SCOMM

67:1

ALASKA'S BIG GAME

A Report on the Commercial Aspects of its Uses and Users

A Final Report to
the 16th Legislature

Legislative Task Force on
Guiding and Game
January 1989

VOLUME I OF III

INTERIM TASK FORCE ON
GUIDING AND GAME

TASK FORCE MEMBERS

Mr. Pete Buist
Alaska Guide Board

Mr. Randall Burns
Alaska Dept. of Commerce &
Economic Development

Ms. Vernita Cassidy
Public Member

Senator Jan Faiks
Alaska State Senate

Senator Ken Fanning
Alaska State Senate

Mr. Phil Gilson
Alaska Department of
Public Safety

Mr. Matthew Iya
Public Member

Mr. Paul Johnson
Guide Member

Rep. Mike Navarre
Alaska State House of
Representatives

Mr. Lew Pamplin
Alaska Department of
Fish & Game

Mr. Nick Pierskalla
Non-Guide Member

Ms. Gayle Ranney
Air Taxi Member

Rep. Heinrich Springer
Alaska State House of
Representatives

PREFACE

The Task Force has addressed the points mandated by Legislative Letter of Intent dated May 9, 1988.

The State Supreme Court decision in the Owsichek case dated October 21, 1988, has forced the issue of commercial use of game into a broader perspective. Originally the main emphasis was to clarify the relationship and role of "outfitters". After the court's decision it became clear that all aspects needed to be reexamined, especially the role of "guides", "outfitters", and "transporters". As a result the Task Force recommends some sweeping changes. We tried hard to establish a system that accommodates the constitutional "common use" clause, puts game management and the welfare of game on sound footing, provides a viable economic base for the industry, is cost effective and enforceable, and is simple enough for effective administration.

Big game is one of Alaska's outstanding values, both from a consumptive and non-consumptive use perspective. These recommendations should assist the legislature to formulate laws that fulfill the stated objectives.

We include with our report draft legislation which we feel should be enacted immediately, as well as recommendations for formulating an area-based management concept. We recommend that the Task Force be extended to assist the legislature in defining such a system and creating enabling legislation.

Heinrich Springer

Heinrich Springer, Chairman

CONTENTS

VOLUME I:

PREFACE

TASK FORCE ACTIVITY SUMMARY — Page 1

RECOMMENDATIONS — Page 3

DRAFT LEGISLATION

APPENDICES:

COPY OF SB 191 — APPENDIX A

COPY OF LEGISLATIVE LETTER OF INTENT — APPENDIX B

MINUTES OF MEETINGS AND PUBLIC HEARINGS — APPENDIX C

REPORTS FROM SUBCOMMITTEES — APPENDIX D

VOLUME II:

SURVEY: RURAL USERS — APPENDIX E

SURVEY: GUIDES AND AIR TAXIS — APPENDIX F

RECOMMENDATIONS BY APHA, AND ALASKA OUTFITTER'S ASSN. — APPENDIX G

LB&A AUDITS ON GUIDE BOARD — APPENDIX H

RESEARCH REPORTS — APPENDIX I

INFORMATION FROM BRITISH COLUMBIA PACKET — APPENDIX J

VOLUME III:

OWSICHEK CASE - SUPREME COURT DECISION — APPENDIX K

DEPARTMENT OF LAW ANALYSIS OF SUPREME COURT DECISION — APPENDIX L

STAY OF OWSICHEK DECISION — APPENDIX M

RESOLUTION BY GUIDE BOARD — APPENDIX N

CORRESPONDENCE — APPENDIX O

NEWS ARTICLES — APPENDIX P

TASK FORCE ACTIVITY SUMMARY

The 13 member Task Force on Guiding and Game was created by the legislature through SB 191. Subjects to be covered were contained in a "Letter of Intent" for HCS CS SB 191 (Rules) dated May 9, 1988.

The Task Force conducted the following meetings and work sessions:

July 18, 1988, at Anchorage, Legislative Information Office (LIO), 3111 "C" Street.

October 24-25, 1988, at Fairbanks, LIO, 119 N. Cushman Street.

November 15-16 at Soldotna, Kenai Borough Assembly Chambers.

December 12-15 at Anchorage, LIO, 3111 "C" Street.

Work sessions by teleconference:
January 4, 9, 10, 11, and 13, 1989.

A subcommittee on rural issues held two public meetings at Kotzebue on October 4, 1988, and at King Salmon on October 5, 1988. A subcommittee on data management held two work sessions at Anchorage.

The meetings were preceded by extensive advertisement on radio and in newspapers throughout the state and in all cases allowed access through the communications network of the Legislative Information Office plus toll free numbers for persons in remote locations. In addition, RurAL CAP did an extensive survey collecting opinions from rural residents; and Senator Fanning provided survey data submitted by guides and air taxi operators. All public hearings were well attended.

The Task Force appreciates the cooperation and testimony from many individuals and organizations. Many have given freely of their time and expertise. We want to thank particularly the Alaska State Board of Game; the Alaska State Guide Board; the Alaska Professional Hunter's Association; the Alaska Outfitter's Association; Ray DeMarchi, Canada, British Columbia Ministry of the Environment, Wildlife Branch; and Steve White, Alaska State Department of Law.

The 15th Legislature addressed the problems in the field caused by unregulated "outfitters" through SB 191 and the initial work of the Task Force went in that direction.

On October 21, 1988, a couple of days prior to our Fairbanks meeting, the Supreme Court issued its decision on the Owsichek case. The timing was excellent from the Task Force's work standpoint. And basically the emphasis shifted from "outfitting" to commercial use in general. This is reflected in the recommendations. Some sweeping changes are envisioned and submitted as recommendations for consideration. Although the court decision disallows several logical approaches to game management, we believe it still allows creation of systems that reach the stated objectives.

The Task Force represented a broad cross-section of state agencies and user group viewpoints with varying and often conflicting opinions. The extensive public hearings, research, and in-depth discussions provided not only the forum, but also the background to make careful, enlightened, and fair recommendations for immediate and long-term action which will ensure proper wildlife conservation as well as a stable environment for offering commercial services for big game hunting. A fragile, but important balance has been struck. Our recommendations represent a compromise in which each specific recommendation is important to the effectiveness of the overall policy changes.

The main points of our findings and recommendations are:

a. Support for "commercial use" of game. Throughout this report the term "commercial use" refers to the providing of hunting services for compensation.

b. Necessity to regulate all commercial users.

c. Recognition of three main user groups: Guide-Outfitters, Transporters, and Commercial Permit Holders and establishment of licensure requirements for Guide-Outfitters.

d. Replace the present Guide Board with a Big Game Commercial Services Board.

e. Create a state established and controlled area management plan.

f. Distribute use privileges to the commercial big game industry within the framework of the State's regulations and the Supreme Court's criteria.

g. Concentrate on long-term plans, but address interim functions.

These recommendations are described in more detail as follows.

RECOMMENDATIONS

The Task Force adopted protection of game resources as its highest priority and as an umbrella policy. All deliberations and recommendations incorporated this principle. While various agency or user group interests were sometimes compromised, wildlife conservation never was.

The Task Force closely followed the topics stated in the "Letter of Intent" for HCS CS SB 191 (Rules), albeit the Owsichek decision considerably broadened the scope of our review in some areas. The Task Force makes the recommendations listed below:

1. Commercial use of game is a valid principle.

The Task Force on Guiding and Game recognizes that the commercial utilization of big game is an important part of a sound wildlife resource management system and that the State of Alaska realizes significant social and economic benefits from maintaining a viable commercial big game hunting industry. Alaska's big game hunting opportunities draw international attention and contribute a substantial amount to the state's tourism economy. As the world's human population continues to increase, and the resource base continues to decline, the economic and social value of these hunting opportunities will grow.

The Task Force recognizes and supports the validity of the commercial utilization of game in Alaska, within the existing framework of resource priority allocation.

2. All commercial users need to be regulated.

The State of Alaska should develop a regulatory system which ensures the health of the big game resource and permits the commercial big game hunting industry. For this to occur all commercial users must be subject to consistent and stable regulations.

3. Owsichek Case

On October 21, 1988, the Alaska Supreme Court issued its ruling on the constitutionality of the exclusive or restricted guide area system. It clearly stated that the present exclusive guide area system violates the "common use" clause of the state constitution.

Any system needs to address the following points:

1. Open access to the system;
2. Limited duration of use privilege;
3 Validity of a management principle; and,
4. Compensation to the state.

On November 1, 1988, assistant Attorney General, Stephen M. White, issued an analysis of this decision.

On December 8, 1988, the Alaska Supreme Court issued a "stay" of its decision until June 1, 1989, thus allowing the legislative and executive branches time to address the problem.

4. Examination of other states and countries.

The Task Force has examined statutes and regulations which apply to other states and countries relating to commercial aspects of game and finds them of limited value. While other areas have faced similar problems as Alaska and have found applicable solutions, their charters and constitutions contain clauses different from ours. Alaska is unique in respect to the constitutional provisions for "common use" of game, subsistence priority, and sustained yield mandate for the taking of game. (Article VIII, Sections 3 and 4, Alaska Constitution.)

5. User Group Definition.

The Task Force recommends three commercial user groups: Guide-Outfitter, Transporter, and Commercial Permit Holder.

The Guide-Outfitter can provide a broad range of services statewide, ranging from guiding to outfitting. Guide-Outfitters are the only user group who can provide services in "the field". They should be limited to selecting and operating in no more than three (3) Game Management Units (GMU's).

"The field" means any area outside of established, year-around dwellings, businesses, and other developments normally associated with villages, towns, or cities, excluding hotels and roadhouses located on the state highway system.

The Transporter is limited to providing transportation directly servicing big game hunts.

The Commercial Permit Holder is a third group consisting of service providers such as lodge operators/hunt brokers, expediters, gear renters and commercial photographers, all of whom need to be identified and regulated. Since most of these already require some form of commercial registration, a commercial use permit will suffice to identify them. "Clubs" present a specific problem which is addressed under separate legislation.

6. User Group Qualifications and Licensure.

QUALIFICATIONS:

When appropriate, all commercial users listed below must pass an appropriate examination.

Guide-Outfitter must comply with the requirements under current law for registered or master guides and the term master guide shall be deleted. The Task Force recommends that guide-outfitter licenses shall be issued to a natural person (not an entity).

Class A Guide-Outfitter must comply with the requirements under current law for Class A Assistant Guides, with the following change: reduce the experience requirement from 20 to 10 years. It is recommended that the requirement for a letter of recommendation be deleted. It is further recommended that the state retain the special class of Marine Mammal Guide-Outfitter.

Assistant Guide-Outfitter must be at least 18 years of age, have hunting experience in the state for at least two of the past five years, possess a first aid card and have completed CPR training or equivalent (e.g., EMT or MD). It is recommended that the requirement for a letter of recommendation be deleted.

Transporter must comply with federal and state requirements for operation (transporter utilizing aircraft must have complied with Part 135; transporter utilizing boats must have U.S. Coast Guard license.)

Commercial Permit Holder must comply with federal and state requirements for operation.

All commercial users must comply with all federal and state requirements for operation, including holding lawful permits for lands occupied by the service provider.

USER GROUP LICENSES REQUIRED:

Guide-Outfitter:
1. Alaska business license
2. Guide-Outfitter license (in the appropriate category)
3. Commercial Use permit

Transporter:
1. Alaska business license
2. Transporter license
3. Commercial Use permit

Commercial Permit Holder:
1. Alaska business license
2. Commercial Use permit

Aircraft Operation Requirements:

The Task Force recommends deletion of AS 08.54.210 (a)(6) relating to Federal Aviation regulations (FAR) Part 135 requirements.

Although the Task Force is recommending that the Part 135 portion of SB 191 be deleted, this is not to indicate that the guides are being given a green light to continue using aircraft in their guiding businesses beyond what would be considered "incidental" flying. The Task Force merely feels that the regulation of commercial air commerce is under the authority of the Federal Aviation Administration.

It is suggested that those guides using aircraft for flying beyond that which is considered incidental should begin the process of application for Part 135, or should hire an existing air taxi for that portion of their flying. It is recognized that the maintenance program, the annual check rides and the inspections required for Part 135 are conducive to a safe operation.

In regards to the provisions of Part 135, the Task Force saw no need to develop a legal definition for "incidental", but rather allow the federal agencies to impose a definition as it pertains to aircraft operations (FAR Part 135).

Rural Concerns:

Rural residents often have excellent guide-outfitter capabilities from a practical standpoint, but sometimes lack the educational and theoretical aspects of the examination process to qualify for a guide-outfitter license.

In addition to recognizing traditional difficulties in rural communities, the Task Force believes that the new board needs to substantially increase its information dissemination activities to enable rural residents interested in becoming licensed guide-outfitters greater access to the licensing procedures. Enabling legislation needs to accommodate this situation.

7. User Group Reporting Requirements.

Those engaged in providing commercial services for the purpose of taking game as Guide-Outfitter, Transporter or Commercial Permit Holder must comply with annual reporting requirements based on Department of Fish and Game (ADF&G) and Public Safety final recommendations. Completion of the annual reporting requirement is a prerequisite for licensing (base camp registration).

Individual reports which pertain to the commercial aspects of game shall be confidential.

Decals, for the purpose of law enforcement identification of commercial users, should be required on all aircraft, boats, etc.

8. Fee Structure.

The Task Force has considered and established a list of suggested fees as follows:

1. Fixed Commercial Use Permit Fee - $25 to $50;
2. Big Game Conservation Fee - 25% of existing big game tag fee (also known as "head tax"); and,
3. License fee

Not less than 50% of the fees collected should be designated for game management.

9. Insurance and Bonding.

The Task Force has reviewed the concept, cost and availability of insurance and bonding for commercial users and has determined that, while they support and encourage having insurance, whenever possible, the market condition and difficulty of acquiring insurance and bonding may pose extreme hardships on a great number of commercial users.

Transporters and some service providers are required to have insurance in their respective fields by other regulations.

10. Penalty.

The Task Force has reviewed the statute, AS 08.54.210, and recommends the following changes, as detailed under Article 6 of the recommended legislation for unlicensed guiding, which imposes a felony penalty, and recommends the following changes:

1. Eliminate the mandatory one year sentence;
2. Make first time offenses a misdemeanor with a minimum incarceration of two months, and raise the maximum fine that may be imposed to $30,000;
3. Make some second time offenses a felony;
4. Do not allow the judge to impose a Suspended Imposition of Sentence (SIS); and
5. Encourage continued cooperation between the Department of Public Safety, Division of Fish and Wildlife Protection and the District Attorney's office.

11. Transitional Measures for User Groups.

Those outfitters who have been engaged in the big game commercial services industry as "outfitters", and have complied with current requirements under SB 191 (registered base camps, etc.) and can show financial proof of activity in 1986, 1987, and 1988 (business license, financial documentation, IRS) may continue to operate, in the interim, until new laws have been adopted. Within one year of the effective date of passage of a new law, they must pass the guide-outfitter exam and may continue to operate as outfitters under SB 191 requirements, during that transitional period.

12. Role of State Employee.

The Task Force has examined the question of whether state employees shall be allowed to participate in the commercial taking of game and has determined that the ADF&G and DPS have policies and procedures (P&P) to administer ethics and conflict of interest statutes and that strict adherence must be enforced. They further recommend that the agencies (ADF&G and DPS) request an Attorney General's opinion on the appropriateness of state employees' participation in the commercial game industry.

13. Guide Required Species.

The Task Force has considered the question of adding species to the required guide list and recommends that mountain goats be added to the required guide list.

Based on testimony, this will go a long way to provide some compatibility with the present demand that non-residents require "guides" for hunting of sheep and brown/grizzly bear. Climate, terrain, and nature of these species necessitate assistance to the non-resident hunter.

14. Creation of a new Big Game Commercial Services Board.

The Task Force has reviewed the Legislative Budget and Audit reports for 1985 and 1987. Some problems with the Guide Board are apparent. The Task Force recommends that the Guide Board sunset upon the creation of an expanded board whose function is to regulate the activity and licensing of commercial big game user groups. That board membership shall consist of two Guide-Outfitters, one Transporter, one representative from ADF&G, and one from FWP, one State land manager (DNR), one Native land manager, one public member and one Game Board member. The board shall be administered by the Department of Commerce and Economic Development (DCED).

15. Extension of Task Force on Guiding and Game.

The Supreme Court decision on the Owsichek case shifted the emphasis of the Task Force s work from regulation of "outfitters" to a much broader scope. Since a "management system" is of paramount importance and consequence, the Task Force recommends that it be extended in order to assist the legislature in the formulation of laws pertaining to management system and area concept schemes.

16. Management System.

Due to the resulting time constraints the Task Force was unable to analyze and present a complete recommendation on the management system.

The Supreme Court issued a "stay" of its decision until June 1, 1989, which will allow the legislature to act in a deliberate manner to address this situation. In order to assist the legislature in the formulation of such a law, we recommend to extend this Task Force to capitalize on work already done.

The following preliminary recommendations are given, realizing that additional information is needed:

The Task Force finds that some kind of an area based game management concept is of utmost importance. Nearly all countries and states in the world that manage game have adopted some kind of land based management system. It is necessary to integrate the guiding-outfitting operations into Alaska's well established game management system.

Our constitutional requirements and our complex game resource allocation system (subsistence, resident and non-resident hunting) makes development and administration of an area based system a very difficult task indeed.

The obvious option to allow unrestricted access is not viable, as it would only recreate the conditions that existed in the 60's, which prompted the establishment of an assigned area system in the first place. Subsistence priority rights have been established and need to be incorporated in any management scheme. Although the game is under state jurisdiction, land surface right holders indirectly control access to game. Checkerboard distribution of land holdings further complicates this. Futhermore, federal agencies, who control the majority of land, have different regulations. The major land owners need to participate in the formulation of the management system.

Following their discussions of a management system, the Task Force recommends for immediate action, that:

1. ADF&G be designated as lead agency, whose purpose is to formulate and designate management areas within the present GMU framework; and,

2. DNR needs ability to expeditiously adopt a concession or use system that is compatible with other land uses and the practices of other land areas.

The Task Force also recommends for consideration:

The state should establish a lease, concession, or allocation system on a staggered schedule;

The state should derive some financial benefits from the commercial utilization of a public resource; such revenue should be at least partially (not less than 50%) used for game management purposes;

Allocation methods of such use privileges need to be established (lottery, negotiated, competitive bidding, etc.).

Implementation of such legislation requires close work with the Alaska Departments of Law, Natural Resources, Fish and Game, and Public Safety. The Task Force has spent considerable time on these matters and is most willing to assist.

6-0401A
Utermohle
1/14/89

IN THE HOUSE

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to big game hunting and to the regulation of big game and marine mammal guide-outfitting, transportation, and other commercial services for big game hunters; creating the Big Game Commercial Services Board; and providing for an effective date."

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

* Section 1. AS 08.01.010(10) is repealed and reenacted to read:

(10) Big Game Commercial Services Board (AS 08.54.300);

* Sec. 2. AS 08.03.010(c)(20) is repealed and reenacted to read:

(20) Big Game Commercial Services Board (AS 08.54.300) -- June 30, 1993.

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

ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.

Sec. 08.54.300. CREATION AND MEMBERSHIP OF BOARD. (a) For the purposes of licensing and regulating the activities of providers of commercial services to big game hunters in the interest of the state's wildlife resources there is created the Big Game Commercial Services Board. For administrative purposes, the board is in the Department of Commerce and Economic Development.

(b) The board consists of nine members:

(1) the commissioner of fish and game or the commissioner's designee;

(2) the commissioner of natural resources or the

commissioner's designee;

(3) the commissioner of public safety or the commissioner's designee;

(4) two members who are either a licensed guide-outfitter or class-A guide-outfitter;

(5) one member who is a licensed transporter;

(6) one member of the Board of Game who is chosen by the Board of Game;

(7) one member who represents Native landholders; and

(8) one public member.

Sec. 08.54.310. DUTIES AND POWERS. (a) The board shall

(1) prepare, grade, and administer

(A) a written and oral examination of an applicant for a guide-outfitter license that requires demonstration that the applicant is qualified generally to provide guide-outfitted hunts and, in particular, to guide-outfit in each game management unit the applicant has selected; if an applicant demonstrates limited ability to read or write the English language, the entire examination shall be administered orally; and

(B) an oral examination of a guide-outfitter who seeks an amendment of a game management unit certification; the examination must require demonstration that the guide-outfitter is qualified to provide guide-outfitted hunts in each new game management unit for which the guide-outfitter seeks to be certified;

(2) determine qualifications of applicants for class-A guide-outfitter, marine mammal guide-outfitter, and assistant guide-outfitter licenses and authorize the issuance of licenses to those who qualify;

(3) establish performance standards for providers of big game commercial services and regulate the activities of these providers;

(4) compile, maintain, and publish an annual register of big game commercial service providers subject to this chapter who have not been convicted of a violation of a state statute or regulation relating to the provision of big game commercial services; a big game commercial services provider listed in the register whose license or permit is revoked or suspended shall be removed from the register while the provider's license or permit is revoked or suspended;

(5) prohibit guide-outfitting, transporting, and other big game commercial services activities that are unsportsmanlike, unethical, unsafe, against principles of game conservation, degrading to a profession subject to this chapter, or that adversely affect natural resources;

(6) after a hearing, revoke, suspend, or deny renewal of a license or permit under AS 08.54.500 - 08.54.510;

(7) authorize issuance of transporter licenses;

(8) authorize issuance of commercial use permits;

(9) meet at least twice annually, once in Anchorage and once in another municipality.

(b) The board may

(1) provide for registration of hunting camps and facilities used by persons who are licensed or who hold a permit under this chapter;

(2) establish, in consultation with the Department of Fish and Game or Department of Natural Resources, a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters licensed under this chapter;

(3) establish the level of supervision that a guide-outfitter shall provide for class-A guide-outfitters and assistant guide-outfitters who are employed by the guide-outfitter.

Sec. 08.54.320. BOARD REGULATIONS. The board shall adopt procedural and substantive regulations required by this chapter or reasonably necessary for its administration.

ARTICLE 5. LICENSING.

Sec. 08.54.350. GUIDE-OUTFITTER LICENSE. (a) A natural person is entitled to a guide-outfitter license if the person

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

(4) has passed the qualification examinations prepared and administered by the board;

(5) has demonstrated to the board sufficient standards of competence and ethical conduct and has not been convicted of a state or federal hunting or guide-outfitting statute or regulation within the last five years for which the person was fined more than $500 or imprisoned for more than five days;

(6) has legally hunted in the state for part of each of any five years in a manner directly contributing to the person's experience and competency as a guide-outfitter;

(7) has been licensed as and performed the services of a class-A guide-outfitter or assistant guide-outfitter in the state for a part of each of three years, or has guide-outfitted in the state for

a part of each of three years under a marine mammal guide-outfitter license issued under AS 08.54.360;

(8) has demonstrated a current knowledge of fishing, hunting, and guide-outfitting regulations;

(9) is capable of performing the essential duties associated with guide-outfitting;

(10) has been favorably recommended in writing by six big game hunters, two for each year of the person's most recent three years as a class-A guide-outfitter or assistant guide-outfitter, when the person has guide-outfitted or assisted in guide-outfitting as a class-A guide-outfitter or assistant guide-outfitter, whose recommendations have been solicited by the board from a list provided by the applicant;

(11) possesses a business license to provide guide-outfitting services; and

(12) has paid the license fee and commercial use permit fee.

(b) A guide-outfitter may contract to guide-outfit hunts for big game.

Sec. 08.54.360. MARINE MAMMAL GUIDE-OUTFITTER LICENSE. (a) The board may issue a marine mammal guide-outfitter license to a natural person who applies to guide-outfit a hunt for a specific species of marine mammal in a specifically designated area if the person

(1) is 21 years of age or older;

(2) has, for at least 10 years, resided and hunted in the area of the state in which the applicant is to guide-outfit;

(3) is able to perform the duties of a marine mammal guide-outfitter;

(4) has demonstrated knowledge of the following areas to an

extent and degree satisfactory to the board:

(A) current fish and game laws and regulations;

(B) relevant characteristics of the specific species to be hunted;

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

(F) firearm safety;

(G) practical first aid; and

(H) booking and contracting hunts;

(5) has not been convicted of violating a state or federal game or guide-outfitting statute or regulation during the previous five years for which the person was fined more than $500 or imprisoned for more than five days;

(6) possesses a business license to provide guide-outfitting services; and

(7) has paid the license fee and commercial use permit fee.

(b) A marine mammal guide-outfitter may contract to guide-outfit hunts for species of marine mammals for which the marine mammal guide-outfitter license is issued.

Sec. 08.54.370. RENEWAL OF GUIDE-OUTFITTER LICENSE AND MARINE MAMMAL GUIDE-OUTFITTER LICENSE. (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 big game conservation fees due for the period covered by the current license;

(3) the license fee for the next licensing period; and

(4) the commercial use permit fee for the next licensing period.

(b) The department may not renew a license under this section unless all fees have been paid in full and the hunt record has been filed.

Sec. 08.54.380. CLASS-A GUIDE-OUTFITTER LICENSE. (a) A natural person is entitled to a class-A guide-outfitter license if the person

(1) has been employed for at least one season as a licensed assistant guide-outfitter; and

(2) has had at least 10 years hunting experience in the game management unit in which the person is to be employed; military service outside the state for not more than three years shall be accepted as part of the required 10 years hunting experience.

(b) A class-A guide-outfitter

(1) may not contract to guide-outfit hunts;

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

(3) may take charge of a camp and conduct guide-outfitter activities from it without the guide-outfitter being present in the area if the guide-outfitter is supervising the guide-outfitting activities.

Sec. 08.54.390. ASSISTANT GUIDE-OUTFITTER LICENSE. (a) A natural person is entitled to an assistant guide-outfitter license if the person

(1) is 18 years of age or older;

(2) passes an examination administered by the board;

(3) has hunted in the state in two of the last five years;

(4) has demonstrated practical knowledge of first aid and

cardiopulmonary resuscitation;

(5) is in sound physical condition; and

(6) meets additional qualifications that the board may establish.

(b) An assistant guide-outfitter

(1) may not contract to guide-outfit hunts; and

(2) shall be employed by a guide-outfitter and under the supervision of a guide-outfitter or class-A guide-outfitter at all times while the assistant guide-outfitter is in the field on guide-outfitted hunts.

Sec. 08.54.400. TRANSPORTER LICENSE. (a) A person is entitled to a transporter license if the person

(1) applies on a form provided by the department;

(2) pays the license fee;

(3) pays the commercial use permit fee;

(4) provides proof of

(A) an air taxi/commercial operator certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135, if the person provides air transportation services to big game hunters;

(B) licensure by the Coast Guard to carry passengers for hire, if the person provides water transportation services to big game hunters; and

(5) has a business license to transport big game hunters.

(b) A transporter may provide transportation services for compensation to big game hunters. A transporter may not provide any service in the field to big game hunters other than transportation, except that a transporter may provide accommodations in the field at a permanent lodge, house, or cabin owned by the transporter or on a boat

with permanent living quarters owned by the transporter used for overnight commercial hunts for Sitka blacktail deer, elk, and marine mammals.

(c) An applicant for renewal of a transporter license shall submit with the application for renewal

(1) an activity report on a form provided by the department for the period covered by the current license; an activity report shall contain information required by the board by regulation;

(2) the big game conservation fees due for the period covered by the current license;

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

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

(5) proof of

(A) an air taxi/commercial operator certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135, if the applicant provides air transportation services to big game hunters;

(B) licensure by the Coast Guard to carry passengers for hire, if the applicant provides water transportation services to big game hunters.

(d) The department may not renew a transporter license unless all fees have been paid in full and the activity report required under (c)(1) of this section and the proof required under (c)(5) of this section have been filed.

(e) A transporter shall place a decal provided by the department on each plane, boat, vehicle, or other equipment used by the transporter to provide transportation services to big game hunters. The decal must bear the transporter's license number. The decal is valid

only for the plane, boat, vehicle, or other equipment for which the decal is issued.

Sec. 08.54.410. APPEAL TO COMMISSIONER FROM BOARD ON DENIAL OF LICENSE. The commissioner of commerce and economic development may order that an applicant for an initial license under AS 08.54.350 - 08.54.400 be allowed to take the license examination or be issued the license if, after reviewing a petition filed by the applicant, the commissioner finds that

(1) the board denied the applicant an opportunity to take the license examination or refused to approve issuance of the license;

(2) the board's denial or refusal has been upheld by a final administrative order and the order has not been appealed to the superior court under AS 44.62.560;

(3) the board's denial or refusal was based on

(A) an error of fact by the board; or

(B) the applicant's failure of the license examination due to faulty or unfair examination questions or procedures;

(4) the applicant is otherwise qualified to take the examination or to be issued the license; and

(5) sustaining the board's denial or refusal would work a substantial injustice on the applicant.

Sec. 08.54.420. RENEWAL OF LICENSES. Notwithstanding AS 08.01.-100(a), guide-outfitter, marine mammal guide-outfitter, and transporter licenses shall be renewed annually on dates set by the department with the approval of the board.

Sec. 08.54.430. EXAMINATIONS FOR GUIDE-OUTFITTER LICENSES. (a) The board shall administer the qualification examinations required under this chapter at least twice a year. An examination may not be given within 90 days after the previous examination. At least once

every other year the board shall give the examination at a location other than Anchorage.

(b) The board shall regularly disseminate information regarding examinations and other qualifications for all classes of guide-outfitter licenses to residents of the rural areas of the state.

Sec. 08.54.440. FAILURE TO RENEW. (a) A license may not be issued to a guide-outfitter, marine mammal guide-outfitter, class-A guide-outfitter, or assistant guide-outfitter who has failed to renew a license issued under this chapter for two consecutive years unless the guide-outfitter, marine mammal guide-outfitter, class-A guide-outfitter, or assistant guide-outfitter again meets the qualifications for initial issuance of the license.

(b) Notwithstanding (a) of this section, a guide-outfitter who fails to renew a license is not required to requalify under AS 08.54.-350(a)(7), unless the license has been lapsed for three or more years.

Sec. 08.54.450. LICENSE AND EXAMINATION FEES. (a) The department shall set license fees under AS 08.01.065 for each of the following:

(1) guide-outfitter

(2) class-A guide-outfitter;

(3) assistant guide-outfitter;

(4) marine mammal guide-outfitter;

(5) transporter.

(b) The license fee for the guide-outfitter, marine mammal guide-outfitter, class-A guide-outfitter, or assistant guide-outfitter license is in addition to the fee required for a hunting license.

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

Sec. 08.54.460. COMMERCIAL USE PERMIT HOLDER. A person, other than a guide-outfitter, marine mammal guide-outfitter, or a transporter, who provides other big game commercial services for compensation shall register with the board on a form provided by the board and shall obtain a commercial use permit and pay the annual commercial use permit fee set under AS 08.54.470. In this section "other big game commercial services" includes provision of accommodations, hunt broker services, gear rental services, photographic or videographic services, expediter services, and services as defined by the board by regulation.

Sec. 08.54.470. COMMERCIAL USE PERMIT AND FEE. (a) A person who is licensed under this chapter as a guide-outfitter, marine mammal guide-outfitter, or transporter shall obtain an annual commercial use permit and pay an annual commercial use permit fee.

(b) The department, in consultation with the board, shall set the amount of the commercial use permit fee.

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for issuance or renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license.

(d) The commissioner of administration shall separately account for commercial use permit fees deposited in the general fund by the department. The annual estimated balance in the account may be used by the legislature to make appropriations to the Department of Fish and Game and the Department of Public Safety to carry out their respective responsibilities for management of game resources and enforcement of game laws.

ARTICLE 6. PENALTIES.

Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board

may hold a hearing to determine whether disciplinary action is necessary if a complaint concerning the guide-outfitting activities of a licensee who holds any class of guide-outfitter license is filed with the board by a client of the licensee. The board shall hold a hearing to determine whether a licensee should be disciplined within a reasonable time after

(1) complaints concerning a licensee's guide-outfitting activities are filed with the board by three or more of the licensee's clients from separate hunting parties;

(2) a complaint concerning a licensee's conduct during a life-threatening situation is filed with the board; or

(3) a licensee has been convicted of a violation of a federal or state statute or regulation relating to hunting or provision of big game commercial services.

(b) After a hearing, the board may revoke, suspend, or deny renewal of any class of guide-outfitter license, if the board finds that the licensee

(1) engaged in unethical activity, unsafe activity, or activity that adversely affects the natural resources of the state when the activity is related to the purposes of providing guide-outfitting services; or

(2) violated a provision of a federal or state statute or regulation relating to hunting or provision of big game commercial services.

(c) After a hearing, the board shall revoke any class of guide-outfitter license if the board finds that the licensee

(1) does not meet the qualifications specified by statute or regulation for the license held;

(2) is incompetent as a guide-outfitter, marine mammal

guide-outfitter, class-A guide-outfitter, or assistant guide-outfitter; or

(3) during the five years immediately preceding the hearing has been convicted of a violation of a federal or state statute or regulation prohibiting

(A) waste of a wild food animal;

(B) hunting on the same day airborne;

(C) hunting during a closed hunting season; or

(D) hunting in an area closed by federal regulation.

(d) If a certified copy of a judgment of conviction of a licensee who holds any class of guide-outfitter license for an offense described under (c)(3) of this section is filed with the board, the board shall immediately suspend the licensee's license. The suspension may be ordered even if the conviction resulted from a plea of nolo contendere or if the conviction is under appeal. The suspension remains in effect until after the final disposition of the disciplinary proceeding under this section.

Sec. 08.54.505. DISCIPLINE OF TRANSPORTERS AND COMMERCIAL USE PERMITTEES. (a) The board may hold a hearing to determine whether disciplinary action is necessary if a complaint concerning the big game commercial service activities of a transporter who is licensed under AS 08.54.400 or a commercial use permittee who holds a permit issued under AS 08.54.460 is filed with the board by a client of the licensee or permittee. The board shall hold a hearing to determine whether a licensee or permittee should be disciplined within a reasonable time after

(1) complaints concerning a licensee's or permittee's activities are filed with the board by three or more of the licensee's or permittee's clients from separate hunting parties; or

(2) a licensee or permittee has been convicted of a violation of a federal or state statute or regulation relating to hunting or provision of big game commercial services.

(b) After a hearing, the board may revoke, suspend, or deny renewal of a transporter license or commercial use permit issued under this chapter, if the board finds that the licensee or permittee

(1) engaged in unethical activity, unsafe activity, or activity that adversely affects the natural resources of the state when the activity is related to the purposes of providing big game commercial services; or

(2) violated a provision of a federal or state statute or regulation relating to hunting or provision of big game commercial services.

(c) After a hearing, the board shall revoke a license or permit if the board finds that the licensee or permittee

(1) does not meet the qualifications specified by statute or regulation for the license held; or

(2) during the five years immediately preceding the hearing has been convicted of a violation of a federal or state statute or regulation prohibiting

(A) waste of a wild food animal;

(B) hunting on the same day airborne;

(C) hunting during a closed hunting season; or

(D) hunting in an area closed by federal regulation.

(d) If a certified copy of a judgment of conviction of a licensee or permittee for an offense described under (c)(2) of this section is filed with the board, the board shall immediately suspend the licensee's or permittee's license or permit. The suspension may be ordered even if the conviction resulted from a pleas of nolo

contendere or if the conviction is under appeal. The suspension remains in effect until after the final disposition of the disciplinary proceeding under this section.

Sec. 08.54.510. DISCIPLINE; GENERAL PROVISIONS. (a) A person who is disciplined under AS 08.54.500 or 08.54.505 may not engage in the provision of big game commercial services during the period of license or permit revocation or other disciplinary action. A person who is licensed under this chapter, or who holds a permit issued under this chapter, may not hire a person whose license or permit to provide big game commercial services is suspended or revoked under AS 08.54.-500 or 08.54.505. A person whose license or permit is suspended or revoked may not be employed by a person who is licensed or who holds a permit under this chapter.

(b) If the board revokes a license or permit under AS 08.54.500 or 08.54.505, the person whose license or permit has been revoked shall surrender immediately the license or permit to the department.

(c) A certified copy of a judgment of conviction of a licensee or permittee for an offense is conclusive evidence of the commission of that offense in a disciplinary proceeding instituted against the licensee or permittee under AS 08.54.500 or 08.54.505 based on that conviction, regardless of whether the conviction resulted from a plea of nolo contendere or the conviction is under appeal, unless the conviction is overturned on appeal.

(d) Within 30 days after conclusion of a hearing under AS 08.-54.500 or 08.54.505, the board shall notify the complainant of the results of the hearing, including written reasons justifying a decision not to take disciplinary action.

Sec. 08.54.520. UNLAWFUL ACTS. (a) It is unlawful for a

(1) person who is licensed or who holds a commercial use

permit under this chapter to fail to timely report to the Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, a violation of a state fish, game, or big game commercial services statute or regulation that the person reasonably believes was committed by a client or an employee of the person;

(2) person who is licensed or who holds a commercial use permit under this chapter to

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

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

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

(ii) reporting it;

(3) person without a current commercial use permit issued under this chapter to provide big game commercial services;

(4) person who is licensed or who holds a commercial use permit issued under this chapter to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the person;

(5) guide-outfitter, marine mammal guide-outfitter, or transporter to fail to transmit to the department big game conservation fees due under AS 16.05.344;

(6) class-A guide-outfitter or an assistant guide-outfitter to provide guide-outfitting services in the field on a guided-outfitted hunt except while employed and supervised by a

guide-outfitter; or

(7) person to provide guide-outfitter services without having a current guide-outfitter, marine mammal guide-outfitter, class-A guide-outfitter, or assistant guide-outfitter license and hunting license in actual possession;

(8) person without a current guide-outfitter or marine mammal guide-outfitter license to advertise as or represent to be a guide-outfitter;

(9) person to provide transportation services to big game hunters without holding a transporter license;

(10) class-A guide-outfitter or an assistant guide-outfitter to contract for a hunt;

(11) a person to engage in a big game commercial services activity during the period for which the person's license to conduct that activity is suspended or revoked.

(b) A person who commits an offense set out in (a)(1) - (6) of this section is guilty of a misdemeanor and is punishable by a fine of not more than $30,000 or by imprisonment for not less than two months or more than one year, or both.

(c) A person who commits an offense set out in (a)(7) - (10) of this section is guilty,

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

(2) for a second or subsequent offense, of a felony and is punishable by a fine of not more than $50,000 or by imprisonment for not more than three years.

(d) A person who violates (a)(11) of this section, is guilty of a felony punishable, upon conviction, by a fine of not more than

$50,000 and by imprisonment for not more than three years.

(e) In addition to the penalties set out in (b), (c) and (d) of this section,

(1) the court may revoke the person's license to provide guide-outfitting or transportation services for not more than five years; and

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

(f) Upon conviction of a person for committing an offense set out in (a) of this section, the court may not suspend imposition of sentence.

Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in the judgment of the board a person has engaged in an act in violation of AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.-520 or the regulations adopted under them, the board may apply to the appropriate court for an order enjoining the action. Upon a showing by the board that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond.

Sec. 08.54.540. RESPONSIBILITY OF GUIDE-OUTFITTER FOR VIOLATIONS. A guide-outfitter who contracts to guide-outfit a hunt is equally responsible under AS 08.54.500 for a violation of a federal or state sport fish, game, or guide-outfitting statute or regulation committed by a class-A guide-outfitter or an assistant guide-outfitter while in the course of the class-A guide-outfitter's or assistant guide-outfitter's employment for the guide-outfitter.

ARTICLE 7. GENERAL PROVISIONS.

Sec. 08.54.550. HUNT RECORDS; CONFIDENTIALITY OF HUNT RECORDS AND ACTIVITY REPORTS. (a) The department shall collect and maintain hunt records provided by guide-outfitters or marine mammal guide-outfitters. A hunt record must include a list of all big game hunters who used the services of the guide-outfitter or marine mammal guide-outfitter, the number of each big game species taken, and other information required by the board. The department shall provide forms for reporting hunt records.

(b) The department shall make hunt records, and activity reports received under AS 08.54.400, available to state and federal agencies charged with the enforcement of statutes and regulations relating to guide-outfitting or game or with management of game if requested for game management or law enforcement purposes. Aggregated data compiled from hunt records and activity reports may be included in reports by the department. For all other purposes, the hunt records and activity reports are confidential and are not subject to inspection or copying under AS 09.25.110 - 09.25.125.

Sec. 08.54.590. DEFINITIONS. In this chapter

(1) "big game" means brown bear, grizzly bear, polar bear, caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

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

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

(4) "guide-outfit" means to provide big game commercial hunting services, for compensation, in the field but does not include transportation services;

(5) "field" means an area outside of established year-round dwellings, businesses, or other developments usually associated with a

city, town, or village; "field" does not include permanent hotels or roadhouses on the state road system;

(6) "transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field;

(7) "unethical activity" means

(A) deception or misrepresentation involving prospective or actual clients either before, during, or following the provision of big game commercial services, including misrepresentations through private or public advertising of the type, duration, cost, or conditions of the services;

(B) making a guaranty that a species or certain number of species of game will be taken on a hunt;

(C) engaging in unsafe or unsportsmanlike activities that are detrimental to the game resources of the state, as defined by regulations of the board, including violations of state hunting or big game commercial services statutes or regulations; or

(D) accepting a deposit for big game commercial services without providing before the services are rendered a signed written contract to provide the services.

* Sec. 4. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.344. BIG GAME CONSERVATION FEE. (a) A big game conservation fee is due to the state for each animal taken by a hunter who

(1) takes an animal for which the hunter is required to have a big game tag under AS 16.05.340; and

(2) utilizes the services of a guide-outfitter, marine mammal guide-outfitter, or transporter licensed under AS 08.54 to

facilitate the taking of that animal.

(b) The big game conservation fee is equal to 25 percent of the big game tag fee set out in AS 16.05.340.

(c) The big game conservation fee shall be paid by the guide-outfitter or marine mammal guide-outfitter who contracted to guide-outfit the hunt on which the animal was taken. If the animal was not taken on a guide-outfitted hunt, then the fee shall be paid by the transporter who transports the animal from the field.

(d) A guide-outfitter, marine mammal guide-outfitter, or transporter shall pay fees due under this section to the Department of Commerce and Economic Development at the time of application for renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license. If the person who owes the fee due under this section does not apply for renewal of a license under AS 08.54, the person shall pay the fee to the Department of Commerce and Economic Development by the end of the calendar year in which the animal was taken.

(e) The commissioner of administration shall separately account for big game conservation fees deposited in the general fund by the Department of Commerce and Economic Development. The annual estimated balance in the account may be used by the legislature to make appropriations to the Department of Fish and Game and the Department of Public Safety to carry out their respective responsibilities for management of game resources and enforcement of game laws.

* Sec. 5. AS 16.05.407(a) is amended to read:

(a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly bear, polar bear, <u>mountain goat,</u> or sheep in this state, unless personally accompanied by

(1) a person who is licensed as a <u>guide-outfitter,</u> [MASTER

GUIDE, REGISTERED GUIDE,] class-A guide-outfitter, [ASSISTANT GUIDE] or assistant guide-outfitter [GUIDE] by the Big Game Commercial Services [GUIDE] Board; or

(2) a resident over 19 years of age who is

(A) the spouse of the nonresident; or

(B) is related to the nonresident, within and including the second degree of kindred, by marriage or blood.

* Sec. 6. AS 16.05.407(d) is amended to read:

(d) A nonresident who violates (a) of this section, or who fails to furnish an affidavit under (b) [OR (e)] of this section, is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than $5,000, or by both.

* Sec. 7. AS 16.05.408(a) is amended to read:

(a) It is a class A misdemeanor for a nonresident alien

(1) to hunt, pursue, or take marine mammals unless personally accompanied by a licensed marine mammal guide-outfitter [GUIDE]; or

(2) to hunt, pursue, or take a big game animal as defined by the Board of Game unless personally accompanied by a guide-outfitter [LICENSED MASTER GUIDE, REGISTERED GUIDE,] or class-A guide-outfitter licensed [ASSISTANT GUIDE] under AS 08.54.

* Sec. 8. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.783. BIG GAME HUNTING CLUBS PROHIBITED. (a) A hunting club may not

(1) engage in activities in direct support of big game hunting, including transportation or guide-outfitting of big game hunters; or

(2) provide facilities or services for big game hunting.

(b) In this section "hunting club" means

(1) an organization that offers use of property or services to individuals who pay a membership fee for the privilege of using the property or services for hunting; or

(2) a partnership, limited partnership, corporation, or unincorporated association through which property is jointly owned, leased, or otherwise held by members of the entity and through which the members are entitled to use the property for hunting.

* Sec. 9. AS 39.50.200(b)(48) is amended to read:

(48) Big Game Commercial Services [GUIDE] Board AS 08.54.-300) [(AS 08.54.010)]; and

* Sec. 10. AS 41.23.420(d) is amended to read:

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

(1) the Department of Fish and Game, the Board of Fisheries, the Board of Game, or the Big Game Commercial Services [GUIDE LICENSING AND CONTROL] Board under AS 08.54, AS 16, or AS 41.99.010;

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

(3) state agencies and municipalities under AS 44.19.145(a)-(11) and AS 46.40.100.

* Sec. 11. AS 44.62.330(a)(35) is amended to read:

(35) Big Game Commercial Services [GUIDE LICENSING AND CONTROL] Board

* Sec. 12. TRANSITION: GUIDE-OUTFITTER LICENSES. (a) Notwithstanding the repeal of AS 08.54.010 - 08.54.240, all licenses issued under AS 08.-54.010 - 08.54.240 are valid for the period for which the licenses were issued.

(b) For the purposes of AS 08.54.300 - 08.54.590 as enacted by sec. 3

of this Act, until new licenses are issued under this section, a

(1) master guide license issued under former AS 08.54.100 and a registered guide license issued under former AS 08.54.110 shall be considered a guide-outfitter license issued under AS 08.54.350;

(2) class-A assistant guide license issued under former AS 08.54.120 shall be considered a class-A guide-outfitter license issued under AS 08.54.380;

(3) an assistant guide license issued under former AS 08.54.140 shall be considered an assistant guide-outfitter license issued under AS 08.54.390.

(c) At the time of the next license renewal following the effective date of this Act, each person licensed as

(1) a master guide or registered guide shall receive a guide-outfitter license, if the person

(A) is in good standing at the time of issuance of the license; and

(B) has paid the guide-outfitter license fee and the commercial use permit fee;

(2) a class-A assistant guide shall receive a class-A guide-outfitter license, if the person

(A) is in good standing at the time of issuance of the license; and

(B) has paid the class-A guide-outfitter license fee;

(3) an assistant guide shall receive an assistant guide-outfitter license, if the person

(A) is in good standing at the time of issuance of the license; and

(B) pays the assistant guide-outfitter license fee.

(d) Notwithstanding (c) of this section, the Department of Commerce

and Economic Development may issue a new license under AS 08.54.300 - 08.54.590, without an additional fee, to a person licensed under former AS 08.54.010 - 08.54.240 before the next renewal period following the effective date of this Act, if the person satisfies the requirements for the license and the license is valid only for the same period for which the replaced license was issued.

* Sec. 13. TRANSITION; OUTFITTERS. (a) Notwithstanding AS 08.54.350, as enacted by sec. 3 of this Act, a natural person is entitled to receive a guide-outfitter license if the person

(1) applies on a form provided by the Department of Commerce and Economic Development;

(2) registered a camp, cabin, or lodge under AS 16.05.787 during 1988;

(3) provides evidence satisfactory to the Big Game Commercial Services Board that the person has engaged in the business of big game outfitting in 1986, 1987, and 1988;

(4) passes the guide-outfitter examination administered by the Big Game Commercial Services Board within one year after the effective date of this Act;

(5) pays the guide-outfitter license fee and the commercial use permit fee; and

(6) possesses a business license to provide guide-outfitting services.

(b) A guide-outfitter license issued under (a) of this section is for all purposes a license issued under AS 08.54.350, as enacted by sec. 3 of this Act.

(c) A person who satisfies (a)(1) - (3) of this section, holds a business license as a big game outfitter, and pays a license fee set by the Department of Commerce and Economic Development is entitled to receive an

interim outfitter license pending a final determination of a person's eligibility for a guide-outfitter license under (a) of this section. The right to receive and hold an interim outfitter license terminates on the earlier of

(1) the date of issuance of a guide-outfitter license to the person;

(2) a final determination under (a) of this section that the person is not eligible to receive a guide-outfitter license; or

(3) one year from the effective date of this Act.

(d) A person who holds an interim outfitter license, notwithstanding contrary provisions of AS 08.54, may provide transportation to, from, and in the field to big game hunters and supply other services in the field to big game hunters. The person may not provide guiding services. The person is responsible for paying to the Department of Commerce and Economic Development the big game conservation fee due under AS 16.05.344.

(e) A person who holds an interim outfitter license shall promptly report to the Department of Public Safety, division of fish and wildlife protection, but not later than 30 days after the violation, a violation of a state fish, game, or big game commercial services statute or regulation that the person reasonably believes was committed by a client or employee of the person.

(f) A person who holds an interim outfitter license may accompany or be present with a hunter at a base camp, cabin, or permanent lodge in connection with a big game hunt for compensation only if the person has furnished an affidavit to the Department of Public Safety, division of fish and wildlife protection, at least two weeks in advance. The person may not register more than two base camps. The affidavit must be signed by the person and must provide the following information:

(1) the specific location of the camp, cabin, or lodge;

(2) the number of big game hunters in each party that will use the camp, cabin, or lodge; and

(3) the kinds or species of big game that will be hunted.

(g) A person who furnishes an affidavit under (f) of this section shall notify the Department of Public Safety of the amount and kinds or species of big game taken by each hunter who uses the base camp, cabin, or permanent lodge to which the affidavit relates. Notice shall be given within 30 days after the game is taken. The Department of Public Safety shall provide the information received under this subsection to the Department of Fish and Game.

(h) A person who

(1) violates (e) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both; or

(2) falsifies an affidavit under (f) of this section is guilty of perjury under AS 11.56.200.

(i) In this section,

(1) "big game" and "field" have the meaning given in AS 08.54.-590, as enacted by sec. 3 of this Act;

(2) "base camp" does not include spike camp, fly camp, or overnight camp;

(3) "guiding" means accompanying or being present with a big game hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation; "guiding" does not include

(A) providing transportation to or from the field, if the person providing transportation and the persons being transported do not stalk, pursue, track, kill, or attempt to kill big game during the transportation; or

(B) selling, leasing, or renting goods, if the transaction does not take place in the field;

(4) "outfitting" means the provision of services, other than guiding services, to big game hunters in the field for compensation.

* Sec. 14. INITIAL APPOINTMENTS TO BIG GAME COMMERCIAL SERVICES BOARD. Notwithstanding AS 08.54.300(b), as enacted by sec. 3 of this Act, the initial appointments to the Big Game Commercial Services Board under

(1) AS 08.54.300(b)(4) may also be filled by the appointment of a master guide, registered guide, or a class-A assistant guide licensed under former AS 08.54.010 - 08.54.240 or a person who registered a camp, cabin, or lodge under AS 16.05.787 during 1988 and engaged in the business of big game outfitting in 1986, 1987, and 1988;

(2) AS 08.54.300(b)(5) may also be filled by the appointment of a person who engaged in the business of providing transportation to big game hunters in 1986, 1987, and 1988.

* Sec. 15. TRANSITION. Litigation, hearings, investigations, and other proceedings pending under a law amended or repealed by this Act continue in effect and may be continued and completed notwithstanding an amendment or repeal provided for in this Act. Licenses, orders, and regulations issued or adopted under authority of a law amended or repealed by this Act remain in effect for the term issued or until revoked, vacated, or otherwise modified under the provisions of this Act.

* Sec. 16. AS 08.54.010, 08.54.030, 08.54.035, 08.54.040, 08.54.045, 08.54.050, 08.54.060, 08.54.070, 08.54.100, 08.54.110, 08.54.120, 08.54.-130, 08.54.140, 08.54.141, 08.54.150, 08.54.160, 08.54.170, 08.54.180, 08.54.186, 08.54.190, 08.54.195, 08.54.200, 08.54.210, 08.54.220, 08.54.-230, 08.54.240; AS 16.05.370(b), 16.05.370(c), 16.05.407(e), 16.05.786, and 16.05.787 are repealed.

* Sec. 17. Sections 4, 6, 12, and 13, ch. 160, SLA 1988 are repealed.

* Sec. 18. This Act takes effect immediately under AS 01.10.070(c).

Work Draft

6-0399A
Utermohle
1/10/89

IN THE HOUSE

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act providing for retroactive extension of the termination date of the Task Force on Guiding and Game; and providing for an effective date."

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

* Section 1. Section 14(d), ch. 160, SLA 1988, is repealed and reenacted to read:

(d) The task force terminates on the earlier of

(1) January 15, 1991; or

(2) the date of enactment into law of

(A) a licensing system for hunting guides and other persons who provide services to hunters for the purpose of facilitating the harvest of big game; and

(B) a management system for allocating rights of access to big game to licensed guides.

* Sec. 2. Notwithstanding the qualifications for members of the Task Force on Guiding and Game set out in sec. 14(a), ch. 160, SLA 1988, the members of the task force on January 8, 1989, shall continue to serve until they resign or the task force is terminated.

* Sec. 3. Sections 1 and 2 of this Act are retroactive to January 8, 1989.

* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

LAWS OF ALASKA

1988

Source HCS CSSB 191(Rls) am H

Chapter No. 160

AN ACT

Relating to the Guide Board and big game guiding, transporting, outfitting, and hunting and establishing an interim task force on guiding and the commercial taking of big game; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 12.

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 16, 1988
Actual Effective Date: Sections 1, 2, 5, 7 - 11, and 14 take effect June 17, 1988; sections 4, 6, 12, 13, and 15 take effect June 30, 1989; section 3 takes effect January 1, 1989

APPENDIX A

AN ACT

Relating to the Guide Board and big game guiding, transporting, outfitting, and hunting and establishing an interim task force on guiding and the commercial taking of big game; and providing for an effective date.

---

* Section 1. AS 08.03.010(c)(20) is amended to read:

(20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

* Sec. 2. AS 08.54.040(a) is amended to read:

(a) Except as provided in AS 08.54.045, the board shall

(1) prepare, grade, and administer

(A) a written and oral examination of an applicant for a registered guide license that requires demonstration that the applicant is qualified generally to provide guided hunts and, in particular, to guide in each game management unit the applicant has selected; if an applicant demonstrates limited ability to read or write the English language, the entire examination shall be administered orally; and

(B) an oral examination of a registered or master guide who seeks an amendment of a game management unit certification; the examination must require demonstration that the guide is qualified to provide guided hunts in each new game management unit for which the guide seeks to be certified [EXAMINATIONS, WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE

LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

(2) determine qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;

(3) establish guide performance standards and regulate activity;

(4) compile, maintain, and publish an annual register of master and registered guides who have not been convicted of a violation of a state game or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while the guide's license is revoked or suspended;

(5) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

(6) after a hearing, revoke, suspend, or deny renewal of a license in accordance with AS 08.54.200;

(7) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, reasonable, and consistent procedure for limiting the number of guides to that quota; preference may be given to qualified available and willing licensed guides who reside within the designated game unit or subunit;

(8) meet at least twice annually, once in Anchorage and once in another municipality.

* Sec. 3. AS 08.54.210 is amended to read:

Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

(1) a master guide, registered guide, special guide, class A assistant guide, or assistant guide to fail to timely report to the

Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, a violation of a state fish, game, or guiding statute or regulation that the guide reasonably believes was committed by a client or an employee of the guide;

(2) a guide to commit or aid the commission of a violation of this chapter or of a state game or guiding statute or regulation or to permit the commission of a violation that the guide knows or reasonably believes is being or will be committed without attempting to prevent it, short of using force, and without reporting it;

(3) a person to guide without having a current valid guide license and [RESIDENT] hunting license in actual possession;

(4) a person <u>without a current valid registered or master guide license</u> to advertise as or represent to be

<u>(A) a guide; or</u>

<u>(B) an outfitter offering big game hunting services</u> [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

(5) a guide to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the guide;

(6) a person to guide without being validly licensed as a guide under this chapter and as a [RESIDENT] hunter under AS 16;

(7) an assistant guide to contract to conduct a guided hunt;

(8) an assistant guide to be in the field on a guided hunt except while employed and supervised by a registered or master guide.

(b) A person who violates (a)(1) - (5) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than <u>$2,000</u> [$1,000] or by imprisonment for not more than one year, or by both, and the person's license may be revoked for a period

up to five years. However, a person who engages in guiding activity during the period for which the person's license is suspended or revoked under this chapter, or who violates (a)(6) - (8) of this section, is guilty of a felony punishable, upon conviction, by a fine of not more than $5,000 and by imprisonment for not more than three years. In addition to punishment for a felony, all guns, fishing tackle, boats, aircraft, automobiles or other vehicles, camping gear and other equipment and paraphernalia used in, or in aid of, guiding activity engaged in during the period of suspension or revocation may be seized by persons authorized to enforce this chapter and may be forfeited to the state as provided under AS 16.05.195.

* Sec. 4. AS 08.54.210 is repealed and reenacted to read:

Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

(1) a master guide, registered guide, special guide, class A assistant guide, or assistant guide to fail to timely report to the Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, a violation of a state fish, game, or guiding statute or regulation that the guide reasonably believes was committed by a client or an employee of the guide;

(2) a guide to commit or aid the commission of a violation of this chapter or of a state game or guiding statute or regulation or to permit the commission of a violation that the guide knows or reasonably believes is being or will be committed without attempting to prevent it, short of using force, and without reporting it;

(3) a person to guide without having a current valid guide license and hunting license in actual possession;

(4) a person without a current valid registered or master guide license to advertise as or represent to be

(A) a guide; or

(B) an outfitter offering big game hunting services;

(5) a guide to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the guide;

(6) a person for compensation or hire to transport a hunter to or from the field in an aircraft for which the person does not hold a current valid air taxi commercial operator (ATCO) operating certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135; in this paragraph, "for compensation or hire" means receiving any monetary consideration for the transportation, regardless of whether the consideration is directly attributable to the transportation; "for compensation or hire" does not include reimbursement for actual expenses incurred for aircraft fuel for the transportation;

(7) a person to guide without being validly licensed as a guide under this chapter and as a hunter under AS 16;

(8) an assistant guide to contract to conduct a guided hunt;

(9) an assistant guide to be in the field on a guided hunt except while employed and supervised by a registered or master guide.

(b) A person who violates (a)(1) - (6) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both, and the person's license may be revoked for a period up to five years. However, a person who engages in guiding activity during the period for which the person's license is suspended or revoked under this chapter, or who violates (a)(7) - (9) of this section, is guilty of a felony punishable, upon conviction, by a fine of not more than $5,000 and by imprisonment for not more than three years. In addition to punishment for a felony, all guns, fishing tackle, boats, aircraft,

automobiles or other vehicles, camping gear and other equipment and paraphernalia used in, or in aid of, guiding activity engaged in during the period of suspension or revocation may be seized by persons authorized to enforce this chapter and may be forfeited to the state as provided under AS 16.05.195.

* Sec. 5. AS 08.54.240(3) is repealed and reenacted to read:

(3) "guide" or "guiding" means accompanying or being present with a big game hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation; "in the field" does not include a lawfully established base camp, cabin, or permanent lodge registered with the division of fish and wildlife protection under AS 16.05.787 or a boat with permanent living quarters; "guide" or "guiding" does not include

(A) providing transportation to or from the field, if the persons providing transportation and the persons being transported do not stalk, pursue, track, kill, or attempt to kill big game during the transportation; or

(B) selling, leasing, or renting goods, if the transaction does not take place in the field;

* Sec. 6. AS 08.54.240(3) is amended to read:

(3) "guide" or "guiding" means accompanying or being present with a big game hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation; "in the field" does not include a lawfully established [BASE CAMP,] cabin [,] or permanent lodge registered with the division of fish and wildlife protection under AS 16.05.787 or a boat with permanent living quarters; "guide" or "guiding" does not include

(A) providing transportation to or from the field, if

the persons providing transportation and the persons being transported do not stalk, pursue, track, kill, or attempt to kill big game during the transportation; or

(B) selling, leasing, or renting goods, if the transaction does not take place in the field;

* Sec. 7. AS 08.54.240 is amended by adding a new paragraph to read:

(7) "base camp" does not include a spike camp, fly camp, or overnight camp.

* Sec. 8. AS 16.05.370 is amended by adding new subsections to read:

(b) A person who sells big game tags shall give to each buyer a game report form provided by the department, to be completed and returned by the hunter after big game is taken. The department shall pay the cost of return postage for the report. The report must specify the location, amount, and kinds or species of game taken.

(c) A person who transports big game from the field for compensation shall, within seven days after providing the transportation, notify the department of the amount and kinds or species of game transported.

* Sec. 9. AS 16.05.407(d) is amended to read:

(d) A nonresident who violates (a) of this section, or who fails to furnish an affidavit under (b) or (c) of this section, is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than $5,000, or by both.

* Sec. 10. AS 16.05.407 is amended by adding a new subsection to read:

(e) An applicant for a nonresident big game tag for the taking of moose or caribou shall first furnish to the state, on a form provided by the state, an affidavit showing where the applicant will be hunting and what guiding, transportation, or other big game hunting

services the applicant will be employing. A person who falsifies an affidavit under this subsection is guilty of perjury under AS 11.56.-200.

* Sec. 11. AS 16.05 is amended by adding new sections to read:

Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIOLATIONS. (a) A person who transports a big game hunter to or from the field for compensation, or with the intent or an agreement to receive compensation, shall promptly report to the Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, a violation of a state fish, game, or guiding statute or regulation that the person reasonably believes was committed by a client or employee of the person.

(b) A person who violates this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both.

Sec. 16.05.787. REGISTRATION OF BIG GAME HUNTING BASE CAMPS, CABINS, AND LODGES. (a) A person who is not licensed as a guide under AS 08.54 may accompany or be present with a hunter at a base camp, cabin, or permanent lodge in connection with a big game hunt and for compensation only if the person has not been convicted of violating a game law or regulation during the preceding five years and has furnished an affidavit to the Department of Public Safety, division of fish and wildlife protection, at least two weeks in advance. A person who is not licensed as a guide may not register more than two base camps. The affidavit must be signed by the person and must provide the following information:

(1) the specific location of the camp, cabin, or lodge;

(2) the number of big game hunters in each party that will use the camp, cabin, or lodge; and

(3) the kinds or species of big game that will be hunted.

(b) A person who furnishes an affidavit under (a) of this section shall notify the Department of Public Safety of the amount and kinds or species of big game taken by each hunter who uses the base camp, cabin, or permanent lodge to which the affidavit relates. Notice shall be given within 30 days after the game is taken.

(c) The Department of Public Safety shall send the information received under (b) of this section and a copy of each affidavit under this section to the Department of Fish and Game.

(d) A person who falsifies an affidavit under this section is guilty of perjury under AS 11.56.200.

* Sec. 12. AS 16.05.787(a) is amended to read:

(a) A person who is not licensed as a guide under AS 08.54 may accompany or be present with a hunter at a [BASE CAMP,] cabin [,] or permanent lodge in connection with a big game hunt and for compensation only if the person has not been convicted of violating a game law or regulation during the preceding five years and has furnished an affidavit to the Department of Public Safety, division of fish and wildlife protection, at least two weeks in advance. The affidavit must be signed by the person and must provide the following information:

(1) the specific location of the [camp,] cabin [,] or lodge;

(2) the number of big game hunters in each party that will use the [CAMP,] cabin [,] or lodge; and

(3) the kinds or species of big game that will be hunted.

* Sec. 13. AS 16.05.787(b) is amended to read:

(b) A person who furnished an affidavit under (a) of this section shall notify the Department of Public Safety of the amount and

kinds or species of big game taken by each hunter who uses the (BASE CAMP,) cabin (,) or permanent lodge to which the affidavit relates. Notice shall be given within 30 days after the game is taken.

* Sec. 14. TASK FORCE ON GUIDING AND GAME. (a) The interim task force on the Guide Board and the commercial taking of big game is established under the jurisdiction of the legislative council. The task force consists of the commissioners of fish and game, commerce and economic development, and public safety, or their designees; two members of the senate appointed by the president of the senate and two members of the house of representatives appointed by the speaker of the house, of whom only one member from each body may have a financial interest in any business involving or related to the commercial taking of game; and six members appointed by the governor as follows: one member of the Guide Board; one big game guide licensed under AS 08.54 who is not a member of the Guide Board; and two persons engaged in a business, other than guiding, that includes transporting big game hunters to and from the field, but only one of whom may be an air taxi operator; and two public members, neither of whom has a financial interest in any business involving or related to the commercial taking of game. The governor shall appoint at least one member from each judicial district in the state. The members shall elect a person to chair the task force.

(b) The task force shall review the operations of the Guide Board and shall study problems and issues concerning the commercial taking of big game in the state and the businesses or professions that provide goods and services to big game hunters in the state. The task force shall submit to the legislative council, not later than January 15, 1989, a report on its findings and proposed legislation to address the problems and issues covered in the report.

(c) A subpoena requiring the attendance of a witness before the task

force may be issued by the person chairing the task force if authorized to do so by a majority of the membership of the task force. The provisions of AS 24.25.020 - 24.25.080 apply to subpoenas issued under this subsection and to witnesses called by the task force.

(d) The task force terminates January 15, 1989.

* Sec. 15. AS 08.54.240(7) is repealed.

* Sec. 16. Sections 1, 2, 5, 7 - 11, and 14 of this Act take effect immediately under AS 01.10.070(c).

* Sec. 17. Sections 4, 6, 12, 13, and 15 of this Act take effect June 30, 1989.

* Sec. 18. Section 3 of this Act takes effect January 1, 1989.

Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P.O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

Letter of Intent
For
HCS CS SB 191 (Rules)

It is the intent of the Legislature that the task force established under the provisions of SB 191 have full powers to investigate and establish recommendations.

Under the Alaska Constitution, fish and game resources are the common property of the people of Alaska, to be managed by the state in trust for the people's use. During all deliberations of the task force relating to regulating the commercial use of game, the first and highest priority of the task force shall be protection of the game resource. In this context, the task force shall examine how the commercial taking of big game by both residents and nonresidents conforms with the needs of all Alaskans.

Currently, there are numerous types of big game hunting services being provided in Alaska by various commercial operators. The task force shall examine this situation and make recommendations for the appropriate role of guides, gear providers, air taxi operators and other transporters in providing commercial hunting services.

Other states and Canadian provinces have experienced similar commercial hunting pressures and problems. In an effort to assure that Alaska not duplicate the mistakes of others, the task force should obtain as much information as possible about the problems these other jurisdictions have experienced. If solutions were found for problems similar to existing problems in this state, the task force shall review those solutions and recommend accordingly for Alaska.

The Alaska Supreme Court will soon decide Owsichek v. the State of Alaska, dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision, and recommend methods of accommodating the court's decision.

The task force shall work closely with the Department of Fish and Game and the Board of Game to create a link between the commercial take of big game and game management, for the protection and benefit of all user groups.

The task force shall examine the potential effects of adding other species to the guide-required list.

The task force shall examine the licensing of transporters, and make recommendations as to whether such a system ought to be renewed, and, if so, under what conditions.

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically, the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the Administrative Procedures Act.

The legislature recognizes that the current big game guide system in Alaska is dependent on the restricted guide area concept for its success. Accordingly, the task force shall examine all aspects of this system, and make recommendations pertaining to its openness and accessibility, including to the question of selling or otherwise transferring the use of restricted guide areas. The task force shall also examine whether the state should lease or permit commercial use areas, or in some other manner establish a restricted use "concessionaire" approach to commercial game management. Throughout these deliberations, the task force shall review the compatibility of the current restricted area system, or any such system proposed, with the state's game allocation system.

The task force shall analyze the joint use concept and supporting agreements between guides in joint use areas, and gauge whether these agreements are in the best interest of all game users, as well as in the best interest of the game resource. In doing so, the task force shall investigate whether one consistent policy for determining guide areas is appropriate, the goal being that all areas are treated equally. The task force shall also examine whether rural residents from remote communities are being afforded an adequate and equal opportunity to participate in the guiding system.

The violation of statutes regulating almost all other professions in Alaska is generally a misdemeanor offense, whereas the act of illegal guiding is a felony offense. The task force shall review this section of law, determine whether this is proper, and make recommendations for any appropriate changes.

The task force shall investigate and make recommendations concerning the propriety of fish and wildlife protection officers, or other state employees whose responsibilities include managing game resources or enforcing the state's guiding and game management laws, holding guide licenses or otherwise participating in the commercial taking of game.

The legislature recognizes that the role of federal agencies in managing and permitting commercial uses of federal parks, reserves,

and other federal lands has a significant direct impact in how the state's guide laws are monitored and enforced. The task force is directed to examine the role of federal agencies in monitoring and permitting these activities.

The legislature recognizes that hunting, flying and other travel in Alaska involves certain inherent risks. The task force shall review the issue of differing safety and insurance requirements for air transportation and make a recommendation on the establishment of minimal insurance and safety requirements for guides, lodge owners, and others who are not now regulated.

The task force should review the possibility of bonding requirements for providers of big game hunting services.

The task force should examine all aspects of a head tax, the problems with its use in the past, and what would be the ramifications to game management if it were reinstated.

The task force should work to clarify the definitions of "camp", "in the field", and "big game hunting services". The task force should describe which commercial providers should be allowed in "camps" and "in the field." "Compensation", and "monetary consideration" should also be further defined and explained by the task force. The task force should also provide further explanation of what constitutes a "boat with permanent living quarters."

The task force should also look at the use of dog sleds in big game hunts, and when dogs should be allowed in camps.

Mike Navarre

Rep. Mike Navarre, Chair
House Rules Committee
May 9, 1988

Alaska State Legislature
House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

l Business

MEMORANDUM

TO: ALL MEMBERS
TASK FORCE ON GUIDING AND GAME

FROM: REPRESENTATIVE HENRY SPRINGER, CHAIRMAN
TASK FORCE ON GUIDING AND GAME

DATE: NOVEMBER 7, 1988

SUBJECT: CREATION OF WORK GROUPS

THE FOLLOWING IS A SUGGESTION TO ESTABLISH WORK GROUPS TO START FORMULATING RECOMMENDATIONS FROM THE TASK FORCE. I SUGGEST CREATION OF FOUR GROUPS AND LIST THE ASSIGNMENTS BELOW. (SEE ATTACHED OUTLINE OF LETTER OF INTENT.) I HAVE TRIED TO LUMP SUBJECTS OF SIMILAR NATURE AND ASSIGN PEOPLE SO THAT THERE IS A BALANCE OF INTEREST. ANY SUGGESTED CHANGES ARE WELCOME AND WILL BE DISCUSSED AT THE NEXT MEETING.

GROUP MEMBERS	OUTLINE ITEM ASSIGNMENTS
WORK GROUP #1:	
Sen. Jan Faiks	C, D, L, R
Randall Burns	
Capt. Phil Gilson	
Assistance from--	
Rep. Henry Springer	
Steve White (AG's Office)	
WORK GROUP #2:	
Sen. Ken Fanning	A, B, I, J, K
Rep. Mike Navarre	
Vernitta Cassidy	
WORK GROUP #3:	
Pete Buist	E, G, H, M, Q
Matthew Iya	
Lew Pamplin	
WORK GROUP #4:	
Paul Johnson	F, N, O, P, S
Nick Pierskalla	
Gail Ranney	

This grouping divides 13 members for 19 tasks.

Attachment

APPROVED

TASK FORCE ON GUIDING AND GAME

MINUTES

DECEMBER 12-16, 1988 MEETING - ANCHORAGE

December 12, 1988
Tape 1
Side 1

000 The meeting was called to order by Chairman Springer at 8:50 a.m., at the Legislative Information Office, 3111 C Street, Anchorage, Alaska.

Members present were Pete Buist, Randall Burns, Vernita Cassidy (also representing Matthew Iya), Sen. Faiks, John Manly for Senator Fanning, Capt. Phil Gilson, Paul Johnson, Pat Malone for Rep. Navarre, Lew Pamplin, Nick Pierskalla, Gayle Ranney. Members absent were Matthew Iya.

Samantha Castle, member of the Board of Game, addresses the Task Force, reading from a prepared statement (Attachment #1). She briefly describes the history of fish and wildlife management in Alaska and the methods and procedures of the regulatory process of the Game Board, including public input. Resource allocation priorities in order are subsistence, resident and non-resident users. Castle recommends regulation of commercial users based on existing game management units to insure distribution of harvest. The business of hunting Alaska's game populations needs addressing. Accountability in the use of the resource is necessary. Commercial users should be accountable to game management areas and the people and game populations in those areas.

119 Ch. Springer clarifies that the Game Board does not feel it has accurate user group information since it lacked information on certain groups. There was significant unreported (and unregulated) harvest.

Discussion continues on game units, resource allocations, Kodiak Bears, revenue sources, distinction between guides and outfitters.

330 Sidney Huntington, Game Board member, addresses the Task Force. He reads a prepared statement (Attachment #2). He relates the changes he has seen over a good number of years (historical perspective) in how they allocated the wild life big game resource, and outlines specific problems. Guides and outfitters should be responsible for the action of their client. Welfare of the resource is the first priority.

395 Control over unlicensed outfitters, and differentiation between guides and outfitters by locals is discussed.

Tape 1
Side 2

000 Discussion continues. Examples and historical viewpoint given. There are problems with people understanding regulations. Requiring non-residents to have a guide is talked about. Sidney explains viewpoints on native land control. Another problem is the population explosion and inability of resource to support the additional activity. Money is an incentive (trapping, etc.).

380 Ch. Springer calls a recess at 10:10 a.m. Meeting called back to order at 10:20 a.m. Ch. Springer advises everyone that written testimony is very welcome from anyone. People are asked to sign the witness register and indicate their wishes to testify or observe.

410 Alfred Lee, HCO3, Box 8857, Palmer, a guide, feels they should reinstate the guide area system statewide. Permits not needed. Non-residents should be able to hunt in all Game Management Units (GMUs) and be required to have a guide.

550 Ralph Eluska, President of Akhiok Kaguyak Native Corporation, 5028 Miles Dr., Anchorage, 99508, reads a prepared statement (Attachment #3). The corporation is concerned about the impact of the new guide area system on big game population and the management of private corporate lands. Suggestions: 1) encourage guides to work with corporations; 2) recommend non-resident hunting permits be available to guides as "block" permit system; 3) establish policy on availability of private lands; 4) F&G issue land ownership maps for distribution; 5) establish guide policy for trespassing and penalties; 6) put private land owner on Guide Board; 7) establish licensing system for transporters.

Tape 2
Side 1

010 Ken Owsichek, Box 190301, Anchorage, AK; states that he was put out of business when the Exclusive Guide Area (EGA) system came in to effect and has not guided for the last eight years. Thinks that members of this task force have special interests in the EGA (Exclusive Guide Area) system and have worked to enhance the EGA concept. States that Sen. Fanning has a special interest in the EGA system, and feels that Sen. Faiks has represented the guides over the outfitters. Gives his

perspective of the EGA's, and the guide/outfitter problem. Stresses the need for this task force to conceive a fair system to deal with this problem. He states that the EGA was not a game management system but a people management system. He has been an Alaskan resident since 1968. States that the sport fishing industry is unregulated and the system works well. Suggests the guides and outfitters be united into one user group with three classes. Adds that regulation should be kept simple. Discusses the advantages of one user group. States that the limiting of commercial users is not a game management tool. Advises that the Dept. of Public Safety should manage the game exclusively. Suggests the users register for hunting areas and pay a nominal fee for each area. Discusses how the user group will be broken down into three classes. States that basic qualifications such as first aid certification and liability insurance should be mandatory. Advises that the Guide Board should be disbanded and disciplinary action should be handled by a point system. Adds that Statements of Contracts can be used. Recommends no further regulations on air taxis. Relates viewpoints on one sound plan to solve the problem.

510 Ch. Springer asked if there was anyone who had not signed the registration sheet. Proceeds to questions from the task force.

520 Lew Pamplin states that game populations do fine without people (and without management) in most situations.

Tape 2
Side 2

000 Lew Pamplin continues. States that public protection is necessary to provide public access for game. That is when management of game becomes important, with the intercession of people. Adds that the sport fishing industry is different from guiding because the human pressures have a much smaller effect overall.

025 Biological aspects of sport fishing are discussed.

030 Lew Pamplin states that there must be some controls in order to manage the game properly.

050 Ken Owsichek states that requirements such as testing, insurance, and a first aid card will eliminate all but the serious guides. Gives perspective on the process and his suggestions. Adds that checkpoint systems to regulate the game taken may be needed.

130 Randall Burns asks Owsichek if fish guides should be licensed.

135 Ken Owsichek replies no. Discussion.

170 Randall Burns asks how the task force should recommend the transition to a one user group system.

175 Ken Owsichek replies that a three year licensing requirement be instituted for new guides. Discussion.

200 Ch. Springer asks if there are any more questions. States that he feels very good about the task force.

225 George Romero, Seward, AK. Encourages the Task Force to talk to Ken Owsichek. Thinks the guiding system at present monopolizes the industry. States that a permit system will work. Also wants check stations at airports for management with severe penalties for those who do not comply. Contends that the Guide Board members have repeatedly ignored legal advice. Gives viewpoints on problems with the licensing exam. Describes felony charges against him. States that Nick Pierskalla has a guide license. Again encourages Task Force members to contact Owsichek. Gives historical perspective on EGA system.

350 Nick Pierskalla states for the record that he has an assistant guide license.

355 Pete Buist states that he believes that the Division of Fish and Wildlife Protection (FWP) pushed for making guiding without a license a felony. Adds that FWP hoped it would act as a deterrent. States that Romero was convicted of wanton waste and unlicensed guiding.

380 George Romero states that the record should reflect that his license was reviewed late. Stated that Fish and Game officials will not be allowed guide licenses anymore.

420 Vernita Cassidy adds that enforcement officials involved in the guiding industry had a conflict of interest which resulted with officials guiding when they were needed for enforcement.

445 George Romero discusses the conflict of interest involved.

475 Ch. Springer adds that past testimony has addressed the problem, and that presently the Dept. of Public Safety is reviewing its regulations and procedures. Discussion.

495 Pete Buist poses the question of whether it would be more favorable for Fish and Game officials to have no interest in hunting. Discussion.

510 Ch. Springer recesses the committee until 1:15 P.M.

Tape 3
Side 1

000 Sen. Faiks calls the meeting back to order at 1:20 p.m. A quorum is present, including Pat Malone for Rep. Navarre and John Manly for Sen. Fanning.

032 Rick Hercher, a guide since 1968, states he agrees with the Owsichek decision. The human resource needs to be considered. Licensing discussion takes place.

189 Roger Morris, 2820 Lexington, Anchorage, 99502, testifies that a system is necessary (reference Owsichek case), suggesting transporters and guides. He addresses SB 191 and Part 135 requirements, recommending deletion of that requirement for transporting hunters. People who want to be in business should become licensed guides.

Ch. Faiks indicates she would like to ask former Gov. Hammond to address the group, if he returned to the meeting, and if a majority concurred. There were no objections.

325 Jim Reeves, 1031 W. 4th Ave., Anchorage, 99501, speaks next. He has been working with Jones, Alaska Professional Hunting Association (APHA) and others. He urges the task force to consider all options after the Owsichek decision that would make the system work. They believe the Guide Board has the authority by regulation, to deal with the issue. Discussion ensues on Guide Board and staff.

395 Robert Van Gordor, Box 870144, Wasilla, AK, 99687, agrees with the Owsichek decision against EGAs. He also believes enforcement should be by F&G, and violations should not be felonies.

Ch. Faiks is informed Gov. Hammond could address the group later that afternoon. Ch. Faiks establishes there are no objections from the Task Force to him speaking ahead of other testimony. There is concurrence by the audience and he is invited to speak at his convenience.

480 Nelson Stimaker, guide, 7133 Arctic Blvd., Anchorage, agrees with many of Mr. Owsichek's statements. There are problems with subsistence, guides and outfitters. Game management is the answer.

560 Patrick Kennedy, guide, Box 2406, Houston, AK, believes in the guide concept. He raises questions about prior testimony. A first aid card and insurance do not necessarily indicate competency. Supports point system and opposed Part 135 for guides.

685 Vernita Cassidy comments on guide system.

Tape 3
Side 2

700 Gayle Ranney addresses aircraft inspection, guide exam and Part 135 insurance requirements.

000 Pete Buist explains multi-media first aid card.

020 Tom Hundley, Box 2772, Palmer, AK, reads a prepared statement (Attachment #4). He offers an analogous perspective. He hoped the State was not willing to hold the budget, wildlife and constitution hostage so one group of licensed guides could enjoy a privileged financial monopoly over their peers. Makes recommendations on various aspects of the industry.

245 F&WP enforcement and priorities are discussed, along with licensing requirements.

385 Paul Johnson says it boils down to either a quota or permit system. Discussion. Constitutional amendment may take care of the problem.

571 Jim Baum, 4389 Mars Dr., Anchorage, 99507, 23 year resident, has had assistant guide license for over 15 years. Never became a guide as he didn't think he'd get an area (due to the EGA's). Applied for guide exam. But the law changed and he then no longer qualified for the exam.

Tape 4
Side 1

Baum describes the circumstances surrounding his felony conviction and comments on current law. Recommends deleting compensation for fuel from the books. Scenarios of offenses are discussed.

844 Ch. Springer clarifies questions on constitutionality relative to aliens, brown bear and sheep. Fuel as compensation is explained. Compensation is discussed.

1008 Red Beeman, Box 124, Chugiak, AK, 99688, testifies to the Task Force. He describes the former classes of outfitters (A, B, C), and accountability. He suggests continuing to license guides and assistant guides, license outfitters (separate regulations, strict reporting) and opposes Part 135 requirements.

1095 Mark Miller, registered guide, Box 873627, Wasilla, AK, 99687, states he thinks they will have to restrict guides and did not like the "guide area" concept. F&G will save the animals. He describes some guiding situations and practical difficulties. Guide licenses (exams) should be tough. Aircraft safety is discussed.

Tape 4
Side 2

000 Gayle Ranney noted the line for safety, competency, etc. had to be drawn somewhere. Discussion. Insurance requirements pros and cons compared.

012 Lynn Castle, licensed Alaskan guide for 25 years, testifying from Texas, said the current system had not been set up by just a few guides trying to protect themselves. He defends the majority of the guides in Alaska, saying their guiding ethic had become the most respected guiding system in the world. There was not enough guiding opportunity in Alaska to support an unregulated, unlimited guiding industry. Permits are not the answer.

160 Randall Burns pointed out Occupational Licensing supported trying to find solutions to the problem.

175 Lynn Castle recommends tightening up the system.

240 Returning to Mark Miller's testimony, Mr. Miller referenced FAA regulations and the cost of insurance and upgrading to Part 135 requirements. Gayle Ranney noted that there still was the one plane-one pilot operation. Mr. Miller concluded saying they were working with a limited resource and therefore restrictions would be necessary.

310 Paul Johnson raises questions on game resource protection. Discussion.

345 Lew Pamplin questions how the resource will be managed. One of the management objectives was to maintain quality experiences for people.

390 Mr. Miller states it is necessary to have an industry capable of making a living. A permit system would not work.

444 Ray McNutt, Box 469, Sterling, AK, 99672, chairman of the Guide Board, testifies that the FAA would regulate Part 135. He references a Guide Board Resolution previously distributed to the Task Force. Also, he feels the guide areas are important to conservation.

641 Ch. Springer reads the two resolve clauses, one being the Guide Board asking the Task Force to consider ways to limit providers of commercial big game hunting services to geographic areas for conservation purposes and the other recommends service providers be limited to licensed guides and licensed transporters.

660 Vernita Cassidy asks questions pertinent to the alleged close relationship between the Guide Board and APHA.

Tape 5, Side 1

000 Ray McNutt testifies that the Guide Board often did not follow his recommendations. Discussed past problems on the Guide Board concerning the review of regulations. Discussion. Discussion of the purpose of APHA.

050 Vernita Cassidy asks why there has been so much negative testimony from guides about the guide board.

055 Ray McNutt replies that it is due to dissatisfaction from guides who are not able to meet the criteria set by the guide board. Discusses problems of polar bear hunting, and brown bear hunting at Pt. Heiden before establishment of the Guide Board.

090 Bruno Zedler, 2804 Klamath Dr., Wasilla, AK. Has an Assistant Guide license, has worked as an outfitter, and has recently been charged with unlicensed guiding. States that he is opposed to the felony charge for unlicensed guiding. Argues that the outfitters are unjustly being blamed for the dwindling game in Alaska by the Guide Board. Refers to events leading up to his criminal charges. States there are some enforcement officials with guiding licenses and that this is a conflict of interest. Argues that the the Task Force is imbalanced by conflicts of interest.

335 Sen. Faiks objects to the personal comments and pointing out of people that have attended.

340 Bruno Zedler apologizes. States that there are some model cases in game management. He advocates a permit system to address the guide industry. Contends that there is no need for unlicensed guiding to be a felony offense. Comments on press items he alleges are untrue.

470 Sen. Faiks states that the Task Force is not the place to voice his grievances with other government branches or officials. She asks for his thoughts on SB 191 and how to improve the guiding system.

480 Bruno Zedler recommends a fair permit system. Discusses about how it could work.

510 Lew Pamplin asks if Zedler wants wildlife protection and if guides should be licensed.

520 Bruno Zedler replies yes to both questions. Commends Randall Burns on a proposal for the guide licensing exam to be administered by an impartial body. Discusses the merits of this proposal.

Tape 5
Side 2

000 Bruno Zedler continues. States that a permit system would work best. Suggests a bond service be instituted to help protect the consumer. Discussion.

110 Ch. Springer asks if there are objections to Gov. Hammond addressing the body at that time. There were none.

115 Gov. Hammond states that the solution to the problems confronting them should be solved with regulation as opposed to legislation. Comments that he had mixed feelings about the EGA system but that the intent was to protect the game. He poses the problem concerning large amounts of land owned by the native corporations which people have been permitted to hunt on. Due to a recent court decision the native corporations can restrict the hunting on their land.

165 Discussion of federal regulations.

200 Ch. Springer outlines the objectives of the Task Force.

210 Gov. Hammond states that he was not a part of the EGA system. Discussion.

245 Gov. Hammond feels that the EGA concept is an effective way to manage the game. Discussion on the origin of the EGA commenced.

275 Gov. Hammond discusses historical data to guiding industry before statehood and a parallel between the limited entry for fisheries and the guiding industry.

300 Vernita Cassidy speaks to a news article written by Hammond regarding solutions to the guiding problem. She asks if there would have to be a limit to the number of guides registered to a specific area.

315 Gov. Hammond replies that a court decision would preclude this but adds that this is not an approach he favors.

345 Discussion of limited entry. Specifically the limited entry of fisheries and the differences in the application to the guiding industry.

385 Ch. Springer recesses the meeting at 5:45 P.M.

405 Ch. Springer reconvenes the meeting at 7:02 P.M.

410 Gary Harrison, Box 1105, Chickaloon Village, AK, 99674 and Chickaloon Moose Creek Native Corporation. Concerned about some land issues relative to the subject.

440 Discussion of land trespass.

485 Randall Burns states that the Guide Board has heard testimony on access to private lands and suggested a regulation be adopted that a guide have his license revoked or suspended if they did not have permission to hunt/guide on private land.

500 Gary Harrison states that trespassing on private land is a problem to be dealt with. Discussion.

515 Lew Pamplin states that the problem could be addressed by requiring a guide to have authorization from the land owner or land manager before conducting an operation.

525 David Harrison, Fish and Game Office in Chickaloon Village (Box 1105, 99674). Recommends that before a guide conducts an operation on private land they should contact the traditional law enforcement of the area.

Tape 6
Side 1

000 David Harrison references the Constitution and its meaning. He requests the State to help them manage their own resource (game).

Richard Guthrie, registered guide, Box 24-0163, Anchorage, favors uniform licensing. Guides should not be required to be Part 135. The restricted guide area concept was orderly and good. Mr. Guthrie clarified that he was part of a group which would be presenting recommendations to the Task Force that evening and written recommendations probably the next day.

Sen. Fanning arrives.

054 Jim Harrower, guide, 13830 Jarvi, Anchorage, 99515, commends the Task Force on their work. He reviews some basic assumptions made on the issue (hunting a viable pastime, non-resident hunting acceptable pastime or sport, commercial activity to regulate in the field). Controlling commercial use and protection of subsistence and private use are objectives of the planning group of which he is a member. He reviews old system. The restricted area system seems to be the best for managing the game, guides and public. He suggests a panel with federal and state agencies, and all concerned parties be formed to address the concerns. He wants to see the Guide Board come up with legislative solutions. Mr. Harrower comments on conflict

of interest, believes there should be performance standards for the guides and opposes Part 135.

320 Brent Jones, 12441 Shelonof, Anchorage, 99516, President of the APHA, reviews the association's position on the issues. They want performance standards for guides and regulations for activity. Permits would be the end of the guiding industry. They want a viable guiding industry, with two groups of commercial users (master guide with Part 91 for flying and transporters with Part 135). He points out discrepancy between hunters and fishermen (guiding). Those who met certain requirements should be eligible to take the guide exam. Only licensed guides/outfitters could have camps (registered). They want to protect the resource and subsistence. He describes the suggested process and explains a negotiated lease, Board of Non-Guides and fee schedule. A conservation tax (non-resident) is explained. Each applicant for a guide area would be required to have a game management and harvest plan for that area.

Tape 6
Side 2

000 Mr. Jones continues the discussion that the resource must be managed. He gives supporting information for their proposed system.

530 Ch. Springer expresses concerns about the court decision demands regarding return to the citizens of the state. He had explored the question of market value. He did not feel a fixed fee for an area was right because it did not represent value. Mr. Jones indicates the APHA had discussed that at length and explains.

Randall Burns requests clarification on part time guides. Mr. Jones answers that the APHA had not even talked about that but that something could be worked out.

Tape 7
Side 1

000 Larry Rivers, a master guide from Talkeetna (Box 107, 99733), testifies on a variety of aspects previously mentioned. First he gives a personal historical perspective. He feels that those who were willing to take a risk and get the [guiding] business, got it, and gave numerous examples of that. He opposes the permit system. He saw the outfitters as trying to get everything by taking it away from the guides.

090 Joe Klutsch, registered guide from King Salmon, relates a story (oil well) to illustrate his viewpoint, saying one could not make 40 barrels out of a 10 barrel well. He thought that was what they were trying to do with

Alaska's big game resources. He reads from a prepared statement. It was unacceptable to him to regulate guides and not outfitters, who for all practical purposes, operated identical services. He suggests one standard licensed guide test, and then talked about the economic aspects of the subject. Total open access participation is not an economically rational way to regulate commerce nor lends itself to management of the resource.

220 Dick Gunlogson, master guide from Willow, AK, addresses numerous aspects of the guiding industry. The State should be a leader in policy development for guides. Safety was not a valid argument in requiring Part 135.

411 Chris Branham, master guide from Anchorage, offers some solutions. Describing several user groups, he elaborates on requirements for each. Resource management and camp registration is examined.

665 Dave Leonard, Box 1426, Kenai, a guide, feels that if an individual was determined enough, they could work into the guide system and succeed.

Tape 7
Side 2

Deliberately blank.

Tape 8
Side 1

000 He hopes something good would come out of the Task Force and hopes the resource would be protected in the process. Upon being questioned, he explains how he succeeded in the business and why. Where there is a will, there is a way.

Wayne Kubat, Box 874867, Wasilla, AK, 99687, states that if you do not stick your neck out you do not get anyplace. The people crying about the system today would be crying about the new system five or ten years from now. He feels that the new system would be harder to get into than the current one. Discussion.

There being no further testimony, Ch. Springer adjourns at 9:42 p.m.

<u>December 13, 1988</u>
Tape 8,
Side 1
000 Ch. Springer called the meeting to order at 8:40 a.m. Present were Paul Johnson, Pete Buist, Nick Pierskalla, Pat

Malone representing Rep. Navarre, Gayle Ranney, and Lew Pamplin, Randall Burns, Sen. Ken Fanning, Vernita Cassidy, Cassidy also representing Matthew Iya, Sen. Jan Faiks, Capt. Phil Gilson and Ch. Springer.

008 Ch. Springer asks for adoption of the minutes from the Soldotna meeting held on November 15 and 16, 1988, and asks for changes or deletions.

014 Sen. Fanning suggests that there are a couple of 127 spelling corrections for persons testifying, and asks for adoption of the minutes.

036 Ch. Springer asks if there are any objections to adoption of the minutes. Hearing none, adopted.

040 Ch. Springer announces that the next item on the agenda is the work session. Open questions from previous meetings included insurance. His staff prepared a document, regarding insurance availability and rates. (Reference attachment "Alaskan Aircraft Liability Insurance Rates.")

059 Gayle Ranney, asks what the parameters were, if they are business rates or individual. Purpose for the air taxi.

075 Ch. Springer says he is not certain and will check with his staff, Martha Fischbach. And that he has checked with the Department of Public Safety reference their Policy and Procedures (P&P) regarding law enforcement personnel working as guides or assistant guides--conflict of interest question. The ethics are currently under review by the Commissioner. One case is under review by the Ombudsman which is not currently a public document. The framework nder the ethics code is in place and can be used.
108 Pete Buist advises his group looked into that and that under they agreed, the ethics code is in place and should be strictly enforced.
112 Randall Burns suggested that they recommend Public Safety request a formal ethics opinion from the A.G.'s office, whether or not it is an ethics violation for members of FWP to work in the guide/outfitter profession, rather than to be handled internally.
129 Ch. Springer says they will take it up later before the group as a whole.
150 Ch. Springer requested an opinion as to whether or not a fish violation would transfer to jeopardize a guide license. Discussion.

175 Ch. Springer asks Sen. Fanning for testimony regarding the Alaska Professional Hunters Association meeting which was held December 10 in Anchorage. What is of particular interest to the task force is that there was a panel of

which there were members from federal agencies who made policy statements regarding the supreme court decision and how they will apply that on federal lands.

200 Ch. Springer says it is being duplicated and asks to report on it later.

211 Ch. Springer discusses procedural methods.

261 Sen. Fanning adds that his air taxi, guides questionnaire results will be available, reference the Federal Part 135 requirements.

270 Randall Burns has a handout regarding the number of guides who can contract to hunt.

515 Ch. Springer advises that the task force needs to look at the management system and allocation process. Ch. Springer discusses some handouts from groups, one he's prepared, one has been received by APHA and the Outfitters Association. Discussion. They will work from Ch. Springer's handout. Discussion.

Tape 8
Side 2

000 Ch. Springer discusses area concept and user groups access. Discussion.

10:00 a.m. Ch. Springer announces they will take a 10 minute break.

180 Ch. Springer brings the meeting back to order at 10:15 a.m. He states that there was a question brought up yesterday about law enforcement and asks Capt. Gilson for a response regarding law enforcement violations on private land.

183 Capt. Gilson states that if there was a fish and game violation on private land FWP could investigate that complaint.

193 Ch. Springer asks for a short statement from each task force member reference their positions on activity of commercial user groups regarding utilization of game.

202 Vernita Cassidy states that our wildlife natural resources deserve the best protection that we can give. Everyone who derives financial benefit should be licensed and subject to strong liability for harm. The second consideration should be the people and access to the system--no one class of user should have preference.

270 Capt. Gilson states that the number one priority should be the resource and the second should be the commercial resource users must have the same set of rules to follow. Customary and traditional use have preference and they should have first preference. After that no preference should be given to one user group alone. Air taxi's not flying point to point at established villages, etc. then enter the arena of commercial hunting use and have gone beyond just providing air taxi service and should be regulated. They should all play by the same rules and those rules should be enforceable. No one group should have preference.

330 Paul Johnson feels that residents should have preference first, then that there be a viable commercial user industry with all parties licensed. He envisions a guide-outfitter and a transporter as the two commercial game users with all user groups being licensed.

390 Pete Buist thinks that there should be an equitable, simple, enforceable system and envisions two groups: guide-outfitters and transporters as the commercial user groups.

490 Nick Pierskalla believes that there should be preservation for game and wants game available when his children are grown. Wants all user groups licensed, following understandable, enforceable regulations. Envisions guide-outfitter, expediter, and transporter, but would consider just two. If an area concept, thinks equal access is important. All groups must abide by the laws and should be paramount.

600 Pat Malone believes that the primary concern should be the welfare of the resource. In regards to the commercial aspect of the taking of game, there are three user groups now but the concept of two seem workable. Management of game by areas is okay but not certain about management of people unless it meets every criteria in regards to the Owsichek decision. All user groups should be licensed.

670 Sen. Faiks comments that there have been four local hire laws struck down by the legislature. And cautions the task force that fashioning a bill point by point using the Owsichek decision, well, the chances of having it struck down is likely. Measure the gray areas and use that as a focus. Preserving the animal is the first consideration. The second is the economic benefit--tourism and an industry. There is a spinoff benefit from the hunters. Keep it simple, no matter how many user groups there are, but would favor two groups.
Tape 9
Side One

000 Sen. Faiks continues. She believes that we have to consider the economic benefits to the people who have been working within the legal framework of the system, some have invested a substantial amount in the guiding areas, and we shouldn't turn our backs on them. Everyone should be licensed, play by the same rules.

010 Gayle Ranney believes that we need to have time to phase in a new system, and be certain we have time to get information to the hunting public. We need time to get information to people in the small communities. It is not as simple as it may be in Anchorage or the larger communities. As far as the airplane and Part 135, it is imperative that you realize that there are many more airplanes in Alaska now, and many of these people are trying to make a living by using their airplanes. Imposing more restrictions will not be well received by that industry. Some guides are doing more flying than guiding and should have a Part 135 for safety reasons. It is also important that the hunter be a consideration. Must keep the resident hunter in mind, too, many of whom are using air taxi's for transportation. When you talk about limiting what services a transporter can supply it's important that you don't leave people in the field without adequate supplies. Discussion.

150 Lew Pamplin states that his number one priority is for protection of the game resources. Secondly, the economic benefits to the state. Keep in mind the quality of the experience for both residents and non-residents. Must keep in mind too, a clarification, that we are not speaking about commercial hunting, we are speaking about commercial services, and there is a vast difference between the two. Thinks we should license all users, a simple system with standards of ethics, fairness, with annual reporting requirements. There should be minimum penalties for anyone convicted of serious game violations, they should lose their license, for perhaps a year or more. Should have oversite by a non-partisan board or commission to administer commercial users. Also resident hunters as well as non-resident hunters---those using commercial services. Probably divided into two or three user groups. Thinks probably two groups would be easier to manage, but there should be room for combination licenses and statewide application.

260 Randall Burns thinks that enforcement is very important. If not enforced properly, no progress will be made. Favors simple, and two user groups. Transporters should include air taxi's and they should be licensed. Some restrictions placed on non-residents in order to protect the resident hunters and subsistence.

Need to discuss the problems which have arisen with air taxi services in regards to the rural testimony we have had. And economic benefit is very important to the state.

425 Sen. Fanning believes there should be two licensed classes with no gray areas. Should be simple to enforce that system. Viable commercial game industry with professionals who are providing services to the public. Must have stability in the commercial game industry. Guide-outfitter, and transporters should be the two groups. Transporters should only provide transportation, nothing else. As far as the concern that some classes of service will not be provided. Well, a guide-outfitter can provide only outfitted hunts or only guided hunts. What you then can ensure is the safety of the hunter and level of professionalism. As there becomes a responsibility to fill out forms, pay license fees, and submit activity reports, the number of air taxi's running large volumes will be reduced. Discussion.

Tape 9
Side two.

034 Matthew Iya, presented by Vernita Cassidy. Should be user friendly and must provide access to all. Is not opposed to ten or 15 year leases, but there should be equal opportunity for all and be open for young people to enter this system. Stability of the guiding industry, can help, but does not think the state should subsidize the industry. Discussion.

130 Sen. Faiks asks about constitutionality of having a quota system, a certain percentage of assistant guides being residents vs. non-residents in the industry, or in an internship program.

132 Steve White advises it would be the same thing we required for local hire, but an internship program would be fine but when you begin to distinguish between residents and non-residents you begin to run into problems.

135 Vernita Cassidy thinks it would be helpful if the task force made a recommendation that there be an internship program, even if it on a volunteer basis.

170 Sen. Fanning speaks to the rural resident concern. That the Class A Assistant Guide was for designed for rural participants. In 1982, the Marine Mammal Guide was established. The Supreme Ct. in the Owsichek case eliminated special preference for rural residents which the guide board specifically put in. Guide Board eliminated non-residents from holding areas was struck in the Owsichek case---specific preference shall be given to qualified,

available and willing licensed guides who reside within the designated game unit.

200 Ch. Springer states that commercial means business, and one item necessary is economic viability, with enough flexibility to react. Quality to cost is paramount. Quality is an important factor, particularly. He indicated three groups from an activity standpoint but believes there should be two user groups. Guide-outfitter and transporters, the third group doesn't meet the criteria of simple, reliable and enforceable. Status of non-residents to those user groups--aliens need guide-outfitter, historically before World War I, all non-residents were required to have guides. Ed Hein's opinion supports that, but one problem has been with consistency has been the elimination of black bear and goat from the required species list. Addition of all big game animals would simplify that. Also, to address an interim period. Discussion.

430 Ch. Springer states that there has been a fairly heavy consensus that there should be a two group concept, without delineating yet exactly where the boundary is. I know Gayle hasn't made up her mind yet and Nick favoring three although there could be two. Is there any objection to work in the direction of two group concept?

450 Ch. Springer states that anyone providing hunting services in the field is a Guide-outfitter, and anyone providing other services is a transporter. Discussion. No objections.

600 Ch. Springer recesses for lunch at 11:55 a.m. and wants to reconvene in sub-groups after lunch until 1:30 p.m.

630 Sen. Fanning brings the meeting back to order at 1:30 p.m. and with some absences has changed the work group composition to two groups to reconvene at 2:45 p.m.

Tape 10
Side 1

000 Ch. Springer brings the task force back to order at 3:20 p.m. and advises that Tom Koester is present. And asks Sen. Fanning to report on land managers report before APHA.

010 Sen. Fanning reports on the news release which he advises discusses the position of federal agencies. The USFWS announced that as an interim policy for an existing Alaska wildlife refuges it will authorize or permit commercial operations only to those who held such

authorization or permits in 1988 and who applied for them in 1989. The net effect of the policy is that they will not authorize new operations on Fish and Wildlife refuge lands. They will authorize the old operations both from a standpoint of land use permit and commercial permit required to hunt on USFW land. National Park Service also said that the Owsichek case had little, if any, impact on them.
They intent to continue to place a two-year moratorium on any increased commercial hunting activities. They will maintain the current status quo both in individual operators, number of operators, and number of hunters that those operators take on National Park preserves throughout Alaska. They only allow licensed guides who have permits to operate within the park preserves. They do not recognize outfitters or anyone providing hunting service except transportation. The U.S. Forest Service and Bureau of Land Management both are under similar type schemes. They did not announce moratoriums, but both stated they have priority status regulations which are already in effect and they will use them to ensure there will not be any increase that is detrimental. Any new applications will have to go through a form of environmental assessment which is somewhat time consuming and then if they determine there will be an increase, they will deny or preclude those additional user groups. The state, then, is the only land manager which has not made any decision or reaction to the Owsichek decision. By the federal agencies making that reaction that allows the Game Board to have a better idea of the commercial harvest is going to be on large portions of Alaska. DNR did state that they felt the Owsichek case outlined mechanisms which could assist them to come up with an area system, and a willingness to do that but they did not outline a time frame.

062 Ch. Springer states that was the impression he had received, basically status quo.

065 Sen. Fanning points out that the feds were specifically asked the question--how they could possibly ignore the Supreme court ruling since it dealt with the common use of game in Alaska. That the game belongs to the state and not the federal government. Each one of them fully recognized that the state owns the fish and wildlife resources and it was the state's prerogative to manage the resources. That their only prerogative was to manage the land.

085 Tom Koester, Assistant Attorney General states there is obviously a distinction between land management and regulating the game resource. That distinction has always served in the fisheries area to allow the creation, which at first blush, appeared to be exclusive rights of fisheries. The other side of the common use clause in the

Constitution is a prohibition on the exclusive right of fisheries in Article 8, Section 15. Well that came directly from the White Act, which is a federal statute that governed the taking of fish in Alaska prior to statehood. There was a prohibition in the White Act against creating an exclusive right of fisheries. It was interpreted by the courts to mean is that the fish managers (DOI) couldn't grant an exclusive privilege to fish to any particular group of people. At the same time the Sec. of Interior could lease tidelands. Where the lessee would be the only person allowed to put up a set net. And the distinction is the same one the federal land managers were talking about. They were managing the land, it just happened that they could keep trespassers off the land, so no one else could set up a set net. And that same kind of system is now in place under state law. Our shorelands fisheries lease program which is mentioned by the Supreme Court when it mentions that nothing in that decision is intended to undermine the validity of the shorelands fisheries leasing program. Interestingly, under federal law those sites could only be permitted for one year at a time because the federal courts concluded if you allowed someone to grandfather themselves in, year after year, what resulted was a defacto exclusive right of fisheries. They were on a first in time, first in right. Our shorelands fisheries lease is good for 10 years now and it can be renewed for 10 years. In the case of a protest of a renewal DNR makes an adjudication between the two competing claimants. Many times the criteria are based on frequency of use, past history of use, investment in the area, etc. That has never been challenged. Wouldn't surprise him if it was now, particularly since the predecessor federal law didn't allow anything more than a year at a time. The defense we can make of the shoreland's fishery lease program is that there is a constitutional amendment that authorized limited entry for fish, that common use doesn't apply to fish, at least not in the same way, prior to that amendment in 72. We don't have that amendment in game. What he thinks could be done on state lands, and argue it's validity, would be a commercial guiding concession on a certain tract of state lands, at least for one year, and using the shoreland fishery leasing program as an analog, for a longer period of time. Doesn't think it will survive, Justice Rabinowitz, in his dissent in the Ostrasky decision in limited entry, showed a strong inclination for least restrictive and effective regulation and I'm sure he would conclude, because the common use provision was designed to give the greatest possible access to the resources, he would prefer something in the nature of bag limits and seasons. A credible argument can be made for concessions on state lands, at least on an annual basis, and possibly for a longer period of time. The same conditions between fish and game do not quite apply because

of the limited entry amendment in 1972. But we can make the argument. It would take legislation to do that. DNR does not have statutory authority now to grant those sorts of concessions and to outline the parameters of how that would be accomplished. But at least, in a constitutional sense and stemming from the recent decision, the common use provision there is that avenue that is available to the state.

174 Ch. Springer states it would be basically a lease of services for service rights. Any questions? None.

177 Sen. Fanning wonders if there is a lack of enthusiasm to defend it. The Justice that wrote that nothing is intended to suggest that leases and exclusive concessions are unconstitutional and it specifically talks about concession contracts of limited duration, and so forth. So why is that statement in the decision if that isn't a mechanism that you could legally grant these leases of limited duration.

188 Tom Koester states that he doesn't think that they really look at the constitutionality of those. He thinks what they are trying to say is that we don't want these existing programs that are out there, we don't want you to read this decision dealing with common use of game to clearly foreshadow a ruling on these other programs. That nothing in this decision should be read that these other programs are unconstitutional, but at the same time, he doesn't think they are saying they are constitutional. He doesn't think they looked at the other programs. That wasn't the focus of their inquiry, that's what they were trying to point out. Land, remember, is not subject to common use in the constitution, it's fish, game and waters. Land, inherently can't be used, generally. Once one person is using a particular piece of ground on the earth, it's difficult for another person to make simultaneous use of it, depending on what the activity might be, but two people can't physically occupy the same space. The shore fisheries lease program can be a model, with its ten year term might very well be suspect. Federal courts have always held you can only grant those rights for one year.

220 Sen. Fanning states they do specifically, throughout the decision go through each of the other items. Provide for duration. Doesn't read it that it says that. They went further than that, they said, the reason the other things are O.K. --they did rule on that, they do have time limit duration.

235 Tom Koester states that certainly a credible argument can be made, that there would be nothing improper. He says it's kind of like local hire. You work to find the most defensible position you can, but you can't guarantee it's

going to be defensible and you are going to be accomplishing what effect you desire to achieve. Thinks that a one year leasing program would be very defensible. And 10 years on state land, probable. Discussion.

290 Steve White asks when the concession expires who has the right --can it be based upon a competitive bid, or by a lottery, or is there any criteria.

297 Tom Koester replies that as long as it was perceived as fair competition, it would be O.K. There is a question in the Rabinowitz decision on the Ostrasky case, whether he thinks competitive bidding permits common use. Had concerns about discrimination between the wealthy and the non-wealthy. But it might not be the opinion of the other members of the court. A lottery is another alternative.

317 Lew Pamplin asks if under the common use ruling, it almost implies to him all our permit systems would be invalid because even though everyone can apply, no one has a better chance, it's a random computer drawing.

350 Tom Koester says he looks at Rabinowitz and he was very concerned about the least restrictive alternatives. Is a lease for 10 years the least restrictive alternative that accomplishes the result. If it is, fine. If it isn't then there has to be some further or additional justification. Some other public benefit that comes out of it before the court is going to say it's O.K. The court says that common use is an elevated right under the constitution and when you start chipping away at that you are going to have to have strong justification to do that. And you are going to have to look at other alternatives that are less restrictive on the entire public's access to the resource and make certain you have exhausted all of those because that's the only one that satisfies your goal.

375 Lew Pamplin states that the state authorizing people to provide services to the public in terms of guiding or outfitting or whatever does not prohibit citizens of this state from common use of that public resource. Every citizen can still go use that resource.

378 Tom Koester replies that that is one of the leaps the court makes, offhandedly, that in it's view the providing of services to a non-resident who is going to take game is just as much subject to the common use provision of the constitution as actually taking that game. That is a point we made in our brief, that this is a provision of commercial services. It is not the guide, but the person. But the court simply did not buy.

437 Lew Pamplin asks that if you have a duration, if it is where anyone who meets qualifications and standards, competency exams to protect the public, then, we can't be certain they operate for a few years.

450 Tom Koester says that is what the federal court said under the prohibition on the exclusive right of fisheries which is the flip side of the common use clause. The court may find it troublesome if it came up every ten years, that a person may only have a few shots at it. But there certainly is a concern that in order to maintain a viable industry, allowing people the certainty to make investments and so on. Unfortunately, the court showed very little concern about economics and the viability of the industry.

470 Randall Burns comments. That one of our concerns is that the common use clause should not preclude the viability of the industry. And that this is our attempt to create some climate of stability for the industry as our justifications. More favorable?

490 Tom Koester replies that it would depend a lot on the details but he believes the court would be more favorable. If each area turned over every ten years, but each year there were some areas which were open so there could be opportunities on an annual basis. The court did not seem to pay much credence to the argument of economic viability. Or prior to the amendment to fisheries which specifically included economic distress on fisherman. That is now in our constitution, explicit authority. While I think it would specifically strengthen the argument to have specific findings like that it is no guarantee.

520 Ch. Springer thinks it is a hard hurdle then. Duration of leases have an impact.

550 Lew Pamplin adds that then we can't provide sustained yield. We can protect the resources by shutting down the season, but then we do not have sustained yield. Paradox.

590 Ch. Springer adds that indirectly the private and federal managers are effecting some type of game management.

625 Tom Koester replies that brings up another justification and a specific finding add to the defensibility. Could argue to the Supreme Court, that article 8 does contemplate that there be economic consideration with respect to the use of the land--the maximum benefit to the people. A mere conservation measure is not enough, and there could be a heavy burden of proof necessary to defend it. Why this particular system solve the problem, relevant.

750 Paul Johnson asks about licensed trapping?

758 Tom Koester replies that it is specifically identified as an exception.

Tape 10
Side 2

000 Pete Buist states that he had thought it would take a constitutional amendment for traplines because of the common use clause.

028 Tom Koester -Discussion on agency participation. There are practical concerns in terms of perception---if an agency normally would review leases and it's established through a different agency, the court may look at why it was done. Not as a matter of law but to scrutinize why it was done.
Discussion on land use continues.

120 Fanning --is there a way to protect the people who have an investment.

125 Koester - narrow preference rights, and generally it is the mistake of the official which caused them to miss out.
Common use and land use discussion continues.

423 Ch. Springer asks about a fee schedule outlined and submitted by APHA done by the Guide Board. Surface use coupled with professional assessment. Discretionary decision for the assignment.

450 Tom Koester replies legally probably not, but in terms of what the court views, and scrutiny...is it land management that's going on here, or something else. If DNR is doing it, it will probably conclude it's land management, but if the Guide Board is doing it, it will probably conclude that it is something else. Discussion.

590 Ch. Springer states that unlike squatters, the guides with exclusive guide areas operated within the framework of the law. It may not be a legal obligation, but certainly is a moral one. From a professional standpoint, knowledge of climate, habits of game, climate, etc. doesn't preclude another party from acquiring that type of experience , through assistant guiding. If you are approaching guiding as a profession, there isn't any other reason for it. When other laws for professions have been changed, there were grandfather clauses included. Discussion.

Tape 11
Side 1

000 Koester discusses state and federal statutes regarding grandfather rights.

017 Paul Johnson, states that the guiding profession is set up to try to have the most qualified person in the field and for an area you'd want to have the most qualified person assigned, for the interest of the public. So, you need to devise a system that will ensure competency, any avenues to do that?

025 Tom Koester advises that that is the difficult question. Can see establishing criteria that are perfectly rationale and make a great deal of sense, but that the court may look unfavorably on those kinds of qualification criteria if that results in a simple recreation of the earlier system. Will not defer to the extent it will allow the same status as to individuals as the earlier system that was struck down. Rather the court will say, it is a mere subterfuge and it's really an effort at economic protectionism and you can't do that.
Facts here will play a large part in the ultimate outcome of the court. If the court looked at it and determined it was another way of doing what we already said was unconstitutional then it will find it unconstitutional as well. If it sees that significant changes were made, while some conditions remained, and that people who were previously precluded from entering the system now were afforded opportunity to enter the system, with potential --with whatever renewal system is in place--for others to enter the system then the court will not have the same jaundiced view.

058 Ch. Springer announces that it is 5:00 p.m. and outlines work the task force will take tomorrow. Sen. Fanning passes out the results of the air taxi, guide questionnaire he compiled. Ch. Springer adjourns the meeting at 5:06 p.m.

December 14, 1988

140 Ch. Springer calls the task force to order at 8:30 a.m. on December 14, 1988 . Present are Sen. Fanning, Randall Burns, Lew Pamplin, Nick Pierskalla, Gail Ranney, Paul Johnson, and assistant attorney general, Steve White.

165 Ch. Springer asks Randall Burns to report on Group 4. Those members were Randall Burns, Gayle Ranney, Lew Pamplin, Nick Pierskalla, and Paul Johnson.

170 Randall Burns asks if they can cover user groups. Used guide-outfitter and transporter breakdown. When you put the guide-outfitter into one class of license, we are creating a range of options within. Can provide a range of services to include the wilderness experience. Amend the SFR to distinguish between guided and outfitted hunts. Commercial use permit, guide and transporter, and also commercial use permits should be required of the "black hole" group: lodge operators, air taxi's providing camps, hunt brokers , boats. So all commercial users should be required to have a commercial use permit. Those fees should go to fish and game. Guide-outfitters and transporters would have both an application and licensing fee. Did not spend a lot of time identifying differences between resident and non-resident fees.

246 Paul Johnson asks if the black hole group included tents...private property.

248 Randall Burns replies that they didn't. Mainly the lodges and air taxi's if they provide some other services, where they should fall in, it could be a hole, and we should be leaving any holes. And anyone that has a commercial use permit has to report.

250 Lew Pamplin adds that the idea was to establish permanent facilities. We mainly talked about lodges or cabins.

277 Ch. Springer asks about those that are moveable--tent frames on skids. Semi-permanent.

282 Lew Pamplin states that it won't clean up the problem. It cleans up part of the problem. The problem is the numbers of people, and their access that hammers the game populations. To keep the populations up and a viable industry going, that's why we're really here. If all non-residents are required to have a guide, it doesn't necessarily solve the problem. There are only 8,000 to 9,000 non-resident hunters.

310 Randall Burns asks if he thinks there is a problem with resident hunters.

315 Lew Pamplin replies that it is the hunters and the accessibility. Fish and Game and the Board of Game control all hunting regardless of who it is.

340 Sen. Fanning reports on Group 2 whose members included Sen. Fanning, Vernita Cassidy, Pete Buist, Capt. Phil Gilson and Pat Malone. He passed out a handout (see attachment labeled- Group 2 handout. Discussion follows. The task force agrees to the following changes: item # 2. Class A Guide: delete "employee" of a Guide-outfitter who is required to file the SFR. Change "20" years to "10" years. Add Marine Mammal guide to special class. 3. Add "Assistant" guide, instead of guide. Under Licensing requirements, change commercial hunting permit fee to commercial "services" hunting fee. The Big Game Conservation Fee is essentially a head tax. Add Alaska Business License and transporter license to the licenses a guide-outfitter are required to obtain. Replace guide with "assistant" guide under the (guide designation).
374 Sen. Fanning continues. The guide-outfitter would pay the commercial hunting fee, guide-outfitter license, big game conservation fee for each animal taken. Funds should be earmarked for fish and game fund and if possible, increased and enhanced enforcement. Class A Guide would pay a class A guide license fee. The Assistant guide would be required to pay an assistant guide fee. Transporters would be required to pay a commercial services permit fee, transporter license fee and big game conservation fee. Discussion.

Tape 11
Side2

000 Discussion continues.

145 Ch. Springer calls for a 5 minute break. And brings the meeting back to order at 9:30 a.m.

165 Ch. Springer advises he wants to speak about a management system and asks each member to discuss their views.

170 Lew Pamplin discusses the necessity of coming up with a management plan for state lands - necessary for sustained yield and continued residential hunting opportunities. Geographic based on land ownership or units, or game populations, geography, distribution of the populations. The 26 GMU are geographic and big game population separations. Seasons, bag limits, etc. are administered on these GMU, subunits, specific drainages. If we can do it, favors a system which could utilize this workable system, coincide with the existing system. Need bi-partisan board or commission.

Ch. Springer outlines options: Competitive Bidding, lottery, negotiated lease, pre-qualified or pre-determined prices. Commercial use permits, drawing or registration permit hunts.

435 Lew Pamplin describes the permitting system that ADFG currently uses. There are drawing permits, which are randomly computerized drawings. The next is a registration permit, no limit of people who can apply, but it is administered by a set number of harvest level. With reporting requirements which are closely monitored. At the time of the subsistence issue as a result of the Madison decision, there was a one season, one-time two-tier system. It was on an area basis, a specific (animal) population in a given area. Once residents applied, based on past use, the total was entered into the system. Then those were randomly selected. There are a few registration hunts that do have a cap on the number of permits issued, a first-come, first-served issuance.

520 Steve White asks: On the permit drawing they are given out by lottery. Some principal or law why competitive bidding is not used?

540 Lew Pamplin: No, nothing. Board of Game doesn't he thinks because of political reasons, public would not go along with that. The board would be shot. Discussion.

620 Sen. Fanning believes it is essential to develop a management system which will give stewardship responsibilities to our resource. To commercial users in a specific area. Gives the best opportunity and incentive for game enhancement. I'm not groping for findings to withstand a court battle. We want to establish this as a wildlife management reason. It makes sense, will be beneficial to the wildlife, the residents, and provide stability to the industry. The game resources are not only the property of the people of Alaska but we have elevated them to a level of importance that we have established a clause in our constitution that says the state is charged with sustained harvest yields, and for common use. Our animal properties are in jeopardy on state lands. That is the juxtaposition we are currently facing. It is essential we find solutions this year, this upcoming legislative session. We may need an interim position.

Tape 12
Side 1

000 Sen. Fanning continues. Discussion.

070 Randall Burns disagrees with Sen. Fanning. Doesn't see that a quick fix, by pushing the envelope, will

stabilize the guiding system. Every five years we'll have to develop a new fix for the industry.
Doesn't think that we need a new management system. There were 437 registered and master guides, 251 of which had EGA's. 150 some of which have access now to areas as a result of the Owsichek decision. 70,000 residents, there simply is a limit to the number of animals these guides can take. Let's keep it in perspective. Try to explain a bizarre system to the legislature. If it seems difficult to our body, then maybe it just won't fly. We don't need a new management system. Licensing groups, getting rid of fly-by-nites, resident hunter management, then the problems may be greatly diminished. Then the Division of Wildlife Conservation could approach and develop a new system, rather than a land managed system. Would like to give the supreme court decision a chance for a year or two and evaluate at that time what changes we need.

260 Gayle Ranney states that there is a danger of letting feds take over if we don't come up with a plan. And one group which will certainly be taking note of our actions will be the environmental groups. We do need to resolve and come up with a workable solution. Agree we are speaking about a small group of people. But there is the availability of access by ATV's, airplanes, etc. Favors use of GMU's, rather than the EGA's. If you put those back into effect, it's sort of human nature to toss that right out as being the same approach.

330 Pat Malone. Agrees with some of Randall's points that we may be overreacting. But there are hot spots of game which could have devastating effects on game--very sensitive to over harvesting. Should limit the impact on the resource and provide stability to the commercial game industry. Not certain which is the best approach. Some means of managing the people that use the land, is an area we can look at. Is this a land management scheme or a resource management scheme. I think it may end up a mesh of the two. Leans towards an area system of some type.

390 Nick Pierskalla - thinks that the considerations of the task force: tightening up the transporters, identifying the outfitters. Should have benefits and have licensing requirement for anyone who has some part in the taking of game has some limit, some GMU. Favors a commission with regulatory authority. Some areas may need permit system--ADFG could identify those. May want to limit certain species. Consider influx of more guides (commercial users) into the system. Competitive bid under a management concept---if you have to compete for an area, the highest bidder has to take the most game. And that may be counterproductive. He has to pay for that bid which may have a detrimental effect on the game populations. Reporting information is essential. And violators must be

penalized. Thinks needs to manage the user more strictly than in the past, through licensing and qualifications, and restrictions by area, but not recreate the past system.

520 Pete Buist does not favor having a commission take a look at the problems the task force is assigned to solve. An area concept or some geographic limitation is imperative for realistic game management in Alaska, in deference to ADFG. Lease or concession system seems feasible and defensible. The challenge is to find a system which isn't providing a loophole.

575 Paul Johnson favors a two tier system with stability for the industry. With the marine mammal act, d2, ADFG seasons setting, etc. It just isn't stable. Does not trust a separate system for state lands and one for federal lands. Need statewide system, which is acceptable to native lands, the federal agencies. Favors establishing a commission with statutory authority to develop regulations for commercial users, under a different agency than commerce. Maybe ADFG.

Tape 12
Side two

000 Ch. Springer believes we should have game management by area, perhaps using the GMU boundaries. We have the data on those areas. Favors some type of compensation for those with an investment. Favors board with expanded functions. Not to go back to the old system. Definitely for a land management concept.

140 Capt. Gilson wonders if we could use the limited entry, pre-qualified approach, and allow another avenue for entry to the system.

145 Steve White responds that we cannot have limited entry at all. But you can use the same approach to qualify people for guides --point system. Can take analogies from the system, but we always run up against the problem, that we don't have a constitutional amendment which authorizes limited entry for game management.

175 Capt. Gilson adds that he favors confining commercial uses on a geographical area concept. Not sure if a lottery or other options discussed are the way to go.

195 Ch. Springer asks if there are questions.

196 Nick Pierskalla clarifies that he is not supportive of a statewide 26 GMU concept. Some area restrictions.

266 Gayle Ranney is concerned that under competitive bid scheme, that there may be a controlling interest by out of state people--that funds used for that bid may result in the loss to Alaskan residents.

270 Ch. Springer, you can't avoid it. Except the only person who can bid is the one who is qualified to be a guide-outfitter.

340 Ch. Springer - Are we going to pursue a management based system?

344 Randall Burns asked if we could agree that whatever we are doing in terms of an area system is separate from licensing?

345 Ch. Springer responded he has no problem with that.

380 Lew Pamplin makes an historical statement about the overharvest of bears in the late 60's and early 70's on the Alaska Peninsula. Those population and the age structure are just now coming back. That was accomplished due to restriction on take, regardless of who was taking the game--resident or non-resident. The real factor, was for non-resident hunters, guided, big bucks involved. Tightened up with a restricted area system---that is how the EGA's were established.

460 Roll call vote on area management system: Sen. Faiks: yes; Sen. Fanning, yes, Ch. Springer, yes; Rep. Navarre, yes; Cap. Gilson, yes; Randall Burns, no; Lew Pamplin, yes; Pete Buist, yes; Nick Pierskalla, yes; Gayle Ranney, yes; Matthew Iya, excused; Vernita Cassidy, excused; Paul Johnson, yes. Yeas: 10; Nays: 1; Excused: 2. Motion passes.

505 Ch. Springer discusses the work before them. The 19 points in the letter of intent.

636 Ch. Springer recesses the task force for lunch at 11:40 a.m.

636 Ch. Springer brings the task force back to order t 1:15 p.m.

670 Sen. Fanning discusses the handout, "classes of users" developed by Group 2. Those who legally operated in 1988, in accordance to SB 191 stipulations, and had 2 yrs. prior service prior to that, should be allowed a one time opportunity to waive the six month guide license application period and obtain a guide/license license this year upon passing the examination for registered guide.

Tape 13
Side 1

000 Discussion of user groups continues. Chairman Springer discusses the classification system. Accepted use in North America. Some reference to marine mammal. Replace class A with 10 years, instead of 20. And objection to use of assistant guide. Strike reference to master guide. Retain current qualifications of guides.

092 Ch. Springer asks if there is any problem with the term guide-outfitter. Leave as is. 093 Sen. Fanning, no changes in statute except name change as a registered/master guide.

140 Ch. Springer asks if there is any problem then with category one.

143 Ch. Springer moves to category 2. Discussion of Class A guiding requirements. 08.54.045 stays intact.

220 Nick Pierskalla -remove employee from class a guide definition. Strike employee.

250 Ch. Springer moves to discussion of Assistant Guide.

310 Capt. Gilson reads 12 AAC 38.320, language for supervision of hunt. A master, registered, or Class A Assistant Guide must be in the field and participating in the conduct of the guided hunt whenever assistant guides are guiding.

325 Steve White advises that there is a problem enforcing that regulation. That a guide sitting in the airport at Yakutat was found to be, using standards of the industry, supervising an assistant guide 90 miles away. Could not get a conviction on the guide.

335 Randall Burns advises that the issue is "in the field". Discussion follows.

490 Ch. Springer asks if there is any problem keeping the term "assistant guide".

529 Ch. Springer states there are three classes for the 1st user group: Guide/outfitter; Class A guide; Assistant Guide. (and marine mammal guide as a sub-category).

540 Ch. Springer moves to discussion of Transporter. Discussion.

Tape 13
Side 2

000 Paul Johnson asks Steve White about the "club concept"and describes some problems that have cropped up with charter boats.

220 Ch. Springer requests that Steve White check the specific case and give the task force some advice on this issue.

230 Ch. Springer moves to continue the discussion on transporters.

310 Ch. Springer states that we have decided that both groups a business license is necessary (guide-outfitter and transporters). Any opposition? none.

410 Ch. Springer outlines the requirements under licensing requirements section: Guide-Outfitter would be required to pay a commercial big game services fee, guide-outfitter license fee, big game conservation fee (head tax), Alaska business license, and transporter fee, with fees to be designated to the fish and game fund.

520 Sen. Fanning states that it seems as though the courts have a very difficult time revoking someone's license.

540 Ch. Springer asks George Utermole to take that down.

542 Ch. Springer moves to Transporters. They would have the same requirements for fees as a guide-outfitter, except the guide-outfitter license. (Alaska business license, commercial big game service permit, transporter license fee)
Aircraft transporters would need a Part 135 license, boat transporters would need to comply with the U.S. Coast Guard requirements, and they would need to have a transporter license fee which would be about $25 to $50.

Tape 14, Side 1
000 Ch. Springer asks if anyone has a problem with a fee for a head tax. Discussion.

300 Ch. Springer recesses for 10 minutes.

330 Ch. Springer brings the meeting back to order at 3:30 p.m. Discussion on head tax continues.

440 Vernita Cassidy asks technically if we could split revenues and designate funds to fish and game and enforcement.

446 Randall Burns reads how Occupational Licensing receives funds. The Commissioner of Administration shall separately account for business license and occupational license fees,

deposited in the general fund by the Department. The annual estimated balance in the account may be used by the Legislature to make appropriations to the department to carry out the activities of occupational licensing. Says "may" not "shall" but they have been very good about doing that. And at least if it is separately accounted for you can identify that money and budget based on it.

465 Ch. Springer says there is apparently not a consensus. One idea is to collect a head tax or big game conservation fee for each animal taken, nothing progressive. And asks for a Roll call vote.

476 Sen. Fanning asks for a point of clarification, are we talking about resident or non-resident.

480 Ch. Springer responds. Any animal taken.

480 Lew Pamplin states his understandding that the service provider would pay it. Refers to APHA fee schedule as a possibility. The Legislature could set, by public hearing process.

530 Ch. Springer sets 25 % of the tag fee as a number.

590 Ch. Springer asks if we want to consider a big game conservation fee. Any objection? None.

600 Ch. Springer states the motion: Uniform big game conservation fee for all animals taken and paid for by the providers. Not progressive. Set fee. Varies from animal to animal.

615 Roll call vote. Sen. Fanning, no; Ch. Springer, no; Rep. Navarre, yes; Capt. Gilson, no; Randall Burns, yes; Lew Pamplin, yes; Pete Buist, no; Nick Pierskalla, yes; Gayle Ranney, no; Matthew Iya, yes, Vernita Cassidy, yes; Paul Johnson, no; Sen. Faiks, no. Nays 7, yeas, 6. Motion fails.

650 Ch. Springer asks if there is anyone who wants just residents to pay that fee. Uniform, too.

660 Ch. Springer says that leaves non-residents. Discussion. Asks Pat Malone to draw up a matrix with the questions regarding head tax to be voted upon on the following day.

Tape 14
Side 2

000 Ch. Springer discusses agenda items. in the field, permanent shelter, annual report. black hole, and clarify "in the field."

030 Sen. Fanning discusses "in the field: and his concern for having an adequate definition. Discussion of the loopholes for some parties currently not regulated, and the types of services provided.

154 Ch. Springer asks if anyone objects to just leave that black hole participant group alone, to forget about regulating them.

155 Paul Johnson asks if we are going to require that a lodge owner, cabin owner pay a fee, a commercial big game services fee and if that is on each cabin.

168 Sen. Fanning says the main thing is that you want the reporting requirement and you want protection to know where the cabins are located.

175 Ch. Springer asks if there is anything more on licensing requirements.

195 Ch. Springer moves to discussion on Part 135 requirements, as it currently is in SB 191, that a Part 135 is required for operations. The categories can be identified into groups, those guides that fly as a support activity in the field, shuttling from base camp to town; guides who shuttled clients from town to lodges, incidental to guiding operation; already had a part 135 and conducted a combined guiding/air taxi operation. The second group frequently will not be doing any bush flying. He had no problem personally not requiring a Part 135, unless they are operating point to point from a certificated airport or from an airport listed in an airmen's manual, then it is a separate operation.

257 Sen. Fanning speaks to the results of the questionnaire he previously passed out. The vast majority of guides were opposed to Part 135 requirements being imposed. One of the most compelling arguments is the inconsistency between activity, if a party is hunting it's required, if they are fishing it's not required. Results from the air taxi's were split between Air Carrier Association members and those who were not. Varied responses. Comments are valuable for task force members to review.

295 Sen. Fanning advises he is familiar with how the Part 135 requirement became part of SB 191, and subsequently law. That it had nothing to do with safety. It had to do with aircraft harvest, not safety, and that was not a consideration. No comparison between air taxi's and guides safety records was ever brought up. The vast majority of

the guides and many of the air taxi's, are opposed to the Part 135 requirement. The results indicate there are approximately 130 guides who are, or will,apply for air taxi certification. While that may not seem significant, there are currently 168 existing air taxi's operating in the state. And that influx could have detrimental influence on the game populations. Certainly, there are illegitimate operators hiding under the guise of trip providers--not just hunting trips, that are dodging the insurance and licensing requirements, which should be dealt with. There will be a bill introduced next session which defines "incidental" and should better address that issue.

390 Randall Burns thinks there are legitimate reasons for requiring Part 135. But is also concerned about availability of insurance. Don't think we should require guides whose flying is incidental to their operations be required to have Part 135.

480 Gayle Ranney thinks liability insurance should be required. Those other than incidental should go Part 135. Discussion continues.

Tape 15
Side 1

000 Pat Malone agrees with Ranney about liability insurance.

090 Nick Pierskalla does not think everyone under all circumstances should have Part 135. He agrees with Sen. Fanning's "incidental" definition.

115 Pete Buist clarifies that they were talking about protecting the hunter, not insurance. Consumer protection is the paramount consideration. He is opposed to a Part 135 requirement for guides providing flying at least to their out camps. Flying is not incidental, however, to a transporter using an airplane. Adding to the FAA's job of enforcing the federal regulations by adding more air taxi operations to check will not help the situation. It did not seem fair to require Part 135 of those people when others such as those offering fishing trips could operate legally without it.

209 Paul Johnson felt they were overloading a bunch of little guys, with user fees, license fees, head tax, etc. He suggests keeping it simple and letting the feds sort it out.

246 Randall Burns notes that there was some disagreement within the industry regarding the feasibility of letting the feds take care of it.

258 Paul Johnson clarifies that since it was a federal law, the feds should handle it.

375 Phil Gilson thinks that if the flying was incidental they should not have Part 135. Incidental flying would have to be reasonably defined. A brief discussion of "incidental flying" ensued, with no outcome.

492 Vernita Cassidy notes that she and Matthew Iya had not discussed insurance or Part 135. She wants to see a system of either Part 135 or liability insurance. "Incidental" flying was too hard to measure and should not be a consideration. Rather, she thinks it should be a matter of how many hours the pilot flies per year, or miles or perhaps a combination.

613 Steve White wonders what the rational for requiring Part 135 was if not for public safety. Their position needed to be defensible. As a federal law, it was not the state's problem.

625 Ch. Springer explains that the FAA distinguishes the need for Part 135 by whether or not one is in the commercial transportation business. Incidental flying is where the airplane is not the primary source of income.

679 Nick Pierskalla points out that pilots do not want to get hurt either.

704 Sen. Fanning spoke to the costs involved and referenced the survey he had done. (Reference Handout # .) Costs for air taxi certification ranged from $5,000 to $10,000. In a current workman's compensation court case, the state was now offering an individual $45-50,000 to get a commercial and instrument rating.

Reference Handout on "Alaskan Aircraft Liability Insurance Rates." Insurance was difficult to obtain. It had been suggested that air taxi insurance was more extensive than guide insurance. The referenced chart showed otherwise, as did the survey he had done.

786 Ch. Springer interjects with information from the latest "Hunting Report", which stated that the hunting industry was in a state of shock. It noted that there was no way for a non-resident to book a hunt in Alaska with any confidence. A "wait and see" attitude was considered the best bet.

812 Ch. Springer asks if there was any objection to the Task Force staying away from a legal definition of what "incidental" meant, and leave to the feds their idea of Part 135. No objection was made. Secondly, it seems the majority feel that Part 135 is not applicable to guiding

operations in cases where it is incidental to the operation. There was some disagreement relative to the degree of consumer protection that was necessary, through insurance or bonding. Insurance was not a competitive market since so few had it and it was expensive. He questions Steve White regarding public transportation protection.

889 Steve White feels there was no legal requirement the state could impose for insurance protection. It was a matter of discretion of the Legislature, whether they wanted to or not. If a requirement were passed that would put a burden on someone, it would have to be justified, show reasonable cause.

912 Ch. Springer feels that the crux of SB 191 went in that direction, but the hang up was with the "incidental" point.

940 Randall Burns clarifies Cassidy's position that she would not have a problem striking the Part 135 requirement if there was liability provision. Discussion ensued on various scenarios.

1048 Ch. Springer notes that another problem area in SB 191 dealt with the definition of "for compensation or hire." There was further discussion on insurance issues.

1122 Ch. Springer summarizes three possibilities relative to insurance. 1) Do away with Part 135 requirements. 2) Require liability insurance in the absence of Part 135 requirements. 3) Do away with insurance requirements and ask the legislature or somebody to look into consumer protection.

1161 Randall Burns made a motion to drop Part 135 altogether out of this law. The motion was seconded by Vernita Cassidy.

Tape 15
Side 2

165 A roll call vote is taken. Voting is as follows: Rep. Springer, yes; Rep. Navarre, yes; Capt. Gilson, yes; Randall Burns, yes; Lew Pamplin, yes; Pete Buist, yes; Nick Pierskalla, yes; Gayle Ranney, no; Matthew Iya, no; Vernita Cassidy, no; Paul Johnson, yes; Sen. Faiks, yes; Sen. Fanning, yes. Tally is 10 yes, 3 no, 0 absent. Motion passes. No other motions were made on Part 135 requirements.

240 Sen. Fanning wants to make clear his vote meant that if flying was not incidental, the license was necessary. If the flying was incidental, the license was not

mandatory. Any guides who had flying as a large portion of their business did have to have air taxi licenses. Gayle Ranney agreed.

275 Ch. Springer says it was clearly understood that the task force was recommending not imposing a state law under the federal law. Guide-outfitters were not exempted from federal law.

288 Gayle Ranney feels that since they were addressing the matter, they needed to make a statement about it. Others agreed.

337 All task force members are clear as to what was voted on.

342 Ch. Springer adjourns the meeting at 5:30 p.m.

December 15, 1988

378 Ch. Springer reconvens the meeting at 8:35 a.m. on December 15, 1988. Members present were Paul Johnson who was also representing Pete Buist, Nick Pierskalla, Gayle Ranney, Lew Pamplin, Randall Burns, Sen. Ken Fanning, Capt. Phil Gilson, and Ch. Springer. Absent were Sen. Faiks, Rep. Navarre, Matthew Iya, and Vernita Cassidy. Also present were Steve White and George Utermole.

394 Ch. Springer outlines current status of tasks, and suggests a timeline.

580 Various members stated items they would like addressed by the task force. Ch. Springer listed other areas of concern.

Pat Malone, representing Rep. Navarre, arrived at 8:40 a.m.

725 Ch. Springer references outfitters, integrating them into the system and difficulties associated with them. Recognizing past activities in the absence of licensing and sporting requirements was one of the problem areas. Establishing an application process would assist in that area. Recording requirements were a concern. Various members mentioned issues of importance to them, giving examples and ramifications.

Tape 16
Side 1
000 Nick Pierskalla discusses the transporter parameters and fees and a transition for outfitters to enter the guiding industry. Develop parameters. Discussion.

075 Ch. Springer states they are speaking about a mechanism to transfer an existing group which doesn't fit into the system, the access to that system, grandfathering into the system those who have complied with the laws. Discussion.

Tape 16
Side two

000 Ch. Springer proposes that in lieu of the discussion, they take those operators (outfitters) who operated legally for the past three years (1986, 1987, and 1988), furnish proof of that business activity in the form of a business license, IRS, or financial statements documenting that activity, that have complied with the outfitter's requirements under SB 191, be allowed to pass an exam within one year, in order to have a transition mechanism to grandfather those individuals into the system. And asks if there are any problems with that.

030 Sen. Faiks wonders if Commerce could run an additional exam, if necessary.

032 Randall Burns says sure, it wouldn't be a problem. Turnaround is about a day for results.

040 Ch. Springer asks if anyone has a problem with the transition system. Hearing none, he moves on to assistant guides.

070 Sen. Fanning clarifies that what we are talking about are those parties who complied with the camp registration and transporter reports. Those 32, or however many there are that complied. Because if they didn't do the camp registration they were involved in transporting or something else.

097 Ch. Springer asks if someone wants to formulate what he just said, and vote on it.

100 Randall Burns agrees and states "so moved".

101 Ch. Springer asks if there is any opposition to that. Then it's unanimously accepted.

105 Sen. Fanning, asks Randall Burns if he can go through the records to determine if there are assistant guides who have 3 years of qualifications that have not legally hunted for five years.

107 Randall Burns is uncertain but will check.

135 Ch. Springer recesses the task force for a short break.

177 Ch. Springer brings the task force back to order. Clarification on the one year period. Present outfitters would continue under their present operation for 12 months, or such time that they pass the guide exam and become guide-outfitters. And asks if that is what everyone understood. No comments.

200 Ch. Springer moves to definition of "in the field". Discussion.

310 Lew Pamplin suggests a definition as being: "In the field" means any area outside of established, year around dwellings, businesses, and other developments normally associated with villages, towns, or cities excluding hotels and roadhouses located on the state highway system.

360 Ch. Springer asks if there is any problem concerning the definition of "in the field".

430 Ch. Springer moves to the issue of the guide board. The guide board has been a policy making board. Expanded the users groups to make it broader access to groups. And moves to the concept of expanding that board. What the federal agencies are doing is of utmost importance because they indirectly control the commercial activities of game on federal lands. Tom Koester has testified that historic precedence has been used in the control of fisheries through the control of access. They have heard testimony from the native corporations that they are going to look at contractual agreements with specific service providers by giving them exclusive or semi-exclusive rights. Land management has then taken a very important role in the whole use system.

490 Ch. Springer asks if there is anyone who doesn't think the present guide board should be expanded.

500 Randall Burns poses that he doesn't object, but does think that the licensing function should be kept separate from the leasing or assignment of areas. Discussion on boards continues.

Tape 17 Side 1
000 Discussion on composition of a board continues.

005 Lew Pamplin agrees with Randall and suggests that there be an expanded board and set up a process to deal with area management of commercial users separate from licensing.

260 George Utermole states that there are two separate approaches that the task force can take to allocate areas amongst guides. One, control the right to harvest, which is the right to take game administered through ADFG. Or control the right to access land to take game which would be done through DNR and would apply only on state lands, essentially one-third of the state.

270 Ch. Springer advises that they are homing in on the surface use access solution.

275 Steve White from a legal standpoint as far as defending this system, this area access system, it would be a lot more defendable if it is run through DNR. Because any opportunity of creating that system has to be analogous to the system that are already managed through this shoreline fisheries lease program.

340 Ch. Springer states that they could have the umbrella policy and the interaction between private, state and federal landholders under the Joint Land Use Council. Have the area designation and assignment with ADFG and the Game Board. Mechanism for transferring concessions and surface use rights with DNR. Provides access to the system.

030 Sen. Faiks wonders if Commerce could run an additional exam, if necessary.

032 Randall Burns says sure, it wouldn't be a problem. Turnaround is about a day for results.

040 Ch. Springer asks if anyone has a problem with the transition system. Hearing none, he moves on to assistant guides.

070 Sen. Fanning clarifies that what we are talking about are those parties who complied with the camp registration and transporter reports. Those 32, or however many there are that complied. Because if they didn't do the camp registration they were involved in transporting or something else.

097 Ch. Springer asks if someone wants to formulate what he just said, and vote on it.

100 Randall Burns agrees and states "so moved".

101 Ch. Springer asks if there is any opposition to that. Then it's unanimously accepted.

105 Sen. Fanning, asks Randall Burns if he can go through the records to determine if there are assistant guides who have 3 years of qualifications that have not legally hunted for five years.

107 Randall Burns is uncertain but will check.

135 Ch. Springer recesses the task force for a short break.

177 Ch. Springer brings the task force back to order. Clarification on the one year period. Present outfitters would continue under their present operation for 12 months, or such time that they pass the guide exam and become guide-outfitters. And asks if that is what everyone understood. No comments.

200 Ch. Springer moves to definition of "in the field". Discussion.

310 Lew Pamplin suggests a definition as being: "In the field" means any area outside of established, year around dwellings, businesses, and other developments normally associated with villages, towns, or cities excluding hotels and roadhouses located on the state highway system.

360 Ch. Springer asks if there is any problem concerning the definition of "in the field".

390 Sen. Faiks suggests that Commerce be involved. And that there be a lead agency.

396 Ch. Springer envisions ADFG as the lead agency.

410 Sen. Fanning thinks there are too many layers involved.

430 Sen. Faiks suggests that we have the Big Game Conservation Board contract with DNR to do the leases.

440 Steve White advises that he does not see a legal problem with that. It is a matter if you're going to have one agency primarily responsible and then have to contract out that responsibility to someone else. It is still with that primary agency. Make sure that one board has the statutory authority to delegate that to someone else.

450 Sen. Faiks adds that it must be that they "shall" delegate that function to DNR, not that they may delegate it.

370 Lew Pamplin agrees Sen. Faiks. Have a Big Game Services and in statute would be two primary functions. One licensing and the other area concepts. On the licensing portion the members would be different than the area management.

530 Ch. Springer advises that we have a suggestion to create a multiple purpose board which would set policy for licensing and for area conception development and as a contracting agency with DNR for an area concession basis. And asks if anyone has a problem with that before they get into the composition of that board.

545 Pat Malone wants to be sure that the primary concern shall be for the management of the resource.

555 Ch. Springer advises that that has been adopted already by this task force that the primary interest is for the resource.

610 Sen. Fanning suggests that the composition of the board is really present at this table now, the current task force has a representative from the various agencies and commercial entities.

615 Ch. Springer advises that they could adopt that in principle, but the adjustment for new appointments will come during the next legislative session, his replacement, and Sen. Fanning's.

686 Ch. Springer recesses for lunch at 11:45 a.m.

690 Ch. Springer brings the task force back to order at 12:45 p.m. Ray DeMarche sent the white papers up and advises that members pick up one. Advises that the Supreme Court granted a stay on the implementation of the Owsichek decision until June 1, 1989.

Tape 17
Side 2

000 Sen. Fanning advises that a bill has been prepared for prefiling a bill to extend the task force by Rep. Gruenberg.

050 Ch. Springer asks the Board would interrelate to the licensing and managing function.

060 Sen. Fanning states the Guide Board would continue to handle the function of the Guide Board functions until the Legislature passes an Interim Task Force. Replace the Guide Licensing Board with a Commercial Big Game Services Board. Composition of that board would be members from the public, the legislature, agencies and user groups. That board would deal with all the existing authorities. Occupational Licensing would do the licensing, testing, etc. Board would regulate all the activity of the transporters, guide-outfitters--the ethics, etc. Then, they would develop the management concept we talked about. That board would not make any decisions about who was assigned areas. 090 Sen. Fanning continues that you'd ask the Legislature to continue the task force specifically to flesh out the parameters needed in order to implement a management system for the state.

099 Ch. Springer asks if anyone has a problem to pre-file a bill to extend the task force.

115 Sen. Fanning and Lew Pamplin agree that they would like to see a specific purpose for the task force to deal with the area concept.

120 Ch. Springer asks if there is any problem with that. None.

125 Ch. Springer moves to discussion on the permanent board, the composition, which will address the tasks regarding the DNR, policies and licensing. Discussion.

Commercial User Board consisting of 2 Guide-Outfitters, 1 transporter, 1 ADFG, 1 Enforcement, 1 State Land Manager, 1 Native Land Manager, 1 public member and 1 game board member.

364 Ch. Springer asks if there are any objections to that.

390 Sen. Faiks suggests that Commerce be involved. And that there be a lead agency.

396 Ch. Springer envisions ADFG as the lead agency.

410 Sen. Fanning thinks there are too many layers involved.

430 Sen. Faiks suggests that we have the Big Game Conservation Board contract with DNR to do the leases.

440 Steve White advises that he does not see a legal problem with that. It is a matter if you're going to have one agency primarily responsible and then have to contract out that responsibility to someone else. It is still with that primary agency. Make sure that one board has the statutory authority to delegate that to someone else.

450 Sen. Faiks adds that it must be that they "shall" delegate that function to DNR, not that they may delegate it.

370 Lew Pamplin agrees Sen. Faiks. Have a Big Game Services and in statute would be two primary functions. One licensing and the other area concepts. On the licensing portion the members would be different than the area management.

530 Ch. Springer advises that we have a suggestion to create a multiple purpose board which would set policy for licensing and for area conception development and as a contracting agency with DNR for an area concession basis. And asks if anyone has a problem with that before they get into the composition of that board.

545 Pat Malone wants to be sure that the primary concern shall be for the management of the resource.

555 Ch. Springer advises that that has been adopted already by this task force that the primary interest is for the resource.

610 Sen. Fanning suggests that the composition of the board is really present at this table now, the current task force has a representative from the various agencies and commercial entities.

615 Ch. Springer advises that they could adopt that in principle, but the adjustment for new appointments will come during the next legislative session, his replacement, and Sen. Fanning's.

686 Ch. Springer recesses for lunch at 11:45 a.m.

365 Ch. Springer suggests that some avenue that agrees with the supreme court criteria, suggest what an agency needs to do, legislatively or regulatory in order to get there and give that type of recommendation. There are too many unknown factors to work out every detail. And asked if there were any problems with that approach.

400 Ch. Springer suggests that they will basically be working with DNR. Discussion ensues on the stay of motion on the Owsichek decision.

515 Ch. Springer suggests that we will recommend to that board that ADFG draw up system of wildlife management principles for area management consideration on all lands. DNR on state lands develop surface use rights system acceptable to all applicants. Discussion.

575 Ch. Springer asks if there is any problem with ADFG being the lead agency. O.K. None.

580 Ch. Springer asks if there is any problem with having that board as a contracting agency with DNR for the implementation process. Any problems. Discussion.

590 Discussion regarding funding for computerizing GMU to subunits and the possibility of using Occupational Licensing funds which were earmarked for mapping to assist ADFG.
Tape 18
Side 1

000 Sen. Fanning comments on base camp registration. Discussion follows.

349 Sen. Fanning notes the three major points the courts wanted: 1) open access system; 2) money to the state; and 3) time limit duration. Vernita Cassidy did not agree with the open access system. Ch. Springer comments that it was on a first come, first serve system.

398 Steve White says they are getting into an area management scheme issue. Vernita Cassidy expresses concern about the intent and equal access. Randall Burns does not think they should be doing it. Ch. Springer points out those were private land situations and nothing could be done about it.

517 Sen. Fanning says that what they were saying was that in order for the state to handle who commercial users would be, it would show them where to go to pick up the statement of financial remuneration. It said if you wanted to hunt in Unit 20, you would have to be licensed in that unit to guide and register a base camp in that unit, with no base camp closer than 10 miles to another. Discussion continued

on the subject. Ch. Springer suggests for purposes of discussion, they could forget about implementation of a permanent system by fall hunting season (1989).

753 Lew Pamplin comments on a two year time line for having the system completed on a statewide basis.

871 Ch. Springer summarizes that there is not sufficient time to consider timely implementation, bringing them back to the interim solution previously discussed. He asks if there are any objections to letting anyone guide anywhere they wanted, with the only requirement being that they register their camp, keeping in mind milage considerations, etc.

890 Randall Burns says it would make sense to him for the guide board to limit registration to three game management units. Ch. Springer notes that the task force could send a request to the guide board and/or make a suggestion to the Legislature.

1031 Randall Burns moved that the task force recommend that the guide board consider recommending that guides be limited to certification for no more than three game management units. Vernita Cassidy seconded the motion.

1049 Voting is as follows: Rep. Navarre, yes; Capt. Gilson, yes; Randall Burns, yes; Lew Pamplin, yes; Pete Buist, yes; Nick Pierskalla, yes; Gayle Ranney, yes; Matthew Iya, yes; Vernita Cassidy, yes; Paul Johnson, yes; Sen. Faiks, yes; Sen. Fanning, no; Ch. Springer, yes. Tally is 12 yes, 1 no. Motion carries. The recommendation would be written to the guide board, just for the interim transition period.

1069 Ch. Springer inquires if there is a motion to limiting relative to miles and proximity.

1090 It was moved by Sen. Fanning and seconded by Randall Burns that in order for any guide to guide anywhere in the state he would have to be licensed to guide in that unit and also have a camp registered in that unit, and that no camp could be registered closer than 10 miles to another camp, unless the people involved agreed. Discussion followed.

Tape 18
Side 2

000 Voting is as follows: Capt. Gilson, no; Randall Burns, yes; Lew Pamplin, no; Pete Buist, yes; Nick Pierskalla, no; Gayle Ranney, no; Matthew Iya, no; Vernita Cassidy, no; Paul Johnson, yes; Sen. Faiks, no; Sen.

365 Ch. Springer suggests that some avenue that agrees with the supreme court criteria, suggest what an agency needs to do, legislatively or regulatory in order to get there and give that type of recommendation. There are too many unknown factors to work out every detail. And asked if there were any problems with that approach.

400 Ch. Springer suggests that they will basically be working with DNR. Discussion ensues on the stay of motion on the Owsichek decision.

515 Ch. Springer suggests that we will recommend to that board that ADFG draw up system of wildlife management principles for area management consideration on all lands. DNR on state lands develop surface use rights system acceptable to all applicants. Discussion.

575 Ch. Springer asks if there is any problem with ADFG being the lead agency. O.K. None.

580 Ch. Springer asks if there is any problem with having that board as a contracting agency with DNR for the implementation process. Any problems. Discussion.

590 Discussion regarding funding for computerizing GMU to subunits and the possibility of using Occupational Licensing funds which were earmarked for mapping to assist ADFG.
Tape 18
Side 1

000 Sen. Fanning comments on base camp registration. Discussion follows.

349 Sen. Fanning notes the three major points the courts wanted: 1) open access system; 2) money to the state; and 3) time limit duration. Vernita Cassidy did not agree with the open access system. Ch. Springer comments that it was on a first come, first serve system.

398 Steve White says they are getting into an area management scheme issue. Vernita Cassidy expresses concern about the intent and equal access. Randall Burns does not think they should be doing it. Ch. Springer points out those were private land situations and nothing could be done about it.

517 Sen. Fanning says that what they were saying was that in order for the state to handle who commercial users would be, it would show them where to go to pick up the statement of financial remuneration. It said if you wanted to hunt in Unit 20, you would have to be licensed in that unit to guide and register a base camp in that unit, with no base camp closer than 10 miles to another. Discussion continued

Fanning, yes; Ch. Springer, no; Rep. Navarre, no. Tally is 9 no, 4 yes. Motion fails.

289 Ch. Springer states that the purpose was to get an interim function so the hunting in the fall season of 1989 could take place. Sen. Fanning explains that the purpose is to assure a guide that there would not be other guides within ten miles of him, improving the quality of the hunt, duplication of effort and concentration on one group of animals.

362 Ch. Springer brings the long term solution issue before the task force. He would be comfortable making the suggestion that DNR shall develop procedures that allowed access under the supreme court decision for everyone to use the management areas as they had been established (concessionaire or competitive system) for state lands.

423 Based on testimony from Mr. Koester, Ch. Springer notes that 1) the state did not have a statutory mechanism for concessions in existence and 2) surface right assignments had not been sufficiently studied. Randall Burns wants them to also at least look at F&G doing a commercial allocation system. It seems weird to try to do game management through land use.

526 Ch. Springer asks if there is any objection from anyone to limit the task force role to the stated plan, make it a suggestion, keeping in mind that the set-up was currently that they would stay involved in that subject in an interim role. Basically, they would ask DNR to tell them what problems they had, what schemes they could do, to comply with state procurement laws and with the supreme court decision. There were no objections.

580 Ch. Springer reviews remaining issues to be considered. He recesses the task force for a brief break.

659 Ch. Springer calls the meeting back to order. Steve White introduces information on the "club" situation. He describes the spcecific scenario. "Club" is an organization where members hold equal shares. The matter is one of definition. This type of operation should be either included or excluded from a charter operation. For the task force purposes, in their issues, it would be a matter of definition, of the person a license is issued to, a "natural person."

768 Randall Burns made a motion to have George Utermole to draft language that would prohibit clubs and associations attempting to get around being licensed as a commercial taker of big game. Lew Pamplin seconded the motion. Sen. Fanning notes the problem is with the air taxi, federal

regulation not state licensing. He gives an example. Discussion ensues.

896 There was no objection to the motion.

898 Ch. Springer brings up the subject of the Part 135 recommendation and letter to be written to the FAA. Gayle Ranney also wants it included with the task force statement. She reads the statement she wants included. (Reference attachment "Part 135 recommendation"). There being no discussion or objection to including the statement, it was so ordered.

953 Ch. Springer brings the penalty subject before the task force. Sen. Fanning moves to subpoena Judge Rabinowitz to come before the task force to explain the Owsichek case. Vernita Cassidy seconded the motion. Sen. Fanning feels it would be important, especially if considering extending the task force, to have Judge Rabinowitz testify to shed light on some of the issues of concern. Discussion followed. They feel an invitation would be sufficient.

1020 Ch. Springer advises that one of the most often repeated objections to SB 191 and most often referenced in correspondence was the felony clause in the penalty section. Several attorneys had expressed feeling that it was excessive in relationship to the misdoing that was happening. It was suggested to change it to a misdemeanor.

1040 Vernita Cassidy favored the point system but wanted to reserve the felony charge in cases where there was severe impact on game populations in a given area. Ch. Springer points out that those things were not covered in the act. The issue was discussed. Tape 19 Side 1

000 George Utermole discusses level of fines levied. And that the court would probably make it a felony.

010 Randall Burns offers to check with Larry Weeks on defensible penalties.

035 Ch. Springer asks if anyone would object to the task force reference writing to the federal agencies (Park Service, USFWS, BLM, USFS) asking them to keep the status quo to allow the state to get their system in place. None.

050 Ch. Springer says there was a question on the qualifications for assistant guides. Discussion.

100 Sen. Fanning makes a motion that they remove the need for a recommendation from a guide in order to qualify to

become a registered assistant guide. Vernita Cassidy seconded the motion.

112 Ch. Springer notes the requirement will be struck.

125 Lew Pamplin asks that some additional requirements will be added to the testing to include big game regulations, identification (7/8 curl vs. full curl rams, etc), trophy care, CPR. Discussion.

225 Ch. Springer adds that hunted two years in the state, within the last five years,

260 Ch. Springer asks if there is any object to change the minimum age from 19 to 18. Hearing none, it was adopted.

309 Ch. Springer states that we have an entry level position for assistant guide, 18 yr. age minimum, hunting experience in the state for two years (of the last 5 yrs), possesses a first aid card, and CPR. Any objections to that? Hearing none.

325 Ch. Springer moves to Class A Guide. Have lowered the experience level from 20 to ten years, special guide license to stay intact, if applicable.

330 Nick Pierskalla asks that we strike the recommendation.
Discussion.

372 Ch. Springer asks if there is any objection to strike that from the recommendation. Hearing none.

430 Ch. Springer adds that all other applicable state and federal regulations was voted on yesterday.

450 Ch. Springer moves to big game conservation (head tax). Discussion. Asks Pat about his matrix. Discussion.

725 Sen. Fanning makes a motion that we place this tax on non-residents. The commercial user is responsible for collecting that tax. Paul Johnson seconded the motion.

Tape 19
Side two
000 Discussion continues.

046 Ch. Springer states that everyone pays a fee based on tag fee structure of 25%

160 Randall Burns moves to rescind yesterday's vote. Seconded by Vernita Cassidy.

177 Ch. Springer asks if their were any objections? Hearing none.

180 Randall Burns made the motion that there will be a conservation fee based on 25% on all tags.

300 Lew Pamplin makes an amendment for commercial use collected by the commercial services provider.

480 Randall burns withdraws his motion.

518 Randall Burns makes another motion establishes a conservation fee for all guide-outfitters, transporters, and black hole people and that be paid at the time of renewal as a flat fee. 2nd by Paul Johnson.

Ch. Springer asks that they combine the fees. Combine the commercial user fee and conservation fee, which are assessed to the same group at the same time. Combine those fees and specify that 50% of the fees shall go toward conservation and wildlife management.

565 Randall Burns amends the vote to reflect what the chairman just stated.

Discussion.

650 Ch. Springer announces the motion is that we institute a conservation fee payable by the first provider, based on a 25 % fee based on the existing game tag fee structure. 2nd by Pat Malone.

660 Randall Burns yes; Lew Pamplin, yes, Pete Buist, yes; Nick Pierskalla, yes; Gayle Ranney, yes; Matthew Iya, yes; Vernita Cassidy, no; Paul Johnson, yes; Paul Johnson, yes; Senator Faiks, absent; Senator Fanning, yes; Ch. Springer, yes; Rep. Navarre, yes; Capt. Gilson, yes. 11 yeas, 1 nay, motion passes.

701 Randall Burns has a response from Mr. Weeks. Randall lists the recommendations on page two.

743 Ch. Springer makes a motion to accept it just as it is listed on page two, Larry Weeks letter dated November 28. Vernita Cassidy seconds the motion. Any discussion.

Tape 20
Side 1

000 Discussion continues regarding offenses and penalties.

145 Ch. Springer calls for a decision on the second paragraph, whether a misdemeanor would be one or two

months. He asked if there were any objections to using two months.

178 After brief discussion, Ch. Springer asked if there was any objection to using two months and $30,000. Hearing no objection it was so ordered.

196 Ch. Springer brings the subject of other species before the task force.

200 Paul Johnson made a motion to include goat. Gayle Ranney seconded the motion. Ch. Springer states that there were extensive legislative hearings on the question of adding other species and why it was defensible to have sheep and bear on the guide required species for non-residents. Legal advise was that there was inconsistency, that weakened the case, to say the dangers and unique circumstances were sufficient justification for doing it.

251 Ch. Springer restates the motion to add goat to sheep and brown/grizzly bear to be required for guide-outfitter services for non-residents. There being no objections, it was so ordered. Ch. Springer inquires if anyone wanted any other species considered. There are no comments or additions.

277 Ch. Springer brings before the task force the question of necessitating the services of a guide-outfitter for all non-residents, previously discussed. Everyone understood they had just answered that in an indirect way.

308 The subject of state employees being able to participate was reopened for discussion. Ch. Springer felt the direction was addressed within departmental Policy and Procedures (P & Ps) regarding outside employment, conflict of interest directives and code of ethics. The departments of Fish & Game and Public Safety would be asked specifically that they request an ethics opinion from the AG's office on ethics.

357 Ch. Springer brings the subject of insurance and bonding before the group again. With everything regulated now, he does not see the necessity of a bonding requirement. Randall Burns thinks that at least they (transporters, guide-outfitters) should ask for proof of some kind of insurance. Discussion ensues.

508 Paul Johnson moves that the task force recommend no formal bonding and insurance requirements for guide-outfitters. Motion is seconded and discussion follows. Randall Burns wants a statement added that the reason for the recommendation is because they believe the market condition and the difficulty in acquiring it might

force a great number of people out of business, but they support, whenever possible, having insurance.

696 The concern was for people who would hide behind a corporation, putting its assets on the line in case of a law suit. The hang-up was that the licensee needed to be a "natural" person. The license and the liability aspect of the business transaction were two separate issues.

742 There being no further discussion and no objection to the motion, it was adopted. The motion was voted on as follows: Lew Pamplin, yes; Pete Buist, yes; Nick Pierskalla, yes; Gayle Ranney, no; Matthew Iya, no; Vernita Cassidy, no; Paul Johnson, yes; Sen. Faiks, absent; Sen. Fanning, yes; Ch. Springer, yes; Rep. Navarre, no, Capt. Gilson, abstain; Randall Burns, no.

792 The original SB 191 (Ch. 160, SLA 188) was brought before the task force to review. Page 1, Section 1, Line 12. It was recommended they go to four years. Instead of Guide Board it would be Commercial Game Board.

860 Throughout the bill, "outfitter" will be replaced with "guide-outfitter."

878 Page 6, Lines 18-19. "...in the field" needs to be defined (reference Item # .) Ch. Springer did not find it applicable any longer since they had distinguished the two groups.

915 Lew Pamplin notes that the subcommittee did not feel the 7 day reporting requirement worked [Page 7, Section 8(c)]. The subcommittee's recommendation was that the big game tag harvest report card, designed by the Dept. of Fish & Game for SB 191, did not contribute anything to the information base, caused confusion and should be eliminated.

960 The subcommittee recommended that Page 7, Section 8 (b) be deleted. Harvest tickets were to be modified to incorporate changes.

971 Page 7, Section 10 (e). Tag would be modified to include information on affidavit, therefore the affidavit could be eliminated and the section could be deleted.

992 Page 8, Line 16. As an interim measure would stay in effect for one year.

1100 Motion made by Lew Pamplin that this information be confidential, required on annual reporting requirements

1150 Motion by Pat Malone that any required reports except those pertaining to game management are confidential. There being no objection, it was so ordered.

1175 Lew Pamplin suggests that there be a requirement for decals to be used on aircrafts and boats used for commercial taking of game to enable law enforcement and fish and game knowledge and level of that activity in field situations.

Tape 20
Side 2

000 Ch. Springer discusses the extension of the task force. Discussion. See recommendation #13.

019 Ch. Springer reviewed projected timeline for remaining work.

095 Ch. Springer adjourned the meeting at 5:40 p.m.

APPROVED 10/24/88

TASK FORCE ON GUIDING AND GAME

MINUTES

JULY 18, 1988 MEETING - ANCHORAGE

Tape 1
Side 1
001 The meeting was called to order by Nancy Petersen, representing Senator Fahrenkamp. Members present in Anchorage were:

Rep. Heinrich Springer
Pete Buist - Guide Board
Nick Pierskalla - Nonguide business
Vernitta Cassidy - Public member
Lew Pamplin - ADF&G
Senator Ken Fanning
Dave Parrish for Senator Jan Faiks
Capt. Phil Gilson - DPS
Paul Johnson - Guide member
Randall Burns - DCED

Members present on the teleconference network were:

Matthew Iya - Public member in Nome
Renee Merkes for Rep. Mike Navarre in Soldotna

Members absent were:

Gail Ranney - Air taxi member

Following introduction of members, Senator Fanning assumed a chairman pro tem position, and called for nominations for Task Force Chairman.

068 Matthew Iya of Nome nominated Representative Heinrich Springer as chair.

072 Nick Pierskalla nominated Representative Mike Navarre.

078 Vernitta Cassidy moved that nominations be closed. As there was no objection, nominations were closed, and the vote was taken by secret ballot. Members on the teleconference network were contacted by telephone.

140 Chairman pro tem Fanning reported the vote to be 10 for Springer, 2 for Navarre, with one abstention.

150 Rep. Springer assumed the chairman's position.

170 Ch. Springer reviewed the directions given to the task force in SB 191.

189 Ch. Springer discussed with Nancy Peterson the availability of funds for the task force's functions.

210 Ch. Springer discussed with staff the keeping of minutes and other official records.

230 Ch. Springer discussed briefly the proposed schedule of meetings through the fall.

260 Randall Burns discussed the availability to the task force of the state's research agencies, including Dave Teal of House Research, Sheila Helgath of Senate Advisory Council and Steve Cole of OMB. It was also noted that the Attorney General's office would be assisting, and that Steve White was on line in Juneau.

295 Sen. Fanning noted that individual legislator's staff would also be at the disposal of the task force.

308 Ch. Springer discussed the agenda and additions to it. General discussion of the groups objectives ensued.

368 Lew Pamplin discussed a concern of his that the task force identify its objectives in light of the status quo; that is that it understand fully what is currently required of all commercial users, in order to know exactly where we are going.

390 Ch. Springer discussed the value of getting a synopsis of the mountains of previous testimony before the legislature, in order that the task force avoid duplicating that effort.

460 Ken Fanning commented on identifying analyses that could be obtained from legislative researchers on specific questions having an immediate impact on the commercial users.

490 Randall Burns made a comment regarding review of the letter of intent.

500 Lew Pamplin attempted to clarify his earlier request regarding current requirements for commercial users.

520 Nick Pierskalla agreed with Pamplin.

525 Ch. Springer called for a 15 minute recess in order to review materials.

545 Ch. Springer called the meeting back to order at 10:10, and continued his discussion of the agenda.

600 Linda Wild, DCED, asked if it would be pertinent to have a review of the provisions of SB 191 at this meeting. Ch. Springer responded, and then continued with the agenda.

660 Ken Fanning commented on the mechanism by which the task force should notify the public of its meetings. A discussion of this ensued.

Tape 1
Side 2
001 Ch. Springer continued his discussion of public notice and the use of paid advertising to notifiy interested parties.

011 Ch. Springer discussed public comments at the task force meetings, and said that any taken today should pertain to organization and group objectives.

017 Nick Pierskalla agreed that a half-day ought to be devoted to public comments, and recommended the October 24 meeting for that.

025 Ch. Springer expressed his concern that the 3 scheduled meetings would not be enough to accomplish the task force's objectives. Vernitta Cassidy agreed and suggested that some of the tasks be assigned to subcommittees that could meet between full task force meetings. She also expressed her concern that rural people be involved, and urged that a meeting be held in Kotzebue. Ch. Springer responded that the limited budget would preclude having full meetings in rural areas. Cassidy suggested that subcommittees of 2 to 3 members could take the testimony in rural areas. Further discussion ensued.

095 Ch. Springer continued with review of the letter of intent.

106 Randall Burns commented on the Owsichek case, and pointed out that the task force's recommendations could be very helpful to the state in the event the system is thrown out. Ch. Springer expressed his concern that no court decision was likely to be handed down during the task force's life.

116 Ch. Springer continued with review of the letter of intent.

160 Randall Burns commented on the restricted area system, and that the task force should look at guide board consistency in assigning areas, and at whether the system is compatible with fish and game's management goals and objectives.

178 Pete Buist suggested the task force look at the economic impacts of the industry on the state.

203 Paul Johnson discussed grouping of issues.

226 Randall Burns discussed his memo, and the issue of separating guide board administrative problems from policy questions.

254 Ch. Springer made a general comment regarding the scope of the problem.

281 Vernitta Cassidy commented on the issue of public accountability of the guide board.

295 Randall Burns responded re: criticism of the guide board, and that the guide board is only one facet of the problem.

306 Ken Fanning commented on the task force receiving reports from agencies.

320 Ch. Springer asked for public input to the agenda.

324 Phil Driver, President of APHA, asked about the SB 191 requirement that guides have FAR Part 135 certificates next year. Ch. Springer responded that the issue is already covered in the letter of intent, and the task force would be dealing with it.

361 Randall Burns suggested that the bill be reviewed. Ch. Springer responded that the bill is in the members's packet, and it was not necessary to go through it.

388 Phil Gilson gave his report for the department of public safety. He passed out copies of the affidavit DPS will use to register camps, and commented that their plans cover only this coming season. He said two questions not yet answered are "what is the period of time limiting the two camp provision", and "what amenities constitute a base camp".

417 Ch. Springer noted the group will be discussing various definitions as directed by the letter of intent. A discussion with Gilson ensued pertaining to DPS approach to land ownership and trespass problems.

463 Ken Fanning commented on Gilson's questions.

507 Phil Gilson said DNR allows 15 day camp on state land without registration.

525 Pete Buist pointed out that 15 day camps are only for personal use, and that any commercial use requires a permit.

545 Ch. Springer commented about DPS policing of illegal land users.

575 Ken Fanning discussed SB 191's provision that for camps of commercial users other than guides, if the operator was to have personnel in camp, it would have to be registered and lawfully established. Where DPS comes in, not as a land manager, but in enforcing SB 191, is that if the camp is not lawfully established, the operator is in violation of guiding without a license.

622 Ch. Springer discussed other problems and government agencies that could become involved, such as DEC for improper management of waste.

652 Ken Fanning commented on the new definition of base camp.

685 Nick Pierskalla commented on DNR requirements for permanency of based camps.

Tape 2
Side 1
001 Ken Fanning suggested that the main point is that the camp has to have a permit, and that state definitions of what a base camp is might be moot in light of the fact that the federal and othe state land managers have operative definitions.

007 Randall Burns commented on camps.

014 Ch. Springer discussed other loopholes in the definition, such as boats, movable camps and winter camps.

052 Nick Pierskalla commented on movable camps, and a discussion with Ch. Springer ensued pertaining to the time frame for the two cabin limit.

068 Randall Burns commented that DPS would probably have its answer before the task force would have time to define the term. Ch. Springer agreed.

087 Ken Fanning agreed, but pointed out that the task force could notify the public of what's required for this year.

107 Nick Perskalla agreed with Fanning, and noted that one of the major purposes behind the bill was to ease the pressure on the resource this year.

115 Ch. Springer discussed the DPS camp registration form.

140 Ken Fanning pointed out that the DPS form should be two forms - a separate one for the species of game taken.

160 Phil Gilson said that the form was to be a two part form, and that operators would have 30 days to submit the second report.

166 Ch. Springer commented that the form would then fulfill the two requirements of the bill.

175 Nick Pierskalla discussed duplication in the forms.

190 Lew Pamplin commented that duplication of effort is one of the problems inherent in SB 191.

220 Steve White in Juneau commented that in his memo to the governor on SB 191 the 2-camp question was answered. The administration interprets it to mean no more than 2 camps total statewide for each operator for the hunting season (between now and next June).

235 Ch. Springer commented that the two camp limit was imposed in response to big time, wholesale operators.

243 Randall Burns read the pertinent part of Steve White's memo on SB 191.

270 Ken Fanning clarified his earlier remarks that guides, while not required to register their camps, will still have to fill out the transporter report, if they transport.

285 Ch. Springer accepted Gilson's report, and asked for Lew Pamplin to report for ADF&G.

300 Lew Pamplin introduced Suzanne Miller, his supervisor of harvest data compilation, and gave his report.

392 Lew Pamplin discussed his definition of "compensation" as he stated it in a letter to Rep. Randy Phillips.

466 Randall Burns asked if the big game transport log form would provide information the department doesn't now get; Pamplin responded that from certain businesses it would.

522 Ch. Springer asked a question about how the department gets people to file the reports; Pamplin responded that it will be a problem for some hunters, who don't like the paperwork, but the department would survive it.

577 Ch. Springer commented that there is not as much gray area for ADF&G as there is for DPS; Pamplin responded that that was essentially correct, and continued with his report.

640 Ch. Springer suggested that the transporter report might provide no new information for ADF&G, and might be better aimed at DCED. Pamplin responded that it will help identify more clearly where game is being taken.

Tape 2
Side 2
001 Ken Fanning asked a question regarding the task force's ability to review information that will be collected by the new forms. Suzanne Miller responded that ADF&G should have most of its data available by the November meeting.

060 Paul Johnson asked if the data would show guided vs. non-guided hunts. Pamplin responded that this breakdown would only be on a limited basis.

079 Ch. Springer briefly discussed "compensation".

098 Ch. Springer recessed the meeting at 11:50, and said it would resume at 1:00.

104 Ch. Springer called the meeting back to order at 1:10, and asked Randall Burns to report for DCED. Burns began by reviewing efforts to make the restricted guide area maps useable.

210 Ken Fanning asked if it would be possible to reproduce smaller maps to send to land managers so they would know what guides are operating in what areas. Burns responded that they would, and continued with his presentation.

370 Randall Burns discussed the Owsichek court case.

500 Burns discussed the problem of complaints against guides, and that the board could not investigate until 3 had been filed.

530 Burns discussed the connection between the board and the Alaska Professional Hunters Association.

600 Ken Fanning asked Burns to review which of the problems discussed in his memo could be resolved administratively, and which would require policy decisions. Burns responsed that the map problem, file maps, exam questions, and 3 complaints problem could be covered administratively. The Task Force should look at issues of transfers and assignment of areas.

Tape 3
Side 1
014 Ken Fanning discussed the point system, and drew the distinction between "assigning" and "transferring" a guide area. Burns responded that the regulations are somewhat unclear in this regard.

048 Nick Pierskalla asked a question regarding guide's annexation of adjoining guide areas. Burns responded that this is a legitimate question to be discussed in a general discussion of the restricted area system.

103 Ch. Springer asked a question regarding Burns's comments in his memo about commercial access by non-guides. Burns responded that the policy question becomes whether the system we now have in place can be made to accomodate the introduction of other operators, or do we have to through it out and start over with a new system.

165 Ch. Springer asked if restricted areas can overlap game management units. Burns responded that some do.

175 Paul Johnson asked a question about lack of support for the guide board from the administration. Burns responded that the administration is trying to give the board it needs.

190 Ch. Springer reviewed how Burns's issues tied in with the letter of intent.

235 Vernitta Cassidy thanked Burns for his memo, and commented on the language in the letter of intent.

277 Ch. Springer opened a general discussion of the goals of the task force.

297 Randall Burns pointed out that it would make sense, fiscally, to hold two-day meetings, since travel for extra meetings is a substantial obstacle, whereas a second day of per diem is not.

305 Ch. Springer discussed the availability of information, and asked David Teal to produce a general summation of previous legislative testimony and actions.

405 Pete Buist asked that the task force be given copies of laws from other jursidictions.

420 Randall Burns asked how the state's licensing system effects guides operating on other-than-state land.

530 Ch. Springer returned the conversation to establishing basic categories of issues.

550 Ken Fanning commented on the immediacy of permit requirements for this year's hunts. Ch. Springer responded that if the enforcement agencies come to the task force and ask for help, then he would issue a nonbinding opinion. But his more important concern is the report due in January. Randall Burns commented that he understood Fanning's concern, but in regard to the existing permitting system, didn't see where the task force could make a difference for this year's hunts.

635 Fanning clarified his remarks.

Tape 3
Side 2
001 Ch. Springer continued with categorization of issues.

040 Randall Burns commented on the issue of cooperation between the guide board, the game board and ADF&G.

080 Lew Pamplin returned to his earlier comments regarding establishing a base of knowledge for members to use, and said it was necessary to know where we are now, so members would know how to approach the directives of the letter of intent.

Ch. Springer responded that while there appeared to be still some loose ends, the agencies would be able to function through next year on the bill as it is.

170 Randall Burns and Pamplin discussed what the data should look like.

210 Vernitta Cassidy suggested various subcommittees should identify the questions to be asked of the research agencies. Ch. Springer responded and continued with categorization.

250 Ken Fanning asked to obtain a synopsis of AG's opinions available on adding species to the guide-required list.

260 Ch. Springer discussed the licensing of transporters.

295 Pete Buist suggested the task force find out why the transporter license was dropped by the legislature.

300 Nick Pierskalla pointed out that in many cases the availability of insurance is tied to state licensure.

342 Pete Buist commented on restricted guide areas.

348 Ken Fanning asked about the subjectivity of some of the members of the task force on some of the issues in the letter of intent. Ch. Springer responded that it would be useful to categorize the items in the letter of intent so that members could have packages prepared for discussion at the subsequent meetings of the task force, and the members could form their opinions from the discussions.

375 Vernitta Cassidy suggested we ask the AG about the selling of guide areas, and ask ADF&G to comment on how the restricted guide area system fits in with their game management programs. Ch. Springer responded that many of these issues will come out in discussion.

410 Randall Burns commented that the group must be very clear when it asks for public opinion on an issue, particularly on the criteria determining whether an area has been "sold" when transferred. Ch. Springer responded that we could ask the AG, and try to avoid getting a mountain of paperwork back.

490 Ken Fanning suggested that the group consider making comments from representative rural groups such as the AFN and RuralCAP agenda items at some future meeting. Ch. Springer responded that rural residents are diverse, and it would not work to take input from only selected groups.

540 Randall Burns suggested a questionnaire could be developed and sent out. Vernitta Cassidy suggested RuralCAP would be willing to help develop the questionnaire.

595 Sheila Helgath, with SAC in Juneau, suggested calling selected, informed rural residents, rather than send out a questionnaire. Ch. Springer responded that the last time he tried to talk to informed rural people, it didn't work out very well, and if she would be able to provide a list of informed rural people, he would be glad to look at it.

620 Ch. Springer called a 5 minute recess at 3:10. Following the recess, the meeting was reconvened, and Ch. Springer continued with the process of categorizing issues.

630 Randall Burns asked a question about federal permitting.

665 Pete Buist commented on the head tax.

Tape 4
Side 1
012 Ken Fanning agreed that the head tax had been dropped due to lack of compliance, and that it was difficult to enforce. He discussed a federal-state task force that had looked into some of the issues surrounding consistency in licensing requirements, and suggested staff obtain a copy of the group's recommendations from OMB Division of Intergovernmental Cooperation (Bob Grogan).

035 Ch. Springer assigned several of the issues in the letter of intent (F,I,J & R to the AG's office, K to Randall Burns and RuralCAP and Q to staff).

070 Randall Burns suggested that a digest of the legislative testimony on SB 191 would not be very helpful, because most comments were directed at specific proposals within the bill, and were no longer pertinent. Ch. Springer suggested that a lot of good ideas were left out of the final version, and Burns suggested that Ed Hein of LAA Legal Services could provide a synopsis of everything proposed to the bill.

120 David Teal commented on House Research's ability to obtain responses from other states and provinces. Ken Fanning suggested we should clarify what the letter of intent wants in this regard. Dave Parrish commented that it would be helpful from his perspective to know what other states have done, as they don't seem to have the problems we have, so something must be working.

165 Ch. Springer discussed the economic impacts the commercial hunting industry has. Pete Buist noted a Montana study of a few years back, and Dave Parrish suggested we could ask ISER for an analysis.

215 Ch. Springer asked Sheila Helgath for an overview of the state's permitting system.

275 Ch. Springer turned to scheduling of next meeting, and suggested October 24 and 25 be blocked out.

320 Randall Burns moved that a 2 or 3 person subcommittee travel to Kotzebue and either King Salmon or Bethel to take public testimony sometime before Oct 24. Without objection the motion was adopted.

335 Randall Burns moved that the October 24 meeting be held in Anchorage, rather than Fairbanks. Ken Fanning objected and spoke to his objection.

348 Randall Burns withdrew his motion.

352 Ch. Springer asked if there was any objection to holding the next full meeting in Fairbanks, October 24 and 25 from 8:30 am to Noon, and 1 to 5 pm.

370 Pete Buist suggested a block of time in the evening be scheduled for public testimony, as many who will want to speak work during the day. Members agreed to this suggestion.

400 Ch. Springer asked for volunteers for the subcommittee to visit Kotzebue and King Salmon. The subcommittee will consist of Burns as chairman, Cassidy, Pierskalla and Buist.

475 Ch. Springer asked if any other subcommittees should be formed. A discussion ensued regarding the processing of information and data. Lew Pamplin suggested a subcommittee on data management, and it was appointed as follows: Pamplin as chair, Burns, Gilson, Fanning and Pierskalla.

625 Ch. Springer opened the floor to brief public comments. Pete Schaefer of Kotzebue spoke.

Tape 4
Side 2
001 Pete Schaefer continued.

040 Ch. Springer opened the floor for general remarks from task force members.

045 Paul Johnson discussed special guide licenses for marine mammal guides. A short discussion ensued.

065 Ken Fanning commented on provisions for Native and rural resident participation in the system. He then mentioned that with the absence of Gail Ranney, there had been no input from air taxi operators, and that it is essential to get them involved.

091 Linda Wild asked about agenda for the next meeting. Ch. Springer responded that it was his intention to wait until the first week in September before setting his agenda.

Ken Fanning suggested it would be appropriate to invite federal land managers to speak at the next meeting.

The meeting was adjourned at 4:25.

Outline of Guide Bill Letter of Intent

A. How does it conform with needs of all Alaskans?

B. Appropriate roles for all service providers involved.

C. Solutions to same problems in other states.

D. Owsichek v. State.

E. ADF&G - Game Board - Guide Board cooperation.

F. Adding species to guide-required list.

G. Licensure of transporters.

H. Review of LB&A audits from 1985 and 1987.

I. Analysis of restricted guide area system.

J. Analysis of joint use area problems.

K. Are rural residents able to participate in system.

L. Illegal guiding as a felony offense.

M. Should state employees be allowed to participate?

N. Examine federal role in control of big game servicers.

O. Safety and insurance requirements for transporters, etc.

P. Bonding requirements for big game hunting servicers.

Q. Examine reinstatement of head tax.

R. Definitions of "camp, in the field, compensation".

S. Use of sled dogs and allowing dogs in camps.

APPROVED

TASK FORCE ON GUIDING AND GAME

OCTOBER 24TH - 25TH MEETING - FAIRBANKS

TAPE 1
SIDE ONE
001 THE MEETING WAS CALLED TO ORDER BY CHAIRMAN SPRINGER AT 9:05 A.M. MEMBERS PRESENT IN FAIRBANKS WERE:

REP. HEINRICH SPRINGER, CHAIRMAN
RANDALL BURNS - DCED
PETE BUIST - GUIDE BOARD
VERNITA CASSIDY - PUBLIC MEMBER
MARK RIEHLE REPRESENTING SENATOR JAN FAIKS
SENATOR KEN FANNING
CAPT. PHIL GILSON - DPS
MATTHEW IYA - PUBLIC MEMBER
PAUL JOHNSON - GUIDE MEMBER
REP. MIKE NAVARRE
LEW PAMPLIN - ADF&G
NICK PIERSKALLA- NON-GUIDE MEMBER
GAYLE RANNEY - AIR TAXI MEMBER

ALSO PRESENT WAS STEVE WHITE, ASSISTANT ATTORNEY GENERAL AND SUZANNE MILLER, ADFG.

FOLLOWING ROLL CALL, CHAIRMAN SPRINGER ANNOUNCED THE TASK FORCE WOULD ADOPT THE AGENDA. FIRST, ADDED TO THE AGENDA, UNDER ITEM #A: THE SUPREME COURT DECISION. ADDED TO THE AGENDA UNDER ITEM #5, ARE THE QUESTIONNAIRE RESULTS BY VERNITA CASSIDY UNDER COMMUNICATIONS. THE AGENDA WAS THEN ADOPTED.

1040 CHAIRMAN SPRINGER MOVED TO ADOPTION OF MINUTES OF THE JULY 18TH MEETING. VERNITA CASSIDY STATED SHE HAD RECEIVED A COMPLAINT BY SOMEONE WHO HAD TESTIFIED THAT THEIR TESTIMONY WAS NOT ADEQUATELY REFLECTED. CHAIRMAN SPRINGER STATED THAT THE INITIAL MEETING WAS AN ORGANIZATIONAL MEETING AND THAT THE PURPOSE OF THIS MEETING WAS TO INCORPORATE PUBLIC TESTIMONY AND THAT A SYNOPSIS OF A PERSON'S TESTIMONY WOULD BE REFLECTED IN THESE MINUTES.

1215 RANDALL BURNS MADE A MOTION THAT THE MINUTES BE ADOPTED. THE MINUTES WERE ADOPTED.

1235 CHAIRMAN SPRINGER ASKED THAT WE MOVE TO SUBCOMMITTEE REPORTS AND ASKED FOR A REPORT FROM THE RURAL TESTIMONY. RANDALL BURNS WAS CHAIRMAN, REP. NAVARRE, VERNITA CASSIDY, PETE BUIST, NICK PIERSKALLA MEMBERS OF THE SUBCOMMITTEE CHARGED TO TAKE TESTIMONY FROM RESIDENTS OF KING SALMON AND KOTZEBUE.

APPROVED

1410 RANDALL BURNS REPORTED THAT THEY MET IN KOTZEBUE ON THE 4TH OF OCTOBER, WHICH ALSO HAPPENED TO COINCIDE WITH THE MUNICIPAL ELECTION. REP. NAVARRE CHAIRED THE KOTZEBUE MEETING. THERE WERE SIX PEOPLE SIGNED UP. VERNITA CASSIDY CHAIRED THE KING SALMON MEETING, AND ALONG WITH RANDALL BURNS AND REP. NAVARRE MET IN KING SALMON ON OCTOBER 5TH. RANDALL BURNS REPORTS THAT IF THE PURPOSE WAS TO SEEK TESTIMONY FROM NATIVE ALASKANS, IT WAS NOT MET. THAT PARTICIPATION WAS LIMITED, 21 PEOPLE SIGNED UP, AND OUT OF 27 TESTIFYING, ONLY 3 WERE NATIVES. IN KOTZEBUE, THEY CAME DURING THE FIRST FREEZE, AND MANY RESIDENTS WERE BUSY TAKING CARE OF EQUIPMENT AND MORE PRESSING CONCERNS. OVERALL GENERAL COMMENTS: DID NOT GET VERY MUCH TESTIMONY FROM NATIVE ALASKANS, HIS IMPRESSIONS WERE THAT THERE IS CONCERN FOR THE RESOURCES; THERE IS TENSION BETWEEN GUIDING AND OUTFITTING AND SOME OF THAT IS DUE TO THE LACK OF REGULATION FOR OUTFITTING. VERNITA ASKED HOW DID PEOPLE VIEW THE DIFFERENCES BETWEEN GUIDES AND OUTFITTERS AND IT WAS PERCEIVED THAT PEOPLE TEND TO BELIEVE THAT GUIDES HAVE A LOT INVESTED IN THE BUSINESS AND HAVE DEMONSTRABLE COMMITMENT IN THAT REGARD; HUNTERS EXPECT THE SAME SERVICES FROM ANY SERVICE PROVIDER. THERE IS CONCERN THAT THERE IS WASTE OF MEAT IN THE FIELD. THEY SEEM TO BELIEVE THAT GUIDES TAKE OUT THE MEAT AS THEY COULD LOSE THEIR LICENSE IF THAT THEY DIDN'T AND WERE APPREHENDED, SOME OUTFITTERS SIMPLY CAPE OUT ANIMALS, THEY THOUGHT, AND THERE IS NO RETRIBUTION TO THEM, JUST THE HUNTER RISKS BEING APPREHENDED AND CONVICTED. RESIDENTS TEND TO BE MEAT HUNTERS, AND THERE SEEMS TO BE THE FEELING THAT OUTFITTERS AND GUIDES ARE TROPHY HUNTERS, AND WE HEARD A LOT OF TESTIMONY THAT SUPPORTS THE CONCEPT THAT OUTFITTERS ARE A FUNCTION OF GUIDING, AN INTEGRAL PART. I SPECIFICALLY WANT TO ADDRESS THE TESTIMONY OF MR. SHAFER FROM KOTZEBUE: THE NUMBER OF OUTFITTERS IS OF CONCERN--THERE IS AN X NUMBER OF RESOURCE AND OBVIOUSLY IF YOU INCREASE THE NUMBER OF PEOPLE SEEKING USE OF THAT RESOURCE, YOU ARE HEADED TOWARDS CRISIS. HE IS CONCERNED ABOUT THE COMPOSITION OF THE GUIDE BOARD; THE PENALTY STATUTES ARE FELONY VS. MISDEMEANOR, YET THERE MUST BE THREE SEPARATE COMPLAINTS BEFORE THEY WILL DO AN INVESTIGATION; THAT THE INDUSTRY AND NATIVE CONCERNS CLASH--NATIVE CULTURAL VALUES VS. THE GUIDE SCHEME; AND THAT 25% OF THE MASTER GUIDES ARE IN GMU 23, AND THE CRITERIA USED TO ESTABLISH THE GUIDE AREAS; AND LAND USE ISSUES SHOULD BE A CONSIDERATION. OTHER TESTIMONY ADDRESSED: IF WE REQUIRE THAT OUTFITTERS BECOME A PART OF THE GUIDE SYSTEM, HOW WILL THEY GAIN ENTRY TO THAT SYSTEM --OF COURSE, THIS TAKES ON A NEW LIGHT IN VIEW OF THE OWSICHEK DECISION---. FISH AND GAME IN GMU 9 FELT THERE ARE LOTS OF UNREPORTED HARVESTS--UPWARDS TO 40%. FWP REPORTS THERE IS A LOT OF WANTON WASTE.

2715 CH. SPRINGER ASKED OTHER MEMBERS FOR COMMENTS. HE ASKED IF THERE WAS ANYTHING BROUGHT UP ABOUT FUTURE PLANS BY THE NATIVE CORPORATIONS ABOUT MANAGING SURFACE RIGHTS; OR LIMITING USE OF LANDING STRIPS OR ACCESS?

2746 RANDALL BURNS REPLIED NO.

APPROVED

2810 Vernita Cassidy said there were comments in the survey.

2857 Ch. Springer asked if there were comments on marine mammals.

2900 Randall Burns replied no.

2910 Ch. Springer asked Lew Pamplin to give us a rundown on the paperwork.

2922 Lew Pamplin introduced Suzanne Miller and advised members she can answer any detailed questions about forms, and he passed out the Data Management Subcommittee report and a copy of various license and permit requirements.

3450 Lew Pamplin advises the 'Big Game Transport Log'(BGTL) was sent out to 1000 businesses (handout listing those businesses) and as of October 7 the responses were 102 reporting 1559 animals taken.

3538 Randall Burns referred to an Affidavit --where you hunted, what services used----for nonresident taking of moose and caribou a total of 900, 870 actually, which we know are highly under-reported; there were 305 used guides, 151 used outfitters, 250 used transporters and 143 actually used outfitters and/or both transporters. Problem is that these are sometimes filled out prior to knowing what they will be using and the term "outfitter" is synonymous with guide, and in fact, many listed as guides were not on the guide register. GMU breakout, highest is GMU 9 with 109 hunts guided, 67 outfitted, and 69 transporters used, and 9 by transporters/outfitters. He went on to list some additional high use areas as GMU 19, 23 and 13. The affidavits will not be very helpful for use by the task force.

3853 Phil Gilson addressed the 4 part form, which went to all detachments (FWP) and was for registering camps. A total of 32 outfitters registered as well as 54 lodges or camps as of Oct. 19, listing a total of 350 hunters. Many affidavits were incomplete and certainly a lack of response.

4118 Lew Pamplin recommended that the task force simplify those forms as much as possible. Believes that commercial users should report and that those reports should be similar. Information needs were categorized by the subcommittee into two groups: information necessary for proper management of big game and the other was administratively regulating commercial use of big game.

4200 Lew Pamplin advises responsibility of reporting commercial uses of big game should be borne by the service providers (user vs. client); the responsibility of reporting harvest of big game should be borne by the hunter (client) not

APPROVED

THE SERVICE PROVIDER. AGAIN, REPORTING REQUIREMENTS SHOULD BE SIMILAR FOR ALL PROVIDERS.

4400 LEW PAMPLIN ADVISES THAT LOTS OF BIG GAME IS HARVESTED BUT NOT REPORTED. GENERALLY WE ARE AWARE OF THESE AREAS AND HAVE A GOOD IDEA OF WHAT IS NOT BEING REPORTED IN TERMS OF TYPES OF ANIMALS. THAT ISSUE IS SEPARATE AND IS A CONSTANT CHALLENGE FOR ADFG.

4530 LEW PAMPLIN RECOMMENDS THAT WE CONSOLIDATE AFFIDAVIT OF NON RESIDENT HUNTING (MOOSE AND CARIBOU) WITH THE BIG GAME TAG REPORT, WHICH CAN EASILY BE DONE ADMINISTRATIVELY (ADFG)

4618 LEW PAMPLIN IDENTIFIES THE MAIN TYPES OF INFORMATION (COMMERCIAL USERS) NEEDED ARE WHO ARE THE PROVIDERS, AND WHAT SERVICES ARE THEY PROVIDING, AND WHERE AND WHEN. RECOMMEND TAG HUNTING REPORT CARD - RECOMMEND IT BE ELIMINATED. ESTABLISH A COMMERCIAL BIG GAME TRANSPORTER LICENSE --REGARDLESS OF WHO THE PROVIDER IS (AIR TAXI, TRANSPORTER, GUIDE) THAT THESE ENTITIES REPORT TO ONE LOCATION THE INFORMATION.

TAPE ONE, SIDE TWO
108 LEW PAMPLIN RECOMMENDS THAT THE REQUIREMENT TO REPORT BIG GAME TRANSPORT LOG (IF RETAINED) BE CHANGED FROM SEVEN DAYS TO 30 DAYS (REQUIRED BY SB191). IF THE LEGISLATURE DECIDES TO GO WITH ONE TYPE OF LICENSE AND AN ANNUAL REPORT, 30 DAYS MIGHT NOT BE NECESSARY.

220 REP. NAVARRE WONDERS WITH A 30 DAY LAG TIME, HOW USEFUL WOULD THE INFORMATION BE TO ADFG. 250 LEW PAMPLIN IT IS NOT THE MOST USEFUL TOOL FOR FWP AND IS NOT NECESSARY FOR IN SEASON MANAGEMENT (ADFG)

250 LEW PAMPLIN RECOMMENDS CONFIDENTIALITY OF REPORTING REQUIREMENTS. TAKE THE NECESSARY STEPS TO IMPLEMENT A POLICY. THE STATEMENT OF FINANCIAL REMUNERATIONS CURRENTLY USED IS CONFIDENTIAL. WHICH FORMS SHOULD BE HELD AS CONFIDENTIAL SHOULD BE A CONSIDERATION BY THE TASK FORCE. ALSO, LASTLY, INFORMATION NEEDS OF EACH AGENCY SHOULD BE IDENTIFIED AND ADMINISTRATIVE MEASURES ADOPTED.

625 CH. SPRINGER ASKED FOR COMMENTS.

630 PETE BUIST - HAD CONTACTS FROM PEOPLE WHO FOUND THE BIG GAME TRANSPORT LOG CONFUSING. SOME THOUGHT IT WAS OPTIONAL, INCLUDING AN FWP FIELD OFFICER.

750 LEW PAMPLIN- WAS AWARE OF THE PROBLEM AND THE FORM SHOULD BE MODIFIED.

820 SENATOR FANNING- REQUESTED A RUNDOWN, OF THE 32 OUTFITTERS WHO REGISTERED THE NUMBER OF RESIDENTS VS. NON-RESIDENTS.

APPROVED

850 Phil Gilson- 3 non-residents, the most extensively used had a number of 38 clients, the largest number of people through a camp was 61, by a resident.

915 Ch. Springer- Discussion on under-reporting and lack of compliance and the need for simplification of reports.

2050 Ch. Springer - SB 191 was an emergency stop gap measure and if the subcommittee can come up with simplification and reduce duplication of reports that would be beneficial. Discussion.

2510 Ch. Springer Had a question on the subcommittee report on rural testimony regarding resident vs. nonresident take.

2540 Randall Burns - Residents and biologists said the game has really suffered. And there needs to be some regulation of the number of people hunting.

2630 Ch. Springer - any questions on boat traffic?

2655 Randall Burns - No, Art Fields mentioned he used to do dog sled trips but they are too expensive.

2700 Nick Pierskalla - no, no mention

2730 Pete Buist - no; problem with competition for moose with residents and outfitters.

2800 Randall Burns - biologist described that some of these "pockets" of game are being depleted.

2840 Ch. Springer - winter take with snowmachines?

2850 Randall Burns- nothing.

2900 Ch. Springer - 10 minute break

2910 Ch. Springer - Supreme Court ruled that exclusive guiding areas are ruled unconstitutional and asked Steve White for a report.

3052 Steve White - Hopes that the group will read the opinion. Highlights: any system developed that involves geographic allocation will have to be done with regard to this decision. The bottom line is that the decision (P.27 of Owsichek). All the laws and regulations which refer to the exclusive guiding areas are unconstitutional as of October 21st. There is no such thing as exclusive guiding areas. The decision is straightforward and is based on one clause of the Alaska constitution, Article 8, Section 3, which reads: "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." That clause is called 'the common use clause.' The Supreme Court interpreted

APPROVED

THIS CLAUSE AND DETERMINED THE SYSTEM IS UNCONSTITUTIONAL. THE INTERPRETATION SAYS SEVERAL THINGS. THEY SAID THE CLAUSE WAS INTENDED TO STRONGLY PROTECT COMMON ACCESS OF NATURAL RESOURCES. AND IN ANOTHER PLACE, GUARANTEES PUBLIC ACCESS. THE MAIN KEY IS PUBLIC ACCESS TO RESOURCES---NO MONOPOLIES, NO SPECIAL PRIVILEGES OR EXCLUSIVE GRANTS, NO ROYALTY GRANTS. THIS GOES BACK TO THAT THE RESOURCES SHOULD BE AVAILABLE FOR THE COMMON USE OF THE PUBLIC. SEVERAL SENTENCES THAT LEAD UP TO THIS CONCLUSION ARE CRITICAL: THE SYSTEM DOES NOT SERVE THE COMMON USE AS IT OBVIOUSLY LIMITS PUBLIC ACCESS; IT WAS BASED ON SENIORITY, GRANTING AND TRANSFER OF AREAS, THAT IS FOR THE OCCUPANCY AND USE OF THE GUIDES; THE RIGHT WAS FOR UNLIMITED DURATION, UNTIL HE EITHER DIED OR RETIRED. THE GUIDE HAD ESSENTIALLY A PROPERTY RIGHT. THE SECOND POINT WAS THAT THE SUPREME COURT DID NOT PERCEIVE AND WILDLIFE MANAGEMENT PURPOSE WAS SERVED BY THE EXCLUSIVE GUIDE AREA. DID NOT SERVE TO CONSERVE WILDLIFE RESOURCES. GAME IS A PUBLIC RESOURCE, BUT THE PUBLIC WAS NOT COMPENSATED. THERE WAS NO COMPETITIVE BIDDING IN THE SYSTEM. THE STATE RECEIVED NO RENTAL FEES, AND FINALLY, THERE WAS NO PUBLIC INTEREST PROTECTION---THE EXCLUSIVE AREAS WENT OUT WITHOUT ANY CONTRACTUAL CONTROLS.

4230 CH. SPRINGER. THANK YOU. ANY QUESTIONS?

4235 RANDALL BURNS ADDED THAT THE COURT ONLY STRUCK DOWN TWO PARTS OF THE GUIDING LAWS. THE GUIDING SYSTEM IS STILL IN PLACE, INCLUDING THAT NON-RESIDENTS HAVE GUIDES TO HUNT CERTAIN SPECIES. THE CRITERIA FOR BECOMING A GUIDE IS STILL IN PLACE.

4522 LEW PAMPLIN WONDERED HOW THIS DECISION RELATES TO COMMERCIAL FISHING LIMITED ENTRY.

4550 STEVE WHITE REPLIED THAT THERE WAS AN AMENDMENT TO THE CONSTITUTIONAL TO ALLOW FOR COMMERCIAL FISHERIES LIMITED ENTRY. NONE FOR GAME

4640 LEW PAMPLIN ASKED IF THE IDEA OF A PERMIT SYSTEM FOR X NUMBER OF AREAS WAS AN OPTION.

4700 STEVE WHITE REPLIED THAT IF YOU LAID OUT AN AREA AND LIMITED COMMERCIAL HUNTERS BASED ON GAME MANAGEMENT CONSIDERATIONS, IT WOULD BE FINE, THERE MUST BE FREE INFLUX.
4816 PETE BUIST DISCUSSION OF DECISION. WONDERS WHY THE COURT REFERRED TO THE GUIDE AREAS AS EXCLUSIVE WHEN THE STATUTES REFER TO IT AS RESTRICTED.

4840 STEVE WHITE, NOT CERTAIN.

TAPE 2, SIDE ONE
000 STEVE WHITE, SAYS THE STATE DID AN EXCELLENT JOB DEFENDING THE CURRENT SYSTEM.

45 PETE BUIST, CONTINUES GENERAL DISCUSSION

APPROVED

850 Phil Gilson- 3 non-residents, the most extensively used had a number of 38 clients, the largest number of people through a camp was 61, by a resident.

915 Ch. Springer- Discussion on under-reporting and lack of compliance and the need for simplification of reports.

2050 Ch. Springer - SB 191 was an emergency stop gap measure and if the subcommittee can come up with simplification and reduce duplication of reports that would be beneficial. Discussion.

2510 Ch. Springer Had a question on the subcommittee report on rural testimony regarding resident vs. nonresident take.

2540 Randall Burns - Residents and biologists said the game has really suffered. And there needs to be some regulation of the number of people hunting.

2630 Ch. Springer - any questions on boat traffic?

2655 Randall Burns - No, Art Fields mentioned he used to do dog sled trips but they are too expensive.

2700 Nick Pierskalla - no, no mention

2730 Pete Buist - no; problem with competition for moose with residents and outfitters.

2800 Randall Burns - biologist described that some of these "pockets" of game are being depleted.

2840 Ch. Springer - winter take with snowmachines?

2850 Randall Burns- nothing.

2900 Ch. Springer - 10 minute break

2910 Ch. Springer - Supreme Court ruled that exclusive guiding areas are ruled unconstitutional and asked Steve White for a report.

3052 Steve White - Hopes that the group will read the opinion. Highlights: any system developed that involves geographic allocation will have to be done with regard to this decision. The bottom line is that the decision (P.27 of Owsichek). All the laws and regulations which refer to the exclusive guiding areas are unconstitutional as of October 21st. There is no such thing as exclusive guiding areas. The decision is straightforward and is based on one clause of the Alaska constitution, Article 8, Section 3, which reads: "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." That clause is called 'the common use clause.' The Supreme Court interpreted

APPROVED

145 Paul Johnson, wonders about a quota system, time limitation for area?

170 Steve White, doesn't have any ideas, just that a time limitation must be established. Discussion continues

530 Nick Pierskalla, wonders if a permit system is developed would that be for both commercial and sport users? That no one group can be excluded?

555 Steve White, not certain. Thinking of various options. But there must be a legitimate purpose to exclude a group. Licensing scheme can provide public protection. Discussion.

928 Randall Burns reminds that the current system is in effect. If this group wants to make recommendations, it is within our purview.

1040 Steve White, must protect the public for safety through licensing.

1150 Pete Buist stated - I'm not restricted any longer to one area.

1245 Vernita Cassidy had public access questions. One question on the survey was to ask people if they felt they had an adequate opportunity to participate. Most of the guides said they did, but a great number of rural people do not feel they have the opportunity to access.

1400 Steve White says there must be access which the licensing scheme satisfies. The problem is people not having access to the licensing.

1500 Ch. Springer comments.

1540 Lew Pamplin, discusses licensing system currently available and ADFG role.

1930 Ch.Springer comments on other countries where the government owns the resources and sets the limits.

2217 Matthew Iya says that he thinks it will not have an impact on local subsistence. It is provided in the constitution. Concerned about additional pressure on resource.

2340 Steve White says the laws that define guiding are still in place. Discussion.

2450 Samantha Castle says that this decision will seriously impact the allocation system that we have. Anticipates that the Board of Game will have emergency meetings. Now that the guides are not restricted to their areas they will focus in

APPROVED

THOSE "POCKET" AREAS. YES, IT WILL BE A SERIOUS PROBLEM. THERE WILL BE RESTRICTIVE REGULATIONS, I FEEL CERTAIN.

2600 CH. SPRINGER DISCUSSES HISTORIC PERSPECTIVE OF EXCLUSIVE GUIDING AREAS.

2655 STEVE WHITE STATES THAT GAME MANAGEMENT WASN'T PRESENT ACCORDING TO THE DECISION. HOW THE PURPOSE IS SERVED, THROUGH SELF-ENFORCEMENT OR BY THE BOARD OF GAME ISN'T IMPORTANT. THE COURT USED THE LEGISLATIVE AUDIT REPORTS AS ONE BASIS.

2820 RANDALL BURNS DISCUSSES LICENSING OF GUIDES AND PROFICIENCY AND SKILLS. 28 OTHER AREAS ARE LICENSED IN THE STATE.

2956 STEVE WHITE DISCUSSES DISCIPLINE OF THE INDUSTRY, ETHICAL CONSIDERATIONS.

3025 RANDALL BURNS DISCUSSES A METHOD TO COMPEL COMPLIANCE FOR REPORTING REQUIREMENTS AND POSSIBLE RESTRICTIONS. DISCUSSION.

3500 RANDALL BURNS SUGGESTS THAT BOUNDARIES CAN EFFECTED BY SETTING UP FEE SCHEDULES, ETC. --SCHEMES CAN BE CREATED.

3600 PAUL JOHNSON GIVES AN EXAMPLE THAT THERE MAY BE 10 GUIDES WHO HAVE SIGNED HUNTS, THAT THERE MAY BE 30 LICENSED GUIDES WHO DECIDE TO HUNT THAT AREA. THE RESOURCE CAN'T BEAR THAT INFLUX SO THE BOARD OF GAME MUST TAKE SOME ACTION.

3650 RANDALL BURNS ASKS WHAT IS STOPPING OUTFITTERS FROM DOING THAT RIGHT NOW.

3700 PAUL JOHNSON COMMENTS THAT THE AREA THE HUNTING IS MAINLY FOR BROWN BEAR, OUTFITTERS CAN'T TAKE HUNTERS.

3720 STEVE WHITE SAYS THERE ARE NO EASY ANSWERS.

3740 VERNITA CASSIDY SAYS ON PAGE 10 OF THE DECISION IT'S STATED THAT IN GUARANTEEING PEOPLE"COMMON USE" OF FISH AND WILDLIFE RESOURCES THE FRAMERS OF THE CONSTITUTION CLEARLY DID NOT INTEND TO PROHIBIT ALL REGULATION OF THE USE OF THESE RESOURCES. LICENSING REQUIREMENTS, BAG LIMITS, AND SEASONAL RESTRICTIONS, FOR EXAMPLE, ARE TIME-HONORED METHODS OF CONSERVING THE RESOURCES THAT WERE RESPECTED BY DELEGATES TO THE CONSTITUTIONAL CONVENTION. SHE SAYS THE QUESTION OF COMMON USE WAS BROUGHT UP AGAIN AND AGAIN. BUT THE SUBSISTENCE LAW IS FEDERAL LAW. LET'S LOOK AT WHAT THIS DECISION SAYS AND COME UP WITH AN ATTEMPT TO RESPOND.

3853 CH. SPRINGER SAYS WE NEED TO LOOK AT IT AND GET SOME DISTANCE AND COME UP WITH SOME RECOMMENDATIONS.

APPROVED

3930 Randall Burns cautions that there are some new provisions which are required as a result of SB 191. Some of these things will take people time to comply.

4000 Ch. Springer continues this discussion. And asks Vernita to report on the survey.

4220 Vernita Cassidy says the compilation and of the survey will be brought before the committee at the November meeting and she has raw data for review should any member wish to review it or make copies. She says there was good response to the survey. Randall Burns, Linda Wild, Nick Pierskalla, and her assistant David Hardenbergh worked hard to put together the questions which were sent to all rural guides, outfitters, and air taxi's, village council's and corporations. 1,257 questionnaires were sent out with a 21% response to date. The results will be compiled by 12 native regions.
Discussion continued.

Tape 2, Side two
313 Ch. Springer advises that if there are written communications please give them to Nancy Petersen, who will compile for distribution to all members.

510 Ch. Springer discusses private communications for the purpose of collecting testimony from those who are concerned about retribution, a letter from Sen. Faiks and Senator Fanning regarding the same. Discussion follows.

720 Steve White says the Task Force is governed by the Open Meetings act and going into an executive session would not be allowed for that purpose. Discussion continues.

900 Ch. Springer notes that the task force has subpoena powers, and that everyone has an opportunity to testify, that those not wishing to come forward, that testimony may be of dubious value. Discussion continues.

1505 Vernita Cassidy adds that there have been employees of guides who have not been able to get hired again in the industry due to their turning in a guide for illegal activity.

1940 Paul Johnson suggests that the Wildlife Safeguard program is in operation which could help that person communicate illegal activity.

2024 Rep. Navarre suggests that a person could talk to a task force member individually with his concern and not have to go public with his testimony.

2300 Ch. Springer recesses until 1:00p for lunch.

2300 Ch. Springer brings the meeting back to order at 1 p.m. and begins to take public testimony.

APPROVED

2800 Mat Worker, P.O. Box 533 Northway, AK, a guide, testifies that he feels the FAA Part 135 regulations are unfair burden for guides as it is not the major part of the guiding operation. Thinks outfitters should have the same process as guides and be regulated.

3900 Ch. Springer, Northway, any others? Would like to later.

3950 Cole Ellis, Star Route 1400, Nebesna Rd. Mile 42., guide, thinks the Part 135 too restrictive. Thinks that there will be more air taxi operators as a result and that in order to compensate for that increased cost, will have to take out more clients or compete with the air taxis for nature seekers, year round. APHA- very worried that the end of guiding is in sight.

4528 Randall Burns clarifies for listeners the extent of the impact on guiding industry. Discussion.

4623 Ch. Springer provides background for teleconference public.

Tape 3, Side One

44 Matt Worther, Northway, complains about the discrepancy in fares between summer and hunting rates. Also does not think that the air taxis should be dropping people off into guiding areas.

210 Ch. Springer discusses "in the field".

325 Matt Worther says game is being wasted. Some of these people in the field are being dropped off and do not know how to take care of the meat and it spoils.

815 Nick Pierskalla discusses section 16, SB191 which addresses transportation to and from the field reporting.

954 Ranney discusses that air taxis are not required to post tariffs, and while it may not be a good business practice, nothing prevents it's practice. Further discussion of Part 135 requirements, FAA requires a base of operation and do look closely at operational specifications prior to issuing Part 135. Discussion.

1542 Ch. Springer announces that we will have someone from FAA in to testify.

1606 Don Frederick, Box 70, Slana, registered guide. Agrees with Cole. We have encroachment by air taxi's which have no restrictions. Some are advertising 40 in sheep for $1,000. The guides have restrictions, he has a small area. It's discouraging when so many clients have been dropped off in his area. Outfitters can drop off as many clients as they want to. Questions and discussion of these types of problems continue.

APPROVED

3427 Dennis Harms, Box 970, Master Guide, Chugiak, AK Says the game is as good now as it was when he began and he has it documented. Says that in the 60's and 70's there were some guides who lost their licenses and found out they could continue their operations as outfitters, using a loophole, as outfitters weren't licensed or regulated. The number one priority of the legislature should be to protect the resource. Continues.

4052 Rep. Navarre states the Legislature did act responsibly by passing SB 191 and spent many hours in deliberations on the issue.

4060 Dennis Harms continues with historical perspective of exclusive guiding areas.

4620 Ch. Springer also disagrees with Harms that the legislature did not act. Gives his perspective on committee deliberations.

Tape 3, Side two

117 Dennis Harms continues with historical perspective of the guiding industry development of exclusive areas.

715 Ch. Springer goes to Slana.

725 Doug Frederick, agrees with Harms, first ones restricted with be the guides, with ANILCA.

805 Dennis Harms understands that we have preference for residents, his main concern is adding another layer to the commercial users.

955 Vernita Cassidy and Randall Burns said the guides in Slana should have received the questionnaire and they don't know why the 5 there didn't.

1120 Kirk Ellis, SR 1415 Nebesna, Slana 99586, guides have earned the right to guide, 31 year resident, he has lived in Alaska, built strips and added to the local economy. Mass numbers of people are hauled in by air taxi's. Is opposed to having an additional layer, the outfitter's involved in the commercial big game industry. Has seen the sheep population dramatically reduced and thinks sheep should be on a one every four year harvest by permit basis. Continues discussion.

2310 Don Troutman, 2453 Homestead Drive, North Pole, AK., registered guide since 1984. Had an area in the Brooks Range. Discusses his conversations with Ray DeMerche on possible ways to limit the number of people in areas. Discussion

4400 Ch. Springer went to Slana for testimony.

APPROVED

4414 Doug Frederick, Slana, Regarding sustained yield, and for the past ten years we've tried to get the Board to give the guides a small number of permits, but they haven't done so.

4500 Ch. Springer called for a 15 minute recess.

Tape 4, Side one
15 Ch. Springer announces handouts available and calls the meeting back to order at 3:30p

100 Jay Frasier, Box 1331 Delta Junction, AK 99737. The SB 191 has helped to regulate the air taxi's in their area. Does not want guides to have to have Part 131, FAA licenses, as the flying done is incidental to the guiding operation. Thinks we can learn a lot from the Canadians.

238 Vernita Cassidy cautions that the Alaska constitution and Canada's government are very different.

300 Ch. Springer- Glennallen, anyone to testify?

322 Chuck McMan, P.O. Box 113, Dacona 99566. Does not think that guiding will be very much affected in his area. He is against the Part 135 requirement for guides. Discussion.

723 Chris Ellis, Slana, thinks there should be a requirement for non residents to have a guide for moose and caribou hunters.

900 Ch. Springer cites citizen's rights and the historical perspective of how sheep and bear became species which required a guide for non-residents--adverse inclement weather, and the nature of dangerous animals such as the bear necessitated this requirement. Discussion continues.

1720 W. J. Lynus O'brien, P.O. Box 2474, Fairbanks, AK 99707 Registered guide licensed for GMU 21, no area, thinks that there should be preference given when developing solutions for this system, to rural residents who live in the bush, in particular, those that derive a majority of their income from guiding. He expresses quite a bit of concern that the guides will have tougher regulations, that his lifestyle will not be possible, that the big game guides will not be able to compete with outfitters, especially non-residents, who will come to Alaska for the hunting season with numerous clients, just taking Alaskan's resources. Discussion continues.

3730 Randall Burns advises that just because a person is a resident in Alaska does not automatically give them qualifications over someone from out-of-state who may be better qualified to guide due to experience and credentials.

APPROVED

4030 Lynus O'Brien says most of the guiding work is done by the assistant guide and believes that the testing should be more stringent for those people. Discussion continues.

4315 Senator Fanning commented about non-resident vs resident hunters in the guiding system. Discussion continues.

4525 Paul Johnson has comments on the point system and agrees that the bush people should be considered important to the system. The three main areas that O'Brien touched on for the point system are, he says, residency, time spent in region, and degree of income. Discussion continues.

Tape 4, Side two
500 Ch. Springer asks for comments.

505 Matthew Iya comments on the federal management of the marine mammals and the allocation system. He comments on the number of non-resident guides as 2, class "A" assistant guides as 2, and assistant guides as 58.

628 Randall Burns suggests that the criteria for licensing is what we should be examining.

842 Lynus O'Brien continues his comments on testing for assistant guides and criteria. Discussion continues.

1425 Vernita Cassidy suggests that O'Brien not make sweeping judgments about native, rural Alaskan's. She comments on her testimony in Europe on furbearer's regulations which would affect Alaskan's.

1600 Lew Pamplin comments that Suzanne Miller just checked the transporters list and of the 1000 businesses listed, 23 list out-of-state addresses.

1940 Randall Burns cautions that DCED may require business licenses but that doesn't mean all parties comply. Discussion continues, speculating about a point system.

2738 Nick Pierskalla clarifies that the outfitters are not asking specifically to become registered guides, but rather, are asking to be licensed.

2930 Ch. Springer goes to Anchorage for testimony.

2940 Ronald Jordan, 3444, #A Seppala Drive, Anchorage, AK 99717, not guide or outfitter, thinks that the bill is an anti-outfitter's bill. Thinks that the resource needs to be managed for the people, that people created problems and the illegal activities by guides show it's not just an outfitter's problems. Suggests outfitters limits in the system be defined.

APPROVED

3950 NICK PIERSKALLA STATES THAT HIS PARTICIPATION IN RECENT MEETINGS WITH APHA AND OUTFITTER'S ASSN. AND A DISCUSSED AGREEMENT TO USE TRANSPORTER/OUTFITTER TO TRANSLATE TO OUTSIDE HUNTERS THAT HE WAS NOT A GUIDE, BUT RATHER, PROVIDED TRANSPORTATION AND EQUIPMENT SERVICE. DISCUSSION CONTINUES.

4130 CH. SPRINGER ADVISES THAT LEGISLATIVE HEARINGS IDENTIFIED THAT THE USE OF "OUTFITTER" IN THE LOWER 48 DOES NOT CONNOTE THE SAME MEANING AND IS OFTEN CONSIDERED A GUIDE, BY THOSE PARTIES. SO, A HUNTER MAY THINK HE IS GETTING GUIDING SERVICE RATHER THAN THE LIMITED SERVICES OF AN ALASKAN OUTFITTER.

4218 ED BEEMAN, P.O. BOX 134, CHUGIAK, AK., A GUIDE FOR 32 YEARS. IS OPPOSED TO THE REQUIREMENT BY SB 191 FOR GUIDES TO COMPLY WITH PART 135 FAA REGULATIONS. HE CONTINUES TO DISCUSS HOW THIS WILL AFFECT HIS GUIDING OPERATION. FEELS USE OF AIRCRAFT IS INCIDENTAL TO HIS GUIDING OPERATION, AND IT WOULD BE COST PROHIBITIVE TO COMPLY WITH THE INSURANCE REQUIREMENTS AND OTHER FAA REGULATIONS, PARTICULARLY PAPERWORK AND TIME INVOLVED. HE IS NOT INSTRUMENT RATED AND WON'T BE. WOULD LIKE TO SEE OUTFITTERS HAVE THE SAME REPORTING REQUIREMENTS AS GUIDES. DISCUSSION.

TAPE 5 SIDE ONE

750 VERNITA CASSIDY CAUTIONS THAT NO ONE GROUP HAS A CORNER ON ETHICS WITH OUR CURRENT SYSTEM. WHAT WE SHOULD BE FOCUSING ON HOW TO GLEAN THOSE WHO OPERATE ILLEGALLY FROM THE SYSTEM.

955 NICK PIERSKALLA INITIATES A DISCUSSION ON AIR TAXI INSURANCE REQUIRED FOR PART 135.

1153 CH. SPRINGER INITIATES A DISCUSSION ON THE HISTORICAL PERSPECTIVE OF THE PART 135, THE DISTINCTION BEING THAT IT WAS DECIDED THAT THE FLYING FOR GUIDES WAS INCIDENTAL, FOR OUTFITTERS/TRANSPORTERS WAS NOT.

1235 RANDALL BURNS DISCUSSES IT'S INCEPTION DUE TO CLIENT SAFETY.

1250 REP. NAVARRE ADVISES THAT ALL OF THE ABOVE WAS PERTINENT AND THE FAA CONSIDERS IT INCIDENTAL TRANSPORTATION FOR GUIDES.

1260 CH. SPRINGER ANNOUNCES THAT THESE QUESTIONS ARE BEST DIRECTED TO FAA, AND A REPRESENTATIVE WILL PRESENT TESTIMONY BEFORE THE TASK FORCE AT 1P, OCTOBER 25.

1525 TERRY OBERLIE, MASTER GUIDE, SLANA, HAS 44 HORSES AND LIVES IN AN AREA WHERE HE MUST HAVE AN AIRPLANE TO EXIST. HE USES MINIMAL USE OF AIRPLANE FOR HIS CLIENTS AND USES A PLANE TO SHUFFLE HIS CLIENTS, BUT AIR TAXIS FLY IN HIS HUNTERS. THINKS PART 135 MANDATE WOULD MAKE IT ALMOST IMPOSSIBLE FOR HIM TO OPERATE.

APPROVED

1920 Gayle Ranney Hauling fuel and supplies for camp are covered under Part 91, not the Part 135. Complicated situation where we saying guides can't use their planes in any way, shape or form. The FAR defines hire, but their person can have their own business and flying can be incidental.

2020 Terry Oberlie Discussion continues regarding how it would and does affect guides currently.

2430 Ch. Springer advises that the FAA can answer and clarify how it does affect guiding. Recess for dinner at 5:45p for about an hour.

2535 Ch. Springer brings the meeting back to order at 7:10p

2630 John Hajdukovich, P.O. Box 2036, Fairbanks, AK 99707 Representing the Air Carriers Association. It is their position that all carriers or persons engaged in commercial hunting operations using airplanes should be covered under the same federal regulations as their is no reasonable exemption. Safety is the main concern. He agrees with the provisions in SB 191 which address the Part 135, FAA. Discussion continues .

4702 Paul Johnson notes that some guides have several thousand hours flying time and have better local knowledge of weather conditions and some air strips or gravel bars. Discussion continues.

Tape 5, Side two

000 Paul Johnson notes that communication systems don't allow for people in the field, guides, to get on the phone and call for an air taxi to come out and move the clients to a different area. The logistics are simply more difficult than at first glance.

50 John Hajdukovich continues that the industry has progressed. Discussion continues.

215 Nick Pierskalla initiates discussion of lack of availability of chartering with an air taxi for smaller plane, a super cub, which is used extensively by guides. That the larger planes are more expensive to use, and the well-suited super cub is not available commercially. Discussion continues.

730 Senator Fanning gives historical legislative perspective regarding the Part 135 requirement. Discussion of insurance requirements.

2407 Don Troutman testifies that he believes the transportation guides provide to clients is incidental to their operations. Discussion continues.

APPROVED

2558 Senator Fanning discusses local information his pilots have and his reliance on their specific abilities. Not feasible for him to use air taxi's for his operation. Discussion continues.
3700 Lynus O'brien comments on service provided by guides and client safety as an issue.

3820 Ch. Springer gives comments on services provided and the difference in services an air taxi offers and the role regulation provides to ensure consumer protection.

3857 Lynus O'brien continues his discussion on air taxi's vs. guides and local knowledge of pilots.

4050 Gayle Ranney speaks to certification and training by air taxi's.

4240 Gayle Ranney comments on supply and that many state agencies have their own aircraft, including super cubs, so it hasn't been worthwhile or sufficient demand for air taxi's to have super cubs. Discussion continues.

4515 Gayle Ranney notes that it's important to note that many air taxi operator's have a concern for wildlife resources, as strong of a concern as anyone else. They live here and appreciate the wildlife resources in this state. Discussion continues

Tape 6 Side one

000 Senator Fanning describes the legislative perspective on the Part 135 provision of SB 191. That there was no mechanism in place to limit the number of outfitter's operating in Alaska and the Part 135 regulations requires a base of operation in Alaska. Discussion continues.

109 Lew Pamplin discusses federal vs. state jurisdiction.

215 Ch. Springer continues to take testimony from Fairbanks.

224 Jim Moore, P.O. Box 60461, Fairbanks, AK, is an outfitter, and lodge owner. Cost of insurance discussion. Believes that everyone who flies should have the same requirements for safety purposes. For four seats his insurance ran $16,000. Considerably higher because he is operating in a more hazardous area. Discussion continues.

1000 Ch. Springer discusses relative market of hunts in the worldwide market. Discussion continues.

1650 Phil Driver, Alaska Professional Hunters Association, 1306 E. 26th Ave. Anchorage, AK. comments on dall sheep take - 1500 dall sheep harvested vs. the European take. Discussion continues.

APPROVED

2140 CH. SPRINGER CALLS FOR A TEN MINUTE RECESS AT 8:45P

2145 CH. SPRINGER BRINGS THE MEETING BACK TO ORDER AT 9P. NO ONE WISHES TO TESTIFY AND CH. SPRINGER SAYS WE WILL STANDBY FOR ANY FURTHER TESTIMONY.

2524 CH. SPRINGER ADJOURNED THE MEETING AT 9:30 P.M.

APPROVED

OCTOBER 25TH --2ND DAY OF TASK FORCE ON GUIDING AND GAME MEETING AT FAIRBANKS, AK.

2548 Ch. Springer called the meeting to order at 8:30 a.m. Present were Gayle Ranney, Nick Pierskalla, Paul Johnson, Pete Buist, Phil Gilson, Steve White, Randall Burns, Vernita Cassidy, Matthew Iya, Rep. Navarre, and Lew Pamplin, and Mark Riehle representing Senator Jan Faiks.

2700 Ch. Springer began public testimony in Fairbanks.

2741 Bud Helmericks, P.O. Box 12, Prudhoe Bay, AK 99734, Colville Village, passed out a diary and two books, Game Trails, Don't Blame the Indians; 2850 Note for the record, Senator Fanning and Lew Pamplin joined the task force at 8:35a.m.

2950 Bud Helmericks states that the first guides were also deputy wardens, and continues by providing an historical perspective on exclusive guiding areas: that it prevented overlapping hunting areas for guides, that some guides found with the ease of aircraft they could become outfitters and simply drop off hunters. The restricted guide areas were developed. Some guides who lost their licenses, and they simply became outfitters--and did provide the same operation they had before. Discussion continues.

4740 Bud Helmericks says that guides and air taxi's are the two systems which work well together. There really isn't another industry needed. Discussion-continues.

Tape 6, Side 2

000 Ch. Springer talks about the system, and choices that hunters make. Always is someone who can exploit a system and create chaos. One suggestion mentioned yesterday was a resident use outfitters and non-resident use guides.

214 Bud Helmericks says that a guide should work his area like a ranch, and diversify ---take fishing clients, etc., but is opposed to air taxi's dumping off a bunch of hunters encroaching those game pockets. Discussion continues.

520 Ch. Springer standing by for Ray DeMerchi.

803 Ch. Springer brings the meeting back to order for a call from British Columbia. Ray DeMerchi explains the big game guiding/outfitting system that they currently use.
000 Ch. Springer discusses outfitter services and guide services, and enforcement problems distinguishing between the two.

APPROVED

TAPE 7 SIDE 1

SEE SYNOPSIS OF RAY DEMARCHI'S TESTIMONY PREPARED BY SEN. FANNING'S STAFF, JOHN MANLY, UNDER SEPARATE COVER.

APPROVED

TAPE 8, SIDE 1

925 CH. SPRINGER BREAKS WITH RAY DEMERCHI AND STATES ANNOUNCEMENTS.

1038 RALPH MILLER, 5449 RICHARDSON HWY, DELTA JUNCTION GUIDE BOARD SETS THE STANDARDS FOR THE GUIDING INDUSTRY AND ASKS WHAT THEY ARE?

1107 PETE BUIST RESPONDS THAT THE PROFESSIONAL AND VOCATIONAL REGULATIONS THAT HAVE BEEN DEVELOPED AND THAT THE STANDARDS ARE THE ACTUAL STATUTES LISTED IN ALASKA STATUTES TITLE 12.

1320 RALPH MILLER STATES HE THINKS A LOT OF PRESSURE ON THE RESOURCE STEMS FROM THE AIR TAXI'S DROPPING OFF HUNTERS.

1530 BUD HELMERICKS BELIEVES THAT THE OVERALL HARVEST BY CLIENTS (OF GUIDES) IS MINIMAL, AND THE IMPACT ON OUR ECONOMY, THE DOLLARS PUMPED IN FROM THOSE CLIENTS IS TREMENDOUS, AND IT ALSO HAS A TREMENDOUS IMPACT ON THE TOURISM INDUSTRY. DISCUSSION CONTINUES.

2530 CH. SPRINGER TAKES TESTIMONY FROM KOTZEBUE.

2620 PETE SCHAEFFER, NANA, BOX 49, KOTZEBUE WANTED TO MAKE SOME GENERAL COMMENTS ABOUT EXCLUSIVE AREAS. THINKS THAT THE CANADIAN SYSTEM AND OURS ARE SIMILAR PROBLEMS, AND THERE ARE SOME AGREEMENTS WITH THE CANADIAN GOVERNMENT WHICH ARE COMPARABLE TO THE MARINE MAMMAL PROTECTION ACT. THINKS THAT A CONSTITUTIONAL AMENDMENT MAY BE NECESSARY.

3000 PHIL DRIVER, 1306 E. 26TH AVE. FAIRBANKS, AK., REPRESENTING THE ALASKA PROFESSIONAL HUNTER'S ASSOCIATION. WAS ALARMED THAT THE REPORTING THIS YEAR WAS SO DISMAL. JUST WANTED TO THANK THE TASK FORCE FOR THEIR EFFORTS.

3205 RON SOMMERVILLE, JUNEAU, ALASKA OUTDOOR COUNCIL. HAS TESTIFIED MANY TIMES BEFORE THE LEGISLATURE. STATES THAT THE STATE HAS A PRIORITY FOR SUBSISTENCE HUNTERS. WITH AN UNREGULATED COMMERCIAL ENTERPRISE OVERLAPPING WITH A WELL REGULATED GUIDING INDUSTRY IS NOT ACCEPTABLE TO MOST RESIDENTS. WOULD LIKE TO SEE THE CONFLICT REDUCED AND SHOULD LOOK FOR INNOVATIVE WAYS TO MODIFY THE SYSTEM.

3424 TOM KIRSTEIN, P.O. BOX 83808, FAIRBANKS, AK 99708 HAS BEEN A GUIDE SINCE 1974. TESTIFIED THAT HE HAD AN AREA IN GMU 9 AND OWNS A LODGE, DOESN'T FLY, AND HIRES A PILOT. BUT DOES WISH TO OBJECT TO THE PROVISION IN SB 191 REGARDING REQUIREMENT OF PART 135. DISCUSSES A SCENARIO, WHEREBY THIS YEAR HIS PILOT QUIT IN MID-SEASON AND HE COULDN'T GET A SUPER CUB ON THE ALASKA PENINSULA FOR HIRE. HE DOESN'T FEEL HE CAN COMPLY WITH THE PART 135, JUST TOO EXPENSIVE.

APPROVED

4812 Ch. Springer recessed for lunch at 12:15p

Tape 9, side one

000 Ch. Springer called the meeting back to order at 1:15p Present were Randall Burns, Steve White, Lew Pamplin, Nick Pierskalla, Vernita Cassidy, Paul Johnson, Matthew Iya, and Gayle Ranney, Pete Buist, Phil Gilson.

442 Albert Crook, FAA spoke to insurance requirements. The Federal government issues two certificates under Part 135. Operating certificate which does not require any insurance requirements. The other certificate, an air carrier certificate, which does have a requirement, depending on the size of the operation. The single pilot operator requirement. Pilot must have instrument ratings, 500 hours. total time, aircraft have 100 hour. inspection and annual inspection. That equipment is properly installed, overhaul times identified. The pilot must know the Part 135 rules, but those are the basic requirements. The FAA will work with the pilot, they work with them on a case- by- case basis.

828 Larry Dalrymple, 6348 Old Airport Way, FAA, The largest single items that compound the time to get certificated is whether the operation is a single pilot operation or a fleet. No company manual or training manual for a single pilot vs. the multi-pilot operation.

900 Ch. Springer asked when the Part 135 is required.

924 Larry Dalrymple If you are flying goods or people for compensation or hire.

945 Albert Crook - FAA does not require insurance, the Department of Transportation requires the insurance, the pilot must have a certificate of insurance prior to the Part 135 air carrier certificate being issued. If the person is going to haul interstate, or foreign, or haul mail by contract, they must hold an air carrier certificate. If they are only going to operate intrastate, they are only required to hold an operating certificate---that's federal requirements.

1105 Note: Representative Navarre joined the task force.

1105 Albert Crook, continues discussion and speaks to surveillance of operations, that the FAA investigates all complaints and uses whatever is necessary to conduct their operations, including joint enforcement, such as with FWP.

1500 Albert Crook explains that the rule of thumb used by FAA to determine commercial vs. friends sharing a plane ride and expenses is that the pilot determines where they are going, and shares equal expenses for fuel; determined on a case-by-case basis. Discussion continues.

APPROVED

2150 CROOK EXPLAINS THE FAA INTERPRETATION ON OUTFITTING. IF IT IS SOLD AS A TRIP TO THE LAKE AND THE AIR TRANSPORTATION IS $300 AND THE RENTAL FOR EQUIPMENT IS $50, IT WOULD BE THEIR DETERMINATION THAT IT WAS AN AIR TAXI OPERATION. IF THE AIR TRANSPORTATION IS INCIDENTAL, THEN IT WOULDN'T BE AN AIR TAXI OPERATION---GRAY AREA, CASE-BY-CASE INTERPRETATION. DISCUSSION CONTINUES.

2235 LEW PAMPLIN ASKS FOR A SUMMARY OF ANNUAL REQUIREMENTS UNDER PART 135, SINGLE PILOT OPERATION.

2250 ALBERT CROOK RESPONDS THAT THEY WOULD CONDUCT A BASE INSPECTION, REVIEWING AIRCRAFT RECORDS, OPERATIONS INSPECTION, FLIGHT DUTY TIME, FLIGHT MANIFESTS, CERTIFICATE AND OPERATION SPECIFICATIONS, CHECK FOR CURRENT MAPS AND CHARTS, CHECK TO SEE IF THEY ARE RECEIVING ANY TRAINING REQUIRED, I.E, HAZARDOUS MATERIALS, CURRENT MEDICAL CHECK, ANNUAL FLIGHT CHECK. SOME OPERATIONS FOR A BASE ARE THE BACK OF A STATION WAGON, A TRAILER, A LOG HOME, AN AIRPORT, ANY NUMBER OF SCENARIOS. DISCUSSION CONTINUES.

3340 NOTE: SENATOR FANNING JOINED THE TASK FORCE AT 1:50 P.M.

3550 CH. SPRINGER ADVISES THAT UNDER 42.30.200 THERE IS A STATE REQUIREMENT FOR INSURANCE AT $150,000 PER SEAT, $100,000 FOR PROPERTY DAMAGE.

3600 LARRY DALRYMPLE DISCUSSES THE BASE OF OPERATION AND THE RESPONSIBILITY OF THE CERTIFICATE HOLDER TO NOTIFY FAA OF CHANGE OF BASE OF OPERATION.

3860 DON TROUTMAN DISCUSSES THE REQUIREMENTS THAT PRIVATE PILOTS OPERATE UNDER TO INCLUDE KEEPING LOGBOOKS, KEEPING CURRENT, ANNUAL INSPECTIONS UNDER THE FAA PART 91. THAT IT WOULD BE EXPENSIVE AND NEEDLESSNESS IN SOME CASES TO GET THE PART 135 CERTIFICATE. THAT A SUPER CUB HAS NO INSTRUMENTS AND DOESN'T QUALIFY FOR IFR,.

4225 LARRY DALRYMPLE DISCUSSES THE TIME INVOLVED TO GET THE PART 135 CERTIFICATE, THAT THERE IS DELAY TO GET THE INSURANCE CERTIFICATE, IT ISN'T AN OVERNIGHT CERTIFICATION PROCESS.

4630 JOHN HAJDUKOVICH, FRONTIER FLYING, SUGGESTS THAT THERE ARE NOT INSTANCES OF CERTIFICATION ACTION AGAINST PILOTS.

4850 ALBERT CROOK DIDN'T KNOW OF ANY INSTANCES.

TAPE 9, SIDE TWO

000 JOHN HAJDUKOVICH CONTINUES HIS DISCUSSION.

130 CROOK SAYS THEY DO INVESTIGATE AND DO HAVE THE AUTHORITY TO REVOKE LICENSES AND IMPOSE CIVIL PENALTIES, IF THEY DO NOT

APPROVED

HAVE A CERTIFICATE. FINES CAN BE LEVIED, UP TO AND INCLUDING TAKING A PERSON'S AIRCRAFT.

322 ALBERT CROOK SAYS IT HAS BEEN DONE. DISCUSSION CONTINUES REGARDING INCIDENTAL FLYING.

700 DAVE NEEL, BOX 170303, ANCHORAGE, AK, FAIRNESS TO EVERYONE, TASK FORCE SHOULD LOOK AT THE FISHING GUIDES AND LODGE OPERATORS AS WELL, NOT JUST THE OUTFITTERS AND GUIDES, WHILE WE ARE LOOKING AT SAFETY OF OPERATIONS.

750 CH. SPRINGER ADVISES THE FOCUS OF THIS TASK FORCE IS GUIDING AND THE COMMERCIAL TAKING OF GAME.

900 GAYLE RANNEY CONTINUES THE DISCUSSION REGARDING INCIDENTAL TRANSPORTATION OF HUNTERS.

1355 CH. SPRINGER DISCUSSES THE AGENDA. SHORT BREAK.

1430 CH. SPRINGER RECONVENES THE TASK FORCE AND DISCUSSION ON THE TASK FORCE MEETINGS. THE GAME BOARD WILL BE MEETING ON THE SAME DATE AS THE KENAI-SOLDOTNA MEETING. DISCUSSION CONTINUES REGARDING THE MEETING DATES FOR THE KENAI-SOLDOTNA MEETING.

4500 CH. SPRINGER SETS THE DATE FOR THE NEXT MEETING NOVEMBER 15 AND 16TH TO BE HELD IN SOLDOTNA-KENAI AND THE DECEMBER MEETING WILL BE HELD BEGINNING ON DECEMBER 12.

TAPE 10

000 CH. SPRINGER CONTINUES THE DISCUSSION ON THE DECEMBER 12 MEETING.

100 RANDALL BURNS STATES THE GUIDE BOARD WILL BEGIN MEETING NOVEMBER 28 IN ANCHORAGE AND WILL PROBABLY CONTINUE THE FIRST WEEK IN DECEMBER. WESTMARK HOTEL IN ANCHORAGE FOR THE PUBLIC MEETING NOVEMBER 30 - DECEMBER 3.

300 CH. SPRINGER DISCUSSES THE PRIVATE TESTIMONY, AND IS INTERESTED IN AVOIDING THE POSSIBLE SITUATION ARISING WHERE IT MAY ARISE THE ALLEGATION THAT THE TASK FORCE ACTED ON SOMETHING THAT WAS BROUGHT UP AS PRIVATE TESTIMONY. THINKS WE SHOULD NOT ALLOW IT, IN VIEW OF THE OPEN MEETINGS ACT. ASK THAT SENATOR FAIKS BE ADVISED BY HER STAFF, MARK RIEHLE.

900 CH. SPRINGER REQUESTS ADDITIONAL INFORMATION ABOUT THE AVAILABILITY OF THE TELECONFERENCE NETWORK FOR THE NOVEMBER 15 AND 16 MEETING. DISCUSSION CONTINUES.

1900 SENATOR FANNING ADVISES THERE WAS A REQUEST TO SAC TO ADVISE THE TASK FORCE REGARDING PERMITS ISSUED ON STATE AND FEDERAL LANDS, AND DISCUSSES THE DRAFT MEMO DATED SEPTEMBER 15TH BY SHEILA HELGATH. DISCUSSION CONTINUES.

APPROVED

3005 CH. SPRINGER ASKS FOR A REPORT BY DAVID TEAL REGARDING OTHER STATE'S STATUTES AND REGULATIONS, CAUTIONING THAT THIS IS CERTAINLY OF LIMITED VALUE.

3105 DAVID TEAL EXPLAINS THAT HE DID A COMPUTER SEARCH AND DISCUSSES HIS REPORT OF THE 14 STATES AND THE RANGE OF ACTIVITY--SOME LICENSE, NONE REQUIRE RESIDENTS TO USE GUIDES, SOME HAVE MINOR RESTRICTIONS. VAST DIFFERENCES BETWEEN STATES. FOR EXAMPLE, IN WYOMING ALL NON-RESIDENTS HUNTING ANY BIG GAME SPECIES MUST HAVE A GUIDE. HE ADVISES THAT HE WILL BE AVAILABLE TO CITE SPECIFIC INSTANCES AS THE TASK FORCE GOES THROUGH THEIR DELIBERATIONS. DISCUSSION CONTINUES.

TAPE 10 SIDE TWO

000 DAVID TEAL DISCUSSES THE BRITISH COLUMBIA SYSTEM, THAT THEY DO HAVE AN EXPERIENCE REQUIREMENT, AND THAT EXPERIENCE REQUIREMENT FOR OTHER STATES' VARIES. DISCUSSION CONTINUES

1200 CH. SPRINGER PASSED OUT SOME CORRESPONDENCE FOR THE TASK FORCE TO REVIEW AND ASKS THAT EACH MEMBER FORWARD TO NANCY PETERSEN, STAFF TO SENATOR FAHRENKAMP AND CORRESPONDENCE THAT THEY RECEIVE THAT THEY WISH TO BECOME PART OF THE TASK FORCE DELIBERATIONS.

1700 PETE BUIST ASKED FOR A STATUS ON A PARTICULAR CASE.

1702 BOB BOUTANG, FWP INTERJECTED ABOUT AN INVESTIGATION THAT WAS CURRENTLY ONGOING.

2020 CH. SPRINGER ADVISES WE'RE GOING BACK TO THE OWSICHEK CASE. DISCUSSION CONTINUES.

2300 STEVE WHITE SAYS AS HE MENTIONED YESTERDAY, THAT THE MOST IMPORTANT PROVISION WHICH THEY STRUCK DOWN, WAS THE COMMON USE CLAUSE WHICH SUGGESTS THAT THERE MUST BE PUBLIC ACCESS. AND THAT THERE BE A LIMITED TIME AREA. GOING BACK TO THE COMMON USE, IT CAN'T BE ANTI-COMPETITIVE, THERE CAN'T BE SPECIAL PRIVILEGES OR SPECIAL GRANTS. ANY KIND OF SYSTEM MUST BE OPEN.

2500 CH. SPRINGER SAYS HE THINKS THERE ARE MANY INSTANCES, SUCH AS GRAZING RIGHTS, MINING RIGHTS, THAT HAVE ALL BEEN ADDRESSED AND PARALLEL THESE PROBLEMS.

2925 STEVE WHITE GOES ON TO SAY HE THINKS THAT YOU COULD INCREASE THE CRITERIA REQUIREMENTS OF THE GUIDES TO THE POINT THAT IT BECOMES TOTALLY UNRELATED TO WHAT YOU WANT TO ACCOMPLISH, THE PROTECTION OF THE PUBLIC. ONCE YOU GET BEYOND SERVING THAT PURPOSE, I THINK YOU RUN INTO PROBLEMS. RESTRICTING ENTRY INTO THE PROFESSION DOES NOT SERVE A SAFETY FUNCTION.

3020 CH. SPRINGER CONTINUES THE DISCUSSION.

APPROVED

3050 STEVE WHITE SPEAKS TO HIS WORK WITH OTHER LICENSED PROFESSIONS, AND IF THERE IS A SUBJECTIVE STANDARD SET, IT CAN CAUSE PROBLEMS. SPEAKS TO LAND AND TIMBER RIGHTS, THAT THIS CLAUSE, FISH AND WILDLIFE IS LISTED, WHICH MAY GIVE MORE FLEXIBILITY TO USE OF THOSE EXCLUSIVE RIGHTS OF THOSE RESOURCES. MENTIONS THAT THE FUNCTION OF THE GAME BOARD IS TO TAKE ACTION ON FISH AND GAME RESOURCES AND THEIR ABILITY TO SHUT DOWN HUNTING. DISCUSSION OF COMMON USE CONTINUES.

TAPE 11, SIDE ONE

000 CH. SPRINGER CONTINUES WITH THE WORK THAT THE TASK FORCE MUST FACE. THAT THE TASK FORCE NEEDS TO KNOW WHAT AVENUES ARE OPEN TO THEM. WHAT HAPPENS TO THE INVESTMENT AND THE MARKET VALUE OF THE RIGHTS THE GUIDES HAVE NOW? SPECIFICALLY DISCUSSES PAGE 29 AND 30 OF THE OWSICHEK DECISION.

240 STEVE WHITE SAYS HE WILL CHECK FURTHER, BUT WOULD SAY THE STATE WOULD BE IMMUNE FROM ANY LIABILITY DUE TO A JUDICIAL CHANGE. AND IT'S NOT A PROPERTY RIGHT, JUST A DISCRETIONARY CHANGE AND IS NOT AWARE OF ANY LIABILITY. THAT IT IS A RISK THAT PEOPLE TAKE WHENEVER THEY MAKE IMPROVEMENTS WHILE HOLDING A PERMIT RATHER THAN TITLE TO PROPERTY.

820 VERNITA CASSIDY SUGGESTS THAT WHEN THE MADISON CASE WAS DECIDED THAT THERE WAS MUCH SPECULATION ABOUT THE FAR REACHING RAMIFICATIONS OF THAT DECISION AND SUGGESTS THAT THE SAME THING IS HAPPENING HERE. DISCUSSION CONTINUES.

1390 NICK PIERSKALLA ASKED ABOUT THE AVAILABILITY OF THE WHITE PAPER AND PACKET.

1410 CH. SPRINGER REQUESTS THAT THE WHITE PAPER AND THE PACKET RAY DEMARCHI MENTIONED BE REQUESTED BY NANCY PETERSEN.

1425 SENATOR FANNING ASKED THAT THE LICENSING INFORMATION FROM CANADA REGARDING THE AIR TAXI'S VS. THE GUIDING/OUTFITTER INDUSTRY BE REQUESTED ADDITIONALLY.

1735 CH. SPRINGER ADVISES THAT THE TASK FORCE CONTACT IS NANCY PETERSEN WITH SENATOR BETTYE FAHRENKAMP'S STAFF, AND SHE WILL BE IN CONTACT WITH CH. SPRINGER SHOULD ANY QUESTIONS ARISE.

1814 CH. SPRINGER ADJOURNED THE MEETING AT 5:15P.

APPROVED

A BRIEF SYNOPSIS OF THE BRITISH COLUMBIA SYSTEM OF REGULATING GUIDE-OUTFITTERS

(As related to the Task Force on Guiding and Game by Mr. Ray Demarchi, Regional Biologist for the Kootenai Region, BC Ministry of the Environment, Wildlife Branch, at its meeting on October 25, 1988, Fairbanks)

In British Columbia, guides may operate only in one of the 266 "Guiding Territories" which cover about 75% of the Province. In the remaining 25%, game populations are lighter, and the guiding industry did not develop.

Historically, the guiding industry began in 1929. Before that date, a nonresident did not require a guide to hunt in BC. In 1961, the Province made an agreement with the guide's association that if they would get together and determine among themselves who was guiding where, the government would recognize the territories and assign them among the guides. By the mid-70s, nearly all of the territories had been assigned exclusively, with most "guide-blocks" or joint-use areas eliminated. The system evolved slowly over a period of years, with the encouragement of the provincial government, which recognized the economic value of nonresident hunting. Today, in addition to the 266 guide-outfitters, there are 890 assistant guides, who take out about 4000 clients, who spend about $17 million each year in the province.

In 1973, the government passed legislation allowing it to sell vacant guiding territories at public auction. The government has provisions allowing it to cancel a guide-outfitter license for nonuse, if it stands idle for more than two years.

APPROVED

In 1969, the province introduced the guide-outfitter certificate. This is a 15-year contract with the province, and may be renewed at the end of its term if the guide-outfitter has been operating within the law.

Up until 1982, the Provincial government maintained a highly paternalistic relationship with the guiding industry, closely regulating it to ensure consumer protection. Since 1982, however, it has kept an arms-length attitude, and has allowed the industry to set its own standards and police itself. It is now up to the client to determine if the guide-outfitter will provide the services he claims. The government doesn't even license nonresident hunters directly - the guide-outfitter who contracts for the hunt issues the license. Quotas for limited species are issued to the guide-outfitters, who go to the marketplace and maximize return.

While the province manages its wildlife for the maximum benefit of the residents, it sets aside a certain percentage of its wildlife for the guide-outfitters through its allocation policy, set up in 1984. The allocation committee is comprised of the Wildlife Branch, and the elected representatives of the BC Wildlife Federation (an umbrella group for all sportsmens organizations in the province) and elected representatives of the guide-outfitter industry. Each region develops its allocation formula through the provincial formula. The ratio of resident take to nonresident take varies by species and by region.

The province has attempted to take politics out of the allocation equation as much as possible, by allowing the resource user groups to decide among themselves how the game will be allocated, with a minimum of guidance from the bureaucracy. Seasons and bag limits, however, as well as license and tag fees, are set by the Wildlife Branch.

APPROVED

The quota allocated to a particular guide-outfitter is also effected by the previous results of his hunts. If he is taking too many female or young animals, his quota may be reduced. On the other hand, if the guide-outfitter takes consistently older animals, he is given a higher quota.

There are 3 classes of hunters in BC: Resident hunters, who, regardless of citizenship, have lived in the province for at least 6 months, and do not need to use a guide; nonresidents, or Canadians who do not live in BC, who must use a guide, or who can be accompanied by a resident hunter; and alien hunters, nonresidents who are not Canadian. The number of accompanied hunts is limited by the policy of having quotas or limited entry on high-demand species. While resident hunters may use a guide-outfitter's services, they may not hunt one of the permits assigned to the guide-outfitter under his quota for nonresidents. In other words, if a resident does not draw his desired permit, he may not hunt with a guide-outfitter using one of his nonresident permits. He can still hunt with the guide-outfitter if the species for which he is hunting is not on limited entry.

A guide-outfitter certificate or license consists of the exclusive right to contract for hunts within a particular geographic territory and belongs to a natural person, referred to as a "guide-outfitter". This exclusive right becomes a part of the guide-outfitter's estate, and may be sold. If the Crown wishes to reacquire this right, it would have to purchase it back from the guide-outfitter.

The guiding territories range in size and in quality, and therefore range in value from around $10,000 for a small moose territory up to $1 million or more for a large territory with several species of game and a large quota. An average price for a territory in the Kootenai region would be anywhere from $150,000 to $350,000.

APPROVED

To become a guide-outfitter, a person must have two years experience as a guide, and be recommended by the conservation office and the director of the wildlife branch. The guide-outfitter license is renewable annually for a fee of $100. Every guide-outfitter has a territory, which he has purchased, either at public auction from the Crown, or privately from another guide-outfitter. There are no guide-outfitters without territories. When a guide-outfitter sells his territory, he no longer has a guide-outfitter license, and he may not contract for hunts. He can still work as an assistant guide for another guide-outfitter, however.

In the event a guide-outfitter violates a game regulation or otherwise violates his contract with the province, he may lose his right to guide, and must sell or transfer his guiding area to another qualified guide-outfitter. The province has not yet repatriated a guiding territory to the Crown.

Agreeable guide-outfitters may have their guiding territories changed to more accurately suit their situations, - dynamic game populations and hunting pressures, if the regional wildlife manager agrees that the areas created will be viable, and approves the changes. There has been a general policy of encouragement on the part of game managers to "amalgamate" territories, where game populations indicate it would be beneficial. By encouraging amalgamation, through purchases by adjoining guide-outfitters, the government has reduced the number of operators, and thereby been better able to control pressure on the resource.

The government has encouraged guide-outfitters who live in their guiding territory to develop year-round recreational activities to offer the public, to help optimize the guide-outfitter's position and license.

APPROVED

THE GUIDE-OUTFITTER MAY HAVE SILENT PARTNERS, WHO MAY HAVE INVESTED IN THE GUIDE-OUTFITTER'S PROCUREMENT OF THE TERRITORY. WHILE THE GOVERNMENT TURNS A BLIND EYE TO SUCH RELATIONSHIPS SO FAR AS THE GUIDE-OUTFITTER'S RELATIONSHIP TO THE WILDLIFE BRANCH IS CONCERNED, THE COURTS WOULD BECOME INVOLVED IN A CIVIL DISPUTE BETWEEN THE GUIDE-OUTFITTER AND THE SILENT PARTNERS.

THE GUIDE-OUTFITTER PAYS A HEAD TAX ON EACH ANIMAL TAKEN; I.E., $30 ON MOUNTAIN SHEEP OR GRIZZLY BEAR, $20 ON MOUNTAIN GOAT, MOOSE, ELK, CARIBOU OR COUGAR; AND $10 ON EACH BLACK BEAR, DEER OR WOLF. THE GUIDE-OUTFITTER ALSO PAYS AN ANNUAL RENT FOR THE USE OF CAMPSITES.

THE AIR TAXI BUSINESS IS SEPARATE AND DISTINCT FROM THE GUIDING INDUSTRY; HOWEVER, SOME GUIDES DO THEIR OWN FLYING BUT EXCLUSIVELY THEIR OWN, AND DO NOT COMPETE WITH AIR TAXIS, WHICH ARE REGULATED BY THE FEDERAL MINISTRY OF TRANSPORT. THERE IS NO PROVISION FOR A THIRD CLASS OF OPERATORS, SUCH AS THE "OUTFITTERS" NOW OPERATING IN ALASKA, AND BC DOES NOT HAVE A PROBLEM WITH THEM.

APPROVED

Task Force on Guiding and Game

Minutes

November 15-16, 1988 Meeting - Kenai-Soldotna

Tape 1
Side 1

001 The meeting was called to order by Chairman Springer at 8:45 a.m. Members present in Soldotna were:

Chairman Springer, Pete Buist, Randall Burns, Vernita Cassidy, John Manly representing Senator Ken Fanning, Capt. Phil Gilson, Matthew Iya, Paul Johnson, Suzanne Miller representing Lew Pamplin, Nick Pierskalla, and Gayle Ranney. Excused were: Rep. Navarre. Absent were: Senator Jan Faiks. Also present were: Steve White, Attorney General's office, Nancy Petersen, Senator Bettye Fahrenkamp's office.

215 Ch. Springer reviewed the agenda.

350 Vernita Cassidy made a motion to adopt the agenda.

645 The agenda was adopted.

725 Ch. Springer moved to the next item, adoption of the minutes. Discussion. Omitted on page 18 were the names of several members present at the October 25th meeting on page 18.

1150 The minutes were adopted with the addition of Matthew Iya, Vernita Cassidy and Lew Pamplin (on page 18).

1200 Ch. Springer expressed concern regarding publications and news articles in the lower 48 describing the Alaska Guiding system as chaotic. Discussion.

1510 Steve White states that there have been no significant changes, analysis, or interpretations. Reference his letter to Senator Faiks which summarizes the pressing status of the decision and implications. Attorney General office has been instructed to proceed with request to the court to postpone the effect of the decision until June 1. He states he is gathering the data regarding the impact on guides who will need to refund deposits client's have made, primarily spring bear hunts. This request for postponement is not normally done. Discussion.

3325 Ch. Springer brings up open questions and information requests. The white paper has been requested and not yet received. But Ray DeMarchi did forward a copy of the backup

for the white paper, which is available for any member to review. If they want copies of any of the material to so note.

Ch. Springer also adds that he has received correspondence which he has included as part of the packet, one is from Ronald Quimbly who makes interesting points. Other copies will be distributed. Discussion.

Tape 1
Side Two

306 Vernita Cassidy discusses the results of the compilation of the questionnaire prepared by RurAL CAP titled "The Rural Perspective" dated November 1988 and copies have been distributed to task force members. It is summarized by native regions and the comments are verbatim. She feels that the people cared enough to respond, and that a 22 3/4% return is exceptionally good. Discussion.

1610 Ch. Springer advises that Senator Fanning sent a questionnaire independent from the task force and asked John Manly to elaborate.

1622 John Manly advises that two questionnaires were sent to all registered guides and air taxi operators, basically asking them to respond to the Part 135 requirements. Sent were 375 to guides and 160 to air taxi's and have received responses from about 100. He anticipates that they will have results compiled for the December meeting. Discussion.

2140 Ch. Springer discusses the time frame the task force is under, with about 19 tasks listed. Discussion on approaches and questions as a whole rather than specific work groups.

Tape 2
Side 1

000 Ch. Springer makes reference to the work group outline which he prepared assigning people to tasks. Discussion. Changes to the groups are: Group one: addition of "H" and "S", and deletion of "R", with Group one handling: C, D, L, H, and S. Group 2: addition of "D", with Group two handling: A, B, I, J, K, and D. Group 3: addition of "F" and "I", with Group 3 handling: E, G, M, Q, F, and I.
Group 4: addition of "R" and Deletion of "S". Group 4: F, N, O, P, and R.

135 Ch. Springer speaks about policy questions which are umbrella statements by the task force. One: Commercial utilization process, that there should be some commercial taking of game. He asks members to mull it over while we take a ten minute break.

535 Ch. Springer resumes the meeting at 10:40 a.m. Continues with the discussion on the commercial utilization of game prior to breaking into work groups. Discussion.

650 Ch. Springer states they would pose that as a blanket statement that it is in the best interests of the state to have some form of commercial utilization of game and asked for individual comments from each member.

730 Pete Buist commercial use of game is the only use that pays its own way. It supports the other uses.

835 John Manly supports commercial use of game.

900 Gail Ranney supports commercial use of game.

917 Vernita Cassidy states that on the basis of equal access you cannot preclude commercial users.

1022 Nick Pierskalla says that under Owsichek that the commercial harvest of big game falls under commercial use.

1030 Paul Johnson believes that the commercial use of game is very important to the state.

1105 Ch. Springer also agrees from an historic perspective, public interest standpoint and from an economic standpoint, and as a broad policy statement there is a definite place for commercial use of game.

1125 Matthew Iya says yes. Wants the young people interested and participating in the rural areas. Believes we need to ponder the conservation of the wildlife. Another question is how you allocate it for the four users and how to regulate commercial users.

1215 Capt. Gilson thinks that commercial harvest has a niche to fill in the state but the state should have a responsibility towards the user of the guide. that there should be some standards, as other professional groups have. The client needs to be assured that he is receiving a known entity. There is a role for commercial take of game in the state.

1325 Suzanne Miller agrees that there is a place for commercial taking of game in the State. Thinks that there needs to be careful regulation to ensure public safety and wildlife conservation is met.

1332 Randall Burns states yes, there should be a commercial user group entity. That we need to identify who should be licensed and to what extent. Standards should be met. The

commercial industry is important tourism for the state, and adds to the mystique of Alaska - the non-consumptive use.

1500 Ch. Springer clarifies that it should be recognized but not to be a function of this task force. He further adds that there is a general consensus that we should have commercial utilization of game in some form, as a general policy statement. Objection?

1630 Randall Burns poses a question. Based on Owsichek, can we create a system which will license everyone?

1700 Steve White says that we could establish a system which would base licensing on competency, once you get into allocation and quotas you are starting to intrude on Oswichek. Putting in a limited access system just won't fly.

1800 Vernita Cassidy says that once you've gone past licensing people on their competency then you have the health of the resource and the proportion of that resource available vs. how many users are vying for that use. She wonders if there isn't a fair way to establish and ensure that opportunity for access to that available game. Discussion.

2600 Randall Burns asks if we could develop who will be subject to regulation.

2740 Vernita Cassidy brings up the priority of the task force is to protect the resource as is outlined in the letter of intent accompanying SB 191.

2835 Ch. Springer agrees but does not think these deliberations preclude that priority.

3010 Suzanne Miller adds that the Board of Game and ADFG have an important role in ensuring wildlife management and the importance of data collection.

3040 Gail Ranney mentions that we should keep in mind how regulated we already are and the importance of keeping that in mind. That we don't add to that burden of creating more forms and reports which may not have any real benefit. For instance, the federal requirements for air taxis currently. Discussion.

3258 Ch. Springer generally states that some degree of regulation is necessary. Discussion.

Tape 2
Side 2

000 Ch. Springer asks the task force if there is any objection to using as a policy statement that there be some kind of regulatory process in connection with the taking of big game.

108 Paul Johnson says he thinks that everyone here realizes that necessity.

125 Ch. Springer says that it's important to note that there is an unregulated entity involved --outfitters.

200 Paul Johnson clarifies it's just a blanket statement.

330 Ch. Springer announces that Steve White will be available as counsel for the various work groups. Discussion.

2140 Ch. Springer brings up the work groups and discussion ensues about the composition of the items. Suggestions are then taken to recompose the structure of the group items, and refers to the packet enclosures--memo regarding work group and outline of letter of intent.

2300 Suzanne Miller poses Lew Pamplin's request that he be assigned "F" and "I" an not "H". Discussion continues.

3200 CH. Springer announces the final outcome of the Work Group assignments as: Group 1: C,D,L,H,S; Group 2: A,B,I,J,K,D Group 3: E,G,M,Q,F,I; Group 4: F,N,O,P AND R.

3300 Ch. Springer asks that each group formulate sentence or statement that can later be modified or adopted by the group as a whole. Can be a policy or resolution statement.

4000 Ch. Springer calls the meeting to recess for lunch at 12 noon.

4100 Ch. Springer calls the meeting back to order at 1:15 P.M.. and announces they will adjourn to their work groups and reconvene at 4 p.m.

4100 Ch. Springer calls the meeting back to order. The next point on the agenda is information necessary. Open questions?

4200 Randall Burns thinks it's important to have someone from the Game Board present at the next meeting as well as the federal park service and other agencies and their correlation with the task force. Also regarding their permitting system.

4600 Ch. Springer has no problems inviting the people to attend but is concerned about their time frame.

Tape 3
Side 1

005 Ch. Springer continues discussion to plan for other agencies: U.S. Fish and Wildlife, U.S. Park Service, Bureau of Land Management, Department of the Interior to participate at the next meeting, in December. He requested that Suzanne Miller contact Lew Pamplin and request that the Board of Game participate.

325 Randall Burns states he will speak to Larry Weeks about the appropriateness of a felony for unlicensed activities, but not for other violations.

435 Ch. Springer asks for a report from Group 2.

450 Vernita Cassidy says the group had some concern about the impetus of the letter of intent for SB 191.

500 Ch. Springer advises that it would not really benefit the task force to have those individuals who drafted it before the task force, rather that by consensus the task force could add clarification.

670 Vernita Cassidy continue by adding that "K" was not discussed. "I" and "J" were made moot by the Owsichek decision and could be discussed by the group as a whole. "A" and "B" were discussed. For dealing with Task "B" it would be helpful to have definitions for "in the field" and "camp".

825 Ch. Springer adds that that is item #"R" and there is crossover and he expects that these tasks are intertwined.

1135 Vernita Cassidy says the group came to the conclusion that there wasn't an equitable system that could benefit all Alaskans. Given that, the consensus was that the opportunity to benefit could be available to all Alaskans and that under tge current system that opportunity does not exist.

1320 Ch. Springer asked for a report from Group 3.

1325 Pete Buist states that they had productive meeting and good consensus from the group on a number of items. 1. Fish and Game, Guide Board, Board of Game cooperation: that the mechanism is already in place for public input. The Guide Board is encouraged to use this mechanism particularly in view of reaction by the Board of Game to the Owsichek decision. 2. Implications of the decision affecting game management by the Guide Board are diminished by Owsichek. The Guide Board will apparently be a licensing entity. 3) The Guide Board should notify ADFG, Board of Game and local advisory committees the upcoming agenda during the public notice process. 4) the ADFG has the responsibility to provide the Guide Board with information requested for making informed decisions; 5) ADFG should assist the Guide Board in developing appropriate questions dealing with wildlife biology

for the guide exam; 6) The Board of Game and the Guide Board should should a joint meeting to discuss the ramifications of the Owsichek decision.

1542 Pete Buist adds the next item was adding species to the guide required list. The purpose behind the requirement for non-resident hunters is to promote public safety and consumer protection due to the inherent danger of the animal itself, the terrain, and climate. Another purpose, might be to prevent wanton waste, i.e., the hunter not realizing the difficulty of field dressing and transporting big game from the field. All species that pose similar hazards should be included. If the Legislature decides to add any species they should add all species that meet the criteria. He adds that the group did not recommend the addition of any species at this time.

1715 Pete Buist continues that the group tackled item "G", the licensing of transporters of commercial game. 1) All commercial service providers providing access for consumptive use of big game should be licensed. 2) Various classes of services with different requirements and fees should be developed. 3) Fees generated should be designated to the fish and game fund for management of big game populations.

1816 Pete Buist continues that the next item was "I", Analysis of restricted guide areas, to some degree. 1) There were game management and conservation practices inherent in the restricted guide use areas concept. 2) The restricted guide use areas had the impact of limiting access to the guiding industry by residents who wished to guide in areas near their residence.

1916 Ch. Springer posed a question to Steve White about the residency requirement, wondering if preference could be given to people living in the area.

1922 Steve White replied that residents could not be given preference. His analogy is that it would be similar to giving preference to residents, that only residents and not non-residents could obtain guide licenses in Alaska. That there is no relationship that allows that kind of preference

2015 Pete Buist continues with item "M", should state employees be allowed to participate? That existing statutes and regulations on conflict of interest are sufficient and should be enforced. On item "Q", examination of head tax. All commercial consumptive service providers should be subject to a head tax, all species of big game should be included, a graduated scale commensurate with license class should be developed, fees should be designated to the Fish and Game Fund (for management of game), each individual animal taken should

be subject to tax. The group believes these recommendations are consistent with the Owsichek decision.

2300 Ch. Springer asks for a report from Group 4.

2310 Paul Johnson states that they added goats to the species that non-residents must have a guide for species list. On item "N" Examine federal role in control of big game servicers: transporters, air taxi operators, and guides; Transporters and air taxis would be synonymous and would have to register with the department. In order to register a boat it would be required to show U.S. Coast Guard registration, and an airplane would have to have Part 135 certificate. Guides would not be required to have a Part 135 certification. Under "O" Safety and insurance requirements for transporters, etc.; All land use fall under DNR and federal government. That there is no use in duplicating efforts. Under bonding for big game hunting servicers there would be no requirements. Four wheelers and rafts, etc. hadn't decided on use.

2640 Ch. Springer asked what they were going to do with the people who are currently in the business of outfitting.

2645 Paul Johnson responded that they would either fit in as a transporter or a guide, that those would be the two commercial service providers. Licensing of transporters - 4 wheelers, rafts, air boats, mules, etc.-- something to contemplate. Discussion on current regulations and bonding for the variety of crafts such as 4-wheelers.

3420 Ch. Springer recessed the meeting at 4:50 p.m. until 6 p.m.

3430 Ch. Springer brings the meeting back to order for the purpose of taking public testimony.

3715 Loren Croxton, Box 1410, Petersburg, AK., has worked for ADFG for 25 years, has complaints about the guide board examination, needs simplification, some questions do not pertain to guiding and are ambiguous; does not think that the number of guides should be limited. Already are provisions to control that by limiting the number of guides that can sign contracts.

4400 Paul Johnson advises him that those laws no longer in effect to control the number of guides.

4645 Merle Wolford, Box 813, Homer, AK 99603; testifies that he is an outfitter. His main concerns are that some hunters are unable to take care of meat in the field and there really should be someone in camp.

Side 2

000 Ch. Springer discusses that some provisions in SB 191 are effective now, some in 1989, and that it can be confusing, to pay close attention to that when reviewing the law.

145 Soldotna: William Schenk, HCI Box 1541-2, Kenai, AK 99611. Asked for an update on the issues.

170 Ch. Springer reviews the history of SB 191 and the Task Force on Guiding and Game.

2035 Cecil Jones, HCR 33675, Homer, AK 99603; is a guide from Homer. Believes that there should be one exam, and one commercial provider with a provision for outfitters to become guides. There should be a provision for residents to take a certain number of non-residents in the field, say two, for friends; that would eliminate the problem of determining illegal guiding; favors a constitutional amendment; thinks that areas should be administered under ADFG.

3022 Sitka: David Mader, Box 1402, Sitka, AK 99835; thought that the exclusive guide areas were beneficial for the game populations.

3341 Valdez: Lee Schlitz, Box 1606, Valdez, AK 99686; assistant guide, is concerned about game populations, and resident hunters will also suffer. Thinks that commercial users should be regulated as either guides or air taxis, no other group.

3725 Soldotna: Jim Harrower, 13830 Jones Drive, Anchorage, AK; is a master guide, member of Alaska Professional Hunters Association; supports a system similar to what they had prior to the court decision (Owsichek). Need some way to limit the number of hunters. Discourage with that decision. Thinks that perhaps a concessionaire system in some form, with fees going to the state and transfer fees.

4400 Senator Fanning joined the task force.

4425 Ted Forsi, Box 2470, Soldotna, AK 99669; is an outfitter, and a civil engineer, is a pilot with over 2300 hours of flying, all in Alaska. Is opposed to the Part 135 requirement for other than air taxi's. Has concerns about the penalty provision for unlicensed guiding being a felony, that penalties for practicing other professions without a license are not felonies.

Tape 4, Side 1

000 Ted Forsi continues testimony. Thinks that all commercial users should be under one board. Need revisions for guides to

allow another method of entry to the field than working 3 years as a guide. Believes that the task force should continue their work, that they should not disband in January.

415 Paul Johnson poses the difficulty in apprehending illegal guiding, that it is easier to apprehend offenders in other professions.

525 Ted Forsi continues that guides have an investment and there should be some type of compensation for them. Thinks there should be an "outfitter" license too. Does not think non-residents should be allowed to practice guiding or outfitting in the state. Describes his business as providing a camp and transportation to that camp, hauls meat out; does fishing guiding on the Kenai river in off season. Discussion.

Tape 4, Side two

000 Elfin Cove, Chuck Piedra, Elfin Cove; not a guide or an outfitter, is a sport or subsistence hunter. Has concerns about people hunting in brown bear areas without a guide, thinks non-residents should have guides when in those territories with both bears and inclement weather.

355 Ted Forsi continues. Discussion continues with Senator Fanning asking questions about first aid and the kinds of information provided. Discussion with task force.

Rep. Navarre joined the task force at 8:15p.m.

2015 Anchorage: Kelly Vrem, Box 670742, Chugiak, AK; guide since 1972. Would like to be able to sell his business someday and feels he's managed his area, now the EGA's are out, he's out his investment. Hopes there will be some way to recover that. Thinks rumors have run rampant and that the state should offer some news releases. Is opposed to air taxi operators offering field camps --should not be allowed.

3110 Ch. Springer recessed the committee for a ten minute break at 8:40pm.

3120 Ch. Springer called the meeting back to order at 8:55pm.

3125 Anchorage: Norm Starr, no address given, Anchorage, one of the silent majority, 35 year resident. Does not think that Fish and Wildlife Protection officers should be working in the field of guiding. There are not enough enforcement personnel. Thinks it is a conflict of interest. Discussion.

Tape 5 Side 1

Discussion continues regarding Department of Public Safety policy.

1000 Keith Johnson, 3646 N. Point Drive, Anchorage, AK 99515; guide for 25 years; is opposed to the Part 135 requirement for guides, has a lodge on the Alaska Peninsula. Peninsula Airways transports his clients to the lodge, and he transports them to the hunting camps, anywhere from 6 to 30 miles. He uses his plane to check on the camps. Believes that an outfitter can get licensed a guide, should they wish to work in the field. Is concerned about wanton waste occurring in the field without a guide present, especially when some operations transport ninety plus hunters. Likes the B.C. guiding system and thinks we should look at that. Discussion.

3010 Ch. Springer announces that the teleconference is over and will resume tomorrow at 8:30 a.m.(November 16, 1988) He adjourned the meeting at 9:35p.m.

TASK FORCE ON GUIDING AND GAME - MINUTES
NOVEMBER 16, 1988

Tape 6
Side 1
000 Ch. Springer brings the task force to order at 8:37am. Members present are Randall Burns, Pete Buist, Vernita Cassidy, Senator Ken Fanning, Capt. Phil Gilson, Matthew Iya, Paul Johnson, Suzanne Miller representing Lew Pamplin, Nick Pierskalla, Gayle Ranney. Absent is Rep. Navarre. Participating by teleconference is Senator Jan Faiks.

435 Eric Arneson, Box 2938, Soldotna, AK, assistant guide. Wants to be sure that younger guys get an opportunity to make a living by guiding and have access to the system. Discussion on feasibility of concessionaire system and guiding follows.

1821 Rob Chiappone, Box 345, Sterling, AK, assistant guide. Thinks that ADFG and enforcement has the responsibility of game management, and perhaps they need more people working in the field. Thinks that he has more knowledge than many of the ADFG personnel due to the length of time that he spends in his area hunting, at least 40 days a year. Has concerns about the ramifications of Owsichek. Discussion.

Tape 6
Side Two

000 Bill Johnson, Box 1047, Soldotna, AK, outfitter, owns small fishing and hunting lodge, about 9 years on Lake Clark (Port Alsworth). Would like to see a commercial game license, let the Guide Board sunset, establish a new agency for commercial game user licensing and management. Thinks that the Board of Game has the authority for game management. Does not think unlicensed guiding should be a felony.

630 Bill Johnson continues testimony. Sees that there are clients who want a service different than "guiding services", want a cook, someone to help with camp chores, packer, less costly trip. Some people want to hunt but aren't in good shape, and may need assistance. Doesn't think that the Part 135 licensing is necessary, that you can currently fly fishermen---little difference for flying hunters. Discussion and clarification of services and guiding issues follows.

Tape 7 Side 1

000 Bill Johnson continues discussion on permit system.

3140 Ch. Springer calls for a 10 minute break at 10:50am.

3145 Ch. Springer reconvenes the meeting at 11:00am.

3160 Soldotna; Vern Porter, Box 4478, Soldotna, AK, guide and outfitter. Doesn't have an assigned area. No open areas for GMU that he is licensed for. Didn't have an assigned area, so he ended up outfitting....as he didn't want to be encroaching on a guide. Says the air taxi operators put in about 3 times the people in an area than the guides and outfitters combined. Thinks game populations are pretty healthy. Outfitted in Nelchina basin and Alaska Peninsula. Bear predation on Alaska Peninsula causes a problem with moose, but he thinks that the populations are better than in 1930. He takes in about 10 or 12 hunters a year, 4 - 6 moose hunters, the rest goats or black bear hunters. Discussion.

Tape 7
Side 2

000 Vern Porter testimony continues. Discussion on guide assignment areas.

1400 Homer, Dick Koskovich, Box 1282, Homer, AK, guide, opposed to eliminating EGA's, did not have an area, does think that the areas acted as a deterrent to illegal guiding, incentive to guide to conserve game. Discussion.

25 Soldotna; Cecil Jones, HCR 33675 Jones Drive, Homer, AK 99603; is interested in permitting system changes. Has problems with Mt. goat. Little resident pressure in his area, but with the drawing permit system and later a registration permit hunt, booking hunts is a problem. If the hunter doesn't draw the permit he has to cancel the hunt. Discussion

Tape 8
Side 1

000 Discussion continues about hunting pressure and data collection.

120 Ch. Springer adjourns the meeting for lunch at 12 noon.

130 Ch. Springer reconvenes the meeting at 1:10pm. Navarre is absent. Senator Faiks is on line via the teleconference network in Anchorage.

300 Vernita Cassidy expresses concern about the time frame in order to complete the tasks necessary.

511 Randall Burns brings up that Owsichek decision has made moot some of their discussions. Concerned about who is licensed and under what criteria, what entity, new licensing body and what it will and won't license; discussions about allocations for the industry and if the task force feels it's their role to act upon; time to formulate those broader

topics, get impact back, and finalize under the time constraints.

702 Ch. Springer envisions that the task force will have time to meet in December after the public testimony. Is not concerned about providing yet another public or agency input period. The execution of the final product will result in the Legislative process which will afford an additional scrutiny process. Once the Anchorage meeting is complete we can decide if another meeting is required. Ch. Springer envisions that on December 15, draft report done. 1st week in Anchorage, by teleconference to address any problems, if necessary. Discussion.

2030 Ch. Springer discusses the upcoming agenda for the Anchorage meeting. Plans on a one day teleconference for Anchorage to be certain Mat-Su and Glennallen and those areas have the opportunity to testify. 2nd day plans on work group. December 14th he figures that the full task force will discuss the individual recommendations of the work groups. Probably will need December 15th to complete that task.

2640 Ch. Springer asks if there are any objections. Hearing none, he states he will proceed with the agenda as outlined.

2645 Anchorage: Ronald Jordan, 3444 #A, Seppela Dr. Anchorage, previously testified. Not an outfitter or a guide. Seems to him that it's an allocation process. He thinks that the financial impact on some outfitters is the same as for guides; thinks there is little difference regarding ethics for either group. Believes that outfitters should be licensed. Has a problem with non residents in the commercial hunting business in Alaska Discussion.

4415 Chris Branham,Box 190184, Anchorage, master guide and air taxi operator, his father is a master guide, as well,. Number one priority is to protect the resource. Believes that we should limit number of hunters by leasing, permitting or concessionaire system in order to protect from overharvesting.

Tape 8
Side 2

000 Branham continues testimony. In his personal case, he is in the middle road. If they shut down the system by not allowing him adequate number of permits, he can air taxi instead. He has an investment. His family has been guiding, full-time, since after World War II. Has a lodge, and everything has gone into that effort. Now they aren't sure of the impact. Hopes the decision will allow them to operate under some grandfather rights. Discussion.

4040 Brent Jones, is a registered guide. General comments: concern for the state's interest--harvest the moose at $1,000 a head vs. a guided hunt at $5,000 a head. The game has a value and we don't have the game to allow everyone who wants to hunt the opportunityto hunt in Alaska. Average price for a guided hunt is $5,375 for just the guiding fees. Additional fees, hunting tags, hotel room, air charter fees, and airline fees, plus gifts and incidentals.

Tape 9
Side 1

000 Brent Jones continues. Favors head tax with the fees going to ADFG.

1250 Sen. Faiks states she thinks we may be approaching this from the wrong way. Instead of viewing it from the guides and outfitters point of view, we should look at it from the Alaskan citizens point of view. We should establish an economic value for each animal and decide what that conservation tax should be for each animal, license everyone and let the division of game look at the quotas to manage on a sustained yield. The animals belong to the people of Alaska, whether on federal or private lands, not to the common man of Iowa. It is a treasure of Alaska and it's an industry in Alaska. Discussion.

3330 Ch. Springer recessed the meeting for ten minutes at 3:25p.

3360 Ch. Springer brings the meeting back to order.

3560 Marvin Bussy, Homer. Assistant guide. In order to have quality hunts his suggestions are to increase the FWP and ADFG personnel. No resale of guide areas or improvements should be allowed. Limit the number of hunters a registered guide is allowed to book. Use permits based on January 1 deadline to allow him time to book hunts. Every out-of-state hunter should be required to register.

Dennis Randa, Box 3055, Soldotna, AK; is a fishing guide, does not think that anyone has the exclusive rights to the game, has lived in Alaska for 14 years and his perspective is as a sport hunter and he rarely buys any meat, but rather uses game. Believes that the game belongs to the common people. Favors a conservation tax. Uses an outfitter and relies on their judgement as to gear to use, and he prefers to hunt on his own. Discussion.

Tape 9
Side 2

000 Discussion continues.

214 Donald Ramsey, Box 3016, Soldotna, AK; 21 year resident of Alaska, has taken a moose most years. Has known several guides in Alaska, reputable. Knows there are some that aren't. Thinks that there is a lot of money in the guiding industry and that the game belongs to the people. Doesn't think that the guides should have these big, expensive lodges. Should be a more competitive business. Favors a head tax, competitive bidding for use of areas, tents instead of lodges. Would like to see better game management.

922 Pete Buist asked for an explanation on lodges and how that impacts the game population.

930 Soldotna: Donald Ramsey says if you have an expensive lodge, there is overhead he must adjust for and it gives him claim to the area which in turn interferes with the potential for competitive bidding. Discussion.

1355 Soldotna: Ray McNutt, Box 469, Sterling, AK, is a registered guide, for over 30 years. Is chairman of the Guide Board, but is not speaking for them at this time, although he believes that they would agree with him.. Under the territorial government and just a handful of guides worked southcentral Alaska. As the years passed and pressure increased, he moved out his guiding territory. Is very concerned about the Owsichek decision and the increased demand on the resources. The board will be taking a look at that decision. He hopes that they can salvage the system. He does not advocate sunsetting the Guide Board. Unless ADFG limits game through permitting, the game will diminish and disappear in some pockets due to increased pressure. He believes all commercial users should be regulated. Outfitters should either become air taxi's or guides. Has had an air taxi and commercial instructor's license. As his guiding business prospered, he dropped his instructor's license and let his air taxi rating lapse. Owns a couple airplanes and does use them in his business. Uses commercial flights to transport his clients to the field. Lots of guys are in the same position as he, and sees no reason he should be required to have a Part 135 rating. It adds no safety requirement. He lands on gravel bars or outlying strips and there is no added safety factor. Should be up to the guide to decide if he wants the rating.

2712 Ray McNutt continues his testimony. Would like to see people limited to one game unit rather than one animal. For example, sheep and brown bear comprise his main operation. Discussion.

2900 Vernita Cassidy asked if the Guide Board would consider administering another class of consumptive user.

2950 Ray McNutt replies that he doesn't think it would work. That outfitters could work for their license. Air taxi's are

governed under the federal government. Would tend to stabilize the guiding industry.

3215 Vernita Cassidy asks if he has read the letter from Randall Burns which is a bit critical of the Guide Board.

3240 Ray McNutt replies he has not seen it, but has sat through two audit reports and both are very critical of the Guide Board. Some criticisms were already recognized by the Board, and they were cleaning up the exam, which is done. The other is the transfer of guide areas. Thinks if a man farms an area and builds it up, should have the ability to transfer that to his son. The audit disagreed and felt it should be returned to the Board. McNutt disagrees and believes it should be transferred to a man's heirs.

3500 Vernita Cassidy mentions that the Burns letter mentions that the Guide Board acted without any strong executive oversite and this caused some problems for people affected by their decisions. Also the relationship of the Guide Board and the Alaska Professional Hunters Association. Could you comment on that?

3650 Ray McNutt replies he's not sure what is meant by that.

3750 Ch. Springer comments that he would like to extend an opportunity to Ray McNutt to attend the December 12th meeting in Anchorage and respond to any questions at that time, since Mr. McNutt has not viewed the memo mentioned by Vernita Cassidy.

3800 Ray McNutt agrees to attend.

3840 Paul Johnson mentions he expects that the Guide Board will be acting on the issues soon, and they do have emergency capabilities.

3900 Ray McNutt says that the Guide Board will meet beginning on November 28th in Anchorage.

3933 Ray McNutt says the Guide Board the, Board of Game and the Legislature should be able to act on these issues and come up with some solutions.

4200 Roger Schmidt, Box 358, Kenai, affiliated with an outfitter. What disturbs him is people talking about maximizing the dollar. Hates to see a point where people cannot take advantage of something someone else can just because of their financial status. Has been a camp person,and feels that the people can come up and hunt and have the security of camp without the frills of a guided hunt, not totally left alone for 10 days. Would like to see all

commercial users regulated. But thinks that the air taxis (he's lived here since 1947, on the peninsula) are creating the increased pressure and have inundated the area. Does not have the answers but think all three groups should be in the scheme of regulated users.

4710 Senator Fanning asks about the air taxis regulation. Explains that outfitters have not had any regulation prior to passage of SB191. Yet air taxis have had to comply with a myriad of regulations. You meant in regards to the number of hunters?

4830 Roger Schmidt replies that he's talking about impacting the area. Allocation of the game resources.

Tape 10
Side 1

000 Nick Pierskalla thanked Roger Schmidt for his testimony.

200 Senator Faiks asks for preliminary drafts, etc. that Work Group 1 has available for her review.

240 Ch. Springer advises he will stop by her office and brief her.

310 Ch. Springer adjourns the meeting at 4:35pm.

Distributed 12/12/88

(15)

Suggestions for Taskforce (Guiding - outfitting) consideration
by Henry Springer

Criteria : - Welfare of game is paramount. -
- Alaska Constitution
- Supreme Court decision (Owsichek).
"Common use clause" - access to system
- resource protection
- management purpose
- compensation to the public/State
- "No property rights" - use privilege

demands on the system : - simple
- enforcable
- manageable
- cost effective
- time limited use
- establish "market value" of resource

Proposal: for discussion:

I. Basic assumptions:

a) historic development in Alaska has to be considered (Native traditions, guiding industry, transportation industry, Landuse/D-2/ANCSA etc.)

b) Game management has to be based and enforced on an area-designation concept (all countries with substantial game resources manage game on that basis)

c) Commercial utilization of game is valid and needs to be regulated.

II Plan proposal - LONG TERM:

Establish user groups - regulate them

1) Establish 3 commercial user groups:

a) Guide - Outfitters - licensed
- competency test
- allowed to operate in the field

b) Expeditor - licensed
- allowed to provide registered lodges, base camps -
- allowed to operate transportation point to point (lodge to base camp)
- Not allowed to operate or assist in the field (see SB191 Sect 6(3).
- Limited to 2 base camps.

c) Air taxi / transporter - licensed
- comply by Part 135
- operates to and from airports listed in the FAA Airman Manual
- provides transportation to and from designated camps.

Note: a), b), c) could be lumped into 2 groups, however. group b) has a valid identifiable function seperate from a) & c).

2) ADFG establishes designated management areas taking historic, biological, landuse, climatic etc. data in consideration (they may be assisted by a transition team / task force) and coordinate w/ present guide board and State licensing agency (Commerce Dept.).

3) Designated areas will be offered on a competitive bid basis to commercial user groups on a 10 year "lease" (concession) type basis. only licensed qualified individuals (Not corporations or legal entities) are authorized to bid. In case of death, default etc, reverts back to State.

4) Board (see under III/6).

III Plan proposal - INTERIM

1) Establish areas as stated II/2 by 1/1/90.
seek one time funding for this from the 16th Legisl. 1st session

2) Proceed with bid as stated II/3 by 1990.
Note: 50% of desired revenue is designated for game mgmt.

3) allow guides who have assigned areas to meet high bid for that area for the first auction.

4) ADFG sets quotas or limits hunting periods for critical species in critical and high pressure areas through the 1989 season on a one-time basis.

/. cont'd

5) Continue this task force through 1989 to assist the Legislature and ADFG* with the implementation of legislation and regulations.

* and Boards of Game & Fisheries.

6) Sunset the present "Guide Board" and establish a "Commercial Game Board" (counterpart to Commercial Fisheries Board).

Consisting of 7 members representing:

1 Guides 2. Expedition 3. transporters
4. Native subsistence users, 5. ADFG
6. Law enforcement 7. Public

(if comm. users are 2 groups delete 2. and increase Public to 2).

7) draft and implement regulations for the user groups,

include: criteria
qualifications / licenses
insurance / bonding
reporting requirements
penalties
fees / taxes.

I believe such a system meets the criteria as set out at the beginning and is workable, constitutional and fair to most users under the constraints and circumstances.

Springer / Suggestion p. 5

open f. discussion:

- how many areas per user allowed?
- what solution f. guides who have more than one area now?
- # of base camps per area?
  a total?
- Compensation for permanent substantial improvements if area is lost?
- Bonding
- requirements for asst. guides?

DISTRIBUTED
12-14-88

Cliff Gilson's handout on fee's for head trim

1-5 moose $250 per head. More than 5 moose $350 each.
1-5 sheep $300 per head. More than 5 sheep $400 each.
1-9 caribou $200 per head. More than 9 caribou $300 each.
1-5 grizzly $350 per head. More than 6 grizzly $450 each.
1-9 deer $150 per head. More than 9 deer $250 each.
1-5 black bear $200 per head. More than 5 black bear $300 each.
1-3 muskox $250 per head. More than 3 muskox $350 each.
1-5 wolves $200 per head. More than 5 wolves $300 each.
1-5 mountain goat $250 per head. More than 5 goat $350 per head.

12/12/88 020 Page 1

attachment #1 (8 Pages)

TESTIMONY TO GUIDE/TASK FORCE, December 12, 1988

I'm Samantha Castle, one of the seven members of the Board of Game. Sidney Huntington is also a member of the Board of Game.

The Board of Game is a seven member lay Board appointed with staggered three year terms by the Governor and confirmed by the Legislature.

When Alaska assumed management of its fish, wildlife and aquatic plant resources in 1960, a single Board of Fisheries and Game was created to regulate the harvest of these resources. Since that time a number of changes have occurred.

After years of federal regulation, Alaskans wanted a direct voice in developing fishing, hunting and trapping regulations. Special care was taken to separate the powers of the regulators and the managers. To this day, these powers remain separate.

Fish and wildlife managers in the department use biological information to decide whether harvestable surpluses of fish or wildlife exists, and the boards decide how, when and where these surpluses can be taken. Although this is a very simple way to describe the complex relationship between the department and the boards, it does describe the essential differences between board and department authorities.

Each board's regulatory authority is defined by statute as are the management and administrative authorities of the Department of Fish and Game (see Alaska Statutes 16.05 - 16.40).

The separate Board of Fisheries and Board of Game were created in 1975. The two boards meet in joint session to review and adopt regulations governing advisory committees, regional councils, rural designations and to discuss other matters of mutual concern.

Alaska's fish and wildlife resources are the basis for commercial, recreational and subsistence activities. Frequently, the same fish stock or game population is highly prized by competing interests, and virtually every board decision involves the allocation of these popular common property resources. Therefore, board decisions are under constant scrutiny by the public, the legislature and the courts.

Numerous letters and articles arise from board decisions. Frequently the complaint goes something like this; "The board

should base its regulations on biology and stay out of politics." Unfortunately, it's not that easy.

The biological decision is relatively simple -- can this fish stock or game population withstand a harvest? If the answer is yes, the fundamental biological decision is essentially complete. (Naturally biological data is also used to analyze the effects of different harvest strategies, identify sensitive life stages, and insure that to the extent possible, these surpluses are taken in the most beneficial manner.)

The next step is to decide how, when and where to take the surplus. It does not matter to a moose or a fish who kills it, or how or where it is killed. However, these things matter a great deal to the people who will benefit from the harvest. Such choices are public policy decisions which is just another way of saying political decisions.

It is unfortunate that the term "political seems to imply shadey practices or back door deals. The term itself is innocent. Americans are quite cynical about "politics: and are quite willing to believe the worst while demanding the best of public officials. The boards are charged with making these allocations or public policy decisions. From time to time, the legislature provides additional guidelines -- such guidelines are also public policy decisions.

In the United States we all expect that public policy decisions will be "fair", and that our views will be taken into account. This is a fundamental tenet of government in this country. We

expect and demand that our government officials hear us out, take us seriously, and treat our concerns fairly.

These expectations are even more intense when the issues are related to common property resources like fish and wildlife. The lay board system with its advisory committees, regional councils and extensive public hearing process provides the kind of framework where such expectations stand a better than average chance of being met.

Among all government services, resource management probably generates the widest range of public opinion and the most vociferous debate. Alaska's regulatory system offers an extremely accesible forum.

By Statute, the Joint Board is authorized to create advisory committees and there are now approximately 75 advisory committees with approximately 700-800 active members. The committees are to provide a local forum to discuss fish and game issues. The committees then bring local opinions to the boards.

Passage of the Alaska National Interest Lands Conservation Act (ANILCA) required the state to set up at least six regional councils. These councils are composed of the chairmen of the local advisory committees in one of the six regions. Under ANILCA the primary focus of the councils is subsistence use of fish and game resources.

AS 44.62.270 states: "It is the state policy that emergencies are held to a minimum and are rerely found to exist."

Aside from any humorous pictures this phrase brings to mind, it is an indication that the legislature seriously intended that

regulations be promulgated only after the public review procedures spelled out in the rest of the Administrative Procedures Act. Therefore, it is inappropriate to consider adopting emergency regulations unless there is a clear and present danger to the health of the resource or the public peace, safety or general welfare.

Fish and Game management regulations incorporate an extensive and unique formal public process. A five year agenda has been established for the calls for proposal. This agenda has been designed to allow reasonable deliberation on each topic. Proposals are submitted by the department, public and advisory system and then all proposals are reviewed by all potentially affected interests. The board meeting is the culmination of this process. All of the above groups and individuals come before the board and present oral testimony and written comments, the board deliberates and a regulatory decision is made and eventually signed into law by the Lt. Governor.

The strength of the board system is in this broad based public participation format. This forum allows for people with widely divergent views an opportunity to air their ideas about complex allocation and management problems before regulatory decisions are made. However, after consideration of all possible biological and social factors such as historical use patterns, resource health, human impacts, environmental changes, and pertinent court rulings, the board muct come to resolution through a vote.

Participatory democracy is necessarily more cumbersome than autocratic rule. The boards, in particular, are besieged by

seemingly unending requests for special consideration, complaints about previous board or department actions, or claims to exclusive use. The increasing competition for Alaska's resources is exemplified by increased litigation.

Under Alaska law, enforcement of fish and game regulations is mandatory and not discretionary. Board members must keep that in mind. The regulations that are adopted set in motion a process that will enforce, literally the regulation as written. The officers of the Division of Fish and Wildlife Protection are not authorized to modify or selectively enforce regulations.

Board members must also weigh the question of how much management responsiveness is required. It is not possible to "fine tune" away major probnlems or conflicts with minor regulatory changes. The boards must realize that many issues before them simply cannot be resolved to the satisfaction of every interest. This makes it extremely important to insure that all parties view the decision process as fair, and the "solution" as a reasonable compromise.

The end goal of all this should be regulations that achieve management goals, reasonably accomodate diverse public interest, can be enforced by FWP and the courts, and be easily understood. The entire management process depends on effective regulations which are viewed as fair and reasonable.

I will list some of the problems I would like to have your help with in this Board process:

(1) The Supreme Court has eliminated a game management tool in the Owsichek decision. The Game Board and the Department relied on information provided by the Guide Board and by the guides

themselves as to the distribution of commercial and non-resident hunters. This distribution obviously affected allocation decisions made by the Board. Before I go further, let me state that the Board works under the following allocation priorities: the needs of subsistence users is first priority, then comes resident users and finally, non-resident uses. So you can see it is important to be able to accurately identify all user groups.

Problems develop for the board when there are unregulated (unrestricted) and/or unlicensed users and when harvest information is not returned. The Board does not want to over-react to public "hearsay" in oral testimony, And often this information is not something the Department can document. The department can only document harvest which complies with regulations. The unregulated and unlicensed users cannot be counted scientifically -- only as comment by the public. Therefore the decision making for the Board is complicated and requires a fair amount of crystal ball analysis. This member of the Board of Game believes the game resources of Alaska have great value and the use of the common resource of Alaskans should be documented and defensible, not by happenstance and crystal ball. And this member does not like to underestimate harvest and then be forced into a situation of emergency response by the Board. This does not allow for due process.

Again, I speak as one of the seven members of the Board of Game, but I also believe that Alaska was divided into 26 logical game management units for geographic and physiographic reasons. I suggest to you that the Board of Game makes decisions based on game management units for a good reason and I hope you will make a

recommendation to regulate all commercial users of the game resources based on the existing system of game management units. This will insure a distribution of harvest. An example of how this works is obvious when you look at game management unit 8, Kodiak Island or 9 (Alaska Peninsula). It seems quite logical to me to continue to manage <u>all</u> commercial users with this type of geographic definition.

It would be very helpful to maintain one Board or agency to identify and solve commercial hunting problems so that information is complete and accurate. Just as the Board of Game is expected to solve problems as diverse as walrus on Round Island and marten in the Interior, I believe it is possible to have a board which can address problems facing all aspects of the commercial hunting industry. The problems are really not that dissimilar. I believe the <u>business</u> of hunting Alaska's game populations should be addressed and regulated because of two fundamental reasons (1) the use of renewable and non-renewable resources should assist local and state economy with actual dollars; and (2) Alaska has a reputation in the rest of the world on the use of these game populations and we are definitely in competition for non-resident hunters ~~from~~ as an option to Africa, British Columbia, etc. There is no reason Alaska cannot provide the best hunting experiences for the hunting dollar.

One final thought, approximately ~~80~~ 70% of the income derived from the sale of hunting tags and licenses comes from the sale to non-residents. Perhaps Lew can tell you what that actually means in dollars, but I can assure you that it is not an industry which you

you should ignore. As an Alaskan I appreciate non-resident dollars and understand that they go a long way to support the game management plans developed by the Department of Fish and Game and therefore provide for my use of these resources and the use by my children. I intend to work to have those license fee dollars put directly back into game management programs which improve the biological assessment of our game populations.

Thank you for your efforts to sort out this thorny problem. I understand the difficulty of requiring regulations to cover use and making allocations for groups of users, especially when we as Alaskans have been fortunate enough to avoid so much of this for so long. I hope you understand that the lack of accountability in the use of the resource cannot continue without seriously affecting the harvest of all Alaskans, both subsistence and resident. I hope you will put forth a plan which makes all commercial users accountable to game management areas and to the people (who are represented by local advisory committees and as individuals) and the game populations in those areas. I don't care what you call these groups of commercial users, so long as the game managers can count them and regulate their use, and so long as they continue to enhance the local industry in Alaska and the reputation of Alaska's high quality game populations.

Sidney can give you specific examples of his personal perception of overharvest by unregulated users in his area.

12/12/88
attachment #2

Sidney Huntington testimony,

I want to thank you all for giving me the opportunity to testify to you my concerns pertaining to the controversial Guide Outfitter and subsistence dispute. I will bring my other concerns to light as I proceed with my testimony.

As we have proceeded along through out the years we have all seen some dramatic changes in how we allocate our resources wild life big game -

It has been real noticeable to me being on the Board of Game for a good number of years.

We seemed to have maintained a good fair amount of wild life in most areas throughout the State. Outside of areas where some species are below what those areas can sustain. Including water fowl which are low in number throughout the State.

There is one thing for sure, the management gets more controversial every day. If it isn't the Friends of the Animals environmentalist groups of many so called organizations. We the People in general are finding ourselves squabbling over who gets to hunt where. This takes in all user groups "commercial guided none commercial outfitter who go where the most game is- the subsistence user groups. None classed city subsistance users.

Then you have the rural area people. Which they are called these days. At one time they were called Indians and Eskimos who historically used wildlife resources to keep alive - clothe themselves, Culture. Call it what you want. It was a way of life.

The Federal Agencies I presume, gave those Indians & Eskimoes a new handle called Subsistence User -as part of that way of livlihood which then included any new squatter hippy trapline jumbers, what have you, into the historical User group. They seam to fit in pretty good. Today we recognize them as all rural residents

I excepted the change in the reading of the intent, without much choice. The land claims issue done just what I said it was going to - strongly divide the People of the State. At first the Indians got all the blame - then his white brother was included, through the including of two words in the reading rural and subsistence which seem to have soften the blow because those reclassified whites had brother-sister even mother living in what we call urban areas. These new fancy definition caused some our Indian brothers & sisters who were born Indian to be reclassifed because they choose to move to an urban areas of the State. No one has told me what they call them yet. I do know some day those very brothers & sisters won't be able to hunt together because of where they live.

I HAVE rode the middle ground throughout the years I do have to live with both concepts, regardless.

While these things have been happening management of wildlife hasn't been made any easier, just more awkward in many respects, politically even. Everybody wants his share. We try to manage wildlife to meet those goals, I find most people forgot what their share was or just what is their share? If we could look at the resource like some people would like, everbody who is a USA citizen has a right to take wild l . Could be very true. There is no way we could maintain our wildlife to meet those goals.

Because some people care less , believing our resource can be raped like that, makes amanagement all the more binding. Which brings to reality too soon our game being over harvested. Then the Game Board and the State - have to do just what we are mandated to do, cut down on harvest of wild game to where possibly only do some hunting in rural areas as designated - to try satisfy those People living in those supposedly remote areas. The Board is suppose to maintain wildlife to meet those standards with sustain yield? The law like it or not, says we must recognize subsistenace as the "NO. 1" priority for those living in rural areas of the State. Rather than having

to put that concept into gear, which I consider discriminating to some degree- depends on how you look at the controversy I guess.

I feel now is about time we took some steps and measures to try solves some of our posable problems which I am positive will get much worse if nothing is done.

I am sure most of you know why the Koyukuk River controlled use area was started. Pertaining to Fall moose hunting. Sometimes we should bring to light why we took that certain action . The Koyukuk River at one time a few years ago was being over harvested by airplane hunters flying same day airborn, what have you. People flying in from Unalakleet, Nome, Nulato, Galena, Fairbanks, even the Air Force using government owned helicopters. One piolet hauled over fifty hunters out of the Three DAy Slough area on the Koyukuk in one Fall. Air carriers were dumping off hunters all along the lower Koyukuk on sand bars - Float operations. People along the Koyukuk began taking some drastic measures to try stop the high flow of hunters and the harvesting of moose.

One many got his rubber boat shot out from under him. He was lucky enough the guy shooting jammed his gun. The fellow was a good swimmer and got away. I made a trip to Hog River that same fall. I never seen so many people and airaples before.

I landed on a sand bar not seeing anyone. It wasn't too long out of the woods popped a man with a moose rack strapped on his pack. I asked where he came from. He couldn't talk English come to find out he was one of many Swedes an outfitter dumped along the river by aircraft.

I had a hard time convincing some of my fellow boardmembers, we had to stop the over abuse created by the airplane hunters. The board adopted the now Koyukuk controlled use area during the Fall moose hunt. Which over a good number of years has prooven very eff3ctive. There has been a harvest of 175 to 225 moose consistently since the controlled use area was established. No matter what we adopt or create as a board, you also leave potential loop holes for th

those who are looking for a fast dollar. The Koyukuk was no exception.

The outfitters so called have now got a handle on how to go in and harvest without too much trouble - two years ago, one outfitter took three hunters in. In just a short trip, got their moose using a boat hauled up over the highway, put it into the river at the bridge. This past fall, they made three trips from GAlena hauling 15 hunters. Pick the hunter who came in by schedule airline all were sucessful, including the two outfitters.

My son-in-law was approached by one of the outfitters to buy his boat which could haul big loads fast. He asked what they wanted the boat for. They needed the boat for next falls hunt on the Koyukuk to set up 4 camps so they could bring in a minimum of 65 hunters. He would take no part no sale.

This does not include a couple of white residents who move to Galena the past two years who took out no less than another 10 hunters. They boasted they got $1500 per hunter.

WE all know we have some control over Guides at least we know where they hunt - supposedly designated areas.

We have no control over outfitters using boats or aircraft only in controlled areas.

I can see only too soon where no one only the People living along the Koyukuk will be allowed to hunt moose along the Koyukuk River. We the Board will have to make those provisions as mandated to use by the Feds & State.

Are we going to have to curtail all hunting by Outfitters, Guides, urbanites, what have you, or commercial hunting by anyone. Until the guide lines are drawn up to where we can have some kind of control over who hunts where, you like I said, have some control over guides - with no control over unlicensed Outfitters.

I feel positive they will rape the moose out of the Koyukuk and move on to other areas. Its not the outfitter or anyone else only the Board of GAme but mostly the Department of GAme will get the blame after you loose your game - Don't they always get the blame anyway?

The guiding industry, the Dept of AF&G, the legislators, the outfitter should all get their heads together and start solving some of our potential problems. we will be facing down the road. Who in hell wants to wait until the wilflife is raped off then try to act. Why should we have to implement a priority law just because we let our wildlife go to hell. I feel sure we can do better than that.

Other

who are guides - Licensed guides do not fit some times) "Non outfitted"

Any one who answers a request to take Any Person intending to hunt big Game, to any ~~place~~ Outfitter Transporter is guiding. Any outfitted guide should be reported, and be made responsable for the actions of their client discribed out over the State. All their activities ~~should~~ as to when they hunt, should be made known to the Dept of Game

We have to know where game comes from. and not be over hunted all Non residents + Non local hunters should hunt by Permit Who are transported by outfitted or Guides - Possibilitys

12/12/88 testimony Ralph Eluska

attachment #3

PRESENTATION TO TASK FORCE FOR GUIDING

By: Ralph Eluska, President of Akhiok Kaguyak, Inc.

December 12, 1988

Representative Springer and members of the Task Force for Guiding,

My name is Ralph Eluska and I'm president of the Akhiok Kaguyak Native Corporation. Today I am speaking to you on behalf of the Akhiok Kaguyak Corporation or AKI and Koniag, Incorporated. Both of these corporations own large amounts of land on Kodiak Island covering large portions of several guide areas.

The purpose of my presentation is to inform you of our concerns about the impact of the recent Alaska Supreme Court decision regarding exclusive guide areas and to comment on the outfitter or transporter situation. While taking no position on the Court's Owsichek decision, we are specifically concerned about the impact the resulting new guide area system will have on the big game population, and the management of our private corporate lands.

As you are aware, large portions of many guide areas are owned by Native corporations. The corporations can either open their lands to guides through access agreements or close their lands to guided hunting and other forms of public hunting. In a case where a Native corporation closes its lands to guided hunting, a large portion of a guide area may not be available for use by the professional guide.

The Owsichek decision ruling could make it more difficult for Native corporations to work with guides. Previously, Native corporations could deal with one or two guides who might be using a particular guide area year after year. The guide or guides would have an interest in protecting the Native property and the resident game population, since they would be depending on the same area in future years. Now, Native corporations may have several different guides wishing to use their property in any given year and these guides may change on an annual basis. Thus, the guides may have less self interest in treating private lands and resident game populations with respect and on a renewable resource basis. his situation makes management of guide access programs more difficult and may encourage corporations to close their lands.

We believe that it is in the best interest of the state, the guides, the general public and the Native corporations to recognize that private property covers large portions of many hunting areas and that this fact should be taken into consideration as new guide policies are formulated. Through the consideration of private land owner concerns, new policies could encourage corporations to make their lands available to registered guides.

Many of these concerns also pertain to commercial outfitters and transporters. Outfitters or transporters need to be qualified and licensed so the private landowner and client will be reasonably protected if an outfitter is allowed to work on private land. Similarly, transporters need to be encouraged to respect private property and to work with private land owners.

While the Task Force recognizes the land ownership situation, Native land owner concerns need to be incorporated into the new guide and transporter management scheme.

Toward this end, I have the following suggestions:

1. Encourage guides to work with Native corporation land owners: If the new management system encourages guides to work with the corporations, corporation lands will more likely remain open to hunting.

2. Recommend that non-resident hunting permits be made available to guides as a block of permits for each guide area: One guide would thus receive all the non-resident bear permits, for example, for a particular guide area. In light of the recent court decision, these blocks of permits would have to be awarded by some impartial system such as a lottery, first come-first serve basis, or by bid. Using a block permit policy might make it more economically feasible for the guide to do business in a particular area, since he will not have to move camps between areas. It will also encourage Native corporations to enter into access agreements, since they will be working with only one guide during a particular year.

3. Establish a policy recognizing the importance of the availability of private lands for hunting and encouraging respect for private corporate property.

4. Recommend that the Department of Fish and Game provide guide area land ownership maps to guides acquiring hunt permits for particular areas: These land ownership maps could indicate the address and telephone number of the Native corporations which own land in the area and an indication that permission is necessary to use the private lands.

5. Establish a guide policy that systematic trespass violations will be grounds for guide license suspension: Such a policy would be similar to the existing approach which makes

hunting regulation violations grounds for guide license suspension.

6. Recommend appointment of a private land owner representative to the Guide Board: Given that approximately forty million acres of hunting lands are in private ownership, it is in the Guide Board's interest to assure that private land owner concerns are institutionalized as part of the Guide Board decision making process.

7. Establish a qualification and licensing system for all outfitters or transporters and specify that violation of game laws or systematic trespass violations will be grounds for license suspension.

I appreciate your consideration of our concerns and suggestions. Thank you.

12/12/88
Attachment #4

Tom Hundley
P.O. Box 2772
Palmer, Alaska
99645

Guide Task Force
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701

Dear Task Force Member:

There are things taking place within the guide industry that don't bode well for us. For years a select clique of guides has wielded a great amount of power. They are painting a distorted picture of chaos, plunder of wildlife, and the destruction of the guide industry that is supposedly going to take place in the wake of the "Ousichek Decision" abolishing Exclusive Guide Areas. Their efforts are geared toward recouping their power: By getting the Guide Board back under their thumbs, and by frightening the State and Federal land managers and Fish & Game management agencies into granting exclusive rights of access to public lands and wildlife. Now I am seen as a threat because I am a guide. By inferring that an increase in guiding activity means an increase in criminal activity these fellows are drawing the rope tighter around our necks. The guide industry is already on shaky ground in so far as public relations with resident hunters.

I am a Registed Guide. I am offended by being painted in that light. I believe that these influential guides that are misleading our public officials are themselves led by a persistent notion that the Supreme Court, "made a mistake".

An analogy: The Supreme Court took a long hard look at our girlfriend, (Guide Areas). The result of the scrutiny by the Supreme Court was a unanamous decision. Our girlfriend was a whore..... You can dress her up in a new pair of shoes (concessions). Buy her a new fur coat (leases). But she's still the same old gal.

Do you remember when you were a kid in science class, and the experiment was done where you held a candle to a piece of glass so that the glass became smoked? When held up to your face you could view the eclipse of the sun through the glass without damaging your eyes? Now, close one eye.

That smoked glass is self interest. The one eye is tunnel vision brought on by anxiety. That is how clouded a perspective some guides must be viewing their surroundings through in order to refuse to accept the Supreme Court's ruling. The Justices did not "make a mistake". They were aware of all angles of thinking and they ruled the way they did because there is a wrong and a right way to apply law. The consequences of their ruling were well known beforehand. That is one of the factors that figure into a ruling (precedence). **They did not write out a document that is to be interpreted as a directive on how to make Guide Areas acceptable.** They ruled that allowing one fellow priviledged access to the wildlife over another for commercial hunting purposes is in direct conflict with our State Constitution.

Are we so unsophisticated that we can not understand that when the Courts rule against our wishes it is not a question of their having made a mistake? They ruled contrary to what we would have liked them to. That is all. There are always people that agree strongly with both sides of a decision. I agree with the Supreme Court's interpretation of our State Constitution's "Common Use Clause". I agree that hunting and guiding are so closely allied as to be indistinguishable. Guides refer to the game animals taken by their hunters, as being their own. As in, "Look at these big rams I took in the Chugach Mtns". Guides do everything except apply the pressure to the trigger. On Brown Bear hunts many guides have a standing rule to open fire soon after the hunter makes the initial shot. The threat of wounded game escaping is that great. The Supreme Court was correct, the rights of a hunter and those of a guide should be viewed as inseparable under our "Common Use Clause".

For years we have been trying to prevent (and dreading) the natives from taking over wildlife management on land they own outright. Why? Because it offends our sensibilities to think that our wildlife can be owned by an individual or select group. Now, suppose the State allows the public lands to be divided up into 200 little "Guide Concessions", where the highest bidder owns the right to control access to the wildlife. What a dangerous precedent that would be. Hopefully the Supreme Court was aware of that scenario when they ruled. They are clear thinking individuals that took into account many things that some guides minds, clouded by anxiety and self interest, are unable to grasp. Thank God the Justices ruled as they did.

What if the Constitution is amended to allow "Guide Lease Concessions". There are over 400 guides that have a legal right to bid. (How can I prove past use if an unconstitutional law prevented me from guiding in a particular locale.) The "lease" would have to be of limited duration. Say it's year 9 of a ten year lease, the guide wants to make as much money as he can in his last year so he takes too much game. In order to prevent this happening the State would have to put quotas on the number of animals each guide could take from his particular Area.. ..Oops! I mean "Concession". We couldn't just place an arbitrary cap on the number of animals each guide could take from his particular spot. Game populations differ, 10 Brown Bears taken from one Area might not have much effect on the population, 10 from another might wipe them out. The entire State would have to be surveyed to provide an accurate count of each species. Game populations fluctuate, the surveys would have to be conducted yearly. Would the so called "Lease Concessions" be allowed to be sold? Would they be defined by geographical boundaries scribbled all over the map. Didn't we just throw such a scheme into the trash heap?

The question is this: Is the State willing to hold our budget, our wildlife, and our constitution hostage just so one group of licensed guides can enjoy a privelegded financial monopoly over their peers?

I hope not. Mismanagement of the Exclusive Guide Area scheme led to the abuse of many of our laws. I don't want anybody to have to go through what I went through for the last ten years just to be able to practice my trade.

The "Ousichek Decision" is not the end of guiding. It is, I think the end of large scale factory guiding operations, we'll all be better

off without 'em. Particularly the clients. This is the beginning of guiding. We have to accept that, and work within the confines of the law.

So called, "crybaby guides without areas" did not do away with Guide Areas. Lets open our eyeballs. We all did. We shit in our own nest. Now it is time to leave the nest. That is what "anti-monopoly" means. **It is overwith.** We are going to have to survive outside the nest.

*

The Dept. Of Commerce & Economic Development (through Randall Burns) is prepared to upgrade the industry by adopting better testing procedures. More stringent requirements for entry, by requiring a certain level of competence of Assistant Guides. And by having written exams on all 26 Game Management units. They are working hard to assure us that each and every licensed Registered Guide will be considered just as worthy as the next, regardless of when they were licensed.

By limiting the powers of the Guide Board to the licensing of guides the Board can better utilize their time at the task of most importance: To guarantee to the public that licensed guides are competent, ethical people. We wouldn't be faced with this obnoxious notion that an increase in guiding activity means an increase in criminal activity if we had been concentrating on the licensing procedure for the past 15 years. Rather, the Board has been spending almost all of their time over the years settling arguments between men over boundaries scribbled on maps. Men who had no legal right to control access to Alaska's public lands and wildlife. One thing the Exclusive Guide Area did do is divide us up into squabbling factions.

We are told that we have to limit the players when dealing with a finite resource such as Big Game. I would like to offer a solution that would be very simple to implement.

Guiding is a trade. In other licensed trades we expect the practitioner to be directly involved in the practice for which they are licensed. As an example..... In order to recieve prescription drugs a person must se a licensed physician. You can't walk into a doctor's office and have the receptionist fill the prescription. You must see the physician. Next you take the prescription to a licensed pharmacist. You don't walk into the pharmacy and have the girl behind the cash register fill the prescription. The pharmacist must handle the job. Need your hair styled? You sit in a chair and the licensed hairstylist does the job, the stylists 19 year old kid can't legally do the job.

All non-resident hunters must be accompanied by a guide when hunting Dall Sheep, and Brown Bear. What is that requirement for if not to guarantee the safety of the hunter? If there is a purpose to the Registered Guide licensing procedure it is to certify to the hunter and State that the individuals that have gone through the training and passed the examination are bona-fide skilled professionals. Trained in first aid, woodsmanship, well versed in Game laws and Guide laws. That trained individual is the one that should be conducting the hunt. But in reality, what so often happens is that Registered, and Master Guides fly airplanes, assistant guides are alone with the client in the field. Alaska Statute, Sec. 08.54.141, reads: An assistant Guide shall be supervised by a registered Guide at all times while the assistant Guide is in the field on guided hunts. That doesn't mean 100 miles away in an airplane, to my way of thinking. If there is a need

to restrict the number of guides in the marketplace, then limit it to those that would like to practice their trade. **All non-resident hunters must be accompanied by a licensed Registered Guide when hunting Brown Bear or Dall Sheep.** This requirement would add some credibility to the restriction placed on non-resident hunters when hunting those two species. It would not give preferential treatment to any guide. Assistant Guides would then be tutored and supervised when in the field as was the original intent.

The State Of Alaska has an entire division of our State Police Force mandated with Fish & Wildlife Protection. Game animals are a high priority. Why then do we allow the Guide Board to discipline guides convicted of criminal game violations? Our system of justice places strong emphasis on impartial juries. It is beyond human capability to withstand the urge to be lenient with your old friends. We can not expect these people to discipline each other with impartiality. It hasn't worked in the past, and it won't work in the future.

Write Guide Laws into law. Place minimum sentencing if found guilty of a criminal game violation in a court of law. If a person has such poor reasoning ability or has such a criminal character that they can not abide by game laws, or guiding laws, then they should not be allowed to hold a guide license. The Federal and State Fish & Wildlife officers spend a small fortune placing undercover agents (posing as hunting clients) in the field with guides, and unlicensed outfitters, suspected of criminal activity. Once caught it is very difficult to successfully prosecute a game law violation case. The witnesses are wild animals. When a case is brought to trial and the perpetrator found guity (or Nolo Contendere) it is very disheartening to see them walk away with a guide license still tucked in their wallet. Is it all just a way to keep cops and robbers and judges and lawyers employed? Or are we serious about protecting our wildlife and the tourist hunters from unscrupulous operaters.

Remember this, guides represent Alaska to the tourist hunters that come to this State to vacation.

Once convicted, and the license to guide taken away, it is very easy to circumvent the disciplinary action, by simply posing as a booking agent and continuing to run the hunting operation as always. Hire a Registered Guide for $100.00 a day to oversee all of the assistant guides under employ. Skate through the punishment unscathed. Many Registered and Master Guides don't guide anyway, assistants do it all.

The State should issue a "Booking Agents License" entitling the holder to book hunts for licensed guides. Tie in the minimum sentencing and revocation of the guide license along with the "Booking Agent License". No Booking agent may have been convicted of a criminal violation of Game Law or Guide Law within the past 10 years. We cannot allow people of criminal character to mess with our wildlife.

*

I don't think the State necessarily has to restrict Registered Guides to Areas bounded by geographical boundaries. Let the marketplace dictate who will succeed. Manage wildlife with permits, if

necessary place quotas on the number of animals a guide can take.

Outfitting is guiding. I see no way around it. The only way we can allow people to participate in the commercial taking of game is to license them, make them responsible for their own actions as well as their clients actions. Guiding and outfitting are so closely allied that it makes little sense to differentiate. If a person wants to provide services to hunters in the field (other than transportation) then they should go through the guide licensing procedure that is already in place.

The State Of Alaska needs to recognize that trophy quality animals can only be guaranteed for the future by allowing big game animals to reach a mature age. Set minimum antler standards on Moose and Caribou. Minimum horn size of full curl on Dall Sheep. Goats should be restricted to the taking of males only.

The guide industry can exist in harmony with our constitution. I will assist the State any way I can to accomplish that goal.

Every good wish,

Tom Hundley
Reg. Guide

12:03 LIO - BNCH 277-6112 PAGE 2

Alaska State Legislature

DEC -2 1988

SENATOR KEN FANNING
P.O. BOX 80838
FAIRBANKS, ALASKA 99708

SENATE
SENATE

P.O. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3892

November 1, 1988

Rep. Heinrich Springer
Chairman
Task Force on
Building and Game
P.O. Box V
Juneau, Alaska 99811

Dear Henry:

I noted at the Task Force meeting in Fairbanks that you agreed to call expert witnesses from the three underwriters who insure Alaskan aircraft. As I understood your comments, you would have a committee assemble a variety of scenarios typical to Alaska, and ask for quotes from the underwriters to cover those specific cases.

In light of this, I would like to have the following four scenarios included:

1) Private pilot license, single engine, land & sea, no restrictions. 2300 hours total time, all Alaska. Insure 4 seats in a 170 B with a 180 conversion, for wheels, skis & floats. 600 - 700 hours in that aircraft, 1 accident 8 years ago, no injuries.

2) Private pilot license, single engine, land & sea, no restrictions. 2000 hours total time, all Alaska. Insure 3 seats in a 180 on wheels only, and 1 seat in a Super Cub. No accidents.

3) Private pilot license, single engine, land & sea, no restrictions. 10,000 - 15,000 hours total time, all Alaska. Insure 6 seats in a Beaver, 3 seats in a 185, and 1 seat in a Super Cub.

4) Airline transport license, multi engine, single engine land and single engine sea. 7000 hours total time, all Alaska. No accidents and no violations. Worked professionally for air taxi for the last 5 years, flown in this area for the last 8 years. Insure 3 seats in a 180, in which he has 1000 hours, and 1 seat in a Super Cub in which he has 1500 hours.

As I said, I think these are fairly typical of the types of situations we're looking at with the Part 135 requirement. If you have any questions, I can be reached at Yakutat after the 4th at 784-3232. Thanks.

Best regards,

Senator Ken Fanning

rec'd 12/2/88

ALASKAN AIRCRAFT LIABILITY INSURANCE RATES
Comparison Based on Scenarios

Insurance Company	Scenario (Per year/ Per Liability Amount)				
	#1	#2	#3	#4 (C-180)	#4 (Cub)
AVEMCO	Decline	Decline	Decline	$4,492/150K	$3,416/150K
United States Aircraft Ins Group (USAIG)	Decline	Decline	Decline	$2,800/150K	$1,400/150K
Houston Casualty Co.	Decline	Decline	Decline	$4,300/150K	Decline[1]
Insurance Company of North America (INA)	Decline	Decline	Decline	Wanted More Specs-------	
London Aviation Underwriters	$6,000/ 150K	C-180-- $5,200/ 150K Cub-- $3,000/ 150K	Beaver-- $5,000/ 100K C-185-- $3,000/ 100K Cub-- $2,000/ 100K	$3,500/100K	$2,000/100K

Notes: Variables such as aircraft condition, specific flying areas, number of aircraft, etc. could change amounts.
"Decline" in Scenarios 1, 2, and 3 were due to company only insuring commercially rated pilots.

[1]Declined due to premium for risk being too small.

SCENARIOS

1 ...te pilot license, single engine, land and sea, no restrictions. 2300 hours total time, all Alaska. Insure ... ...ett in a 170 B with a 180 conversion, for wheels, skis and floats. 600-700 hours in that aircraft, 1 ...ent 5 years ago, no injuries.

2 ...te pilot license, single engine, land and sea, no restrictions. 2000 hours total time, all Alaska. Insure ...ts in a 180 on wheels only, and 1 seat in a Super Cub. No accidents.

3 ...te pilot license, single engine, land and sea, no restrictions. 10,000-15,000 hours total time, all ...a. Insure 6 seats in a Beaver, 3 seats in a 185, and 1 seat in a Super Cub.

4 ...ne transport license, multi-engine, single engine land and single engine sea. 7000 hours total time, all ...a. No accidents and no violations. Worked professionally for air taxi for the last 5 years, flown in this ... for the last 8 years. Insure 3 seats in a 180, in which he has 1000 hours, and 1 seat in a Super Cub in ... he has 1500 hours.

For Immediate Release
December 5, 1988

Contact: Ken Fanning
(907) 452-7624
479-3648

(DETAILED VERSION)

LAND AND WILDLIFE MANAGERS PROVIDE GOOD NEWS FOR ALASKA GUIDES AND HUNTING PUBLIC

Anchorage - In an unprecedented and unique gathering of federal and state land and wildlife managers on Saturday, December 3, Alaska's guiding industry was told that the upcoming hunting season will not revert to the chaos of the late 60s, as had been predicted following the state supreme court decision in October that the state's restricted guide area system was unconstitutional.

Federal land managers indicated their policies will make it difficult if not impossible for new commercial operators, who have not previously been authorized or permitted, to set up shop on the land they manage.

State wildlife management and enforcement spokesmen expressed their gratitude and relief at the announcements of the federal land managers, saying that knowing who will be operating, and where, will make their jobs more effective.

Representatives of the game board and the department of fish and game said that at this time they did not anticipate having to resort to new drawing permit hunts, in light of the conservative approach the land managers would be taking in their policies.

The purpose of the panel discussion was to explore possible changes resulting from the Supreme Court's decision in the Owsichek case, as well as increased hunting pressure from unlicensed hunting service providers, which has been an explosive problem in some areas of the state.

Panelists, as well as the guides in attendance, expressed optimism that not only would the hunting industry survive the current set of problems, but a stronger, more efficient system of licensing all commercial operators would result.

The forum was hosted by the Alaska Professional Hunters Association, and in his welcoming statement APHA President Phil Driver read a letter of December 1 from Governor Steve Cowper, who said, in part, "I'll lend my support to this process wherever it will be helpful. I want to minimize hardship precipitated by recent changes while at the same time working to build a new system that will withstand the challenges we know will come. Challenges are fine. They'll help us develop a lasting, equitable system of guiding."

Panelists represented the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, Alaska Department of Natural Resources, Department of Fish and Game, Department of Public Safety, Board of Game and Guide Board. Also participating were the chairman of the legislatively-created Task Force on Guiding and Game, as well as a wildlife biologist from British Columbia. State Senator Ken Fanning moderated the discussion.

In summary, the agencies in attendance took the following positions:

USF&WS announced that as an interim policy for its 16 Alaskan wildlife refuges it will authorize or permit commercial operations only to those who held such authorizations or permits in 1988 and who apply for 1989. The net effect of this policy is that there will be no new commercial users, and no new pressure on wildlife in the refuges. This also means that for the upcoming spring Kodiak brown bear season, only those guides who have previously operated will be able to guide in Kodiak refuges, and it

appears the permit allocation process will most likely remain as it has in the past, thus assuring those guides who currently hold land use permits that they will receive the appropriate brown bear permits.

NPS said the Owsichek decision will have little effect in the National Park Preserves in Alaska, as NPS intends to place a 2-year moratorium on increased commercial hunting activities, and that they will maintain the current status quo of both numbers of commercial operators and numbers of hunters. The NPS allows only licensed guides who have permits to operate within park-preserves.

The Forest Service and BLM announced that they have in place priority status regulations which will ensure they will not allow any detrimental increase in commercial hunting pressure. The Forest Service also noted that an environmental assessment will have to be undertaken on any new commercial hunting permit applications in both the Chugach and Tongass National Forests.

The Chairman of the Task Force on Guiding and Game said the task force will hold its final meeting on December 12-15 in Anchorage, and he anticipated resolutions to many of the current problems relative to unlicensed operators active in Alaska. He noted it was the opinion of the task force members that anyone offering commercial hunting services should be licensed and regulated. He also expressed optimism that the Alaska State Legislature was concerned with the state's wildlife resources, and would be responsive to the task force recommendations, with positive and beneficial legislation to help rectify current problems in the upcoming legislative session.

The representative of the department of natural resources stated that the Supreme Court decision outlined achieveable

mechanisms to reinstate a system of resource stewardship on state lands through concessionnaire or lease policies, and pledged his department's assistance in helping develop such policies.

The spokesman from the department of public safety noted that the various land management policies announced would assist protection officers in proper enforcement of Alaska's game laws and regulations in two ways - first, by clearly defining who can do what, and second, by knowing who is allowed to operate in what areas. He noted that as information becomes more reliable, enforcement becomes more effective.

Representatives of the Board of Game and department of fish and game announced that an emergency meeting of the board would be held in January to determine what actions, if any, would need to be taken for certain areas of the state for the upcoming spring bear seasons. Both expressed their gratitude and relief that the policies announced by the federal land managers would greatly assist them in ensuring appropriate harvest levels, and indicated that because of those policy announcements, the January meeting would not have to address most game management units of the state.

The director of the Game Division said the department recognizes the problems association with drawing permits for guided hunts, and that they would be resorted to only as a last ditch measure to assure adequate controls on harvest of certain species. Given the interim policies expressed by Federal agencies, it was highly unlikely, he said, that any new drawing permit hunts would be recommended by the department for the spring bear season. He also noted that ADF&G approached management considerations in a conservative manner in order to continue to ensure healthy populations of big game animals. He reiterated the necessity, from a game

management standpoint, of licensing and carefully regulating all commercial users of the big game resource.

The general consensus of the panelists was that Alaska's big game populations are now in healthy condition and would remain so through maintaining stability in commercial harvest. Planned hunts for 1989 and 1990 can and will take place. Licensed guides will not be able to guide just anywhere in the state they want to, as had been previously reported, and any increased pressure created by new guiding operations will likely be offset by decreased harvest by unlicensed operators.

All panelists agreed that the discussion was constructive and helpful, and that by continuing to work together, policy-makers would be able to achieve, as Governor Cowper expressed in his letter, "a lasting, equitable system of guiding" that protects and enhances Alaska's big game resources.

- 30 -

AGENDA

FOR

A PANEL DISCUSSION CONCERNING ANTICIPATED POLICY CHANGES FOR THE 1989 HUNTING SEASON

8:30 AM - NOON
SATURDAY, DECEMBER 3, 1988
CLARION HOTEL, ANCHORAGE

8:30	CONVENE
	WELCOME BY PHIL DRIVER, PRESIDENT APHA
	INTRODUCTION OF PANEL MEMBERS AND DISTINGUISHED GUESTS BY SENATOR KEN FANNING, MODERATOR
	BRIEF OPENING STATEMENT BY EACH PANELIST
	GENERAL DISCUSSION OF ISSUES
10:15	COFFEE BREAK
10:30	RECONVENE
	CONTINUE GENERAL DISCUSSION OF ISSUES
	QUESTIONS AND COMMENTS FROM AUDIENCE
	CLOSING COMMENTS
12:00	ADJOURN

INVITED GUESTS:

MEMBERS OF TASK FORCE ON GUIDING & GAME
MEMBERS OF ALASKA LEGISLATURE
CONGRESSIONAL DELEGATION OR STAFF
VARIOUS STATE & FEDERAL POLICYMAKERS
MEMBERS OF APHA

PANEL MEMBERS

LEO KEELER - U.S.D.A. FOREST SERVICE
201 E. NINTH AVENUE, ANCHORAGE, ALASKA 99501 271-2547

SAMANTHA CASTLE - BOARD OF GAME
1170 SUNNYSLOPE, FAIRBANKS, ALASKA 99709 455-6678

RAY DEMARCHI - BRITISH COLUMBIA WILDLIFE BRANCH
WILDLIFE BRANCH, BC MINISTRY OF ENVIRONMENT, 106 5TH AVE SOUTH
CRANBROOK, BC V1C 2G2

SENATOR KEN FANNING - MODERATOR
P.O. BOX 80929, COLLEGE, ALASKA 99709 479-3648

JOE DAMICO - DEPARTMENT OF PUBLIC SAFETY
5700 EAST TUDOR RD, ANCHORAGE, ALASKA 99507 269-5589

REBECCA KAISER - NATIONAL PARK SERVICE
2525 GAMBELL, ANCHORAGE, ALASKA 99503 257-2594

PAUL SCHMIDT - U.S. FISH & WILDLIFE SERVICE
1011 EAST TUDOR RD, ANCHORAGE, ALASKA 99503 786-3355

RICHARD LEFEBVRE - DEPARTMENT OF NATURAL RESOURCES
3601 C STREET, SUITE 814, ANCHORAGE, ALASKA 762-2692

RAY MCNUTT - GUIDE BOARD
P.O. BOX 10, STERLING, ALASKA 99672 262-4678

LEW PAMPLIN - DEPARTMENT OF FISH & GAME
333 RASPBERRY ROAD, ANCHORAGE, ALASKA 99502 267-2231

DAVID RUKKE - BUREAU OF LAND MANAGEMENT
6881 ABBOTT LOOP ROAD, ANCHORAGE, ALASKA 99507-2599 267-1264

REP. HEINRICH SPRINGER - GUIDE TASK FORCE
P.O. BOX 1630, NOME, ALASKA 99762 443-5505

STEVE COWPER
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

December 1, 1988

Mr. Phil Driver
President
Alaska Professional Hunters
Association
1306 East 26 Avenue
Anchorage, AK 99508

Dear Phil,

Thanks for meeting with me yesterday in Juneau. I understand your concerns and appreciate your taking the time to bring them to me personally.

As I said, I think we can lick this problem with creative thinking and hard work. We've got to make sure that whatever system we create is fair and constitutional. You can bet a lot of people will be inspecting it from every angle. I encourage you to maintain contact with Ron Clarke and Rod Swope in this office as well as with members of the Guide Board and the Interim Task Force on Guiding and Game. I also encourage you to seek out divergent opinions--we should incorporate ideas from all interested parties from the start.

I'll lend my support to this process wherever it will be helpful. I want to minimize hardship precipitated by recent changes while at the same time working to build a new system that will withstand the challenges we know will come. Challenges are fine. They'll help us develop a lasting, equitable system of guiding. I look forward to working with you and others interested in the guiding business to achieve that goal.

Sincerely,

Steve Cowper
Governor

Group 2 Handout
Dist. 12-14-88
Self Training.
Vernita Cassidy
Pete Buck
Phil Gilson
Pat Malone for Del Nelson

CLASSES OF USERS - DEFINITIONS

There shall be two licensed classes big game hunting service providers operating "in the field": "Guide-Outfitter" and "Transporter".

1. GUIDE-OUTFITTER: Has the ability to book hunts; conduct hunts; outfit hunts; and is required to file the Statement of Financial Remuneration.

2. CLASS A GUIDE: Has the ability to conduct hunts without the presence of a Guide-Outfitter. He is, however, the ~~employee~~ of a Guide-Outfitter who is required to file the SFR. A Class A Guide shall have ~~20~~ 10 years of experience in a specific Game Management Unit and one year of service as a guide. Marine mammal guide. Special class.

3. GUIDE: Has the ability to conduct hunts under the direct supervision of a Guide-Outfitter or a Class A Guide. Must be employed by a Guide-Outfitter.

TRANSPORTER: Provides transportation of big-game hunters; hunting gear; or harvested big game animals.

LICENSING REQUIREMENTS:

GUIDE-OUTFITTER: Required to pay a Commercial ~~Hunting~~ Services Permit (Fee); Guide-Outfitter License (Fee); and a Big Game Conservation (Fee) for each animal taken. (head fox) AK Business license, transporter license (fee). Combine C.U fee, Consv. fee, 1st provider

CLASS A GUIDE: Required to pay a Class A Guide License Fee.

ASST GUIDE: Required to pay an Assistant Guide License Fee.

TRANSPORTER: Required to pay a Commercial ~~Hunting~~ services Permit Fee; Transporter License Fee; and a Big Game Conservation Fee for each animal taken.

* all changes made after distribution in general work group.

OTHER CONCLUSIONS:

Transporters are allowed to provide transportation services ONLY. If any other services are provided in the field, a Guide-Outfitter License is required. A clear definition for "in the field" needs to be established.

One hunting service that we are aware of is the provision of permanent shelter to [redacted] big game hunters. A license is not required for this service. However, a Commercial Hunting Permit Fee shall be paid on an annual basis and the shelter provider is required to provide an annual activity report to the Department of Fish & Game.

Dist. 1-13-88
BURNS

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

P.O. BOX D-LIC
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

GAME MANAGEMENT UNIT	# OF GUIDES CERTIFIED IN UNIT	# OF GUIDES WITH FORMER EGA IN UNIT	ADDITIONAL # OF GUIDES NOW ABLE TO CONTRACT HUNTS
1	33-7=26	13	~~20~~ 13
2	31-7=24	13	~~18~~ 11
3	34-7=27	13	~~21~~ 14
4	34-9=25	13	~~21~~ 12
5	35-14=21	6	~~29~~ 15
6	165-90=75	12	~~153~~ ~~90~~ 63
7	140-83=57	5	~~135~~ 52
8	139-58=81	23	~~116~~ 58
9	218-57=161	69	~~169~~ 92
10	103-61=42	2	~~101~~ 40
11	164-77=87	28	~~136~~ 59
12	160-77=83	23	~~137~~ 60
13	199-77=122	44	~~155~~ 78
14	149-86=63	7	~~142~~ 56
15	151-82=69	10	~~141~~ 59
16	166-81=85	24	~~142~~ 61
17	130-69=61	17	~~113~~ 44
18	99-64=35	5	~~94~~ 30
19	143-72=71	27	~~116~~ 44

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

P.O. BOX D-LIC
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

GAME MANAGEMENT UNIT	# OF GUIDES CERTIFIED IN UNIT	# OF GUIDES WITH FORMER EGA IN UNIT	ADDITIONAL # OF GUIDES NOW ABLE TO CONTRACT HUNTS
20	112 - 63 = 49	17	~~95~~ 32
21	100 - 65 = 35	8	~~92~~ 27
22	85 - 56 = 29	8	~~78~~ 21
23	91 - 55 = 36	14	~~72~~ 22
24	99 - 56 = 43	15	~~84~~ 28
25	112 - 64 = 48	14	~~98~~ 34
26	107 - 52 = 55	25	~~82~~ 30

MEMORANDUM — State of Alaska

TO: Larry R. Weeks, Director
Criminal Prosecutions
Juneau, Alaska

DATE: November 28, 1988

FILE NO:

TELEPHONE NO: 277-8622

SUBJECT: A.S. 08.54.210

NOV 29 1988
DEPT. OF LAW
CRIMINAL DIVISION

THRU:

FROM: BC
Brent Cole
Assistant District Attorney
Anchorage

Larry:

Dwayne asked me to send you a memo with any comments I might have on how A.S.08.54.210 could be improved to provide for more effective enforcement.

As background information, I believe that I have worked on every case where the State has criminally charged an individual with unlawful guiding in Anchorage over the last two years. I have handled most of the sentencing negotiations on these cases and have recently been successful in prosecuting two defendants who were charged with several counts of felony "guiding without a license." Up to this point, the Department of Fish and Wildlife and myself have handled these cases as follows. In cases where we believed the person charged was merely assisting the guide or the person whom we believed to be the guide, we have offered to allow that person to plead to misdemeanor illegal possession charges rather than requiring them to plead to felonies. We have been very successful in getting most of these people to plead out. One individual rejected this deal and was convicted of felony "guiding without a license" under the aiding and abetting theory. (State v. Bernhard Maeckle)

We have also allowed individuals who we believed to be the guide or the person who arranged for the guiding services to plead out to misdemeanor offenses if we did not have any reason to believe that they had a prior history of violating the guiding laws. Finally, in two cases we had situations where we charged individuals we believed had been involved in violating the guiding laws for extensive periods of time and who we refused to allow to plea to anything but felony charges. One of those individuals (State v. Jim Baum) plead out in a negotiated sentence agreement and the other one was recently convicted of felony guiding without a license. (State v. Bruno Zedler)

1990 concurrent 37 mo 25 & 5 4 & 4 mos 84 charges

02 001A (Nov. 11/85)

TAPE 19-B 743
20-A 251

After being involved in the prosecution of these cases for the past two years, I believe the following recommendations would help improve the enforcement of the guiding statutes:

(1) Eliminate the mandatory one year sentence.
None of the other licensing statutory have a mandatory imprisonment period. The one year imprisonment is in my opinion, much too hard for the crime. It is a major stumbling block in convincing people to plead out without having to reduce the charge to some violation of the fish and game regulations.

(2) Make first time offenses a misdemeanor.
My understand is that this law was changed to a felony to get peoples attention. No other licensing statutes are felony crimes. I think it would be appropriate to have some minimum jail time if it was a misdemeanor--say one (1) to two (2) months.

(3) Make second time offense a felony.
The statute already provides for this in certain types of guilding violation. I think it would be an effective way to balance the interest of fair sentencing and deterring people from committing these crimes.

(4) Raise the maximum fine that may be imposed.
This is an economic crime. The best way to combat it is to make it as unattractive to commit this crime as possible. People are making a lot of money on this industry and I believe the maximum fine should be in the $20,000-$30,000 range.

(5) Do not allow the judge to impose an SIS.

(6) Continued cooperation between Fish and Wildlife and the District Attorney's Office.
It is essential that both offices continue to cooperate and work together, particularly because of the difficulty of apprehension and prosecutions of the cases.

I would also bring to your attention a concern that I have about the issue of entrapment that has been raised in almost every one of these cases and which is presently being litigated before the Alaska Supreme Court. These under cover officers are the only effective means of successfully prosecuting these cases. Presently the Alaska Supreme Court is considering arguments on this issue in Vaden and Saltz. A negative ruling by the Supreme Court would serious impede the enforcement and prosecution of these crimes. I am confident that we will win on appeal, but on the other hand, a loss would seriously jeopardize any gains we have made in enforcement of this law.

BC:bch
cc: Dwayne McConnell

Task Force on Guiding and Game
Data Management Subcommittee Report

The Data Management Subcommittee met on Thursday, October 20, 1988, in the Anchorage office of the Department of Fish and Game from 10:00 AM until 2:45 PM.

Members present were Lew Pamplin, Chairman
Captain Phil Gilson
Senator Ken Fanning
Representative Heinrich Springer

Members connected by telephone were Randall Burns
Nick Pierskalla

The purpose of the subcommittee meeting was:

(1) to review the past reporting requirements of guides, outfitters, and other commercial users of big game, and hunters; and

(2) to review the effectiveness of the reporting requirements that were established by Senate Bill 191.

Each agency presented a short review of their respective reporting requirements:

Department of Commerce and Economic Development
Randall Burns
Department of Public Safety
Captain Phil Gilson
Department of Fish and Game
Lew Pamplin

Discussions:

---The subcommittee focused on what information the state needs relative to the administration of the commercial use of big game and how current reporting requirements meet those needs.

---The subcommittee categorized information needs into two groups:

(1) information necessary to ensure sound management of the big game resources; and

(2) information necessary to ensure efficient administration and regulation of the commercial uses of big game.

---The subcommittee felt that the Task Force should keep several points in mind in considering the information needs for regulating commercial uses of big game:

(1) the responsibility for reporting commercial uses of big game should be born by the service providers, not the clients (hunters);

(2) the responsibility for reporting the harvest of big game should be born by the hunters (not the service providers);

(3) reporting requirements should be similar for all commercial service providers; and

(4) reporting requirements should be simplified and consolidated into a minimum number of documents returned to the appropriate state agency.

---The subcommittee discussed the need for big game harvest information and reviewed the existing hunter reporting requirements of the Department of Fish and Game. It concluded that the Department of Fish and Game currently has in place sufficient hunter reporting requirements to adequately monitor the total harvest by area, but that information relative to the use of commercial services needed for assessing their impact on the harvest was insufficient.

---In their review of new and existing hunter reporting requirements, the subcommittee identified an opportunity to simplify reporting requirements by incorporating the information on the Affidavit of Nonresident Hunting Moose and Caribou (established by Senate Bill 191) with the existing Big Game Tag Record which all purchasers of big game tags are required to complete.

---The subcommittee also explored ways of ensuring that the information on the Big Game Tag Record is forwarded to the Department of Public Safety in time for in season enforcement activities. The subcommmittee did not arrive at an acceptable solution, but felt that new administrative methods of retrieving timely information back from license vendors should be explored.

---The subcommittee identified the information needs of the state for regulation of commercial uses of big game as:

(1) **WHO** are the service providers. This information is needed to enable adequate enforcement of both big game regulations and commercial licensing.

(2) **WHAT** kinds of services are they providing. This information is necessary to interpret the impact of commercial uses on big game harvest patterns and regulations.

(3) **WHERE** are the service providers operating. This information is necessary for both enforcement and big game management.

(4) **WHEN** are the services provided. This information is also necessary for both enforcement and big game management.

---In discussing the question of **WHO**, the subcommittee identified existing reporting requirements which contribute to this information need. It concluded that while the state does have data on some service providers, namely guides through the licensing process, it lacks a reporting mechanism for gathering data on the majority of commercial users such as air taxi operators, other transportation providers, and camp operators. The Big Game Transport Log was reviewed in this context and it was concluded the it has proven ineffective in meeting this need. The lack of strong sanctions against those not reporting was identified as one of the problems contributing to it's ineffectiveness. The subcommittee felt that additional requirements would need to be established to include all providers in a like manner.

---In discussing the questions of **WHAT**, **WHERE**, and **WHEN**, the subcommittee again identified reporting differences between guides and other service providers. The Big Game Transport Log is the only reporting requirement for game transporters. While guides are required to identify camp locations on the their initial applications for exclusive/joint use areas, there is no requirement to update this information. The requirement for outfitters to submit affidavits to register big game hunting base camps, cabins, and lodges expires this year. The reporting requirements differ significantly from federal reporting requirements for camps located on federal lands. Some subcommittee members felt that all big game hunting camps should be pre-registered (prior to their use) to aid in enforcement.

---The subcommittee also addressed the confidentiality of information that is currently provided. The Department of Commerce and Economic Develcpment indicated that the Statement of Financial Remuneration submitted by guides is considered confidential, yet the Affidavit of Nonresident Hunting Moose and Caribou and the Affidavits to Register Big Game Hunting Base Camps, Cabins, and Lodges are not. The issue of confidentiality needs to be addressed and applied uniformly to all information providers. Departments with legitimate information needs should have ready access to this information.

Recommendations:

---The following recommendations were made by the subcommittee during the course of its meeting:

(1) Current reporting requirement should be simplified wherever possible; specifically,

   (a) the Big Game Tag Record should be modified to include the information on the Affidavit of Nonresident Hunting Moose or Caribou and the affidavit subsequently eliminated.

   (b) the Tag Harvest Report Card does not contribute to the information base and can cause confusion with other existing harvest reporting requirements. It should be eliminated.

(2) Appropriate steps should be taken to establish uniform reporting requirements for all commercial users. The subcommittee discussed the possibility of establishing a Commercial Big Game Transporters or Service Providers license with appropriate reporting requirements and penalties which would effect license renewal. The Task Force should consider this as a possible solution to the current differences in licensing and reporting requirements for service providers.

(3) If the Big Game Transport Log is retained as a reporting mechanism, the reporting period should be changed from 7 days to 30 days after the transport of big game.

(4) The Task Force should seek legal advice on the confidentiality of existing reporting requirements and take the necessary steps to establish a uniform confidentiality policy with regard to information collected on the commercial use of big game.

(5) The information needs of each of the individual agencies should be identified and administrative procedures established to ensure the proper flow of information between agencies in a timely manner.

State of Alaska
Department of Revenue
Income and Excise Audit Division

AFFIDAVIT OF NONRESIDENT HUNTING MOOSE OR CARIBOU Per AS 16.05.407

Fish and Game Licensing Section
1111 W. 8th Street, Room 108
Juneau, Alaska 99801

This affidavit must be completed prior to the purchase of a nonresident moose or caribou big game tag.

1. I will be hunting in the following Game Management Unit(s): _____

2. I will be hunting in the following area(s) of the unit(s) shown above: (Please be specific) _____

_____

3. I will be using the services of the following: (Please name the person and/or business)
   a. Guide(s): _____
   b. Outfitter(s): _____
   c. Transporter(s) or air taxi service(s): _____
   d. Other big game hunting service(s): (List by name) _____

Name		
Mailing Address		
City	State	Zip Code
Hunting License Number:		

I certify under penalty of perjury that all of the information on this affidavit, including any attachment, is true and complete.

X _____
Signature Date

04-270 (New 6/88)

AUDIT COPY—ATTACH TO BIG GAME TAG RECORD (FORM 04-202)

ALASKA DEPARTMENT OF REVENUE
Fish and Game Licensing
1111 W. 8th Street, Room 108
Juneau, Alaska 99801

BIG GAME TAG RECORD
(Resident or Nonresident)

Send Parts 1 and 2 to Revenue
Give Part 3 to Licensee
Keep Part 4 for Your Files

THE FOLLOWING AFFIDAVITS MUST BE COMPLETED AS NECESSARY BEFORE THE SALE OF ANY BIG GAME TAG.

MILITARY AFFIDAVIT
Per AS 16.05.340(d)

This affidavit is to be completed before the sale of any tag at the military rate.

I am entitled to the special nonresident Military Big Game Tag at one-half of the nonresident rate for the following reason:

☐ 1. I am a member of the military service on active duty permanently stationed in the state; or

☐ 2. I am a dependent of a member of the military service on active duty permanently stationed in the state.

Branch of Military Service

Rank and Serial Number

Assigned Duty Station

If a Dependent, Show Relationship

NONRESIDENT AFFIDAVIT
Per AS 16.05.407(a)

Complete this affidavit before the sale of any brown-grizzly bear or sheep tag to a nonresident who is a U.S. citizen.

Pursuant to AS 16.05.407, I hereby certify that I will be guided by:

_____ _____

of _____, Alaska

who is

☐ A. A Master or Registered Alaskan guide; or

☐ B. A resident spouse or relative within and including the second degree of kindred as defined in the Alaska Game and Guiding Regulations.

Specify Relationship:

NONRESIDENT ALIEN AFFIDAVIT
Per AS 16.05.407(a)(e)

This affidavit is to be completed before the sale of any tag to a nonresident alien.

Pursuant to AS 16.05.407, I hereby certify that I will be guided by:

_____

of _____, Alaska

who is

☐ A. A Master Guide; or

☐ B. A Registered Guide under AS.08.54.

This certifies that the licensee named below has purchased the big game tag(s) indicated. (PLEASE PRINT)

Name (First, M.I., Last)

Mailing Address

City, State, Zip Code

Date of Tag Purchase

Hunting License Number

Class of License

HARVEST TICKET NUMBERS

Caribou C- _____

Deer D- _____

Moose M- _____

Sheep S- _____

License Vendor

Vendor Location | Vendor I.D. No.

Tag Type	Tag Number	Military Rate	Tag Number	Full Price	Total Fee
Res. Br.&Grz. Bear	[redacted]			$ 25.00	
Res. Musk Ox				$500.00	
Res. Musk Ox				$ 25.00	
N.R. Br.&Grz. Bear		$175.00		$350.00	
Black Bear		$100.00		$200.00	
		$100.00		$200.00	
		$100.00		$200.00	
		$100.00		$200.00	
Bison		$175.00		$350.00	
Caribou		$150.00		$300.00	
		$150.00		$300.00	
		$150.00		$300.00	
		$150.00		$300.00	
Deer		$ 67.50		$135.00	
		$ 67.50		$135.00	
		$ 67.50		$135.00	
		$ 67.50		$135.00	
Elk		$125.00		$250.00	
Goat		$125.00		$250.00	
		$125.00		$250.00	
Moose		$150.00		$300.00	
N.R. Musk Ox		$550.00		$1100.00	
Sheep		$200.00		$400.00	
Wolf		$ 75.00		$150.00	
		$ 75.00		$150.00	
Wolverine		$ 75.00		$150.00	
		$ 75.00		$150.00	
		$ 75.00		$150.00	
		$ 75.00		$150.00	
TOTAL TAG FEES COLLECTED					$

I hereby certify under penalty of perjury that all of the information on this record, including any completed affidavit, is true and correct.

X _____
Signature of Applicant — Date

NOTICE: THE LICENSEE'S COPY MUST BE ATTACHED TO THE HUNTING LICENSE AND CARRIED ON THE HUNTER'S PERSON WHEN THE [illegible] IS IN THE FIELD.

ALASKA DEPT. OF FISH & GAME
ANCHORAGE, AK 99518-1599

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO. 709 ANCHORAGE, ALASKA

POSTAGE WILL BE PAID BY ADDRESSEE

ALASKA DEPARTMENT OF FISH & GAME
333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518-9979

TAG HARVEST REPORT CARD 1988-89

A new Alaska statute requires that all hunters who purchase big game tags report the location, amount, and species of big game taken. You must complete a separate TAG HARVEST REPORT CARD for each tag that you purchase. Please print or write clearly.

NAME	FIRST	INITIAL	LAST
MAILING ADDRESS	POST OFFICE BOX OR STREET ADDRESS		
	CITY	STATE	ZIP CODE
RESIDENCY INFORMATION	ALASKAN RESIDENT ☐	NON RESIDENT ☐	TAG NUMBER
SPECIES TAGGED	WRITE "NONE" IF YOU DID NOT TAKE AN ANIMAL		
LOCATION OF KILL	GAME MANAGEMENT UNIT	SUBUNIT	
SPECIFIC LOCATION	LAKE NAME, RIVER NAME, MILEPOST, ETC.		

NOTE: This report card does NOT replace harvest ticket or permit reporting requirements. You must also submit the appropriate harvest ticket or permit report. The Alaska Department of Fish and Game regrets this dual reporting requirement and hopes to have the situation corrected next year.

BIG GAME TRANSPORT LOG 1988-89

Alaska Statute 16.05.370 paragraph (c) states that a person who transports big game from the field for compensation shall, within seven days after providing the transportation, notify the department (of Fish and Game) of the amount and kinds or species of game transported. This log is provided to persons transporting game to simplify those reporting requirements. Completed forms should be mailed on a weekly basis to: Alaska Department of Fish and Game, Division of Game, Statistics Section, 333 Raspberry Road, Anchorage, Alaska 99518

BUSINESS NAME: _____ **REPORTING PERIOD:**

ADDRESS: _____ **From**__/__/__ **To**__/__/__

_____

TRIP	DATE*	TRANSPORTATION METHOD* Use codes:	SPECIES TRANSPORTED Use Codes:	AMOUNT TRANSPORTED (Number of Animals)	MILES TRANSPORTED*
		1.Airplane 4.ATV 2.Horse 5.Snow Machine 3.Boat 6.Hwy Vehicle	1.Brn Bear 5.Dall Sheep 9.Mt Goat 2.Blk Bear 6.Deer 10.Muskoxen 3.Bison 7.Elk 11.Wolf 4.Caribou 8.Moose 12.Wolverine		
1	/ /				
2	/ /				
3	/ /				
4	/ /				
5	/ /				
6	/ /				
7	/ /				
8	/ /				
9	/ /				
10	/ /				
11	/ /				
12	/ /				
13	/ /				
14	/ /				
15	/ /				
16	/ /				
17	/ /				
18	/ /				
19	/ /				
20	/ /				

*Providing this information is optional.