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Alaska Guide/Charter Task Force

November 22, 1995

Dear Sport Fishing Guide:

At its March 1995 meeting, the Alaska Board of Fisheries considered several 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 meet 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 meet several times during the fall of 1995 to develop a draft licensing proposal. This proposal is attached for your review and consideration.

The House Special Committee on Fisheries in conjunction with the task force will hold a public meeting from 2 p.m. to 5 p.m. on December 6, 1995 to take public comments regarding this proposal. This meeting will utilize the statewide network of the Legislative Information Office. To participate, contact the Legislative Information Office nearest you as soon as possible in advance of the meeting. If you are unable to attend the meeting and wish to comment on the proposal, please write to Mr. Doug Vincent-Lang, Alaska Department of Fish and Game, Division of Sport Fish, 333 Raspberry Road, Anchorage, AK 99518.

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, Ketchikan
(907) 245-9451

Ken Parker
Jensen's Charterboat Association
(907) 789-8782

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

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

Bruce Kessler
Big Fisherman Charters, Wasilla
(907) 745-8965

Pat Carter
Recreational Angler, Anchorage
(907) 465-2667

Lynn Williams
Chairman, Hunter Advisory Board
(907) 238-8551

ALASKA SPORT FISHING GUIDE / CHARTER / OUTFITTER TASK FORCE

STATEWIDE LICENSING PROPOSAL

The SPORT FISHING GUIDE/CHARTER/OUTFITTER TASK FORCE (Task Force) is recommending a two tier licensing system which treats the business's that operate the guiding/chartering and outfitting services as *operators* and the actual GUIDES/CHARTER CAPTAINS that assist the anglers as employees/guides of a licensed operator (*guides*).

The first tier of licensing requires *operators* (see definitions) to acquire a *Sport Fishing Services Operator's License* (Operator's License) through the State of Alaska, Department of Commerce and Economic Development, Division of Occupational Licensing.

The second tier requires the *guides* (see definition) to get a *Sport Fishing Guiding License* from the Alaska Department of Fish and Game through the existing license vendors program, much like a commercial fishing crewmen's license. The guides would have to work under/for a licensed operator.

This separation between the actual business (operators) and the guides reflects the responsibility of who (in this case the business/operator) solicits and books the clients, is responsible for buying insurance, workers compensation insurance, hiring employees and pays taxes etc. and the guides who accompany (guide) the anglers in the field.

The industry is very broad and diverse representing large lodges in Southeast Alaska, individual guides/charters, float trip operators, wilderness camps, halibut and salmon marine charters, fly out lodges etc. These operators range from single guide business's to large operators with dozens of guides/employees, in multiple locations and or facilities. There is no doubt that the actual operators are indeed the industry and for many operators the guides are hired employees on a seasonal basis.

This two tier licensing system would allow an operator to also hold a guide license and a guide who is in business for him/herself to hold an operator's license. In this system, a large operator may be a corporation or individual who may never guide and not obtain a guide license. There is a clear separation between the responsibilities of an operator and the operator's employees or while the operator is personally guiding.

The task force considers this proposal as a foundation for licensing this industry, a starting point. Although to some this licensing format may not have as many qualifications and requirements as many envisioned, the task force realized that the industry is far too broad and diversified to attach to many pre-qualifications to receiving a license. We did not want to create 3 or 4 different operator's licenses.

Conversely with the guides, we did not want to create a paperwork nightmare to get each guide licensed. We also had a concern for turn around time to get a guide/employee licensed and available for hire. However, we have placed certain requirements on guides, to reflect some level of public safety.

The task force did not attempt to regulate ethics, quality, and competency. The requirements we have suggested are applicable throughout the industry and are already common. For most of the industry, qualifying for a U.S. Coast Guard license is far more restrictive than the Task Force was willing to look at. We did not want to pattern this after the big game hunting guide laws. We did not believe that having testing, a review board, prior experience etc., would actually cull out the unprofessional, unethical, or incompetent operator. Nor do we believe that if we made it (hard enough) would it be a deterrent to anyone participating in this industry. It was not the Task Force's roll to judge the industry. We did not attempt to determine how the industry should act, or what direction it should go in the future. Our goals where to identify the industry, provide some common requirements for licensing to promote public safety and provide the management authorities with information.

We tried to keep it simple, yet still provide some level of qualification, responsibility and a vehicle for the state to define and identify this industry. It is important to the Task Force that this licensing encompasses all of the operators. We worked hard to eliminate loop holes which would require the ethical operator to get licensed and the unethical operator to operate and guide without licenses.

FEES - The Task Force is recommending the cost of the *Sport Fishing Services Operators License* with the Department of Commerce reflect only the cost to administer and issue the licenses. Initial estimates indicate that the license fees will be between \$ 50 and \$75 per year.

The *Sport Fishing Guiding License* which would be purchased through the existing fishing and hunting license vendor system 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.

An operator who also **guided** would pay both fees to get both licenses.

Throughout the licensing proposal the task force includes personal & subsistence fishing because residents who are guided might claim they are participating in a personal use or subsistence fishery.

Tier 1: SPORT FISHING SERVICES OPERATOR'S LICENSE

A person or business may not provide sport fishing service operations without first obtaining a **SPORTFISHING SERVICES OPERATOR'S 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
2. show proof of a guides and outfitters general liability insurance policy with a minimum coverage of \$500,000 per occurrence and \$1,000,000 per annual aggregate.

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

A licensed **SPORTFISHING SERVICES OPERATOR** must register with the Alaska Department of Fish and Game, Division of Sport Fish, and provide the names of the licensed Sport Fishing Guides which will be employed by the **SPORTFISHING SERVICES OPERATOR**.

The fee for the **SPORTFISHING SERVICES OPERATORS** license will be set by the Alaska Department of Commerce and Economic Development to recover only the actual cost of issuing and administering this licensing program.

DEFINITIONS

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. **SPORT FISHING SERVICES OPERATORS** do 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.

Tier 2: 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 without first obtaining a **Sport Fish Guide License** from the Alaska Department of Fish and Game. A Sport Fish Guide must meet the following requirements while guiding:

1. Be at least 18 years of age.
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. Be a U.S. Citizen or U.S. National.
4. Hold any appropriate license(s) to meet U.S. Coast Guard vessel operators licensing requirements.
5. Hold a valid State of Alaska Sport Fishing License.
6. Be registered with the Alaska Department of Fish and Game, Division of Sport Fish, by a licensed Sport Fishing Services Operator to guide under the employment and authority of a licensed **Sport Fishing Services Operator**.

While guiding, a Sport Fish Guide must have in his/her possession: proof of valid and current first aid & CPR training, Alaska Department of Fish and Game guide registration form, drivers license or pictured identification, appropriate license(s) that may be required by the U.S. Coast Guard, a valid State of Alaska sport fish license.

A Sport Fish Guide must work under the authority of a Licensed **SPORT FISHING SERVICES OPERATOR**.

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 OPERATORS 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 **SPORTFISHING 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.

SPORTFISH 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.

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.

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 meet 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 meet 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.

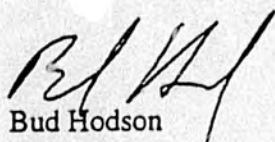
The Task Force believes that a comprehensive licensing system is needed to better define this diverse industry. The proposed licensing system provides needed definitions for companies and individuals who provide sport fishing guiding, chartering, and outfitting services. Through such definitions, it 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

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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*
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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.

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Task Force Members

Bud Hodson, chair
Tikchik Narrows Lodge
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Ken Dole
Waterfall Resort, Ketchikan
(907) 225-9461

Ken Parker
Juneau Charterboat Association
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Robert Ward
A-Ward Charters, Homer
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John Goodhand
Goodhand's Fishing Charter, Valdez
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Jeff King, vice chair
King's Budget Charters, Kenai
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Bruce Knowles
Big Fishermen Charters, Wasilla
(907) 745-4965

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

Lynn Whitmore
Chairman, Homer Advisory Board
(907) 235-8358

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 administering 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 without 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.

COMMISSIONERS

ALAN BEAMAN
JANIS MC B
ALAN J. HOWARD
JANIS E. MA
JANIS GROSS
JANIS BURG
JANIS PENNINGER
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INTERNATIONAL PACIFIC HALIBUT COMMISSION

DIRECTOR
DONALD A. MCCAUGHAN

P.O. BOX 35009
SEATTLE WA 98145-0009

TELEPHONE
206/464-1828

FAX
206/464-2983

February 15, 1995

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

Dear Representative Austerman:

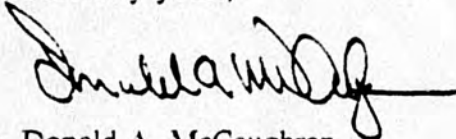
The International Pacific Halibut Commission (IPHC) would like you to know we strongly support the passage of House Bill No. 175, dealing with sport catch reporting by sport fishing guides.

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. McCaughan
Director

DAM:ps

RECEIVED

FEB 20 1995

Ans'd.....

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

James C. Tudor

Talkeetna River Guides

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



Natural History
Float Trips
The Intimate Denali Experience



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

Dear Mr. Vincent-Lang,

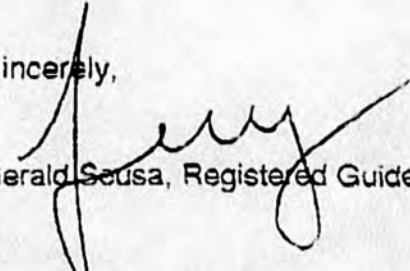
After reading the proposals I received in the mail dated November 17, 1995, regarding the Alaskan guide/charter industry, I cannot help but comment that I feel you left out one of the most important items in our industry "a **FLOTATION REQUIREMENT**" (and I am not just talking about a seat cushion).

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 probably 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

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.

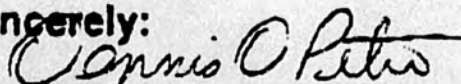
The only other requirements that I can see you should check for in order to issued Alaskan Sport Fish Transporter License are.

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.

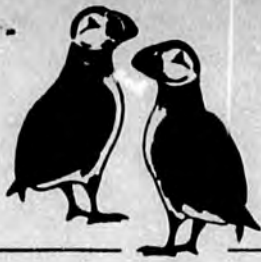
I sure hope that we can come up with a program that will benefit all Alaskans and insure that there will be plenty of fish and game for future generations.

Sincerely:



Dennis Petre

President: Valdez Charter Boat Association



PUFFIN CHARTERS, INC.

*Fishing - Sightseeing - Cruising
the
Waters of Southeast Alaska*

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.

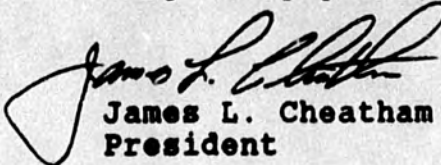
We also suggest provision be made for sport fish guides who are
4418 Mint Way • Juneau, Alaska 99801 • Phone: (907) 789-0001

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

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
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

HFSA House Special Committee on Fisheries held December 6, 1995

Testimony on Guide/Charter Task Force for statewide licensing

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, FOB 1126, Homer 99603
December 6, 1995

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.

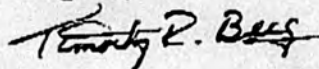
Somehow I believe that members of the task force are not aware of what is involved to operate or guide on the Kenai Peninsula. Evidently, they do not have to meet the same requirements that we do, or they would not be proposing any additional licensing. Possibly, there is a hidden agenda behind this 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.

ALASKA PRIVATE GUIDE SERVICE

Don Duncan, Registered Guide

299 Alvin Street

Fairbanks AK 99712

907-457-8318

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 with out use permits, poaching, etc...
- 7) Licensure as apposed 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's hand via a well intentioned biologist recommending a fishing area. Trade Secrets become Public Information.

13) The actual dollar value of the contribution fish guides make to the state's 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 BGCSB was sunsetted because enough guides contacted their legislators and requested sunseting because the board was out of control and not in touch with the industry's needs.

16) The BGCSB's 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 loses 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 "ECO-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 Board's 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/ F.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.

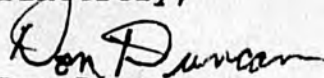
I say that the state should not be able to mandate requirements, through the DCED, that the DCED does not require of other regulated professions. For Example. Doctors are not required to carry at all times, all of their degrees and certifications. It is only a misdemeanor (maximum penalty) to practice 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 CPR/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

Alaska Salmon Guaranteed Charters.

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

Captain Mike Miller
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

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 task 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

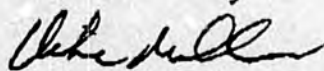
Mr. Doug Vincent-Lang
November 29, 1995
Page 2

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

**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

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 286
GAKONA, ALASKA 99586
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.

--- 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. A 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.

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 DOUG VINCENT-LANG
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 MATCH THE COAST OR BRISTOL BAY DRAINAGES. THERE ISN'T ANY 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 AND SITUATIONS THAT I HAVE NEVER ENCOUNTERED. MY

☐ Please reply☐ No reply necessary

SIGNED

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,
Bob Elliott

SIGNED

☐ Please reply

☐ No reply necessary

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



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FAX: (907) 472-2491

Private, personalized charters in Prince William Sound from Whittier

CAPTAIN MARILYNN N. HEDDELL, OWNER
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 and Marilyn Heddell

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

2-2-95

Dear Mr. D. Vincent - Long

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

1. Why is sport fish handling
a commercial enterprise?

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

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

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

resource 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 our harvest of fish and or

Damage to the environment. If
an inshore guide and charter
business goes to limited entry
will corporations be treated with
equal advantage.

4. We are tired of non-Alaskans
using out of state registered boats,
cars, trucks, trailers for business in
our state. The out of state
operators take from Alaska during
the season and put or leave everything
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 per cent operations
that are Alaskan and that
we live here year round and will
always stay in Alaska. We do not
like it because of mentioned unfairness.

E. Heidemann

P.O. Box 770061

Eagle River, Alaska 99577

Jon James Adventures Ltd.

James

(A)

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

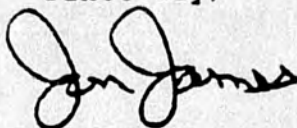
Dear Mr. Vincent-Lang:

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

Kaleidoscope Cruises

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

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.

Vincent-Lang

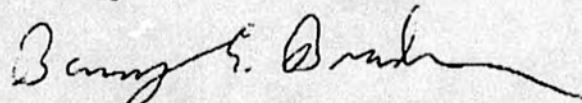
-2-

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) 772-3736

Dec 2, 95

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

DEAR DOUG,

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

UNFORTUNATELY 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 FEE'S 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 ~~of~~ 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

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 HUNDRED
OF QUESTIONS THAT NEED TO BE
HEARD AND CONSIDERED.

I REMAIN,

HOWARD MULANAX
DIV OF PARKS GUIDE
LICENSE # 20.
P.O. BOX 813
COOPER LANDING, AK 99572
TEMP PHONE 595-1566

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,

Dec 20, 1975

Doug Vincent-Lang.

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

I'm a commercial Trolla, 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
halibut and blackcod 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 Betzine
H/V 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. 99513

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 Noyes 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 tips play heavily on what is boated and what is returned to the water!

If we as lodge owners, and you as enforcement of the resource, we will both be out of jobs. Think about it.

Sincerely,


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

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?

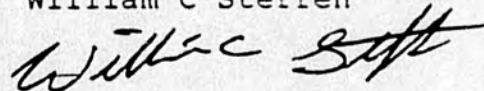
If records is made mandrory the records should be kept confidential and not available to the public, keep reporting forms simple.

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



OUTDOOR EXCURSIONS & SUPPLY, Inc.



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,

Gerald T. Jeka
President

DEC-05-95 TUE 15:20

DEC 05 '95 01:29PM GADFG/SPORT FISH DIV/FBKS 45973

P.02

P.3/3

* WILDERNESS ENTERPRISES *

JOB & VICKI LETARTE

P.O. BOX 75074 * FAIRBANKS, ALASKA * 99707

* (907) 488-7517 *

- 2 -



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



Wanderin' Star Charters, Inc.



CAPT. GARY L. McCOY

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.

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. Yourschedule 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.

J. J. W. W.
President

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 seems 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 there 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.

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. There 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 guests 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 license and adequate insurance to operate under a Guide license only.

Sincerely-
Maurice W. Whitford



MAIL BOXES ETC.

Transmitted From:

□ CAREFREE ARIZONA □

If you encounter difficulties with this fax please call:

602-488-4499

Fax responses to 602-488-4885

This fax is for DOUG-VINCENT-LANG

Phone: _____

Company: AK: DEPT OF FISH & GAME
DIV OF SPORT FISH

Fax # 907 267 2424

Sent by: M.W. WIDDOWS

There are: 3 pages total
(including cover)

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 have an Alaskan Business license and earned a Master's 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

A

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

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. While 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

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:

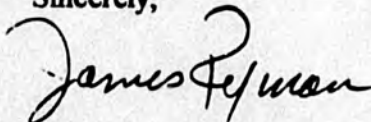
I am an owner of a charter business and also commercial fish. I was wondering when the task force met in Sitka? I don't remember hearing about it and we have a charter association that keeps its members fairly well informed.

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

VALDEZ CHARTER
BOAT ASSOCIATION

Written Comments to N 50315

Please distribute to Cook 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.

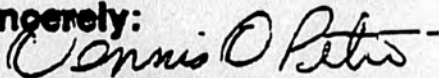
The only other requirements that I can see you should check for in order to issued Alaskan Sport Fish Transporter License are.

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

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 Raspberry 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

ARCTIC GRAYLING GUIDE SERVICE

P.O. Box 83707
Fairbanks, Alaska 99708

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.

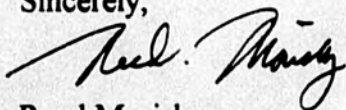
1. The insurance requirement of \$300,000/\$500,000 (occurrence/aggregate) seems quite high. I recently spoke with Bonnie McKay of Alaska Business Insurance in Anchorage (1-800-770-1825/ 694-6860) and was told that as far as she knew, all other state and federal land managers and agencies are only requiring \$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, appearing to read "Reed Morisky".

Reed Morisky
Owner/Guide

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.

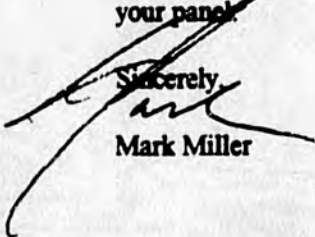
Are all these stipulations necessary? Has there been lots of people hurt by crooked fishing guides with no insurance? I don't believe so. Insurance is not the answer to responsibility...believe me. I take just two fishermen per week and a couple hunters every two weeks during season. I cannot afford 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

Lundane

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, & none of your damn business.

Thank you for your consideration of these matters.

Sincerely,

Ronald Lundemo

SILVERTIP FISHING SERVICE

657 North Point Higgins Road

Ketchikan, AK. 99501

(907) 247-8375



K 32

ALASKA RIVER CHARTERS

P.O. Box 81516 Fairbanks, Alaska 99708 PH (907) 455-4827 FAX (907) 455-4841
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

RON HAYES'

ALASKA RAINBOW LODGE

P.O. Box 39

King Salmon, Alaska 99613

1-800-451-6198



Mr. Doug Vincent-Lang
ADFG
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.

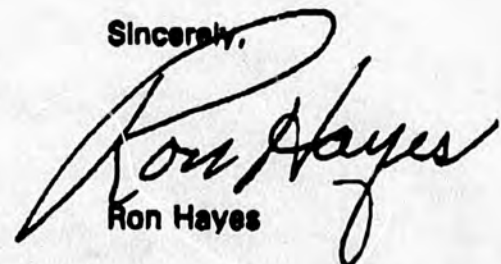
Ours is a seasonal business. We have new employees every year. If we have to let someone go after a few weeks and hire a replacement right away, how quickly would this system of licensing this new employee work? We're out in the bush, mail only goes out once per week. How would this be handled?

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

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

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.

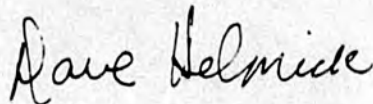
In the past, ADF&G in Southeast has required registration of charter boats and freshwater sport fishing guides. There is no fee structure, no accounting for lodges, mother ships, etc., and no penalties for not registering. Anybody and everybody whether they actually had a sport fish charter business 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



Shapleigh W. and Saundra 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

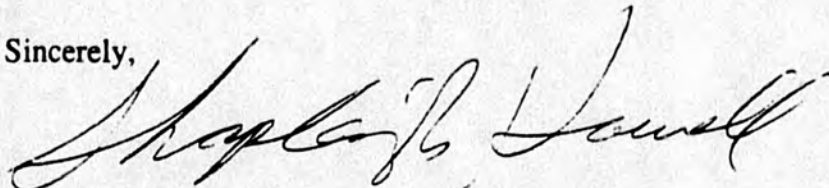
Sport Charter Regulations

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 fluid and somewhat stylized, with the first name being the most prominent.

Shapleigh W. Howell

SWH:sbh

Dear Mr. D. Vincent - Long

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 operator
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 our harvest of fish or or

~~to~~ to the environment. If
we risk guide and charter
business goes to limited entry
will corporations be treated with
unfair advantage.

4. We are tired of non Alaskan
using out of state registered boats,
cars, trucks, trailers for business in
our state. The out of state
operators take from Alaska during
the season and put or leave ~~nothing~~
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

~~live~~ live here year round and will
~~always~~ stay in Alaska. We do not
like it because of mentioned unfairness
E. Heidemann

P.O. Box 770061

Eagle River, Alaska 99577

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

- 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 existing 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

HAINES TACKLE CO.

P.O. BOX 765

HAINES, ALASKA 99827

(907) 766-2255



Re: Alaska Guide/Charter Task Force

Dec 1 1985

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. 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 make it any easier or orderly to regulate the industry. It is just another 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

VALDEZ FISH & GAME ADVISORY COMMITTEE

Chairman: Mr Pat Day

PO Box 788

Valdez, Alaska 99686

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.

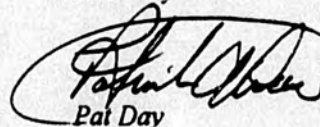
C. Why does the Task force feel compelled to provide common requirements to promote public safety as it relates only to the sport fisherman, When thousands of people annually get on boats to watch falling ice at no concern of the State as to any safety requirements?

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 unfortunate 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 dark ink, appearing to read "Pat Day", enclosed within a large, loopy circular flourish.

Pat Day
Chairman
Valdez F&G Adv.

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

12/3/95

Day

Mr Doug Vincent - Larry,

In sundays 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 disabled left knee which is getting worse.

Just about the only job that I (and "Job Service") could come up with is Charter skipper either on my boat or on another, possibly running a Mini cruise ship.

Now according to the ~~Times~~ Newspaper another bunch of people who want to control others lives + livelihood 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 dismay + anger that some petty ~~politics~~ politicians are trying to get more money + clamp on more restrictions on the small boat operator in S.E. Alaska.

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

Larry J Day
S/V Kubapete, Kwom Harbor

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

Norm and Linda Carson

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:

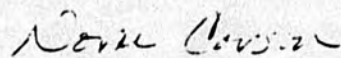
1. Our resources are valuable and cost plenty to replenish. Commercial salmon fishermen tax themselves 3% for salmon enhancement projects. Resident operators and/or guides could surely pay \$250 to help offset enhancement and enforcement costs.

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



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.

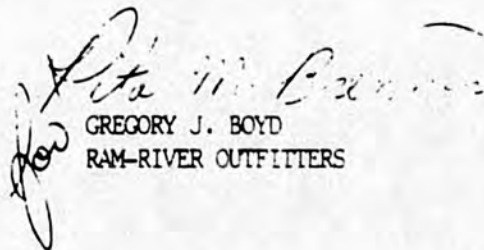
COMMENT #6: We are opening a can of worms anytime we try to regulate an industry as complex and diverse as our state. I believe that it is important to have broad guidelines, but each unique area should be managed separately. The Kenai River operations and salt water charter boats and sports fishing 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

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.

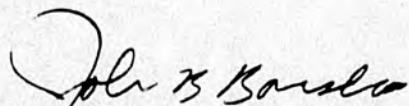
Our question to you I believe would be, are these people really licensed? If so, are they ever checked? Have you had other complaints? I can't believe you have not. Mr. Wooderson was by far the most unprofessional guide we have ever had the misfortune to encounter. He had absolutely no concept of safety.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

414

**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

6 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
Kenneth T. Alt
Owner/Guide

Emery

November 30, 1995

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.

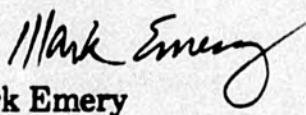
But I need to understand what it is I am getting for my money. In our town there is a lodge, a German operation that runs a number of fishermen on the river every day. I had their 1995 brochure translated into English. Besides making several derogatory statements about the people of King Salmon they 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.

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

FAX TRANSMISSION

DATE: February 21, 1996

TO: COMMITTEE ON FISHERIES

ATTN: ALAN AUSTERMAN

FAX NUMBER : (907) 465-4956

COVER SHEET AND 0 PAGES

COMMENTS: PLEASE ADDRESS DURING TELECONFERENCE TONIGHT.

1. WHERE DID THE \$75.00 FEE COME FROM?? IS THIS COST RECOVERY FOR ADMINISTRATION PURPOSES ONLY??
2. WHY CAN A LONGLINER WHO CATCHES THOUSANDS OF POUNDS OF HALIBUT BE FULLY PERMITTED BY THE STATE FOR ONLY \$50.00 (NO STATE BUSINESS LICENSE REQUIRED, OR LICENSE FOR THE FISHERMAN-SKIPPER) - BUT WE MUST BUY A SPORT FISHING OPERATORS LICENSE FOR \$75.00 AND A STATE BUSINESS LICENSE FOR \$50.00, A PERSONAL SPORT FISHING LICENSE FOR \$15.00, AND BE RESPONSIBLE FOR EACH AND EVERY CLIENT BUYING A SPORTFISHING LICENSE AT \$15.00.

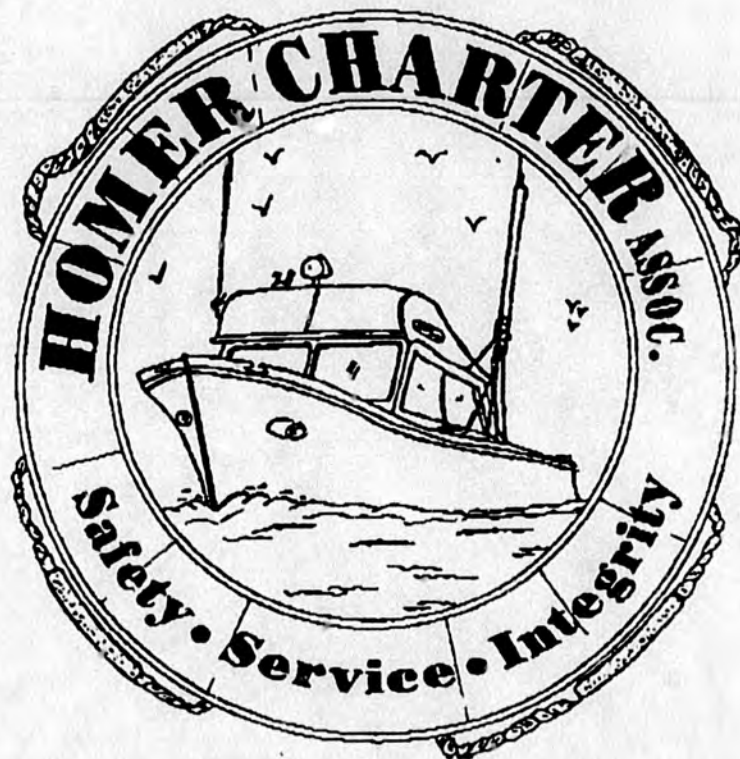
WHERE'S THE PARITY?

3. CHARTERS OR GUIDES CAN NO LONGER CARRY SUBSISTENCE FISHERS?? OR IS IT JUST ILLEGAL FOR US TO DO IT ANYMORE??

FROM: ROBERT WARD

AT: HOMER CHARTER ASSOCIATION

FAX NUMBER: (907) 235-2282



A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 175(RES)

1 Page 2, line 18, following "AS 16.40.370":

2 Insert "that identifies the sport fishing services operator or fishing guide who
3 provides the report or that identifies specific locations where fish have been taken"

4 Page 5, following line 13:

5 Insert

6 "(c) Except as provided under AS 16.05.815, information received by the
7 department under this section is public information."

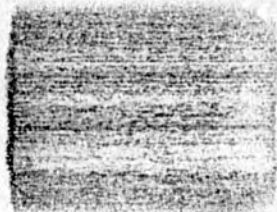
8 Reletter the following subsections accordingly.

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 175(RES)

BY REPRESENTATIVE NAVARRE

- 1 Page 4, after line 3:
- 2 Insert a new paragraph to read:
- 3 "(4) has during three of the preceding five years either
- 4 (A) held an annual Alaska sport fishing license;
- 5 (B) lawfully engaged in sport fishing in the state while exempt
- 6 from the sport fishing license requirement; or
- 7 (C) a combination of (A) and (B) of this paragraph;"
- 8 Renumber the following paragraphs accordingly.



WITHDRAWN
Possible Rebuff for
Floor Amendment

4/16/96

AMENDMENT # 1

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: CSHB 175(RES)

1 Page 1, line 2, following "guides;":

2 Insert "relating to compensation of vendors of fish and game licenses and tags;"

3 Page 2, following line 9:

4 Insert a new bill section to read:

5 "* Sec. 3. AS 16.05.390(c) is amended to read:

6 (c) On March 31, June 30, September 30, and December 31 of each year the
7 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
8 section, minus the penalties assessed under (g) of this section. If the compensation
9 due exceeds \$50, the commissioner shall pay the compensation not later than 30 days
10 after the date for which the compensation was calculated. If the compensation due
11 is \$50 or less, the commissioner shall pay the compensation not later than January 30
12 of the year following the year in which the compensation was earned. The
13 commissioner shall pay compensation only for sales of licenses or tags for which the
14 commissioner has received the report and proceeds required to be transmitted under
15 (b) of this section. An agent may assign to a nonprofit fish or game association
16 all or part of the compensation earned by the agent under (a)(2) of this section
17 and due under this subsection. The commissioner shall pay assigned
18 compensation to the assignee as directed by the agent."

19 Renumber the following bill section accordingly.



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Fisheries
COMMITTEE NAME

COMMITTEE ON

175
BILL/SUBJECT

DATED

Rep. Austerman - Please review the testimony of Mr. Delaney from the teleconference tonight 2/7. F & G is now on the record as stating they do not desire to have their duty of data collection mandatory. Mr. Delaney has unequivocally indicated that F & G may really only be interested in info on a few species (Halibut) and they want the bill changed to reflect that fact. Changing the F & G's duty from "Shall" to "May" destroys the entire purpose of the bill. All that's left is a thinly disguised revenue bill.

SIGNED

TESTIFIER

Mike Kramer

REPRESENTING (OPTIONAL)

ADDRESS/PHONE NUMBER

Box 73126 907 979 0660

FAIRBANKS.



REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

P.O. Box 2368, Kodiak, Alaska 99615 (907) 486-5930 • Session: State Capitol, Juneau, Alaska 99801 465-2487

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 vender 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 accomodate 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.

9-LS0664\G ✓

Utermohle

1/29/96

*Booth
LIC ADF46
ma**Subsistence***CS FOR HOUSE BILL NO. 175(FSH)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:

Referred:

Sponsor(s): REPRESENTATIVES AUSTERMAN, Ivan

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to licensing of fishing services operators and fishing guides; and
2 providing for an effective date."

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

4 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

5 (37) regulation of fishing services operators under AS 08.54.

6 * Sec. 2. AS 08.01.050(a) is amended to read:

7 (a) The department shall perform the following administrative and budgetary
8 services when appropriate:

9 (1) collect and record fees;

10 (2) maintain records and files;

11 (3) issue and receive application forms;

12 (4) notify applicants of acceptance or rejection as determined by the

13 board or as determined by the department under AS 08.06 for acupuncturists, under

14 AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for

1 electrical and mechanical administrators, under AS 08.45 for naturopaths, under
2 AS 08.54 for fishing services operators, under AS 08.55 for hearing aid dealers, or
3 under AS 08.70 for nursing home administrators;

4 (5) designate dates examinations are to be held and notify applicants;

5 (6) publish notice of examinations and proceedings;

6 (7) arrange space for holding examinations and proceedings;

7 (8) notify applicants of results of examinations;

8 (9) issue licenses or temporary licenses as authorized by the board or
9 as authorized by the department under AS 08.06 for acupuncturists, under AS 08.11
10 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
11 mechanical administrators, under AS 08.45 for naturopaths, under AS 08.54 for
12 fishing services operators, under AS 08.55 for hearing aid dealers, or under AS 08.70
13 for nursing home administrators;

14 (10) issue duplicate licenses upon submission of a written request by
15 the licensee attesting to loss of or the failure to receive the original and payment by
16 the licensee of a fee established by regulation adopted by the department;

17 (11) notify licensees of renewal dates at least 30 days before the
18 expiration date of their licenses;

19 (12) compile and maintain a current register of licensees;

20 (13) answer routine inquiries;

21 (14) maintain files relating to individual licensees;

22 (15) arrange for printing and advertising;

23 (16) purchase supplies;

24 (17) employ additional help when needed;

25 (18) perform other services that may be requested by the board;

26 (19) provide inspection, enforcement, and investigative services to the
27 boards and for the occupations listed in AS 08.01.010, regarding all licenses issued by
28 or through the department;

29 (20) retain and safeguard the official seal of a board and prepare, sign,
30 and affix a board seal, as appropriate, for licenses approved by a board;

31 (21) issue business licenses under AS 43.70.

* Sec. 3. AS 08.54 is amended by adding new sections to read:

ARTICLE 5. FISHING SERVICES OPERATOR.

Sec. 08.54.610. FISHING SERVICES OPERATOR LICENSE. (a) The department shall issue a license to engage in business as a fishing services operator to a person who holds a current business license under AS 43.70 to provide services to sport, personal use, or subsistence fishermen and who presents proof satisfactory to the department of a general liability insurance policy, covering the services provided by the person and the person's employees to sport, personal use, and subsistence fishermen, that provides an annual minimum coverage of \$300,000.

(b) A person may not provide fishing services unless the person holds a current fishing services operator license.

(c) A person who holds a fishing services operator license may contract to provide fishing guide services to a sport, personal use, or subsistence fisherman through an employee who holds a fishing guide license issued under AS 16.05.793.

(d) A person who holds a fishing services operator license may not directly provide fishing guide services to a sport, personal use, or subsistence fisherman unless the person also holds a fishing guide license under AS 16.05.793.

(e) A person who holds a fishing services operator license shall comply with reporting requirements adopted by regulation by the department or the Department of Fish and Game. A person who is required to complete reports under this subsection may not intentionally, knowingly, or recklessly provide false, misleading, or substantially incomplete information. A person who has been convicted of violating this subsection may not receive a fishing services operator license for three years from the date of the conviction.

(f) A person who is required to complete reports under (e) of this section may not receive or renew a fishing services operator license unless all reports required under this section for the preceding year have been received by the department that has required the report.

(g) A person who violates this section or a regulation adopted under this section is guilty of a class A misdemeanor.

Sec. 08.54.650. DEFINITIONS. In AS 08.54.610 - 08.54.650,

1 (1) "department" means the Department of Commerce and Economic
2 Development;

3 (2) "field" means an area that is (A) outside of established
4 developments usually associated with a city or town, and (B) not reasonably accessible
5 by foot from the state road system;

6 (3) "fishing club" means an organization that offers use of real or
7 personal property or services to individuals who pay a membership fee for the
8 privilege of using the real or personal property or services for sport, personal use, or
9 subsistence fishing;

10 (4) "fishing guide services" has the meaning given in AS 16.05.793;

11 (5) "fishing services" means the provision to sport, personal use, or
12 subsistence fishermen, for compensation or with the intent to receive compensation,
13 of fishing guide services through a person who is licensed as a fishing guide under
14 AS 16.05.793, of outfitting services, or of fishing club services; "fishing services" does
15 not include

16 (A) the provision of transportation, for compensation or with the
17 intent to receive compensation, to a sport, personal use, or subsistence
18 fisherman to or from the field if, during the provision of transportation, the
19 provider of the transportation does not personally assist, accompany, or direct
20 the fisherman in taking or attempting to take fish;

21 (B) the sale, lease, or renting of goods relating to sport, personal
22 use, or subsistence fishing if the transaction does not occur in the field;

23 (C) the sale of tackle, bait, or fuel in the field if the seller of
24 the tackle, bait, or fuel does not provide other services;

25 (D) the lease or renting of vessels in the field if the lessor or
26 renter of the vessel does not provide a person to operate the vessel and if
27 fishing equipment, gear, tackle, bait, or other services are not provided with the
28 vessel;

29 (E) an activity for which a fishing guide license is required
30 under AS 16.05.793; or

31 (F) booking and other ancillary services provided by a tour

broker or agent to a fishing services operator;

(6) "outfitting" means the provision of equipment or services to sport, personal use, or subsistence fishermen in the field;

(7) "vessel" has the meaning given in AS 16.05.940.

* Sec. 4. AS 16.05.330(a) is amended to read:

(a) Except as otherwise permitted in this chapter, without having the appropriate license or tag in actual possession, a person may not engage in

(1) sport fishing, including the taking of razor clams;

(2) hunting, trapping, or fur dealing;

(3) the farming of fish, fur, or game; [OR]

(4) taxidermy; or

(5) providing fishing guide services to sport, personal use, or subsistence fishermen.

* Sec. 5. AS 16.05.340(a) is amended by adding a new paragraph to read:

(25) Fishing guide license

(A) resident S25

(B) nonresident 75.

* Sec. 6. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.793. FISHING GUIDES. (a) A natural person may obtain a fishing guide license if the person

(1) is certified in first aid and cardiopulmonary resuscitation by the American Red Cross, American Heart Association, or an equivalent organization;

(2) holds a license to carry passengers for hire issued by the United States Coast Guard if the person uses a vessel in the provision of fishing guide services;

(3) holds a current sport fishing license; and

(4) is an employee of a licensed fishing services operator or is a holder of a fishing services operator license.

(b) A person may not provide fishing guide services unless the person

(1) has first obtained a fishing guide license under this section; and

(2) is an employee of a licensed fishing services operator or also holds

1 a fishing services operator license under AS 08.54.610.

2 (c) A fishing guide may provide fishing guide services only to persons who
3 have engaged the services of the fishing services operator by whom the fishing guide
4 is employed. A fishing guide may not contract directly with a person to provide
5 fishing guide services to that person unless the fishing guide also holds a fishing
6 services operator license under AS 08.54.610.

7 (d) While engaged in providing fishing guide services, a fishing guide shall
8 physically possess

9 (1) a fishing guide license;

10 (2) the current licenses, tags, and permits that are required to engage
11 in the sport, personal use, or subsistence fishery for which the fishing guide services
12 are being provided;

13 (3) an identification card that has been issued to the fishing guide by
14 a state or federal agency and that bears a photograph of the person;

15 (4) proof of employment as a fishing guide by a person licensed as a
16 fishing services operator under AS 08.54.610 or proof of licensure as a fishing services
17 operator under AS 08.54.610;

18 (5) proof of current certification in first aid and cardiopulmonary
19 resuscitation; and

20 (6) proof of licensure by the United States Coast Guard to carry
21 passengers for hire if the fishing guide is using a vessel in the provision of fishing
22 guide services.

23 (e) A person who obtains a fishing guide license shall complete reports in the
24 form and at the time as may be required by the department. The department shall
25 adopt regulations assigning the responsibility for completing the reports required under
26 this section among two or more persons who simultaneously provide fishing guide
27 services to a client. The department shall collect information on the number of
28 salmon, halibut, and other fish taken by clients of a fishing guide and may request
29 information regarding the time and specific location of guiding activities, the number
30 of clients guided, the owner and identity of a vessel used for sport fishing, the name
31 of a person who employs the fishing guide to provide fishing guide services, and other

1 information the department considers appropriate. A person who is required to
2 complete reports under this subsection may not receive a fishing guide license unless
3 all reports required by the department for the preceding year have been received by the
4 department.

5 (f) A person who is required to complete reports under this section may not
6 intentionally, knowingly, or recklessly provide false, misleading, or substantially
7 incomplete information. A person who has been convicted of violating this subsection
8 may not receive a fishing guide license for three years from the date of the conviction.

9 (g) A person who violates this section or a regulation adopted under this
10 section is guilty of a class A misdemeanor.

11 (h) In this section,

12 (1) "field" has the meaning given in AS 08.54.650;

13 (2) "fishing guide" means a natural person who holds a fishing guide
14 license issued under this section;

15 (3) "fishing guide services" means to assist, for compensation or with
16 the intent to receive compensation, a sport, personal use, or subsistence fisherman in
17 the field to take or to attempt to take fish by personally accompanying or directing the
18 fisherman in fishing activities; "fishing guide services" does not include

19 (A) the provision of transportation, for compensation or with the
20 intent to receive compensation, to a sport, personal use, or subsistence
21 fisherman to or from the field if, during the provision of transportation, the
22 provider of the transportation does not personally assist, accompany, or direct
23 the fisherman in taking or attempting to take fish;

24 (B) the sale, lease, or renting of goods relating to sport, personal
25 use, or subsistence fishing if the transaction does not occur in the field;

26 (C) the sale of tackle, bait, or fuel in the field if the seller of
27 the tackle, bait, or fuel does not personally assist, accompany, or direct a sport,
28 personal use, or subsistence fisherman in taking or attempting to take fish;

29 (D) the lease or renting of a vessel in the field if the lessor or
30 renter of the vessel does not operate the vessel and if fishing equipment, gear,
31 tackle, bait, or other services are not provided with the vessel;

(E) an activity for which a fishing services operator license is required under AS 08.54.610 - 08.54.650; or

(F) services provided by assistants, desk hands, and similar persons who work directly under the supervision of and in the presence of a fishing guide;

(4) "fishing services" has the meaning given in AS 08.54.650.

* Sec. 7. AS 16.05.815(d) is amended to read:

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; [AND] (E) the specific location of fish and wildlife species; and (F) information contained in reports received by the department under AS 08.54.610(e) or AS 16.05.793. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 09.25.110 - 09.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 44.99.350.

* Sec. 8. AS 16.05.925 is amended to read:

Sec. 16.05.925. PENALTY FOR VIOLATIONS. Except as provided in AS 16.05.430, 16.05.722, 16.05.723, 16.05.793, 16.05.831, and 16.05.860, a person who violates AS 16.05.920 or 16.05.921, or a regulation adopted under this chapter or AS 16.20, is guilty of a class A misdemeanor.

1 * Sec. 9. AS 41.23.420(d) is amended to read:

2 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

3 (1) the Department of Fish and Game, the Department of Commerce

4 and Economic Development, the Board of Fisheries, the Board of Game, or the Big

5 Game Commercial Services Board under AS 08.54, AS 16, or AS 41.99.010;

6 (2) the Department of Environmental Conservation under AS 46.03; or

7 (3) state agencies and municipalities under AS 44.19.145(a)(11) and

8 AS 46.40.100.

9 * Sec. 10. This Act takes effect January 1, 1997.



Alaska State Legislature

**House of Representatives
Special Committee on Fisheries**

SPONSOR STATEMENT CSHB 175 (FSH) version K

synopsis

This version of HB 175 incorporates several changes:

- 1) A Transporter license is now included in the bill language for those who provide only transportation services to sport or personal use fishermen. If ADFG should choose, information derived from this sector could help portray the entire industry.
- 2) In this draft, ADFG is the only agency from which a sport fish guide license or operators or transporters license will be issued. There are pros and cons of consolidating the guide licensing effort which the sponsor wanted brought forward in discussion today. This may minimize coordination problems and provide for the one license proposal for the owner-operator guide.
- 3) All reference to subsistence has been omitted due to feedback from the Native community.
- 4) US Citizenship was reestablished as a requirement to guide license.
- 5) Exceptions to definitions were removed as per Utermohle's legal nemo dated January 29th.

9-LS0664VK

Utermohle

2/6/96

CS FOR HOUSE BILL NO. 175(FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:

Referred:

Sponsor(s): REPRESENTATIVES AUSTERMAN, Ivan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensing of fishing services operators, fishing guides, and
2 transporters; and providing for an effective date."

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

4 * Section 1. AS 16.05.330(a) is amended to read:

5 (a) Except as otherwise permitted in this chapter, without having the
6 appropriate license or tag in actual possession, a person may not engage in

7 (1) sport fishing, including the taking of razor clams;

8 (2) hunting, trapping, or fur dealing;

9 (3) the farming of fish, fur, or game; [OR]

10 (4) taxidermy; or

11 (5) providing fishing guide services to sport or personal use
12 fishermen.

13 * Sec. 2. AS 16.05.340(a) is amended by adding a new paragraph to read:

14 (25) Fishing services licenses

(A) Fishing services operator license

(i) Resident \$ 75

(ii) Nonresident 225

(B) Fishing guide license

(i) Resident 25

(ii) Nonresident 75

(C) Transporter license

(i) Resident 25

(ii) Nonresident 75.

* Sec. 3. AS 16.05.410(a) is amended to read:

(a) Upon conviction of a person of a first violation of AS 16.05.330 - 16.05.430, AS 16.40.350 - 16.40.390, or of a federal or state law or regulation for the protection of the sport fish and game of the state, the court may, in addition to the penalty imposed by law, revoke the person's license.

* Sec. 4. AS 16.05.410(b) is amended to read:

(b) Upon subsequent conviction of a person for a violation of AS 16.05.330 - 16.05.430, AS 16.40.350 - 16.40.390, or of a federal or state law or regulation for the protection of the sport fish and game of the state, the court shall revoke the person's license.

* Sec. 5. AS 16.05.815(d) is amended to read:

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; [AND] (E) the specific location of fish and wildlife species; and (F) information contained in reports received by the department under AS 16.40.350 - 16.40.390. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife

1 population, or if the requestor has been authorized by the department to perform
2 specific activities and agrees to use the records and information only for purposes as
3 provided under a contract or agreement with the department. After 25 years, the
4 records and information that are kept confidential under this subsection become public
5 records subject to inspection and copying under AS 09.25.110 - 09.25.140 unless the
6 department determines that the release of the records or information may be
7 detrimental to the fish or wildlife population. In this subsection, "personal
8 information" has the meaning given in AS 44.99.350.

9 * Sec. 6. AS 16.40 is amended by adding new sections to read:

10 ARTICLE 4. SPORT AND PERSONAL USE FISHING SERVICES.

11 Sec. 16.40.350. FISHING SERVICES OPERATOR LICENSE. (a) The
12 department shall issue an annual fishing services operator license to a person who

13 (1) holds a current business license under AS 43.70 to provide services
14 to sport and personal use fishermen;

15 (2) presents proof satisfactory to the department of a general liability
16 insurance policy, covering the services provided by the person and the person's
17 employees to sport and personal use fishermen, that provides an annual minimum
18 coverage of \$300,000; and

19 (3) pays the license fee prescribed by AS 16.05.340(a).

20 (b) A person may not provide fishing services unless the person holds a
21 current fishing services operator license.

22 (c) A person who holds a fishing services operator license may contract to
23 provide fishing guide services to a sport or personal use fisherman through an
24 employee who holds a fishing guide license issued under AS 16.40.360.

25 (d) A person who holds a fishing services operator license may not directly
26 provide fishing guide services to a sport or personal use fisherman unless the person
27 also holds a fishing guide license under AS 16.40.360.

28 Sec. 16.40.360. FISHING GUIDES. (a) A natural person may obtain an annual
29 fishing guide license if the person

30 (1) is a citizen of the United States;

31 (2) is certified in first aid and cardiopulmonary resuscitation by the
32 American Red Cross, American Heart Association, or an equivalent organization;

(3) holds a license to carry passengers for hire issued by the United States Coast Guard if the person uses a vessel in the provision of fishing guide services;

(4) holds a current sport fishing license;

(5) is an employee of a licensed fishing services operator or is a holder of a fishing services operator license; and

(6) pays the fee prescribed by AS 16.05.340(a).

(b) A person may not provide fishing guide services unless the person

(1) has first obtained a fishing guide license under this section; and

(2) is an employee of a licensed fishing services operator or also holds a fishing services operator license under AS 16.40.350.

(c) A fishing guide may provide fishing guide services only to persons who have engaged the services of the fishing services operator by whom the fishing guide is employed. A fishing guide may not contract directly with a person to provide fishing guide services to that person unless the fishing guide also holds a fishing services operator license under AS 16.40.350.

(d) A fishing guide shall be physically present while a client is engaged in sport or personal use fishing.

(e) While engaged in providing fishing guide services, a fishing guide shall physically possess

(1) a fishing guide license;

(2) the current licenses, tags, and permits that are required to engage in the sport or personal use fishery for which the fishing guide services are being provided;

(3) an identification card that has been issued to the fishing guide by a state or federal agency and that bears a photograph of the person;

(4) proof of employment as a fishing guide by a person licensed as a fishing services operator under AS 16.40.350 or proof of licensure as a fishing services operator under AS 16.40.350;

(5) proof of current certification in first aid and cardiopulmonary resuscitation; and

(6) proof of licensure by the United States Coast Guard to carry passengers for hire if the fishing guide is using a vessel in the provision of fishing guide services.

1 (f) The department shall collect information on the number of salmon, halibut,
2 and other fish taken by clients and fishing guides during the provision of fishing guide
3 services and may request information regarding the time and specific location of guiding
4 activities, the number of clients guided, the owner and identity of a vessel used for sport
5 fishing, the name of a person who employs the fishing guide to provide fishing guide
6 services, and other information the department considers appropriate.

7 (g) A fishing guide may not intentionally or knowingly aid the commission of
8 a violation of AS 16.05 - AS 16.40 or a regulation adopted under AS 16.05 - AS 16.40
9 by a sport or personal use fisherman who is a client of the fishing guide.

10 Sec. 16.40.370. TRANSPORTER LICENSE. (a) A person may obtain an
11 annual transporter license if the person

12 (1) pays the license fee prescribed by AS 16.05.340(a);

13 (2) provides proof of

14 (A) an air taxi/commercial operator certificate issued by the
15 Federal Aviation Administration under 14 C.F.R. Part 135 if the person provides
16 air transportation services to sport or personal use fishermen; and

17 (B) licensure by the Coast Guard to carry passengers for hire if
18 the person provides water transportation services to sport or personal use
19 fishermen and if licensure is required by the Coast Guard; and

20 (3) has a business license to transport sport or personal use fishermen.

21 (b) A person who holds a transporter license may provide transportation services
22 for compensation to sport or personal use fishermen.

23 (c) A person may not provide transportation services to sport or personal use
24 fishermen if the person does not hold a current transporter license issued by the
25 department.

26 (d) A person who holds a transporter license may not provide fishing operator
27 services or fishing guide services without holding the appropriate license.

28 Sec. 16.40.380. REPORTS; PENALTY. (a) A person who holds a license
29 issued under AS 16.40.350 - 16.40.390 shall comply with reporting requirements adopted
30 by regulation by the department. A person who is required to complete reports under
31 this subsection or AS 16.40.360(f) may not intentionally, knowingly, or recklessly
32 provide false, misleading, or substantially incomplete information.

(b) A person who is required to complete reports under (a) of this section or AS 16.40.360(f) may not receive a new license under AS 16.40.350 - 16.40.390 unless all reports required under this section for the preceding year have been received by the department.

(c) A person who violates AS 16.40.350 - 16.40.390 or a regulation adopted under AS 16.40.350 - 16.40.390 is guilty of a class A misdemeanor.

Sec. 16.40.390. DEFINITIONS. In AS 16.40.350 - 16.40.390,

(1) "field" means an area that is

(A) outside of established developments usually associated with a city or town; and

(B) not reasonably accessible by foot from the state road system;

(2) "fishing club" means an organization that offers use of real or personal property or services to individuals who pay a membership fee for the privilege of using the real or personal property or services for sport or personal use fishing;

(3) "fishing guide" means a natural person who holds a fishing guide license issued under AS 16.40.360;

(4) "fishing guide services" means to assist, for compensation or with the intent to receive compensation, a sport or personal use fisherman in the field to take or to attempt to take fish by personally accompanying and directing the fisherman in fishing activities; "fishing guide services" do not include

(A) an activity for which a fishing services operator license is required under AS 16.40.350;

(B) an activity for which a transporter license is required under AS 16.40.370; or

(C) services provided by assistants, deck hands, and similar persons who work directly under the supervision of and in the presence of a fishing guide;

(5) "fishing services" means the provision to sport or personal use fishermen, for compensation or with the intent to receive compensation, of fishing guide services through a person who is licensed as a fishing guide under AS 16.40.360, of outfitting services, or of fishing club services; "fishing services" does not include

(A) an activity for which a fishing guide license is required under

1 AS 16.40.360;

2 (B) an activity for which a transporter license is required under
3 AS 16.40.370; or

4 (C) booking and other ancillary services provided by a tour
5 broker or agent to a fishing services operator;

6 (6) "outfitting" means the provision of equipment or services to sport or
7 personal use fishermen in the field;

8 (7) "transportation services" means the carriage for compensation of sport
9 or personal use fishermen, their equipment, or fish harvested by sport or personal use
10 fishermen to, from, or in the field; "transportation services" do not include the carriage
11 of sport or personal use fishermen, their equipment, or fish harvested by sport or
12 personal use fishermen by

13 (A) aircraft

14 (i) on nonstop flights between state or federally
15 maintained airports; or

16 (ii) by an air taxi operator or air carrier for which the
17 carriage of sport and personal use fishermen, their equipment, or fish
18 harvested by sport and personal use fishermen is only an incidental, as
19 defined by the department, portion of its business; or

20 (B) vessel by a fishing guide during and directly incidental to the
21 provision of fishing guide services.

22 * Sec. 7. This Act takes effect January 1, 1997.

9-LS0664\M ✓

Utermohle

2/14/96

CS FOR HOUSE BILL NO. 175(FSH)**IN THE LEGISLATURE OF THE STATE OF ALASKA****NINETEENTH LEGISLATURE - SECOND SESSION****BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES**

Offered:

Referred:

Sponsor(s): REPRESENTATIVES AUSTERMAN, Ivan

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to licensing of sport fishing services operators, fishing guides,
2 and transporters; and providing for an effective date."

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

4 * Section 1. AS 16.05.330(a) is amended to read:

5 (a) Except as otherwise permitted in this chapter, without having the
6 appropriate license or tag in actual possession, a person may not engage in

7 (1) sport fishing, including the taking of razor clams;

8 (2) hunting, trapping, or fur dealing;

9 (3) the farming of fish, fur, or game; [OR]

10 (4) taxidermy; or

11 (5) providing fishing guide services to sport or personal use
12 fishermen.

13 * Sec. 2. AS 16.05.340(a) is amended by adding a new paragraph to read:

14 (25) Fishing services licenses

(A) Sport fishing services operator license

(i) Resident \$ 75

(ii) Nonresident 225

(B) Fishing guide license

(i) Resident 25

(ii) Nonresident 75

(C) Transporter license

(i) Resident 25

(ii) Nonresident 75.

* Sec. 3. AS 16.05.815(d) is amended to read:

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; [AND] (E) the specific location of fish and wildlife species; and (F) information contained in reports received by the department under AS 16.40.350 - 16.40.390. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 09.25.110 - 09.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 44.99.350.

* Sec. 4. AS 16.40 is amended by adding new sections to read:

ARTICLE 4. SPORT AND PERSONAL USE FISHING SERVICES.

1 Sec. 16.40.350. SPORT FISHING SERVICES OPERATOR LICENSE. (a)

2 The department shall issue an annual sport fishing services operator license to a person
3 who

4 (1) holds a current business license under AS 43.70 to provide services
5 to sport and personal use fishermen;

6 (2) presents proof satisfactory to the department of a general liability
7 insurance policy or marine protection and indemnity liability insurance policy, covering
8 the services provided by the person and the person's employees to sport and personal
9 use fishermen, that provides an annual minimum coverage of \$300,000; and

10 (3) pays the license fee prescribed by AS 16.05.340(a).

11 (b) A person may not provide sport fishing services unless the person holds
12 a current sport fishing services operator license.

13 (c) A person who holds a sport fishing services operator license may contract
14 to provide fishing guide services to a sport or personal use fisherman through an
15 employee who holds a fishing guide license issued under AS 16.40.360.

16 (d) A person who holds a sport fishing services operator license may not
17 directly provide fishing guide services to a sport or personal use fisherman unless the
18 person also holds a fishing guide license under AS 16.40.360.

19 Sec. 16.40.360. FISHING GUIDES. (a) A natural person may obtain an annual
20 fishing guide license if the person

21 (1) is a citizen of the United States or a resident alien;

22 (2) is certified in first aid and cardiopulmonary resuscitation by the
23 American Red Cross, American Heart Association, or an equivalent organization;

24 (3) holds a license to carry passengers for hire issued by the United
25 States Coast Guard, if the person uses a vessel in the provision of fishing guide services
26 and the license is required by the United States Coast Guard;

27 (4) holds a current sport fishing license; and

28 (5) pays the fee prescribed by AS 16.05.340(a).

29 (b) A person may not provide fishing guide services unless the person

30 (1) has first obtained a sport fishing guide license under this section; and

31 (2) is an employee of a licensed sport fishing services operator or also
32 holds a sport fishing services operator license under AS 16.40.350.

(c) A fishing guide may provide fishing guide services only to persons who have engaged the services of the sport fishing services operator by whom the fishing guide is employed. A fishing guide may not contract directly with a person to provide fishing guide services to that person unless the fishing guide also holds a sport fishing services operator license under AS 16.40.350.

(d) A fishing guide shall be physically present while a client is engaged in sport or personal use fishing from a vessel. A fishing guide shall accompany a client in the field while the client is engaged in sport or personal use fishing.

(e) While engaged in providing fishing guide services, a fishing guide shall physically possess

(1) a fishing guide license;

(2) the current licenses, tags, and permits that are required to engage in the sport or personal use fishery for which the fishing guide services are being provided;

(3) a driver's license or similar identification card issued by a state or federal agency and that bears a photograph of the fishing guide;

(4) proof of employment as a fishing guide by a person licensed as a sport fishing services operator under AS 16.40.350 or proof of licensure as a sport fishing services operator under AS 16.40.350;

(5) proof of current certification in first aid and cardiopulmonary resuscitation; and

(6) proof of licensure by the United States Coast Guard to carry passengers for hire, if the fishing guide is using a vessel in the provision of fishing guide services and the license is required by the United States Coast Guard.

(f) A fishing guide may not intentionally or knowingly aid the commission of a violation of AS 16.05 - AS 16.40 or a regulation adopted under AS 16.05 - AS 16.40 by a sport or personal use fisherman who is a client of the fishing guide.

Sec. 16.40.370. TRANSPORTER LICENSE. (a) A person may obtain an annual transporter license if the person

(1) pays the license fee prescribed by AS 16.05.340(a);

(2) provides proof of

(A) an air taxi/commercial operator certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135 if the person provides

1 air transportation services to sport or personal use fishermen; and

2 (B) licensure by the Coast Guard to carry passengers for hire if
3 the person provides water transportation services to sport or personal use
4 fishermen and if licensure is required by the Coast Guard; and

5 (3) has a business license to transport sport or personal use fishermen.

6 (b) A person who holds a transporter license may provide transportation services
7 for compensation to sport or personal use fishermen.

8 (c) A person may not provide transportation services to sport or personal use
9 fishermen if the person does not hold a current transporter license issued by the
10 department.

11 (d) A person who holds a transporter license may not provide sport fishing
12 services or fishing guide services without holding the appropriate license.

13 (e) A person who holds a transporter license shall submit a report to the
14 department concerning sport or subsistence use fishermen who are transported by the
15 person and who, at the time of transportation, possess more than 100 pounds of fish for
16 each day engaged in fishing in the field.

17 Sec. 16.40.380. REPORTS; PENALTY. (a) The department shall collect
18 information on the number of king salmon, sockeye salmon, coho salmon, chum salmon,
19 and halibut taken by clients and fishing guides during the provision of fishing guide
20 services. The department may collect information on the number of pink salmon taken
21 by clients and fishing guides during the provision of fishing guide services and other
22 information the department considers appropriate.

23 (b) A person who holds a license issued under AS 16.40.350 - 16.40.390 shall
24 comply with reporting requirements adopted by regulation by the department.

25 (c) A person who is required to complete reports under this section or
26 AS 16.40.370 may not intentionally, knowingly, or recklessly provide false, misleading,
27 or substantially incomplete information.

28 (d) A person who is required to complete reports under this section or
29 AS 16.40.370 may not receive a new license under AS 16.40.350 - 16.40.390 unless all
30 reports required under this section for the preceding year have been received by the
31 department.

32 (e) A person who violates AS 16.40.350 - 16.40.390 or a regulation adopted

1 under AS 16.40.350 - 16.40.390 is guilty of a class A misdemeanor.

2 Sec. 16.40.390. DEFINITIONS. In AS 16.40.350 - 16.40.390,

3 (1) "field" means an area that is

4 (A) outside of established developments usually associated with
5 a city or town; and

6 (B) not reasonably accessible by foot from the state highway
7 system;

8 (2) "fishing club" means an organization that offers use of real or
9 personal property or services to individuals who pay a membership fee for the privilege
10 of using the real or personal property or services for sport or personal use fishing;

11 (3) "fishing guide" means a natural person who holds a fishing guide
12 license issued under AS 16.40.360;

13 (4) "fishing guide services" means to assist, for compensation or with the
14 intent to receive compensation, a sport or personal use fisherman in the field to take or
15 to attempt to take fish by accompanying or personally directing the fisherman in sport
16 or personal use fishing activities; "fishing guide services" do not include

17 (A) an activity for which a sport fishing services operator license
18 is required under AS 16.40.350;

19 (B) an activity for which a transporter license is required under
20 AS 16.40.370; or

21 (C) services provided by assistants, deck hands, and similar
22 persons who work directly under the supervision of and in the presence of a
23 fishing guide;

24 (5) "highway" has the meaning given in AS 19.45.001;

25 (6) "outfitting" means the provision of equipment or services to sport or
26 personal use fishermen in the field;

27 (7) "sport fishing services" means the provision to sport or personal use
28 fishermen, for compensation or with the intent to receive compensation, of fishing guide
29 services through a person who is licensed as a fishing guide under AS 16.40.360, of
30 outfitting services, or of fishing club services; "sport fishing services" does not include

31 (A) an activity for which a fishing guide license is required under
32 AS 16.40.360;

1 (B) an activity for which a transporter license is required under
2 AS 16.40.370; or

3 (C) booking and other ancillary services provided by a tour
4 broker or agent to a fishing services operator;

5 (8) "transportation services" means the carriage for compensation of sport
6 or personal use fishermen, their equipment, or fish harvested by sport or personal use
7 fishermen to, from, or in the field; "transportation services" do not include the carriage
8 of sport or personal use fishermen, their equipment, or fish harvested by sport or
9 personal use fishermen by

10 (A) aircraft

11 (i) on nonstop flights between state or federally
12 maintained airports; or

13 (ii) by an air taxi operator or air carrier for which the
14 carriage of sport and personal use fishermen, their equipment, or fish
15 harvested by sport and personal use fishermen is only an incidental, as
16 defined by the department, portion of its business; or

17 (B) aircraft or vessel by a fishing guide during and directly
18 incidental to the provision of fishing guide services.

19 * Sec. 5. This Act takes effect January 1, 1997.