

CONFIRMATIONS 2015

<TARGET><BILL></BILL><SUBJECT>CONFIRMATIONS
2015</SUBJECT><COMM>HRES29</COMM></TARGET>

February 20, 2015

Office of Boards and Commissions
550 West 7th Ave. Suite 1700
Anchorage AK 99501
Attn: Karen Gillis

Governor Bill Walker,

I am writing to apply for a seat on the Alaska Board of Fish. Please see my attached resume.

My wife and I moved to Alaska in 1996, after having the opportunity to spend a summer in Sitka a few years earlier while still in college. However, my first exposure to Alaska fish was early in grade school when my Uncle Bob sent a couple unlabeled gold cans of homepack for me to share with my young classmates. It was a few years later that I was able to visit him and first experience salmon fishing from his troller. Later as a young adult I was fortunate to have a summer in Sitka where, like most of us who first experience spawning salmon in small streams, I watched in awe of what these creatures do at the end of their life cycle. Something that I now share with my own two daughters.

When the opportunity arose for us to move to Soldotna in 1996, we came here without any hesitation. I found myself a job as the first employee for a newly forming organization that wanted to work with all user groups, businesses and "stakeholders" to work together for the health of our rivers and streams. I helped found and grow the Kenai Watershed Forum from an idea into a multi-million dollar organization, maintaining support from all branches of local government and achieving results in unexpected ways with all user groups coming together for the betterment of the waters on the Kenai Peninsula. This collaborative approach to conservation work is a skill that I've honed and one that I will bring to the Board of Fish. I hold no illusions that my participation will reduce the user group conflicts, but having worked with many stakeholders for years, I do believe I am in a unique position to make a positive contribution to Alaska. I know how to work in this environment and reach solutions.

While the past few years my job has become increasingly managerial in nature, I am trained as a scientist with a good core mathematical and statistical background. When questions arise around data collection and confidence in datasets, I expect I will know what questions to ask and will seek to get the best scientific information on the table to help inform my decisions. To the extent possible I will always draw on the best science to make those tough votes.

Board members have a tremendous responsibility to the public and make decisions that can have serious economic, social and cultural implications. I understand this responsibility and can assure everyone considering my application that I will take this job seriously and above all else I will be fair and transparent in deliberations and in my role as a decision maker.

My promise to the governor and legislature is that I will listen to the public and I will work my tail off to make sure that I am making decisions in the best interest of Alaskans.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a long horizontal stroke.

Robert Ruffner

Robert Ruffner

Current Employer - Kenai Watershed Forum

Professional Work Experience

- 1996 – Present: Kenai Watershed Forum, Executive Director
 - Managed up to \$3M budget and supervised 14 employees
- 1994 – 1996: University of Minnesota, Research and Teaching Assistant
- 1990 – 1994: University of Minnesota, Limnology Lab technician

Education

- B.S. University of MN Geology 1994
- Post graduate course work, 2 years University of MN Geology/ Civil Engineering
- Specific course work in Geomorphology, Engineering, Numerical Modeling including finite element, finite difference, cellular automata methods
- Developed methods for modeling complex sediment transport for Hibbing Taconite Inc. and the Colorado River through Grand Canyon National Park

Board/ Commission Experience

- Soldotna Chamber of Commerce 2010 – present
- Kenai Peninsula Borough Planning Commission 2010 – present
- Kenai Peninsula Borough Road Commission 2012 – present
- North Pacific Anadromous Fish Commission Advisory panel 2014 - present

Relevant Experience

- Kenai Peninsula Fish Habitat Partnership Coordinator 2009 – Present
 - Nationally recognized partnership, sets habitat priorities and recommends funding to the USFWS
- Fish Habitat Restoration
 - Designed and directly supervised dozens of fish passage projects totaling several millions of dollars
 - Co-designed and directly supervised a major Anchor River restoration of a captured gravel pit
- Stream Buffer Evaluation – Tongass National Forest 1993
- Scientific Studies
 - Identified hydrocarbon pollution levels in the Kenai River; developed predictive models for a solution and provided education leading to those solutions being implemented for the Kenai River - 2000 through 2008
 - Supervised fish passage evaluations of anadromous stream crossings on the Kenai Peninsula
 - Identified and documented juvenile salmonids for inclusion in the Anadromous Waters Catalog

Alaska Fishing Experience

- Sport fishing every year present in the State, wide range of experience from kayak fishing in Southeast Alaska to North Slope streams, including fin fish and shell fish
- Personal Use dipnetting – Kenai River every year since 1998
- Personal Use Gillnet – Kasilof River 1 season
- 2-days as a crew member on Cook Inlet Drift boat

Awards

- 2004 Coastal America Partnership Award (Silver Salmon Creek Restoration)
- 2007 National Wetlands Conservation Award To the Private Sector (award to Kenai Watershed Forum)
- 2008 National River Hero Award – River Network
- 2008 Person of the Year – Soldotna Chamber of Commerce

General Information

Board/Commission and seat you are seeking:

Fisheries, Public Seat

Additional Boards/Commissions of interest:

None

State Boards/Commissions on which you have served:

North Pacific Anadromous Fish Commission - Advisory Panel

First Name

Robert

Middle Name

Austin

Last Name

Ruffner

Mailing Address

City

State & Zip



Military Service

None

Conflict of Interest

Certain boards and commissions require full disclosure of personal financial data under AS39.50.010. If required for the board or commission for which you are applying, are you willing to do so?

Yes

Could you or any member of you family be affected financially by decisions to be made by the board or commission for which you are applying?

Yes

Please explain the potential financial benefit

No

Employment History

Employment work history including paid, unpaid, or voluntary.

Please see attached cover letter and resume

Education, Training, Experience & Qualifications

List both formal and informal education and training experiences:

Please see attached cover letter and resume

List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

Please see attached cover letter and resume

List any community service, municipal government, and state positions held, and any awards received.

Please see attached cover letter and resume

Conviction Record

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years?

No

Conviction Circumstances

Certification of Accuracy & Completeness

By submitting this online application, I swear the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates, or I may be removed from the position. I agree that the Office of the Governor may contact present or former employees or other persons who know me to obtain an additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Type "I certify"
"I certify"

Resume Addendum:

Press Release Wording

Robert Ruffner, 46 of Soldotna is the Executive Director of the Kenai Watershed Forum. Ruffner holds a degree in Geology from the University of Minnesota and has been working with all fishery user groups in Cook Inlet for since 1996.

Submitted: 2/20/2015 12:00:00 AM

Sec. **▶▶16.05.221◀◀** Boards of fisheries and game.

(a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

(b) For purposes of the conservation and development of the game resources of the state, there is created a Board of Game composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Game, but shall be ex officio secretary.

(c) Members of the Board of Game serve staggered terms of three years. The terms of the members of the board begin on July 1. Notwithstanding AS 39.05.080 (1), by April 1 of the calendar year in which the term expires, the governor shall appoint a person to fill the vacancy that will arise on the board because of the expiration of the term of a member of the board and submit the name of the person to the legislature for confirmation. If a vacancy arises on the board, the governor shall, within 30 days after the vacancy arises, appoint a person to serve the balance of the unexpired term and submit the name of the person to the legislature for confirmation. A person appointed to fill the balance of an unexpired term shall serve on the board from the date of appointment until the earlier of the expiration of the term or the failure of the legislature to confirm the person under AS 39.05.080.

(d) Members of the Board of Fisheries serve staggered terms of three years. The terms of members of the board begin on July 1. Notwithstanding AS 39.05.080 (1), by April 1 of the calendar year in which the term expires, the governor shall appoint a person to fill the vacancy that will arise on the board due to expiration of the term of a member of the board and submit the name of the person to the legislature for confirmation. If a vacancy arises on the board, the governor shall, within 30 days after the vacancy arises, appoint a person to serve the balance of the unexpired term and submit the name of the person to the legislature for confirmation. A person appointed to fill the balance of an unexpired term shall serve on the board from the

date of appointment until the earlier of the expiration of the term or the failure of the legislature to confirm the person under AS 39.05.080.

Sec. 16.05.230. Term of office. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.240. Powers excluded. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.241. Powers excluded.

The boards have regulation-making powers as set out in this chapter, but do not have administrative, budgeting, or fiscal powers.

Sec. 16.05.250. Regulations. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.251. Regulations of the Board of Fisheries.

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for

(A) persons 60 years of age and older to participate in sport, personal use, or subsistence fishing; or

(B) persons under 16 years of age to participate in sport fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture, and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475 (d), that are registered under the laws of the state, as defined in AS 16.05.475 (c), after making a written determination that an on-board observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530;

(17) promoting fishing and preserving the heritage of fishing in the state.

(b) *[Repealed, Sec. 12 ch 52 SLA 1986]*.

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must, consistent with sustained yield and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

(1) the history of each personal use, sport, guided sport, and commercial fishery;

(2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;

(3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;

(4) the availability of alternative fisheries resources;

(5) the importance of each fishery to the economy of the state;

(6) the importance of each fishery to the economy of the region and local area in which the fishery is located;

(7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

(f) Except as expressly provided in AS 16.40.120 (e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.

(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special meeting that follows the receipt by the board of the request for approval of the petition and that allows time for the notice required under this subsection. The board may consider the request of the commissioner for approval of the petition only after 15 days' public notice of the board's intention to consider approval of the petition. The board shall consider whether the commissioner, in support of the request for approval of the petition, has adequately shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050. The board by a majority vote of its members at the meeting when the petition must be considered shall approve or disapprove the petition.

(h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.

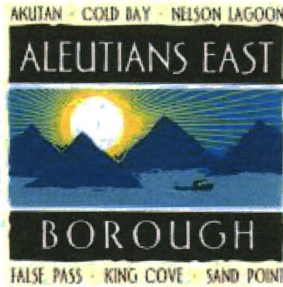
(i) Notwithstanding AS 16.43.140 (c)(5), the board may adopt, at a regularly scheduled meeting at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

Sec. 16.05.253. Operation of stationary fishing gear.

(a) The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of

- (1) a sale of fish caught in the gear; or
- (2) other stationary gear of the permit holder.

(b) In this section, "fishing site " means fishing site as defined by the Board of Fisheries and includes any structure used for providing shelter in support of the operation of the net gear or other stationary fishing gear.



April 1, 2015

Senator Kevin Meyer, President, Alaska State Senate
Representative Mike Chenault, Speaker, Alaska House of Representatives
Alaska State Capital
Juneau, Alaska 99801

Dear Members of the Alaska Legislature,

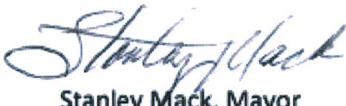
I am writing this letter in support of Robert Ruffner, Governor Walker's nominee to the Board of Fisheries. I feel Mr. Ruffner is extremely well-qualified to help address many of the issues and challenges before the Board.

Mr. Ruffner has extensive experience and expertise in Alaska fish habitat, and his resume shows an impressive scientific background. However we are even more impressed that Mr. Ruffner is able to consistently bring different stakeholder groups together to find solutions collaboratively. This is a critical skill for Board members.

Robert Ruffner's previous participation on public boards and committees, his strong academic background and his groundbreaking work as Executive Director with the Kenai Watershed Forum make him uniquely qualified to make positive contributions to the Board of Fisheries process.

Please confirm the appointment of Robert Ruffner to the Alaska Board of Fisheries, for the benefit of Alaska's fishery resources, and for all Alaskans.

Sincerely,


Stanley Mack, Mayor
Aleutians East Borough



ICICLE

March 30, 2015

Representative Ben Nageak and David Talerico, Co-chairs
House Resources Committee
Alaska State Legislature
120 4th Street, State Capitol, Room 3
Juneau, Alaska 99801-1182

Dear Co-chairs Nageak and Talerico,

I would like to express our strong support for the nomination of Mr. Robert Ruffner to the Alaska Board of Fisheries (Board).

Icicle Seafoods is a major seafood processing company with land plants and floating operations in and around Petersburg, Seward, Homer, Larsen Bay, Egegik, Wood River, and Unalaska/Dutch Harbor. We process crab, cod, halibut, herring, pollock, sablefish, and salmon.

We believe Mr. Ruffner will be an excellent Board member given his education, professional work, and public service experience. He resides in an area of the state with high demands and contentious issues surrounding fisheries resources and habitat. As executive Director of the Kenai Watershed Forum he has proven to be a strong advocate for the health of the waterways of the Kenai Peninsula and works diligently for habitat protection and restoration. He has demonstrated a keen ability to forge together workable solutions to complex problems while taking into consideration the science, economics, and views of competing stakeholders involved in the issues. Such skills will serve him well as a member of the Board.

We believe Mr. Ruffner has the skills, intellect, experience, and fortitude required to be a good board member. We respectfully urge you to confirm his appointment to the Alaska Board of Fisheries.

Sincerely,
ICICLE SEAFOODS, INC.

Kris Norosz
Director, Government Affairs

PETERSBURG FISHERIES

A DIVISION OF ICICLE SEAFOODS, INC.

P.O. Box 1147 • Petersburg, AK 99833 • Tel: 907-772-4294 • Fax: 907-772-4472

Introduced By: Sprague
Date: March 25, 2015
Action: Adopted
Vote: 5 Yes, 0 No, 1 Absent

CITY OF SOLDOTNA
RESOLUTION 2015-019

A RESOLUTION SUPPORTING THE CONFIRMATION OF ROBERT RUFFNER'S
APPOINTMENT TO THE ALASKA BOARD OF FISHERIES

WHEREAS, Robert Ruffner has a long record of habitat advocacy for Kenai Peninsula rivers and streams; and

WHEREAS, Mr. Ruffner has for many years been director of the Soldotna-based Kenai Watershed Forum; and

WHEREAS, Mr. Ruffner has resided on the Kenai Peninsula for the past 19 years; and

WHEREAS, Mr. Ruffner has demonstrated his good judgement and ability to work with people in:

- 18 years of service as executive director of the Kenai Watershed Forum,
- four-and-a-half years of service on the Kenai Peninsula Borough Planning Commission,
- three-and-a-half years of service on the Kenai Peninsula Borough Roads Service Area board,
- membership in the Soldotna Chamber of Commerce, where he is Chairman of the Finance Committee, and
- his recent appointment to the North Pacific Anadromous Fish Commission; and; and

WHEREAS, the appointment of Mr. Ruffner would provide diversity of interest and points of view in the board of fisheries membership (per Alaska statute 16.05.221); and

WHEREAS, Mr. Ruffner is held in high esteem by commercial and sportfish user groups; and

WHEREAS, Mr. Ruffner is a dipnetter and therefore is knowledgeable about dipnet issues; and

WHEREAS Mr. Ruffner has a bachelor's degree in geology and years of experience working with biology;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Soldotna City Council thanks Governor Walker for appointing Robert Ruffner to the Alaska Board of Fisheries.

Section 2. That The Soldotna City Council respectfully asks the Alaska State Legislature to support the confirmation of Mr. Ruffner as a member of the Alaska Board of Fisheries.

Section 3. That a copy of this resolution be sent to Senate President Kevin Meyer, Speaker of the House Mike Chenault, and all members of the Alaska State Legislature.

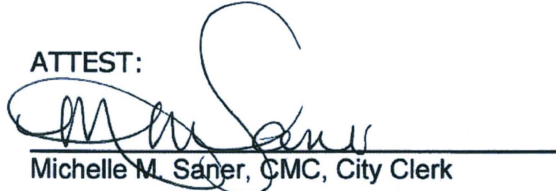
Section 4. This resolution shall become effective immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL THIS 25TH DAY OF MARCH, 2015.



Nels Anderson, Mayor

ATTEST:



Michelle M. Sauer, CMC, City Clerk

Ayes: Baxter, Whitney, Daniels, Bos, Sprague
Noes: None
Absent: Murphy



KENAITZE
INDIAN
TRIBE

Alaska State Legislature
All Members
State Capitol
Juneau, AK 99801

March 30, 2015

The Kenaitze Indian Tribe strongly supports Robert Ruffner as a Board of Fisheries member. Mr. Ruffner is highly respected in our community for working with State, Federal, and local agencies as well as federally recognized tribes, such as the Kenaitze Indian Tribe.

Kenaitze Indian Tribe is a federally recognized Tribal Government reorganized in 1971 under the statutes of the Indian Reorganization Act of 1934, as amended for Alaska in 1936. The Tribe has established long term goals which enhance the health, social and economic well-being, cultural heritage, and governmental concerns of its people, and serves over 3,700 Alaska Native, American Indian and other people who reside in the central and upper Kenai Peninsula, including approximately 1,430 enrolled Kenaitze Tribal Members and 170 Salamatof Tribal Council (STC) Tribal Members. The service area includes the central Kenai Peninsula communities of Kenai, Soldotna, Sterling, Nikiski, Salamatof, Coho, Cooper Landing and the surrounding area.

Mr. Ruffner's leadership and knowledge will serve the Board of Fisheries well.

Sincerely,

Jaylene Peterson-Nyren

Executive Director

Kenaitze Indian Tribe

WWW.KENAITZE.ORG

PHONE: (907) 335-7200 • FAX: (907) 335-7239

P.O. Box 988 • KENAI, AK 99611



Alaska State Legislature

Please enter into the record my testimony to the _House Resources Committee
on ___ Ruffner BOF Confirmation ___ dated _____ 040315 _.

There are now four commercial fishermen representatives, two sport fishing representatives and one subsistence representative on the board.

This is lop-sided user group representation. I believe that it is time to stop putting special interest members on the Alaska Board of Fisheries.

Robert Ruffner is a commercial fisheries leader with commercial motives for being on the Board of Fisheries. Ruffner's Kenai Watershed Forum, KWF only masquerades as an environmental organization, it is really a commercial fisheries entity. I believe Robert Ruffner works for commercial fisheries special interest and cannot hope to fairly represent sport fish users. Ruffner's KWF has nine board members. Leslie Morton, Matt Pyhala, David Wartinbee, Denise Newbould, Benjamin Jackinsky, Jim Butler, Howard Ferren, Ken Marlow and Jim Stogskill. Morton is a environmental scientist, Pyhala is a chiropractor, Wartinbee is a biology professor, Newbould is a commercial fisher, Jackinsky is a commercial fisher, Butler is a commercial fisher, Ferren is a commercial fisher, Marlow is a sport fisher and Stogsdill is a sport fisher. (4 commercial fishers, 2 sport fishers and 3 environmental scientists). This comes down to 45% commercial fish interests, 22% sport fish interests, 33% science interests. The KWF website clearly claims that their KWF goal is to have "balanced representation" and then both Ruffner and the KWF either "deliberately or accidentally" manipulate their board seats into "unbalanced representation". Most of the KWF board seats are filled with commercial fishers, therefore I claim that the KWF is a commercial fisheries entity. Ruffner was the leader of a commercial fisheries entity, therefore how can anyone expect him to fairly represent the sport fishing public? Please do not confirm Robert Ruffner to the Alaska Board of Fisheries.

Thank you.

Donald Johnson

Soldotna, Alaska 99669

907 262 7893

ccpwow@gci.net



BACKCOUNTRY HUNTERS AND ANGLERS ALASKA CHAPTER



www.alaskabackcountryhunters.org

April 3, 2015

To: House Resources Committee
Re: Board of Fish appointee Robert Ruffner

Letter of Support for Robert Ruffner

Alaska Backcountry Hunters & Anglers strongly support Robert Ruffner's confirmation to sit on the Alaska Board of Fish (BOF).

Mr. Ruffner's work with the Kenai Watershed Forum and involvement in Kenai Peninsula habitat and fisheries conservation issues over the years has given him a unique understanding of how our Board of Fish operates and how to work with others on contentious fisheries issues for the betterment of the resource and all user groups.

We cannot think of a more qualified person to be on the Board of Fish and make decisions that are grounded in science and unbiased fairness to all user groups.

We understand there are concerns among some that because Mr. Ruffner does not reside in Anchorage, and there is no other Anchorage resident currently on the BOF, that Anchorage will not be fairly represented. We disagree with that sentiment and want to point out that there are no requirements that BOF members must reside in specific geographical locations, and that all BOF members represent all Alaskans, regardless of where that board member lives.

We firmly believe that Mr. Ruffner will fairly represent Anchorage as well as the rest of the state. He has broad experience with all user groups as well as personal experience in the sport fish and personal use fisheries across the state. We urge the committee to forward his name.

Thank you,
Mark Richards – Chairman Alaska Backcountry Hunters & Anglers

AS&T

Established 1980

Alaska Science & Technology LLC
P.O. Box 100400
Anchorage, AK U.S.A. 99510-0400

907.562.2482
fax 907.561.2482
akscitec@alaska.net

April 2, 2015

House Resources Committee
Alaska House of Representatives
State Capitol, Juneau, AK 99801

(via member email addresses)

Subject: Robert A. Ruffner Confirmation -- Alaska Board of Fisheries

Dear Resources Committee Co-Chairs and Members:

I highly recommend Robert Ruffner to serve on the Alaska Board of Fisheries. His education and ongoing experience is outstanding and directly applicable.. As executive director, he developed the Kenai Watershed Forum (KWF) into a successful public service organization. He is also a lifelong sport fisher.

Additionally, Mr. Ruffner has represented Alaska on the North Pacific Anadromous Fish Commission (NPAFC) Advisory Panel. Also, he has gained valuable experience with complex public issues, while serving on the Kenai Peninsula Borough Planning Commission and the Road Commission.

I am a longtime resident and divide my time between Anchorage and Cooper Landing. I am familiar with Mr. Ruffner's good work at the KWF since its founding in 1997. As one of the founders, I am very pleased to say that he has exceeded all expectations. He is a capable, well-reasoned individual, who demonstrates a temperate demeanor and good judgement. He does not have a special-interest agenda or conflict, and can be expected to strive for productive, science-based fisheries in the best interests of the public.

Please confirm Robert Ruffner to serve on the Alaska Board of Fisheries.

Sincerely,

/s/ Robert L. (Bob) Baldwin, CEO
c) 907.250.3913



Suggested by: City Council

CITY OF KENAI

RESOLUTION NO. 2015-14

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, SUPPORTING THE APPOINTMENT OF ROBERT RUFFNER TO THE ALASKA BOARD OF FISHERIES.

WHEREAS, Alaska Governor Bill Walker has appointed Robert Ruffner to the Alaska Board of Fisheries; and,

WHEREAS, the Alaska State Legislature will consider the confirmation of Robert Ruffner to the Alaska Board of Fisheries during the 2015 Legislative Session; and,

WHEREAS, the City of Kenai is an Alaskan Fishing Community; and,

WHEREAS, commercial fisheries, sport fisheries, personal use fisheries, subsistence fisheries and shore-based fish processing facilities take place and/or are located within the City of Kenai's Municipal boundaries; and,

WHEREAS, it is vitally important that members of the Alaska Board of Fisheries manage fishery resources and habitat for the benefit of all Alaskan's both present and future ; and,

WHEREAS, Robert Ruffner, during his eighteen year tenure as the Executive Director of the Kenai Watershed Forum, has demonstrated exemplary leadership in building consensus among widely diverse user groups; and,

WHEREAS, Mr. Ruffner's training as a scientist and statistician provide the basis for sound decision-making based on scientific analysis; and,

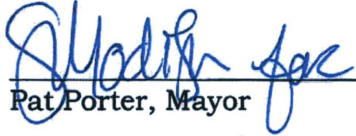
WHEREAS, he has been recognized by, and received awards from, the Coastal America Partnership and the United States Fish & Wildlife Service for his efforts and leadership in fish habitat restoration and protection; and,

WHEREAS, his efforts in quantifying increased levels of hydrocarbons in the Kenai River, identifying measures to reduce hydrocarbon levels, and management of programs to reduce hydrocarbon levels, resulted in the Kenai River being removed from the Environmental Protection Agency's Listing of Impaired waterbodies; and,

WHEREAS, the City of Kenai has worked closely with Mr. Ruffner and the Kenai Watershed Forum over the past eighteen years, finding him to be unbiased, possessing keen analytical skills, and committed to sound scientific based decision making which will well serve the State of Alaska and its citizens.


NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, that the City Council supports the appointment of Robert Ruffner to the Alaska Board of Fisheries.

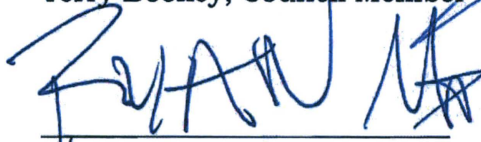
PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 1st day of April, 2015.


Pat Porter, Mayor


Brian Gabriel, Vice Mayor

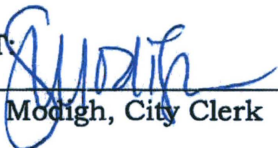

Terry Bookey, Council Member


Bob Molloy, Council Member


Ryan Marquis, Council Member


Tim Navarre, Council Member


Henry Knackstedt, Council Member

ATTEST: 
Sandra Modigh, City Clerk

Dear Co-chairs Mageak and Talerico

I am writing in support of Robert Ruffner's nomination to the Alaska Board of Fisheries. In the complex sensitive nature of the fishing industry I believe Mr. Ruffner's the best person to represent the Fisheries. I urge you to confirm Mr. Ruffner for a position on the Alaska Board of Fisheries.

I believe Mr. Ruffner is more than qualified for this position with his diverse experience and education. He has proven to be a capable person under stress handling each situation solution oriented. His experience with Kenai Watershed Forum and many branches of the local government has more than qualified him for the betterment of our fisheries. His education as a scientist, mathematician, and statistical background is a huge boost to this position. He is a person who wants to work politically and environmentally for Alaska so our future generations can enjoy the plethora of bounty we have in Alaska.

Thank you so much for letting me express my support for Robert Ruffner who in my opinion is more than qualified for this position on the Alaska Board of Fisheries.

Sincerely,


Linda Sahara

I am Ed Schmitt a retired surgeon living in Soldotna. I am also Chairman of KAFC. We represent Joe Fisherman, all people who fish on the Kenai peninsula wherever they may live. Our members are avid dipnetters, sportfishermen, and river ecologists. Our board is composed mainly of retired state or federal fisheries biologists.

I personally am an avid fly fisher. I first visited the Kenai River in 1988 and got a fly rod world record Salmon. I long for the day when the Kenai returns to producing world records of all species of salmon.

I get my reds from the personal use fishery and frequently have friends from Anchorage stay with me when they are down dip netting. I understand how important the Personal Use fishery is to Joe Fisherman. We need the best possible science to manage this river for all user groups.

A scientist is someone who uses the impeccable logic to analyze the best available data. As a surgeon I had to strive to maintain that standard. When new data became available or if my results were not perfect, I had to modify my procedures accordingly. From a lifetime of training, I recognize and celebrate good practical scientists.

Robert Ruffner is an excellent scientist. His thorough, inclusive, and community centered work at the Kenai Watershed Forum demonstrates both his knowledge and understanding of all fishing issues on the Kenai Peninsula. Because of this, he is very well qualified to examine fish issues anywhere in the state. I don't think there could possibly be a better candidate for the board of Fish. If we want the best possible decisions made in an open and inclusive process Robert is the best possible choice.

My Name is Lisa Gabriel.

I am a resident of the City of Kenai.

I have lived in the Kenai area for over 52 years. During that time, I have been a sportfisherman-personal use fisherman-and commercial fisherman. (All of which I still participate in today.)

I would like to express my support for Robert Ruffner's confirmation to the Alaska Board of Fisheries.

Based on my personal experience in both the board process and with board members- I feel that Mr. Ruffner will bring a needed balance to the process-not based on his home address-but on his knowledge of fish and their habitat. I believe that Mr. Ruffner will be an asset to the Alaska Board of Fisheries for ALL areas of the State of Alaska and ask the members of this committee to support his confirmation.

Lisa Gabriel
2305 Watergate Way
Kenai AK 99611

(907) 252-9524

KENAI LEGISLATIVE INFORMATION OFFICE

Email: Kenai_LIO@akleg.gov

Phone: 907-283-2030 / Fax: 907-283-3075

WRITTEN TESTIMONY

NAME:

John McCombs - Nimitchik

REPRESENTING:

Self

BILL # or SUBJECT:

Ruffner BOF confirmation

COMMITTEE: House & Senate

McCham + committee

DATE: 04-03-2015

I read that Robert Ruffner is a dipnetter. I did not know that before last week/month.

What I did know prior to his appointment, his accomplishments as boss at the Kenai watershed Forum. He worked on culverts and water quality and made the case for banning foam stroke outboards on the Kenai River. He is the leading steward of Kenai River habitat. There is a need for a skilled habitatician on the board of Fish.

Therefore I have no reservations in my endorsement of Robert Ruffner for the Alaska Board of Fisheries.

From: JoeRay Skrha [mailto:joeray_muse@mac.com]

Sent: Tuesday, April 07, 2015 1:36 AM

To: Rep. Adam Wool; Rep. Tammie Wilson; Rep. Liz Vazquez; Rep. Chris Tuck; Rep. Cathy Tilton; Rep. Dan Saddler; Rep. Steve Thompson; Rep. Geran Tarr; Rep. David Talerico; Rep. Louise Stutes; Rep. Paul Seaton; Rep. Lora Reinbold; Rep. Lance Pruitt; Rep. Daniel Ortiz; Rep. Kurt Olson; Rep. Mark Neuman; Rep. Benjamin Nageak

Subject: Confirmation of Robert Ruffner to the BOF

Dear Representative,

My name is Joe Ray Skrha and I am a attorney in Kenai where I have lived and practiced law for the past 32 years. I was a Kenai River Drift Boat Guide from 1985 through 1994. Now I sport fish as much as my time allows.

I wish to encourage you to confirm Mr. Robert Ruffner to the Board Of Fish. Robert's background in science and commitment to sound management of Alaska's fisheries make him an excellent candidate for the Alaska Board for Fisheries. His demonstrated respect for Alaska's constitutional principal of sustained yield and his ability to rise above the political fray, will serve him well while working to implement the Board of Fisheries core functions of conservation and development of Alaska's fisheries resources.

The Kenai Watershed Forum has supported sport fishing interests of guides and private fishermen alike while encouraging children to learn the principals of conservation even before they learn how to cast. Robert has served at the Kenai Watershed Forum's executive director for the past 18 years.

Many years ago, Gov. Steven Cowper wanted to nominate me to the BOF but since I was a fishing guide (and lawyer) my nomination was dead in the water.

During the past 25 years, all I hear is we need non-biased people on the BOF that do not have a preordained agenda. Now with Roberts nomination, you have that person who comes with clean hands. Don't look this gift horse in the mouth. His is a quality individual that has my full support.

Thank you for your support securing the appointment of Robert Ruffner to the Alaska Board of Fisheries.

Joe Ray Skrha
Attorney at Law

Law Office of Joe Ray Skrha
230 Main Street Loop; Suite B
Kenai, AK 99611 USA

907-283-7100 office
907-283-8100 fax
907-283-6100 residence
907-398-1800 cell

skrhalawoffice@alaska.net



April 7, 2015

Dear Alaska Legislators:

My name is Brad Elfers and I own Alaska Fly Fishing Goods, which is a full service fly fishing equipment shop and internet retailer, based in Juneau since 1998. I'm writing to express my support for Board of Fisheries nominee, Robert Ruffner.

As a sport angler and someone who's livelihood depends on sport fishing, I believe Robert will do an excellent job of representing my interests on the Board of Fisheries, however just as importantly, I believe Robert will be a strong advocate for the long-term health of fish and their habitat.

I urge you to confirm Mr. Ruffner and give him the opportunity to put his experience and expertise to work on the Board of Fisheries.

Thank you,

Brad Elfers

Owner

Alaska Fly Fishing Goods

8465 Old Dairy Road, Ste. 101

Juneau, AK. 99801

(907) 586-1550

8465 Old Dairy Road | Suite. 101 | Juneau, AK 99801

Phone: 907-586-1550 | Fax: 907-586-3734 | Email: brad@alaskafllyfishinggoods.com | Website: www.alaskafllyfishinggoods.com

Orville Huntington

Orville Huntington was born in Huslia, Alaska and received a B.S. in Wildlife Biology from University of Alaska, Fairbanks. Mr. Huntington is dedicated to working closely with young people to promote the values of traditional Native elders combined with contemporary western knowledge. He is committed to protecting the aboriginal rights of Native people to continue to live a subsistence way of life and preserve the cultural beliefs associated with that way of life as it is consistent with State and Federal law. His primary responsibilities continue to be the preservation of Native subsistence hunting, fishing, gathering and trapping opportunities and the cultural events that surround those beliefs, and as a public servant for the village of Huslia and the 43 villages of the Tanana Chiefs Conference region.

Mr. Huntington currently works as the Wildlife and Parks Director for the Tanana Chiefs Conference. Prior to that, he served for 14 years as a Refuge Information Technician at the Koyukuk/Nowitna NWR Complex and U.S. Fish and Wildlife Service. As a scientist he worked closely with local village people in the villages of Kaltag, Nulato, Koyukuk, Galena, Ruby, Huslia and Hughes on subsistence surveys.

Previous employment:

- Seasonal labor, Bureau of Land Management (Emergency Fire Fighter)
- Fisherman
- Laborer's and Carpenter's Union
- Huslia Tribal Council (Tribal Operations Specialist)
- Tribal and City Council member

Affiliations:

- Alaska Federation of Natives board of directors (interior village representative)
- K'oyitl'ots'ina Ltd. Board of Directors (Treasurer) for the villages of Huslia, Hughes, Allakaket and Alatna
- Brooks Range Contracting Board of Directors
- Koyukuk Moose Hunter's Working Group
- Interior Regional Housing Authority Board of Commissioners
- Interior Athabascan Tribal College Board of Trustees
- Alaska Native Science Commission Board of Commissioners

Donald L. Stiles

Experience

The United States Marine Corps, 1980-1984, honorably discharged

Kawarek Incorporated Fisheries Department, Fisheries Specialist

Norton Sound Economic Development Corporation, Board of Directors, 1996-present

Siu Alaska Corporation, Chairman,

Education

Covenant High School, Unalakleet, Alaska 1980

Interests

- ***Mining***
- ***Big Game Guiding***
- ***Coaching High School Basketball***
- ***Built and welded aluminum boats***

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HJR 18
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HJR18-LEG-SESS-03-30-15
Title: LIMIT DECLARATION OF NATL. MONUMENTS
Sponsor: MILLETT
Requester: House Resources

Department:
Appropriation:
Allocation:
OMB Component Number: 0

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Prepared By:	Jessica Geary, Finance Manager	Phone:	(907)465-6626
Division:	Legislative Affairs Agency	Date:	03/30/2015 10:17 AM
Approved By:	Pam Varni, Executive Director	Date:	03/30/2015
Agency:	Legislative Affairs Agency		



**FRIENDS OF
THE
ANCHORAGE
COASTAL
WILDLIFE
REFUGE**

PO Box 220196
Anchorage, AK
99522-0196

Phone: 907-248-2503
Fax: 907-248-3159
e-mail: bc@farak.org

The Honorable Representative Colver
The Honorable Representative Nageak
The Honorable Representative Talerico
The Honorable Representative Hawker
The Honorable Representative Herron
The Honorable Representative Johnson
The Honorable Representative Olson
The Honorable Representative Seaton
The Honorable Representative Josephson
The Honorable Representative Tarr

Subject: FAR's support of HB 153, adding Lands to Palmer Hay Flats Refuge

2015 March 27

Dear Representatives Nageak, Talericio, Hawker, Colver and All:

I write on behalf of Friends of the Anchorage Coastal Wildlife Refuge (FAR) to support House Bill 153 which adds conservation dedicated lands already owned by the State of Alaska to the Palmer Hay Flats Refuge. These lands were purchased without tapping legislative appropriations and to add these lands now to the refuge by amending the refuge boundaries in statute is the last step remaining to fulfill promises made to contributing partners, whose key members are The Nature Conservancy, The Great Land Trust, federal wetland grants, and Ducks Unlimited

We thank Representative Colver for working with the Alaska Department of Fish and Game to develop this bill and bring it forward and applaud the groups who helped previous owners realize their vision of these now public lands. These lands in State ownership with conservation covenants to ensure management for fish and wildlife and their public benefits help make Alaska the place we love to live, work, raise our families, and retire. It is important to include these lands into the system so that the State can ensure that they will be here for future generations to enjoy as intended.

Again, FAR supports HB 153, and we encourage you pass this bill completing the good work that has been done to provide these lands to enhance the beauty and integrity of the Palmer Hay Flats State Refuge for fish, wildlife, and their public benefits.

Thank you for your time and consideration.

Sincerely,

Barbara Švarný Carlson

Barbara Carlson
President and Executive Director

29-LS0653VH
Bullard
3/28/15

CS FOR HOUSE BILL NO. 153()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE COLVER

A BILL
FOR AN ACT ENTITLED

1 **"An Act expanding the Palmer Hay Flats State Game Refuge."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 16.20.032(a) is amended to read:**

4 (a) The following state-owned land and water is established as the Palmer Hay
5 Flats State Game Refuge:

6 (1) Township 16 North, Range 1 West, Seward Meridian

7 Sections 1 - 12

8 Section 13: N 1/2

9 Sections 14 - 18;

10 (2) Township 17 North, Range 1 West, Seward Meridian

11 Section 25

12 Section 26: S 1/2, S 1/2 N 1/2, N 1/2 NE 1/4, NE 1/4 NW 1/4

13 Section 27: S 1/2, SE 1/4 NE 1/4

14 Section 31: Lot 4, SE 1/4, E 1/2 SW 1/4, SE 1/4 NE 1/4, S 1/2

15 SW 1/4 NE 1/4

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Section 32: S 1/2, S 1/2 NE 1/4, NE 1/4 NE 1/4, SE 1/4 NW 1/4
Sections 33 - 36;

(3) Township 17 North, Range 1 East, Seward Meridian

Section 19: Lots 3 and 4, E 1/2 SW 1/4, S 1/2 SE 1/4

Section 21: N 1/2 SE 1/4, S 1/2 S 1/2

Section 22:

excluding NW 1/4 NW 1/4

excluding N 1/2 NE 1/4 NW 1/4

excluding NE 1/4 NE 1/4 NE 1/4

Section 25: Lots 1 - 6, NW 1/4, N 1/2 NE 1/4, N 1/2 SW 1/4,
SW 1/4 SW 1/4

Section 26: SE 1/4 NE 1/4, S 1/2

Section 27: Lot 1, N 1/2, N 1/2 S 1/2, SE 1/4 SW 1/4, S 1/2 SE
1/4

Section 28: Lots 1 - 2, **N 1/2, SW 1/4**, N 1/2 SE 1/4, SW 1/4 SE
1/4

Section 29: N 1/2, N 1/2 SW 1/4, SE 1/4 [, S 1/2 SW 1/4]

Section 30: Lots 1 - 4, E 1/2, E 1/2 W 1/2

Section 31: Lots 1 - 10, NE 1/4 NW 1/4, SW 1/4 NE 1/4, N 1/2
NE 1/4

Section 32: Lots 3 - 7, NE 1/4, SW 1/4 SW 1/4, NE 1/4 SE 1/4

Section 33: Lots 5 - 9, S 1/2 SE 1/4, SW 1/4 NW 1/4, including
all state tide and submerged land

Section 34: Lots 1 - 3, E 1/2 NW 1/4, SW 1/4, E 1/2

Section 35: Lots 1 - 5, NW 1/4, N 1/2 SW 1/4, SW 1/4 SW 1/4,
N 1/2 NE 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4

Section 36: Lots 1 - 10, SE 1/4 SW 1/4, S 1/2 SE 1/4, NE 1/4
SE 1/4;

(4) Township 17 North, Range 1 East, Seward Meridian

**Sections 19 - 21: Tracts B and D, according to Plat No. 2012-
110, Palmer Recording District;**

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(5) Township 17 North, Range 1 East, Seward Meridian

U.S. Survey No. 1169: Lots 1 and 2, Block 31, U.S. Survey No. 1169 within Section 26;

(6) Township 16 North, Range 1 East, Seward Meridian

Sections 4 - 9

Section 17: N 1/2

Section 18: N 1/2 [ALL STATE TIDE AND SUBMERGED LAND];

(7) [(5)] Township 16 North, Range 1 East, Seward Meridian

Section 2: That portion lying westerly of Lot 7 and Parcel F of U.S. Survey No. 9023

Section 3: That portion lying westerly of Lot 7, Lot 8, and Parcel F of U.S. Survey No. 9023

Section 10: That portion lying westerly of Lot 4, Lot 5, and Parcel C of U.S. Survey No. 9023

Section 15: That portion northerly of the left bank of the Knik River and lying westerly of Lot 3, Lot 4, and Parcel A of U.S. Survey No. 9023

Section 16: That portion northerly of the left bank of the Knik River;

(8) Township 16 North, Range 2 West, Seward Meridian

Section 1: Lots 4, 5, and 7, SE 1/4 SW 1/4, E 1/2 E 1/2, SW 1/4 SE 1/4

Section 2: Lot 5

Section 11: Lots 1 and 3 - 6, N 1/2 NE 1/4

Section 12: Lots 1 - 4, N 1/2 NW 1/4, NE 1/4 NE 1/4

[PORTION LYING WEST OF THE ALASKA RAILROAD SECTION 3: LOT 1, EXCLUDING PORTIONS LYING EAST OF THE ALASKA RAILROAD CENTERLINE, LOTS 2, 3, 4, 5, 6, NW 1/4, NW 1/4, NE 1/4

SECTION 10: LOTS 1, 2, 3, 4, 6, AND PORTIONS LYING

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WEST OF THE ALASKA RAILROAD
SECTION 15: ALL STATE LAND LYING NORTH OF THE
SOUTH BANK OF THE KNIK RIVER AND WEST OF
THE ALASKA RAILROAD
SECTION 16: ALL STATE LAND LYING NORTH OF THE
SOUTH BANK OF THE KNIK RIVER].

* Sec. 2. AS 16.20.032(e) is amended to read:

(e) Notwithstanding the provisions of (a) of this section, the land described in this subsection is excluded from the Palmer Hay Flats State Game Refuge established under (a) of this section for the establishment of a transportation and utility corridor. Land within the transportation and utility corridor that is determined by the commissioner of transportation and public facilities to be unnecessary for future transportation or utility corridors becomes a part of the Palmer Hay Flats State Game Refuge. The commissioner of transportation and public facilities is directed to provide access to the Palmer Hay Flats State Game Refuge during future development of state highways in the area. The land that is excluded from the Palmer Hay Flats State Game Refuge under this subsection is described as

Township 17 North, Range 1 East, Seward Meridian

Section 22: SE 1/4 NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, S 1/2 NE 1/4 NE 1/4, NW 1/4 NE 1/4 NE 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4

Sections 27 and 34: a corridor 300 feet on each [EITHER] side of the existing highway centerline.

Sec. ~~23.35.010~~. Creation of Fishermen's Fund Advisory and Appeals Council.

There is within the Department of Labor and Workforce Development a Fishermen's Fund Advisory and Appeals Council.

Sec. 23.35.020. Appointment and composition of council.

The council is composed of the commissioner of labor and workforce development or a person designated by the commissioner and five members appointed by the governor for overlapping five year terms. The governor shall appoint one member from each of the following districts:

District 1: Wrangell and areas south;

District 2: Areas north of Wrangell to include Yakutat;

District 3: Areas west of Yakutat to East Coast of Alaska Peninsula, including Prince William Sound, Cook Inlet, and Kodiak;

District 4: Areas west of Alaska Peninsula to Cape Newenham, including Bristol Bay;

District 5: Areas north of Cape Newenham, including Kuskokwim, Yukon, Kotzebue, and the Arctic.

Sec. 23.35.030. Commissioner or designee as chair.

The commissioner of labor and workforce development or the person designated by the commissioner serves as the chair of the council.

Sec. 23.35.040. Duties of commissioner and council.

(a) The council shall

(1) review all denials of benefits made by the person responsible for the administration of the fund; and

(2) make all initial determinations regarding claims for additional benefits under AS 23.35.140.

(b) Under regulations adopted by the department, the commissioner shall hear all appeals from the council's denial of benefits and denials of claims for additional benefits under AS 23.35.140. The commissioner's decision is final and may be appealed as provided under AS 44.62 (Administrative Procedure Act).

Sec. 23.35.050. Regulations.

The department may adopt regulations to carry out the purposes of this chapter, including those that are necessary or advisable to protect the fund by limiting or suspending payments from the fund. The regulations must be uniform in application.

Sec. 23.35.060. Creation and administration of fishermen's fund.

(a) There is created a fund, designated as the "fishermen's fund." The Department of Revenue is the custodian of the fund, and the Department of Labor and Workforce Development shall administer it. The fund shall be composed of

(1) 39 percent of the money derived by the state from all commercial fishermen's licenses, not to exceed a maximum of \$50 for each license holder for each year; and

(2) money appropriated to carry out the purpose of this chapter.

(b) The legislature may appropriate up to 50 percent of the interest income earned by the state on the balance of the fishermen's fund for a grant for statewide marine safety training and education programs.

Sec. 23.35.070. Benefits.

A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after the fisherman sustains an injury or disability arising out of an accident directly connected with operations as a fisherman, either ashore in the state or in Alaska water, or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care, and hospitalization. In this section, "Alaska water" means the inland and territorial water of the state and the fishery conservation zone adjacent to the state established by 16 U.S.C. 1811 (Sec. 101, Fisheries Conservation and Management Act of 1976).

Sec. 23.35.080. Emergency treatment for cardio-vascular diseases.

The department may pay the costs, within the maximum limitations, of emergency treatment, transportation, medical care, and hospitalization, necessitated by a cardio-vascular disease, if the department determines that the disease is attributable, directly or indirectly, to the fishing endeavor.

Sec. 23.35.090. Assistance after discharge.

A fisherman is also entitled to such assistance after discharge from the hospital during period of convalescence as the department allows in consideration of the condition of the fund.

Sec. 23.35.100. Transportation, hospital, nursing, medical, and surgical expenses.

The department may pay out of the fund all reasonable transportation charges incurred under AS 23.35.080 and 23.35.090, including cost of returning the fisherman to the boat or home of the fisherman or to another place that reasonably meets with the fisherman's convenience, and the reasonable hospital, nursing, medical, and surgical expense incurred in the examination, treatment, and care of the fisherman.

Sec. 23.35.110. Contracts for care.

In carrying out this chapter, the department may enter into contracts or other arrangements with hospitals and doctors in the state for furnishing care on an annual basis to persons entitled to benefits. Contracting under this section is governed by AS 36.30 (State Procurement Code).

Sec. 23.35.120. Cooperation with other agencies.

In providing care the department shall provide the type and quality of treatment that will restore the fisherman to health and productivity, if possible. The department may enter into cooperative arrangements with agencies of the federal government, other states and territories, and private clinics and rehabilitation centers for the care and treatment of fishermen.

Sec. 23.35.130. Duration of care.

Except for compelling reasons, compensation may not be paid for the care of any one person involving a single injury or disability beyond a period of one year from the date of initial allowance.

Sec. 23.35.140. Limitation on benefits.

(a) Except for compelling reasons,

(1) compensation may not be paid for medical care or hospitalization furnished before the ascertainable time of injury, or before authorization in the case of disability caused by an occupational disease;

(2) the total allowance for any one injury or disablement is \$10,000.

(b) The total allowance for any one heart attack is \$10,000.

Sec. 23.35.145. Claim of vessel owner.

If a fisherman files a claim for benefits under this chapter and also files a claim against the protection and indemnity insurance policy of the vessel owner, the vessel owner is entitled to receive a benefit, not to exceed the amount of the actual loss, that is the lesser of

(1) 50 percent of the amount of the protection and indemnity insurance policy deductible; or

(2) \$5,000.

Sec. 23.35.150. Definitions.

In this chapter,

(1) "approved medical facilities" and "medical care" include the facilities of, or the care and treatment prescribed or performed by, a practitioner of chiropractic licensed by the state under AS 08.20;

(2) "council" means the Fishermen's Fund Advisory and Appeals Council;

(3) "fisherman" means a person who is licensed by the state to engage in commercial fishing under AS 16.05.480 or who is the holder of a permit issued under AS 16.43 and who, at the time injury is sustained or illness is contracted, is actually so engaged or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing;

(4) "fund" means the Fishermen's Fund;

(5) "occupational disease" means hernia; varicose veins of the leg; the respiratory diseases, bronchitis, pleurisy, and pneumonia caused by or aggravated by the fishing endeavor, but excluding the common cold and influenza; rheumatism, arthritis, and those musculoskeletal diseases (such as bursitis, traumatic sciatica, and tenosynovitis) directly caused by or aggravated by the fishing endeavor; and does not include a disease not common to both sexes, venereal disease, or a condition arising out of an attempt of a fisherman to injure self or another.

Benjamin Brown

Employment

Alaska Commercial Fisheries Entry Commission Juneau, Alaska	commissioner March 2011 – present
Baxter Bruce & Sullivan P.C. Juneau, Alaska	associate attorney April 2007 – February 2011
Choate Law Firm LLC Juneau, Alaska	associate attorney September 2006 – March 2007
<i>The Juneau Empire</i> Juneau, Alaska	columnist October 2003 – present
Alaska Department of Environmental Conservation Juneau & Anchorage, Alaska	legislative liaison January – November 2005
Lisa Murkowski for US Senate Juneau & Anchorage, Alaska	research director/regional co-ordinator November 2003 – November 2004
Alaska State Chamber of Commerce Juneau, Alaska	legislative lobbyist legislative session 2003
Alaska Department of Revenue Juneau, Alaska	administrative hearing officer September – December 2002
The Hon. Larry Weeks, Presiding Judge 1 st Judicial District, Alaska Court System Juneau, Alaska	law clerk August 2001 – August 2002
The Hon. Mark Green Public Advocate for the City of New York New York, N.Y.	legal intern March – May 2001
Gilmore & Doherty Anchorage, Alaska	legal intern September – November 2000
Alaska Office of Public Advocacy, Defense Section Anchorage, Alaska	legal intern March – May 2000
The Hon. Ted Stevens US Senator for Alaska Washington, D.C.	legal intern/legislative assistant September – November 1999
The Alaska Legislature Juneau & Anchorage, Alaska	legislative aide 1991 – 1998
Alaska Public Radio Network Anchorage, Alaska	administrative assistant 1991 & 1992

Education

Northeastern University School of Law Boston, Massachusetts	J.D. 2001
Georgetown University School of Foreign Service Washington, D.C.	B.S.F.S. 1992
Palmer High School Palmer, Alaska	Diploma 1985

Professional associations

The Alaska Bar Association	April 2002 – present CLE Committee, Admin Law Section co-chairman
The Juneau Bar Association	April 2002 – present president, vice-president/treasurer, secretary
The New York State Bar	passed July 2002 examination

Other activities

Alaska Humanities Forum	treasurer, board of directors
Alaska Moving Image Preservation Association	board of directors
*Alaska Public Media, Inc.	board of directors, government affairs committee
Alaska Republican Party	district co-chairman, communications director state central committee, state executive committee
*Alaska State Council on the Arts	chairman, grant panelist
American Red Cross, Southeast Alaska	development committee
Anchorage Sister Cities Commission	public relations, commissioner
CoastAlaska	vice-chairman, secretary, board of directors board improvement, finance & corporate documents committees
Friends of the Alaska State Museum	1st vice-president, board of directors
Juneau Arts & Humanities Council	board of trustees, concert committee
*National Assembly of State Arts Agencies	board of directors, secretary
KTOO-FM&TV	chairman, board of directors, finance committee DJ, theatre critic, auctioneer
the theatre	theatrical résumé available as requested

(* denotes current service)



UNITED FISHERMEN OF ALASKA

Mailing Address: PO Box 20229, Juneau AK 99802-0229

Physical Address: 410 Calhoun Ave Ste 101, Juneau AK 99801

Phone: (907)586-2820 **Fax:** (907) 463-2545

Email: ufa@ufa-fish.org **Website:** www.ufa-fish.org

March 26th, 2015

Representative Benjamin Nageak
Co-Chair, House Resources Committee
State Capitol Room 126
Juneau AK, 99801
Rep.Benjamin.Nageak@akleg.gov

RE: Support Ben Brown for reappointment to the Commercial Fisheries Entry Commission

Chairman Nageak, Chairman Talerico and members of the House Resources Committee,

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 36 Alaska commercial fishing organizations participating in fisheries throughout the state and its offshore federal waters. **UFA is pleased to offer continued support for Ben Brown as a commissioner for the Commercial Fisheries Entry Commission, CFEC.**

Mr. Brown has proven himself to be a capable commissioner with a comprehensive understanding of Alaska's complex limited entry program. Mr. Brown has established a solid working relationship with industry representatives and groups which is an imperative component of trust within CFEC. Mr. Brown is also easily accessible and interacts regularly with the Alaska State Legislature.

Due to the current fiscal situation and due to the ability of two commissioners to conduct CFEC business, a third CFEC commissioner is not needed at this time. If a quorum is not available, the Governor has the ability to appoint a temporary commissioner in order to adjudicate a particular case. Sec. 16.43.030. states: "A vacancy on the commission does not impair the authority of a quorum of commissioners to exercise all the powers and perform all the duties of the commission."

Thank you for your time and attention to this important appointment. Please feel free to contact us with any questions.

Sincerely,

Julianne Curry
Executive Director

Sec. ~~16.43.010~~ Purpose and findings of fact.

(a) It is the purpose of this chapter to promote the conservation and the sustained yield management of Alaska's fishery resource and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry of participants and vessels into the commercial fisheries in the public interest and without unjust discrimination.

(b) The legislature finds that commercial fishing for fishery resources has reached levels of participation, on both a statewide and an area basis, that have impaired or threaten to impair the economic welfare of the fisheries of the state, the overall efficiency of the harvest, and the sustained yield management of the fishery resource.

Sec. 16.43.020. Alaska Commercial Fisheries Entry Commission.

(a) There is established the Alaska Commercial Fisheries Entry Commission as a regulatory and quasi-judicial agency of the state. The commission consists of three members appointed by the governor and confirmed by the legislature in joint session.

(b) The governor shall designate one member of the commission as chairman of the commission. The member designated shall serve as chairman for a term of two years, and may be designated chairman for successive two-year terms.

Sec. 16.43.030. Term of office; vacancy and removal.

(a) The members of the commission shall be appointed for terms of four years.

(b) A vacancy on the commission shall be filled by appointment by the governor and the appointment shall be confirmed by the legislature in joint session. Except as provided in AS 39.05.080 (4), a member selected to fill a vacancy shall hold office for the balance of the full term for which the member's predecessor on the commission was appointed.

(c) A vacancy on the commission does not impair the authority of a quorum of commissioners to exercise all the powers and perform all the duties of the commission.

(d) The governor may remove a commissioner from office for cause, including but not limited to incompetence, neglect of duty, or misconduct in office. A commissioner being removed for cause shall be given a copy of the charges and afforded an opportunity to publicly present a defense in person or by counsel upon not less than 10 days' notice. If a commissioner is removed for cause, the governor shall file with the lieutenant governor a complete statement of all charges made against the commissioner and the governor's findings based on the charges, together with a complete record of the proceedings.

Sec. 16.43.040. Quorum.

Two members of the commission constitute a quorum for the transaction of business, for the performance of a duty, or for the exercise of a power of the commission.

Sec. 16.43.050. Qualifications.

The commission shall consist of three members with a broad range of professional experience, none of whom has a vested economic interest in an interim-use permit, entry permit, commercial fishing vessel or gear, or in any fishery resource processing or marketing business.

Sec. 16.43.060. Compensation.

Members of the commission are in the exempt service and are entitled to a monthly salary equal to a step in Range 27 of the salary schedule in AS 39.27.011.

Sec. 16.43.070. Legal counsel.

The attorney general is the legal counsel for the commission. The attorney general shall advise the commission in legal matters arising in the discharge of its duties and represent the commission in suits to which it is a party. However, the commission may retain additional legal counsel as appropriate.

Sec. 16.43.080. Employment of personnel.

(a) The commission may employ those persons necessary to carry out the purposes of this chapter. Employees of the commission are in the exempt service under AS 39.25.110.

(b) In addition to its staff of regular employees, the commission may contract for and engage the services of consultants, experts, and hearing officers as necessary.

Sec. 16.43.100. Duties and general powers.

(a) To accomplish the purposes set out in AS 16.43.010, the commission shall

- (1) regulate entry into the commercial fisheries for all fishery resources in the state;
- (2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the state;
- (3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;
- (4) establish, for all types of gear, the maximum number of entry permits for each administrative area;
- (5) designate, when necessary to accomplish the purposes of this chapter, particular species for which separate interim-use permits or entry permits will be issued;
- (6) establish qualifications for the issuance of entry permits;
- (7) issue entry permits to qualified applicants;

- (8) issue interim-use permits as provided in AS 16.43.210, 16.43.220, and 16.43.225;
- (9) establish, for all types of gear, the optimum number of entry permits for each administrative area;
- (10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320 to reduce the number of outstanding entry permits to the optimum number of entry permits;
- (11) provide for the transfer and reissuance of entry permits to qualified transferees;
- (12) provide for the transfer and reissuance of entry permits for alternative types of legal gear, in a manner consistent with the purposes of this chapter;
- (13) establish and administer the collection of the annual fees provided for in AS 16.43.160;
- (14) administer the issuance of commercial fishing vessel licenses under AS 16.05.490;
- (15) issue educational entry permits to applicants who qualify under the provisions of AS 16.43.340 - 16.43.390;
- (16) establish reasonable user fees for services;
- (17) issue landing permits under AS 16.05.675 and regulations adopted under that section;
- (18) establish and collect annual fees for the issuance of landing permits that reasonably reflect the costs incurred in the administration and enforcement of provisions of law related to landing permits;
- (19) establish a moratorium on entry into commercial fisheries as provided in AS 16.43.225;
- (20) when requested by a regional development organization formed under former AS 44.33.895, provide to the organization, without charge, public information contained in the commission's data with respect to relevant fisheries, including limited fisheries, fishery participants, and limited entry permit holders' harvests and earnings; and
- (21) administer, when necessary to accomplish the purposes of this chapter, a Bering Sea hair crab fishery vessel permit system under AS 16.43.451 - 16.43.521.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether or not specifically designated in this chapter.

Sec. 16.43.105. Accounting and disposition of fees. [Repealed, Sec. 28 ch 90 SLA 1991. For current law, see AS 37.05.142 - 37.05.144].

Repealed or Renumbered

Sec. 16.43.110. Regulations and hearing procedures.

(a) The commission may adopt regulations, consistent with law, necessary or proper in the exercise of its powers or for the performance of its duties under this chapter.

(b) The commission shall adopt regulations, consistent with due process of law, that govern practice and procedure and the conduct of all investigations, hearings, and proceedings that it holds.

(c) The Alaska Rules of Evidence apply to investigations, hearings, and proceedings before the commission, except when the commission determines that their application is not required in order to assure fair treatment of all parties and that the evidence is relevant and of the sort on which responsible persons are accustomed to rely in the conduct of serious matters.

(d) The commission, a commissioner, or an employee authorized by the commission may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts, and documents in an inquiry, investigation, hearing, or proceeding before the commission in any part of the state. The commission may petition a court to enforce its subpoenas or other process.

(e) The commission shall adopt regulations to provide for the correction of administrative error.

Sec. 16.43.120. Application of Administrative Procedure Act.

(a) The administrative adjudication procedures of AS 44.62 (Administrative Procedure Act) do not apply to adjudicatory proceedings of the commission except that final administrative determinations by the commission are subject to judicial review as provided in AS 44.62.560 - 44.62.570.

(b) AS 44.62.010 - 44.62.320 and 44.62.640 apply to regulations adopted by the commission.

Big Game Commercial Services Board		James David Jones
General Information		
<i>Board/Commission and seat you are seeking:</i> Big Game Commercial Services Board, Marine Transporter		
<i>Additional Boards/Commissions of interest:</i> 1) Big Game Commercial Services Board 2) Big Game Commercial Services Board 3) Big Game Commercial Services Board		
<i>State Boards/Commissions on which you have served</i> None		
<i>First</i> James	<i>Middlename</i> David	<i>Last Name</i> Jones
<i>Mailing Address</i> [REDACTED]	<i>City</i> [REDACTED]	<i>State & ZIP</i> [REDACTED]
<i>Home/Message Phone</i> [REDACTED]	<i>Business Phone</i> [REDACTED]	<i>Cell Phone</i> [REDACTED]
<i>Email Address</i> [REDACTED]	<i>Are you a registered voter?</i> Yes	
<i>Date of Birth</i> 0000-00-00	<i>Ethnicity</i> [REDACTED]	
<i>Gender</i> [REDACTED]		
<i>Military Service</i>		
Conflict of Interest		
<i>Certain boards and commissions require full disclosure of personal financial data under AS 39.50.010. If required for the board or commission for which you are applying, are you willing to do so?</i> Yes		
<i>Could you or any member of your family be affected financially by decisions to be made by the board or commission for which you are applying?</i> Yes		
<i>Please explain the potential financial benefit</i> Our family business is AlpenView Wilderness Lodge, Inc. A licensed transporter.		
Employment History		
<i>Employment work history including paid, unpaid or voluntary.</i> I Moved to Kodiak in 1977 after getting my commercial pilot s license. I first worked as a pilot for Viking Air Service and later Island Air Service 1977 1980. This was my first exposure to big game commercial services as much of our flying was in support of bear and deer hunters.		

I started commercial fishing in 1980 and continued flying as a fish spotter through 1987. In 1985 I received my first special use permit from the USF&WS, to guide sport fishing on the Kodiak National Wildlife Refuge, under the business name Kodiak Outfitters . In 1988 I opened Olga Bay Lodge on southwest Kodiak Island and sport fish guiding has been my primary occupation from 1988 through the present. I m currently a major shareholder in, and manager of, AlpenView Wilderness Lodge, Inc.

Education, Training, Experience & Qualifications

List both formal and informal education and training experiences:

Graduated Lincoln High School, Tacoma, Washington/1975

Commercial Flight at Clover Park Voc/Tec Tacoma, Washington/1977

List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

Commercial Pilot/1976

USCG 100 ton Master/1984

Transporter/2010

List any community service, municipal government, and state positions held, and any awards received.

Currently serving my second term as president of the Kodiak Association of Charterboat Operators (KACO).

Conviction Record

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years?

No

Conviction Circumstances

Certification of Accuracy & Completeness

By submitting this online application, I swear the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates, or I may be removed from the position. I agree that the Office of the Governor may contact present or former employees or other persons who know me to obtain an additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Type "I certify"

"I certify"

Resumé Addendum

Press Release Wording

{James "Dave" Jones}, {56} of {Kodiak}, is {Manager and head guide of AlpenView Wilderness Lodge on Kodiak Island} Dave has been a professional outdoorsman on Kodiak Island, providing commercial services to hunters and fishermen, for the past 35

years.

Submitted: 01/28/13 at 1:01 pm from 65.74.85.73

General Information

Board/Commission and seat you are seeking:
Big Game Commercial Services, Guide Seat
Additional Boards/Commissions of interest:
None

State Boards/Commissions on which you have served:
Big Game Commercial Services Board

First Name	Middle Name	Last Name
Kelly	Lee	Vrem
Mailing Address	City	State & Zip
██████████	██████████	██████████
Home/Message Phone	Business Phone	Cell Phone
██████████	██████████	██████████
Email Address		Are you a registered voter?
██████████		Yes
Date of Birth	Gender	Ethnicity
██████████		██████████
Military Service		

Conflict of Interest

Certain boards and commissions require full disclosure of personal financial data under AS39.50.010. If required for the board or commission for which you are applying, are you willing to do so?
Yes

Could you or any member of you family be affected financially by decisions to be made by the board or commission for which you are applying?
Yes

Please explain the potential financial benefit
Yes | As a guide any new regulation has the potential to affect me financially

Employment History

Employment work history including paid, unpaid, or voluntary.
Assistant Guide license issued July of 1973. Registered Guide 1977. Self Employed since 1980.
1979 to present Commercial Pilot, Chugiak Aviation, Sea Airmotive, Woods Air Service, Nordic Flying Service, and presently operate Viking Air Service.

Education, Training, Experience & Qualifications

List both formal and informal education and training experiences:
Chugiak High School Graduate 1971 1 year Western State College of Colorado
List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:
Master Big Game Guide license #102
List any community service, municipal government, and state positions held, and any awards received.
Member of The Alaska Professional Hunters Association since 1980. Approximately 20 years as a Board of director member. Vice President was the last position.

Conviction Record

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years?
No
Conviction Circumstances

Certification of Accuracy & Completeness

By submitting this online application, I swear the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates, or I may be removed from the position. I agree that the Office of the Governor may contact present or former employees or other persons who know me to obtain an additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Type "I certify"
"I certify"

Resume Addendum:

Native Born Alaskan, currently owner of Rough And Ready Guide Service Inc. Conducting Big Game Hunting in the Wrangell St-Elias National Park Preserve and Becharoff National wildlife Refuge. Big Game guiding in Alaska for 41 years. Commercial Pilot since 1979, over 16,000 hours of Alaska Flying experience. FAA, Airframe and Powerplant Mechanic with Inspection Authorization.

Press Release Wording

{Kelly Vrem Master Guide #102}, {62} of {Sutton}, is reappointed to the Big Game Commercial Services Board).

Submitted: 10/13/2014 9:31:54 PM

Statutes and Regulations
**Big Game Commercial
Services Board**

October 2014

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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TABLE OF CONTENTS

Section	Page
1. Big Game Guides and Related Occupations Statutes (AS 08.54).....	1
2. Big Game Commercial Services Board Regulations (12 AAC 75)	11

CHAPTER 54.
BIG GAME GUIDES AND RELATED OCCUPATIONS.

Article

1. **Big Game Guides and Transporters (AS 08.54.591 – AS 08.54.680)**
2. **Enforcement (AS 08.54.710 – AS 08.54.790)**

ARTICLE 1.
BIG GAME GUIDES AND TRANSPORTERS.

Section

591. **Creation and membership of board**
595. **Board assistance**
600. **Duties of board**
605. **Eligibility for licenses**
608. **Retired status license**
610. **Registered guide-outfitter license**
620. **Class-A assistant guide license**
630. **Assistant guide license**
635. **Guide services provided by unlicensed persons**
640. **Law enforcement officers and game biologists**
650. **Transporter license**
660. **Renewal of guide and transporter licenses**
670. **Failure to renew**
680. **Financial responsibility and other requirements for guides and transporters**

Sec. 08.54.591. CREATION AND MEMBERSHIP OF BOARD. (a) For the purposes of licensing and regulating the activities of providers of commercial services to big game hunters in the interest of the state's wildlife resources, there is created the Big Game Commercial Services Board. For administrative purposes, the board is in the Department of Commerce, Community, and Economic Development.

(b) The board consists of nine members as follows:

- (1) two members who are current, licensed registered guide-outfitters;
- (2) two members who are licensed transporters;
- (3) one member of the Board of Game who is chosen by the Board of Game and who does not hold a guide or transport license;
- (4) two members who represent private landholders affected by guided hunting activities or transportation services and who do not hold a license issued under this chapter; and
- (5) two public members.

Sec. 08.54.595. BOARD ASSISTANCE. State agencies shall provide the board with information, data, or technical assistance requested by the board for the purposes of licensing and regulating the activities of providers of commercial services to big game hunters.

Sec. 08.54.600. DUTIES OF BOARD. (a) The board shall

- (1) prepare and grade
 - (A) a qualification examination for a registered guide-outfitter license that requires demonstration that the applicant is qualified generally to provide guided and outfitted hunts and, in particular, possesses knowledge of fishing, hunting, and guiding laws and regulations; and
 - (B) a certification examination for each game management unit in which the registered guide-outfitter intends to provide big game hunting services; the examination must require demonstration that the registered guide-outfitter is qualified to provide guided and outfitted hunts in the game management unit for which the registered guide-outfitter seeks to be certified and, in particular, must require demonstration that the registered guide-outfitter possesses knowledge of the terrain, transportation problems, game, and other characteristics of the game management unit;
- (2) authorize the issuance of registered guide-outfitter, master guide-outfitter, class-A assistant guide, assistant guide, and transporter licenses after the applicant for the license satisfies the requirements for the license;
- (3) impose appropriate disciplinary sanctions on a licensee under AS 08.54.600 - 08.54.790;
- (4) require an applicant for issuance or renewal of any class of guide license or of a transporter license to state in a written and signed document whether the applicant's right to obtain, or exercise the privileges granted by, a hunting, guiding, outfitting, or transportation services license is revoked or suspended in this state or another state or in Canada;
- (5) regularly disseminate information regarding examinations and other qualifications for all classes of guide licenses to residents of the rural areas of the state;

- (6) adopt procedural and substantive regulations required by this chapter;
- (7) provide for administration of examinations for registered guide-outfitters at least twice a year;
- (8) meet at least twice annually.

(b) The board shall provide for administration of an oral examination for a registered guide-outfitter license or for a game management unit certification if requested at the time of application for the license.

(c) In addition to the regulations required under (a) of this section, the board may adopt regulations the board considers appropriate, including regulations to

- (1) establish a code of ethics for professions regulated by the board;
- (2) establish requirements for the contents of written contracts to provide big game hunting services and transportation services to clients;
- (3) authorize the department to request a copy of a big game hunting services or transportation services contract entered into by a person licensed under this chapter.

Sec. 08.54.605. ELIGIBILITY FOR LICENSES. (a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not receive or renew a registered guide-outfitter license, master guide-outfitter license, class-A assistant guide license, assistant guide license, or transporter license if

(1) the person has been convicted of
(A) a violation of a state or federal hunting, guiding, or transportation services statute or regulation for which

- (i) the person was imprisoned for more than five days within the previous five years;
- (ii) an unsuspended fine of more than \$2,000 was imposed in the previous 12 months;
- (iii) an unsuspended fine of more than \$3,000 was imposed in the previous 36 months; or
- (iv) an unsuspended fine of more than \$5,000 was imposed in the previous 60 months;

(B) a felony within the last five years; or

(C) a felony offense against the person under AS 11.41 within the last 10 years; or

(2) the person's right to obtain, or exercise the privileges granted by, a hunting, guiding, outfitting, or transportation services license is suspended or revoked in this state or another state or in Canada.

(b) Notwithstanding (a) of this section, (a)(1)(B) and (C) of this section are not applicable to offenses committed by a person who receives or received any class of guide license or a transporter license under sec. 13, ch 33, SLA 1996, if the offense was committed before May 23, 1996. This subsection does not apply when a person applies for a license that is different from the class of guide license or the transporter license received under sec. 13, ch 33, SLA 1996.

(c) A person may not receive a certification for a game management unit if the person is prohibited by (a) of this section from receiving or renewing a registered guide-outfitter license or master guide-outfitter license.

Sec. 08.54.608. RETIRED STATUS LICENSE. (a) On retiring from guiding or outfitting, or both, and on payment of an appropriate one-time fee, an individual who has held a license issued under AS 08.54.610, 08.54.620, or 08.54.630 that has not been suspended or revoked under AS 08.54.710 may apply for a retired status license. The retired status license shall indicate whether the individual was licensed as a master guide-outfitter, registered guide-outfitter, class-A assistant guide, or assistant guide. An individual holding a retired status license may not guide, outfit, or take charge of a camp in the state under the retired status license. A retired status license is valid for the life of the license holder and does not require renewal.

(b) An individual with a retired status license issued under (a) of this section may apply for a new registered guide-outfitter license under AS 08.54.610, a new class-A assistant guide license under AS 08.54.620, or a new assistant guide license under AS 08.54.630.

Sec. 08.54.610. REGISTERED GUIDE-OUTFITTER LICENSE. (a) A natural person is entitled to a registered guide-outfitter license if the person

- (1) is 21 years of age or older;
- (2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guiding and outfitting activities;
- (3) either
 - (A) has passed the qualification examination prepared by the board under AS 08.54.600; or
 - (B) provides evidence of 25 years of experience as a class-A assistant guide or class-A assistant guide-outfitter;
- (4) has passed a certification examination prepared by the board under AS 08.54.600 for at least one game management unit;
- (5) has legally hunted big game in the state for part of each of any five years in a manner directly contributing to the person's experience and competency as a guide;
- (6) has been licensed as and performed the services of a class-A assistant guide or assistant guide, or of a class-A assistant guide-outfitter or assistant guide-outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each of three years;
- (7) is capable of performing the essential duties associated with guiding and outfitting;

(8) has been favorably recommended in writing by eight big game hunters whose recommendations have been solicited by the department from a list provided by the applicant, including at least two favorable recommendations for each year of any three years during which the person was a class-A assistant guide or assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under former AS 08.54.300 - 08.54.590;

(9) has provided proof of financial responsibility if required by the department under AS 08.54.680; and

(10) has applied for a registered guide-outfitter license on a form provided by the department and paid the license application fee and the registered guide-outfitter license fee.

(b) A master guide-outfitter license authorizes a registered guide-outfitter to use the title master guide-outfitter, but is for all other purposes under this chapter a registered guide-outfitter license. A natural person is entitled to receive a renewable master guide-outfitter license if the person

(1) is, at the time of application for a master guide-outfitter license, licensed as a registered guide-outfitter under this section;

(2) has been licensed in this state as a registered guide or a guide-outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or this chapter, for at least 12 of the last 15 years, including the year immediately preceding the year in which the person applies for a master guide-outfitter license;

(3) submits a list to the department of at least 25 clients for whom the person has personally provided guiding or outfitting services and the person receives a favorable evaluation from 10 of the clients selected from the list by the department; and

(4) applies for a master guide-outfitter license on a form provided by the department and pays the application fee, if any.

(c) A registered guide-outfitter may contract to guide or outfit hunts for big game and may provide transportation services, personally or through an assistant, to big game hunters who are clients of the registered guide-outfitter.

(d) Notwithstanding AS 08.54.750, a person who is licensed as a registered guide-outfitter may be employed by another registered guide-outfitter to provide the services of

(1) a class-A assistant guide in a game management unit if the registered guide-outfitter providing the services of a class-A assistant guide is able to demonstrate, to the satisfaction of the board, adequate knowledge of and experience in the game management unit; and

(2) an assistant guide in any game management unit.

(e) A registered guide-outfitter who contracts for a guided hunt shall be primarily in the field supervising and participating in the contracted hunt. The contracting registered guide-outfitter shall also conduct the hunt, unless the hunt, under regulations adopted by the board, is being conducted by a class-A assistant guide or a registered guide-outfitter employed by the contracting registered guide-outfitter.

Sec. 08.54.620. CLASS-A ASSISTANT GUIDE LICENSE. (a) A natural person is entitled to a class-A assistant guide license if the person

(1) is 21 years of age or older;

(2) applies for a class-A assistant guide license on a form provided by the department and pays the license application fee and the license fee;

(3) possesses a current first aid card issued by the Red Cross or a similar organization; and

(4) either

(A) has

(i) been employed during at least three calendar years as any class of licensed guide in the game management unit for which the license is sought; and

(ii) at least 10 years' hunting experience in the state; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience;

(B) provides

(i) evidence that the person physically resides in the game management unit in which the person is to be employed;

(ii) evidence that the person has had at least 15 years' hunting experience in the game management unit in which the person is to be employed; military service outside of the state for not more than three years shall be accepted as part of the required 15 years' hunting experience; and

(iii) a written recommendation from a registered guide-outfitter who intends to employ the person as a class-A assistant guide; or

(C) provides evidence that the person

(i) physically resides in the game management unit in which the person is to be employed;

(ii) has at least 10 years' hunting experience in the state; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience; and

(iii) has passed a class-A assistant guide training course approved by the board.

(b) A class-A assistant guide

(1) may not contract to guide or outfit a big game hunt;

(2) shall be employed by and under the supervision of a registered guide-outfitter who has contracted with the client for whom the class-A assistant guide is conducting the hunt;

(3) may take charge of a camp and provide guide services from the camp without the contracting registered guide-outfitter being in the field and participating in the contracted hunt if the contracting registered guide-outfitter is supervising the guiding activities;

(4) may not perform functions of a class-A assistant guide outside of the game management unit for which the license is issued; and

(5) may be employed by a registered guide-outfitter to perform the functions of an assistant guide in any game management unit.

Sec. 08.54.630. ASSISTANT GUIDE LICENSE. (a) A natural person is entitled to an assistant guide license if the person

(1) is 18 years of age or older;

(2) has legally hunted big game in the state during two calendar years;

(3) possesses a first aid card issued by the Red Cross or a similar organization;

(4) either

(A) obtains a written recommendation from a registered guide-outfitter who intends to employ the person as an assistant guide; or

(B) provides evidence that the person passed an assistant guide training course approved by the board; and

(5) applies for an assistant guide license on a form provided by the department and pays the license application fee and the license fee.

(b) An assistant guide

(1) may not contract to guide or outfit a big game hunt;

(2) shall be employed by a registered guide-outfitter and under the supervision of a registered guide-outfitter or class-A assistant guide while the assistant guide is in the field on guided hunts; and

(3) may not take charge of a camp or provide guide services unless the contracting registered guide-outfitter is in the field and participating in the contracted hunt or a registered guide-outfitter or class-A assistant guide employed by the contracting guide is physically present and supervising the hunt.

Sec. 08.54.635. GUIDE SERVICES PROVIDED BY UNLICENSED PERSONS. (a) A registered guide-outfitter who contracts to guide a big game hunt may, under regulations adopted by the board, delegate to a person not licensed under this chapter the services of

(1) packing, preparing, salvaging, or caring for a client's meat;

(2) packing trophies; and

(3) packing camping equipment.

(b) For training purposes established by the board in regulation, a person who is not licensed under this chapter may assist in providing the guide services of field preparation of trophies, stalking, pursuing, tracking, killing, or attempting to kill big game, and using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter. An unlicensed person may only assist in providing a guide service under this subsection if a licensed registered guide-outfitter, class-A assistant guide, or assistant guide is physically present and the class-A assistant guide or assistant guide is employed by and under the supervision of the registered guide-outfitter who contracted for the big game hunt.

(c) A person who does not hold a license issued under this chapter may provide or assist in providing the services identified under this section only if the person meets requirements adopted by the board. A person who provides or assists in providing guide services under this section may receive compensation for providing the services.

Sec. 08.54.640. LAW ENFORCEMENT OFFICERS AND GAME BIOLOGISTS. (a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided in (b) of this section, a person may not hold, or earn experience credits to apply for, a registered guide-outfitter license under this chapter, while the person is a law enforcement officer and for three months after terminating the person's status as a law enforcement officer.

(b) A registered guide-outfitter license, class-A assistant guide license, or assistant guide license issued under this chapter, or under former provisions of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom the license is issued subsequently becomes a law enforcement officer. A person whose license is subject to suspension under this subsection shall notify the department that the person has become a law enforcement officer within 30 days after becoming a law enforcement officer. The suspension of a license under this subsection remains in effect until three months have elapsed from the date on which the licensee provides written notification to the department of the fact that the person is no longer a law enforcement officer. A person whose license is suspended under this subsection is not required to renew the license or pay license renewal fees for the period of suspension. Once a suspension of a license is terminated, the licensee may provide, without further payment of a guide license fee, the guide services authorized by the license for the remainder of the licensing period in which the suspension is terminated. Notwithstanding other provisions of this subsection, if a person whose license is suspended under this subsection fails to notify the department within one year after the person is no longer a law enforcement officer, the person's license lapses and the person is eligible for reissuance of the license only as provided in AS 08.54.670. The board may adopt regulations to implement this subsection.

(c) A person who holds any class of guide license and who is employed by the Department of Fish and Game or a federal wildlife management agency may not, while employed by the department or agency as a game or wildlife biologist and for 12 months after leaving employment with the department or agency as a game or wildlife biologist, engage in providing big game hunting services in a game management unit in which the person conducted game or wildlife management or research activities for the department or agency at any time during the preceding 12 months.

(d) In this section, "law enforcement officer" means a person who is

(1) employed by the Department of Public Safety as a state trooper or as a law enforcement officer engaged in fish and wildlife protection; or

(2) employed as a fish and wildlife law enforcement officer by the United States Department of the Interior or the United States Department of Agriculture.

Sec. 08.54.650. TRANSPORTER LICENSE. (a) A person is entitled to a transporter license if the person

(1) applies for a transporter license on a form provided by the department; and

(2) pays the license application fee and the license fee.

(b) A transporter may provide transportation services and accommodations to big game hunters in the field at a permanent lodge, house, or cabin owned by the transporter or on a boat with permanent living quarters located on salt water. A transporter may not provide big game hunting services without holding the appropriate license.

(c) A transporter shall provide an annual activity report on a form provided by the department. An activity report must contain all information required by the board by regulation.

Sec. 08.54.660. RENEWAL OF GUIDE AND TRANSPORTER LICENSES. (a) An applicant for renewal of a registered guide-outfitter, class-A assistant guide, assistant guide, or transporter license shall submit

(1) a request for renewal of the license on a form provided by the department; and

(2) the appropriate license fee for the next licensing period.

(b) The department may not renew a registered guide-outfitter license under this section unless all fees have been paid in full and the registered guide-outfitter has signed an affidavit that all hunt records due during the term of the current license have been filed with the department.

(c) The department may not renew a transporter license unless all fees have been paid in full and the transporter has signed an affidavit that all activity reports due during the term of the current license have been filed with the department.

Sec. 08.54.670. FAILURE TO RENEW. The department may not issue a license to a person who held a registered guide-outfitter, class-A assistant guide, or assistant guide license and who has failed to renew the license under this chapter for four consecutive years unless the person again meets the qualifications for initial issuance of the license.

Sec. 08.54.680. FINANCIAL RESPONSIBILITY AND OTHER REQUIREMENTS FOR GUIDES AND TRANSPORTERS. (a) The department may require a registered guide-outfitter, who contracts to guide or outfit a big game hunt, or a transporter to provide proof of financial responsibility up to the amount of \$100,000. A registered guide or transporter may demonstrate financial responsibility by assets, insurance, or a bond in the requisite amount.

(b) If a registered guide-outfitter, class-A assistant guide, or assistant guide personally pilots an aircraft to transport clients during the provision of big game hunting services, the registered guide-outfitter, class-A assistant guide, or assistant guide shall have a commercial pilot's rating or a minimum of 500 hours of flying time in the state.

(c) On or after January 1, 2006, a registered guide-outfitter may not provide big game hunting services and a transporter may not provide transportation services unless the registered guide-outfitter or transporter has entered into a written contract with the client for the provision of those services. A contract to provide big game hunting services must include at least the following information: the name and guide license number of the registered guide-outfitter, the name of the client, a listing of the big game to be hunted, the approximate time and dates that the client will be in the field, a statement as to what transportation is provided by the registered guide-outfitter, a statement as to whether accommodations and meals in the field are provided by the registered guide-outfitter, and a statement of the amount to be paid for the big game hunting services provided. A contract to provide transportation services must include at least the following information: the name and transporter license number of the transporter, the name of the client, a listing of the big game to be hunted, the approximate time and dates that the client will be in the field, and a statement of the amount to be paid for the transportation services provided. A registered guide-outfitter or transporter shall provide a copy of contracts to provide big game hunting services or transportation service, as appropriate, to the department upon the request of the department. Except as necessary for disciplinary proceedings conducted by the board and as necessary for law enforcement purposes by the Department of Public Safety and the Department of Law, a copy of a contract provided to the department is confidential. The department may provide a copy of contracts in the possession of the department to the Department of Fish and Game or the Department of Natural Resources upon the request of that department if the department receiving the copy agrees to maintain the confidentiality of the contracts.

**ARTICLE 2.
ENFORCEMENT.**

Section

- 710. Discipline of guides and transporters**
- 720. Unlawful acts**
- 730. Injunction against unlawful action**
- 740. Responsibility of guide or transporter for violations**
- 750. Use area registration**
- 760. Hunt records; confidentiality of hunt records and activity reports**
- 770. License and examination fees**
- 785. Chapter not applicable**
- 790. Definitions**

Sec. 08.54.710. DISCIPLINE OF GUIDES AND TRANSPORTERS. (a) The board may impose a disciplinary sanction in a timely manner under (c) of this section if the board finds that a licensee

(1) is convicted of a violation of any state or federal statute or regulation relating to hunting or to provision of big game hunting services or transportation services;

(2) has failed to file records or reports required under this chapter;

(3) has negligently misrepresented or omitted a material fact on an application for any class of guide license or a transporter license; or

(4) has breached a contract to provide big game hunting services or transportation services to a client.

(b) *[Repealed, Sec. 4 ch 49 SLA 2008.]*

(c) The board may impose the following disciplinary sanctions, singly or in combination:

(1) permanently revoke a license;

(2) suspend a license for a specified period;

(3) censure or reprimand a licensee;

(4) impose limitations or conditions on the professional practice of a licensee;

(5) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;

(6) impose probation requiring a licensee to report regularly to the board on matters related to the grounds for probation;

(7) impose a civil fine not to exceed \$5,000.

(d) The board shall permanently revoke a transporter license or any class of guide license if the board finds after a hearing that the license was obtained through fraud, deceit, or misrepresentation.

(e) The board shall suspend or permanently revoke a transporter license or any class of guide license without a hearing if the court orders the board to suspend or permanently revoke the license as a penalty for conviction of an unlawful act. If the board suspends or permanently revokes a license under this subsection, the board may not also impose an administrative disciplinary sanction of suspension or permanent revocation of the same license for the same offense for which the court ordered the suspension or permanent revocation under AS 08.54.720.

(f) A certified copy of a judgment of conviction of a licensee for an offense is conclusive evidence of the commission of that offense in a disciplinary proceeding instituted against the licensee under this section based on that conviction, regardless of whether the conviction resulted from a plea of nolo contendere or the conviction is under appeal, unless the conviction is overturned on appeal.

(g) A person whose license is suspended or revoked under this section may not engage in the provision of big game hunting services or transportation services during the period of license suspension or revocation.

(h) If the board revokes a license under this section, the person whose license has been revoked shall immediately surrender the license to the department.

(i) *[Repealed, Sec. 4 ch 49 SLA 2008.]*

(j) The board may suspend or permanently revoke a transporter license or any class of guide license if the board finds after a hearing that the licensee engaged in conduct involving unprofessionalism, moral turpitude, or gross immorality.

Sec. 08.54.720. UNLAWFUL ACTS. (a) It is unlawful for a

(1) person who is licensed under this chapter to knowingly fail to promptly report, unless a reasonable means of communication is not reasonably available, to the Department of Public Safety, and in no event later than 20 days, a violation of a state or federal wildlife or game, guiding, or transportation services statute or regulation that the person reasonably believes was committed by a client or an employee of the person;

(2) person who is licensed under this chapter to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the person;

(3) class-A assistant guide or an assistant guide to knowingly guide a big game hunt except while employed and supervised by a registered guide-outfitter;

(4) person who holds any class of guide license or transporter license to knowingly enter or remain on private, state, or federal land without prior authorization during the course of providing big game hunting services or transportation services;

(5) registered guide-outfitter to knowingly engage in providing big game hunting services outside of

(A) a game management unit for which the registered guide-outfitter is certified; or

(B) a use area for which the registered guide-outfitter is registered under AS 08.54.750 unless the registration requirement for the area has been suspended by the Department of Fish and Game;

(6) person to knowingly guide without having a current registered guide-outfitter, class-A assistant guide, or assistant guide license and a valid Alaska hunting license in actual possession;

(7) registered guide-outfitter to knowingly fail to comply with AS 08.54.610(e);

(8) person who is licensed under this chapter to knowingly

(A) commit or aid in the commission of a violation of this chapter, a regulation adopted under this chapter, or a state or federal wildlife or game statute or regulation; or

(B) permit the commission of a violation of this chapter, a regulation adopted under this chapter, or a state or federal wildlife or game statute or regulation that the person knows or reasonably believes is being or will be committed without

(i) attempting to prevent it, short of using force; and

(ii) reporting the violation;

(9) person without a current registered guide-outfitter license to knowingly guide, advertise as a registered guide-outfitter, or represent to be a registered guide-outfitter, except as provided by AS 08.54.635;

(10) person without a current master guide-outfitter license to knowingly advertise as, or represent to be, a master guide-outfitter;

(11) person without a current registered guide-outfitter license to knowingly outfit a big game hunt, provide outfitting services, advertise as an outfitter of big game hunts, or represent to be an outfitter of big game hunts;

(12) person to knowingly provide transportation services to big game hunters without holding a current registered guide-outfitter license or transporter license;

(13) person without a current transporter license to knowingly advertise as, or represent to be, a transporter;

(14) class-A assistant guide or an assistant guide to knowingly contract to guide or outfit a hunt;

(15) person licensed under this chapter to knowingly violate a state statute or regulation prohibiting waste of a wild food animal or hunting on the same day airborne;

(16) person to knowingly provide big game hunting services or transportation services during the period for which the person's license to provide that service is suspended or revoked;

(17) registered guide-outfitter, except in the defense of life or property, to knowingly personally take

(A) big game while accompanying a client in the field; or

(B) a species of big game if the registered guide-outfitter is under contract with a client to provide a guided hunt for that species of big game and the client is in the field;

(18) person who is licensed as a registered guide-outfitter, a class-A assistant guide, or an assistant guide, except in the defense of life or property, to knowingly personally take big game while a client of the registered guide-outfitter by whom the person is employed is in the field unless the person is not participating in, supporting, or otherwise assisting in providing big game hunting services to a client of the registered guide-outfitter by whom the person is employed; or

(19) person who is licensed as a transporter, or who provides transportation services under a transporter license, to knowingly accompany or remain in the field with a big game hunter who is a client of the person except as necessary to perform the specific duties of embarking or disembarking big game hunters, their equipment, or big game animals harvested by hunters; this paragraph does not apply to a person who holds both a transporter license and a registered guide-outfitter license issued under this chapter when the person has a contract to provide guiding services for the client.

(b) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who commits an offense set out in (a)(1) - (7), (17), (18), or (19) of this section is guilty of a misdemeanor and is punishable by a fine of not more than \$10,000 or by imprisonment up to one year, or both.

(c) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who commits an offense set out in (a)(8) - (14) of this section is guilty of a misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment up to one year, or both.

(d) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who commits an offense set out in (a)(15) of this section is guilty,

(1) for a first offense, of a misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment up to one year, or both;

(2) for a second or subsequent offense, of a class C felony.

(e) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who violates (a)(16) of this section is guilty of a class C felony.

(f) In addition to the penalties set out in (b) - (e) of this section and a disciplinary sanction imposed under AS 08.54.710,

(1) the court may order the board to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(1), (3) - (5), (7), (8), (17), (18), or (19) of this section for a specified period of not more than three years;

(2) the court shall order the board to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(2) or (9) - (14) of this section for a specified period of not less than one year and not more than five years;

(3) the court shall order the board to suspend the guide license or transporter license for a specified period of not less than three years, or to permanently revoke the guide license or transporter license, of a person who commits an offense set out in (a)(15) or (16) of this section; and

(4) all guns, fishing tackle, boats, aircraft, automobiles, or other vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of, a violation of (a) of this section may be seized by persons authorized to enforce this chapter and may be forfeited to the state as provided under AS 16.05.195.

(g) Upon conviction of a person for committing an offense set out in (a) of this section, the execution of sentence may not be suspended and probation may not be granted except on the condition that the minimum term of imprisonment is served. Imposition of sentence may not be suspended.

Sec. 08.54.730. INJUNCTION AGAINST UNLAWFUL ACTION. When in the judgment of the board, a person has engaged in an act in violation of AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(g), or 08.54.720(a) or the regulations adopted under these statutes, the board may apply to the appropriate court for an order enjoining the action. Upon a showing by the board that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond.

Sec. 08.54.740. RESPONSIBILITY OF GUIDE OR TRANSPORTER FOR VIOLATIONS. (a) A registered guide-outfitter who contracts to guide or outfit a big game hunt is equally responsible under AS 08.54.710 for a violation of a state or federal wildlife or game or guiding statute or regulation committed by a person while the person provides guide services for the guide-outfitter under AS 08.54.635 or during the course of the person's employment for the registered guide-outfitter.

(b) A transporter who provides transportation services is equally responsible under AS 08.54.710 for a violation of a state or federal wildlife or game, guiding, or transportation services statute or regulation committed by a person while in the course of the person's employment for the transporter.

Sec. 08.54.750. USE AREA REGISTRATION. (a) At least 30 days before conducting big game hunting services within a guide use area, a registered guide-outfitter shall inform the department, in person or by registered mail on a registration form provided by the department, that the guide-outfitter will be conducting big game hunting services in the use area. A registered guide-outfitter may not withdraw or amend a guide use area registration during the calendar year in which the registration was submitted to the department.

(b) A registered guide-outfitter may not register for, or conduct big game hunting services in,

(1) more than three guide use areas during a calendar year; or

(2) a guide use area that is outside of a game management unit for which the registered guide-outfitter is certified under AS 08.54.600.

(c) Notwithstanding (a) and (b) of this section, a registered guide-outfitter may register to conduct big game hunting services within a guide use area at any time before beginning operations in the guide use area and may conduct big game hunting services in a guide use area, or for a big game species in a guide use area, that is not one of the three guide use areas for which the registered guide-outfitter has registered under (b) of this section if the Department of Fish and Game has determined by regulation that it is in the public interest to suspend the registration requirements for that guide use area or for all guide use areas in a game management unit or game management subunit for a big game species within those guide use areas.

(d) Notwithstanding (b) of this section, a registered guide-outfitter who is registered in three guide use areas may also register for and conduct big game hunting services in a portion of one additional guide use area on federal land adjacent to a guide use area in which the registered guide-outfitter is already registered if the board finds that the portion of the adjacent guide use area for which the registered guide-outfitter is seeking to be registered would otherwise remain unused by a registered guide-outfitter because the boundaries of guide use areas do not coincide with boundaries of federal big game guide concession or permit areas.

(e) Notwithstanding (b) of this section, a registered guide-outfitter who is registered in three guide use areas may also register for and conduct big game hunting services for wolf, black bear, brown bear, or grizzly bear in guide use areas within a game management unit or portion of a game management unit where the Board of Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the depletion of a big game prey population or a reduction of the productivity of a big game prey population that is the basis for the establishment of an intensive management program in the game management unit or portion of the game management unit or for the declaration of the biological emergency in the game management unit or portion of the game management unit. A registered guide-outfitter may only conduct hunts in a guide use area under this subsection for the big game species identified by the Board of Game as the cause of the depletion or reduction of productivity of a big game prey population.

(f) At least 60 days before providing transportation services to, from, or in an area as may be determined by the board, a transporter shall inform the department, in person or by registered mail on a registration form provided by the department, that the transporter will be providing transportation services to, from, or in the use area. The board may establish transporter use areas and adopt regulations to implement this subsection as the board considers necessary.

(g) In this section, "guide use area" means a geographic area of the state identified as a guide-outfitter use area by the former Big Game Commercial Services Board established under former AS 08.54.300 and described on a set of maps titled Guide-Outfitter Use Area Maps, dated June 22, 1994, as amended by the board as the board considers necessary.

Sec. 08.54.760. HUNT RECORDS; CONFIDENTIALITY OF HUNT RECORDS AND ACTIVITY REPORTS. (a) The department shall collect and maintain hunt records provided by a registered guide-outfitter. A registered guide-outfitter shall submit to the department a hunt record for each contracted hunt within 60 days after the completion of the hunt. A hunt record must include a list of all big game hunters who used the guiding or outfitting services of the registered guide-outfitter, the number of each big game species taken, and other information required by the board. The department shall provide forms for reporting hunt records.

(b) The department shall make hunt records received under this section, and activity reports received under AS 08.54.650, available to state agencies, federal law enforcement agencies, and other law enforcement agencies if requested. Aggregated data compiled from hunt records and activity reports may be included in reports by the department. For all other purposes, the hunt records and activity reports are confidential and are not subject to inspection or copying under AS 40.25.110 - 40.25.125.

(c) Forms, records, and reports required under this chapter may be distributed, received, and stored electronically.

Sec. 08.54.770. LICENSE AND EXAMINATION FEES. (a) The department shall set fees under AS 08.01.065 for each of the following:

- (1) registered guide-outfitter license;
- (2) class-A assistant guide license;
- (3) assistant guide license;
- (4) transporter license;
- (5) retired status license;
- (6) license application fee.

(b) The license fee for the registered guide-outfitter, class-A assistant guide, or assistant guide license is in addition to the fee required for a hunting license issued by the Department of Fish and Game under AS 16.05.340.

(c) An applicant for a qualifying examination for a registered guide-outfitter license shall pay a fee established by regulations adopted under AS 08.01.065.

(d) The fee for the transporter license must be equal to the fee for the registered guide-outfitter license.

(e) The amount of the license fee for a nonresident shall be two times the amount of the license fee for a resident.

Sec. 08.54.785. CHAPTER NOT APPLICABLE. The provisions of this chapter do not apply to a person providing, for compensation or with the intent to receive compensation, only accommodations to a big game hunter in the field at

- (1) a permanent lodge, house, or cabin on private land owned by the person; or
- (2) a state or federal cabin on state or federal land.

Sec. 08.54.790. DEFINITIONS. In this chapter,

(1) "any class of guide license" does not include a retired status license issued under AS 08.54.608;

(2) "big game" means brown bear, grizzly bear, caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain goat, musk ox, and mountain or Dall sheep; "big game" includes wolf and wolverine when taken under hunting regulations;

(3) "big game hunting service" means a service for which the provider of the service must obtain a registered guide-outfitter, class-A assistant guide, or assistant guide license; "big game hunting service" includes guiding services and outfitting services;

(4) "board" means the Big Game Commercial Services Board;

(5) "compensation" means payment for services including wages or other remuneration but not including reimbursement for actual expenses incurred;

(6) "department" means the Department of Commerce, Community, and Economic Development;

(7) "field" means an area outside of established year-round dwellings, businesses, or other developments associated with a city, town, or village; "field" does not include permanent hotels or roadhouses on the state road system or state or federally maintained airports;

(8) "game management unit" means one of the 26 geographic areas defined by the Board of Game for game management purposes;

(9) "guide" means to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment, or facilities to a big game hunter in the field by a person who accompanies or is

present with the big game hunter in the field either personally or through an assistant; in this paragraph, "services" includes

- (A) contracting to guide or outfit big game hunts;
- (B) stalking, pursuing, tracking, killing, or attempting to kill big game;
- (C) packing, preparing, salvaging, or caring for meat, except that which is required to properly and safely load the meat on the mode of transportation being used by a transporter;
- (D) field preparation of trophies, including skinning and caping;
- (E) selling, leasing, or renting goods when the transaction occurs in the field;
- (F) using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter; and
- (G) providing camping or hunting equipment or supplies that are already located in the field;

(10) "licensee" means a person to whom a license, other than a retired status license, has been issued under this chapter;

(11) "outfit" means to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities, excluding the provision of accommodations by a person described in AS 08.54.785, to a big game hunter in the field, by a person who neither accompanies nor is present with the big game hunter in the field either personally or by an assistant;

(12) "transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

(A) on nonstop flights between airports listed in the Alaska supplement to the Airmen's Guide published by the Federal Aviation Administration; or

(B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its business; in this subparagraph, "incidental" means transportation provided to a big game hunter by an air taxi operator or air carrier who does not

- (i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or
- (ii) advertise transportation services or big game hunting services to the public; in this subparagraph, "advertise" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services.

CHAPTER 75.
BIG GAME COMMERCIAL SERVICES BOARD.

Article

1. **Guide License Qualifications (12 AAC 75.100 - 12 AAC 75.140)**
2. **Registered Guide-Outfitter Operations (12 AAC 75.200 - 12 AAC 75.260)**
3. **Professional Ethics Standards for Guides (12 AAC 75.300 - 12 AAC 75.340)**
4. **Transportation Services (12 AAC 75.400 - 12 AAC 75.450)**
5. **General Provisions (12 AAC 75.900 - 12 AAC 75.990)**

ARTICLE 1.
GUIDE LICENSE QUALIFICATIONS.

Section

100. **Application for registered guide-outfitter examination**
105. **Application for master guide-outfitter license**
110. **Registered guide-outfitter examinations**
112. **Game management unit certification examination**
115. **Registered guide-outfitter exempt from examination**
117. **Registered guide-outfitter reexamination**
120. **Application for class-A assistant guide license**
130. **Application for assistant guide license**
140. **Term of guide licenses**
145. **Application for a transporter license**

12 AAC 75.100. APPLICATION FOR REGISTERED GUIDE-OUTFITTER EXAMINATION. (a) An applicant for a registered guide-outfitter license who is applying under AS 08.54.610(a)(3)(A) must submit,

- (1) at least 120 days before the date of the next scheduled registered guide-outfitter examination,
 - (A) the applicable fees required in 12 AAC 02.230;
 - (B) a completed application on a form provided by the department; the applicant must indicate if the applicant will be contracting to provide big game commercial services during the licensing period for which the applicant is applying;
 - (C) a list of hunters for whom the applicant has provided big game hunting services in compliance with AS 08.54.610(a)(8);
 - (D) a written certification by the applicant on a form provided by the department certifying the applicant's
 - (i) practical field experience as required in AS 08.54.610(a)(2);
 - (ii) capability to perform "essential duties associated with guiding and outfitting" as defined in 12 AAC 75.990; and
 - (iii) successful experience guiding sheep, moose, brown bear, mountain goat, and caribou hunts, if the applicant is seeking licensure for one of these species; the applicant must have been involved in a minimum of three harvests on a guided hunt for each of these listed species in order to be licensed for that species;
 - (E) a signed statement from the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605;
 - (F) a form completed by the applicant listing the dates that the applicant hunted in the state and certifying that the applicant meets the requirements in AS 08.54.610(a)(5); and
 - (G) the applicant's license number and dates of licensure as a class-A assistant guide, class-A assistant guide-outfitter, assistant guide, or assistant guide-outfitter in the state; and
 - (2) at least 45 days before the date of the next scheduled registered guide-outfitter examination,
 - (A) a complete report of criminal justice information under AS 12.62, including fish and wildlife violations, and if a state other than this state is the applicant's primary state of residence, an equivalent report issued by that other state; and
 - (B) for each guiding, outfitting, transportation, or other hunting services license, if any, issued to the applicant by another state or by a jurisdiction of Canada, verification from the issuing government body that the license has not been suspended or revoked.
- (b) For the purposes of determining the applicable license fee under (a) of this section, the applicant shall state on the application form whether the applicant is a resident.
- (c) The department will not schedule an applicant for the registered guide-outfitter examination unless the department has received all letters of recommendation required under AS 08.54.610(a)(8) at least 45 days before the date of the examination.
- (d) In addition to meeting the requirements of (a) – (c) of this section, an applicant must
 - (1) have participated in contracted hunts for 125 days over a minimum of three years with at least eight clients; and
 - (2) submit, at least 45 days before the date of the next scheduled registered guide-outfitter examination, an

affidavit signed by an employing registered guide-outfitter attesting that the applicant has met the requirements of this subsection and including a completed form assessing the applicant's skills and abilities in the following areas and explaining negative responses:

- (A) hunting regulations;
- (B) guiding regulations;
- (C) meat care and preservation;
- (D) cape and trophy care;
- (E) trophy judging;
- (F) photography;
- (G) ethics;
- (H) logistics;
- (I) stalking;
- (J) safety procedures;
- (K) first aid;
- (L) emergency protocol;
- (M) firearm use and safety;
- (N) knowledge of property ownership.

(e) The department will schedule an applicant to sit for the registered guide-outfitter examination if items in (a) – (d) of this section are received and verified before the scheduled examination date.

(f) An applicant who appears for an examination and chooses not to take a scheduled test forfeits the examination fees.

Authority: AS 08.54.600 AS 08.54.605 AS 08.54.610

12 AAC 75.105. APPLICATION FOR MASTER GUIDE-OUTFITTER LICENSE. (a) The department will issue a license as a master guide-outfitter to a person who meets the requirements of AS 08.54.610(b) and this section. An applicant for a master guide-outfitter license must submit

- (1) a completed application on a form provided by the department;
- (2) the applicable fees required in 12 AAC 02.230;
- (3) a list of 25 big game hunters for whom the applicant has personally provided guiding or outfitting services in compliance with AS 08.54.610;
- (4) for each guiding, outfitting, transportation, or other hunting services license, if any, issued to the applicant by another state or by a jurisdiction of Canada, verification from the issuing government body that the license has not been suspended or revoked;
- (5) the favorable evaluations required under AS 08.54.610(b)(3); and
- (6) an affidavit identifying the years for which the applicant is requesting to receive guide experience credit.

(b) For the purposes of determining the applicable license fee, the applicant shall state on the application form whether the applicant is a resident.

Authority: AS 08.54.600 AS 08.54.605 AS 08.54.610

12 AAC 75.110. REGISTERED GUIDE-OUTFITTER EXAMINATIONS. (a) To be eligible for a registered guide-outfitter license, an applicant must pass the

- (1) qualification examination, which includes a practical examination covering
 - (A) trophy judging of actual antlers and horns;
 - (B) aging of animals;
 - (C) sexing of mountain goats and bears; and
 - (D) capping a big game animal; for this portion of the examination, the applicant must provide a visual recording of the applicant capping a big game animal; and
- (2) game management unit examination for at least one game management unit.

(b) The minimum score required to pass the qualification and game management unit registered guide-outfitter examinations is 75 percent on each examination.

- (c) *Repealed 11/24/2007.*
- (d) *Repealed 11/24/2007.*
- (e) *Repealed 7/30/2006.*
- (f) *Repealed 11/24/2007.*

Authority: AS 08.54.600 AS 08.54.605 AS 08.54.610

12 AAC 75.112. GAME MANAGEMENT UNIT CERTIFICATION EXAMINATION. (a) The department will schedule an applicant to sit for the certification examination for a game management unit if the applicant submits, at least 45 days before the date of the next scheduled examination,

- (1) a written request and applicable examination fees established in 12 AAC 02.230; and

(2) proof satisfactory to the department of having, for at least 60 days within the game management unit for which the applicant is requesting certification, performed one or more of the following activities in the field:

- (A) guiding;
- (B) hunting;
- (C) trapping;
- (D) camping; in this subparagraph, "camping" means using a vehicle, tent, or shelter, or arranging bedding, or both, to stay overnight in the field, regardless of whether the stay is for personal purposes or in a camp as defined in 12 AAC 75.990;
- (E) surveying game.

(b) An applicant may take examinations for no more than three game management units at a time.

(c) The department will certify an applicant for a game management unit if the applicant

- (1) meets the requirements of this section;
- (2) passes the certification examination testing, for the game management unit for which certification is sought, the applicant's knowledge on terrain, game, geography, transportation, logistics, and land ownership; and
- (3) is a registered guide-outfitter with a valid license; if the applicant does not already have a valid registered guide-outfitter license, the department will issue certification when the applicant

(A) has met all the qualification requirements of AS 08.54 and this chapter for initial issuance of a registered guide-outfitter license and is issued that license; or

(B) has timely renewed an expired registered guide-outfitter license in accordance with AS 08.54.660 and 08.54.670.

(d) The department will schedule an applicant to sit for a game management unit certification examination if the proof required under (a)(2) of this section is verified before the scheduled examination date.

(e) An applicant who appears for an examination and chooses not to take a scheduled test forfeits the examination fees.

Authority: AS 08.54.600 AS 08.54.610

12 AAC 75.115. REGISTERED GUIDE-OUTFITTER EXEMPT FROM EXAMINATION. (a) An applicant for a registered guide-outfitter license who is applying under AS 08.54.610(a)(3)(B) must submit,

(1) at least 120 days before the date of the next scheduled examination for game management unit certification,

- (A) the applicable fees required in 12 AAC 02.230;
- (B) a completed application on a form provided by the department;
- (C) a list of hunters for whom the applicant has provided big game hunting services in compliance with AS 08.54.610(a)(8);

(D) a written certification by the applicant on a form provided by the department certifying the applicant's

- (i) practical field experience as required in AS 08.54.610(a)(2);
- (ii) capability to perform "essential duties associated with guiding and outfitting" as defined in 12 AAC 75.990; and

(iii) successful experience guiding sheep, moose, brown bear, mountain goat, and caribou hunts, if the applicant is seeking licensure for one of these species; the applicant must have been involved in a minimum of three harvests on a guided hunt for each of these listed species in order to be licensed for that species;

(E) a signed statement by the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605;

(F) a form completed by the applicant listing the dates that the applicant has hunted in the state and certifying that the applicant meets the requirements of AS 08.54.610(a)(5); and

(G) the applicant's license number and dates of licensure that meet the requirements of AS 08.54.610(a)(3)(B), verifying at least 25 years of qualifying experience; and

(2) at least 45 days before the date of the next scheduled examination for game management unit certification,

(A) a complete report of criminal justice information under AS 12.62, including fish and wildlife violations, and if a state other than this state is the applicant's primary state of residence, an equivalent report issued by that other state; and

(B) for each guiding, outfitting, transportation, or other hunting services license, if any, issued to the applicant by another state or by a jurisdiction of Canada, verification from the issuing government body that the license has not been suspended or revoked; and

(C) an affidavit and form completed and signed by an employing registered guide-outfitter assessing the applicant's skills and abilities in the following areas and explaining negative responses:

- (i) hunting regulations;
- (ii) guiding regulations;
- (iii) meat care and preservation;
- (iv) cape and trophy care;
- (v) trophy judging;
- (vi) photography;

- (vii) ethics;
- (viii) logistics;
- (ix) stalking;
- (x) safety procedures;
- (xi) first aid;
- (xii) emergency protocol;
- (xiii) firearm use and safety;
- (xiv) knowledge of property ownership.

(b) For the purposes of determining the applicable license fee, the applicant shall state on the application form whether the applicant is a resident.

(c) The department will not schedule an applicant for the game management unit examination unless the department has received all letters of recommendation required under AS 08.54.610(a)(8) at least 45 days before the date of the examination.

(d) *Repealed 7/30/2006.*

(e) An applicant who appears for an examination and chooses not to take a scheduled test forfeits the examination fees.

Authority: AS 08.54.600 AS 08.54.605 AS 08.54.610

12 AAC 75.117. REGISTERED GUIDE-OUTFITTER REEXAMINATION. (a) An applicant who fails a registered guide-outfitter examination may apply for reexamination any time within two years after the date of the first examination. If, within two years after the date of the first examination, the applicant fails to apply for reexamination, the applicant must apply again for initial licensure, and must meet the qualifications in AS 08.54 and this chapter for initial issuance of a registered guide-outfitter license.

(b) An applicant who fails a certification examination for a game management unit may apply for reexamination any time within two years after the date of the first examination. If, within two years after the date of the first examination, the applicant fails to apply for reexamination, and if the applicant

(1) has not already passed a certification examination as required under AS 08.54.610(a)(4) for initial licensure, is not already licensed as a registered guide-outfitter, or on or before the date of reexamination has failed under AS 08.54.660 and 08.54.670 to renew a license for four consecutive years, the applicant must apply again for initial licensure, and must meet the qualifications in AS 08.54 and this chapter for initial issuance of a registered guide-outfitter license; or

(2) either is already licensed as a registered guide-outfitter or has an expired license for which, on or before the date of reexamination, the four consecutive-year period for renewal under AS 08.54.660 and 08.54.670 has not run, and if the failed certification examination is for an additional game management unit, the applicant must apply again under 12 AAC 75.112 and must meet the requirements in that section to sit for the examination.

(c) To apply for reexamination, an applicant must submit, at least 45 days before the date of the examination,

- (1) a written request for reexamination; and
- (2) the examination fee required in 12 AAC 02.230 for the requested examination.

(d) The department may, if staff resources allow, waive the application deadline in (c) of this section.

(e) An examination score is valid for no more than two years. If the examination is a

(1) registered guide-outfitter examination, and if, within two years after the date of the examination, the applicant is not issued a license as a registered guide-outfitter, the applicant must apply again for initial licensure, and must meet the qualifications in AS 08.54 and this chapter for initial issuance of a registered guide-outfitter license;

(2) certification examination for a game management unit and is required under AS 08.54.610(a)(4) for initial licensure, and if, within two years after the date of the examination, the applicant is not issued a license as a registered guide-outfitter, the applicant must apply again for initial licensure, and must meet the qualifications in AS 08.54 and this chapter for initial issuance of a registered guide-outfitter license; or

(3) certification examination for an additional game management unit, not required under AS 08.54.610(a)(4) for initial licensure, and if the applicant has an expired registered guide-outfitter license for which, within the two-year period that the examination score is valid, the four consecutive-year period for renewal under AS 08.54.660 and 08.54.670 runs out, the applicant may not apply that score to meet the initial licensure requirements in AS 08.54.610(a)(4).

Authority: AS 08.54.600 AS 08.54.610 AS 08.54.670
AS 08.54.605 AS 08.54.660

12 AAC 75.120. APPLICATION FOR CLASS-A ASSISTANT GUIDE LICENSE. (a) The department will issue a license as a class-A assistant guide to an applicant who meets the requirements of AS 08.54.620 and this section.

(b) Before a class-A assistant guide license will be issued, the department must receive

- (1) the fees required in 12 AAC 02.230;
- (2) a completed application on a form provided by the department;

(3) verification of the applicant's applicable employment, residency, and hunting experience required under AS 08.54.620(a)(4); an applicant applying for a class-A assistant guide license under

(A) AS 08.54.620(a)(4)(A) and this section shall submit

(i) verification, from employing registered guides or guide-outfitters, of experience spanning three years as described in AS 08.54.620(a)(4)(A)(i); and

(ii) an affidavit that the applicant has had the hunting experience required in AS 08.54.620(a)(4)(A)(ii);

(B) AS 08.54.620(a)(4)(B) and this section shall submit

(i) the evidence required in AS 08.54.620(a)(4)(B)(i) of physical residency;

(ii) three affidavits of hunting experience from individuals who certify that the applicant has had the hunting experience required in AS 08.54.620(a)(4)(B)(ii); and

(iii) a letter of recommendation from a licensed registered guide-outfitter who intends to employ the applicant as a class-A assistant guide;

(4) a copy of the applicant's valid first aid card issued by the Red Cross or a similar organization recognized by the department;

(5) a signed statement from the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605;

(6) a complete report of criminal justice information under AS 12.62, including fish and wildlife violations, and if a state other than this state is the applicant's primary state of residence, an equivalent report issued by that other state; and

(7) for each guiding, outfitting, transportation, or other hunting services license, if any, issued to the applicant by another state or by a jurisdiction of Canada, verification from the issuing government body that the license has not been suspended or revoked.

(c) A class-A assistant guide licensed under AS 08.54.620(a)(4)(B) may be certified for additional game management units in which the licensee does not reside if that licensee also meets the requirements of AS 08.54.620(a)(4)(A).

Authority: AS 08.54.600 AS 08.54.605 AS 08.54.620

12 AAC 75.130. APPLICATION FOR ASSISTANT GUIDE LICENSE. The department will issue a license as an assistant guide to an applicant who meets the requirements of AS 08.54.630 and this section. An assistant guide license applicant shall submit

(1) the fees required in 12 AAC 02.230;

(2) a completed application on a form provided by the department;

(3) a copy of the applicant's valid first aid card issued by the American Red Cross or a similar organization recognized by the department;

(4) a form completed by the applicant listing the dates the applicant has hunted in the state and certifying that the applicant meets the requirements in AS 08.54.630(a)(2);

(5) a written recommendation or evidence as required in AS 08.54.630(a)(4);

(6) a signed statement from the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605;

(7) a complete report of criminal justice information under AS 12.62, including fish and wildlife violations, and if a state other than this state is the applicant's primary state of residence, an equivalent report issued by that other state; and

(8) for each guiding, outfitting, transportation, or other hunting services license, if any, issued to the applicant by another state or by a jurisdiction of Canada, verification from the issuing government body that the license has not been suspended or revoked.

Authority: AS 08.54.600 AS 08.54.605 AS 08.54.630

12 AAC 75.140. TERM OF GUIDE LICENSES. Registered guide-outfitter, class-A assistant guide, and assistant guide licenses expire on December 31 of odd-numbered years.

Authority: AS 08.01.100 AS 08.54.600

12 AAC 75.145. APPLICATION FOR A TRANSPORTER LICENSE. (a) The department will issue a license as a transporter to an applicant who meets the requirements of AS 08.54.650 and this section. An applicant for a transporter license must submit

(1) a completed application on a form provided by the department;

(2) the applicable fees required in 12 AAC 02.230;

(3) proof of financial responsibility in accordance with 12 AAC 75.420;

(4) copies of the Federal Aviation Administration and United States Coast Guard licenses applicable to the applicant's operations; and

- (5) the name of one individual who is responsible for managing the transporter's business activities.
- (b) In addition to meeting the requirements in (a) of this section, an applicant that is a
- (1) corporation must submit proof of either a certificate of incorporation or a certificate of authority in good standing under AS 10, and if the corporation is organized in this state, proof of articles of incorporation in good standing under AS 10;
 - (2) limited liability company, proof of either articles of organization or registration in good standing under AS 10.50;
 - (3) limited liability partnership, proof of either a statement of qualification or a statement of foreign qualification in good standing under AS 32.06.911 – 32.06.925; or
 - (4) limited partnership, proof of either a certificate of limited partnership or registration in good standing under AS 32.11.
- (c) To change the individual identified under (a)(5) of this section, a licensed transporter must file with the department, within 20 days after the date of the change, a written statement verifying the change and identifying the new individual responsible for managing the transporter's business activities.
- (d) A licensed transporter shall notify the department in accordance with 12 AAC 02.900 if the transporter's mailing address changes.

Authority: AS 08.54.600 AS 08.54.650 AS 08.54.660

ARTICLE 2. REGISTERED GUIDE-OUTFITTER OPERATIONS.

Section

- 200. Registered guide-outfitter providing services**
- 205. Distribution and use of hunt records**
- 210. Hunt record**
- 220. Proof of financial responsibility**
- 230. Guide-outfitter use area registration**
- 235. Guide-outfitter use area maps**
- 240. Supervision**
- 250. Participation in a hunt**
- 260. Registered guide-outfitter contract requirements**
- 265. Guide use area boundary changes**

12 AAC 75.200. REGISTERED GUIDE-OUTFITTER PROVIDING SERVICES. (a) In addition to the restrictions in AS 08.54.720, a registered guide-outfitter may provide transportation services only in a guide use area for which the guide-outfitter is registered, unless the guide-outfitter also holds a transporter license.

(b) A registered guide-outfitter who provides transportation or outfitting services in a guide use area, for which the guide-outfitter is registered, shall complete a hunt record for each client transported or outfitted.

Authority: AS 08.54.600 AS 08.54.610 AS 08.54.750

12 AAC 75.205. DISTRIBUTION AND USE OF HUNT RECORDS. (a) The department will issue uniquely identifiable hunt records to a registered guide-outfitter with a valid license who has proof of financial responsibility in accordance with 12 AAC 75.220 on file with the board. Once the department issues the hunt records, the board

- (1) will consider the hunt records to be in the possession of the registered guide-outfitter; and
- (2) may discipline the registered guide-outfitter under AS 08.54.710(a)(2) if the
 - (A) registered guide-outfitter loses or misplaces the hunt records, or fails to return hunt records as required under this section or upon the department's request;
 - (B) hunt records are damaged or destroyed while in the registered guide-outfitter's possession; or
 - (C) hunt records, while in the registered guide-outfitter's possession, are used in a manner that violates AS 08.54.760, this section, or 12 AAC 75.210.

(b) The hunt records must be used only by the assigned registered guide-outfitter. Hunt records may not be shared.

(c) All copies of a hunt record must be completed in accordance with 12 AAC 75.210. Copies must be distributed in accordance with 12 AAC 75.210.

(d) A voided hunt record must be returned to the department.

(e) *Repealed 3/21/2010.*

(f) A maximum of 50 hunt records will be issued to a registered guide-outfitter and may be in the registered guide-outfitter's possession at any given time. Additional hunt records may be issued. However, upon a written request and showing of good cause, as determined by the department, a registered guide-outfitter may have more than 50 hunt records assigned and in the registered guide-outfitter's possession.

- (g) A registered guide-outfitter who misplaces or loses a hunt record shall submit to the department
- (1) a notarized statement documenting the loss of the hunt record; and
 - (2) client information not already submitted to the department under 12 AAC 75.210.

Authority: AS 08.54.600 AS 08.54.660 AS 08.54.760

12 AAC 75.210. HUNT RECORD. (a) The hunt record required by AS 08.54.760 must be on a form provided by the department, titled *Registered Guide-Outfitter Hunt Record*, dated October 2012, and adopted by reference. This form is established by the board for review of the information required to be submitted by registered guide-outfitters.

(b) Before a hunt, a registered guide-outfitter who contracts to guide, transport, or outfit a hunt shall complete or have completed the portions of the hunt record form that are required to be completed before a hunt.

(c) A copy of the hunt record must be with the client for the duration of a hunt.

(d) At the conclusion of the hunt, the registered guide-outfitter shall complete the applicable remaining portions of the hunt record.

(e) The registered guide-outfitter shall furnish one copy of the completed hunt record to the client and retain one copy for four years at the registered guide-outfitter's regular place of business.

(f) A hunt record must be produced for inspection upon request by an agent of the board or department or any state or federal enforcement agent authorized to enforce guiding, game, or game management statutes or regulations.

(g) If a big game hunting client contracts to hunt big game with more than one registered or master guide-outfitter, a separate hunt record must be completed by each registered or master guide-outfitter and each client. The department will not accept hunt records signed by more than one guide-outfitter.

Authority: AS 08.54.600 AS 08.54.660 AS 08.54.760

Editor's note: Copies of the *Registered Guide-Outfitter Hunt Record* Form, adopted by reference in 12 AAC 75.210, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Big Game Commercial Services Board, 333 Willoughby Avenue, Juneau, AK 99801; telephone: (907) 465-2543; Internet: <http://commerce.alaska.gov/occ/pgui.htm>.

12 AAC 75.220. REGISTERED GUIDE-OUTFITTER PROOF OF FINANCIAL RESPONSIBILITY. (a) *Repealed 12/1/2007.*

(b) An applicant who intends to contract to guide or outfit a big game hunt shall

(1) certify that the applicant has and will maintain during the licensing period, assets, general liability insurance, or a bond totaling at least a minimum of \$100,000 that will be available for payment of a judgment against the applicant resulting from the applicant's big game hunting services; and

(2) list the assets, insurance, or bond, including, if applicable,

(A) a description of the assets, their fair market value less any liens, identification of any liens against the assets, and the location of the assets; and

(B) the name of the company issuing the insurance or bond, the policy or bond number, and the amount and type of coverage supplied by the insurance or bond.

(c) A registered guide-outfitter who indicated on the application for initial license or renewal that the registered guide-outfitter would not contract to guide or outfit a big game hunt shall notify the department and provide the information required in (b) of this section before the registered guide-outfitter may contract to guide or outfit a big game hunt.

(d) A registered guide-outfitter shall notify the department within 10 days of any change to the information reported under (b) of this section.

(e) The department may require additional documentation to substantiate the information provided in (b) of this section before approving an applicant for initial licensure or license renewal.

Authority: AS 08.54.600 AS 08.54.610 AS 08.54.680

12 AAC 75.230. GUIDE USE AREA REGISTRATION. (a) The department will register an applicant in a guide use area if the applicant meets the requirements of AS 08.54.750 and this section. For each guide use area for which a registered guide-outfitter is registering, the registered guide-outfitter shall submit the following information on a form provided by the department:

(1) the applicant's registered guide-outfitter license number;

(2) the guide use area for which the registered guide-outfitter is registering;

(3) the location of the registered guide-outfitter's camp;

(4) documentation from the landowner or land manager that the applicant has the authorization to provide big game hunting services on at least 5,000 contiguous acres of the uplands in the guide use area; proof of prior year authorization, if still valid, will be accepted to meet the requirement of this paragraph; a letter of intent to authorize use for the current year, from the landowner or land manager, will be accepted to meet the requirement of this paragraph;

(5) whether registration is for a single calendar year or multiple calendar years.

(b) Unless it is issued for multiple calendar years, a guide use area registration issued under AS 08.54.750 and this section expires on December 31 of each year. A registration for multiple calendar years expires on December 31 of the last year for which it is issued. To re-register, the registered guide-outfitter must again submit a complete application under (a) of this section.

(c) A registered guide-outfitter may register for a maximum of five calendar years ending on December 31, including the calendar year in which the registration becomes effective. A registration for multiple calendar years may be withdrawn or changed annually, with the withdrawal or change to take effect on or after January 1 of the next calendar year.

(d) In accordance with AS 08.54.750, a registration will be considered effective 30 days after the date the registration is submitted to the department, or 30 days after the date the application is considered complete, whichever is later.

(e) A registered guide-outfitter who is registered in three guide use areas may register for and conduct big game hunting services in a portion of one additional guide use area on federal land adjacent to a guide use area for which the registered guide-outfitter is already registered if the registered guide-outfitter meets the requirements of (a)(1) – (4) of this section, and submits

(1) the guide use area map that identifies the portion of the additional guide use area that is located on federal land and is adjacent to a guide use area for which the registered guide-outfitter is currently registered; and

(2) a letter from the federal landholder that states that the area would otherwise remain unused by a registered guide-outfitter because the boundaries do not coincide with boundaries of a federal big game guide concession or permit area.

Authority: AS 08.54.600 AS 08.54.750

12 AAC 75.235. GUIDE-OUTFITTER USE AREA MAPS. The set of maps titled *Guide-Outfitter Use Area Maps*, dated June 22, 1994, as amended December 2009, July 2011, and December 2011, also titled *Guide-Outfitter Use Area Maps*, is adopted by reference. This set of maps prepared by the Department of Natural Resources depicts the boundaries of the guide use areas established under AS 08.54.750(g).

Authority: AS 08.54.600 AS 08.54.750

Editor's note: Copies of the *Guide-Outfitter Use Area Maps*, adopted by reference in 12 AAC 75.235, are available for inspection at the Department of Natural Resources, Division of Mining, Land and Water offices in Anchorage at the Robert B. Atwood Building, 550 W. 7th Avenue, Suite 900C, and in Fairbanks at 3700 Airport Way, and at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing office in Juneau at the State Office Building, 9th Floor, 333 Willoughby Avenue. Electronic equivalents of the *Guide-Outfitter Use Area Maps* are also available through the Department of Natural Resources, Division of Mining, Land and Water website at: <http://dnr.alaska.gov/mlw/gcp/gua.cfm>.

12 AAC 75.240. SUPERVISION. (a) A registered guide-outfitter who contracts to guide a hunt shall plan, direct, and monitor the big game hunting services provided to the client.

(b) At the conclusion of the hunt, a registered guide-outfitter who contracts to guide a hunt shall evaluate the performance of the assistant guide, class-A assistant guide, or registered guide-outfitter involved in the hunt to determine whether the big game hunting services provided to the client were satisfactory.

(c) To comply with (b) of this section, the contracting registered guide-outfitter shall verbally communicate, by telephone or radio, or in person, with the client and the assistant guide, class-A assistant guide, or registered guide-outfitter involved in the hunt, separately or together, at least once within 10 days after the conclusion of the hunt. The contracting registered guide-outfitter shall obtain the necessary information to evaluate the performance of the assistant guide, the class-A assistant guide, or registered guide-outfitter and determine whether the big game hunting services were provided safely, in accordance with state and federal law, and to the satisfaction of the client.

(d) The contracting registered guide-outfitter shall make a good faith effort to verbally communicate with the client to obtain the necessary information to evaluate the performance of the assistant guide, class-A assistant guide, or registered guide-outfitter. If the attempt to verbally communicate with the client is unsuccessful, the contracting registered guide-outfitter shall write to the client and request the necessary information to evaluate the performance of the assistant guide, the class-A assistant guide, or registered guide-outfitter. The contracting registered guide-outfitter shall write to the client within 60 days after the conclusion of the hunt.

(e) A registered guide-outfitter shall document on the hunt record the date the registered guide-outfitter complied with the verbal, or if applicable the written, client communication requirements in (c) and (d) of this section.

(f) The contracting registered-guide outfitter or a noncontracting registered guide-outfitter or class-A assistant guide supervising an assistant guide shall be available in the same guide use area, or an adjacent guide use area with a common border, to direct and monitor the big game hunting services provided to the client, except during times when

(1) an emergency situation exists that requires the guide's assistance; or

(2) the contracting registered guide-outfitter or noncontracting registered guide-outfitter or class-A assistant guide supervising the hunt is outside the guide use area or neighboring guide use area while

(A) in transit with meat or trophies from that or a neighboring guide use area;

(B) in transit with food, supplies, or clients directly associated with conducting guided hunts in that or a neighboring guide use area; or

(C) conducting important duties that are essential for completion of current contracted hunts.

(g) *Repealed 7/30/2006.*

(h) In this section, "emergency situation" means a situation in which a person is in a remote area and

(1) is involuntarily experiencing an absence of food, water, shelter, or medical care required to sustain life or health;

(2) is lost;

(3) is unable to perform the functions necessary for survival, leading to a high risk of death or serious and permanent health problems without the assistance of the guide; or

(4) the guide's presence is necessary for a family medical condition.

(i) For purposes of the requirement in AS 08.54.610(e) for supervision of a contracted hunt, and in addition to the requirements of this section, the contracting registered guide-outfitter may plan, direct, and monitor a contracted hunt

(1) while in the field and present in

(A) the same game management unit in which the contracted hunt is taking place;

(B) a game management unit adjacent to and sharing a common border with the unit in which the contracted hunt is taking place; or

(C) a location that is no further than 50 miles from the nearest boundary of an area or unit described in (A) or (B) of this paragraph; and

(2) if performing those activities, while in the field and present in a location listed in (1) of this subsection, is practicable; for purposes of this paragraph, planning, directing, and monitoring the contracted hunt is not practicable if the contracting registered guide-outfitter cannot communicate in person, communicate personally by telephone, or communicate personally by radio with the assistant guide, class-A assistant guide, or registered guide-outfitter involved in the contracted hunt.

Authority: AS 08.54.600 AS 08.54.620 AS 08.54.710
AS 08.54.610 AS 08.54.630

12 AAC 75.250. PARTICIPATION IN A HUNT. (a) *Repealed 6/2/2011.*

(b) A registered guide-outfitter who contracts to guide a hunt and who is participating in a hunt as required in AS 08.54.630(b)(3) shall be in communication, either personally or through an agent, with the assistant guide, who is in the field with the client, at least once during the hunt if the hunt is longer than five days.

(c) In this section, "communication" includes in-person contact, radio contact, telephone contact, and signaling.

(d) A registered guide-outfitter who contracts to outfit a hunt shall

(1) before leaving a client in the field, advise the client of the date, time, and location at which the registered guide-outfitter will pick up the client and the course of action the client should follow if the registered guide-outfitter is unable to pick up the client as planned;

(2) either personally or through a class-A assistant guide, an assistant guide, or a licensed transporter, transport the client into and out of the field at the planned date, time, and location, unless prevented by weather, mechanical problems, or other safety concerns; and

(3) check on or communicate with a client in the field as agreed to before transporting that client.

Authority: AS 08.54.600 AS 08.54.620 AS 08.54.710
AS 08.54.610 AS 08.54.630

12 AAC 75.260. REGISTERED GUIDE-OUTFITTER CONTRACT REQUIREMENTS. (a) A contracting registered guide-outfitter shall deliver a written contract to the client within 90 days after receipt of a deposit, or before services are provided, whichever is earlier.

(b) A contract must

(1) include the name, license number, and signature of the guide-outfitter, and must include the name of the guide-outfitter's business if it is different from the name of the individual guide-outfitter;

(2) include the name and signature of the client;

(3) list each big game animal to be hunted, and must identify the primary animal to be hunted;

(4) list the approximate times and dates that the client will be in the field;

(5) list the number of hunting days and dates for each species, if appropriate;

(6) state the cost and payment schedule;

(7) state the amount of the trophy fee, if any, and must identify who is responsible for the cost of the license and tags;

(8) state the extra transportation cost, if any;

(9) include a statement of services provided, including lodging, meals, number of clients per guide, trophy

- care and shipping, care of meat, and clarification of who is responsible for what;
 - (10) set out the deposit refund or transfer policy upon cancellation;
 - (11) include a statement about compensation for any delay of the client arriving in the field on schedule or for the client departing the field before the contracted hunt ends; and
 - (12) identify who is responsible for private and federal land use fees.
- (c) A registered guide-outfitter shall retain a copy of the contract for at least four years.

Authority: AS 08.54.600 AS 08.54.720 AS 08.54.790
AS 08.54.680

12 AAC 75.265. GUIDE USE AREA BOUNDARY CHANGES. (a) The board may propose to amend guide use area boundaries

- (1) on its own motion;
 - (2) upon the recommendation of the Department of Fish and Game; or
 - (3) in response to a petition from another person.
- (b) At least 90 days before the date of a board meeting at which guide use area boundaries changes are proposed, the department will publish, in a newspaper of general circulation, a notice soliciting petitions to propose amendments to guide use area boundaries. To be considered for proposal by the board at the board's next meeting, a petition must be received by the department no later than 60 days after the notice is published.
- (c) If the board proposes to amend guide use area boundaries, the board will mail notice of the proposed amendment to
- (1) each registered guide-outfitter with a valid license who is registered for a guide use area the boundaries of which are proposed for amendment;
 - (2) the Department of Natural Resources;
 - (3) the Department of Fish and Game; and
 - (4) the Department of Public Safety.
- (d) The board may amend guide use area boundaries after considering whether
- (1) the Department of Fish and Game objects to the proposed amendment; and
 - (2) amendment of existing guide use area boundaries is necessary in order to respond to
 - (A) big game conservation and management concerns, including
 - (i) abundance and diversity of big game;
 - (ii) the historical harvest of big game in an area; and
 - (iii) existing administrative boundaries established for wildlife management purposes;
 - (B) law enforcement concerns;
 - (C) land ownership in an area;
 - (D) administrative restrictions;
 - (E) the existence of boundaries that can be readily identified in the field;
 - (F) the accessibility of an area and other transportation considerations;
 - (G) the existence of complementary and noncomplementary land uses within an area;
 - (H) recommendations of the Department of Natural Resources;
 - (I) the existing facilities within the area;
 - (J) any public comment received; and
 - (K) other considerations relevant to the drawing of guide use area boundaries.

Authority: AS 08.54.600 AS 08.54.750

ARTICLE 3. PROFESSIONAL ETHICS STANDARDS FOR GUIDES.

Section

- 300. (Repealed)**
- 310. (Repealed)**
- 320. (Repealed)**
- 330. (Repealed)**
- 340. Professional ethics standards for guides**

12 AAC 75.300. PROFESSIONAL COMPETENCE STANDARDS FOR GUIDES. *Repealed 7/30/2006.*

12 AAC 75.310. RESPONSIBILITIES OF GUIDES. *Repealed 7/30/2006.*

12 AAC 75.320. TRANSPORTING MEAT. *Repealed 4/6/2001.*

12 AAC 75.330. DUTIES OF A REGISTERED GUIDE. *Repealed 4/6/2001.*

12 AAC 75.340. PROFESSIONAL ETHICS STANDARDS FOR GUIDES. (a) **Unethical activities.** A master guide-outfitter, registered guide-outfitter, assistant guide, or class-A assistant guide may not participate in an unethical activity that may result in a disciplinary sanction under AS 08.54.710. In this subsection, "unethical activity"

(1) means failing to or being unfit to meet a professional standard of conduct that satisfactorily and safely implements, under field conditions, the knowledge, skills, qualifications, and judgment required for the license held; and

(2) includes

(A) failing to comply with the standards set out in (b) – (f) of this section;

(B) failing to fulfill a condition or requirement established as a disciplinary sanction under AS 08.54.710;

(C) failing to fulfill the supervision, hunt participation, and other requirements of this chapter; and

(D) failing to report to the board, within 30 days after the date of conviction, a conviction in this state, another state, or the United States for a

(i) violation of a state or federal statute or regulation related to hunting;

(ii) violation of a state or federal statute or regulation relating to guiding, outfitting, transportation, or other hunting services; or

(iii) felony;

(E) failing to comply with an order from the board.

(b) **Compliance with law.** All classes of guides shall

(1) comply with applicable state and federal statutes and regulations; and

(2) obtain prior authorization as appropriate before entering or remaining on private, state, or federal land during the course of providing big game hunting services.

(c) **Client and employee care standards.** All classes of guides shall

(1) take every reasonable measure to assure the safety and comfort of the client, including ensuring that during the hunt

(A) adequate supplies are present to provide first aid for injuries that are reasonably expected in the field;

(B) sufficient supplies are present to provide for emergencies, including food, clothing, and a source of heat; and

(C) food and shelter are present that are normally considered satisfactory under field conditions;

(2) avoid intentionally, recklessly, or carelessly exposing an employee or client to undue hazards;

(3) advise clients and employees involved in a hunt of the applicable state and federal statutes and regulations relating to hunting, land use, wildlife, big game hunting services, and conservation;

(4) ensure that the proper hunting licenses, hunt record, game tags, and harvest reports for the big game species being hunted are in the client's possession before the hunt begins;

(5) ensure that the appropriate tags are attached to any game taken by a client and all game is sealed or marked as required by 5 AAC 92;

(6) advise a client before a hunt of the game population in the hunting area; and

(7) provide remuneration in a complete and timely manner of debts or refunds owed to clients or contracting guides, or wages owed to an employee.

(d) **Field craft standards.** All classes of guides shall

(1) use every lawful means at the licensee's disposal to bag a wounded animal while it is in danger of escaping, or, in a serious emergency, while human life or well-being is endangered;

(2) barring unforeseen conditions, properly prepare according to generally accepted procedures, all antlers, horns, hides, and capes to be delivered to the taxidermist or to the client at the conclusion of a hunt in a satisfactory and unspoiled condition, unless the guide is providing only outfitting and transportation services for the client;

(3) endeavor to salvage all meat of animals taken by clients, in accordance with state statutes and regulations;

(4) except for brown bear, grizzly bear, wolves, and wolverine, transport the meat of a big game animal taken by the client in accordance with 5 AAC 92;

(5) respect gear, equipment, food, shelter, and camps established by other users;

(6) avoid staging unused or unattended camps and gear to discourage other users from utilizing a location;

(7) allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences; in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a legally permitted year-round structure being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties;

(8) avoid using an aircraft in any manner to spot big game for the purpose of taking a specific animal, unless

(A) hunting brown, grizzly, or black bears from January 1 through June 30 in an area with an allowable harvest under 5 AAC 85 and 5 AAC 92, of one or more brown or grizzly bears per regulatory year; in this subparagraph, "regulatory year" has the meaning given in 5 AAC 92.990; or

(B) specifically authorized under another statute or regulation;

(9) avoid utilizing, in any manner, global positioning system (GPS) or other electronic devices to assist in the taking of a big game animal; and

(10) respond personally or through an assistant to requests for assistance communicated during the hunt; a contracting or employing guide must respond within a reasonable time based on the urgency of the request, weather conditions, and other safety factors.

(e) **Standards for cooperation with law enforcement officers and for conservation awareness.** All classes of guides shall

(1) cooperate with state or federal law enforcement officers;

(2) provide any information to assist law enforcement or state and federal wildlife officials; and

(3) practice sound wildlife conservation and create an awareness of conservation needs and practices when dealing with the public.

(f) **Standards of professionalism.** A guide

(1) of any class may not make guarantees as to the success of a hunt or the number of animals to be taken on a hunt;

(2) shall provide supervision as required from a guide of that class, and make a good faith effort to make the verbal or, if applicable, the written client communication as required in 12 AAC 75.240;

(3) if permitted to advertise or sell big game hunts under AS 08.54, may not advertise or sell big game hunts to be conducted solely on tidelands; a guide of any class may not provide big game hunting services on tidelands or below mean high water mark in fresh water, except on those tidelands and below mean high water mark lands that are immediately adjacent to uplands on which the guide has authorization to provide big game hunting services; in this paragraph, "tidelands" has the meaning given in AS 38.05.965; and

(4) if permitted to advertise under AS 08.54, may not misrepresent services by false or misleading advertising.

Authority: AS 08.54.600 AS 08.54.680 AS 08.54.710

ARTICLE 4. TRANSPORTATION SERVICES.

Section

395. Distribution and use of transporter activity reports

400. Transporter activity report

410. Term of transporter license

420. Proof of transporter's financial responsibility

430. (Repealed)

440. Professional ethics standards for providers of transportation services

450. Transporter contract requirements

460. Species-specific licensing

12 AAC 75.395. DISTRIBUTION AND USE OF TRANSPORTER ACTIVITY REPORTS. (a) Upon request, the department will issue transporter activity reports to a transporter with a valid license. Once the department issues the activity reports, the board

(1) will consider them to be in the possession of the transporter until they are returned; and

(2) may discipline the transporter under AS 08.54.710(a)(2) if the

(A) transporter loses or misplaces the activity reports, or fails to return them as required under this section or upon the department's request;

(B) activity reports are damaged or destroyed while in the transporter's possession; or

(C) activity reports, while in the transporter's possession, are used in a manner that violates AS 08.54.650, this section, or 12 AAC 75.400.

(b) The transporter activity reports must be used only by the assigned transporter. Transporter activity reports may not be shared.

(c) All copies of a transporter activity report must be completed in accordance with 12 AAC 75.400.

(d) A voided transporter activity report must be returned to the department.

(e) *Repealed 12/2/2012.*

(f) A maximum of 150 transporter activity reports will be issued to a transporter and may be in the transporter's possession at any given time. Additional transporter activity reports may be issued. However, upon a written request and showing of good cause, as determined by the department, a transporter may have more than 150 transporter activity reports assigned and in the transporter's possession.

(g) A transporter who misplaces or loses a transporter activity report shall submit to the department

(1) a notarized statement documenting the loss of the transporter activity report; and

(2) client information not already submitted to the department under 12 AAC 75.400.

Authority: AS 08.54.600 AS 08.54.650 AS 08.54.660

12 AAC 75.400. TRANSPORTER ACTIVITY REPORT. (a) Each transporter activity report required by AS 08.54.650 must be on a form provided by the department, titled *Transporter Activity Report*, dated October 2012, and adopted by reference. This form is established by the board for review of the information required by AS 08.54.650.

(b) On the day a client is transported, a transporter shall complete or have completed the portions of the transporter activity report that are required to be completed at that time.

(c) Immediately after transporting the client out of the field, the transporter shall complete the applicable remaining portions of the transporter activity report.

(d) The transporter shall make the transporter activity report available for inspection upon request by an agent of the board or department or any state or federal enforcement agent authorized to enforce guiding, game, or game management statutes or regulations.

Authority: AS 08.54.600 AS 08.54.660 AS 08.54.760
AS 08.54.650

Editor's note: Copies of the *Transporter Activity Report*, adopted by reference in 12 AAC 75.400, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Big Game Commercial Services Board, 333 Willoughby Avenue, Juneau, AK 99801; telephone: (907) 465-2543, website: <http://commerce.alaska.gov/occ/pgui.htm>.

Authority: AS 08.54.600 AS 08.54.660 AS 08.54.760
AS 08.54.650

12 AAC 75.410. TERM OF TRANSPORTER LICENSE. A transporter license expires on December 31 of odd-numbered years.

Authority: AS 08.01.100 AS 08.54.600

12 AAC 75.420. PROOF OF TRANSPORTER'S FINANCIAL RESPONSIBILITY. (a) *Repealed 12/1/2007.*

(b) An applicant for a transporter license shall

(1) certify that the applicant has and will maintain during the licensing period, assets, general liability insurance, or a bond totaling at least a minimum of \$100,000 that will be available for payment of a judgment against the applicant resulting from the applicant's transportation services; and

(2) list the assets, insurance, or bond, including, if applicable,

(A) a description of the assets, their fair market value less any liens, identification of any liens against the assets, and the location of the assets; and

(B) the name of the company issuing the insurance or bond, the policy or bond number, and the amount and type of coverage supplied by the insurance or bond.

(c) A transporter shall notify the department within 10 days of any change to the information reported under (b) of this section.

(d) The department may require additional documentation to substantiate the information provided in (b) of this section before approving an applicant for licensure or license renewal.

Authority: AS 08.54.600 AS 08.54.660 AS 08.54.680
AS 08.54.650

12 AAC 75.430. PROFESSIONAL COMPETENCE STANDARDS FOR PROVIDERS OF TRANSPORTATION SERVICES. *Repealed 7/30/2006.*

12 AAC 75.440. PROFESSIONAL ETHICS STANDARDS FOR PROVIDERS OF TRANSPORTATION SERVICES. (a) **Unethical activities.** A transporter, master guide-outfitter, or registered guide-outfitter may not participate in an unethical activity that may result in a disciplinary sanction under AS 08.54.710. In this subsection, "unethical activity"

(1) means failing to or being unfit to meet a professional standard of conduct that satisfactorily and safely implements, under field conditions, the knowledge, skills, qualifications, and judgment required for a transporter; and

(2) includes

(A) failing to comply with the standards set out in (b) – (d) of this section; and

(B) failing to comply with a condition or requirement established as a disciplinary sanction in AS 08.54.710;

(C) failing to comply with an order from the board.

(b) **Compliance with law.** A transporter or registered guide-outfitter providing transportation services shall

(1) comply with applicable state and federal statutes and regulations; and

(2) obtain prior authorization as appropriate before entering or remaining on private, state, or federal lands during the course of providing transportation services.

(c) **Client care and transportation standards.** A transporter or registered guide-outfitter providing transportation services shall

(1) take every reasonable measure to ensure the safety and comfort of the client, including ensuring that while the licensee is providing transportation services

(A) adequate supplies are present to provide first aid for injuries that are reasonably expected while providing transportation services; and

(B) sufficient supplies are present to provide for emergencies, including food, clothing, and a source of heat;

(2) before leaving a client in the field, advise the client of the date, time, and location at which the transporter or registered guide-outfitter will pick up the client and the course of action the client should follow if the transporter or registered guide-outfitter is unable to pick up the client as planned;

(3) transport the client into and out of the field at the planned date, time, and location, unless prevented by weather, mechanical problems, or other safety concerns;

(4) check on or communicate with a client in the field as agreed to before transporting that client;

(5) clearly define rates and services to prospective clients before booking and acceptance of deposits, and shall avoid misleading prospective clients through false or fictitious advertising;

(6) be willing and capable of making financial restitution to a client for any breach of contract owing to no fault of the client;

(7) avoid staging unused or unattended camps and gear to discourage other users from utilizing a location;

(8) endeavor to transport all meat of animals taken by clients, in accordance with state statutes and regulations;

(9) avoid using an aircraft in any manner to spot big game for the purpose of taking a specific animal;

(10) avoid utilizing, in any manner, global positioning system (GPS) or other electronic devices to assist in the taking of a big game animal;

(11) avoid herding, driving, or chasing animals with the use of mechanically powered equipment;

(12) avoid overbooking clients such that the transporter or registered guide-outfitter is unable to take otherwise reasonable measures to ensure the safety and comfort of clients already in the field;

(13) allow appropriate buffer areas between hunters and camps transported by the same service to avoid disrupting hunts and hunt experiences; and

(14) avoid making guarantees as to the success of a hunt or the number of animals to be taken on a hunt.

(d) **Standards for cooperation with law enforcement officers and for conservation awareness.** A transporter or registered guide-outfitter providing transportation services shall

(1) cooperate with state or federal law enforcement officers;

(2) provide any information to assist law enforcement or state and federal wildlife officials; and

(3) practice sound wildlife conservation and create an awareness of conservation needs and practices when dealing with the public.

Authority: AS 08.54.600 AS 08.54.720 AS 08.54.790
AS 08.54.710

12 AAC 75.450. TRANSPORTER CONTRACT REQUIREMENTS. (a) A transporter or a registered guide-outfitter contracting solely to provide transportation services shall deliver a written contract to the client

(1) within 90 days after receipt of a deposit, and before transportation services are provided; or

(2) as soon as possible, and before transportation services are provided, if a deposit is received less than 90 days before transportation services are to be provided.

(b) A written contract to provide transportation services must

(1) include the name, license number, and signature of the transporter or guide-outfitter, and must include the name of the transporter's or guide-outfitter's business if it is different from the name of the individual transporter or guide-outfitter;

(2) include the name and signature of the client;

(3) list each big game animal to be hunted;

(4) state the cost, payment schedule, and specific weight limitation, if any;

(5) set out the deposit refund or transfer policy upon cancellation;

(6) state that services are for transportation only;

(7) state that guide services are not provided;

(8) state that the client is responsible for salvage of the meat during the hunt;

(9) state that the client is responsible for salvage of the meat after the hunt unless the meat is legally transferred to a third party;

(10) identify the methods of communication with the transporter during the time clients are in the field, such as use of a satellite phone, VHF radio, overflight, or signal device;

(11) state who is responsible for the cost of extra trips to transport meat if necessary;

(12) include the following statement: "A licensed transporter may provide transportation services with accommodations only at a permanent lodge, house, or cabin owned by the transporter or on a boat with permanent living quarters located on salt water. A licensed transporter may not accompany or remain in the field with a big game hunter who is a client of the transporter except as necessary to perform transportation services"; and

(13) include the following statement: "A licensed transporter may not provide vehicles, fuel, camping, hunting, or game processing equipment, or any hunting services such as skinning, caping, or cleaning of game, glassing, and packing in the field, including from a permanent structure or on a boat on salt water."

(c) A transporter shall retain a copy of the contract for at least four years.

Authority: AS 08.54.600 AS 08.54.680 AS 08.54.790
AS 08.54.650 AS 08.54.720

12 AAC 75.460. SPECIES-SPECIFIC LICENSING. (a) A registered guide-outfitter who was initially licensed on or after July 30, 2006, and who wishes to contract to guide a hunt for sheep, moose, brown bear, mountain goat, or caribou, must have the specific species named on the registered guide-outfitter's license as an authorized species.

(b) To qualify for the species to be added to an existing license, the registered guide-outfitter must submit

(1) a completed application on a form provided by the department; and

(2) an affidavit signed by the registered guide-outfitter certifying that the registered guide-outfitter has been involved in a minimum of three harvests on guided hunts for that species.

Authority: AS 08.54.600 AS 08.54.610 AS 08.54.740

ARTICLE 5. GENERAL PROVISIONS.

Section

- 900. License renewal
- 910. Failure to file
- 920. Hunting, guiding, and practical experience
- 930. Department request for copy of contract
- 940. Compensation: form and time received
- 990. Definitions

12 AAC 75.900. LICENSE RENEWAL. (a) The license renewal requirements in AS 08.54.660 and 08.54.670 apply to persons licensed under AS 08.54.591 – 08.54.790.

(b) *Repealed 12/1/2007.*

(c) *Repealed 12/1/2007.*

(d) An applicant for renewal of a registered guide-outfitter license must submit

(1) a complete renewal application on a form provided by the department;

(2) the license renewal fees required in 12 AAC 02.230;

(3) if the applicant will contract to guide or outfit a big game hunt during the licensing period for which the applicant is applying, proof of financial responsibility as required in AS 08.54.680(a);

(4) a statement regarding whether the applicant contracted to guide or outfit big game hunts during the concluding licensing period; and

(5) the affidavit required by AS 08.54.660(b).

(e) An applicant for renewal of a transporter license must submit

(1) a complete renewal application on a form provided by the department;

(2) the license renewal fees required in 12 AAC 02.230;

(3) proof of financial responsibility as required in AS 08.54.680(a);

(4) a statement regarding whether the applicant provided transportation services during the concluding licensing period;

(5) the name of one individual who is responsible for managing the transporter's business activities;

(6) copies of the Federal Aviation Administration and United States Coast Guard licenses applicable to the applicant's operations;

(7) the proof required under the applicable provisions of 12 AAC 75.145(b), if the applicant is a corporation, limited liability company, limited liability partnership, or limited partnership; and

(8) the affidavit required by AS 08.54.660(c).

(f) An applicant for renewal of a class-A assistant guide or assistant guide license must submit

(1) a complete renewal application on a form provided by the department;

(2) the license renewal fees required in 12 AAC 02.230; and

(3) the names of the guide-outfitters that employed the applicant during the concluding licensing period.

(g) For the purposes of determining the applicable license renewal fee, the applicant shall state on the application form whether the applicant is a resident.

Authority: AS 08.01.100 AS 08.54.660 AS 08.54.670
AS 08.54.600

12 AAC 75.910. FAILURE TO FILE. In AS 08.54.710(a)(2), “failed to file records or reports required under this chapter” includes

- (1) failure to file a record or report timely; or
- (2) submitting a record or report that is substantially incomplete.

Authority: AS 08.54.600 AS 08.54.710

12 AAC 75.920. HUNTING, GUIDING, AND PRACTICAL EXPERIENCE. (a) The hunting, guiding, or practical field experience required under AS 08.54.610 – 08.54.630 will only be accepted by the board if the applicant’s hunting and guiding licenses issued by this state were valid and unencumbered during the time period for which experience is claimed.

(b) For purposes of satisfying the hunting experience requirements in AS 08.54.620 the applicant must document at least 20 days of big game hunting activity in a calendar year in order to receive credit for one year.

(c) For purposes of satisfying the requirements in AS 08.54.630(a)(2), the applicant must document at least 30 days of big game hunting activity in a calendar year in order to receive credit for a year. However, an applicant may also satisfy those requirements by documenting a cumulative total of 60 days of big game hunting activity over a period longer than two years, if for at least 30 of the 60 days the applicant works in a guide camp or under the supervision of a licensed guide while performing guide-related duties. Documented passage of the assistant guide training course described in AS 08.54.630(a)(4)(B) may count for 10 days.

(d) For the purposes of the requirements in AS 08.54.630(a)(4)(A), the written recommendation must be signed by the registered guide-outfitter who intends to employ the person as an assistant guide and must attest to the fact that the applicant meets each of the following criteria:

- (1) has knowledge and experience in the safe operation of firearms;
- (2) has knowledge of guide statutes and regulations and game regulations;
- (3) has knowledge in trophy judging, caping, skinning, butchering, and meat and trophy care;
- (4) has directly participated in the spotting, stalking, and subsequent harvesting of at least three big game animals during a guided hunt in this state;
- (5) has knowledge and experience concerning general safety and emergency protocol.

Authority: AS 08.54.600 AS 08.54.610 AS 08.54.630
AS 08.54.605 AS 08.54.620

12 AAC 75.930. DEPARTMENT REQUEST FOR COPY OF CONTRACT. Upon opening an investigation or receiving a complaint on behalf of the board, the department may request a copy of the client contract required under AS 08.54.680. The department will make that request in writing, and will identify the name of the client whose contract is being requested. Within 30 days after receiving the request, the registered guide-outfitter or transporter shall provide a copy of the requested contract to the department. The department may extend that deadline by an additional 30 days.

Authority: AS 08.54.600 AS 08.54.680

12 AAC 75.940. COMPENSATION: FORM AND TIME RECEIVED. For the purposes of “compensation” as defined in AS 08.54.790, “payment for services” includes receiving remuneration, directly or indirectly, for any provision of services, equipment, or facilities in the field to a person who, in fact,

- (1) engages in big game hunting; and
- (2) uses or benefits from the services, equipment, or facilities.

Authority: AS 08.54.600 AS 08.54.790

12 AAC 75.990. DEFINITIONS. (a) Unless the context requires otherwise, in AS 08.54 and this chapter,

- (1) “board” means the Big Game Commercial Services Board;
- (2) “camp” means a primary base of operations in the field for the hunt;
- (3) “department” means the Department of Commerce, Community, and Economic Development;
- (4) “essential duties associated with guiding and outfitting” includes providing, in compliance with AS 08.54 and this chapter, the services listed in AS 08.54.790(9), (11), and (12).

- (b) Unless the context requires otherwise, in this chapter,
- (1) “resident” has the meaning given in AS 16.05.940;

(2) "specific location" means the name commonly used for a drainage, mountain, lodge, camp, landing strip, or valley that is a documented place name or is commonly used by people frequenting the location.

Authority:	AS 08.54.600	AS 08.54.620	AS 08.54.710
	AS 08.54.610	AS 08.54.630	

Oil and Gas Conservation Commission	Michael none Gallagher
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General Information

Board/Commission and seat you are seeking:
Oil and Gas Conservation Commission, At-Large

Additional Boards/Commissions of interest:
1) Oil and Gas Conservation Commission

State Boards/Commissions on which you have served
None

<i>First</i> Michael	<i>Middlename</i> none	<i>Last Name</i> Gallagher
--------------------------------	----------------------------------	--------------------------------------

<i>Mailing Address</i> [REDACTED]	<i>State & ZIP</i> [REDACTED]
--------------------------------------	--------------------------------------

<i>Home/Message Phone</i> [REDACTED]	<i>Business Phone</i> [REDACTED]	<i>Cell Phone</i> [REDACTED]
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<i>Email Address</i> [REDACTED]	<i>Are you a registered voter?</i> Yes
------------------------------------	--

<i>Date of Birth</i> 0000-00-00	<i>Ethnicity</i> White
<i>Gender</i> Male	
<i>Military Service</i> none	

Conflict of Interest

Certain boards and commissions require full disclosure of personal financial data under AS 39.50.010. If required for the board or commission for which you are applying, are you willing to do so?
Yes

Could you or any member of your family be affected financially by decisions to be made by the board or commission for which you are applying?
No

Please explain the potential financial benefit

Employment History

Employment work history including paid, unpaid or voluntary.
See Resume

Education, Training, Experience & Qualifications

List both formal and informal education and training experiences:
See Resume

List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

See Resume

List any community service, municipal government, and state positions held, and any awards received.

See Resume

Conviction Record

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years?

No

Conviction Circumstances

Certification of Accuracy & Completeness

By submitting this online application, I swear the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates, or I may be removed from the position. I agree that the Office of the Governor may contact present or former employees or other persons who know me to obtain an additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Type "I certify"

"I certify"

Resumé Addendum

MICHAEL GALLAGHER [REDACTED]

SUMMARY

Well-rounded professional with 38+ years experience in the Oil and Gas, Civil and Vertical Construction Industry. Implemented safety procedures to promote safe working environments for personnel and the environment. Understand aspects from construction, maintenance & operations to human resource management, budget development & oversight and project management.

WORK HISTORY

Alaska Laborers Training School (April 2011 – present)

Project manager for the construction of an \$11 million training facility that will provide training and education opportunities for union members in the oil and gas industry as well as members in the civil and vertical construction industry.

- **Negotiated land purchase.**
- **Owner's representative during the design and construction phase.**
- **Managed the schedule and budget to ensure an on-time and on-budget project delivery.**

DNH Incorporated (August 2009 – March 2011)

Senior Vice-President and Interim President

- **Investigated the feasibility of establishing an LLC for Oil & Gas Construction, an LLC with 8A Status to conduct business with the Federal Government and an LLC for Fuel Oil & Propane Distribution along the Yukon River.**

AHTNA Construction (February 2007 – November 2007)

Operations Manager/Interim President and CEO to facilitate the transition from an existing President/CEO to a new President/CEO.

- Sought out new opportunities to maintain the company's presence with maintenance and construction crews at the Alyeska Marine Terminal and along the TransAlaska Pipeline.
- Created a joint venture with H.C. Price Company to seek out multi-million dollar projects. This venture resulted in the successful award of projects against other large entities.
- Managed 125 employees working on the TransAlaska Pipeline.
- Monitored project budgets and schedules.

**Laborers International Union of North America, Local 341 (March 1989 – November 2006)
Business Manager / Secretary Treasurer. After 14+ years of field experience I became a Business Agent and worked up through the following roles: Vice-President, President and Business Manager / Secretary Treasurer.**

- Responsible for 2,200 union members.
- Negotiated various bargaining agreements with employers and managed the settlement of grievances.
- Served as Trustee on the Alaska Laborers Pension (\$565 million), Alaska Laborers Health & Welfare (\$14 million), Laborers Training School (\$4million) and the Laborers Legal Plan (\$1.5 million).
- Managed the day-to-day operations of the Local Union, Laborers Building Corporation and Political & Education Fund.

Flour Alaska, MK, Northland Maintenance, H.C. Price Company and MB Construction (1975 – 1989)

Area Steward. During this time I worked for a variety of construction contractors at the Alyeska Marine Terminal. I held positions ranging from General Laborer, Labor Foreman, General Foreman and Area Steward.

- Dispatched personnel to various contractors.
- General Foreman of the oil response team.
- Supervised and worked on pipeline maintenance, concrete, pipeline insulation, form building crews and operations.
- Worked on a construction phase of the Richardson Highway assisting with pipelaying, drilling, blasting and high-scaling.

Michigan Transportation Company (June 1974 – September 1974)

Chemical Transfer Technician

- Transfer, measurement and transportation of bulk dry chemicals, liquid chemicals and petroleum distillates for DOW Chemical Company.

EDUCATION & TRAINING

Annual Employee Benefit Plan Training (1993 – 2005)

Service Contract Act: Collective Bargaining (1996)

Asbestos Removal Training (1994)

Leadership Training (1991)

Area Steward (1985)

Shop Steward Training (1983)

Alpena Community College (1974 – 1975)

Alpena Senior High School (Graduated in 1974)

COMMUNITY SERVICE & AWARDS

Health Care Cost Management Corporation of Alaska, President and Board Member (1996 – 2007)

Alaska ALF-CIO, Vice-President (1993 – 2006)

Alaska District Council of Laborers, Executive Board Member (1989 - 2006)

Central Labor Council, Executive Board Member (1998 - 2006)

Helmets to Hardhats (2005)

Recognition from AHTNA (2004)
Prince William Sound Regional Citizens Advisory Council, Board Member (1990 – 1993)
Copper Valley Telephone, Board Member (1989 – 1993)
Regional Citizen Advisory Council (1991-1993)
Valdez Mayor's Ad Hoc Committee, Committee Member (1988 – 1989)

REFERENCES

References may be furnished upon request.

Press Release Wording

Michael Gallagher, 59 of Anchorage, has over 38 year experience in the Civil, Vertical, and Oil And Gas Industry.

Submitted: 01/19/15 at 4:13 pm from 216.67.119.141

Members of the Alaska Boards of Fish and Game;

Please consider this letter and packet to be my application for the position of Commissioner of Fish and Game. I am currently serving as Acting commissioner and would appreciate your consideration for nomination as permanent commissioner.

Alaska has a proud tradition and well deserved reputation for excellence in fish and game management. I believe my background in government, resource management and hands on experience gives me the ability to help carry on that tradition.


Alaska and the Department of Fish and game face many challenges to our ability to carry out our constitutional and statutory responsibilities regarding the management of the fish, game and aquatic plant resources of the state. Fortunately we have an outstanding professional staff and a board system that works well. I believe one of my strengths is my ability to work with people toward a consensus on sometimes difficult issues. I look forward to working with staff, the boards, the legislature and the public as we address the challenges.

Alaska's fish and game resources are extremely important to all Alaskans and we should constantly strive to involve the public in decisions we make. It will be my intention to reach out and encourage participation at all levels.

The sustained yield principle in Alaska's constitution requires us to insure fish and game resources are managed in strict compliance with this mandate. If we err, it must be on the side of the resource rather than the users.

Alaska's leadership on the North Pacific Fisheries Management Council must be maintained in order to properly meet our mandate of sustained yield as well as meeting our responsibility to insure healthy, sustainable fishing communities and fair opportunities for harvesters and processors. My experience in this arena will help maintain that leadership.

Thank you for your consideration,


Sam Cotten

Objective: Appointment as permanent Commissioner, Alaska Dept. of Fish and Game.

Professional qualifications:

Acting Commissioner, ADF&G Dec. 1, 2014-present

North Pacific Fisheries Management Council, voting member Sept. 2007-June 2013. The council prepares and amends fisheries management plans for the fisheries occurring in federal waters (3-200 nm). The council works with the Alaska Dept. of Fish and Game and the Board of Fish to coordinate management programs in federal and state waters.

Resource analyst/ fisheries consultant for Aleutians East Borough 2001-2014. Attended Board of Fish and North Pacific Council meetings, analyzed regulatory changes, advocated for sustainable fishing communities and opportunities for Alaska based fishermen.

Boards and Committees:

Previous service on a variety of boards and committees 2001-2014
Commercial Fishing and Agriculture Bank (CFAB) board of directors, Alaska Seafood Marketing Institute; committees on food service and retail.
State legislative task force on salmon industry restructuring.
Southwest Alaska Municipal conference, fisheries committee.
Cook Inlet Aquaculture Assn. Board of Directors, representing Municipality of Anchorage.
WASSIP work group, (salmon genetic study)

Advisory committee member, International Pacific Fisheries Commission
1987-88

Advisor, U.S.-USSR fisheries negotiations 1989-90

Alaska State Legislature 1975-83, 1985-93, Served in both houses.
Speaker of the House, 1989-90.

Personal

Born 7/16/1947 Juneau, Ak.

Southeast Ak., Juneau, Douglas, Tenakee Springs 1947-51

Palmer, 1951-63

Eagle River, 1963-present

Married: Martha Tillion Cotten, M.D., two sons; Sammy (27) Gus (24)

Education, Chugiak H.S. 1965, University of Alaska A.A degree 1978

Military Service; U.S. Navy 1965-69. Electronics School 1966, USS

Talladega (APA-208) 1966-68, Vietnam 1967. USS Schofield (DEG-3)

1968-69, Vietnam 1969. ETN-2 (E-5).

Community service:

Anchorage Planning and Zoning Commission 1983-84

Anchorage Ski Club board of directors 1982-87

Fire Lake Recreation Center board of directors 1984-present

Chugiak - Eagle River Chamber of Commerce, board of directors 1984-85

Anchorage Airport citizens advisory committee, Chairman 1994-96

Employment: worked as electrician, fire fighter, printer, water well driller, public information officer, Senior technical representative Xerox Corp., commercial fisherman.

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Alaska Outdoor Council, Special recognition award 1988

Hobbies, interests:

Fishing, boating, skiing, bowling, Alaska history

Management experience

Speaker of the House, Alaska State Legislature 1989-1990.

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Chairman: house resources 1987-88, house community and regional affairs 1975-76, Senate oil and gas 1991-92, Senate resources 1992. As committee chairman, management duties included preparation of legislation, public testimony, staff management, working with other legislators, bill sponsors and administration representatives.

**Chairman, Alaska Public Utilities Commission 1996-1999 (member 1995)
Worked with executive director in management of the several sections within the commission staff. Professionals in the fields of communications, energy, water and wastewater, refuse services were employed by the commission and provided analysis and technical expertise to the commissioners.**

Business manager, local investment group 1982-84. Owned and operated a variety of businesses including gas stations, grocery store, commercial and residential rentals.

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Personal use fisheries have included dip netting in China Poot Bay; silver salmon personal use set net; tanner crab, Dungeness crab and shrimp pot fishing, Kachamek Bay and Prince William Sound; as well as clams and mussels in various locations.

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Sitka and Cook Inlet herring, crew 1993

Sand Point/King Cove beach seine and purse seine, crew 1978-79

Southeast gill net, crew 1977 (one trip)

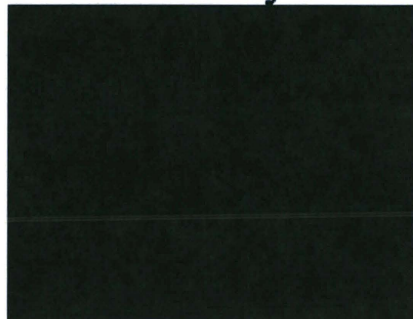
Halibut longline, crew 2014 (two trips)

Pot Cod, Sand Point, ride along, 2012, (one trip)

Professional references:

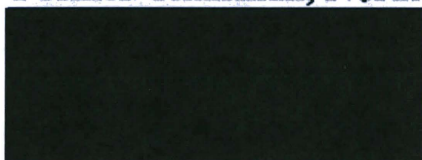
Charles Cole

Former Attorney General, State of Alaska



Eric Olson

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Executive director, North Pacific Research Board

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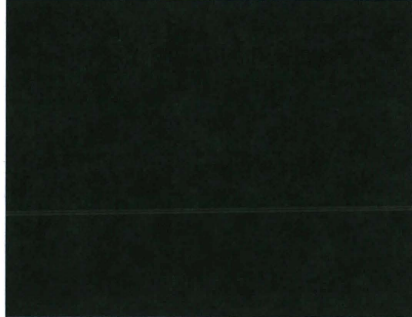
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Natural Resources

The Natural Resources transition team identified five priority issues that the incoming Administration should address for a successful approach to the management, development and conservation of natural resources in Alaska. Ensuring public involvement topped this list, followed by increasing permitting efficiency and effectiveness and facilitating economic/resource development. Also discussed were the needs to balance multiple users and appropriately staff state agencies. In evaluating these priorities, some of the more impactful recommendations should be given early consideration. These have been ranked from easiest to hardest to implement:

1. Reinforce the DNR mission statement that reads "The mission of the DNR is develop, conserve, and maximize the use of Alaska's natural resources consistent with the public interest."
2. Establish effective communication between the Governor's office, cabinet and state agency staff, building an atmosphere of teamwork with clear vision, mission and goals
3. Develop a statement that demonstrates commitment from the Administration to public involvement in its processes
4. Establish a healthy line of communication with all state employee unions
5. Hold and review special area management plans for re-evaluation of process
6. Engage in the Tongass planning process
7. Develop a formal training for conductors of public hearings
8. Explore universal water reservation for fish through a stakeholder workgroup
9. Launch a task force that explores a "mitigation bank"
10. Continue a process to achieve gas line
11. Implement digital records and data management
12. Implement loan forgiveness for students committed to state employment

Public Involvement

Ensuring that the public is included and respected in government decision-making, and that government decisions are informed by public input, should be crucial elements of state planning processes. To this end, the Team suggests a formal public statement by the incoming Administration along the lines of the following:

It is the policy of the Walker/Mallott Administration and the State of Alaska to welcome and respect the participation of citizens in the development of policies and actions of State government. The Alaska Constitution, in Article I, affirms the Rights of the People to participate in government, and also places on citizens a corresponding obligation to participate in good faith in our government. To honor these rights and responsibilities this Administration affirms an open and transparent process for public involvement in government decisions. We humbly ask that you, the public, assist with this by participating in the process to the maximum extent possible.

Meaningful public involvement can be facilitated through open government actions such as: factors influencing state decisions, consistent and geographically appropriate public notice to all stakeholders, notification of receipt of comments, formal responses to ranges of comments, the appropriate use of public hearings and technology to facilitate public engagement, and employee training in and sensitivity to culturally appropriate methods and timing of communications. The state could also consider involving the public in community forums, such as those Jay Hammond conducted. The Team discussed whether local residents and communities affected by a decision should have weighted consideration in their comments on activities that could have a disproportionate effect on local people or communities. The group did not reach consensus on this issue, with some advocating for an Alaska Coastal Management Program-type approach while others believed in equal input by all Alaskans. The establishment or strengthening of Local Advisory Committees (LACs) could be considered, as they relate to DNR's local area plans. The Team did agree that the State should have a goal of assuring meaningful dialogue between state and local interests above and beyond strict hearing and comment processes.

Permitting Efficiency, Enforcement and Effectiveness

The state's permitting process should be trusted, fair, transparent and predictable. The state should work to add efficient and effective to this list, though both will need to be defined and scaled appropriately to encompass clarity of project stipulations, stakeholder engagement, and timeliness of permit acquisition. This is complementary to the discussion around public involvement, in that all user groups must be offered the opportunity to actively participate at the appropriate scale.

Opportunities for public involvement must occur early and throughout the planning and decision-making process, with increased public access to meetings and records. To increase efficiency, the Team recommends data management that is spatially specific, stakeholder engagement tracking, eliminating unnecessary permits, properly allocating agency resources for most impact, and leveraging technology. The state should explore the opportunity to grant 1) general permits for similar actions, and 2) field permits for minor actions. Additional actions would include prioritizing anadromous stream cataloguing in areas likely to see development and establishing post public process timelines for issuance of permits. The creation of a universal reservation of water for fish may provide sufficient protection of the minimum water levels required for fish survival and reduce the need for expensive in-stream flow reservations and adjudications. The Team recommends establishing a task force of stakeholders to explore the concept. A robust state enforcement program should be associated with permitting, at the same time.

Resource Related Economic Development

Alaska is fortunate to have rich natural resources that support its people and economy. Looking forward, oil and gas, commercial fishing, tourism, logging, mining and alternative energy technologies provide Alaskans with a continued opportunity to rely on our natural resources as the mainstay of our economy. However, challenges remain in the state's ability to access those resources, increase development where possible, and work with federal agencies to ensure future prosperity. To reverse declining oil production, there are four priorities for future development. The state should continue to advocate for opening of the Arctic National Wildlife Refuge 1002 Area with appropriate stipulations; exploration on the Offshore Continental Shelf (OCS) with revenue sharing for adjacent communities; and fewer hurdles in accessing the National Petroleum Reserve Alaska (NPR). Natural gas development, with access for Alaskans, benefits to rural Alaska and export to markets is also vital. For its part, the state should examine opportunities to increase state leasing.

Oil, gas and mineral development is critical to the current economic health of Alaska. Federal regulations such as the Clean Water Act (CWA) and Endangered Species Act (ESA) that are intended to protect the health of Alaskans and our environment are important, but the state could evaluate the assumption of federal regulatory programs, the possibility of a wetlands mitigation bank, and the use of science, traditional knowledge, and alternative management tools. Stronger relationships and communication with federal land managers will be a necessary component of this. The state can also work to help keep species off of the ESA list, quickly recover species that are on the list, and minimize the risk that the ESA could successfully be used as a roadblock to development.

Care should also be taken to ensure state and federal fisheries are sustainably managed to protect fishing jobs and the local and state-wide economies that benefit from those jobs. The state should also engage in the Management Policy planning process in the Tongass National Forest, where it can determine the likelihood of success in its participation. Further, the state should encourage private enterprise to pursue alternative energy projects in Alaska as a way of providing cheaper and cleaner energy sources to Alaskans and new businesses, and strengthening our economy through the development of technology and expertise needed to exploit such alternatives.

Balancing Multiple Users

A goal of "long-term, sustainable and resilient" framed this conversation. The Team defined long-term as addressing the needs of future generations; sustainable as balancing economic activity with subsistence, a healthy environment (the protection of water, flora and fauna), and community services; and resilient as promoting the ability of the system to bounce back. While sustainability is hard to define, difficult to come to consensus on, and challenging to operationalize, it is clearly important as a principle or value of governance. The team proposed that resource agencies should have a common mission or vision statement recognizing the principle of sustainability. Restoring DNR's mission statement is an important first step toward inter-agency agreement. These terms, too, could be factored into best interest findings.

Subsistence is a priority and should be part of the "multiple use" balancing act. The state has an obligation to overcome any institutional barriers within the state to address this and, if necessary, address the conflict between ANILCA and the state constitution. To address subsistence challenges, short of constitutional amendment, the Team proposes three potential resource resolutions: 1) Articulate the importance of subsistence consideration in permitting and land-use planning and decision-making; 2) Administrative direction to state agencies about the importance of subsistence health to ensure that subsistence is addressed when decisions are made about land-use and commercial harvest of fish and game resources; and 3) an internal review of regulations and statutes to ensure that subsistence policy can be implemented. The state should have explicit goals of critical habitat area management and public land management, perhaps using creative co-management as a tool. Expanding and emphasizing early participation at the "scoping" level for public and private projects/plans will help. All of this will require competent staffing.

Staffing

The retention of highly qualified staff at state agencies requires clear communication, standardized and consistent staff training, pride in mission and effective recruitment. Further, the state must be willing to assess employee roles and public function, evaluating efficiency, compatibility and capacity; while increasing public confidence in directors and management. It was anticipated that there might be a general public reluctance to compensate staff for what they're worth.

The basics in management will be important in this fiscal environment. There should be clear and consistent communication from top down and bottom up regarding the fiscal situation and how it relates to current and future benefits. Having a defined mission and vision for agencies will help staff understand that they are part of something bigger. Agency directors should identify low morale quickly, and consider creative non-monetary incentives for staff. Furthermore, the state should consider: open recruitment regardless of location; flexible staffing; contracting; assessing competitive compensation; cross-training for fewer people with more responsibilities; marketing state employment; and developing mechanisms to cut non-essential or underperforming staff.

Fisheries

This document is intended to summarize for interested parties the priority issues and recommendations put forward by the Walker Mallott Fisheries Transition Committee. This is not a complete transcription of the entire committee process and does not document all aspects of the discussions that occurred within the Committee meetings.

For each of the priority issues identified we were also tasked with identifying what success or resolution of the priority issues would look like and what actions would lead to success or resolution. The committee also discussed what barriers to achieving the success elements would be, and what actions might be taken to help resolve the barriers.

Priority Issues and Recommendations for Alaska Fisheries:

Transition Team Committees were asked to identify the top five priority issues in their topic areas by identifying the biggest challenges they believe the State of Alaska needs to work on. Out of many ideas that were brought forward, the top five were voted on and solidified. The top five priority issues for the Fisheries Committee were:

- 1. Clear "Fish First" Policy for Alaska**
- 2. Prioritize and Improve Fishery Access for Alaskans: Develop policies, strategies, management to return fishery access opportunities to residents of Alaska's fishing communities**
- 3. Adequate Funding for ADF&G and Fisheries Science**
- 4. Alaska fisheries should be managed based on Science over politics**
- 5. Alaska fisheries management should be locally based and adaptive**

Other issues considered that had commonalities to the major issues included:

- Define Subsistence/Personal Use
- Technology Utilization
- Increase and improve public understanding of dollar value of fisheries
- Recruitment and retention in fisheries management

Priority Issue #1: Fish First Policy for Alaska

Success Elements Considered Agreeable to Most Alaskans

- #1 - Instream flows necessary for fish propagation and fish habitat conservation should be automatically reserved for fish in waters lacking instream flow reservations
- #2 – There should be no significant loss of fish habitat knowingly permitted in the State of Alaska
- #3 – A Coastal Zone Management Program (CZMP) that incorporates viewpoints of all stakeholders should be reinstated
- #4 - All new road construction should not restrict fish passage

#5 - All existing roads should be upgraded so no restriction in fish passage occurs

Possible Actions to Achieve Success:

- Enact legislation creating automatic in stream flow reservations for fish. If someone wants to use water then the burden of proof is on the appropriator to both collect flow data AND show their water use will not harm fish or habitat (saves DNR and ADF&G money and conserves fish) (Pertains to Success Element #1)
- State of Alaska Sustainable Salmon policy should be reworked, enacted by Alaska Board of Fisheries, and codified into statute. (Pertains to Success Elements #1,2,3,4)
- Reinstate DNR's original mission statement to include habitat conservation (Pertains to Success Elements #1,2,3,4)
- Enact state legislation or utilize executive order to reinstate Coastal Zone Management Program or similar process that:
 - Creates local control
 - Defends against federal overreach
 - Makes Alaska eligible for federal funds (Pertains to Success Element #3)
- Enact fish passage requirements via: ADF&G fish habitat permit regulations or statute or DOT regulations. (#4)
- Existing roads and stream crossing (culverts) should be prioritized for fish passage assessment, those not meeting fish passage standards should be prioritized for upgrading to state of the art fish passage standards as road improvements are conducted (Pertains to success element #5)
- Leverage network of regional salmon habitat partnerships around the State of Alaska. (Pertains to success elements #1,2,3,4,5)

Barriers to Further Success

- Lack of scientific data due to lack of money
- Lack of education/information to general public regarding habitat conservation
- Lack of political support from the public and legislators to protect fisheries
- Lack of holistic/basin wide/whole watershed management
- Lack of unified action or influence on behalf of fisheries conservation relative to other industries in the state
- State, federal, and international management disconnect and lack of coordination
- No compendium of best practices in conservation based fisheries management
- Subversion of science to politics
- Sustainability rhetoric from state versus reality (i.e. effective implementation of sustainable practices)
- Myth that we can re-create fish, recreate nature, recreate habitat, or replace wild runs with hatchery production
- Fish and fishermen are viewed as barriers to development
- Irreplaceable optimism that fish can coexist with development at any scale. Failure to heed lessons of history.
- Economic value of fisheries is undervalued and not understood, monetary dollar value of clean water and habitat is not understood

Actions to Address Barriers

- **Barrier: Lack of scientific data:**
 - Prioritize baseline data collection and routine stock assessment
 - Look for partnership opportunities to conduct research that may allow fisheries to open based on adequate data analysis by managers
 - Provide a transparent process and documentation of how prioritization of research funding is decided
- **Barrier: Lack of education and information to the general public on habitat conservation**
 - Governor Walker to create “fish first” education team to better inform Alaska public – UNITE subsistence, sport, charter, commercial to accomplish this
 - Launch public campaign using effective modern media tools to explain why fish, fishermen and fish habitat matter
 - Emphasize community supported fisheries and local consumption of seafood
- **Barrier: Lack of votes from public/legislators (see above – educate)**
 - Annual seafood briefing to Legislature
 - Greater visibility of fishing industry and work in support of fish and fish habitat in Juneau
- **Barrier: Lack of holistic/basin wide/watershed management**
 - Educate
 - Mandate evaluation of cumulative impact in the development and permitting process
 - ADF&G needs stronger voice, ability to veto or improve projects that threaten fish
 - Restore powers and resources of the Habitat division to ADF&G
 - State/federal/international disconnect – Strong state presence at international and federal forums (Pacific Salmon Treaty, NPAFC, IPhC, ESA listing, trans boundary development issues)
- **Barrier: No compendium**
 - Compile a “bible” of best practices in conservation-based fisheries management to be used in permitting processes and fisheries management (e.g. roads, riparian management, hydro, hatcheries, seafloor habitat, and culverts!)
- **Barrier: Subversion of science to politics, Sustainability rhetoric**
 - Recommit to sustainability and precautionary management - walk the talk
 - Allow State scientists to present at State/national/international scientific forums, allow findings to be presented that might at times be contrary to existing state policy.
- **Barrier: Myth that we can re-create fish**
 - Educate! Every legislator should be familiar with Author David Montgomery’s book King of Fish
 - Explain why Hatcheries cannot replace wild and why
- **Barrier: Fish and fishermen as barriers to development**
 - Look for mitigation and coexistence opportunities, but make the hard choices. Say “no” to some projects that compromise fish production and clean water for fish
 - Educate the public on the seafood industry’s contribution to Alaska’s economy.

Success Element #2: Prioritize and Improve Fishery Access for Alaskans

Success Elements Considered to be Agreeable to Most Alaskans

- At least 10% increase in Alaska ownership of commercial fishing licenses, permits, quotas in next five years
 - At least 10% increase in ownership and meaningful participation in Alaska fisheries by coastal residents over next five years
- Policy that ties permits, licenses, and quotas to Alaska fishing communities. Coastal access to fisheries (can't be sold away)

Possible Actions to Success on Agreed Success Elements

- Establish state funds to recapture commercial fishing licenses/permits for Alaskans, with designated subset for "young" Alaskans
- Enact legislation that allows "recognized community entities" to retain/recapture commercial fishing licenses/permits for the use and benefit of community residents Address unincorporated communities
- Support/establish Fishery Trusts/permit banks that allow investment in recapturing/retaining commercial quotas/licenses for the use and benefit of coastal Alaskans
- Reduce obstacles to local small-scale processing and marketing
- Increase consumption of locally harvested seafood

Barriers to Further Success

- Contrary to free market economics
- Constitutional and legal issues
- Lack of opportunities
- Lack of financial capital
- Lack of business acumen
- Currently have Community Quota Entities, which are good in theory but implementation is difficult for federal fisheries (halibut stock fluctuation; costs); salmon may be easier
- Bureaucratic process is cumbersome
- Too expensive to purchase entire fishing business so permit/equipment is parsed out when retirement is desired
- Inability to collateralize permits
- Limited number of entities that can shoulder financial risk
- Funding sources
- Some rural communities don't have legal standing to be a CQE
- Lack of boats and equipment in order to put permits and licenses to work
- Need to prepare/recruit young people to want to go into this business
- Educate people about process and how they can become eligible and successful
- Fluctuations in value of permit/licenses
- Changing regulatory environment

Actions to Address Barriers

- Continued access to harvest the resources
- A stable regulatory environment
- Constitutional amendment and legislation
- A lot more entities to hold licenses and permits and quota shares
- Unorganized communities need to become legal entities or partner with existing legal entity
- Alaska Maritime Workforce Development Plan
 - Fund vocational education
 - Promote Career awareness, follow example of, or tie in with Alaska Native Science and Engineering Program at UAA
 - Teach basic fishing, boat repair, and business skills
- Educate Alaskans about how to acquire fishing permits, licenses, quota shares
- Consider possible changes to federal loan program for quota shares
 - (Provided IRS cannot seize quota shares)

Priority Issue #3: Adequate Funding for ADF&G and Fisheries Science

Success Elements Considered to be Agreeable to Most Alaskans

- ADF&G has funds required to:
 - Sustainably manage (harvest, habitat, etc.)
 - Manage based on science
 - Manage to the benefit of all users
 - Restore Habitat Division & resources back to ADF&G from DNR

Possible Actions to Success on Agreed Success Elements

- Eliminate "future, free" lifetime license, Alaska residency (*Action not likely supported by most Alaskans*)
- Commercial Fisheries Entry Commission (CFEC) generates \$1.5M additional dollars into ADF&G budget or research endowment
- New tax on sport and charter fish
 - Exported outside
- Fish landing tax and give to general fund (ADF&G as recipient)
- Work with DC delegation to amend Dingell-Johnson
 - Increased tax on retail recreation items
- Ask DC delegation to review Sustainable/Salmon/Fish fund and how the funds are distributed (22-0)
- Tax on sport fish derbies (*Action not likely supported by most Alaskans*)
- Silver/Sockeye salmon stamp (similar to king stamp)
- Be cognizant that some decrease in state expenditure may have outsized impact on federal money coming in
- Tax on Limited Entry permit sales
- Seek efficiency
 - More temps/interns
 - Retire/rehire
 - Contract for some services
 - Share the equipment and expertise between divisions

- o Use technology: such as video equipment for weir count. Drones?
 - Data Centric Database Systems
- o Virtual meetings
- o Increase cooperation among resource managers
 - State – federal
 - Inter – divisions
- o Online creel surveys versus mail (surveys)
- o Avoid bureaucratic overlap – top heavy areas?

Barriers to Further Success

- Trust
- Lack of transparency within funding mechanisms leads to lack of trust
- Public doesn't see need for tax
- No mechanisms or processes for local needs base
- Low profit margins and cyclical profits are difficult to tax
- Lack of understanding of dedicated vs undedicated funding sources: Agencies, public, legislators, users
- Lack of ability to adjust fees relative to inflation: Revenue indexing
- Long or blind feedback from funding source
- Percentage based cuts versus targeted
- We don't involve agency employees
- Program versus personnel cuts
- Personnel indexing
- Lack of administration personnel oversight
- High cost (disproportionate) of managing rural areas of state
- Lack of technology to improve efficiencies (Fish tickets, logbooks, etc.). No platform for sharing data between divisions or departments
- Bias to adopt homegrown technology
- Biased against contracting out services (website)
- Technological efficiencies not been considered or utilized
- No ability to track replication of data source/platforms not communicating. Reluctance to invite technology expertise on technological challenges

Actions to Address Barriers

- More transparency and education about funding mechanisms
- Better tracking of funds and taxes
- Provide ability to adjust fees relative to inflation and revenue indexing
- Shorter feedback loop between taxes/fees and their use – transparent
- Equitable taxation (Parity among stakeholders), one-time tax, amount based tax
- Alaska's fisheries resources generate 6 billion dollars in value per year to Alaska. We need to take that into account when we are seeking efficiencies and cost cutting.
- Actively engage agency employees and cost-cutting
- Address personnel costs
- Evaluate potential innovative outsourcing
 - o Technology expertise
 - o Technology platforms
 - o Scientific expertise (more biometricians for example)
 - o Overhaul/explore technology innovations (e.g. video cameras underwater at Weirs)

- o Digitize current paper reporting system
- Tele meetings/teleconferences by videos
- Include rural people/agencies in data collection
- Establish digital standards for data sharing between agencies and governments (State, Federal, and Tribal). Outsource!
- Administrative panel to review department and division personnel costs4. Science Over Politics

Priority Issue #4: Alaska Fisheries should be Managed based on Science over Politics

Success Elements Considered to be Agreeable to Most Alaskans

- Develop policies to ensure that the best available science is applied to management decisions
- Develop policies to require Board of Fisheries generated proposals adhere to public process like other proposals
 - o Enlarge, regionalize and professionalize the Board of Fish; Reopen conversation.
 - o Regional
 - o Explore possibilities
 - o Split shellfish from finfish
 - o Board selection process, board processes
 - o Review reoccurring problems
 - o Conflicts of interest issues
 - o Access and transparency to department "report" information
 - o Improve timely access to information
 - o Increase authority of advisory groups
 - o Ability of Alaska Board of Fisheries representative to speak, participate (re: conflict of interest related)
 - o Ask Governor to form a working group to consider Alaska Board of Fish reforms
 - o Consider forming a workgroup to review regional concerns
 - o Evaluation of Board of Fish process that results in changes and improvements
 - o Regionalization is good but need departmental support to these areas
 - o Recommend the Administration review and evaluate policies, procedures and practices of the Alaska Board of Fish, including the interaction between the Board and ADF&G, and provide a series of possible improvements to the overall process.
 - o Unanimous vote to adopt all points listed above as corresponding success elements for Priority Issue #4

Possible Actions to Success on Agreed Success Elements

- Adopt state legislation to require use of best available science, similar to or equal to Magnuson-Stevens Act National Standards
- The Governor or the Legislature should adopt policies requiring the Board of Fish generated proposals adhere to public process requirements like other proposals

Barriers to Further Success

- First action item above:
 - Administration and Legislature
 - Human factor
 - Money
- Second action item above:
 - People/resource come first
 - Area conflict
 - Resolution summit (all stakeholders)

Actions to Address Barriers

- A division within ADF&G that just does scientific, social and economic research in support of the BOF

Priority Issue #5: Locally Based Adaptive Fisheries Management

Success Elements Considered to be Agreeable to Most Alaskans

- Reenact Coastal Zone Management Program
- Have area managers based year round in the area they manage
- Real time management decisions based on science and run timing
- Well educated and informed legislators and administration

Possible Actions to Success on Agreed Success Elements

- Reenact Coastal Zone Management Program
 - Reenact a new coastal zone management program that incorporates the viewpoints of all stakeholders.
 - Introduce to Legislature in 2016 after input from relevant stakeholders and communities
- Have area managers based year round in the area they manage
 - Encourage an ANSEP style program for fisheries management
- Real Time management decisions based on science and inseason analysis
 - Encourage development and use of tools that improve the effectiveness of in-season decision-making
 - Encourage long-term development of capacity building at local levels during the season.
 - Encourage professional development program within ADF&G
- Well educated and informed legislators and administration
 - Encourage legislators and administrators to get out into communities to listen to the diversity of stakeholders

Barriers to Further Success

- Can Sitka model be replicated? Barriers:
 - Cooperation (State, business, individuals, subsistence definition)
 - Funding
 - Dual management
 - Enforcement
 - Scale and scope
 - Data

Actions to Address Barriers

- State expertise and data
- ID private, federal funding
- Create/support process to solicit and incorporate local ideas and knowledge with aim of creating a LAMP or other local management regime (State helps locals get to yes)
- Mediation