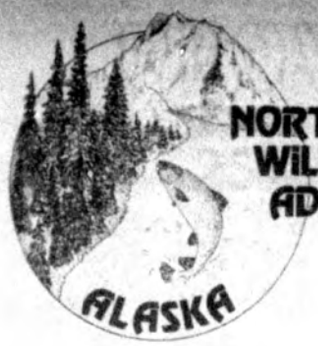
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NORTHERN
WILDERNESS
ADVENTURES
INC.

RECEIVED
JUN 29 1989
JAN FAIKS
SENATE OFFICE

June 16, 1989

Senator Jan Faiks
P.O. Box V
Juneau, AK 99811

Dear Jan,

I regret that I will not be able to attend the Task Force meeting on June 29th, my appearance is mandatory at my King Salmon Camp on that day.

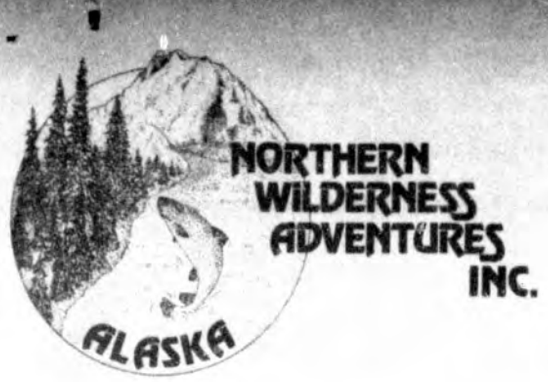
Also, please relay to the Task Force that my schedule is such that I will not be able to attend any meetings until after October 15th.

Sincerely,

Nick Pierskalla sp

Nick Pierskalla

P.O. Box 870834, Wasilla, Alaska 99687 Phone (907) 376-0502




January 30, 1990

RECEIVED

JAN 31 1990

JAN FAIKS
SENATE OFFICE

Senator Jan Faiks
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, AK 99811

Dear Senator Faiks,

Enclosed you will find my signature for the legislation recommended by the Task Force. I want to be sure that it is understood that my signature does not mean that the Alaska Professional Sportsmen's Association will refrain from comment to the legislature on the introduced legislation.

As you are aware, I have some problems with the proposed legislation. However, I can overlook most of the problem areas if two things that the Task Force agreed to on Monday, January 22, 1990 are achieved: the legislature shall seek and obtain a letter of agreement to the general concept of the proposed legislation from the federal land managers, and, upon passage of the proposed legislation, the Commercial Services Board, with the Dept. of Law and/or the Governor's office shall seek a memorandum of agreement from the federal land managers re-asserting the state's right to manage fish and game resources on federal lands. Without these two conditions, I will have a difficult time supporting this legislation.

Considering these two conditions were unanimously agreed to by the task force on January 22, 1990, I trust we will have your full support and cooperation to achieve both of these goals. At this time I would also like to recommend that Ric Davidge be considered to consult with the bodies that draw up the memorandum of agreement and I would like to be sent copies of the correspondence with the federal land managers.

Thank you for taking the time to read this letter, I hope we share the same concerns. Contact me if I can be of assistance to you in any way.

Sincerely,

Nick Pierskalla

P.O. Box 870834, Wasilla, Alaska 99687 Phone (907) 376-0502

# AVTECH ALASKA

4740 Talus Drive Anchorage, Alaska 99516 Phone: (907) 345-4317 Fax: (907) 345-3147


*SENT VIA TELECOPIER*


RECEIVED

APR 20 1990

JAN FAIKS
SENATE OFFICE


April 19, 1990

Senator Jan Faiks
c/o Legislative Affairs Office
Telecopier: 463-5661

Dear Senator Faiks,

AVTECH ALASKA represents a number of licensed air carriers. As such, we oppose SB422 which requires such carriers to become Big Game Transporters.

If legislation is required, AVTECH ALASKA supports the Senate Finance Committee version.

Sincerely,

Norman R. Israelson
President

Burns is doing response — says thinks the gy is right — response will take time for research -determine what'll be done —

VICKY

January 30, 1990

RECEIVED
FEB 1 1990
JAN FAIKS
SENATE OFFICE

Director Randall Burns
Department of Commerce &
Economic Development
Division of Occupational Licensing
P.O. Box D-LIC
Juneau, Alaska 99811-0800

Dear Mr. Burns:

After reading the regulations (SCS CSHB 112(RIs) am S Chapter 37, for big game and marine mammal guide-outfitting, transportation, and other commercial services for big game hunters, I would like to bring to your attention a Federal Law which is regulated and enforced by the U.S. Coast Guard but has not been accurately portrayed in these regulations.

In the guide-outfitter regulations only transporters have been targeted as being required to hold a Coast Guard license, TRANSPORTER LICENSE page 9 Sec. 08.54.400. In fact Federal Law would require a Coast Guard license to be possessed by any marine mammal guide-outfitter, class-A assistant guide-outfitter, assistant guide-outfitter, guide-outfitter or master guide-outfitter operating a vessel carrying passengers for hire on Inland or International waters and some rivers.

The the U.S. Coast Guard's regulations state the following:

> *Persons wishing to operate a motorboat carrying passengers for hire must have a license.*
>
> *Vessels equipped with propulsion machinery of any type, while carrying not more than six passengers for hire, must be "in the charge of" a person licensed for such service in accordance with regulations issued under the authority of the Federal Boat Safety Act of 1971.*
>
> *A person on board a vessel is not considered by law to be a passenger if he is in any of the following categories: (1) the owner or his representative; (2) the operator; (3) bona fide members of the crew who have contributed no consideration for their carriage and who are paid for their services; or (4) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.*

The Coast Guard has ruled that the following situations do constitute instances of carrying passengers for hire:

*1. When the boat owner invites guests aboard and one or more of them brings a gift of food or drink to be used on the trip.*
*2. Where the cruise guest takes the skipper ashore for dinner and entertainment.*
*3. Where during a cruise one of the guests aboard buys fuel, or some similar action.*
*4. If there is a prearranged plan or agreement in advance that the guests are to pay there proportionate share, or any specific amount, of the cruise expenses.*
*If a boat is chartered with the crew furnished by the owner, it has been held that the craft is then carrying passengers for hire and must be in charge of a licensed operator.*

In essence no marine mammal guide-outfitter, class-A assistant guide-outfitter, assistant guide-outfitter, guide-outfitter, or master guide-outfitter may operate a vessel for hire on Inland or International waters, including some rivers under the license of a hired charter boat operator, transporter or another guide-outfitter. Each individual operating a vessel, transporting paying passengers must possess their own Coast Guard license.

Using Southeast as an example of maritime hunting dependence. Since 1925 over 200 guides have been licensed to operate in Southeast Alaska's Game Management Units 1-5, (formerly Fur district #1). 1925 is when guides were first required to be licensed in Southeast.

Southeast's GMU 4 has the fourth highest brown bear harvest of the 26 GMUs in the state. Nearly 1000 brown bears have been harvested by nonresidents in GMU 4 since 1961, only 3 of these were taken with the use of a vehicle. Approximately 10 brown bears in GMU 4 have been taken by nonresidents with the use of air transportation. The transportation methods used for hunting of other species in GMUs 1-3 would be similar.

Since the Federal Boat Safety Act of 1971 there have been a number of boating accidents involving guides or assistant guides in Southeast Alaska. Luckily only one fatality has occurred. In 1971, Petersburg guide, Ralph Strickland drown in Eliza Harbor, on Admiralty Island when his skiff flipped over while bear hunting.

What State or Federal law exempts marine mammal guide-outfitters, class A-assistant guide-outfitters, assistant guide-outfitters, guide-outfitters and master guide-outfitters from possessing a Coast Guard license while operating a vessel for hire on Inland or International waters?

Heres a typical scenario which could apply to any coastal Game Management Unit.

Supposing a guide-outfitter and two assistant guide-outfitters from Fairbanks are brown bear hunting in GMU 4. They have contracted a brown bear hunt with two couples and one single client.

The contracting guide has chartered a fully equiped 54 foot charter boat/transporter from Juneau. The 54 foot charter boat cruises to and anchors in Black Bay on Chichagof Island.

To survey a greater span of country the guide and both assistant guides make forays from the charter boat, each using a 14 foot skiff and outboard. Daily forays may begin with a fishing trip at 11:00 AM. Bear hunting forays may start between 3:00 PM and 6:PM. During spring bear hunts in SE little or no walking may occur in a 10 day hunt. A guide and client may spend 8-10 hours a day in a skiff motoring/hunting and glassing for bears feeding on the sedge grasses along the beaches.

The guide and each assistant guide travel by skiff departing in different directions not seeing one another all day. The guides may not return to the anchored charter boat until near midnight.

On the fourth night of the hunt while returning to the anchored charter boat from Sisters Lake one of the assistant guides and a couple find themselves in breaking 8 foot ocean seas and swells. The 14 foot skiff and its passengers are eventually tossed and wrecked onto Frog Rock. The couple is lost to the sea but the assistant guide survives.

During a 10 day bear hunt in Southeast Alaska each guide-outfitter/assistant guide-outfitter etc., may spend upwards of 100 hours operating a skiff and outboard transporting clients within the hunting areas. It is likely less than 25 hours are spent traveling on board a transporters charter boat.

A number of contracting guide-outfitters fly their clients from a community airport aboard a chartered airtaxi to the transporters charter boat or base camp. In this instance the transporter is basically a floating hotel. In a 10 day hunt the guide-outfitter will still accumulate upwards of 100 hours operating a vessel on Inland or International waters transporting clients.

What requirements have the Big Game Commercial Services Board made on any of these contracting guides, assistant guides, etc., to assure that they are nautically competent, legal and safe while transporting clients by vessel on Inland and International waters?

In Southeast Alaska the Alaska Department of Fish & Game Sport Fish Division require all sport fishing charter boat operators to be Coast Guard licensed before they are legal.

There are some 240 sport fishing charter boat operators and lodges operating in Southeast Alaska alone. With the reapportionment of guide areas there is potential for the state to hear screams of discrimination if 100 nautically incompetent marine mammal guide-outfitters, class A-assistant guide-outfitters, assistant-guide outfitters, guide-outfitters and master guide-outfitters are turned loose with the states blessing allowing them to cruise the Inland and International waters of Alaska unlawfully unlicensed and unsafe!

This issue is no Exxon Valdez but all guide-outfitters are not meeting all provisions of the law, but one would hope this unlawful and unsafe maritime loop hole could be corrected.

For an accurate interpretation of Federal maritime law one could request a formal meeting through William (Bill) Miller, Quartermaster First Class, of the United States Coast Guard, Marine Safety Office, Juneau, Alaska , Phone:(907) 586-7309

Respectfully,

LaVern Beier

LaVern Beier
Guide-outfitter
Box 021116
Juneau, Alaska 99802

cc: Senator Jan Faiks
Glen Alsworth
Samantha Castle
Art Clark
Michael J. Doody
Paul Johnson
Stephen T. Mahay
Remie Nel Murray
Sharon McClintock
Clark Whitney

November 9, 1989

Senator Jan Faiks, Chairman
Alaska Legislative Task Force on Guiding and Game
P.O. Box V
Juneau, Alaska 99811

Dear Senator Faiks;

Thank you for the opportunity to address my concerns to you and the Task Force regarding licensing and guiding in the State of Alaska.

First of all by way of background, my name is Gordon Windell, Registered Guide and Outfitter, License number AA 12. I have been a resident of the state since 1950. I was an assistant guide from 1960 until 1965 when I became a registered guide.

From 1981 thru May of 1989 I worked as a pilot for King Air in Naknek, Alaska owned by the late Ed King. In June of this year I formed my own Air Taxi. I currently hold a Commercial Use Permit, Transporter's Permit, Special Use Permit (for transporting only) from U.S. Deptartment of Fish & Wildlife, a Certificate of Financial Responsibility from the State of Alaska, an Air Carrier Certificate from FAA. With all these licenses and permits I was precluded from guiding for big game this past season. My Air Taxi currently does some survey flying for the Alaska Department of Fish and Game King Salmon Office and some survey work for the bioligist in Dillingham. As you can see I am not a novice or newcomer to the subject of game and guiding.

I would like to sketch some background for you on the history of Big Game Guiding in the state, particularly as it pertains to the Guide Board.

I was a staunch supporter of Exclusive Use Areas at their inception. However, over a period of years I have become very disenchanted with the Cronyism that has crept into the system. To be more specific, early on a select few guides formed APHA, Alaska Professional Hunters Association. Many of our numbers, not being politically astute, allowed the situation to continue. Over the years their members have effectively controlled the guide board, in some instances the President of APHA also chaired the Guide Board. I found this to be a direct conflict of interest, yet could find no one to hear my grievances. I will not go into specific abuses at this point.

One of the big problems I have had with the system is finding out what is going on. There doesn't appear to be a mailing list to inform all guides of upcoming meetings or legislation affecting their profession. Since I live in Naknek I have limited access to any public notices that might be published in an Anchorage newspaper. Last spring I

learned about a Task Force meeting on the day it was being held. Numerous phone calls to Anchorage and Juneau to inquire how I might participate resulted in my being told it was too late to get on line with a Teleconference hook-up. I was however assured that I would be sent a copy of all material covered at the Task Force meeting. Nothing was ever sent to me from that meeting.

The Bristol Bay Borough has in the past allowed another local guide to remove the Teleconference equipment from the Borough Building and take it to his residence. I was informed by the then Borough Manager on two occasions that I could call that guide to arrange participating. This was totally unacceptable as that particular guide is one of the problems.

Now that I have covered some personal gripes let me address the broader problem. Let us assume that the Supreme Court did not make a mistake in the Owsichek decision. Mr. Owsicheck's treatment by the guide board created the situation that led to the Supreme Court ruling. I have much sympathy for the man, as I have had similar treatment from the guide board in the past. Unless you belonged to this very select group, APHA, you did not get fair treatment from the guide board, especially where guide areas were concerned.

In last nights teleconference much of the testimony by guides seemed to center around the preservation of the old system. The major concern of many of those who testified was protecting their large investments in real estate within their guide areas, some of it on private land but for the record, many of these so-called lodges are on public land. Let me point out to the Task Force that their complaints are not dis-similar to the individual who, for instance, purchases a property, be it gas station, mall or whatever and sinks vast sums of money into development of that property. In our scenario the state or federal government comes along and moves the highway 20 miles away. That real estate holder and his investment are left high and dry.

Let me draw another parallel for you. Say that the commercial fishing industry after issuing limited entry permits to the fishery determined that only those fishermen who previously owned a $250,000.00 vessel were qualified to participate in the fishery. Obviously that type of decision would exclude many well qualified fishermen who did not presently have a boat of that size, even though they could fish with a $50,000 vessel and earn a living. I sympathize with anyone who faces financial loss, but, be aware, many of us, equally well qualified guides have taken a financial loss over the years at the hands of the individuals who have had a stranglehold on the guide board and guide areas.

After all my complaints about how the system has failed to work in the past, I would like to offer what I beleive to be an equitable solution to the problem. I beleive that control of the system needs to be kept outside the profession to a degree, as the profession has demonstrated its inability to treat all licensees equally. Therefore it is imperative that those individuals who set on the Commercial Services Board be knowledgeable, fairminded people. My question is how was

this board selected? By whom? If these appointments were made by the governor then how does one learn when a seat comes up for review?

A harvest tag lottery type system for the taking of Big Game, (bear, sheep, moose and goats) must be established. These tags should be issued by a computer controlled program based on random selection, thereby eliminating the possibility of human intervention, favoring one faction or the other, such as we experierenced back in the late 60's and early 70's with the fiasco surrounding polar bear permits. Application for a harvest tag should require a non-refundable fee of at least $50.00 to eliminate non-hunters or non-serious hunters from making application and sucking up all the permits. Further, in the case of non-resident hunters a hunter must demonstrate within a given time period that he or she has booked a hunt with a guide, thereby eliminating possible clogging of the system by environmentalists types.

The local biologist should establish the level of harvest in each unit. (For the most part these biologist have a better handle on the game population then does the general public or guides, as many guides only go into their areas during the hunting season). For instance a determination that the optimum harvest in a specific area would be 15 moose. It would be necessary to determine how many moose permits would be purchased by resident hunters. Should residents purchase 7 moose harvest permits for the area there would be 8 permits available for nonresidents requiring a guide.

Since we are dealing with a game management situation here we need to also remember the subsistance hunter and resident hunter have first choice. I believe, knowing that guides veiw the animnals in their area as a dollar sign, there will be little incentive for a guide to play fair with resident hunters under the proposed plan, as stated in the Memorandum to the Task Force, Page 3, paragraph 2. Such a recommendation shows total naivete on the part of the individuals who drafted the proposal. Guides are not going to willingly allow someone else to take a trophy animal that could be worth $10,000 to them if taken by one of their clients. Resident hunters need to be protected from the guides. Over a period of time I have witnessed numerous situations where a guide has spoiled a resident's hunt simply because he didn't want anyone hunting in "his area". It doesn't seem to make a difference to the guide that their is adequate game in his area, he just doesn't want anyone else on his turf.

On Page 1, paragraph 2 of that document it is stated that "Chaos previously existed". I believe without a harvest tag system there will be more chaos if not open warfare in the field if the proposed plan is adopted..

Under a harvest tag system the small operator, be he semi-retired or new to the game, who wishes to guide on a limited basis has the opportunity to do so. The larger operator also has the opportunity to remain in his "lodge" and pick up the hunters being qualified for hunting in that area. Over time the hunter will be allowed to make the determination of who is the best qualified.

This method would also effectively control the problem addressed during testimony by some guides that air-taxi operators are "dumping" large numbers of hunters into their areas. This has been a real problem. I have seen the same thing happening here on the Peninsula. With a lottery harvest permit type system controlled by Fish and Game this would control that problem, as only that number of hunters an area could support could go into the area to hunt. Lets be honest. Are we concerned with conservation and management of a resource or only protecting our own selfish interests?

Any type of assigned area for guides will not be legal. The Supreme Court has already ruled on that point. The proposal as it is drafted now is an attempt to protect the old guard and reestablish the same system under a new cloak. With a harvest permit system equal opportunity is given to each guide. I believe the statement in the Memorandum, Page 2, paragraph 2, (i.e. an individual who must rely on a specific area for a number of years is unlikely to decimate the resourse he depends on)" is naive. If, as other guides stated in testimony last night a guide knows he will likely be bounced out of an area after 5 or 10 years their is little incentive to practice sound conservation and game management. A harvest permit system would eliminate the temptation by unscrupulous guides to overhunt an area near the end of their tenure in a specific area. The harvest in an area would be based on a biological study, rather than a monetary cycle forced on a guide during his limited stay in an area. A harvest permit system such as is used in other states would eliminate many of the problems. I do not understand this states reluctance to adopt such a program, since it works in other areas. The "good old days" are gone, its time to move on to a more equitable program.

One of the problems I addressed in my testimony yesterday was the protectionist tactis practiced by some guides. This fall two parties of resident hunters set out for bear and caribou were harrassed one party by a guide who claims the area, the other party of hunters by a fly-by-night outfitter who does not have a guide/outfitter license or any of the other required licenses to be flying hunters. I was informed he had an interim use Transporter's Permit, when I complained to our local Fish & Game Enforcement about his illegal activity. To the best of my knowledge no effort was made to investigate his activity. I did not see anything in the regulations permitting "interim use permits".

This same so called outfitter last year dumped large numbers of hunters into the Becharof area. The population of bear and moose was virtually wiped out. Fifty bear and 52 moose were taken out of this area. In my aerial survey flying for ADF&G I have a good handle on the game population in different areas and I am appalled that such a situation as this is allowed to exist.

I was unable to guide for bear this past season as U.S. Fish and Wildlife would not grant me a permit to hunt in the preserves since a "Catch 22" exists. I had not met the arbitrary requirements of hunting the previous year in these areas, even though, as a matter of fact I signed the bear contracts for the King family, following Ed's

death, as the sons did not at that time have the necessary licenses for the hunters their father had booked prior to his death. I was told this did not count.

Having been around this state for many years it is my understanding that one of the conditions, provisions or concessions made by the Federal Government at the time of Statehood was that management of the game within the state would remain with the state. It seems to me the Federal Government overrules the Alaska Supreme Court when they issue Special Use Permits to only those who held exclusive guide areas prior to the Supreme Court decision and deny me the opportunity to guide in the preserves. I believe that every effort should be made to maintain control of game management by the state without interference from the Fed. In other words, if sound game management is the objective let's eliminate all these levels of bureaucracy. In talking with our local Federal Fish and Wildlife officials one gets the feeling that they are going off on their own tangent where game management is concerned. It is time to reclaim the controls the state was given at time of statehood. I believe that you instantly put any guide who has not established his area within Wildlife Refuge Lands at a disadvantage, by requiring the applicant to obtain authorization from the U.S. Fish and Wildlife Service,(as required on page 10, paragraph numbered 7).

At this point in my life I do not wish to pursue guiding as my main source of income, a determination I made in the past several years due to the uncertainties surrounding the industry. However, I do feel my rights and the rights of all other licensed guides, young or old, should be protected. I have guided for Polar Bear, Brown and Grizzly Bear, Black Bear, Dall Sheep, Moose, Caribou and Mountain Goats over a period of years since 1960. I am at an age where I cannot wait around 20 years to have this situation resolved, as the number of years I intend to guide is certainly limited.

If the Task Force is to help all the people, be they resident hunters or guides, they had better go back to the drawing board with their proposal. Better that more time is spent on drafting the package then to give us something that cannot possibly work or be upheld by the courts. Why, as was stated at the teleconference, are you so eager to get this matter back in the courts? Do it right and it won't have to go to the courts again.

I appreciate your offices help in Faxing the information to me, How the Game Management Proposal Works, etc. Unfortunately I was told by one of your staff when I requested this information and requested that I be put on a mailing list for all relavent material that "this was not his job and their was no time to develop mailing lists". That statement by a member of your staff bears out my earlier contention that their is a lack of communication in the area of guiding which precludes participation by all the guides. This matter needs to be looked at and addressed. There should be a master mailing list which everyone works from with any information regarding guiding.

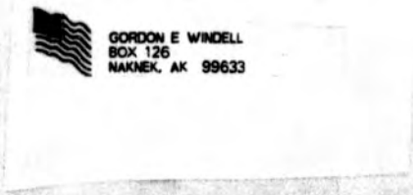
Jon —

The call was from his wife — she was very demanding — abrasive — I was in a rush to return to the meeting (tape was close to running out) — she would have none of it etc. Told her I'd be happy to FAX a little later or have someone else do so — no — do it now etc. I told her I had to go & hung up. M

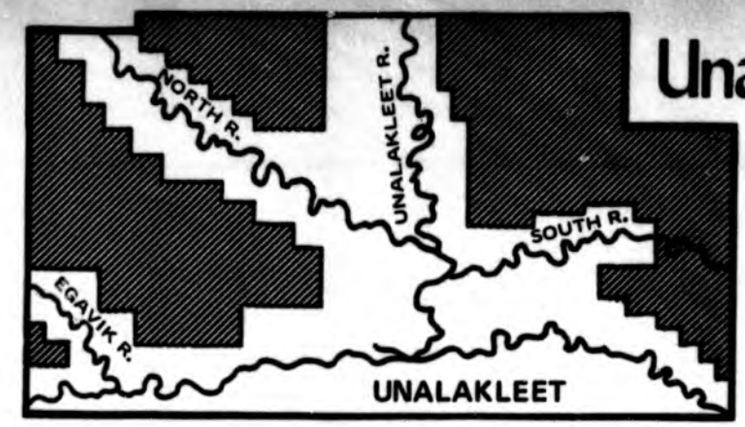
I appreciate very much your efforts to resolve a situation that is not strictly speaking, a problem created by the legislature. While I have no quarrel with professional organizations I hope you will bear in mind as you develop and finalize these guiding regulations that their are many guides out here that would like to be heard, if they were only given the opportunity.

Regards,

Gordon E. Windell




cc: Governor Steve Cowper
Pete R. Buist
Randall T. Burns
Vernita Cassidy
Ralph L. Eluska, Sr.
Ken Fanning
Phillip Gilson
Robert A. Hinman
Lyman Hoffman
Matthew Iya
Paul E. Johnson
Mike Navarre
W. Lewis Pamplin
Nick Pierskalla
Richard Stern
Glen Alsworth
Art Clark
Michael J. Doody
Stephen T. Mahay
Sharon McClintock
Remie N. Murray
Samantha Castle
Clark Whitney




# Unalakleet Native Corporation

P.O. BOX 100
Unalakleet
Alaska 99684
(907) 624-3411

February 6, 1990

Senator Jan Faiks, Chairperson
Legislative Task Force on Guiding and Game
P. O. Box V
Juneau, Alaska 99811

done
2-12-90

Dear Senator Faiks,

Since we are a medium sized village corporation and are land owners, we would like to request a copy of your draft legislation on Guiding and Game when it becomes available.

Best wishes for a sucessful legislative session.

Sincerely,

UNALAKLEET NATIVE CORPORATION

Francis E. Soxie
Land Planner

cc: R. L. Gilley, General Manager
file

RECEIVED
FEB 9 1990
JAN FAIKS
SENATE OFFICE

**Kichatna Guide Service**

P.O. Box 670790
Chugiak, Alaska 99567

Phone: 907-696-3256

RECEIVED
JAN 12 1990
JAN FAIKS
SENATE OFFICE

January 9, 1990

Task Force on Guiding & Game
ATTN: Chairman Jan Faiks
Post Office Box V
Juneau, Alaska
99811

**Harold Schetzle**
(Zeke)
Master Guide

Dear Senator Faiks:

It may be to late to consider my remarks for the task force but I'd like to note that I have difficulty understanding how a guiding business will be able to invest in buildings and other improvements when you're limited to 10 or 15 years for a permit use area.

When your permit term (if you're lucky enough to get one) expires, what happens to your improvements if the new permittee doesn't want them? They'll be essentially useless if you can't guide there-so what we be the use of trying to run a quality operation with no assurance that you'll recoup your investment? To me it's like giving a dentist a license, he establishes an operation, buys a building but after ten years he has to just walk off and leave it with no assurance he'll be able to continue working as a dentist unless he receives a permit to work someplace else. It's hard to describe but I'm sure you understand the problem there.

Plus, I feel the building assets in remote areas should be based on replacement cost, not fair market or appraised value since there may be no references for appraisers to go by-plus they charge an arm and leg just to fly out there.

Other than the above I feel the task force has done an admirable job. Thanks.

Sincerely,

Harold Schetzle

Harold Schetzle

Member of

ALASKA PROFESSIONAL HUNTERS ASSOCIATION INC

Specializing in:
Muzzleloader,
Archery Hunts
& Photography
Trips

**Fair Chase**
Moose
Grizzly Bear
Dall Sheep
Black Bear
Caribou
Brown Bear

Honorable Senator Jan Faiks, Chairperson
Alaska Legislative Task Force
on Guiding and Game
Anchorage, Alaska 99503

November 14, 1989

RECEIVED

NOV 20 1989

JAN FAIKS
SENATE OFFICE

Dear Senator Faiks;

Thankyou very much for giving us a chance to comment on guiding and game developement. First I want to state that the Yupiit food is the gift from the creator himself to use and to preserve for the coming generations. The Yupiit law to care for our food extends from the snallest fish or animal to the biggest of any species. Wasting our food never occured but started as soon as sports hunting and fishing were introduced within the Yupiit Territory. I'm not saying that all of the sportsmen are wasting.

My first proposal is towards sports hunters who leave behind the carcasses of moose and carabou. What I want to start seeing is that if the sports hunters are not going to bring home the meat of an animal they've killed, they should give the meat to homes who do not have someone to hunt for them. By the way to give food to widows, senior citizen and needy people is considered high honor according to the Yupiit law. We also want to be notified to whom the meat was given to, along with their addresses so we will know that this proposal if becomes law is working as planned. Often times certain hunters complain about finding carcasses of moose and carabou without a head or just the antlers taken off.

Another proposal is about the limit of carabou the Kuskokwim hunters are allowed to catch on the Kuskokwim and its tributaries herds. Carabou is a small animal and the meat isn't very much when your family is big, the meat when shared doesn't get very far. So to figure the problem out, we want to start getting carabou for our grandmothers and mothers, plus two (2) or three (3) carabou for subsistence hunter. There is an existing limit a hunter can get for a village just seven (7) miles form our hometown. Their hunters can get two (2) carabou while the rest of us can get just one (1). I don't see what the difference is on need bases. As you probably know the cows or beef we called are given antibiotic shots just so they will grow up fast, fat and big. Some of us can't afford to buy them, they cost like you can't believe. And besides that they are like pets.

Another is towards Bull Moose hunting. As the season is ending their meat starts to stink from looking for cows without eating. We should be given a chance to get a cow because its meat doesn't get bad just like the bulls'.

The stories we hear fom the villages where sports fishing is heavy are not good to hear. Yupiit law identifies that don't kill whatever you are not going to eat. They say they find piles of rotten fish the sports fishermen leave behind. If they can't eat or bring home the fish they caught then why are they fishing? It is not fun to hear that they've found fish with their mouths cut up also with their eyes popped with knives. If these are the results of catch and release program, then it is working negatively. They are using wrong kinds of hooks. This fishery is it is going to continue needs to be watched closely. As the number of fatalities grow, then fewer fish will be coming in the future. Does the biologists know about this? If not, they should be talking to Native Elders and be tested by them before they graduate. Just because they graduated form college they become experts in this field. We say they got to live it and start feeling it and this way they'll know whats going on in this part of the country.

IN conclusion I want to express to the task force is about the big game hunters check stations. The sports rafters are not being monitored. To see just antlers on the rafts makes us feel bad. And if these rafters are not being monitored, then I don't see why we should be checking in or out thru these authorities or biologists. If the wasting of our foods continue, then I'll have to say that the authority to regulate is in the wrong hands.

IN PEACE:

Fritz George

Fritz George
Subsistence hunter and fishermen

cc; Sec. of the Interior

Fritz George
P.O. Box 62
Akiachak, Alaska 99551







Senator Jan Faiks, Chairperson
Task Force on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

MARCUS F. JENSEN
P. O. BOX 32220
JUNEAU, ALASKA 99803-2220

November 25, 1989

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

RECEIVED
NOV 28 1989
JAN FAIKS
SENATE OFFICE

Dear Senator Faiks:

I apoligize for not appearing before your committee and testifying. However, I have been out of town a great part of the time, so will try to pass on a few of my feelings in this letter.

I am enclosing copy of a letter I wrote to the press, regarding the court ruling. As you know I was chairman of the Guide Board from its inception, in the '70s, for ten years. Some of the major points that were established after many hearings were that to place responsibility, control conservation practices and avoid guide friction, individual guide areas were the only answer. It is important for the camps to have good accommodations. Clients come from all over the world and Alaska's prestige is on the line. For the guide to borrow money and improve his camps he must be able to tell his banker that his holdings are valuable on the market. For a business approach he should be allowed, as any businessman, to realize a reasonable profit on his many years of effort and his camp improvements. The original concept was that the guide's area could be transferred and improvements sold to a certified guide. When you take this element out of the new law you are putting all the guides more or less in the poorhouse.

In reading the testimony of the hearings it seems that Section 15, in which the Court places professional guides in the same catagory as a hunter, is a major point in how the Court ruled. It is hard for me to understand this ruling and I believe your committee should ask the Court for more hearings on this point. Unless some relief is granted from this direction a constitutional amendment similar to what the fishery people accomplished is absolutely necessary to place the guiding profession in a solvent position and give them a solid future. The guiding profession is a twenty-million dollar industry and these men are hard workers. It seems to me they deserve the same consideration that has been given to the fishing industry.

The only way this approach can be accomplished is to have strong support from the Governor and the legislators. I would hope that the state could funnel the money necessary to accomplish this project. I know you and your committee are working hard to get some program that will allow the guiding industry to get back in the field. To establish four or five hundred individual game management units as a cover seems to me to be entirely unmanageable because animals move. The Game Department is burdened with trying to manage twenty-seven state game units as it is.

I personally appreciate the effort you and this committee are making.

Sincerely yours,

Marcus F. Jensen

Marcus F. Jensen

Enc.

MARCUS F. JENSEN
P. O. BOX 32220
JUNEAU, ALASKA 99803-2220

March 20, 1989

To the Editor
Fairbanks News Miner
Fairbanks,Alaska

Copy

Dear Sir:

The decision of the Supreme Court of the State of Alaska, on the case of Kenneth D. Owsichek, Guide, needs further review and exposure so the people of Alaska can understand the inequality of the decision.

It appears to me that the Court took great pains to establish a case against the guiding profession. The decision makes it nearly impossible for a guide to develop good camps by investing time and money, with no assurance he would be allowed to sell his improvements and transfer his guide area.

The Court should have used Section 4 of the Natural Resource Section of the Constitution of Alaska, which says wildlife shall be utilized, developed and maintained on a "sustained yield principle, subject to preferences among beneficial uses." (Webster: beneficial -- helpful, advantageous.)

I see no reason why the Court could not have used this Section 4 and offered a few recommendations that could have solved transfer problems, but leaving the present laws and regulations which have worked so well in the past.

For the Court to make a case they had to make an assumption. I quote from the report, Page 26:

"15. Admittedly, there is a difference between commerical fishermen and professional guides: a commercial fisherman takes his catch himself before selling it to others for consumption, while a hunting guide does not actually take the game, a privilege reserved for the client. We view this as an insignificant distinction that does not remove professional hunting guides from protection under the common use clause. The work of a guide is so closely tied to hunting and taking wildlife that there is no meaningful basis for distinguishing between the rights of a guide and the rights of a hunter under the common use clause."

It is impossible for any knowledgable person to classify an Alaskan guide as one who is out shooting game. The guide's whole operation is exactly opposite. It is the guide's job to put his hunter in position to do his own shooting. The guide is paid good money because he knows many things the average hunter does not know. It takes years of experience to know how to hunt the different animals. Just to judge trophy animals alone is not easy. To know how to work the terrain, and handle all the duties of hide preparation, meat handling.. which is not everyone's "dish". A guide is a professional, just like a doctor in his business. For the Court to rule that a guide is just the same as an ordinary hunter makes me feel that it lacks understanding, or, maybe, that the State's testimony on the subject was weak.

MARCUS F. JENSEN
P. O. BOX 32220
JUNEAU, ALASKA - 99803-2220

Editor
Fairbanks News Miner



Many questions can be raised...maybe the State's case could have been stronger...probably some qualified guides should have been called to testify to better clarify some of these questions...

The effect of the Court ruling is somewhat like taking the foundation out from under a house and expecting the house to stand. The guide area concept is li.e that foundation.

It is interesting to note that the managers of the federal park systems, wilderness areas and refuges are supporting the area concept by not allowing any more additional guides in those areas.

If the guiding profession is to survive the legislative body should hold hearings on this court case and find out what went wrong.

I feel no pay raises should be granted the Supreme Court judges until the legislators are confident whether or not the above decision was fair and reasonable.

Sincerely yours,

Marcus F. Jensen

Marcus F. Jensen, Master Guide #20

P.O.Box 32220
Juneau,Alaska 99803-2220

Phone: (907) 789 7853

REGION 6

ALASKA

# UNITED STATES
# DEPARTMENT OF THE INTERIOR
## FISH AND WILDLIFE SERVICE

IN REPLY REFER TO:

OFFICE OF REGIONAL DIRECTOR
JUNEAU, ALASKA

August 23, 1951

Dan,
He's is
where it
all started!
MJ

Registered Guide

Marcus F. Jensen
Douglas, Alaska

Dear Sir:

Attached find your guide license for the year ending June 30, 1952.

I have previously written you about some of the problems in maintaining sufficient active licensed guides to satisfy the seasonal requirements of nonresident hunters. The Commission gave serious consideration to this matter at its last annual meeting and decided that it was necessary to modify the guide regulations somewhat, but insisted on overall supervision by a licensed, registered guide at all times.

You will note from Section 161.1.,of the enclosed regulations, that you may now conduct a party of nonresident or alien hunters from your camp providing you furnish a competent resident licensed hunter, over 21 years of age, to accompany each hunter not personally guided in the field by yourself. This should extend the services of active guides considerably, but it also places a greater responsibility on each and every licensed guide to select good assistants and maintain proper supervision over them in the field. It is the feeling of the Commission that your parties must be kept small in order to maintain proper control.

You will also note from the enclosed regulations that it is now required that all usable game meat be brought out and utilized as food. Your report should contain a clear explanation of any instance where any game meat from trophy animals is not completely utilized for food, as we constantly receive complaints of such wastage and must be in a position to evaluate them.

We are now using a universal type export permit for all game animals and birds being exported from Alaska. Please study Sections 46.65 and 46.66 of the enclosed regulations. From these you will note that this form will be issued for all game being exported from the Territory. Fees for these permits remain unchanged. (See Licenses on page 3 of enclosed regulations). As before, there will be no charge in the case of licensed nonresidents and aliens shipping trophies.

These permits can be obtained from any Enforcement Agent direct, or by application, and must be obtained by the hunter exporting the game. In either case be careful to state the number of packages or crates in the shipment for which the permit is requested, as serially numbered tags must be attached to each package, etc., when the shipment leaves the Territory.

In closing, I wish to make one last appeal to you as a licensed, registered guide to work together with fellow guides in an attempt to develop a guiding fraternity in Alaska that can and will adequately meet the needs of nonresidents hunting in Alaska and which will, without exception, abide by the spirit as well as the letter of our conservation regulations.

The Commission has gone about as far as possible to meet this situation and still retain the guiding requirements. It is expected that the guides will do their part, or it may be necessary to abandon this requirement completely and effect control of nonresident hunters by other methods.

Very truly yours,

L Clarence Rhode

CLARENCE J. RHODE.
Executive Officer

ATTACHMENTS:
Guide License No. 2703
Current Regulations
(Request export permit applications from this office when needed.)

Legislative Task Force on Guiding and Game RECEIVED November 7
Honorable Jan Faiks, Chairman

NOV 16 1989

JAN FAIKS
SENATE OFFICE

To whom it may concern:

Because I am again out of town and unable to personally attend the public hearing and comment meetings, I am providing my comments in writing. I have reviewed the Memorandum: "Outline of Proposed Game Mgt Area Allocation Program" dated 11/2/89.

Although I am a 33 year resident and hunter, I am also what you have classified as a "new entrant". I had applied for an exclusive area prior to the new const ruling and was subsequently denied because of it. My concerns are, therefore, that not only are "ample opportunities" available to new entrants but that equal and non preferential opportunities are available. The courts ruling should be addressed in your purposes section. I would also be interested in any Attorney General's review of these proposals, current or future. Specifically my concerns and questions are as follows:

1. The established UCU's does not appear to be subject to amendment or adjustment but instead is an already cemented fact. Can this be subject to some sort of appeal and if valid adjustment? (page 3)

2. Unawarded Areas. After the first year presumably 4/5's of the UCU's will be unawarded. Are those UCU's and all otherwise undesignated areas up for grabs by guides licensed for that area if they file an application as outlined? page 6 and 7

3. Award Criteria.
Assuming that the "weighted point system" "must be properly balanced" and equal in compliance with the court ruling, please provide me with the exact point by point criteria and judgement factors used to assign points for each of the "nine award criteria". page 8 and 9

4. Criteria 1. This criteria seems to clearly give preference to guides who had exclusive areas. This seems to be contrary to the court's ruling. How many points will be awarded in total and how are they evaluated or assessed?

5. Criteria 2. Unless there are specific criteria on how this economic viability is determined, there seems to be a good chance that decisions in this

5. (cont'd) area could be quite arbitrary and thus subject to appeal or dispute.

6. Criteria 5. I was not provided with the additional information referred to as a "Note". I am particularly concerned about how this will be evaluated. This seems to be slanted toward control by Native Corporations not all landholders and if that is true I have a problem with that.

7. Criteria 7. This is one of the most objectionable criteria as it is clearly slanted and biased toward previous exclusive area guides. As you well know the Federal government agencies have placed a moritorium which does not provide for the issuance of permits to any new applicants for a while. How then can "new entrants" be expected to comply with this requirement? Ninety (90) days may not be enough time to acquire the necessary authorizations. Additionally, the Federal agencies may also require or provide factors which favor previous permit holders. Clearly there are several questions which might be raised in this area. More information is needed.

8. Criteria 8. How many additional points? Will those points at least equal the points granted guides with previous experience in an area as covered in criteria 1?

9. "failure to use the permit" What does this "use" consist of, how is it defined? Do hunts have to be conducted? Does development activity such as building a lodge, camp facilities, surveys of game, etc, qualify as "use"? page 12

10 "good cause" What are the "good cause" factors? What guidelines have been proposed or are being considered? page 13

11. I did not receive the Attachment noted on page 13.

These are my preliminary concerns and questions. If I can provide suggestions in any areas I am willing to do so. However, I need some feedback to my concerns expressed here. You may contact me by phone if appropriate and I can come by for a discussion with appropriate officials or staff.

Please provide me with some information as soon as possible.

Address: 2841 Gillam Circle
Anchorage Ak 99517

Steve Wells, Registered Guide
Phone: (907) 243-6554 (H)

ROBERT W. GODSHALL, MEMBER
GODSHALL & LOWER ROADS
SOUDERTON, PA 18964
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**HOUSE OF REPRESENTATIVES**
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

RECEIVED
NOV 6 1989
JAN FAIKS
SENATE OFFICE

November 1, 1989

The Honorable Jan Faiks
3111 C Street
Anchorage, AK 99503

Dear Senator Faiks:

I understand, through personal experience and what I have read, that a turmoil exists over the Alaska Supreme Court decision pertaining to the guides' and outfitters' conflict. About a year ago, I was hunting in Alaska for brown bear when the word came down fron our Outfitter that all areas were abolished and we could hunt anywhere. Six hours later, he reversed himself and we remained in our own area.

Alaska and its citizens benefit from a carefully conceived and developed policy of game conservation and planned hunting. I have hunted with three of my friends in Alaska in two of the past three years. Our hunts have cost roughly $10,000, each, plus the normal expenses for two days on each end of the hunt.

My commitment to spend $12,000 in Alaska is because, and only because, of the quality of the hunt and the abundance of "trophy" animals. An open Area system cannot be anything but detrimental to non-resident hunters. I seriously believe some solution must be reached to reinstate the present status quo or you (Alaska) will ultimately suffer. People from the lower States now hunt in Alaska for what Alaska has to offer. A degrading of that "quality" product will also mean a loss of hunters and the revenue they bring to Alaska.

Sincerely,

Bob Godshall

Robert W. Godshall
53rd District

/pjm

RECEIVED

NOV 27 1989

JAN FAIKS
SENATE OFFICE

November 9, 1989

Senator Jan Faiks, Chairman
Alaska Legislative Task Force on Guiding and Game
P.O. Box V
Juneau, Alaska 99811

Dear Senator Faiks;

Thank you for the opportunity to address my concerns to you and the Task Force regarding licensing and guiding in the State of Alaska.

First of all by way of background, my name is Gordon Windell, Registered Guide and Outfitter, License number AA 12. I have been a resident of the state since 1950. I was an assistant guide from 1960 until 1965 when I became a registered guide.

From 1981 thru May of 1989 I worked as a pilot for King Air in Naknek, Alaska owned by the late Ed King. In June of this year I formed my own Air Taxi. I currently hold a Commercial Use Permit, Transporter's Permit, Special Use Permit (for transporting only) from U.S. Deptartment of Fish & Wildlife, a Certificate of Financial Responsibility from the State of Alaska, an Air Carrier Certificate from FAA. With all these licenses and permits I was precluded from guiding for big game this past season. My Air Taxi currently does some survey flying for the Alaska Department of Fish and Game King Salmon Office and some survey work for the bioligist in Dillingham. As you can see I am not a novice or newcomer to the subject of game and guiding.

I would like to sketch some background for you on the history of Big Game Guiding in the state, particularly as it pertains to the Guide Board.

I was a staunch supporter of Exclusive Use Areas at their inception. However, over a period of years I have become very disenchanted with the Cronyism that has crept into the system. To be more specific, early on a select few guides formed APHA, Alaska Professional Hunters Association. Many of our numbers, not being politically astute, allowed the situation to continue. Over the years their members have effectively controlled the guide board, in some instances the President of APHA also chaired the Guide Board. I found this to be a direct conflict of interest, yet could find no one to hear my grievances. I will not go into specific abuses at this point.

One of the big problems I have had with the system is finding out what is going on. There doesn't appear to be a mailing list to inform all guides of upcoming meetings or legislation affecting their profession. Since I live in Naknek I have limited access to any public notices that might be published in an Anchorage newspaper. Last spring I

learned about a Task Force meeting on the day it was being held. Numerous phone calls to Anchorage and Juneau to inquire how I might participate resulted in my being told it was too late to get on line with a Teleconference hook-up. I was however assured that I would be sent a copy of all material covered at the Task Force meeting. Nothing was ever sent to me from that meeting.

The Bristol Bay Borough has in the past allowed another local guide to remove the Teleconference equipment from the Borough Building and take it to his residence. I was informed by the then Borough Manager on two occasions that I could call that guide to arrange participating. This was totally unacceptable as that particular guide is one of the problems.

Now that I have covered some personal gripes let me address the broader problem. Let us assume that the Supreme Court did not make a mistake in the Owsichek decision. Mr. Owsicheck's treatment by the guide board created the situation that led to the Supreme Court ruling. I have much sympathy for the man, as I have had similar treatment from the guide board in the past. Unless you belonged to this very select group, APHA, you did not get fair treatment from the guide board, especially where guide areas were concerned.

In last nights teleconference much of the testimony by guides seemed to center around the preservation of the old system. The major concern of many of those who testified was protecting their large investments in real estate within their guide areas, some of it on private land but for the record, many of these so-called lodges are on public land. Let me point out to the Task Force that their complaints are not dis-similar to the individual who, for instance, purchases a property, be it gas station, mall or whatever and sinks vast sums of money into development of that property. In our scenario the state or federal government comes along and moves the highway 20 miles away. That real estate holder and his investment are left high and dry.

Let me draw another parallel for you. Say that the commercial fishing industry after issuing limited entry permits to the fishery determined that only those fishermen who previously owned a $250,000.00 vessel were qualified to participate in the fishery. Obviously that type of decision would exclude many well qualified fishermen who did not presently have a boat of that size, even though they could fish with a $50,000 vessel and earn a living. I sympathize with anyone who faces financial loss, but, be aware, many of us, equally well qualified guides have taken a financial loss over the years at the hands of the individuals who have had a stranglehold on the guide board and guide areas.

After all my complaints about how the system has failed to work in the past, I would like to offer what I beleive to be an equitable solution to the problem. I beleive that control of the system needs to be kept outside the profession to a degree, as the profession has demonstrated its inability to treat all licensees equally. Therefore it is imperative that those individuals who set on the Commercial Services Board be knowledgeable, fairminded people. My question is how was

this board selected? By whom? If these appointments were made by the governor then how does one learn when a seat comes up for review?

A harvest tag lottery type system for the taking of Big Game, (bear, sheep, moose and goats) must be established. These tags should be issued by a computer controlled program based on random selection, thereby eliminating the possibility of human intervention, favoring one faction or the other, such as we experierenced back in the late 60's and early 70's with the fiasco surrounding polar bear permits. Application for a harvest tag should require a non-refundable fee of at leat $50.00 to eliminate non-hunters or non-serious hunters from making application and sucking up all the permits. Further, in the case of non-resident hunters a hunter must demonstrate within a given time period that he or she has booked a hunt with a guide, thereby eliminating possible clogging of the system by environmentalists types.

The local biologist should establish the level of harvest in each unit. (For the most part these biologist have a better handle on the game population then does the general public or guides, as many guides only go into their areas during the hunting season). For instance a determination that the optimum harvest in a specific area would be 15 moose. It would be necessary to determine how many moose permits would be purchased by resident hunters. Should residents purchase 7 moose harvest permits for the area there would be 8 permits available for nonresidents requiring a guide.

Since we are dealing with a game management situation here we need to also remember the subsistance hunter and resident hunter have first choice. I believe, knowing that guides veiw the animnals in their area as a dollar sign, there will be little incentive for a guide to play fair with resident hunters under the proposed plan, as stated in the Memorandum to the Task Force, Page 3, paragraph 2. Such a recommendation shows total naivete on the part of the individuals who drafted the proposal. Guides are not going to willingly allow someone else to take a trophy animal that could be worth $10,000 to them if taken by one of their clients. Resident hunters need to be protected from the guides. Over a period of time I have witnessed numerous situations where a guide has spoiled a resident's hunt simply because he didn't want anyone hunting in "his area". It doesn't seem to make a difference to the guide that their is adequate game in his area, he just doesn't want anyone else on his turf.

On Page 1, paragraph 2 of that document it is stated that "Chaos previously existed". I believe without a harvest tag system there will be more chaos if not open warfare in the field if the proposed plan is adopted..

Under a harvest tag system the small operator, be he semi-retired or new to the game, who wishes to guide on a limited basis has the opportunity to do so. The larger operator also has the opportunity to remain in his "lodge" and pick up the hunters being qualified for hunting in that area. Over time the hunter will be allowed to make the determination of who is the best qualified.

This method would also effectively control the problem addressed during testimony by some guides that air-taxi operators are "dumping" large numbers of hunters into their areas. This has been a real problem. I have seen the same thing happening here on the Peninsula. With a lottery harvest permit type system controlled by Fish and Game this would control that problem, as only that number of hunters an area could support could go into the area to hunt. Lets be honest. Are we concerned with conservation and management of a resource or only protecting our own selfish interests?

Any type of assigned area for guides will not be legal. The Supreme Court has already ruled on that point. The proposal as it is drafted now is an attempt to protect the old guard and reestablish the same system under a new cloak. With a harvest permit system equal opportunity is given to each guide. I believe the statement in the Memorandum, Page 2, paragraph 2, (i.e. an individual who must rely on a specific area for a number of years is unlikely to decimate the resourse he depends on)" is naive. If, as other guides stated in testimony last night a guide knows he will likely be bounced out of an area after 5 or 10 years their is little incentive to practice sound conservation and game management. A harvest permit system would eliminate the temptation by unscrupulous guides to overhunt an area near the end of their tenure in a specific area. The harvest in an area would be based on a biological study, rather than a monetary cycle forced on a guide during his limited stay in an area. A harvest permit system such as is used in other states would eliminate many of the problems. I do not understand this states reluctance to adopt such a program, since it works in other areas. The "good old days" are gone, its time to move on to a more equitable program.

One of the problems I addressed in my testimony yesterday was the protectionist tactis practiced by some guides. This fall two parties of resident hunters set out for bear and caribou were harrassed one party by a guide who claims the area, one other party of hunters by a fly-by-night outfitter who does not have a guide/outfitter license or any of the other required licenses to be flying hunters. I was informed he had an interim use Transporter's Permit, when I complained to our local Fish & Game Enforcement about his illegal activity. To the best of my knowledge no effort was made to investigate his activity. I did not see anything in the regulations permitting "interim use permits".

This same so called outfitter last year dumped large numbers of hunters into the Becharof area. The population of bear and moose was virtually wiped out. Fifty bear and 52 moose were taken out of this area. In my aerial survey flying for ADF&G I have a good handle on the game population in different areas and I am appalled that such a situation as this is allowed to exist.

I was unable to guide for bear this past season as U.S. Fish and Wildlife would not grant me a permit to hunt in the preserves since a "Catch 22" exists. I had not met the arbitrary requirements of hunting the previous year in these areas, even though, as a matter of fact I signed the bear contracts for the King family, following Ed's

death, as the sons did not at that time have the necessary licenses for the hunters their father had booked prior to his death. I was told this did not count.

Having been around this state for many years it is my understanding that one of the conditions, provisions or concessions made by the Federal Government at the time of Statehood was that management of the game within the state would remain with the state. It seems to me the Federal Government overrules the Alaska Supreme Court when they issue Special Use Permits to only those who held exclusive guide areas prior to the Supreme Court decision and deny me the opportunity to guide in the preserves. I believe that every effort should be made to maintain control of game management by the state without interference from the Fed. In other words, if sound game management is the objective let's eliminate all these levels of bureaucracy. In talking with our local Federal Fish and Wildlife officials one gets the feeling that they are going off on their own tangent where game management is concerned. It is time to reclaim the controls the state was given at time of statehood. I believe that you instantly put any guide who has not established his area within Wildlife Refuge Lands at a disadvantage, by requiring the applicant to obtain authorization from the U.S. Fish and Wildlife Service,(as required on page 10, paragraph numbered 7).

At this point in my life I do not wish to pursue guiding as my main source of income, a determination I made in the past several years due to the uncertainties surrounding the industry. However, I do feel my rights and the rights of all other licensed guides, young or old, should be protected. I have guided for Polar Bear, Brown and Grizzly Bear, Black Bear, Dall Sheep, Moose, Caribou and Mountain Goats over a period of years since 1960. I am at an age where I cannot wait around 20 years to have this situation resolved, as the number of years I intend to guide is certainly limited.

If the Task Force is to help all the people, be they resident hunters or guides, they had better go back to the drawing board with their proposal. Better that more time is spent on drafting the package then to give us something that cannot possibly work or be upheld by the courts. Why, as was stated at the teleconference, are you so eager to get this matter back in the courts? Do it right and it won't have to go to the courts again.

I appreciate your offices help in Faxing the information to me, How the Game Management Proposal Works, etc. Unfortunately I was told by one of your staff when I requested this information and requested that I be put on a mailing list for all relavent material that "this was not his job and their was no time to develop mailing lists". That statement by a member of your staff bears out my earlier contention that their is a lack of communication in the area of guiding which precludes participation by all the guides. This matter needs to be looked at and addressed. There should be a master mailing list which everyone works from with any information regarding guiding.

I appreciate very much your efforts to resolve a situation that is not strictly speaking, a problem created by the legislature. While I have no quarrel with professional organizations I hope you will bear in mind as you develop and finalize these guiding regulations that their are many guides out here that would like to be heard, if they were only given the opportunity.

Regards,

Gordon E. Windell

Gordon E. Windell

cc: Governor Steve Cowper
Pete R. Buist
Randall T. Burns
Vernita Cassidy
Ralph L. Eluska, Sr.
Ken Fanning
Phillip Gilson
Robert A. Hinman
Lyman Hoffman
Matthew Iya
Paul E. Johnson
Mike Navarre
W. Lewis Pamplin
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Michael J. Doody
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Sharon McClintock
Remie N. Murray
Samantha Castle
Clark Whitney

# KOOTZNOOWOO, INC.

P.O. Box 116 — Angoon, Alaska 99820 — Phone: 907-788-3571



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NOV 20 1989

JAN FAIKS
SENATE OFFICE


November 15, 1989

Senator Jan Faiks, Chairman
3111 C. Street
Anchorage, AK 99503

Dear Senator Faiks:

Per our Fifteenth Annual Meeting of Shareholders, held on November 19, 1988, and organizational meeting the following is a list of our Board of Directors:

| | |
|---|---|
| Peter Jack, Sr. | Chairman of the Board |
| Maxine Thompson | Vice Chairman of the Board |
| Dr. Walter Soboleff | President |
| Cyril W. George, Sr. | Vice President |
| Richard W. George | Corporate Secretary |
| George Paul | Treasurer |
| Ella Bennett | Board Member |
| H. Jean Hogue | Board Member |
| Frank Sharp | Board Member |
| Dennis Starr | Board Member |
| Ruth Willard | Board Member |

Please remove Ivan Gamble, President off your mailing labels. Ivan passed away three years ago.

Sincerely,

Connie Merculief

Connie Merculief
Executive Secretary



# Archery Outfitters, Inc.

P.O. Box 190303
Anchorage, Alaska 99519-0303
(907) 376-7955

December 6, 1989

RECEIVED
DEC 11 1989
JAN FAIKS
SENATE OFFICE

Senator Jan Faiks
3111 C Street
Anchorage, AK 99503

RE: Task Force on Guiding and Game

Dear Senator Faiks,

Enclosed please find an advertisement I recently found in "Safari Club's" magazine. Having attended several of the Task Force meetings it seems like we are trying to cram anyone who happens to have a guide license into an area and give them false hopes of success. Look at what the Northwest Territories government crams into its boundary! A total of 27 guides in an area that covers 1,304,903 sq miles. Alaska only has 569,600 sq miles and lord only knows how many guides and areas this will be divided into!

If Alaska is going to compete in the North American Big Game hunting market with neighboring countries, we had better look long and hard at how we divide this state into guide areas.

It's time our government decides whether they want to be in the hunting business or not! Big game hunters are our best tourist trade, they spend far more money per capita than any other tourist group.

As Alaska looks to diversification in developing a valuable limited resource, we should first look at what we must compete against. The resource should certainly be the deciding factor when we divide this state up into guide areas. These areas should give an operator the room and game to offer his clients the best hunting in the world.

By now I am sure you have had many alternate methods proposed to you and how to comply with the Supreme Court on dividing up guide areas. The only sure way I can see the state act on this matter is to amend the Constitution and allow limited entry. It has worked well in commercial fishing . Why is the Task Force not considering this alternative?

Please make my letter available to all members of the Task Force. I will be glad to give public testimony on this topic at your next meeting or would be available to discuss it at any time.

Sincerely,

Dave Neel

Dave Neel

*Dave Neel, Registered Guide and Outfitter*

Enclosure



Black Bear. Barren Ground, Peary and Woodland Caribou. Dall's Sheep. Barren Ground Grizzly. Moose. Mountain Goat. Muskox. Polar Bear. Wolf and Wolverine.

If big game is what you're aiming for, there's no place else on earth like Canada's Northwest Territories. Stalk the tundra, mountain-trek by horseback or sled the Arctic ice floes with our expert guides.

The average price for a caribou hunt is $2,400 U.S. For a summary of seasons, bag limits, other hunting regulations and information on outpost camps and escorted expeditions, write:

Travel Arctic, Department 655
Government of the Northwest Territories
Yellowknife, Northwest Territories
Canada X1A 2L9
Or call the Arctic Hotline: 1-800-661-0788

CANADA'S NORTHWEST TERRITORIES
*Within reach, yet beyond belief*

## Class A outfitters

*Required to hunt big game (including grizzly bear, muskox, and polar bear). Each of the following outfitters is assigned a specific area of the Mackenzie Mountains in the western region of the Northwest Territories.*

**Arctic Red River Outfitters Ltd.**, Ray Woodward, Box 1457, Lloydminster, Saskatchewan, S9V 1K4.
Tel: (403) 875-0560 or (403) 875-8926 Summer – c/o Nahanni Air Ltd., Norman Wells, Northwest Territories, Canada.

**Gana River Outfitters Ltd.**, Bill McKenzie, Box 4659, Quesnel, B.C., Canada V2J 3J8. Tel: (604) 992-8639 or Summer – c/o Nahanni Air Ltd., Norman Wells, Northwest Territories, Canada.

**Mackenzie Mountain Outfitters Ltd.**, Stan Stevens, Box 124, Norman Wells, Northwest Territories, Canada X0E 0V0. Tel: (403) 587-2255. Western Arctic zone, guided hunts for Dall's sheep, mountain caribou, mountain grizzly in Mackenzie Mountains, 12 days, $2,500 – $6,000 (US) from Norman Wells. July – October.

**Nahanni Butte Outfitters Ltd.**, Greg Williams, Box 879, Nanton, Alberta, Canada T0L 1R0. Tel: (403) 645-5768.

**N.W.T. Outfitters Ltd.**, Duane Nelson, Box 1154, Glenwood, Alberta, Canada T0K 2R0. Tel: (403) 626-3279 or Summer – c/o Watson Lake Flying Service, Watson Lake, Yukon, Canada Y0A 1C0.

**Ram Head Outfitters Ltd.**, Stan Simpson, Box 89, Warburg, Alberta, Canada T0C 2T0. Tel: (403) 848-7578 or (403) 848-2502.

**Redstone Mountain Trophy Hunts**, Tim and Hugh MacAulay, Box 608, Banff, Alberta, Canada T0L 0C0. Tel: (403) 762-5241 or (403) 388-2117 or Summer – c/o Nahanni Air Ltd., Norman Wells, Northwest Territories, Canada. Big River zone, hunt sheep, wolf, caribou, moose, 5 to 14 days, $1,550 – $5,050 (US) from Norman Wells. July – September.

**South Nahanni Outfitters Ltd.**, Bob Woodward, Box 586, Cardston, Alberta, Canada T0K 0K0. Tel: (403) 653-2562.

## Class B outfitters

*Required to hunt barren ground caribou, wolf, wolverine, black bear and barren ground grizzly bear. Only Hunters' and Trappers' Associations (HTA's) may act as outfitters for grizzly bear.*

**Amarok HTA**, Iqaluit, Northwest Territories, Canada X0A 0H0. Tel: (819) 979-6848.

**Arctic Safaris**, Barry Taylor, Box 1294, Yellowknife, Northwest Territories, Canada X1A 2N9. Tel: (403) 873-3212, 873-5522. Barren land hunts for central barren ground caribou, wolf, wolverine, trophy fishing. 90% Boone and Crockett success. August – September.

**Arvirk HTA**, c/o Simeoni Natseck, Repulse Bay, Northwest Territories, Canada X0E 0H0. Tel: (819) 462-4007.

**Bill Tait High Arctic Hunting Adventures**, Bill Tait, Box 2435, Yellowknife, Northwest Territories, Canada X1A 2P8. Tel: (403) 920-2196.

**Cape Dorset HTA**, Cape Dorset, Northwest Territories, Canada X0A 0C0. Tel: (819) 979-8978.

**Ekaloktotiak HTA**, Cambridge Bay, Northwest Territories, Canada X0E 0C0. Hall Beach HTA, Hall Beach, Northwest Territories, Canada X0A 0K0.

**Igloolik HTA**, Igloolik, Northwest Territories, Canada X0A 0L0. Tel: (403) 934-8807.

**Kugluktuk HTA**, Coppermine, Northwest Territories, Canada X0E 0E0.

**Olukhatomiut HTA**, Holman Island, Northwest Territories, Canada X0E 0X0.

**Peterson's Point Lake Camp**, Jim Peterson, Box 447, Yellowknife, Northwest Territories, Canada X1A 2N3. Tel: (403) 920-4654. Northern Frontier zone, guided caribou hunts in the barren-lands, 6 days, from Yellowknife, trophy and licence fees extra. August 14 – September 17.

**Qaivvik Limited**, Mike Freeland, Box 1535, Yellowknife, Northwest Territories, Canada X1A 2P2. Tel: (403) 873-2074

**Rabesca Company Outfitter**, Moise Rabesca, Rae-Edzo, Northwest Territories, Canada X0E 0N0. Tel: (403) 392-6920.

**Rocknest Outfitters**, Jeff Rocher, Box 2248, Yellowknife, Northwest Territories Canada X1A 2P7. Tel: (403) 873-2813.

**True North Safaris**, Gus Jaeb, 36 Morrison Dr., Yellowknife, Northwest Territories Canada X1A 1Z2. Tel: (403) 873-8533.

## Class C outfitters

*Required to hunt muskox and polar bear. Total harvest for both species is limited by quotas allocated to local HTA's. Only HTA's may act as outfitters for muskox and polar bear. Each of the following are booking agents for outfitters.*

**EASTERN AND CENTRAL ARCTIC:**

**Eskimo Point Tours**, D. L. Baker, Box 30, Eskimo Point, Northwest Territories X0C 0E0. Tel: (819) 857-2735. Fax: (819) 857-2513 Keewatin zone booking agent for polar bear hunts for the Eskimo Point Hunters' and Trappers' Association.

**Canada North Outfitting**, Box 1230, Waterdown, Ontario, Canada L0R 2H0. Tel: (416) 689-7925.

**WESTERN AND CENTRAL ARCTIC:**

**Canada North Expeditions**, Bill Tait, Box 2435, Yellowknife, Northwest Territories, Canada X1A 2P3. Tel: (403) 920-2196.

**Guided Arctic Expeditions**, c/o Terry Cooke, Box 2120, Inuvik, Northwest Territories, Canada X0E 0T0. Tel: (403) 979-2408.

**Qaivvik Limited**, Box 1538, Yellowknife, Northwest Territories, Canada X1A 2P2. Tel: (403) 873-2074.

For more details regarding hunting outfitters in the Northwest Territories, please contact:

TravelArctic
Department 655
Government of the Northwest Territories
Yellowknife, Northwest Territories
Canada X1A 2L9
Or call the Arctic Hotline:
1-800-661-0788.

CANADA'S NORTHWEST TERRITORIES
*Within reach, yet beyond belief*

12-10-89.

PETITION TO THE LEGISLATIVE TASK FORCE ON GUIDING & GAME.

The intent and the purpose of the above Task Force is to do the following; Prepare and draft a equitable, resource based management system for the allocation of equal access to big-game guiding & outfitting opportunities among those licensed to do so that is fully consistant with Article 8, Sec; 3 & 17 of the Constitution of the State of Alaska.

This Common Use Clause stipulates that all persons, all guides in this case, must have equal access to the big-game resources of the State.

We feel that the restriction of all guides licensed since 1974 to three game management units severely limits their ability to compete with approximately 75 of their peers whom were fortunate enough to have upwards of the entire State on their license.

We also feel that this obvious inequity needs to be corrected before a open competition with a fair award process could be initiated in the future.

Therefore, we, the undersigned petition the above Task Force to recommend, in any new legislation, that all guides licensed since 1974 be given the opportunity to at least be equal to their peers licensed prior to that date.

RECEIVED
DEC 14 1989
JAN FAIKS
SENATE OFFICE

| NAME: PRINTED | ADDRESS | SIGNATURE |
|---|---|---|
| Joe Want GLF AA006 | P.O. Box 10044 FKs | Joseph W. Want |
| Mike Tinker AA480 | PO Box 25197 ESTER AK 99725 | Mike Tinker |
| Thomas J. Kirstein c/o 559 | P.O. Box 83805 FBKs. AK. 99708 | Thomas J. Kirstein |
| MARK KNAPP | P.O.BOX 10690 FBKS AK 99710 | Mark Knapp |
| D.J. SANDY SAUNIER | POBOX 130 ESTER, ALASKA 99725 | |
| LEN MACKLER | 411 RHONDA ST FBKS AK 99712 | |
| D. Paul Mooney | P.O. Bx 72906 Fbks 99707 | |
| Charles L. Gray | 311 Slater St. Fairbanks, Ak. 99701 | |
| ARTHUR ANDREIS | P.O.BOX 55818, N.P.AK. 99705 | |

PHOTOGRAPHY FISHING HUNTING

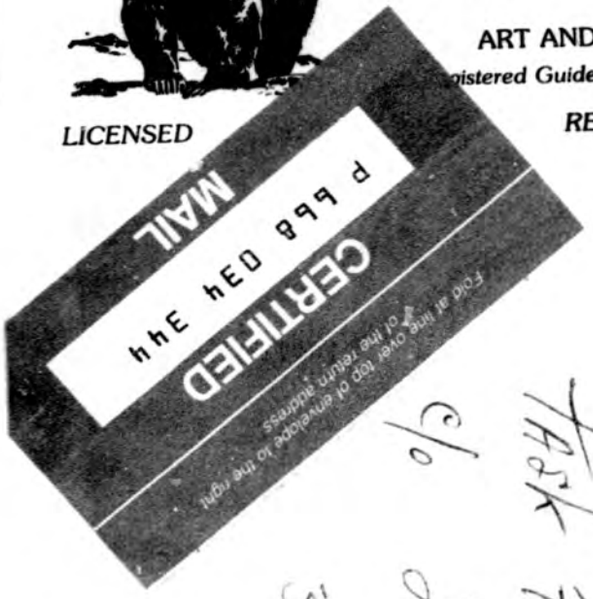


**BROOKS RANGE ADVENTURES**

P.O. Box 55818
North Pole, Alaska 99705

ART ANDREIS
*Registered Guide & Outfitter*

LICENSED REFERENCES




TASK FORCE ON GUIDING & GAME
c/o SENATOR TOM KAPSIS
3111 "C" STREET, SUITE 525
ANCHORAGE, ALASKA
99503

Put in file

October 5, 1989

**MEMORANDUM**

TO: Jan

FROM: Cheryl

SUBJECT: Telephone Call From A Guide

Ken Rivard (P.O. Box 871842, Wasilla, 99687; 376-2140) called. He is a hunter but not a professional. He thinks the guides are too push and are harassing hunters such as himself. He has experienced where guides tell him to "get out of their area" when they have no basis to say this.

He also thinks guides should be limited as to the number of animals they can murder in a given season. He also doesn't think it is fair that it is okay to hunt with a horse or snowmachine in one day, but you can't fly in and murder the same day.

He also wishes there was an effective mechanism in place where you could report misbehaving guides.

He asks that he be kept posted of task force meetings. Also suggests that we contact "Foster's Taxidermy" in Wasilla...he is kind of a clearinghouse for the animal murdering types in the valley.

# Senate Judiciary Committee

Jan -

Received from

Pete Buist

need to be separated + place in 2 separate packets.

(1) Amendments to be voted on

(2) information for all to see

Members
Jan Faiks, Chairman • Mike Szymanski, Vice-Chairman
Rick Halford • Drue Pearce • Pat Rodey

RECEIVED
DEC 4 1989
JAN FAIKS
SENATE OFFICE

# Clearwater Outdoor Services

Peter R. Buist — Registered Guide | P.O. Box 1561 — Fairbanks, Alaska 99707 | (907) 457-7189

November 30, 1989

Mark,

Here are some items for the "packet" for the Dec 11-12 Guide Task Force Meeting:

1) The proposal for nonresident permit allocations that Lew dared me to draft!

2) Coastal Zone Management (CZM) Documents. One is a Consistency Review Determination by the State's coordinator. The other is the Northwest Arctic Borough's comments on a guide's application for a BLM permit.

These show quite clearly how the "planning" process is used to keep guides who apply for land use permits from using public land. Some questions about this process should probably be directed to Gary Gustafson from Div. of Land and Water Management when he appears at the next meeting.

Pete

TO: Task Force on Guiding and Game

FROM: Pete Buist, Member DATE: November 29, 1989

RE: Options For Permit Allocations For Guided Nonresident Hunters

PROBLEM: Current allocation systems in drawing permit areas are not fair to nonresident hunters desiring guided hunts. The state loses thousands of dollars in potential revenues as a result.

1. In areas where big game permits are used in the allocation process, guide-outfitters have no certainty that any of their booked hunters will actually be awarded permits.

2. ADFG doesn't announce winners of permits until mid-summer. Nonresidents hoping to hunt sheep, for example, at the beginning of the season have less than 30 days in which to make their plans (they can't even purchase super-saver airline tickets!)

3. In permit drawings, particularly where a ceiling on the percentage of non-residents is in place, nonresidents guided by family members who are "residents" (generally military) may end up with a large percentage of the permits.

4. Under proposed TF guidelines (and the previous guide statutes and regulations) guide-outfitters will be required to show annual use of assigned Resource Areas. If a guide-outfitter's clients failed to draw, he could lose the right to guide in the area.

5. Not all permit hunts are "on permit" because of a shortage of game. Some are managed in that way to provide for an aestetically pleasing experience, precisely the type of hunt that most nonresidents desire.

DISCUSSION:

Allocation procedures are the perogative of the Alaska Board of Game. Proposals to alter the present system of drawing permits have been summarily dismissed several times over the past 7 or 8 years. Board makeup has changed and similar proposals have again been submitted. However, the proposal changes will be considered by the Board at the March 1990 meeting and it is fair to assume that a new guide-outfitter Resource Area system will not be in place by that time. The next time that portion of the regulations will be considered would be at the spring 1992 meeting.

The permit allocation system for brown bears in GMU 8 worked adequately for ADFG, USFWS, guide-outfitters and hunters for a number of years WHEN THE EGA SYSTEM WAS IN PLACE.

SOLUTION:

Many Task Force members have indicated their support for an allocation system but do not wish to usurp the perogative of the Board of Game.with a legislative solution. The Task Force should urge the Board of Game to consider discussion of a more equitable allocation system at their March 1990 meeting. The reccommendations

should include the following:

1. Realistic dates for the drawings. March or April are far more realistic than July.

2. An outright allocation of permits to nonresidents (10% - 40%) in any permit hunt where non-residents are allowed to participate.

3. Permits allocated to non-residents, but not applied for, should be allocated to resident hunters.

4. If and when a "Guide-Outfitter Resource Area System" is in place, permits for species for which a guide-outfitter is required should be available on a REGISTRATION permit basis to clients of guide-outfitters holding the Resource Areas (UCU's) in question.

5. Permits for nonresidents accompanied by "second degree of kindred" residents should come from the resident permit allocation.

If the State of Alaska is serious about providing quality hunting experiences for non-residents, requires a guide for certain species, charges far higher tag fees and license fees than it does for residents and realizes significant portions of its ADFG budget from nonresident revenues, it should be willing to see that these hunters and their guide-outfitters get a fair shake in the permit allocation process.

rcd 11/28/89 via pufs

October 22, 1989

Mr. C. Wayne Taylor
2931 S. Kobuk Avenue
Fairbanks, AK 99709

Dear Mr. Taylor:

SUBJECT: CONCLUSIVE CONSISTENCY DETERMINATION
GUIDING OPERATIONS IN SQUIRREL AND WULIK RIVER AREAS
STATE I.D. NO. AK8910110B/F

The Division of Governmental Coordination has completed coordinating the state's review of your project for consistency with the Alaska Coastal Management Program (ACMP). The project entails commercial guiding on BLM lands within the Squirrel River basin and on the Lisburne Peninsula. The primary use of BLM managed lands will consist of taking clients northwest of the village of Noatak for moose hunting and into the Squirrel River basin for sheep and caribou hunting. Spike camps will be utilized as part of this operation.

This conclusive consistency determination applies to the following federal authorization as per 6 AAC 50:

BUREAU OF LAND MANAGEMENT SPECIAL RECREATION PERMIT (F86668)

Based on the review of your project by the Alaska Departments of Natural Resources, Environmental Conservation, and Fish and Game, and the Northwest Arctic Borough, the state concurs with your certification that the project is consistent with the ACMP.

If changes to the project, as approved, are necessary during operation, you are required to contact this office immediately to determine if further review and approval of the revised project is necessary.

By a copy of this letter we are informing the federal agency reviewing your permit of our finding.

Other Concerns/Advisories:

Policy A-1, Subsistence Priority, of the Northwest Arctic Borough's coastal management program, states that subsistence use of coastal lands and waters has traditionally been the primary and highest priority use of all lands and waters within the coastal management plan area; therefore all other land/water management uses and activities shall accommodate the use of subsistence resources in the planning, development, and operation of these activities.

In the Wulik River area, subsistence activities, fish overwintering, and fish and wildlife management are priority uses; therefore, all other land/water uses and activities shall avoid adverse impacts on these areas.

Because there has been evidence of conflicts between the subsistence hunters and guiding activities, the Northwest Arctic Borough has recommended that the Bureau of Land Management closely consider complaints of disruption to subsistence activities and possibly revoke permits if there is documented interference by guiding operations.

You are requested to please pay special attention to subsistence hunters in the applied for guiding areas and not interfere with or disturb their activities.

If you have questions regarding this determination, please contact me at 451-2818.

Sincerely,

- signed -

Patti Wightman
Project Review Coordinator

Enclosure

cc: Larry Field, BLM, Fairbanks
Joyce Beelman, ADEC, Fairbanks
Simon Mawson, ADEC, Nome
Gayle Berger, ADNR/L&WM, Fairbanks
Al Ott, ADF&G, Fairbanks
Dennis Tiepleman, NWAB, Kotzebue

# NORTHWEST ARCTIC BOROUGH

P.O. BOX 1110
KOTZEBUE, AK 99752
(907) 442-2500 / FAX 442-2930


October 26, 1989

Patti Wightman
State of Alaska
Division of Governmental Coordination
Central Office
P.O. Box AW
Juneau, Alaska 99811-0165

REF: AK89101108/f Wayne Taylor, Guiding Operations

Dear Patti,

The Northwest Arctic Borough Planning as the NAB CZM Board met on the 25th of October, 1989 and reviewed this project for consistency with the Alaska CZMP and the NAB CZMP.

The Planning Commission found this proposed project to be **INCONSISTENT** with the following NAB Policies:

A-1 Subsistence Priority

Subistence use of coastal lands and waters has traditionally been the primary and highest priority use of all lands and waters within the coastal management plan area; therefor, all other land/water management uses and activities shall accommodate the use of subsistence resources in the planning, development and operation of these activities.

IMPORTANT RESOURCE USE AREA POLICIES

NN NORTH FORK SQUIRREL RIVER/OMAR RIVER

NN-1 Subsistence

Uses and activities shall not significantly interfere with the following activities:

(a) fall caribou hunting (mid-August - mid-October)

NN-2 Caribou Migration

Uses and activities shall be required to cease operations during caribou migration, if impacts to migration are likely to occur and other mitigative measures are not effective or feasible.

SENSITIVE USE AREAS

EEE WULIK RIVER ARCTIC CHAR OVERWINTERING AND SPAWNING AREA

EEE-2 Priority Uses

Subsistence activities, fish spawning and overwintering, and fish and wildlife management are priority uses; therefore, all other land/water uses and activities shall avoid adverse impacts on these areas.

Discussion. The economy of the NAB is a contemporary subsistence/cash economy (Ellanna, 1980; James Magdanz, pers. comm.). The harvesting of local fish and wildlife resources historically was and continues to be the primary focus of the regional economy, based on a combination of subsistence and commercial harvesting of fish and wildlife. Several studies in this region indicate that subsistence foods constitute 70 to 80 percent of total protein consumed by households (Minerals Management Service, 1988). Most personal cash income is spent in the local economy to support subsistence or commercial fish and wildlife harvest activities.

Caribou migration is more than a month late and therefore will continue to migrate to their wintering grounds till late in November. Competition between guides will increase the hunting pressure on the caribou herds and compete and conflict with subsistence activities currently in progress. Conflict is already evident with guiding activities, during the week of September 10, subsistence hunters in the Wulik area had to return home (Kivalina) empty handed as a guide with airplane(green) had scared away caribou that the subsistence hunters were stalking (letter from Doug Larsen, Wildlife biologist, October 1989).

The Subsistence Committees from Kivalina and Noatak object to the issuance of additional guiding permits as they are acutely aware that the Wulik/Kivalina area cannot handle the load of another guiding operation, let alone cope with one.

RECOMMENDATION to the Department of Governmental Coordination. The NAB Planning Commission as the NAB CZM Board recommends that the Bureau of Land Management deny the Recreation Permit for guiding operation by C. Wayne Taylor due to inconsistencies of the afforementioned policies of the Northwest Arctic Borough Coastal Management Plan and the need for a successful subsistence harvest.

If the DGC and BLM do not take the recommendations of the Subsistence Committees of the villages of Kivalina and Noatak and the recommendation of the Northwest Arctic Borough Planning Commission and overides the concerns and finds the project consistent with the Alaska Coastal Management Plan; then, the borough recommends that this stipulation be inserted into the permit, "The Bureau of Land Management will immediately revoke said permit upon documented interference with subsistence hunts by the guiding operations."

Respectfully,

Walter P. Russell
Planner

cc: files
Planning Commission
Kivalina Subsistence Committee
Noatak Subsistence Committee
City of Kiana
Dennis J. Tiepelman

RECEIVED
DEC 7 1989
JAN FAIKS
SENATE OFFICE

6 December 1989

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 C Street, Suite 525
Anchorage, Ak. 99503

Dear Senator Faiks:

This letter is concerning my interest in the guide industry and concerns and viewpoints of the 17 November 1989 workdraft and also of the guide-outfitter resource area allocation program.

I've been conducting hunts for other registered guides since 1979 while at the same time, following the rules and regulations of the old guide law. I made a big commitment at that time to give up other livlyhood opportunities to try and meet the past-use criteria of the old guide law by guiding every spring and fall as much as seasons allowed. I resent the fact that I'm being referred to as (small time) or (fly-by-night) guide. Although only 50% of my annual income comes from guiding, its the maximum amount that I've been able to make from guiding. Just because someone, (on his own decision) has a lodge or bought improvements to operate his hunting business, should not mean that he or she should have any more points in an award criteria basis than a guide who has equal or more investment in time. I could also, establish a large financial investment due to the work I've had to pass up in order to establish a high past-use record under the old system and yes, (on my own decision). There are a lot of guides that have recently bourght improvements in units 8 - 9 but do not have near the past-use experience there that I do. The state, or the resource, should not be responsible for feeding the hugh lodges that have been built around this state. In essence, if the transfer of a guide area permit is allowed by the permit holder it is forcing a person to buy his or her improvements to operate a guide-outfitter business. I do not agree with this kind of transfer.

Under Sec. 08.54.620 subsection (d) on pg. 4 line seven of the work draft, I would like to see the language amended to read, (d) A guide-outfitter may not contract or conduct a guide-outfitted hunt. This was a loophole in the previous guide law that allowed a guide with an area to simply sign the contracts when in actuality they were another guides clients. The area holder could show minimum use while at the same time lease the area out.

I disagree with the class A,B,C permits and would much rather see a more simplified allocation program that would include the same time period for all applicants.

While I do realize the scope of your purpose, I think there needs to be a closer look at other commercial users such as air taxies, because they are in a direct way responsible for the harvest of a resource.

I commend you all for the work that has been done to date and hope that my interest will be taken into consideration as they are as important as a guides financial investments.

Sincerely,

Curt Deans

Curt Deans, Reg. Guide

Enc: All Task Force Members
Bill Horn
Senate Resources

12/6/89

RECEIVED
DEC 1989
JAN FAIKS
SENATE OFFICE

RECEIVED
DEC 5 1989
JAN FAIKS
SENATE OFFICE

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DEC
JAN FAIKS
SENATE OFFICE

Dear Senator Faiks

Under Federal and ~~State~~ Freedom of information acts I request the following

1. All legal opinions, formal and informal on the "owsicled decision" and guide areas.
2. All letter notes, memos etc dealing with Guide areas, the Owsclek decision and the alaska Constitution.
3. All legal opinions from Bill Horn, his associates or law firm on Guide areas, and the owsicled decision and our constitution.
4. ~~Was~~ was the States attorney generals offices used and if so why was ~~a~~ a private outside firm hired?
   A. Who authorized hiring a private outside firm.
   B. Do you Know Bill Horn.
   C. Do you Know the principles at Burr Harton
   D. Why was this firm selected
   E. How much have the private law

12/16/89

firms charged and how much will their total bill be? Who is paying for the private law firm used in the Crude oil plan?

5. a list of all persons who traveled to other states, or countrys? in working with the task forces, game board etc
   A. Their exact business
   B. length of trip
   C. who they met with
   D. Cost of each trip.
   E. where is this money coming From

6. Was this travel necessary to Benefit the state?

P.S.

Please send to Ken Owsichek
Box 190 301
Anch AK 99519
or call for a pick up 2435899

Thank you
Kenowsichek

# ALASKA WILDERNESS EXPEDITIONS

**Kevin Fitzgerald**
**P.O. Box 375**
**Talkeetna, Alaska 99676**
**(907) 733-2704**



Nov. 5, 1989

RECEIVED
NOV 13 1989
JAN FAIKS
SENATE OFFICE

To: Task force on guiding and game, Sen. Jan Faiks chairman

Sen. Faiks, members of the task force;

My name is Kevin Fitzgerald, I am a resident of Talkeetna Alaska and have been since I974. I am a registerd voter as well as an active taxpayer, a member of the Talkeetna ambulance service (volunteer EMT-I) and I have been a registerd guide since I984 and have professionally guided big game hunters in Alaska since I978.

I was awarded restricted guide area I3-53 by the governor apointed guide board in I985 and have activly run that business yearly since then. I was awarded that area after having contracted to purchase the business and improvements (3 cabins) for $65,000.00, I made my final payment in May of I988. Restricted guide areas were abolished shortly thereafter as being unconstitutional,rendering my investment to a worth of 0 (zero). As it stands right now I have permits to guide within the geographic boundaries of former guide area I3-53 with Cook Inlet Region Inc., Tyonek village corp., Knik-Atnu native corp. and the bureau of Land Management. These permits are non-transferable.

My point is that I am a proven resident and will remain a resident as long as I can support myself and family, I employ 6-I0 Alaskan residents yearly, my business generates a considerable amount of income and revenue to other businesses as well as tens of thousands of dollars to the dept. of fish and game in tags and licenses. I always have and always will adhere to all laws, statutes and regulations of the state of Alaska, fish and wildlife service, private landowners, and all other agencies I deal with in the course of my profession. I entered the business as the only alternative to steady employment in Talkeetna, and I entered in good faith that the system implemented by the state of Alaska (restricted guide areas, the tests and requirments of the licensing process) were a very neccasary part of an industry dealing with a public resource which needed protection from over zelous exploitation and the assurance that the resource would provide a livelyhood for many and the enjoyment of all for generation after generation. It was plain to me that the concept of restricted guide areas was not only the answer but was indeed successful in fulfilling this goal. Needless to say the Owsichek decision left me feeling very disheartend and dissapointed in the state of Alaska and the Judicial system, as well as very aprehensive as to the result it may have on the health and continuity of our big game populations.

I urge the Task force to consider these points in the decision making process, both for the benefit of our resources and the grass roots industry which thrived under the control of a restricted guide area concept

I) Leave the industry in the control of Alaska residents

2) Form a system which allows for the return of investments by sale of improvements or/and permits (as like limited entry permits used in commercial fishing). If this means a vote for a constitutional amendment, LETS VOTE.

3) Please have the wisdom and forsight to form a system which will protect our resources as well as the livelyhood of so many rural(as well as urban) Alaskans.

4) Please consider the fact that the restricted guide area concept was fulfilling points I,2,3.

5) Please consider the fact that the abolition of the restricted guide area concept opend the resource to exploitation by nonresidents as well as unscrupuleous individuals who may now move throughout the state with impunity and with no regard to the wildlife or the practice of sustained yeild

All interested parties in the guide industry realize the problems the task force faces. If we all work together I am confident we can come up with an equitable system where-

continued on page two

by the benefit will be felt by those already in the industry, those wishing to make it thier livelyhood, and those individuals who support the industry by hiring the services of a professional guide and of course the big game and wildlife resources of Alaska which not only makes it possible for Alaskans such as myself to earn a livelyhood in Alaska but for which the industry would crumble without. Thank you for your time and consideration here and I look forward with interest to the developement of a system which is equitable to all.

Sincerely,

Kevin Fitzgerald

Dinyee
P.O. Box 71372
Fairbanks, AK 99707-1372

November 20, 1989

RECEIVED
NOV 22 1989
JAN FAIKS
SENATE OFFICE

Legislative Task Force on Guiding and Game
Sen. Jan Faiks, Chairman
31111 C Street, Suite 525
Anchorage, AK 99503

Dear Sen. Faiks,

Dinyee is writing to give comments to your task force on Guiding and Game. Dinyee is the village corporation for Stevens Village located on the Yukon River. The moose population in the area is severely depressed and in a conservation system now. The local people attribute much of the scarcity of moose to the fact that there were a lot of airplane hunters in the area in the mid seventies. Because of that airplane hunters are forbidden on Dinyee lands except in cases of emergency.

The big game guiding industry has dominated game management in Alaska for a long time. Dinyee feels that other interested parties should have equal consideration. Many abuses of wildlife have occured as a part of the big game guiding industry because animals are just considered as dollars with no other value. To wipe out the subsistence economies would be very costly to the State of Alaska. Please manage the big game guiding industry very conservatively. As the boom gets over, the crunch becomes greater for the competition for wildlife in Alaska. It is obvious that the game guiding industry is the one that will have to make the sacrifices. Trophy hunting is a luxury that is becoming more controversial world wide and nation wide. Let's begin to cut back on our economic reliance on it now by reducing the areas available and easing off on the impacts upon the subsistence economies. Don't encourage new people to get into an industry that does not have a bright future.

Sincerely,

Dave Lacey
Dinyee

RECEIVED

NOV 27 1989

JAN FAIKS
SENATE OFFICE

Task Force on Guiding and Game
311 C Street, Suite 525
Anchorage, Alaska 99503

August 22, 1989

Brian Peterson
Box 485
Girdwood, Alaska 99587

Task Force on Guiding and Game,

As a registered guide I am very concerned with the present situation of the guiding industry. From what I have learned a system must be developed that allows equal access, supports the industry and most importantly protects and manages the resource. The following are some suggestions for a workable solution.

Geographical permit units should be used over a several year period. Initially the units would be permitted out for a one to ten year time and after the first period elapsed they would be issued for a decade. This would create a system in which ten percent of the units would turn over each year. To keep these units from being over harvestd at the end of these periods a permit system would be created for guided hunters. This would be like the system that was in place on Kodiak.

Once these systems are in place the difficult task comes in creating a point system that would allocate the units and allow equal access to earning points so individuals that want units have an opportunity to get them. The following are relevant suggestions although I don't know if they are all constitutional.

Allocate points on residency from the unit. The farther someone lives from the unit the smaller their chances should be. This allows equal access because they have the freedom to live where they want to. Allocate points on experience. Since the old guiding system is unconstitutional that experience cannot be used. Hunting experience in the area is one possibility. Length of guide licence usage is another.

One of the most important aspects of your work is to sustain the industry for the economic betterment of the state. This is best done by creating an industry of guides not hunt brokers that contract or hire the hunts they book out to others, furnish supplies and equipment, and fly people around in an airplane. The following suggestions would help do this along with spreading the industry profits out instead of going to the hunt brokers that have been calling themselves guides.

Limit assistant guides to two or possibly make unit permit holders actually guide in the field 50% or 40% of their hunts. Get guides guiding again.

Limit permit units to one or possibly two if those without one are given an opportunity for it and turn it down. This would create self supporting new business throughout the state. Along these same lines there should be no joint usage in permit units.

The existing law of being physically able to perform the duties of a guide should be enforced. This means guiding in the field not booking hunts and flying airplanes. Packing out a moose or a bearhide is very physically demanding as is climbing a mountain for sheep and goats. A physical checklist similar to a pilot physical should be created for doctors to test and see if an individual is capable of doing what one must.

Hunts should not be allowed in a unit unless the unit permit holder is present in that permit unit. It only makes sense,how can a person guide if they are not present. This is very important. Absentee guiding should not be allowed. If a person cannot be in a unit while his business is taking place he should not have that unit.

Something else that would help is to make registered guides accompany assistant guides in the field. Someone with little or no experience should not be allowed to guide simply because they work cheap. I'm mainly interested in getting the guides back into guiding.

It is very important to keep from auctioning off units for money. This would only create private hunting and or the wealthy to guide. If the above ideas are put into action there should be plenty of units and a money auction should not even be considered.

These suggestions are not complete but they do go a long way in sustaining the industry, allowing equal access and protecting the resource.

Sincerely,

Brian Peterson

November 20, 1989

RECEIVED

NOV 27 1989

JAN FAIKS
SENATE OFFICE

Legislative Task Force on Guiding and Game:

Jan Faiks, Chairman:

I am very concerned about receiving fair treatment in the future big game management plan. I have been a guide-outfitter for over 10 years without much possibility of receiving use of an area. I feel that each Registered Guide should be able to hunt area-wide in each of his chosen 3 areas. However, consideration should be given to create a buffer zone around each registered base-camp; with a limit of 1 base-camp per area. Also a guide should not be allowed to knowingly place a camp near to another guide's existing spike or fly camp; for example within 3 miles.

If a limit on any one species is deemed to be necessary by the Fish and Game Department; I think that a limit should be placed upon number of hunters per guide before limiting number of animals per guide. Guided hunt quality would deteriorate if number of animals per guide is limited because some guides may actually lessen the chances of hunter success in order to take more hunters, thus more income. I feel that 20 hunters per year should be maximum allowed for any guide in all of his chosen areas.

Inactivity of guides should be monitored closely, as well as continuing qualification of existing guides.

If the take of certain species must be limited then a criteria of priority could be given to subsistence, resident and non-resident, hunters. A percentage should always be reserved for non-resident guided hunts however, because this is a very important income producing industry in Alaska. For instance, area 13 has no allowable non-resident, caribou hunting. This is foolish with the caribou population at its current levels in the area. A 10% minimum non-resident take for all species in any area would be within reason. Consider the income potential for all land holders and Alaskans in general.

I hope that some of these ideas are helpful and that your committee can devise a fair, equitable, and constitutional plan for all parties concerned with our big-game resources.

Sincerely,

Butch Loper
P.O. Box 33
Cantwell, AK 99729

RECEIVED
NOV 22 1989
JAN FAIKS
SENATE OFFICE

Senator Jan Faiks:

Legislative Task Force on Guiding & Outfitting

I am very concerned about receiving fair treatment in the upcoming management plan recommendation.

I have been a Class A Assistant Guide for 10 years and I'm taking my Registered Guide test December 2, 1989. There was no reason for me to become Registered before because there was no areas available to guide in.

I hope that you will give equal consideration to newly Registered Guides compared to those who have had the areas locked up. I do not think that one guide should be able to book 100 hunters compared to another being limited to only a few.

Also its my belief that when a limit must be placed on a certain species for Guides; that the number of hunters be limited instead of the number of animals taken per guide. Otherwise the quality of hunts will deteriorate because guides will attempt to lower their success

rate so that they can accomodate more hunters.

I also feel that if a Guide is given 3 areas than he should be able to hunt any where in those areas (with permission) so that hunting pressure is evened out more.

If Guiding pressure is deemed to be too great in a certain locality than limiting the distance between registered base camps or spike camps might be considered.

There should also be a yearly re-evaluation of Guides who are either active or inactive.

Sincerely,

Butch Loper

P.O. Box 33
Cantwell AK.
99729

North Country Outfitters
John Zabielski
Registered Guide
P.O. Box 453
Tok, Alaska 99780

RECEIVED
NOV 20 1989
JAN FAIKS
SENATE OFFICE

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks:

In reference to your notification of October 30, 1989 pertaining to the Legislative Task Force on Guiding and Game, I do have some comments.

I operate a small operation in which a good season to me means a sheep hunt, moose or caribou hunt, and a bear hunt. My hunts are fair chase, walk, spike camp, esthetic type hunts. I have been a registered guide since 1983; an assistant guide since 1977.

The problems I face are as follows:

I do not put on enough hunts to qualify for an exclusive area under the old system. I found it hard to impossible to find open areas that remained that way once I used them as they were usually claimed and added to already large exclusive areas held by guides that did qualify under the old system.

As for the federal land, I hunted both the park and refuge system in Units 12 & 20 before the parks or refuge managers actually took control. I did not hunt every year and I did not acquire permits they now say I should have. So, since I did not hunt in 1988 on refuge or park lands and did not acquire a permit for that year, I am told I cannot hunt on those lands in 1989 or 1990 and perhaps never.

As for a large part of state land that is open same day airborne shooting, unfair chase and illegal practices limit the places I feel I can still put on what I like to think is an Alaskan hunt.

In short, I hope small operators like myself are given some consideration in the final recommendation. We need areas to hunt as we are trying to make a living also.

Sincerely,

John Zabielski

John Zabielski

Homer, Alaska
Nov. 9, 1989

Sen. Jan Faiks, Chairman
Legislative Task Force on Game & Guiding
6060 Yukon Drive
Anchorage, Ak. 99516

Dear Sen. Faiks:

I attended the Teleconference yesterday in Homer and planned to testify but finding the topic of conversation was mainly going over the narrative on new guide areas, and the docette being quite full, and my topic was a different problen, so I decided to write you this letter instead and let you bring it up to the Task Force.

You see I want to talk about the "Commercial Use Permit", Now called "CUP", and the having to pay even if one is not guiding.

I've written the State, one Senator & one Representative to no avail. The one Rep. told me the idea of the "CUP" is, that those using the resourse should help pay for the costs. Why then is there not a "CUP" for fishing, mining & etc. I think this is discriminatory.

To get a guide license you don't just go buy one because you want one, like fishing & etc., but it takes 3 to 5 years to get a Registered Guide license, what with meeting the requirements and passing tests, and at least 12 years before you can be a Master Guide, plus pass strict criterion. Why then should those guides, who are not guding for a year or so, have to pay the CUP fee or forfeit there guide license?

By the ver name, "Commercial USE Permit", it indicates PAY TO USE and I personally don't have any problem with that but to charge those not using then I do have a problem with that.

My personal situation is, I'm a Master Guide and have been for many years. I'm retired, sold my business so no longer use the resource. I am willing to pay the license fee to maintain my Master Guide license, for sentimental reasons, (I was in the guiding business back when it was an honored profession). Now I'm told I have to pay this CUP fee also or forfeit my license. I think this is wrong. I hope you can , please, do something about this.

Sincerely yours,
"Jake" John H. McLay

John H. McLay
Box 754
Homer, Alaska 99603

RECEIVED
NOV 13 1989
JAN FAIKS
SENATE OFFICE

P.O. Box 54
Mekoryuk, AK. 99630
NOV 5, 1989

Legislative TASK Force on Guiding & Game
3111 C. Street, Suite 525
Anchorage, AK. 99503

Dear Sirs,

The subsistance users must have the 1st Chance to use the Wild Game, other State Residents should have the Second Chance and the fat & Rich Alaska's Sports ~~men~~ Hunters should get the excess Wild Game.

Private Land owners must have some degree of game management on their own. Develope game management which is acceptable with the State game management.

Sincerely Yours,
Samuel Smith

First Federal Bank
of ALASKA, S.B.
Spenard Office • P.O. Box 92200
Anchorage, Alaska 99509-2200 • (907) 274-6565

November 15, 1989

Mr. Keith Johnson
3646 N. Point Drive
Anchorage, Alaska

Dear Keith:

You have asked me to write you a letter summarizing our conversation of the other day. In that discussion, you asked for a banker's perspective on proposed changes to the State's guiding laws that would *"limit the initial term on a specific guiding area to five years with one possible renewal of ten years"* subject to prudent management of the area. Physical structures would be allowed on holdings in these areas on leased land with up to 55 year leases available on these parcels.

The concern I have, as a banker, is that even though the area with the most physical improvements would be on a 55 year lease the *"economic value"* of this property would be greatly dependent on the shorter terms of the *"guiding area."* All other things being equal these shorter terms of five and ten years would govern any lending for leasehold improvements. This short lending term would, of course, tend to restrict the quality and size of improvements as well as increasing the cost to pass on to clients.

I hope this letter is sufficient for your purposes. When we spoke you did not have actual draft regulations, so I wrote this on a *"what if"* everything else being equal basis.

Sincerely,

John D. Carman
Senior Vice President
Retail Banking

EQUAL HOUSING LENDER

FSLIC

FEDERAL HOME LOAN BANK SYSTEM MEMBER

# ELIM · NATIVE · CORP.

November 17, 1989

RECEIVED
NOV 21 1989
JAN FAIKS
SENATE OFFICE

Senator Jan Faiks
Ak Legislative Task Force
3111 C Street, Suite 525
Anchorage, Ak 99503

Dear Honorable Faiks:

Thank you for your letter of 10/30/89 informing us of the big game management plan.

The Board of Directors of Elim Native Corp. oppose all guiding and game hunting on our land, and if there is any activity near Elim Native Corp. lands (formerly known as Norton Bay Native Reservation), we would like to be made aware of it ahead of time.

Thank you for your attention to this matter.

Sincerely,

Wallace Amaktoolik Jr.

Wallace Amaktoolik, Jr.
Vice-President

WA/hjd

P.O. Box 39010 • Elim, Alaska 99739 • Phone (907) 890-3741

**KWETHLUK INCORPORATED**
P.O. BOX 80
KWETHLUK, ALASKA 99621
(907) 757-6612 or 6613

RECEIVED
NOV 13 1989
JAN FAIKS
SENATE OFFICE

November 09, 1989

Senator Jan Faiks, Chairperson
Alaska Legislative Task Force on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

Dear Honorable Senator Faiks:

I thank you for your notice of your Task Force on Guiding and Game meetings.

For the record, our Joint Group comprised of the Kwethluk IRA Council, the Kwethluk City Council and the Kwethluk, Incorporated Board of Directors have been opposed to both sports fishing and game guiding in our Corporation's land selected area and those traditional, customary subsistence hunting, fishing and trapping land areas in the Kilbuck/Kuskokwim mountains. As is common throughout the Southwest Yukon-Kuskokwim Region, we basically are a subsistence way of life Alaskans. As such, we do not practice or approve of "catch and release" of fish caught by sports fishing as appears to have been the practice on the Kanektok River on the lower section part of the Kuskokwim River nor do we practice or approve of wanton waste of big game meat.

In addition, Mr. Mike Coffing, Subsistence Specialist, Bethel, Alaska, has been doing an extensive survey of our traditional and customary hunting, fishing, trapping areas in which are included the various fish and game traditionally sought. By copy of this letter, Mr. Coffing is respectfully requested to provide you the necessary information if he feels that it is pertinent to your committee's task.

In behalf of the Joint Group, I thank you again for your notice sent to us.

Sincerely,

Phillip Guy
Land Planner

cc: Mr. Mike Coffing, Subsistence Specialist, Bethel
Honorable Senator Johne Binkley
Honorable Representative Lyman Hoffman
Mr. Kim Francisco, Biologist, Bethel
Mr. Ron Perry, Manager, Yukon-Kuskokwim National Wildlife Refuge
Mr. John Coady, Regional Supervisor, Nome
Ms. Elizabeth Andrew, Regional Supervisor, Division of Subsistence, Fairbanks
Kwethluk IRA Council
Kwethluk City Council

Dave Wenat
13680 Karen Street 99515
345-0117

Opinion:

Does not feel Dahl Sheep should be a kill for the subsistence hunter. They are not hunted for their meat + are difficult to hunt. entails climbing + tracking.

Should mandate that out-of-state hunters should be allowed to hunt all game or no game - Make it all or nine, not just specific animals.

Guides shouldn't be required to hunt Sheep + goats, that's like requiring a guide to be with mountain climbers.

*NO need to call just left his msg.



**BROOKS RANGE ADVENTURES**

Art Andreis, Registered Guide
Lou Andreis, Assistant Guide
P.O. Box 55818
North Pole, Alaska 99705
(907) 488-2352



DEAR MARK,

IT IS VERY IMPORTANT TO ME THAT ALL MEMBERS OF THE TASK FORCE GET A COPY OF MY LETTER BEFORE THE NEXT MEETING.

THE PEOPLE AT LEGISLATIVE AFFAIRS HERE IN FAIRBANKS ASSURED ME THAT YOU WERE THE MAN TO TAKE CARE OF THAT FOR ME.

THANKYOU FOR YOUR HELP.

ART ANDREIS

RECEIVED
NOV 6 1989
JAN FAIKS
SENATE OFFICE

**12 AAC 38.130. REQUIREMENTS FOR AN ASSISTANT GUIDE LICENSE.** Repealed 5/12/79.

## ARTICLE 2.
## GUIDING AREA PERMITS

Section.
200. Restrictions to districts
210. Guiding area permits
220. Application and qualification for guiding area permit
230. Minimum use of guiding area permit
240. Statement of financial remuneration
250. Use of a guiding area assigned to another guide
260. Reassignment of guiding area permit
270. Death or mental incapacity of guiding area permit holder
280. Changes to guiding area permits
290. Ground for revocation or suspension of a guiding area permit

**12 AAC 38.200. RESTRICTION TO DISTRICTS.** (a) A guide may conduct guiding activities only in districts for which he is certified.

(b) Twenty-six guide districts are established and defined as being identical to those areas described as game management units by the Board of Fish and Game in 5 AAC 90.010, as of January 1, 1974, with the addition of the following subdistrict:

(1) repealed 6/15/80;

(2) repealed 6/6/79;

(3) 27—Arctic Coastal, consisting of all land, including islands, and waters within the jurisdiction of the State of Alaska extending seaward from a point one mile inland from the mean high tide line north of 58 North latitude, beginning at the mouth of the King Salmon River near Egegik and extending northward around the western and northern Alaska coastline to the eastern boundary of District 26. This district is designated for the hunting of marine mammals exclusively. "Marine mammals" means those mammals identified by the Alaska Board of Game as marine mammals.

(c) A guide licensed under AS 08.54 as of June 28, 1974 is restricted to certification to guide in those districts for which he was certified on that date. A guide licensed or entitled to renewal under AS 08.54 as of April 11, 1980 and certified in Districts 18, 18A, 22, 23, or 26 is hereby certified for Unit 27.

(d) Except as provided in (c) above, no guide may be certified for more than three districts, in addition to District 27.

(e) A master guide or registered guide may serve as a class-A assistant guide in districts for which he is not certified.

(f) Notwithstanding any provision of this section, a guide may petition the board for a transfer of certification to another district if he demonstrates to the satisfaction of the board

(1) that he will incur substantial hardship if a transfer is not permitted as evidenced by

(A) substantial land withdrawals from hunting within his district;

(B) significant reclassifications of land within his district;

(C) depletion of game as evidenced by actions of the Department of Fish and Game; or

(D) other demonstrations of hardship; and

(2) that he is qualified to guide in the district to which he wishes to be transferred. (Eff. 6/28/74, Reg. 50; am 2/25/77, Reg. 61; am 6/6/79, Reg. 70; am 6/15/80, Reg. 74; am 3/28/82, Reg. 81)

Authority: AS 08.54.040(3) and (6)
AS 08.54.050

**12 AAC 38.210. GUIDING AREA PERMITS.** (a) Guiding area permits will be issued by the board to guides qualifying under 12 AAC 38.220 and 12 AAC 38.260 for exclusive or joint use of a specified area in order to limit the number of guides allowed to guide for big game animals in that area.

(b) The board will determine the size, boundaries and number of guiding areas assigned to a master or registered guide and is not limited by number or boundaries of guide districts that may be included. In determining the size and boundaries of a guiding area, the board will consider, but is not limited to, the following criteria:

(1) size and boundaries applied for by the guide applicant;

(2) abundance and distribution of game populations in the area and adjacent areas that may be affected, and the ability of these populations to sustain hunting pressures;



# BROOKS RANGE ADVENTURES

Art Andreis, Registered Guide
Lou Andreis, Assistant Guide
P.O. Box 55818
North Pole, Alaska 99705
(907) 488-2352



Senator Jan Faiks,Chairman
Alaska Legislative Task Force
on Guiding & Game.
3111 C St., Suite; 525
Anchorage, Alaska 99503

11-3-89

Dear Senator Faiks,

During the first week of October,1989 I attended the Task Force meeting in Anchorage. After considerable discussion the Task Force process finally evolved into two formats. One considered the use of U.C.U.s, UNIFORM-CODING-UNITS as potential guide area assignments either in singular form or in multiples to form these potential units or guide areas.The second discussion was provided by Mr. Bill Horns Office and centered around how best to initiate this proposed program. He then broke down his thoughts into the below listed four areas.

1.) Limitation Rationale.
2.) Open Competition.
3.) Award Criteria.
4.) Permit-License-Concession Conditions.

Of the above listed four I have strong concerns over numbers two & three.The reason for my concerns is due to the Supreme Court Decision,the Common Use Clause.Because of this decision all guides must have equal access to any new guide area concept.To have open-competition and a fair award process then we must comply with the Supreme Court Decision.This brings me to a regulation which is still current under 12AAC-38.200-c.Restrictions To Districts; This reads that a guide licensed under A.S.08.54, as of June, 28,1974 is restricted to guide in those districts for which he was certified as of that date.And, d, Reads; No guide may be certified for more than three districts as of that date.

DISCUSSION: For one thing, guides are now limited to three Game Management Units, not Districts.

However, the problem is this. Prior to 1974 many guides were licensed for the entire State, or for as many Districts as they chose.This is where my concern comes in.How can a guide licensed since 1974 have an equal chance at the new U.C.U.s. or for that matter any new system if he is limited to three areas and his peers have the entire State?If a guide is licensed for the entire State he has a hugh advantage over guides whom are limited to only three units.I cannot believe that this advantage would withstand the scrutiny of the intent of the Supreme Court.
There are probably in excess of 100 guides in the State whom currently have this advantage over other guides.
And, the Supreme Court Decision insisted that everyone in the guiding industry must have equal access to whatever new system is put in place.

CONTINUED:



# BROOKS RANGE ADVENTURES



Art Andreis, Registered Guide
Lou Andreis, Assistant Guide
P.O. Box 55818
North Pole, Alaska 99705
(907) 488-2352



Therefore, I believe that the first thing to do is to give all the guides the same opportunity to be licensed for the entire State.This way there can be no future complaint that someone was treated unfairly.

I'm going to suggest two ways of accomplishing this.One is to simply give a exam which licenses a guide for the entire State.Another way is to simply go back to licensing by Districts for the guides only.The management units would not change for fish & game purposes.

EXAMPLE: Three Districts; Due to similarity of terrain within the State.

ARCTIC & INTERIOR-UNITS,19-27.
SOUTH CENTRAL -UNITS, 8-18.
SOUTH EASTERN -UNITS, 1-7.

This wouldalso eliminate the need for 26 different oral-exams to be administered by the new Commercial Services Board.All you would need is three or possibly one.Ironically, the next of kin law allows for anyone in the State to guide a second degree of kindred for all species in Alaska and we limit professional guides whom were tested as to fitness first from guiding thru-out the State.

SOME OF THE OTHER ADVANTAGES TO THE STATE AND THE NEW BOARD.

1.) SAVES THE STATE MONEY & FAR LESS WORKLOAD FOR THE NEW BOARD.
2.) MUCH EASIER TO COMPLY WITH OWS1CHEK AS IT WILL ALLOW FOR ALL GUIDES THE OPPORTUNITY TO QUALIFY TO GUIDE IN THE ENTIRE STATE.
3.) THE POTENTIAL BLOCKS OF U.C.U.s OR WHATEVER,COULD COME UP FOR REVIEW WITHIN THESE THREE DISTRICTS.THESE DISTRICTS WOULD BECOME AVAILABLE ON A STAGGERED BASIS EVERY YEAR SO THAT SOME LEVEL OF COMPETITION WOULD OCCUR ON AN ANNUAL BASIS.THIS WAY THE ENTIRE STATE WOULD BE OPEN FOR REVIEW EVERY THREE YEARS.

I would appreciate it very much if the task-force would consider some of my concerns at your next scheduled meeting.

I also want to thank all of you for your hard work on this very complicated issue.

SINCERELY,

Arthur J. Andreis
Guide & Outfitter

Enc;

All TASK FORCE MEMBERS.
KURT WEST
BILL HORNS OFFICE
SENATE RESOURCES
COMMERCIAL SERVICES BD.

**"Fair Chase Only"**

THE ALASKA PROFESSIONAL SPORTSMEN'S ASSOCIATION
Post Office Box 190842
Anchorage, Alaska 99519

May 23, 1989

COPY

The Alaska Congressional Delegation

For some time I have been concerned with the common practice of federal land managing agencies (FWS, NPS and BLM) informally (without promulgation) regulating (limiting) traditional commercial visitor services within federal conservation system units in Alaska. This concern first surfaced while serving as a sub-cabinet officer with the Reagan Administration. Efforts to correct the problem have been frustrated with changes in leadership in Interior (both in Wash D.C and Alaska) and an unwillingness to address these issues.

The purpose of this letter is to raise one specific concern to your attention. As you know commercial visitor services have long been the only realistic means for many to visit our new parks and refuges. Commercial visitor services are a vital component of our tourism economy and one of the best examples of the "Alaskan experience" offered by Alaskans. With the passage of ANILCA the NPS, FWS and BLM have wrestled with mechanisms through which to allocate fish, game, public waters and recreation (space/access) resources for human enjoyment. The many management plans prepared over the past seven years set a framework for management in the agencies application of new law to Alaska resources. Commercial visitor services were expected to be grandfathered in so long as their activities were consistent with the purposes of the conservation system unit and not in conflict with ANILCA. As you know, better than most, ANILCA broke new ground in recreational resource management changing many of the older practices of the NPS, FWS and BLM and establishing a management philosophy more recreation oriented than in many other federal areas.

Two of the most basic of resource allocation and management concepts is fair and equal access and resource allocation based on biological compatibility under sustained yield management. This is not only consistent with the intent of Congress in ANILCA but directly consistent with Article VII, Section 3 of our Alaska State Constitution.

For the first time since Statehood the Alaska Supreme Court has issued a ruling on the meaning of this unique and important section of our State Constitution. The Owsichek decision not only invalidated Exclusive Guide Areas it provided important insight into the intent of the drafters of Article VII, Section 3. Commercial users must now be considered a user in the common use clause. Prior use and economic value can no longer be used as a bases for allocation or access restriction.

This important decision is applicable to federal areas in a number of ways. All fish and wildlife resources, other than marine mammals and some species subject to international treaty, are under the management of the State of Alaska. This was reinforced by the Master Memorandum or Agreement signed by the Secretary of Interior and the Governor of Alaska on the management of Alaska's fish and wildlife in 1981. It has been recently reinforced by memoranda of federal land management agencies stating that those agencies will await State resolution of this regulatory redirection before adjusting their management practices. The Supreme Court decision is now close to six month old and yet it has not brought about change to the basic problem of federal agencies regulating (again informally) access and resources based on seniority (prior use).

In 1984 the U.S. Fish and Wildlife Service imposed a moratorium on new commercial visitor services or expansion of existing services on the Togiak Refuge. This action was taken in response to a perception of increasing demand for guided sport fishing in the refuge. To date, according to the U.S. Fish and Wildlife Service in Anchorage, no formal regulatory action has been taken. Only memorandum from the Regional Director. This moratorium has been in place now for almost six years.

Allocation of access and resources which since passage of ANILCA has been illegally based on seniority is being further restricted by the refuge manager causing serious economic hardship on fishing guides and lodges that depend on a reasonable opportunity to take their clients into this world class area. Allocation of access and use continues to be based on prior use (senority). And yet, not one single regulation has been promulgated which has allowed users an opportunity to exercise their rights under the Administrative Procedures Act. Please understand that a management plan is not a formal regulation. It can, along with the enabling Act set a basis from which regulations may be promulgated - but it is in itself not a formal regulation.

The Aleknagik Mission Lodge has been the most adversely impacted commercial visitor service by this discriminatory action. I have discussed this situation with the Pacific Legal Foundation and with tne Alaska Citizens Advisory Commission on Federal Areas and have found agreement with my position that the 1984 moratorium and present allocation actions of the U.S. Fish and Wildlife Service are illegal, discriminatory and a violation of the Alaska State Constitution as well as the Federal Administrative Procedures Act.

One of the things I learned while serving on your staff and with the Office of the Secretary of Interior is that a policy <u>is not a Policy</u> unless it is <u>formally promulgated</u> in the Federal Register. Informal regulations have no basis for enforcement if not formally promulgated allowing notice, comment and due process.

This situation is, as I have previously stated, causing serious economic hardship on Jim and Mary Broady the owners of the Aleknagik Mission Lodge. Your immediate intervention is requested.

I have accumulated a great amount of information on this case and the general problem not only for the Togiak Refuge but for the overall problem of informal regulation and resource allocation based on

seniority. Not only would I appreciate a Congressional inquiry through the Secretary of Interior but an opportunity to discuss this mater with you or your staff. Please remember this problem is not isolated to Togiak but is generic across federal conservation system units.

You may reach me in Seward by phone (907) 224-7020 (7am-7pm). I am assisting with the oil spill clean up as an environmental compliance professional.

Your long time supporter,

Rio Davidge
Executive Director

Provided by
Nick Pierskalla
10-24-89



# BERING STRAITS NATIVE CORPORATION

P.O. Box 1008 • Nome, Alaska 99762 • Phone (907) 443-5252

RECEIVED
SEP 19 1989
JAN FAIKS
SENATE OFFICE

September 8, 1989

Honorable Jan Faiks, Chairman
Alaska Legislative Task Force on Guiding & Game
3111 C Street, Suite 525
Anchorage, AK 99503

Dear Senator Faiks:

Thank you for your letter of 8/23/89. I have just two comments regarding the Management Plan.

Recommendation #16 from the task force states in part that "The major land owners need to participate in the formulation of the management system". I would purpose to you as the Chairman that there is still the issue on the back burner of private land. In other words, I would suggest that recommendation #16 is very important.

Recommendation #14 is also a very good idea. This recommendation is the key to making the "common use" clause work.

The task force has done a good job to identify the issues.

Respectfully,

Guy Martin

Arthur "Guy" Martin
Land Manager

GM/dlb

cc: File

# STATE OF ALASKA

**DEPARTMENT OF NATURAL RESOURCES**

*OFFICE OF THE COMMISSIONER*

***STEVE COWPER, GOVERNOR***

***400 WILLOUGHBY AVE.***
***JUNEAU, ALASKA 99801-1796***
***PHONE: (907) 465-2400***



RECEIVED
SEP 15 198
JAN FAIKS
SENATE OFFICE


August 31, 1989

The Honorable Jan Faiks
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Thank you for keeping me informed about the work of the Task Force on Guiding and Game. As the state's land manager, the Department of Natural Resources continues its interest in the development of a new system for allocating big game hunting opportunities among guide-outfitters.

Please let me know if we may provide information or assistance to task force members.

Sincerely,

Lennie Gorsuch
Commissioner

cc: Gary Gustafson, Director
Division of Land and Water Management

10-J9LH

# STATE OF ALASKA

**DEPARTMENT OF FISH AND GAME**

*OFFICE OF THE COMMISSIONER*

*STEVE COWPER, GOVERNOR*

*P.O. BOX 3-2000*
*JUNEAU, ALASKA 99802-2000*
*PHONE: (907) 465-4100*



RECEIVED
SEP 25 1989
JAN FAIKS
SENATE OFFICE


September 11, 1989

The Honorable Jan Faiks
Chairman
Alaska Legislative Task Force
on Guiding and Game
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Thank you for your letter on the progress of the Task Force on Guiding and Game. Capable legal support will provide assistance in developing a workable management system for the big game industry in Alaska.

The Wildlife Conservation Division has hired an experienced and knowledgeable individual, Ms. Marianne See, to develop wildlife resource information for use by the Task Force. She and Wildlife Conservation Director, Lew Pamplin will continue to work closely with the Task Force during development of the management plan.

Thank you again for keeping us abreast of your progress.

Sincerely,

Don W. Collinsworth
Commissioner

11-K2LH

# Citizens' Advisory Commission on Federal Areas

515 Seventh Avenue
Suite 310
Fairbanks, Alaska 99701
(907) 456-2012


August 29, 1989


RECEIVED

SEP 12 1989

JAN FAIKS
SENATE OFFICE


Mr. Ray McNutt
Wrangell "R" Ranch
P.O. Box 469
Sterling, Alaska 99672

Dear Mr. McNutt,

The Citizens' Advisory Commission on Federal Areas is conducting a survey of hunting guides who operate within the national preserves units in Alaska. The Commission has been contacted by a number of hunting guides who have expressed some concerns about the interim permitting program recently implemented by the National Park Service in response to the Alaska Supreme Court decision which extinguished the exclusive hunting guide areas. Several guides have also contacted state legislators and the Alaska Department of Fish and Game to express similar concerns.

Commission staff has been asked to look into this issue and determine the substance and extent of the concerns, and the magnitude of the impacts to those guides operating on national preserve lands. We hope to present any substantive findings to the Legislative Task Force on Guiding and Game at its meeting on October 5 & 6 of this year. National Park Service records indicate that in 1988 you held either a commercial use license or a concession permit allowing you to operate on national preserve lands. We are asking for your assistance in helping us identify existing or potential problems, or concerns, that you may have about the National Park Service's interim permitting program.

In case you are not familiar with the Citizens' Advisory Commission on Federal Areas, we are a state commission established by the legislature in 1981. The Commission is charged with the responsibility of researching and assessing the impact of federal land management regulations and federal land management decisions on the people of the state. If a problem is identified during this process, the Commission may then make recommendations to the appropriate federal land management agency, state agencies or the state legislature.

We realize that this is your busiest time of the year, however, if you have any concerns about this interim permitting program we would appreciate hearing from you prior to the upcoming meeting of the task force. If you are satisfied with the program, we would like to know that also. We would also like to know if you have elected not to apply for an interim concession permit. If you do not have time to write, you may call collect. It would also be

helpful if you could provide us a copy of you concession permit, including any stipulations for your particular operation.

The address that is on this letterhead is no longer correct. Our new address is:

Citizens' Advisory Commission on Federal Areas
250 Cushman Street, Suite 4H
Fairbanks, Alaska 99701
(907) 456-2012
FAX # 456-2039

The National Park Service has indicated that this interim program will remain in place until December 31, 1990 or until the agency accepts a new state program of assigning guides and guide areas within the national preserves. Regardless of what program will ultimately be used to permit hunting guide operations and to assign areas within the national preserves, we would like to help ensure that your concerns are addressed and that a program that is fair and equitable for all concerned is developed. Please let us hear from you.

Sincerely,

Stan Leaphart

Stan Leaphart
Executive Director

cc: Sen. Adams
Sen. Faiks
Sen. Fahrenkamp

IDENTICAL LETTER
SENT TO ALL
HUNTING GUIDES
AUTHORIZED TO
OPERATE IN THE
NATIONAL PRESERVES
IN 1988.

17

RECEIVED
JUL 24 1989
GOVERNOR'S OFFICE

FISHING AND FLYING
P.O. Box 51
Yakutat, AK 99689

July 22, 1989

BOARDS & COMMISSIONS
JUL 25 1989

Ms. Sheila K. Gottehrer, Director
Boards and Commissions
P.O. Box A
Juneau, AK 99811

Dear Ms. Gottehrer,

At this time I would like to submit my resignation from the Task Force on Guiding and Game. I am honored to have had this privilige to serve on the task force. However, this time of the year is the busiest and most demanding, and my business requires my full attention. As a result, I find that I am unable to give adequate energies to the issues and concerns of the task force.

As a representative for air taxi, I would urge you to find an appropriate replacement to take my place as soon as it is possible. I feel that it is very important for air taxi to have adequate representation on the task force and regret that I am unable to continue to fill that need.

Thank you again for the opportunity to have served on the Task Force for Guiding and Game. If I can be of any assistance in the future, please feel free to contact me.

Sincerely,

Gayle Ranney

Gayle Ranney
P.O. Box 51
Yakutat, AK 99689

# Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523

JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

July 26, 1989

MEMORANDUM

TO: Task Force on Guiding and Game

FROM: Senator Jan Faiks

SUBJECT: Letter from Citizens' Advisory Commission on Federal Areas

Attached is a letter the Task Force received from the Citizens' Advisory Commission on Federal Areas. As you will read, the commission has been asked to investigate complaints from guides operating within national preserve units in Alaska.

This will be included on the agenda of the Task Force's next meeting.

cc: Stan Leaphart, Executive Director, Citizens' Advisory Commission on Federal Areas

OUT OF SESSION
3111 C STREET ANCHORAGE, ALASKA 99503 907-561-7610

① Send a copy to each Swale Task Force members — done 7/26

② put on agenda for dept meeting - explain

# *Citizens' Advisory Commission on Federal Areas*

515 Seventh Avenue
Suite 310
Fairbanks, Alaska 99701
(907) 456-2012


July 21, 1989


RECEIVED

JUL 24 1989

JAN FAIKS
SENATE OFFICE


The Honorable Jan Faiks, Chairperson
Task Force on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks,

The Citizens' Advisory Commission on Federal Areas staff has been asked to investigate a number of complaints received from hunting guides operating within national preserve units in Alaska. In addition to being contacted directly by two guides, Commission staff has also been made aware of complaints received by Senator Al Adams' office and by Alaska Department of Fish & Game staff. The complaints stem from changes made by the National Park Service in the permitting procedures for hunting guides as a result of the Owsichek decision. The purpose of this letter is to advise you of our investigation of these complaints and of our intention to keep the task force informed of any substantive findings.

Following the Owsichek decision extinguishing the state-assigned exclusive hunting guide areas, the National Park Service implemented an interim program for guided hunting within the national preserve units. The primary element in this interim program is a change from a commercial use license to a concession permit. The change to a concession permit system was made because of National Park Service concerns that the elimination of the exclusive guide areas would result in significant increases in the number of hunting guides seeking permits to operate within the preserve units. A concession permit system allows the Park Service to set limits on the number of guides authorized on preserve lands, where the previously used system of commercial use licenses does not. This interim measure essentially means that, insofar as the national preserves are concerned, the pre-Owsichek arrangement of limited or exclusive guide areas will be maintained until a new allocation system, acceptable to the Park Service, is developed by the state.

Under the interim program fees have been dramatically increased. Fees for the concession permits will be $500 in 1989 and $1000 in 1990. Fees for the previously used commercial use licenses averaged around $100 per year. A number of guides, particularly those with small operations, have expressed concerns about this increase in fees and their ability to absorb the extra costs. If a concession permit system is adopted permanently a franchise fee of 2% of gross revenues will be assessed annually. In addition, the concession permits will be issued on a competitive bid basis.

Another aspect of the interim program is a limit on the number of clients a guide can take into a preserve unit. The limit will be an average of the number of clients reported for the 1986, 1987, and 1988 seasons. The Park Service has indicated that the limit is designed to avoid over-harvest of the game resources by guides uncertain about their ability to operate in the national preserves in the future. Harvest levels are already regulated and closely monitored by the state. Some see this as unnecessary and an intrusion into the state's authority to regulate harvest levels.

There are other aspects of the interim program that concern some of the guides, but the increased fees and limits on the number of clients seem to head the list. We have contacted the National Park Service to request a list of guides who have been issued concession permits. Our next step will be to contact each of the guides individually to determine whether these concerns are wide-spread or if they are isolated to a few individuals.

While the Park Service program is designed to be an interim measure, there is some suspicion that it will be adopted on a permanent basis. The key point is whether or not the state will be able to develop an allocation system that is acceptable to that agency.

As stated previously, we will keep your office and the task force advised of the progress of our investigation. In the meantime if we can provide any additional information or assistance, please contact our offices.

Sincerely,

Stan Leaphart

Stan Leaphart
Executive Director

cc: Sen. Al Adams
Sen. Bettye Fahrenkamp

# United States Department of the Interior

NATIONAL PARK SERVICE

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503 - 2892

IN REPLY REFER TO:

C38(ARO-OC)

RECEIVED
SEP 26 1989
JAN FAIKS
SENATE OFFICE
SEP 25 1989

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks:

Thank you for forwarding to me a copy of your August 22 letter to Director James Ridenour, National Park Service. The state task force on big game guiding and outfitting has a monumental mission.

Our Regional Division of Concessions Management has provided you with documents outlining concessions management in the National Park Service system. It is hoped these documents assisted you in your research. If you need any additional information or have any questions about our concessions program, do not hesitate to contact the Division's Chief, Rebecca Kaiser, at 257-2594 in Anchorage .

As outlined in our presentation to the Guide Licensing Control Board last December, the National Park Service developed an interim, emergency program that maintains a status-quo of hunting guides in the national preserves through 1990. Next year, we will solicit proposals from interested hunting guides and will, through a competitive process, select hunting guides to begin concessions operations in the national preserves in 1991.

We are interested in meeting with the task force or its representative to determine if compatible state and federal programs can be instituted. It is to the benefit of the guides, the clients, the state, and the national preserves if such a cooperative effort occurs.

We offer our support and assistance to the state task force.

Sincerely,

David B. Ames

ACTING David B. Ames
Regional Director
Alaska Region

# STATE OF ALASKA

**DEPARTMENT OF FISH AND GAME**

*STEVE COWPER, GOVERNOR*

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518-1599
PHONE: (907) 344-0541



RECEIVED
JUL 5 1989
JAN FAIKS
SENATE OFFICE


June 30, 1989

The Honorable Jan Faiks
Senate Judiciary Committee
Alaska State Legislature
3111 "C" Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks:

Thanks again for organizing and conducting the first meeting of the Guiding and Game Task Force. I look forward to working with you and the other task force members on this important wildlife management issue.

With respect to alternates, SuzAnne Miller served as my alternate on the previous Guiding and Game Task Force and she will continue in this role. One point that probably needs further discussion by the task force is whether or not alternates can vote. Last time they could vote if they were designated as alternates in writing. I favor this approach.

Concerning upcoming meetings, I could attend a meeting in Anchorage during the first week of August and sometime in late September or early October. I think we should plan on a minimum of 2-day work sessions when we meet in the fall and early winter.

For our August meeting, I recommend that the draft criteria (enclosed) which I passed out at yesterday's meeting be reviewed by all task force members and that they be prepared to discuss and finalize the mapping criteria at the next meeting. In determining the future schedule of meetings for the task force, we must consider the public process for input to the mapping project. I feel it is imperative that the task force play a lead role and provide guidance for this project to be successful.

As stated yesterday, I support your suggestion of contracting with a legal consultant to assist us in developing legally viable alternative options. Along with your suggestion of Mr. Bill Horn, I would like to add Mr. Paul Lenzini (based in Washington, D.C.) and Mr. Avrum Gross of Juneau to the list of potential consultants.

One final point is that I must emphasize the need for additional funds to be able to complete the guide-outfitter resource area map project. A copy of the fiscal note submitted to the legislature is enclosed. As mentioned yesterday, the funds were reduced from $90,000 to $45,000. I recommend that this subject be placed on the next meeting's agenda for discussion.

Thank you for your assistance and willingness to serve as chairperson.

Sincerely,

Lew Pamplin
Director
Division of Wildlife Conservation

Enclosures

cc: SuzAnne Miller, Data Management Coordinator, Division of Wildlife Conservation
Task Force Members

## Possible Criteria for Developing the Guide-Outfitter Resource Area Maps*

In order of priority

1. Wildlife management concerns

   ---Species abundance and diversity

   ---Administrative wildlife management boundaries (Game Management Unit/Subunits)

   ---Harvest history (target number of potential hunt opportunities)

2. Enforcement concerns

3. Land ownership

4. Administrative restrictions

5. Easily recognizable (in the field) boundary features

6. Access availability and transportation considerations (methods and means restrictions)

7. General approach to the size and number of individual areas

8. The number of guide-outfitters per area

9. Other land uses

10. Existing facilities

11. Others considerations

* Provided to the Legislative Task Force on Guiding and Game by Lew Pamplin, ADF&G, June 29,1989

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 112
PUBLISH DATE:

# FISCAL NOTE

**REQUEST:**

Revision Date:
Title: An Act Relating to Commercial Services for Big Game Hunters
Sponsor: Resources Committee
Requestor:

Agency Affected: Fish and Game
BRU: Wildlife Conservation
Components:

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|---|---|---|---|---|---|---|
| PERSONAL SERVICES | 31.5 | 76.8 | 67.5 | 58.2 | 58.2 | 58.2 |
| TRAVEL | 1.5 | 5.0 | 3.0 | 1.0 | 1.0 | 1.0 |
| CONTRACTUAL | | .5 | .5 | .5 | .5 | .5 |
| SUPPLIES | | 1.7 | 1.0 | 1.0 | 1.0 | 1.0 |
| EQUIPMENT | | 6.0 | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 33.0 | 90.0 | 72.0 | 60.7 | 60.7 | 60.7 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | | | | | | |

**FUNDING:** (Thousands of Dollars)

| | | | | | | |
|---|---|---|---|---|---|---|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

**POSITIONS:**

| | | | | | | |
|---|---|---|---|---|---|---|
| FULL-TIME | 1 | 1 | 1 | 1 | 1 | 1 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

**ANALYSIS:** (Attach a separate page if necessary) The FY89, FY90, and FY91 expenditures are necessary to coordinate the development of a computerized area-based management system for use in administering the guide/outfitting industry. The FY92, FY93, and FY94 expenditures would depend on the guide/outfitter area management system which is devised and ADF&G's role in that system.

Prepared by: W. Lewis Pamplin, Jr., Director — Phone: 465-4190
Division: Wildlife Conservation — Date: 2/15/89

Approved by Commissioner: — Date: 2/15/89
Agency: Fish and Game

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

**Senate Judiciary Committee**

9-20-89

Jan —

This was FAXed yesterday. Sam Castle is former guide Board — now consultant with AK Professional Hunters.

---

Mark —

Call Alan Zuenelli of Prosecutors office & ask about this case — he will not tell you details but ask if they have reasonable cause — then ask him for ant it costs —

Jan Faiks
R

Yes — we can ant for an audit also but let's make sure its warranted.

Samantha Castle
1170 Sunnyslope
Fairbanks, Alaska 99709
(907) 455-6678

SENATE OFFICE
JAN FAIKS
SEP 19 1989
RECEIVED

September 19, 1989

Senator Jan Faiks
Chair, Senate Judiciary Committee
FAX 561-7812

Dear Senator Faiks,

As usual, rumors and innuendos are a part of daily life in Alaska. I am asking your assistance in the issue of Bruno Zedler vs. Lt. Bob Boutang. See attached news article.

My understanding is that Mr. Zedler is a convicted felon. In his anger over his own conviction, he has made allegations concerning his arresting officer, Lt. Boutang. This has caused two investigations by the Ombudsman's office (one very thorough) and one investigation by the Department of Commerce and Economic Development. Lt. Boutang has not been found to be in violation of any statutes, regulations or policy during the course of these investigations.

I have heard that an investigating officer has travelled to 9 or 10 states to interrogate Lt. Boutang's previous guided clients. This seems like a very expensive exercise and I am also considering the cost of in-state time and dollars to process these investigations.

How much will be enough and when will it stop? In addition to the above named costs to the State, Mr. Zedler is also using a public defender because he says he is unable to pay the cost of his defense. I understand the public defender issue was debatable in his defense. Is it not as debatable in his attack (as opposed to defense) in this allegation? Lt. Boutang does not have a public defender and his department (Department of Public Safety) is not paying for his attorney. This is a personally costly exercise for Lt. Boutang. If he is guilty of a misdeed, would the previous investigations have produced charges to be filed against Lt. Boutang?

My question to you -- is it possible to have a legislative audit of the costs of these many investigations? Can an upper limit be placed on the State paid investigation of Lt. Boutang by Bruno Zedler. Can you determine a set amount ($100,000 ??) which is available for use by Mr. Zedler in his pursuit of Lt. Boutang. This would only limit the State's contribution to the project, of course. Mr. Zedler will undoubtedly spend his own time and his own money if he wishes to continue his investigations of Lt. Boutang's conduct.

I am not suggesting to you that any of the above is absolutely correct fact. It is sent to you as a compilation of rumors and my issue is not one of arbitration between Lt. Boutang and Mr. Zedler or an advocacy of either of them. I simply resent the amount of time and money the State may be spending on this small issue when there are serious resource violations and other crimes against the State and its' citizens which may not be as high on the priority list of investigators. I constantly hear that the Department of Law and the Department of Public Safety (and most all other departments in this State) are seriously understaffed and underfunded. If that is true, we all have to work at establishing limits and prioritizing our work loads.

My question to you is whether the rumors as listed above are true and whether Mr. Zedler is taking a disproportionate share of State time and money.

Thank you for your follow-up on these questions.

Sincerely,

Samantha Castle

Samantha Castle



na places a 'Sold' sign on a Plymouth Voyager he bought for about $13,000 with a loan Saturday.

rations manager Gary Zim-
d most of the cars on the lot
at "low book" value. Alaska
l to finance the full price if
the prices reasonable, Zim-
d.

the third year Alaska USA
the sale in Anchorage,
ager Carl Bradford said. He
er questions to top manag-
ld not be reached.

id Avis sold about three-
e cars it offered for sale Sat-
weekend, the rental com-
of 52 cars taken to the Mata-
y Federal Credit Union in

ad I drove my car up there
ething to drive back," Hal-

l company has about 28 per-
ars in Alaska this year to
ss generated by the March
Prince William Sound and
summerlong cleanup that
wn.

e cars were unavailable for
use the companies, govern-



Times photos by JAY SCHWEITZER

Ben Cuaresma, far left, watches the truck he bought from Avis Rent-a-Car.

ment agencies and news teams are still using them in Valdez, she said.

Zimmerman said rental companies sell cars throughout the year. Avis uses the fall sale to clear out rentals prior to bringing in new models, although at least two cars on the credit union lot Saturday were 1990 models.

# Officer suspect

## Role investigated in game guide case

By MICHAEL DEAN
Times Writer

An Alaska Fish and Wildlife Protection officer who led investigations of illegal big game operations is under criminal investigation of perjury and using fraudulent information to obtain a big game hunter's guide license, according to state officials.

Lt. Robert Boutang, Fairbanks detachment commander of the Fish and Wildlife Protection division, is being investigated by troopers on allegations arising from testimony he gave on the witness stand during the trial of big game outfitter Bruno Zedler, according to trooper Sgt. John McGee and documents filed in Anchorage Superior Court.

Boutang, contacted Friday, would not comment on the allegations or the investigation.

Zedler, of Anchorage, was convicted by jury in November 1988 on three charges of guiding without a license and illegal possession of game — a black bear. He has asked for a new trial based on Boutang's testimony.

Zedler filed a complaint in January with the state Occupational Licensing Division, claiming fraudulent entry by Boutang into the registered guide licensing process.

Dan Frerich, investigator for the Big Game Commercial Services Board, refused to comment Thursday. "I can't even tell you an investigation was conducted until a public document is published," Frerich said. "No public document has been published concerning Robert Boutang."

According to Zedler and court documents filed on his behalf by public defender Barbara Brink, Frerich turned findings of his investigtion over to the state Attorney General's Office, which assigned the case to troopers.

Sgt. McGee, in Anchorage, confirmed Friday that he is conducting a criminal investigation of Boutang, but he declined to disclose the details.

McGee interviewed Brink and Zedler in August, and according to a sworn affidavit filed by Brink in Anchorage Superior Court, McGee told Brink he is investigating Boutang for perjury and or falsification of documents.

Boutang was in charge of Zedler's investigation and supervised the state's undercover officer who went into the field with Zedler.

According to court transcripts of Boutang's testimony during pre-trial hearings for Zedler,

# litzy gala fetes Gold Pan winners

LIA SOPALSKI
Writer

horage Chamber of Commerce
ers and friends put on the ritz for
tzy presentation of the 1989 Gold
wards handed out in a program
Evangeline Atwood Concert Hall
Alaska Center for the Perform-
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Black ties, velvet, satin and sequins bedecked the aisles as members paraded into the concert hall from a prime rib dinner catered by the Anchorage Hilton Hotel. Chairman Rodney C. Bradley took the podium first to "review the year and ride off into the sunset" before introducing Chairman Elect Dave Harbour.

The chamber surprised the audience with a special presentation before this year's Gold Pan nominees were introduced. A special Gold Pan was awarded to Mann Leiser of Alaska Greenhouses in belated recognition of his significant work which earned the Anchorage Parks and Recreation Department two Gold Pans in 1966 and 1967.

The Gold Pan for community service by a group or business was awarded to two groups this year, Alaska Airlines and the Citizens Coalition for Tort Reform.

This year's award for the most outstanding chamber member went to

See Chamber, page B-4

...s operations manager Gary Zim-
man said most of the cars on the lot
priced at "low book" value. Alaska
agreed to finance the full price if
made the prices reasonable, Zim-
man said.

his was the third year Alaska USA
hosted the sale in Anchorage,
ch manager Carl Bradford said. He
red other questions to top manag-
who could not be reached.

alcro said Avis sold about three-
hs of the cars it offered for sale Sat-
y. Last weekend, the rental com-
sold 49 of 52 cars taken to the Mata-
a Valley Federal Credit Union in
la.

was glad I drove my car up there
ad something to drive back," Hal-
id.

e rental company has about 28 per-
nore cars in Alaska this year to
e business generated by the March
spill in Prince William Sound and
sulting summerlong cleanup that
ling down.

y of the cars were unavailable for
e because the companies, govern-



Times photos by JAY SCHWEITZER

Ben Cuaresma, far left, watches the truck he bought from Avis Rent-a-Car.

ment agencies and news teams are still using them in Valdez, she said.

Zimmerman said rental companies sell cars throughout the year. Avis uses the fall sale to clear out rentals prior to bringing in new models, although at least two cars on the credit union lot Saturday were 1990 models.

# Glitzy gala fetes Gold Pan winners

by JULIA SOPALSKI
Times Writer

Anchorage Chamber of Commerce members and friends put on the ritz for the glitzy presentation of the 1989 Gold Pan Awards handed out in a program at the Evangeline Atwood Concert Hall in the Alaska Center for the Performing Arts Saturday night.

This year marked the 32nd year Gold Pan Awards were presented by the chamber, and the mood was festive as the evening progressed from cocktails at 6 p.m. in the Lorene Harris Lobby to dinner in the Carr/Gottstein Lobby and then to the anticipated announcement of the 1989 awards at 8:30 p.m.

Black ties, velvet, satin and sequins bedecked the aisles as members paraded into the concert hall from a prime rib dinner catered by the Anchorage Hilton Hotel. Chairman Rodney C. Bradley took the podium first to "review the year and ride off into the sunset" before introducing Chairman Elect Dave Harbour.

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This year's award for the most outstanding chamber member went to

See Chamber, page B-4

...ginning of the investigation.

Zedler, of Anchorage, w... convicted by jury in Novemb... 1988 on three charges of guidi... without a license and illegal po... session of game — a black bea... He has asked for a new tri... based on Boutang's testimony.

Zedler filed a complaint ... January with the state Occup... tional Licensing Division, clain... ing fraudulent entry by Boutar... into the registered guide licen... ing process.

Dan Frerich, investigator f... the Big Game Commercial Se... vices Board, refused to comme... Thursday. "I can't even tell yo... an investigation was conducte... until a public document is pul... lished," Frerich said. "No publi... document has been publishe... concerning Robert Boutang."

According to Zedler and cour... documents filed on his behalf b... public defender Barbara Brink... Frerich turned findings of his in... vestigtion over to the state Attor... ney General's Office, which as... signed the case to troopers.

Sgt. McGee, in Anchorage ... confirmed Friday that he is con... ducting a criminal investigatio... of Boutang, but he declined t... disclose the details.

McGee interviewed Brink and... Zedler in August, and according... to a sworn affidavit filed by... Brink in Anchorage Superior... Court, McGee told Brink he is in... vestigating Boutang for perjury... and or falsification of docu... ments.

Boutang was in charge of... Zedler's investigation and super... vised the state's undercover of... ficer who went into the field with... Zedler.

According to court transcripts... of Boutang's testimony during... pre-trial hearings for Zedler,

See Guide, page B-6

# bemoan public disinterest

## t C runners focus on funding

WOLFE

Jordan has incumbency, Brian
s endorsements and Ann Pad-
alternative.

he short story of how the race
on the Anchorage School Board
up with just over two weeks to
e Oct. 3 election.

4, has been active on the board
ears. Whittle, 38, ran for the
ture last year with the backing
nd brings those endorsements
this race, despite losing the leg-

islative race. And Padzuikas, 51, said, "I'm offering myself as an option. I can't really say where I'd be better than Darryl."

For being so humble, Padzuikas (say paDJOOkis) is the only candidate in either race to list qualifications as a primary reason for election instead of opinions on issues. "I do think I'm really well qualified," she said.

Chief of program planning and evaluation for the federal Minerals Management Service, she said she has worked for 20 years as budget and management analyst.

See Seat C, page B-3

## et, drugs dominate Seat D race

LFE

t issue among the three can-
at D on the Anchorage School
candidate's push to give
ch school individually for
ly as the school pleases.

e Seat D race is friendly by
ards, the candidates spend
king about each other than
lidates do. Bud Knox and in-
y Bruckman think Gene
l ideas take a nice concept
d Dodd, on the other hand,
hasn't done much on the
cept approve more spend-

Dodd said, "Just give schools dollars . . . and say, 'OK, how would you utilize this?' " His idea is to give the schools incentive to spend wisely, use only what they need, and develop "competitive excellence" between schools.

He adds his often-used phrase that "Betty's never seen a budget she didn't like" and says his plan would help hold down costs and, ultimately, taxes.

Bruckman and Knox both said that Dodd's idea would promote inequities across the district, giving some children a better education than others. Both like the idea of allowing individual schools more power to make their own decisions but not

See Seat D, page B-3



Times photo by ROB LAYMAN

A fatal fire gutted a rented condominium at 1206 E. 8th Ave.

# Condo fire claims woman's life

Times Staff

Virginia Dyson, 43, became the year's seventh fire fatality Saturday when fire destroyed her rented condominium in a Fairview neighborhood complex.

Flames were shooting from windows in the unit when firefighters arrived at the Square 89 complex at 1206 E. Eighth Ave. shortly after 12:45 a.m., said Don Barlow, an Anchorage Fire Department battalion chief.

The Anchorage woman was found by firemen in the kitchen. Paramedics were unable to revive the victim, who was pronounced dead at Humana Hospital-Alaska.

Investigators said an improperly discarded cigarette probably caused the fire.

Complex manager Karen Rudorf said smoke damaged six condominiums in the 84-unit complex, which is owned by former Anchorage dentist C.R. Munns. No dollar estimate of the damage was available.

# Guide: Licensing

Continued from page B-1

Boutang told Brink that he has an assistant guide license, "but I'm not really working for any kind of a guide license."

Brink asked if he has any intention of obtaining a guide license in the future.

"I don't have any intention of going to be a guide," Boutang replied.

In 1987, however, Boutang filed an application with state Occupational Licensing to take the oral examination to become a registered guide. According to Boutang's file, the application was accompanied by several recommendations by hunters and guides he had worked for.

Ed Grasser, guide and vice president of the Alaska Professional Hunters Association, had filed several recommendations for Boutang as an assistant guide who had worked for him.

Working in an occupation that would be a conflict of interest with troopers' duties has been against a departmental policy established in 1984 by Robert Sundberg, commissioner of the Department of Public Safety.

Col. Jack Jordan, who heads the state Fish and Wildlife Protection division, said his officers had been assigned to be assistant guides after the 1984 decision because, "I don't consider, per se, that being an assistant guide is a conflict of interest."

Jordan said, however, that he discontinued the practice officially last spring. "A lot of times, in law enforcement, we must not only consider what we do or don't do, we must consider appearance as well. Rather than leave it open, and to avoid all appearances of conflicts of interest," he said, "we will not act as assistant guides."

Acccording to Alaska's new ethics law, "No public employee may work for, paid or unpaid, a person or organization other than the employee's own department, if that work is incompatible or in conflict with the proper discharge of official duties."

Through his attorney Zedler claims Boutang's inconsistent testimony, particularly statements regarding a "confidential informant" whose complaints initiated the investigation of Zedler, are grounds for a new trial.

Boutang testified that he did not know the identity of the confidential informant, but Brink said the pre-sentence report on Zedler shows otherwise.

The identity of an informant against Zedler was withheld by the law enforcement agencies in this case, Brink wrote in the motion for a new trial.

Boutang testified at a pre-trial hearing that he had received complaints by anonymous people and a few guides about Zedler. Boutang said none of the informants would give a name.

But in Zedler's pre-sentence report filed in March, according to Brink, there is information by Boutang which indicates he knew who the informant was. Boutang told the author of the pre-sentence report that he had met the informant in person, Brink claims.

Zedler says he is innocent and was entrapped by a government agency, "on a witch hunt after outfitters." He said he believes the "informant was a guide who was mad at me," and he needs to know the informant's identity to support his theory of entrapment.

## Drowned man's body recovered

TIMES STAFF

Alaska State Troopers have recovered the body of a man who apparently drowned in the Chena River Aug. 24.

Michael Ballantyne, 24, of Fairbanks, had been at the Pumphouse Restaurant with a friend and was attempting to get into a canoe when he fell into the river, troopers said.

His body was found about 200 yards downstream from the restaurant, troopers said.




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comments relating to this f

AWWU proposes a first st
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Detailed information m
whose address is 3000 Arct
99503-3898. The filing may
reference desk of the Z.
Denali Street, Anchorage, A
Clerk's office, 4th Floor,
Alaska, 99501.

P.O. #1106-89
Pub 9/17/89

Daily News - 9-19-89

# Wildlife officer faces perjury investigation

9.19.89

Daily News staff and wire services

Alaska State Troopers are investigating allegations that a top officer of the state's Fish and Wildlife Protection Division committed perjury in 1987.

Lt. Robert Boutang of Fairbanks, then the director of Fish and Wildlife investigations, was at the time trying to convict big-game outfitter Bruno Zedler of Anchorage on charges of illegal guiding.

Boutang — himself a licensed assistant guide — may have lied about his guiding activities while testifying under oath in that case, according to court documents.

Zedler was convicted in November of three charges

Please see Back Page, INQUIRY


Nation temperatures

# INQUIRY: Officer investigated

Continued from Page A-1

of guiding without a license and illegal possession of game — a black bear. He has asked for a new trial based on Boutang's testimony.

Sgt. John McGee said Monday that he is investigating Boutang. Boutang's attempts to become a registered big-game guide is one of the issues under investigation, McGee said.

He would not elaborate. He said the investigation is in its early stages.

Boutang, now commander of the Fairbanks detachment, would not comment on the investigation last week.

A sworn affidavit filed in Anchorage Superior Court by attorney Barbara Brink, who represented Zedler in his trial, claims McGee is investigating Boutang concerning allegations of perjury and, or, falsification of documents.

"I am looking into that," McGee acknowledged.

Boutang was in charge of the Zedler investigation and supervised the state undercover officer who went into the field with Zedler.

Zedler contends he was set up by Boutang. According to Zedler, Boutang is intimately involved with the guiding business and wanted to make an example of him to show outfitters what would happen if they competed with guides.

At a court hearing in July of last year, Brink questioned Boutang about his involvement in guiding.

"I've got an assistant guide license, but I'm not really working for any kind of guide license," he said.

But, according to records on file with the state Department of Commerce and Economic Development, Boutang was actively pursuing such a license.

He had filed an application for a registered guide's license. His employer, guide Ed Grasser, has recommended Boutang for a registered license. The state had contacted hunting clients who stipulated that Boutang had guided them and performed satisfactorily.

And, in January 1988, Boutang had written state guide-licensing examiner Helen Welch to tell her:

"I will not be able to take the registered guide test this spring. Please keep my guide application active. I plan on taking the test in the future."

When Brink later asked Boutang, under oath, about his future guiding plans, he told her:

"I don't have any future intention of going on to be a guide."

In his testimony, Boutang also tried to downplay his activities as an assistant guide working for Grasser, then the vice-president of the Alaska Professional Hunters Association.

"I've never been employed as a guide in my life, for making money," Boutang said. "The only time I've ever ventured in the guiding industry is because one time the department wanted us to — well, I got permission of the department to see what goes on in a guiding camp. And cause, if you're gonna enforce the law on guides, you know, if you don't know what's going on, you can't enforce it very good. And that was my only ploy, ever, of being in the guiding camp or being in the guiding industry. To learn what happens."

According to Grasser, however, Boutang has been a regular in Grasser's hunting camp in the Brooks Range. Grasser said he and Boutang are friends.

And Boutang, in testimony at Zedler's hearing, admitted that he has spent many falls in Grasser's camp, "and there's been a few times that I've taken out a hunter by myself."

Asked by Brink how many times that happened, Boutang said he couldn't remember. Asked by the judge how many times he had been in Grasser's camp, Boutang said, "About every year for the last four years. ... For about three weeks at a time, two or three weeks at a time. ... During my vacation time."

Boutang then testified he guided four hunters while working as an assistant for Grasser. According to documents he supplied the state as part of the effort to obtain his guide license, he guided nine hunters.

Boutang said he was never paid for his guiding services, but he acknowledged using Grasser's facilities to assist his own hunts.

"I usually take a sheep," Boutang said. "... You know, I pay my way up to the Brooks Range. I always go on a hunt on my own, and I usually go sheep hunting."

One of Boutang's former hunters, Don Van Matre o Point Pleasant, W.Va., said Boutang worked his guiding in around his hunts. Van Matre said he first met Boutang in the camp run by Grasser and his father, Marlin.

"(Boutang) had already taken his sheep, and he was working for Marlin up in the spike camp," Van Matre told the Daily News.

Van Matre was one of the hunters who recommended Boutang for a registered guide license. Van Matre said Boutang was the man who accompanied him on his Brooks Range sheep hunt.

"Bob done the planning, the stalking, the packing of my hunt," Van Matre wrote. "I was well pleased with his services and would recommend him to anyone. He is one super guy."

Van Matre said he and Boutang have stayed in touch since that first hunt together in 1984. Boutang had written to see about his interest in coming to work as a cook if Boutang got his own guiding business set up, Van Matre said.

The state Department of Public Safety has a policy against Fish and Wildlife Protection troopers working as guides in their spare time.

Employment in any occupation that would be conflict of interest with troopers' duties has been against department policy since 1984, but it was only this year that guiding was judged to be in conflict with a game warden's duties.

I was not told this

Col. Jack Jordan, who heads the state Fish and Wildlife Protection Division, a branch of the department whose officers receive trooper training, said his officers had been able to act as assistant guides after the 1984 decision because he did not feel it was a conflict.

Zedler has claimed Boutang's inconsistent testimony, particularly statements regarding a confidential informant whose complaints initiated the investigation concerning Zedler, are grounds for a new trial.

Boutang testified he did not know the identity of the confidential informant, but Brink said the pre-sentence report on Zedler shows otherwise.

Zedler said he is innocent and was entrapped by a government agency on a "witch hunt after outfitters." He said he believes the informant was a guide who was angry with hi[illegible]

# JOE MIGUEL CORRESPONDENCE

STATE OF ALASKA
STEVE COWPER, GOVERNOR

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518-1599
PHONE: (907) 344-0541

(907)
RAPIFAX: 344-7914

RAPIFAX TRANSMITTAL SHEET

465-4923

TO: Mark Richie
of Sen. Fain's office

DATE: 29 March '90

No. of Pages: 8
(including this page)

FROM: Marianne See
Wildlife Cons. Assoc.

MESSAGE: Previous correspondence with J. Angiel, per your request: prior to the March 20 letter cc'd to your office.

Note: our letter of Feb 27 should have said (in paragraph 4) "The department..." instead of "The task force..." but we didn't catch the inadvertent mistake before the letter was sent.

—MS

Alaska Dept. of Fish and Game
Statistics Section
333 Raspberry Road
Anchorage, Alaska 99518

Gentlemen:

I am enclosing payment for the Map of unit 1C.

I find the State position of requesting public input into the new guides use areas very interesting. On one hand they (you) request public input and comments and on the other the public has to pay to give their input.

Charging for the maps as you are is going to be a great turn off for many people and I fear that you are NOT going to receive as much input from the public as is actually needed in this critical matter.

this whole affair reminds me of a meeting which I recently attended in Juneau of the Guiding Task Force. the meeting was not properly advertised and I accidently found out about it from Senator Duncan. I was the only person in attendance from Juneau in a public comment meeting! An agency can request public comments, but there are many ways to deter those comments. the Alaska Dept. of Fish and Game has used one of those deterents!

Sincerely,

Joe Miguel
Box 210933
Auke Bay, Alaska
99821
780-6351

cc. Governor Cowper
Commissioner Don Collinsworth

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

4/P

February 27, 1990

Mr. Joe Miguel
Box 210933
Auke Bay, AK 99821

Dear Mr. Miguel:

I appreciate your interest in the development process for new big game guide-outfitter use areas. I also share your concern that the public have full opportunity to be involved in providing comments.

There will be several public review periods scheduled during the two year process for this mapping project. During those periods we will actively seek public review of specific proposals for new use areas.

As we mentioned in the Map Packet, this preliminary comment period (January 22 to March 23, 1990) is an extra opportunity for public input. We want to hear from people who have specific suggestions for new use areas anywhere in the state, based upon their knowledge.

The task force scheduled this preliminary comment period so that it would receive these first public comments before beginning work on department map proposals in April. This period was scheduled in advance of spring bear hunting so that interested people would likely have the time to comment.

I want to assure you that there will be future public review periods this year and that people will not "miss out" if they choose not to buy maps and comment at the present time. Future review periods will be scheduled to avoid big game hunting seasons.

All those involved would have prefered not to charge a fee for the individual maps. However, our budget did not include funds to pay for the maps for this preliminary public comment period. The department had the choice of asking people to buy U.S. Geological Survey maps ($4 per map) or make maps that also show drainage boundaries, and charge a small fee. The decision was to make maps, and charge only part of what they cost. This is explained in more detail on the enclosed sheet, which is now being sent out with maps that people order.

I would also like to provide some information to address your comments about the Juneau meeting of the Legislative Task Force on Guiding and Game. As you may know, the Department of Fish and

11-K2LH

Game held a seat on this task force, and fully supported having public testimony at these meetings (see enclosed letter from Lewis Pamplin to Senator Jan Faiks). Let me assure you that public testimony was actively solicited, and that public comments were seriously considered by members of the task force before recommendations were adopted.

Enclosed is a list of all task force meetings and work sessions, and the type of public notice provided for each meeting. The meetings were open to the public and allowed access through the communications network of the Legislative Information Office (LIO) plus toll free numbers for persons in remote locations.

The task force chairman, Senator Jan Faiks, allowed public testimony at all regular meetings and most work sessions. Over the course of all meetings approximately 100 people testified, with over 500 additional people present as observers.

The final task force meeting was scheduled as a work session on January 4-5, but the task force had to schedule an additional session to complete its business. I believe that the meeting mentioned in your letter may have been the final work session on January 22. I am concerned that you felt that this meeting was scheduled in a manner to deter public comment, however, the task force was beyond the period in which they could incorporate any additional public comment in their final report. Public comments and concerns from earlier meetings did influence the final recommendations of the task force.

I hope that this letter and the enclosed information clarify that everyone involved is trying to maximize public opportunities to participate in the process of developing a new area-based system for big game guide-outfitting. If you would like additional information about the mapping project, please feel free to contact the project manager, Marianne See, at our Anchorage office (267-2420). Thank you for taking the time to convey your concerns. I hope you will continue to take an active interest in this important project.

Sincerely,

Warren W. Wiley
Assistant Commissioner

Enclosures

cc: Governor Steve Cowper
W. Lewis Pamplin
Marianne See

# Why a Map Fee ???

People have asked why The Department of Fish and Game (ADF&G) is charging a fee for the maps they are ordering. We would like to explain the reasons for this fee.

ADF&G has recently started a two-year project to develop new use areas for guide-outfitters. This includes public review periods for the draft maps that we propose, starting later this year.

We were asked by the Legislative Task Force on Guiding and Game to provide a preliminary comment period. This gives the public an opportunity to provide area-specific information to ADF&G before specific proposals are prepared.

Because our project budget was already allocated, we had no funds to cover the costs of making and mailing these maps.

This preliminary comment period is specifically for those people who want to tell us about specific areas that they would like us to consider as new use areas for guide-outfitters. If you do not have specific suggestions at this time, you may comment later on the ADF&G proposals for each game management unit, when they are available for public review.

We had the choice of asking people to buy U.S. Geological Survey maps that cost $4 per map but do not include our uniform coding unit boundaries (UCUs), or making ADF&G maps that included the U.S. Geological Survey data and our UCUs, and charging part of the actual cost to make them.

We chose to make our own maps, and charge only part of what they cost us to make.

If you prefer not to order maps at this time, you will have additional opportunities to provide your comments to ADF&G.

We appreciate your interest in this project.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

STEVE COWPER, GOVERNOR

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518-1599
PHONE: (907) 344-0541

September 5, 1989

The Honorable Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 "C" Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks:

According to the draft agenda, the next meeting of the Legislative Task Force on Guiding and Game will include discussion and presumably the selection of a process for involving the public. This meeting could also provide an excellent opportunity to report to the public on our progress to date, to describe the process for receiving public input, to present the initial criteria for developing guide-outfitter resource areas, and to receive public comment and answer general questions. I know that you share these concerns for meaningful public involvement.

Because of the impending January deadline, I believe the task force should take advantage of all practical opportunities to incorporate public participation in our upcoming meeting (and future meetings). With approximately a month of notification, a public session could be scheduled for the evening of October 5, following a full day of task force business. This would be consistent with the scheduling of prior task force public hearings, and more importantly, would provide needed public contact at the next possible opportunity. Please advise me of your thoughts on this suggestion. Thank you.

Sincerely,

W. Lewis Pamplin, Jr.
Director
Division of Wildlife Conservation

cc: SuzAnne Miller
Task Force Members

8/8

THE FOLLOWING ATTACHMENT IS A LIST OF ALL TASK FORCE MEETINGS

JUNE 29, 1989 - (work session) (posted Public Notices at Anchorage LIO, Senate Secretary posting)

JULY 19, 1989 - (work session) (notice may have been posted at the Anchorage LIO and notice may have been given to one or both of the Anchorage newspapers but no records exist to verify)

OCTOBER 5-6, 1989 - (combination work session/regular meeting with public comment)

(newspaper ads, written notice to staff mailing list)

NOVEMBER 8, 1989 - (regular meeting - public comment)

(posted Public Notice at Anchorage LIO, newspaper ads, written notice to staff mailing list and to approximately 1500 commercial licensees, landowners, agencies from agency lists, available to statewide teleconference network)

NOVEMBER 20, 1989 - (regular meeting - public comment)

(posted Public Notice at Anchorage LIO, newspaper ads, written notice to staff mailing list and to approximately 1500 commercial licensees, landowners, agencies from agency lists, available to statewide teleconference network)

DECEMBER 11-12, 1989 - (regular meeting - public comment)

(posted Public Notice at Anchorage LIO, newspaper ads, written notice to staff mailing list, available to statewide teleconference network)

JANUARY 4-5, 1990 - (work session with public comment)

(posted Public Notice at Anchorage LIO, available to statewide teleconference network)

JANUARY 22, 1990 - (final meeting - work session) (available to teleconference network

(posted Public Notice at Anchorage LIO, available to statewide teleconference network)

# OWSICHEK

# CORRESPONDENCE

APSA

**Alaska Professional Sportsmen's Association**

Representing Alaska's Big Game Guides, Outfitters, Air Taxis, Sport Fishing Guides,
Lodges and Support Industries

RECEIVED

JAN 17 1990

JAN FAIKS
SENATE OFFICE

January 5, 1990

Senator Jan Faiks
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Faiks,

Under the State and Federal Freedom of Information requests, I request the following;

1. A list of all the private attorneys and or law firms that have been used, are being used or will be used by the task force and game board or other entities for developing a big game management plan and how they were selected.

2. Please list the fees paid to these attorneys or law firms for their services and future services. Please include the hourly rate and the total paid. Also please list where these monies came from and who authorized the these expenditures.

3. For each attorney retained by the state for the "big game management plan", please state the areas these people or firms are working in or list their clients and credentials and what their objectives are for the state.

4. What is the authority for state agencies to hire private attorneys? Please specify and include copies of authority.

5. Was the state's attorney general's office contacted to help formulate the "big game plan"? Please list those attorneys contacted and provide the copies of memos, letters and material that they furnished in reference to the constitutionality of the issues and/or management plans.

6. Were local hire preferences used before going outside the state to hire attorneys or firms.

P.O. Box 190842 • Anchorage, Alaska 99518

7. Who authorized the funds and who selected the people to go to several Canadian provences to study their game management systems. Who went on these trips, what were their objectives, how long did the trips last and how much did these trips cost. Where did this money come from?

8. What was the reason for studying a foreign system when that country has a different constitution than ours?

9. What persons are responsible for the drafting of a proposed bill by Utermohle, 11/17/89?

10. Did the A.G.'s office go over this draft before it was approved? If so, who reviews it and what were their comments?

11. Please supply all legal opinions, formal and informal, memos, notes and letters used to develope the new E.G.A. scheme.

12. What authority is used to exempt the department from the administrative proceedure act as listed on page 10 of the work draft dated 12/6/89 by Utermohle?

13. Section 1, Page 1 of the work draft bill dated 12/6/89 says that the legislature has found that unregulated access to game management units by guide-outfitters has hindered management of guided hunters. Please provide copies of these "findings of fact" by the legislature.

14. Please provide copies of mailing lists used when informing the public of task force public hearing. What professional groups were included? Who compiled these lists. Were all guides, assistant guides and inactive guides included?

15. I request a copy of "the findings" by the legislature of all the conflicts among guides as stated in Section 1, Page 1, 11/17/89.

16. I request the "findings of fact" by the legislature as in Section 1, Page 1 of 11/17/89 draft that unregulated access decreases the qulity of the hunting experience.

Thank you very much.

Sincerely,

Ken Owsichek
Vice President
Alaska Professional Sportsmen's Assn.

# Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523




JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

## Senate

February 6, 1990

Ken Owsichek
Box 190301
Anchorage, AK 99519

Dear Mr. Owsichek:

Attached is a detailed description of the notices provided for all meetings of the Legislative Task Force on Guiding and Game that you requested. After the initial meeting of June 29th which was held for the purpose of organizing the task force, each meeting was preceded by phone calls to task force members to establish a time and meeting place for the upcoming meeting. Once a date was agreed to, staff notified the members by mail or phone depending upon the time available before the meeting date. Also, again depending upon the time available before the meeting, various forms of public notice of the meeting were provided. The type of public notice provided for each meeting is identified in the attachments.

For the sake of thoroughness, I will also mention that on August 16th some task force members, but not a quorum, met with representatives of Birch, Horton, Bittner, and Cherot Law Offices for the purpose of discussing the scope of the work that the firm would provide for the task force. This gathering did not constitute a meeting for purposes of application of AS 44.62.310, but was, rather, an administrative gathering between staff and some task force members to discuss matters relating purely to the internal workings of the task force. The following people attended this gathering:

Task Force members:

Senator Faiks
Ken Fanning (by telephone)
Lew Pamplin (Wildlife Conservation)
Randall Burns (Occupational Licensing)

OUT OF SESSION
3111 C STREET ANCHORAGE, ALASKA 99503 907-561-7610

Staff:

Mark Riehle (Senator Faiks)
Steve White (Assistant Attorney General)

Birch, Horton representatives:

Steve Pradell
William Horn (by telephone)

I was discouraged to learn from my staff that, following your visits to my office in November and December, despite being urged to do so, you declined to participate in the task force hearings, suggesting instead that you had better things to do. I regret that you apparently felt it would be useless to offer testimony to the task force or to listen to the panel's discussions of issues. Significant changes based upon testimony were made to recommendations adopted by the task force. I feel that the task force could have benefited from your comments.

Much of your letter of January 20, 1990 consists of objections you have to policy decisions made by the task force. I regret your dissatisfaction with those policy decisions and can only urge you to bring these concerns to the attention of the legislative committees that will be working on the guiding legislation. It is not too late to attempt to influence those decisions.

In closing let me assure you that every effort was made to notify interested persons of meetings of the Legislative Task Force on Guiding and Game, that public testimony was actively solicited, and that public comments were seriously considered by members of the task force before recommendations were adopted.

Sincerely,

Senator Jan Faiks
Chair, Legislative Task Force
on Guiding and Game
(terminated January 25, 1990)

JF:TBC:pl
WKP1/105
Attachments

cc: Governor Cowper

All members of the Legislative
Task Force on Guiding and Game

All State Legislators

William Horn
Birch, Horton, Bittner and Cherot

THE FOLLOWING ATTACHMENT IS A LIST OF ALL TASK FORCE MEETINGS

JUNE 29, 1989 - (work session) (posted Public Notices at Anchorage LIO, Senate Secretary posting)

JULY 19, 1989 - (work session) (notice may have been posted at the Anchorage LIO and notice may have been given to one or both of the Anchorage newspapers but no records exist to verify)

OCTOBER 5-6, 1989 - (combination work session/regular meeting with public comment)

(newspaper ads, written notice to staff mailing list)

NOVEMBER 8, 1989 - (regular meeting - public comment)

(posted Public Notice at Anchorage LIO, newspaper ads, written notice to staff mailing list and to approximately 1500 commercial licensees, landowners, agencies from agency lists, available to statewide teleconference network)

NOVEMBER 20, 1989 - (regular meeting - public comment)

(posted Public Notice at Anchorage LIO, newspaper ads, written notice to staff mailing list and to approximately 1500 commercial licensees, landowners, agencies from agency lists, available to statewide teleconference network)

DECEMBER 11-12, 1989 - (regular meeting - public comment)

(posted Public Notice at Anchorage LIO, newspaper ads, written notice to staff mailing list, available to statewide teleconference network)

JANUARY 4-5, 1990 - (work session with public comment)

(posted Public Notice at Anchorage LIO, available to statewide teleconference network)

JANUARY 22, 1990 - (final meeting - work session) (available to teleconference network

(posted Public Notice at Anchorage LIO, available to statewide teleconference network)

The attached press release was issued by the Legislative Task Force on Guiding and Game following their June 29, 1989 organizational meeting.

The release was provided to all radio, television and newspaper outlets in Alaska.

COPY

June 29, 1989

PRESS RELEASE

Subject: Legislative Task Force on Guiding and Game

Senator Jan Faiks was elected Chairman of the Legislative Task Force on Guiding and Game during an organizational meeting in Anchorage Friday, June 29th.

The panel is made up of 15 members who represent the general public, Alaska natives, industry, the legislature and state agencies. The task force will develop a resource-based management system for allocating big game hunting opportunities among guide-outfitters.

Under the chairmanship of former Representative Henry Springer, in January the task force presented the Legislature with a package of recommendations. The effort resulted in the passage of House Bill 112 and Senate Bill 139. Both have been signed by the Governor. HB 112 provides for changes in regulations pertaining to the commercial big game industry in Alaska. SB 139 extended the task force for another year to develop recommendations for a statewide big game management plan.

The task force will conduct meetings throughout the legislative interim.

For additional information please call 561-7610.

The following is a list of newspapers in which advertisements were placed for the Legislative Task Force on Guiding and Game

Attached is a sample ad (all adds were similar with dates and times changed)

for the October 5th & 6th meeting:

Anchorage Daily News
Anchorage Times
Fairbanks Newsminer
Peninsula Clarion
Juneau Empire

For the November 8th meeting:

Anchorage Daily News
Anchorage Times
Fairbanks Newsminer

For the November 20th meeting:

Anchorage Daily News
Anchorage Times
Fairbanks Newsminer
Frontiersman
Peninsula Clarion

## Legislative Task Force
## on
# Guiding and Game
will meet on

**October 5th**
10 a.m. to 4:30 p.m. • Work Session

**7 to 9 p.m.**
**Public Testimony**
**Game Management Plan Options**

**October 6th**
10 a.m. to 4:30 p.m. • Work Session

at
Anchorage Legislative Information Office
3111 C Street, First Floor

**Public Welcome!**

Senator Jan Faiks
Task Force Chairman

• For more information, call 561-7610 •

Also included in the packet to Mr. Owsichek was a copy of the "staff-generated" task force related mailing list of about 140 individuals compiled during the time from June 29, 1989 to January 25, 1990.

The list was comprised of individuals and organizations who requested their names be placed on "the mailing list", in addition to task force members and others directly involved in the task force work either on a continuing or a temporary basis.

In addition to individuals and organizations on this list, mailed notices of meetings were sent to native organizations, village entities and all municipalities. Names and addresses for these groups were obtained from federal agencies in the form of mailing labels. Notices were also sent to licensed guide-outfitters and licensed members of related occupations, including air transporters and commercial use permit holders. These names and addresses were supplied by the Division of Occupational Licensing in the form of mailing labels.

**Alaska Professional Sportsmen's Association**

Representing Alaska's Big Game Guides, Outfitters, Air Taxis, Sport Fishing Guides, Lodges and Support Industries

RECEIVED

JAN 31 1990

JAN FAIKS
SENATE OFFICE

January 20, 1990

The Governor's Task Force on Guiding and Big Game
The Governor
The Alaska State Legislature

Dear Task Force Members, Governor, and Members of the State Legislature:

The Alaska Professional Sportsmen's Association is an Alaskan non-profit corporation made up of hunting guides, outfitters, air taxi operators, transporters, fishing guides and lodges, taxidermists, every day fishermen and outdoor sportsmen and women who use our lands and renewable resources including our "common use" resources of water, fish and game. We include support industries such as sporting equipment supply stores, hotels, restaurants, etc. Our main purposes are to maintain equal access to our fish, game and waters and to promote proper game and fish management.

Although a young organization, less than a year old, we have already caused major changes in law and in the manner state and federal agencies treat sportsmen. This also includes ongoing litigation, litigation under preparation, recent Supreme Court decisions and an investigation into possible violations of the Federal Civil Right's Act by Federal, State and/or Local government officials.

Many of our members have been upset at the Task Force about the lack of fair and equitable public notice which should include mailings to the people who will be regulated and most impacted by recommendations of the task force. Although there are less that 500 registered guides and assistant guides in Alaska, they have not been directly notified, as would reasonably be expected, of what the task force is doing, what direction it is heading and what it's recommendation is to the Governor and Legislature. In addition, most of our members feel that the existing public process, as practiced especially by this Task Force, is no

P.O. Box 190842 • Anchorage, Alaska 99518

longer a meaningful process and may have violated state notice requirements. Our members look back to public meetings in 1988 and 1989 when the public was invited to speak at these meetings, and it became quite obvious that the Task Force was determined to remain on one track - back to an exclusive guide area concept, in direct violation of our state constitution and recent Supreme Court decisions. We have also had reports that the Task Force did not have "enough time" or "money" to notify everyone effected by their deliberations or recommendations so the Task Force put together "selective" mailouts. We have requested a copy of this list and requested an explanation as to its development.

A mailing to all registered guides/outfitters and transporters does not cost that much. Simply sending out the handouts from Task Force meetings to this small group would have done a great deal to fairly satisfy notice requirements. We have also reqested proof of notice of all meetings of the Task Force which we believe were deficient.

We ask the Task Force, Governor and members of the Legislature to read pages 9 through 24 of the Owsichek decision of our State Supreme Court. It clearly deals with the "common use clause" researching back to the founding days of our constitution and our state. The court examined the "Why" of the words of our constitution. The Supreme Court offered the first and most substantial insight into the meaning of "common use" in their Owsichek decision. This was not a decision about leases and contracts but about "common use" of the waters, fish and game within the state of Alaska. The CWC fisheries case and several other cases fully back up the "common use" language and the intent of it's actions. In addition, guiding itself was given a "common use" designation. Guides are not the "users" of the game but supply guide, outfitter and transport services to the real users.

The legislature, and its appointed boards and commissions, have the responsibility to uphold our constitution and all of its provisions. Their purpose is not to find ways around our Constitution, but rather ways to expand its meaning - always reminded of the author's intent. Our public servants are not supposed to tell the people what to do but rather represent the goals and aspirations of Alaskan's in solving public problems. That means they must notify and listen to those most effected. Not cow tow to former Federal officials who now are given cozy consulting contracts. In

this position, our representatives are TRUSTEES of all Alaska's waters, fish and game. The fish and game and waters do not belong to the administrative or legislative branches of government. They belong to the people of Alaska and are there for "common use".

It is apparent that the exclusive guide area scheme will not be put to rest by this Task Force. Because of the continued actions of a few to keep the EGA concept alive - in whatever form, the charge of the Task Force, the expectations of Alaskan's and the public process have been subverted. You occasionally asked for "public comments" but have already committed to a new guide area scheme. Your handouts and draft legislation make that clear. And yet there are tested alternatives to the resource allocation and permitting issues which the Task Force and ADF&G continue to dismiss as "administratively" unworkable. And yet they work in most states - and have for decades.

We want the Task Force and the Alaska Legislature to know that we are doing our best to participate, in a constructive manner, and are following this Task Force very closely. Anything resembling an exclusive guide area concept <u>will be brought before the court</u> requesting injunction as quickly as it is signed into law. You know this and many familiar with the Task Force have already admitted that the process will start all over again at great public expense.

Why not provide alternatives to the guiding and outfitting industry and to the legislature that you know can stand the test of the court. As mentioned, we are exploring further constitutional and now federal civil rights violations by state, federal and local government officials that we already believe may subject individuals in goverment to stiff fines and possible criminal charges.

The supposed "chaos and confusion" that you claim in your findings of the guiding profession was not created by the Owsichek decision. The chaos that exists was created by the actions of special interest groups trying to protect their unconstitutionally guaranteed incomes and investments with an exclusive guide area concept that deprived all Alaskans, under law, of their common use of fish, game and waters within our state and found illegal by our Supreme Court only after <u>one Alaskan</u> refused to "<u>playball</u>".

The failure of the EGA system has been made apparent by the increasing issuance of more and more legislation and

regulations on all factions of the hunting and visitor guiding industry. These regulations are like sand bags being thrown against a poorly constructed and crumbling dam. Not only has the exclusive guide area system been declared uncontitutional; IT DOES NOT WORK. The government control that had become necessary to keep the EGA system going was indead creating chaos long before the Owsichek decision. It is now easier for a doctor to get a license in the State of Alaska than it is to become licensed as a guide/outfitter. Total government control has not worked in socialist and communist countries and it will not work with our guiding industry.

The state's EGA system has also created a dangerous situation for the guiding industry on Federal land. The system gives the Federal agencies a way to eliminate all guiding on Federal land by attrition. It gives them a way to eliminate a "mangement problem". A problem which is consistant with the Theology of some Federal agencies, when they should (under various legal mandates) be exploring expanded visitor uses.

To say that it is the Guide Board or Task Force's responsibility to conserve game is incorrect. Guide licensing and game management are two separate and unrelated legal and game management concepts. Trying to manage game by limiting, restricting and putting unnecessary requirements on guides, outfitters, air taxis, etc. is not "game" management unless it is a component of an overall "take" permitting program. Game must be managed by wildlife behavioral professionals, game biologists, not politicians or the guide industry.

The purpose of the EGA system was to protect the income of a privileged few. It was not to conserve game. For those who continue to tell themselves that the purpose of the EGA and the Task Force's recommendations are to conserve game or is "resource based", are lying to themselves. Look at the industry in the last year of the EGA system - the game was not being preserved by the EGA system and the chaos of THAT EGA system is still obvious. Unfortunately, we anticipate this will continue under the new proposal.
As Vice President of The Alaska Professional Sportsmen's Association I recommend:
1. A total rewrite and simplification of guide laws. Establish two licenses. One license would be for guiding or outfitting all species of big game. This license should require a two year apprenticeship, taking no less than one

guided hunter a year to qualify. The second license would be for guiding or outfitting to take moose, caribou and black bear only. This would require a one year apprenticeship. There is no reason to separate guiding from outfitting as they are so close that they are impossible to separate rationally and the Supreme Court found them both to be common users.

2. Establish a lottery and registration permit system for all non-residents. They are the consumptive "users" of the game, not the guides or outfitters. The lottery should be 6 to 8 months prior to the hunting season. Among other advantages, such a permit system will:

a. Manage the game and limit the kill by permit or registration.

b. Stop "hot spots" or kill zones from developing and spread hunting pressure throught the state.

c. Stabilize hunting seasons and adjust the management of game by decisions made before the kill as well as after the kill.

d. Leave game management with the proper agencies.

3. The guiding/outfitter test should be administrated one or two times a month by a college or a private firm the same way insurance license tests and other licensing tests are given. A practical test given in this manner insures fairness, equality and an acceptable level of compentency in a guide. This eliminates bias and favoritism. The Division of Licensing should only issue a license to a person who passes the test, not dictate how one might get a license.

4. Discriminatory users fees, presently charged only of guides, outfitters, transporters, etc. should be eliminated. The present type of user fee violates equal protection under the law and discourages visitors. The standard tag and license fees are themselves user fees and can only be charged to the hunter who takes the game not to the person providing a guiding service to the hunter. The guide is only one link in a long chain of services provided a hunter. Hotels, restaurants, airlines, taxis all provide services. The system should also leave the choice of which guide or outfitter or service provider a visitor wishes to use to the visitor. It is not the government's role to dictate who a visitor must choose to provide guiding service.

5. Any and all licensed commercial service providers should be allowed to operate in the entire state. Allowing some guides to hunt the entire state while others are limited to

one game unit also violates the common use and equal protection clauses of our constitution. A game permit system eliminates the need to limit the areas in which a guide can operate. The game is managed by the allowed permits acquired by the visitor and all the other users.

6. The state should not mandate unreasonable insurance. Our legislature took it upon itself to mandate insurance levels for guides when doctors and other professionals are not required by law to have insurance. This was done without reasonable public notice and input and imposed at the most difficult time of the season. The legislature's effect on the industry by mandating such unreasonable insurance requirements was to eliminate the "small guy". Remember that insurance does nothing to protect the hunter, the game or the guiding industry. If anything, it causes the guide to take more game, over and over, in order to pay the costs of the insurance. Guiding is a private service business and the state should treat it as such. Alaska has civil courts in place to handle any negligence or complaints between a guide and clients. Use this system. It is much more appropriate and cost effective.

7. A point system, much like the driver's license system, should be established to discipline guides. This would reduce the favoritism we have seen in the past and it would let a guide know where he or she stands when convicted of a fish or game violation. This point system should be reasonable and should not be used as a means of reducing the number of guides but of putting more pressure on those who violate. A point system should eliminate the substantial cost of hearings and greatly reduce the cost of enforcement.

8. The Federal government likes the limited entry concept. It fits right in with their efforts to eventually stop all consumptive uses on park and refuge lands. The task force should recommend that the legislature demand, of the Federal government, the return of control of all fish and game management in the state to the state. All other 49 states have control of their resident fish and game and Alaska should not be treated differently. Law suits are already being developed to attack this inequality.
It is time Alaska becomes a state and not an extention of the Federal Department of the Interior.

9. The task force should establish policies that encourage tourism and use of our renewable resources. The state spends millions of dollars to bring tourists to Alaska but

once they are here, the state doesn't want them to do anything other than take the train or ride the road. Does the state really want visitors to have access to our recreational resources?

10. The task force should recommend policies that establish scientific management of our fish and game, not policies that socioeconomically manage people. Equal access (common use) to our waters, fish and game is guaranteed by our constitution. It is the duty of the Task Force and our Legislature to act accordingly. The members of APSA believe in equal accesss, common use and wise use.

Sincerely,

Kenneth D. Owsichek
Vice President
Alaska Professional Sportsmen's Association

klf/KO

cc: Governor Cowper
All Task Force Members
All State Legislators

TASK