

ALASKA LEGISLATURE

1333

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

77

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

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

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
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STATE OF ALASKA

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FAX (907) 465-2029  
Mail Stop 3101

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

## MEMORANDUM

January 29, 1996

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

**TO:** Representative Alan Austerman  
Attn: Amy Austerman

**FROM:** George Utermohle *GU*  
Legislative Counsel

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

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

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

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

Representative Alan Austerman  
January 29, 1996  
Page 2

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

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

If I may be of further assistance, please advise.

GU:pl  
96-039.plm

# STATE OF ALASKA

## CHAPTER 94

as amended by Chapter 96, SLA 1959; Chapters 14, 131 and 180, SLA 1960; Chapters 21, 31, 62, 93, 102, 112 and 137, SLA 1961

### AN ACT

Relating to the fish and game resources of Alaska; providing for a Department of Fish and Game and its organizational structure; providing a code of laws relating to fish and game; providing for licensing and prescribing fees thereof; providing penalties for violations; repealing certain laws relating to the fish and game resources of the State; and providing for an effective date.

(H.B. 201)

Be it enacted by the Legislature of the State of Alaska:

#### Article I

##### The Department of Fish and Game

Section 1. Title of the Act. This Act shall be known and may be cited as the "Fish and Game Code of Alaska".

Sec. 2. Definitions. For the purposes of this Act, the following shall be construed respectively to mean:

- (a) "State": the State of Alaska.
- (b) "Department": the Alaska Department of Fish and Game.
- (c) "Board": the Alaska Board of Fish and Game.
- (d) "Commissioner": the Commissioner of the Alaska Department of Fish and Game.
- (e) "Person": the singular or the plural, including individuals, associations, partnerships, or corporations unless the context otherwise requires.
- (f) "Fish": all species of marine, anadromous, and fresh-water fish; amphibians, shellfish, and other invertebrates; or any of the foregoing that may be found or that may be introduced in the State of Alaska.
- (g) "Game": all species of birds and mammals, including feral domestic animals, found or that may be introduced in Alaska, except domestic birds and mammals; provided, however, that "game" as herein defined may be classified by regulation as big game, small game, fur bearers or such other categories as may be deemed essential for carrying out the intention and purposes of this Act.
- (h) "Take": taking, pursuing, hunting, fishing, trapping, or in any manner

disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game.

(i) "Sport fishing": the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board.

(j) "Resident": a person who for twelve consecutive months has maintained a permanent place of abode within the State and who has continually maintained his voting residence in the State; and in the case of a partnership, association, joint stock company, trust, or corporation, "resident" shall mean one that has its main office or headquarters in the State; provided, however, that any member of the military services who has been stationed in the State for the immediately preceding twelve consecutive months shall be considered a resident for the purposes of this Act, and the dependent of any such member, who has been living in the State for the immediately preceding year shall likewise be considered a resident for the purposes of this Act, provided further, that a person who is an alien but who for three years has maintained a permanent place of abode within the State, shall likewise be considered a resident for the purposes of this Act.

(k) "Nonresident": any person who does not qualify as a resident as herein defined.

(l) "Alien": any person, not a citizen of the United States, who does not have a petition for naturalization pending before the district court.

Bruce

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(m) "Visitor": any non-resident or alien who is temporarily sojourning in the State as a visitor or tourist.

(n) "Commercial fishing": the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of such fish, shellfish, or other fishery resources or parts thereof for profit, or by sale, barter, trade, or in commercial channels.

(o) "Commercial fisherman": an individual who fishes commercially for, takes or attempts to take fish, shellfish, or other fishery resources of Alaska by any means, and including every individual aboard boats operated for fishing purposes who participates directly or indirectly in the taking of the raw fishery products above mentioned, whether such participation be on shares or as employee or otherwise: provided, however, this shall not apply to anyone aboard a licensed vessel merely as a visitor or guest who does not directly or indirectly participate in the said taking, nor shall this apply to the wife of a commercial fisherman who does not receive income separate and distinct from that of her husband as a result of her participation. The term "commercial fisherman" shall also include the crews of tenders or other floating craft used in transporting fish.

(p) "Vessel": any floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the State.

(q) "Hunting": the taking of game pursuant to this Act and the rules and regulations promulgated thereunder.

(r) "Trapping": the taking of mammals declared by regulation to be fur bearers.

(s) "Guiding": accompanying, guiding, or assisting another person to take or photograph game, with the intent of receiving monetary or material remuneration for such services.

(t) "Fur dealing": engaging in the business of buying, selling, or trading in animal skins. The term shall not apply to a hunter or trapper selling the animal skins he has legally taken, or to a person, other than a fur dealer, purchasing animal skins for his own use.

(u) "Fish, fur, or game farming": the business of propagating, breeding, raising, or producing fish or game in

captivity for the purpose of marketing such fish and game or other products. The word "captivity" means having the fish or game under positive control, as in a pen, pond, or an area of land or water which is completely enclosed by a generally escape-proof barrier.

(v) "Taxidermy": the tanning, mounting, processing, or other treatment or preparation of fish or game, or any part thereof, as a trophy, for monetary gain, including the receiving of such fish or game or parts thereof for such purposes.

(w) "Subsistence fishing": the taking, fishing for or possession of fish, shellfish, or other fishery resources for personal use and not for sale or barter, with gillnet, seine, fish wheel, long line, or other means as defined by the Board.

(x) "Seizure": the actual or constructive taking of possession by an enforcement or investigative officer charged with enforcement of the fish and game laws of Alaska of any property, real or personal, subject to seizure under the provisions of this Act.

Sec. 3. Department of Fish and Game. The Alaska Department of Fish and Game referred to in this Act is the Department of Fish and Game created by the State Organization Act of 1959.

Sec. 4. Commissioner of the Alaska Department of Fish and Game. There shall be a principal executive officer of the Department to be known as the Commissioner of Fish and Game. The Commissioner shall be a qualified executive with knowledge of the requirements for the protection, management, conservation, and restoration of the fish and game resources of Alaska. The Commissioner shall be appointed for a term of five years. He shall have general supervision and control over the Department and may appoint and employ division heads, enforcement agents, and such technical, clerical, and other assistants as may be necessary for the general administration of the Department. He shall be charged with the duty of managing, protecting, maintaining, improving, and extending the fish and game resources of Alaska in the interest of the economy and general well-being of Alaska, and, except as hereinafter provided, shall have all necessary power to accomplish the foregoing including, but not limited to, the power to delegate authority to subordinate officers and employees of the Department.

# ALASKA TRAPPERS ASSOCIATION

P.O. Box 82177  
Fairbanks, Alaska 99708

March 5, 1996

Representative Pete Kelly  
Attn: Bruce Campbell  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Representative Kelly:

We would appreciate your looking into a problem that perplexes us.

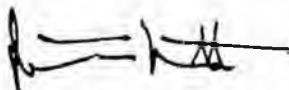
We recently submitted a Letter to the Editor for the News-Miner, taking issue with the appointments of Anne Ruggles and Doug Bowers to the Tanana Valley State Forest Citizens' Advisory Committee. Ruggles of course because of her anti-hunting/trapping philosophy and Bowers because he operates an eco-tourism business on State lands from his cabin on private property at the mouth of the Tolovana River, without a Commercial Recreation Permit/Registration.

Sam Bishop called Division of Lands to confirm the accusation in our letter. He confirmed that Bowers had not paid the fee and did not hold the permit. But he was told by the Division that they "didn't know if Bowers needed one" because they had no way of knowing the scope of his operation on State land!" Thus Bishop edited out the paragraph about Bowers.

It seems very unfair that Division of Land only enforces their requirement for a permit against commercial operators who are law-abiding (or foolish) enough to apply. Hunting guides of course are forced to do this to obtain permission from Dept of Commerce to guide on State land. We continually hear of how important the eco-tourism businesses are on the State Forest (and how timber harvest should be cut back to accommodate them,) but to date, not a one has paid the fee and obtained a permit.

Would you be kind enough to look into this terrible inequity? We feel it is inappropriate for Division of Land to selectively enforce the law.

Sincerely,



Steve Potter, Director

Dennis W. Wade  
P. O. Box 1848  
Homer Alaska 99603-1848

March 22, 1996

Finance Committee  
Alaska State Legislature  
State Capitol( (MS3100) Room 519  
Juneau, Alaska 99801-1182

Co Chairs: Mark Hanley and Richard Foster

Representatives: Eldon Mulder, Sean Parnell, Pete Kelly, Gene Therriault, Terry Martin, Vic Kohrig, Kay Brown, Ben Grussendorf and Mike Nevarre.

Concerning HB 335 relating to big game guides and transporters and HB 175 relating to licensing of sport fishing guides:

Dear Finance Committee Persons;

It only seems logical to me that both these bills concerning guiding be combined to simplify licensing and administration. Both are commercial service industries and should be maintained in a similar and professional manner.

After a fairly thorough review of the working draft of HB 335 dated 3/8/96 I suggest these changes:

First the label we should have is **BIG GAME MASTER GUIDE OUTFITTER and REGISTERED GUIDE OUTFITTERS and TRANSPORTERS.** Alaska does not need to confuse the public in a multi--million dollar industry by having different labels than every other state and province in North America. People who provide guide services and guide hunters and guide fishermen are Outfitters. We fought through this battle several years ago. The wheel does not need to be reinvented. Better bearings or some new ones may be needed but a wheel is still a wheel and an Outfitter is an Outfitter. Alaska cannot afford a situation where anyone can go in and purchase a business license and call themselves an outfitter.

Page 5 line 30 should have the addition to the end of it," within the past five years." This should also be added to the line ending on page 8 line 15 and again in line 18, etc.

Page 10, line 32, 500 hours. What was wrong with the old 250 of flying time. 300 hours possibly but 500 seems excessive.

Page 13, lines 6-8. This concerns licensee's obstruction or hindering lawful hunting by other persons or parties: This should have more substance to it. Like if convicted a license revocation for one to several years. This should also include fish guides.

Page 13, Line 17, should read: a use area for which the guide is not registered under AS08....

Page 14, lines 19-29. These paragraphs disturb me quite a lot as it appears that this is trying to usurp the power of the courts and could be an abuse of power.

Page 14, line 30-pg. 15, ln. 2 RESPONSIBILITY OF GUIDE FOR VIOLATIONS. This is getting absurd. This is like saying that if one of your aids gets into an accident while in your employ that you are as responsible as they. I could make more colorful and descriptive analogies than this, however I hope you see the point. If a guide outfitter is involved in or knows about and fails to report then things should get heavy.

Page 15, line 4: (a) At least [30] 10 days before...

Page 16, lines, 29- page. 17 ln. 4. This must be re written I have read it ten times and it is unclear what is meant. It sounds as a guide is not to stalk game with his client. Furthermore it must be spelled out that a transporter is not to glass or spot game for clients or for himself while clients are physically with the transporter.

Page 17, lines, 18-21, to outfit, is synonymous with guiding.

Page 19, lines, 30- page. 20, ln. 11, is unclear to me as I do not have the AS that is mentioned. These should be clarified in the final document.

Fees for non resident guides of all classes should be three times as high for non resident guides and non resident transporters

It has just been brought to my attention that the regulation concerning a felony within the last ten years is new. Sec. 08.54.610. How can totally unrelated crimes be pertinent to guiding and aren't their different classes of felonies? I am lead to understand that under the "Qualifications for License section," felonies are not mentioned and that it is rarely mentioned in "Unlawful Acts section" I have not been able to research this because of unavailability of booklets by the Department of Commerce in Homer,

~~A Dealer may be sanctioned if he has been convicted, including conviction~~ based on a guilty plea of nolo contendere: of a felony or other crime if the felony, or other crime is substantially related to the qualifications, functions, or duties of the licensee. For dentists it says, "Ground for discipline, suspension or revocation of license." "Has been convicted of a felony or other crime that affects the

licensee's ability to practice competently and safely."

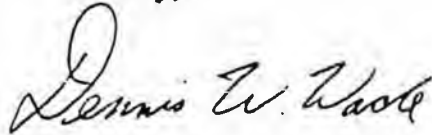
Why are we guides to have more restraints put on us than Doctors? This section on felonies should be removed or rewritten, at the least worded like the medical board.

I do not see in this work draft of the guide legislation that all classes of guide outfitters, assistant guides and transporters be required to have a current First Aid and C.P.R. card, this should be included.

I truly hope that my comments and recommendations will get your thoughtful consideration. There are alot of Alaskan jobs and millions of dollars of direct and indirect revenues that come to Alaska from this industry. 95% of the guide outfitters in Alaska are very honest, straightforward business people who care a great deal for Alaska's People and Natural Resources.

Please give us law that is fair and equitable so we may continue to conduct our business's.

Sincerely,

A handwritten signature in cursive script that reads "Dennis W. Wade". The signature is written in dark ink and is positioned above the printed name.

Dennis W. Wade

INTERNATIONAL PACIFIC HALIBUT COMMISSION

MEMBERS  
ALAN AUSTERMAN  
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ALAN SHEPPARD  
ALAN SHEPPARD

TELEPHONE  
206/452-1878  
FAX  
206/452-2983

February 15, 1995

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

Dear Representative Austerman:

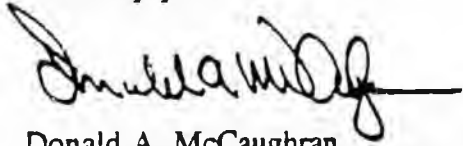
The International Pacific Halibut Commission (IPHC) would like you to know we strongly support the passage of House Bill No. 175, dealing with sport catch reporting by sport fishing guides.

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

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

Thank you for your consideration.

Sincerely yours,



Donald A. McCaughran  
Director

DAM:ps

RECEIVED  
FEB 20 1995  
Ans'd.....

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

January 17, 1995

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

Dear Alan,

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

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

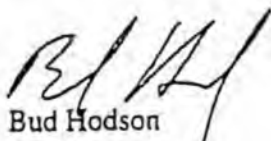
The Task Force believes that a comprehensive licensing system is needed to better define this diverse industry. The proposed licensing system provides needed definitions for companies and individuals who provide sport fishing guiding, chartering, and outfitting services. Through such definitions, it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

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

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

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

Sincerely,



Bud Hodson

Chair, Sport Fishing Guide/Charter/Outfitter Task Force

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

**ATTACHMENTS:**

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

## MISSION STATEMENT GUIDE/CHARTER TASK FORCE

April 14, 1995

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

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

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

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

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

### Task Force Members

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

**Ken Dole**  
Waterfall Resort, Ketchikan  
(907) 225-9461

**Ken Parker**  
Juneau Charterboat Association  
(907) 789-0702

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

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

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

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

**Pat Carter**  
Recreational anglers, Anchorage  
(907) 485-7647

**Lynn Whitmore**  
Chairman, Homer Advisory Board  
(907) 235-2218

# **SPORT FISHING GUIDE/CHARTER/OUTFITTER TASK FORCE**

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

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

### ***SPORT FISHING SERVICES OPERATOR LICENSE***

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

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

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

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

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

#### Definitions:

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

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

#### **SPORT FISH GUIDE LICENSE**

A natural person may not guide another person in the taking of or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations without first obtaining a **SPORT FISH GUIDE LICENSE** from the Alaska Department of Fish and Game or hold a valid a **SPORT FISHING SERVICES OPERATOR LICENSE** from the Alaska Department of Commerce and Economic Development. A **SPORT FISH GUIDE** must meet the following requirements while guiding:

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

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

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

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

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

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

#### Definitions:

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

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

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

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

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

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

# Goodhand Charters

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

FAX TRANSMITTAL

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

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

FAX: \_\_\_\_\_ PHONE: \_\_\_\_\_

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

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

DATE: 1/10/96

PAGES: LOTS and LOTS [including cover sheet]

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

Thank You, John Goodhand



Jeka

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

November 30, 1995

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

Dear ADF&G Division of Sport Fish,

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald T. Jeka".

Gerald T. Jeka  
President

SEAL SOUNDING WHARFERS

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

2-2-95

Date 12/11/95

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

Task Force Members

My thoughts are as follows.

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

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

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

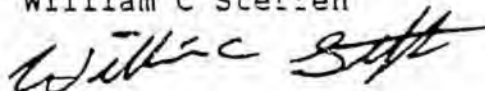
If records is made mandrory the records should be kept confidential and not available to the public, keep reporting forms simple.

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

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

Thank you for your  
Time and Consideration

William C Steffen



---

WILLIAM C. STEFFEN

12. 14. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Jon James Adventures  
Ltd.  
**Jon James**

James

(A)

December 4, 1995

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

FAX Transmittal to 267-2424; total of 1 page

RE: Statewide licensing proposal for sport fishing guides

Dear Mr. Vincent-Lang:

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

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

Thanks for addressing my concerns.

Sincerely,



Jon James, Owner  
Jon James Adventures

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



SUMMER ONLY  
P.O. Box 708  
WHITTIER, ALASKA 99693  
PHONE: (907) 472-2493  
FAX: (907) 472-2491

*Private, personalized charters in Prince William Sound from Whittier*

CAPTAIN MARILYNN N. HEDDELL, OWNER  
CAPTAIN G.P. (PETE) HEDDELL, AGENT

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

November 29, 1995

Dear Sir,

By way of introduction, my wife Marilyn and I have operated a marine charter service from Whittier since 1988 specializing in the western half of Prince William Sound. In the past 7 years we have witnessed increased usage of the sound by recreational people and those involved in commercial operations.

Unfortunately some of this usage has had an adverse impact in that there are too few facilities to accommodate the different users. An example is the area of Lake Bay on Esther Island. This area is home to a fish hatchery that supports the commercial salmon fishing. The near proximity to Whittier also brings the recreational users to this area to fish, boat and occasionally attempt to camp ashore. When the fish are running the air taxi operations from Anchorage also bring people to this area to fish from shore.

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

Thank you for reconsidering this matter.

Sincerely yours,

Pete and Marilyn Heddehl

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

# Talkeetna River Guides

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



Sousa  
A

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

Dear Mr. Vincent-Lang,

After reading the proposals I received in the mail dated November 1, 1988, from the Alaskan guide/charter industry, I cannot help but comment that I feel you left out one of the most important items in our industry "a **FLOTATION REQUIREMENT**" (and I am not just talking about a seat cushion).

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

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

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

Sincerely,

  
Gerald Sousa, Registered Guide

417

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

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

5 December 1995

RE: ALASKA GUIDE/CHARTER TASK FORCE

Dear Doug,

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

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

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

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

Thank you for the opportunity to comment on this proposal.

*Kenneth T. Alt*

Kenneth T. Alt  
Owner/Guide



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

December 1, 1995

Dear Mr. Vincent - Lang,

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

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

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

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

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

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

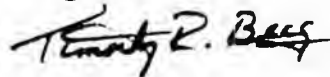
Somehow I believe that members of the task force are not aware of what is involved to operate or guide on the Kenai Peninsula. Evidently, they do not have to meet the same requirements that we do, or they would not be proposing any additional licensing. Possibly, there is a hidden agenda behind this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

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

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

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

Regards,



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

Bouska

November 15, 1995

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

Attention: Mr. Doug Vincent-Lang  
Guide Registration Program

Mr. Lang:

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

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

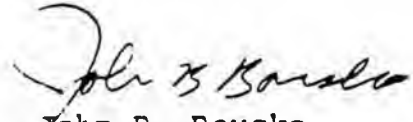
Our question to you I believe would be, are these people really licensed? If so, are they ever checked? Have you had other complaints? I can't believe you have not. Mr. Wooderson was by far the most unprofessional guide we have ever had the misfortune to encounter. He had absolutely no concept of safety.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

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

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

Thank you

Sincerely

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



Greg Boyd  
Registered Guide

13 December 1995

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

REF.: Alaska Guide/Charter Task Force Licensing Proposal

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

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

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

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

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

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

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

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

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

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

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

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

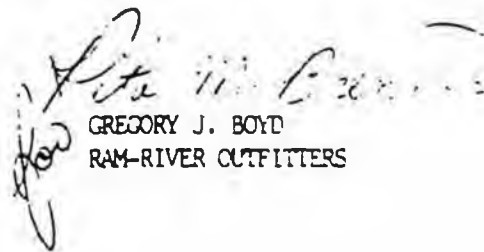
COMMENT #6: We are opening a can of worms anytime we try to regulate an industry as complex and diverse as our state. I believe that it is important to have broad guidelines, but each unique area should be managed separately. The Kenai River operations and salt water charter boats and sports fishing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

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

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

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

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

  
GREGORY J. BOYD  
RAM-RIVER OUTFITTERS

**Kaleidoscope Cruises**

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

Bricker

(A)

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

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

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

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

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

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

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

|  |                   |                |            |
|--|-------------------|----------------|------------|
| Post-It® brand fax transmittal memo 7871 |                   | # of pages = 2 |            |
| To                                       | Doug Vincent-Lang | From           | B. Bricker |
| Co.                                      |                   | Co.            |            |
| Dept.                                    |                   | Phone #        |            |
| Fax #                                    |                   | Fax #          |            |

Vincent-Lang

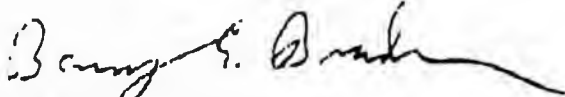
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November 30, 1995

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

Thank you.

Sincerely,



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

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

Norm and Linda Carson

Carson

November 26, 1995

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

Dear Mr. Vincent-Lang:

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

My experience in the fisheries arena is:

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

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

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

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

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

(907) 735-2460 Pelican



2. Operator and client safety are best served through:

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

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

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

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

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

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

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

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

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

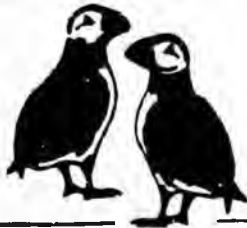
In conclusion, I urge the committee to reject mandatory insurance. Increase the license fees to cover the cost of enforcing operator and vessel standards but keep us out of the hands of the insurance companies. If the legislature is willing to allow licensed gun toting citizens to be uninsured, they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

Thank you for considering these remarks.

Sincerely,

*Norm Carson*

Norm Carson



## PUFFIN CHARTERS, INC.

Fishing · Sightseeing · Cruising  
 the  
 Waters of Southeast Alaska

*Chetram*

December 5, 1995

Dear Representative Austerman:

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

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

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

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

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

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

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

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

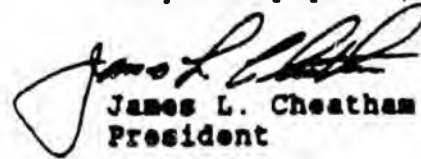
We also suggest provision be made for sport fish guides who are  
 4418 Mint Way • Juneau, Alaska 99801 • Phone: (907) 789-0001

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

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

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

Very truly yours,



James L. Cheatham  
President

## **COPPER VALLEY FISH GUIDES**

AT GULKANA RIVER RANCH

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

PO BOX 288  
GAKONA, ALASKA 99586  
PH/FAX 907-822-3131

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

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

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

I have two reasons for asking this question.

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

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

**VALDEZ FISH & GAME ADVISORY COMMITTEE**

**Chairman: Mr Pat Day**

**PO Box 788**

**Valdez, Alaska 99686**

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

20 Dec 1995

Dear Mr Doug Vincent-Lang

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

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

This committee strongly opposes this proposals for the following reasons:

**OPPOSITION OVERVIEW:**

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

**COMMENTS FROM THE PUBLIC:**

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

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

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

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

Sincerely

A handwritten signature in black ink, appearing to read "Pat Day", enclosed within a large, loopy circular flourish.

Pat Day

Chairman

Valdez F&G Adv.

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

A

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

Duncan

Nov. 27, 1995

I ask that the Board of Fish, the House Special Committee on Fisheries, and the Fishing Guide licensure task force to recognize and admit or refute and defend the following statements #1-15.

- 1) The legislature has repeatedly failed to pass a sport fishing guide licensure statute because of opposition from the guides and the public.
- 2) The appointed task force has no voting representative representing the interior and northern regions.
- 3) The Task force was appointed in Anchorage with no prior notice and was pro-licensure from the beginning.
- 4) The task force, the Board of Fish, and the House Special Committee on Fisheries initially made no effort to obtain the list of Registered fishing guides from the Dept of F.&G. and contact them for input or opinions.
- 5) Fish and Game's primary need is for information on how many fish are caught, where they are caught, who catches them and whether they are guided or unguided is not a primary concern of management but rather a concern of sport/commercial/subsistence and resident, non-resident and non-resident alien allocations.
- 6) Licensure will not stop illegal guiding including operating with out use permits, poaching, etc...
- 7) Licensure as apposed to registration, will place substantial and sometimes insurmountable road blocks in front of small subsistence fish guiding operations particularly village guides and part time guides.
- 8) Road Blocks such as USCG Licensure and other will cost all guiding operations time, trouble and money and that additional cost will affect small operations proportionally more. (Beat down the small guy run him out of business and make him an outlaw.)
- 9) Costly Road blocks will encourage non compliance from small subsistence guides, therefore actually creating violators.
- 10) The Interior and Northern Regions do not have the problems (over crowding, foreign operators, mother ships, poaching, lack of enforcement, etc...) that cause SOME S.E. S.C. & S.W. guides to ask for licensure.
- 11) The Interior Region of the Dept. of Fish & Game does not recommend licensure and feels that their needs can be adequately met with the current registration and harvest questionnaires.
- 12) The words "confidential information", as used in context with guides reporting, really means that the information can and is routinely forwarded to and used by many different federal, state and local agencies including, F&WP, Child Support Enforcement,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Insurance \$650/yr min.

State Land use Permit \$350/yr min.

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

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

Mandatory Fishing License \$15.

Business License \$25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

  
Don Duncan

FAX

To: DOUG VINCENT-LANG Date: 11/28

pages: 6



From: Jim Marcotte

Regional Coordinator  
Boards Support Section  
Alaska Department of Fish and Game  
1300 College Road  
Fairbanks, AK 99701-1599

phone: 907-474-8634, fax: 907-474-8558



DON DUNCAN ASKED ME TO SEND  
THIS ALONG TO YOU SO THAT YOU  
COULD DISTRIBUTE IT TO THE  
ALASKA GUIDE TASK FORCE MEMBERS.

THANKS

[Empty lined area for additional text]

November 30, 1995

Mark Emery  
PO Box 516

Ocklawaha, FL 32179

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

Dear Doug,

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

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

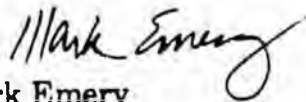
So my fellow guides and I have been paying the insurance fees, maintaining Coast Guard Captain's licenses, taking courses yearly on CPR and First Aid, and paying a fee to be commercial operators in Katmai National Park, meanwhile by simply declaring that they are not guides, this group is seemingly exempt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

Needs Enforcement

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

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

Yours truly,

A handwritten signature in cursive script that reads "Mark Emery". The signature is written in dark ink and is positioned above the printed name.

Mark Emery

Erickson 1A

— Ventures North —

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

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

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

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

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

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

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

Another area in which I believe you dropped the ball concerns the Non-Resident Fishing Guide Charter Outfitter. To qualify as an Alaska Hunting Guide you must be at least 21 years of age, demonstrate practical field experience and competence, be familiar with the area in which you wish to operate, and have legally hunted in the State for five years. When we consider the Fishing Guide Charter Outfitter would it not be prudent to require something similar? The fishing situation in Washington and Oregon has, in the last couple of years, pushed a great many non-resident boats into Alaskan waters. What with the concerns over Salmon allocation I think something other than a 55 Non-Resident Sport Fishing Services Operators License is required.

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

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

*Thank you.*

*Chris Erickson*

**Bill of Rights, Amendment II**

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

Hayes

RON HAYES'  
**ALASKA RAINBOW LODGE**

P.O. Box 39

King Salmon, Alaska 99613

1-800-451-6198



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

December 5, 1995

Dear Mr. Vincent-Lang:

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

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

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

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

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

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

Mr. Doug Vincent-Lang--ADFG

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

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

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

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

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

PO Box 10459  
Fort Worth, TX 76114-0459

Sincerely,



Ron Hayes

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

December 6, 1995

Dear Mr. Vincent-Lange:

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

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

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

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

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

12/06/95

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

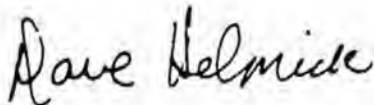
In the past, ADF&G in Southeast has required registration of charter boats and freshwater sport fishing guides. There is no fee structure, no accounting for lodges, mother ships, etc., and no penalties for not registering. Anybody and everybody whether they actually had a sport fish charter business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

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

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

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

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



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

December 21, 1995

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

Dear Mr. Vincent-Lang:

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

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

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

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

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

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

Page 2

Sport Charter Regulations

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

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

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

Sincerely,



Shapleigh W. Howell

SWH:sbh

K 32 ↓



# ALASKA RIVER CHARTERS

P.O. Box 81516 Fairbanks, Alaska 99708 PH (907) 455-6827 FAX (907) 455-4041  
Owner/ Operator Robert L. (Bob) Krize

Wednesday, December 6, 1995

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

Dr. Mr. Lang:

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

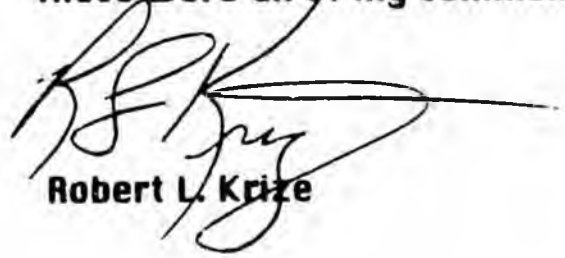
1) I am against any licensing requirements for fishing guides. I believe over regulation is counter productive to my business and other businesses like mine in interior and far north Alaska.

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

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

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

These were all of my comments. Thank you.



Robert L. Krize

Letarte

(A)

**\* WILDERNESS ENTERPRISES \***

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



DECEMBER 2, 1995

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

DEAR MR. LANG:

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

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

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

\* WILDERNESS ENTERPRISES \*

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



- 2 -

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

YOURS TRULY,

JOSEPH M. LETARTE

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



# Wanderin' Star Charters, Inc.



CAPT. GARY L. McCOY

(A)

11/25/95

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

Dear Mr. Lang:

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

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

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

← Good Point

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

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

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

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

*gy McLean*  
President

# Alaska Salmon Guaranteed Charters.

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

Captain Mike Millar  
4510 Prospect Way  
Juneau, AK 99801  
(907) 780-9345

November 29, 1995

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

✓ (2)  
Millar  
Read This!!!

Dear Mr. Vincent-Lang:

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

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

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

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

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

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

# Alaska Salmon Guaranteed Charters.

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

Captain Mike Millar  
4510 Prospect Way  
Juneau, AK 99801  
(907) 780-9345

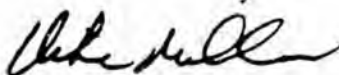
Mr. Doug Vincent-Lang  
November 29, 1995  
Page 2

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

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

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

Sincerely,



Mike Millar  
Salmon Guaranteed Charters

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

(H)

Mitchell

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

November 29, 1995

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

Dear Mr. Vincent-Lang:

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

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

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

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

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

Thank you for considering my opinions.

Sincerely,  
Stacey Mitchell  
Aurora Charters

VALDEZ CHARTER  
BOAT ASSOCIATION

Written Comments to EC315  
please distribute to Club members

Petre

To: The Alaska Guide/ Charter Task Force

From: Dennis Petre

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

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

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

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

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

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

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

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

program.

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

Must be a United States citizen.

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

1. Alaska Business License
2. Proof of liability insurance

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

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

Sincerely:



Dennis Petre

President: Valdez Charter Boat Association

# ARCTIC GRAYLING GUIDE SERVICE

P.O. Box 83707  
Fairbanks, Alaska 99708

Attention: Doug Vincent-Lang

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

(907) 267-2339

Mr. Lang,

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

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

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

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

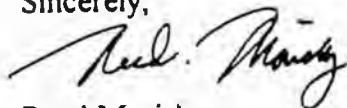
1. The insurance requirement of \$300,000/\$500,000 (occurrence/aggregate) seems quite high. I recently spoke with Bonnie McKay of Alaska Business Insurance in Anchorage (1-800-770-1825/ 694-6860) and was told that as far as she knew, all other state and federal land managers and agencies are only requiring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

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

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

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

Sincerely,

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

Reed Morisky  
Owner/Guide

MUSILEK ☺

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

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

Dear Sir,

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

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

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

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

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

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

Sincerely,

*Wayne Musilek*

Wayne Musilek

(A)

Searles

6

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

11-27-95

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

RE: Alaska Guide/Charter Task Force Licensing Proposal

Dear Mr. Vincent-Lang

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

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

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

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

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

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

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

Thank you.

Sincerely,

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

Keith A. Searles

cc: Governor Tony Knowles

(A)

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

*Tudor*

Doug Vincent-Lang  
ADF&G  
Anchorage, AK

Dear Sir:

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

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

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

Yours truly,

*James C. Tudor*  
James C. Tudor

IFSH House Special Committee on Fisheries held December 6, 1995

Wallis V =

Testimony on Guide/Charter Task Force for statewide licensing

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

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

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

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

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

The proposed "Tier 2" license is confusing.

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

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

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

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

Wilson

1  
⊕  
Gilbert Wilson  
P.O. Box 2697  
Kodiak, AK 99615  
(907) 486-5478

November 28, 1995

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

Dear Mr. Vincent-Lang,

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

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

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

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

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

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

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

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

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

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

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

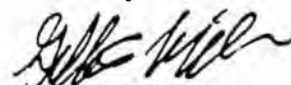
Current behavior such as found at Kaluda Bay Lodge where passengers are transported to fishing spots via an unlicensed operator on a small nineteen foot Lund skiff needs to be addressed. Behavior found at Seal Bay Lodge involves the owner being licensed and the three or four vessels operated by the unlicensed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

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

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

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

Sincerely,



Gilbert Wilson  
Agent/Operator  
Bayview Charters, Inc.

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

January 16, 1996

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

RE: Sport Fish Guide-Operator Licensing

Dear Doug:

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

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

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

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

Thank you for the opportunity to comment.

Sincerely yours,

Kenneth T. Alt  
Owner-Guide

**KENAI RIVER GUIDES ASSOCIATION**

P.O. Box 251 Soldotna Ak. 99669

Representative Alan Austerman  
State Capitol  
Juneau Ak.

Dear Representative Austerman;

The Kenai River Guides Association (KRGAs) thanks you for your work with HB175 for the best interest of the fishing guide industry in Alaska. We would also ask that at this time you include an amendment in your bill that would add a three year history with the sportfishing license requirement that is currently in the bill. KRGAs feels this requirement would benefit the industry in that it would show a level of experience for guide license holders. KRGAs understands that this requirement is met in the hunting guide regulations and feels that the sportfishing guiding industry should also comply with having an annual Alaska fishing license for three years before becoming a state licensed guide.

Sincerely,

Joe Hanes  
President, KRGAs

C.C.  
Representative Gail Phillips  
Representative Mark Hanley  
Representative Joe Green  
Representative Eldon Mulder  
Ben Ellis KRSI  
Phil Cutler ASA  
Bruce Knowles, Mat-Su Guides

**HB**

**175**

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1996 LEGISLATIVE SESSION

Revision Date: April 19, 1996

Dept. Affected: Public Safety

Title: Sport fish guide licensing

BRU: Fish & Wildlife Protection

Component: Enforcement & ISU

Sponsor: Representative Austerman

Requestor: H. Rules

COMPONENT SERIAL NO. 0490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING              | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES      | 50.0  | 95.4  | 95.4  | 95.4  | 95.4  | 95.4  |
| TRAVEL                 | 0.0   | 5.0   | 5.0   | 5.0   | 5.0   | 5.0   |
| CONTRACTUAL            | 0.0   | 4.8   | 4.8   | 4.8   | 4.8   | 4.8   |
| SUPPLIES               | 0.0   | 1.1   | 1.1   | 1.1   | 1.1   | 1.1   |
| EQUIPMENT              |       |       |       |       |       |       |
| LAND & STRUCTURES      |       |       |       |       |       |       |
| GRANTS, CLAIMS         |       |       |       |       |       |       |
| MISCELLANEOUS          |       |       |       |       |       |       |
| TOTAL OPERATING        | 50.0  | 106.3 | 106.3 | 106.3 | 106.3 | 106.3 |
| CAPITAL EXPENDITURES   | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |
| CHANGE IN REVENUES ( ) | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |
| Code Revenue           |       |       |       |       |       |       |

FUNDING: (Thousands of Dollars)

|                          |      |       |       |       |       |       |
|--------------------------|------|-------|-------|-------|-------|-------|
| 1002 Federal Receipts    |      |       |       |       |       |       |
| 1003 GF Match            |      |       |       |       |       |       |
| 1004 GF                  |      |       |       |       |       |       |
| 1005 GF/Program Receipts | 50.0 | 106.3 | 106.3 | 106.3 | 106.3 | 106.3 |
| 1006 GF/MHTIA            |      |       |       |       |       |       |
| Other                    |      |       |       |       |       |       |
| TOTAL                    | 50.0 | 106.3 | 106.3 | 106.3 | 106.3 | 106.3 |

Estimate of current year (FY 96) impact: \$ 0 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See Page 2 of 2.

Prepared By: Captain Richard L. Graham, Operations Commander

Phone: 269-5589

Division: Fish & Wildlife Protection

Date: 04/19/96

Approved by Commissioner: *Ronald L. Otte*

Date: 4/19/96

Agency: Ronald L. Otte, Department of Public Safety

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

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ANALYSIS:

This bill provides for licensing qualifications for sport fish guides to include licensing fees, reporting requirements, certain performance standards, and penalties for failure to comply with provisions. The Department of Fish & Game and the Division of Fish & Wildlife Protection believe the enforcement of these provisions is paramount to insure quality standards for the sport fish guiding industry. Thus \$50,000 will be provided to the Division of Fish & Wildlife Protection from the program receipts through a Reimbursable Services Agreement to fund an investigator/trooper for the second half of FY97. An RSA will be established in the estimated amount of \$106,300 for subsequent fiscal years to fully fund the investigator position.

# ISCAL NOTE

No. 2  
 Bill Versic CSHB 175(FIN)  
 (H) Publish Date: 4/17/96

STATE OF ALASKA  
 1996 LEGISLATIVE SESSION

Revision Date: 4/17/96 Dept. Affected: Fish and Game  
 Title: Sport fish guide licensing BRU: Sport Fish  
 Component: Sport Fish  
 Sponsor: Rep. Auaterman  
 Requester: House Finance COMPONENT SERIAL NO. 404

**Expenditures/Revenues** (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 97        | FY 98        | FY 99        | FY 00        | FY 01        | FY 02        |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES      | 58.8         | 65.2         | 65.2         | 65.2         | 65.2         | 65.2         |
| TRAVEL                 | 2.0          | 2.0          | 2.0          | 2.0          | 2.0          | 2.0          |
| CONTRACTUAL            | 5.0          | 5.0          | 5.0          | 5.0          | 5.0          | 5.0          |
| SUPPLIES               | 4.3          | 4.3          | 4.3          | 4.3          | 4.3          | 4.3          |
| EQUIPMENT              | 4.9          |              |              |              |              |              |
| LAND & STRUCTURES      |              |              |              |              |              |              |
| GRANTS, CLAIMS         |              |              |              |              |              |              |
| MISCELLANEOUS          | 50.0         | 100.0        | 100.0        | 100.0        | 100.0        | 100.0        |
| <b>TOTAL OPERATING</b> | <b>122.8</b> | <b>176.5</b> | <b>176.5</b> | <b>176.5</b> | <b>176.5</b> | <b>176.5</b> |

|                      |     |     |     |     |     |     |
|----------------------|-----|-----|-----|-----|-----|-----|
| CAPITAL EXPENDITURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|----------------------|-----|-----|-----|-----|-----|-----|

|                           |       |       |       |       |       |       |
|---------------------------|-------|-------|-------|-------|-------|-------|
| CHANGE IN REVENUES (1024) | 181.7 | 181.7 | 181.7 | 181.7 | 181.7 | 181.7 |
|---------------------------|-------|-------|-------|-------|-------|-------|

**FUND SOURCE** (Thousands of Dollars)

|                                 |              |              |              |              |              |              |
|---------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts           |              |              |              |              |              |              |
| 1003 GF Match                   |              |              |              |              |              |              |
| 1004 GF                         |              |              |              |              |              |              |
| 1005 GF/Program Receipts        |              |              |              |              |              |              |
| 1037 GF/Mental Health           |              |              |              |              |              |              |
| Other (Fish and Game Fund-1024) | 122.8        | 176.5        | 177.6        | 176.5        | 176.5        | 176.5        |
| <b>TOTAL</b>                    | <b>122.8</b> | <b>176.5</b> | <b>176.5</b> | <b>176.5</b> | <b>176.5</b> | <b>176.5</b> |

Estimate of any current year (FY96) cost: \$ 0

**POSITIONS**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 3 | 3 | 3 | 3 | 3 | 3 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

**ANALYSIS:** (Attach a separate page if necessary)

See attached page.

Prepared by: Kevin Delaney  
 Division: Sport Fish  
 Approved by Commissioner: Frank Rue  
 Agency: Fish and Game

Phone: 267-2224  
 Date: 4/17/96  
 Date: 4/17/96

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1.) Operational Expenditures to Administer License Sales:

|                     |   |        |
|---------------------|---|--------|
| • Personal Services | 1) Admin Clerk I for 6 months                     | \$15.7 |
| • Contractual:      | 1) Postage  | \$ 1.2 |
|                     | a) mail out applications (0.32 times 4000)        | \$ 1.2 |
|                     | b) mail out licenses (0.32 times 4000)            | \$ 0.6 |
|                     | 2) Telephone (50/month)                           | \$ 1.0 |
| • Supplies:         | 1) License forms (4000)                           | \$ 0.3 |
|                     | 2) Letterhead, envelopes, application forms, etc. | \$20.0 |
|                     | Total   |        |

- The majority of these licenses will be sold in the first half of the calendar year.
- It is estimated that a total of 2050 licenses will be sold annually. For the first year of a program such as this we should be prepared to handle almost double that number of applications and licenses. In future years, the program will be streamlined.

2.) Operational Expenditures for Program Oversight:

The bill stipulates that the department "shall collect inseason information from sport fishing services operators on the number of king salmon, sockeye salmon, coho salmon, chum salmon, and halibut taken by client and fishing guides during the provision of fishing guide services." To comply with the mandated reporting requirements the Department feels it will be necessary to develop a log book, or similar program for licensed businesses. The Department estimates that it will cost approximately \$56,500 annually (with a one-time equipment expenditure making the FY97 operational expenditures total 61.4) to implement this reporting requirement and comply with the inseason reporting intent of the language. A breakdown of these costs follows:

|                       |                                      |        |
|-----------------------|--------------------------------------|--------|
| Personal Services     | 1) Accounting Clerk III for 5 months | \$15.1 |
|                       | 2) Fishery Biologist II for 8 months | \$34.4 |
| Travel                |                                      | \$ 2.0 |
| Contractual           |                                      | \$ 2.0 |
| Supplies              |                                      | \$ 3.0 |
| Equipment (FY97 only) |                                      | \$ 4.9 |
|                       | Total                                | \$61.4 |

For FY 97 only 6 months of funding will be provided for the fishery biologist position.

3.) Operational Expenditures for Enforcement:

The bill establishes penalties for failure to comply with the provisions of the bill. To assure compliance, the Department feels it is necessary to provide adequate enforcement. Thus, \$100,000 will be given to the Department of Public Safety through an RSA to fund one full-time enforcement officer to police the guide industry. Only \$50,000 will be RSA'd in FY97. These moneys are listed under Miscellaneous operating expenses. It must be noted that Public Safety may have to add an additional position if this bill is passed.

4.) Assumptions Used for Licenses Sales Revenue Calculations:

- Under this bill, three types of licenses will be sold. Expected revenues to the Fish and Game fund from these licenses is:

|                                 | <u>Estimated<br/>Number</u> | <u>Licenses<br/>Cost</u> | <u>Estimated<br/>Revenue</u> |
|---------------------------------|-----------------------------|--------------------------|------------------------------|
| Service Licenses:               |                             |                          |                              |
| Resident:                       | 275                         | 75                       | \$20,625                     |
| Non-Resident                    | <u>125</u>                  | 275                      | <u>\$28,125</u>              |
| Subtotal                        | 400                         |                          | \$48,750                     |
| Guide Licenses:                 |                             |                          |                              |
| Resident:                       | 600                         | 25                       | \$15,000                     |
| Non-Resident                    | <u>150</u>                  | 75                       | <u>\$11,250</u>              |
| Subtotal                        | 750                         |                          | \$26,250                     |
| Combined Service/Guide License: |                             |                          |                              |
| Resident                        | 625                         | 75                       | \$ 46,875                    |
| Non-Resident                    | <u>275</u>                  | 225                      | <u>\$ 61,875</u>             |
| Subtotal                        | 900                         |                          | \$108,750                    |

- Since the guide license will be sold through the existing vendor system, 5% of the revenues generated from the sale of the guide licenses will be retained by the vendors, plus \$1 per license. thus, \$2,062 must be subtracted from the total.
- Revenues will be received in the first half of calendar year.

Total expected revenues to the Fish and Game fund would be approximately \$181.7