

SCOMM

67:13

Legislative Task Force on Guiding and Game

Work Session
of
January 4th and 5th, 1990

AGENDA

Anchorage Legislative Information Office
Main Conference Room

January 4th 10:30 a.m. to 5:30 p.m.
January 5th 9:30 a.m. to 5:30 p.m.

- I. Call to Order - Senator Jan Faiks, Chairman
- II. Approval of Agenda
- III. Business
 - A. Review and discussion of draft legislation
 - B. Discussion of final report to the Legislature
- IV. Other Business
- V. Member Comments
- VII. Adjournment

Public comment periods: 1:30 p.m. to 2:30 p.m. and 4:30 p.m.
to 5:30 p.m. each day.

* Teleconferencing available upon request

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

P2/16
POLCH-Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465 1800

MEMORANDUM

December 15, 1989

SUBJECT: Revision of legislation relating to guide-
outfitter use area permits following the Task
Force meetings of December 11 - 12, 1989
(Work Order No. 6-1718)

TO: Senator Jan Faiks
Chair, Task Force on Guiding and Game

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum accompanies the Task Force bill as revised subsequent to the December 11 - 12 meetings of the Task Force. The bill contains those changes made by the Task Force.

Page 1, lines 10 - 18: Section 1(a)(1) and (a)(2) as adopted by the Task Force have been combined in a single paragraph.

Page 1, lines 22 - 24: The language adopted by the Task Force was revised to maintain consistent form and style. The Task force should review the new language to ensure that the intended meaning has not been altered.

Page 4, lines 17 - 26: This subsection has been rewritten to require that in a joint use area all big game species are included under the use area permits granted for the use area when all of the use area permits are considered together.

Page 7, lines 5 - 12: The Task Force language relating to reevaluation of applications to determine the best qualified applicants has been rewritten to simplify the language.

The attached amendment is included for the consideration of the Task Force. The amendment moves those provisions relating to preferences for use area permits out of the subsection relating to qualifications to receive use area permits and into a new subsection. This amendment eliminates the confu-

Senator Jan Faiks
Page 2
December 15, 1989

sion of preferences with qualifications that exists in the present draft and addresses each issue separately.

GU:mi
wkm15/056

Enclosure

6-1718Aj
UtermohleA M E N D M E N T

TO: W.O. 6-1718A (dated 12/15/89)

Page 6, line 24:

Delete ";"

Insert "."

Page 6, line 25 through page 7, line 4:

Delete all material

Insert a new subsection to read:

"(c) An applicant shall receive a preference for a use area permit if the applicant

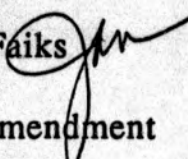
(1) is determined to be qualified by the board; and

(2) does not hold a use area permit or is seeking the first renewal of a use area permit for a specific use area."

Reletter the following subsections accordingly.

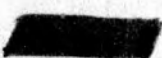
December 22, 1989

MEMORANDUM

TO: George Utermohle
FROM: Senator Jan Faiks 
SUBJECT: Guide Bill Amendment

Good

Please prepare an amendment for the Guide Task Force's consideration at its January 4th and 5th meeting which would allow guides to prequalify for several Game Management Units as described in the attached letter.

Because my Anchorage office is closed for the move to Juneau 




Thank you.



Kelly Vrem Registered Guide & Outfitter

P.O. Box 670742 • Chugiak, AK 99567 • (907) 688-3736

Senator Jan Faiks
Members of the Guiding and
Outfitting Task Force

December 12 1989

Chairman Faiks,

First let me express my thanks for the time and effort you and the members of the Task Force have put forth during the last months. Yours is a thankless and underappreciated job. The complexities of the Guiding business would be enough without the problems generated by the "Supremes" you have a difficult job to balance the needs of the various players in the commercial hunting business. It has been my pleasure to observe that the Task Force has what I see to be a pretty clear understanding of nature of the business. I know guiding will never be the same as it was but I am confident that you are taking the proper amount of time and research to come as close to as you can to a fair settlement within the constraints placed on you.

At this time I would like to once again request that you would allow Guides to prequalify for several Game Management Units. I would propose that a Guide might only be permitted to operate in 3 GMU's at any one time. The Guide could notify the proper authorities of his or her intentions 60 to 90 days in advance of the guiding activities.

Under the present system There is 6 to 12 months of lag time to exchange GMU'S. This results in a large number of people clustered id some of the choice units myself included. I have my eye on many open areas that were unclaimed under the old area system. To prospect one of these now would expose me to risks of losing up to a year of time. i am ready and willing to prospect new areas if I can make the proper adjustments in a timely manner. I do not think this would result in stampedes of guides charging around the state. All the proven "Plums" are spoken for. This type of system would would allow the newly licensed guides to do some exploration and still retain the option of trying to obtain one of these "plum" areas.

Thanks again for your efforts.

Kelly Vrem

6-1718A
Utermohle
12/15/89

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permit
7 and the Big Game Commercial Services Board."

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

9 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

10 (1) unregulated access to game management units by guide-out-
11 fitters

12 (A) can potentially harm the state's valuable big game
13 resources by allowing overharvest of big game species or populations
14 that have a low recovery capacity or that exist in low abundance; and

15 (B) has hindered management of hunters guided or outfitted
16 by guide-outfitters, led to conflicts among guide-outfitters, and
17 decreased the quality of the hunting experience for clients of guide-
18 outfitters and other hunters;

19 (2) an economically viable guide-outfitter industry can offer a
20 quality hunting experience to hunters from throughout the world who seek a
21 unique opportunity to pursue and take trophy game animals in the state and
22 can contribute significantly to the state's economy by increasing tourism
23 and supporting a variety of businesses associated with the guide-outfitter
24 industry;

25 (3) the guide-outfitter industry provides an opportunity for
26 enhancing the state's economy, particularly the underdeveloped economies of
27 the rural regions of the state;

28 (4) intense competition exists for big game in many parts of the
29 state and the allocation of access to big game guide-outfitting

1 opportunities among guide-outfitters will prevent overharvest of wildlife
2 in those areas and will allow continued open access to the big game re-
3 source by all users;

4 (5) a resource-based management system for allocating access to
5 big game hunting opportunities among guide-outfitters will alleviate con-
6 flicts among guide-outfitters, will provide an effective basis for regulat-
7 ing guide-outfitters, and will enhance conservation and management of
8 wildlife;

9 (6) a long-term interest in the conservation of wildlife encour-
10 ages sound management practices among users of wildlife and fosters a
11 mutually beneficial relationship between wildlife and the users of wildlife
12 because the user understands that the user's own future well-being is
13 dependent upon wise use of the resource in the present.

14 (b) The purpose of this Act is to

15 (1) establish a resource-based system of allocating access to
16 big game hunting opportunities among guide-outfitters that is fully con-
17 sistent with common use principles of the Constitution of the State of
18 Alaska; and

19 (2) support the conservation and management of the state's
20 wildlife, provide economic and noneconomic benefits to the state and to the
21 citizens of the state, and generate revenue for the state from the wise use
22 of wildlife for commercial purposes.

23 (c) This Act does not affect the existing rights and privileges of
24 subsistence and resident sport hunters to take game in the state.

25 * Sec. 2. AS 08.54 is amended by adding new sections to read:

26 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

27 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall
28 establish guide-outfitter use areas throughout the state. The board
29 shall consider the recommendations of the Department of Fish and Game

1 in identifying the boundaries of the use areas. The board shall adopt
2 the recommendations of the Department of Fish and Game for each use
3 area unless the board obtains a finding from the Department of Fish
4 and Game that an amended use area boundary as proposed by the board
5 will not adversely affect wildlife conservation and management.

6 (b) The board may amend the boundaries of use areas adopted
7 under (a) of this section if

8 (1) the Department of Fish and Game finds that the proposed
9 amendment will not adversely affect wildlife conservation and manage-
10 ment; and

11 (2) the board notifies all guide-outfitters who hold use
12 area permits for the affected use areas of the proposed amendment and
13 provides those guide-outfitters with an opportunity to comment on the
14 proposed amendment.

15 (c) The board shall annually offer available use areas to quali-
16 fied guide-outfitters. The board shall stagger the offering of use
17 areas.

18 (d) The board may request recommendations from the public for
19 use areas to be offered at the next offering of use areas.

20 (e) The board shall decide whether a use area will be offered
21 for sole or joint use before offering the use area. In making its
22 decision, the board shall consider for each use area

23 (1) information provided by the Department of Fish and Game
24 on the status of big game populations, historical harvests of big
25 game, and uses of wildlife in the use area;

26 (2) previous use by guide-outfitters that would facilitate
27 game management and planning;

28 (3) requirements for economically viable guide-outfitter
29 operations;

1 (4) the number of economically viable guide-outfitter
2 operations that the use area could support;

3 (5) the effect of guide-outfitting activities on resident
4 hunters; and

5 (6) other relevant factors, including land ownership and
6 management concerns and law enforcement concerns.

7 (f) Use areas for which use area permits have expired or been
8 relinquished by the permittee or revoked by the board may be offered
9 at the next offering of use areas.

10 (g) The notice of the offering of use areas shall include for
11 each use area

12 (1) the location and a brief description of the use area;

13 (2) the use area permit issuance fee established under
14 AS 08.54.680;

15 (3) whether the use area is available for sole or joint
16 use.

17 Sec. 08.54.620. GUIDE-OUTFITTER USE AREA PERMIT. (a) A sole
18 use area permit grants to the permittee the sole privilege to guide-
19 outfit hunts for all big game species that occur within the use area.
20 A joint use area permit grants to the permittee the privilege to
21 guide-outfit hunts in the use area for the big game species specified
22 in the permit; however, all joint use area permits for a use area,
23 when considered together, must grant privileges to guide-outfit hunts
24 for all big game species that occur within the use area. A joint use
25 area permit may also limit the number of big game animals that may be
26 taken under the use area permit.

27 (b) A use area that is not awarded to a guide-outfitter under
28 AS 08.54.640 is open to use by guide-outfitters who are certified to
29 guide-outfit hunts in the game management unit in which the use area

1 is located.

2 (c) A guide-outfitter may not guide-outfit a hunt for a big game
3 species in a use area, unless

4 (1) the guide-outfitter has a use area permit that entitles
5 the guide-outfitter to guide-outfit hunts for that species in that use
6 area; or

7 (2) the use area is open under (b) of this section and the
8 guide-outfitter is certified by the board to guide-outfit hunts in the
9 game management unit in which the use area is located.

10 Sec. 08.54.630. APPLICATION FOR A GUIDE-OUTFITTER USE AREA
11 PERMIT. (a) A guide-outfitter who is licensed under AS 08.54.350 and
12 is certified by the board to guide-outfit hunts in the game management
13 unit in which the use area is located may apply for a guide-outfitter
14 use area permit.

15 (b) A guide-outfitter shall submit a separate application for
16 each use area permit sought. The application shall be made on a form
17 provided by the board and shall be accompanied by the application fee
18 and a proposed operations plan for the conduct of guide-outfitted
19 hunts under the use area permit, including locations of base camps,
20 the number of clients, and the big game species to be hunted.

21 Sec. 08.54.640. PROCEDURES FOR GRANTING GUIDE-OUTFITTER USE AREA
22 PERMITS. (a) The board shall adopt procedures for evaluating the
23 qualifications of applicants for guide-outfitter use area permits.
24 The procedures must appropriately balance the criteria set out in (b)
25 of this section to ensure that new guide-outfitter licensees under
26 this chapter are not unfairly disadvantaged or denied an opportunity
27 to obtain a use area permit in those game management units for which
28 the licensee is certified by the board.

29 (b) The board shall evaluate each application and determine

1 whether the applicant is qualified for a guide-outfitter use area per-
2 mit according to the following criteria:

3 (1) the applicant's experience in or knowledge of the use
4 area;

5 (2) the degree to which the applicant's proposed operations
6 plan describes the applicant's ability and means to provide the type
7 and quality of guide-outfitting services proposed by the applicant;

8 (3) whether the applicant has proposed a guide-outfitting
9 operation in the use area that is economically feasible given the
10 economic resources of the applicant;

11 (4) the applicant's history of safety in guide-outfitting
12 hunts or demonstrated ability to guide-outfit hunts safely;

13 (5) the applicant's history of compliance with state and
14 federal fish and game and guide-outfitting statutes and regulations;

15 (6) the applicant's history of compliance with AS 08.54.-
16 520(a) in regard to prior authorization to enter or remain on state,
17 federal, or private land;

18 (7) whether the applicant has obtained those prior autho-
19 rizations to guide-outfit hunts on state, federal, or private land in
20 the use area from the significant or major landowners in the use area
21 or has demonstrated the ability to acquire those authorizations;

22 (8) whether the applicant holds all permits and licenses
23 necessary to guide-outfit hunts in the use area or has demonstrated
24 the ability to obtain the necessary permits and licenses;

25 (9) whether the applicant holds any other use area permits;
26 an applicant who does not hold a use area permit shall receive addi-
27 tional preference in evaluating the applicant's application;

28 (10) whether the applicant is seeking the first renewal of a
29 use area permit for a specific use area and whether the applicant

1 complied with the terms of the use area permit; an applicant for a
2 first renewal of a use area permit for a specific use area who has
3 complied with the terms of the use area permit shall receive addi-
4 tional preference in evaluating the applicant's application.

5 (c) If the board determines that more applicants are qualified
6 to receive use area permits for a use area than there are use area
7 permits available, then the board shall reevaluate the applications of
8 the qualified applicants and, with or without requesting additional
9 documentation, shall select the best qualified applicants to receive
10 the available permits. The board may request the qualified applicants
11 to appear before the board to discuss the applicant's application in
12 regard to the criteria in (b) of this section.

13 (d) The board shall grant use area permits only to qualified
14 applicants.

15 (e) If a successful applicant does not provide, at the time of
16 granting the use area permit, proof of the permits and licenses neces-
17 sary to conduct guide-outfitted hunts in the use area or the authori-
18 zations to guide-outfit hunts on state, federal, or private land in
19 the use area from the significant or major landowners in the use area,
20 the board shall issue a conditional use area permit that is valid for
21 120 days. A conditional use area permit does not entitle the permit-
22 tee to guide-outfit hunts within the use area. If the successful
23 applicant provides proof satisfactory to the board within 120 days
24 after issuance of the conditional use area permit that the applicant
25 received the necessary permits and licenses and land use authoriza-
26 tions, the applicant shall receive a use area permit. If the success-
27 ful applicant does not provide the required proof within 120 days
28 after issuance of the conditional use area permit, the conditional use
29 area permit is void. If a conditional use area permit is voided under

1 this subsection, the board shall offer the use area permit to the next
2 best qualified applicant for the use area.

3 (f) The successful applicant for a guide-outfitter use area
4 permit shall pay the permit issuance fee established under AS 08.-
5 54.680(b).

6 Sec. 08.54.650. TERM AND SUSPENSION OR REVOCATION OF GUIDE-
7 OUTFITTER USE AREA PERMIT; OPERATIONS PLAN. (a) The board shall
8 grant guide-outfitter use area permits for a term not to exceed 10
9 years, unless the board determines, after consultation with the De-
10 partment of Fish and Game, that a longer term will further promote the
11 wildlife conservation and management objectives of the use areas. The
12 term of a use area permit may not in any instance exceed 15 years.

13 (b) Use area permits may be suspended or revoked by the board
14 after a hearing for

- 15 (1) violation of the conditions of the use area permit;
- 16 (2) failure to exercise the privileges conferred by the use
17 area permit for one year;
- 18 (3) failure to pay the wildlife conservation fee when due;
- 19 (4) a significant unauthorized deviation, as defined by the
20 board, from an operations plan;
- 21 (5) fraud in applying for a permit or transfer of a permit;
- 22 (6) conviction of an unlawful act under AS 08.54.520 or
23 imposition of a disciplinary sanction under AS 08.01.075 or AS 08.-
24 54.500; or
- 25 (7) other good cause, as defined by the board.

26 (c) A use area permit may be revoked or the terms of the use
27 area permit or an operations plan may be altered by the board for
28 wildlife conservation and management considerations.

29 (d) A use area permittee shall submit an amended operations plan

1 if the permittee intends to vary the permittee's guide-outfitting
2 operation from that stated in the plan. An amended operations plan is
3 not effective until approved by the board. A permittee may not con-
4 duct a guide-outfitting operation outside of the terms of an approved
5 operations plan.

6 Sec. 08.54.660. TRANSFER OF GUIDE-OUTFITTER USE AREA PERMITS.

7 (a) A use area permit may be transferred if the transfer is

8 (1) consistent with the purposes of AS 08.54.610 - 08.-
9 54.680;

10 (2) for good cause, as defined by the board; and

11 (3) approved by the board.

12 (b) A transferred use area permit is valid only for the period
13 for which the permit was originally issued.

14 (c) If proceedings in which a guide-outfitter license may be
15 revoked or suspended under this chapter are pending against a guide-
16 outfitter, the use area permits held by the guide-outfitter may not be
17 transferred unless allowed by the board. During the period for which
18 a guide-outfitter license is suspended under this chapter, the guide-
19 outfitter's use area permits may not be transferred.

20 (d) If proceedings in which a guide-outfitter use area permit
21 may be revoked or suspended under AS 08.54.650 are pending against a
22 guide-outfitter, the use area permits that are subject to the proceed-
23 ings may not be transferred. During the period for which a use area
24 permit is suspended under AS 08.54.650, the permit may not be trans-
25 ferred.

26 Sec. 08.54.670. INFORMATION ON GUIDE-OUTFITTER USE AREAS. (a)

27 The board shall maintain and publish on a regular basis a comprehen-
28 sive list of all guide-outfitter use areas that are open to use by
29 qualified guide-outfitters.

1 (b) The board, in conjunction with the Department of Fish and
2 Game, shall maintain a centralized information center where informa-
3 tion on guide-outfitter use areas and guide-outfitters can be readily
4 obtained by guide-outfitters, government agencies, and the public.

5 Sec. 08.54.680. FEES FOR APPLICATION FOR AND ISSUANCE OF GUIDE-
6 OUTFITTER USE AREA PERMITS. (a) The department shall set the fee for
7 an application for a guide-outfitter use area permit under AS 08.-
8 01.065.

9 (b) Notwithstanding AS 08.01.065, the department shall charge a
10 fee for the issuance of guide-outfitter use area permits that reflects
11 the value of the privileges conferred by the use area permit and that
12 ensures a fair return to the people of the state for the commercial
13 use of the big game species in the use area.

14 (c) The commissioner of administration shall separately account
15 for application fees and permit issuance fees deposited in the general
16 fund by the department. The annual estimated balance in the account
17 may be used by the legislature to make appropriations to the Depart-
18 ment of Fish and Game and the Department of Public Safety to carry out
19 their respective responsibilities for management of game resources and
20 enforcement of game laws.

21 * Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

22 (11) certify guide-outfitters to conduct guide-outfitting
23 activities within a game management unit;

24 (12) establish by regulation a system of guide-outfitter use
25 areas for allocating access to big game hunting opportunities among
26 guide-outfitters.

27 * Sec. 4. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)
28 The Department of Fish and Game shall propose guide-outfitter use areas for
29 use by the Big Game Commercial Services Board in establishing a resource-

1 based management system for allocating access to big game hunting oppor-
2 tunities among guide-outfitters. The department shall identify proposed
3 guide-outfitter use areas for appropriate regions and areas of the state.
4 The department may set priorities for identifying use areas and may deter-
5 mine the extent and number of use areas to be identified at one time. The
6 department shall complete the identification of proposed use areas within
7 two years after the close of the first public comment period prescribed
8 under (e) of this section. The department shall complete the identifica-
9 tion of proposed use areas for a significant portion of the state within
10 nine months after the close of the first public comment period prescribed
11 under (e) of this section.

12 (b) The Big Game Commercial Services Board may recommend to the
13 department those areas of the state that should receive priority in identi-
14 fying use areas.

15 (c) The department shall publish a public notice that it is accepting
16 nominations of areas for identification as proposed guide-outfitter use
17 areas. The department shall accept nominations for use areas for 60 days
18 after the notice is first published.

19 (d) The department shall review nominations for proposed use areas
20 and accept, amend, or reject the nominations in light of the following
21 considerations:

22 (1) wildlife management concerns, including abundance and diver-
23 sity of wildlife, historical harvest of wildlife from the area, and exist-
24 ing administrative boundaries established for wildlife management purposes;

25 (2) wildlife law enforcement concerns;

26 (3) land ownership in the area;

27 (4) administrative restrictions;

28 (5) existence of boundaries that can be readily identified in
29 the field;

1 (6) accessibility of the area and other transportation consid-
2 erations;

3 (7) existence of complementary and noncomplementary land uses
4 within the area;

5 (8) existing facilities within the area; and

6 (9) other considerations relevant to the purposes of this sec-
7 tion.

8 (e) Upon completion of the review of nominations under (d) of this
9 section, the department shall publish and distribute a map or description
10 of the proposed use areas and shall solicit public comment on the proposed
11 use areas. The public shall have 45 days after the map or descriptions are
12 distributed to comment on the use areas proposed by the department. At the
13 close of the comment period, the department shall review the proposed use
14 areas in light of the public comment received and shall make a final deter-
15 mination of the boundaries of the proposed use areas. The department shall
16 transmit its determinations of the boundaries of the proposed use areas to
17 the Big Game Commercial Services Board as the final determinations are
18 made.

19 (f) The actions of the department under this section are exempt from
20 the Administrative Procedure Act (AS 44.62).

21 (g) In this section

22 (1) "department" means the Department of Fish and Game;

23 (2) "public" includes a natural person, corporation, associa-
24 tion, organization, society, company, partnership, or state, federal, or
25 local government agency.

26 * Sec. 5. During the first five years that offerings are made under
27 AS 08.54.610 - 08.54.680, enacted by sec. 2 of this Act, the Big Game
28 Commercial Services Board shall offer all guide-outfitter use areas.

29 * Sec. 6. SEVERABILITY. If a provision of this Act or the application

1 of this Act to a person or circumstance is held invalid, the remainder of
2 this Act and the application of this Act to other persons or circumstances
3 are not affected by the invalidity.

4 * Sec. 7. AS 08.54.310(b)(1) is repealed.
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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

NAME: PRINTED	ADDRESS	DEC 14 1989 SIGNATURE
ALF AA006 JOE WANT Joe Want	P.O. Box 10044 FKA AK. 99710	JAN FAIKS Joseph W. Want
MIKE Tinker AA480	Po Box 25197 ESTER AK 99725	Mike Tinker
THOMAS J. KIRSTEIN ³⁶⁵⁵⁹	P.O. Box 83800 FBKS. AK. 99708	Thomas J. Kistein
MARK KNAPP	P.O. BOX 10690 FBKS AK 99710	Mark Knapp
D.J. SANDY (Sandy)	POBOX 130 ESTER. ALASKA 99725	
LEN MACKLER	411 ROUND ST FBKS AK 99712	
D. Paul Mooney	P.O. Box 72706 Fks 99707	
Charles L. Gray	311 Slater St Fairbanks, Ak. 99701	
ARTHUR ANDREIS	P.O. Box 55818, N.P.AK. 99705	



IN REPLY REFER TO:

RF/9684r/48-49

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. TUDOR RD.
ANCHORAGE, ALASKA 99503

DEC 07 1989



RECEIVED

DEC 13 1989

JAN FAIKS
SENATE OFFICE

Lewis Pamplin
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99502

Dear Lew:

Recently we sent a questionnaire to all refuge managers in an attempt to determine the potential problems that may result if there were no control over the number of guides. We also asked them for the estimated annual harvest by guided hunters and unguided hunters. From the information received, we hope to be able to find out which areas of the state are the highest priority for developing the proposed guide/outfitter resource maps. A summary of the responses is enclosed.

Most of the potential problems identified related to the possible conflict between increased numbers of sport hunters and subsistence users, or potential problems with: overcrowding in prime hunting areas; overcrowding in areas with limited access; conflicts with unguided hunters; and reduction in the number of trophy animals. The refuges that identified potential impacts to wildlife populations were: Alaska Peninsula/Becharof and Izembek National Wildlife Refuges for brown bears; Izembek National Wildlife Refuge for caribou; Arctic National Wildlife Refuge for sheep; and Arctic and Alaska Peninsula National Wildlife Refuges for moose.

Of interest is the percent of the various species taken by guided hunters on refuges.

Brown bears	36.2%
Black bears	5.7%
Caribou	8.9%
Sheep	39.9%
Deer	5.0%
Moose	7.1%

Also of interest is the fact that 113 guides currently have special use permits to operate on refuges. Those refuges with the most demand, Alaska Peninsula, Becharof, Kodiak, and Arctic National Wildlife Refuges indicated the most potential resource problems (with the exception of Kodiak National Wildlife Refuge, where the harvest is regulated by state permits).

Based on this information, we recommend the highest priority be given to developing guide/outfitter resource maps and implementing the proposed guide/outfitter allocation system for the following refuge areas:

1. Alaska Peninsula/Becharof, Izembek National Wildlife Refuges GMU 9
2. Arctic National Wildlife Refuge GMU 26B, 26C, 25A
3. Kodiak National Wildlife Refuge GMU 8

The second highest priority should be given to:

4. Kenai National Wildlife Refuge GMU 15, 7
5. Togiak National Wildlife Refuge GMU 17

The remaining refuge areas are listed in order of priority:

6. Koyukuk National Wildlife Refuge GMU 21
7. Innoko National Wildlife Refuge GMU 21
8. Selawik National Wildlife Refuge GMU 23
9. Tetlin National Wildlife Refuge GMU 12
10. Nowitna National Wildlife Refuge GMU 21
11. Yukon Flats National Wildlife Refuge GMU 25
12. Yukon Delta National Wildlife Refuge GMU 18
13. Alaska Maritime National Wildlife Refuge GMU 10
14. Kanuti National Wildlife Refuge GMU 24

If you have any questions regarding the guide/outfitter issue, please contact John Kurtz at 786-3355.

Sincerely,

Walt Stigitz

Regional Director

Enclosure

POTENTIAL PROBLEMS								ESTIMATED AVERAGE ANNUAL HARVEST											
Wildlife Refuges	NUMBERS OF GUIDES UNDER PERMIT 1989	Brown Bear	Black Bear	Caribou	Sheep	Deer	Moose	Brown Bear		Black Bear		Caribou		Sheep		Deer		Moose	
								Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters
Alaska Maritime	1	--	--	--	--	--	--	2	1	0	0	6	30	0	0	0	0	0	0
Arctic	17	C	--	--	A	--	A	15	15	1	5	30	170	90	110	0	0	18	60
Alaska Peninsula/ Becharof	45	A	--	C	--	--	A	75	270	0	0	225	750	0	0	0	0	57	105
Innoko	2	--	--	--	--	--	B	0	0	2	?	0	?	0	0	0	0	10	30
Izembek	8	A	--	A	--	--	--	50	15	0	0	25	300	0	0	0	0	0	1
Kanutai	0	--	--	--	--	--	B	0	2	0	6	0	10	0	0	0	0	0	35
Kenai	6	C	--	--	C	--	C	2	9	6	88	1	16	4	30	0	0	11	430
Kodiak	18	C	--	--	--	C	--	63	52	0	0	0	0	0	0	250	4750	0	0
Koyukuk	1	--	--	--	--	--	B	0	1	1	75	0	25	0	0	0	0	4	270
Nowitna	0	--	--	--	--	--	B	0	0	0	?	0	0	0	0	0	0	0	55
Selawik	2	B	--	--	--	--	B	0	10	2	7	5	1500	0	0	0	0	5	85
Tetlin	2	--	--	--	--	--	--	2	2	0	4	0	2	3	5	0	0	2	12
Togiak	5	B	--	B	--	--	B	8	2	0	0	0	0	0	0	0	0	?	?
Yukon Delta	3	B	--	B	--	--	B	5	5	0	40	0	25	0	0	0	0	0	100
Yukon Flats	3	--	--	--	C	--	--	2	10	4	40	1	150	0	1	0	0	4	240
TOTAL	113							224	394	16	265	293	2973	97	146	250	4750	111	1443
Percent Harvested by Guided Hunters								36.2		5.7		8.9		39.9		5.0		7.1	

A - Potential Impact To Wildlife Resources

B - Potential Impact To Subsistence Users

C - Other Potential Impact (Quality, Limited Access, Unguided Hunters etc.)

Alaska State Legislature

RECEIVED

JUDICIARY
CHAIRMAN
907-465-4523



JAN 15 1990

JAN FAIKS
SENATE OFFICE

JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

January 11, 1989

RECEIVED
JAN 12 1990

The Honorable Tim Kelly
President
Alaska Senate
Post Office Box V
Juneau, Alaska 99811

Dear Senator Kelly:

The Legislative Task Force on Guiding and Game is scheduled to release its final report and recommendations to the Alaska Legislature by January 15, 1990.

In spite of the panel's best efforts, the task force will need additional time to complete its work. As you are aware, problems associated with both the weather and volcanic eruptions caused numerous travel delays for many of the task force members in mid to late December. This forced postponement of a scheduled pre-holiday meeting and resulted in our falling behind.

With your approval of the necessary time extension, the task force will present its findings and recommendations to the Legislature on January 25, 1990. Please notify me at your earliest convenience if the extension is acceptable.

Sincerely,

A handwritten signature in dark ink, appearing to be "Jan Faiks".

Senator Jan Faiks, Chairman
Legislative Task Force on
Guiding and Game

JF:mr

*Delmar approved
S. Kelly
1/15/90*

OUT OF SESSION

3111 C STREET

ANCHORAGE, ALASKA 99503

907-561-7610

Handouts, Amendments, $\frac{1}{2}$
Voting sheets from
Jan 4-5 '90 meeting

LEGISLATIVE TELECONFERENCE NETWORK

Jan. 4 & 5
1990

SIGN-IN SHEET

SPONSOR: Sen. Fair
SUBJECT: Guide Task Force
START/END TIME: 10:30 AM DATE: 1-4-89

PLEASE PRINT

	NAME/REPRESENTING	ADDRESS	PHONE #	TESTIFY	OBSERVE	BILL #
1	Brent Jones	12441 Shoreline Rd Anch 99516	345-0399		✓	
2	Jim Morehouse	20120 New England Dr Eagle River, AL	684-4218		✓	
3	Phil DRIVER	1306 E 260th Anch 99506	277-8829		✓	
4	Richard Guthrie	P.O. Box 24-0163 Anch AK 99524	243-7766		✓	
5	JOHN KURTZ	USFWS			✓	
6	Henry Springer	Jaune Hand	279-254		✓	
7	Zoe Kehler	U.S. F.S	271-2548		✓	
8	Scott Mileum	P.O. Box 2661 PALMER	745-1747		✓	
9	Tom Kendrick	P.O. Box 2772 palmer	745-2084	✓		
10	Margaret Hartaway	NPS			✓	
11	Rebecca Kaiser	NPS			✓	
12	MARK SANDLAND	3942 Cosmos Dr. Anch AK 99517			✓	
13	Rochy Green	HCO 1 Box 6316 Palmer AK 99645			✓	
14	Michael Litzert	7351 Ovrunda St Anch AK 99507	349-4042	✓		
15	EVA R. TRAUHMANN				✓	
16	HAROLD SCHETZLE	P.O. Box 670790 CHUGIAK, AK 99567			✓	
17	Rosa Chilcoat	NPS			✓	
18	TERRY ADLAM	Box 670597 CHUGIAK ALASKA 99567				

LEGISLATIVE TELECONFERENCE NETWORK

SIGN-IN SHEET

292



SPONSOR: Sen. Fairbanks
 SUBJECT: Guide Task Force
 START/END TIME: 10:30 AM DATE: 1-4-89

PLEASE PRINT

	NAME/REPRESENTING	ADDRESS	PHONE #	TESTIFY	OBSERVE	BILL #
1	Wade Garfield	HCO-3 8365 ¹⁹⁶⁴⁵ Palmer Ave	245-5124		X	
2	Roger D. Morris	2820 Lexington Ave Anch AK	243-1067		X	
3	Art Deans	Eagle River, AK			X	
4	Gus Lamoureux	3230 W 79th			X	
5	Kim Daniels AK Air Carriers Assoc.	4040 B Anchorage	5621272		X	
6	Bob Ensminger AK Air Carriers Assoc.		2431414	X		
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						

P1

Guide Task force — 1-4-90

11AM
start

Tape I side A —

~~2:15~~
Pamplin explanation — Hinman response —

Dec. 15 - bill

4 packets of Amendments — Burns #1 ¹²⁻¹²⁻⁸⁹ ~~12-12-89~~ —
various amend (#2) packet of F&G Amendment, #3
#4 - (George)

Stern — pg 8 - Sec. when fees paid/refunded(?)

~~if conditional use permit~~

Pamplin — annual permit use fee for awarded areas — should

there be ~~if~~ moved - 2d - To include -

~~1~~ Consolidate fees — if possible — (at least administration fees)

Approve annual Fee — Rejected.

pg -

adopt pg 1 of amendment #3

delete lines 6-25 - pg 9 of bill

1:33pm - back on line —

pg - draft — Pamplin amend — #3

Jan requested research by G. Utermohle on use of "appraised or
fair market value" — To clarify To alleviate

vote

NO — Vernita/Pierchalla —

Motion — To approve FG amendments on pg 4 For registration

Motion — pg 5 ~~of~~ of FG amendments — adopted w/ mods
as noted. $\frac{1}{2}$ "non renewal of lic does not preclude g.o
from paying fee" — also added.

P-2

MR → You should bring
batteries tomorrow

1-A 90

Amendment - p 5 of FG amendments -

#3a bottom of pg - (para 'c') to be combined by drafting
w/ para 'b' on p. 3.

Conservation fee - on -
contract or per animal taken basis -

poll - animal contract - pass -
combination TK 1 112

George will draft words for ^{conservation} fee based on 'animal'.

adopted FG amend. - p. 7 of amendments -

p 8 of FG Amendments - { item 5 - scratch 'balance' scratch #6
and #7 becomes #6. } adopted

"in the permitted use area" at a time
During ea contracted hunt
insert after "operations" - A-2 FG amendments

FG Amend - p 4 lines 24-25 -
held Til Tomorrow -

at Kodiak - Public Testimony -

Dick Rohr -

Fees - on harvested animals rather than 'contracts'

Baron Grant Thompson - →

- John Hydrokovich - air carriers assoc. →

Amel - Dan ^{Vale} ~~Ketchum~~ (?) - Ketchum air svc -

Tape A -

there are
Jan = why fees in industry

it's
1/2 way in
on side A

(P3)

Start 9:30
lines -
p4 - 24-25

Jan in at 8:30 AM -

end Side A - Tape 4

ESX
Dillingham

Tape 5 1-5-90

Side A
↓

Jan -
Panglin -
Jan -
Panglin -
Jan -

vote #1 motion - replace lines 24-25 - p4 -
Panglin - motion on Filing period - guide acquiring
permit use areas - For initial qualification/filing
~~vote~~ only.

230 - Stern - discussion / Panglin -

Eliska comment

260 - Pierahalla discussion

280 - Panglin "

300 - Brist - comment - want help Com. Svc Bd - may help FG -

315 - Panglin - FG want benefit - CSB will be helped.

Brist - is it worth it?

330 - Burns - supports it. / vote = unanimous

345 - Fairlie amendment -

365 - Panglin - question - restricted to 3 guide area units -

395 - Burns - supports - explain/clarify

408 - Panglin - comment -

415 - Burns - " response to Panglin

432 - George - why can't alter 'certifications' to authorization -

442 - Hinman - question

447 - Burns - response -
↓

P4

1-5-90

TAPE 5 445 → Panglin - delete word 'readily' - question - Burns response -
Side A 490 - Utermohle - comment."

(cont) Vote - #498 - -

- 514 - Panglin - ~~time~~ p. 10 - line 1 & 2 delete phrase "in conjunction w/ Dept of FG".
- 535 ~~the~~ explanation. → FG doesn't administer - Commerce does it.
- 548 - Paul J. question on
- 560 - Panglin - response - ~~Paul J.~~ Paul J. / Panglin etc -
- 600 - Buist - comment -
- 623 - Paul J. / response -
- 635 - Susan Miller - response on retaining info
- 690 - Stern - comment - Panglin -
- 688 - VOTE - (Burns absent) unanimous

730+ Jan - summary of what's coming - amendment -

Side B

- 000 - Jan - ↑
- 50 - Panglin explain amendment (locking tags) Chandra #3 - 1-5-90
- 98 - Hinman question ↑ / Panglin - ↓
- 113 - "
- 129 - Paul J. -
- 140 - Panglin -
- 145 - Hinman -
- 165 - Stern / Panglin -
- 252 - Buist - add -
- 263 - Hinman / Panglin
- 295 - Paul J. - concerns - should be non-resident only -
- 330 - Panglin explain - clarify -
- 362 - Eluska -
- 390 - Nick -
- 414 - Stern - Amendment - delete "client/customer" line 6 - w/ "non resident hunter" → line 5 -
- 460 - Hinman - hitting only one class of client - not industry -

- 480 - Jan - agree w/ Hinman - conservation fee
 495 - Stern - maybe raise resident fee. / Jan -
~~515-14~~ - Eluska -
 539 - Pamplin - commercial user -
~~Jan~~
 592 - Burns - competition will not allow all fees to be passed to customer.
 Transporters need to be included or not enough & will be raised.

648 - Buist -

Table 6 000 - Paul J.

Side A

- 005 - Eluska -
 008 - Jan - Eluska - Jan -
 50 - Stern - line 5 - amendment - 'except Den & conifer'
 71 - Pamplin - / Stern - withdraws amendment so len can work
 on it over lunch -
 77 - Paul J. - also problem w/ wolf & wolverine.
 83 - Hinman - concerned about applying it to bag limit.
 88 - Burns - maybe ~~with~~ sliding scale -
 99 - ~~to~~ Pamplin - don't want to over complicate.
 109 - Nick - 'compensation for area' - outside.
 124 - Buist - / Lunch /

Joe Miguel - Juneau

Public Hearing 1:30 To 2:30

attendance -

Public - Joe Miguel plus TF members - R. Burns, Paul Johnson
 and B. Hinman - plus

- [144 - Dan Bale - User Fees (Ketchikan AIR) / ^{TF} Response -
 180 - unguided hunts (Buist) / Bale - Buist - air taxi industry - not singled out -
 235 - Terry Adler - wildlife Conservation Fee - statement -
 275 - ~~Paul~~ Joe Miguel - Juneau - re: ~~equities~~ required for all
 big game hunting by out of state.
 312 - Joe Want - Kodiak -

(P-6)

350 - Kodiak - ~~Steve Noey~~ ~~head fee~~ - conservation fee -

may become too expensive for 'average person' - too many costs -

Keep it simple - / Jan comment - 'dedicated funds'.

450 - Brist comment on wildlife protection - ~~Steve Noey~~ / - Brist /

498 - ~~Steve~~ Stern - / Noey -

591 - Hinman - comment on ↑ stamp - explanation of what TF = ~~day~~
Trying to accomplish -

633 - Noey -

663 - Pamplin - diff 'tween animal photo & hunting -

Side B
Tape 6

003 - Burns - comment - HB 112 -

18 - Noey - ~~head~~ -

40 - Dennis Thacker - willow air svc - locking tag = impractical -

97 - Stern - comment/questions - / Thacker /

123 - Pamplin - issue - / Thacker /

171 ~~head~~ - Rich Guthrie - Ande - suggestion on road keeping - / Jan -

206 - Dan Duncan - EBX - river charter - need enforcement on all
the laws - useless. harvestable #s important - not who shoots.

240 - Pamplin response -

and public comment (1:30-2:30)

271 Pamplin - re: revised amendment ~~but~~ on locking tags -

349 - P. Johnson - discussion -

365 Pamplin - / Johnson - / Pamplin - / Johnson - explains side -

477 Piershalla - Brist - / P. Johnson -

541 - Hinman - resident/non-residents - / Pamplin - need Flat Fee or 2 Fee

558 - Burns - will the locking tag system be fair - manageable.

578 - Pamplin - / Burns - / Pamplin - what he wants simplest way (618-22)

648 - Vote #5 Pamplin amendment - locking tags - rejected

655 - Hinman amendment proposal -

Tape 7
SIDE A

- 000 - Hinman -
 000 - Jan - recommendation - amount of fee - Flat Fee -
 Paul Johnson - / Jan /
 14 - Burns - questions to Pamplin - 20-30 thous/yr - Total
 animals Taken - guide/outfitter - Transporter Assist.
 41 - ~~Burns~~ - Buist -
 45 - Hinman - \$10 Fee - ok if more salable.
 52 - Jan \$10 for ea animal Taken by a client
 56 - Burns / Pamplin - (\$200,000)
 62 - Hinman -
 95 - Burns -
 100 - Jan ^{vote = For} animal transporter - 6.0. Fee - Per animal taken -
 110 - ~~Jan~~ Stern proposals \$25 Fee. -
 140 - P. Johnson - motion - To exclude deer fr. \$25 Fee per head
 159 - Buist - either lower Fee for deer ~~or~~ - don't leave out species.
 165 - Nick - maybe 25 per specie. / Johnson - no -
 177 - Pamplin - deer big game too -
 185 - vote - exclude — rejected.
 202 - Hinman - / Johnson - amendment - exclude deer ^{all} - 25 exc.
 deer at \$5. 
 224 - Buist -
 226 - Johnson - vote
 X 280 - Burns - concerns - regulating Transporters -
 364 - Jan - response - can't deal w/ it right now -
 390 - any Transporter who advertises for hunt - must have com. sales permit,
 400 - Hinman comment -
 410 - Jan - / Burns ⁴³¹ - moves amendment #1 - regulation of Transporters -
 456 - Eluska - / Stern - maybe need more public comment etc /
 504 - Burns - response - / Eluska - / Jan / Pamplin -
 603 - Burns - ~~with Jan proposal~~ / Johnson -
 650 - Jan - proposal - Transporter who advertises needs

P-8

Tape 7
Side B

Jan/Burns/
Eluska - 000 -



SDBN -

Socialist Dream / Bedwontic Nightmare



011 - Buist -

15 - Burns - need define 'incidental' - / Jan -

30 - Buist - / Jan / Stern - / Jan - etc -

if pay money to 3rd party to advert. -

155 - Vote - #9



166 - UTermohle - amendment proposal - #4 -

180 - Jan -

195 - Burns - explanation - of why #4 -

250 - vote - unanimous

258 - Piershalla - amendment - (Handout #4 - 1-5-90)

350 - Hinman / Stern - / P. Johnson 399 - supports - will help the resident hunter

410 - Jan / Johnson - / Piershalla - should not have immediate effective date

475 - ~~Jan~~ - ~~Jan~~ effective July 1 1991 - 2nd degree kinship

488 - Pamplin / Johnson -

550 - Stern - ~~motion~~ ~~non residents must vote~~

569 - Vote - rejected 5x5

632 - Jan - propose amendment - "replacement value"

658 - Hinman - / Jan - / Hinman -

Tape 8

Side A

Jan/Hinman -

006 - Burns - / Jan - vote approve unanimous -

~~29 - Burns - 70~~

Public Testimony -

36 - Phil Driver - Pres. of Prof. Hunters Assoc. (147 members)

75 - ~~Mike Liten~~ - / Jan -

Mike Liten

148 - Pamplin - on subsistence ^{decision} - Supreme Ct has -

issued stay - status quo for now - thru July 1 -

(P-9)

GOST

11

178- Larry Rivers - APHA - Too many fees - will chase
user to Canada.

↓
one final draft legislation - to discuss Rpt
and hold final mtg -

256- Jim Hanover - propose amendment - To add
To exempt Hunting businesses To Labor Act wage-hour act

358- Utermohle - would it fit in bill title - NO -

363- Jan - would have to broaden title =

is there support? - yes - Johnson / Stern -
not appropriate in this legis - (Pamplin) Johnson - maybe make
separate bill or TF force recommendation contained in
TF report -

a exempt Fr wage/hr act (AS- 23.10.055) list of exemptions -
commercial use operators in guide industry -

440- Hanover -

470- Tom Hundby -

X 495- Report - (Jan)

510- Pamplin - incl rationale for each point in legislation

568- who gets -

576- Burns -

623- Jan -

Vote #

12-12-89
1-4-90?

Passed

Failed

\$25⁰⁰ plus
\$5⁰⁰

deer

YES NO

Legislative Task Force on Guiding and Game

- | | |
|---|--|
| X | Pete Buist - Fairbanks - 451-2707 - |
| X | Randall Burns - Juneau - 465-2534 - |
| | Vernita Cassidy - Anchorage - 349-1041 - |
| X | Ralph Eluska - Anchorage - 338-2322 - |
| | Ken Fanning - Yakutat - 784-3232 - |
| X | Phil Gilson - Anchorage - 269-5589 - |
| X | Bob Hinman - Juneau - 789-2244 - |
| | Rep. Lyman Hoffman - Bethel - 561-7611 - |
| X | Paul Johnson - Elfin Cove - 239-2211 - |
| | Mathew Iya - Nome - 443-5231 - |
| | Rep. Mike Navarre - Kenai - 561-8459 - |
| X | Lew Pamplin - Anchorage - 267-2231 - |
| X | Nick Pierskalla - Wasilla - 376-0502 - |
| X | Richard Stern - Nome - 443-5638 - |
| X | Jan Faiks - Anchorage - 561-7610 - |

5/4

PASSES

yes

NO

ABSENT:

redo of

Samplin Amendment (FG) #3 §3a
(pg 5 of FG Amend. packet)

Amdt 6-1718A

G. Utermohle

A M E N D M E N T

OFFERED IN THE

BY

TO: W.O. 6-1718A (dated 12/15/89)

Page 10, lines 14 -29:

Delete all material

Insert a new subsection to read:

"Each guide-outfitter who holds a use area permit or a registration permit shall pay annually a wildlife conservation fee. The amount of the fee is the sum of 25 percent of the nonresident big game tag fee for each animal taken by a client on a guide-outfitted hunt during the year. The fee shall be paid at the time for renewal of guide-outfitters' licenses. The failure to renew a guide-outfitter license does not excuse payment of the fee."

\$25 per animal except deer at \$5.

Vote #

12-12-89

Passed

Failed

advertising
for transport
Faiks

YES NO

Legislative Task Force on Guiding and Game

☒ Pete Buist - Fairbanks - 451-2707 -

☒ Randall Burns - Juneau - 465-2534 -

☒ Vernita Cassidy - Anchorage - 349-1041 -

☒ Ralph Eluska - Anchorage - 338-2322 -

☒ Ken Fanning - Yakutat - 784-3232 -

☒ Phil Gilson - Anchorage - 269-5589 -

☒ Bob Hinman - Juneau - 789-2244 -

☒ Rep. Lyman Hoffman - Bethel - 561-7611 -

☒ Paul Johnson - Elfin Cove - 239-2211 -

☒ Mathew Iya - Nome - 443-5231 -

☒ Rep. Mike Navarre - Kenai - 561-8459 -

☒ Lew Pamplin - Anchorage - 267-2231 -

☒ Nick Pierskalla - Wasilla - 376-0502 -

☒ Richard Stern - Nome - 443-5638 -

☒ Jan Faiks - Anchorage - 561-7610 -

9/1

yes

NO

ABSENT:

Vote #

12-12-89

Passed

Failed

YES NO

Legislative Task Force on Guiding and Game

✓	Pete Buist - Fairbanks - 451-2707 -
✓	Randall Burns - Juneau - 465-2534 -
	Vernita Cassidy - Anchorage - 349-1041 -
✓	Ralph Eluska - Anchorage - 338-2322 -
	Ken Fanning - Yakutat - 784-3232 -
✓	Phil Gilson - Anchorage - 269-5589 -
✓	Bob Hinman - Juneau - 789-2244 -
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	Rep. Mike Navarre - Kenai - 561-8459 -
✓	Lew Pamplin - Anchorage - 267-2231 -
✓	Nick Pierskalla - Wasilla - 376-0502 -
✓	Richard Stern - Nome - 443-5638 -
✓	Jan Faiks - Anchorage - 561-7610 -

6/4

PASSES

yes

NO

ABSENT:

Vote #

12-12-89

Passed

Failed

*excludes from
head tax
except
deer*

YES NO

Legislative Task Force on Guiding and Game

☒	☒	Pete Buist - Fairbanks - 451-2707 -
☒		Randall Burns - Juneau - 465-2534 -
		Vernita Cassidy - Anchorage - 349-1041 -
☒		Ralph Eluska - Anchorage - 338-2322 -
		Ken Fanning - Yakutat - 784-3232 -
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	☒	Bob Hinman - Juneau - 789-2244 -
		Rep. Lyman Hoffman - Bethel - 561-7611 -
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		Mathew Iya - Nome - 443-5231 -
		Rep. Mike Navarre - Kenai - 561-8459 -
	☒	Lew Pamplin - Anchorage - 267-2231 -
	☒	Nick Pierskalla - Wasilla - 376-0502 -
	☒	Richard Stern - Nome - 443-5638 -
	☒	Jan Faiks - Anchorage - 561-7610 -

3

8 fails

yes

NO

ABSENT:

Vote #

12-12-89

Passed

Failed

\$25⁰⁰

Conservation fee

\$12⁰⁰
per head

YES NO

Legislative Task Force on Guiding and Game

✓

Pete Buist - Fairbanks - 451-2707 -

Randall Burns - Juneau - 465-2534 -

Vernita Cassidy - Anchorage - 349-1041 -

✓

Ralph Eluska - Anchorage - 338-2322 -

Ken Fanning - Yakutat - 784-3232 -

✓

Phil Gilson - Anchorage - 269-5589 -

✓

Bob Hinman - Juneau - 789-2244 -

Rep. Lyman Hoffman - Bethel - 561-7611 -

✓

Paul Johnson - Elfin Cove - 239-2211 -

Mathew Iya - Nome - 443-5231 -

Rep. Mike Navarre - Kenai - 561-8459 -

✓

Lew Pamplin - Anchorage - 267-2231 -

✓

Nick Pierskalla - Wasilla - 376-0502 -

✓

Richard Stern - Nome - 443-5638 -

✓

Jan Faiks - Anchorage - 561-7610 -

5/4

yes

NO

ABSENT:

Vote #

12-12-89

Passed

Failed

amendment
to amendment.
non-resident
hunter

YES NO

Legislative Task Force on Guiding and Game

fail

✓ Pete Buist - Fairbanks - 451-2707 -

✓ Randall Burns - Juneau - 465-2534 -

Vernita Cassidy - Anchorage - 349-1041 -

✓ Ralph Eluska - Anchorage - 338-2322 -

Ken Fanning - Yakutat - 784-3232 -

✓ Phil Gilson - Anchorage - 269-5589 -

✓ Bob Hinman - Juneau - 789-2244 -

Rep. Lyman Hoffman - Bethel - 561-7611 -

✓ Paul Johnson - Elfin Cove - 239-2211 -

Mathew Iya - Nome - 443-5231 -

Rep. Mike Navarre - Kenai - 561-8459 -

✓ Lew Pamplin - Anchorage - 267-2231 -

✓ Nick Pierskalla - Wasilla - 376-0502 -

✓ Richard Stern - Nome - 443-5638 -

✓ Jan Faiks - Anchorage - 561-7610 -

yes

NO

ABSENT:

Vote #

12-12-89

Passed

Failed

F+G

Amendment

Page 10 line

172

delete.

YES NO

Legislative Task Force on Guiding and Game

Pete Buist - Fairbanks - 451-2707 -

Randall Burns - Juneau - 465-2534 - absent

Vernita Cassidy - Anchorage - 349-1041 -

Ralph Eluska - Anchorage - 338-2322 -

Ken Fanning - Yakutat - 784-3232 -

Phil Gilson - Anchorage - 269-5589 -

Bob Hinman - Juneau - 789-2244 -

Rep. Lyman Hoffman - Bethel - 561-7611 -

Paul Johnson - Elfin Cove - 239-2211 -

Mathew Iya - Nome - 443-5231 -

Rep. Mike Navarre - Kenai - 561-8459 -

Lew Pamplin - Anchorage - 267-2231 -

Nick Pierskalla - Wasilla - 376-0502 -

Richard Stern - Nome - 443-5638 -

Jan Faiks - Anchorage - 561-7610 -

unavailable
except

Burns
absent.

yes

NO

ABSENT:

Vote #

12-12-89

Passed

Failed

Sub

approved

YES NO

Legislative Task Force on Guiding and Game

Pete Buist - Fairbanks - 451-2707 -

Randall Burns - Juneau - 465-2534 -

Vernita Cassidy - Anchorage - 349-1041 -

Ralph Eluska - Anchorage - 338-2322 -

Ken Fanning - Yakutat - 784-3232 -

Phil Gilson - Anchorage - 269-5589 -

Bob Hinman - Juneau - 789-2244 -

Rep. Lyman Hoffman - Bethel - 561-7611 -

Paul Johnson - Elfin Cove - 239-2211 -

Mathew Iya - Nome - 443-5231 -

Rep. Mike Navarre - Kenai - 561-8459 -

Lew Pamplin - Anchorage - 267-2231 -

Nick Pierskalla - Wasilla - 376-0502 -

Richard Stern - Nome - 443-5638 -

Jan Faiks - Anchorage - 561-7610 -

yes

NO

ABSENT:

Vote #

12-12-89

Passed

Failed

Unanimously

Page 4

lines

24-25

F+g

YES NO

Legislative Task Force on Guiding and Game

✓	Pete Buist - Fairbanks - 451-2707 -
✓	Randall Burns - Juneau - 465-2534 -
	Vernita Cassidy - Anchorage - 349-1041 -
✓	Ralph Eluska - Anchorage - 338-2322 -
	Ken Fanning - Yakutat - 784-3232 -
✓	Phil Gilson - Anchorage - 269-5589 -
✓	Bob Hinman - Juneau - 789-2244 -
	Rep. Lyman Hoffman - Bethel - 561-7611 -
✓	Paul Johnson - Elfin Cove - 239-2211 -
	Mathew Iya - Nome - 443-5231 -
	Rep. Mike Navarre - Kenai - 561-8459 -
✓	Lew Pamplin - Anchorage - 267-2231 -
✓	Nick Pierskalla - Wasilla - 376-0502 -
✓	Richard Stern - Nome - 443-5638 -
✓	Jan Faiks - Anchorage - 561-7610 -

yes

NO

ABSENT:

Vote #

12-12-89

Passed

Failed

*amendment passes
9-1*

YES NO

Legislative Task Force on Guiding and Game

	<u>X</u>	Pete Buist - Fairbanks - 451-2707 -
<u>X</u>		Randall Burns - Juneau - 465-2534 -
<u>X</u>		Vernita Cassidy - Anchorage - 349-1041 -
<u>X</u>		Ralph Eluska - Anchorage - 338-2322 -
		Ken Fanning - Yakutat - 784-3232 -
		Phil Gilson - Anchorage - 269-5589 -
<u>X</u>		Bob Hinman - Juneau - 789-2244 -
		Rep. Lyman Hoffman - Bethel - 561-7611 -
<u>X</u>		Paul Johnson - Elfin Cove - 239-2211 -
		Mathew Iya - Nome - 443-5231 -
		Rep. Mike Navarre - Kenai - 561-8459 -
<u>X</u>		Lew Pamplin - Anchorage - 267-2231 -
<u>X</u>		Nick Pierskalla - Wasilla - 376-0502 -
<u>X</u>		Richard Stern - Nome - 443-5638 -
<u>X</u>		Jan Faiks - Anchorage - 561-7610 -

yes

NO

ABSENT:

Vote #

12-12-89

Passed

Failed

Page 4/5
FDG —

YES NO

Legislative Task Force on Guiding and Game

X	Pete Buist - Fairbanks - 451-2707 -
X	Randall Burns - Juneau - 465-2534 -
X	Vernita Cassidy - Anchorage - 349-1041 -
X	Ralph Eluska - Anchorage - 338-2322 -
	Ken Fanning - Yakutat - 784-3232 -
	Phil Gilson - Anchorage - 269-5589 -
X	Bob Hinman - Juneau - 789-2244 -
	Rep. Lyman Hoffman - Bethel - 561-7611 -
X	Paul Johnson - Elfin Cove - 239-2211 -
	Mathew Iya - Nome - 443-5231 -
	Rep. Mike Navarre - Kenai - 561-8459 -
X	Lew Pamplin - Anchorage - 267-2231 -
X	Nick Pierskalla - Wasilla - 376-0502 -
X	Richard Stern - Nome - 443-5638 -
X	Jan Faiks - Anchorage - 561-7610 -

pass

yes

NO

ABSENT:

6-1718Ak
UtermohleAMENDMENT

TO: 6-1718A (dated 12/15/89)

BY FAIKS

Page 1, line 6, after "permit":

Insert ", guide-outfitters,"

Page 10, after line 26:

Insert a new bill section to read:

"* Sec. 4. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.355. GAME MANAGEMENT UNIT CERTIFICATION. (a) The board shall certify guide-outfitters licensed under AS 08.54.350 to guide-outfit hunts within a game management unit. The board may not certify a guide-outfitter to guide-outfit hunts in more than three game management units at one time.

(b) A guide-outfitter may not guide-outfit hunts in a game management unit unless the guide-outfitter is certified by the board to guide-outfit hunts in the game management unit.

(c) The board shall allow a guide-outfitter to prequalify for certification for each game management unit in which the guide-outfitter is competent to guide-outfit hunts. The board shall allow a guide-outfitter to ~~readily~~ transfer a certification between game management units."

Renumber the following bill sections accordingly.

6-1718Ak
UtermohleAMENDMENT

TO: 6-1718A (dated 12/15/89)

passed
BY FAIKS

Page 1, line 6, after "permit":

Insert ", guide-outfitters,"

Page 10, after line 26:

Insert a new bill section to read:

"* Sec. 4. AS 08.54 is amended by adding a new section to read:

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(b) A guide-outfitter may not guide-outfit hunts in a game management unit unless the guide-outfitter is certified by the board to guide-outfit hunts in the game management unit.

(c) The board shall allow a guide-outfitter to prequalify for certification for each game management unit in which the guide-outfitter is competent to guide-outfit hunts. The board shall allow a guide-outfitter to ~~readily~~ transfer a certification between game management units."

Renumber the following bill sections accordingly.

Amendment - ADF&G

Unreviewed
placed

Page 5 Insert after line 28

The Big Game Commercial Service Board shall hold a pre-application filing period for the initial granting of guide-outfitter use areas.

Each potential applicant for a guide-outfitter use area will be required to submit a pre-qualifying application for each Game Management Unit / Subunit in which they desire to obtain a use area permit.

1-4-90

motion establish annual Fee

Vote #1

YES	NO	
	☒	Pete Buist
	☒	Randall Burns
	☒	Vernita Cassidy
	☒	Ralph Eluska
	☐	Ken Fanning
	☒	Phil Gilson (proxy to Pamplin)
	☒	Bob Hinman
	☐	Rep. Lyman Hoffman
	☒	Paul Johnson
	☐	Mathew Iya
	☐	Rep. Mike Navarre
	☒	Lew Pamplin C
	☒	Nick Pierskalla
	☒	Richard Stern
	☒	Sen. Jan Faiks

YES _____ NO 11

APPROVED -

REJECTED - ☒

1-4-90

To adopt p 1^{1/2}

Amendment #3 (F&G packet)

new 08
lines 6-25

check vote on Tape

YES	NO	
	X	Pete Buist
X		Randall Burns
	X	Vernita Cassidy
	X	Ralph Eluska
		Ken Fanning
X		Phil Gilson
X	~~X~~	Bob Hinman
		Rep. Lyman Hoffman
X	~~X~~	Paul Johnson
~~X~~		Mathew Iya
		Rep. Mike Navarre
X		Lew Pamplin
X		Nick Pierskalla
X		Richard Stern
X		Sen. Jan Faiks

YES _____ NO _____ -

APPROVED - X

REJECTED -

Vote #3

1-4-90

~~1-4-90~~

~~1-4-90~~

P. 4 & ADFG amend.

YES	NO	
☒		Pete Buist
☒		Randall Burns
☒		Vernita Cassidy
☒		Ralph Eluska
		Ken Fanning
		Phil Gilson
☒		Bob Hinman
		Rep. Lyman Hoffman
☒		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
☒		Lew Pamplin
☒		Nick Pierskalla
☒		Richard Stern
☒		Sen. Jan Faiks

YES _____ NO _____ -

APPROVED - *X Unanimous*

REJECTED -

Vote # 4

1-4-90

"in permitted use area"

YES	NO	
	X	Pete Buist
X		Randall Burns
	X	Vernita Cassidy
X		Ralph Eluska
		Ken Fanning
	X	Phil Gilson
	X	Bob Hinman
		Rep. Lyman Hoffman
X		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
	X	Lew Pamplin
	X	Nick Pierskalla
X		Richard Stern
	X	Sen. Jan Faiks

YES 4 NO 7 -

APPROVED -

REJECTED - X 7-4

Vote #5
1-4-90

FC Amendment
Telling Discussion

YES	NO	
	X	Pete Buist
	X	Randall Burns
X		Vernita Cassidy
X		Ralph Eluska
		Ken Fanning
	X	Phil Gilson
	X	Bob Hinman
		Rep. Lyman Hoffman
	X	Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
	X	Lew Pamplin
	X	Nick Pierskalla
X		Richard Stern
	X	Sen. Jan Faiks

YES 3 NO 8 -

APPROVED -

REJECTED - X

1-4-90
vote # 6

FG Amendment
physically in field

YES	NO	
X		Pete Buist
X		Randall Burns
	X	Vernita Cassidy
X		Ralph Eluska
		Ken Fanning
X		Phil Gilson
X		Bob Hinman
		Rep. Lyman Hoffman
X		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
X		Lew Pamplin
X		Nick Pierskalla
	X	Richard Stern
	X	Sen. Jan Faiks

YES 8 NO 3 -

APPROVED -

REJECTED -

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

REPLY TO:

☐ 1031 W 4th AVENUE SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550
FAX: (907) 276-3697

☐ 1st NATIONAL CENTER
100 CUSHMAN ST. SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 452-1568
FAX: (907) 456-1317

☐ P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 463-5295

November 7, 1989

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

Dear Senator Faiks:

You have asked us whether fees generated by a concession type system for allocating access to big game hunting opportunities among guide-outfitters may be automatically deposited (i.e. without legislative appropriation) into the Fish and Game Fund. Our answer to this question is no.

The Fish and Game Fund was established as a funding source for carrying out the purposes and provisions of Title 16, Alaska Statutes. AS 16.05.100. The composition of the Fund is provided for in AS 16.05.110. This statute says that, in addition to money appropriated by the legislature, the fund may receive money from particular sources as well as "money from any other source". AS 16.05.110(6). Because concession fees do not satisfy any of the particular descriptions, they could only come in under the catch-all provision.

Automatic deposit, however, must be examined in light of article IX, section 7 of the Alaska Constitution. This section generally prohibits legislation that dedicates revenue to special purposes. It does, however, allow some limited exceptions and exemptions. The section provides in full:

The proceeds of any state tax or license shall not be dedicated to any special purpose except as provided in section 15 of this article (i.e. the Alaska Permanent Fund) or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes on the date of the ratification by the people of Alaska (i.e. on April 24, 1956).

We have interpreted the term "proceeds of any state tax or license" to apply generally to all public funds. See 1975 Op.

The Honorable Jan Faiks
Alaska State Senator

November 7, 1989
Page 2

Att'y Gen. No. 9 at 16 (May 2); 1982 Op. Att'y Gen. No. 13 at 7 (Nov. 30); see also State v. Alex, 646 P.2d 203 (Alaska 1982). Thus, the prohibition against dedicated funds would apply to concession fees unless they fall under one of the exceptions or exemptions contained in this section of the constitution.

The exception for the Alaska Permanent Fund and the exception for funds required by the federal government for state participation in federal programs would not apply to concession fees. Therefore, the only remaining issue is whether the exemption applies, that is, whether an automatic dedication of the concession fees to the Fish and Game Fund would be a continuation of a dedication that existed on April 24, 1956, the date that this constitutional section was ratified.

The pre-statehood predecessor to the Fish and Game Fund was the "Fisheries Contingent Receipts Fund" established by the Territorial Legislature in 1953. In this fund, there is only one specific dedication. There, funds "received in settlement of a claim for damages to the fish and wildlife resources of the Territory" may be "expended for the protection, rehabilitation, preservation or conservation of such resources." Sec. 3, Ch. 64 SLA 1953. We have found no instance, however, where fees collected from guides for access to big game hunting opportunities were dedicated to a fund for fish and game purposes prior to the ratification of Article IX, section 7 of the Alaska Constitution.

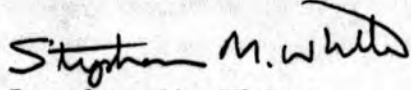
Although we conclude that legislation that automatically dedicates concession fees to the Fish and Game Fund would be unconstitutional, there is nothing that prevents the legislature from annually appropriating these fees to the same purpose. This can be achieved by identifying the fees as an appropriation source and accounting for them as "program receipts" as they are collected.

We hope this answers your question.

Sincerely yours,

DOUGLAS B. BAILY
ATTORNEY GENERAL

By:


Stephen M. White
Assistant Attorney General

SMW:jf

1-5-90 . .

#1 - replace lines 24-25- p 4

YES	NO	
X		Pete Buist
X		Randall Burns
		Vernita Cassidy
X		Ralph Eluska
		Ken Fanning
X		Phil Gilson
X		Bob Hinman
		Rep. Lyman Hoffman
X		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
X		Lew Pamplin
X		Nick Pierskalla
X		Richard Stern
X		Sen. Jan Faiks

YES _____ NO _____ -

APPROVED -

REJECTED -

1-5-90

Vote #2

Pamplin motion -
add after line 28
p 5 & draft

YES	NO	
		Pete Buist
		Randall Burns
		Vernita Cassidy
		Ralph Eluska
		Ken Fanning
		Phil Gilson
		Bob Hinman
		Rep. Lyman Hoffman
		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
		Lew Pamplin
		Nick Pierskalla
		Richard Stern
		Sen. Jan Faiks

YES ☒ NO ☐

APPROVED

REJECTED

UNANIMOUS

1-5-90
"Faiks" Amendment
Vote #3

YES	NO	
		Pete Buist
		Randall Burns
		Vernita Cassidy
		Ralph Eluska
		Ken Fanning
		Phil Gilson
		Bob Hinman
		Rep. Lyman Hoffman
		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
		Lew Pamplin
		Nick Pierskalla
		Richard Stern
		Sen. Jan Faiks

YES ☒ NO ☐ -

APPROVED -

REJECTED -

UNANIMOUS

1-5-90

Vote #4

STEM -
Amendment To Amendment on
non-resident hunter

YES	NO	
	X	Pete Buist
	X	Randall Burns
		Vernita Cassidy
	X	Ralph Eluska
		Ken Fanning
	X	Phil Gilson
	X	Bob Hinman
		Rep. Lyman Hoffman
	X	Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
	X	Lew Pamplin
	X	Nick Pierskalla
X		Richard Stern
	X	Sen. Jan Faiks

YES 1 NO 9 -

APPROVED -

REJECTED -

1-5-90
vote #5

Pamplin Amendment -
locking Tags -

YES	NO	
X		Pete Buist
	X	Randall Burns
		Vernita Cassidy
	X	Ralph Eluska
		Ken Fanning
X		Phil Gilson
	X	Bob Hinman
		Rep. Lyman Hoffman
	X	Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
	X	Lew Pamplin
	X	Nick Pierskalla
	X	Richard Stern
	X	Sen. Jan Faiks

YES 2 NO 8 -

APPROVED -

REJECTED -

1-5-90
Vote #6

\$25/head Fee

YES	NO	
	X	Pete Buist
		Randall Burns
		Vernita Cassidy
	X	Ralph Eluska
		Ken Fanning
X		Phil Gilson
X		Bob Hinman
		Rep. Lyman Hoffman
	X	Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
X		Lew Pamplin
X		Nick Pierskalla
X		Richard Stern
	X	Sen. Jan Faiks

YES 25 NO 4 -

APPROVED -

REJECTED -

1-5-90
Vote # 7

\$25 / leave out deer -

YES	NO	
	X	Pete Buist
X		Randall Burns
		Vernita Cassidy
X		Ralph Eluska
		Ken Fanning
	X	Phil Gilson
	X	Bob Hinman
		Rep. Lyman Hoffman
X		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
	X	Lew Pamplin
	X	Nick Pierskalla
	X	Richard Stern
	X	Sen. Jan Faiks

YES 3 NO 7 -

APPROVED -

REJECTED -

Vote #8.

1-5-90

\$25 for all
exc. den at \$5.

YES	NO	
X		Pete Buist
X	~~X~~	Randall Burns
		Vernita Cassidy
	X	Ralph Eluska
		Ken Fanning
	X	Phil Gilson
X		Bob Hinman
		Rep. Lyman Hoffman
X		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
	X	Lew Pamplin ~~2~~
X		Nick Pierskalla
	X	Richard Stern
X		Sen. Jan Faiks

YES 6 NO 4 -

APPROVED

REJECTED -

1-5-90
Vote # 9
Tape 7 side B

YES	NO	
X		Pete Buist
X		Randall Burns
		Vernita Cassidy
X		Ralph Eluska
		Ken Fanning
X		Phil Gilson
X		Bob Hinman
		Rep. Lyman Hoffman
X		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
X		Lew Pamplin
X		Nick Pierskalla
	X	Richard Stern
X		Sen. Jan Faiks

YES _____ NO _____ -

APPROVED -

REJECTED -

Vote #10

1-5-90

Amendment #A (1-4-90)

YES	NO	
		Pete Buist
		Randall Burns
		Vernita Cassidy
		Ralph Eluska
		Ken Fanning
		Phil Gilson
		Bob Hinman
		Rep. Lyman Hoffman
		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
		Lew Pamplin
		Nick Pierskalla
		Richard Stern
		Sen. Jan Faiks

YES

NO

-

UNANIMOUS

APPROVED -

REJECTED -

Vote #11

1-5-90

Pierskalla
~~at the~~
amendment
harder #4 - 1-5-90

YES	NO	
X		Pete Buist
X		Randall Burns
		Vernita Cassidy
X		Ralph Eluska
		Ken Fanning
	X	Phil Gilson
	X	Bob Hinman
		Rep. Lyman Hoffman
X		Paul Johnson
		Mathew Iya
		Rep. Mike Navarre
	X	Lew Pamplin
X		Nick Pierskalla
	X	Richard Stern
	X	Sen. Jan Faiks

YES 5 NO 5 -

APPROVED -

REJECTED -

Prepared: Richard Stern
 Comparison of Guide/Outfitter
 Requirements and AirTaxi/Transporter
 Aviation Requirements

5 JAN 90

GUIDE/OUTFITTERS

FAA Commercial pilot license
 OR 250 hrs Alaska
 flight experience

- no specific oversight
- no aircraft inspection requirement except an annual inspection
- no requirement
- pilot biennial flight review
- no requirement
- no requirement
- no requirement
- knowledge of game/fish regg. for guide license. Test
- contracts with clients multiple services
- no tax (at present)
- \$100,000 per seat liability

AIR TAXITRANSPORTERS

FAA Commercial pilot
 license AND Instrument
 rating AND at
 least 500 hours total
 flight experience

(Most companies and insurance programs require more.)

- FAA and DOT oversight
- FAA Part 135 aircraft
 - 100 hour inspections
 - licensed mechanic
 - monthly FAA surveillance
 - drug testing - pilots/mechanics
 - 6 month proficiency check rides for pilots
 - approved pilot training program
 - \$50 per aircraft annual payment to State
 - flight following system
- no requirement
- no passenger contract
- Federal excise taxes to support aviation
- \$150,000 per seat liability

JAN 23 30 03-41 L10 - HIGH 217-0112 P.2/1

GUS & FRENCHY LAMOUREUX

P.O. Box 90-444 • ANCHORAGE, ALASKA 99509 • FRENCHY, 248-4971 • GUS, 248-3012 • (AREA CODE 907)

The present Guide System as it exists today is a test worthy of Solomon. I propose instead of three guide areas all guides be limited to two. There are some very large guide areas that should be divided to create smaller guide areas. I know that this proposal will not be popular with those affected but as things now stand none of it is popular. This process of two guide areas per guide will add to the already open guide areas to start with but time will allow the NEW applicants to acquire an area much as those now in the profession have done in the past.

By preserving old guide area boundaries and allowing established guides to keep two of their three areas it will keep chaos to a minimum, relieve the State of their obligations to the guides with areas. The State literally had a contract with the guides, the State licensed and legislated an agreement on guide areas and on the basis of this agreement many guides have put time, money into equipment and many advertising dollars into advertising the Big Game Hunting Business here in Alaska. The state does owe a debt here. At the time the area concept came into being it was fair and equitable to ALL applicants and ALL applicants were accommodated. The key word in this scenario is TIME. On the basis of the Owsichuk decision we are going to accommodate all applicants again. Are we going to slice up the pie again in ten or fifteen years when there will again be more applicants than areas? Hardly!!! I would hope not! An effective constitutional agreement must be struck as pie cutting cannot go on and on indefinitely to accommodate every young man with a Coleman stove a tarp and a dream of the wilderness for a vocation. By the same token if a young man wants to invest his youth, time, money and his labor to build a hunting business, his efforts should be compensated for at the end of the trail when he can no longer go on.

I propose in keeping most old boundaries, that there be no joint usage, this in the past has been a headache to the administering board as well as a huge paper generating process when guide areas change hands.

When a guide area becomes open it would seem fair that:

1. All applicants be able to demonstrate that they can compensate the former area holder for improvements, equipment, etc. A private agreement, but first board approved.
2. Experience in the area be set at a minimum of X number of years.
- 3 A drawing to choose the applicant for the area if there is more than one qualifying applicant.

I suggest a moratorium on the issuance of Registered Guide Licenses for two years until this is all settled. Those wishing a license can operate as assistants until the Board has cleared the decks, so to speak.

Lastly whatever program is selected, Plan A, Plan B or Plan C etc. a VOTE by ALL master and registered guides accepting or rejecting all plans. This vote by all concerned should be legal and constitutional. The vote to be OPEN, name to appear on the ballot of acceptance or rejection so there can be no doubt as to how each guide voted. A majority vote will be the adopted program. The program should also have a limiting factor adopted by all whereby the number of guide areas will stay the same for all time. Other limiting factors could be incorporated into the ballot and be accepted or rejected by the majority for all time.

On the basis of allowing the guides the right to VOTE on the program they'll be working under, I think it only fair a meeting of all guides be set (not during open hunting seasons) for however long it takes and all suggestions be presented and voted on. The suggestions agreed to by the majority vote should be forwarded to the task force for the preparation of the different plans to be placed on the ballot. The task force ballot to come before the guide body so deletions and additions can be made. The final vote is what the task force will take to the legislature, it should speak for all guides and in finality make everyone's job easier.

I know there will be screams of agony at the thought of giving away a guide area but I feel the loss of one area is preferable to the possible loss of all areas. If such a plan were to be adopted, the affected guide could choose the area he would relinquish.

I stands to reason if such a plan were adopted, the Boards job would be 65% done. No re-zoning guide areas, no re-allocation of most of the areas, just an agreement of joint usage areas, of which there will be none and the assignment of the available areas to all the qualified successful New applicants. We had a good workable system for 17 years, a system that worked to the advantage of the guides, clients and preserving game animals, I believe that if something is not broken why fix it?

Suggestions AT:

Norman Lamoureux

1-4-90
amendment # 4

6-1718Aj
Utermohle

A M E N D M E N T

TO: W.O. 6-1718A (dated 12/15/89)

Page 6, line 24:

Delete ";

Insert "."

Page 6, line 25 through page 7, line 4:

Delete all material

Insert a new subsection to read:

"(c) An applicant shall receive a preference for a use area permit if the applicant

(1) is determined to be qualified by the board; and

(2) does not hold a use area permit or is seeking the first renewal of a use area permit for a specific use area."

Reletter the following subsections accordingly.

Amendment #3

1-4-90

ADF&G 01/03/90
AMENDMENTS

TO: W.O. 6-1718A (dated 12/15/89)

#1.

Page 9, Section 08.54.660

Delete lines 6-25; replace with the following:

Sec. 08.54.660. ASSIGNMENT OF GUIDE-OUTFITTER USE AREA PERMITS.

(a) A use area permit may be assigned under regulations of the board if the assignment is

(1) consistent with the purposes of AS 08.54.610 - 08.54.790;

(2) not providing any form of compensation to the person who had the permit;

(3) to a guide-outfitter qualified to receive a use area permit;

(4) due to death or disability of the assignor or for other good cause, as defined by the board; and

(5) approved by the board.

(b) The sale of guide-outfitter facilities and equipment between the assignor and the assignee of a use area permit may not be for an amount that exceeds the appraised or fair market value of the property without regard to the existence of the use area permit. The sale of property between parties to the assignment of a use area permit for an amount

in excess of the appraised or fair market value of the property voids the assignment of the use area permit.

(c) An assigned use area permit is valid only for the period for which the permit was originally issued.

(d) If proceedings in which a guide-outfitter license may be revoked or suspended under this chapter are pending against a guide-outfitter, the guide-outfitter's use area permits may not be assigned unless allowed for good cause by the board. During the period for which a guide-outfitter's license is suspended under this chapter, use area permits held by the guide-outfitter may not be assigned.

(e) If proceedings in which a guide-outfitter use area permit may be revoked or suspended under AS 08.54.680 are pending against a guide-outfitter, the use area permits that are the subject of the proceedings may not be assigned. During the period for which a use area permit is suspended under AS 08.54.680, the use area permit may not be assigned.

#2.

Page 9, Reg. 02.54.670, lines 27-29

Replace text in subsection (a) with the following:

(a) The board shall maintain and publish on a regular basis a list of unawarded guide-outfitter use areas that are available for use by qualified guide-outfitters who obtain the appropriate registration permit.

2 continued..Page 10, lines 1-2

Delete:

"... in conjunction with the ~~Department of Fish and Game~~,..."

NOTE: if this amendment passes, the following amendments need to be made (2a-c) regarding guide-outfitter use area registration permits.

ADF&G 01/03/90

4

#2a.

Page 4, lines 27-29 and page 5, line 1

Modify text (p. 4, line 29 and p. 5, line 1) so that whole subsection reads:

(D) A use area that is not awarded to a guide-outfitter under AS 08.54.640 is open to use by guide-outfitters who are certified to guide-outfit hunts in the game management unit and who obtain a registration permit for the use area.

#2b.

Page 4, line 17

Add new subsection (h) as follows:

(h) The board shall determine which unawarded areas will be open to a registration permit system, and may establish the number of registration permits allowed in each use area.

(1) Registration permits shall be valid for one regulatory year.

(2) A registration permit shall specify the big game species that may be guide-outfitted by the permit holder in that guide-outfitter area.

#2c.

Page 5, lines 7-9

Delete paragraph 2 and all text.

#3.

Page 10. Sec. 08.54.680, lines 9-13

Delete and replace with the following subsection (b):

(b) Each guide-outfitter who holds a use area permit shall pay an annual wildlife conservation fee. Fifty percent of the wildlife conservation fee is paid in advance and shall accompany the application for renewal of a guide-outfitter's license under AS 08.54.370. The balance for the preceding year is also due at this time. The amount of the fee is the sum of twenty-five percent of the nonresident big game tag fee for each animal to be contracted for each client on a guide-outfitted hunt, ~~as specified in the use area operations plan.~~

#3a. Insert a new subsection (c) and resequence the following sections.

(c) Each guide-outfitter who receives a registration permit to use an unassigned area shall pay an annual wildlife conservation fee. The amount of the fee is the sum of twenty-five percent of the nonresident big game tag fee for each animal contracted by each client on a guide-outfitted hunt conducted under the authority of a use area registration permit. The wildlife conservation fee due for the current year shall accompany the application for renewal of a guide-outfitter's license under AS 08.54.370.

#4.

Page 10. lines 14-15

Modify first sentence to read:

(c) The commissioner of administration shall separately account for wildlife conservation fees deposited in the general fund by the department.

#5.

Page 10, line 20

Insert new text to read:

Sec. 3. AS 08.54.790. DEFINITIONS. In AS 08.54.610 -
08.54.790

(1) "joint use" means the utilization of a use area by
more than one use area permittee;

(2) "sole use" means the utilization of a use area by
a single use area permittee.

ADF&G 01/03/90

8

#6.

Page 10, line 26

Insert new section as follows:

Sec. 4. AS 08.54.370(a) is amended to read:

(a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

(1) the hunt record required under AS 08.54.550 for the period covered by the current license;

(2) the license fee for the next licensing period;

(AND)

(3) the commercial use permit fee for the next licensing period;

(4) amended guide-outfitter use area permit operations plan, if appropriate;

(5) the wildlife conservation fee balance for the period covered by the current license;

(6) fifty percent of the wildlife conservation fee due for the next license period; and

(7) the required application fee.

RENUMBER following sections accordingly.

#7.

Page 11, Sec. 4, lines 15-29 and page 12, lines 1-18

Delete all text and replace with the following:

(c) The department shall publish a notice that it is accepting public comment for identification of areas as proposed guide-outfitter use areas. The department shall accept comments for use areas for 60 days after the notice is first published.

(d) The department shall propose use areas in consideration of the following:

(1) wildlife management concerns, ~~including abundance~~ and diversity of wildlife, historical harvest of wildlife from the area, and existing administrative boundaries established for wildlife management purposes;

(2) wildlife law enforcement concerns;

(3) public comment received under (c) of this section;

(4) land ownership in the area;

(5) administrative restrictions;

(6) existence of boundaries that can be readily identified in the field;

(7) accessibility of the area and other transportation considerations;

(8) existence of complementary and non-complementary land uses within the area;

(continued...)

7. continued...

(9) existing facilities within the area; and

(10) other considerations relevant to the purposes of this section.

(a) The department shall provide maps or descriptions to the public of the proposed use areas under (d) of this section and shall solicit public comment on the proposed use areas. The public shall have 45 days after the map or descriptions are distributed to comment on the use areas proposed by the department. At the close of the comment period, the department shall review the ~~proposed use areas~~ considering the public comment received and shall make a final determination of the boundaries of the proposed use areas. The department shall transmit its determinations of the boundaries of the proposed use areas to the Big Game Commercial Services Board as the final determinations are made.

OTHER AMENDMENTS (to sections worked on in the December meeting)

POINTS OF CLARIFICATION:

Page 1, line 22

Replace "guide-outfitting" with "hunting" to be consistent with other sections.

Page 3, line 27

Insert "big" before the word "game". This was omitted and is a technical oversight.

Page 4, line 17

Restore the first two lines that were dropped off the original amendment, and label them subsection (a). Continue the existing text as subsection (b).

(continued...)

AMENDMENTS (to sections worked on in the December meeting)

Page 4, line 17

Insert:

A guide-outfitter shall physically participate in field operations while guide-outfitted hunts are being conducted under the authority of a use area permit held by the guide-outfitter.

Page 4, lines 24-25

Replace: "joint" with "guide-outfitter"

"big game animals" with "clients"

so that the sentence now reads:

....A guide-outfitter use area permit may also ~~limit the~~ number of clients that may be taken under the use area permit.

Page 11, lines 8-11

Delete this sentence which refers to ADF&G completing a significant portion of the state mapping within 9 months. This text is unnecessary because the preceding sentence says ADF&G will complete statewide mapping in 2 years.

1-4-90
amendment #1

Regulation of transporters. (a) The board ~~shall~~ ^{may} adopt regulations regarding the limitation of licensed transporters to ~~game management units~~.

- 1) game management units;
- 2) ^{the} number of clients that may be transported into the field; and
- 3) the ^{kinds} ~~number~~ of species that may be hunted by the ~~clients~~ transporter's clients.

(b) The board shall certify transporters to ~~to conduct~~ provide transportation services within a game management unit and shall, by regulation, set the ^{manner and method by} ~~manner~~ which the transporter ~~shall~~ ^{will} must demonstrate that the transporter is qualified to provide transportation services in each game management unit for which the transporter seeks to be certified.

Handout #5 - 1-5-90

P.2/3

X revision of Pamplin handout #3 - 1-5-90

AMENDMENT ----ADF&G ---- Wildlife Conservation Fees

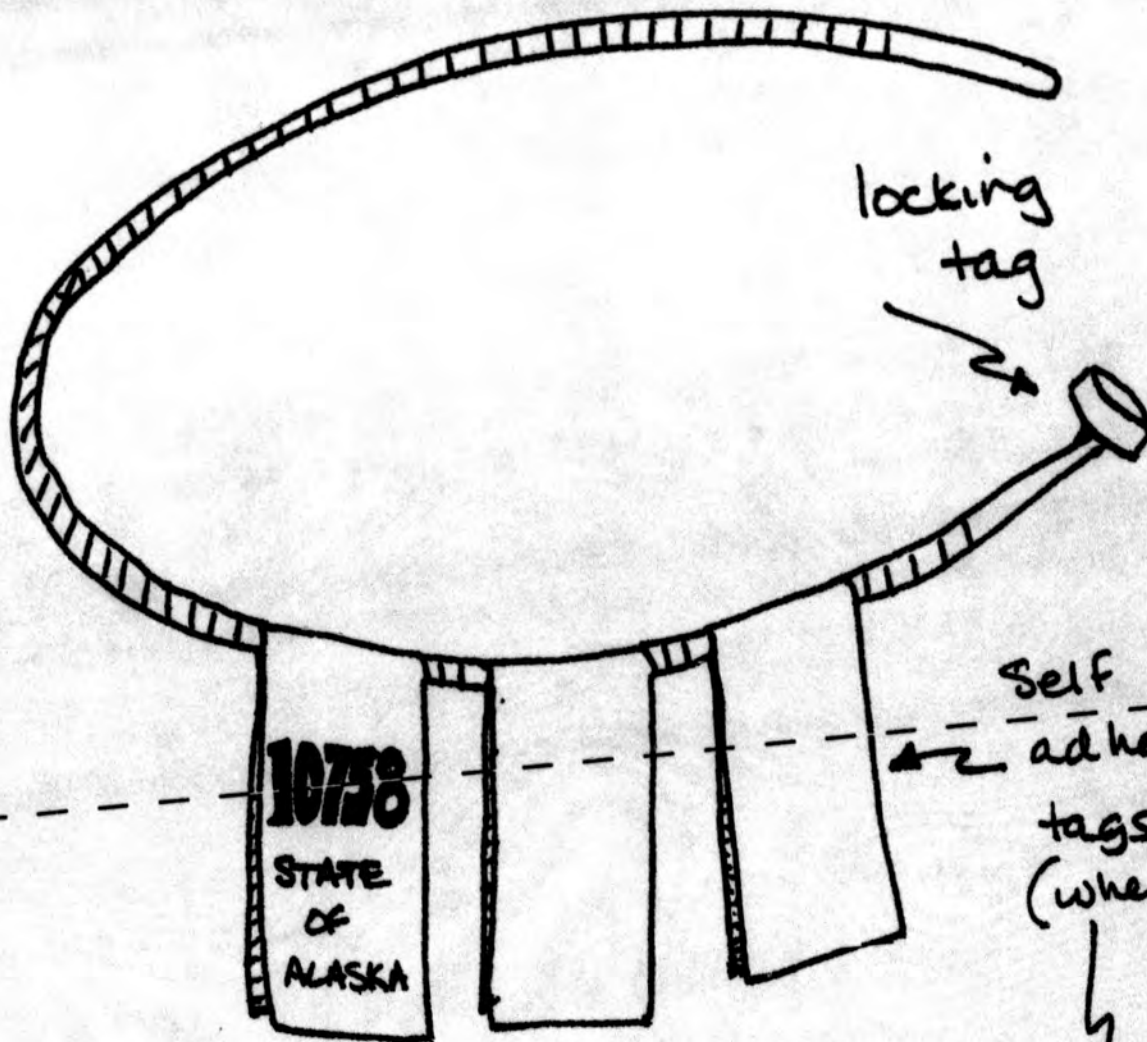
Each guide-outfitter who holds a use area permit or a registration permit and each transporter who holds a transporter's license shall pay annually a wildlife conservation fee for each animal taken by a client or customer utilizing the commercial service. The Big Game Commercial Services Board shall set the amount of the fee for each big game species. The fee shall be paid by purchasing serially numbered locking tags from the Department of Commerce and Economic Development for a fixed fee per tag, and by attaching the appropriate number of tags to equal the wildlife conservation fee for each species to each animal taken by the respective client or customer. Tags will be attached by the first service provider to provide services to the client or customer after the taking of the animal. Subsequent service providers are not required to tag animals which have already been tagged. Tags shall remain attached to the animal or transport container until a final destination is reached.

~~During or directly after~~

AMENDMENT

1/5/90
ADFG

EXAMPLE OF LOCKING TAG SYSTEM



locking tag

Self adhesive tags (when folded)

TAGS ARE REQUIRED BY LAW ATTACH AS FOLLOWS:	
MOOSE —	BLACK BEAR —
CARIBOU —	(etc)
BROWN BEAR —	
SERIAL	NUMBER

INSTRUCTIONS FOR USE

Handout #2

1-5-90

Amendment - ADF&G

Insert after line 28

The By Game Commercial Service Board
shall hold a pre-application filing period for
the initial granting of guide-outfitter use areas.

Each potential applicant for a guide-outfitter use area
is required to submit a pre-qualifying application for
each Game Management Unit / Subunit in which they
desire to obtain a use area permit.

pamplin Amend.

Handout #3 - 1-5-90

Amendment - ADF & G

(See handout #5 - DFE&G)

X

Wildlife Conservation Fee

1 Each guide - outfitter who holds a use area
2 permit or a registration permit and each transporter
3 who holds a transporter's license shall pay
4 annually a wildlife conservation fee in the
5 amount of \$50.00 for each ^{Big Game} animal taken by a
6 client or customer utilizing the commercial service.
7 Each guide outfitter and transporter is required
8 to purchase serial numbered locking tags for
9 ~~\$50.00 each~~ from Department of Commerce and
10 Economic Development and to affix the locking
11 tags to all animals taken by their respective
12 clients or customers. Tags shall remain affixed
13 to the animal until a final destination is reached.

Handout #4 - 1-5-90



REWRITE OF AMENDMENT BY NICK PIERSKALLA

ALL NON RESIDENTS MUST USE THE SERVICES
OF A ~~LICENSED~~ GUIDE/OUTFITTER OR BE
ACCOMPANIED BY 1ST DEGREE OF KINDRED WHEN
HUNTING BIG GAME IN THE STATE OF ALASKA

Rejected

P.O. Box 190842 • Anchorage, Alaska 99518