.: Alaska Guide/Charter Task Force Licensing Proposal

First, let me say that I am a registered guide with a BS in Wildlife Management, a LTC with 23 years of Army Aviation background and leadership, a commercial Rotary wing pilot and I own RAM-RIVER OUTFITTERS which has guided salmon fishing since 1982 in the Copper River and Alaska Peninsula. So I've paid my dues for my country and am an experienced Alaskan guide.

I see a lot of similarity between professional hunting regulations and the sport fish proposals. We haven't done so well with our hunting since the Oscheck decision but I'm confident that we are on the right path.

COMMENT #1: What are we to become without rules, ethics, guidelines - something to regulate our industry?

Without fairness, people fail! Americans love competition, but they also love to cheat! Rules are made to be dodged/overcome.

Do not ask me to be a part of an organization - profession that we do not regulate. It will only penalize those of us trying to abide by ethical standards.

COMMENT #2: What message are we sending to the world's tourists wanting to visit and fish?

We need Alaska tourism input/involvement to keep a positive professional image. I do not want anything to dampen our image, like the wolf issues, last year and today.

Whatever we decide as a state should be clearly enforceable and communicated early ... no surprises/changes for people after they arrive.

COMMENT #3: The task force has proposed that a guide carry his CPR card. 1st Aid. Guide Reg form, Drivers license - and on, and on, and on -

We need one small stamped plastic covered card that ensures that we have met all the appropriate criteria before we go fishing. We have to keep our lives simple.

COMMENT #4: Insurance minimums should be based on the decisions between the operator and his insurance company.

COMMENT #5: The sport fishing Task Force has required that guides be at least 18 years of age. I have employed seven different young men who have learned to raft and fish clients for King Salmon since 1982. These teenagers have been a great help to my operation. I think a guide/operator should be able to have assistants (say 3) work for him. These assistants would have to be in the direct supervision of the guide. In the sport fishing operation we run, these assistants usually handled rafts with equipment, gear, food and beverages. Sometimes additional clients were taken down river when our groups exceeded our rafts normal capacity. I have limited access and cannot use larger heavier rafts that are too heavy to carry down to the river.

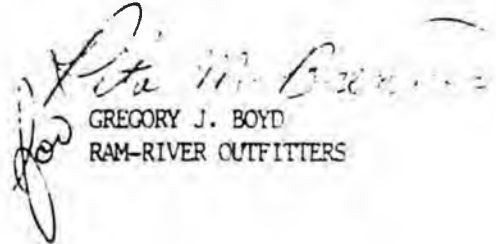
COMMENT #6: We are opening a can of worms anytime we try to regulate an industry as complex and diverse as our state. I believe that it is important to have broad guidelines, but each unique area should be managed separately. The Kenai River operations and salt water charter boats and sports fishing lodges and simple raft trips have common ethics about honesty, fairness, safety, accommodations, etc. But, these operations should not have to meet the same Coast Guard standards (fresh vs. salt), the same FAA standards, i.e., Part 135 and so on. ;

Accidents/lawsuits cost money - if a operator can not get insurance or due to accidents his policy is too expensive that will regulate his business.

Perhaps we need local boards for **each geographic area** that complaints can be arbitrated by. Guides/Operators would have a mandatory 6 month or 1 year requirement to be on the local board. This would eliminate all non-residents I bet.

This board must have the power to suspend a violators license or at least suggest that our legal system take the appropriate action. We believe in the jury system in this country and that separates us from the rest of the world. If a operator has three or more violations in the same year then he might lose his license for three years as an example.

I am not a lawyer and do not mean to suggest our state AG's business. But, in closing let me say that I do know the difference between right and wrong. If we don't have any regulations to follow let me say again that it's wrong to expect operators to purchase a license to operate within this state.


GREGORY J. BOYD
RAM-RIVER OUTFITTERS

Alaska Guide/Charter Task Force
Mr. Doug Vincent-Lange
Alaska Department of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, Alaska 99518

December 6, 1995

Helmerick ✓

Dear Mr. Vincent-Lange:

There have been several draft legislative bills kicking around the Legislature over the past several years, all with the intent to somehow regulate or limit the growth of the guided sport fish industry. Whenever we (the sport fish industry) get wind of one of these bills, we circle the boats and cry foul! We insisted on having input. We hollered that nobody knew our business better than ourselves and legislation to regulate us, generally written by a commercial fisherman was ludicrous. Well, we now have input and we've pretty much ran out of excuses. The Task Force for the most part is made up of sport fish industry representatives.

Where all this licensing is leading to is, somewhere down the road, the State will have a pretty good handle on who is doing what and where and how much. A truer picture of the value of the sport fish industry to the economic contribution to communities and the State and of the impacts to the fish resources will emerge. A truer picture will in turn influence resource allocation issues between user groups and aid in determining whether or not certain factions of the sport fishing industry should be limited.

I agree with and support wholeheartedly the task force recommendations with the exception that the Sport Fishing Guiding License be administrated under the Department of Commerce. However, I don't think that it went far enough and before it is enacted into law I would like to see a section on unlawful acts (that would include penalties for operating without the appropriate licenses), professional conduct and ethics.

I am specifically unyielding in my support that Sport Fish Operator/Guide Licensing fall under the Department Commerce and Economic Development, Division of Occupational Licensing and not the Department of Fish and Game.

It is important to understand the complexity of the sport fish guide/charter industry. Charter boats run in size from 12 foot skiffs to 100 foot plus "mother ships"; they can be out for a few hours or weeks. A sportsman's lodge is anything from a shack on the beach to multi-million dollar estates; they are land based or floating. Guides may be salt water or fresh water; they may or may not use a boat or skiff. Then, throw in regional differences, such as Southeast, Prince William Sound, Cook Inlet, Kodiak, Bristol Bay, etc. For instance in Southeast there is a 6 rod restriction. No sport fish boat can fish more than 6 rods, not so in the rest of the State.

12/06/95

Given the scope and complexity of the industry, I have serious reservations that the Department of Fish and Game has the wherewithal to indentify and/or regulate the entire sport fish industry.

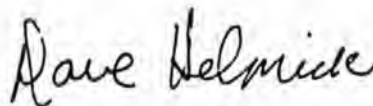
In the past, ADF&G in Southeast has required registration of charter boats and freshwater sport fishing guides. There is no fee structure, no accounting for lodges, mother ships, etc., and no penalties for not registering. Anybody and everybody whether they actually had a sport fish charter business or not registered primarily for two reasons, (1) trollers so that they could sport fish from their trollers, (some are legitimate dual purpose boats troll/charter), and (2) to get in on a perceived limited entry program. The result of this simple registration is that ADF&G presents bogus graphs that show the charter boat industry in Southeast growing unchecked by leaps and bounds.

I have a sport fish business and I am required to get a Business License through the Commerce and Economic Development. It is only reasonable that the Sport Fish Operator/Guide license be tiered under this department, the same as Marine Pilots, Big Game Commercial Services, etc.

I'm also supportive of the two tier licensing system. It is important that licensing include all operators in the sport fish industry. I am particularly encouraged that this system was arrived at with several lodge owners on the Task Force.

One recommendation I'd like to offer is, if a Sport Fish Operator license is adopted, then the requirement that charter boats be registered with the Commercial Fisheries Commission be eliminated. This is an requirement in Southeast and hasn't been required in the rest of the State. In lieu of the foot-high commercial fishing numbers being plastered on the sides of charter boats, perhaps a simple decal would suffice, if identification is necessary at all.

Sincerly,
Dave Helmick
LeConte Outfitters
P.O. Box 913
Petersburg, Alaska 99833



Howell 2

Shapleigh W. and Sandra B. Howell
Post Office Box Eight Six One
Bethel, Alaska 99559
(907) 543-4269

December 21, 1995

Mr. Doug Vincent-Lang
Alaska Department of Fish and Game
Division of Sportfish
333 Raspberry Road
Anchorage, AK. 99518

Dear Mr. Vincent-Lang:

Regarding our telephone conversation of December 6th, I am writing to voice my opposition to the imposition of further regulations and licensing of the sport charter industry.

With the exception of some guides who work on non-navigable fresh water, this industry is already over-regulated and licensed by one or another federal and/or state agency or bureaucracy...for example, the Coast Guard, the International Halibut Commission, the Alaska Department of Fish and Game, the United States Forest Service, the Commercial Fisheries Entry Commission and the Alaska Department of Revenue.

The "Task Force" recommends that fees be only high enough to cover the cost of administering the licensing program...additional regulations and licenses purely for their own sake? Sure sounds like it.

As we all know, a couple of years ago a bill to limit entry into the charter business was introduced in the state legislature. It was not successful. I believe it would be naive to suppose that those in a situation to benefit by such regulations have given up all plans to limit competition.

Taking a look at the "issues for consideration and review," I perceive that the small operator, which most of us are, has a double burden. More cost, wasted time, and nuisance (required to carry on person at least five documents).

The statement, "There is no doubt that the actual operators are indeed the industry..." no doubt is quite satisfactory to the large resorts, but I am not certain it is either true or relevant. Upon reading this I mentally noted the individuals I personally know in Wrangell who are chartering. Eight persons immediately came to mind. Most are commercial fishermen who are trying to keep afloat financially by chartering in season. Not one of these persons hires a charter skipper.

Page 2

Sport Charter Regulations

I would have thought that these "Mom and Pop" operator/guides are certainly something. Maybe not "THE INDUSTRY," but as much as is Waterfall Resort for instance.

I think the ramifications of these kinds of regulating policies are very significant culturally. In my youth I watched the family farm of 200-300 acres gradually forced out of business, bought up, and consolidated into ever larger holdings owned by large corporations or banks. We have just seen a similar consolidation of financial advantage in the longline fishery. Many of the owners and employees at the resorts don't really live in Alaska, but work here about three months and then go south for the winter. We - you - should bend every effort to make this charter business as friendly as possible for the Alaskan family. Don't create a situation where the Mom and Pop charter business must hire a full-time employee just to keep abreast of the paper work and licensing certification. We are almost there already. A large resort can afford to hire such a person - we cannot.

What you need to do is learn a lesson from the former Soviet Union and leave the industry alone. Find non-intrusive ways to protect the resources and let the free market take care of itself.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shapleigh W. Howell". The signature is written in dark ink and is positioned above the printed name.

Shapleigh W. Howell

SWH:sbh



Krize V

ALASKA RIVER CHARTERS

P.O. Box 81516 Fairbanks, Alaska 99708 PH (907) 455-4827 FAX (907) 455-4041
Owner/ Operator Robert L. (Bob) Krize

Wednesday, December 6, 1995

MR. DOUG VINCENT-LANG
Alaska Dept. of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anch. AK. 99518

Dr. Mr. Lang:

Today I was present at the Fairbanks L.I.O. Office for the public meeting on the proposal for the Alaska fishing guide outfitter industry. I testified and you asked all participants to send their comments to you.

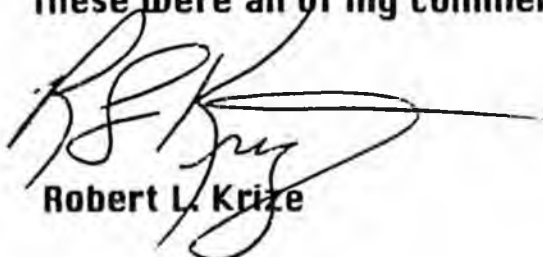
1) I am against any licensing requirements for fishing guides. I believe over regulation is counter productive to my business and other businesses like mine in interior and far north Alaska.

2) I am against a two tier license system. I currently hold a State of Alaska Business License, a State of Alaska Commercial Fisheries entry license, U.S. Coast Guard O.U.P.U. Inland Waterways license, a State of Alaska Sport Fishing and Hunting License, a State of Alaska assistant guides license and a Private Pilots license. Now the State wants to add two more licenses to my collection. That's four licenses that allow me to do the same thing. If it comes down to it I would accept a one license (Fishing Guide) license. I would like to see the commercial entry license dropped.

3) I concur with your license fees but do not want them increased in the future.

4) I question the ability of the State to enforce these requirements.

These were all of my comments. Thank you.



Robert L. Krize

Letarte

(A)

*** WILDERNESS ENTERPRISES ***

JOE & VICKI LETARTE
P.O. BOX 75074 * FAIRBANKS, ALASKA * 99707
* (907) 488-7517 *



DECEMBER 2, 1995

MR. D. V. LANG
ALASKA DEPARTMENT OF FISH & GAME
DIVISION OF SPORT FISH
333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518

DEAR MR. LANG:

WE HAVE REVIEWED THE SPORT FISHING GUIDE LICENSE PROPOSAL AND FIND IT NOT ONLY DISCRIMINATORY, BUT A CONTRADICTION TO ITSELF. FIRST, HOW CAN THE STATE OF ALASKA ISSUE A LICENSE TO BIG GAME GUIDES AND SPORT FISHING GUIDES WITHOUT HAVING THE SAME CRITERIA ? WHY SHOULD SPORT FISH GUIDES ONLY PAY THE ADMINISTRATIVE COSTS OF THE LICENSE WHILE BIG GAME GUIDES PAY NOT ONLY A LICENSE FEE, BUT A COMMERCIAL USE PERMIT AND AREA FEES!

IT SEEMS AS THOUGH YOU ARE BENT ON ISSUING A LICENSE WITHOUT ANY SUBSTANCE TO IT. YOU HAVE NOT CLEARLY IDENTIFIED WHY THIS IS EVEN NEEDED. HARVEST IS NOT AN ISSUE, AS NO HARVEST DATA IS CURRENTLY REQUIRED, AND IF IT WOULD BE REQUIRED IN THE PUTURE, ALL ANGLERS (NOT JUST GUIDED ONES) SHOULD BE REQUIRED TO REPORT HARVEST. IF YOU ARE NOT GOING TO DEAL WITH PROFESSIONALISM, ETHICS AND COMPETENCY AS WELL AS PUBLIC SAFIEY, WHY DO IT AT ALL? A SPORT FISH GUIDE AND A BIG GAME GUIDE SHOULD AND MUST HAVE THE SAME REQUIREMENTS TO OBTAIN AND HOLD A LICENSE AND PAY THE SAME FEES, OR YOU HAVE DISCRIMINATED AGAINST ONE GROUP AS WELL AS DENIED EQUAL PROTECTION UNDER THE LAW TO SOME.

THE PROOF OF INSURANCE REQUIREMENT SHOULD ALSO BE STANDARD AND AMOUNTS OF INSURANCE THE SAME. PAST VIOLATIONS OF ANY HUNTING, SPORT FISHING, TRAPPING, OR REGULATORY LAW IN THIS STATE (OR ANY OTHER STATE) SHOULD BE REASON ENOUGH NOT TO GRANT A SPORT FISH OPERATOR OR GUIDE A LICENSE. IF A SPORT FISH GUIDE CAN GET A LICENSE THROUGH A VENDOR FOR \$25.00, SO SHOULD A HUNTING GUIDE BE ABLE TO OBTAIN A LICENSE IN THIS MANNER.

* WILDERNESS ENTERPRISES *

JOB & VICKI LETARTE .
P.O. BOX 75074 * FAIRBANKS, ALASKA * 99707
* (907) 488-7517 *



- 2 -

OUR RECOMMENDATION TO THE DEPARTMENT IS TO SCRAP THE WHOLE IDEA! THERE IS NO DEFINED NEED FOR IT FROM AN ADMINISTRATIVE PERSPECTIVE OR A NEED FOR IT FROM A RESOURCES PERSPECTIVE. THIS WHOLE SYSTEM WILL BE CHALLENGED LEGALLY AND NO ONE WILL BENEFIT. WHAT IS THE HIDDEN AGENDA ? WHY IS THE VOLUNTARY REGISTRATION SYSTEM NOT ENOUGH ? WHY WERE WE TOLD LAST YEAR THAT THE REGISTRATION SYSTEM WOULD NOT LEAD TO LICENSING, WHEN IN FACT THAT WAS THE PLAN ? DO YOU ACTUALLY BELIEVE THAT TESTING, REVIEW BOARDS AND PRIOR EXPERIENCE WOULD NOT WEED OUT UNPROFESSIONAL, UNETHICAL OR INCOMPETENT OR UNSAFE OPERATORS?!

YOURS TRULY,

JOSEPH M. LETARTE

CC: GOVERNOR KNOWLES
DEPARTMENT OF FISH & GAME
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPEMENT

Lundance ✓

Dec 7, 1995

Mr. Doug Vincent - Lang
Alaska Dept. of Fish & Game
Div. of Sport Fish
333 Raspberry Road
Anchorage, Alaska 99518

Dear Sir:

Regarding the proposed ALASKA GUIDE/CHARTERER TASK FORCE, I have the following comments:

1. For my son & I (BOTH USCG 100T licensed) we have no problem with the state requiring a Operator/Guide license for a minimal fee.
2. Because we are a small family run business, we strongly object the state position dictating the types & amounts of insurance. This expense is none of your business. We will not be forced to work as a guide for any of the larger competing businesses; as we cannot afford the \$9-12,000 per year for this type of insurance coverage.
3. In the Ketchikan area limiting the number of charter operators is past due, but to place further high cost burdens will only harm the economic viability of the larger operators.

4. We appreciate the State RECOMMENDING OR ADVISING how to provide a good charter, but this DICTATORSHIP approach on how we set up our business finances is outside of the Constitution, it's none of your damn business.

Thank you for your consideration of these matters.

Sincerely,

Ronald Lundemo

SILVERTIP FISHING SERVICE

657 North Point Higgins Road

Keetchikan, AK. 99501

(907) 247-8375



Wanderin' Star Charters, Inc.



CAPT. GARY L. McCOY

(A)

11/25/95

Mr. Doug Vincent-Lang
Alaska Dept. of Fish and Game
Div. of Sport Fish
333 Raspberry Road
Anchorage, Ak 99518

Dear Mr. Lang:

Today, I received the proposal for statewide licensing. I have several questions and concerns.

First, what is the need and reason for more licenses for charter operators? It already takes a small brief case to carry around all the paper work currently required. I see no benefit at all to my operation from buying two additional paper work licenses. If you are going to require more paper work, give the operator something more for his money other than more papers to carry around that are seldom, if ever, checked.

Second, who defines a "guide and outfitter general liability policy"? I currently have a yacht policy with Insurance Company of North America that states "loss of life, personal injury and property aggregate, limit of liability \$1,000,000". This does not meet the exact wording of what you propose to require. Anytime I have ever gotten involved in someone else dictating my insurance coverage, it has resulted in undue delays, questions and increased premiums. I do not really need an agency telling me what insurance I need. Especially since most state agencies are not familiar with the problems of obtaining insurance, the cost, and the different wording and coverage each company uses.

← Good Point

Third, the timing of your proposal will make it impossible to comply with all the requirements for the 1996 season. You gave the operators only 11 days to respond to the proposal. As I read the schedule, the Committee meeting is 12/6/1995. Then you mention that recommendations will not be considered for possible regulatory and statutory action until the end of January, 1996. Assuming that all goes well, it will be late spring before all the regs and requirements are made

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available to the charter industry. Then, it will be another rush to try and meet all the requirements and get all the paper work taken care to the satisfaction of the State while trying to attend shows and book trips. Your schedule simply does not allow the charter industry sufficient time to meet all the requirements for 1996.

We have lived without additional paper work licenses for many years. One more year will not hurt, if we really need more paper work at all.

In short, I see no return for the \$125-150 fee you are proposing and there is no way you can implement the proposal for 1996 and give the charter industry sufficient time to meet the requirements.

gy McLean
President

Alaska Salmon Guaranteed Charters.

Because you have a choice,
we must be the better choice.

Captain Mike Millar
4510 Prospect Way
Juneau, AK 99801
(907) 789-9345

November 29, 1995

Mr. Doug Vincent-Lang
Alaska Department of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, AK 99518

✓ (A)
Millar
Read This!!!

Dear Mr. Vincent-Lang:

I have owned and operated a saltwater sport fishing charter business out of Juneau for the past ten years. I read with interest the statewide licensing proposal for fish guides which was recently mailed to me. Blatantly absent from this proposal is a purpose and need statement.

From all appearances, the fish guide license is a revenue-generating measure which will further complicate an already overwhelming bureaucracy. It is stated that the proposed license fees will pay for the administration of the program. If the tax force believes that, they are living on another planet. Conversely, if license fees necessary to enforce the program are enacted, we will all be out of business. If you want something like this to work and the industry to support it, eliminate some of the existing red tape, don't compound it!

The Federal law is clear on licensing of vessel operators who are for hire and engaged in commerce. These laws apply from a skiff operator with one passenger to the largest cruise ship. I do not know what the situation is with freshwater fish guides and I suspect many operate in violation of regulation by carrying passengers for hire without proper licensing. However, I can tell you this proposal is completely unnecessary for legitimate saltwater charter boat operators.

By State and Federal regulations I am already required to have the following in order to conduct my business:

1. Coast Guard license to operate a passenger-carrying vessel,
2. Vessel license from the Alaska Commercial Fisheries Entry Commission,
3. Registration with the Alaska Department of Fish and Game.
4. State of Alaska Business license,
5. International Pacific Halibut Commission license,
6. Alaska Transporter license,
7. Current CPR certification,
8. Current First Aid certification,
9. Radio station license, and
10. Radar license.

What can this proposal add to the above list that could possibly be of any benefit to the bureaucracy or to the public?

Alaska Salmon Guaranteed Charters.

Because you have a choice,
we must be the better choice.

Captain Mike Millar
4510 Prospect Way
Juneau, AK 99801
(907) 789-9345

Mr. Doug Vincent-Lang
November 29, 1995
Page 2

The Department of Fish and Game already has a creel census program which, I am assured, is the greatest thing since sliced bread. Therefore, a reporting requirement for guided fish catch is a duplication of effort and statistically unreliable. If the creel census program and the king salmon stamp that supports it were to be eliminated, I would happily keep a catch log.

The task force is proposing mandatory insurance for fish guides. Our Attorney General has ruled that big game guides cannot be required by regulation to carry insurance. How is it that this task force can propose mandatory insurance and set the limit of that insurance?

The State of Alaska should require compliance with existing Coast Guard regulation as far as licensing of boat operators/fish guides is concerned; and they should enforce it. Don't create a new bureaucracy. Everything the State needs is in place - use it!

Sincerely,



Mike Millar
Salmon Guaranteed Charters

cc: The Honorable Tony Knowles, Governor
The Honorable Frank Rue, Commissioner of Fish and Game

Miller ✓

Talaheim Lodge

An Alaskan Adventure

December 7, 1995

Doug Vicent-Lang
Dept. of Fish and Game
Div. of Sport Fish
333 Raspberry Road,
Anchorage, AK 99518

Dear Mr. Lang,

I talked at the meeting on the 6th but would like to get something down on writing that I wish came across better in my testimony.

First of all make this thing real simple. Most of all don't forget the "real" Alaskans who use fish guiding as a supplement to their income. These people are hardly ever heard. They live in the bush and take a few anglers out, usually by boat. People enjoy the authenticity of these Alaskans who are both native and white. These folks cannot afford to fly into Anchorage every season to take a CPR and First aid class or for sure they cannot afford insurance. People who go fishing with these folks know this, but they choose to go with these people for the simple fact that they are buying a piece of Alaska that they can't find at Tikchik Narrows or Water Fall Resort. Somebody that books a trip with a crook hasn't done their homework and that crook will soon be out of business as word gets around. That is the law of a capitalistic economy.

Are all these stipulations necessary? Has there been lots of people hurt by crooked fishing guides with no insurance? I don't believe so. Insurance is not the answer to responsibility...believe me. I take just two fishermen per week and a couple hunters every two weeks during season. I cannot afford most insurance packages and operate on a small personal scale. Insurance and suit awards have sky rocketed. I have flown and guided in this state for 25 years...without a accident or incident. I would call that responsible. Some so called responsible outfits in this state are killing people, but they have insurance to cover their faults. If I make a mistake, I probably will pay for it by going out of business. That is why I do all the flying and I'm real careful.

Because of the scope of diversity in the fish guiding business...from fleets of large ocean going vessels, to several Beaver equipped lodges, to a one skiff operator from his cabin in the woods; I propose the following on the insurance issue....

Every "fish guide" must show proof of insurance at license issuance time (limit to be determined by operator) or a license will be issued with the clause written on it that says ...no insurance. This could be explained in the fishing regulations. The state could get word out that many smaller operators might not be covered, so if insurance is important, check with the operator.

Most of my clients are very wealthy. They know that they must be covered before coming on my trip. They personally know that I cannot take just two people per week and cover all aspects of my business with insurance. No problem, they are assuming some of the responsibilities themselves. Do you think that a out of state fisherman goes with a one man/cabin dwelling Alaskan because of the half million in insurance he carries?

Go easy on restrictions. You might want to only define fishing guide. Good luck and give me a call if you want any more suggestions or help. I think you could use a few small operators from the interior on your panel.

Sincerely,


Mark Miller

Mark Miller, Registered Guide and Outfitter

P.O.Box 190043, Anchorage, Alaska 99519-0043 USA Tele. # (907) 248-6205 Fax (907) 243-6670

Mitchell ✓

**AURORA CHARTERS
P.O. BOX 2142
VALDEZ, AK 99686**

November 29, 1995

Mr. Doug Vincent-Lang
Alaska Dept. of Fish & Game
Division of Sport Fish
333 Raspberry Rd.
Anchorage, AK 99518

Dear Mr. Vincent-Lang:

I am writing in response to the Statewide Licensing Proposal set forth by the Alaska Sport Fishing Guide Task Force. I am not sure if I will be able to attend the teleconference and I wanted to make sure that my views were considered along with everyone else's. I realize that more data is needed on how many people are actually in the sport fishing guide business. However, I feel that this proposal is unnecessary. I don't think we need two more levels of bureaucracy (each with a price tag) in order to get this information. I think that the existing Sport Fish Guide Registration is enough. There may need to be some teeth put in the law to make sure that everyone is filing this form, but it should do the job by itself.

There are also a couple of points that didn't make much sense to me.

1. Why should we carry \$500,000.00 in insurance for each occurrence when \$300,000.00 seems to be the industry standard today?
2. I think that 16 years of age is plenty old enough to guide sport fishermen. After all, we're not talking about firearms here, only sharp hooks! If his or her parent or employer thinks they have enough experience to be left alone to guide these people, so be it!
3. I understand that there is a little known or enforced law that requires all persons in the State of Alaska to carry picture ID at all times. Maybe you did need to incorporate this into the licensing proposal, but I see no justifiable reason to require a person to carry their CPR/First Aid card on their person while in the field. Even the Coast Guard only requires that you have a current certification and be able to show proof on request. The same goes for the Guide Registration form. This form would be destroyed inside a week if river guides carried this on their person. If this is truly to be a statewide plan, you have to consider the guides that are simply walking river banks or lakeshores while guiding.

consider the guides that are simply walking river banks or lakeshores while guiding.
4. I don't think that air services should be let "off the hook" so to speak, just because they rented the equipment to people before they got in the plane. After all, they are taking paying customers to a place that they know to have fish, so they are in effect still guiding them to the fish.

As a salt water sport fishing charter owner / operator I feel that I have more than enough hoops to jump through now in order to go fishing. It would be nice if fresh water charter companies had to register with the Commercial Fisheries Entry Commission in order to operate their businesses just as we have to do. That would give the State one more way to check up on all of us. **Let's not lay the fees and paperwork on us so heavily that it's no longer worth the effort to take someone's Grandmother out to catch a King salmon or halibut.**

Thank you for considering my opinions.

Sincerely,
Stacey Mitchell
Aurora Charters

ARCTIC GRAYLING GUIDE SERVICE

P.O. Box 83707
Fairbanks, Alaska 99708

✓
McKay

Attention: Doug Vincent-Lang

Alaska Department of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, Ak. 99518

(907) 267-2339

Mr. Lang,

Thank you for the opportunity to comment on the statewide licensing proposal, per your letter dated November 22, 1995.

As an introduction, I own and operate an interior Alaska based sport fishing guide service based in Fairbanks. We have been in business since 1983.

I have been following past proposals as they have been forwarded through the legislature and reached the hearing stage.

I was unable to attend the teleconference to testify on the Alaska Guide/ Charter Task Force proposal. My comments are as follows.

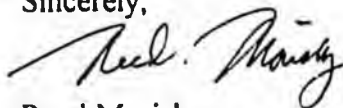
1. The insurance requirement of \$300,000/\$500,000 (occurrence/aggregate) seems quite high. I recently spoke with Bonnie McKay of Alaska Business Insurance in Anchorage (1-800-770-1825/ 694-6860) and was told that as far as she knew, all other state and federal land managers and agencies are only requiring \$300,000/\$500,000. Entities she referenced are: National Wildlife Refuges, BLM, Forest Service, Kenai River Guides and state of Alaska Big Game Guides.
2. Any licensing scheme must have a reasonable application processing time frame and an assurance of timely delivery of the actual guide license. I.E.: The state starts receiving application permits in September for the following year and takes no longer than six (6) weeks to process an application. This way a business has an assurance that all of their paperwork is in order for the following season.
3. This is a big one. TRANSPORTING. Which to me and several others is the same as outfitting. It is a word game but boils down to this: If the final form of this bill/ proposal does not include a provision to include people/businesses that provide transporting for fishing it will create an enforcement problem for the state, as well as creating an unfair playing field for competing businesses. The transporters will not be required to have insurance, CPR certificates etc...

I don't have a problem with businesses that want to do a drop off for camping or the Eco tour kind of trip. But if a business advertises "Fishing", "Fishing available" or similar wording, they must be brought into the same licensing group as you propose for the *Operators* and *Guides*.

4. The separate Operator and Guide licenses may be applicable to some businesses, but what if a business entity has a sole owner operator? Then could that person simply obtain an Operator license and be legal? Some summers I have employees and some I don't.

Thank you for the opportunity to comment on the Alaska Sport Fishing Guide/Charter/ Outfitter Proposal.

Sincerely,

A handwritten signature in cursive script that reads "Reed Morisky".

Reed Morisky
Owner/Guide

Dec 2, 95 (A)

ALASKA DEPT OF FISH & GAME.
333 Raspberry Rd
ANCH, AK 99518
ATTN: DOUG VINCENT-LANG

Mulana*

DEAR DOUG,

RE: ALASKA GUIDE/CHARTER TASK FORCE LETTER
DATED NOV 22, 1995.

UNFORTUNETLY I AM UNABLE TO ATTEND YOUR
DEC 6, 95 MEETING, THEREFORE I AM TAKING
THIS MEANS TO PARTICIPATE IN THE TASK
FORCE'S CONSIDERATIONS.

FIRST, ARE THE FEES UNDER CONSIDERATION
IN ADDITION TO THOSE FEES NOW CHARGED
BY ALASKA DIVISION OF PARKS, ALASKA
BOARD OF COMMERCIAL FISHERIES, U.S. FISH
AND WILDLIFE, U.S. FOREST SERVICE AND
OTHERS OR ARE THEY TO REPLACE THE
ABOVE LISTED AGENCIES?

SECONDLY, WILL YOUR CHARGES PERMIT GUIDED
FISHING STATEWIDE OR WILL IT BOX GUIDES
INTO A SELECTED, LIMITED AREA?

THIRDLY, How do you propose to license a partnership of two or more active guide services, for example there currently exists 3 partnership guide services and one incorporated guide service located in Cooper Landing. My guide service is the Cooper Landing Floating & Fishing Company. We are a partnership of "three" active partners, are each "sport fishing service operators" within one license or are we each required to obtain such a license separately.

FOURTHLY, your Tier 2 requirements should include a requirement for a valid state of Alaska driver license or identification card issued by Alaska DMV. That all vehicles used in the conduct of sport fishing must be registered or licensed in Alaska.

IN CONCLUSION, I THINK THAT THE TASK FORCE SHOULD MAKE THEMSELVES

1.
AVAILABLE TO LOCAL GUIDES IN A
LOCAL SETTING SUCH AS COOPER
LANDING, SOLDOTNA/KENAI ETC BEFORE
ATTEMPTING TO SET ANY NEW
PROPOSALS IN CEMENT, I AM POSITIVE
THAT MOST OF US IN THE SPORT
GUIDE FISHING SERVICES HAVE HUNDREDS
OF QUESTIONS THAT NEED TO BE
HEARD AND CONSIDERED.

I REMAIN,

HOWARD MULANIX
DIV OF PARKS GUIDE
LICENSE # 20.

P.O. Box 813

COOPER LANDING, AK 99572

TEMP PHONE 595-1566

Musilek (✓)

8221 S. Blksbg Mt. Rd.
Sturgis, SD 57785
November 30, 1995

Mr. Doug Vincent-Lang
Alaska Dept. of Fish & Game
Division of Sport Fish
333 Rasberry Rd.
Anchorage, AK 99518

Dear Sir,

This is in response to the Alaska Guide/Charter Task Force proposal.

I agree that some kind of licensing proposal should take place.

I'm concerned about the added forms, recording, and cost it will put on us. It is already a paper nightmare with all the licenses we must have. Perhaps, this could be combined into one. (Halibut commission permit, commercial boat tag, business license and fishing license.)

I don't understand why it would cost \$50.00 more to gather data from a non-resident. A stamped envelope doesn't cost anymore to get to South Dakota. We have a small operation and these added fees is just one more cost that we would have to add to our fee. Please consider the added revenue that these people bring into the state. Don't price us out of customers.

We bring alot of people into the Wrangell area and they spend alot of money.

We are Ramrod Charters, Corp of Wrangell AK. We have three guides. I hope that we wouldn't have to get an operators license for each guide. My partner and I own the operation.

Sincerely,

Wayne Musilek

Wayne Musilek

V Peterson (A)

Box 245
Hoonah, Alaska 99829
November 29, 1995

Mr. Doug Vincent-Lang
Alaska Department of Fish & Game
Division of Sport Fish
333 Raspberry Road
Anchorage, Alaska 99518

RE: STATEWIDE LICENSING PROPOSAL FOR SPORT FISHING GUIDES

Dear Mr. Vincent-Lang:

The Charter Task Force proposals sounds like more rules, regulations, licenses, fees and paperwork for the legitimate operator.

I have no problem with new laws as long as they are enforced! What we desperately need in my part of the State is enforcement of existing laws.

There has been very little effort to stop the illegal, out-of-state charter businesses that book their clientele under the guise of "nonpaying friends or business associates".

These outlaws operate without the required licenses and registrations that the legitimate operators work so hard to obtain. They are very much on the increase and tend to use small towns, like Hoonah, as their port of operations knowing that they are less likely to be caught in remote areas.

My P & I insurance coverage is \$300,000 and I think this amount or even less would be an acceptable minimum.

Sincerely,
Floyd Peterson

Floyd Peterson
36 year commercial fisherman
11 year sportfishing guide
owner/operator of F.I.S.H.E.S.

cc: John Burke, Deputy Commissioner
Ak Fish & Game, Juneau

VALDEZ CHARTER
BOAT ASSOCIATION

Written Comments to JN 50315
please distribute to club members

Petre

To: The Alaska Guide/ Charter Task Force

From: Dennis Petre

After reading the format that you have come up with I must say that I am against it. You have missed the whole purpose that you were sent to accomplish and that is to establish a program to register Halibut Charter Guides and to assess their impact on the local economies and on the fishing resource. You have instead come up with a program that does little if any thing to accomplish that goal and in its present form should be scrapped.

In order to make an assessment of the Charter Fishing Industry you need to formulate who they are and collect data on what they do. Here are some suggestions.

1. Check Alaskan State Business License.
2. Check Guide Registration Forms
3. Check International Pacific Halibut Commission License
4. Check Alaska Commercial Fisheries Vessel License.

The next thing you will need is a way to collect data from all the user groups with out showing preference to any one group and here it is.

Any person who provides transportation which transports game fish whether it be sport, personal use, or subsistence caught fish from the field for profit should be required to have an Alaskan Sport Fish Transporter License. This will include all of the following.

1. All Charter Boat for hire who transport sport caught fish.
2. All Air Services who transport sport caught fish.
3. All boat rental services whose clients catch and keep sport caught fish.
4. All lodges that supply boats or other forms of transportation to customers that keep sport caught fish.
5. All outfitters and hunting guides who transport clients with sport caught game fish.
6. All businesses which provide in the field on location transportation vehicles that are used to transport game fish.

The owner of the business will be required to register each mode of transportation that is used in the business to transport game fish and a log book will be assigned to that vehicle. Details of what the log book will contain will be decided by the department of fish and game.

Any licensing fee will have to be decided by a panel and the funds will have to be dedicated by the legislature for this

program.

Age requirements will be decided by the mode of transportation used.

Must be a United States citizen.

The only other requirements that I can see you should check for in order to issued Alaskan Sport Fish Transporter License are.

1. Alaska Business License
2. Proof of liability Insurance

The enforcement for licenses should be up to the individual agency that issues that particular license. Some of the license are, Coast Guard License, FAA Pilot License, Alaskan Drivers License, Alaskan Sport Fishing License, Alaskan Guide Registration, International Pacific Halibut Commission License, and Alaska Commercial Fisheries Vessel License.

I sure hope that we can come up with a program that will benefit all Alaskans and insure that there will be plenty of fish and game for future generations.

Sincerely:



Dennis Petre

President: Valdez Charter Boat Association

Ryman /

December 2, 1995

Mr. Doug Vincent-Lang
Alaska Department of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, AK 99518

Dear Mr. Vincent-Lang:

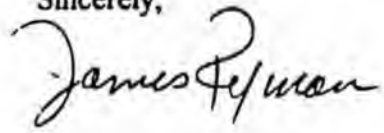
I am an owner of a charter business and also commercial fish. I was wondering when the task force met in Sitka? I don't remember hearing about it and we have a charter association that keeps its members fairly well informed..

When I read the list of the task force members, I didn't see anyone representing Sitka. In fact, it looks like Southeast Alaska didn't get much representation on the task force. Furthermore, it looks like its top heavy with lodge owners, making it appear that they want to take over the charter business and have everyone work for them.

Why should an independent charter captain, like myself, have to buy two licenses to stay in business and the lodges only one? I am not in favor of that option. So far I am required to have a state business license, a Coast Guard 6-pack license, a sport fishing license, a driver's license for identification, am drug-tested and am registered with the Dept. of Fish and Game for chartering. I jump through all the hoops and laws and behold the best the task force can come up with is two more licenses for me to stay in business? How much more simple can you get? I think we would be better off under a limited entry system.

Please, tell the task force to go back to the drawing board and come up with something better than this, preferably with a task force member appointed from Sitka to make the task force a little more fair to Southeast. By the way, who appointed this task force and when? Why was Sitka not included and Homer have two? **NOT FAIR!** This proposal is supposedly a "Statewide" licensing proposal!

Sincerely,



James Ryman, Capt.
Marta R Charters

Keith Searles
P.O. Box 4013
Igiugig, Ak 99613

3 (A)
Searles ✓

11-27-95

Doug Vincent-Lang
Alaska Department of Fish and Game
Division of Sport Fish
333 Raspberry Rd.
Anchorage, AK 99518

RE: Alaska Guide/Charter Task Force Licensing Proposal

Dear Mr. Vincent-Lang

I do not believe the proposed licensing of sport fishing guides and operators would be in the best interest of people working and trying to establish their own businesses in Bush Alaska.

As you are probably aware, employment opportunities in the bush are limited and there is keen competition for the limited jobs that are available. For much of rural Alaska, tourism, especially the new "eco-tourism" is about the only viable avenue people have to turn to. As things stand right now, a bush resident can start his own sport fishing / eco-tourism business with little more than what he already has available. A skiff and kicker, a family owned cabin and some grub is just about all it really takes to get going. Of course, a fledgling business owner would still have to find customers and that takes money - every dime a lot of people in cash poor communities can come up with. The added costs of licensing and purchasing insurance would keep most people from ever trying. Or, make them outlaws. A lot of people in this area, including myself, pick up a few extra bucks taking fishermen out on a casual basis. You would be surprised at the number of people who come out to villages on a whim with no prior plans or arrangements. Whiles this usually amounts to only a couple thousand dollars a year at the most, it does represent an important part of our modest incomes

For the last three seasons, I have worked as a fishing guide for a very successful lodge owner in the Bristol Bay region. During that time, he and I have become good friends and he has shared much of the knowledge he has gained over the 12 years he has been in the business. One of the things he told me was that the first year he was in operation he had three clients, the second year, five. How can someone who takes a couple of people out grayling fishing and knocking around the hills for a week justify the added start-up costs being proposed.

The task force cites public safety as justification for their proposal. I fail to see where having insurance is going to make anybody safer. In fact, I suspect that fewer risks would be taken by operators that did not have insurance. All too often I see lodge owners in this area bringing in new, green, young men that have never run a skiff to work as guides. I see them pay their hands sub-standard wages, often \$45 to \$75 for a 10 to 12 hour day and only on the days they actually have clients on the river. not the days they spend in camp doing maintenance work. Their fledgling guides get a couple hours of training in how to run a skiff and are shown where some of the good fishing holes are. Then they are considered ready to take people out for a day on the water. If you truly want to make guided sport fishermen safer, do something about that. Do something about the float planes that fly fishermen around in such bad weather that no responsible pilot would even consider going up. You and I both know that the Coast Guard and the FAA have little interest in most lodge operations in the bush.

The task force, from what I can see, is made up primarily of charter operators based along the road system who would have very little understanding or sympathy for the realities of trying to make a living in the bush. If you want to get a proposal that reflects the needs of the industry get some people on the task force that represent the entire industry.

I do not see ~~these proposals~~ doing any more than helping to add more money to the shrinking coffers of Fish and Game and the Department of Commerce and keep a few more bureaucrats employed.

While I would hate to see sport fish guiding go the same way as big game guiding, I do believe the sport fish business needs some help to make itself safer and to ensure quality experiences for customers. The hunting guide business has evolved to the point where it is controlled by individuals that live in primarily Anchorage and Fairbanks. It does little to benefit the residents of the areas being hunted. It is now impossible for a person living in the bush to get into that business as an owner-operator. Yet it does much to ensure the industry maintains high standards. This is what I feel the task force should concern itself with.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Keith A. Searles".

Keith A. Searles

cc: Governor Tony Knowles

(A)

Tudor

November 26, 1995
James C. Tudor
P. O. Box 261
Naknek, AK. 99633

Doug Vincent-Lang
ADF&G
Anchorage, AK

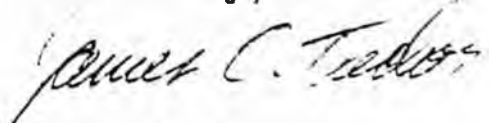
Dear Sir:

I am writing to express my concern, not so much about the current proposed regulations, but about any future "limited entry" system. These proposed regulations and the associated rhetoric seem set up for a future "limited entry" sportfishing guide system.

Currently I have all the qualifications (USCG license, etc.) for a sport fishing operator-guide, however I'm not actively involved in the practice at this time. I've lived in Alaska 20 years and have sport fished, recreationally and professionally, during all the time. I can foresee myself being actively involved in the sport fishing industry in the future, perhaps as a sort of semi-retirement activity. I don't want to be excluded just because I'm involved in another occupation at this time if the industry turns to a "limited entry" system in the future.

I would like to know your views and the views of the board on this issue.

Yours truly,


James C. Tudor

Vincent ✓

Dear Mr Vincent-Lang,

After reading the task force recommendations I get the feeling that protectionism is a leading factor.

I disagree with the fee proposal and requirements. NO 2 TIER, THANKS!

I buy an Alaskan Business license and earned a Masters rating from the Coast Guard.

If we're (the charter ind) getting crowded, lets go limited. A "chip away" style is not in Alaskan interests.

I noticed the time tables didn't leave much time for any public input. Or owner/operator for that matter.

I would like more information on whats going on.

Sincerely

Douglas Vincent

HFSH House Special Committee on Fisheries held December 6, 1995
Testimony on Guide/Charter Task Force for statewide licensing

Wallis V B

The proposed "Tier 1" license is simply a Business License for a defined business. One requirement for this license is an Alaska Business License. It does not seem appropriate to require one kind of Business License to obtain a different kind of Business License, certainly not for a single business.

Requirement #2 about insurance far exceeds the amounts required under other State of Alaska programs. The most obvious is auto insurance. Another is the Alaska State Parks insurance requirement to obtain an Operator's Permit within state parks.

If you impose an insurance requirement make it comparable to other state programs. I'd guess the chances of incurring liability would be far greater for automobile drivers than for sport fishing guides.

As for the requirement to register with ADF&G under both "Tier 1" and "Tier 2", this is already required.

If you want the Business License to be more specific, do so. But, I would guess this might be done administratively by the Department of Commerce. Don't impose two Business Licenses on us.

The proposed "Tier 2" license is confusing. ;

First, apparently only "natural persons" are required to get a guide's license; since I don't know what an "unnatural person" is, I don't know who is excluded.

The so-called requirements do little if anything to address the mission statement of April 14, 1995. There are no meaningful requirements which will lend credibility or professionalism to the industry.

It seems to me that the only thing that these proposals do is to provide the means to bloat the bureaucracy and take more of our money.

Joe Wallis, POB 1126, Homer 99603
December 6, 1995

Widdows

Mr Doug Vincent-Jang
 Ak. Dept of Fish & Game
 Div. of Sport Fish
 333 Raspberry Rd.
 Anchorage, Ak. 99518

MAURICE W. WIDDOWS
 P.O. BOX 101
 YAKUTAT, AK. 99689
 SUBJECT: AK. GUIDE/
 CHARTER TASK FORCE

Dear Mr Jang-

You may recall that I phoned you while I am out of state for the holiday season.

As I stated, I had just received the Alaska Guide Charter Task Force proposal for establishing a 2 tier license system for guide/charter boat operators. As I read the proposal it appears that I, as a sole proprietor of a one boat, one man operation here in Yakutat would be required to obtain two licenses. If this is correct then I strongly feel that the proposal in this regard is punitive. I know of no other business that requires a person to buy two licenses for the same purpose. Here in Yakutat there are only two corporate entities that can well afford the higher cost Operator License. I feel certain that these entities would require their guides to pay for their own license. The rest of the "Charter Fleet" in Yakutat operates as do I - one boat, one man.

Mr Jang, I am indeed a small business attempting to eke out a living in a very short season. I, of course, have the necessary Coast Guard license and insurance in the amount you describe.

I have no objection in obtaining a guide license providing that the funds received would be put to good use such as a reporting system for fish caught etc.

I would propose that the Task Force modify their position and allow a single operator with proper other licenses and adequate insurance to operate under a Guide license only.

Sincerely,
Maurice W. Waldow

Wilson

✓
(A)
Gilbert Wilson
P.O. Box 2697
Kodiak, AK. 99615
(907) 486-5478

November 28, 1995

Mr. Doug Vincent-Lang
Alaska Dept. of Fish & Game
Div. of Sport Fish
333 Raspberry Rd.
Anchorage, AK. 99518

Dear Mr. Vincent-Lang,

I have received your recent information on the Alaska Guide/Charter Task Force and would like to take this opportunity to comment. In reviewing the stated mission of the task force I find it conflictive with the states decree to concern itself with health and safety issues and the common welfare of its people. The so called items identified by the task force seem to have little to do with health and safety. Specifically Items #3 ; "guide/charter restrictions" #4 "guide/charter reporting", and #6 "participation". While defining, setting standards and licensing may be appropriate under the states participation the other three are simply more of the states involvement in individual businesses and the economy of local areas. In my opinion a matter that the state not need to be involve in.

Item number three, restrictions would imply that there could be area or district restrictions such as is implemented in guided hunts, or vessel size, capacity, or fisheries species restriction such as that implemented in commercial fishing. Such restrictions or limitations should not be implemented. The state has many times over tried to control area economy and failed. It is not and should not be the concern of the state to control economic principals of any given area of the state.

Item number four, reporting does not seem to even be addressed or defined by the task force except to leave it under the control of Fish & Game and or the Department of commerce. And again I question the use of this term. Is it to surface at some later time and be addressed? If so, what will it involve? If it involves the catch report then it can become another tool for biologist to use in management. But it is not clearly defined in the information supplied.

Item number six, participation is a very dangerous area. As we all know guiding is not a "traditional" occupation I would have to presume that it is a means to limit or control the number of licenses or guides in an area or region. Again I state that it is not the states responsibility nor in the states best interest to attempt to control or limit the number of licenses issued. While it does not look as if the task force took issue with

"participation" I must ask myself if it will be implemented or defined at some future date. While the task force does address "prior experience" it should be noted that it is different than participation. Fish & Game views participation as something one has been involved with prior to regulation changes i.e. commercial fishing pre-limited entry and pre-IFQ. Prior experience is something along the lines of assistant hunting guide. Documented time before becoming a licensed hunting guide. They are different or at least in need of being more substantially defined.

I understand the task's force job was a difficult one and is still in its development process. It is always difficult to attempt to classify something as diverse as this. I do believe that some sort of licensing requirements should be implemented. Something that would give citizens some assurance of safety among other things to the fish-guide industry, and something that would help area biologist maintain management goals.

I would now like to address the actual proposal as it stands. There are several substantial issues that need to be addressed. The first one is a dilemma something like the chicken or the egg. As I understand it the "Operator" is to register its employees who guide with the Department of Fish & Game. In an ideal world this proposal seem harmless enough. But, this is far from an IDEAL world. If I operate a lodge in a far off place like Katmi and have hired Joe Guide at the start of the season and register him. He can then go down and get his license from Fish & Game. If Joe Guide quits, becomes ill or for some reason is no longer available, I must hire someone else. I can easily call someone on the radio and have an add run in the local paper to show up at my air taxi service with a USCG License in hand. However, I am not able to show up at a local Fish & Game office in person and show that I am a registered operator and need Jane Guide registered as a guide. How are these seemingly simple tasks to be followed by someone who operates so remotely that they are unable to leave the post even for a short time or incur the cost of travel to and from a Fish & Game office? I have no mail service except the courtesy of my air taxi service on a very limited bases.

The second most important area is especially debilitating to air taxi services. Companies such as Ketchum Air in Anchorage will be forced to obtain a USCG six-pac license or be forced out of doing fly-in fishing trips where the pilot allows customers to fish off the floats of the plane. A side note: USCG considers any air plane on the water as a vessel. And all waters in Alaska are considered navigatable. USCG does not however require pilots to obtain such licenses as they are already required to have a commercial pilots license and it is considered a Department of Transportation license appropriate enough and under the jurisdiction of the FAA.

An air taxi service that flies a group to a small cabin owned by the airlines such as is done by companies like Uyak Air and Wilderness Air of Kodiak will be forced again to get a USCG license and the two proposed licenses since they provide transportation to an area, fishing gear, tackle and in some cases a small skiff for clients to motor around

with even though the pilot has left them alone to camp and fish.

While I do believe there is a safety issue that needs to be addressed and something to curb unlicensed operators from transporting passengers to and from fishing grounds. I do not believe that it should involve air taxi services to the extent that the proposal would currently do.


Current behavior such as found at Kaluda Bay Lodge where passengers are transported to fishing spots via an unlicensed operator on a small nineteen foot Lund skiff needs to be addressed. Behavior found at Seal Bay Lodge involves the owner being licensed and the three or four vessels operated by the unlicensed children of the owner while the licensee remains ashore. And there are many more such cases where unlicensed operators transport passengers.

Certainly the Coast Guard needs to improve their enforcement and control over this industry. I also believe that the Department of Fish and Game would benefit if it had a licensing program as well as an enforcement program in place to help curb such unsafe practices. I do not believe that the state should try to get itself involved with attempting to regulate the number of licenses or area restrictions. Businesses will regulate themselves based on need and diversity. Fish & Game already has the tools it needs to manage escapement goals via opening and closing individual fisheries.

A simple guide licensing program that requires the applicant to show a copy of a USCG license or commercial pilot license, current Red Cross CPR & First Aid, Be a U.S. citizen and an Alaska Resident and sign an affidavit that the guide is either an owner of a guide - charter, lodge or air taxi company in good standing with applicable insurance to cover passenger travel either via air or charter boat or is hired by a company that he or she believes to be a legal, licensed business with such insurance. In any case I do not believe that regulating or ensuring that a company have a set amount of "passenger liability insurance" be considered. The business of being in business is difficult enough without having to change insurance policies to meet some state minimum standard.

In closing I hope that some measure of what I have said and some of the issues I have brought forth are considered and recognized.

Sincerely,



Gilbert Wilson
Agent/Operator
Bayview Charters, Inc.

Submitted by: *Don Best Sharp*
NORTHERN ALASKA FISHERIES SERVICE
KENNETH T. ALT
P.O. BOX 10104
FAIRBANKS, ALASKA 99710
907-457-4124

Rep John Daries

*Check my
P.O. for
mail*

Best

*Please follow the spot fish guiding
legislation when it comes up. I hope you
and the other members of the Interior
delegation will band together and help
defeat whatever legislation is proposed.*

*Sincerely
Kenneth T. Alt*

*Please distribute to rest of
Interior Delegation. Thanks.*

Northern Alaska Fish Services
Post Office Box 10104
Fairbanks, Alaska 99710
(907) 457-4124

January 16, 1996

Doug Vincent Lang
Alaska Dept. Fish & Game, Sport Fish
333 Raspberry Road
Anchorage, Alaska 99510

RE: Sport Fish Guide-Operator Licensing

Dear Doug:

The sport fish guide-operator licensing proposal seems to me to be an attempt by the larger entrenched businesses to restrict access to new operators and make it more difficult for small operators to stay in business. Please note that most members of the task force are larger operators.

Since the proposal indicates this is only the starting point, can you imagine all the red tape a guide-operator will be confronted with in future years. The yearly paperwork and license costs, including state, federal, and native, will make it more difficult for a small operator to exist. I choose to take out only two to three small groups per year. I book my clients, then buy liability insurance. Under the proposed scenario, I would probably be forced to cease operations.

I feel the present situation of guides registering with the Alaska Department of Fish & Game and then taking the responsibility of attaining the other necessary permits and personal insurance is adequate. If you want us to provide information on harvest and effort - just ask for it.

I suggest the entire proposal be scrapped, at least for the area north of the Alaska Range.

Thank you for the opportunity to comment.

Sincerely yours,

Kenneth T. Alt
Owner-Guide

HOUSE SPECIAL COMMITTEE ON FISHERIES

January 31, 1996

5:07 p.m.

HB 175 - SPORT FISH GUIDE LICENSING

CHAIRMAN AUSTERMAN noted that before the committee were HB 175 and the recommendations from the Sport Fish Guide/Charter Task Force ("Task Force"). He said the committee substitute which he had drafted incorporated the Task Force's recommendations into HB 175.

Number 0058

REPRESENTATIVE KIM ELTON moved that CS HB 175, version G, dated 1/29/96, be accepted for the purpose of discussion. There being no objection, it was so ordered.

CHAIRMAN AUSTERMAN advised that he did not plan to move the bill out of committee that evening.

Number 0150

REPRESENTATIVE GARY DAVIS expressed concern over the various fees. He said there were three licenses or certificates required, including the business license and two others. He questioned whether the committee substitute addressed that issue. He asked the committee to consider combining licenses.

AMY DAUGHERTY, Legislative Assistant to Representative Austerman, sponsor of HB 175, read a prepared statement into the record that explained CS HB 175:

"This CS incorporates the final Task Force proposals which we heard last week from Bud Hodson. It also contains the reporting requirements and penalties for not reporting data, which was in the original language of HB 175.

"As you recall, the overall point of this bill is and remains to provide some funding to the department to develop and maintain a meaningful and well-needed data base. What the Task Force has provided is a mechanism to receive that data effectively. As presently drafted, the two-tier licensing system will add only one additional piece of documentation, which was one of the biggest concerns raised at the teleconference this interim. Only one piece because the Fish and Game registration will be eliminated with this system. Another huge concern raised was in the area of enforcement at the teleconference. In order to avoid additional costs, this draft does not address enforcement, but we are open to comments in this area."

MS. DAUGHERTY added that another outstanding issue was found in the definitions section of the legal document received from George Utermohle. Mr. Utermohle had concerns with definitions in the current draft, she explained, which needed to be addressed in the next one.

Number 0370

HOUSE FSH BASIS - 1 - 01/31/96

CHAIRMAN AUSTERMAN noted that one of the Task Force members, John Goodhand, was on teleconference and wished to speak for longer than three minutes if the committee did not object.

Number 0421

JOHN GOODHAND, Member, Sport Fish Guide/Charter Task Force, testified via teleconference from Fairbanks. Although he resided in Fairbanks in the winter, he operated a halibut charter out of Valdez. He had become involved with the Task Force while working with the North Pacific Fisheries Management Council (NPFMC) on limitations on halibut charters in salt water. He said the Task Force had been presented to him as a tool to fight limitations.

MR. GOODHAND stated he had a different impression of what the Task Force was going to look into, and a different vision of what was going to happen. This bill was not it. The Task Force, he said, had been asked to both increase public awareness and gather public opinion. However, although technically there had been a unanimous decision, the Task Force recommendations had been voted on at a time when they had received extremely little public input. Mr. Goodhand said no public input of any quantity occurred until October, November and December. Furthermore, the data base being discussed was readily available through the Department of Commerce and Economic Development (DCED), through business licensing.

Number 0636

MR. GOODHAND thought that except for participants who were already legal, few people would be added to the data base. He emphasized that CS HB 175 had nothing to do with making anyone legal. However, he thought there definitely was an enforcement problem. He said that if existing laws were enforced, a lot of the problems that people imagined would disappear.

Number 0681

MR. GOODHAND reiterated that the data base was already available. Eighty percent of the people involved were owner/operators with state business licenses from DCED. There was a fee there, he pointed out. The Commercial Fisheries Entry Commission (CFEC) had raised their fees 150 percent, with fees on 25-foot vessels raised from \$20 to \$50 and fees for 50-foot vessels raised to \$100 this year.

Number 0714

MR. GOODHAND referred to a meeting he had with two CFEC commissioners. When asked what those fees went for, the commissioners had replied, "we give you a triangle and that's all we do for you." Mr. Goodhand suggested redirecting some of that money. He briefly discussed conservation, which this bill would

not accomplish; the problem with enforcement; and the problem with asking the government to require insurance. He himself carried insurance, he added, but that was his own business decision.

Number 0780

HOUSE FSH BASIS - 2 - 01/31/96

MR. GOODHAND surmised that if the Task Force members could vote again, others besides himself would dissent. He acknowledged that other Task Force members had worked hard, without personal agendas. However, he felt there had been an assumption that "something was going to happen that was going to be put into law."

MR. GOODHAND said this was not the correct direction. He already had six or seven licenses. It was complicated for people to determine what was required of them. He said that HB 175 would do no good at all. He suggested it should be labeled as a specialized tax, which was the only benefit he saw from it. If the idea was to get money to the Department of Fish and Game, he said, more money could be raised by increasing sport fishing license fees by a dollar.

Number 0931

MR. GOODHAND apologized for not being able to participate in key meetings in October through December. He said he had read 46 letters from the public and talked to 29, out of 39, registered guides in the Fairbanks area. He asserted that approximately 89 percent of the guides in the business, of which 80 percent were owner/operators, were against the legislation. It would do the halibut charter industry no good; it would not identify the players any more than they already were identified; and according to Department of Fish and Game personnel, there was more data available than the department could compile. Mr. Goodhand saw HB 175 as a vehicle that would have "all kinds of things added on" at a future date. Putting that vehicle in motion scared him, he said. He added that the state of Alaska had an opportunity to create a management plan, but it was not happening. If anything, it should be done by region, preferably by the Board of Fisheries rather than the legislature, he concluded.

Number 1019

BOB WARD, Member, Sport Fishing Guide/Charter Task Force, testified via teleconference from Homer. Although he did not want to contradict Mr. Goodhand, who represented a different part of the industry and the state, Mr. Ward said that Homer was totally supportive of CS HB 175.

[NOTE: MR. WARD'S TESTIMONY WAS INTERRUPTED FOR A COUPLE OF MINUTES DUE TO TELECONFERENCE LINK-UP PROBLEMS]

Number 1078

MR. WARD suggested that people purchasing the sport fish operator's

license would not have to also purchase the guide license in an owner/operator situation such as that involving 80 percent of the guides in Alaska. He read the bill as permitting a person holding a sport fish operator license to also buy a guide license. It did not say someone was exempt from that, he noted. He thought there was a problem with the language regarding mother ships, which operated in Southeast Alaska. As CS HB 175 read, it required a guide to personally accompany or direct the fisherman. This left a big loophole, he said, for a registered guide on one ship with a number of small boats operating around it, where that guide was

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supervising or directing the fishermen. Despite these problems, all in all, Southcentral Alaska favored the bill. He admitted they saw it from a different perspective than that of the interior regions. He noted that while attending a meeting of the International Pacific Halibut Commission (IPHC), he had talked with staff from the North Pacific Fisheries Management Council (NPFMC), who thought it good for the state to be getting in alignment on the issues with the NPFMC and the halibut charter cap.

Number 1207

CHAIRMAN AUSTERMAN responded that the committee would contact the IPHC to see about getting a letter from them. He commented that the IPHC had said the same thing the previous year, when the legislation was introduced. He requested that testifiers send their written comments or fax them to 465-4956.

Number 1236

REPRESENTATIVE G. DAVIS noted that concern had been expressed from Fairbanks about enforcement. He asked Mr. Ward how he felt about the those concerns.

MR. WARD responded that right now, if he were with Fish and Wildlife in Cook Inlet, he would not know of any tools for enforcement. He saw CS HB 175 as a step toward enforcement, enabling an enforcement agent to at least ask for a license and identification. That did not provide 100 percent enforcement, he acknowledged. He added he would like to see vessels marked to indicate they were charter vessels, beyond the commercial triangle currently placed on the boat. As far as the individual and the company, this was a step towards enforcement. Right now, they had nothing.

Number 1299

CHAIRMAN AUSTERMAN informed the committee that Kevin Delaney from the Department of Fish and Game was on teleconference in case there were questions.

Number 1320

BARRY BRACKEN, Kaleidoscope Cruises, testified via teleconference from Petersburg, saying he was a relatively new member of the

industry. He commended the Task Force and the committee. He thought they were generally moving in the right direction. However, he had a couple of concerns. First, he did not see how CS HB 175, as written, really satisfied the Task Force mission statement, which was to better identify the industry. He felt the statewide registration enacted the previous year, which he assumed would be abolished under this bill, would satisfy the objective of identifying the players and their activities. That, he said, was just a matter of how the registration and accompanying regulations were written. He also expressed concern that with the service operator's license going through DCED, there might be delays in getting information to the managers and enforcers. If DCED had one license, he clarified, and the Alaska Department of Fish and Game (ADF&G) had the other, he did not see how those data bases would be

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merged to create a clear picture of who was involved.

Number 1407

MR. BRACKEN referred to AS 08.54.610(d), which appeared contrary to the testimony heard from Mr. Hodson at the previous week's meeting regarding the merger of those two licenses. He informed the committee he wished to hear additional comments on that.

CHAIRMAN AUSTERMAN thanked Mr. Bracken and replied that the committee would be looking at trying to consolidate those licenses, as Representative Davis had indicated earlier, to avoid unnecessary paperwork.

Number 1477

DENNIS KETCHUM, Charter Operator, testified via teleconference from Ketchikan, saying that five people present there agreed with Mr. Goodhand's testimony. They felt it was a duplication of data already generated by a number of agencies in the state. He suggested a statewide requirement of placing numbers, one foot high and one inch wide on, all charter vessels, duplicating the numbers on the triangles sent by ADF&G; something similar was already required in Southeast Alaska. "Just have a statewide register," he added.

Number 1550

DONALD WESTLUND, Charter Operator, testified via teleconference from Ketchikan, agreeing with Mr. Goodhand's testimony regarding duplication. To correlate between ADF&G and business licenses in Southeast Alaska, there was a spot on the Fish and Game registration where the applicant wrote the business license number, Mr. Westlund noted. He referred to CS HB 175, page 3, and asked where the fee was for the fishing service operator's license.

Number 1651

TERRY HOEFFERLE, Bristol Bay Native Association, testified via teleconference from Dillingham that the licensing of fishing guides

and outfitters was an important issue to consider. He was concerned about the unavailability of information on sport catch of salmon in Bristol Bay. He had found available information to be woefully inadequate and thought CS HB 175 went a long way toward correcting that situation.

Number 1710

MR. HOEFFERLE said it was evident, looking at the bill, that there had not been a lot of public input in crafting the legislation. If there had been, he said, there might be provisions addressing local hire within the guiding/tourism industry. He wanted to see the licensing fee schedule, and perhaps other elements, be "tweaked" to encourage the employment of more local people. He suggested a sliding fee schedule reflecting the amount of locally hired employees.

Number 1771

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MR. HOEFFERLE thought the requirement for insurance could be struck from the bill without being missed. He discussed the "continued reference to guiding subsistence fishermen" in the bill and wondered why it was felt to be necessary. The mention of subsistence fishing in this particular legislation, he said, might offer back-door methods of regulating subsistence fishing down the road. He referred to page 4, item 5(e), which he found confusing, as it seemed to exempt the specific things the bill was designed to address.

Number 1854

CHAIRMAN AUSTERMAN thanked Mr. Hoefflerle and said his read on the subsistence part was that a person running a charter boat who took people subsistence fishing would have to meet the same requirements as a person who took people sport fishing. It had no further direction, he added.

Number 1874

MYRA OLSEN, Rural Alaska Community Action Program (Rural CAP), testified via teleconference that the bill, whether by intent or inadvertently, might provide another means of regulating subsistence. If any subsistence fishermen hired guides, she said, there was already a method, within ADF&G, of obtaining data regarding subsistence catches. Ms. Olsen did see a need for more fishing data, especially since ADF&G escapement goals were not reflecting how many sport fish were being caught after the fish were counted as having escaped commercial fishermen. She expressed discomfort at placing subsistence fishing into guiding license requirements. However, she had no problem with the bill if subsistence was deleted.

Number 1922

OTTO FLORSHUTZ testified via teleconference from Wrangell, saying he saw a need in the industry to compile information. He expressed a liking for page 3, Section 08.54.610(e), requiring a person to fill out a fish ticket or report any species taken; he asked if that was a correct reading.

CHAIRMAN AUSTERMAN asked Mr. Florshutz to repeat the question.

MR. FLORSHUTZ clarified that if Section 08.54.610 required reporting all fish and shellfish species to ADF&G, with the information then becoming available, he was definitely in favor of the bill.

Number 1977

CHAIRMAN AUSTERMAN responded that the original intent of the bill was to come up with a system to facilitate reporting in all of the fisheries.

Number 1986

BEVERLY MINN testified via teleconference from Sitka. She referred

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to the definition of fish guide services on page 7, lines 15 - 18; she said it needed to be clarified. She thought the bill would either make law-abiding Alaskans feel guilty about taking visiting friends fishing without a guide license or else penalize legal guides, who were already burdened with five government licenses or registrations. She said the bill would have no effect on an important management and law enforcement problem, which was "preventing out-of-state yachts from doing as they please." If the intent of the bill was to better manage the fish resource, she did not feel it would.

Number 2050

KEITH GREBA testified via teleconference from Sitka, saying he had a few problems with the bill. He referred to Mr. Florshutz's testimony and said he had the same question in AS 08.54.610, which said a person who held a fishing service operator license shall comply with the reporting requirements adopted by regulation by the Department of Fish and Game. Mr. Greba thought this was double-dipping. There was already a creek survey established a few years previously in Southeast Alaska, required by the state, as well as the requirement of buying king salmon stamps. Now, he said, it was being done twice and he was paying for it indirectly both ways. He disagreed with that portion of the bill.

Number 2124

JERRY GUSTAFSON, Fish Tales Charters, testified via teleconference from Fairbanks, saying he chartered for halibut and salmon. As written, the bill could create a lot of paperwork and additional fees. He referred to page 6, line 23, subsection (e), and said he could see himself spending a great deal of time filling out forms

for different types of fish. Throughout the state, species under concern were being censused, including the Southeast Alaska creel survey and ADF&G's halibut sampling at the docks. The bill would not address the non-charter operators such as private parties, he added. He noted that identification for enforcement purposes already existed with the ADF&G licenses. To make charter boats obvious, he suggested the operators receive a different symbol, instead of a triangle, to hang on their vessels. Mr. Gustafson concluded by saying he was against the bill as written.

Number 2214

DARYL OLSON, King for a Day Charters, testified via teleconference from Fairbanks, saying he had been a guide for ten years. He said the bill had a lot of good ideas. However, many of them did not apply to his area. As a result, he wanted to see it tailor-fit to certain areas and broken down into regions. He added that much of the bill did not apply to guides in the interior, either. They might need different information in order to have success in managing their resources, he said.

Number 2249

PATRICK BOOKEY, Luck of the Irish Charters, testified via teleconference from Fairbanks, indicating he operated out of Valdez. He opposed the bill as written. He feared that operators

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would later have to pay for all the enforcement that would occur. The bill excluded lodges and rental agencies that did not actually provide the guide or the boat, he noted, from all of the paperwork and regulations for operators. If the state was looking to gather data, there was a huge amount of data that would not be included. He referred to pages 6 and 7, subsection (e), and discussed the type of records required. He wondered what "information the department considers appropriate" meant; he suggested it could be a lengthy report. He referred to the three-year exclusion on page 7, subsection (f), which could occur because of a mishap of paperwork or other things. He thought a fine or eliminating a person from the field for three years was utterly ridiculous. For those reasons, he was opposed to CS HB 175 as it was written.

Number 2321

JOHN MIZE, Blue Bayou Charters, testified via teleconference from Fairbanks, saying he was not sure the insurance was necessary. He felt that might enable the insurance companies to raise the cost because it was required. He referred to Mr. Bookey's previous testimony and said he had the same problems with the bill. As written, he was against it.

Number 2364

JOHN CHILDS testified via teleconference from Fairbanks, saying he was against the whole bill as written. He did not see how it could be written better, however. He added that John Goodhand had pretty

much stated his views.

Number 2384

KEN AULT, Owner, Northern Alaska Fisheries, testified via teleconference from Fairbanks, saying he opposed CS HB 175. First of all, it did not say what people were getting. If the intent was to find out who was fishing, the current registration system was adequate. Second, if the intent was to gather information on harvest, ADF&G had that authority and responsibility. Mr. Ault was also concerned about insurance. As a small operator, he purchased insurance after determining whether he had enough clients to make a profit. It would be a hardship to have to buy both insurance and a license before obtaining clients.

Number 2477

BOB ELLIOTT testified via teleconference from Fairbanks, saying he had a big game hunting outfitting license. He thought he should not be required to buy two more licenses to take people fishing. A game guide for 36 years. he used a float plane to take clients sport fishing for nonmigratory freshwater species. There were no charter boats in interior Alaska and the far north, he said, and things being discussed in CS HB 175 did not exist there. He suggested the legislation should be done by region. He concluded by saying for his operation, liability insurance for people on the ground was virtually impossible to buy in Fairbanks, although he could and did buy aircraft liability insurance.

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Number 0003

DENNIS PETRI testified via teleconference from Fairbanks that he operated a fishing charter business out of Valdez. He thought CS HB 175 was highly slanted towards lodge owners. He felt that either everyone should be licensed and have to fill out reports, with no exceptions, or they should forget the whole thing. He said he knew there were problems in the saltwater areas. He suggested taking care of those regions and leaving interior Alaska alone.

Number 0031

LARRY GROUT testified via teleconference from Fairbanks, saying he did not think the bill should even be here, as there had only been one year of registration with ADF&G as fishing guides. There had been no chance to compile the data from that. He commented on obtaining \$300,000 worth of insurance for a three-month operation in the interior, saying it was almost impossible to find insurance. Furthermore, the bill duplicated licensing already done by the U.S. Coast Guard, as well as services already provided by the state. He said the original scope of the Task Force had been completely changed into a thinly veiled limited entry.

Number 0089

MIKE KRAMER testified via teleconference from Fairbanks. Although he commended the Task Force and the committee for their work, he thought the bill should be scrapped in its entirety. He said people had been kept in the dark as to Task Force activities in the past year. He thought the bill was ill-considered. Because of the tensions between commercial and sport halibut fishermen, Mr. Kramer also suspected the halibut council might be a driving factor for the bill. While some considered it a back-door attempt to regulate subsistence, he thought the bill was a back-door attempt to regulate and burden guides under the name of reporting. He noted that commercial fish interests were in favor; he was not surprised, as their interests were vastly different from that of sport fish guides.

Number 0150

MR. KRAMER referred to the Commercial Fisheries Entry Commission (CFEC) and said it had a hold over the inland waters guide industry with the requirement of a triangle; that requirement had been attached as a rider to guide registration legislation the previous year. He still had not heard a satisfactory explanation about that.

MR. KRAMER said the word of the evening was "duplicativeness." He did not think the bill would help management of resources by ADF&G, which already had more data than it could compile. He considered the guide registration initiated the previous year, with its simple reporting forms, adequate. The current legislation was burdensome and was a limit to entry. He also thought the bill should have nothing to do with local hire considerations. He said increasing paperwork and costs would drive people out of the industry and certainly prevent new people from getting into it. In general, he said, guides were opposed to it.

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Number 0246

JOE KILIAN, Alaskan Angler Charters, testified via teleconference from Valdez, stating he had chartered for one year; prior to that, he had done bare boat charters, which were basically rentals. He said his views were the same as John Goodhand's. The bill was unnecessary, was duplicative, and would do nothing towards having an accurate count, because people doing illegal charters would still get by with this system.

Number 0284

RIK VANSTONE testified via teleconference from Valdez, saying John Goodhand had hit everything squarely. He referred to Bob Ward's comments about enforcement and said that in Southeast Alaska, boats without the one-foot high numbers, which could be seen for miles, were stopped immediately. He thought that would settle the problem as far as Mr. Ward's concern about recognizing which boats were charters. The way CS HB 175 was written, there were too many

problems. He opposed just about everything in it.

Number 0322

JAMES HESTON testified via teleconference from Valdez, stating he was against a lot of things, especially the reporting requirements. Like previous testifiers, he feared it would be time-consuming and a "paperwork headache." He felt the current registration provided numbers of charter boat operators. He was concerned about violations resulting in a three-year suspension of license. He asked what that penalty would do for those who operated illegally, as they would not fill out the reports anyway. He also expressed concern about enforcement costs, with a resulting increase of fees and paperwork. He wondered what the intent of the bill was. If someone wanted to know the number of charter boats, they already had that information, he said.

Number 0426

HOWARD SHORT testified via teleconference from Valdez, saying, "the longer you read it, the stronger the smell gets." He felt ADF&G would not come up with anything. Halibut were being killed "by the millions of tons" by draggers and nobody raised a squawk, he said, or put any fee on it. But if some poor guy from Florida came to Alaska to catch a halibut, we wanted to know immediately what size, place, shape and color it was.

MR. SHORT referred to page 3 and said if a person violated the section about reports, that was a Class A misdemeanor. At the top of the same page, "somebody's in bed with the insurance company," he said. He foresaw insurance rates skyrocketing. He asserted that if he wanted to carry insurance, that was his business and it was between him and his customers, not between him and the state. He further referred to page 5 and asked if aircraft flying people to fishing holes were exempt.

Number 0549

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CHAIRMAN AUSTERMAN replied that currently was correct.

MR. SHORT asked how an airplane that took off over water was not considered a vessel. He felt if a plane had its floats in the water, it was a vessel. He said that by law, pilots would be required to have this license, yet they were exempt.

Number 0598

MR. SHORT concluded that there were more and more licenses. Furthermore, dragging was going to kill the whole fishery. When they were done, there would not be a halibut left. Millions of tons of fish were being killed, he reiterated, and nobody was doing a thing. "Let's do something worthwhile," he added.

Number 0633

REPRESENTATIVE OGAN responded that the North Pacific Fisheries Management Council (NPFMC) dealt with bottom fisheries by-catch and waste; he said he was concerned with that, too.

Number 0649

BRUCE BLANDFORD testified via teleconference from Valdez, saying he had been a charter guide there since 1978, running a small, part-time operation. When he began, he was only required to have a U.S. Coast Guard license and a business license. Then they added a vessel license, halibut license and city license. The list just kept growing, he said. He felt the proposed bill created yet another unwieldy bureaucracy, with questionable results. He thought CS HB 175 should be scrapped. Instead, a concentrated effort should be made using existing resources, such as creel surveys, to come up with the data they professed to need.

Number 0711

PAT MCKAY testified via teleconference from Valdez. He said all his points had already been made about opposing CS HB 175. He explained he was a captain who one day might take people sightseeing and the next, take people fishing, which entailed additional safety requirements. He did not think it was up to the state to enforce those safety issues. He thanked John Goodhand for his direction on CS HB 175 and said the bill could pretty much be thrown in the trash.

Number 0779

MARK BUCHNER testified via teleconference from Valdez that he was against the bill as written. Everything he felt had already been stated, he said. He particularly opposed eliminating people for three years for not doing the paperwork and giving them a Class A misdemeanor.

Number 0825

ERIC STIRRUP, Owner, Kodiak Western Charters, testified via teleconference in opposition to CS HB 175. He saw it as a back-door approach for an Individual Fishery Quota (IFQ) allocation for

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sport fish guides. He said he could see how the state would be so eager to have reporting and licensing procedures, because they could then say, "O.K., we've got five years of data and that's what you're doing and that's what you get." It could happen quickly, he added.

Number 0870

MR. STIRRUP provided background on the halibut fishery, saying the NPFMC wrestled for seven years with management programs for the commercial halibut fisheries. During that time, participants increased from 1,000 vessels to over 6,000. "They back-doored

themselves into an IFQ program," he said. Nobody wanted it; while some areas of the state were for it, most were against it. Mr. Stirrup reiterated this was an attempt, though not necessarily an overt one, to create an IFQ system. He felt the bill would not help.

Number 1005

KEN LARSON, Sanity Charters, testified via teleconference from Kodiak, saying he had fished in Prince William Sound since 1984 as a sport fisherman and had recently started a small charter operation out of Valdez. Just going through the license acquisition process was enough to discourage most people, he said. Required were boat licenses, a U.S. Coast Guard master's license, a State of Alaska business license, a City of Valdez business license, a Commercial Fisheries Entry Commission vessel license, the IPHC license, the sport fishing guide registration, the U.S. Coast Guard documentation certification and a personal fishing license. The draft bill was duplicative, he said, and just another piece of paper to comply with. He added that John Goodhand had spoken well on these issues. If he could see some good from the bill, he said, he might support it. However, he felt the information was already covered and that the cure was worse than the problem envisioned.

Number 1011

CATHERINE REARDON, Director, Division of Occupational Licensing, Department of Commerce and Economic Development (DCED), explained that her division was the one that would administer the fishing services operator license under CS HB 175. She added that ADF&G, the lead agency on this legislation, was the department that could address policy questions. She indicated she would talk to committee staff about drafting language issues, including, in particular, clarification of the definitions.

Number 1151

MS. REARDON explained that DCED's fiscal note would be greatly influenced by the amount of enforcement responsibility. She referred to page 3, line 29, which specified that a person who violated that section was guilty of a Class A misdemeanor. If, for example, it was the legislature's intent that her staff investigate complaints of unlicensed activity and prepare court cases, that would be a significant consideration for the fiscal note.

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Number 1192

MS. REARDON addressed business licensing, which she also administered, to clarify what information her division already had about fishing guides. The business licensing law required her to license businesses for each line of business they were in. To do that, there was a lengthy list of Standard Industrial Classifications, known as SIC codes, to choose from. At this time,

there was no specific SIC code for fishing guides, which were grouped under a larger fish and game business activity category. It would be possible to create a specific SIC code number for guides, she added. That would probably mean a business would need to obtain a specific license for that code. If they also performed other activities related to game guiding or lodging, they might have to register under a second SIC number.

Number 1270

CHAIRMAN AUSTERMAN asked Ms. Reardon if DCED had looked at streamlining the permitting system so there was one place where people could go.

Number 1303

MS. REARDON replied that business licenses and occupational licenses were in one division, which included all the licenses issued by DCED. They were in one location. As for other licenses from ADF&G or local licenses, she had not developed plans to co-locate them. However, DCED did try to assist new business license applicants by directing them to other places where they may need to get certification. She thought her division could probably do a better job of providing more information at the time of entry into the business profession.

Number 1348

CHAIRMAN AUSTERMAN referred to testimony about the duplication of effort that businesses had to go through in licensing and reporting. He said he was barraged by outfitters and guides about the phenomenal number of licenses they had to obtain. He suggested that the legislature could give DCED direction to conduct a study relating to that.

Number 1403

REPRESENTATIVE OGAN expressed concern that DCED would end up being the policeman for guides, as well as for insurance and other issues. He asked Ms. Reardon about the two types of licenses proposed, for guides and operators.

MS. REARDON responded that she would compare the fishing operator to the hunting guide outfitter. Those were the ones with the right to contract to sell services. The fishing guide, on the other hand, was comparable to the assistant hunting guide in that they could not contract but could take clients out into the field.

Number 1544

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REPRESENTATIVE OGAN replied that was a good comparison. His main question was what kind of regulatory scheme was being proposed. He referred to language in the bill about providing whatever information was deemed necessary. He said he would feel better if

they could identify the necessary information and reporting requirements and lock those into statute. He expressed concern that the paperwork would discourage businessmen, or motivate them to become outlaws.

Number 1620

MS. REARDON stated her understanding that ADF&G would determine the reporting requirements, not DCED. She thought that was good, because ADF&G would be using the data, and felt she should not have a major role in deciding what data should be presented.

Number 1650

REPRESENTATIVE OGAN asked whether DCED would be the policeman for ADF&G when data was not reported, resulting in denial of a license.

MS. REARDON said as she understood it, if reports were not submitted to ADF&G by an operator, then ADF&G would tell her they had not received them. Her division in DCED would then ensure that person did not receive a license for the next three years. One of her recommendations, if the bill went forward, was to grant DCED the authority to revoke the existing license, rather than let the individual continue for the year. Those issues could be resolved easily, she added.

Number 1700

CHAIRMAN AUSTERMAN referred to page 3, line 25, and suggested to Representative Ogan that area was something the committee could look at to determine how much direction to give ADF&G and what kind of report was wanted.

Number 1726

REPRESENTATIVE ELTON commented that this conundrum was being faced in a lot of different issues. One segment of the guiding industry was saying, "require insurance, require CPR training, require the two different licenses." Then another segment of the industry was saying, "you're burdening us with paperwork." Some of the requirements were not being imposed by the state bureaucracy or the legislature; rather, the legislature was being requested to look at them. He referred to the SIC codes and asked Ms. Reardon if he understood correctly that one should not be asking DCED for information about fishing guides.

Number 1804

MS. REARDON replied that was correct. She could not provide that detail of information about what type of business people were in.

KEVIN DELANEY, Director, Division of Sport Fish, Department of Fish and Game (ADF&G), spoke via teleconference from Anchorage, stating Doug Vincent-Lang was also there, on another line.

Number 1841

REPRESENTATIVE G. DAVIS referred to a comment that there was a fee for a guide but not for the other licenses in the bill. He asked Ms. Reardon if that was to be established by regulation.

MS. REARDON replied yes. She referred to page 2, the underlined language adding fish services operators to DCED's fee authority, and said she believed that would give her the authority to adopt the regulations.

Number 1882

REPRESENTATIVE G. DAVIS noted there was that question by one of the testifiers. He explained that regulation was an option many times, as opposed to legislation. He asked if, specifically, it was at the discretion of DCED.

MS. REARDON replied that within her division, she was entirely funded with program receipts which were licensing fees. For all of her programs, with one exception, they set the fees at the level to cover the costs of that program.

Number 1925

CHAIRMAN AUSTERMAN referred to the duplication of reporting forms and said some areas, such as the National Wildlife Refuge at Kodiak, required operators to fill out reports and file them on the number of fish taken. He asked Ms. Reardon if, in her experience, a form for the National Wildlife Refuge could supplement the ADF&G form.

Number 1970

MS. REARDON deferred to Kevin Delaney from ADF&G, saying that question was out of her area of knowledge.

CHAIRMAN AUSTERMAN asked if Ms. Reardon dealt with other reporting requirements that could supplement.

MS. REARDON replied that the only reports she received involving fish or game had to do with big game commercial services operations plans. Under the hunting guide statute, she explained, DCED was the recipient of a variety of reports concerning game.

CHAIRMAN AUSTERMAN asked Kevin Delaney if he had heard that question.

Number 2024

MR. DELANEY replied yes. In a case such as Kodiak, he said, ADF&G made full use of the reports given to the Fish and Wildlife Service. In many cases, however, that was somewhat deficient, because the report only covered activities or harvests that occurred on National Wildlife Refuge lands and waters. A fairly

significant proportion of people doing business on the refuge also did business off of it. Mr. Delaney added that ADF&G was

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sympathetic to the issues of duplication and burdening people with paperwork. They had become aware of it, he said, in their efforts to get a comprehensive list of who was operating and where. Each individual land management agency asked for a specific list of information, to serve a specific purpose, which was not necessarily a good list of information to use in managing the sport fish component. It was difficult to coalesce, he said.

Number 2109

CHAIRMAN AUSTERMAN asked if, other than the creel survey, there were currently any requirements for sport fish operators to report their catch.

MR. DELANEY responded that ADF&G either required reporting through the creel survey or through the statewide harvest survey. In addition, ADF&G had in past years experimented with log book programs, which they might also do in the future. Other than that, there were no requirements in place right now. He explained the kind of information collected on ADF&G's registration form was more distribution of effort, asking where people intended to operate. When ADF&G went statewide with the form, a significant proportion of people who signed up did so for all of the areas of the state, despite the fact they did not operate in all of those areas. He surmised people were speculating that some day the door may close and they wanted it to close behind them, not in front of them. Now ADF&G was faced with sorting out and surveying those people to find out where they actually did operate.

Number 2259

REPRESENTATIVE ELTON asked Mr. Delaney how many operators were in Prince William Sound and what the catch level on halibut was.

MR. DELANEY replied that by the time he went off the air, he could tell him the number of operators who registered for Prince William Sound.

Number 2300

REPRESENTATIVE ELTON responded the question was more or less rhetorical. He expressed curiosity as to whether Mr. Delaney and ADF&G felt comfortable with the data relating to numbers of people operating in a particular place, as well as the numbers of pounds being harvested.

Number 2361

MR. DELANEY replied that he could say how many people registered with an intent to guide in Prince William Sound. In addition, by the time ADF&G compiled the information collected the previous summer, he could estimate the total number of halibut taken by

guided anglers. However, there were two things they could not do. Without going back through a survey process, they could not estimate how many guides actually operated in Prince William Sound, as opposed to how many registered. They also could not presently assign levels of harvest to any particular guide out of the current data base.

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Number 2463

REPRESENTATIVE ELTON clarified that he did not wish for Mr. Delaney to go through that process for him; he had wanted to know if Mr. Delaney felt he had the ability to assign those different numbers.

TAPE 96-4, SIDE A
Number 0001

MR. DELANEY stated there were "three pieces," including the data base of "who, what, where," of particular interest to ADF&G; items pertaining to quality and insurance, about which industry representatives, at least those on the Task Force, felt strongly; and catch reporting, of interest to a segment of the population. He acknowledged there was a registration process, begun in 1995, that ADF&G was learning to use. What they found on the face, he said, was that a large proportion of people who signed up did so for multiple areas. For those areas having a long history, such as Southeast Alaska and Cook Inlet, it was evident that people with no immediate intention of guiding in those areas signed up anyway. The department also found, from the previous year's experience with the registration process, that it was difficult for them to distinguish deck hands from lodge owners. The definitions currently in use to define guides and guiding operations were inadequate. Regardless of what was done, those activities needed to be redefined.

Number 0159

MR. DELANEY said the day had passed where ADF&G could proceed without a better understanding of the guiding industry, which was an important component of the state's sport fishery. The fishery provided recreational opportunity and was important economically. He said ADF&G was obligated to provide decision-making bodies with assessments of the size, characteristics of, and geographic distribution of the guiding industry. The department was going to be committed to a data gathering exercise, whether it was through a licensing procedure or a more intensified registration and survey process. Otherwise, they would be without crucial information for decision-making bodies.

Number 0248

MR. DELANEY said they needed to go back to the Board of Fisheries to require that the reporting obligations of ADF&G were made mandatory. If ADF&G sent out information forms, they needed to receive that information. Currently, the guide who accompanied an

angler in the field was linked to the angler's activities. For example, if an angler violated a law, the guide was also accountable. There was no accountability back to the owner, however, unless it was an owner/operator. A number of people had commented on this over the course of the process, Mr. Delaney said. He added that they were not going to be able to put a dent in illegal guiding that took place under the guise of fishing clubs or outfitting. He referred to yachts in Southeast Alaska and said right now, there was no way of "chasing that down." He was not sure a licensing procedure would help, but at least it would

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provide another tool.

Number 357

MR. DELANEY concluded by saying the pieces included in the draft of CS HB 175 came in part from ADF&G, the industry and interested individuals. The department needed a better information gathering system. Licensing was attractive because it provided the most easy access to people. It could be accomplished through a registration process, but they were going to have to do it one way or another.

Number 0419

CHAIRMAN AUSTERMAN noted that several people had asked to give second comments. Because of the lateness of the hour, he requested that testifiers put their comments in writing and fax them to 465-4956 or else wait for a future hearing, as yet unscheduled.

Number 0466

REPRESENTATIVE OGAN referred to the stipulation about losing a license for three years for failure to fill out paperwork. He said he would prefer that people lose their licenses for violations rather than for paperwork, if such a stipulation was to be included.

CHAIRMAN AUSTERMAN replied that was a good comment. He suggested the license could be held up if there was no reporting, instead of making it a violation.

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N Y Y N N N N
CS FOR HOUSE BILL NO. 175 (FSH)
Offered by Representative Scott Ogan
3/5/96

Amendment #1, page 3
Delete lines 6, 7, 8, and 9.

- failed

Amendment #2, page 3 and 4
on page 3 - Delete lines 31, 32
on page 4 - Delete lines 1, 2

Amendment #3, page 4
Delete line 21, 22, 25, 26, 27, 28, 29, 30, 31, 32