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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 III OF III

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THE SUPREME COURT OF THE STATE OF ALASKA

KENNETH D. OWSICHEK,
Appellant,
v.
STATE OF ALASKA, GUIDE
LICENSING AND CONTROL BOARD,
Appellee.

File No. S-1650

O P I N I O N

[No. 3389 - October 21, 1988]

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Milton Souter, Judge.

Appearances: Charles E. Tulin, Anchorage, for Appellant. Michael G. Hotchkin and Sarah E. McCracken, Assistant Attorneys General, Anchorage, Ronald W. Lorensen, Acting Attorney General, Juneau, for Appellee.

Before: Rabinowitz, Chief Justice, Burke, Matthews, Compton, and Moore, Justices.

RABINOWITZ, Chief Justice.

We are called upon to decide whether two statutes, AS 08.54.040 (7) & .195, comport with article VIII, section 3 of the

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Alaska Constitution. These statutes authorize the Guide Licensing and Control Board to grant hunting guides "exclusive guide areas," geographic areas in which only the designated guide may lead hunts and from which all other guides are excluded. Licensed hunters, including other guides, may hunt recreationally in these areas, but only the holder of the exclusive guide area may lead hunts professionally.

I.

In 1973 the legislature created the Guide Licensing and Control Board ("GLCB" or "the Board"). Ch. 17, § 1, SLA 1973. This act set forth the composition, powers and duties of the Board, established guidelines for different classes of guide licenses, defined unlawful acts, and provided for the disciplining of guides. Id. It also authorized the Board generally to "regulate activity" of guides, AS 08.54.040(a)(3), and to adopt regulations "required by this chapter or reasonably necessary for its administration." Id. at 08.54.050. The legislative history reveals that the purposes of the act were "to protect fish and game management" and "to get competent people as guides in Alaska." Alaska Legislative Committee Minutes Microfiche No. 37, House Judiciary Committee, H.B. 1, at 20 (Feb. 2, 1973).

One of the first activities of the Board was to establish a scheme of "exclusive guide areas" (EGAs) and "joint use areas." Under this system, a guide would be able to register his

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camp and be entitled to exclusive guiding privileges in a designated area surrounding it. "Joint use areas" would be assigned where the areas used by two or more guides overlapped.¹ The Board first voted in April 1974 to implement this scheme for Game Management Units 16 and 20.² Shortly thereafter, in July 1974, the Board voted to extend the program to Unit 8 (Kodiak Island).

For the following year, the Board considered applications for EGAs but took no action. In July 1975, the Board granted dozens of exclusive and joint use areas in the three Units for which the regulation was passed. The Board further resolved at that time to extend the program to eleven more Units, including Unit 19. In January 1976, the Board voted to grant EGAs to qualified guides anywhere in the state. Applications were to be based on "occupancy, use, financial value, and such other qualifications as the Board may prescribe." The Board set

1. EGAs and joint use areas will be referred to collectively as EGAs.

2. The Board of Game has divided the state into twenty-six Game Management Units, primarily for purposes of establishing hunting seasons and bag limits for different species. For these purposes, many Units are divided into several subunits with different applicable regulations. See AS 16.05.255; 5 AAC 78.001-.600, 80.001-.600, 83.001-.600, 86.001-.910, 88.001-.910. The Guide Licensing and Control Board has adopted these Units for purposes of licensing hunting guides. 12 AAC 38.200(b) (Eff. 6/28/74). Each licensed guide may be certified to practice in up to three Units. 12 AAC 38.200(d) (Eff. 6/28/74). Unit 16 is in South Central Alaska, near Anchorage, and Unit 20 occupies a large part of Interior Alaska, including Fairbanks.

a deadline of November 1, 1976, for receipt of applications for EGAs. The Board began granting EGAs in Units other than 8, 16 and 20 in December 1976, starting with Units 23-26. EGAs for other Units were granted gradually over the following months.

The Board conducted all of this activity without specific statutory authorization, relying only on the general grant of regulatory power in the 1973 legislation. In 1976 the legislature enacted AS 08.54.040(a)(8) (now AS 08.54.040(a)(7)), which authorized the Board to:

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 and reasonable procedure for limiting the number of guides to that quota; preference shall be given to qualified available and willing licensed guides who reside within the designated game unit or subunit.

Ch. 133, § 1, SLA 1976. This provision took effect January 1, 1977. Id. at § 5. The legislative history reveals that the intent of this section was to ratify the Board's EGA program. Transcript of Senate Resources Committee Hearing on S.B. 661, at 1, 14-15 (March 12, 1976); Transcript of House Resource Committee Hearing on S.B. 661, at 33-34 (April 27, 1976).

Finally, in 1986 the legislature enacted AS 08.54.195.³ This statute for the first time imposed procedures and criteria

3. Alaska Statute 08.54.195 provides:

(footnote continued)

on the Board with respect to the EGA program. This reform was

(footnote continued)

Restricted guide areas. (a) Under AS 08.54.040(a)(7), the board may establish and assign restricted guide areas for master guides or registered guides. The board shall adopt regulations that establish uniform and consistent criteria, including a point system, to be used by the board when it establishes and assigns a restricted guide area.

(b) The board shall consider the following factors before it assigns a restricted guide area:

(1) the extent to which the guide who has applied for the area has guided in the game management unit in which the area is located;

(2) the extent to which the guide occupied and invested in the area;

(3) the effects, including the economic effect, on other guides that would result from creation of the area;

(4) big game populations in the area;

(5) the land ownership status of the area; and

(6) other relevant facts or circumstances.

(c) The board may adopt regulations limiting the number of clients with which a guide may contract for hunts in a restricted guide area used by more than one guide.

(d) Unless the board determines after a public hearing that it is not in the public interest to do so, the board may transfer a restricted guide area to a person qualified for assignment who has been recommended by the guide to whom the area is assigned, or by a person authorized to represent the guide, if the recommendation is made

(1) after five years have elapsed from the date of the assignment of the guide area; or

(2) during the first five years after the date of assignment and the guide has died or suffered a major disability, as defined by the board.

(footnote continued)

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enacted in response to a "sunset report" on the GLCB by the Division of Legislative Audit, which was harshly critical of the Board's implementation of the EGA program.⁴ See Division of Legislative Audit, A Performance Report on the Department of Commerce and Economic Development Guide Licensing and Control Board, Audit Control No. 08.01253-86-R (Nov. 21, 1985).

II.

Kenneth D. Owsichuk is a registered guide who was licensed to lead hunts in Game Management Units 17, 18 and 19 in February 1976.⁵ He alleges that he had worked as an assistant guide in this area from 1972 to 1976. He claims that in January 1976, upon passing his guide license examination, he invested

(footnote continued)

(e) A guide may not sell or lease a restricted guide area. A guide may sell or otherwise transfer a lodge, camp, or other lawful improvement to property located in a restricted guide area. Sales price may not exceed fair market value.

4. The 1986 legislation also modified AS 08.54.045 (S) in response to the sunset report. Specifically, the legislation (1) renumbered it subsection .045(7), (2) required "an equitable, reasonable, and consistent procedure" (emphasized language added in 1986), and (3) provided that "preference may be given" to local resident guides (instead of shall). Ch. 71, § 6, SLA 1986.

5. Units 17, 18 and 19 occupy a large area overlapping parts of Southwest, Western and Interior Alaska. See 5 AAC 83.005(d) (Eff. 7/5/85), 86.005(a) (Eff. 7/5/85), 88.005(b) (Eff. 7/5/85).

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\$300,000 to build a lodge and several cabins together with other facilities for a full-scale guiding operation on Lake Clark. He also claims to have spent \$150,000 on four aircraft to fly in clients.

Owsichuk's licensing and concurrent investments occurred at approximately the same time the GLCB decided to extend the EGA program on a statewide basis.⁶ Accordingly, Owsichuk submitted an application for EGAs in Units 17 and 19 before the November 1, 1976, deadline established by the Board. The Board considered applications for EGAs in Units 17 and 19 in its December 1977 meeting. Owsichuk's application was denied on the ground that he had not submitted "evidence of contracts for guided hunts in the area for two of the five years preceding the application."

Owsichuk petitioned for review of this decision. In November 1978, the Attorney General's office found that, based on contracts submitted for hunts in 1976, 1977 and 1978, he was qualified to receive an EGA in Units 17 and 19, and recommended that the Board adopt this decision. In its December 1978 meeting, the Board resolved "that the portion of Mr. Owsichuk's

6. As discussed above, the Board had decided to grant EGAs in Unit 19 in July 1975, but did not vote to extend the program to the remainder of the state, including Units 17 and 18, until January 1976, the month Owsichuk passed his guide licensing exam and allegedly began building his improvements.

application that is not in conflict with presently granted gide [sic] areas be allowed. That no portion of the application that overlaps or is presently in joint use be granted." By letter dated February 5, 1979, the Board informed Owsichuk of its decision and assigned him area 19:33, in Unit 19. Owsichuk objected to this decision because he was unable to land his planes within the areas granted to him, rendering them "unhunnable."

On April 6, 1979, Owsichuk filed a complaint in superior court challenging the Board's actions. His amended complaint alleged that: (1) prior to January 1, 1977, the Board lacked authority to promulgate regulations creating EGAs; (2) the actions of the Board violated due process and equal protection under the federal and state constitutions; (3) the actions of the Board were an unconstitutional taking of property; (4) AS 08.54.040(a)(8) was an unconstitutional delegation of authority because of the lack of standards; (5) the statutes and regulations constituted an unlawful impairment of contracts under the Alaska Constitution; (6) the regulations did not comply with what standards existed in the statute; and (7) he suffered damages. By way of relief Owsichuk sought a declaration that the Board's assigning of EGAs is unconstitutional and that he is entitled to recover damages against the state in an amount in excess of \$100,000 as a consequence of the state's illegal and unconstitutional actions.

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After considering the briefs and hearing oral arguments,⁷ the superior court affirmed the actions of the Board, holding "that the Board did not commit any error or abuse of discretion, that its regulations comport with the governing statutes, and that no constitutional infirmity exists in the statutes, regulations or Board decision."

This appeal followed.⁸

III.

A.

Owsichuk argues that the EGA statutes and regulations violate the common use clause of the Alaska Constitution, which provides:

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

7. Before considering the case on the merits, the superior court had dismissed the action as an untimely appeal. This court reversed and remanded, holding that the claim for declaratory relief should have been treated as an independent action rather than an appeal, and that due to surprise and excusable neglect the time limit for appeals should have been relaxed as to the claims for damages and an injunction. *Owsichuk v. State, Guide Licensing and Control Board*, 627 P.2d 616 (Alaska 1981).

8. After the parties filed their initial briefs, we requested supplemental briefing on the question of whether AS 08.54.040(7) and AS 08.54.195 violated article VIII, section 3, of the Alaska Constitution.

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Alaska Const., art. VIII, § 3. The state argues that this clause is a broad grant of authority to the state to manage these resources, and that it places no limitations on this authority greater than those contained in other constitutional provisions, such as equal protection.⁹

We observe initially that, in guaranteeing people "common use" of fish, wildlife and water 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. Questions presented by this case concern the type and extent of permissible regulation consistent with common use.

9. The state also argues that Owsichuk has no standing to challenge the system as it existed before January 1, 1977, when AS 08.54.040(1)(7) went into effect, because the Board did not establish any EGAs in Owsichuk's Units before that date. In light of our holding that Owsichuk is not entitled to damages, see infra Part IV, we need not address this issue. The declaratory relief to which he is currently entitled is unaffected by the date on which he attained standing.

The state does not argue that Owsichuk lacks standing under the common use clause. We note that we would reject such an argument. We believe that a professional hunting guide's "use" of the wildlife resource is sufficiently direct that he falls within the protection of the common use clause. See infra note 15.

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This court has never considered these questions before. However, in four cases, we have indicated an intent to apply the common use clause in a way that strongly protects public access to natural resources. First, with respect to article VIII generally, we have written, "A careful reading of the constitutional minutes establishes that the provisions in article VIII were intended to permit the broadest possible access to and use of state waters by the general public."¹⁰ Wernberg v. State, 516 P.2d 1191, 1198-99 (Alaska 1973). Given the text of the common use clause, the same policy should apply to wildlife as well.

In CWC Fisheries v. Bunker, 755 P.2d 1115 (Alaska 1988), we addressed the question of whether a state tidelands grant included an exclusive right of fishery, or whether it was subject to a public trust easement. In holding the latter, we relied in part on the common use clause. While specifically declining to determine whether this clause imposed a higher duty than that imposed by common law public trust principles, id. at

10. Similarly, it has been stated:

The common use clause necessarily contemplates that resources will remain in the public domain, and will not be ceded to private ownership. Since the right of common use is guaranteed expressly by the constitution, it must be viewed as a highly important interest running to each person within the state.

State v. Ostrosky, 667 P.2d 1184, 1196 (Alaska 1983) (Rabinowitz, J., dissenting).

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1120 n.10, we stated, "At least in the absence of some clear evidence to the contrary, we will not presume that the legislature intended to take an action which would, on its face, appear inconsistent with the plain wording of this constitutional mandate." Id. at 1120.

In State v. Ostrosky, 667 P.2d 1184 (Alaska 1983), appeal dismissed, 467 U.S. 1201, 81 L. Ed. 2d 339 (1984), we addressed the constitutionality of limited entry fishing. Limited entry fishing bears an obvious similarity to the EGA scheme in that both place restrictions on the commercial harvesting of a natural resource by giving a special status to a limited number of licensees. In Ostrosky we stated:

[W]e have difficulty squaring the section 3 reservation of fish to the people for common use with a system which grants an exclusive right to fish to a select few who may continue to exercise that right season after season. We accept, therefore, at least for the purposes of this case, the proposition that limited entry is inconsistent with the command of article VIII, section 3.

Id. at 1189. In Ostrosky we held that the Limited Entry Act was not unconstitutional because of a 1972 constitutional amendment explicitly permitting limited entry to fisheries, notwithstanding section 3. Id. at 1190.

In a subsequent limited entry fishing case, Johns v. Commercial Fisheries Entry Comm'n, 758 P.2d 1256 (Alaska 1988), we stated:

In State v. Ostrosky, 667 P.2d 1184 (Alaska 1983), we noted that there is a tension

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between the limited entry clause of the state constitution and the clauses of the constitution which guaranty open fisheries. [Citing sections 3 and 15 of article VIII] We suggested that to be constitutional, a limited entry system should impinge as little as possible on the open fishery clauses consistent with the constitutional purposes of limited entry, namely, prevention of economic distress to fishermen and resource conservation.

Id. at 1266.

Since there is no constitutional amendment authorizing EGAs, we must in this case address a common use question similar to that which was not addressed in Ostrosky. We do so, however, in light of our observations in Wernberg, CWC Fisheries, Ostrosky, and Johns that the common use clause was intended to guarantee broad public access to natural resources.

B.

We begin by examining constitutional history to determine the framers' intent in enacting the common use clause. This was a unique provision, not modeled on any other state constitution. Its purpose was anti-monopoly. This purpose was achieved by constitutionalizing common law principles imposing upon the state a public trust duty with regard to the management of fish, wildlife and waters.¹¹

11. Responding to a question about this provision on
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The framers' reliance on historic principles regarding state management of wildlife and water resources is evident from a written explanation in the committee materials for the term "reserved to the people for common use." This discussion also highlights an intent to prohibit "exclusive grants or special privilege[s]."

Ancient traditions in property rights have never recognized that a private right and title can be acquired by a private person to wildlife in their natural state or to water in general. The title remained with the sovereign, and in the American system of government with its concept of popular sovereignty this title is reserved to the people or the state on behalf of the people. The expression "for common use" implies that these resources are not to be subject to exclusive grants or special privilege as was so frequently the case in ancient royal tradition. Rather rights to use are secured by the general laws of the state. In all English and American legal systems ownership of water cannot be asserted, rights acquire only to the use of water. Once wildlife is captured and removed from their natural state possessory right accrues to the captor, provided that the wildlife was captured in conformity with provisions of law.

Alaska Constitutional Convention Papers, Folder 210, paper prepared by Committee on Resources entitled "Terms" (emphasis

(footnote continued)

the floor of the convention, a member of the Resources Committee explained, "The language here has a lot of history behind it. . . . The language in this section harks back to the old tradition whereby wildlife in its natural state was in the presumed ownership of the sovereign until reduced to possession." 4 Proceedings of the Alaska Constitutional Convention 2492 (Jan. 18, 1956).

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added, except to "use"). Because an EGA is clearly a type of monopoly, "exclusive grant," or at least a "special privilege," this history strongly suggests that the statutes at issue here are unconstitutional. However, this history also states that "rights to use are secured by the general laws of the state," clearly giving the legislature some leeway in regulating use of the resources.

The state finds support for its position in a debate that occurred at the convention over registered trap lines. This debate is significant because, like EGAs, registered trap lines would allow a prior existing user to exclude newcomers from the privilege of harvesting the wildlife resource. On the floor of the convention, a delegate asked whether the common use clause would prohibit registered trap lines, and the spokesman for the Resources Committee responded that it would be "arguable." 4 Proceedings of the Alaska Constitutional Convention 2462-63 (Jan. 17, 1956). In response to this concern, the Resources Committee inserted language in the commentary to the common use clause authorizing registered trap lines: "This provision does not apply to the domestication of fur-bearing animals or other animals subject to intensive culture, to fish in private ponds, or to registered trap lines if authorized by law." 6 Proceedings of the Alaska Constitutional Convention app. V, at 98 (Commentary on Article on State Lands and Natural Resources, Jan. 16, 1956)

(emphasized language added after first draft; cf. id. at 83 (Dec. 16, 1955)).

Resolution of the trap line issue begs the question in the instant case. One might argue that addition of the language excluding registered trap lines from the effect of the common use clause was intended to authorize the legislature to enact this type of regulation generally, and that the reasoning should extend to EGAs. However, the language in the commentary is highly specific, which more likely suggests that the common use clause would prohibit all similar regulation, with registered trap lines as a narrow exception in response to the political pressures of the moment.

In a discussion about fishing in lakes, the Constitutional Convention underscored its intent that the public retain broad access to fish, wildlife and water resources, and that these resources not be the subject of private grants. In floor debates, a question arose about the status of a natural lake falling within the boundaries of someone's private property. The delegates agreed that the common use clause guaranteed the public's right to use the lake for fishing, although it did not authorize a trespass across the landowner's property to get to the lake. 4 Proceedings of the Alaska Constitutional Convention 2460 (Jan. 17, 1956). The Convention made it clear that only fish in small private ponds may be owned free of the public's right of access. See id. at 2460-61; 6 Proceedings of the Alaska

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Constitutional Convention app. V, at 98 (Commentary on Article on State Lands and Natural Resources, Jan. 16, 1956). This confirms the view of the common use clause and the public trust expressed in CWC Fisheries v. Bunker, 755 P.2d 1115 (Alaska 1988), holding that a grant of a fee interest in tidelands remains impressed with a public trust easement. It also reinforces our conclusion that grants of exclusive rights to harvest natural resources listed in the common use clause should be subjected to close scrutiny.

C.

As we have noted, the drafters of the common use clause apparently intended to constitutionalize historic common law principles governing the sovereign's authority over management of fish, wildlife and water resources. A review of the history of wildlife law will therefore shed further light on the central issue in this case.

The Supreme Court traced the history of wildlife law from its roots in ancient Rome through its English common law development and transfer to this country in Geer v. Connecticut, 161 U.S. 519, 522-29, 40 L.Ed. 793, 794-97 (1896). In that case, the Court affirmed the defendant's conviction, upholding a state statute forbidding transportation of certain game birds killed in Connecticut across state lines. The Court noted that in England, the right to hunt and fish "[was] vested in the King alone and

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from him derived to such of his subjects as [had] received the grants of a chase, a park, a free warren, or free fishery." Id. at 527, 40 L.Ed. at 796 (quoting 2 W. Blackstone, Commentaries *410). As a recent authority explains:

Stripped of its many formalities, the essential core of English wildlife law on the eve of the American Revolution was the complete authority of the king and Parliament to determine what rights others might have with respect to the taking of wildlife.

M. Bean, The Evolution of National Wildlife Law 12 (rev. ed. 1983).

The Geer court asserted that this authority to regulate taking of wildlife passed to the states upon separation from England. 161 U.S. at 528, 40 L.Ed. at 796. However, unlike the authority vested in the King, the authority of the states, with their guarantees of democratic government, was not plenary.

Whilst the fundamental principles upon which the common property in game rests have undergone no change, the development of free institutions has led to the recognition of the fact that the power or control lodged in the state, resulting from this common ownership, is to be exercised like all other powers of government as a trust for the benefit of the people, and not as a prerogative for the advantage of the government as distinct from the people, or for the benefit of private individuals as distinguished from the public good.

Id. at 529, 40 L.Ed. at 797 (emphasis added). The Court held that the state's "ownership" of wildlife, in trust for the people, authorized the statute at issue in that case. Id.

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The framers of the common use clause probably relied heavily on Geer. The following statement from the constitutional papers, as quoted above, closely tracks the reasoning of Geer:

The title remained with the sovereign, and in the American system of government with its concept of popular sovereignty this title is reserved to the people or the state on behalf of the people. The expression "for common use" implies that these resources are not to be subject to exclusive grants or special privilege as was so frequently the case in ancient royal tradition.

Alaska Constitutional Convention Papers, Folder 210, paper prepared by Committee on Resources entitled "Terms."

Thus, common law principles incorporated in the common use clause impose upon the state a trust duty to manage the fish, wildlife and water resources of the state for the benefit of all the people.¹² We have twice recognized this duty in our prior

12. The Court overruled Geer's state ownership doctrine in Hughes v. Oklahoma, 441 U.S. 322, 60 L. Ed. 2d 250 (1979). That case involved facts almost identical to Geer: the Oklahoma statute at issue forbade the export of minnows taken from the waters of the state. See id. at 323, 60 L. Ed. 2d at 254. The Court struck down the statute as violative of the commerce clause. Id. at 338, 60 L. Ed. 2d at 263. The Court found the state ownership doctrine to be a legal fiction that created anomalies and did not conform to "practical realities." Id. at 335, 60 L. Ed. 2d at 261. Nothing in the opinion, however, indicated any retreat from the state's public trust duty discussed in Geer. Indeed, the Court stated, "[T]he general rule we adopt in this case makes ample allowance for preserving, in ways not inconsistent with the Commerce Clause, the legitimate state concerns for conservation and protection of wild animals underlying the 19th century legal fiction of state ownership." Id. at 335-36, 60 L. Ed. 2d at 261. As one U.S. District Court

(footnote continued)

decisions. In Metlakatla Indian Community, Annette Island Reserve v. Egan, 362 P.2d 901, 915 (Alaska 1961), aff'd, 369 U.S. 45, 7 L. Ed. 2d 562 (1962), we stated:

These migrating schools of fish, while in inland waters, are the property of the state, held in trust for the benefit of all the people of the state, and the obligation and authority to equitably and wisely regulate the harvest is that of the state.

(Emphasis added.) Similarly, in Herscher v. State, Department of Commerce, 568 P.2d 996, 1003 (Alaska 1977), we noted that the state acts "as trustee of the natural resources for the benefit of its citizens."

The extent to which this public trust duty, as constitutionalized by the common use clause, limits a state's discretion in managing its resources is not clearly defined. The state argues that it imposes no limit at all. While

(footnote continued)

noted in a post-Hughes case:

Under the public trust doctrine, the State of Virginia and the United States have the right and the duty to protect and preserve the public's interest in natural wildlife resources. Such right does not derive from ownership of the resources but from a duty owing to the people.

In re Steuart Transp. Co., 495 F. Supp. 38, 40 (E.D. Va. 1980) (allowing federal and state governments to recover damages for migratory waterfowl killed in oil spill).

After Hughes, the statements in the Alaska Constitutional Convention regarding sovereign ownership, quoted supra, are technically incorrect. Nevertheless, the trust responsibility that accompanied state ownership remains. 3399

acknowledging that the common use clause constitutionalizes the state's trust duty, the state asserts, "The sovereign's power to allow and control use of the resources is broad, and restricted only by other constitutional limitations such as equal protection." This assertion clearly overstates the extent of the state's authority under the public trust duty and the common use clause.

First, as noted above, this court has stated in at least four cases that the common use clause is intended to provide independent protection of the public's access to natural resources. See Johns v. Commercial Fisheries Entry Comm'n, 758 P.2d 1256, 1266 & n.12 (Alaska 1988); CWC Fisheries v. Bunker, 755 P.2d 1115, 1120 (Alaska 1988); State v. Ostrosky, 667 P.2d 1184, 1189, 1191 (Alaska 1983), appeal dismissed, 467 U.S. 1201, 81 L. Ed. 2d 339 (1984); Wernberg v. State, 516 P.2d 1191, 1198-99 (Alaska 1973); see also Ostrosky, 667 P.2d at 1196 (Rabinowitz, J., dissenting).

Second, under the state's interpretation, the common use clause would be a nullity. "It is a well accepted principle of judicial construction that, whenever reasonably possible, every provision of the Constitution should be given meaning and effect, and related provisions should be harmonized." Park v. State, 528 P.2d 785, 786-87 (Alaska 1974). To give meaning and effect to the common use clause, it must provide protection of

the public's use of natural resources distinct from that provided by other constitutional provisions.

Third, the history of the common use clause, as noted above, reveals an anti-monopoly intent to prohibit "exclusive grants" and "special privilege[s]," wholly apart from the limits imposed by other constitutional provisions.

Finally, cases applying the public trust doctrine in navigable waters have frequently struck down state actions in violation of the trust without any reference to either federal or state constitutions. A good example is the lodestar of American public trust law, Illinois Central Railroad Co. v. Illinois, 146 U.S. 387, 36 L.Ed. 1018 (1892). In that case, the Illinois legislature purported to grant to a railroad more than 1,000 acres of land underlying Lake Michigan in the harbor of Chicago. The Court applied the doctrine of the public trust in navigable waters to uphold the legislature's later revocation of the grant:

A grant of all the lands under the navigable waters of a State has never been adjudged to be within the legislative power; and any attempted grant of the kind would be held, if not absolutely void on its face, as subject to revocation. The State can no more abdicate its trust over property in which the whole people are interested . . . than it can abdicate its police powers in the administration of government and the preservation of the peace.

Id. at 453, 36 L.Ed. at 1043.

In light of this historical review we conclude that the common use clause was intended to engraft in our constitution

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certain trust principles guaranteeing access to the fish, wildlife and water resources of the state. The proceedings of the Constitutional Convention, together with the common law tradition on which the delegates built, convince us that a minimum requirement of this duty is a prohibition against any monopolistic grants or special privileges. Accordingly, we are compelled to strike down any statutes or regulations that violate this principle.

D.

We conclude that exclusive guide areas and joint use areas fall within the category of grants prohibited by the common use clause. These areas allow one guide to exclude all other guides from leading hunts professionally in "his" area. These grants are based primarily on use, occupancy and investment, favoring established guides at the expense of new entrants in the market, such as Owsichuk. To grant such a special privilege based primarily on seniority runs counter to the notion of "common use."

Moreover, the grants are not limited in duration. The statutes allow holders of EGAs to sell their "improvements," and the GLCB routinely transfers the EGA to the purchaser of the improvements or to the guide's designated successor. This practice allows a guide to effectively sell his EGA as if it were a property interest. See Division of Legislative Audit, A

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Performance Report on the Department of Commerce and Economic Development Guide Board 10-11, Audit Control No. 08-1305-88-R (Dec. 11, 1987) [hereinafter "1987 Report"].

Although the Board justified the program to the legislature as a means of improving wildlife management, see Transcript of Senate Resources Committee Hearing on S.B. 661 (March 12, 1976); Transcript of House Resource Committee Hearing on S.B. 661 (April 27, 1976), it is apparent that area assignments are not based primarily on wildlife management concerns. Rather, as authorized by AS 08.564.195(b) and 12 AAC 38.220(c) & (d) (eff. 5/12/78, am. 10/15/82), the Board bases its decisions on use, occupancy and investment.¹³ See 1987 Report at 9-10. Thus, the EGA program cannot be justified as a wildlife management tool like other restrictions on common use, such as hunting seasons and bag limits.¹⁴

13. Both the statute and the regulations require the Board also to consider "big game populations in the area." AS 08.54.195(b)(4); see 12 AAC 38.220(d)(1). The regulations make it clear that this is a secondary consideration. Id. Moreover, the context of this requirement in both the statute and the regulation suggests that it was enacted only to determine how many guides the game would support economically, not to benefit the game resource directly. Finally, it is clear that the Board simply does not pay much attention to this criterion. A recent legislative report concluded, "Use of independent game information for specific regions of the State no longer appears to be a significant factor in the Board's decision-making process." 1987 Report at 10.

14. We acknowledge that the EGA program may facilitate
(footnote continued)

The state argues that EGAs do not deny Owsichuk common use of the wildlife resources because he, like any other member of the public, may hunt recreationally in these areas. We reject this argument. In CWC Fisheries v. Bunker, 755 P.2d 1115, 1121 n.14 (Alaska 1988), we noted that the public trust doctrine guaranteed fishermen access to public resources for "private commercial purposes" as well as for recreation. The same rationale applies to professional hunting guides under the common use

(footnote continued)

wildlife management by giving each guide having an EGA an incentive to conserve wildlife. However, without a specific constitutional provision allowing EGAs, mere usefulness in wildlife management does not suffice to save the EGA program from unconstitutionality under the anti-monopolistic common use clause. In the analogous area of limited entry in commercial fisheries, one purpose of limited entry has always been conservation related. However, this was not sufficient to save precursors to the present limited entry system from findings of unconstitutionality prior to the constitutional amendment allowing limited entry. This history is detailed in State v. Ostrosky, 677 P.2d at 1188, 1189 (Alaska 1983).

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clause.¹⁵ The common use clause makes no distinction between use for personal purposes and use for professional purposes.¹⁶

Nothing in this opinion is intended to suggest that leases and exclusive concessions on state lands are unconstitutional. The statutes and regulations of the Department of Natural Resources authorize leases and concession contracts of limited duration, subject to competitive bidding procedures and valuable consideration. See AS 38.05.070-.075 (authorizing leases and setting forth procedures); AS 41.21.027 (authorizing concession contracts in state parks); 11 AAC 14.200-.260, 14.010-.130 (establishing procedures for awarding concession contracts); see also Alyeska Ski Corp. v. Holdsworth, 426 P.2d 1006, 1009-11 (Alaska 1967) (discussing procedures required by

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

16. The right to lead hunts professionally is a significant one. Nonresidents of Alaska are required to hire a guide in order to hunt brown bear, polar bear, and sheep, AS 16.05.407, and nonresident aliens must hire a guide to hunt any big game. AS 16.05.408. Thus, the holder of an EGA has a monopoly over this market, which is a substantial one in Alaska, for his geographic area.

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law for leasing of state lands); CWC Fisheries v. Bunker, 755 P.2d 1115, 1120-21 (Alaska 1988) (stating in dictum that shore fisheries leasing program would not violate public trust, in part because leases were of finite duration and required annual rental). In contrast, EGAs are not subject to competitive bidding, provide no remuneration to the state, are of unlimited duration, and are not subject to any other contractual terms or restrictions. Rather, as discussed above, they are granted essentially on the basis of seniority, with no rental or usage fee, for an unlimited duration, and are administered in such a way that guides may transfer them for a profit as if they owned them. In these respects the EGAs resemble the types of royal grants the common use clause expressly intended to prohibit. Leases and concession contracts do not share these characteristics.

For these reasons, we hold that AS 08.54.040(7), AS 08.54.195, and the regulations of the Board permitting the assignment of exclusive guide areas are in contravention of article VIII, section 3 of the Alaska Constitution.¹⁷

17. We note that EGAs may also violate article VIII, section 17. This section of Alaska's constitution provides:

Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law

(footnote continued)

Accordingly, Owsichuk is entitled to relief declaring the EGAs that have been granted by the Board to be without legal force.¹⁸

IV.

In addition to declaratory relief, Owsichuk seeks damages against the state. Because the superior court did not reach this issue, we would ordinarily remand for further proceedings. However, when an issue is raised in the trial court and is adequately briefed by all concerned parties on appeal, this court may consider it. Mullen v. Christiansen, 642 P.2d 1345, 1350-51 (Alaska 1982).

Owsichuk bases his claim for damages on allegations that the Board acted without authority in enacting the EGA

(footnote continued)

or regulation.

In Gilman v. Martin, 662 P.2d 120, 126 (Alaska 1983), we noted that this provision may require "more stringent review" of a statute than does the equal protection clause in cases involving natural resources. There is much less constitutional history of this clause than of the common use clause. The commentary states in full, "This section is intended to exclude any especially privileged status for any person in the use of natural resources subject to disposition by the state." 6 Proceedings of the Alaska Constitutional Convention app. V, at 99 (Commentary on Article on State Lands and Natural Resources, Jan. 16, 1956) (emphasis added). Because the parties have not briefed the issue and since we are able to decide the case on other grounds, we need not decide this question.

18. Our resolution of this issue makes it unnecessary for us to decide Owsichuk's other challenges to the statutes and to the actions of the Board.

. 3339

regulations initially and that the regulations failed to comply with the legislation that was later passed.¹⁹ We need not decide whether these allegations are true. Even if the Board acted without authority or failed to comply with statutory standards, it is immune from suit under the discretionary function exception provided for in the Tort Claims Act,²⁰ as interpreted by our prior decisions.

In at least two cases, we have held that acts of public officials who in good faith misinterpret the law and act in excess of their authority are immune from suit. Earth Movers of Fairbanks, Inc. v. State, 691 P.2d 281, 283-84 (Alaska 1984)

19. Owsichuk does not base his claim for damages on the legislature's enactment of an unconstitutional statute. We note that such a claim would fail under our holding in Vest v. Schafer, 757 P.2d 588, 598 (Alaska 1988), where we wrote, "[W]e do not believe it proper for the judiciary to assess damages against the State on the ground that the legislature enacted a law later held unconstitutional, in the absence of a statute allowing or requiring such damages."

20. Alaska Statute 09.50.250 provides in part:

A person or corporation having a contract, quasi-contract, or tort claim against the state may bring an action against the state in the superior court. . . . However, no action may be brought under this section if the claim

(1) . . . is an action for tort, and based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state agency or an employee of the state, whether or not the discretion involved is abused. . . .

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(police officer lacked authority to temporarily reduce speed limit); Bridges v. Alaska Housing Authority, 375 P.2d 696, 698, 702 (Alaska 1962) (housing authority lacked power to use declaration of taking). We have also held that decisions involving the formulation of basic policy are entitled to immunity. See Industrial Indemnity Co. v. State, 669 P.2d 561, 563 (Alaska 1983).

The EGA program was a major policy initiative of the GLCB. Therefore, even if the Board acted in excess of its authority or failed to comply with the requirements of the statute, it is immune from suit under the discretionary function exception provided for in AS 09.50.250. Furthermore, there is no evidence that the Board acted in bad faith.

V.

Owsichuk argues that it was improper for the superior court to assess attorney's fees against him, on the ground that he is a public interest litigant. See Southeast Alaska Conservation Council v. State, 665 P.2d 544, 553-54 (Alaska 1983). Because the state is no longer the prevailing party, the fee award must be vacated and remanded for redetermination.

We note, however, that successful public interest litigants may be entitled to full attorney's fees. City of Anchorage v. McCabe, 568 P.2d 986, 993-94 (Alaska 1977). Thus, the question of whether Owsichuk is a public interest litigant may be

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relevant on remand. Since the parties have fully briefed the issue, we will address it here.²¹

We have consistently held that a party will not be deemed a public interest litigant where the party had sufficient economic incentive to bring the lawsuit without regard to the public interest. E.g., Rosen v. State Board of Public Accountancy, 689 P.2d 478, 480 (Alaska 1984). As discussed above, Owsichuk claims that the EGAs in his Units jeopardized the \$450,000 he had invested in his guiding operation, and that he suffered over \$100,000 in damages. This was clearly sufficient economic incentive to bring the suit. Therefore, we conclude that he is not a public interest litigant.

REVERSED and REMANDED.

Appellant 1000.00
Appellant
10-31-88
Rabinowitz
S. Beck

21. The parties' briefing assumes that the state was the prevailing party, which is no longer true. However, we have never distinguished between successful and unsuccessful parties in applying our standards for determining whether a party is a public interest litigant, and we see no reason to make such a distinction. Thus, the public interest analysis does not change if Owsichuk, rather than the state, is viewed as the prevailing party.

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RECEIVED NOV 4 1988
STEVE COWPER, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

November 1, 1988

Senator Jan Faiks
3111 C Street, Suite 525
Anchorage, Alaska 99503

REPLY TO:

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

☐ 1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701-4679

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

Dear Senator Faiks:

In response to a request from Mark Riehle of your staff, I am writing to give you a synopsis of the recent Owsichuk decision and my initial thoughts on its implications. I am including a copy of the decision and will be referring to particular pages in it.

In Owsichuk, the Alaska Supreme Court decided that the statutes and regulations¹ that underlie the state's exclusive guide area system ("EGA")² are unconstitutional. As of the date of the decision, October 21, 1988, this system has no legal force. (Page 27, last paragraph).

The court based the decision on its interpretation of the "common use clause," i.e., article VIII, section 3 of the Alaska Constitution. This clause says, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use."

This was the first time the court was called on to interpret the common use clause with respect to wildlife. In earlier decisions, it had discussed the clause in the context of state waters (Wernberg and CWC Fisheries) and in the context of fish (Ostrosky and Johns).³ In light of its earlier decisions, the

¹/The court uses the term "exclusive guide areas" to describe not only joint use areas but also "restricted guide areas," a term used to describe EGA's since 1986 when the term appeared in AS 08.54.195.

²/In Ostrosky, the court stated that fisheries limited entry was inconsistent with the common use clause, but that this system was saved by a 1972 constitutional amendment that specifically provided for it. (Page 12, first complete paragraph.) The fisheries limited entry amendment is Article VIII, § 15 of the Alaska Constitution.

court declared that the "common use clause was intended to guarantee broad public access to natural resources." (Page 13, first complete paragraph).

In order to further clarify the meaning of the common use clause, the court looked to the constitutional history of this clause (Part B. of the decision, pp. 13-17) and to the historic development of wildlife law in general (Part C. of the decision, pp. 17-23). Concerning the constitutional history, the court said that the purpose of the clause was "anti-monopoly." It also found that the framers of the constitution intended to prohibit "exclusive grants or special privileges" and intended that the public "retain broad access to fish, wildlife and water resources." (Pages 13, second full paragraph through end of section B. on page 17).

In discussing the development of wildlife law, the court said that the common use clause "constitutionalized" the state's public trust duty toward wildlife. This is a duty to manage these resources for the benefit of all the people. (Page 19, last paragraph through end of page 20.)

The court summarized its interpretation of the common use clause by stating that the clause was intended to put into the constitution "certain trust principles guaranteeing access to the fish, wildlife and water resources of the state" and, at a minimum, this meant a "prohibition against any monopolistic grants or special privileges." (Page 22, last paragraph through end of section on page 23.) It also stated that the clause makes no distinction between use for personal purposes and use for professional purposes; common use applies to commercial guiding as well as recreational hunting. (Page 25, first paragraph.)

In deciding that the EGA's violated these principles, the court noted the following features of the system:

1. The EGA system gave one guide the right to exclude all other guides from conducting hunts in his or her EGA. This right was based on the area holder's seniority, that is, his or her use, occupancy, and investment in the area. (Page 23, first complete paragraph.)
2. EGA rights had no time limit, and the system of transferring them, based as it was on the selling of "improvements" and a holder's designation of his or her successor, allowed the selling of areas as if they were a property interest. (Page 23, second complete paragraph.)

3. The assignment of EGA's was not based primarily on wildlife management concerns. (Page 24, first complete paragraph.) The system could not be justified as a game management tool and therefore was unlike licensing requirements, bag limitations, and seasonal restrictions which were proper and "time-honored methods of conserving the resources." (Page 10, first complete paragraph.) In this regard, it is important to note that the court said that even if used as a wildlife management tool, this would not "save the EGA system from unconstitutionality under the anti-monopolistic common use clause." (Page 24, footnote 14.)

Finally, the court made a distinction between the EGA's on one hand and state leases and exclusive concessions on the other. The latter are permissible because they are of limited duration, because they are subject to competitive bidding, because they are limited by contract terms and restrictions, and because the state receives compensation for them. (Page 26, first complete paragraph).

This part of the decision has prompted proposals for enacting a new area system that has some of the features of a lease or concession. For example, it has been suggested that area permits be issued for a limited duration, based on competitive bidding, and with fees paid to the state.

I believe, however, that any system which allows some but not all qualified guides to have access to game resources will not satisfy the principle of common use as expressed by Owsichuk. Even if a limited entry system served a game management purpose and not just the economic stability of the guiding industry, it would still have monopolistic features that are contrary to the concept of "common use." (See again footnote 14, beginning on page 24.) It would be a misinterpretation of Owsichuk to believe that the common use clause will be satisfied by merely modifying the exclusive area system by adding several features that characterize other state concessions. Unlike wildlife, land leases and other uses of public resources are not listed in the common use clause. Thus, they are freer to allow access by one user and exclude all others.

The Department of Law has been asked to request the court to reconsider the decision or to postpone its effect until June 1 of next year.

Concerning a request for reconsideration, the court will not rehear a case on matters that it has already considered. We would have to point out a law, principle, or important fact that it did not already look at. (Appellate Rule 506). To date,

neither I nor any other assistant attorney general who is familiar with the case believes that there is a ground for requesting a rehearing. Because the court's decision was unanimous and was published after such a long period of deliberation, it is likely that any lingering doubts about the case have been resolved. For the same reasons, it is highly unlikely, even if the court agreed to rehear the case, that it would reverse its decision.

I believe that unless we can show that the decision will have definite, significant, and adverse consequences, the court will not take the extraordinary step of postponing the effect of its decision. One consequence may be a short-term overharvesting of game resources. I have been communicating with the Director, Division of Game to determine whether Owsichuk will cause undue resource pressure that cannot be managed by the Board of Game. Another consequence may be the canceling of client contracts and refund of deposits paid to guides who booked hunts in reliance on the EGA system. I have asked the Division of Occupational Licensing and the Alaska Professional Hunters Association to provide me with information about the number of guides who have existing contracts and the number of persons who now will be eligible to guide in former EGA's.

This information will assist the Department of Law in deciding whether a sound case can be made for postponement of the effective date of the decision. In any event, we have several weeks to gather and analyze data and to make this decision. Mr. Owsichuk's attorney and I have asked the court to extend until November 18 the deadline for filing such requests, and I expect that this extension will be granted.

I hope this letter assists your understanding of the Owsichuk decision. If you have additional questions, please do not hesitate to contact me.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

Stephen M. White by bt
By: Stephen M. White
Assistant Attorney General

SW/bt

Encl.

Senator Jan Faiks
Anchorage, Alaska

November 1, 1988
Page 5

cc: Rep. Heinrich Springer, Chairman
Alaska Legislative Task Force on Guiding
and Big Game

Randall Burns, Director
Division of Occupational Licensing

Ray McNutt, Chairman
Guide Licensing and Control Board

Rod Swope, Special Staff Assistant
Office of the Governor

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12-15-88

IN THE SUPREME COURT OF THE STATE OF ALASKA

KENNETH D. OWSICHEK,)
)
Appellant,)
)
v.)
)
STATE OF ALASKA, GUIDE)
LICENSING AND CONTROL BOARD,)
)
Appellee.)
_____)

Supreme Court No. S-1650

O R D E R

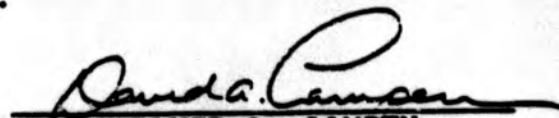
Trial Court No. 3AN 79-2387 Civil

On consideration of the motion for stay of decision, filed on November 18, 1988, and the opposition to the motion, filed on November 28, 1988,

IT IS ORDERED:

The motion for stay is granted. The portion of Opinion No. 3389, filed on October 21, 1988, which declares that the exclusive guide areas granted by the appellee State of Alaska Guide Licensing and Control Board are without legal force is stayed until June 1, 1989.

Entered by direction of Justice Jay A. Rabinowitz at Anchorage, Alaska on December 8, 1988.


DAVID A. LAMPEN
Clerk of the Supreme Court

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

P.O. BOX D-LIC
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

RESOLUTION - TO TASK FORCE

WHEREAS: The recent Supreme Court decision (Owsichuk) has thrown the guiding industry and its regulation into an unfortunate chaotic state; and

WHEREAS: The implications of wholesale commercial use, unrestricted to areas on certain wildlife populations, will probably force the Board of Game to adopt restrictive regulations; and

WHEREAS: Localized overharvest and more restrictive regulations on wildlife harvest will have a detrimental effect on all wildlife user groups, including guides, resident hunters and subsistence hunters; and

WHEREAS: The Governor's Interim Task Force on Game and Guiding is currently evaluating this situation and will make its recommendations to the next Legislature in January 1989.

THEREFORE, it is hereby resolved that: the Guide Board meeting in Anchorage on December 1, 1988 respectfully requests the Task Force to consider ways to limit providers of commercial big-game hunting services to geographic areas for conservation purposes.

FURTHER, be it resolved that: the Guide Board encourages the Task Force to recommend that service providers be limited to licensed guides and licensed transporters, leaving no "gray area" between them as does the current law that compounds conservation problems.

Proposed regulation: that a guide's license or others under the Guide Board's jurisdiction shall be revoked or suspended for guiding on land held by any state, federal or any private group or corporation without receiving prior permits and/or permission.

Unanimously adopted by the Guide Board, December 1, 1988.

KW/djd9329W
121288a

JUN 8 1988

Senate Research Committee
Pouch 5
State Capital
Juneau, AK 99519

Dear Sirs:

Recently in the June issue of "Hunting" magazine they made reference to proposed legislation HB331 and 451. According to this article these bills will effectively eliminate do-it-yourself hunts.

I wish to express my opposition. As the article went on to state we in the southern states have not given our input so I felt compelled to write. I'm sure my arguments have been discussed for years and I will not dwell on them. I have spent thousands of dollars in your state and will continue to do so as will my friends until the passage of this type of bill. I feel the money I've spent in your state has gone not only for the purchase of permits, motels, food, supplies, gifts and etc but I've also paid for the assistance I've got from local inhabitants. Personally I would rather save some money myself and help a villager rather than line the pockets of a guide service. Guides provide a excellent service for those who would like to use them but I enjoy lining up the experinece myself. I enjoy being alone and enjoy hunting or photographing by myself or with a close companion. I have done enough research and spent enough funds to line up caribu bow hunts on two occassions and I had planned on going again this year or in 89.

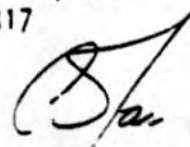
I have enjoyed making arrangements with the native alaskans. I feel I've made friends in some of the villages and enjoy in seeing these people and talking about our lives. Although not yet successful in taking a trophy the experiances I have had have made it worth it.

With prohibitive legislation being passed in southern states I've always felt a sense of pride in Alaska's policy's.

Please do not close the door to us who wish to research do-it-yourself trips. I speak not only for myself but my many friends.

Thank you for your concern,

C. Starr
Box 71
Bennet, Ne
68317



STEVE COWPER, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

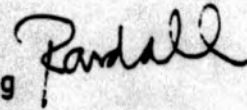
DIVISION OF OCCUPATIONAL LICENSING

P.O. BOX D-LIC
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

DATE: September 8, 1988

TO: All Members, Subcommittee
Interim Task Force on Guiding and Game

FROM: Randall P. Burns, Director
Division of Occupational Licensing



SUBJECT: Locations and Times of Rural Hearings

Below are the times and locations of our public hearings
in Kotzebue and King Salmon:

Kotzebue City Council Chambers
3rd and Mission
Kotzebue
1:00 p.m. to 3:30 p.m.

Comserfac (for the FAA's Community Service Facility)
King Salmon
2:00 p.m. to 5:00 p.m.

Please let me know if you have any comments or problems
with the times or locations. Nancy Peterson of Senator
Fahrenkamp's office will publish notices of these times
and locations.

RPB/sa4384s
90988a

cc: Members, Interim Task Force

June 14, 1988

Honorable Steve Cowper
Governor
State of Alaska
P.O. Box A
Juneau, AK 99811

Re: HCS CSSB 191(Rls) am H -- big
game guiding; interim task
force on guiding and commer-
cial take of big game
Our file: 883-88-0157 -
0151

Dear Governor Cowper:

At Judy Fleming's request on your behalf, we have reviewed HCS CSSB 191(Rls) am H, which relates to the Guide Board; big game guiding, transporting, outfitting, and hunting; and establishes an interim task force on guiding and the commercial taking of big game. We understand that the main thrust of the bill's provisions relating to what constitutes lawful guiding is to make those provisions more enforceable in order to curb the proliferation of what are, essentially, "guiding" services provided under the guise of "outfitting."

Under present law, the Guide Board is scheduled to terminate on June 30, 1988. AS 08.03.010(c)(20). Section 1 of this bill extends this termination date for an additional one year, until June 30, 1989, rather than the more-or-less standard four-year extension referred to as the maximum in AS 08.03.020(c). Proposed AS 08.03.010(c)(20). Because the existing termination date is so close, the bill provides for an immediate effective date for the extension (sec. 16), although this board is not yet in its wind-down year under AS 08.03.020(a).

In a recent memo to the commissioner of commerce and economic development (DCEd), we disapproved regulations that provided for an oral portion of the guide license examination. This disapproval was based upon our finding that the legislature intended to limit oral examinations to only those applicants who have limited ability to read or write English. Memorandum to Commissioner Tony Smith from Assistant Regulations Attorney Peter Froehlich, March 23, 1988 (our file no. 993-87-0133).

Section 2 of the bill provides specific authority for

Hon. Steve Cowper, Governor
Our file: 883-88-0157

June 14, 1988
Page 2

an oral portion of the guide license examination. It also provides authority for an oral examination of guides who seek amendment of their game management unit certification. The examinee must show that he or she is qualified to guide in the selected game management units. Proposed AS 08.54.040(a)(1)(A) and (B).

In the past, we have been concerned by the amount of subjectivity that oral examinations present, as well as their difficulty of review. According to the division of occupational licensing, DCED, the oral portion of the exam has been tape-recorded since 1986. This, plus the focus of sec. 2 on testing local knowledge of game management units as opposed to permitting oral testing on any topic, should reduce the potential abuse of discretion that is inherent in the oral exam method.

In our September 29, 1986, opinion to the director of the division of occupational licensing, we stated that the residency requirements of AS 08.54.210(a)(3) and (a)(6) were unconstitutional and should not be enforced. 1986 Op. Att'y Gen. No. 2 (Sept. 29). These paragraphs state that a person must possess a resident hunting license in order to guide in Alaska. Section 3 of the bill deletes this unconstitutional requirement, and the language that would remain requires only that a guide have a valid guide license and a hunting license (in possession). Proposed 08.54.210(a)(3) and (a)(6).

AS 08.54.210(a)(4) currently prohibits a person who is not a "licensed guide" from advertising as a guide. Section 3 of the bill would amend that paragraph to prohibit persons who are not "registered or master" guides from advertising as "a guide" or "as an outfitter offering big game hunting services." According to testimony by the director of the division of game, Department of Fish and Game, before the Senate Resources Committee on March 2, 1988, licensed guides in other states are commonly referred to as "outfitters." If unlicensed persons who furnish hunting services other than "guiding" are permitted to use this term, there is concern that customers may be misled into believing that they are hiring guiding services. Thus, the purpose of proposed AS 08.54.210(a)(4)(B) appears to be to protect the public from being deceived.

Because a restriction on advertising is a restriction on expression, the proposed language of AS 08.54.210(a)(4) must be examined in light of the right of free speech that is protected by the First Amendment to the U.S. Constitution. Although commercial speech is protected by that amendment, the courts recognize that states have an interest in protecting the public from deceptive advertising and from ads that offer illegal services.

Friedman v. Rogers 440 U.S. 1 (1979); State v. O'Neill Investigations, 609 P.2d 520 (Alaska 1980). Thus, it is unlikely that this prohibition could be successfully challenged under the First Amendment.

On the other hand, restrictions on speech are usually strictly applied by the courts. This is because of the danger that overbroad application might prohibit expression that is more fully protected by the constitution. We note that neither the present law nor this bill defines the terms "outfitter" and "big game hunting services." Thus, it is likely that prohibited advertising would be confined to the literal use of these two terms.

Section 3 of the bill also changes the penalty for violating the advertising restriction and for certain other prohibitions that are listed in AS 08.54.210. This section increases the present maximum penalty of \$1,000 for a violation of AS 08.54.210(a)(1) -- (5), to a new maximum of \$2,000. Proposed AS 08.54.210(b).

Existing AS 08.54.210(b) also makes it a felony to violate AS 08.54.210(a)(6) -- (8), as well as to guide while a license is suspended or revoked. That subsection also sets out the fine and term of imprisonment for such a felony. We note that the one-year minimum sentence of imprisonment was removed by floor amendment in the House on May 9, 1988 (the maximum three-year term of imprisonment was retained). 1988 H. Jour., p. 3763. As a result of the wording of the amendment, the deletion, however, was not indicated by capital letters and bracketing; the phrase "less than one year nor" was instead simply deleted on page 4, line 5, of HCS CSSB 191(R1s) am H. (The same deletion of that phrase appropriately occurred in sec. 4 of the bill, on page 5, line 28, which repeals and reenacts AS 08.54.210.) By copy of this letter, we bring this to the attention of the revisor of statutes.

The amendments in sec. 3 are given a delayed effective date and will not be operative until January 1, 1989. Section 18 of the bill. Section 4 of the bill, which takes effect six months later on June 30, 1989, repeals and reenacts AS 08.54.210 to repeat the sec. 3 amendments described above and to make one addition to AS 08.54.210. Section 17 of the bill. The addition is a requirement that persons who transport hunters "for compensation or hire" must hold a valid air taxi commercial operator's certificate issued under 14 C.F.R. Part 135. Violation of this requirement is a misdemeanor and will subject the person to fine and imprisonment and license revocation. Proposed AS 08.54.210-(b), sec. 4 of the bill.

By way of definition, this paragraph says that "for compensation or hire" means "receiving any monetary consideration for the transportation, regardless of whether the consideration is directly attributable to the transportation," but that it does not include being reimbursed for aircraft fuel. Although we believe that the definition could have been stated with more precision, it is clear from testimony before the House Resources Committee on April 29, 1988, that the intent is to prevent a person from avoiding the operator certificate requirement by claiming that compensation is being paid for the food, equipment, and personal services, but that flying to and from the hunting area is being provided without cost to the customer.

Section 5 provides a new definition of "guide" or "guiding" in AS 08.54.240(3), which says, with some exceptions, that merely "accompanying," or being present with a big game hunter in the field, for compensation, constitutes guiding. Under the existing definition, the "accompanying" must take place while the hunter or accompanying person "spots, stalks, pursues, tracks, kills, or attempts to kill big game" for the activity to constitute "guiding."

As under the existing definition, under this bill "in the field" would not include being with a hunter in a base camp, lodge, or boat with permanent living quarters. Under the bill, however, "cabins" are added as an excluded location and, to be excluded, a camp, cabin, or lodge must be one that is "registered" with the division of fish and wildlife protection under proposed AS 16.05.787 (sec. 11 of the bill). For purposes of being in a "base camp," sec. 7 of the bill defines this term to exclude certain types of temporary field camps. The definition is repealed June 30, 1989, by secs. 15 and 17 of the bill, consistent with deletion of that term in secs. 6, 12, and 13, on that date.

Under the new definition in sec. 5, a person is also not "guiding" if he or she is providing transportation to the field and there is no pursuing or killing of big game during the transportation, or if the person is selling or leasing goods and the sale or lease does not occur in the field. This sec. 5 definition of "guide" or "guiding" would have immediate effect under sec. 16 of the bill.

Section 6 redefines "guiding" in a slightly different manner, and it has an effective date that will cause its definition to replace the sec. 5 definition on June 30, 1989. Section 17 of the bill. The only difference between these two definitions is that the latter removes a "base camp" as a permissible

Hon. Steve Cooper, Governor
Our files: 883-88-0157

June 14, 1988
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locale for an unlicensed person who accompanies big game hunters for compensation. After June 30 of next year, therefore, only a licensed guide may be in a base camp in this capacity.

Section 8 of the bill amends AS 16.05.370 by requiring game tag vendors to provide a report form to hunters. The report would give the Department of Fish and Game information about the amount and type of game taken and the location of the hunt. Sections 9 and 10 are directed toward nonresident big game hunters and require them to provide, in an affidavit, information in advance of their hunting trip, concerning where they intend to hunt and what hunting services they will be employing. Failure to comply would be a misdemeanor. Falsification of an affidavit would be a class B felony.

Because secs. 9 and 10 burden only nonresident hunters, we must analyze them under constitutional principles embodied in the privileges and immunities clause, art. IV, sec. 2 of the U.S. Constitution, and the equal protection provisions of art. I of the Alaska Constitution, and of the Fourteenth Amendment to the U.S. Constitution. Concerning the first of these, the U.S. Supreme Court held that recreational hunting is not a protected privilege under the privileges and immunities clause. Baldwin v. Montana Fish and Game Commission, 436 U.S. 371 (1978). Therefore, we do not believe that this requirement would be held invalid under the privileges and immunities clause.

Under a federal equal protection analysis, differential treatment must be based on a governmental interest that is legitimate, and the law must be rationally related to its achievement. Although the analysis under the state constitution is somewhat different, it is also based upon a reasonable means-to-end relationship between the method and the objective. State v. Ostrosky, 667 P.2d 1184 (Alaska 1983).

Testimony before the Senate Finance Committee on March 28, 1988 indicated general concern that a recent influx of nonresident hunters who are served by outfitters is placing a disproportionate pressure on big game resources in certain areas of the state. Thus, the objective here is proper game management and protection, an area where the states have been given great latitude in determining what means are appropriate. Lacoste v. Department of Conservation, 263 U.S. 545 (1924).

There was also testimony that the state lacks specific information that can document the impact of nonresident hunters on big game. Thus, the legislature has chosen a means -- the required completion of a questionnaire by the suspect group --

Hon. Steve Cowper, Governor
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which will provide information upon which future decisions concerning game management and allocation can be made. Because there is a close means-to-end fit and the selected method reasonably serves the objective, we believe that the requirements of secs. 9 and 10 satisfy equal protection requirements.

Section 11 of the bill places several additional duties on unlicensed persons who transport or accompany big game hunters for compensation. Under proposed AS 16.05.786, transporters are required to report to the Department of Public Safety any violation of a fish, game, or guiding statute or regulation committed by a client or employee. Failure to timely make this report would be a misdemeanor. This requirement is the same as the duty of licensed guides under AS 08.54.210, and the penalty would be the same as that provided for guides. Section 3 of the bill.

Under proposed AS 16.05.787(a), a person who is not licensed as a guide may not accompany a hunter for compensation at a base camp, cabin, or permanent lodge unless the person has had no game violations during the preceding five years. Also, at least two weeks in advance of accompanying the hunter, the person must register the camp, cabin, or lodge with the Department of Public Safety by filing an affidavit that specifies the location of the facility, the number of hunters who will use it, and the types of big game that will be hunted. After the hunt, the person filing the affidavit must timely notify the Department of Public Safety of the game taken by each hunter who used the facility. Proposed AS 16.05.787(b).

Proposed AS 16.05.787(a) also states that a person who is not licensed as a guide "may not register more than two base camps." There is no time period, however, placed on this restriction. Thus, it is not clear from the language of the bill whether the restriction means two base camps per hunting party, per season, or forever. Under the first interpretation, a person could conceivably change base camps by filing a new affidavit for each hunting group so long as not more than two base camps were designated at any one time.

This provision was added as a floor amendment in the House of Representatives on May 9, 1988. 1988 H. Jour., pages 3758, 3759. On the floor of the House, the amendment's sponsor, Representative Navarre, stated that the intent of the restriction was to allow no more than two base camps per operator statewide. In further explanation, he referred to the fact that guides are limited to three guide areas, and the amendment would put all the players on a "level playing field."

Hon. Steve Couper, Governor
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Representative Navarre was referring to 12 AAC 38.200, a regulation that, with several exceptions, limits guides to three guiding areas. Guiding areas are not transferable by guides themselves. 12 AAC 38.260(a). To substitute a different area for one already held, a guide must apply to the Guide Board for reassignment of the new area, and the board's decision would be governed by the criteria in 12 AAC 38.260. Because new guide areas cannot be substituted at will by guides, we believe that the legislature, in order to keep all the players on a "level playing field," intended that nonlicensed persons be similarly restricted.

Therefore, we believe that during the period that these persons may legally be in a base camp with their client, that is, until June 30, 1989, a compensated nonguide may designate only two base camps in the state, and once designated, a base camp cannot be changed. This result is also supported by language in proposed AS 16.05.787(a)(2) which specifies what information must be in the registration affidavit. The affidavit must designate "the number of big game hunters in each party that will use the camp, cabin, or lodge" (emphasis added). This implies that a registration affidavit will be used for more than one hunting party, and not that a different affidavit will be filed for each new hunt.

On June 30, 1989, secs. 12 and 13 will replace the provisions of sec. 11. Section 17 of the bill. Except for deleting references to "base camp" (consistent with removal of that term in sec. 6 of the bill), and several other minor changes, the language of secs. 12 and 13 is identical to the language in sec. 11 which it replaces. We note, and call to the attention of the revisor of statutes, however, that although sec. 12's language also deletes the "two base camp" limitation of sec. 11, it does so by simply omitting it rather than properly setting out the sentence in brackets.

Section 14 contains a very significant provision that establishes an interim task force on guiding and game. The task force will consist of the commissioners of the Department of Commerce and Economic Development, Department of Fish and Game, and Department of Public Safety, as well as two senators, two representatives, and six members appointed by you from various interest groups.

The bill requires the task force to review the operations of the guide board and to study the problems concerning the commercial taking of big game in the state. The task force must report to the legislative council its findings and proposed leg-

Hon. Steve Cooper, Governor
Our file: 883-88-0157

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isolation before the task force terminates on January 15th of next year. The bill gives the task force subpoena power to compel the appearance of witnesses before the task force.

The House adopted a lengthy letter of intent that accompanies this bill. 1988 H. Jour., page 3764. The letter expresses a desire that the task force examine several specific issues relating to the transporting and guiding industries and to the operation of the Guide Board. Because the letter of intent does not carry the force of law, the task force is not required to comply with it. We believe, however, that the letter of intent contains valid recommendations that, if followed, could result in a better system of managing the commercial taking of big game in Alaska.

While presenting a couple of points for the revisor of statutes to address, we know of no reason for you not to sign this bill.

Sincerely,

Grace Berg Schaible
Attorney General

GBS:SMW:prm

cc: David Dierdorff
Revisor of Statutes
Legislative Affairs Agency

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	13	20
2	31	13	18
3	34	13	21
4	34	13	21
5	35	6	29
6	165	12	153
7	140	5	135
8	139	23	116
9	218	69	149
10	103	2	101
11	164	28	136
12	160	23	137
13	199	44	155
14	149	7	142
15	151	10	141
16	166	24	142
17	130	17	113
18	99	5	94
19	143	27	116

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	17	95
21	100	8	92
22	85	8	77
23	91	14	77
24	99	15	84
25	112	14	98
26	107	25	82

NUMBER OF HUNTS CONDUCTED BY MASTER OR REGISTERED GUIDES,
 BY GAME MANAGEMENT UNIT,
 REPORTED ON THE STATEMENT OF FINANCIAL REMUNERATION (SFR),
 AS OF NOVEMBER 30, 1988

Game Management Unit	No. of Hunts Conducted
1	54
2	23
3	51
4	73
5	52
6	115
7	9
8	88
9	484
10	8
11	110
12	138
13	285
14	128
15	25
16	235
17	244
18	39
19	352
20	115
21	23
22	38
23	75
24	23
25	100
26	205

TOTAL GUIDED HUNTS REPORTED AS OF
 NOVEMBER 30, 19883,092

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

November 18, 1988

Mr. Robert A. Payne
2221 Muldoon Road, Space 693
Anchorage, AK 99504

Dear Mr. Payne:

Thanks for your letter. I've shared your suggestions on regulation of air taxi operators with Randall Burns. Director Burns will contact you if he has any questions. I've also sent a copy of your letter to Representative Heinrich Springer, who chairs the task force on guides and guiding established by Senate Bill 191 this past legislative session. Air taxis play a significant role in the system of guides, outfitters, transporters and hunters in Alaska. I want Representative Springer to be aware of your concerns as his group looks into problems with the guiding industry.

Thanks again for your letter. I'll keep your thoughts in mind as we approach the first session of the Sixteenth Alaska Legislature.

Sincerely,

S/S Steve Cowper

Steve Cowper
Governor

cc: The Honorable Heinrich Springer
Alaska State Representative

Randall Burns, Director
Division of Occupational
Licensing
Department of Commerce
and Economic Development

STATE OF ALASKA
DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

NOV 25 1988

DIVISION OF
OCCUPATIONAL LICENSING

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NOV 25 1988

OFFICE OF THE
GOVERNOR

RECEIVED

SEP 23 1988

GOVERNOR'S OFFICE

22 SEP 1988

Governor Steve Cooper
State of Alaska
3601 "C" St., Suite 758
Anchorage, Alaska 99501

Dear Governor Cooper:

I am writing to express my opinion about the air taxi services in Alaska. My hunting partner and I recently flew out of Anchorage with Rust's Flying Service for a hunting trip. While we were giving Rust a deposit for our trip we were told we could fly anywhere in Unit 16B for \$250.00 each. We were also asked where we would like to go. I gave Rust 3 areas that I had read about that were said to have a good population of moose. Rust said that all the areas I gave him were very hard to hunt so we asked him what area he would recommend. He said that Beluga Lake would be a good area for moose. We gave him our deposit and said Beluga Lake would be fine. I talked to another employee where I work who had been a guide in Alaska for many years and he said Beluga Lake should be a good area. My hunting partner called the Alaska Fish and Game and got the same response. I bought some good maps of the area to help us in our hunt. When we arrived on Friday the 9th of September for our flight he then told us that Beluga Lake would be too hard of an area to hunt and recommended Long Lake. He did not explain why Beluga Lake was OK when we made our deposit and not OK now. We told him that if there were moose at Long Lake it would be fine with us to change locations and he assured us that there were moose. We did not see any moose during our flight in, we did not see any moose, sign or tracks of any kind during the 8 nights and 7 days we were there. There were 6 other hunters at this lake and they did not see any moose or any sign of moose during their week long stay. We did not see any moose on the flight out either. The pilot on the way out said that he had shot a moose at this lake last year and one of his last remarks was that "maybe all the moose have been shot out of this area". \$250.00 is a lot of money for me and my vacation time is valuable. I know that a flying service or guide cannot guarantee a moose, but to have someone make a statement like that after spending a week out there and spending that kind of money makes me angry. They fly on a regular basis and they should have known that there were no moose in the area at that time. I am a good hunter, but if there are no animals there it does not matter how good you are. I also feel that they should have taken us to Beluga Lake like was originally agreed upon.

STATE OF ALASKA
DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

NOV 25 1988

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Governor Steve Cooper
State of Alaska

I know that nothing can be done about this now. I will just have to learn from this experience. The reason I wanted to explain all this for is because I feel that the flying services in Alaska need to be regulated in some way like guides are if they are going to fly hunters and fishermen out. I feel that if there were some kind of regulations other hunters may not go through what we went through. I also feel that with the proper regulations these trips would be much safer for the public.

I for one will not ever fly with this company again nor will I recommend them to anyone I know.

Thank you for your time and I hope that you will support some legislation on this problem.

Sincerely,

Robert A. Payne

Robert A. Payne
2221 Muldoon Rd., Space 693
Anchorage, Alaska 99504

CC: Rust's Flying Service
Better Business Bureau of Alaska, Inc.

STATE OF ALASKA
DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

NOV 25 1988

DIVISION OF
OCCUPATIONAL LICENSING

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

December 2, 1988

Mr. Maurice Keith Harris
392 East 600 South
Logan, UT 84321

Dear Mr. Harris:

Thanks for your letter regarding your experiences with a Soldotna fishing guide. You didn't tell me anything about your dealings with the guide once you discovered what kind of fish were shipped home with you. Did you complain directly to the guide? What, if anything, did he do in response? I encourage you to do what you can to settle your dispute directly with your guide.

If you are unsuccessful, there are several specific avenues of action to take. The first should be to enlist the aid of the Consumer Protection Section of the Department of Law. By copy of this letter, I am alerting Investigator Jim Hayes that you may contact him in the future. Again, I encourage you to first deal directly with the guide.

Fishing guides are licensed by the State of Alaska only in the sense that we require them to have business licenses. They are not subject to regulatory restrictions such as those that apply to big game hunting guides. Still, we are interested in helping visitors to our state get what they expect and pay for. I'll share your letter with Hugh Gellert, Division of Tourism, and Randall Burns, Division of Occupational Licensing, and will ask them for their thoughts on improving the services Alaskan businesses provide to tourists.

I hope you can work out your problems with your guide. If not, Jim Hayes should be able to help. Please let me know how your case progresses.

Sincerely,

S/S Steve Cowper

Steve Cowper
Governor

Mr. Maurice Keith Harris

-2-

December 2, 1988

cc: James C. Hayes, Investigator
Consumer Protection Section
Department of Law

Hubert Gellert, Director
Division of Tourism
Department of Commerce
and Economic Development

Randall Burns, Director
Division of Occupational
Licensing
Department of Commerce
and Economic Development

Fun Fishing with Tex

RECEIVED

SEP 28 1988

392 East 600 South
Logan, UT 84321
September 14, 1988

HAND DELIVERED
GOVERNOR'S OFFICE

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

P 844 952-496

Governor Steve Cowper
State Capitol Building
Anchorage, AK 99502

"Fun Fishing With Tex"
July 23-July 31
Soldotna, Alaska

Fish caught by

Keith Harris:

8 Sockeyes, approx.
64 lbs. undressed
1 10 lb. silver salmon
2 King Salmon
1 50 lbs.
1 44 lbs.
1 16 lb. Halibut
1 72 lb. Halibut

Dear Governor Cowper:

During my recent trip to Soldotna, Alaska, July 23-31, "TEX" our fishing guide, was to take our fish, freeze them, and pack them for shipment home. When I checked in at the Anchorage Airport, there wasn't a Bill of Lading on the boxes of fish so I had no idea what was in the packages. Regretfully, when I arrived in Logan, Utah, this is what I found; the first box contained 5 Sockeyes and 28 pounds of Halibut "Tid Bits", no steaks or filets. The second box contained King Salmon. Some of it was not the King Salmon I caught, however, because when I thawed one large steak it was freezer burned, old, and certainly not the one I caught.

I am at a loss as to what to do. I spent over \$2000 for this trip as I waited a lifetime to fish Alaska. "TEX" received \$1495 of this amount for fishing & lodging. I believe that a large portion of my catch was purloined by "TEX" or some of his associates. Therefore, I am asking you for your aid in investigating this blatant stigma upon the State of Alaska. In fact, 12 of our friends are thinking of going to Alaska in 1989, but await your reply in this most serious matter before they decide.

The Eagle Lodge of Logan, Utah, was the organization that provided the facilities for "TEX" to present the virtues of his ability and integrity. Perhaps it might be a good time to advise the Grand Master of the Eagles of this unfortunate mishap. Perhaps "TEX" made the mistake. I honestly believe that "Fun Fishing with TEX" should refund me half the money, if not all, I gave him. I do not want additional fish at this time, as I only want the fish I personally caught. I'm sure you can understand that. I guess the mistake I made was trusting a licensed guide of the State of Alaska, thinking he would police men like "TEX". I hope this isn't true, as your literature indicates all to the contrary.

I have put a \$750 hold on my Visa card until this matter is resolved to the mutual satisfaction of all parties concerned including officials of the State of Alaska. I anxiously await your reply and solution.

Sincerely,

Maurice Keith Harris

Maurice Keith Harris

MKH/cc

cc First Security Bank VISA
Alaska State Division of Tourism
Grand Marshal of F.O.E.



Official Business

Alaska State Legislature

House

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: All Task Force Members
Alaska Legislative Task Force on Guiding and Game

From: Representative Heinrich Springer, Chairman *HS*
Alaska Legislative Task Force on Guiding and Game

Date: September 20, 1988

Subject: Public Testimony

Attached is a copy of a letter which I received from Senator Jan Faiks regarding public input to the Task Force and its ramifications on those who testify.

The basic issue, fear of retribution for speaking out, is not new to the legislature. "Whistleblower" legislation, to protect individuals, was introduced during the 14th Legislature but did not pass. It is difficult to prove discrimination or failure to follow guidelines and standards by a governmental agency against someone who has testified. Consequently, beyond proving discrimination, there is no legal precedence at this time for protecting an individual who gives public testimony at a legislative hearing. And the fear of repercussions aimed at the individual who testified can keep an issue that should be considered from being looked at.

As it is important that all angles and views on a subject be heard for a thorough understanding of it, please give the matter your serious consideration and forward all suggestions on this matter of "official public input" vs. "unofficial anonymous information and testimony" to me or to my staff (465-3789). Subcommittee hearings will be conducted in Kotzebue and King Salmon on October 4-5, 1988. Your prompt response would be appreciated.

Attachment

cc: Sen. Jan Faiks
Rep. Mike Navarre
Randall Burns, DCED
Pete Buist, Guide Bd. member
Vernitta Cassidy, public member
Nick Pierskalla, Non-guide member

Sen. Ken Fanning
Capt. Phil Gilson, DPS
Lew Pamplin, ADF&G
Matthew Iya, public member
Gail Ranney, air-taxi member
Paul Johnson, licensed guide member

Alaska State Legislature

PRESIDENT
907-465-3755



Senate

JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

August 15, 1988

Representative Henry Springer, Chairman
Alaska Legislative Task Force on
Guiding and Game
Post Office Box 1630
Nome, Alaska 99762

Dear Representative Springer:

It has been brought to my attention that some members of the guiding industry fear that publicly offering input to the Guide Task Force may result in retribution to themselves from other industry members. They request alternative forms to public hearings or forums for providing input to the Task Force.

In light of the potentially restrictive impact this situation may have on the Task Force effort, I suggest that an executive session be held to discuss the problem and possible solutions. The Task Force may need to consider gathering public input in a different type of forum in addition to the more conventional public hearing process.

Sincerely,


Jan Faiks
Senator

JF:mr

OUT OF SESSION

3111 C STREET, SUITE 525 ANCHORAGE, ALASKA 99503 907-561-7610

Clearwater Outdoor Services

Peter R. Buist — Registered Guide

P.O. Box 1561 — Fairbanks, Alaska 99707

(907) 457-7189



Senator Bettye Fahrenkamp
515 7th Ave Suite 130
Fairbanks, AK 99701

July 10, 1988

Dear Bettye,

I wanted to take a moment to thank you and your staff for your efforts and support for obtaining a "guide-outfitter" bill this last session. The results were certainly less than outstanding for each faction, but the formation of the Task Force is a critical step in the right direction.

While the battle is far from over, I think that if the Legislature fairly considers the findings of an objective Task Force, this thorny conservation problem will finally be laid to rest.

Again, thanks. Your office was really great in sending out copies of new developments and helping us to remain informed.

Yours truly,

Pete Buist



STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

P.O. BOX D-LIC
JUNEAU, ALASKA 99811-0800
PHONE: (907) 485-2534

DATE: July 14, 1988

TO: All Members
Task Force on Guiding and Game

FROM: Randall P. Burns, Director *Randall*
Division of Occupational Licensing
Department of Commerce and Economic
Development

Senator Fahrenkamp has asked that the division provide the task force with some background information on the current controversy surrounding the Guide Board, particularly as it relates to recent performance (sunset) audits of the Guide Board by the Legislative Budget and Audit Committee.

I will provide (under separate cover) the 1985 and 1987 audits, as well as the Department of Commerce and Economic Development's responses to those audits. The content of this letter is intended to further elaborate on the problems faced by the Guide Board and to place the often valid criticisms of the board in what I believe to be the appropriate context.

At the outset, I think it is important to draw a distinction between the issues directly affecting the Guide Board as an administrative agency and those issues that directly impact the board but which are more specifically related to the general public policy issues surrounding the regulation of the commercial taking of game. These public policy issues -- issues which this task force is challenged to address -- involve not only licensed big game guides, but resident and nonresident outfitters, transporters, air taxi services, and nonresident hunters (to name but an obvious few). It is these matters that truly confound. Issues regarding the operations of the Guide Board itself, while clearly controversial, are actually far more manageable as a problem than the more difficult issues of how -- and whether -- to regulate the commercial taking of game in a manner different from the present rather imperfect system.

To date, the Guide Board has seemingly been at the center of both the administrative and public policy controversies. In reality, the Guide Board is but one of many players in the public policy debate over the proper management of Alaska's game population and the commercial aspects of the management of that resource. The fact that its well-known and well-publicized administrative difficulties have managed to make the Guide Board an inappropriate focus of much of the public policy debate is, in my opinion, unfortunate.

Not surprisingly, despite the guiding industry's increasingly valid concerns for the viability of their profession under our present economic and statutory configurations, it is clearly very difficult for most legislators and other persons more or less familiar with these issues to work up any real sympathy for the professional guide. People have suggested to me that the recent problems confronting guides are just what the industry deserves after so many economically successful years living off commercial big game hunts.

Nor does the irony of the guides' current situation escape their critics. The fact that holding a permit to a restricted guide area has now almost become a trap that severely limits a guide's ability to survive in today's economy is seen as some kind of "tit for tat" -- a rough justice. This attitude is perhaps understandable, especially in view of the actions of the Guide Board and the guiding industry in the past, but it does little to assist us in evaluating as objectively as possible, the pros and cons of the current debate over the regulation of the commercial taking of game.

My goal here, then, is to suggest that the hatchet be buried. The Guide Board and its checkered history is fact. We can quite rightfully question the fairness and objectivity of the board's decision-making over the years, as well as its apparent failure to put a stop to the sale of guide areas. These and many other issues are legitimate concerns and must be addressed by the task force. But, in many senses, these issues are not relevant to the current public policy debate over what is the best way to regulate the commercial taking of game in Alaska. The issues surrounding the Guide Board's performance as an administrative agency are probably the easiest ones to which to respond and to correct.

What follows, then, is a brief discussion of the seven (7) administrative areas of most serious concern to the Division of Occupational Licensing regarding the Guide Board's activities.

1. The board lacks any accurate, up-to-date display maps of the guide areas by game management unit.

The current large display maps, created to show the boundaries of each restricted or joint use guide area within a particular game management unit, are over fifteen (15) years old. While once an accurate depiction of existing guide area assignments, the display maps have not been regularly updated to reflect the numerous boundary changes, area transfers, etc., that have occurred since the maps were first created. In addition, the display maps are in a serious state of disrepair. Without accurate maps, the board will never have a solid handle on what areas are -- or are not -- available for selection, nor will the board ever be sure of the areas it has permitted. The fiscal note attached to SB 191 will go for in assisting the division and the board in updating its area data.

2. The board lacks any certainty regarding the validity of each guide's individual file maps.

The only true source of information concerning the actual delineation of a guide's particular area assignment is supposed to be the approved guide area application map found in each guide's individual licensing file. Often, however, there is more than one map in a guide's file, and there is often disagreement over which map in the file accurately represents the guide's currently assigned area. This problem is further complicated by the fact that many guides have more than one area assignment (a guide may have up to three areas), thus increasing the number of disputed maps in a file.

3. There is a need to rewrite and restructure the Guide Board Exam.

The Guide Board presently has a bank of some 200 exam questions, from which we cull a different 100 questions for each exam. Many of these questions are not well-written, require multiple answers, and have never been statistically correlated. Until the last exam, the pass rate on the exam had never been higher than 50% and is usually closer to 33%.

A registered guide applicant must also take an oral exam, should he or she pass the written exam. While the legislative auditors recently found the board's oral exam procedures much improved, the subjectivity involved in grading an oral exam is always an issue and subjects the board to accusations of protectionism.

4. There exists the ongoing controversy over the question of the constitutionality and statutory basis for the creation of restricted (aka "exclusive") guide area permits.

Whenever you restrict persons from entry into any activity or profession, those restrictions are going to be controversial while the justifications must be well-founded. Alaska's current scheme of granting "exclusive" hunting privileges to certain persons in certain areas to guide nonresident hunters in the commercial taking of Alaska's big game has embittered many, including a number of guides who are licensed but have yet to be granted an area in which to guide (be it a joint-use or restricted area). The current system is viewed by many as "limited entry" without the same constitutional basis established for Alaskan fisheries, and critics charge the board with having failed to establish the required criteria and quota systems for evaluating applications for restricted areas.

5. The application process for a guide area permit or for the transfer of an already existing guide area permit is seriously flawed.

The current procedures followed by persons applying for a guide area permit or the transfer of a permit are very confusing and the Guide Board has done little to correct acknowledged problems. The regulations in place are poorly written: it is not clear which regulations apply in cases of transfer or original application; the notice provisions are very burdensome and potentially anti-competitive; and, generally, the board has failed to produce the quota and point systems mandated by recent statutory amendments.

Serious delays in the processing of applications and transfers result from the confusing array of regulatory provisions.

6. The division is currently unable to proceed against a guide with potentially serious discipline problems unless we have received at least three complaints against that guide.

This provision of the board's statute is not consumer oriented and fails to recognize the division's ability to distinguish between legitimate complaints and harassment of a guide through the filing of unwarranted complaints. We manage to shoulder this responsibility for other boards very well and the three-complaint requirement should be amended.

7. The close ties between the Alaska Professional Hunters Association and the Guide Board have compromised the board's independence.

Until very recently, there existed a very close relationship between the Professional Hunters Association and the Guide Board. The closeness often meant, if nothing else, that it often appeared as if the board was unduly influenced in its decisions and actions by the desires of the officers and members of the association.

The problems listed above are both complex and serious. But it is also true that the Guide Board has basically functioned since its conception with very little administrative oversight or review by the executive branch. Like a wild child, the Guide Board has functioned independently, with very few support staff, since its inception; the only effective administrative checks on its performance have been legislative performance audits and the Department of Law's review of Guide Board regulation projects.

In our opinion, the Guide Board has never received adequate administrative support or direction from the executive branch. While not without responsibility for its past actions, the failure of the state to both provide adequate resources and enforce an acceptable level of administrative consistency and procedure must weigh heavily in the Guide Board's favor. Even after the two other resource boards (the boards of Fish and Game) were brought into line by

July 14, 1988

the efforts of the executive branch, the Guide Board was still allowed to flounder on its own. Had the state properly exerted itself, I believe the cries of unfairness and abuse of process against the Guide Board would have been considerably reduced.

As it is, its "bad rep" continues both to plague the board and hinder the dialogue over the complex public policy considerations involved in trying to find a solution to the regulation of the commercial taking of game. While the board must accept responsibility for many of its unpopular actions and decisions of the past, and the guiding industry must live with the fact that many persons believe that the present economic and resource crisis in which guides find themselves is something the guides somehow deserve, I think it important that policy makers like yourselves have a perspective of the issue that can assist them in more objectively evaluating the extent to which the Guide Board is the true "heavy" in this Alaskan drama.

I look forward to meeting with all of you as we work through the important issues placed before us.

RPB/mst8191m
071488a

Alaska State Legislature

Senate Advisory Council



P.O. Box V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

July 25, 1988

Mr. C. Starr
P. O. Box 71
Bennet, Nebraska 68317

Dear Mr. Starr:

Thank you for your recent letter regarding guide services in Alaska. I have waited until now to respond to you so that the Guide Task Force could be organized and I could send you more information. I am sending you a copy of the letter of intent for the task force. The chairman of the task force is Representative Heinrich Springer, P. O. Box 1630 Nome, Alaska 99762 or P. O. Box V, Juneau, Alaska 99811. I have forwarded a copy of your letter to Representative Heinrich Springer.

Sincerely,

Sheila Fay Helgath
Sheila Fay Helgath, Ph.D.
Legislative Analyst

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, LEGISLATIVE COUNCIL
CHAIRMAN, OIL AND GAS COMMITTEE
119 N. CUSHMAN ST., SUITE 201
FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
HOME (907) 456-2888



Senate

WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
CAPITOL ROOM 125
OFFICE (907) 485-3834
HOME (907) 780-8027

To All members:

June 30, 1988

Representative Mike Navarre
312 Tyee Street
Soldotna, AK 99669

Dear Mike:

While I am not on the Task Force on Guiding and Game, as Chairman of the Legislative Council, through which the task force is funded, and to which the final report is to be made, I wanted to welcome you to the task force.

I consider the job ahead of you an extremely important one, and one which by law, and for practical purposes, needs to be accomplished promptly. Since we are getting a bit of a late start, I have taken the liberty to call an initial meeting and establish a tentative agenda, in order to get the ball rolling.

We will take advantage of the LIO teleconferencing system, legislative staff, House and Senate research organizations, and administrative agency expertise in order to ensure statewide participation, avoid duplication of effort, reduce costs, and provide the necessary research and background information to assist you in your efforts.

One of my assistants, Nancy Petersen, can be made available as staff to the task force for substantive guiding issues and will be available to help coordinate meetings, set up agenda items, post notices and oversee printing of your final report.

The first meeting will be held at the Legislative Information Office in Anchorage, and will of necessity focus on task force organization, research project assignments, agency reports on implementation of the new law, and any other pertinent items you or any member of the task force wishes to bring up. See enclosed agenda. Please contact my office with any additional items you may want to place on it, or any questions you may have.

Once the task force meets, it is my intention that the Legislative Council will help facilitate your efforts in any way possible.

I wish you the best of luck in your deliberations over this highly charged issue. It is of paramount importance to the big game resources of Alaska, and to those who use those resources, that your task force formulate a resolution to our current problems that is as equitable and workable as possible.

Sincerely,

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

Senator Bettye Fahrenkamp
Chairman, Legislative Council

Called 8/9/88

9 AM

Williams

7/25/88

TO: The Honorable Representative
Heinrich Springer.

From: Siegfried Hummer
36 South Crawford St.
Willows, Ca. 95988
916-934-3800 Home after 4 PM
916-934-7761 Bus.

Dear Representative.

Attached are copies of letters that I sent to the Governor & Commissioner Collinsworth. When I called your office today to inform you of our predicament I was asked to send them. I am sorry I missed you. Your staff was very helpful and listened to my situation. The copies will explain it.

My view is that S.B. 191 was passed with not enough "grace" time to allow those that were legally engaged for this season. I am not in the position to make a unbiased judgment as to why it was passed. Perhaps there are good reasons for it.

My first reaction and opinion is that it will be impossible in the future to engage me, hunting in your state by us little income earners because of "sowed up" sectors & high price tags. Only the super rich will be able to do so. I believe it will turn a back lash and be oppressive to us the people. There must be other means to deal with any other that might have led to the passage of this law.

Please consider my view. You can be proud of your staff for answering my call. She was courteous, listening, polite efficient and very helpful. I liked that.

I hope to hear from you soon.
Respectfully yours,
Siegfried Hummer

10. The Honorable Governor
of the State of California
Mr. Steve Cooper

From: Sigfried Nuance 436 South Crawford St. Willow, Ca.
Dear Governor.

I just received a call from John Gaudet our outfitter that with the passage of S.B. 191 we will not be able to visit and hunt in your State as we had planned beginning Sept 18-26-89

Four of us signed a contract for an unguided fly in base camp Caribou hunt. Mr Gaudet is to provide camp and two helpers to do cooking and chores to give us more time to hunt. Also to assist in packing out the meat should we be successful. At no time did Mr. Gaudet imply that he furnish guides. Mr Gaudet was very clear & explicit as to the conditions of this hunt. We do not expect to be guided and intent to hunt on our own & no helpers or guides.

With this sudden and unexpected change in the law, our plans are in great jeopardy. I am a 50 year old citizen of good standing and have dreamed all my life of this hunt in your great State. We all have completed all our reservations and final arrangements. Any change now will cause great anxiety & much additional cost. I can not afford a guided hunt.

We contracted this unguided with our outfitter in the early stages of 1987 when it was legal. It represents at least two years of effort on my part. With the sudden and unusual quick change in the law we ask that all those contracts made last year be honored and grandfathered for the balance of the '88 season under the old rules. We believe this would be a reasonable solution to our dilemma.

Your attention in this matter and a quick reply would give us direction for our options and would be greatly appreciated.

Respectfully Yours,

DICK BIERY

13216 DODWOOD LANE

GRASS VALLEY, CA 9545

916-272-6130 Bx5

BILLY KOSHER

P.O. Box 6447

TAHOE CITY, CA. 95730

916-587-1862

Sigfried Nuance

436 S. Crawford Calif 95788

916-934-3800 Home

916-934-7761 EXT 239 Bus.

ED KOSHER

RT6 Box 532

BAKERSFIELD, CA. 93307

805-845-1363

TO: Don W. Collinsworth
Commissioner Fish & Game
State of Alaska.

Willows 7/23/88

From: Siegfried Huane
436. South Crawford St.
Willows, Calif. 95993
916-934-3800 Home
916-934-7761 Bus.

Honorable Commissioner

Please examine the attached copy of the letter that I addressed to the Governor of your State.

It will explain our predicament. We ask that you support our petition for a variance in our case and perhaps of those that the passage of S.B. 191 created.

We believe that we made a valid contract long before the passage of this new & restrictive law and need consideration in the light of these circumstances. We had verbal agreement with Mr. Gandet as early as May of 1987 and paid our deposits before Dec. 1987.

Enclosed is a copy of the note & my check I sent to Mr. Gandet with all the deposits.

Mr. Gandet also on several occasions verbally and in writing stated very specific as to the conditions of this unguided hunt. Camp help only to the extent of cooking & chores. No help in the field during hunting until we were to pack out the meat & assist in processing & the transportation of our meat to King Salmon.

Two members of our group have back impairments and lifting heavy loads would aggravate them. I am one of those.

I feel we are the victims of this unfortunate and thoughtless law and ask for at least a variance for this '88 season.

Respectfully Yours
Siegfried Huane

SIEGFRIED KNAUER
ROBYN KNAUER
436 S. CRAWFORD 934-3800
WILLOWS, CA 95988

11-22-87 0740

PAY TO THE
ORDER OF

JAKE'S ALASKA WILDERNESS OUTFITTERS: 600⁰⁰

PHONE No. - (907)248-0509

SIX HUNDRED & NO DOLLARS



SIERRA CENTRAL CREDIT UNION

WILLOWS OFFICE
COUNTRY ROAD 48 & D
WILLOWS, CA 95988

DEPOSIT ON #4 CARIBOU HUNT

MEMO 9/18-9/26-1988

Siegfried Knauer

⑆321174770⑆0240024268797⑆0740

\$3200.⁰⁰ ea.

CAMP \$3200.⁰⁰ ea.

\$2700.⁰⁰ ea.

Four or more hunters

\$1500.⁰⁰ ea.

Alaskan Peninsula

#4 CARIBOU HUNT BASE CAMP

Four or more hunters

\$1500.⁰⁰ ea.

\$1200.⁰⁰ ea.

#8 AFOGNAK ISLAND HUNT

& Deer

\$1500.⁰⁰ ea.

WHILE WE OFFER A VARIETY OF EXPERIENCES, WE CAN CUSTOMIZE ANY TRIP. PLEASE LET US
KNOW YOUR IDEAS OR SPECIAL NEEDS. WE WILL PLAN A UNIQUE PACKAGE FOR YOU.

RESERVATIONS: To place any reservation please
send a 50% deposit to Jake's Alaska Wilderness
Outfitters at the address listed on the other side.
A confirmation letter will be sent with a receipt
of your deposit. Final payment is due 60 days
prior to arrival.

All deposits are non-refundable unless
space can be rebooked.

RESPONSIBILITY: Jake's Alaska Wilderness
Outfitters is not responsible for any damage,
injury or loss to persons or property, however
caused. Also, we are not responsible for delays or
cancellations due to weather or other acts of God
beyond our control. All clients realize a prior
responsibility to disclose any physical or dietary
conditions that may affect the trip with Jake's
Alaska Wilderness Outfitters. All prices are
subject to change without notice.

Jake, please find enclosed a deposit in the amount of 600⁰⁰

on our reservation with you for #4 CARIBOU HUNT hunting trips on

the dates of Sept 18 1988 to Sept 26 1988

I understand the deposit & refund policy as stated and agree to such.

I understand the difference between a guided and unguided hunt.

Signed *Siegfried Knauer*

Date 11/21/87

Name SIEGFRIED KNAUER

No. in party 4

Address 436 S. CRAWFORD ST
WILLOWS, CA

State CA Zip 95988

Phone (916) 934-3800 / Bus 916-934-7761

Any special needs that Jake's should know about?

Willows Nov. 22, 1987

Dear Jake

Enclosed the four deposits of our party for the
Caribou hunt #4 as outlined in your prospectus.

This is for Sept 1988 hunt. As per our conver-
sation we may need assistance selecting flight
arrangements from Anchorage to King Salmon on
Sept 18, 1988. Sorry about Nebraska losing to the Dawgs
Towers Field.

King Salmon Outfitters & Sport Fishing

JOHN O. WOOD

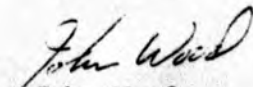
P. O. Box 261 • King Salmon, Alaska 99613 • Phone (907) 246-3474

11 October 1988

Sir

I am providing my input to the Guide and Game meeting held in King Salmon on 5 October 1988. I am firmly against total elimination of outfitters in Alaska. Outfitters fill the void between Air Taxi and Guides. Most people, perhaps yourself would never consider having a guide in camp, they prefer to be alone. Air taxi operators do not provide the necessary equipment to make up a safe camp for people. This will leave those that do not have their own transportation in the hands of guides only. During the past ten years I have outfitted hunters, fishermen, photographers and hikers, does the new law mean I have to cease outfitting all the above? In the meeting it was mentioned that guides would be required to have an air taxi certificate. This requirement is quite strenuous and will add to the problem; however, everyone involved in guiding and outfitting that pilots an aircraft or boat should be required to have a commercial pilot certificate and a U.S. Coast Guard license. This will make a tremendous improvement in the quality of service offered by both guides and outfitters. It was mentioned about out of state people outfitting, what has happened to the resident and local hire concept, this alone will help solve some of Alaska's game woes. Let's not create another fiasco as out limited entry fishing permits that benefit so few Alaska residents.

Sincerely


John Wood

STATE OF OREGON
DEPARTMENT OF COMMERCIAL
& ECONOMIC DEVELOPMENT

OCT 03 1988

DIVISION OF
OCCUPATIONAL LICENSING

**Idealism Versus Pragmatism
in User Evaluations of Allocation Systems**

Bo Shelby

Associate Professor

Doug Whittaker

Research Assistant

Dept. of Forest Recreation Resources

Oregon State University

Mark Danley

Public Involvement Specialist

Bonneville Power Administration

Running Head: EVALUATING ALLOCATION SYSTEMS

Author Notes: Research was conducted under a cooperative agreement with the Pacific Northwest Forest and Range Experiment Station, U.S.D.A. Forest Service. The authors thank Rebecca L. Johnson and Jerry J. Vaske for helpful reviews of earlier drafts.

*In press at
Leisure Services*

ABSTRACT

Permit allocation systems in recreation settings attempt to distribute resources in a manner which is "socially just," and thus acceptable to users. "Distributive justice," however, is an ideal that can be defined in terms of several competing social goals (equality, equity, need, and social efficiency), and practical allocation alternatives (pricing, reservation, lottery, queuing, and merit mechanisms) may not directly address any of them. In addition, individuals may not evaluate systems based upon such ideals, but rather upon a pragmatic assessment about whether a system is likely to favor them. Data from a survey of river runners on the Snake River in Hell's Canyon is used to explore evaluations of allocation alternatives (willingness to try and acceptability) based on perceived fairness and perceived chances of success. Results suggest that willingness to try a system is a pragmatic evaluation more strongly associated with perceived likelihood of success than with fairness or acceptability. In contrast, acceptability is a more idealistic evaluation strongly associated with fairness, which in turn is associated with likelihood of success. Implications for designing and managing allocation systems under conditions of resource scarcity are discussed.

KEYWORDS: Allocation, Rationing, Equity, Permits

IDEALISM VERSUS PRAGMATISM

IN USER EVALUATIONS OF ALLOCATION SYSTEMS

In the face of increasing demand for limited recreation resources, managers have sometimes set use limits or "carrying capacities" to maintain the quality of natural environments or recreation experiences. Resource users generally accept these limits (Fazio & Gilbert, 1974; Schreyer & Neilson, 1978; Shelby & Colvin, 1981). However, as use increases and demand exceeds capacity, allocation systems are needed to determine who gets to use the scarce resource. These systems and the way in which they select users are often poorly understood (Utter, Gleason, & McCool, 1979), making allocation a difficult and controversial issue. In order to develop allocation systems which are acceptable to users, managers need information about how users perceive and evaluate different allocation alternatives.

THEORY

A general goal of resource allocation is to achieve some form of "distributive justice," an ideal whereby individuals obtain what they "ought" to have based on criteria of fairness (Homans, 1961). What is "fair" to one person, however, may not be "fair" to the next, and several competing concepts or goals have been used to define distributive justice, including equality, equity, need, and efficiency. The first step in designing allocation systems is to understand these goals and determine which is most appropriate for a given situation, taking into account legal guidelines, agency mandates, and the concerns

of different interest groups (Shelby & Danley, 1980; Shelby & Heberlein, 1986).

Equality is perhaps the simplest to understand. It is based on the idea that individuals have the same rights to certain benefits. Equality can be achieved by providing either equal shares of a commodity or an equal chance to obtain a commodity. For example, one might allocate a parcel of land between two heirs by subdividing it into equal portions, or by tossing a coin (or using some other unbiased selection mechanism), winner-takes-all.

Equality, however, is not always "fair" because some individuals need or deserve more. Equity is a term with many meanings, but in an allocation context it refers to balancing individuals' contributions with outcomes (Homans, 1961). Inputs include any factor relevant to receiving some return on an individual's investment (e.g., effort, education, money); outcomes are those returns (Pritchard, 1969). Equitable allocation suggests those who put more in should get more out. For example, in many states non-residents pay more for hunting rights than residents. This clearly unequal treatment may be "fair" or equitable given that residents make additional contributions to maintaining game through taxes.

Need is another goal of distributive justice, and Deutsch (1975) suggests it is the basis of allocation schemes in many social situations. Within families, for example, children are not expected to compete equally with adults for food, medical

care, etc. Similarly, handicapped persons are provided with specialized access to public facilities, again because of particular needs.

Efficiency, which is maximized if a resource is put to its most highly valued use, is another goal of allocation systems. For example, some people place a high value on river running, while others might be just as happy to go backpacking or bike touring. In this case, efficiency would require that those for whom river running is most important have priority in obtaining a permit.

Ideally, managers can choose allocation goals which users will accept and support, but this is only the first step. These theoretical goals are approached through practical alternatives, and here the allocation issue becomes more complex. Mechanisms for rationing recreation resources tend to revolve around five alternatives (pricing, reservation, lottery, queuing, and merit), most of which do not explicitly address any single goal. To further complicate the issue, actual allocation systems usually involve some combination of alternatives (Stankey & Baden, 1977; Shelby & Danley, 1980). Designing a successful allocation system requires some understanding of how specific alternatives affect the broader allocation goals.

Pricing is the mechanism used to allocate resources in a market economy. Sellers raise or lower prices of a commodity until quantity demanded equals quantity supplied. Since some individuals value certain commodities more than others, they are

willing to pay more for them. When demand is great, the price rises and those unwilling or unable to pay withdraw from the market (Stankey & Baden, 1977). Pricing favors those who are willing and able to pay. Pricing does not recognize those who need or deserve a commodity, nor does it take into account unequal distribution of income. As a result, pricing maximizes efficiency (using dollars as the measure of value and assuming equal incomes), but works counter to equality, need, and equity goals.

Outdoor recreation resources are often provided at public expense because of widespread benefits and the difficulty of dividing costs among the population. As a result, user fees or free market mechanisms rarely ration these resources when they become scarce, and managers need to find non-market allocation alternatives which are acceptable to users.

Reservation is commonly used when price alone does not effectively allocate a commodity. For example, simply paying a price may not be sufficient to obtain space at a hotel or on an airline flight; it is often necessary to also reserve the space ahead of others willing to pay the price. The most significant attribute of a reservation system is that it puts a premium on planning ahead and thus discourages spontaneity (Magill, 1976). However, reservation systems tend to be well accepted by users, especially in recreation settings (Shelby, Danley, Gibbs & Peterson, 1982). Theoretically, reservations work to maximize equality since everyone has an equal chance to plan ahead. In a

study of floaters on 26 rivers, Schomaker and Leatherberry (1983) found that reservation systems do not put any identifiable groups at a disadvantage. It is also possible to set aside blocks of reservations for certain groups to serve need and equity goals. However, reservations tend to work against efficiency when "no shows" cause under-utilization of the resource.

Lottery mechanisms are the classic method for allocating scarce resources when equality is the goal and the commodity cannot be sub-divided. In a pure lottery each individual receives an equal chance to obtain something. In modified lotteries, selection probabilities are altered for certain groups to serve equity, efficiency, or need goals. Lotteries can impose costs, however, because they usually are held some time before the commodity is used, and individuals must decide at that time whether they want to enter. In such cases, lotteries are similar to reservations in requiring users to plan ahead.

Queuing, or first-come/first-served, is similar to pricing except time, rather than money, is traded for the commodity. For example, queues (often in conjunction with pricing) commonly ration tickets for sporting events or concerts by forcing those without the time or inclination to stand in line to drop out. Queues may serve equality goals because theoretically everyone has an equal amount of time to spend in a line. However, time may be more valued by those leading structured lives, and queuing may discriminate against them (Schomaker & Leatherberry, 1983). In addition, the remoteness of many recreation resources means

those living far away may not be willing to spend the time and expense to get to the queue with failure still a possibility; locals therefore have an advantage.

Finally, merit can be used to distribute a commodity on the basis of some skill, knowledge, or past behavior. Merit systems assume that a price has been paid in terms of the time or effort expended to acquire merit. Merit systems address equity and efficiency goals by favoring those who have earned merit, perhaps at the expense of equality and need.

With allocation goals clearly described and an allocation system carefully designed to address those goals, one would expect to find a high degree of acceptance for the system among users. Unfortunately, this idea has not been explored empirically, and it may run counter to other social psychological theory. For example, researchers have argued that individuals support "equitable" social systems only if they perceive that those systems will maximize their own outcomes; if they think they can benefit by supporting an inequitable system, they will do so (Walster, Berscheid & Walster, 1976). This theory holds that individuals are more utilitarian than idealistic, but further suggests that selfishness is often held in check by group pressure and individual guilt. Does this notion apply to user evaluations of allocation systems, and if so should it supplant the notion that users support and accept alternatives based on perceptions of fairness?

Another issue is whether individuals evaluate different

allocation alternatives similarly. Theory suggests they should analyze whether a specific system fits their ideal of distributive justice, and then react accordingly. However, this theory may presume too much. People may not closely examine or identify their personal ideals of distributive justice, nor react consistently in every context. For example, an individual may favor pricing to allocate game tags because "hunters can afford it and may obtain valuable meat or a trophy," yet oppose a similar method for allocating wilderness hiking permits because a "a walk in the woods should be free." There may be a number of factors besides fairness which influence how individuals think about allocation systems.

This paper presents research which examines the relationships between perceptions and evaluations to provide more information about these issues. Specifically, the research was designed to explore whether individuals evaluate allocation alternatives based on pragmatic or idealistic concerns, and whether this perception-evaluation process is consistent across each of the allocation alternatives.

HYPOTHESES

To explore these issues, a model was developed to describe the relationships between user perceptions and evaluations of the five common allocation alternatives. The perception variables measured whether users perceived a system as giving them a reasonable chance of success at getting a permit and whether they perceived the system as fair. The evaluation variables measured

whether users thought a system was acceptable and whether they were willing to try it. The hypothesized relationships are illustrated in Figure 1.

The model suggests that willingness to try a system is the final evaluation, affected by acceptability, perceived fairness, and perceived chances of success. The acceptability evaluation is also affected by perceived fairness and perceived chances of success. A key issue in predicting both willingness to try and acceptability is the relative contribution of the ideal (fairness) versus the more pragmatic (chance of success). Finally, the model suggests that perceived fairness is affected by perceived chances of success, with the magnitude of that relationship suggesting how pragmatism affects ideals.

This order, as well as being intuitively reasonable, is consistent with social psychological research on beliefs, attitudes, and behavioral intentions (Fishbein & Ajzen, 1975; Bem, 1970). Willingness to try a system is the behavioral intention at the right hand side of the model, dependent on the attitudes represented by acceptability and fairness. Those attitudes, in turn, are on two causal levels, but with both dependent on beliefs about ability to obtain a permit.

In summary, theory suggests that each of the six paths in the model will be significant. The magnitude of the associations will suggest whether individual evaluations are based more on the ideal of fairness or the pragmatics of chances of success. In addition, theory suggests that individuals evaluate each

allocation alternative in the same way and the relative magnitude of paths will be consistent across alternatives.

METHODS

Data come from river runners on the Snake River in Hells Canyon (see Danley, 1980 for a detailed study description). Located on the border between Idaho and Oregon, the 85-mile stretch of river is managed by the Forest Service as part of the National Wild and Scenic Rivers system. Float parties generally run the 85 miles in five days, although shorter trips are possible. Hell's Canyon is isolated from major population centers, and users travel an average of 300 miles to reach it. River trips are planned an average of 19 weeks in advance. Because the Snake is the only large whitewater river in the area, no substitutes are immediately available if users were denied access after reaching it. When data were collected, there was a daily launch limit, but permits allocated by a reservation and queuing system could usually be had for either the first- or second-choice launch date. Because launch limitations are in effect on many popular rivers, river runners seem used to the idea of limited availability of permits and of sometimes participating in lottery or reservation systems to obtain them.

The sample included all those leaving the Heller Bar take-out during the study period (August 4-22). Users were asked to fill out a one-page questionnaire (which included their name and address) on the spot. They were also given a longer questionnaire and return envelope. Of the 356 who received the

longer questionnaire, 308 (87 percent) returned it. Of the 308, 13 were illegible or incomplete, leaving 295 (83 percent) for analysis. This included 167 commercial passengers and 128 do-it-yourself boaters.

The questionnaire briefly described the five allocation alternatives, as in the example below:

Alternative 1: Purchase Permits

All individual users would be required to purchase permits from the Forest Service during the river season. A nominal fee would be charged for permits on "low-use" days; for "high-use" days (weekends and holidays), the permit would cost more.

This would mean:

1. Individuals could purchase permits from the Forest Service for as many launch dates as they wished.
2. Permits could be transferred to individuals other than the original purchaser.
3. Individuals could choose between a "low-use" and a "high-use" permit (depending on which day they wished to launch).
4. Permits could be purchased at any time prior to launch, including the day of the launch, until all launches for the day were taken.

Following each description, users were asked about their perceptions and evaluations of that system. Perceived chance of success was measured by asking, "How would this system affect your chances of obtaining a permit?". Responses ranged from, "It wouldn't affect my chances at all; I could obtain a permit whenever I wished to float the Snake," to "I could never obtain a permit under this system." An "I don't know" option was also available. Perceived fairness was measured by asking "Do you think this is a fair method of distributing permits?"

Willingness to try was measured by asking "Would you try to obtain a float permit by [this method]?" Responses for both items ranged from "definitely yes" to "definitely no."

Acceptability was measured by asking users to "indicate which system(s) you think are acceptable for issuing permits on the Snake River." Responses here were simply "acceptable" or "unacceptable." All hypothesized relationships were tested using path analysis.

RESULTS

Results are shown in Figure 2. For the pricing alternative, four of the six hypothesized paths are significant. Willingness to try is a function of acceptability of the system and perceived chance of success. Acceptability is a function of perceived fairness, and fairness is a function of perceived chance of success.

For the reservation alternative, again four of the six hypothesized paths are significant. Willingness to try is a function of perceived fairness and perceived chance of success. Acceptability is a function of perceived fairness, and fairness is a function of perceived chance of success.

For the lottery alternative, five of the six hypothesized paths are significant. Willingness to try the system is a function of perceived fairness and perceived chance of success. Acceptability is a function of perceived fairness and perceived chance of success, while fairness is a function of perceived chance of success.

For the queuing alternative, all six paths are significant. Willingness to try is a function of acceptability, perceived fairness, and perceived chance of success. Acceptability is a function of perceived fairness and perceived chance of success, and fairness is a function of perceived chance of success.

For the merit alternative, four of the six paths are significant. Willingness to try a system is a function of perceived fairness of the system and perceived chance of success. Acceptability is a function of perceived fairness, and fairness is a function of perceived chance of success.

A summary of results across all five allocation systems is presented schematically in Figure 3. Willingness to try a system is most strongly determined by individuals' perceived chances of success, with path coefficients ranging from .23 to .61. The effects of perceived fairness are less consistent and weaker, with one non-significant and the others ranging from .17 to .38. The effects of acceptability are most often non-significant.

Acceptability of a system is strongly determined by whether the system is perceived as fair, with one coefficient of .17 and the rest ranging from .50 to .67. The effects of perceived chances of success are most often non-significant.

Perceived fairness of a system is strongly determined by perceived chances of success in obtaining a permit. Path coefficients here are quite strong, with one at .37, one at .47, and three over .62.

DISCUSSION

The data presented here suggest several conclusions. First, users appear to follow similar patterns in the ways they perceive and evaluate allocation systems. For example, two individuals may disagree about whether a particular system is acceptable or whether they are willing to try it. But in both cases it appears they arrived at their conclusions in a similar manner, through perceptions of fairness and likelihood of success. The patterns are fairly consistent across all five systems, which are essentially replications using the same study sample. This suggests the general relationships between perceptions and evaluations presented in this research may hold true regardless of the allocation alternative being considered.

Second, the ideal of fairness or "distributive justice" appears to play a part in evaluations of allocation systems. The fairness ideal most strongly affects acceptability, but also has a significant effect on willingness to try. When the perceived chances of success are equal, users will be more accepting of and more willing to try systems they perceive as fair.

Third, evaluations of allocation systems appear to have both idealistic and pragmatic components. Results here suggest acceptability of an alternative is a more idealistic notion based on fairness alone, while willingness to try appears to be a more pragmatic notion based primarily on perceived chances of success, although fairness plays a significant part in this assessment. In other words, people are most willing to try a system which

will get results for them, while they report acceptance for any system which seems fair.

Finally, fairness may in part be an idealistic notion, but it is also highly correlated with individuals' pragmatic assessments of how well they will do. In this study perceived likelihood of success explained 14-45 percent of the variance in perceived fairness.

The implication of these findings is that if managers want to try a new allocation system, they need to convince users that it will give them a better chance of success. Convincing them of a system's fairness may help, but less so. Because allocation systems are needed only when a resource is scarce, managers may not be able to provide better chances of success for everyone. However, they may be able to choose systems which provide better chances for groups that place a high value on the resource.

These results also suggest that systems set up to allocate a resource with an abundant supply (giving most users what they want) will be tried by users, perhaps without regard for whether they are seen as fair. Should the supply become more scarce, users may be increasingly critical of the system, and fairness and acceptability become more important issues. It may make sense for managers to change allocation systems as supply/demand relationships and user perceptions change.

In summary, people appear most willing to try allocation systems which give them what they want; when systems do so, fairness is a secondary issue. However, most allocation systems

are implemented when scarcity is the rule. In these situations managers will find greater acceptance of allocation systems which have been designed around users' principles of fairness, perhaps based upon ideals such as equality, equity, need, and efficiency.

The model accurately reflects the history of allocation disputes on western whitewater rivers (Shelby & Danley, 1980; Shelby, 1985). At first, permits were granted to virtually all who requested them, and almost no one questioned allocation systems. With dramatic increases in use in the late 1960s and early 1970s, resource managers established carrying capacities to protect resources and experiences. As demand continued to increase, permits became more difficult to obtain, particularly for non-outfitted do-it-yourself boaters who apparently placed a high value on the river running experience. This group became politically active, citing the unfairness of permit systems which they felt were unequal (because of different procedures for outfitted and non-outfitted users), inequitable (because they did not recognize the "greater" contributions of non-outfitted users), or socially inefficient (because do-it-yourself users who placed a higher value on the experience were sometimes excluded in favor of more "casual" outfitted users). Fairness continues to be a major focus for protests regarding allocation systems operating under conditions of resource scarcity (Garren, 1981; Masoff, 1981).

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Figure 1

Hypothesized Relationships Between
Perceptions and Evaluations of Allocation Systems

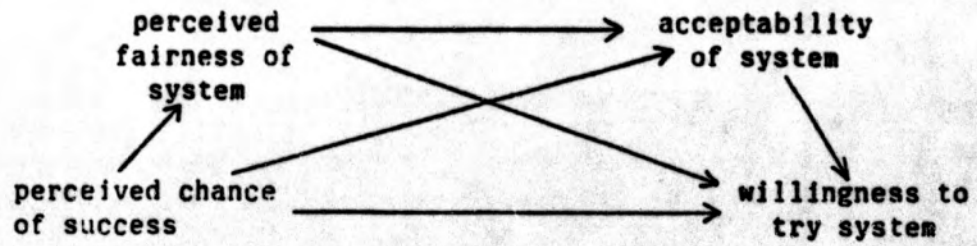
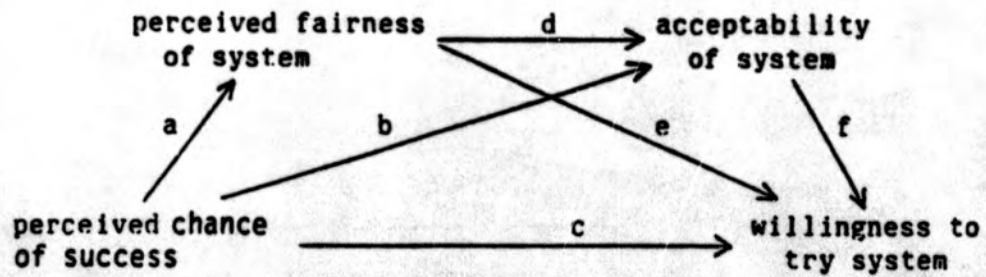


Figure 2

Relationships Between Perceptions and Evaluations^a



Allocation System	a	b	c	d	e	f
Pricing	.47	NS	.40	.67	NS	.36
Reservation	.62	NS	.23	.17	.36	NS
Lottery	.65	.16	.34	.54	.38	NS
Queuing	.67	.16	.61	.50	.17	.13
Merit	.37	NS	.40	.65	.36	NS

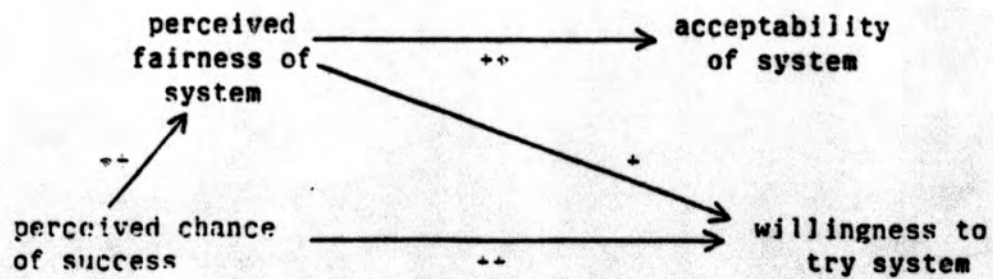
^aNumbers are path coefficients (P)

NS = not significant ($p > .05$)

Figure 3

Schematic Summary of Relationships Between

Perceptions and Evaluations^a



^a Figure presents conclusions about significant paths based on a synthesis of data from all five allocation systems. Non-significant paths are omitted, moderate relationships are noted by one plus, and strong relationships are noted by two plusses.

Alaska State Legislature

OCT 13 1988

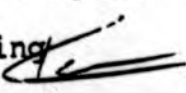
SENATOR KEN FANNING
119 N. CUSHMAN, SUITE 213
FAIRBANKS, ALASKA 99701
(907) 452-7624

P.O. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3880

MEMORANDUM

Senate

To: Representative Heinrich Springer, Chairman
Task Force on Guiding and Game

From: Senator Ken Fanning 

Date: October 10, 1988

Subject: Public testimony and executive sessions

In response to your memo of September 20, and to Senator Faiks's letter of August 15, I would have to agree that it would be appropriate for the task force to hold executive sessions for the purpose of taking testimony from those who would not otherwise testify.

It is my position that the Legislature empowered the task force to thoroughly investigate the problems currently manifest in big game hunting services, going so far as to give the chairman the power to subpoena, if necessary. I think it is of utmost importance to have the whole story told, and if it requires an executive session to hear it, then we ought to be prepared to take that extraordinary step.

I realize that in light of the ongoing debate over open meetings and open government, some members of the task force may be reluctant to engage in an executive session. However, it would be wise to bear in mind that the discussion of personalities is one of the very few reasons to close public participation. My many years of experience in the guiding profession would lead me to suspect that any discussions of the type to which Senator Faiks has alluded would undoubtedly delve deeply into personalities, and would easily justify an executive session.

Thank you for your consideration of this suggestion. If you would like to contact me regarding this or any other business of the task force, I will be available in Yakutat until the October 24 Fairbanks meeting. My number here in Yakutat is 784-3232.

Alaska State Legislature

SENATOR KEN FANNING
119 N. CUSHMAN, SUITE 213
FAIRBANKS, ALASKA 99701
(907) 452-7624

P.O. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3880

Senate

August 31, 1988

MEMORANDUM

To: Representative Heinrich Springer
Chairman, Task Force on Guiding & Game

From: Senator Ken Fanning *MF*

Subject: Suggested agenda item for next meeting

As you know, the issue of sale and transfer of restricted and joint-use areas is a perennially controversial one, but one that I believe ought to be thoroughly discussed by the task force at the earliest opportunity. I would therefore request that it be included on the agenda for the October 24-25 meeting.

It seems to me that it might be appropriate for the state to consider allowing the sale of restricted areas, not only to licensed guides, but to non-licensed "outfitters" as well. My reasoning behind this proposal is as follows: It doesn't make any difference to the game resources in a particular area if the area is assigned to a licensed operator or to an unlicensed operator, but what does have an impact is if the number of service providers in an area is not controlled, the situation we now have. If all service providers were restricted to designated geographical areas, and had to abide by the same regulations as licensed guides, relative to assigned areas, they would find it in their best interest to "husband" the resource. They would also be unable to move on to another area after taking all the available game in the assigned area. Additionally, the state would retain the power to take back an assigned area for non-use, and reassign it to another operator.

It is not without considerable thought that I am making this suggestion, because it is highly controversial. But I believe the time has come to seriously consider establishing a provision that allows for the sale of areas. Such a provision would go a long way toward alleviating our current problems associated with uncontrolled operators. I would be pleased to hear what your thoughts are on the issue.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

STEVE COWPER, GOVERNOR

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

July 12, 1988

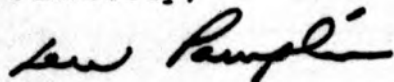
The Honorable Randy Phillips
Alaska State Legislature
P. O. Box 142
Eagle River, Alaska 99577

Dear Representative Phillips:

Dan Timm passed along to me your recent inquiry concerning our understanding of A.S. 16.05.370 paragraph (C). We interpret the phrase "... a person who transports big game from the field for compensation ..." to mean an individual who is involved in transporting big game from the field for another person and receives a monetary payment or some other remuneration for these services. Generally, this interpretation would cover most big game guides, outfitters, air taxi operators, or others involved in moving big game hunters in and out of the field. In our view, a person who goes hunting with a friend and shares expenses of the trip would not be required to report under this legislation.

I hope this answers your questions. If you need additional clarification, please contact me or Dan Timm.

Sincerely,



W. Lewis Pamplin, Jr.
Director
Division of Game

cc: Dan Timm

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.Muskox 3.Bison 7.Elk 11.Wolf 4.Caribou 8.Moose 12.Wolverian		
1	/ /				
2	/ /				
3	/ /				
4	/ /				
5	/ /				
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*Providing this information is optional.

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

ALASKA DEPT. OF FISH & GAME
ANCHORAGE, AK 99518-1888



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO. 708 ANCHORAGE, ALASKA

POSTAGE WILL BE PAID BY ADDRESSEE

ALASKA DEPARTMENT OF FISH & GAME

333 RASPBERRY ROAD

ANCHORAGE, ALASKA 99518-8879



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			
REGISTRATION	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.

100-111

AFFIDAVIT TO REGISTER BIG GAME
HUNTING BASE CAMPS, CABINS, AND LODGES
(Authority: A.S. 16.05.787)

Circle One: Base Camp Cabin Lodge

CAMP LOCATION: _____

SPECIFIC DRAINAGE OF FACILITY: _____

NUMBER OF BIG GAME HUNTING PARTIES USING FACILITY _____

NUMBER OF BIG GAME HUNTERS IN EACH PARTY USING THE FACILITY: _____

NAMES OF HUNTERS:

SPECIES TO BE HUNTED:

SPECIES TAKEN:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I CERTIFY UNDER PENALTY OF PERJURY AS PROVIDED FOR UNDER A.S. 11.56.200 THAT THE INFORMATION PROVIDED IN THIS AFFIDAVIT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

BUSINESS NAME _____ ADDRESS _____

PRINTED NAME _____ SIGNATURE _____

DATE _____ WITNESS _____

Mail upon completion of hunt to: Alaska Dept. of Public Safety
Division of Fish & Wildlife Protection
5700 E. Tudor Rd.
Anchorage, AK 99507

SENATOR KEN FANNING
P.O. BOX 80828
COLLEGE ALASKA 99708

Alaska State Legislature



P.O. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 485-3880

Rep. Heinrich Springer
Chairman
Task Force on
Guiding and Game
P.O. Box V
Juneau, Alaska 99811

November 1, 1988

Senate

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 5 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,

A handwritten signature of Senator Ken Fanning in dark ink, featuring a stylized 'K' and 'F'.

Senator Ken Fanning

rec'd 12/2/88
S

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

October 21, 1988

Honorable Heinrich Springer, Chair
Task Force on Guiding and Game
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Springer:

After reviewing the minutes of the last task force meeting and the agenda for the upcoming Fairbanks meeting, I would like to comment on the following issues:

1. Calling an executive session to take testimony from persons who would not otherwise testify.

The Task Force is governed by the "open meetings act", AS 44.62.310. This law states that, except for several specific topics which may be discussed in an executive session, all meetings must be open to the public.

The only executive session topic which may apply to the task force is one that "tends to prejudice the reputation and character of any person, provided the person may request a public discussion," AS 44.62.310(c)(2). This exception would apply if the witness intended to testify about unlawful activity of a guide. I have emphasized the last portion of this law, however, because the Supreme Court has held that the persons whose reputation may be damaged must be informed of that possibility and must be given the right to request that the testimony be given in public. University of Alaska v. Geistauts, 666 P2d 424 (1983). This creates obvious problems since you may not know whose reputation is at stake and may not be able to readily communicate to that person his or her right to have the issue aired in public.

If a person is reluctant to testify verbally in an open meeting, you may suggest that he or she submit a written statement. The statement, however, must also be made available to any member of the public who requests it.

2. Adding additional species to the guide required list.

Currently, a nonresident must be accompanied by a registered guide or by a relative who is an Alaska resident in order

STEVE COWPER, GOVERNOR

REPLY TO:

☐ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501-1294
PHONE: (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST
SUITE 400
FAIRBANKS, ALASKA 99701-4679

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

to hunt brown bear, grizzly bear, polar bear or sheep. AS 16.05.407. There have been proposals to add other big game to this list, including caribou, moose, black bear, goat, and deer.

Presumably, the purpose behind requiring a nonresident to be accompanied on big game hunts is to promote the hunter's safety due to the inherent danger of the species being hunted or to hazards presented by the terrain or climate of Alaska. Another purpose may be to prevent wanton waste of game meat by nonresidents who may not realize the difficulty of field dressing and transporting large game from the field.

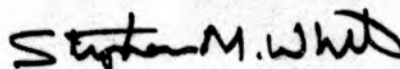
In order to satisfy constitutional requirements, these purposes must also be served by species which are added to the guide required list. All species that pose similar hazards/potential should be included on the list. This comes down to a factual question that is best answered by testimony from persons who are experienced hunters. First, the purpose for distinguishing nonresidents from residents should be identified. Is there evidence that a new specie, e.g., black bear, presents a greater hazard or a greater waste potential when hunted by unaccompanied nonresidents than when hunted by Alaskans? If the answer is yes and if the hazard/potential is similar to that presented by animals now on the list, the new specie should be added.

Other legal issues identified in the first task force meeting, for example, problems related to the transfer of restricted and joint use areas, have been made moot by the Supreme Court's decision in Owsichuk v. State that was announced today. I will be prepared to discuss the implications of Owsichuk with the Task Force at its Fairbanks meeting on October 24th.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By:



Stephen M. White
Assistant Attorney General

SMW:prm

ITEM # 8 - 5 PGS

NOV - 1 1988

..

REPRESENTATIVE HENRY Springer
Chairmen - Guide TASK FORCE
P.O. Box 1
Juneau, AK 99811

Roland Quimby
Registered Guide
PO Box 56056
North Pole, AK 99705

Dear Henry,

I didn't take the time to testify at a recent meeting in Fairbanks due to a close friend being in intensive care at the hospital but wish to enter some written testimony into the myriad of conflicting viewpoints relative to the guiding issue.

I think the whole issue is very complicated with problems ingrained for decades as well as a number of more recent problems superimposed. Two years ago I was licensed as a guide for units 20, 21 and 23. Presently, there are no places for me to guide because the guide board allocated almost all areas to other guides. As a biologist in Galena and Kotzebue for 4 years each from 1977-1984 I'm very familiar with those areas and what kind of guiding activity is going on. If you fly from Galena to Kotz (220 miles) one crosses 3 huge guide areas (Tracy unit 21, Walker and Jacobson unit 23). None of these areas are being used by the guides who have exclusive use, or have been used for the previous 5-10 years except very intermittently or sporadically. In effect, they are 3 more national parks with respect to guiding yet outfitters and transporters are hauling large numbers of

7)
CUT OF STATE hunters into these areas. I am very pleased with the recent Supreme Court decision on guide AREAS

Basically, a minority of active guides have utilized Exclusive guide AREAS to inhibit commerce and commercial use by other guides. The whole system concerning allocation of guide AREAS for the past 10 years is so riddled by corruption, lies, malfeasance of public office, bribes and illegal agreements and actions that, in comparison, the North Slope Corruption Scandal is a misnomer traffic violation.

As a former biologist the Guide Board and its action for the past 10 years is one of worst examples of resource management and allocation in history of game management in the U.S.A. To create a system that allows greedy commercial users of a public resource to basically self-regulate their activities defies logic and all the rules of common sense. By its action the Supreme Court of Alaska saved the state from worldwide embarrassment if the situation had ever been fully investigated by the Justice Dept. The best thing to do is to sweep all this sorbided past under the carpet and come up with some way to put Humpty Dumpty back together again.

Guides have never been able to get along and I don't think they ever will. The guide AREA concept was designed to try to illuminate these little territorial disputes. The Depts of Fish and Game and Public Safety supported the concept primarily because they thought it would be resister

6
TO ENFORCE the activities of guides if the guides were in geographically defined areas. The multitude of criminal cases filed against guides the past 10 years proved this to be correct. I don't believe anyone really viewed guide areas as a wildlife management and protection tool. It is extremely humorous to hear the guides rave about protecting wildlife resources, etc, etc when every time you turn around some guide is on trial for abusing the public resources. Please do not make guides responsible for managing and protecting the public resource! Let's leave that to the professionals of the Depts. of Fish & Game and Wildlife Protection. Guides should, however, be responsible for providing advertised services to their clients.

As mentioned previously the main thrust of the Guide Board has been to inhibit commerce and free enterprise by increasing requirements for new people to become guides, by administering an incredibly ridiculous and unfair guide exam and through the administration of guide areas. Approximately 80-85% of the people who took the guide test in recent years failed. Many of these people went on to become successful outfitters and transporters. They knew large areas were not being used or went out and discovered this and self-generated a business for themselves. If you really closely analysed the situation you would find that the guiding industry created the majority of their so-called Outfitter problem themselves through

(4)

their own actions. This is not meant to suggest that Outfitters are not having some serious or significant impacts on wildlife in some places. They certainly are, and in the eventual result of complex issue that has to be addressed.

I am concerned about the future of ~~the~~ professional big game guiding in Alaska. At this time the future is threatened, not so much by Outfitters but rather by the collective greed of some of the guides and now this has been manifested in guiding policy over the years. I would hope that young Alaskans of tomorrow can and do become registered guides. As far as diversifying Alaska's economy is concerned, the commercial use of game resources is a very important element, primarily because it can occur and benefit citizens anywhere in the state, not be localized in some particular area.

When the fire goes out and the smoke clears I hope at least some of the following occur.

A. That differences between guides, outfitters and transporters are resolved once and for all. This means act of give and take by all factions

B That the allocation of opportunities for commercial use be done fairly and responsibly by a board comprised of individuals who are bigger than their own self interests

5

C. That young Alaskans both urban and rural, native or white ARE AFFORDED A WINDOW OF OPPORTUNITY TO ENTER INTO these professions in the FUTURE.

D. That Commercial users can work closely with state wildlife managers to insure decent standards of ethical conduct and adequate protection of the public's wildlife resource.

E. That guides are NOT allowed to make an end run around the Supreme Courts decision simple to maintain the status quo at many other peoples expense.

F. That The Dept of Fish and Game be adequately funded and directed to institute management practices to increase wildlife population levels on state lands. ITS important not to just be concerned with the demand side of the equation, but the supply side as well.

I wish your ^{Committee} ~~Committee~~ all the success in the world. You have an extremely complex and challenging task. There are no easy solutions or quick fixes. The issue has to be carefully dissected and carefully put back together so that it runs smoothly and functions correctly in the future.

Thank You,

Roland Quimby

TANANA CHIEFS CONFERENCE, INC.
Tok Subregional Office
P.O. Box 126
Tok, Alaska 99780

M E M O R A N D U M

To: Ron Silas, Fish & Wildlife Director
TCC - Fairbanks

From: Rose Isaac, Community Resource Coordinator
TCC - Tok Subregion

Date: November 2, 1988

Re: Resolution #88-04

Ron, enclosed is resolution #88-04 in regards to hunting & activity on Doyon Lands.

I understand that Vernita Zilye of Rural CAP is on the Governor's Task Force. A questionnaire survey in regards to guiding were sent out to numerous agencies/individuals in early October.

We would appreciate your efforts and support.

Thank you in advance.

RI:cw

cc: Ted Charles
Will Mayo
Al Gozmar

TCC - TOK SUBREGIONAL ADVISORY BOARD
RESOLUTION #88-04

WHEREAS, The Tok Subregional Advisory Board met in quorum on the 11th day of October 1988 and,

WHEREAS, The Healy Lake Village Council found hunting and guiding activity on Doyon lands mainly in the 40 Mile area and,

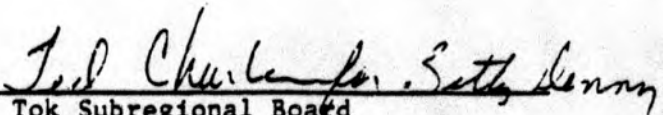
WHEREAS, The Healy Lake Village Council wishes TCC to address this problem as a subregional concern and hereby urges the villages to explore hunting and guiding activities as a means of our village participation using the Governors Task Force and,

WHEREAS, Commercial taking of game should enhance economic opportunities for such areas as use of skins, local jobs, and all other opportunities that may be of benefit to our people and,

THEREFORE BE IT RESOLVED that the Tok Subregional Advisory Board request the Tanana Chiefs Conference, Inc. to work cooperative with Rural CAP and the Task Force on guiding and game to review and recommend any possibilities that could help our member villages.

C E R T I F I C A T I O N

I, hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc., Tok Subregional Advisory Board of Directors on October 11, 1988 at Tok, Alaska.


Tok Subregional Board
Betty Denny, Chairperson

November 7, 1988

Rep. Heinrich Springer
P.O. Box 1630
Nome, Alaska 99762

Dear Mr. Chairman;

This is a letter of testimony regarding the guide/outfitter task force controversy.

I've been involved in this issue from day one and I am one of the founders of the Alaska Outfitters Association (A.O.A.). Contrary to popular belief, the A.O.A. was not formed to do combat with guides or any other organization. We joined forces for the same reasons trappers, fly tyers or archers groups are in existence in Alaska today:

- 1) To exchange ideas
- 2) To share advertising opportunities
- 3) Group insurance rates
- 4) Gain acceptance in the community as reliable business people

In order to have a direction to grow as outfitters, my partner and I went into Fairbanks armed with a tape recorder to interview Fish & Wildlife Protection as to the dos and donts of our profession. They were courteous and kind, but not very helpful. They said as long as we didn't break any Alaska State Game Laws and did not guide without a license, we'd be in good shape. We obtained a copy of the guide regulations to understand the definition of guiding and proceeded ahead. Somewhere along the line the newspaper articles started reporting outfitters being the main cause of death and illegal destruction in Alaska since the beginning of time. That year, out of the five customers we had, two animals were taken. Something had to be fixed.

~~Then~~ Then, when we got mad and started asking questions, we found out that there were guides in law enforcement (keeping an eye on themselves), guides in Juneau (making fair and equitable game laws), and guides editing newspapers (to keep the reporting sweet-smelling and sanitary). We sat in on many meetings with guide members and in my opinion, they were not reasonable or compromising. Why should they be, they had the industry monopolized.

It's been suggested to me many times that if I want to work in the hunting industry in Alaska, that I take the guide test like the rest of us had to. My response is always the same; I believe firmly that finding, stalking and killing an animal is the privilege a hunting license affords. If an individual chooses not to indulge in these practices, he's not hunting and has no need to shoot anything unless he's hungry.

Nov. 7, 1988
(2)

When Mr. Cabela decided to call himself an outfitter, he was within his constitutional right to do so. The dictionary also agreed with his choice of words. The term outfitter best describes the service he provides, and that goes for my business also. The bottom line here is mandatory contracts that spell out exactly what you get for your money, eliminating any confusion our clients may have. They have them in their hands sixty days before they arrive, therefore they can change their minds if they so choose.

At present time, the guides are being shot at from many different directions and in my opinion, they earned it. Everyone in our state should have the right to the resources and operate a business under the common use clause, as long as the sustained yield is maintained for future generations. This conservation is not the sole responsibility of guides, as they would have you believe. However everyones collective effort will insure ~~our~~ the success or failure of our resources.

I would guess that you have quite a task in front of you, but judging by what I saw last week in Fairbanks, you are an excellent choice and quite capable of cutting through the bullshit.

I bear no ill feelings against Ken or Pete, however I wish their parents had taken a little more time instructing them in the virtues of sharing.

Respectfully;

Michael J. Triolo
P.O. Box 674
Clear, Alaska 99704-5367
Bear Paw Outfitters

October 28 1988

40 Mile Air Ltd.
Mile 1313 Ak. Hwy.
P.O. Box 539
Tok, Ak. 99780

Dear Charlie:

Now that the hunting season is over for the year it is time to reflect what occurred last fall.

I have been using the 40 Mile Air for over 11 years out of Fairbanks and Tok working with the government. Your flying service and safety is outstanding which is the main reason for flying with 40 Mile Air. You people take pride in doing your job.

There is one thing that you need to improve on and that is your WORD. When I contacted you last April to line up our fall hunt for moose on Cedar Ridge you stated no one had applied for that spot and we should send our deposits soon to hunt there. You said you could put us in there for the opening day of moose season starting September 1st. The 3 of us sent in our \$200 deposits. Later I drop you a line in August to see if we were still scheduled to go in Cedar Ridge. We received no answer. I called you August 30th to see about our reservation and you said you were expecting us on the 31st.

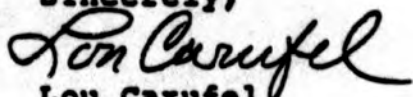
We arrived about 11 AM on the 31st. Also at that time we found out that 2 other hunters had been flown into Cedar Ridge 3 days prior to our arrival. We each had paid our deposits and expected to be flown into Cedar Ridge. It was the service we paid for based on your WORD. It would have been fairer for us if you had told us to come down a few days later so we could hunt the Cedar Ridge. After driving 200 plus miles and getting limited leave time for the hunt plus our fee it was very discouraging.

We noticed that when we paid our total bill of \$620.00 that mine was typed with Lower Joseph for the hunt area. The other two invoice were in pencil or ink and for Cedar Ridge. It is real disappointing to know you are not a man of your WORD. I feel you need a logging or reservation system so that you can keep track of where you put people and let others know before they commit time and money for a specific area to hunt when they make a deposit or an inquiry.

We have talked to other people who did not make a reservation or early deposits. They said they just came in and asked if you had anything open, were flown in. I feel that not keeping your Word and not informing us so we could make other arrangements in our plans needs to be brought to the attention of the Interim Task Force on Guiding and Game so that in the future outfitters like you will be required to record their commitments or reservations, have to make a contract with the hunter, and not have exclusive rights to an area. Once deposits are accepted a reservation or contract for a specific area has been made.

I have to tell people who ask me about hunting 40 Mile country that you over extends yourself to the point that one cannot expect to put in area when they make early deposit and that you do not keep your WORD. The other two hunters in our party concur with the above statements

Sincerely,



Lou Carufel
303 C Street
Fairbanks, Alaska
99701

cc. Heinrich Springer, Chairman
Interim Task Force on Guiding and Game
P.O. Box 1630
Nome, Alaska 99762

THE HELMERICKS

Walker Lake - Colville Village
Via 930-9th Avenue
Fairbanks, Alaska 99701-9998
(907) 432-5417

November 11, 1988

Dear Jan,

Enclosed are some notes on the Guiding & Game
issue that I would like to submit to the Tack Free.

Ice is 2' thick and winter is here in our Arctic
land once more. We are fishing under the ice once again.

Three years slip away quickly and once more we
are making preparations for Christmas. May you have
a wonderful holiday season.

We send our best wishes and kindest personal
regards. Good luck.

Bud & Martha



THE HELMERICKS

Walker Lake - Colville Village
Via 930-9th Avenue
Fairbanks, Alaska 99701-9998
(907) 452-8417

To The:
INTERIM TASK FORCE ON GUIDING & GAME

My name is Harmon R. (Bud) Helmericks and I am Master Guide No. 4, of Colville Village - Walker Lake, Alaska. I have been a Registered and then a Master Guide continually for forty-five (45) years. My wife, Martha, holds a Class A license and our three sons all hold guiding licenses. We have lived in, raised and educated our family in the Alaskan Arctic. We have worked and served in many facets of our Arctic economy and there have been a good many profitable spin-offs to our State and the local people from our guiding operation in education, transportation, tourism, commercial fishing, wildlife and resource management and specifically in our case, the direct discovery of the Prudhoe Bay Oilfield.

In writing these recommendations we feel as if many of our fellow guides and clients with whom we shared so much and who have now gone on into Camp ahead of us, are here again: people like Hal Waugh, Charles and Alf Madsen, Herb Klien, Sam O. White, Carolyn Johnson, Lenora K. Bull, Jack O'Connor and we could fill several pages with names. We hear their concerns again across the years - their concerns like those of our family were first and always for the resource. Their work and love passed those wildlife resources on to us. Those people knew, as we today realize, there must be a direct and personal interest in and involvement with our wildlife in a specific area or there won't be any wildlife resource.

Registered guides were Deputy Alaskan Game Wardens under the old Alaskan Game Commission and so it was we guides that protected the game in all of Alaska first, we were the first wildlife agents in most of the remote areas. We each had our own guide area respected by all and protected by our vested interests there.

World War 2 and the advent of excellent air transportation introduced the short,



-- page 2 --

fast hunt. The advent of Statehood saw large guiding operations on the "outfitter" scale develop around towns like Anchorage and Kotzebue while the old rules of respect for a guide's area and for the concern for the wildlife resources were gone. The guides were no longer deputy game wardens and the marginal guides drifted into the highly mobile quick profit "outfitter" that respected no one's area and no regard for the resource. The Guide Board sought to once again restore order and return to resource management practices through a restricted guide area system. These were allotted on prior usage, the Grandfather Rights system, the guides agreed to accept these strict limitations on their operation and the State had a good program of resource management that was workable. Somehow the term "exclusive" became attached to these restricted guide areas and you might say the concept of limiting the pressure on our wildlife resource had a bad press from the very start.

The restricted guide area program was carefully worked out, it solved most problems and it did protect our resources well for it brought sound game management practices in most cases. Some who hadn't been concerned for the resource and couldn't deplete the resource in their "mopping up" style, complained. It had only good news for the resident hunters for they benefited from the program, they could still hunt anywhere and they were now protected from the "outfitters' hunts." The guide area concept was soon buried under the Prudhoe Bay, ANILCA, pipeline - the spate of political power played by conservation groups and the unregulated lunatic fringe that followed. A tremendous group of people "found" the wilderness for one reason or another and they also found one big loophole in our Alaskan laws. If you were a guide you had to meet strict licensing and conduct standards; if you were an Air Taxi operator you were likewise closely regulated but if you simply called yourself an "outfitter" there wasn't such a profession in Alaska - so no rules, no laws, no regulation. There suddenly were more "outfitters" than guides or Air Taxis combined! They didn't have to be Alaskans nor even American, the only requirement was a \$25.00 state business license, nor was any experience required nor responsibility necessary. It is hard to believe how fast the big game numbers declined.

-- page 3--

The protection of our game resources was and must remain the number one concern of our licensed guides. It is through their operations that the hunting rights of the local people along with the resource are protected as has been demonstrated around-the-world. Without a commercially locally vested interest in wildlife, the resource is doomed. I wish to make the following recommendations to this Honorable Board.

1-- We need not invent the wheel again. Many of our problems have been faced and solved the world over as those by our neighbors B.C. and the Yukon. Let us take what section of their findings apply to us and use them here.

2-- Our restricted guide areas did work, the patterns are still there, they provided an excellent game management program for the local hunters in many cases. Unfortunately, their function was poorly explained to the public, mis-represented by political activists groups and taken advantage of by the "outfitter." The final straw - they weren't properly defined and were vulnerable to big land transfers, and in the court. Perhaps "limited entry" should have been the name applied here as it is in commercial fishing and we need a Constitutional Amendment to put the use and protection of our land wildlife on an equal footing with those of the waters. We have made a good start, we have a good foundation, we simply must keep building upon it.

3-- We have to face the plain fact that usage of our wildlife for a welfare program is not the answer to welfare, and that the "subsistence" issue is a farce, the ultimate-wildlife boondoggle, for as wildlife resource management programs there is no incentive to make them function.

4-- We do not have an outfitter classification in Alaska and never have had. The effort that has ridden through the loophole in our laws did so on the honorable name of "outfitter" as practiced in the South 48 and Canada often leading clients to feel they were in fact going on a legitimate guided trip. This is not to intimate all who called themselves "outfitter" were or are scoundrels, some are but many simply took the easy short cut and most will make good guides or Air Taxi operators or both and eliminating the "outfitter" loophole will allow them to do just that. The term "outfitter" like "exclusive guide area" must be struck from our records until such time, if ever, they

to actually apply. We might consider eliminating the term "wealthy" from the non-resident sportsman for most aren't anymore wealthy than are our non-resident tourists, and it is derogatory to speak so of Alaska's guests.

5-- There is no need to consider forcing guides to be Air Taxi operators. Now this quirk even got in I don't know unless in the hassle of "outfitters" trying to justify being unregulated someone sought to further penalize the guides. It is likely such a regulation would never stand a court test. The licensing of air certificates (FAR-Part 135) is also a Federal function and not State regulated.

6-- Remove the wildlife management as far from the daily political arena as is possible. Wildlife management is resource management, game ranching in reality, and this belongs to those who are so oriented. We should be interested in the quality and quantity of that-are the results produced. In connection here studies need to be made and plans implemented for Game Ranching on private lands since we now have vast tracts of private native lands that will have to be economically productive. The production and harvesting of wildlife on such lands is a viable business world-wide and needs to be proved here. The media, the lunatic fringe and so on, have usurped the rightful place of the biologist and rancher in too many areas of our resource management.

7-- Guiding, provides a "pump" to circulate money, employment and wildlife resource to remote areas. It provides sound wildlife resource management, it introduces people to Alaska who bring family and friends back as tourists, as investors and as ambassadors of goodwill. The parent business guiding, deserves the same help, protection and protection its stepchild tourism now enjoys.

8-- Under the old Alaskan Game Commission, U.S. Department of Agriculture, Registered Guides were Deputy Alaskan Game Wardens. It was an excellent way to police the entire state, to show the guides' concerns for our resource and that a guide was of the caliber to be a police officer. The system worked, we were proud of our badges, respected the laws and I would like to suggest this practice be re-introduced. If a person isn't qualified to protect our resource as a guide he certainly isn't qualified either to be a warden.

9-- Alaskans are probably the last ones in the world to learn there isn't enough

wildlife resource to go around and a fair and equitable quota system must be devised. A more equitable term is equitable harvest system with a percentage regulated for the guiding industry and a percentage going to the local peoples. We are struggling with this in our fish and sea resources and have yet to begin to address it in our game and land resources. We are bogged down in racism, racial discrimination and trying to solve it with a system of apartheid - and all the while operating under a constitution of equality. This issue I hate to bring up before this Interim Task Force, but we "must bite the bullet" to make a start and I feel you are a highly qualified body to just do that.

10-- A quota system for each guide area with the guide having a certain percent of the permits for his custodianship with the rest for the local and state residents such as the British Columbia uses. A guide cannot adequately provide service to an area with a lottery system for his payment. By knowing how many permits he is qualified for he then may figure an accurate realistic cost for each hunt and sell this permit for a figure that allows a high-quality hunt. Seasons can be lengthened, families involved, fishing, skiing and other recreations provided. The guide then will have a renewable business and the resource can be closely monitored and guides be a more viable part of the resource-community operation. A record of each specific area should be kept. Incidentally, I have kept such a record of my area over the years as to game counts, trophies and participants.

11-- The rights to guide areas must be owned outright - with a monetary value that can be sold, transferred, mortgaged or leased as the limited entry fishing permits are now.

12-- A sound guiding association with all guides participating is necessary. We have a nucleus in our APHA (Alaska Professional Hunters Association) and we have built on it. We need direction from the State to our Guides; legislation to provide a sound and viable guide-resource relationship.

The economy and welfare of our fish resources depends in a large measure upon our limited entry program and the responsible relationship between sport-fishermen and fish resources; the same is true of our wild game resources. The health of Alaska's big game

regulations depends upon those who protect the resource and who conduct the commercial hunting. By taking away the guide's ability to protect our resource we put every Alaskan in jeopardy of losing their chance to hunt, fish, view wildlife and to enjoy the wildlife resources of our State.

The legislature should resolve the current dilemma by requiring outfitters to meet licensing requirements as guides if they engage in any commercial hunting ventures. The long-term solution for the guide-resource-public future is a Constitutional Amendment allowing the State to assign restricted guide districts for the game, the same as it has assigned limited entry permits to fishermen.

In summing up I would like to simply state - every Alaskan has a direct, economical stake in maintaining a viable, responsible guiding operation.

xxxxxxx

11-3-88

Henry,

Here's an interesting couple letters that were sent to me of our Fish & Game employees. It seems that the following happened:

IN 1986, a Gary and John hunted the Inwoko and were outfitted by Dennis Confer, Wilg outfitters.

They apparently signed something which said they would not hunt the Inwoko again (Gary and John claim) unless they outfitted with Wilg Outfitters. Dennis of Wilg Outfitters claims says the "contract" stipulates not to hunt "within 150 miles".

We've told Gary and John that unless Dennis has an exclusive land use agreement with a private landowner (very unlikely), he cannot dictate where they hunt. Who they hunt with is an interesting legal question!

Sincerely,

Daniel Timm
Regional Game Supervisor
Anchorage

WILLY OUTFITTERS
2309 KILGENTRY CIRCLE
ANCHORAGE, AK 99504

Dennis Confe

John Rothendrieler
Touche Ross & Co.
Suite 1500
550 W 7th Ave
Anchorage AK 99501



10/19/88

FROM:

DENNIS CONFEE



John/Bill. Two of my hunting parties met you in our area. Seems like you benefited from me again. Friendship would not have had a float plane except for my business. It appears that you forgot your written word "not to hunt... (within 150 miles) without going thru Dennis...." I am departing for Col/d to visit and will return Nov 20 at which time I will take action. A man's integrity and creditability are very important in your position. I'd welcome any explanation for over

RECEIVED
OCT 19 1988

your apparent lack of integrity.
Please pass info to Bill.

Dennis
2509 Kilkenney Circle
Anchorage AK 99504

RECEIVED
SEP 23 1988

22 SEP 1988

GOVERNOR'S OFFICE

Governor Steve Cooper
State of Alaska
3601 "C" St., Suite 758
Anchorage, Alaska 99501

Dear Governor Cooper:

I am writing to express my opinion about the air taxi services in Alaska. My hunting partner and I recently flew out of Anchorage with Rust's Flying Service for a hunting trip. While we were giving Rust a deposit for our trip we were told we could fly anywhere in Unit 16B for \$250.00 each. We were also asked where we would like to go. I gave Rust 3 areas that I had read about that were said to have a good population of moose. Rust said that all the areas I gave him were very hard to hunt so we asked him what area he would recommend. He said that Beluga Lake would be a good area for moose. We gave him our deposit and said Beluga Lake would be fine. I talked to another employee where I work who had been a guide in Alaska for many years and he said Beluga Lake should be a good area. My hunting partner called the Alaska Fish and Game and got the same response. I bought some good maps of the area to help us in our hunt. When we arrived on Friday the 9th of September for our flight he then told us that Beluga Lake would be too hard of an area to hunt and recommended Long Lake. He did not explain why Beluga Lake was OK when we made our deposit and not OK now. We told him that if there were moose at Long Lake it would be fine with us to change locations and he assured us that there were moose. We did not see any moose during our flight in, we did not see any moose, sign or tracks of any kind during the 6 nights and 7 days we were there. There were 6 other hunters at this lake and they did not see any moose or any sign of moose during their week long stay. We did not see any moose on the flight out either. The pilot on the way out said that he had shot a moose at this lake last year and one of his last remarks was that "maybe all the moose have been shot out of this area". \$250.00 is a lot of money for me and my vacation time is valuable. I know that a flying service or guide cannot guarantee a moose, but to have someone make a statement like that after spending a week out there and spending that kind of money makes me angry. They fly on a regular basis and they should have known that there were no moose in the area at that time. I am a good hunter, but if there are no animals there it does not matter how good you are. I also feel that they should have taken us to Beluga Lake like was originally agreed upon.

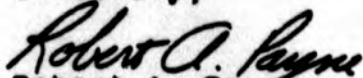
Governor Steve Cooper
State of Alaska

I know that nothing can be done about this now. I will just have to learn from this experience. The reason I wanted to explain all this for is because I feel that the flying services in Alaska need to be regulated in some way like guides are if they are going to fly hunters and fishermen out. I feel that if there were some kind of regulations other hunters may not go through what we went through. I also feel that with the proper regulations these trips would be much safer for the public.

I for one will not ever fly with this company again nor will I recommend them to anyone I know.

Thank you for your time and I hope that you will support some legislation on this problem.

Sincerely,



Robert A. Payne
2221 Muldoon Rd., Space 693
Anchorage, Alaska 99504

CC: Rust's Flying Service
Better Business Bureau of Alaska, Inc.

AKHIOK KAGUYAK, INC.

NOV 28 1988

November 22, 1988

Representative Henry Springer, Chairman
Task Force for Guiding
PO Box V
Juneau, Alaska 99811

Dear Representative Springer:

We have reviewed the recent decision of the Alaska Supreme Court regarding exclusive guide areas and are concerned about the impact this decision will have on land management policies. As Kodiak Island Native corporation land owners, we are specifically concerned about impacts on the big game population, general land management, and the management of our private corporate lands. We are writing this letter to inform you of our concerns and to request participation in the deliberations of the Task Force for Guiding as new policies are formulated regarding guide area management.

As you are aware, Native corporations own large tracts of property throughout Alaska. In some cases, and especially in areas such as Kodiak Island, the Native corporations may own all or a large portion of a specified guide area or management unit. The Native corporations will thus be impacted by any changes in guide area management systems.

Previously, Native corporations could deal with one or two guides who might be using a particular guide management area year after year. The guide or guides would have an interest in protecting our property and the resident game population since they would be depending on the same area in future years. Now, we may have several different guides wishing to use our property in any given year and these guides may change on an annual basis. Thus, the guides may have no self interest in treating our lands and game populations with respect, nor be overly concerned about renewable resource management. Consequently, we are very concerned about minimizing the impact of any new guide policies.

We believe that it is in the best interest of the state, the guides, the general public and the Native corporations to recognize that large land masses of private property cover large portions of many guide areas and that this fact should be taken into consideration as new guide policies are formulated. Through the incorporation of private land owner considerations, new policies could encourage corporations to continue to make their lands available to registered guides and prevent the creation of geographic holes in the state's guide management program.

Rep. Henry Springer
November 22, 1988
Page Two

In view of our direct interest in the new policies and our assumption that the Task Force for Guiding will be involved in formulating these policies, we request an opportunity to participate in the policy making process and your various meetings on this subject. We understand the Task Force for Guiding will be meeting on December 12, 1988 and would like to inform the Task Force of our concerns. Please let us know how we can participate in this meeting. If you have any questions, please call Ralph Eluska at 338-2322. We appreciate your consideration of our request and look forward to hearing from you.

Sincerely,

Ralph J Eluska

Ralph Eluska, President
Akhiok Kaguyak, Inc.
5028 Mills Drive
Anchorage, Alaska 99508


Uwe Gross, Chief Executive Officer
Koning, Inc.
4300 "B" Street, Suite 407
Anchorage, Alaska 99503

kk

Guide Task Force

P.O. Box 111734
Anchorage, AK 99518
November 27, 1988

I have lived in Alaska for over 30 years and hunted as much as my time and money allow.

I don't have a plane, so at times have employed the services of a guide or an outfitter. I feel strongly that this is America with free enterprise and both services should be available to choose as one needs, wants or is able to afford.

On several trips I have paid most plane expenses for a friend or co-worker who owns a plane to drop me off. I am sure it was the Legislature's intent to allow a person with a plane to charge for most expenses as the FAA allows when SB 191 was amended to allow one to charge for gas money only. It's only fair and right that this be changed to say expenses: (compensation should only be money that exceeds expenses, not merely gas money.) Anyone who owns a plane can verify that with tie downs, personal property tax, maintenance, insurance, etc., the cost to operate a Super Cub alone is approximately \$60 per hour and higher for more expensive planes.

I feel very strongly that the offense of guiding without a license being made a felony should definitely be changed. For this law to ever have been passed shows the excessive political power the guides have over our Legislature. There is no other profession in Alaska in which to practice without a license is a felony, even for multiple offenses. This gross injustice must be corrected.

If any offense should be a felony, it should be against the guides who threaten a resident hunter who is legally hunting somewhere.

Two co-workers were threatened by a guide and three assistant guides that they wouldn't allow them to hunt there, and if they didn't leave they would "break your F---ing legs." They left and flew direct to Anchorage and filed an official complaint and nothing happened. This offense should result in at least the loss of their guide licenses. Since they "claim" to be professionals representing the hunting industry, they should also be examples and the penalties for them for other violations, such as wanton waste and same day airborne should carry a stiffer penalty than for someone else.

STEVE RIDD


WEST ALASKAN OUTFITTERS, INC.

William M. Slomp, President

P.O. Box 963

Soldotna, AK 99669-0963

Ph: 907-262-7409

November 28, 1988

Honorable Heinrich Springer
P. O. Box 1630
Nome, Alaska 99762

Dear Mr. Springer,

My name is William M. "Bill" Slomp. I am an outfitter that operates west of Lake Clark. My wife and I have been outfitting for 5 years.

I would like to explain to you how I operate my business. I do not advertise for my hunters, they hear about us from previous hunters. I try to take 10-12 hunters for caribou or moose each fall. I have an airplane which I use to set up camp and to transport meat and horns with after the hunt.

My hunters are picked up in Kenai and usually spends the first night at our home. We are licensed vendors so we are able to sell them their license and tags.

The next morning we drive them back to Kenai, to be picked up by a chartered air taxi, which flies them directly to camp. We furnish all food, warm tents, cots, cooking utensils and a cook.

I do not accompany any hunter in the field when he is hunting big game. I do help pack meat for the hunters when I am not flying meat and horns back to Soldotna or supplies into camp. I do not let the hunters bone the meat out. We have the hunters quarter the meat in pieces that can be handled by packing out on their backs. I, in turn, haul the meat to Soldotna in the same condition.

At the end of the hunt the air taxi picks up the hunters and flies them back to Kenai. They are then taken to our home in Soldotna. We furnish them a place to stay, where they can take care of their meat, and horns for shipment. What meat the hunters don't want is given to local people.

These hunters are blue collar people, most who would not go with a guide, because of the much added expense.

The area I picked for the hunters to hunt in was chosen because there is a lake to land on, the ground is firm, has high knobs, so the hunters can use these to their advantage. There are moose and caribou available. I have hunted this area for 5 years and have noticed an increase in wildlife numbers each year.

Supposably, what we hear from the guides is that the outfitters are killing off all the big game. Something that should be looked into more, is the difference between an air taxi and an outfitter. The air taxis in our area are hauling in hundreds of hunters. The air taxis have hourly rates and outfitted hunts for which they provide tents, camp, ax, and cooking utensils for a fixed price. They also have what they call a trophy hunt where they can take hunters to their base camps and distribute them in a super cub to more isolated areas.

If the weather goes bad for a few days the air taxis get so far behind because of the great numbers of hunters that they have out in the field. This leaves hunters that were suppose to be picked up on certain days, 2-3 days late being picked up and some hunters are never checked on the whole time they are in the field.

The air taxis and outfitters are getting a bad name because of the over booking of clients. If the outfitter is forced out, you still have the problem of too many hunters in the field, because the air taxis will still be able to fly in large numbers of people. They may not be able to sell outfitted hunts, but they still would be able to sell/rent a camp to the hunters in some manner or another.

We have seen air taxis starting to argue among one another because there are 2-3 air taxis dropping hunters off on the same lake or river.

If part 135 goes into effect for all outfitters and guides, this will not help the situation of over hunted wildlife. This only gives the air taxis a helping hand in one way, but on the other hand you'll see more air taxis started up. They will have to book more hunters to stay in business. If part 135 goes in effect, it should be required by both guides and outfitters as well, no exceptions!

We might regulate the outfitters by some of the requirements that were started this year. Such as:

1. Register camps
2. Harvest Reports
3. Transporter logs
4. Affidavit of nonresident hunting for moose or caribou

Other requirements could be as follows:

1. License all Outfitters
2. Restrict the number of camps
3. Limit the number of hunters per outfitter
4. Require insurance
5. Require First Aid card
6. Regulate the use of airplanes to base camps.

I believe the guide board should be abolished and guides be regulated by the state of Alaska, not the guides.

I am against area concept, because there are guides that will never be able to guide on their own, because of the high prices being paid for the guide areas.

There are guides that had areas that are outfitting nonguided hunters and guiding other hunters in the same area.

There are guides that hire nonresident people to be assistant guides, to guide nonresident hunters. I don't see how this could be legal.

I believe outfitters and guides could work this out so both could operate as a guide or outfitter per regulations for both groups.

One solution may be to make two user groups such as:

1. Guides and Outfitters
2. Transporter and Outfitter

Then let the fish and game manage the resource.

It is too bad that we have "bad" apples in the outfitters, guides, and air taxis. It does not come from just one user group.

The definition of a guide and an outfitter out of a 1979 Webster dictionary is as follows:

An Outfitter: one who supplies and sells or makes outfits.
Outfits: A filling out; an equipping

Guide: 1. To point out the way for; direct on a course, conduct, lead

2. To direct the course or motion of (a person's hand a vehicle) by physical action

3. To give instruction to: to train

4. To direct (the policies, action, etc.) of manage, regulate, govern

5. Person whose work is conducting strangers or tourists through a region, building, etc.

Thank you for your time. We realize you have got some very tough decisions to make. You can't please all of us, but I hope the task force will be able to come up with useable solutions that will be workable to the guides, outfitters, and the air taxis.

Yours truly,

William M. Slomp, Pres.
William M. Slomp, President
West Alaskan Outfitters, Inc.

cc: Mike Navarre
Nick Pierskalla

P.O. Box 670869
Chugiak, AK 99567
December 6, 1988

Interim Task Force on Guiding & Game:

I definitely do not believe that guiding without a license should be a felony. Various professions, such as medicine, pharmacology, law and psychology may be practiced without a license, and those doing so without a license would be guilty of nothing more than a misdemeanor.

I think it's obvious that the wealthy guides had a great deal to do with the passage of this unfair and unequal law. The political power of the guides is too immense, and something must be done to lessen their purchased power.

Guides may give lip service to talk of "protecting the game" with the passage of various laws pertinent to their profession, but the guides decimate the game far more than any outfitters or resident hunters.

When the guides talk of protecting the game, what they are really saying is "protect our money". Guiding is nothing more than legalized selling of game, and IT should be abolished!

Edward E. Johnson

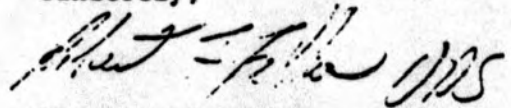
EDWARD E. JOHNSON

4331 Mars Dr.
Anchorage, AK 99507
December 4, 1988

To the Interim Task Force on Guiding and Game:

The guiding profession, in general, already has a very poor public image. The changing of the offense of guiding without a license to a felony has caused additional public resentment, as it shows the excessive power of the guides. Since guiding is the only occupation one can practice without a license and be a felony, it must be changed to give equal protection and punishment to everyone.

Sincerely,



DR. ROBERT FELKER

GUIDE TASK FORCE

SRA Box 8809
Indian, AK 99540
November 28, 1988

I have hunted extensively in much of Alaska since moving here in 1967. For most of that time, I didn't own a plane and usually shared or paid most of the expenses to go in a friend's plane. (The FAA allows one to share expenses; it doesn't have to be shared equally; for example, it could be 90%-10%). If I have a friend drop me off, I feel obligated to pay most of his expenses (not just gas money), since as a plane owner knows, the gas is approximately only 1/3 the cost to operate a plane. This must be changed as it is currently written. Presently, to get paid more than gas money (but still not exceed actual expenses) can be considered compensation. This would make one guilty of guiding without a license, which is currently, of all things, a "felony".

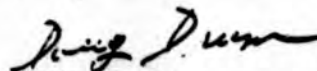
The felony offense must be changed, as it violates the equal protection and due process guarantees of the U.S. and Alaska Constitutions.

Fish and Wildlife protection officers should definitely not be allowed to hold any type of guide license. This is clearly against the law per AK Statute 3952170 (Outside Employment) and a memorandum dated Dec 21, 1984, from Commissioner Robert J. Sunberg to the heads of AK State Troopers and Fish and Wildlife Protection, which says "no outside employment will be allowed in alcohol dispensary or the guiding profession." If a public employee violates the law, I feel they should be just as accountable as any other person. Any that have violated the law should be asked to resign or be fired.

The penalties against a guide who harrasses or threatens a resident hunter hunting should be enforced and the penalties made more severe and deterrent. I know of cases where official complaints have been filed and nothing was done. This problem would be greatly reduced if they would lose their guide license for this offense.

One thing pertaining to an assistant guide that has not been brought up, but should be, is what is the meaning of "working under the supervision of a registered guide"?

The guides don't want it defined and have been running a very loose policy pertaining to this. Where does the guide have to be while supervising the assistant guide (whose only required qualification is a recommendation from a guide), in the field, 150 miles, 300 miles? In Anchorage, Seattle, or Denver? This is happening. Supervision must be clearly defined.



DOUG DRUM
OWNER OF INDIAN VALLEY MEATS

Dec 5, 1988

To Whom It May Concern:

I am in favor of changing the law which reads that guiding without a license is a felony. It should be changed back to a misdemeanor without fail--and soon!

The guides, along with help from special-interest groups within Fish and Game and Fish and Wildlife, helped get the passage of this law through the Legislature without any discussion whatsoever on that portion of the bill passed!

Various members of Fish and Wildlife have assistant guide license, and HAVE assistant-guided, even though there is a LAW which states they are not allowed to be assistant guides!

Why is this allowed? Innocent victims are hounded and harrassed by Fish and Wildlife and guides, while those supposed to be prime examples of the law, and upholding the law, are allowed to get away with breaking the law.

Please do all Alaskans a favor, and insist that this unfair law be changed swiftly, making guiding without a license a misdemeanor instead of a felony.

Sincerely,

Ann Johnson

ANN JOHNSON

Guide ruling opens door for opportunity, mischief

In striking down exclusive guide areas our Supreme Court justices may find their gavels reverberating like an ax handle off a frozen spruce burl. While some may relish whomping a few peaky guides (a group that includes me) for "special privileges," the chips are likely to shower far beyond that fraternity.

Before tracing possible chip trajectory, let's review why exclusive guide areas were created. It was done primarily to protect game, not guides.

Prior to being confined to exclusive areas, guides could operate anywhere in Alaska for which they were licensed. As more guides began hunting state populations increasing, burgeoning competition from "outfitters" not confined to limited areas, easier access into remote wilderness areas and loss of huge expenses of hunting grounds previously available (courtesy of the Alaska Land bill), game in the remaining habitable areas started taking a pounding. The attitude of some mobile, mass-producing guides seemed to be: "If I don't kill it, someone else will." And kill they did. Some took dozens of moose and scores of moose annually. Cleaning one area after they like grizzly bears moved on to another.

By confining guides to small areas it was hoped they would far more judiciously harvest game from there. That's what happened. As well, in their self-interest many acted as effective game wardens, reporting violations of bandit guides who invaded their areas.

Obviously there are parallels between exclusive guide areas and fishing limited entry. However, "limited entry" for guides placed far



Jay Hammond

bushraflings

greater restrictions on them than does limited entry for fishermen. Guides were limited entry into all other areas within a district. Fishermen are permitted to move from area to area within a large district.

Additionally, guides were only permitted to sell their "limited entry permits" to other Alaskans who were licensed guides. Moreover, the transfer had to be approved by the state guide board. No such constraints apply to fishermen. Their permits may be sold to residents, non-residents, aliens, felons or incompetents. No state approval is required.

Curiously, many Alaskans who find nothing amiss with the far more lenient and profitable transfer of fishing limited entry permits sorely resented granting guides a far lesser dispensation. Even fishery limited entry was even more flagrantly in the face of the court's opinion than does limited entry for guides, many fishermen were alarmed by the court's decision. Not to worry. In 1962 our constitution was amended to grant fishermen much greater special privileges than those now denied guides.

Where do we go from here? We're not just back to square one where a few bandit guides threatened to decimate game, we're back to square zero. Now there are many more guides, outfitters

Daily News
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and hunters competing for less game than is found in the state of Wisconsin. Gone is a major incentive for guides to harvest game prudently. Once more it's "If I don't kill it the other guy will."

Proposals to curtail such actions will likely include much more stringent regulations. More species and areas would go to restrictive tag systems, lotteries, seasons and bag limits. If so, guides will not be the only losers. Every Alaskan hunter will pay the price in lost freedom of opportunity, unless something else is done to impose constraints — like those which attended exclusive guide areas.

Now all we need is a severely limit the number of guides. For which I would like to see a contract: 1. Limit the number of guides per district and institute a system of area licensing similar to that imposed on some fishermen. Every guide would have to register each year for one or two areas in which he wished to guide. He would then be confined to guiding there only; along, of course, with any other guide who is registered. Either of these proposals would at least offer us that grim reaper again.

One plus to the court's action: No longer must I, as a hunter, 100 miles to my guide area. Now I can take them out in my own back yard. Just as outfitters have been permitted to do since 1962. As a consequence, my penalty for holding a guide license has been removed. The door has been opened for greater opportunity. Too bad it's an opportunity for unbridled mischief that hinders game management.

□ Jay Hammond was governor of Alaska from 1974-1980.

enough to obtain a list of their congregation and investigate them and ask them their sexual preferences? The answer is clearly no.

One more thing. I do not believe the Spenard Action Committee closed down the massage parlors like they claim. I believe the drastic decline of the state's economy was the determining factor. People moved to a more economically beneficial area in which to do business.

We can't let these things happen. Who will be next on their list? You?

Daily News 12/9/88 Lisa Huntley

Guide industry being destroyed

Hunting guides have been led astray by the State of Alaska. At a time when every job counts in Alaska, the state is about to let a great industry completely destroy itself.

Guides lost their restricted guide areas due to a court decision that proved that guide areas would not stand up to the state Constitution. This was the same type of deal for the commercial fishermen, so the state changed the Constitution and restricted the fishing permits. There was so much wrong with the last issuance of guide areas, however, the state seems like it wants to abolish the entire guide area concept, thus destroying a very valuable tourist industry. What the hell, just drill another well to make up the difference.

ALL federal and state agencies that guard over Alaska's wildlife agree that guide areas are a necessary and productive tool to wildlife management. The Daily News calls guides a dying breed. If Alaska proves to the world's hunters that guides no longer are an interest to the state, then Canada, which manages its guides with professional interest, will take in the millions that Alaska once received.

Most all Alaskan guides are long time Alaska residents. They spend millions in this state. Half the commercial fishermen in Alaska are from out of state. They own permits worth thousands of dollars because the state limited them. All the guides want now is a non-valuable permit to carry on a business into the future. We have invested millions into

our industry only to see it now being destroyed. When we have a limited resource, we must limit the takers.

— Mark Miller

Keep hydrants clear of snow

I am president of the Anchorage Fire Department Employees Association. As an auxiliary, we volunteer for many non-profit fund-raisers and fire safety educational activities.

At this time, I would like to mention an

Railroad bonuse

The Anchorage Daily News in its Dec. 2 editorial "Bonus time at ARR" questioned whether the Alaska Railroad's plan to pay employee bonuses is "the best

use of the money." We believe it is. That's obvious or I wouldn't have made the decision. Rest assured, it was a decision that was not made lightly.

As the Daily News points out, there are other ways we could spend the nearly \$700,000 we expect to pay employees. We considered them ourselves. The key point in the editorial, however, seems to be a push for the Alaska Railroad to pay taxes to bolster ailing state and local governments.



A dying breed gasps: High court ruling knocks big game guides flat

By CRAIG MEDFORD
Daily News outdoors editor

The last of America's professional hunters gathered in the basement of the Egan Convention Center on Thursday to confront the changes that threaten the foundations of their business and their way of life.

Gone, possibly forever, are the exclusive hunting areas that have ensured the economic viability of big game guides in Alaska, assistant attorney general Steve Smith told them.

"We're going to have to see what the free market does in who survives now," said Randall Burns, state director of the Division of Occupational Licensing.

At first, the more than 100 guides in the room refused to believe what they were hearing. They had read, or read about, the state Supreme Court decision that struck down as unconstitutional a law granting guides exclusive hunting areas, but they could not accept the finality of the decision.

The seven members of the state Guide Board were similarly befuddled. It would take hours for them to convince themselves there was nothing that could be done, and their arrival at that conclusion would not come easy.

"I got the draft here that everyone has given up," guide and guide board member Stan Frost said early in the day. "Is that the direction we're going? How do you guys out there feel?"

Shouts and applause erupted

from the audience.

How many guides want to fight the Supreme Court, he asked. He called for a show of hands.

A handful or more arms robb skyward.

But neither the Guide Board nor the legislature can make things the way they were before the court decision, Smith said.

Again and again, he explained that a "common use" provision unique to the Alaska Constitution stipulates that no individual or busi-

ness is entitled to special privileges to hunt or fish.

The state's 440 licensed guides are going to have to work within a system that allows everyone the same opportunity, Smith said.

"No big-game guide can operate under that system," countered board member Chuck Weir. "These people are going to have to sell a constitutional amendment, a limited entry system."

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GUIDES: Dying breed confronts court ruling

Continued from Page C-1

The outcome was a ceiling on the number of salmon fishermen and a permit system that made some fishermen rich. Permits originally given to fishermen for free are now being sold by some of them for more than \$200,000.

Guides don't think voters would ever approve a limited entry system to protect the

professional hunting business.

Most of the 255 guides who once held areas want a way around the Supreme Court decision. They consider themselves in a fight to save a profession that has died most everywhere else.

"We've been accused of looking for a loophole," said guide and guide board chairman Ray McNutt. "I don't want a loophole. I want a

legal system.

"I'm angry because I think I've been betrayed by the state," said guide Kelly Vrem.

Vrem threatened to sue. So did others.

Smith told them to save their money. The state, he said, is immune from suit for following the orders of the court.

State wants guide ruling postponed

By BRIAN S. ARRE
Anchorage Press

UNFAIR — The state has asked the Alaska Supreme Court to postpone until June 1 the effective date of its recent decision banning exclusive guide areas for big game hunting.

The court ruled Oct. 21 that exclusive guide areas were unconstitutional. The ruling immediately invalidated permits, held by 256 guides, for exclusive or joint use of hunting areas.

Exclusive guide areas were created to maintain big-game populations by limiting the number of guides who could legally lead hunting parties in designated areas. Critics said they amounted to state-granted monopolies.

Petition filed in ban on exclusive big-game areas

Because of the ruling, 184 state-licensed guides who did not have exclusive guide areas can now lead hunters through any game-management unit for which they are certified. Depending on the unit, the number of eligible guides has increased threefold to sixfold, the state says.

State officials say more time is needed to prepare new regulations to prevent big game from being over-hunted.

"The Oct. 21 effective date of this decision creates the need for hastily conceived and implemented restrictions to

protect game resources for the spring 1989 bear hunts," Assistant Attorney General Stephen M. White said in a motion requesting the postponement.

"It also creates a potential for a substantial loss of income for guides and creates a potential for ill will from their customers, both of whom have already booked hunts in reliance on the former system," White wrote.

White noted that it is customary for Alaska guides to be booked six to 12 months in advance and to require a 50 percent deposit upon booking. State fish and game officials estimate 284 hunters

have booked spring hunts and deposited more than \$1 million.

In some areas the state Board of Game may use a drawing to allocate nonresident permits which previously were distributed on a first-come, first-served basis. If out-of-state hunters who have already booked hunts are unable to win permits, their deposits will have to be refunded, White said.

"The need to refund deposits will create economic hardship for guides because some of this money has already been spent in preparing for the upcoming season," White wrote in the motion

filed Friday.

W. Lewis Pughlin Jr., director of the state Game Division, said in an affidavit that without a postponement the board will have to call an emergency meeting in January at a cost of up to \$15,000.

Charles E. Tufts, the attorney who challenged the exclusive guide area system on behalf of an Anchorage guide, said Monday that he had not fully studied the state's request and was unsure whether he would oppose it. However, he questioned if a postponement could be granted.

White said he expected the court to rule in late December at the soonest.

rec'd 2/12/55
Arch. note

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 Registered 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 unanimous 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 privileged 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 privileged 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 guilty (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 operators.

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.

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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

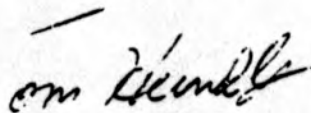
necessary place quotas on the number of animals a guide can take.

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,

A handwritten signature in cursive script, appearing to read "Tom Hundley".

Tom Hundley
Reg. Guide

TELECOPY COVERSHEET

KENAI PENINSULA LEGISLATIVE INFORMATION OFFICE

312 TYEE STREET

SOLDOTNA, AK 99669

OFFICE NUMBER: (907) 262-9364

TELECOPY NUMBER: (907) 262-1881

DATE: 12/12/88 TIME: 8:55
TO: Rep. Springer - Big Game Guide Task Force
TITLE: Chairman PHONE: _____
COMMENTS: Sender states these were to be fax'ed
at Mr. Pieraskalla's request.

FROM: Max + Vicki Pate
TITLE: _____ PHONE: 776-8926
COMMENTS: _____

NUMBER OF PAGES FOLLOWING THIS COVERSHEET: 32

IF YOU DO NOT RECEIVE THE TOTAL NUMBER OF PAGES FOLLOWING THIS COVER LETTER, PLEASE TELEPHONE OUR OFFICE. OTHERWISE WE WILL ASSUME YOU HAVE RECEIVED THIS TRANSMITTAL SATISFACTORILY.

SENT BY: Arlene

December 9, 1988

Sal: Mr Heinrich Springer, Chairman
Hunting TASK FORCE
330
Alaska 99762

To: The Honorable and Overworked members of the Task Force:

You will find, attached to this letter, 28 petitions which contain a total of 361 signatures. These signatures were collected from October 25, 1988 to December 9, 1988 in the greater Kenai - Soldotna area. They represent my husband's and my efforts to alert the public that what has legislatively been done to the citizens of Alaska in SB 191 and a group of entrepreneurs called "outfitters" is singular.

We weren't able to put in a lot of time collecting them, or there would be many times the amount. Most people grabbed the pen from me in a haste, after they read what it said. These were people who, for the most part, were totally unfamiliar with SB 191 or its provisions. They were MAD when they learned about it, and realized its effect on them. Less than three percent of those approached agreed to sign.

There are roughly 27,000 people living in the area where these petitions were circulated. There are 400,000 living in the state. If we had had the time and the money to distribute them statewide, that would work out to 5,346 signatures, using the same percentages. If we had been out a month instead of fifteen days, that amounts to 64 signatures a month.

The general public IS NOT aware of this bill or its ramifications. The general public HAS NOT given its opinions to this body; you have been listening to vested interests. The majority of hunters, who are the consumer group affected by this legislation, will not bother to come to your hearings, wait forever and then testify. You may call it apathy if you wish, but realistically if a person must work for a living he doesn't have the time or energy to get involved in every issue in which the government attempts to modify his life. It is sad that he is expected to do so. Less government interference would eliminate the necessity to do so. This issue is a good place to start.

The petitions speak for themselves. The following constitutes my personal Public Comment. I swear on an old stack of Sports Afield that no one in our family is an outfitter, guide, or even a pilot. To the best of my knowledge, no friend of ours is even an outfitter. We are however, believers in the free market system.

The "invisible hand" of Adam Smith has been shown to work quite efficiently when given the rare opportunity to do so. I speak of

December 9, 1988

Letting the free market regulate itself through the process of supply and demand, the honorable practice of free competition, and the maxim Caveat emptor (let the buyer beware).

specifically, licensing and regulation has been conclusively shown to create bureaucracy. It has not been shown to create competency. A doctor or lawyer is not automatically proficient if he has a certificate on the wall. Nor is either group particularly good for 'policing their own' ranks. A circle of muskoxen with horns leading comes to mind.

If we don't need more regulation, we need less. The outfitters are purveyors that offer too varied a group of services to pin to one cause. You will create more injustices than you alleviate.

Free market, competition will eventually separate the competent from the incompetent. The qualified will seek the association of others of the same ilk in order to further the esteem of their profession. This has happened in countless occupations. Eventually a group will issue a certificate proclaiming that this individual possesses this set of ethics and business practices and level of knowledge. He will be allowed to so advertise the fact, and the consumer can knowingly choose him over Brand X. Brand X loses the competitive edge. He has a strong incentive to modify his business to qualify for the endorsement of the parent organization. LAW doesn't dictate this; PROFIT demands this. The STATE has not increased its bureaucratic load, but the same result is reached.

We talked to several guides in the last few weeks. Their main points in opposition to outfitters have been 1) undue pressure to the resource, and 2) irresponsible outfitters that abandon their clients and leave the guides to rescue. To speak to these points:

HUNTERS kill game, not guides, not outfitters, not air taxi operators. They are all merely means to the end. A tool by which the hunter hopes to increase his chances of success. If the resource is under too much pressure, it is the game department who needs to reduce it for the season, the bag limit, or the specs for a legal animal (egg sack size on the Kenai Peninsula). Accomplish this by emergency order, if necessary.

Hunters provide the greatest possibility for a successful hunt that the hunter can purchase. Outfitters can not produce the same efficiency because the hunter depends on his own skill to kill his prey. Therefore, an area could entertain more non-guided camps with an equal or better result in kills. Air-taxi hunters would probably have even a better kill ratio.

December 9, 1988

Guides exhibit a definite disdain for the hunters equipped by outfitters, yet these are just your average everyday Alaskan hunters. This state is so hard to hunt, that very few people are equipped to do it completely by themselves. They have to rely on friends or hire out for all of the necessary equipment and transportation. Not everyone can afford to pay \$5000 for their moose each year, yet if the law stays on the books as it is, there will be a lot of people who can no longer afford to hunt. If the game of this state theoretically belongs to the people of this state then why fix it so that only rich hunters can afford to hunt?

I am willing to concede that there are numerous bad eggs in all these groups in question, and they all are reprehensible. That is not, however, to eliminate a whole group's livelihood. If the guides say that they have had to clean up after the outfitters before, all they say is "Baby, you ain't seen nuthin' yet!" Air-taxi operators have no control over what their clients bring, do, or clean-up. You have more inexperienced people out in places they have no sense going. They won't hire a guide, they'll do it themselves. Men and heart patients will be packing things they shouldn't pack because they can't legally hire someone to do it. Cheechakos will go out with inadequate gear. When the weather gets rough and the air can't get back in, there will be a lot more people out of food and no campfire.

This is a bad piece of legislation. If the purpose of this bill was to get all three groups fighting mad, then it probably accomplished its goal. You would do well to recommend that it be scrapped, and moved over. Please, this next time try not to usurp the free enterprise system that was the backbone of our country's economic prosperity.

Sincerely,



Vicki Pate

Box 7447

Unalakleet, Alaska 99635

Enclosures: Navarre
Comments: petitions

"Outfitters" currently provision permanent or temporary camps and often provide personnal to cook and/or pack meat. As of July 1, 1989 these people can't lawfully do business unless the TASK FORCE, set up by SB 191, allows for it. MIKE NAVARRE, State Legislator, sits on this task force. Make your views known to him before this December 12 last day for PUBLIC COMMENT) His office phone number is 262-7842.

The undersigned believe that hunters should be able to legally hire a transporter, registered guide, or an outfitter to supply the exact amount of support an individual desires. No legislation or regulations should be instituted that impede the free enterprise system or gives preference to one group of hunter-support professionals over another.

I feel "outfitters" service a need of the public, and want the task force to include this level of support in their recommendations. Further, we suggest REPLACING the current Guide Board with a new board representative of all professional hunter-support groups. We favor managing the game resource with biologically sound practices for the continued enjoyment of ALL user groups.

→ OVER →

SIGNATURE	PRINTED NAME	ADDRESS	PHONE
<i>Alaskan</i>	JOHN Q ALASKAN	PO Box 0000 SOMEPLACE AK 996XX	283-000
<i>L. Chaffa</i>	DOUGLAS L CHAFFA	P.O. Box 1142 Seldovia AK 99669	262-724
<i>Steve</i>	STEVE R. CLEMENTS	P.O. Box 1142 Seldovia AK 99669	262-724
<i>Will</i>	Randy Willis	Box 4245 Seldovia	262-4046
<i>Al</i>	ALAN BUTT	RT1 Box 1510 Kenai AK 99611	776-886
<i>John</i>	John A. Tidwell	211 McCREST Seldovia AK 99669	262-2692
<i>Robert</i>	Tom Jackson	324 E. Canal Ave Seldovia AK 99669	2-9217
<i>Bob</i>	Gary Davidson	Box 357 Palmer AK	745 668
<i>Chris</i>	Dennis Davis	P.O. Box 336 Kenai AK	N/A
<i>Bill</i>	Greg Bell	Seldovia	
<i>Al</i>	Al Helminski	P.O. Box 4654 Seldovia, AK 99669	262-9167
<i>C. Eiselt</i>	Debra C. Eiselt	P.O. Box 487 Sterling AK 99672	262-970
<i>W. Miller</i>	Steven Miller	P.O. Box 2632 Seldovia AK 99669	262-406
<i>W. Bengtson</i>	WILLIAM L. Bengtson	H.C. 135 Seldovia AK 99661	262 2704
<i>W. Hughes</i>	Wes Hughes	P.O. Box 2873 Seldovia AK 99669	262 275
<i>W. Bengtson</i>	Wes Bengtson	H.C. 135 Seldovia AK 99669	262 2704
<i>W. Smith</i>	Ralph M. Smith	H.C. 135 Seldovia AK 99669	262 2704

W. F. Alder Robert Hollis P.O. Box 867 2621916 (5)
W. R. Blackwood Harold Blackwood Box 27 SUNDOWN 2624870

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<i>John Q. Alaskan</i>	JOHN Q ALASKAN	PO Box 0000 SOMEPLACE AK 996XX	283-000
<i>Colleen Lindstrom</i>	Colleen Lindstrom	Box 1386 Soldotna, AK 99669	262-9968
<i>Phyllis Balz</i>	Phyllis Balz	Box 24 Sterling, AK 99672	262-997
<i>MARIE BATES</i>	MARIE BATES	Box 1086 SOLDOTNA AK, 99669	262-4036
<i>Harold Davis</i>	Harold Davis	4463 Spur Hwy Kani. 99611	283-3595
<i>Sally Jacobi</i>	Sally Jacobi	PO Box 4267 Soldotna, 99669	262-7641
<i>ENOLA BURRET</i>	ENOLA BURRET	PO Box 4318 " "	262-1098
<i>KEITH BATES</i>	KEITH BATES	PO Box 1086-36180 Greenvillage	262-4036
<i>Bob Hancock</i>	Bob Hancock	P.O. Box 1944 Soldotna AK	—
<i>Lee D. Therman</i>	Lee D. Therman	P.O. Box 3542 Soldotna AK	262-5306
<i>Cheryl Timmyer</i>	Cheryl Timmyer	PO Box 3342 Soldotna AK	262-5306
<i>Robert A. Garbner</i>	Robert A. Garbner	PO Box 112025 Anch AK 99501	—
<i>George Rickard</i>	George Rickard	P.O. Box 2755 Kani AK 99611	283-4416
<i>Kevin Dukumit</i>	Kevin Dukumit	PO Box 3904 Kani AK 99611	776-528
<i>Ronald Dukumit</i>	Ronald Dukumit	PO Box 2592 Kani AK 99611	283-305
<i>Richard L. Stingley</i>	Richard L. Stingley	16600 East Rd Homer AK 99603	285-8649
<i>Russell Brown</i>	Russell Brown	521 Box 245 Chugiak AK 99502	655-2636
<i>Susan Carr</i>	Susan Carr	4401 W. Dogwood, Kani, AK	283-7001
<i>William J. Hecht</i>	William J. Hecht	5901 E. 6th #77 Anch AK	338-0871
<i>ROSS KENDALL</i>	ROSS KENDALL	7325 NIKISKI, AK 99635	776-8532
<i>GEORGE E. PETERSON</i>	GEORGE E. PETERSON	3205 SIEMOND RD ANCHORAGE 99503	561-3504
<i>WILLIAM J. MURPHY</i>	WILLIAM J. MURPHY	420 ROGERS RD KENAI, ALASKA 99611	283-3381
<i>Phil N. Nash</i>	Phil N. Nash	1506 Toyon Way Kani AK 99611	283-7052

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SIGNATURE	PRINTED NAME	ADDRESS	PHONE
<i>John Q. Alaskan</i>	JOHN Q ALASKAN	PO Box 0000 SOMEPLACE AK 996XX	283-0000
<i>Mark Haselow</i>	Mark Haselow	PO Box 4493 Soldotna, AK 99669	262-49
<i>NAYE HENSLEY</i>	NAYE HENSLEY	P.O. Box 1749 Soldotna, AK	262-530
<i>Anthony J. Rios</i>	Anthony J Rios	Box 3416 Kenai AK	283-33
<i>Pat Cunningham</i>	Pat Cunningham	P.O. Box 1052 Kenai AK	283-507
<i>W. Mikel Moore</i>	W. Mikel Moore	M47.7 COOPER LANDING	575-139
<i>W. Mikel Moore</i>	W. Mikel Moore	Box 763 Soldotna AK	262-595
<i>Ed Tyson</i>	Ed Tyson	P.O. Box 412 Arctic Point AK 99502	235-68
<i>Larry Kern</i>	LARRY KERN	PO BOX 622 SOLTOTNA AK 99669	262-42
<i>RD MCINNANOT</i>	RD MCINNANOT	P.O. Box 3321 Soldotna AK 99669	283-703
<i>ALLAN THIELEN</i>	ALLAN THIELEN	P.O. Box 583 Kenai AK 99601	262-37
<i>Samuel P. Brown</i>	Samuel P. Brown	Box 1161 Sol AK 99669	262-785
<i>Robert Mundack</i>	Robert Mundack	Box 562 Sol AK 99669	262-165
<i>Gene Thompson</i>	Gene Thompson	Box 241 Kenai	276-8463
<i>James Meek</i>	James Meek	Box 241	
<i>REX H. BAKER</i>	REX H. BAKER	44900 N. STRAWBERRY RD	283-33
<i>Cheryl Whitney</i>	Cheryl Whitney	43735 Sportlake Rd. Soldotna AK	262-49
<i>Derry Rowe</i>	Derry Rowe	Kenai Del. Aniak AK	675-110
<i>DAVID HOLT</i>	DAVID HOLT	635 SANDPIPER LANE KENAI	283-43

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SIGNATURE	PRINTED NAME	ADDRESS	PHONE
<i>[Signature]</i>	JOHN Q ALASKAN	PO Box 0000 SOMERACE AK 99600	263-0000
<i>[Signature]</i>	Richard Baker	PO Box 1921 Soldotna AK 99669	283-4951
<i>[Signature]</i>	KEITH STUART	PO Box 52 Soldotna AK 99669	283-5776
<i>[Signature]</i>	Sid Ayer	225 Fern St. Kenai 99602	283-5308
<i>[Signature]</i>	LES PALMER	P.O. Box 631 STERLING AK 99672	262-7788
<i>[Signature]</i>	Ronald H. Hollaway	PO Box 4567 Kenai AK 99611	283-2639
<i>[Signature]</i>	MARK T. Ter	P.O. Box 4445 Soldotna AK	262-5774
<i>[Signature]</i>	JAMES GILBERT	44176 Stenwig Hwy Soldotna	262-7491
<i>[Signature]</i>	Paul F. Crosby	PO Box Soldotna AK	262-7447
<i>[Signature]</i>	Ernest Henningson	936 BALEEN Ave. Kenai	283-9324
<i>[Signature]</i>	MARK QUINT	Box 3508 Soldotna AK 99669	262-6074
<i>[Signature]</i>	Russel J. MATTISON	P.O. Box 2737 Soldotna AK 99669	262-7457
<i>[Signature]</i>	Gregory Geller	P.O. Box 27 Sterling AK 99672	262-7776
<i>[Signature]</i>	LARRY ZAY	PO Box 1325 Soldotna 99669	262-1731
<i>[Signature]</i>	TOM BAKER	HCI, Box 1270, Soldotna 99669	262-9221
<i>[Signature]</i>	Brian Fretwell	PO Box 75 Soldotna Alaska - 99669	262-6264

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J. Clasken	JOHN Q ALASKAN	PO Box 0000 SOMEPLACE AK 996XX	283-0000
A. Fairchild	Alice I Fairchild	PO Box 302 Kasilof AK 99610	unlisted
G. Calvin	Geo. H. Calvin	PO Box 26 Kasilof AK 99610	262-4263
T. Fairchild	TERRY L. FAIRCHILD	Box 302 KASLOF, AK 99610	
R. Lawler	Ruth Lawler	Box 386 Kasilof 99610	
W. Williams	CHRISTINE WILLIAMS	Box 130 K7 Kasilof 99610	
H. Hansen	HAROLD HANSEN	Box 98 KASLOF, 99610	
L. Calvin	Lois A. Calvin	Box 26 Kasilof 99610	262-4263
C. Wickstrom	CAROL L. WICKSTROM	Box 50 KASLOF, AK. 99610	
L. Clark	LAVENUE CLARK	Box 443 Kasilof	
A. Smith	AVILIA L. SMITH	535 Kasilof AK 99610	
R. Williams	Richard A. Williams	Bx. 66 KASLOF, AK 99610	262-9618
R. Trachenko	RANDY TRACHENKO	P.O. Box 50 KASLOF 99610	
J. Kizer	JAMES A KIZER	P.O. Box 26 Kasilof 99610	262-5229
C. Schell	C.A. Schell	PO 172 " "	
M. Woodard	Linda M. Woodard	P.O. Box 347 KASLOF 99610	262-1510

up
on
12
2.

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SIGNATURE	PRINTED NAME	ADDRESS	PHONE
<i>John Q. Alaskan</i>	JOHN Q. ALASKAN	PO BOX 0000 SOMERACE AK 99611	283-0000
<i>Thyline</i>	Therese Kline	420 N. Willow Kenai AK 99611	283-753
<i>Thyline</i>	Bill Thompson	704 CYPRESS Kenai	283-462
<i>Thyline</i>	Keneth Kline	420 Willow St. Kenai	283-324
<i>Thyline</i>	Robert Doss	791 WIKISHKA AK	776-561
<i>Thyline</i>	Don TIGERMAN	45070 MARY AK Soldotna	262-22
<i>Thyline</i>	Raymond T. Walker	PO Box 1355 KENAI AK	283-93
<i>Thyline</i>	Cindy Kline	420 N. Willow Kenai, AK	283-75
<i>Thyline</i>	Steve Sands	1129 WALNUT Kenai	283-355
<i>Thyline</i>	Kerth Kline	420 N. Willow Kenai, AK	283-75
<i>Thyline</i>	Dale Curtiss	2375 Kenai AK	283-260
<i>Thyline</i>	Dwayne J. Beaton	220 Eisenhower, Kenai AK	283-555
<i>Thyline</i>	SUSAN A. ANDERSON	Box 182, Kenai AK	283-9104
<i>Thyline</i>	BERNARD T. LANDEIS	Box 196, KENAI AK	283-7392
<i>Thyline</i>	Raymond K. Walker	302 Evergreen, Apt #3	283-44
<i>Thyline</i>	Charles F. Partridge Jr	PO Box 2895 Soldotna AK	262-286
<i>Thyline</i>	RAYMOND J. KING	P.O. Box 4054 Soldotna AK	262-639
<i>Thyline</i>	Laura L. Nesbit	P.O. Box 734, KENAI, AK	776-534
<i>Thyline</i>	Norma K. Kinney	260-A COLUMBIA St. Kenai, AK 99611	283-754
<i>Thyline</i>	Bernice A. Smith	P.O. Box 5122 Kenai AK 99611	262-631
<i>Thyline</i>	Carl H. White	P.O. Box 412 KENAI AK 99611	283-46
<i>Thyline</i>	Dale C. Rouch	Box 2803 Kenai AK 99611	776-515
<i>Thyline</i>	Warren Johnson	Box 1267 Kenai AK 99611	283-411
<i>Thyline</i>	Keith A. Kline	420 North Willow Kenai 99611	283-961



We the undersigned believe that hunters should be able to legally hire either a transporter, registered guide, or an outfitter to supply the exact amount of support an individual desires. No legislation or regulations should be instituted that impede the free enterprise system or gives preference to one group of hunter-support professionals over another.

We feel "outfitters" service a need of the public, and want the task force to include this level of support in their recommendations. Further, we suggest REPLACING the current Guide Board with a new board representative of all professional hunter-support groups. We favor managing the game resource with biologically sound practices for the continued enjoyment of ALL user groups.

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SIGNATURE	PRINTED NAME	ADDRESS	PHONE
John Q Alaskan	JOHN Q ALASKAN	PO BOX 0000 SEMERACE AK 99600	283-00
Aaron Williams	AARON WILLIAMS	P.O. Box 8027 NIKISKI AK 9962	776-89
James A. Decker	JAMES A. DECKER	P.O. Box 8655 NIKISKI AK 99655	776-86
Crystal Schenck	CRYSTAL SCHENCK	Box 7161 NIKISKI AK 99655	776-80
Richard C. Walker	RICHARD C. WALKER	P.O. Box 1193 KENAI, AK	776-830
John R. Supple	JOHN R. SUPPLE	P.O. Box 3624	776-81
David Carrière	DAVID CARRIÈRE	P.O. Box 1 Moose Pass AK	—
David Colby	DAVID COLBY	PO Box 2454 KENAI	—
Donnie Clanton	DONNIE CLANTON	Box 1902 Soldotna AK	283-59
William F. Barera	WILLIAM F. BARERA	Box 4638 KENAI	283-99
Thatis Steasney	THATIS STEASNEY	Box 634 KENAI	776-85
Joe Carter	JOE CARTER	PO Box 2452 KENAI	283-20
Joy Carter	JOY CARTER	PO Box 3453 KENAI	283-20
O. L. S. S. S. S.	O. L. S. S. S. S.	2710 Waterfront Way Kenai	283-36
Bail Speeds	BAIL SPEEDS	2710 Waterfront Way Kenai	283-36
Brian Gary Bago	BRIAN GARY BAGO	General Delivery Soldotna	—
General Delivery	General Delivery	Soldotna	—
Tha Sany	THA SANY	Box 1988 Soldotna	283-12
Alan M. Bishop	ALAN M. BISHOP	367 W CORAL SOLDOTNA AK	—

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SIGNATURE	PRINTED NAME	ADDRESS	PHONE
John Q. Alaskan	JOHN Q. ALASKAN	PO Box 0000 SOMEPLACE AK 996XX	283-00
George M. Spier	GEORGE M. SPIER	1037 Redoubt, Kenai, AK 99611	283-33
Paul	PAUL CRIST	Box 4537 Kenai AK 99611	283-46
Wayne Pulley	Wayne Pulley	Box 1477 Kenai AK 99611	262-125
Don Ward	DON WARD	Box 2302 Sitka AK	262-225
John L. Harman	John L. Harman	Box 8015 Nikiski AK	776-802
Lynn Davis	LYNN DAVIS	Box 2741 Kenai AK	283-54
Rene W. Hansen	RENE W. HANSEN	Box 2703 Seldovia AK	262-39
Burt Barr	BURT BARR	Box 8309 Nikiski AK 99635	776-53
Bobbie L. Barr	BOBBIE L. BARR	Box 8309 Nikiski AK 99635	776-53
Randy Reeve	Randy Reeve	P.O. Box 2581 Kenai, AK 99611	776-84
Cathy Harman	CATHY HARMAN	P.O. Box 8315 Nikiski AK 99635	776-53
Jimmy D. Stenderfer	JIMMY D. STENDERFER	P.O. Box 8295 Nikiski AK 99635	776-53
Randy Knapp	Randy Knapp	4257 Charming Creek Cir. Anchorage AK 99504	333-14
Gary P. Kulesza	GARY P. KULESZA	PO Box 1944 Homer AK 99603	285-76
Cory Brudenman	Cory Brudenman	Rt 1 Box 3454 Kenai Alaska	776-89
Robert A. Reilly	ROBERT A. REILLY	RT 1 BOX 1513-2 KENAI, AK	776-53
George Hearshley	George Hearshley	Rt 1 Box 263 Kenai	776-33
Kim Epstein	Kim Epstein	711 Crescent Dr Anch. AK 99501	776-81
Mike Reilly	Mike Reilly	RT# Kenai	
Tom Sorenson	TOM SORENSON	Box 1647 Kenai	
Ava Zell	AVA ZELL	Box 4448 Kenai	283-390
Sam Detling	SAM DETLING	P.O. Box 845 Kenai	283-77
William Richardson	WILLIAM RICHARDSON	813 Auk St. #E3 Kenai	283-53
Jon Artz	Jon Artz	362 W. Beluga Seldovia AK	262-53
Paul	PAUL	Kenai AK	283-91

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<i>G. Alaskan</i>	JOHN Q ALASKAN	PO Box 0000 SOMERACE AK 996XX	283-000
<i>Gordon S. Dempsey</i>	GORDON S. DEMPSEY	P.O. Box 2497 NIKISKI ALASKA 99661	776-08
<i>James Williamson</i>	JAMES WILLIAMSON	PO Box 4066 Iktanuk Alaska	283 3696
<i>Nancy Silverman</i>	NANCY SILVERMAN	P.O. Box 4066 Kenai AK	283-369
<i>Ronald R. Sisson</i>	RONALD R. SISSON	P.O. Box 882 Soldotna AK	262-417
<i>Daniel Calapp</i>	DANIEL CALAPP	3840 Wilberose Kenai AK 99611	283-366
<i>Blake Johnson</i>	Blake Johnson	Rt 1 Box 1500 Kenai AK 99611	776-52
<i>Michael Smith</i>	Michael Smith	Box 221623 Anch AK 99522	345-56
<i>Michael Mishou</i>	MICHAEL MISHOU	Box 572 Kenai AK 99611	283-39
<i>Don Manaberg</i>	DON MANABERG	1114 Alder Kenai AK 99611	283-456
<i>Kenneth G. Grimes</i>	KENNETH G. GRIMES	P.O. Box 807 Soldotna AK 99669	262-62
<i>Elizabeth Manfred</i>	ELIZABETH MANFRED	9456 Spur Hwy D-3 Kenai AK 99611	283-9674
<i>Daniel Hutchens</i>	DANIEL HUTCHENS	9456 Spur Hwy D-3 Kenai AK 99611	283 9675
<i>Elmer Bird</i>	Elmer Bird	AK-1 Iktanuk Alaska 99669	
<i>Nell Schoon</i>	NELL SCHOON	Box 186 Kenai AK 99611	283-41
<i>Herbert Vincent</i>	HERBERT VINCENT	Box 4148 Soldotna AK 99669	262-955
<i>Darwin Anategui</i>	Darwin Anategui	Box 4615 Kenai AK 99611	262-461
<i>Thomas D. Marok</i>	Thomas D. Marok	Box 707 Soldotna AK 99669	262-277
<i>Dennis Schell</i>	DENNIS SCHELL	POB 476 STERLING AK 99672	262-5
<i>Lee Halstead</i>	LEE HALSTEAD	8656 Lee Lane Kenai AK 99611	283-92
<i>Marion DeJong</i>	Marion DeJong	Box 1000 Kenai AK 99611	262-200
<i>Thomas Hammond</i>	Thomas Hammond	Box 83 King Salmon AK 99613	262-42
<i>James R. Carew</i>	JAMES CAREW	Box 7032 NIKISKI AK 99635	776 846
<i>Dana Church</i>	Dana Church	13810 DAVIS Anch AK 99510	345-21
<i>Harry Howell</i>	HARRY HOWELL	132626 Soldotna AK	262-75
<i>Joak Artz</i>	Joak Artz	362 W Beluga Soldotna AK	262-52

(31)

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SIGNATURE	PRINTED NAME	ADDRESS	PHONE
<i>John Q Alaskan</i>	JOHN Q ALASKAN	PO Box 0000 SOMERPLACE AK 996XX	283-00
<i>Amy Grainge</i>	Amy Grainge	P.O. Box 3703 Soldotna	262-15
<i>Jerry T. Sims</i>	JERRY T. SIMS	Rt 2 Box 420 KasiloF	262-49
<i>Edna A. Sims</i>	EDNA A. SIMS	Rt 2 Box 420 KasiloF	262-49
<i>Clarence R. Morrison</i>	CLARENCE R. MORRISON	Box 883 Soldotna, AK 99609	262-984
<i>Ted V. Grainge</i>	TED V. GRAINGE	Box 3703 SOLDOTNA, AK 99609	262-15
<i>Ronald F. Eschete</i>	RONALD F. ESCHETE	Box 202 Evergreen #5, Kenai, AK 99611	283-41
<i>Beth McLeish</i>	BETH McLEISH	P.O. Box 1143 KENAI AK 99611	262-46
<i>Tricia Grant</i>	TRICIA GRANT	P.O. Box 4344 Kenai AK 99611	283-73
<i>Elmeda Pate</i>	ELMEDA PATE	P.O. Box 3362 Soldotna	262-60
<i>Gerald Pate</i>	GERALD PATE	P.O. Box 3362 Soldotna	262-60
<i>Paula Bute</i>	PAULA BUTE	HQ #1 Box 1570 Kenai AK	776-88
<i>Roger H. Theis</i>	ROGER H. THEIS	Rt. 1 Box 1631 Kenai AK	776-53
<i>Sue A. Theis</i>	SUE A. THEIS	Rt 1 Box 1631 Kenai	776-53
<i>Maureen Storer</i>	Maureen Storer	Box 2217 Sold AK	262-3945
<i>John R. Conner</i>	John R. Conner	Box 2865 Sold AK	
<i>Ray Carr</i>	Ray Carr	4401 N. Dagwood Kenai	283-70
<i>Robert J. Nienhuis</i>	ROBERT J. NIENHUIS	1013 Colville St. / Eagle River AK 99577	694-244
<i>George Johnson</i>	George Johnson	Box 13 Stead AK 99672	262-70
<i>STEVEN R. KANTZ</i>	STEVEN R. KANTZ	6042 E. Colville Ave AK 99506	338-477
<i>James H. Shook</i>	JAMES H. SHOOK	P.O. Box 972 Soldotna AK	262-492
<i>Ronald R. Rogelsky</i>	RONALD R. ROGELSKY	Box 5125 Kenai AK	283-743
<i>Randall L. Knudsen</i>	RANDALL L. KNUDSEN	HQ 1 Box 1611 Kenai AK 99611	776-8200
<i>Raymond C. Christensen</i>	RAYMOND C. CHRISTENSEN	Box 173 Kenai AK 99611	262-216
<i>Sharon A. Stedley</i>	SHARON A. STEDLEY	Box 101 Homer AK 99603	235-523
<i>Samuel M. Boucher</i>	SAMUEL M. BOUCHER	P.O. Box 2194 Kenai 99611	283-776

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<i>John Q Alaskan</i>	JOHN Q ALASKAN	PO Box 0000 SONEPLACE AK 996XX	283-000
<i>J T Clapper</i>	JAY T CLAPPER	RT 1 1505-3 KENAI AK	776-8486
<i>Dana Clapper</i>	DANA CLAPPER	"	"
<i>Steven Smith</i>	STEVEN SMITH	Box 4717 KENAI AK	—
<i>Harry L. Hopkins</i>	HARRY L. HOPKINS	PO Box 2191 Soldotna AK 99669	262-450
<i>James Munkie</i>	JAMES MUNKIE	P.O. Box 8004 Nikiski AK	776-831
<i>David Hendren</i>	DAVID HENDREN	S.R. Box 1220 Anchor Pt AK	235-888
<i>Barney Smith</i>	BARNEY SMITH	Box 4717 KENAI AK	283-355
<i>MacAlice Hopkins</i>	MacAlice Hopkins	PO Box 2191, Soldotna, AK 99669	262-450
<i>Nancy Harris</i>	NANCY HARRIS	Box 505 Soldotna AK 99669	262-477
<i>Butt, Herbie</i>	BUTT, HERBIE	Box 525 Soldotna AK 99669	262-477
<i>Paula F Mohler</i>	PAULA F MOHLER	Box 1624 SOLDOTNA AK 99669	262-583
<i>Wm J. Nelson</i>	WM J. NELSON	Rt. 2 Box 756-C SOLDOTNA	283-950
<i>David C Demaris</i>	DAVID C DEMARIS	P.O. Box 837 Sterling	262-198
<i>Robert Scott Parker</i>	Robert Scott Parker	3091 Longspur Dr. Wasilla AK 99687	376-919
<i>Gail V White Jr</i>	GAIL V WHITE JR	7453 N 13 Kenai AK 99635	776-855
<i>Bernard C. King</i>	BERNARD C. KING	PO Box 55265 N.P. AK 99705	488-213
<i>Cate Szabo</i>	CATE SZABO	Box 3762 Soldotna, AK 99669	262-158
<i>Terry Benduck</i>	TERRY BENDUCK	Box 3493 Soldotna, AK 99669	262-1589
<i>ESTA Clemens</i>	ESTA CLEMENS	RT 1 Box 94-A Kenai	283-577
<i>Robert Wright</i>	Robert Wright	PO Box 4146 Soldotna AK 99669	262-320
<i>Floyd E Frost</i>	FLOYD E FROST	PO Box 2913 Soldotna AK 99669	262-979
<i>Harvey Berry</i>	HARVEY BERRY	PO Box 749 Sterling AK 99672	262-237
<i>Linda Sipes</i>	Linda Sipes	20 Box 165 Soldotna AK 99669	262-916
<i>Patricia L Dasher</i>	PATRICIA L Dasher	PO Box 3485 Soldotna AK 99669	262-700
<i>L C Collinsworth</i>	L C COLLINSWORTH	PO Box 1269 Nikiski AK 99625	776-5

using 26 game management units - and units
same as before

Give previous users first advantage,
then have a drawing for those
guides qualified & interested in using
those areas. Have 6 one board
designate how many users are needed
in each area to ensure proper
harvest.

This could be a fair system at
least giving all registered guides a
chance to work. This is my
main interest in being able to guide
my own hunters and make a living. The
transferring of previous so called exclusive
areas for guides was being abused and
in most cases illegally transferred. With
over 600 guides and only 290 having
areas you could easily see why it
was one sided. Please keep in
mind when making your decision
to make it beneficial for the small
time guides that didn't have an area
before to be able to make a living
also. I can't make it working for
another guide for \$125 per day and
see the area holder make several
thousand a season. I hold the
same license and deserve the
right to operate the same as he.

Ron Alldridge
Registered guide
Bar # 3928
Sold area to 99669

December 3, 1988

Dennis H. Randa
Box 1055
Soldotna, Ak 99669

Chairman Springer
SB 191 Interim Task Force

Dear Mr. Springer:

This is a follow up to my testimony to your group in November at the Kenai Borough building.

I wish to reiterate and to make clear my non-support for SB 191 as it is written.

The wild game of the state of Alaska is a common property resource and as such belongs to all of the states' residents. I have subsisted from my sport rules harvest of this states' fish and GAME for the 14 years that I have been a resident. I am grateful for the bounty of the "Great Land".

I have in my pursuit of adventure here in Alaska worked closely with and been a "flunky" for an outfitter or a "purveyor of services" as he often described his business. In this respect I have acquired a respect for those services these "outfitters" provide for the common folk of Alaska. The provision of camp and a secure base for operations along with advice for dealing with the common "ordeal" of the Alaskan adventure is invaluable from the view point of those not fortunate enough to adopt the outdoors as their home environment. These people need the support in order to be able to participate in this adventure on a vacation hunt basis. Most of them (myself included) cannot afford the services of a "Guide", nor do they want or need one. SB191 denies that to them/us.

The problem as I see it appears to be one of allocation of a common resource and those who might capitalize from that resource. Similar, I might add, to the problems the Board of Fish and the DNR Parks are facing on the Kenai River.

The drop-off services of an air taxi operation are in my view the greater of the evils in regard to our wild game resources. The need for a "handle" on these operators is apparent to me.

The "conservation tax" if used exclusively to fund game management sounds like a step in the right direction.

State "outfitter" operations should be taxed similarly to guide for their local knowledge and operations expertise but they should be able to provide their services to those who desire them.

I'm not sure of the approach I'd like to take to this problem, generally. I have a problem with the optimum value approach to managing the world's problems. It is true that there might be a value established for this case in question, but to allocate it to just those who are able to afford them at the low value seems to be a bit like a return to the old European class system. A more American way might be to establish a random drawing lottery type system such as used in the lower 48, assuming that the resource is in need of such management. Then in order to sustain the management system possibly an income tax placed upon those who capitalize upon the common resource would be in order.

I really think that there are more simple answers to these questions than are being considered. Try to keep it simple, then the people will be more apt to abide by your recommendations. Dealing with this on the premise that serving those who would usurp the common resource will not resolve the problems and will not do.

Sincerely yours,

Orvin H. Rader

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Fishing Consultant - Les Coates Hunting Consultant - Harold Dowell, Jr.



Dear Friend,

I have just completed another successful year in Alaska. Many large trophies were taken in our 100% kill. One of the best parts of the outfitting business is all of the new friends I've made. I sure am looking forward to seeing them at the sport shows and rehashing all the good times.

This year I have made some changes to better serve my hunting friends. I am no longer furnishing guided hunts. I cannot feel comfortable with situations I have no control over. Sorry to say, I will not have Brown Bear or Call Sheep hunts available.

I will have outfitted Caribou, Black Bear, Ducks and Geese and something new- trophy Moose. All of my hunts will again include round trip air fare, transportation to camp, all camp gear, food and it's preparation and help packing your game. All you furnish is your weapon, sleeping bag and license.

This moose hunt is really something special! You will be taken across the bay 25 miles and then up the river 10 miles. The ride alone will be a thrill you won't soon forget. Imagine going up a river that is sometimes only 6 inches deep in a 24 foot cabin cruiser Jet Boat at 30 to 40 M.P.H.! The hunt will be 7 days in length for Moose, Black Bear and Silver Salmon. If you're interested let me know soon. I only have room for 3 groups of 4 and one of those groups is already filled.

Last year at the Sports Show you were interested in going to Alaska this year for that dream trip. I am sending this letter to you now to give you the opportunity for preferred hunt dates. I will begin Sports Shows Jan. 9, so time is getting short. I will be at the following shows this year.

Cincinnati, Ohio	Jan. 9-17
St. Paul Minn.	Jan 19-24
Louisville, Ky.	Jan 23-31
Columbus, Ohio	Feb 6-14
Pittsburgh, PA.	Feb. 17-21
Indianapolis, Ind.	Feb 19-26
Toledo, Ohio	Mar. 3-6
Cleveland, Ohio	Mar. 11-20
Minneapolis, Mn.	Mar. 18-27

See you there or call me!!!!

Harold Dowell Jr.

Harold Dowell Jr.

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- 16 day Cape Buffalo and Plains Game plus Trophy Fees \$5,500.
- 16 day Old Sheep, Caribou \$4,750, and \$500 if Grizzly is taken.
- 12 day Brown Bear, Goat, Deer, Black Bear \$7,500.
- 16 day Goat, Moose Caribou - 1x1 \$4,500 - 2x1 \$5,500.

Please call or write for more information.

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80% SUCCESS RATE.
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Hunting package includes:

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African species at realistic prices. Success rate on
many species 100%. Each safari individually planned.
References available. For further information contact

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Bear hunts. Moose and Antelope hunts
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QUEBEC-CARIBOU

TOTAL PRICE-\$1,367 US

2-CARIBOU/3-DAYS HUNTING

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trip air from Mont., roundtrip float plane w/meat
and horns from Wabush, license for 2 caribou.
2-nights hotel.

ALASKA-MOOSE

TOTAL PRICE-\$2,000 US

Includes pick-up at Anchorage airport & 1st night
hotel, roundtrip float plane w/meat & horns,
packing & freezing meat. 10-day trip/7-day hunt.
No draw on license.

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way -- slowly, with excellent resu

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(3)

R.D. Scarlett.

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PARTY OF 3 OR MORE CLIENTS

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1988 - 700 ea.

PARTY OF 2 CLIENTS

1987 - \$ 800 ea.

1988 - 850 ea.

MOOSE AND CARIBOU COMBINATION - TWO CAMPS

7 to 10 days of hunting recommended

PARTY OF 3 OR MORE CLIENTS

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1988 - 1,045 ea.

PARTY OF 2 CLIENTS

1987 - \$1,150 ea.

1988 - 1,200 ea.

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ALASKAN

WILDERNESS OUTFITTING COMPANY

BOX 1516 • CORDOVA, ALASKA 99574

907-424-5552



February 19, 1986

Brian S. Nantais
P.O. Box 96
26364 Pine Avenue
Rimforest, California 92378

Dear Mr. Nantais,

Thank you for your letter and I am sorry to be so long in getting back to you, but I have been on the road working sport shows. There would be no problem in setting you up for a moose hunt in 1987—in fact, it is good to plan ahead as we already have parties talking about next year's hunts. Cow, bull or calf are all open in the area of our camp and you will have excellent chance for taking a black bear. It would be almost impossible to spend a week there and not shoot a moose with the availability of cow, bull or calf—or I would give you a 50-50 chance of four hunters each shooting a trophy bull of 55 inches or better. Moose season will start September 1st in 1987 and you will have six full days of hunting after flying into camp. Daylight at that time of year will usually be from 6:30 a.m. until almost 9:00 p.m..

Our moose camp is our only hunting camp that does not offer good fishing. We advise everyone to plan one extra day on the tail end of their trip in case of bad weather, so if you got out of camp on schedule you could spend a day salmon fishing out of Cordova.

The hunt costs \$995.00 per person for a party of four persons and as long as you are planning on others joining the two of you, you may base the deposit on that fare—making the deposit \$298.50 for each of you. This will hold the first week of the camp and we can adjust the rate later if others do not join you.

Please feel free to call or write again if you have any other questions. We still can be reached at 209-952-7595.

Sincerely yours,

Pat Magie, Managing Owner
ALASKAN WILDERNESS OUTFITTING COMPANY



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CABINS



September 29, 1987

Pat Maggie
Alaskan Wilderness Outfitting Co.
Box 1516
Cordova, Alaska 99574

Dear Mr. Maggie,

In January, 1985, I began talking with you about a moose hunt in Alaska. As I am sure you recall, there were several letters and numerous questions and concerns we had. Having been convinced that our needs would be met, we reserved opening weekend for 1987 and sent you a deposit on July 1, 1986. We met with your family members at the Anaheim Convention Center twice, sent several more letters and I'm sure asked the same questions several times. One thing we were especially concerned about was caring for the meat and butchering. You assured us on several occasions that was not a problem and that it would be taken care of, even quoting a price of 30 cents per pound.

One of our hunting party has his own airplane in Anchorage and the primary reason for using your service was to learn, having never hunted moose or in Alaska before. We are all experienced hunters, however, and do hunt all over the United States.

Our experience with Alaskan Wilderness Outfitting Co. was less than satisfactory. First, it appeared to us that we were not in a prime hunting area, recognizing the weather was not cooperative and it was hot. We felt as if we were a convenience for you to drop us where you did in route to and from your fishing camps. Your helpers rode the ATV for miles near the hunting area, then left the vehicle for us with a large hole in the rear tire and no pump, patch kit or tools. The boat had a leak where it had been patched previously, and several items on the supplies list were not included in the camp supplies.

[Our real frustration came when it involved the game. We did manage to see two cows during the week and take both animals.]
The first was taken on Tuesday, August 25. Your note left at camp the same day said you would be back Wednesday, August 26, "about noon". We all waited from 10:00 a.m. until 3:30 p.m. and you never showed. Finally, about 4:30 p.m. one of your employees stopped by but couldn't take the meat as they were on their way to pick up people at the fish camp. On Thursday morning, the meat was picked up. Thursday afternoon we took the second animal. Friday afternoon the airplane could not take the meat because again they had to pick up people at the fish camp.

At that time, we were informed that there was no one in Cordova who could butcher our game. We were also told that you would be there at 8:30 a.m. Saturday morning to pick up the second animal and around 4:30 p.m. to pick us up and our gear. Everyone waited in camp all day until you showed up with the big airplane at 4:30 p.m. to take meat, gear and us in one trip. At that point, we felt we had lost two complete days of our trip in the field unnecessarily.

Upon arrival back in Cordova, we were told that still no one had been located who could butcher our game. On Sunday, August 30, there was still no change. You would not fly the meat to Anchorage, even when we requested, so we were forced to resolve the issue the best we could. We made three trips from Cordova to Anchorage in our private airplane between Sunday and Monday. We had to remove the seats from our plane Monday to bring the meat over. This was more than \$60.00 each trip for fuel. Second, we had to change our return flight home reservations from Cordova to Anchorage which was an additional \$72.00 each. Finally, we lost yet a third full day of our two week stay because of your lack of organization.

When we finally received our meat we lost several pounds due to maggots. Our finished product, including 270 pounds of burger and 100 pounds of sausage, was 654 pounds for the two animals.

Mr. Maggie, we feel that first we should have been given an opportunity to come on September 1, 1987, and hunt your "regular" moose camp. We were not given that choice. Second, we would have appreciated more counsel on how to hunt the area, browse, sign, etc., especially with the hot weather. We felt like all we received was lip service with no action. No instruction or helpful hints were expressed. All you said was "With this weather it will be weeks before anything is moving in this area" and also told us to position someone on a small hill near the camp every morning. We were not even told of the need for bug nets for our heads considering the weather. Third, we feel you should reimburse us for some of those unnecessary expenses such as \$180.00 fuel, \$288.00 additional airline tickets and \$107.00 for one night in a motel, etc. How do you place a dollar value on three days lost of a two week trip that had been planned for two years?

You draw an enormous amount of business from California through the Sports and R.V. shows, etc., Mr. Maggie. You have been in business a long time, as you told us, and handle upward of 100 clients per year, as you stated. We feel we have been dealt a disservice. Legally, we feel you did not meet your contractual obligations.



Alaska River Outfitters, Inc.

Box 953
Girdwood, Alaska 99587
(907) 783-3298



*pouch V
99811*

*463-4940
465-4989*

Mike Campbell

Dear Taxidermist:

Enclosed, please find our latest brochure containing our 1988 schedules. Perhaps you, or some of your customers, may be interested in our moose, black bear, or caribou hunts. Our policy is to compensate hunting and fishing consultants with a ten percent finders fee for each client that books with Alaska River Outfitters. *Looking for Book Agents*

All of our trips include the following: insured float plane transportation, first-rate equipment, camp supplies, groceries, and comfortable sleeping accommodations.

Additionally, our services include: meeting with prospective clients when possible, showing movies and photos of our past hunts, discussion of clothing, equipment, etc., make airline and hotel reservations and apply for license and big game tags for clients that book a trip.

Our experience in Alaska consist of hunting and fishing throughout various territories during the past seven years. Many hunts were booked with Yukon Outfitters. We purchased Yukon Outfitters in 1986 and renamed the company Alaska River Outfitters. Our goal is to provide quality hunts for accomplished hunters at a reasonable cost.

Most Alaska hunting is either an unguided drop hunt, where the clients are usually on their own and provide their own equipment, supplies, groceries, etc., or a guided hunt. Alaska River Outfitters provides a service that is a compromise between the drop hunt and the guided/outfitted hunt. By law, we are not permitted to assist hunters in judging or taking big game. We are permitted to be in camp, but not in the field with clients while hunting. Our hunts are defined as completely outfitted and staffed, but unguided, and are priced accordingly.

Alaska River Outfitters will have a booth at the Eastern Sports and Outdoor Show in Harrisburg, Pennsylvania. We welcome you to our booth, number 1210, at the Farm Show Complex. The show begins on February 6, and runs through February 15.

Please contact me at Harrisburg number (717) 236-3009 if you have questions or would like some additional brochures. I am scheduled to depart for Alaska April 15.

Jay Messer 723-2129

Sincerely

Bud Cantelupe
Bud Cantelupe

ALASKA CARIBOU HUNT PLUS PTARMIGAN AND FISHING

IF YOU ARE LOOKING FOR THAT TROPHY CARIBOU RACK WE'VE GOT THE PLACE... WINGSHOOTING AND BIG GAME HUNTING FROM THE SAME CAMP... RESERVE YOUR SPOT NOW THESE DATES WILL NOT LAST LONG... YOU CAN ALSO WORK IN A LITTLE FISHING.

This will be Trek's second season offering this particular caribou hunt. The hunts last year were a great success. We advertised one date last year and it was booked solid in a matter of weeks. This year we have added one more date. Though the caribou is what most hunters come to Alaska to shoot, ptarmigan offer some very exciting wingshooting.

This is an un-guided hunt from a comfortable camp. If you have done any big game hunting at all you will not have any problem getting that dream rack. The barren ground caribou in Alaska are well known for their migratory patterns. These big animals move from their summer feeding grounds to the winter feed in the late summer. Thousands of them travel in both great herds and small groups and when they are on this migration is the prime time to hunt them. Chances on a good head are excellent. Last year everyone in the Trek group collected a representative head and a couple of hunters bagged real trophies.

Each trip is for ten days and nine nights with six full days of hunting. The trip starts with your arrival in Anchorage. You will be met at the airport and taken to the Clarion Hotel. The Clarion is the newest and one of the best hotels in Anchorage. After checking in we will take you to get your license and other incidentals needed at the camp.

The next day we take a commercial flight to the village of Aniak. From there a bush plane will fly you to the camp. The camp area is located in the Mulchatna range, famous for migrating caribou and ptarmigan. Since you cannot fly and hunt on caribou on the same day we will shoot ptarmigan that afternoon. The next six days you will be stalking caribou and shooting ptarmigan. Also if weather and time permits, some fishing can be done as well. The last day at camp we depart by bush planes back to Aniak in time to catch the commercial flight to Anchorage where we again



overnight. The final day of the trip you catch your return flight home.

Hunting here is done on the "buddy system" with two hunters together at all times. Walking can be long and tiresome on some days, and on other days you can practically bag one from camp. Most of the walking will be on the plains or up small mountains. Basically, we feel if a guy can walk 18 holes of golf, he can physically handle this hunt.

The ptarmigan shooting is much like quail hunting in the "Lower 48". A labrador retriever will be available at the camp. Our host and cook are Rick and Lori Townsend who have hunted and fished in Alaska the past eight years. Living quarters are "weatherports," which are sturdy fiberglass quanset huts. Generally there is adequate space for four per hut. Kerosene heaters are provided to heat each hut. Hunting licenses will be purchased in Anchorage. A caribou license is roughly \$300.00 and small game is \$90.00. A complete itinerary for those making this trip is provided to help answer most questions regarding gear, weather, etc. But definitely bring your shotgun and rifle.

This is a typical Alaska "non-guided hunt." All service is provided except a guide taking hunters by the hand to put them on caribou. The camp is in the migration area and camp personnel will have spotted the animals and will direct hunters to the best locations. Each hunter, or pair of hunters, will do the hunting on their own. The camp staff will take care of everything else.

The trip fee covers all costs of the trip from Anchorage, including hotel and flights. The trip fee does not cover tips, alcohol, flying out your game, or meals in Anchorage.

TRIP FEE: \$2495.00 (from Anchorage)... 8 HUNTERS MAXIMUM...

DATES: September 18-27... September 26- October 5...

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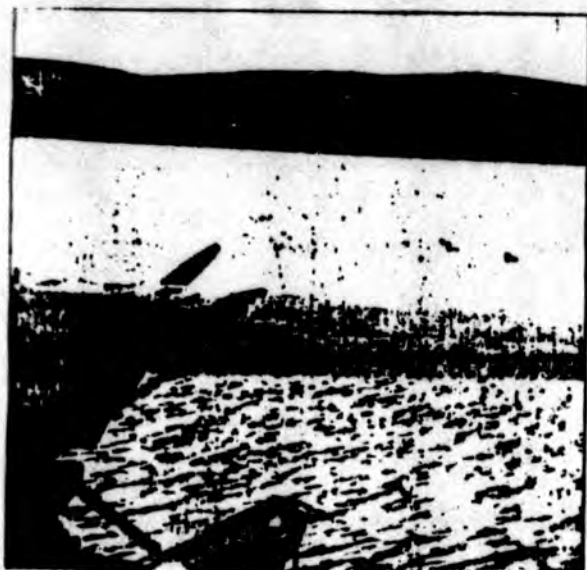
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"SERVING THE HUNTER WHO TRAVELS"

DATELINE: ALASKA

(Editor Note: A big Alaska-Yukon moose is high on the list of many US and European Hunting Report subscribers. But where—and with whom—should you book a hunt? Here are some suggestions from Alaska correspondent, Chris Batin.)

Most people who know the Alaska hunting scene will tell you that trophy Alaska-Yukon moose exist throughout the state. However, some Game Management Units do have larger concentrations of moose. And more moose, obviously, means a better chance of nabbing a big bull. At present, moose populations in Interior Alaska are at low levels and either stable or increasing. Many populations in Northwest Alaska (units 22 and 23) and southcentral Alaska, however, are at high densities and stable or increasing. Here are my picks for the 1988 season: Guide **Bob Hannon** hunts some high-moose-density areas in Western Alaska and says a hunter has an above-average chance of taking a record-class moose with him. There's plenty of evidence to back up his claim. Western Alaska is a top producer of record-class moose. On the Seward Peninsula, Unit 22, biologists estimate a total population of 3,260 to 4,150 moose. The most popular areas include the Kuzitrin drainage, an area with good access and high harvest, and the Agiapuk drainage, an area with limited access and moderate harvest. The Kuzitrin area has a bull:cow ratio of 36 to 100. In the Agiapuk, the ratio hovers around 80 to 100, perhaps the highest in the state. I feel this latter is the best place in Alaska to bag a record-book moose. In Unit 23, the Kotzebue Sound area, there are

5,000 to 7,000 moose. Best hunting areas include the Buckland and Noatak River drainages, and Eli and Tagagawik rivers. Very high moose densities can also be found in Unit 24, especially in the Koyukuk drainage, where biologists estimate density to be 3.6 moose per square mile. A hunter who books with Hannon has the option of hunting in September or November for a trophy moose. "November offers a totally different moose-hunting experience," Hannon told *The Hunting Report*. "We go out on snowmachines and glass for moose along the riverbottoms. It's no problem locating moose. They're every-



where. It's a matter of holding back until you see a really large one." Hannon says trophy moose are also available in September, but are a bit harder to locate, because of thick foliage then. Nonetheless he does frequently take 60-plus inchers then. Overall, he takes numerous record-class and even record-book moose each year. Hannon points out to all would-be hunters that his snowmobile hunt is very different from most moose hunts. "The only time you get off the machine is when you're glassing or making a stalk," he says, adding that "may turn some hunters on and turn some off." The machines save

a lot of walking, but they don't mean the hunt is easy, he warns. "You should be in good shape for this hunt, and be prepared to ride long distances in the cold." . . . Another guide to consider is **Bill Fitzgerald**, who hunts the Talkeetna Mountains and the Alaska Range, both of which are known for their record-book moose. Fitzgerald has been hunting moose for 12 years, and has been 100 percent. "We took three bulls last year (the maximum number of moose he takes from his area per year), two of which went over 60 inches," Fitzgerald said. "One was the second-best moose I ever helped a client take. It measured 67 inches and scored 249 1/2 SCI. It was taken by a hunter from West Germany." The best moose Fitzgerald ever took was a 72-incher several years ago. "A 'trophy' moose is in the eye of the beholder," he said. "That 72-incher was quite ugly, if you ask me, but the client was happy with it." He says many of his clients are interested in moose that measure 55 to 60 inches, which are "average" animals in his area. "Plenty of them go 60 to 67 inches and have good baskets and palms, he says. Fitzgerald hunts moose in September, and at this writing had only one opening left in 1988. It was a 1x1 hunt, from spike camps. "Hunters who go with me should be in good physical condition," Fitzgerald warned. "We go where the moose are. I fly over the area before the season, and locate the big ones. That saves a lot of scouting, but it doesn't take the work out of my hunts." Another area that has been producing good numbers of bulls is the Mulchatna area. According to **Doug Brewer**, who arranges unguided, drop-off hunts, last year was one of

his best ever for big moose. "Our success rate was 71 percent for moose, and 93 percent for caribou," he said. "We took more than 140 caribou and 62 moose. Three of those moose qualified for Boone and Crockett, while one made it into Pope and Young." Brewer says more than half of the hunters he books want a "Super Cub hunt." This involves ferrying hunters to a large lake or river, where they are dropped off and taken one at a time to an alpine lake or air-strip away from other hunters. "I think the word is getting out that this is a much more successful way to hunt Alaska," Brewer says. His hunts are completely do-it-yourself affairs. He merely drops hunters off in an area, and picks them (and their meat) up for transportation back to civilization. Hunters must



know how to live and hunt in a wilderness, and how to bag the species they are hunting. Most of the hunting in Brewer's area is in high, alpine country or along riverbottoms. Both types of terrain require hunters to be in good condition. Significantly, the high alpine areas offer a chance for a black bear and caribou, as well as a moose. These are backpack-type hunts, and gear is limited to about 60 pounds per person. Ankle-fit hip boots are a must for both areas due to soggy patches of tundra and riverbottom. Brewer recommends seven to 10 days for one of these hunts, although there is no limit on the stay or extra charge for extra days. . . . Another do-it-yourself operator to consider is Jim Kacur of Frontier Flying Service. Ask him about Units 21A and 21E, with a bull/cow ratio of 47 to 100, and Unit 21D, where latest surveys indicate that densities along the Yukon River range

from 2.5 to 3.5 moose per square mile. Densities along the Koyukuk River range from 2.8 moose per square mile in the lower portion to four to six moose per square mile in the upper portion. . . . A final operator to consider is Joe Klutsch who hunts Unit 9E on the Alaska Peninsula, which historically has been a big producer of record-book moose. Klutsch has been hunting this area for years, and is one of the few guides who specializes in large moose here. His clients take several record-class moose annually. He also has one of the best record-book caribou areas in the state. Expect large expanses of flat, swampy terrain with dense thickets near riverbottoms. The area offers spectacular scenery of dormant volcanoes, cinder flats and tidal areas. The season on the Peninsula is subject to change, but usually takes place in September.—Chris Batin.

(Editor Note: The guides and operators mentioned in this report can be reached as follows: Bob Hannon, General Delivery, Koyuk, Alaska 99753. Tel. 907-963-3221; Bill Fitzgerald, Box 93, Talkeetna, Alaska 99676. Tel. 907-733-2566; Joe Klutsch, P.O. Box 313, King Salmon, Alaska 99613. Tel. 907-246-3030; Doug Brewer, Box 8553, NRB, Kenai, Alaska 99611. Tel. 907-776-5147; Jim Kacur, 3820 University Ave., Fairbanks, AK 99701. Tel. 907-474-0014.)

DATELINE: TEXAS

(Editor Note: A Texas hunting area we've never written about before is famed Palo Duro Canyon in the Panhandle. Correspondent Ray Sasser filed the gap this month with the following short report on the mule deer and aoudad hunting available there.)

With one notable exception, the Texas Panhandle is a flat, featureless plain. That exception is Palo Duro Canyon, southeast of Amarillo, where the Prairie Dog Town Fork of the Red River created a canyon that's as colorful and unusual as the name of the river that formed it. The canyon is a harsh and rugged 1,000 feet deep and eight miles across at its widest point. This area is home, however, to mule deer and the state's first and largest free-ranging herd of aoudad



"SERVING THE HUNTER WHO TRAVELS"

STAFF

PRESIDENT/PUBLISHER

Don Causey

SPECIAL CONSULTANTS

Capt. John Brandt

Steve Christenson

CONTRIBUTORS

Chris Batin	Bob McNally
Bill Burton	Dave O'Connor
Jim Carmichael	George Reiger
Charley Dickey	Ray Sasser
Paula J. Del Giudice	Dwight Schuh
John Higley	Nick Sisley
Tim Jones	Jim Spencer
Ron Kerr	Lance Stapleton
Russell Tinsley	Jon Sundra
Ken Nowicki	Jim Zumbo

ARTIST

Gordon Allen

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Production/Research Mgr., Ben Montaneili
Design by Victor Clois

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A MONTHLY NEWSLETTER

Volume 6, No. 2

"SERVING THE HUNTER WHO TRAVELS"

DATELINE: CANADA

(Editor Note: Hunting Report President/Publisher Don Causey filed the following report on the chaotic situation in Alberta.)

If you've booked a hunt in Alberta for this coming fall, or you are thinking of doing so, good luck. At press time, this province's efforts to come to grip with a burgeoning population of guides had stalled, leaving just about everything up in the air. Amazingly, it was not possible at all for nonresidents to book grizzly hunts in this province the way things stood in late January. There was also the distinct possibility the same situation would develop as regards elk. On the whitetail deer front, the situation was so chaotic that long-time deer guide Russell Thornberry was telling all inquiring hunters that he was throwing in the towel. The tone of a form letter Thornberry was sending out, a copy of which was sent to us by a subscriber, apparently summed up the depressing sentiments of many long-time professionals. "I regret to inform you that due to the chaos being created by swarms of unregulated 'outfitters' . . . it is no longer possible to guarantee a quality whitetail hunt in this province," his letter states. "There are now more fly-by-night outfitters than there are quality deer. Poaching and overcrowding of prime habitat are now the rule rather than the exception." He goes on to accuse the government of letting the hunting industry in Alberta "self destruct". The letter perhaps overstates the problem, but not by much. There are an estimated 3,000-plus outfitters now in a province that should probably have 600, or even fewer. The overall picture emerging in Alberta is

one of a government in paralysis. Just what will happen next is anyone's guess. There are rumors that the government, in desperation, might simply close the province to nonresidents entirely. The pity of it is, game populations in Alberta are at a near-all-time high due to recent mild winters. Moreover, new regulations have already been drawn up in Alberta—regulations that, among other things, would permit only guides with a track record to operate, and then only within clearly defined harvest quotas. Most observers are betting these regulations, in some form, will still be passed.



Until they are, the hunts most affected are for grizzlies (At press time, there were simply no provisions at all for nonresidents to hunt for these animals.) and whitetails (Warning: Don't book with a fly-by-night, and don't be talked into breaking the law. Your best bet is to book with an outfitter who operates well away from the crowded deer capital near Edmonton, or—better yet—one who operates in another province, such as Saskatchewan or Manitoba. We have reported recently on some outfitters in Saskatchewan and have a report this month on the situation in Manitoba.). Less affected are hunts for

sheep. Some 80 permits have been allocated to 20 outfitters since the early 70's. There is growing pressure to permit these outfitters to sell or transfer permits. In the meantime, though, many still take good animals each year. See Alberta Hunt Report file for reports. As regard elk, the grim possibility is that nonresidents may be shut out entirely from hunting these animals. And fair warning—even if hunting is allowed, many elk areas in Alberta are beginning to suffer the same kind of pressure that some of the whitetail areas around Edmonton have been experiencing.—Don Causey.



British Columbia

(Editor Note: With the news so grim in Alberta, it's a relief to offer this report on a highly recommended elk hunt in BC. Correspondent Jim Zumbo filed the report.)

I was fortunate enough this past season to hunt with Henry Fercho of Cranbrook in the East Kootenai region just north of the Montana border, an area that produces the bulk of BC's elk. My hunt was during the first week of the season, in September, during what was supposed to be the bugle period. As most elk hunters know, the 1987 fall was extremely hot and dry. The weather affected elk bugling in many areas, including ours. Nonetheless, I took a very nice 6x6. I was impressed with Fercho's territory. Much of it is heavily timbered, but there are plenty of open slopes covered with berries. I did not see another hunter during the 10-day hunt, and neither did the other members of my party. Nine of us were split into three groups in Fercho's vast area. Much of it was never hunted, primarily because there are lots of drainages that have no trails. This is as

TAKU SAFARI



ALSO: Caribou, Moose, Caribou, Black Bear, Wolf

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to grow and antlers. I was hunting a breeding stock with the same care and some of the animals I was to see were the result.

Red deer are the prime attraction on Rossadon, and I was there at the tail end of their roar season. Although technically of the same species as American elk, the "roar" of a red deer differs greatly in both note and pitch from the "bugle" of an elk. And the valleys of Rossadon echoed with the lifting notes. There were always a few red deer here and there on the open hill-sides, and many more that would escape unseen as we still-hunted through the thick brush.

Plentiful, too, were fallow deer. The one I ultimately took had long beams and plentiful points, assuring a good record book score. However, more impressive were the younger bucks that were coming on. New Zealand's fallow deer are often characterized by split palmation, and not the broad, full palms that really make a fallow deer trophy. Ross had carefully chosen his breeding stock, and many of his younger bucks are growing fully palmated antlers. They will be eye-poppers in another year or two.

Equally impressive were his sika and rusa deer, just now becoming established on Rossadon. The sika stags I saw were the best I've seen anywhere; the rusa deer, though not in the class of those from New Caledonia, were outstanding by New Zealand standards. He also had a very few sambar deer, and the legal approval to hunt them. These proved the shiest deer I've ever seen; I particularly wanted to see one very large bull (or stag, as they would call it) that was living in a smaller enclosure of very heavy bush. We looked for it a couple of times daily, in between stag hunts, and finally saw it on the fourth day. This sambar was worth the wait — I don't think I've ever seen a more magnificent antlered animal.

In addition to the various deer, there were good numbers of the feral South Pacific wild goats and rootings from wild hogs were everywhere. Some of the wild goats were locally native, but a few were live-trapped on Aripawa Island, and were believed to be direct descendants of animals dropped off by Captain Cook. Ross also had a small herd of a long-tailed, thick-coated, curling-horned sheep from the same island, also possibly introduced by Captain Cook. These obviously were a feral breed of some domestic sheep, but they didn't look like any domestic sheep I've ever seen. I didn't shoot one, but they were among the more unusual animals I've encountered.

We started the hunt by looking at animals — mainly red deer and, of course, the ever-present goats. I wanted a good red stag, but I was in no



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Sat. Dec. 3, 1988

Dear Mr. Serlogent:

First of all I wanted to tell you what a fine job you are doing chairing the task force on guiding. I sat in on your meeting in Soldotna, but didn't testify because I'm not much of a public speaker, I'm not much of a writer for that matter! Anyhow I'm a registered guide, and have been for about 8 years. I don't have an area, but have been working for another guide every season.

The old system of exclusive guiding areas was far from being perfect--mainly in the fairness in which these areas were distributed. It's my belief that 90% or more of the transfers which took place were illegal. Now somebody could feel right about selling a tent frame and a couple of tent stakes for \$100,000 is beyond me. I guess it boils down to the greed of human nature.

Anyhow that's all history and water over the dam. What do we do now? I came away from your meetings with a headache every day. I don't envy your jobs. In sitting in on the guide board meetings in Anchorage this week I again came away with a headache and a feeling of frustration. Everybody is screaming about what a devastating effect the court ruling will have on the resource. I think what they really mean to say is what a devastating effect it's going to have on their pocketbooks. They don't give us any credit for being professionals, or maybe they're remembering what they were like before exclusive guide areas.

Anyhow getting back to the point: what to do. I have been trying to figure out something that would work for quite awhile. I feel the market will solve a lot of the problems by itself--there are only so many clients out there. The guys with lodges and names in the business are already going to have a big advantage over somebody like me who has neither. In areas where it does look like the resource is going to suffer you could recommend that the game board raise the legal size limit of game for non-residents in those areas. For instance, put a 50" limit on moose, full curl limit on sheep, 24" skull size on bear, . . . These are only hypothetical figures--the biologists could figure out what was necessary. This would help solve one problem with outfitters and air taxis also as only non-residents who were well qualified in judging game animals could hunt without a guide. Of course this idea would take some refining, but I think it could work. I'm sure there

would still be some conflicts with resident hunters,
hunters, etc.

Again, thanks for your efforts, and good luck coming up
with a solution.

Sincerely,

Chris J. Kempf

Chris J. Kempf
Box 521
Kenai, AK 99611
262-9511

December 5, 1988

To All Members of Interim Task Force on Guiding & Game:

Guiding without a license should never have been made a felony, as the charge is way out of line with the offense. It is obvious in the public's eyes that this was done without justification and solely for the financial benefit of the guide. The offense must be changed back to a misdemeanor.

Guides should be required to set "prime examples" in representing their profession. In doing away with EGA's, we will have an excessive number of guides. To help get rid of any that are a dishonor to the guiding profession, their guide license should be revoked for any major violation as same-day airborne, wanton waste, or threatening others who are legally hunting.

There are presently many people with a guide license who are not qualified. With doing away with EGA's, it is more important than ever to "weed them out." This should be done by having a new guide test and require each and every guide or person becoming one to take the same test. They should also be required to take an approved first aid course with CPR and a refresher course every year to keep their license active. How many current guides know how to administer CPR properly?

I am sure many of the current guides who realize they are not qualified will balk at this. It would be the most equitable solution since everyone would be treated equally and need to meet the same qualifications.

We should have both guides and outfitters because both provide a needed and valuable service. The hunter should be free to choose the service he needs or can afford.

John Wilson

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

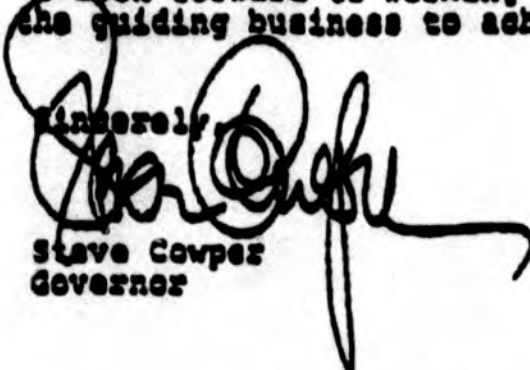
Dear Phil,

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 Red Zwope 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

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

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

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 Owsichuk case, as well as increased hunting pressure from unlicensed hunting service providers, which has been an explosive problem in some areas of the state.

Alaska Guiding Release
Add 2

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

Alaska Guiding Release
Add 3

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 Owsichuk 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 achievable

Alaska Guiding Release
Add 4

mechanisms to reinstate a system of resource stewardship on state lands through concessionaire 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

Alaska Guiding Release
Add 5

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.

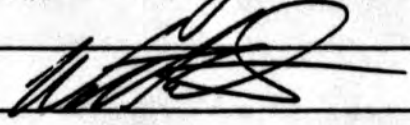
Gary (F&G employee)

Here is the letter that John received.
In this letter Mr Confer is referring to Friendship
Air Service, Helena Ak.

As for our "written word" two years ago, I
remember it as that "We wouldn't hunt the Snake
River" without going thru Mr. Confer, which we have
honored. This year we hunted the Melozitna River.

From the start, back during the 1986 hunting season,
Mr Confer flat out lied to John and I about
"where" and "where not" he could put us into for
hunting, so as far as "integrity and creditability"
a concerned he must have his own definition
to suit his style.

I do not appreciate this unwarranted harassment
so feel free to forward this information to the
Alaskan fish and game boards if you feel it is
warranted.

Thank You Gary (hunter)


W. M. Taylor
H. M. and G. M.

W. M. Taylor
H. M. and G. M.

21711-8846

I took the guide test
but I passed it. It was aimed at the guide
sections were not just at the end. The
guide sections were being passed. The
guide was said to be going through the
in the end. I could not get an agent due to moving
from Jones use as a registered guide and no one
wanted to sign contracts for me to get use. Also
the guide present areas were getting more
and more persons such as my self and others.

The assistant guiding industry and I was
looking I saw a lot of Air Taxi type and
hunters. The out fitters were dropping off in many
as the people, out fitters were not regular and
I have to take a test as I did.

I do not think making out fitters + guides getting
a just 135 Air Taxi certificate will help. Most of the
problem of drop off hunting is by such Air Taxi's
now.

People were being dropped off and left in the
Bad weather, floods etc which was very unsafe as
reasons guides who have to pass the guide test
which does have sections on safety, first aid, top
graphy, etc.

I Think ONLY Recently I have been here;
and all the other things I have been doing
A lot of all the things I have been doing with an exception
for the other things I have been doing.

I also think that if I have to get in the
business that I would then have to compete with
the other Air-Taxi operators in the year to
make it pay, this would make a lot of competition
by the way which could get present Air-Taxis out of
business.

When I fly my clients out I do so in good
weather, I've seen Air-Taxi operators flying in some
really bad weather, I would like to continue to do
my own flying for this reason.

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH V. STATE/CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

March 24, 1988

SUBJECT: Constitutionality of statutes requiring guides
 for nonresident hunters and requiring guides
 to be residents

TO: Representative Adelheid Herrmann
 Co-Chair, House Resources Committee

FROM: Edward H. Hein *EHA*
 Legislative Counsel

You have asked whether state statutes that require non-resident big game hunters to be accompanied by a guide and that require guides to be residents are constitutional.

Under AS 16.05.407, a nonresident who wishes to hunt brown bear, grizzly bear, or sheep must be accompanied by a licensed guide or by a resident relative. The question is whether this statute violates the Equal Protection Clause of the Alaska Constitution, Article I, section 1. That section provides, in part, that "all persons are equal and entitled to equal rights, opportunities, and protection under the law."

The test of constitutionality under this section is whether the discrimination against nonresidents substantially furthers a legitimate goal of the state, which then must be balanced against the nature of the nonresident's interest or right involved. State v. Erickson, 574 P.2d 1, 12 (Alaska 1978). The goals of the state in requiring guides for nonresidents are not stated in the statute, but arguably are hunter safety and enforcement of game laws. These are legitimate state objectives.

The next question is whether the discrimination against most nonresidents substantially furthers these objectives. It is reasonable to conclude that nonresident hunters, on the whole, are less familiar with Alaska's terrain and weather conditions than residents are. Nonresidents may also be

unfamiliar with specific hunting techniques for hunting Alaskan animals, such as the brown bear and dall sheep. Therefore, requiring nonresident hunters to be accompanied by licensed guides is a rational means of protecting their safety. Requiring guides also helps ensure that nonresidents comply with state game laws, particularly since guides are required by law to report violations committed by their clients. But the statutory scheme is flawed, from a constitutional standpoint, in at least two ways.

First, the statute makes an exception for nonresident hunters who are accompanied by a resident who is 20 years of age or older and related within the second degree of kinship. Substituting a resident in place of a licensed guide is not even rationally related to the goal of protecting the nonresident hunter's safety. As one court has stated, this kind of exception is "impossible to reconcile with the theory of safety unless one indulges in the violent presumption that mere residence in this State makes a competent, knowing guide." Schakel v. State, 513 P.2d 412 (Wyoming 1973). It may be that a close relative will be more concerned than another resident for protecting the nonresident, but this does not make the resident relative any more qualified to accompany big game hunters than other residents who are not licensed guides. Second, the list of big game animals for which the nonresident must be accompanied is not complete. Although it covers bears and sheep, it omits goats, moose, and caribou -- animals frequently hunted by nonresidents.

These two flaws in the statute make it vulnerable to constitutional challenge. In particular, the exception for resident relatives is probably unconstitutional. Amending these aspects of the statute would make it more defensible.

The second statute is AS 08.54.210(a)(3) and (6), which make it unlawful for a person to guide without a guide license and a resident hunting license. The effect is to exclude nonresidents from engaging in the business of guiding in the state. This residency requirement is in violation of the Privileges and Immunities Clause of the United States Constitution. The Attorney General has so advised the Department of Commerce and Economic Development and has directed that the requirement not be enforced. The requirement has been removed in various versions of SB 191.

Article IV, section 2 of the United States Constitution provides, in relevant part, that "The citizens of each state should be entitled to all privileges and immunities of citizens in the several states." In line with this purpose, the Court has said that the clause protects fundamental interests -- "those that bear on the vitality of the Nation as a single entity." Baldwin v. Montana Fish and Game Commission, 56 L.Ed.2d 354, 365 (1978). One of the most fundamental interests protected by the Privileges and Immunities Clause is the right to pursue a common calling, ply a trade, or do business in another state. Supreme Court of New Hampshire v. Piper, 84 L.Ed.2d 205 (1985); Toomer v. Witsell, 92 L.Ed. 1460, 1471 (1948). A nonresident's interest in engaging in the business of big game guiding in Alaska is such a fundamental interest and, therefore, is protected by the Privileges and Immunities Clause.

To discriminate against nonresidents, the state must have a substantial reason beyond the mere fact that they are citizens of other states. Toomer at 1471. The state cannot, for example, discriminate solely for the purpose of giving residents an economic advantage over nonresidents. Lynden Transport, Inc. v. State, 532 P.2d 700, 710 (Alaska 1975). The statute identifies no evil caused by nonresidents that requires that they be excluded from guiding in the state. There is no showing that a nonresident is inherently less qualified to be a guide than a resident. A nonresident would have to meet the same qualifications as a resident to obtain a guide license. As one court has stated, "mere residence in this state does not make a competent guide." Powell v. Daily, 712 P.2d 356 (Wyoming 1986). There is no showing that excluding nonresidents from guiding in the state in any way protects the state's game resources. The United States Supreme Court has stated that a "state's interest in its wildlife and other resources must yield when, without reason, it interferes with a nonresident's right to pursue a livelihood in a State other than his own." Baldwin.

The residency requirement for licensed guides is in violation of the Privileges and Immunities Clause of the United States Constitution and is unenforceable.

EHH:bb
b4/050



NELSON STIMAKER

Registered Guide

7133 Arctic Blvd. #5
Anchorage, Alaska
99518



Business
907-349-4722

Home
907-243-5159

December 13, 1988

Ladies and Gentlemen of the task force;

I tried to give a talk on December 12th but not being a good speaker in front of a crowd I could not express my feelings thoroughly. My tongue kept getting in front of my thoughts.

After listening the whole day to the comments and thoughts I believe I have a better idea of what you are wanting to hear.

First about the old system and how prejudiced it was. I had a first hand example of it.

One of the guides I worked under was Clark Engle. I respected and admired Clark alot and worked my heart out for him and his clients. My letters of recommendations showed that, along with the fine trophies I helped get for these clients. Only Clark himself wrote letters to the guide board saying everything bad about me he could, which was going to stop me from being tested. I confronted Clark and asked why. He was mad because I supposedly was sending all these residents into his area to hunt.

I did send a fellow who worked with me and his brother from Colorado to hunt sheep. I told this guy how to hunt the area and how to stay out of Clarks way. Clark remembered these two guys and said they were no problem. We talked to him first and were nice and did stay far out of his way.

Clark's problem were the many others after. I explained to Clark I sent no others and I felt before he did such damage to me with his letter of lies, that the best he could of done was to ask if I did in fact send all these people. Clark agreed with me that he'd been unfair and pulled that letter. It wasn't until years later that I learned that the air taxi operator who took my friend to Clarks area also took many others afterwards and told his customers to say "Nelson told of this spot".

But Clarks letter and influence on the board were damaging to me. I was told after my written test that I had failed by one point. When I reviewed my test I saw many questions marked wrong that I knew or felt were correct. So I appealed my exam results. Much later I learned that appeals are to come up at the very next board meeting. My appeal did not come up to the board until 2½ years later and repeated calls to Mark Jenkins and other board members.

Not until I hired a lawyer was I granted an interview to review my exam. Wildlife officer Richard Graham reviewed my test with me and said yes I was tested unfair. He also was the person who told me that appeals should never had taken 2½ years.

My oral exam was very interesting also. Just 3 questions that I'm sure any other non-guide member of this task force could answer.

Well now I am a registered guide. But I feel the guide board caused me 2½ years of a lot better income other than an assistant guides wages and damages for heartaches and troubles. I couldn't afford to fight the state and dropped it.



NELSON STIMAKER

Registered Guide

7133 Arctic Blvd. #5
Anchorage, Alaska
99518



Business
907-349-4722

Home
907-243-5159

Continued-

I have also since this time seen that same board take action on guides who were accused in court and won their case only to still face discipline from the board.

I have seen the old board and present board set policy for action, like deny transfers because of joint use, and then give a transfer with joint use to one of the good old boys.

The new APHA President is a perfect example. The boards have all been corrupt. The latest is a lot better than all the others but not impartial.

The real meat of the matter I want to discuss is what to do. The APHA guide click seems to think that a permit system is the end of guiding in Alaska. I have yet to hear anyone say why. What it is, is the end of the monopolies that existed and if an area concept comes back it will exist again.

The same guides who do not want permits are afraid of being put in a free enterprise situation. Competition between guides does not need to be damaging to the resource if the resource is managed. And it is not being managed well now, nor did the ideas from APHA reflect any management besides guides again.

Mr. Lew Pamplin seems like a very bright man but I believe he is not facing all facts fairly. I do hope his thoughts are not just influence by his close relationship with some APHA members. Mr. Pamplin said managing people is a strong tool in managing game. If that is true I must say that along with the poor game management this state has, that it also has poor people management.

Now we have the Owsichuk decision and the Supreme Court of Alaska is telling the state and Mr. Pamplin should take note, that we better stop managing people. Of course unless we can manage them fairly and equally.

A lot of people talk of good management under the old guide system. Very few guides were game managers. They made money. Bottom line. As much as they could get away with. If the big operators could have more assistants they'd have more hunters.

Then you throw uncontrolled outfitters, airtaxi's, stir it with subsistence and tell me where is there any management at all.

A permit system manages game. It says an certain amount of game can be taken from this area because of such is such. Don't be so concerned who kills it. Hunting is a gamble anyways. People like to gamble. Only in professional gambling places the house comes out on top. Alaska, being the house, needs to control the game. Permits have far better control on harvest with a equal choice for all. The management data is far more accurate.

I feel residents do not need a permit system anymore than the ones in place now. That of course can change one way or the other. Non residents do need a permit system and there should be fees the state should set for registration.

(A side note is that people in taxidermy related industry would like a export tax to encourage more people to have animals worked on here in Alaska. A lot leave here every year to out of state taxidermist and tanners.)



NELSON STIMAKER

Registered Guide

7133 Arctic Blvd. #5
Anchorage, Alaska
99518



Business
907-349-4722

Home
907-243-5159

Continued-

I do agree it will make the guiding industry more fair and equal and competitive. But what a scary thought! The guide business more competitive to allow any guide the chance to be picked at random and compete his price and service.

Not every hunter wants tent hunts, lodge hunts, horse hunts, boat hunts, etc.. They like to choose, like they do for grocery stores, cars, doctors, lawyers, guides or what ever. It's the American way and what the Supreme Court tell us to do. And yes it can cause problems so solve the problem by limiting the game harvest. Control that!

Let the good guides make the bad go on their way. It happens in other business.

One more important point. If permits are to be used please take into consideration that guides need more time to organize their gear so settle the permits early enough so it is workable for guides to handle.

My last comment is to congratulate this task force for the fine job you have done so far. We may all curse you later, but your patience and thoughtful questions are so far admirable.

My comments are at Mr. Pamplin are direct to him personally. I don't know the man well. My comments are to AF&G policy just as I'm sure his answers are.

I'm available any time for questions at the address and numbers on my letter-head.

Sincerely,

Nelson Stimaker

P.S. I agree with Mr. Hundley that writing is far easier than talking.

TELECOPY COVERSHEET

KENAI PENINSULA LEGISLATIVE INFORMATION OFFICE

312 TYEE STREET

SOLDOTNA, AK 99669

OFFICE NUMBER: (907) 262-9364

TELECOPY NUMBER: (907) 262-1881

DATE: 12/13/88 TIME: 3:50 PM

TO: Big Game Guide Task Force

TITLE: _____ PHONE: _____

COMMENTS: Please deliver to Chairman Spruiger.

FROM: Penny Tinker

TITLE: _____ PHONE: 262-5941

COMMENTS: _____

NUMBER OF PAGES FOLLOWING THIS COVERSHEET: 3

IF YOU DO NOT RECEIVE THE TOTAL NUMBER OF PAGES FOLLOWING THIS COVER LETTER, PLEASE TELEPHONE OUR OFFICE. OTHERWISE WE WILL ASSUME YOU HAVE RECEIVED THIS TRANSMITTAL SATISFACTORILY.

SENT BY: Arlene Murphy

After completing this form, you may return it in the postage-paid envelope provided. Responses received by October 15, 1988 will be compiled and presented to the Task Force on Guiding & Game at its November meeting.

K-PEACH (VIP AREA)
Name of your community

(We do not request that you give us your name; however, we need to know what town or village you live in so that we can get an accurate picture of how the guiding system affects the various regions of Alaska.)

1. Do you participate in any of the following areas of the commercial big game hunting industry? (Check as many as apply to your situation.)

☐ Master Guide	☐ Lodge Owner
☐ Registered Guide	☐ Lodge Worker
☐ Class A Assistant Guide	☐ Air Transportation
☐ Assistant Guide	☐ Water Transportation
☐ Outfitter	☐ Land Transportation
☐ Other (please explain): _____	

2. How many of the following would you say operate in your area? (Please write in the number on the line provided.)

☐ Master/Registered/Assistant Guides	☐ Outfitters
☐ Transportation Services for Guides	☐ Lodges
☐ Other: _____	☐ Sporting Good Sales

3. How important is commercial big game hunting to the local economy?
☐ Very Important ☒ Important ☐ Not Very Important ☐ No Guiding Here

4. If there are guides in your area, how much of the money made from the industry circulates in your community?

☐ 100% ☐ 75% ☐ 50% ☐ 25% ☐ Less than 25% ☒ Don't Know

5. If there are outfitters or others who provide hunting services in your area, how much of the money made from the industry circulates in your community?

☐ 100% ☐ 75% ☐ 50% ☐ 25% ☐ Less than 25% ☒ Don't Know

6. Are local game resources enough to meet the needs of all users, including subsistence, commercial and sport? ☒ Yes ☐ No

If there are conflicting uses, what species would you say are the most seriously affected? _____

7. Have you seen an increase in the commercial taking of game in your area recently?

☐ Yes ☒ No

8. Would you say that the laws and regulations covering commercial big game hunting are adequately enforced in your area? ☒ Yes ☐ No

Please comment here if your answer is "no": _____

1

Guiding & Game Questionnaire - Page 2

Is there a problem with illegal harvest of game in your area by any of the following? (Please mark all that apply.)

☐ Guides ☐ Outfitters ☐ Air Taxi Services ☐ Lodge Owners ☒ Other

Please comment here if you wish: Poachers take many cows +

SALES in the winter time.

10. A. Are you aware of the procedures for becoming a licensed guide?

☐ Yes ☒ No

B. Do you see any problems with the procedures for becoming a master guide, registered guide or assistant guide?

☐ Yes ☒ No

If your answer was "yes", what specific areas need the most improvement?

11. Do you feel that the people in Alaska's rural areas have an adequate and equal opportunity to benefit financially from the state's big game hunting industry?

☐ Yes ☒ No

If your answer was "no", please comment on how rural Alaskans could benefit more from this industry: Assigned guiding ARTAS ARE NOT A

Free enterprises system

12. Overall, how would you rate Alaska's guiding system as it works in your area?

☐ Very Good ☐ Good ☐ Fair ☐ Poor ☒ Very Bad

13. Whether or not you see problems with the current system of regulating the commercial taking of game in your area, do you think there has to be a system to control the commercial harvest of big game animals? Please explain your opinion below:

yes: but it must be controlled by the state
Guide Board must only issue guide licenses + protect
public safety.

Final Note: Thank you for your help! Without concerned citizens it is hard to make good laws. Please contact me if you have further questions, comments or suggestions for the Task Force on Guiding & Game.

Vernita Cassidy
Vernita Cassidy, Director
Village Community Development
Rural CAP, Inc.
(907)279-2511

2

The undersigned make the following recommendations to the Task
for the Guide Licensing and Control Board:

1. Restrict the Guide Licensing and Control Board to their original functions of: a) testing for licensing of guides and b) to set performance standards to protect the public.
2. Enforce the Owsichuk decision.
3. Allow guides to become licensed anywhere in the State upon passing appropriate test for each unit that they want to be registered for.

NAME	ADDRESS	PHONE NUMBER
John Wheeler	Box 12, Kaslof, AK	
John Wheeler	PO Box 1245 Kenai AK 99611	
Pauline Tucker	373 Katmai Seldotna	262-5941
John Strand	Box 39330 Nunak AK	99639
John Bogard	1101 Box 228 Sterling	262-4985
James Craighead	27 Hamlock Ave Kenai, AK	283-9534
John Lofgren	PO Box 4608 Kenai AK	99611
John Lofgren	374 W. Merrill Ave Soldotna AK	99611 262-313
John Lofgren	P.O. Box 3002 Soldotna, AK	99612 262-113
John Lofgren	P.O. Box 1892 Soldotna, AK	99612
John Lofgren	613 Maple Dr Kenai, AK	99611
John Lofgren	RT 1 Box 1603-6 Kenai, AK	99611
John Lofgren	Box 39330 Nunak AK	99639

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Branham

P.O. Box 190184

Adventures

Anchorage, Alaska 99519

ALASKA

Dec. 12, 1988

Chairman of Interim Task Force on Guiding & Game

Dear Members of the Task Force:

The following are suggestions and recommendations to help resolve the Commercial take of game. Our opinions are based on 40 years of Guiding experience devoted 100% to Sports hunting and Commercial Air Taxi operations.

1. Recognize there are three user groups.
 - a. Subsistence
 - b. Residents
 - c. Non-Resident
2. Recognize there are 5 Commercial users providing services for two impacted groups, Residents and Non-Resident, those groups are:
 - a. Guides
 - b. Guide Outfitters
 - c. Air Taxi
 - d. Charter Boat Operators
 - e. Lodge Operators
3. Recognize there are three distinctive forms of services needed for hunters or clients.
 - a. Fully guided outfitted operations providing total service, food, accommodations, travel, assistance and direction.
 - b. non-guided or self served hunters needing only transportation.
 - c. non-guided or self served clients needing transportation and accommodations.
4. Distinctive operating licences shall be required by each commercial user.
 - a. Guide requires Guide License issued by Guide Board or Dept. of Commerce or designated Agency.
 - b. Guide/Outfitter possess a Guide License and Outfitters License, which shall include current business license, Liability Insurance, Workman Compensation, First Aid Card, State and Federal Permits.
 - c. Air Taxi Operators Operate under part 135 Federal and State Regulations.
 - d. Charter Boat Operators Must possess Marine operator license and other appropriate Coast Guard Qualifications.
 - e. Lodge Operators Business License and Commercial establishment requirements. (EPA)

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5. Limitations and Restrictions to each License.

a. A Guide can be a Guide without being an outfitter. He works for an outfitter.

b. Guide/Outfitter must provide all services associated with full service hunts, including food, facilities, assistance, travel equipment and personal direction.

c. Air Taxi Can not provide any of these services without an Outfitters License.

d. Charter Boat Operator CAN provide only food, accommodations and water transportation unless he possess an outfitters license.

6. The allocation of the resource to each commercial user is based on the following considerations.

Preferences

a. Those licensed at time of Statehood or before.

b. Those Licensed before 1974 or E.G.A.

c. Those holding established operations on private or patented land that can be substantiated as past or current Commercial users.

d. Past Historic use.

7. Process of allocation when resources are limited.

a. Registration permits

b. Drawing permits

c. Maintain quota for non-resident permits at current ratios in designated areas.

d. Divide the game units into smaller management areas for better Biological and Harvest data.

e. Where Lodge or permanent facilities are not established. Require a camp registration process well in advance of hunting season. Each guide may register up to two camps in each unit.

f. Establish a pre-registration process for booking hunters on a first come basis with deadline date by FEB. 1st each year.

8. Process of Establishing "Commercial Game Conservation Units."

a. Preferences as listed.

b. Leases, concessions and fees

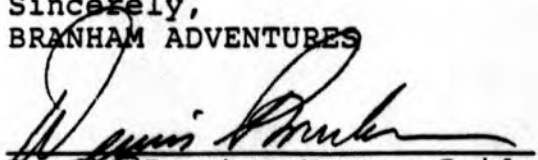
c. Competitive bids

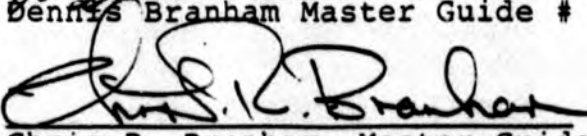
d. Drawing

The objectives of these recommendations are to protect and manage the game as well as allowing all user groups to have equal participation, and at the same time allow for an economical, feasible Guide Outfitting business.

Sincerely,

BRANHAM ADVENTURES


Dennis Branham Master Guide # 2


Chris R. Branham Master Guide

David L. Lajoie
HCOI Box 6877
Palmer, Alaska 99645
745-3006

(Make into one class)

1. All registers, master guides, register outfitters; be given 3-4 registered camps state wide. All hunting shall be done by walking out of one of these camps. Airplane maybe used only from commercial airports to one of these base camps.
One camp per river drainage.
There would be plenty of areas for the present guides-outfitters.
This would contend guides from jumping around and claiming out areas and owning one.
If a guide wanted to hunt or change an area he could apply for a new creek or river drainage and then drop one that he presently has.
No need to go to drawing or permits.
All guides could have a place to hunt.
Everybody could have a decent size area.
This would eliminate the big time game bags.
Guides could pick public lands, some native or about to pick native land and deal with natives.
Areas good for 10-15 years with renewal right.
2. Two groups of areas:
 1. Guide-Outfitters, a contract, guided hunts for all non-residents, for ~~at least~~ Sloop & Brown Pass.
 2. Air-taxi-transporters, strictly transporting hunters from commercial airport to a camp. They could supply no gear, food, tents, boats, etc, strictly flying, hauling by boat, horses, 4x4's.
3. Put a freeze on making any more guides, outfitters, transport for 3 yrs. and so until things get straightened out.

4. Eliminate part 135 for guides.
5. Sunset this guide board.
6. Public Safety should be completely separate from Guide Board.
7. Drop felony charge law. Make it a misdemeanor.
8. Set up a points system for law breakers.
9. Arrange for all guides to vote on any laws, or legislation that affects them. I have been guiding for about 20 years, some full time. And yet I really don't have a vote. I would like to vote on my livelihood.
10. A.P.H.A.'s proposals is too complicated, too many high priced permits and conservation tax's. More animals would have to be taken just to pay for these permits.

I am 43. I've been guiding in Alaska since 1969. I am now a Master guide. I do not belong to A.P.H.A. I am not in the "click" or elite group of big money, high licensed "working agent" guides. Once the guide board found out that I also do outfitting (Carson) they always turned down my petitions. I have sat thru many guide meetings and watched them give "their buddies" ~~there~~ there's requests and turn down those not in the "click".

11. ^{WASHA} State size 530,000 sq. miles.

estimated - approx 200,000 sq. miles of huntable land.
 $200,000 \div 1000 \text{ guides} = 200 \text{ sq. miles per guide, for every guide.}$

$$200,000 \div 700 = 285.7 \text{ sq. miles per guide}$$

12. Those that have lodges can pick that area as one of their choices.

13. Let all guides pick any 3 G.M.U.s, any. Some guides now have only 3-4 units, some have 26. This is discriminating and would go against count ruling because it limits some guides.

14. Do not give the "established" guides any preference chance to pick their own exclusive area.
We are virtually starting over.

15. By raising hunting license from \$60 to \$90⁰⁰, this increase could cover the user tax proposal.

16. No need for 500⁰⁰ for 100 sq. mi. or 1000⁰⁰ for over.

17. When you reach a proposal, on Thursday, would it be possible to have it voted on by all guides and possibly the 32 outposts?

18. Keep it simple.

Thank you. D.L.L.

1200 1-2-70
HOMER
Proposals Relating to Guiding and outfitting.

CECIL R. TONER
HOMER, AK
99603

Proposal #1.

Any Alaska resident who has been in the business of assisting big game hunters in any manner while in the field, except for the service of providing transportation to and from the field, may take the written test for a registered guides license. If they pass they shall be issued a registered guide license without meeting any of the other requirements as required by law. This proposal applies to unlicensed outfitters who have been conducting business for a minimum of three years and have at least three recommendations from previous clients. This test shall be conducted on a one time basis.

Problem this proposal addresses.

Over use of the big game resource by increasing numbers of unlicensed big game guides. Unregulated commercial use of the resource has traditionally been unhealthy for that resource and is already causing problems in many areas of the State. The situation will only get worse if unlicensed guides are not brought under regulatory control.

Purpose served.

This proposal will put all commercial guides and outfitters under one set of regulations as it should be. (This proposal will do no good unless passed in conjunction with the other proposals set forth in this packet.)

Proposal # 2.

Define guiding as "Being present with, accompanying or providing any personal service for a big game hunter in the field, either personally or through an assistant, for compensation or with the intent or an agreement to receive compensation. Guide or guiding does not include being present with a hunter while providing transportation to and from the field.

Problem this proposal addresses.

Unlicensed guides operating outside the regulatory structure set forth by the State to control over harvest of the resource by commercial guiding operations. Presently people are circumventing these regulations by posing as camp help, dish washers, meat packers etc. and actually doing everything that licensed guides are doing. It is not only detrimental to the resource it is also unfair to those who went through all the proper channels to enter the business and put their trust in the

Proposal # 2 continued.

State sanctioned regulatory system. (Proposal should be a part of this complete packet.)

Proposal # 3.

Establish a resident accompaniment or liscensed guide requirement for all non-resident big game hunters.

A non-resident of the state of Alaska may not hunt Sheep or Brown Bear unless accompanied by a licensed Big Game Guide.

A non-resident may not hunt any other big game unless accompanied by either a liscensed big game guide or an Alaska Resident 19 years of age or over.

An Alaska resident may accompany up to two nonresidents per year. Any non-resident hunter must sign an affidavit when purchasing their license and tags as to who will be accompanying them on the hunt. (As is now required with Brown Bear and Sheep.)

Problem this proposal addresses.

This proposal would make it nearly impossible for any one to circumvent the guide laws through use of a loophole and get away with it for long. It would make it easy for enforcement officers to identify illegal guide operations. It would reduce the hunting pressure on the game populations. It would cut down on the amount of wanton waste of meat presently going on with nonresident hunters. It would reduce the number of hunters competeing with Alaska residents for a limited resource. ANILCA mandates that when there becomes a shortage of game in any area that Alaska residents engaged in a subsistence way of life has priority use of that resource over other people including other Alaksa residents. When unlimited numbers of nonresident hunters reduce any given game population to low enough numbers to require a drawing permit system then local residents have priority over everyone else for those permits. That could mean that Alaska residents that travel to an area for taditional hunting purposes could in the future be denied that privilage if the unregulated harvest of game by nonresidents continues. This proposal would allow any resident that wanted to hunt with his old army buddy or friend from the lower 48 to continue to do so. It would not stop nonresidents entirely from using the resource but it would do a lot toward slowing down the nonresident slaughter of game that is presently going on while improving conditions for law enforcement and resident hunters. (Proposal should be a part of this whole packet.)

Proposal # 4.

Anyone who flies another person to and from the field for the purpose of hunting big game in any Aircraft rated for over two passengers must have an air taxi permit.

Problem this proposal addresses.

This proposal is more of a compromise type situation than anything else. As it now sets the airtaxi operators are staying in business by flying hunters to and from the field. If proposal # 3 were passed it could pose a considerable financial burden on a large number of airtaxi operators. This proposal would help relieve a portion of that burden. Two place planes are extremely critical to the majority of the guide operations. To prohibit guides from flying hunters in two place planes would put an undue hardship on most guides. The two place planes are used mostly for short trips on a spur of the moment basis and it would be impossible to conduct that sort of thing with an airtaxi business. Most air taxis are scheduled far in advance and can not operate on a spur of the moment basis. However, and I am speaking for my own self here, most of the long hauls can be on a scheduled basis and usually include several passengers and so five or six place planes are used. These situations could be handled by the airtaxis. I would not have any problem with that, however some guides probably would have in some areas. The worst problem with air taxis is having them available when you need them. The reason I started flying was because none of the airtaxis in Homer had a super Cub. This proposal may work and it may not. At any rate it would help ease the burden on the airtaxis if the other proposals in this packet were enacted. (I would oppose this proposal unless passed in conjunction with the other proposals in this packet.)

Proposal # 5.

Provide a guide area permit system administered by the dept. of Fish and Game.
(Even if it requires a change of the State constitution.)

Problem addressed.

Unlimited numbers of guides in any given area will destroy the game resource in this State and be detrimental to the guide industry as a whole. The guides themselves asked for this system of controlling the industry in the beginning. With the exception of a few short sighted individuals it has the full support of the guide industry.

Proposal # 5 continued.

Nevertheless I will grant that the system we have been using has had some short comings. When you take an industry that has as much impact on the game resource as guiding has then I feel like the Dept. of Fish and Game should be involved in the regulating of that industry. The biologist are better qualified to say how much pressure the resource will handle than the Guide Board is. Some guide areas are (or were) way to big for one outfit. Others were to small to support the amount of pressure placed on them by their owner. I would like to see the ADFG lay out the guide ares on the maps on a unit by unit basis. This could be done with reference to the old maps and in conference with the guides who held the areas in that game management unit in the past. The areas could be laid out according to an economical unit. In some units there would be more areas available while in others there would be less. The guide permits would then be issued according to grandfather rights or some equitable basis. The ADFG would have no say in the transfer of these areas once established except to terminate a permit in the case of that area becoming to overused. The Guide Board would have the athority to with draw any persons permit for illegal activity. The ADFG would then reassign that permit to the most qualified user. Any time a guide wished to retire or otherwise terminate his business he could sell his operation to whom ever he wished as long as the person he was selling to had not had a permit revoked. The ADFG would then reassign the permit to the new operator. There may be a lot of people opposed to this, however whether we have a permit system or not, anyone that presently wishes to get into the guide business would be better off to buy out someone elses operation than to bully their way into an area. Simply because the court threw out the guide area permit system doesn't mean the guides in these areas no longer have an operation there. They should be able to sell that operation like any other business in the United States. Anyone that is low enough to move in on one of these established guides operations should expect to suffer some consequences. They should expect to have their airplanes burned, camps destroyed and things like that, as well as having their clients realize that they are "claim Jumpers". However there are laws against an individual taking the law into his own hands, so what we need is a law to prevent the "claim jumpers" from destroying the honest operations. The only way to do this is with a guide area permit system. This would also provide the nonresident hunter the assurance that when he comes up to Alaska to hunt he will not have to feel guilty about being an accomplice to a "claim jumper". Such a confrontatíon can ruin a persons whole hunt as well as the the trip for the hunters in the other camp.

Nov. 13, 1988
Colville Village

DEAR MR. SPRINGER,

AS YOU PROBABLY WELL AWARE GUIDING IS A NOBLE
PROFESSION. IT REQUIRES YEARS OF TRAINING ^{AND} UPHOLDING HIGH
MORAL AND LAWFULL STANDARDS. WHEN A SPORTSMAN FROM
OUTSIDE OR IN STATE THINK OF A GUIDE THEY SHOULD AND
USUALLY DO THINK OF A TOP NOTCH INDIVIDUAL. AS IN ANY
PROFESSION THERE ARE A FEW BAD APPLES BUT THESE ARE
RELATIVELY FEW AND FAR BETWEEN

I WORK FOR MR. BUD HELMERICKS AND HE WOULDN'T
LET ME NEAR A CLIENT FOR THE FIRST TWO YEARS. HE WORKED
CLOSELY WITH ME THOSE FIRST TWO YEARS AND FINALLY
THIS YEAR HE RECOMMENDED ME FOR MY ASST. GUIDE LICENCE.
I'M WILLING AND ABLE TO GO THE REST OF THE WAY TO
BECOME A REGISTERED GUIDE.

I COULD BE AN OUTFITTER TOMORROW. OH SURE OUTFITTERS
ARE NOT SUPPOSED TO CONDUCT HUNTS. YOU AND I KNOW THAT
IS NOT ALWAYS THE CASE. I COULD NO MORE CONDUCT MY OWN
SAFE RESPONSIBLE HUNT AT PRESENT THAN MOST OUTFITTERS,
YET I'VE ALREADY HAD THREE YEARS OF EXTENSIVE TRAINING
BY ONE OF THE BEST.

SO I PUT IT TO YOU SIR, BY ALLOWING OUTFITTERS TO
CONTINUE AS THEY HAVE, CAN ONLY BE DETRIMENTAL TO
THE PROFESSIONALS (GUIDES), GAME AND ALASKA

SINCERELY,

Clay (BUD) Melchut ASST GUIDE # 2650

Board moves to toughen tests for big-game guides

By CRAIG MEDFORD
Daily News reporter

Getting licensed to guide big-game hunters in Alaska could become more difficult because of a state Supreme Court decision intended to end inequities in the guiding business.

The Alaska Guide Board on Tuesday decided to toughen the tests given applicants for guide licenses.

The board acted, in part, because the Supreme Court has ruled unconstitutional a law that gave guides private hunting areas. Of 440 guides licensed to work in the state, only 234 had hunting areas, according to the state Division of Occupational Licensing.

Guides without areas had no choice but to work for guides with areas, and knowledge of that restriction might have encouraged the board to let some marginally qualified people into the business over the years, Director of Occupational Licensing Randall Burns told the board.

Passing the exam for a registered guide's license "didn't mean a great deal unless you had an area," said Burns. But with the court decision freeing new guides from the influence of veteran guides, extra attention is going to be needed to ensure competency, he added.

The Supreme Court decision, Burns said later, required that the board take a closer look at guide qualifications — since the board can no longer control which guides get hunting areas.

The board had carefully doled out those areas over the years.

Its actions led to repeated accusations that an "old-boy network" controlled who got the valuable areas. A guide unhappy about the area he was given filed suit against the system, and the state high court left no doubt about its opinion of the practice.

The court said the board's original decision to create exclusive areas, largely to protect the financial interests of guides, clearly violated the state Constitution, which guarantees all Alaskans "common use" of fish and wildlife resources.

"The expression 'for com-

mon use' implies that these resources are not to be subject to exclusive grants or special privilege as was so frequently the case in ancient royal traditions," the court quoted from the papers of the Alaska Constitutional Convention.

"BOAs (exclusive guide areas) resemble the types of royal grants the common use clause expressly intended to prohibit," the court said.

Guide board members, most of whom are guides or financially linked to the guiding business, have expressed displeasure with the decision.

Board member Chuck Weir

on Tuesday said a new system that protects the grandfather rights of guides who had exclusive areas should be developed. Weir is not a guide but is involved in providing insurance to guides.

Burns said the board must recognize that the issue of areas is now outside its purview. The court, he said, has clearly restricted the board to doing what 21 other state job-licensing boards do: setting licensing criteria, guaranteeing competency, and providing consumer protection.

An improved, and fair, test for guide license applicants is

a first step in that direction, Burns added. He has advised the board to hire a professional firm to help write questions for a new guide test.

He is also recommending that the board develop written tests to qualify guides for guiding in each of the state's 36 game management units. State law says guides can guide in only three of the areas Burns said there should be a written test for each area.

Guides wishing to add or change the units in which they are allowed to guide are now given oral tests. The ob-

jectivity of the oral tests has been questioned.

Oral tests are needed as part of a guide exam, Burns said, but he warned the board that care must be taken to make sure the tests are fair.

One of the board's biggest problems has been a public perception that it's too involved with the business it's supposed to regulate, Burns told the board.

"You need to be sensitive to that," he said.

"I really don't think that's too much of a problem," said Board Chairman and Master Guide Ray McNutt.



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11:50-12:30 Kellogg	Apple
12:40-1:20 Open Plan	IBM
1:30-2:10 Welcome Software	Microage
2:20-3:00 Metier	UNISYS
3:10-3:50 PSDI	Prof. Growth Sys.
4:00-4:40 DIS	Apple
	Humphreys & Assoc. Pictures

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PRESENTS:

Beatrice Johnson Hernandez,

Syndicated Columnist, Pacific News Service, San Francisco

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NEXT WEEK, DECEMBER 9: "WHO OWNS THE ARCTIC? - CANADIAN ARCTIC SOVEREIGNTY" by Brigadier-General L. T. Dodson, Deputy Commander, Alaskan NORAD Region, Elmendorf AFB

AAA Alaskan Outfitters, Inc.

P.O. Box 110-774, Anchorage, Alaska 99511-0774

November 17, 1988

Chairman, Task Force on Guiding and Game
Representative Henry Springer
P.O. Box 352
Nome, AK 99762

Dear Representative Springer:

After testifying and listening to the other testimonies it is clear to me there are lots of people in the name of "outfitting" that are breaking many State and Federal laws. They have been doing it so long that they don't even realize they are doing it. I request that the Task Force make a recommendation to our Legislature that if these people want to stay in this line of work that they make a decision to become a Guide or an Air Taxi Service. Until this is done the State will have no control.

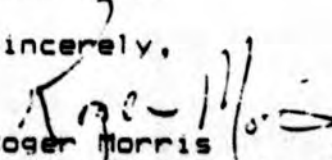
My second concern is Sec. 08.54.210 UNLAWFUL ACTS. (a) (6) of S.B. 191, which requires guides to become an air taxi service. If I wanted that line of work I would have already done that. Federal Aviation Regulations Section 61.118(a) doesn't require you to operate under Section 135 if only "incidental air transportation" is provided. This is true for our operation.

In our hunting operation we use as do most, Air Taxi Services to bring our hunters into camp. This year we employed Gakona Air, Armstrong Air, Peninsula Airways, Manokotak Air and Yute Air Alaska for this service. We also have a Super Cub to use to haul freight, meat and sometimes clients to certain spike camps. As an example, the area we hunt in the Wrangells we charge one price for the hunt. It doesn't matter if we use our horses, backpack or the Super Cub or all of these modes, it is still the same price. This season we flew the Cub 200 hours. Only 15 hours were used to move clients to spike camps. To become an air taxi service for these 15 hours is not practical or fair. However, to have a successful guide business we do need to use the Super Cub.

I request you recommend that this requirement be deleted.

Could you please make sure that a copy of this letter is given to each member of the task force. Thank you for your help.

Sincerely,


Roger Morris
Registered Guide

Registered Guides and Outfitters

Brent Jones • Roger Morris • Dan Schwarzer
(907) 345-0389 (907) 243-1087 (907) 345-2745

"49 Years Combined Experience in Alaska"

Tom Hundley
P.O. Box 2772
Palmer, Alaska
99645

Rep. Heinrich Springer
P.O. Box 352
Nome, Alaska 99762

Dear Rep. Springer:

As chairman of the Task Force On Guiding And Game I reckon you ought to know what has been taking place in the guide industry. We all have an obligation to come up with an equitable method of regulating the commercial take of game. But, digging deeper moats around the "good old boys" castles isn't going to solve anything. The wildlife and wild places that occur in abundance in Alaska are admired the world over. I hope your priorities lie with the wildlife. For most it's a struggle over power and money. I hear you're a good man, I'm glad for that.

Accommodating every Registered Guide on an equal basis, regardless of when they were licensed, would go a long way toward rectifying what has taken place in the past. The period of time for which a person is licensed in any one particular field really doesn't say too much. As an example: A person may have held a Real Estate license in the State Of Alaska for 20 years, and sold homes during that time. Another person licensed 10 years might have sold twice as many. Which person should be considered more worthy in the eyes of the state agencies involved in licensing.. Neither. As long as they are both properly licensed and conduct themselves in a legal manner.

But that ain't been the case with guiding. I hope, with your help, things will change.

Every good wish,

Tom Hundley

Tom Hundley
P.O. Box 2772
Palmer, Alaska
99645

Governor Steve Cowper
Juneau, Alaska

Governor Cowper:

When the State Supreme Court recently ruled that Exclusive Guide Areas were unconstitutional I felt as if a ton of bricks had been lifted off my shoulders. I am a Registered Guide, licensed by the state. And in that regard I am entitled to be considered just as worthy by the state whether I was born in 1934 or 1954. Rather, I have had to practice my trade under an unyielding and criminally mishandled system that rubbed my nose in it's dirt for 10 years. I had been told many times over the years that nothing was going to change. That if I wanted to participate in the guide industry I would have to go along with practices that were supposed to be against the law. Practices that, at best, were considered "unfortunate" by the Guide Board. But, nonetheless, accepted by the Board, the Guide Board advisory committee, and the influential guides that lobbied Juneau.

This past Saturday (11/5/88) at 1:00 P.M. at the Alaska Professional Hunter's Association hdqt's in Anchorage I attended a meeting orchestrated by the A.P.H.A. Board, and the Guide Board advisory committee. There were approx. 60 men there. Some things were said at that meeting that bothered me (and some friends I spoke with afterword) a great deal. Once again the feeling welled up in me that is prompted every time I have to listen to those guys manipulate and scheme. That feeling is that the Guide Board is an unworkable concept and has got to go.

There is no way that the crony, "good old boy" system that has developed over the last 15 years can be overcome. I know many of these fellows as friends and have worked for several. Whether I like them or not has nothing to do with it. You cannot expect an industry such as the guide industry to be self policing and self regulating. Regardless of whether they start out with good intentions, self interests crop up and blind them. It is unreasonable to expect these people to discipline each other when they have been friends for years. It is also unreasonable to expect them to come to grips with the void left by the Supreme Court's decision.

The plan offered by the Guide Board advisory committee to take the place of Guide Areas was this....."rename them".

I couldn't believe my ears. Fingers were pointed around

the room, followed by the likes of: "We don't want any dissension here". "What is said in here is not to leave this room". "Let's speak with one voice, lets not give the impression that there is a problem". "By next fall we are going to be back in business as usual".

(A few years ago I would have looked at those same pointing fingers and envisioned the Battleship Missouri had her guns trained on me, and heeded the call to keep my mouth shut. But the "Good Old Boy's" power has eroded over the last couple years, thanks to your administration. On Saturday, rather than the battleship's big guns, I saw the wagglng fingers of desperate men.)

"Let's admit it, there isn't anybody here that didn't think we were on shaky legal ground when we drew up the Exclusive Guide Areas back in the 70's". "It lasted for 15 years". "The Guide Board is going to carry on business as usual, we can change the wording from Guide areas to Guide Leases".

The point was brought up that it wouldn't be the first time something passed through the Legislature that wasn't Constitutional.

"Another legal challenge might come up, but we can get by for a couple more years, and by then we can mount a drive to amend the constitution".

A long time public member of the Guide Board was there.

For heaven sake Governor, they can't do that. This industry needs an overhaul, not a cosmetic change. They can't run roughshod over the Supreme Court's decision. The A.P.H.A. Board's anxiety is understandable, somebody finally caught up with 'em. Statement's are made that it isn't the Board of Game, nor the Dept. of Fish & Game, or the Dept. of Commerce and Economic Development that decides what the Guide industry does. It's the Guide Board advisory board's job, and by golly we are going to speak with one voice.

There are one heck of a lot of problems with the Guide Area scheme besides a question of wording. Just changing the name from Exclusive Guide Areas to Guide Leases isn't going to untangle the horrible mess that has been created over the years.

As far as I'm concerned Guide Areas are a thing of the past. Somebody in the Attorney General's Office ought to get on the phone and let these scoundrels know that the party is over. We have all got better things to do than haggle over that issue.

This notion that Guide Areas were a Game management tool is bunk. The Board has never put a quota on the number of animals a guide could take. Exclusive Guide Areas were a business management tool. People are no less greedy today than they were 15 years ago when this scheme was hatched. Add to that the fact that Guide Areas are routinely sold. The new guide not only has to make a living, he has to pay off the huge debt incurred in the purchase price. The pressure is there to overbook hunters, and take more Game. We ought to be concerned about the number of animals taken, the methods used to take them. Moreso than which lucky soul has an exclusive right to control access to Alaska's public lands.

The guide industry is not static. Therefore the Exclusive Guide Area system was unworkable. The areas were not to be sold, leased or rented. What developed was a tangled mess. They were not to be sold so the purchase price was almost always cash. Where did the hundreds of thousands of dollars go over the years? To the I.R.S.? Who knows, nobody seemed to care.

I'm a 34 year old man, I've had aspirations of running a camp of my own. In ten years of guiding I was offered only one Guide Area that I considered a legal sale. That particular fellow was so far out of character with his peers that he actually had receipts to show the value of his improvements. Plus, he wanted the unheard of in this industry....interest payments on the annual payments.

It doesn't take long to imagine what must have developed over the last 15 years. Abuses to both buyer and seller. And abuse of our tax and finance laws.

Past use and financial investment were the criteria used to issue new areas or transfer areas from one individual to another. Phony contracts could be written to prove past use. It needn't have been a non-resident hunter on the contract. Just write up 2 contracts in December '79 with your neighbor and his wife, January '80 with your brother-in-law and his buddy. You now have 2 years worth of contracts. File on an area at the spring '80 Guide Board meeting. And, depending on whether they like the looks of you or not, you've got yourself an area. You now control access to a geographical area that cannot be used by another guide. That is, unless you sell it or sign contracts for another guide.

By the early 1980's nearly every square inch of Alaska was included in someones guide area. There was little chance of running your own guide business unless you paid a fee (illegal) for signed contracts, knew someone that would sign them for free (very rare, still illegal), or purchased a transfer.

I flat don't have what it takes to be able to stomach all that. I have worked as a hired hand for other guides for 10 years. I am in the field practicing my trade both spring and fall. Guiding has evolved into a system whereby (in most cases) the Guide Area permit holder spends all day flying around in a Super-Cub, never comes any closer to participating in the hunt than to occasionally drop in on the spike camp to look for messages that may have been left for him by the guides under his employ. With these large operations the "Master Guide" (gads!) can't possibly have time to be anything more than a booking agent and pilot. These are the same fellows shouting that without Guide Areas the wildlife is doomed. They aren't concerned with wildlife so much as the fact that under a more equitable system somebody else might have a chance to book a hunter. We could accomodate more Registered Guides in the marketplace if we set quotas on volume. Recognize guides as woodsmen and good hunters rather than just too busy pilots.

Contracts (Statement of Financial Remuneration, or SFR) are worded, "Guide Area permit holder", and "Guide Conducting Hunt". I have had that explained to me to mean, "the guy that owns the area", and "the guy that's using it". Guide Areas have a high value, do you think he's gonna let you in for free? Seldom. If you read the Statutes involved only the Guide Area permit holder is supposed to book hunts for and guide in that area. Game Management Unit 13 and unit 6 have eroded to the point where it is impossible to figure out who owns what. Guides without areas advertize hunts in the A.P.H.A.'s own magazine.

There are so many confusing, ridiculous angles to all this that it has left a lot of us disgusted. I've never had the temperment nor the financial wherewithal to mount a legal challenge. I just couldn't believe this could go on forever. It was like something that would take place in Panama.

One aspect that has kept a lot of us quiet. I don't want to get sued for slander, or black-balled by the Guide Board.

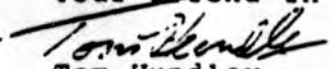
The consequences of speaking my piece about what I see taking place in the industry could be disastrous for my future. I like to guide, I'm good at it. I have struggled against this paradox for years: "How can I become a successful guide and remain an honest man".

.....Bravo to the Supreme Court's decision. The Guide Board ought to follow the Exclusive Guide Area scheme into the grave.

There are alternatives. Fish and Wildlife Protection Officers can enforce the law. Hearing officers are there to listen to appeals. The Dept. of Commerce and Economic Development can administer the written exam and licensing. (the oral exam is nothing more than an initiation rite). There are methods of regulating the commercial take of game that cater to no one group, except those that deserve our protection: The wildlife that we have an obligation to protect. And the tourist hunters that come to this beautiful state to vacation.

Sincerely,

Your friend in the woods,


Tom Hundley
Reg. Guide

Addendum:

These letters are an example of the initial contact guides went through during a, "transfer". By ignoring what was taking place, and by approving nearly ever transfer that came before them, the Guide Board gave tacit approval. The only realistic chance for quick advancement in the guide industry was to go underground with cash. Many of us recoiled at that thought, and chose not to.

The Legislature was adamant about their opposition to Areas being sold. The paragraph in the Guide Regulations/Statutes handbook that banned the sale of Guide Areas was in **bold print**. Bear that in mind when guides come before the Task Force, crying the blues about what a rotten deal the Supreme Court handed the industry, and "can I please have my Guide Area back".

I don't really think many guides thought the Guide Area scheme was gonna last. That is probably the biggest factor that led folks to close their eyes to what was taking place. Nurse it along, get what you can while the gettin' is good. I remember talking to a fellow that was going to invest in an Area a few years back. I told him that I thought it was a lot of money for a piece of paper. And that the Legislature could, with the stroke of a pen, do away with Guide Areas and he would have nothing. His reply, "If I can get 5 good years out of it I'll be ahead". Well, I'm sorry buddy, you only got 4.

These folks that sent me these letters shouldn't be singled out. It flat wouldn't be fair to them to be singled out just cuz they wrote down on paper what most of their peers were afraid to say, except over the telephone, after they'd gained your confidence. I sent them to add validity to my claim, some weight to my appeal that we start with a clean slate. The State don't owe nobody nothin'.

Our political structure allows us to adopt, amend, or omit darn near anything we want, when it is warranted. This marvelous fluidity has saved the day many a time. All I'm asking, is that you provide me with a clearly defined, lawful, business environment.

John C. ...

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

November 18, 1988

Mr. Robert A. Payne
2221 Muldoon Road, Space 693
Anchorage, AK 99504

Dear Mr. Payne:

Thanks for your letter. I've shared your suggestions on regulation of air taxi operators with Randall Burns. Director Burns will contact you if he has any questions. I've also sent a copy of your letter to Representative Heinrich Springer, who chairs the task force on guides and guiding established by Senate Bill 191 this past legislative session. Air taxis play a significant role in the system of guides, outfitters, transporters and hunters in Alaska. I want Representative Springer to be aware of your concerns as his group looks into problems with the guiding industry.

Thanks again for your letter. I'll keep your thoughts in mind as we approach the first session of the Sixteenth Alaska Legislature.

Sincerely,

S/S Steve Cowper

Steve Cowper
Governor

cc: The Honorable Heinrich Springer
Alaska State Representative

Randall Burns, Director
Division of Occupational
Licensing
Department of Commerce
and Economic Development

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ALASKA 99501

LEE HOLEN TEL. 907-277-1734

9 May 1988

Mr Tom Hundley
Palmer, Alaska

Dear Tom:

I have your letter of some time ago and will get off a short answer.

It might just be possible that I have an area that I would consider transferring. It is not a large area but does have some sheep, moose, caribou and grizzly bear. Close to the highway enroute from Palmer to Tok.

This is all the information I can give you at this time. It's a small area and of course the cost of the transfer would be in line with the area and the game.

The area is not in my name and will have to remain confidential until a later date and also to see what happens after this fall hunting season.

Please don't hold your breath on this but at least it is a possibility. You have to start somewhere !! Please keep this confidential and let me know if you are interested. This place has not been advertized in any way to anyone and that is the way it will remain for the time being.

I will be driving from Anchorage about the 1st of August on the way to my sheep camp let me know if you will be in town and maybe we can have a cup of coffee and at least meet on another.

Sincerely yours



Jim Metheny
Box 40015
Clear, AK 99704
(907) 582-2354

Tom Hundley
P O Box 2772
Palmer, AK 99645
(907) 745-2084

13 Jan 88

Hello Tom,

Thank you for your recent letter. Yes, I hear that Keith Johnson has a real good outfit and is a good man to work for.

Are you licensed in Unit 26? If not, I am sure that it would be not trouble to get the license.

I am still interested in selling the area, although it is the only area that I have now that is exclusive with no other guide sharing it.

The area runs from Deadhorse east to Marsh Creek, bordering the Arctic Ocean. If Polar Bear hunting was ever opened up, the guide in this area would be eligible for hunting polar bear after meeting all the other requirements.

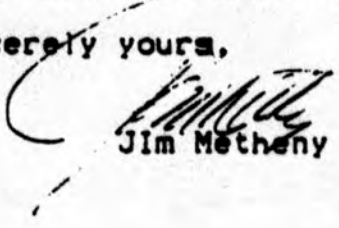
The area has Moose, Caribou, Muskox, and Grizzly, and of course wolf and wolverine. But it does not have any Dall Sheep.

As to price, it is worth quite a bit to the right person. If you calculated what you could make up there and capitalized it you could figure a fair market value. I have no improvements to peddle right now there and I usually hunt from tent camps.

I am trying to buy myself a hello right now and if you were to wave some cash in front of me I would be very easy to deal with.

I am open to suggestions and we can talk terms.

Sincerely yours,


Jim Metheny

19 March 1987

Tom Hundley
Palmer, Alaska

I just received your letter regarding a hunting area. I have had quite a few letter regarding the area but I had some money down for an option to buy it but after taking 7 sheep from my area the buyer backed out..nice deal for him.

Anyway I have an area in the Wrangell Mts, good for sheep, at least it has been go od for the past 25 years.

Right now I am corresponding with another outfit that wants the area. He can't come up with the necessary cash so we are trying to figure out some other way to do it...but cash talks!!

What is your situation in this regard? Do you realize that this would be an all fly in operation?? The park service took my hunting loage so you either have to set up tent camps on the river bed or work off the hyway.

Let me know about you cash set up and I will give you the asking price. O.K.?

I know those peope you have worked for and I consider all of them good people.

Sincerely.

I spend the Winter in Mexico until about the end of May.

Lee Holen
Box 305 Guaymas, Son. Mexico.

Please keep
above confidential
SAH

Lee Holen



IN REPLY REFER TO
DARW/8959r

United States Department of the Interior

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

DEC - 7 1988

Dear Commercial Hunting Operator:

This letter is in regard to the recent Alaska State Supreme Court ruling that the exclusive guide area system as it has existed in Alaska is unconstitutional (Owsichuk vs. State of Alaska, Guide Licensing and Control Board). As an agency responsible for fish and wildlife management on extensive land holdings in Alaska, the U.S. Fish and Wildlife Service (Service) is concerned that a new management system be developed as soon as possible. The Service believes, as do others, that a management system is needed that will ensure continued conservation of wildlife resources in Alaska, and be as fair and equitable as possible to all users (guides, outfitters, transporters, hunters, and the general public). Although the State of Alaska has requested a stay in implementing the Supreme Court decision until June 1, 1989, the Service feels that it is important to work toward resolution of the problem as soon as possible.

The Service intends to work with the State of Alaska, other Federal agencies, Alaska Professional Hunters Association and interested organizations and individuals to assist in developing a new system under the State of Alaska's authority and in compliance with State and Federal laws, regulations, and policies. It is highly desirable that a new system be developed this winter so as to be in place in time for the next hunting season. However, there is no assurance at this time, that a new system can be developed in such a short time span. Accordingly, the Service intends to develop an interim program for managing commercial big game hunting on national wildlife refuges. The interim program will be designed to permit continued use of wildlife resources consistent with good conservation and with the purposes for which the refuges were established. It is our desire to avoid unnecessary disruption of hunting seasons but, also, to assure that they are conducted in an orderly fashion. The interim program will remain in place until a more permanent system is adopted.

Additional time will be required to work out the details of an interim program, but the general approach we intend to take is as follows:

1. Maintain commercial hunting operations at about the same level as has occurred in the recent past.

ANALASKA, INC.

5005 Aircraft Drive, Anchorage, AK 99502

(907) 248-7070 FAX (907) 248-7771

November 28, 1988

Representative Springer
P.O. Box V
Juneau, Alaska 99811

RE: Recent Court Ruling Regarding Guides

Dear Sir,

I am urging as many people as I can to resolve the serious problem the recent high court ruling introduced to our guiding industry.

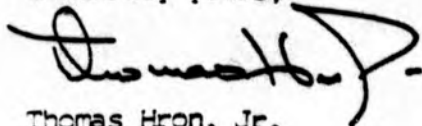
I believe the big game guides of Alaska deserve a mechanism by which they can build for the future, invest their dollars in the long-term industry of tourism and rely on the State of Alaska for strong wildlife populations.

Contrary to some opinions, big game guiding is a time honored profession and it has played an important part in this state's history. Wouldn't it be better to seek a system which continues to support the many fine people that are presently established?

As much as I believe in equal rights, I do not agree with the concept that all guides are entitled to all areas. I view guiding as a privilege, not a right.

Hopefully you can use my support to resolve this current crisis.

Sincerely yours,



Thomas Hron, Jr.
President

THR/ah



Where Quality and Performance are Made a Reality!



DIST.
DEC mtey

Tom Hundley
P.O. Box 2772
Palmer, Alaska
99645

Guide Task Force
119 N. Cushman St.
Suite 201
Fairbanks, Alaska
99701

Dear task Force member:

The main concerns that I hoped the task force would confront have been lessened by the recent Supreme Court decision abolishing Exclusive Guide Areas.

The Guide Area scheme was poorly thought out and plagued the guide industry with controversy since it's inception. Whatever few benefits it provided to the State of Alaska were far overshadowed by the neglect, by the Guide Board, in failing to enforce the statutes and regulations associated with the Guide Area system. By the abuses to our tax and finance laws that the sale and renting of Guide Areas led to. By the extorting of money from guides left with little alternative to enter the marketplace other than to purchase an Area. Over the last 15 years most of the Guide Board's time has been spent settling arguments over boundaries between men who, legally, had no right to control access to Alaska's public lands..... Bravo to the Supreme Court for driving a stake through that monster's heart.

Exclusive Guide Areas were not a game management tool. Quotas were not placed on the number of animals a guide could take. It was left up to the individual to decide. A rather strange notion considering the number of "same day airborne", and a myriad of other charges levied on Guide Area holders over the years.

We could accommodate more Registered Guides into the marketplace if we set quotas on volume. Recognize guides as woodsmen and good hunters, rather than just too busy pilots. We ought to be concerned about the number of animals taken, and the methods used to take them. More so than which lucky soul has an exclusive right to control access to public lands.

Another giant step in the right direction would be to accept that each and every Registered Guide is entitled to be considered just as worthy as the next, regardless of when they were licensed. The length of time a person is licensed in a particular trade says little about their level of skill.

One aspect of the guide licensing procedure that ought to be abolished is the title, "Master Guide". "Master Guide" implies a higher level of competence. But, there has never been any effort to guarantee a higher level of competence amongst the license holders. All a person has to do is continue to purchase a guide license for 10 years, avoid being convicted of a criminal violation having to do with Fish & Game law or guiding statutes within the past 5

years. Meet a couple more ambiguous requirements, put in your application, and bingo you're a master Guide. No exam. No periodic requirement to show continued effort at being a "Master" of the trade. You needn't ever guide again. As long as the license fee is paid the title remains.

Rather than a professional title reflecting a higher level of competence, it's sort of like being knighted by the King. The Supreme Court compared Exclusive Guide Areas to medieval fiefdoms. "Master Guide" fits real nice into that scenario. Imagine the uproar that would follow if the State licensed some lawyers as "Master Attorney", and others that passed the State Bar Exam with flying colours, as simply "Attorney". How about "Master Barber" -vs- Barber. "Master Pharmacist" -vs- Pharmacist.

Guiding is a trade. Professionals ought to gain recognition in their trade through their achievements, not through titles and special favors handed out arbitrarily by a state agency such as the Guide Board. The "Master Guide" license is a status symbol and adds an advantage when booking hunters. If the A.P.H.A. wants to hand out honorary titles, fine. But the State Of Alaska has no business adding this disparity to the guide licensing procedure.

*

Registered Guides are allowed (by the Guide Board) to be licensed in a maximum of 3 Game Management Units. That is, of course, unless they are licensed for more than 3. A quick glance through the Denali Registry (list of licensed guides) reveals that a lot of guides are licensed for a great deal more than 3 G.M.U.'s. How this came about is typical human nature. Why this disparity continues is puzzling. A cap was placed on the number of G.M.U.'s in 1980. Before that date whoever shouted the loudest got the highest number. I've talked to a lot of fellow guides about that, the consensus is: If a person had an aggressive nature and they demanded a high number of G.M.U.'s be placed on their license, they got it. Nobody could possibly have guided in all 26 Game Management Units in the State, yet there are some licensed for that many. I've guided in Units 5,8,13 11,9, 19,15, and appear on contracts for all of them. I'll eat my hat if some of those licensed for, say, from the Yukon south, can prove that they've ever guided on Kodiak or Southeastern Alaska. This disparity amongst licensed guides serves no purpose since under the (now defunct) Guide Area system a person could own a maximum of 3 Guide Areas. What it did do is add an advantage when filing on new Areas or purchasing Areas for transfer. (I'm licensed for 3)

The arbitrary method used to assign the number of G.M.U.'s in years past takes on special significance now that the State is contemplating alternatives to the Guide Area scheme. Under a permit system, would some individuals have the right to apply for permits all over the State, and others muddle by with 3? Some have suggested a "concession" scheme. Would some have the right to bid on concessions all over the State, others stuck with 3. C'mon folks, this is just another example of the "Good Old Boy" syndrome that adds controversy to an industry that needs to give a better accounting of itself.

We should all be licensed statewide, or all be restricted to

a certain number of Game Management Units. I opt for Statewide licensing. There isn't a whit of difference between guiding a sheep hunter in G.M.U. 13 (Chugach Mtns.) and guiding the same hunter in the Alaska Range (unit 16,19,20,12). A Registered Guide license should guarantee competence in the trade of guiding hunters in the game fields of Alaska.

*

There has been a lot of effort on the part of some guides to push the State into a "Lease" or "Concession" scheme. I cannot imagine how it could be implemented without costing an absolute fortune to administer. Who would get to participate in the bidding? That's not a question so much as an innuendo. I know who would get first dibs. The same crowd that rode the Exclusive Guide Area scheme into the ground and dragged the rest of us into the dirt with them. If every licensed Guide in the State is not allowed to bid on these supposed "concessions", then it flat won't be right. The writing of phony contracts was so pervasive that it is impossible to verify past use. A minimum of 2 contracts per calendar year in each Guide Area was required in order to keep the Area. In some cases the Areas were so far apart geographically that the Guide Area owner couldn't efficiently run an operation in all 3, so he'd put clients names on all 3 and mail them in. Regardless of whether they ever set foot in that particular Area that season. Guide Areas had a high value, A person wouldn't let one go for nothing. Why not hold onto the Area with phony contracts until a buyer could be found for the Area. Or suppose the Guide Area Permit Holder just didn't have time or wasn't interested in guiding anymore. Find some young buck that can't afford the price of buying the area. Charge him a fee to sign contracts for 'im. Neither one of the parties are supposed to be involved in this type of activity, yet both would benefit if past use were the criteria used to justify who could participate in the bidding of "leases" or "concessions". I can assure you, 10 years in this business has convinced me that there isn't anything that some folks won't do if they can benefit financially from it.

A question. Would the fellows that have sold their Areas get to participate in bidding? Suppose a person guided in Unit 9 for 12 years. Held an Area but was no longer interested in guiding, or found somebody with a rich "sugardaddy", so he cashed out. Wouldn't this person appear to be more entitled to participate in the bidding because of his 12 years, over, say,Me? This battle gets sorta personal when your livelihood is at stake.

*

A few suggestions that would help restore some order in the guide industry, and benefit the wildlife of this State:

Dump the Guide Board.

The State has spent a great deal of money and time drafting, revising, editing, researching the legality of, and printing the booklet containing the Occupational Licensing Regulations, Guide Board Statutes and Regulations, and Centralized Licensing Statutes. It has been a waste of time and money. The Fish & Wildlife Protection Division of the State Troopers does not have the time, nor the

inclination to enforce Guide Regulations and Statutes. I know, I have tried on several occasions to bring attention to guides that were participating in illegal or unethical conduct. The reply from the Troopers "Tommie, we don't get involved in that stuff, we don't have time".

To my knowledge the Guide Board has never disciplined anyone for breaking guide regulations, or for unethical conduct. What has developed is a cynical attitude on the part of a lot of guides toward regulations. You're a fool if you pay attention to regs., nobody else does, you'll get left in the dust if you don't do what ya' gotta do to make a buck.

If the State is not prepared to enforce Guide Regs., Statutes, standards of Ethical Conduct, **Then don't draft them.** What will happen is this: Two classes of guides will emerge. One class will adhere to the law regardless of whether they could benefit from breaking the law or not, they are offended by wrong. The other class will ignore or circumvent the law if they can financially benefit from it, as long as they know the chances of getting apprehended are slim.

When you draft new proposed Regulations keep them clear, fully defined so as to avoid more than one interpretation, and put some teeth into them. There are limited opportunities when you are dealing with a finite resource such as big game. A guide license is a privilege. When a person breaks the law bust their ass. Don't leave it up to the Guide Board to administer the public's justice. 15 years of failing to do so ought to convince us all that it just won't work.

Another suggestion:

Set minimum antler restrictions on big game. Nobody comes to Alaska from another State, or country, in order to hunt for meat. The value of our big game animals to non-resident hunters is in the trophy quality. Moose 50" minimum restriction would have an immediate beneficial effect without limiting anyone's opportunity to hunt.

Dall Sheep full curl. An immediate beneficial effect would result. I've guided a bunch of sheep hunters. What happens is this. After a few days of looking for a real trophy sheep, a nice full curl, the hunters legs get tired. He opts to shoot the first legal ram the guide can find. Not because that's what he came for but because he doesn't like the idea of looking further, or, going home with nothing. Invariably when this decision is made it is followed by the statement, "I'll come back again to get a good ram". The State doesn't owe anyone an easy Dall Sheep.

*

Permits. Quotas. Minimum antler restrictions. A new attitude on the part of the State toward enforcing guide law. There are very good and convincing reasons to protect our wildlife and the non-resident hunters from unscrupulous operators. They deserve our protection. Be aware that you are dealing with men (guides) that were largely schooled in the school of hard knocks. The school of hard knocks places emphasis on resourcefulness, and sometimes on toughness. But very rarely on details, like Regulations. Spell them out plainly, and enforce them.

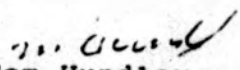
Every good wish,

Bill S. Brown

Dear Nancy Peterson:

Do you reckon I could get you to send a copy of this letter to all of the members of the task force. I would appreciate it.

Thank you for your efforts.


Tom Hundley

STATE OF ALASKA
DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

REPLY TO:

☐ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 995
PHONE: (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST
SUITE 400
FAIRBANKS, ALASKA 99701-4679

December 13, 1988

HAND DELIVERED

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

Hon. Henry Springer, Chairman
Task Force on Guiding and Game
Alaska State House of Representatives

Dear Representative Springer:

In response to your letter of December 5, I am writing to answer the following questions:

1. What is the effect of a past fish and game violation on a person's ability to obtain a guide license?

If someone has been convicted of a fish and game or guiding law within the past five years, that person may not be issued a master guide license. AS 08.54.100(3).

A person may not be issued a registered guide license if he or she has been convicted of a crime involving "moral turpitude." AS 08.54.110(5). This term has been defined as a crime that "gravely violates moral sentiment or accepted moral standards of a community." Black's Law Dictionary, 5th ed., 910. "Moral turpitude" is generally used to describe those serious offenses that are inherently immoral and that are classified as felonies. It is unlikely that fish and game violations, e.g., hunting during a closed season, hunting same day airborne, or wanton waste, would be considered crimes of moral turpitude by a court. Thus, under present law a conviction of this type would probably not prevent a person from becoming licensed as a registered guide.

Current law also does not prevent a person who has a fish and game violation from being issued either a class-A assistant guide license or an assistant guide license. Applicants for either of these licenses, however, must be recommended in writing by a licensed guide. AS 08.54.120(3), AS 08.54.140(3). Thus, a criminal conviction may prevent the applicant from being able to locate someone who will recommend him or her to be licensed.

Hon. Henry Springer, Chairman
Task Force on Guiding and Game

December 13, 1988
Page 2

2. What is the effect of a fish and game violation on the license of a currently licensed guide?

AS 08.54.200 states that the Guide Board, after a hearing, must revoke a guide license of a person who, within the preceding five years, has been convicted of a federal or state law or regulation that prohibits wanton waste, same day airborne hunting, hunting during a closed season, or hunting in an area closed by federal regulation. Upon receiving notice of such a conviction, the Board must immediately suspend the guide's license and must maintain this suspension until the disciplinary proceeding is completed.

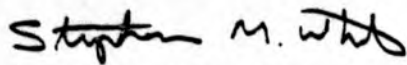
Another ground for revoking or suspending a guide license is "unethical activity." AS 08.54.200(b). This term is defined in 12 AAC 38.390(1) to include "not abiding by . . . all applicable conservation and game laws and regulations." Upon a finding of unethical activity, the board may take disciplinary action against a person's guide licensing.

Violation of a state game or guiding statute or regulation will also subject the guide to criminal penalties under AS 08.54.210. According to this law, the violation is a misdemeanor, and the violator is currently subject to a fine of up to \$1000 or imprisonment up to one year or both fine and imprisonment. In addition, the violator's license may be revoked for up to five years. After January 1, the potential fine for this type of offense will be increased to \$2000.

I hope this reply answers your questions.

Sincerely yours,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: 
Stephen M. White
Assistant Attorney General

SMW:jf



Alaska State Legislature

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

December 16, 1988

Mr. Walt Stieglitz, Regional Director
U.S. Fish and Wildlife Service
1011 E. Tudor Rd.
Anchorage, AK 99503

Dear Mr. Stieglitz:

It appears that some adjustments of the regulations pertaining to the commercial utilization of big game resources in Alaska are necessary as a result of the State of Alaska's Supreme Court decision in the case of Kenneth D. Owsichuk vs. State of Alaska. The Supreme Court has issued a stay delaying implementation of its decision until June 1, 1989.

A legislative task force consisting of thirteen members has discussed the issues of guiding and commercial aspects of big game taking and transporting and is in the process of drafting and submitting recommendations to the Alaska Legislature early next month. It is our opinion that State laws and regulations will be changed during the calendar year 1989 to comply with the Court's decision.

Uncertainties are always detrimental to commerce and the industry involved in the utilization of game resources (primarily the guides and transporters) is no exception.

The State Department of Natural Resources and the State Legislature will address the problem with concessions and land surface use rights in the coming year. In order to minimize further upheaval the task force agreed unanimously to request that the Federal Agencies involved in concessions and leases on Federal lands maintain a "status quo".

Your consideration is much appreciated.

Sincerely,

A handwritten signature in cursive script, reading "Heinrich Springer".

Representative Heinrich Springer
Chairman, Legislative Task Force
on Guiding and Game



Alaska State Legislature

P.O. Box 4
State Capitol
Juneau, Alaska 99811

December 16, 1988

Terry O'Sullivan, Program Leader
Bureau of Land Management
Branch of Renewable Resources
222 W. 7th #13
Anchorage, AK 99513-7599

Dear Mr. O'Sullivan:

It appears that some adjustments of the regulations pertaining to the commercial utilization of big game resources in Alaska are necessary as a result of the State of Alaska's Supreme Court decision in the case of Kenneth D. Owsichuk vs. State of Alaska. The Supreme Court has issued a stay delaying implementation of its decision until June 1, 1989.

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Your consideration is much appreciated.

Sincerely,

A handwritten signature in cursive script, reading "Heinrich Springer".

Representative Heinrich Springer
Chairman, Legislative Task Force
on Guiding and Game

cc: David Rukke, BLM



Alaska State Legislature

P.O. Box 4
State Capitol
Juneau, Alaska 99811

December 16, 1988

Mr. Boyd Ellison
National Park Service
2525 Gambell Street
Anchorage, AK 99503

Dear Mr. Ellison:

It appears that some adjustments of the regulations pertaining to the commercial utilization of big game resources in Alaska are necessary as a result of the State of Alaska's Supreme Court decision in the case of Kenneth D. Owsichuk vs. State of Alaska. The Supreme Court has issued a stay delaying implementation of its decision until June 1, 1989.

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Sincerely,

A handwritten signature in cursive script, reading "Heinrich Springer".

Representative Heinrich Springer
Chairman, Legislative Task Force
on Guiding and Game



Alaska State Legislature

P.O. Box 1
State Capitol
Juneau, Alaska 99811

December 16, 1988

Mr. Arnold Albrecht
U.S. Forest Service
Federal Building
Box 21628
Juneau, AK 99802-1628

Dear Mr. Albrecht:

It appears that some adjustments of the regulations pertaining to the commercial utilization of big game resources in Alaska are necessary as a result of the State of Alaska's Supreme Court decision in the case of Kenneth D. Owsichuk vs. State of Alaska. The Supreme Court has issued a stay delaying implementation of its decision until June 1, 1989.

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Your consideration is much appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Heinrich Springer".

Representative Heinrich Springer
Chairman, Legislative Task Force
on Guiding and Game



GUY TURNER
P O Box 92710
Anchorage, Alaska
99509
907-2575770

Dear Task Force Member,

I have been an outfitter in Alaska for five years, and an assistant guide for nine years. No one contacted me, from our beloved state government to say there may be a change, or the registered guides that don't want me to have any rights are looking to squeeze me out by getting a law passed that makes it O K for them to fly and hunt, but not an outfitter. I've always wanted to be a guide but that was also made impossible by Exclusive guide areas. I did find out on my own, and I have written to the Governor, and senator Pat Rodey.

I now see that you are on the task force. I want to go on record as contacting you also, and I am Enclosing Copies of hunters confirmations, release of liability forms, State Licenses, and a reference list from the past five years.

I don't rape the wildlife, I respect OUR wildlife, that's why I live here. I mainly outfit in units 9, 16, & 19. I sell hunting licenses for the State to my clients, and have had a business license for 5 years as a guide and outfitter. The last article I read in the Anchorage Times said some outfitters would become guides if they comply with certain conditions. I provide gear, shelter, and opportunity to hunt, and comply with those conditions & since no one is once again contacting me. I am contacting You, hopefully you can look out for my interests, and represent me!

P.S.

Being a first Class Outfitter I have invested most my time, and money building and owning Permanent facilities for clients at the following locations:

1985-1988 Pike Lake 5 miles east of King Salmon Unit 9
1984-1988 North Fork Big River Unit 19
1986-1988 Lost Lake Unit 14
1978-1988 UnNamed Lake Unit 16

Sincerely,


GUY TURNER

12/19/88



P. O. Box 91710
Anchorage, AK 99509

Gov. Steve Cowper
P. O. Box A
Juneau, Alaska 99811

April 29, 1988

RE: The Senate Guide Bill SB191

Dear Governor Cowper,

The only item of compromise that I can not go along with, and that will destroy my business is the amendment which would prohibit outfitters from flying clients into the bush unless the outfitter meets commercial air carrier standards set by the Federal Government.

This is discriminatory and will put me out of business. I have been bush flying for sixteen years safely. I have got clients booked for this year and they hopefully will become repeat customers and good word of mouth advertisement for my business in the future.

All guides, fishing lodges, and outfitters should be allowed to use aircraft without meeting commercial standards as long as flying is secondary to the work or service being offered.

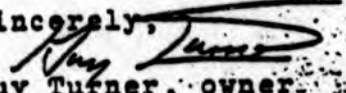
In Alaska you fly to hunting camps, cabins, lodges, etc.,. To restrict this activity is to put many Alaskan business out of work.

The guides want to forbid outfitters from staying in camps with hunters. OK? (The Safety Factor) It's a big state to get lost or hurt in.

This state needs the diversitication of the Tourist Industry to attract every budget of that tourist to help create a viable infrastructure. Not every hunter or fisherman can afford the most expensive guided hunt. Some don't want a guided hunt.

If you allow guides to use aircraft and not outfitters you are not looking out for my interest, and you are helping the discrimination of one group against another. The Tourist Industry and every business of this type will greatly suffer.

We both have a grandfather right to continue our businesses. If there are Outfitters that are guiding that's a separate issue. If there are guides that are outfitting, and shooting same day airborne that's a separate issue but don't discriminate against guides being able to fly clients into the bush, and outfitters not being allowed to fly clients into the bush. What's good for goose is good for the gander....

Sincerely,

Guy Turner, owner
Anglers Alaska Adventures

Patrick M. Rodey
Senator

Alaska State Legislature



Bill 2-1 June 1988
Anchorage, Alaska 99501
(907) 465-3793
During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-3793

July 25, 1988

Senate

Guy Turner
Post Office Box 92710
Anchorage, AK. 99509

Dear Guy:

As a follow-up note to my previous letter regarding the Interim Guide Task Force on Guiding and Game, I wanted to let you know that due to a change in circumstances, Senator Faiks has removed me from the Task Force and appointed herself to serve.

As a result of this change, I thought you would want to know those legislators serving on the Task Force: Representative Henry Springer, Representative Mike Navarre, Senator Jan Faiks and Senator Ken Fanning.

Public hearings are scheduled October 24 in Fairbanks, November 16 in Kenai, and December 12 in Anchorage. If you are interested in attending, I would suggest you contact the Legislative Information Office (562-3151) prior to the hearing date to confirm time and place of hearing.

While I am disappointed that I will not be serving with my fellow colleagues on the Task Force, I remain concerned about this issue, and encourage you to keep the members informed of your concerns and suggestions. Your participation can help ensure an equitable solution to what has become a very difficult balancing act between competing interests and Alaska's wildlife resources.

Kindest regards,


Patrick M. Rodey



ALASKA DEPARTMENT OF REVENUE
ALASKA BUSINESS LICENSE

Expires December 31 of the License Year (AS 43.70)

FEE \$25.00

This is to certify that the licensee named below has made application and paid the fee for an Alaska Business License covering the period January 1 through December 31 of the license year or fraction thereof.

LICENSE YEAR

1988

TURNER DON
ANGLERS ALASKA ADVENTURE
BOX 92710
ANCHORAGE AK 99501

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State of Alaska or of the United States.

COMMISSIONER OF REVENUE

This License must be posted in a conspicuous place at the location.
FORM 04-632 (REV 10 87) It is not transferable or assignable.

Board: _____
 License No.: _____
 Name: _____
 Address: _____

 Business Address: _____

 Phone No.: _____

Additional documentation and a fee may be required,
 in accordance with applicable statutes & regulations.

STATE OF ALASKA
 Department of Commerce & Economic Development
 Division of Occupational Licensing

THIS CERTIFIES THAT
TURNER **GUY J.**
 IS A LICENSED **ASSISTANT GUIDE**

License Number	Effective	Expiration		
AA 1295	12/ 4/84	12/31/88		
Social Security Number	Date of Birth			
536 48 9619	1/22/54			
Height	Weight	Sex	Eyes	Hair
72	155	M	BL	BD

Control No: **27725**

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

Division of Occupational Licensing

P.O. Box D-LIC, Juneau, Alaska 99811-0800

GUIDE LICENSING AND CONTROL

This certifies that as provided by law, the person named is a licensed
 ASSISTANT GUIDE

License No.	Effective Date	Expiration Date
AA 1295	12/ 4/84	

TURNER
 P. O. BOX 22710
 ANCHORAGE, AK

Social Security No.	Issued By
536 48 9619	HW
Original Issue Date	
8/ 2/79	

Signature of Licensee

LOREN H. LOUNSBURY
 Commissioner
 Department of Commerce & Economic Development
 08-2407 (Rev. 9/84)

Control No: **27725**

Lawyer off 'Hospital' set; gone fishin' in Alaska

Salmon fever recently brought to Alaska a man who has spent the last 20 years in the hospital. "General Hospital," that is. Handsome, silver-haired Peter Hansen, or as he is more commonly known to daytime drama fans — Lee Baldwin — recently came up to the Great Land to catch fish and do a couple of commercials for the two local First Care urgent care clinics. The spots should be on television in October.

This is not Hansen's first trip to Alaska, but last time he flew the plane himself. An avid fisherman and pilot, Hansen got to be a spectator this time while bush pilot Guy Turner flew for Hansen and a friend. His wife of 42 years couldn't make this trip.

"This time I got to look. We saw moose and we saw bear. It was just marvelous, just marvelous," says an enthusiastic Hansen, who is currently suffering from a bad cold. No doubt his comrades back on the ABC set will be able to remedy his ailment.

For those of you who live in caves and don't know about "General Hospital," it was the first daytime drama to go to 60 minutes, has won numerous daytime Emmys and spawned such television stars as Anthony Geary, Emma Samms and Genie Francis. The show commands one of the largest documented television audiences and has consistently been rated in the

TELEVISION



TERRY WILSON



Peter Hansen is a top three for the last six years. Hansen has played lawyer Baldwin, a recovered alcoholic and now one of the show's saintly principals, for over 20 years.

When he first started the show was 30 minutes and was live. Back in those days Hansen was a romantic lead who had to learn "30 to 40 pages of dialogue a day. You were always in the office or the bedroom hacking away at the lines," he says. "Today the tape is of such quality they can cut it and put it together like film, if they make a mistake. But we had to go all the way back to the beginning."

Hansen's most memorable scene on the show was also his most praised. He says his character has only fallen off the wagon once and that was when Baldwin's wife-to-be found him in a bar distressed by the fact that she would not commit herself to him. His portrayal of unrequited love and misery won him an Emmy that year, the first for any GH actor. Hansen is proud of that scene, but knows Baldwin is no longer a pivotal character on the show. But that doesn't mean his fame has dwindled. "You can't go anywhere, everyone knows you. Of course they don't know you but they know Lee Baldwin," says Hansen.

What keeps him in the fictitious town of Port Charles? "Money," says Hansen emphatically. That and the chance to do his craft, feed his family and every now and then just go fishin'.

Terry Wilson is The Times television writer.

May 9, 1988
Fairbanks, Alaska

*Received -
CK # 547 for \$1,120 -
into Alliance checking acct
A.A.A.*

Hi,

Here's the deposit for the Penniston party, \$1400, minus 10% of \$2800 commission, for a total of \$1120. The rest of their payment after they arrive will be all yours, \$1400. (Total \$2520 to you and \$280 to me). This should minimize paperwork and numbers juggling, if this is acceptable to you.

Party leader is :
Greg Penniston
Rural Route 2
Argyle, WI 53504 608-543-3237

His pal is:
Lonnie Rumley
9069 N. Maura Lane
Brown Deer, WI 53223 414-355-4233

Caribou & Moose bowhunters, flyout to cabin 9-18, back 9-28
I believe you said they'd have the cabin to themselves unless you happened to be there yourself. They seem like damn good guys. If you have any further info for them, I'm sure they'd like to have it. I sent them maps.

Thank you for your time and cooperation. I'm stubborn, and expect to do better next year! Hopefully I can send you some more business this year, and if not, have a good season.

My summer address follows.

Sincerely,

Buck

ALASKA ADVENTURE PLANNING
211 CLARKSON DR. #7
FAIRBANKS, ALASKA 99709
(907) 479-6363



ANGLERS ALASKA ADVENTURES

RELEASE OF LIABILITY

AND USER INDEMNITY AGREEMENT

I, Shirley Hunt HEREBY ACKNOWLEDGE that I have voluntarily applied to participate in the sport of Unguided Hunting with Anglers Alaska Adventures.
(Please initial to show that you agree SH.)

I UNDERSTAND THAT THE ACTIVITY OF Unguided Hunting and all other hazards and exposures connected with the activities conducted in the outdoors which do involve risk and that I am cognizant of the risks and dangers inherent with the activities that I and/or my family, including any minor children, are fully capable of participating in the activities contracted for and willingly assume the risk of injury as my responsibility, including loss of control, collisions with other participants, trees, rocks, and other man made or natural obstacles, whether they are obvious or not obvious.

I understand and agree that any bodily injury, death or loss of personal property and expenses thereof as a result of my negligence or the negligence of my family participating in any scheduled or unscheduled activities are my responsibility. I also state and acknowledge that activities associated with canoeing, rafting, camping, climbing, riding of animals, backpacking, Flying, hunting, fishing, river running, wilderness travel and living in the outdoors, immersion in water and hypothermia (rapid and medically serious loss of body temperature), falling while aboard a vessel, aboard an animal, or on the shore.

I understand that accidents or illness can occur in remote places without medical facilities, physician or surgeon and have exposure to temperature extremes or inclement weather and in consideration of and as a part payment for the right to participate in the activities associated with Unguided Hunting and any other activities including the services of food that may be arranged for me and/or my family by Anglers Alaska Adventures and its agents and associations, I do hereby agree that myself and my family (including minor children) are in good health with no physical defects that might be injurious to me and that myself and my family are able to handle the hazards of traffic, weather conditions, exposure to animals, walking, riding, and all and any similar conditions associated with the activities scheduled or associated with our outdoor adventure. (Please initial to show that you agree SH.)

I understand that any route or activity, chosen as a part of our outdoor adventure may not be the safest but has been chosen for its interest and challenge. Should animals ever be used or are present as part of our activities I and my family understand that an animal irrespective of its training and usual past behavior and characteristics, may act or react unpredictably at times based upon instinct or fright which likewise, is an inherent risk to be assumed by each participant in the activity. (Please initial to show that you agree SH.)

Over



ANGLERS ALASKA ADVENTURES

RELEASE OF LIABILITY
AND USER INDEMNITY AGREEMENT

I, JAMES RYBICKI HEREBY ACKNOWLEDGE that I have voluntarily applied to participate in the sport of Unguided Hunting with Anglers Alaska Adventures.
(Please initial to show that you agree [initials].)

I UNDERSTAND THAT THE ACTIVITY OF Unguided Hunting and all other hazards and exposures connected with the activities conducted in the outdoors which do involve risk and that I am cognizant of the risks and dangers inherent with the activities that I and/or my family, including any minor children, are fully capable of participating in the activities contracted for and willingly assume the risk of injury as my responsibility, including loss of control, collisions with other participants, trees, rocks, and other man made or natural obstacles, whether they are obvious or not obvious.

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Over



RELEASE OF LIABILITY
AND WAIVER OF INDEMNITY AGREEMENT

I, John Soltys HEREBY ACKNOWLEDGE that I have voluntarily applied to participate in the sport of Unguided Hunting with Anglers Alaska Adventures.
(Please initial to show that you agree [Signature])

I UNDERSTAND THAT THE ACTIVITY OF Unguided Hunting and all other hazards and exposures connected with the activities conducted in the outdoors which do involve risk and that I am cognizant of the risks and dangers inherent with the activities that I and/or my family, including any minor children, are fully capable of participating in the activities contracted for and willingly assume the risk of injury as my responsibility, including loss of control, collisions with other participants, trees, rocks, and other man made or natural obstacles, whether they are obvious or not obvious.

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Over



RELEASE OF LIABILITY
AND WAIVER OF AGREEMENT

I, DAN MURPHY HEREBY ACKNOWLEDGE that I have voluntarily applied to participate in the sport of Unaided Hunting with Anglers Alaska Adventures.
(Please initial to show that you agree D.M.)

I UNDERSTAND THAT THE ACTIVITY OF Unaided Hunting and all other hazards and exposures connected with the activities conducted in the outdoors which do involve risk and that I am cognizant of the risks and dangers inherent with the activities that I and/or my family, including any minor children, are fully capable of participating in the activities contracted for and willingly assume the risk of injury as my responsibility, including loss of control, collisions with other participants, trees, rocks, and other man made or natural obstacles, whether they are obvious or not obvious.

I understand and agree that any bodily injury, death or loss of personal property and expenses thereof as a result of my negligence or the negligence of my family participating in any scheduled or unscheduled activities are my responsibility. I also state and acknowledge that activities associated with canoeing, rafting, camping, climbing, riding of animals, backpacking, flying, hunting, fishing, river running, wilderness travel and living in the outdoors, immersion in water and hypothermia (rapid and medically serious loss of body temperature), falling while aboard a vessel, aboard an animal, or on the shore.

I understand that accidents or illness can occur in remote places without medical facilities, physician or surgeon and have exposure to temperature extremes or inclement weather and in consideration of and as a part payment for the right to participate in the activities associated with Unaided Hunting and any other activities including the services of food that may be arranged for me and/or my family by Anglers Alaska Adventures and its agents and associations, I do hereby agree that myself and my family (including minor children) are in good health with no physical defects that might be injurious to me and that myself and my family are able to handle the hazards of traffic, weather conditions, exposure to animals, walking, riding, and all and any similar conditions associated with the activities scheduled or associated with our outdoor adventure. (Please initial to show that you agree D.M.).

I understand that any route or activity, chosen as a part of our outdoor adventure may not be the safest but has been chosen for its interest and challenge. Should animals ever be used or are present as part of our activities I and my family understand that an animal irrespective of its training and usual past behavior and characteristics, may act or react unpredictably at times based upon instinct or fright which likewise, is an inherent risk to be assumed by each participant in the activity. (Please initial to show that you agree D.M.).

Over



RELEASE OF LIABILITY
AND USER INDEMNITY AGREEMENT

I, Warron L. Murphy HEREBY ACKNOWLEDGE that I have voluntarily applied to participate in the sport of Unguided Hunting with Anglers Alaska Adventures.
(Please initial to show that you agree W.M.)

I UNDERSTAND THAT THE ACTIVITY OF Unguided Hunting and all other hazards and exposures connected with the activities conducted in the outdoors which do involve risk and that I am cognizant of the risks and dangers inherent with the activities that I and/or my family, including any minor children, are fully capable of participating in the activities contracted for and willingly assume the risk of injury as my responsibility, including loss of control, collisions with other participants, trees, rocks, and other man made or natural obstacles, whether they are obvious or not obvious.

I understand and agree that any bodily injury, death or loss of personal property and expenses thereof as a result of my negligence or the negligence of my family participating in any scheduled or unscheduled activities are my responsibility. I also state and acknowledge that activities associated with canoeing, rafting, camping, climbing, riding of animals, backpacking, Flying, hunting, fishing, river running, wilderness travel and living in the outdoors, immersion in water and hypothermia (rapid and medically serious loss of body temperature), falling while aboard a vessel, aboard an animal, or on the shore.

I understand that accidents or illness can occur in remote places without medical facilities, physician or surgeon and have exposure to temperature extremes or inclement weather and in consideration of and as a part payment for the right to participate in the activities associated with Unguided Hunting and any other activities including the services of food that may be arranged for me and/or my family by Anglers Alaska Adventures and its agents and associations, I do hereby agree that myself and my family (including minor children) are in good health with no physical defects that might be injurious to me and that myself and my family are able to handle the hazards of traffic, weather conditions, exposure to animals, walking, riding, and all and any similar conditions associated with the activities scheduled or associated with our outdoor adventure. (Please initial to show that you agree W.M.).

I understand that any route or activity, chosen as a part of our outdoor adventure may not be the safest but has been chosen for its interest and challenge. Should animals ever be used or are present as part of our activities I and my family understand that an animal irrespective of its training and usual past behavior and characteristics, may act or react unpredictably at times based upon instinct or fright which likewise, is an inherent risk to be assumed by each participant in the activity. (Please initial to show that you agree W.M.).

Over

REGISTRATION FORM

PARTICIPANT REGISTRATION FORM

Participants Name DANIEL R. MURPHY
Address P.O. BOX 2065
City ST. JOHNS State AZ.
Home Telephone 31-602-337-2341
Work Telephone 1-602-337-4131 EXT 2198
Date of Birth 8-25-50
Sex M

NAME OF NEAREST RELATIVE NOT LIVING WITH YOU

Name TERESA A MURPHY
Telephone No. 602-337-2341

Activity Chosen HUNTING

Do you have any medical conditions we should be aware of? Yes No X Explain

Signature Daniel R. Murphy
Date 8-30-86

Thompson

Hyper Marshall Rutter

Ray Powers
54604 Bolk Vista
Veradale, OR 97037
Blue + Williamsen
Tobacco Group
E. 10525 Main Ave
Spokane 99216

Philip Atley
4222 Franklin
Port Angeles, WA
98362

Lanny Carter
3110 ...
Louisiana ...

Art Lamm Rumbley
9069 N ...
Brown Deer, Wisconsin
414-355-4237 53223

Bob Beck
5775 Highland Dr.
Bellmore, OR 97006

Rural Route 2
Argyle, WI 53504
608-543-3237

L. Dennis Brown
5310 Edgewood
Byron Co 945

Wesley Skubert
Janus Ryblzynski

Michael Van Wert
N. 14910 Dakota
Spokane, WA 99208

Dan Murphy
1001 ...
Stephen Atz
85736

Steve Elliott
9 Pearlness Ct.
Lafayette, OR 97035

DAVE Zerda
Chuck Renshler
Anch. AK
Butch Stone
Todd Halverson

4721
Tampa, Fla.

Genl W. H. Bertram

Coast Production

~~Post Office Box~~

~~Van Nuys~~

Rm #12 So Cal W. Y. Ave.
La Crescenta, Ca 9121

2801 East 12th St.
Los Angeles Ca 90022

Niel Welsh

Louis Reid
8800 Minnetonka Blvd.
St. Louis Park Minn.
55426

Craig Jones
Greg Maxwell

Bill Gardner
+ Paul Norcross

Chue Savoni
+ 2 other guys

Electrocin
~~Amber~~

Paul Evans

Greg ~~Thames~~

Steve in So. Cal.

Bob Conklin + other of film

Jim Pata

FOR [unclear]
Task Force Files
12/14/88

December 12, 1988

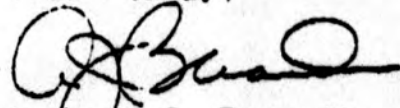
Alaska Sport and Recreation
2543 Homestead Drive
North Pole, Alaska 99705

Dear Don:

Enclosed please find a copy of this months Hunting Report. I can see a lot of turmoil going on in Alaska.

Please let me know if this is going to interfere with my scheduled hunt for September 1989. Also, please keep me informed as to the outcome of the Supreme Courts decision on this.

Yours truly,



Anthony J. Berardis

"SERVING THE HUNTER WHO TRAVELS"

whooper that should net out at close to 176 points. He also took several red-legged partridges. Moynihan is pricing these hunts at \$8,000 (US) and has openings for 1989. He could be a good bet if you are in a hurry to get started on a B.C. slam.—Ken Nowicki.

Editor's Note: For a complete list of deep offshore in B.C., write Guide Publications, c/o Department of B.C., Box 1000, Victoria House, B.C., V0K 2E0. Tel. 604-395-2400.

DATELINE: ALASKA

Editor's Note: Last month we reported that the Alaska Supreme Court had thrown the state's guiding industry into chaos by ruling that Exclusive Guide Areas are unconstitutional. What was behind the move and what is likely to come next? Alaska correspondent Chris Batin led this follow-up report.)

Several weeks after the Alaska Supreme Court ruled that Exclusive Guide areas are unconstitutional, the hunting industry here is still in a state of shock. As reported last month, the ruling means that any registered guide in the state can hunt in any area he chooses, no matter how long another guide has had exclusive use of it and no matter how much he has spent on improvements. The ruling will obviously have a devastating impact on long-time guides, many of whom have sunk their life savings into guide area improvements. Far more important is the threat the ruling poses to wildlife. Currently, there is nothing in the law to prevent guides from all over the state descending on top areas next fall, with the impact on game populations. The threat of that is what has inspired so much speculation that nonresident hunting will be put on a draw basis by next fall. So, how did this ruling come about? The roots of the matter go back to 1973 when the state legislature created the Guide Licensing and Control Board (GLCB) to regulate the guiding industry. It was this board that created the Exclusive Guide Area concept and slowly granted EGA privileges to guides around the state from 1974 through 1976. The board did this without

specific statutory authority, relying on general grant of regulatory power. The rationale for the move was to protect game populations by preventing guides from concentrating on hotspots and moving on. The system worked well for those who got EGA privileges early on, of course, but not so well for people who wanted to break into the business. It was, in fact, a disgruntled guide who filed the suit that led to the recent court decision. Court documents indicate that the unhappy guide, Ken Owsichuk, was licensed to conduct hunts in Units 17, 18 and 19 in 1976, and he invested



\$300,000 to build a lodge, several cabins and other facilities for a full-scale guiding operation on Lake Clark. He also claimed to have spent \$150,000 on aircraft to fly in clients. Unfortunately, Owsichuk's licensing and investment occurred at about the same time the GLCB decided to implement the EGA program statewide. Owsichuk applied for EGA in Units 17 and 19 before the Nov. 1976 application deadline. But as things turned out, he did not get EGA privileges in all the areas he had been licensed to hunt in previously, but only in an area which he claims he could not land his planes in, and was "unhuntingable." Owsichuk filed a complaint against the board, claiming the EGA concept was unconstitutional, and he was entitled to recover damages. Owsichuk argued that the EGA concept violates the "common use" clause of the Alaska Constitution, which says... "Wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use." Ultimately, the courts agreed with him. In their

written opinion, the justices made much of the fact that the EGA concept favored established guides at the expense of new entrants into the market. "To grant such a special privilege based primarily on seniority runs counter to the notion of 'common use,'" the justices wrote. Much was also made of the fact that EGA grants are not limited in duration. Moreover, statutes allowed holders of EGA's to sell their "improvements." The GLCB routinely transferred EGA's to purchasers of the "improvements," or to a guide's designated successor. This practice allowed a guide to effectively sell his EGA as if it were a property interest. The Court likened EGA's to old-time royal grants, which the "common use" clause expressly intended to prohibit. With that, they ruled Exclusive Guide Areas unconstitutional and it was the end of an era. At present time, no one could even guess what will follow. Should the state try some kind of concession system? Should it try to amend the constitution and put the EGA system back in place that way? Should it simply let the guiding industry find its own way and concentrate on creating draw quotas for the various areas? The upshot for the hunting client is paralysis. There is simply no way for a nonresident to book a hunt in Alaska with any confidence right now. The best bet is to take a wait-and-see attitude. The legislature will be in session in January, and you can bet sparks are going to fly. More details as we receive them.—Chris Batin

DATELINE: AFRICA

(Hunting Report President/Publisher Don Causey attended the Annual General Meeting of the Professional Hunters Association of South Africa last month where he gathered information for the following report.)

Due to space limitations in this issue, the report from Africa this month is brief. **South Africa:** Hunting in this country is getting better and more professionally run all the time. That was the inescapable impression I gathered at the Annual General Meeting of the Pro-

N.W.T.

Outfitters - General

10.(1) The outfitter licence shall be subdivided into Class A, Class B and Class C outfitter licences.

(2) Every applicant shall submit to the Superintendent, together with his application for an outfitter licence,

(a) an accurate inventory of the equipment to be used in the outfitting business for which his application is made;

(b) Repealed.

(c) Repealed.

(d) evidence of his experience as an outfitter and of his ability to properly finance and manage the business;

(e) proof of compliance with the Workers' Compensation Act; and

(f) such other information relevant to the determination of the application as the Superintendent may require, and if the applicant is a corporation, it must also provide a certification of good standing from the Deputy Registrar of Companies, that is dated within one month of its application for an outfitter licence.

(3) No person shall hold more than one Class A or Class B outfitter licence or have any interest, right or title, whether direct or indirect, in or to any Class A or Class B outfitter licence of which he is not the holder.

(4) No person, other than a Hunters' and Trappers' Association, shall hold more than one Class C outfitter licence or have any interest, right or title, whether direct or indirect, in or to any Class C outfitter licence of which he is not the holder.

(5) Every outfitter shall

(a) maintain his outfitting equipment in good and serviceable condition;

(b) dispose of all garbage, waste and debris from any place used in connection with his operation by removal, burning or burial;

(c) provide, on request by the Superintendent, such information relating to

(i) big game killed by hunters outfitted by him; and

(ii) specimens from big game so killed as the Superintendent may require; and

(d) outfit only in the area specified in his licence.

(6) Every outfitter who has knowledge of an offence committed by a person outfitted by him against the Act or the regulations shall, within ten days after coming into knowledge of the offence, report the details of the offence to an officer. Amended by R-045-86 and R-058-86.

Class A Outfitters

- 11.(1) A Class A outfitter licence may be granted to
- (a) a natural person who, on the date of his application,
 - (i) is a Canadian citizen; and
 - (ii) has attained the age of nineteen years; or
 - (b) a corporation that, on the date of its application,
 - (i) is registered or incorporated under the Companies Act; or
 - (ii) is a Hunters' and Trappers' Association that is registered under the Societies Act.

(2) Unless the Superintendent allows an extension of time, an applicant for a Class A outfitter licence must submit his application to the Superintendent not later than January 1 in the calendar year in which the outfitting is to take place.

(3) Subject to the Wildlife Open Seasons Regulations and Hunting and Possession of Wildlife Regulations, the holder of a Class A outfitter licence may only outfit the holders of resident, non-resident and non-resident alien hunting licences in Zone E/1.

- (4) Subject to the Act and these regulations, where
- (a) a licensed outfitter is a natural person who, at the expiration of his outfitter licence, is living in the Territories and has lived there continuously for the two years immediately preceding that date; or
 - (b) a licensed outfitter is a corporation
 - (i) that is incorporated or registered under the Companies Act and, at the expiration of its outfitter's licence, has been so incorporated or registered continuously for the two years immediately preceding that date; or
 - (ii) shareholders of which, representing at least 51% of its share capital and voting power, are, at the expiration of its outfitter's licence,
 - (A) natural persons who are living in the Territories and have lived there continuously for the two years immediately preceding that date;
 - (B) corporations incorporated or registered under the Companies Act and have been so incorporated or registered continuously for the two years immediately preceding that date; or

- (C) a combination of (A) and (B),
the outfitter's licence shall be renewed for
such continuous period that the aggregate
period of his tenure of the licence under these
regulations amounts to not less than ten years.

(5) Subject to subsection (3) every Class A outfitter licence
expires December 31 next following the date of its issue.
Amended by R-045-86.

Class B Outfitters

- 12.(1) A Class B outfitter licence may be granted to
- (a) a natural person who, at the date of his application,
 - (i) is a Canadian citizen;
 - (ii) has attained the age of nineteen years; and
 - (iii) is living in the Territories and has lived there continuously for the two years immediately preceding that date; or
 - (b) a corporation that, at the date of its application,
 - (i) is registered or incorporated under the Companies Act; or
 - (ii) is a Hunters' and Trappers' Association that is registered under the Societies Act; and
 - (iii) the shareholders of which, representing at least 95% of its share capital and voting power, or members of which, representing at least 95% of its membership, are
 - (A) natural persons who are living in the Territories and have lived there continuously for the two years immediately preceding that date;
 - (B) corporations incorporated or registered under the Companies Act and have been so incorporated or registered continuously for the two years immediately preceding that date; or
 - (C) a combination of (A) and (B).
- (2) Unless the Superintendent allows an extension of time, an applicant for a Class B outfitter licence must submit his application to the Superintendent not later than January 1 in the calendar year in which the outfitting is to take place.
- (3) A corporation that applies for a Class B outfitter licence shall, upon request by the Superintendent, provide to the Superintendent
- (a) the names and complete addresses of each director;
 - (b) the names and complete addresses of each shareholder; and
 - (c) proof satisfactory to the Superintendent that the corporation meets the requirements of subparagraph 12(1)(b)(iii).

(4) Where a corporation holds a Class B outfitter licence and subsequently ceases to meet the requirements of subparagraph 12(1)(b)(iii), the licence of the corporation is thereupon suspended for thirty days and if the corporation does not meet the requirements subparagraph 12(1)(b)(iii), prior to the expiration of such period the licence shall be deemed to be cancelled at the expiration of such period.

- (5) No person shall be issued a Class B outfitter licence who is convicted of an offence under
- (a) the Fisheries Act (Canada) or the regulations made thereunder, as amended;
 - (b) the Migratory Birds Convention Act (Canada) or the regulations made thereunder, as amended;
 - (c) the Game Export Act (Canada) or the regulations made thereunder, as amended;
 - (d) legislation respecting renewable resources in force in any other province, territory or elsewhere; or
 - (e) the Wildlife Act or the regulations made thereunder, as amended.

within a period of two years prior to the date of his application for the outfitter licence except where the Superintendent is of the opinion that the nature of the offence or the circumstances under which it was committed should not prevent the person from being issued a Class B outfitter licence. Amended by R-045-86.

13. Subject to the Wildlife Open Seasons Regulations and Hunting and Possession of Wildlife Regulations, Class B outfitter licences may be issued at the discretion of the Superintendent

- (a) to any Hunters' and Trappers' Associations for the purpose of outfitting, within the area they serve, the holders of hunting licences to hunt
 - (i) barren-ground grizzly bear;
 - (i.1) black bear;
 - (ii) barren-ground caribou;
 - (iii) wolf; and
 - (iv) wolverine; and
- (b) to any other person for the purpose of outfitting the holders of hunting licences to hunt in Unit F
 - (i) barren-ground caribou;
 - (i.1) black bear;
 - (ii) wolf; and
 - (iii) wolverine.

Amended by R-045-86

14.(1) A maximum number of eight Class B outfitter licences may be issued pursuant to section 13, to Hunters' and Trappers' Associations that serve communities in Unit F for the purpose of outfitting the holders of non-resident and non-resident alien hunting licences.

(2) A minimum of ten barren-ground caribou commercial tags shall be allocated to each Hunters' and Trappers' Association that is issued a Class B outfitter licence for the purpose of outfitting the holders of non-resident and non-resident alien hunting licences.

(3) A maximum of two hundred barren-ground caribou commercial tags may be issued under this section to eligible hunters in respect of all holders of Class B outfitter licences.

(4) Notwithstanding subsection (1), where less than eight Class B outfitter licences are issued to Hunters' and Trappers' Associations that serve communities in Unit F and at least ten barren-ground caribou commercial tags have not been allocated to such a Hunters' and Trappers' Association, the remaining Class B outfitter licences may be issued to general hunting licence holders who have been issued a general hunting licence pursuant to paragraph 17(1)(a) or (b) of the Act. Amended by R-045-86.

15.(1) A maximum of five Class B outfitter licences may be issued to persons eligible therefor, other than Hunters' and Trappers' Associations, for the purposes of outfitting the holders of non-resident and non-resident alien hunting licences in Unit F.

(2) A minimum of thirty barren-ground caribou commercial tags shall be allocated to each person who is issued a Class B outfitter licence under subsection (1).

(3) A maximum of two hundred barren-ground caribou commercial tags may be issued under this section to eligible hunters in respect of all holders of Class B outfitter licences. Amended by R-045-86.

16. Unissued barren-ground caribou commercial tags that have been allocated to a holder of a Class B outfitter licence shall not be allocated to another holder of a Class B outfitter licence. Amended by R-045-86.

17. Class B outfitter licences expire June 30 next following the date of issue.

Class C Outfitters

18. A Hunters' and Trappers' Association that is registered under the Societies Act may be issued a Class C outfitter licence for the hunting of polar bear or muskox by hunting licence holders.

19. Class C outfitter licences expire June 30 next following the date of issue.

Guides - General

20.(1) The guide licence shall be subdivided into Class A, Class B and Class C guide licences.

(2) No person shall be issued a guide licence of any class unless he has attained the age of 18 years at the date of his application.

27 August, 1985

4-10

22.(1) No person shall be issued a Class B guide licence unless he

(a) is a Canadian citizen living in the Territories at the date of his application and has lived there continuously for two years immediately preceding that date;

(b) has five years of safe hunting experience with a minimum of two years experience in, and knowledge of, the area in which he wishes to guide;

(c) has not been convicted pursuant to (1) the Fisheries Act (Canada) or the regulations made thereunder, as amended;

Class B Guides

(4) Class A guide licences expire October 31 next following the date of issue.

(3) A holder of a Class A guide licence shall not act as a guide except in respect of the species and in the area specified in his or his employer's cutflitter licence.

(2) A holder of a Class A guide licence shall not guide more than two hunters at any one time.

(a) a Canadian citizen or landed immigrant, and

(b) employed by a Class A outfitter, or

(c) the holder of a Class A cutflitter licence.

21.(1) No person shall be issued a Class A guide licence unless he is

Class A Guides

(7) A guide shall remain with the hunter whom he is guiding at all times while the hunter is hunting big game.

(6) Every holder of a guide licence of any class shall, while guiding any hunter, wear, so as to be clearly visible, the guide badge supplied with his licence.

(5) Every guide, when acting as such, shall, within ten days after becoming aware of the commission of an offence against the Ordinance or the regulations, report the offence to an officer.

(4) A person who holds a guide licence of any class shall only be entitled to perform the acts, and shall be subject to the restrictions, that are applicable to that class of guide licence.

(3) Every applicant for a guide licence of any class must satisfy the Superintendent, by such means as the Superintendent considers appropriate, of his qualifications to hold a licence of the relevant class.

- (ii) the Migratory Birds Convention Act (Canada) or the regulations made thereunder, as amended;
- (iii) the Game Export Act (Canada) or the regulations made thereunder, as amended;
- (iv) legislation respecting renewable resources in force in any other province, territory or elsewhere; or
- (v) the Wildlife Act or the regulations made thereunder, as amended.

within a period of two years prior to the date of his application for a licence or for a licence renewal except where the Superintendent is of the opinion that the nature of the offence or the circumstances under which it was committed should not prevent the person from being issued a Class B guide licence;

- (d) has successfully qualified as a Class B guide by passing a test established by the Superintendent or has completed a Class B guide course that has been approved by the Superintendent; and Amended by R-042-85
- (e) is employed by a Class B outfitter.

(2) No Class B guide licences shall be issued for Zone E/1.

(3) A holder of a Class B guide licence shall not guide more than two hunters at any one time.

(4) A holder of a Class B guide licence shall not act as a guide except in respect of the species and in the area specified in that licence.

(5) Class B guide licences expire June 30 next following the date of issue.

Class C Guides

23.(1) No person shall be issued a Class C guide licence unless he is

- (a) a resident; and
- (b) the holder of a general hunting licence; and
- (c) employed by the holder of a Class C outfitter licence; or
- (d) the holder of a Class C outfitter licence. Amended by R-042-85.

(2) A holder of a Class C guide licence shall not guide more than one hunter at any one time.

(3) A holder of a Class C guide licence shall not act as a guide except in respect of polar bear or muskox and in the area specified in his or his employer's outfitter licence.

(4) Class C guide licences expire June 30 next following the date of issue.

OREGON ADMINISTRATIVE RULES
CHAPTER 250. DIVISION 16 - MARINE BOARD

DIVISION 16

OUTFITTER/GUIDE REGISTRATION

Definitions

250-16-001 (1) "Board" means the State Marine Board.

(2) "Employee" means an individual who, in exchange for compensation or other pecuniary gain, provides outfitting and guiding services exclusively under the direction, supervision and control of an outfitter and guide or an ocean guide.

(3) "Ocean guide" means any individual who carries passengers for hire for outdoor recreational activities only on the waters of the Pacific Ocean over which the State of Oregon has jurisdiction and who possesses therefor a valid United States Coast Guard vessel operator license.

(4) "Outdoor recreational activities" include, but are not limited to, boating, angling, hunting, jeep touring, backpacking, alpine mountain climbing, camping, trips utilizing pack animals, dog sled trips, helicopter skiing, whitewater float trips, rafting trips, drift boat trips, kayak trips, inflatable canoe trips and canoe trips. The duration of any outdoor recreational activities may be for a few hours or for several days or weeks.

(5)(a) "Outfitter and guide" means any person:

(A) Who provides, or who offers to provide, for compensation or other pecuniary gain:

(i) Outfitting and guiding services in Oregon; or

(ii) Outfitting and guiding services and either equipment, supplies, livestock or materials for use in Oregon; or

(B) Who holds one or more federal permits for commercial outfitting and guiding services for use in any forest or wilderness or on any river in Oregon.

(b) "Outfitter and guide" does not include:

(A) An ocean guide or an employee of an outfitter and guide or ocean guide; or

(B) An individual who, for compensation or other pecuniary gain, provides outfitting and guiding services for the conduct of outdoor recreational activities exclusively upon property owned or controlled by the individual.

(6) "Outfitting and guiding services" include, but are not limited to, leading, protecting, instructing, training, cooking, packing, guiding, transporting, supervising, interpreting or otherwise assisting any person in the conduct of outdoor recreational activities. The rental of equipment alone does not constitute outfitting and guiding services.

(7) Outfitting and guiding services are not offered or provided for compensation or pecuniary gain if:

(a) No individual receives any dues, fees, salary, commission, bonus, tip, compensation, equipment, materials, livestock, supplies, rental payment, amortization payment, depreciation payment or other financial gain; and

(b) No money or other remuneration is in any manner paid or collected except as a sharing by trip participants of the costs or expenses for the trip.

(8) Exclusions. The following activities and services do not constitute "outfitting and guiding services":

(a) Services supplied by non-profit organizations and governmental agencies which conduct outdoor recreational activities on a non-profit basis.

(b) Services supplied by schools which teach outdoor recreational activity classes such as ski schools, horse riding schools, swimming instruction, scuba instruction, sailing lessons, flying lessons, photography, nor such activities where being under the tutelage or instruction of a person is ancillary to the primary course of instruction or study. (This does not include fishing, hunting, backcountry whitewater schools).

Stat. Auth.: ORS Ch. 704

Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86

Registration Instructions

250-16-002 Registration requirements are contained in ORS 704.020.

(1) Application forms are available from the State Marine Board, 3000 Market Street NE, Suite 505, Salem, 97310, (503) 378-8587, 8 a.m. to 5 p.m., Monday through Friday.

(2) The completed and signed application, with required attachments, original first aid card, certificate of insurance and application fee must be submitted to the Board at the address in section (1) of this rule. The fee is non-refundable. Where an application is submitted for a partnership, one partner must sign the application and provide his/her proof of first aid. For a corporation, the application must be signed by an authorized corporate officer who has the required first aid training. The certificate of insurance shall be:

(a) Provided direct by mail to the Marine Board;

(b) Be issued in the applicant's name;

(c) Reflect all insured business names;

(d) Reflect the lawfully required insurance minimum amounts.

(3) Proof of first aid training shall consist of one of the following:

(a) The original card or certificate issued by the American Red Cross showing completion of a standard or multimedia first aid course or equivalent. (Original card will be returned to the applicant).

(b) Proof of training and certification as an Emergency Medical Technician I, II, or III (original card will be returned to applicant), or licensed or registered nurse or medical doctor (copy of license is acceptable). Should an outfitter's first aid card or the equivalent expire, the outfitter is responsible for submitting the original updated card to the Board. If there is a lapse of time between expiration and renewal, the outfitter's registration is automatically suspended during that period of time.

(4) An incomplete application shall, after twelve months from date of receipt and lacking any action on the application to complete the application, be deemed inactive. Should the applicant desire to register, the instructions contained in OAR 250-16-002(2) shall apply.

Stat. Auth.: ORS Ch. 705

Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86

Proof of Registration Compliance

250-16-003 (1) Outfitter/Guide certificate of registration:

(a) Upon meeting the registration requirements of ORS 704.020, the Board shall issue to the applicant proof

OREGON ADMINISTRATIVE RULES
CHAPTER 250. DIVISION 16 - MARINE BOARD

compliance in the form of a laminated card containing the applicants:

- (A) Name and address;
- (B) Registration number;
- (C) Business name (if any); and
- (D) Expiration date.

(b) When the registration is for a corporation, the provided Outfitter/Guide certificate of registration shall contain:

- (A) Registration number;
- (B) Corporation name and address;
- (C) Expiration date; and
- (D) The statement "Corporation Identification Only - Not for personal identification".

(2) Duplicates:

(a) A duly registered outfitter or guide may apply to the Board for a duplicate proof of compliance card when an original has been lost, stolen or mutilated.

(b) A duplication fee of \$5 shall be required for each replacement requested.

(3) The outfitter/guide identification card issued shall be carried at all times while providing outfitting or guiding services and shall be presented to any peace officer upon demand.

Stat. Auth.: ORS Ch. 704
Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86

Employe Agent or Party of Interest

250-16-004 (1) Each outfitter/guide shall maintain a current record at the State Marine Board of all employees, agents or parties of interest as denoted in ORS 704.020(1)(c).

(2) Notice of additions or deletions shall be immediately provided to the Board by telephone or written, dated communication. The notification shall include:

- (a) The outfitter/guide(s) name and address; and
- (b) The added or deleted individual(s) full name.

Stat. Auth.: ORS Ch. 704
Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86

Cancellation of Registration

250-16-005 (1) An outfitter/guide registration shall be cancelled upon notification from an insurance company that such outfitter or guide's required insurance has been suspended or cancelled.

(2) The Board shall give written notice to such outfitter or guide of the effective date of such insurance suspension or cancellation.

(3) The affected outfitter/guide shall, within ten (10) working days of receipt of such registration suspension or cancellation notice, return to the Board the previously issued outfitter/guide identification card.

Stat. Auth.: ORS Ch. 704
Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86

Reinstatement of Registration

250-16-006 (1) A previously cancelled outfitter/guide registration shall be reinstated immediately upon receipt of notification (certificate of insurance) from an insurance company of the outfitter or guide's procurement of the required insurance coverage.

(2) The Board shall return the previously surrendered outfitter/guide identification card, and it shall remain effective for the unexpired duration of its issuance.

Stat. Auth.: ORS Ch. 704
Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86

Registration Renewal

250-16-007 (1) The Board shall notify a registered outfitter or guide in writing approximately thirty (30) days in advance of the impending registration expiration.

(2) The notification shall include instructions for registration renewal and any appropriate forms for such renewal.

(3) An applicant must, in order to avoid an interrupted valid registration, return the completed application and all necessary documents and fees at least ten (10) working days prior to the current registration expiration date.

Stat. Auth.: ORS Ch. 704
Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86



**State Marine Board
ADMINISTRATIVE OFFICE**

3000 MARKET ST. N.E., No. 505, SALEM, OREGON 97310-0650 PHONE 378-8587

Oregon

TO: All Outfitter/Guides
FROM: Oregon State Marine Board
SUBJECT: Registration of Persons Engaged in Outfitting/Guiding Services in Oregon; ORS Chapter 704.

1. Complete and sign the application. Check all that apply on Attachment 2.
2. Affidavit must be signed. In signing the affidavit the outfitter/guide is stating that the employees have current, valid first aid and insurance coverage.
3. Current proof of completion of Standard or Multimedia first aid course or approved medical equivalent is required. We need your original first aid card. It will be copied and returned to you. You are responsible for keeping your first aid card current. When you renew it, send us your new card so we can update our records. It will be returned to you. CPR is not an approved equivalent and is not required.
4. Liability Insurance is required. See ORS 704.020. Applicant shall have insurance company furnish a Certificate of Insurance direct to the Marine Board. Applicant is responsible for making sure the Marine Board receives insurance renewal certificates from his/her insurance company.
5. \$50.00 annual registration application fee. This is not refundable.
6. Outfitter/Guide Registration is valid for 1 year from date of issue. Marine Board will send applicant renewal form prior to expiration.

Significant Points:

- A. The program does not include "Ocean Guides" (ORS 704.010(3)).
- B. Rental of equipment alone does not constitute outfitting/guiding services.
- C. Failure to register and the providing of false information when applying for registration are both Class B Misdemeanors. They are punishable by a fine not to exceed \$1,000 or imprisonment not to exceed 6 months or both.
- D. Registration as herein required does not take the place of other local, state or federal use permits. Registration is, in fact, a prerequisite to obtaining a federal use permit.

If you have further questions, please call Cindy Fosdick at 378-8587.

AFFIDAVIT

Attachment 1

In Support of Application for Oregon Outfitter and Guide Registration
(Type or Print all Entries Except your Signature)

STATE OF _____)

County of _____)

I, _____, do hereby declare that in the twenty four (24) months
(Name of Outfitter/Guide)
immediately prior to making application for this Oregon Outfitter and Guide Certificate of Registration:

Neither I, nor my employees have been convicted of, and/or forfeited bail to any violation of ORS 496.992(2); or any violation of the wildlife laws which occurred while acting as an outfitter and guide and which resulted in court ordered revocation of the hunting or fishing license of the outfitter and guide; and

Neither I, nor my employees have had an outfitting/guiding license, permit or certificate revoked by another state or by any agency of the government of the United States; and

Neither I, nor my employees have been denied the right to apply for an outfitting/guiding license, permit or certificate by another state.

The following is a list of the employees, agents and parties of interest who will physically provide, or directly assist in physically providing, outfitting and guiding services in Oregon under my Oregon Outfitter and Guide Certificate of Registration:

- | | |
|-----------------|----------|
| 1. (Self) _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

I hereby certify that each and all of these individuals possess a current standard or multimedia first aid card issued to them by the American Red Cross, or a medical equivalent approved by the State Marine Board.

I further certify that each of my employees and I meet the insurance requirements contained in ORS Chapter 704.

Signature of Applicant

Date

CHECK ALL THAT APPLY

Equipment

1. ☐ Equipment Is Included
2. ☐ Equipment Is Not Included

Type Of Service

1. ☐ Whitewater
2. ☐ Fishing
3. ☐ Hunting
4. ☐ Back Country
5. ☐ Ski
6. ☐ Other or All of the Above

Area Served

See map on reverse. List as many zones as apply by number:
(i.e., 3, 5, 7).

Zones: _____

Experience

How many years experience do you have in the activity you plan to guide in?

Number of years: _____

OREGON STATE MARINE BOARD OUTFITTER/GUIDE REGIONAL MAP



MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS
OUTFITTERS AND GUIDES

Part 1

87-4-101. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "License year" means that period commencing January 1 and ending December 31 of the same year.

(2) "Nonresident" means a person other than a resident.

(3) "Outfitter" means any person, except a person providing services on real property that he owns for the primary pursuit of bona fide agricultural interest, who:

(a) engages in the business of outfitting for hunting or fishing parties, as the term is commonly understood;

(b) for consideration provides any saddle or pack animal or personal service for hunting or fishing parties or camping equipment, vehicles, or other conveyance, except boats, for any person to hunt, trap, capture, take, or kill any game and accompanies such a party or person on an expedition for any of these purposes;

(c) for consideration furnishes a boat or other floating craft and accompanies any person for the purpose of catching fish; or

(d) for consideration aids or assists any person in locating or pursuing any game animal.

(4) "Outfitters' council" means the Montana outfitters' council provided for in 2-15-3403.

(5) "Professional guide" means a person who is an employee of an outfitter and who furnishes only personal guiding services in assisting a person to hunt or take game animals or fish and who does not furnish any facilities, transportation, or equipment.

(6) "Resident" means a person who qualifies for a resident Montana hunting or fishing license under 87-2-102.

(7) "Participant" means a person using the services offered by a license outfitter or professional guide.

87-4-102. Determination of what constitutes consideration. The providing of the services, property, or equipment mentioned in 87-4-101(3) or the advertising of services to assist persons to hunt, pursue, or take wildlife or to fish shall be presumed to have been for consideration for the purposes of this part.

87-4-103. Responsibility for violations of law. (1) Any person accompanying a hunting or fishing party as an outfitter or agent or employee of such outfitter shall be equally responsible for any person or party employing him as an outfitter for any violation of fish and game laws; any such outfitter or employee of such outfitter who shall willfully fail to or refuse to report any violation of fish and game laws shall be liable to the penalties as herein provided. If any professional guide commits any violation of the laws or applicable regulations relating to fish and game, outfitting, or guiding with actual or implied knowledge of an outfitter then employing such guide, the outfitter is legally responsible for such violation for all purposes under the laws or regulations if the outfitter fails to report any such violation to proper authority.

(2) Whenever an outfitter is engaged by any person, the outfitter shall keep and submit records as required by the department.

(3) Outfitter and their employees may not shoot, kill, or take big game animals for or in competition with those employing them while acting under employment as an outfitter.

(4) Outfitters utilizing lands under the control of the United States government shall obtain the proper permits required by the government office responsible for the area in which the outfitter intends to operate and shall comply with environmental protection standards established for these lands.

(5) An outfitter may not willfully and substantially misrepresent his facilities, prices, equipment, services, or hunting or fishing opportunities.

(6) Outfitter and their employees shall take every reasonable measure to provide their advertised services to their clients.

87-4-122. Outfitter's qualifications. Each applicant for and holder of an outfitter's license or any renewal thereof shall, in the opinion of the director, meet the following qualifications:

(1) be a person of at least 18 years of age who is physically capable and mentally competent to perform his duties as an outfitter;

(2) own or hold under written lease or represent a company, corporation, or partnership who owns or holds under written lease the equipment and facilities as are necessary to provide the services advertised, contracted for, or agreed upon between the outfitter and his clients (all equipment and facilities shall be subject to inspection at all reasonable times and places by the department or its designated agent);

(3) be a person who has demonstrated a respect for and compliance with the laws of any state or of the United States and all rules promulgated thereunder as to matters of fish and game, conservation of natural resources, and preservation of the natural ecosystem without pollution thereof;

(4) have not been convicted or forfeited bond of \$100 or more on more than one violation of the fish and game laws or applicable regulations of any state or the United States within the past 5 years;

(5) have not, at any time, practiced fraud, deception, or material misrepresentation in procuring any previous outfitter's, professional guide's, or conservation license from the state of Montana;

(6) have not been finally adjudged by a court of law guilty of any substantial breach of written or oral contract with any person utilizing the applicant's services as an outfitter or professional guide during the license year immediately preceding that for which the application is made;

(8) have not committed any negligent act or misconduct while acting as an outfitter or professional guide that caused a danger or unreasonable risk of danger to person or property of any client of such outfitter or professional guide during the license year immediately preceding that for which the application is made;

(9) have not, at any time, pleaded guilty to or been adjudged by a court guilty of a felony, unless civil rights have been restored pursuant to law. No person may apply for or hold an outfitter's license during any period of time in which a sentence has been deferred or suspended for a felony.

(10) have substantially complied with all department regulations and state and federal laws concerning outfitters and professional guides, if the applicant has previously held a license as an outfitter or professional guide.

87-4-123. Professional guide's qualifications. (1) An applicant for a professional guide's license shall meet the following requirements:

- (a) be a person of at least 18 years of age who is physically capable and mentally competent to perform his duties as a professional guide;
 - (b) be endorsed and recommended by an outfitter with a valid license;
 - (c) have not been convicted or forfeited bond of \$100 or more on more than one violation of the fish and game laws or applicable regulations of the state of Montana or the United States within the past 5 years;
 - (d) have not committed any gross negligent act or misconduct while acting as a guide that caused an accident or injury to person or property of any client of an outfitter during the license year immediately preceding that for which the application is made;
 - (e) have not, at any time, pleaded guilty to or been adjudged by a court guilty of a felony, unless civil rights have been restored pursuant to law. No person may apply for or hold a professional guide's license during any period of time in which a sentence has been deferred or suspended for a felony.
- (2) A professional guide shall have been issued a valid wildlife conservation license

87-4-124. Application. (1) Each applicant for an outfitter's or professional guide's license shall make application for license upon a form to be prescribed and furnished by the department which shall include:

- (a) the applicant's full name, residence, address, conservation license number, birth date, physical description, and telephone number;
- (b) the address of his principal place of business in the state of Montana;
- (c) the amount and kind of property and equipment owned and used in the outfitting business of the applicant, if an outfitter's license application is involved;
- (d) the experience of the applicant, including years of experience as an outfitter or professional guide, knowledge of areas in which he has operated and intends to operate, and ability to cope with weather conditions and terrain;
- (e) a signed statement of the licensed outfitter by whom the professional guide is to be employed that the professional guide is in fact to be employed by such outfitter and stating that the outfitter recommends the applicant for his qualifications;
- (f) an affidavit by the outfitter to the director that the equipment listed on the application is in fact owned or leased by the applicant, is in good operating condition, and is sufficient and satisfactory for the services advertised or contemplated to be performed by such applicant;
- (g) a statement of the maximum number of guests to be taken at any one time;
- (h) the written approval of the appropriate agency or landowner on whose lands he will establish hunting camps.

(2) Applications for outfitter's license shall be in the name of an individual person only. Applications involving corporations or partnerships shall be made by one individual person who qualifies under the provisions of this part; any license issued pursuant thereto shall be in the name of that person; and the license shall specifically state that the same is issued for the use and benefit of the named corporation or partnership involved. Any revocation or suspension of such a license is binding upon the individual person and the partnership or corporation for the use and benefit of which the license was originally issued.

(3) Application shall be made to and filed with the director.

(4) Only one application for an outfitter's or professional guide's license may be made in any one license year. If any application is denied, subsequent applications by the same applicant for the license year involved are void, except as provided in 87-4-129.

87-4-125. Outfitter's examination. Each applicant for an outfitter's license shall pass a standard examination administered by the director or an agent designated by him, which examination shall require general and sufficient knowledge displaying and indicating ability to perform the services contemplated with efficiency and with safety to the health and welfare of persons employing such services. The examination shall test the applicant's knowledge of subjects which shall apply to the type of license applied for in the following subjects:

- (1) federal and state fish and game laws and regulations;
- (2) practical woodsmanship;
- (3) general knowledge of big game;
- (4) field preparation of trophies;
- (5) care of game meat;
- (6) use of outfitter's gear as listed on the application;
- (7) knowledge of area and terrain;
- (8) knowledge of firearms;
- (9) federal and state regulations as applicable to outfitting;
- (10) first aid;
- (11) boat safety;
- (12) water safety;
- (13) care and safety of livestock.

87-4-126. Repealed.

87-4-127. Fees. (1) The department shall establish fees commensurate with the costs as provided in 37-1-134.

(2) Applications shall be accompanied by a license fee as specified by the department.

(3) If a nonresident resides in a state requiring residents of the state of Montana to pay in excess of the amount established by the department for a similar license, the fee for such nonresident outfitter's or professional guide's license shall be the same amount as the higher fee charged in the state where the nonresident resides. All fees collected under this part shall be deposited as provided in 87-1-601.

(4) The license fee shall be used to investigate the applicant, to enforce this part, and for administrative costs.

87-4-128. Investigation of applicant -- issuance or denial of license.

(1) The director in his discretion may cause to be made such additional investigation and inquiry relative to the applicant for outfitter's or professional guide's license and an applicant's qualifications as he considers advisable.

(2) The director may deny or refuse to issue any new license or to renew any previous license if, in his opinion, the applicant does not meet the qualifications herein stated. In the event that any application for license is denied or refused, the director shall immediately notify the applicant, setting forth in the notice the grounds upon which the denial or refusal is based.

(3) Final decision as to issuance of renewal licenses shall be made not later than 30 days from the date of receipt of the completed application for renewal and not later than 90 days from the date of receipt of a completed application for a new license.

(4) A licensee in good standing is entitled to a new license for the ensuing license year upon complying with the provisions of this part and completing an application for license renewal on a form provided by the department but is exempt from having to retake the written examination.

87-4-129. Kinds of licenses. (1) After receipt of the application and when all the conditions and requirements of this part have been satisfied, the director shall issue either of the following licenses, depending upon his determination of the applicant's ability and the service that the applicant can perform with the equipment listed on his application:

(a) a general license authorizing him to perform all the functions of an outfitter as that term is defined in 87-4-101; or

(b) a special license authorizing him to perform only the function of outfitting listed on the license.

(2) The license shall be in the form prescribed and shall be valid for the licensing year in which issued.

(3) If the application is denied, the director shall notify the applicant in writing of the reasons for the denial, and if the reasons are corrected, a license shall be issued upon reapplication thereof.

87-4-130. Professional guide's license. (1) For the purposes of this part, a person may serve as a professional guide under his employer's license, after submitting his application with the proper license fee, until the license is issued or denied

(2) To be valid, a professional guide's license must bear the signature and outfitter's license number of the endorsing outfitter and is valid only while the holder of such license is employed by the endorsing outfitter.

87-4-131. Transfer or amendment of outfitter's license. (1) No outfitter's license may be transferred during any license year.

(2) An individual person may, upon proper showing, have his outfitter's license amended to indicate that he is holding the license for the use and benefit of a named partnership or corporation.

(3) Subject to approval by the director, the immediate members of the family of a deceased licensed outfitter may continue to outfit for the deceased outfitter's unexpired license year or until the heirs or personal representative of the estate sells the outfitting business or obtains relicensure therefor.

87-4-132. Limit one license. No person may hold more than one outfitter's license either for his own benefit or for the use and benefit of a partnership or corporation, nor may the name of any partnership or corporation appear on more than one current outfitter's license.

87-4-133. Expiration of license. Notwithstanding any other provision or law, a license shall expire on the last day of the license year for which it was issued.

87-4-134 through 87-4-140 reserved.

87-4-141. Grounds for suspension or revocation of license. Every license or right to apply for and hold such license may be suspended or revoked upon any of the following grounds:

- (1) having ceased to meet all of the qualifications for holding a license;
- (2) fraud or deception in procuring a license;
- (3) fraudulent, untruthful, or misleading advertising;
- (4) having pleaded guilty to or been adjudged by a court guilty of a felony, including a case in which the sentence is suspended or imposition of the sentence is deferred, unless civil rights have been restored pursuant to law;

(5) two convictions or bond forfeitures of \$100 or more as to violations of the fish and game or outfitting laws or regulations of the state of Montana or of the United States within the past 5 years;

(6) a substantial breach of any contract with any person utilizing the services of the license holder provided that such breach is established as a matter of final judgment in a court of law;

(7) the willful employment of an unlicensed professional guide by an outfitter;

(8) negligence or misconduct while acting as an outfitter or professional guide that causes an accident or injury to person or property of any client of such outfitter or professional guide.

87-4-142. Procedure for suspension or revocation of license -- reissuance.

(1) Proceedings for the revocation or suspension of a license issued hereunder may be taken upon charge or recommendation of any person. All such charges or recommendations must be made in writing, must state the facts upon which such charge or recommendation is based, and must be signed and sworn to by the person making the charge or recommendation. Any such charge or recommendation shall be filed with the director. Thereupon, the director shall initiate a preliminary investigation of all facts in connection with the charge.

(2) A copy of all information shall be transmitted to the outfitters' council. The outfitters' council may make recommendation as to the action to be taken. Any such recommendation shall be made in writing and delivered to the director within 20 days after date of transmittal of such information to the council.

(3) If the accusation be deemed to be unfounded or trivial, the director shall dismiss the same and will advise the licensee charged and the complaining party of the action. Should the director determine the charge or recommendation to have good cause and to be sufficiently founded, he shall appoint a hearing officer who shall conduct a hearing on such charge in accordance with the Montana Administrative Procedure Act.

(4) The director thereupon shall cause a copy of the charge, recommendation of the council, and a record of the investigation to be served upon the licensee involved not less than 20 days prior to the day set for hearing thereon, which hearing shall be before an appointed hearing officer at a time and place set by such officer. At the hearing, the licensee involved may be represented by council. After full, fair, and impartial hearing, the director may suspend the accused's license or his right to hold a license for a period not to exceed 3 years, may order the license revoked, or may dismiss the charge or recommendation based upon the facts shown at the hearing.

(5) A revoked or suspended license may be reissued or reinstated at the discretion of the director.

87-4-143. Appeal procedure. Any person who feels aggrieved by the denial of issuance of a license or suspension or revocation of a license as an outfitter or professional guide may appeal to the district court of the county of his residence within 30 days after the date of such action by filing with the clerk of said court a notice of appeal briefly setting forth the action complained of and appealed from. Summons and copy of the notice of appeal shall be served on the director, and all proceedings shall conform to the code of civil procedure of the state of Montana. Upon such appeal, the action shall be by trial de novo, and upon demand in writing, either party shall be entitled to trial by jury. The court may sustain or reverse the action of the director or take such other action as the court may deem just and proper. If the director or the court

has ordered a stay of any revocation or suspension and the director's revocation or suspension is thereafter sustained by the court, the period of suspension or revocation shall begin with the first day after the court's action sustaining the decision of the director.

87-4-144. Enforcement. The warden designated by the department to primarily administer outfitting and guiding laws and rules, other wardens, and all peace officers shall enforce this part.

87-4-145 through 87-4-160 reserved.

87-4-161. Purpose. It is recognized that some activities conducted by outfitters and guides within the scope of their authorized services are inherently hazardous to participants regardless of all feasible safety measures that can be taken. It is the purpose of 87-4-161 through 87-4-163 to define those areas of responsibility and affirmative acts or omissions for which outfitters and guides are liable for loss, damage, or injury and those risks for which the participant expressly assumes or shall be considered to have voluntarily assumed the risk of loss or damage.

87-4-162. Duties of outfitters and guides. An outfitter or guide offering professional services in this state shall:

- (1) act as would a reasonably prudent member of his respective profession while engaging in providing the services authorized to be performed by a licensed member of his profession;
- (2) comply with all standards adopted by rule of the department of fish, wildlife, and parks.

87-4-163. Duties of participants. (1) A participant shall:

- (a) act as would a reasonable prudent person when engaging in the activities offered by a licensed outfitter or guide in this state;
 - (b) receive permission from the outfitter or guide prior to embarking on any self-initiated activity and inform the outfitter or guide of his plans and intentions upon receiving permission to engage in such self-initiated activity.
- (2) A participant may not:
- (a) interfere with the running or operation of an outfitter's or guide's activities when such activities conform to the standards of care set forth in 87-4-162;
 - (b) use the outfitter's or guide's equipment, facilities, or services unless the participant has requested and received permission from the outfitter or guide;
 - (c) knowingly, purposely, or negligently engage in any type of conduct that contributes to or causes injury to himself or any other person.

P.O. Box 506
Homer, AK 99603
December 11, 1988

To Whom It May Concern:

Guiding without a license should definitely be changed to a misdemeanor. It is presently, by Alaska statute, an unclassified felony.

A literal reading of the statute would bring hunters within risk of felony indictment for even passive involvement in an otherwise legal hunt. For example, it is beyond the financial means of many Alaskans to hire an air taxi to fly them hunting. If a friend merely pays for his hunting companion's share so he could go along, it is definitely a form of compensation. Since they spotted and pursued game together would make the companion guilty of a felony.

A class comprised of class A felons and unclassified felons is the group most likely to be dangerous to the community. Clearly, the offense of guiding without a license does not exhibit the same characteristics as a class A or unclassified felony. The classifications are based upon the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. AS 11.81.250.

In this case, a charge of guiding without license which involves no violence against a person, no risk of serious physical injury, no result in serious physical injury, and which are not malum in se but rather malum prohibitum should not have such a disproportionate penalty.

This unjust law must be changed.

Yours truly,

ARMIN GERBRANDT



ALASKA OUTDOOR COUNCIL, INC.

TO: GUIDE TASK FORCE
FROM: ALASKA OUTDOOR COUNCIL
DATE: DECEMBER 13, 1988
RE: SB 191 & THE OWSICHEK DECISION

We would first like to express our appreciation for this opportunity to present our views on this important subject. We feel the work before the Task Force is difficult and complex, but we hope the members will be able to put forth a finished plan of action which will solve the many problems now facing a significant portion of Alaska's tourism industry.

At our annual membership meeting in Sitka last spring, the assembled delegates of the Council voted to support SB 191 and the Legislature's attempt to bring consistent and fair regulations into effect for the big game hunting services industry. Based on the version of SB 191 which was current at the time of our annual meeting, it is safe to assume Council members felt the laws governing who would be able to participate in providing hunter services should become standardized.

Due to the recent Supreme Court decision affecting guide areas, the AOC basically leans toward bringing all operators under a fairly standard licensing system, although we haven't been able to formulate a solid position, as we are awaiting information from industry sources. We feel the appropriate action for us at this time would be to assess the positions proffered by the industry before a concrete plan of action can be made by us. We expected those position papers prior to this meeting of the Task Force, unfortunately, due to a variety of circumstances, we were unable to obtain them.

We do have grave concerns over the possible implications of the Owsichuk decision and would like to offer those points of concern. One point we would like to emphasize involves the possible application of permit drawing systems to regulate harvests now that restricted guide areas are no longer a factor. We would prefer some alternative if at all possible. Another concern at this time involves any position the Task Force may take to otherwise solve the current situation. We would hope any solution takes into account the need for fair restrictions when discussing entry into the profession, the need for guidelines which will provide a viable opportunity to make a living and last, but most important, the need to regulate the industry to provide sound wildlife management options.

We would like to thank you for your time and consideration on these matters of concern to the AOC.



"Fair Chase"

LYNN CASTLE — Master Guide

Alaskan Big Game Outfitting and Guide Service

Penny and Lynn Castle
Denali Wilderness Lodge
(at Wood River)
PO Box 517
Denali Park, Alaska 99755

Winter Reservations Address
PO Box 538
Benders, Texas 76003
Telephone (512) 796-4809

(copy to Nome address)

December 12, 1988

The Honorable Heinrich Springer
GUIDE/OUTFITTER TASK FORCE CHAIRMAN
P.O. Box 1600
Nome, Alaska 99762

Dear Representative Springer,

Thank you for the opportunity to testify earlier today at the tele-conference. As your committee is aware, the recent Alaska Supreme Court ruling that Exclusive Guide Areas are unconstitutional, and therefore illegal, has thrown the state's hunting industry into chaos. Your report to the legislature will have a tremendous impact on the future of non-resident big game hunting in Alaska, as it promises to become an outline for the various land management agencies within the state. In this respect, the timing of appointment of your Task Force could not have been more prophetic. Please allow me a few moments to comment on what impact recommendations of the Task Force could have on the situation.

The biggest problem facing Alaska's guiding industry today is the unlicensed guide problem — that is the so-called "outfitter." During the past five years more than 1700 unlicensed individuals have been hosting cut-rate, unlicensed, and unregulated Alaskan big game hunts as result of a loophole in the Guide Law which exempts all big game species except Dall sheep and brown and grizzly bear from the mandatory guide requirement. "Outfitters" have flourished primarily because they can offer Alaskan hunting opportunity at cut-rate prices, sometimes at "one-fourth the cost of a comparable hunt from the licensed guide operating in the same area." (quoted from typical "outfitter" brochure)

The key word here is "Comparable." The only thing comparable is the area hunted. The unlicensed "outfitter" had no legal responsibility to his client-hunters, no insurance

...and there is no time to ... in the area, no ... requirements ... responsibility ... the ... world ... a comparable name-brand ... that they tell you is that in order to ... their comparable auto has no brakes, ... no seats, no warranties ... Enter ... insurance, and quality control. ... suddenly finds himself competing in a reasonable manner, or not at all.

The Alaska Guide Law evolved over a period of several decades involving literally thousands of man-days of testimony, research, legal opinions, and deliberation by the state's Guide License and Control Board. It is considered the model guide system throughout the free world, for it provides an equitable system for training and licensing guides, as well as laws and regulations to protect not only the visitor-hunter, but also Alaska's precious wildlife resources. As result, indirectly it should also provide protection for the ethical operator who abides by its rules. It is a system worth preserving and protecting!

I am certain your Task Force recognizes potential for guiding and non-resident hunting opportunity in Alaska is not unlimited. If the courts have stripped us of the ability to limit guide pressure through exclusive guide area assignments, then it behooves us to do everything legally possible to set the HIGHEST POSSIBLE STANDARDS for those persons who are involved in guiding activity. In doing so, the would-be operator, who is unwilling to meet these high standards, will be eliminated through natural attrition. Such self-regulation process will go a long way in alleviating the potential problem of too much guide pressure.

The Task Force can be of immeasurable help in protecting the integrity of Alaska's Guide Law by recommending stricter controls, both in licensing requirements as well as performance in the field. Some suggestions:

1. Under no circumstances should illegal outfitters be drawn into a guide license. Anyone pursuing his own, third license should be required to follow the same standards and requirements as other currently registered guides. Certainly the better outfitters will have no problem finding licensed guides with whom to accomplish this. 2. ... should be very limited and ... persons who have held business licenses, ... supporting a real business, and ... that have been required.

Submitted to:
Task Force on Guiding & Outfitting.

Cecil R. Jones
HCR 33675 Jones Dr.
Homer, Alaska 99603

Proposal;

Any nonresident hunting Sheep or Brown Bear must be accompanied by a licensed guide or an Alaska resident within the second degree of kindred. Any nonresident hunting Mt. Goat, Black Bear, Moose or Caribou Must be accompanied by a licensed guide or an Alaska resident. An Alaska resident may accompany up to two nonresident hunters per year.

Purpose;

To reduce hunting pressure State wide, to assure hunter safty and for protection of the resource. This regulation would not stop nonresidents from hunting in Alaska without a guide but it would assure that there would be someone in the field with them that is familar with the weather conditions and game regulations of the state. It would help cut down on wanton waste of meat and other game regulation violations. It would increase the value of the States game resource. It would improve the quality of the hunt for Alaska residents and assure more game for subsistence users.

This proposal would allow any resident to go hunting with his friends from out of state but would make it very difficult for any one to conduct an illegal guiding operation for any length of time. The nonresident hunter would be required to sign an affidavite stating who would be accompanying him or her on the hunt. It would be in line with the ANILCA mandate that resident subsistence users have priority use of the resource. It would not be setting a presidence as other states already have laws such as this in effect. It would provide resource management a better control on game harvest.

With the tremendous increase of outside hunting pressure within Alaska in the last few years I think it is vital that a regulation such as this be implimented now to assure a sound future for the resource in Alaska.

Submitted to:
Task Force on Guiding & Outfitting

Cecil R. Jones
HCR 33675 Jones Dr.
Homer, Alaska 99603

Dec. 16, 1988

Proposal:

To establish a permit lease system to control the impact of the guide industry on Alaska's wildlife resource.

There is a real need to come up with a system to manage the commercial hunting operations. I'm submitting this proposal not as a "sure-fire" thing but something that needs to be considered as a possibility. The old system we were using had a lot of short comings and I think any new system should address as many of these as possible.

If we leased permits to the guides it could be handled similar to DNR's grazing leases but would differ somewhat as I see it. What we are concerned with here is not so much the land as the game that is on it. Moose don't pay much attention to property boundaries but they are the States responsibility to manage, whether they are on State land, Fed. Land or private property. Since DNR deals with just State land I don't think they are the ones that should administer the leases for guiding. The Dept of Fish & Game should administer these leases. Rather than leasing an area of land the guides would lease the permits. The permit itself would be the thing of value that the State would be leasing through the DFG.

The DFG would divide the entire State up into areas on the maps similar to the old system, but not necessarily following the same lines. One of the problems of the old system was that some of the areas were too large for one operator and some were too small. It should be laid out into practical size areas. I think we should try to accommodate as many operations as possible and still be a little conservative about the game populations.

After the areas were laid out the DFG could make up permits with numbers corresponding to the areas. Those permits that closest fit an established operation could be leased to that operator as a negotiated lease between that operator and the State. (DNR often negotiates grazing leases similar to this.) After the negotiated leases were out of the way any remaining permits would be auctioned off at public auction.

These permits would not entitle the leasee to any rights beyond the privilege to conduct guiding activities within that given area. If the area overlapped federal or private property the leasee would still be subject to any federal or private restrictions or permits that may apply to his/her operations in that area. If you leased permit number 145 you would be restricted to guiding only within

the boundaries of area 145. You couldn't guide anywhere unless you had a permit.

After the initial phase of leasing the permits a policy for transferring these permits would have to be available. I think guides should be able to sell their business like any other business, or to pass it on to a friend or relative when they get ready to retire. I don't think it would be right to just auction their business off at public auction. Whether there are lines on a map or they have a permit or what ever , the fact remains that they have an established business there that they have put their whole life into and I think that has to be considered in the transfer of these operations. I think it should be that an operator can sell his operation to who ever he wishes and then after the sale the permit would be transferred to the new owner as long as that owner was licensed and legally qualified. If a guide had his permit revoked for nonuse, illegal activity or anything like that then his permit would go up for public auction. If Someone died and there was no one to inherit the operation then the permit would go up for public auction.

Each individual would be allowed to hold no more than two permits. The permit would have to be in the guides possession at all times when conducting hunts in the field.

If this system went in to effect it would be necessary to drop the present restriction whereas a guide can ~~only~~ be licensed to guide in ~~any~~ three game management units. If that restriction stayed in effect it would impose a hard ship on anyone buying an area at public auction. Since you would already be restricted to two permits the GMU restriction would ~~serve~~ no usefull purpose. We already have enough hardships as it is.

2-15-3403. Montana outfitters' council. (1) There is a Montana outfitters' council.

(2) The council consists of seven members. Each member shall be a licensed outfitter and shall represent one of the seven fish and game administrative districts. A member shall be selected by the licensed outfitters residing in that district by election at an annual meeting of the outfitters to be held in the city where the regional headquarters is located during the month of March. A majority vote cast by written ballot of all the outfitters in attendance at the meeting shall determine the member from the district. At the election an alternate member shall also be elected by written ballot to serve if the member is unable to act.

(3) If a member or alternate resigns or a vacancy exists for any reason on the council, the council at its next official meeting after the vacancy occurs shall recommend to the director of the department of fish, wildlife, and parks the names of two licensed outfitters residing in the administrative region where the vacancy occurred to fill the vacancy for the remainder of the unexpired term. If a vacancy cannot be filled from that administrative region, the appointment must be made from an adjoining region. If a vacancy cannot be filled from an adjoining region, the appointment must be made from any remaining region. The director shall fill the vacancy from the names submitted.

(4) The members shall serve staggered 3-year terms and take office on the day they are elected.

(5) The council is allocated to the department.

(6) The council is not subject to the provisions of 2-15-122.

(7) Members of the council are entitled to be reimbursed and compensated as are members of advisory councils in 2-15-122(5).

**RULES RELATING TO
OUTFITTERS AND PROFESSIONAL GUIDES**

12.6.501 OUTFITTER LICENSES (1) No person, company, or corporation shall engage in the business of outfitting without first having obtained from the department an outfitter's license of one of the kinds or types hereinafter described as follows:

⊕ (a) A general license authorizing one to engage in the business of outfitting for hunting and fishing parties, or to provide saddle and pack animals or personal services on back country or wilderness pack trips of more than one day duration for hunting or fishing parties; or to also provide camping equipment, vehicles, or other conveyance, for any person to hunt, capture, take or kill any game animal, upland game bird, migratory game bird, or to catch fish or attempt to take or catch fish and to accompany such a party or person on an expedition for any of these purposes.

(b) A special license authorizing the outfitter to perform only the function of outfitting listed on the license in accordance with the following classifications:

(i) Class I - special outfitter license for taking hunting parties out from a permanent base of operations for day trips only;

(ii) Class II - special outfitter license for taking fishing parties out from a permanent base of operations for trips by watercraft.

12.6.502 OUTFITTER STANDARDS - WRITTEN EXAMINATION AND ADMINISTRATIVE FEE

(1) No outfitter may be issued a license unless:

(a) The applicant has passed the written outfitter examination with a minimum score of 75% in the category of license requested;

(b) When deemed necessary by the department, a field examination to demonstrate the applicant's ability to use all equipment or stock listed on the application is required;

(c) The applicant has furnished proof of liability insurance for the outfitting services he provides. Minimum insurance will be \$10,000 for property damage, \$100,000 for personal injury to one person, and a total of \$300,000 for personal injury to more than one person. The verification of insurance certificate shall be submitted to the department by renewal application.

(2) Applicants taking the written outfitter examination must file a completed application with fee a minimum of 7 days prior to the examination. Applications with fee must be filed in the administrative regions where the written outfitter examination will be taken or in the Helena office, Enforcement Division when the examination is taken there.

(3) The written outfitter examination shall be given at each region (Kalispell, Missoula, Bozeman, Great Falls, Billings, Glasgow, Miles City) once a year in January. The examination will be offered once a month at the Helena office on the second Tuesday of each month, except no examinations will be conducted in Helena during the months of September, October and November. The written test shall be administered by the Supervisor of Outfitting or by enforcement personnel designated by the director. Applicants will be advised by mail of success or failure.

(4) An administrative fee of \$25 will be charged each person applying to take the written outfitter examination.

12.6.503 OUTFITTER EQUIPMENT AND SUPPLIES (1) An outfitter shall own or control the following equipment:

(a) A first-aid kit sufficient to provide basic first-aid to an injured person and to stabilize injuries; at base camps, a 24-unit kit (equivalent to MSA Type D - 24-unit kit); at spike camps, in vehicles and watercraft a 10-unit kit - (equivalent to MSA Type D - 10-unit kit).

(b) Transportation, shelter equipment, and food sufficient for the number of guests served and for the kind of outfitting operation conducted.

(c) All outfitters operating on public or private lands during the fire season shall be equipped with an axe and shovel in good condition, each of which shall be not less than 30 inches in length overall, and a bucket and/or a waterbag of not less than 2-gallon capacity. Campfires shall never be left unattended and shall be completely extinguished before leaving them.

(d) Every vessel used in an outfitting business shall comply with all the requirements of Title 23, Chapter 2, Part 5, MCA, and its implementing rules. All such vessels will have at least one extra paddle or oar and a Coast Guard approved Type I, Type II, or Type III personal flotation device for each person aboard.

(2) All new applicants, resident and nonresident, must have their outfitting equipment available for inspection by Montana Department of Fish, Wildlife, and Parks law enforcement personnel at time and place designated by the department prior to issuance of license. Inspection shall be mandatory.

12.6.504 SANITATION AND LIVESTOCK (1) At all camps, the outfitter shall construct necessary facilities for handling stock and maintaining a sanitary camp where such facilities are allowed by special use permits of the particular forest or agency. Pit toilets shall be treated chemically as needed when in use and covered with earth when a camp is not in use. These toilets shall not be within 100 feet from any surface water and they shall not be constructed in a manner that would contaminate ground waters. The toilets shall be constructed to environmental requirements of the appropriate agency.

(2) All livestock corrals must be at least 100 feet from any surface water or meet the local, state, or federal standards.

(3) When natural feed is not available, or when it is inadequate for the number of livestock in the camp, the outfitter shall have and supply supplemental feed adequate to maintain all livestock for the time spent at that campsite.

(4) No outfitter or his employee may subject any animal to abuse or to cruel and inhumane treatment.

(5) The outfitter shall not leave any litter and shall pack out all unburnable refuse from his campsite. When permitted by state or federal law or regulations garbage shall be burned daily.

12.6.505 RATE SCHEDULES (1) Upon request of a client, the outfitter shall furnish a schedule of rates charged for the services offered.

12.6.506 CAMP RESTRICTIONS (1) Camps shall not interfere with use of public roads, trails, and facilities.

12.6.507 PROTECTION OF PRIVATE PROPERTY (1) Outfitters shall exercise diligence in protecting from damage all private lands and property which the outfitter or client enter upon, while engaged in outfitter activity.

12.6.508 RECORDS (1) True, complete, and accurate outfitter records, as defined herein, will be filed with the department regional supervisor for the region in which the outfitter is licensed. Such records must be filed relating to the license year immediately preceding the expiration date of the outfitter's license. No outfitter's license may be renewed unless such records are those which contain.

- (a) complete name and address of outfitter;
- (b) outfitter's license number and year issued;
- (c) dates of service to each client;
- (d) complete name and address of each client as the same appears on the client's fishing or hunting license;
- (e) number, sex, and species of big game and game birds taken;
- (f) client's license number(s), by species;
- (g) whether or not the client fished;
- (h) identification of every hunting district hunted by each client and of every stream or lake fished by each client.

(2) Prior to the filing of records, as herein required, and at all reasonable times, each outfitter shall make available for inspection and inquiry by enforcement personnel of the department, all or any portion of his records or information required to be in such records as hereinabove provided. The said records shall at all times be maintained as confidential information and no part of same shall be released to persons or organizations outside the department unless such release is first approved by the director, or required by law.

12.6.509 EXPERIENCE STANDARDS (1) A general outfitter is required to meet the following experience standards:

- (a) a minimum of 5 years' hunting, fishing, packing and camping, handling livestock and equipment experience or previous experience as a professional guide with a general outfitter or previous experience as a licensed Special Class I and II outfitter; and the director, when deemed necessary, may require a practical field examination to determine the applicant's ability to use all equipment required to provide service.

(2) A special outfitter is required to meet the following experience standards:

- (a) a minimum of 5 years' hunting fishing, floating and boating or previous experience as a professional guide with a general outfitter or as a professional guide for a special outfitter in category of license requested.

12.6.510 RESIDENCY AND AGE REQUIREMENTS (IS HEREBY REPEALED.)

12.6.511 HUNTING AND FISHING LICENSES (1) Every outfitter and professional guide shall hold a wildlife conservation license valid for the license year in which he is outfitting or guiding and shall keep on his person such conservation license at all times that he is engaged in outfitting or guiding.

(2) Outfitters and their employees may not shoot, kill or take game animals for or in direct competition with those employing them.

12.6.512 LICENSING OF GUIDES AND ENDORSEMENT OF GUIDE LICENSE (1) The employing outfitter or applicant must submit the completed professional guide license application with fee to the department regional office administering the outfitter and guide license.

(3) The director will as soon as reasonably possible after the submittal of an application for a professional guide license either issue or deny the license and advise the applicant and endorsing outfitter.

(4) The employing outfitter shall endorse and date the guide's license upon receipt.

(5) A guide shall have a valid professional guide license in his physical possession while providing guiding service to clients. The guide must exhibit the professional guide license to a warden or other peace officer upon request.

12.6.513 LICENSE REVOCATION (1) Any outfitter or professional guide's license is subject to revocation for violation of any of these regulations or for violation of any section of Title 87, Chapter 4, Part I, MCA. Upon revocation or denial of any outfitter's license, said revocation shall include the privilege of holding a guide's license.

(2) The filing of a materially false application, report or record shall be a violation of these regulations.

12.6.514 LICENSE RENEWAL (1) If an outfitter allows his license to lapse for more than one license year, he shall then be treated as a new applicant.

12.6.515 OUTFITTER EXAMINATION (1) Outfitter license applicants who fail the written outfitter examination may take the examination a second time in conjunction with each license year application. An outfitter applicant who fails the written examination must wait six months before retaking the examination.

12.6.516 OUTFITTER AND PROFESSIONAL GUIDES LICENSE FEES (1) Annual license fees for outfitters and professional guides are as follows:

- (a) Resident Outfitter License: \$100;
- (b) Resident Professional Guide License: \$25;
- (c) Nonresident Outfitter License: \$250;
- (d) Nonresident Professional Guide License: \$100.

12.6.517 DEFINITION OF HUNTING SUCCESS FOR ADVERTISING (1) An outfitter who advertises his hunting success shall do so only in the following terms:

(a) Hunting success may only be expressed in terms of kill percentage as reflected by the outfitter reports required under ARM 12.6.508.

(b) Hunting success shall be expressed specifically in terms of species, sex and year.

(2) Advertisement of hunting success by any outfitter contrary to this rule shall constitute fraudulent, untruthful or misleading advertising within the meaning of Section 87-4-141(3), MCA, and false or misleading advertising within the meaning of Section 87-4-122(6).

12-15-86

1986
MONTANA LICENSED OUTFITTERS AND GUIDES

OUTFITTERS

<u>REG.</u>	<u>GEN.</u>	<u>SPL. I</u>	<u>SPL. II</u>	<u>SPL. I&II</u>	<u>TOTAL</u>
1	41	4	11	22	78
2	52	14	8	24	98
3	118	20	61	49	248
4	47	15	4	18	84
5	23	2	6	19	50
6	5	1	0	1	7
7	<u>8</u>	<u>28</u>	<u>1</u>	<u>2</u>	<u>39</u>
	294	84	91	135	604

GUIDES BY REGION

REG. 1	171
REG. 2	203
REG. 3	482
REG. 4	186
REG. 5	84
REG. 6	12
REG. 7	<u>64</u>
TOTAL	1202

TOTAL NUMBER OUTFITTERS AND GUIDES
PER YEAR

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
Outfitters	470	456	449	413	404	389
Guides	662	739	612	550	531	588
	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Outfitters	419	430	487	531	613	564
Guides	720	720	773	851	1018	1004
	<u>1984</u>	<u>1985</u>	<u>1986</u>			
Outfitters	563	588	604			
Guides	1086	1276	1202			

Outfitters & Guides

Montana's licensed outfitters and guides offer a special kind of vacation — customized adventures to appeal to your dreams. As outdoor recreation professionals, their knowledge, expertise and infectious love of Montana will add immeasurably to your vacation experience.

How about a wilderness horseback trip featuring an elegant dinner at the end of each day? How about a guided whitewater raft trip through Yankee Jim Canyon, or the roaring Middle Fork of the Flathead River? How about the best fishing in the Lower 48, whether you test the waters of a high mountain lake, a spring creek, or a big river?

The accompanying map shows the administrative regions of the state, designated by Montana's Department of Fish, Wildlife & Parks. Licensed outfitter services are listed by region, alphabetically by town within each region. All telephone numbers are reached by the 406 area code.

License information is provided to help you match the services offered to your special interests. Department of Fish, Wildlife & Parks regulations state that a General license (G) authorizes an outfitter to "engage in the business of outfitting for hunting and fishing parties; or to provide saddle and pack animals or personal services on backcountry or wilderness pack trips of more than one day duration for hunting or fishing parties; or to also provide camping equipment, vehicles, or other conveyance, for any person to hunt, capture, take or kill any game animal, upland game bird, migratory game bird, or to catch fish or attempt to take or catch fish and to accompany such a party or person on an expedition for any of these purposes."

A Special Class I license (SD) authorizes an outfitter to "take hunting parties out from a permanent base of operations for day trips only." A Special Class II license (SII) authorizes an outfitter to "take fishing parties or river float fishing parties out from a permanent base of operations for day trips only by watercraft." A Special Class I and II or combination license (C) authorizes an outfitter to take hunting and fishing parties out for day trips only.

Keep in mind that outfitters are sometimes licensed and permitted to operate in areas other than their name and address location. An outfitter based in Region 1, for example, may also be permitted to operate in Region 2 or Region 3.

Under "Additional Information," note the designations "F," "M" and/or "P." These identify members of Montana's professional recreational organizations — "F" for Fishing & Floating Outfitters Association of Montana (Box 1320, Livingston, MT 59047); "M" for Montana Outfitters & Guides Association (P.O. Box 631, Hot Springs, MT 59845); "P" for Professional Wilderness Outfitters Association (K Lazy 3 Ranch, Lincoln, MT 59639).

Montana's other licensed outfitters are listed at the end of this section. For further information about nonresident hunting and fishing licenses, season dates, and outfitters and guides, write to them directly, or contact the Montana Department of Fish, Wildlife & Parks, 1420 East Sixth, Helena, MT 59620, (406) 444-2535.

Then, plan to start a new vacation tradition — a guided, outdoor adventure in naturally inviting Montana!



[illegible]

Bed & Breakfast

Bed & Breakfast accommodations provide some of Montana's most unique offerings to visitors. At the places listed below, you'll find accommodations ranging from down-home basic to down-right elegant. One quality they all share is a warm, friendly atmosphere, and an interest in guests that makes you feel like part of the family.

Enjoy a hearty country breakfast at most of these places, and plan to spend some time getting acquainted with your hosts and other guests. It's often an opportunity to learn a bit of "personalized" history about the area and its people.

Reservations services can provide you with a more extensive list of private accommodations in towns throughout Montana. Two of those services are Western Bed & Breakfast Hosts, P.O. Box 322, Kalispell, MT 59901, (406) 257-4476, and Bed & Breakfast/Rocky Mountain, P.O. Box 804, Colorado Springs, CO 80901, (303) 630-3433. Be sure to contact local Chambers of Commerce in Montana for information about new Bed & Breakfast homes, as well.

Rates listed are for two people, in the under-\$30 range (\$), \$30-\$40 range (\$\$), and more than \$40 (\$\$\$). All telephone numbers are reached by the 406 area code.

Name/Address/Telephone		Rooms	Private Bath	Breakfast	1987 Rates	Credit Cards
BIGFORK 59911	O'Donohue's Inn B&B Public House, 676 Forsdale Drive, 837-6851	3	*	*	\$5	VI MC
	Schwartz's Bed & Breakfast, 680 McCaffery Rd., 837-5483	2	*	*	\$	
BILLINGS 59101	PJ's Bed & Breakfast, 722 N. 29th St., 298-3300	7	*	*	\$	
BOZEMAN 59715	Lehtund Mansion, 719 North Wallace, 596-1214	5	*	*	\$35	VI MC
	Silver Ferns Inn, 15326 Bridger Canyon Rd., 595-1882	5	*	*	\$85	
	Voss Inn Bed & Breakfast, 319 South Wilson, 587-0882	6	*	*	\$35	VI MC
EAST GLACIER 59434	Steen Creek Ranch, Box 144, 238-4482	4	*	*	\$	VI MC
EUREKA 59917	Grove Creek Bed & Breakfast, P.O. Box 581, 882-4958	4	*	*	\$3	
	Willow Pile Inn & Guest Ranch, RR1, Box 84, 885-3344 or 885-3343	5	*	*	\$9	
FORT BENTON 59442	Lost Lake Ranch, Rt. 1, Box 43, 737-4336, 737-4320	4	*	*	\$3	
GREAT FALLS 59401	Murphy's House Bed & Breakfast, 2020 Fifth Ave. North, 462-3888	2	*	*	\$5	
	Quinn's Country Inn, 2 mi south on 13th St., 462-7519	8	*	*	\$3	
	Ruby's Bed & Breakfast, 516 4th Ave. North, 463-8883	1	*	*	\$5	
HJON 59846	Whispering Pines, Box 36, 626-5864	2	*	*	\$5	
KALISPELL 59901	The Carver House, 346 4th Ave. East, 758-8334	3	*	*	\$5	VI
	The Meadows Bed & Breakfast, 546 Three Mile Drive, 752-2344	4	*	*	\$3	VI MC
LEWISTOWN 59457	Burnham's Bed & Breakfast, Rt. 3, Box 48, 538-3882	1	*	*	\$5	
MUSSELSHELL 59059	Mountaineer Ranch, Box 284, Neal Rd., 947-5051	4	*	*	\$35	
NEVE 59061	Stillwater Valley Ranch, Box 285-C, 328-6222	6	*	*	\$25	
POLSON 59860	Ruth's Bed & Breakfast, Rt. 1, Box 208, 983-2480	2	*	*	\$	
RED LODGE 59068	Mastwell's Mountain Home, 606 S. Broadway, 448-3082	3			\$5	VI MC
	Pfeifer Guest House, Box 1148, Two South Fort, 446-2858	4			\$35	
STEVENSVILLE 59670	The Country Caboose, 882 Wiloughby Rd., 777-3145	1	*	*	\$5	
WHITE SULPHUR SPRINGS 59845	Peaswood Inn, Box 404, 547-3818	16	*	*	\$5	VI MC



Region 1



ELK, MOOSE, BEAR, WHITETAIL & MULE DEER
FISHING - River, Stream & Lake
For The Entire Family!

McAfee Outfitting Bill & Judy McAfee
Rt. 1 Yaak River Road - Troy, Montana 59935
PHONE (406) 293-4888



Mountain trails with scenic views of Glacier National Park.

BOB MARSHALL WILDERNESS

Summer fishing and photography pack trips.
Fall big game hunts and spring bear hunts.
Licensed and insured BOCA member

FOR ADDITIONAL INFORMATION SEE THE SYSTEMS GUIDE:

Sudbury Wilderness Outfitters and Guides

P.O. Box 141-48 • CANTON, NY 13613
609-251-1777

Ranch/Address/Phone	Additional Information									
Sealy's Horse & Riding Guide Service, Madelyn C. Sealy Box 351, Ennis 59725, 882-4284										
T. Lutz & Ranch, Bob Weller 592 East Cross Road, Ennis 59725										• Limited trail riding.
The Tealbe Ship, Ray and Laura Kellan P.O. Box 625, Ennis 59725, 882-4283										• Guided riding trail trips.
Plenty Camp Outfitters, John Stenmark HPC #85, Box 285, Pinedale 59453, 388-4410										
Broken Hart Ranch, Lee Hart 73800 Gallatin Rd., Gallatin Gateway 59730, 763-4379										
Azure Outfitters, Robin Cunningham Box 311, Gallatin Gateway 59730, 763-4761										
Covered Wagon Ranch, Vic Benson, Wm King 34036A Gallatin Road, Gallatin Gateway 59730, 886-4237										• Horseback riding, hiking, canoeing, available nearby are golf courses and snowmobile/skiing.
Jake's Horse & Outfitters, Jake & Katie Grimm Box 191, Canyon Route, Gallatin Gateway 59730, 886-4630										• Mt. Summer trail rides & about 17 1/2 and out to.
River Quarter Circle Ranch, Kim or Kelly Kelsay Gallatin Gateway 59730, 886-4276										• Game packing included.
229 Ranch - Buffalo Horn Outfitters, Gail G. Walms 205 Buffalo Horn Creek, Gallatin Gateway 59730, 886-4283										• Guiding into off hunting season area 4316.
Leslie P. Craft, River Rt. Box 250, Gardiner 59030, 848-7679										
Red's A' Roads' Outfitters, Warren Johnson Box 288, Gardiner 59030, 848-7679										
North Yellowstone Outfitters, Bill & Peg Hoppe Box 75, Jordana Route, Gardiner 59030, 848-7651										• Mt. trips into Yellowstone National Park.
Randall's Outfitters, H.A. Moore P.O. Box 447, Gardiner 59030, 848-7687										
Hess Land & Cattle Outfitting & Guide Service, Steven T. Hess Box 112, Lrns 59738, 276-3461										
Bear Paw Outfitters, Tim & Cindy Bowers Rt. 36, Box 2032, Livingston 59047, 222-6842										• Breakfast and dinner trail rides, hourly horseback riding.
Blue Ribbon Riding Tours, Dale Siegel 616 No. 14th, Livingston 59047, 222-7714										• Trail riding.
Elk Creek Guide and Outfitting, Ed Schilling Rt. 36, Box 2153, Livingston 59047, 222-4747										
Prying Diamond Guide Service, Jack W.P. Davis & Merton J. Davis Route 36, Box 2116, Livingston 59047, 222-1748										• Mt. day rides, camera safaris.
G & L Guide Service, George E. Radt 423 So. 13th St., Livingston 59047, 222-1979										
Lazy Heart Outfit, Gene & Linda Budzik P.O. Box 46, Livingston 59047, 222-7536										• Very limited private camping, buggy rides.
Luxury Day Outfitters, Ed Stillman Rt. 36, Box 4252, Livingston 59047, 886-4402										• Outback wilderness trips.
Chas. Marten, P.O. Box 424, Livingston 59047, 222-1475 or 222-2294										
Ray Senter, 726 North D St., Livingston 59047, 222-3775										• Trail riding.

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Absaroka - Beartooth Wilderness
Yellowstone Park, Gallatin Forest

Name/Address/Telephone

Additional Information

63 Ranch, Sandy Cohl
Box 878, Livingston 89047, 222-0570

Wilderness Outfitters, J. Overton Smith
Rt. 68, Box 2116A, Livingston 89047, 222-0588

Wolverine Guide Service, Don Labort
P.O. Box 1386, Livingston 89047, 222-0380

Dave Williams Montana River Trips, Dave Williams
21128 Railroad St., Manhattan 59701, 284-3785

Black Otter Guide Service, Duane Hall
Box 88, Prov 58066, 333-4382

High Country Outfitters, C.B. "Chap" Rasmussen
Route 1, Box 516, Prov 58066, 333-4763

Hutchinson's Fly Shop & Guide Service, Jack & Karen Hutchinson
P.O. Box 387, Sheridan 89748, 842-5888

Tobacco Root Guest Ranch, John Heston
Mill Creek Road, Sheridan 89748, 842-8885

The Canoeing House & Blue Ribbon Guide Service, Al Anderson
RR 1, Box 182, Three Forks 59752, 286-3488

Elkham Outfitters, John Rose & Henry Barron
P.O. Box 897, Townsend 59644, 286-8825

Moose River Trout Shop, Paul Updike
Box 38, Townsend 59644, 286-3123

Beaver Trap Outfitters, Kenneth Whitman
Box 182, West Yellowstone 89758, 846-7852 or 846-8842

Harold S. Roberts,
P.O. Box 1132, West Yellowstone 89758, 846-7842

John C. Cargill,
RR 1, Box 1164, Whitefish 59758, 484-2880

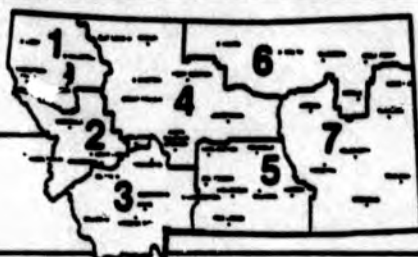
Mossy Horn Outfitters, Gordon Sampson
Rt. 1, Box 1806, Whitefish 59758, 287-5852

Wolf Creek Outfitters, T. Logan Schendel
Box 1604, Whitefish 59758, 287-3515

Elk Ridge Outfitters, Doug Landers
RR 1, Box 218, Whitefish 59758, 287-2378

Big Hole River Outfitters, Craig Feltin
Box 167, Wise River 59782, 832-3252

Pioneer Outfitter, Clifton G. & Charles A. Page
Alder Creek Ranch, Wise River 59782, 832-3128



Region 4

Name/Address/Telephone

Additional Information

Diamond Bar X, Charles & Dale Durr
Box 289, Augusta 58410, 562-3524

J&J Wilderness Ranch, Max & Ann Barker
Box 310, Augusta 58410, 562-3853

Ron Mills Outfitters, Ron Mills
Box 2, Augusta 58410, 562-3336

Mark Young,
Box 211, Augusta 58410, 562-3289

Rupert E. Parsons,
Box 86, Cascade 58421, 488-2828

Circle 8 Guest Ranch, Allen J. Hase
P.O. Box 729, Choteau 59422, 488-8864

M Hanging Creeks Outfitters & Guides, Chip & Sarah Gatteson
Box 788, Choteau 59422, 488-2523

7 Lazy P Guest Ranch, Sharon Skerud
Box 178, Choteau 59422, 488-2044

Eastlope Outfitters, Anthony Fowler
Box 640, Conrad 59425, 278-5814

John F. Hill,
Box 108, Geyser 58447, 735-1484

Baldwin's West Outfitters, C. Jay Baldwin
500 Ave. D NW, Great Falls 59404, 781-0848

Deer Creek Outfitters, Gary & Vi Anderson
1805 14 St. SW, Great Falls 59404, 482-7385

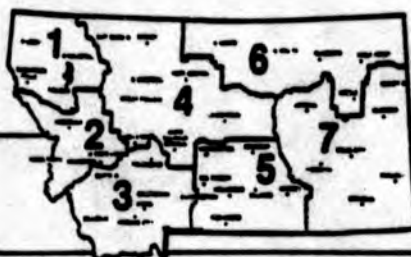
Elk Creek Outfitters, Robert E. Miller
663 Vaughn So. Frontage Rd., Great Falls 59404, 781-5184

High Country Adventures, Lester H. Latta, II
P.O. Box 176, Helena 59624-0176, 442-0070

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G	*	*	*	*	*	*	*	*	*	M
G	*	*	*	*	*	*	*	*	*	M, P
G	*	*	*	*	*	*	*	*	*	P
G	*	*	*	*	*	*	*	*	*	Private ranches
G	*	*	*	*	*	*	*	*	*	P: 10-day horseback trips over Bob Marshall Wilderness
G	*	*	*	*	*	*	*	*	*	M
G	*	*	*	*	*	*	*	*	*	M, P
G	*	*	*	*	*	*	*	*	*	
G	*	*	*	*	*	*	*	*	*	Mr. Gatteson and private dog hunting
C	*	*	*	*	*	*	*	*	*	M
G	*	*	*	*	*	*	*	*	*	M: 6-hole golf course on the beautiful Smith River. 95 mi. South of Great Falls
G	*	*	*	*	*	*	*	*	*	M
G	*	*	*	*	*	*	*	*	*	Backpacking trips—all gear, food & guides provided

Name/Address/Telephone	Maple	Aspen	Pine	Fir	Spruce	Juniper	Cedar	Willow	Bamboo	Additional Information
High Plains Outfitters, Mike Bay 31 Division, Helena 59601, 462-6571										Extended camping/rent vans, 3-7 days
John Maki Outfitters, John Maki 1210 Shirley Rd., Helena 59601, 469-6341										
Paul Ross Outfitters - P.O. Paul S. Ross 1630 Leona, Helena 59601, 462-6489										Individual and group flyfishing instruction, bird hunting
Josh Schille Outfitters, Josh Schille 657 Cherry Ave., Helena 59601, 463-3765										
Judith River Ranches, Steve Murch Star Route, Higer 59451, 462-5854 or 462-5858										Hillside view in central Montana, and running camp nearby
B & S Outfitters, Eldon & Barb Snyder R.R. #1, Box 1082, Lewistown 59457, 539-6891										16 Covered wagon ride for 3-day trips
E Lary Three Ranch, Kenny Hoffner Box 267, Lincoln 59635, 352-4258										16, P
Selberg's Pine Valley Cabins, Gerald & Sandra Selberg Martindale 59652, 572-3322										Camping cabins
Big Sky Peak Trips, Merritt & Barbara Price Box 15, Stanford 59478, 565-2488										16
Little Belt Outfitters, Dan Miltaton Box 453, Stanford 59478, 565-3620										
Canyon View 777 Ranch, Will Thresher Evans Rt., Stockert 59480, 738-6611										May rates, steep rates, dinner rates, group parties
Forewood Inn, Shana Company Box 404, White Sulphur Springs 59645, 547-3918										
Don Johnson 913 Smith River Rd., White Sulphur Springs 59645, 547-2173										Cabin rentals and shuttle services on the Smith River
Wapiti Peak Outfitters, Ron Carter Box 423, White Sulphur Springs 59645, 547-2115										16: summer peak trips up to 10 days, all accommodations available
Howard Zahniser Hunting, Howard Zahniser Box 534, White Sulphur Springs 59645, 547-3483										
Blackfoot Ranch, Sandra Rainer & Tag Rittai Blackfoot Ranch, Wolf Creek 59648, 235-4330										16: facilities for small weddings, family reunions, business seminars
McDonough Outfitters, Norm McDonough Rural Rt., Wolf Creek 59648, 235-4305										16: hunt along the Continental Divide in the Falls Creek area. Cabins, horses, guides & costs furnished



Region 5

Name/Address/Telephone	Maple	Aspen	Pine	Fir	Spruce	Juniper	Cedar	Willow	Bamboo	Additional Information
Channing W. Wells - River Guide 316 McLeod Route, Big Timber 58011, 832-4388										Personalized fly fishing trips on Lower Yellowstone & Boulder rivers
Bighorn - Yellowstone Guide Service, Don Tennant 1809 Daniels Ln., Billings 59102, 252-5858										
Bull Mountain Outfitters, M.J. Murphy 2414 Brentwood, Billings 59102, 656-1117 or 258-6511										Working ranch guest operation
Shawwood Outfitters, John Shawwood Shane Creek Rd., Columbus 59019, 322-6338										
Bighorn Angler, Holly Brooks & Michael Craig Fort Smith 59035, 696-2233										Lodging, evening meal
Big Horn River Outfitters, Gail T. Lay P.O. Box 453YRS, Ft. Smith 59035, 696-2361										Upland bird & waterfowl hunting - "eat & blur"
Bighorn Trout Shop, Hale Harris P.O. Box 477, Park Dale Court, Ft. Smith 59035, 696-2375										
Eagle Outfitters & Eagle Nest Lodge, Alan Kelly P.O. Box 470, Hardin 59034, 696-3788										On the banks of the Big Horn River - private upland bird & waterfowl hunting
Golden Bear Outfitters, Walt Earl Sr. Box 348, Star Rt., Judith Gap 59453, 473-2312										
Burns Leather Ranch, Chuck Reid West Boulder Road, McLeod 59052, 637-6188 or 222-6788										Working ranch weekend

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X Bar A Ranch, Helen & Bernard Clark
McLeod 88082, 932-6108

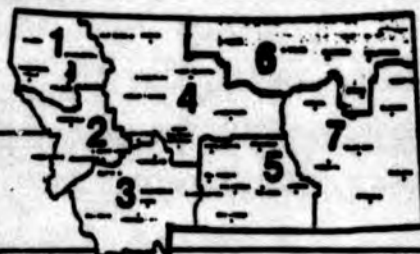
Overman's 1950-1955 Old Jeep and Yellowstone Valley Ranch, John C. Overman
Box 285, Old 68075, 932-4232

Castle Creek Outfitters & Guide Service, John D. Graham
Box 1121, Red Lodge 88088, 446-2735

Overman's 1950-1955 Old Jeep and Yellowstone Valley Ranch, John C. Overman
Box 285, Old 68075, 932-4232

Harvesters Guide Service, Ted E. Dinsdale
Star Ranch, Box 1081, Roberts 88070, 446-2205

Donald H. George Outfitters, Donald H. George
Box 21, Roberts 88070, 282-6748

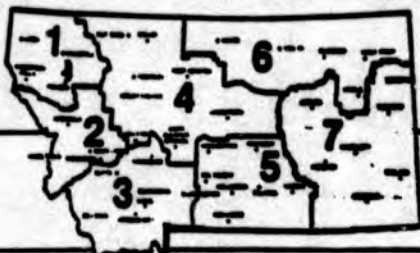


Region 6

Service/Address/Telephone

Billingsley Ranch Outfitters, Jack Billingsley
Box 708, Glasgow 59230, 387-5577

Alan Jones Outfitter Service, Alan D. Jones
Box 822, Malta 59538, 684-1887



Region 7

Service/Address/Telephone

Deenan Guide Outfitters, Russell & Carol Greenwood
Box 501, Broadus 59317, 427-5474

Mered Outfitters, a. Ole Lloyd
Box 248, Broadus 59317, 428-2218

Bar Y Seven Ranch, Claude Saylor
P.O. Box 10, Bruster 58318, 567-6180



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Port Pond Outfitters, Gary W. Bruns
Box 184, Fort Peck 59223, 235-6888 or 526-3531

Ray Perkins & Son, Outfitters, Ray Perkins
1080 Main St., Miles City 58301, 232-4888

John A. Whitman
Breathes Stage, Miles City 58301, 421-5484

Yellowstone Canoe & Outfitters, Kurt Hughes
Tongue River Stage, Miles City 58301, 232-6286

Le A. Zeller
Kinsey Route, Miles City 58301, 232-6535

J & J Guide Service, James Byrne
Box 4, M8 Box 58042, 776-5881

Otter Creek Outfitters, Jim Wilkins
Box 31, Otter 58052, 784-6186

Additional Information

1000 N. 10th St.

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Region 1

Abbey, Gary
Rt. 2, Box 108
Ronan, MT 59064
General / 675-2142

Bishop, Richard R.
Box 2695, Scenic Drive
Seeley Lake, MT 59088
Special I, II / 254-2444

Bridges, Alvin L.
P.O. Box 538
Thompson Falls, MT 58773
General / 826-3913

Buchanan, Fred W.
385 Crane Mtn. Rd.
Bigfork, MT 59911
Special I, II / 837-4933

Cahoon, Francis
Box 30-A, Rt. 1
St. Ignace, MT 59065
Special I, II / 644-2896

Carr, Gerald
Drawer 766
Plains, MT 59059
Special I, II / 826-3970

Cheff, Edward "Nick"
Rt. 1, Box 124
Charlo, MT 59824
General / 644-2557

Chenoweth, Wendell
Rt. 2, Box 249
Trout Creek, MT 59874
Special I

Crain, Richard A.
P.O. Box 895
Plains, MT 59059
General / 826-3607

Fisher, Stanley
P.O. Box 1483
Trout Creek, MT 59874
General / 827-4812

Fishett, Calvin
Star Rt. 2, Box 308
Heron, MT 59844
Special I

Fisk, Robert
P.O. Box 455
Kalispell, MT 59901
General / 837-4423

Hand, Bernard C.
Box 117 Rondo Rd.
Rexford, MT 58830
Special I, II / 295-2673

Hawkins, Steve J.
Box 187
Eureka, MT 59917
General / 295-2642

Hayward, David L.
P.O. Box 520
Eureka, MT 59917
Special I

Henderson, Larry
1225 Truman Creek Rd.
P.O. Box 145
Kila, MT 59820
Special I, II

Hill, Edna V.
Box 1442
Trout Creek, MT 59874
General / 847-2252

Hill, William R.
Box 1471
Trout Creek, MT 59874
General / 827-3694

Holden, Anthony J.
P.O. Box 754
Thompson Falls, MT 58773
Special I, II

Hummel, Ronald M.
Box 501, Hwy. 83
Condon, MT 59826
Special I, II / 754-2351

Jensen, Halger
Rt. 1
Troy, MT 59835
Special I, II

Jetts, Frank L.
Swan Valley
Seeley Lake, MT 59088
General / 754-2510

Jordan, Robert V.
P.O. Box 272
West Glacier, MT 59836
Special I

Kayser, Mark D.
Star Rt. 3, Box 22
Heron, MT 59844
General / 847-2787

Kayser, Terry N.
Star Rt. 3, Box 22
Heron, MT 59844
General

Kelley, Rodney C.
825 Helena Plaza Rd.
Kalispell, MT 59901
Special I, II / 755-9573

Luton, Darrel G.
P.O. Box 1287
Thompson Falls, MT 58773
Special I, II

McAfee, William A.
Rt. 1, Yeak River Rd.
Troy, MT 59823
Special I, II / 295-4880

McCabe, Thomas A.
33 Baker Ave.
Whitefish, MT 59837
Special I

Mills, Patrick "Clim"
Rt. 1 (Yank)
Troy, MT 59835
General / 295-4003

Nevers, L.J.
P.O. Box 523
Nixon, MT 59853
General / 847-2414

Nelson, Greg
Box 1175
Kalispell, MT 59901
Special I

Nixon, Wade
Box 501
Libby, MT 59823
Special I, II / 293-8406

Noble, Cecil L.
130 Mary Lakes Dr.
Kalispell, MT 59901
General / 755-3723

O'Neill, Kent
Box 28
Kalispell, MT 59903
General

Peterson, Doug
Box 227, Bull River
Nixon, MT 59853
General / 847-2841

Ray, Jack C.
Box 888
St. Mary, MT 59417
General / 732-4453

Robbins, Otto
816 Woodland Ave.
Kalispell, MT 59901
Special I, II / 755-6385

Rogers, Robert E.
Swan Route
Swan Lake, MT 59811
General / 886-2162

Rolfing, Steve C.
1786 Middle Rd. C.
Columbia Falls, MT 59912
Special I, II / 755-9044

Smith, Glenn E.
Star Route, Box 282
Trout Creek, MT 59874
Special I, II / 827-4908

Smith, Mike
Rt. 1, Box 30-2
Ronan, MT 59064
General / 676-5008

Stamper, Jack F.
Box 738
Eureka, MT 59917
Special I, II / 295-2443

Strain, Robert E.
Star Rt. 1, Box 120
Libby, MT 59823
General / 981-4752

Tidwell, William H.
475 Elk Park Rd.
Columbia Falls, MT 59912
Special I, II / 886-3344

Timmons, Patrick C.
Box 52
Stevensville, MT 59870
General / 777-3814

Tenemaire, Joseph L.
P.O. Box 871
Salmon, ID 83467
Special I, II / 208-756-3958

Vandermeiden, Rick
Rt. 2, Box 41
Heron, MT 59844
General / 847-2277

Wyrtick, W.J.
Box 79
East Glacier, MT 59434
General / Phone:
Bear Creek #2

Region 2

Abbott, William M., Jr.
415 Main St.
P.O. Box 1332
Hamilton, MT 59840
Special I, II / 363-2408

Bailey, Timothy P.
Rt. 2, Box 6365
Superior, MT 59872
General / 822-4473

Basham, Christopher G.
221 Commerce
Missoula, MT 59802
Special I, II / 549-8571

Bellula, David K.
341 Sky Pilot Lane
Stevensville, MT 59870
Special I, II / 543-8655

Brawley, Steven G.
2481 N. Birch Creek Rd.
Corvallis, MT 59828
Special I / 363-1050

Burre, Ronnie C.
W. Fork Rt.
Darby, MT 59829
Special I, II / 821-4408

Craginski, Stanley A.
Box 167
DeBorgia, MT 59830
General / 678-4364

Celis, Chris
Sundance Ranch
Coopers Lake Rd.
Ovando, MT 59854
General / 793-5533

Copenhagen, Steven D.
45 Cooper La Le Rd.
Ovando, MT 59854
General / 793-5547

Dales, Frank R. Jr.
Star Rt., Box 423
Greenough, MT 59836
General / 793-5702

Doty, Patrick W.
612 Minnesota
E. Missoula, MT 59802
Special I / 728-2984

Drivville, James "Tom"
Box 207
Darby, MT 59829
General / 821-3445

Duffalo, Bruce J.
16950 Lolo Creek Rd.
Lolo, MT 59847
General / 273-2160

Easley, Walter D.
Box 462
Corvallis, MT 59828
General

Ekstrom, Dan J.
Box 885
Clinton, MT 59825
General / 825-6295

Eiser, Arnold D. "Smoke"
3900 Rattlesnake
Missoula, MT 59802
General / 549-2820

Erg, John S.
320 Easy St.
Missoula, MT 59802
Special I / 549-1492

Gross, Robert L.
Star Rt.
Hall, MT 59837
General / 288-3597

Habel, Don
Box 135
Corvallis, MT 59828
Special I, II

Harrington, Dave
Box 632
Lincoln, MT 59639
General / 362-4581

Hansen, John S.
P.O. Box 839
Superior, MT 59872
General / 822-4475

Hettinger, David W.
Box 107
Ovando, MT 59854
General / 793-5773

Heider, Bob White Tail Ranch Owens, MT 59034 Special I / 750-6532	Pyburn, Rudy J. 611 NE Barn Creek Rd. Corvallis, MT 59029 Special I / 801-3901	Wheeler, Richard J. Box 692 Pleasant View Dr. Victor, MT 59075 Special I / 642-3909	Stamm, Alfred B. J. Box 4 Malden, MT 59044 Special I / 358-2390	Garrett, Vance P.O. Box 1289 Burrton, MT 59716 Special I	French, James E. 17261 Greenview Santa Ana, CA 92708 Special I / 714-877-4008
Humble, John J. Jr. 1010 Sutter St. Deer Lodge, MT 59722 General / 846-1586	Pyburn, Thomas P. Jr. 3403 Fern Lane Shreveport, MT 59870 Special I / 777-3518	Werny, Larry E. 516 East Horse Road Hemlock, MT 59840 General / 383-1036	Barndollar, Mark A. 612 Shadock Lane Livingston, MT 59047 General / 222-7155	Cambs, Timothy T. P.O. Box 703 Ennis, MT 59729 General / 682-7409	Redman, Richard B. Box 783 Ennis, MT 59729 General / 682-7226
Jenels, Dan 802 W 4th St. Anaconda, MT 59711 General / 543-6824	Reubens, Wayne M. SW 770 Gold Creek Loop Hemlock, MT 59840 Special I / 383-4189	Wright, Fred P.O. Box 1246 Hemlock, MT 59840 Special I / 383-5191	Butt, Preston 1089 Mainway Rd. Bozeman, MT 59715 General / 558-7000	Carroll, John H. 303 Canyon, Box 648 West Yellowstone, MT 59756 Special I / 846-8533	Pyrr, Gary D. 208 Pynn Lane Townsand, MT 59844 General / 288-4414
Jones, Mark E. P.O. Box 422 Frenchtown, MT 59834 Special I / 826-5234	Reubens, Richard R. Box 1812 Sandpoint, ID 83864 Special I	Wright, Thomas L. 1341 NE Sunnyside Rd. Corvallis, MT 59029 General / 801-4453	Butts, Steve M. Box 688 Ennis, MT 59729 General / 682-4641	Carroll, Edward E. Cameron, MT 59720 Special I / 882-4835	Perd, Memo R. P.O. Box 390 Dillon, MT 59725 General / 682-5614
Kennedy, Larry J. Box 74 Seeley Lake, MT 59008 General / 677-2760	Remester, Duane SE 1835 Old Derby Rd. Hemlock, MT 59840 General / 383-1829	Verdalen, Gene E. Box 162 Lincoln, MT 59639 General / 382-4397	Butts, Michael L. Rt. 2, Box 500 Wheat, MT 59086 General / 688-4713	Deemer, Roger D. P.O. Box 63 Gay, MN 56045 Special I / 218-356-8760	French, Johnny C. Box 118 Ennis, MT 59729 Special I / 882-7216
Larsen, Larry N. P.O. Box 1 Owens, MT 59034 General / 753-6618	Reagan, Gregory G. P.O. Box 731 Hemlock, MT 59840 Special I / 383-6966	Zabara, Gene R. Box 63 Seeley Lake, MT 59008 Special I / 677-2895	Butler, Brenda Rt. 2, Box 2547 Juntura, ID 83338 Special I / 208-324-7544	De Shew, William O. 10500 Juniper Rd. Three Forks, MT 59752 General / 282-3487	French, Thomas J. Rt. 38, Box 2213 Livingston, MT 59047 Special I / 222-3837
Lynch, Dennis M. HCR 2, Box 226 Kootenai, ID 83539 General / 208-926-4988	Reagan, Larry D. Piquette C. Ranch Derby, MT 59829 Special I / 821-3478	Anderson, Audie L. Box 622 Towers, MT 59844 General / 286-3065	Benton, Levi Box 493 Emigrant, MT 59027 Special I / 846-7570	Decker, David W. Box 108 Wise River, MT 59762 Special I / 832-3175	French, Steven Box 212 Big Sky, MT 59716 Special I / 995-4096
Magness, Tim Olson Gulch Anaconda, MT 59711 General / 543-5142	Ross, John V. Box 483 Hemlock, MT 59840 Special I / 383-3522	Anderson, George R. 14 Brighton Dr. Livingston, MT 59047 Special I / 222-7150	Brayon, James R. Box 216 Ches Park, MT 59018 General / 684-1062	Dallinger, Dan D. Box 742 Three Forks, MT 59752 General / 285-3733	Fulton, Dale W. Rt. 1, Box 176-A Cortez, AZ 76026 Special I / 501-430-5338
McCallum, Ernest E. Box 1184, 9 Mills Rd. Hudson, MT 59846 General / 626-6666	Scott, Bruce A. Box 352 Florence, MT 59833 General / 272-6419	Anderson, Robert N. 308 Holter Hudson, MT 59801 General / 442-4446	Brayon, Tom Route 2 Wheat, MT 59086 General / 678-2270	Duffy, Charles G. Box 863 Corvus Springs, MT 59021 General / 848-7287	Gallagher, Glen Box 423 Ennis, MT 59729 General / 682-4282
McCannick, Mike C. Sunset Guest Ranch, Helmville, MT 59843 Special I / 783-5574	Smith, Russell B. Jr. Star Rt. 1, Box 519 Phillipsburg, MT 59856 General / 859-3746	Arnold, Robert T. Box 562 Shelby, MT 59474 General / 424-6886	Atkinson, Arthur J. 2308 Hancock Butte, MT 59701 Special I / 782-2382	Dundas, G. Roger Rt. 1, Box 17A Toson, MT 59643 General / 286-5777	Gardner, Debbie 803 S. Washington Dillon, MT 59725 Special I / 883-5544
Mead, James H. 42 Mead Lane Abertown, MT 59820 Special I / 722-4405	Stank, Joseph C. 240 Star Lane Victor, MT 59075 Special I / 642-3981	Atkinson, John D. 3210 Owens Butte, MT 59701 General / 782-2382	Atkinson, Keith J. 110 Rave Dr. Butte, MT 59701 General / 782-3488	Butler, Robert G. Box 303 Turn Bridge, MT 59754 Special I / 884-5773	Gardner, Larry J. Rt. 1, Box 659 Emigrant, MT 59027 General / 848-7757
Michael, William H. SE 388 McCarthy Loop Hemlock, MT 59840 General / 383-4129	Swisher, Duane West Fort Route Derby, MT 59829 Special I / 383-6659	Atkinson, John D. 3210 Owens Butte, MT 59701 General / 782-2382	Athens, George H. Justice Rt., Box 96 Gardiner, MT 59020 Special I / 846-7217	Carroll, Mike Star Rt. Wise River, MT 59762 General / 682-3132	Giles, David E. P.O. Box 12 Ennis, MT 59729 Special I / 682-7247
Mur, Dan R. Box 416 Derby, MT 59829 Special I / 821-4560	Thores, Tyrone L. 234 Mainville Rd. Phillipsburg, MT 59856 General / 858-3342	Butler, John D. 110 Rave Dr. Butte, MT 59701 General / 782-3488	Athens, George H. Justice Rt., Box 96 Gardiner, MT 59020 Special I / 846-7217	Chesney, Ronald E. Box 200 Townsand, MT 59844 General / 286-5613	Gruber, Ken D. Box 1623 Bozeman, MT 59715 General / 587-7842
Mead, Robert L. 182 Lower Rock Creek Rd. Phillipsburg, MT 59856 General / 858-3386	Townbridge, Dennis M. Box 687 Derby, MT 59829 Special I / 821-3820	Auger, Robert L. 513 North F St. Livingston, MT 59047 Special I / 222-2802	Butler, John D. P.O. Box 1019 Livingston, MT 59047 Special I / 222-1673	Cook, Edward C. Box 672 Ennis, MT 59729 Special I / 682-4678	Gra, Ronald Box H West Yellowstone, MT 59756 Special I / 846-7771
Mason, Gary E. P.O. Box 3871 Missoula, MT 59806 Special I, II	Warren, DuVon E. "Gene" P.O. Box 215 Corvus, MT 59827 Special I / 821-3312	Burns, A.E. "Pat" 1410 Boston Rd. Hudson, MT 59801 Special I / 442-3735	Burns, A.E. "Pat" 1410 Boston Rd. Hudson, MT 59801 Special I / 442-3735	Chesney, Sub A. Box 466 Ennis, MT 59729 Special I / 682-4371	

- Green, Rick A.**
3767 E. 118th Ave.
Thomson, CO 80228
Special II / 303-461-7788
- W. Stanley E.**
Box 1306
Livingston, MT 59047
General / 222-0074
- Helmer, Joseph A.**
Box 648
Gardiner, MT 59030
General / 848-7633
- Helmecke, William F.**
P.O. Box 732
Belgrade, MT 59714
Special II / 388-4605
- Heintz, Thomas M.**
3246 Linney Rd.
Bozeman, MT 59715
General / 388-4838
- Howard, Dale P.**
Box 247
Ennis, MT 59729
Special II / 682-4834
- Hull, Robert D.**
Box 561
West Yellowstone, MT 59758
Special I, II / 846-9644
- Hungerford, Eugene**
Rt. 1, Box 1220
Whitehall, MT 59759
General / 287-3374
- Hymas, Bill J.**
Canyon Rt. Box 228
Gallatin Gateway, MT 59730
General
- Jacklin, Robert V., Jr.**
Box 310
West Yellowstone, MT 59758
Special I, II / 646-7336
- Johnson, Edwin L.**
Box A
Corwin Springs, MT 59027
Special I
- Johnson, Kathryn M.**
Jardine Rt., Box 185
Gardiner, MT 59030
General / 848-7256
- Johnson, Terry C.**
3038 Candy Lane
Bozeman, MT 59715
General / 586-3212
- Jones, D. Brent**
Box 881
Dillon, MT 59725
Special I
- Kavanagh, Dennis G.**
Box 5031
Bozeman, MT 59715
General / 587-5923
- Kent, James D.**
405 W. Lewis
Box 735
Livingston, MT 59047
Special II / 222-1110
- Keating, Frances J.**
P.O. Box 116
McAllister, MT 59740
Special II / 682-4447
- Kidston, Ronald R.**
Rt. 26, Box 2270
Livingston, MT 59047
Special II
- Kiss, Russell D.**
316 So. Argenta
Dillon, MT 59725
Special I, II / 683-4820
- Kuertz, Richard F.**
8600 Huffine Ln.
Bozeman, MT 59715
General / 587-2508
- Kumlien, David L.**
415 W. Alderson
Bozeman, MT 59715
Special I, II / 587-9653
- Lahren, Larry A.**
P.O. Box 1218
Livingston, MT 59047
General / 222-3168
- Lenders, Patrick R.**
Box 97
Pray, MT 59065
General / 333-4457
- Lane, Mark A.**
2925 Reservoir Lane,
Apt. 14
Redding, CA 96002
Special II /
- Lantis, Robert D.**
Box 1575
Rapid City, SD 57709
General
- Lapham, Max C.**
Box 795
Jackson, MT 59738
General / 834-3134
- Lawson, Michael J.**
Star Route Last Chance
St. Anthony, ID 83420
Special II / 208-558-7525
- Lafor, Albert F.**
P.O. Box 70
Melrose, MT 59743
General / 835-2677
- Lende, Roy R.**
202 South Main
Livingston, MT 59047
Special II / 222-7977
- Lewis, Roderick A.**
2904 State St.
Butte, MT 59701
General / 494-6091
- Lilly, Greg**
2012 N. 7th
Bozeman, MT 59715
Special II / 586-0902
- Marino, Bob**
84 Rosemont Ave.
Elmwood Park, NJ 07407
Special II / 201-797-0596
- Mason, David M.**
1324 W. Platinum
Butte, MT 59701
Special I, II / 782-5578
- Mathews, Craig R.**
Box 1037
West Yellowstone, MT 59758
Special I, II / 646-9365
- McGee, James L.**
2880 Red Rock St.
Dillon, MT 59726
General / 276-3476
- McGee, Johnny C.**
Box 1132, Roger Lane
Livingston, MT 59047
Special I, II / 222-0406
- McFall, Patrick E.**
Box 882
Ennis, MT 59729
Special I, II / 682-7557
- McLaren, Steven D.**
Box 220, Canyon Rd.
Gallatin Gateway, MT 59730
Special I, II / 995-4044
- Montz, Gregory G.**
3 Edge Brooke Way
Newark, DE 19702
Special II / 302-738-3487
- Merigold, Ross A.**
9811 E. Broadway
Tempe City, CA 91780
Special II / 618-286-2743
- Mersdorf, Ralph**
2638 Schwab Rd.
Bay City, MI 48708
Special I, II
- Miller, Larry P.**
124 Electric, Box 1080
West Yellowstone, MT 59758
Special II / 646-7707
- Mitzkus, James D.**
Rt. 38, Box 2072
Livingston, MT 59047
General / 222-3519
- Molenda, James J.**
Box 2
Whitehall, MT 59759
Special II / 287-3090
- Mosolf, Mike**
720 Kentucky
Dillon, MT 59725
Special II / 683-2928
- Muscat, James P.**
Box 255
Big Sky, MT 59718
General / 995-4980
- Myers, R.P., Jr.**
5484 Sourdough Rd.
Bozeman, MT 59715
General / 587-8613
- Myers, William L. (Bill)**
5520 Sourdough Rd.
Bozeman, MT 59715
General / 587-4821
- Olsen, Gerald K.**
Elk Creek Outfitters
Wiseall, MT 59086
Special I, II / 587-2218
- Paga, Debbie R.**
Box 32
Dell, MT 59724
General / 276-3239
- Parks, Richard**
Box 196
Gardiner, MT 59030
Special II / 848-7314
- Parish, Brad**
P.O. Box 261
Big Sky, MT 59718
Special II / 995-4388
- Parsons, Michael E.**
Riverdale Ranch
Box 5
Toston, MT 59843
General / 286-3742
- Peterson, William H.**
Star Route East
Anaconda, MT 59711
General / 787-3327
- Rathke, Randy**
P.O. Box 82
Ennis, MT 59726
General / 682-7688
- Rohms, Joyce G.**
4239 E. Baseline Rd.
Belgrade, MT 59714
General / 388-8817
- Reynolds, Harvey D.**
3050 Hwy 91 N.
Dillon, MT 59725
Special I / 683-6066
- Reynolds, Lyle G.**
Box 95
Melrose, MT 59743
Special I, II / 835-2751
- Rice, Paul R.**
Rt. 85, Box 4184
Livingston, MT 59047
Special II / 222-1522
- Richter, Scott E.**
Comley Rd. #10
Ennis, MT 59729
Special II / 258-6334
- Roberts, Douglas A.**
P.O. Box 1182
West Yellowstone, MT 59758
Special I, II
- Robidoux, John W.**
River Rd., Box 470
Gardiner, MT 59030
Special I, II
- Robison, Max L.**
Box 82
McAllister, MT 59740
General / 682-4412
- Ross, John**
Rt. 3, Box 3017
Jerome, ID 83338
General
- Rush, Keith S.**
Monida Star Rt.
Lima, MT 59739
General / 276-3300
- Rush, Kevin**
Monida Star Route
Lima, MT 59729
General / 276-3300
- Saunders, William C.**
P.O. Box 582
Ennis, MT 59729
Special I, II / 682-7128
- Scheufler, Donald A.**
P.O. Box 897
Ennis, MT 59729
Special I, II / 682-7153
- Schub, Jim M.**
Box 681
Livingston, MT 59047
General / 222-7884
- Schuler, Lillian J.**
16 North Park Rd.
Townsend, MT 59844
General / 288-3518
- Seating, Dan**
Box 78
Pray, MT 59065
Special II / 222-0388
- Sevelstad, Michael N.**
3311 Lost Creek Rd.
Anaconda, MT 59711
General / 673-3388
- Shores, Eric R.**
Box 554
Cameron, MT 59720
Special I, II / 682-4360
- Simmons, Dan**
P.O. Box 584
Ashton, ID 83420
Special II
- Smith, Castle D.**
Box 281
Emigrant, MT 59027
General / 333-4728
- Smith, Mark S.**
P.O. Box 234
Zortman, MT 59648
General / 673-3136
- Sprague, Joe**
Box 262
Gardiner, MT 59030
Special II / 848-7288
- Stanhfield, Frank M.**
Wise River, MT 59782
Special I, II / 832-3212
- Starkweather, Tim J.**
Box 488
Corwin Springs, MT 59021
Special I
- Stevenson, Harold R.**
914 Clark
Livingston, MT 59047
Special I, II / 222-0341
- Stockton, William D.**
Wise River, MT 59782
General / 832-3138
- Story, Mike**
Box 55
Emigrant, MT 59027
General / 333-4738
- Taylor, Paul E.**
Box 991
Dillon, MT 59725
General / 683-4672
- Terwilliger, Fred R.**
38 Madison Ave.
Box 688
West Yellowstone, MT 59758
Special II / 646-7801
- Thomas, Edward A.**
Box 391
Belgrade, MT 59714
Special I, II / 388-4848
- Thompson, Howard**
Box 1586
Belgrade, MT 59714
Special I, II / 284-8888
- Thornberry, Terry D.**
325 S. Dakota
Dillon, MT 59725
General / 683-4006
- Tryde, Thomas M.**
Box 1320, 914 W. Park
Livingston, MT 59047
General / 222-0783
- Tresh, Alfred**
Box 1307
Dillon, MT 59725
Special II / 683-2752
- Waldie, Scott E.**
205 So. Main St.
Twin Bridges, MT 59754
Special II / 684-5651
- Walsh, Joseph M.**
Box 171
Whitehall, MT 59759
General / 287-3703
- Washburn, James G.**
Box 386
Ennis, MT 59729
Special I, II / 682-4962
- Webb, Thomas O.**
P.O. Box 7
Mack's Inn, ID 83433
Special I, II / 208-558-7501
- Welsh, Gary C.**
47 Riley Road
Townsend, MT 59644
General / 286-3678
- Wellborn, David A.**
775 Medicine Lodge Rd.
Dillon, MT 59725
General / 681-3117
- Wellborn, Joseph R.**
11775 Hwy. 324
Dillon, MT 59725
General / 681-3147
- White, Peter C.**
Box 46
Gardiner, MT 59030
Special II / 848-7777
- Wiener, Joel S.**
Box 627
Ennis, MT 59729
Special II / 682-7350
- Williams, Don A.**
Box 2
Billman and Miller Lane
Livingston, MT 59047
General / 222-1386
- Wind, Alan**
P.O. Box 2636
Jackson, WY 83001
Special II / 307-733-8369
- Wood, Tyson D.**
Box 1218
Livingston, MT 59047
Special I, II / 222-3803
- Woodhull, James F.**
419 N 3rd
Livingston, MT 59047
Special I, II / 222-3343
- Wright, Don O.**
107 S. Main
Livingston, MT 59047
Special I

Wright, Mary
498 W. Lewis
Livingston, MT 59047
Special I / 222-1110

Yaden, Arthur L.
Rt. 1, Box 487
Manhattan, MT 59741
General / 284-3702

Region 4

Allen, Demetris E., Jr.
Box 63
Garnett, MT 59445
General / 374-2389

Anderson, Edwin R.
P.O. Box 152
Browning, MT 59417
General / 338-7413

Arnett, Edward F.
Utica, MT 59452
General / 423-6301

Barker, Elizabeth
Box 329
Augusta, MT 59410
General / 562-3672

Bertzel, Monte J.
P.O. Box 1090
Conrad, MT 59425
Special I

Caldrider, Douglas
Box 17
White Sulphur Springs, MT 59645
Special I / 547-3962

Cardinal, Peter J.
Craig, MT 59421
Special I, II / 488-2743

Carlson, Lee
P.O. Box 327
Augusta, MT 59410
General / 278-3444

Celander, Andy
Box 229
White Sulphur Springs, MT 59645
Special I, II / 547-2177

Chaplin, O. Raymond
4749 Head Dr.
Helena, MT 59601
Special I, II / 442-2102

Chetlain, Dennis P.
P.O. Box 323
Valer, MT 59486
General / 472-3315

Coleman, Helen E.
Box 321, RR 1
Benton Gulch
White Sulphur Springs, MT 59645
Special I, II / 547-3463

Coman, Stan
233 Anderson Blvd.
Helena, MT 59601
Special I / 443-3531

Corr, Ronald M.
P.O. Box 253
White Sulphur Springs, MT 59645

Cox, Richard L.
Old Edge Rd.
Lewistown, MT 59457
General / 638-7821

DeBee, Richard
Box 908
Valer, MT 59486
General

Derwile, Robert W.
2711 Spokane Creek Rd.
East Helena, MT 59601
General / 475-3070

Dupae, Robert L.
Box 526
White Sulphur Springs, MT 59645
Special I, II / 547-3432

Elliott, Thomas E.
N-Bar Ranch
Grass Range, MT 59032
Special I, II / 428-2487

Filinger, Steve
Calvert Rd.
Stockert, MT 59480
Special I, II / 738-5861

Galt, William W.
Box 618
White Sulphur Springs, MT 59645
General / 547-2107

Geavada, James M.
Calvert Rd.
Stockert, MT 59480
General / 738-5416

Gipserick, John S.
Box 386
Hilger, MT 59451
Special I / 538-8643

Heckman, Bud
Box 190
Augusta, MT 59410
General / 562-3336

Hill, Raymond O.
Raynsford, MT 59489
General

Hill, William O.
Geyser, MT 59447
Special I

Hinderager, Ted
Box 141
Fort Shaw, MT 59443
General / 264-5126

Jackson, Richard T.
Box 325
East Glacier, MT 59434
General / 338-2108

Jannascha-Wilson,
Janice J.
629 Harrison Ave.
Helena, MT 59601
Special I / 443-2884

Klek, Dick
Box 287
Augusta, MT 59410
General / 264-6808

Knight, Eugene R.
Utica, MT 59452
General / 423-5541

Koss, Steven R.
Rt. 1
Winifred, MT 59489
Special I / 482-8535

Kopas, Leonard L.
417 North Warren
Helena, MT 59601
Special I, II / 448-7200

Le Vegas, Dennis A.
Box 1280
Cascadia, MT 59421
Special I / 488-2942

Madson, Raymond C.
1401 8th Avenue S.
Great Falls, MT 59401
Special I, II / 761-1677

Masching, Keith
Box 84
Winifred, MT 59489
Special I

Mawitt, Donald
713 Poplar
Helena, MT 59601
General / 442-7127

Montanye, William J.
3123 Terrace Ave.
Helena, MT 59601
General / 442-8124

Morgan, Lester M.
Box 115
Winifred, MT 59489
General / 482-6340

Norgard, Lester J.
P.O. Box 881
Lewistown, MT 59457
General / 638-7618

O'Leary, Warren D.
330 N. Jackson,
P.O. Box 422
Helena, MT 59624
Special II / 442-2630

Olsen, Ray G.
Box 636
Grass Range, MT 59032
General / 428-2195

Pasquale, Richard W.
825 8th Ave. So.
Great Falls, MT 59405
Special II / 463-8182

Reasland, John
Box 444
Lewistown, MT 59457
Special I / 638-2903

Smith, Sonny
Box 228
Lewistown, MT 59457
General / 638-5132

Steel, Ben A.
South Fork Lodge
Utica, MT 59452
General / 374-2366

Stevens, Arthur J.
Box 237
Augusta, MT 59410
General / 562-3863

Teague, Bob R.
Box 680
White Sulphur Springs, MT 59645
General / 547-3489

Tedman, Fred J.
139 E. 8th Ave.
P.O. Box 688
Helena, MT 59601
Special I, II / 443-7431

William, Art
Box 348
Augusta, MT 59401
General / 562-3822

Region 5

Beves, Robert J.
P.O. Box 1233
Big Timber, MT 59011
General / 532-6882

Bunger, Chris W.
Box 8
Roscoe, MT 59071-0008
Special I, II / 328-6145

Bunger, John P. IV
Box 1886
Red Lodge, MT 59088
Special I, II

Carlson, Larry W.
Box 763
Billings, MT 59103
General

Collins, Curtis D.
2816 Glenwood
Billings, MT 59102
Special II

Cooper, Jim H.
1348 Elaine
Billings, MT 59105
Special I, II

Cramer, William J.
McLeod Rd., Box 304
Big Timber, MT 59011
Special I, II / 932-4382

Curtain, R.L.
Rt. 2
Nya, MT 59061
General

Danahoe, Paul T.
Box 250
Nya, MT 59061
Special I, II / 328-8439

Flanagan, Martin J.
P.O. Box 1281
Big Timber, MT 59011
General / 328-6228

Flanagan, Maurice H.
Rt. 1, Box 41
Absarokee, MT 59001
General / 328-8401

Hadrisk, Paul E. Jr.
Box 627
Redpoint, MT 59068
Special I, II

Halman, Ralph M.
Box 33
McLeod, MT 59052
General / 932-3358

Jackson, Victor J.
Box 1074
Cooke City, MT 59020
General / 684-2329

Kelly, George J.
Box 624, YRS
Hardin, MT 59035
Special I, II

Langston, Samuel
Box 144, Marvile Rd.
Big Timber, MT 59011
Special I, II / 637-4671

Langston, James E.
Rt. 2, Box 260
Nya, MT 59061
General / 328-8420

Laughery, James R.
P.O. Box 50481
Billings, MT 59105
Special I, II

Mathews, Harry E.
Box 236
Ryegea, MT 59074
Special I, II / 688-2340

McCaleb, Howard L.
Box 1116
Columbus, MT 59019
Special I, II

McLenn, Monte
Box 1282
Big Timber, MT 59011
General

Mouet, Charles S.
P.O. Box 488
Nya, MT 59061
Special II / 328-8294

Paulson, Florence M.
Rt. 1, Box 902
Red Lodge, MT 59088
General / 448-2376

Plakons, James L.
2608 Third Avenue N.
Billings, MT 59102
Special I, II / 252-8843

Rahn, Charles M.
Box 174, Melville Rd.
Big Timber, MT 59011
Special I

Rembold, Bernard H.
Box 583
Big Timber, MT 59011
Special I, II / 932-4731

Robert, Steven D.
Box 1073
Big Timber, MT 59011
Special I, II

Russell, Roland L.
Box 115
Pray, MT 59065
General / 684-4619

Russell, Sheri
P.O. Box 563
Absarokee, MT 59001
General / 328-8408

Thompson, Teddy
Box 976
Big Timber, MT 59011
General / 932-2581

Tyler, Dudley L.
P.O. Box 479
Big Timber, MT 59011
Special II

Tyler, James K.
Box 310, McLeod Rd.
Big Timber, MT 59011
Special II

Yager, Larry E.
2888 Riverside Rd.
Billings, MT 59108
Special I

Region 6

Burke, Don J.
Box 488
Glasgow, MT 59230
Special I / 387-5247

Rummet, David L.
Box 501
Zornan, MT 59648
General

Sherwood, John W.
Shane Creek Rd.
Columbus, MT 59019
Special I, II

Shores, Earl R.
Box 1136
Marta, MT 59638
General / 654-1551

Region 7

Abbott, Charles E.
Powderville Stage
Miles City, MT 59301
General / 554-3545

Bales, Walter Keith
Rt. 1, Box 33
Otter, MT 59082
Special I / 784-2487

Berthelme, Robert M.
Box 282
Lincoln, MT 59639
General

Boris, Sam C.
Box 1241
Forsyth, MT 58327
Special I / 356-2469

Bristley, Jim
410 So. Montana
Miles City, MT 59301
Special I

Childress, Gregory A.
Box 342
Broadus, MT 59317
Special II

Cochran, Charles
Box 818
Española, NM 87532
General / 505-753-4885

Dube, Peter J.
RR 1, Box 95
Buffalo, WY 82834
General / 307-684-5464

Espy, Jim
Boyes, MT 58316
Special I / 427-5283

Gentry, Ray
BP Route
Glandville, MT 59330
Special I / 687-3679

Greath, Kenneth
Box 678
Broadus, MT 59317
Special I / 427-5487

Kibler, Myron L.
Sand Springs, MT 59077
Special I / 557-2503

Kincheloe, Robert
Box 192
Melstone, MT 59054
Special I / 358-2284

Landa, Jerry
Box 26
Boyes, MT 59316
Special I / 427-5490

Leameister, Arnold
Powderville Stage
Miles City, MT 59301
Special I / 232-6148

Martin, Jerry A.
P.O. Box 9
Dayton, WY 82836
Special I, II /
307-655-9448

Mogen, Robert L.
Box 968
Forsyth, MT 59327
Special I / 356-7787

Moletad, Jody
Ekalaka, MT 59324
General

Niles, Rocky L.
Rt. 2, Box 147
Fairview, MT 59221
General / 747-5195

Rumph, Richard H.
Box 343
Biddle, MT 59314
Special I / 427-5452

Stuver, John A.
Box 121
Broadus, MT 59317
Special I / 427-5796

Swope, Connie
Box 356
Biddle, MT 59314
Special I

Taylor, Ridge W.
Box 2356
Jackson Hole, WY 83001
Special I / 307-733-9041

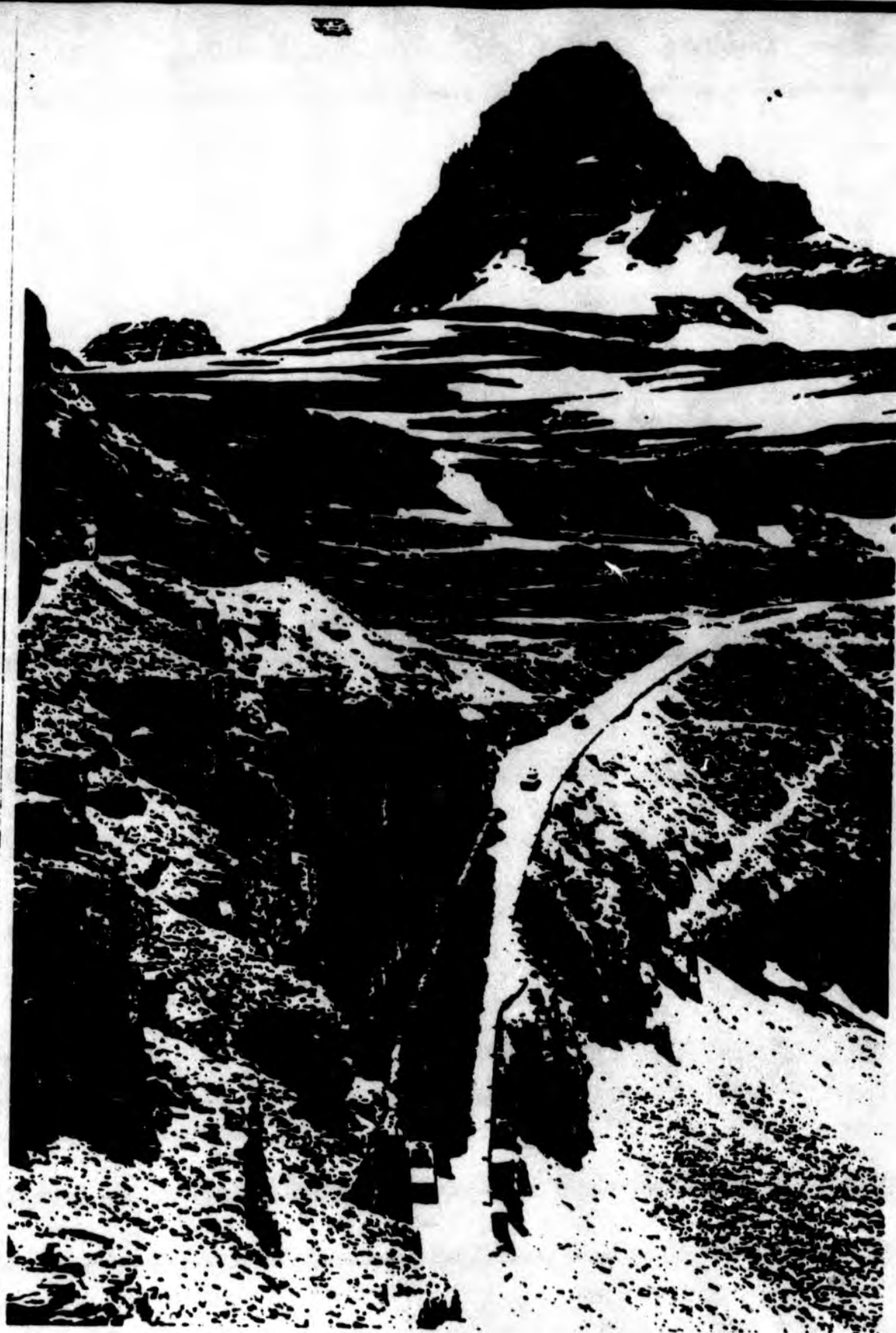
Trumbo, John E.
Box 325
Jordan, MT 59337
Special I / 557-2224

Turnbough, Norman
Broadus, MT 59317
Special I

Twitchell, Judd
Jordan, MT 59337
Special I / 557-2554

Weiss, Herbert
220 Chestnut FD
Glendive, MT 59330
Special I / 365-5796

Williams, Dale W.
Sonnette, MT 59348
Special I / 427-5210



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Colorado

Chapter 704

1987 REPLACEMENT PART

Outfitters and Guides

GENERALLY

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GENERALLY

704.010 Definitions. As used in this chapter:

(1) "Board" means the State Marine Board.

(2) "Employee" means an individual who, in exchange for compensation or other pecuniary gain, provides outfitting and guiding services exclusively under the direction, supervision and control of an outfitter and guide or an ocean guide.

(3) "Ocean guide" means any individual who carries passengers for hire for outdoor recreational activities only on the waters of the Pacific Ocean over which the State of Oregon has jurisdiction and who possesses therefor a valid United States Coast Guard vessel operator license.

(4) "Outdoor recreational activities" include, but are not limited to, boating, angling, hunting, jeep touring, backpacking, alpine mountain climbing, camping, trips utilizing pack animals, dog sled trips, helicopter skiing, whitewater float trips, rafting trips, drift boat trips, kayak trips, inflatable canoe trips and canoe trips. The duration of any outdoor recreational activities may be for a few hours or for several days or weeks.

(5)(a) "Outfitter and guide" means any person:

(A) Who provides, or who offers to provide, for compensation or other pecuniary gain:

(i) Outfitting and guiding services in Oregon; or

(ii) Outfitting and guiding services and either equipment, supplies, livestock or materials for use in Oregon; or

(B) Who holds one or more federal permits for commercial outfitting and guiding services for use in any forest or wilderness or on any river in Oregon.

(b) "Outfitter and guide" does not include:

(A) An ocean guide or an employee of an outfitter and guide or ocean guide; or

(B) An individual who, for compensation or other pecuniary gain, provides outfitting and guiding services for the conduct of outdoor recreational activities exclusively upon property owned or controlled by the individual.

(6) "Outfitting and guiding services" include, but are not limited to, leading, protecting, instructing, training, cooking, packing, guiding, transporting, supervising, interpreting or otherwise assisting any person in the conduct of out-

door recreational activities. The rental of equipment alone does not constitute outfitting and guiding services.

(7) Outfitting and guiding services are not offered or provided for compensation or pecuniary gain if:

(a) No individual receives any dues, fee, salary, commission, bonus, tip, compensation, equipment, materials, livestock, supplies, rental payment, amortization payment, depreciation payment or other financial gain; and

(b) No money or other remuneration is in any manner paid or collected except as a sharing by trip participants of the costs or expenses for the trip. [1983 c.655 §1]

704.020 Registration required; liability insurance; fees. (1) Any person who acts, or who offers to act, as an outfitter and guide must first register with the board. Each registration shall be submitted annually on a form provided by the board and shall include the following information:

(a) The name, residence address, and residence telephone number of the person providing outfitting and guiding services, and all business names, addresses and telephone numbers under which outfitting and guiding services are provided.

(b) If the outfitting and guiding services are to be performed in the business name of an individual, proof of possession of a current certificate issued to the individual:

(A) By the American Red Cross upon completion of its multimedia course; or

(B) Upon completion of any equivalent medical or American Red Cross training course approved by the board.

(c) If the outfitting and guiding services are to be performed in the business name of a person other than an individual, the outfitter and guide must provide the names of all employees, agents and parties in interest who physically provide, or who directly assist in physically providing, outfitting and guiding services in Oregon, together with the affidavit of the outfitter and guide that each such employee, agent or party in interest possesses a current certificate issued to the employee, agent or party in interest:

(A) By the American Red Cross upon completion of its multimedia course; or

(B) Upon completion of any equivalent medical or American Red Cross training course approved by the board.

(d) A description of:

(A) The outfitting and guiding services, and any equipment, supplies, livestock and materials provided by the outfitter and guide;

(B) The geographic area in which the outfitter and guide provides the outfitting and guiding services, and any equipment, supplies, livestock and materials; and

(C) The experience of the outfitter and guide in providing the outfitting and guiding services, and equipment, supplies, livestock and materials.

(e) Proof that the outfitter and guide has liability insurance covering occurrences by the outfitter and guide, and the employees of the outfitter and guide, which result in bodily injury or property damage. Such insurance shall be not less than the following amounts:

(A) \$300,000 per occurrence general liability coverage; or

(B) Bodily injury liability coverage of at least \$100,000 per person to a total of \$300,000 per occurrence, and \$10,000 property damage per occurrence.

(f) Certification by the outfitter and guide that the outfitter and guide will maintain the insurance required by paragraph (e) of this subsection continuously in full force and effect for a period of not less than one year from the date the certificate of registration described in subsection (3) of this section is issued by the board.

(g) The affidavit of the outfitter and guide stating that for a period of not less than 24 months immediately prior to making the registration application the outfitter and guide and each person who provides or assists in directly providing outfitting and guiding services:

(A) Have not been convicted of:

(i) Any violation of ORS 496.992 (2); or

(ii) Any violation of the wildlife laws which occurred while acting as an outfitter and guide and which resulted in court ordered revocation of the hunting or fishing license of the outfitter and guide;

(B) Have not had an outfitting and guiding license, permit or certificate revoked by another state or by an agency of the government of the United States; and

(C) Have not been denied the right to apply for an outfitting and guiding license, permit or certificate by another state.

(2) Each annual registration shall be accompanied by a fee of \$50.

(3) Upon the submission to the board of the appropriate filing fee in subsection (2) of this

section and the registration information required by this section, the board shall issue to the applicant an Oregon Outfitter and Guide certificate of registration. The board shall also issue to each registrant proof of compliance with the requirements of this section, which the registrant must have in possession and submit for examination by any person authorized to enforce this chapter while the registrant is engaged in providing outfitting and guiding services. [1983 c.655 §2; 1985 c.452 §1; 1987 c.400 §1]

704.030 False statements in registration application prohibited. No person shall make any false statement of material fact submitted pursuant to ORS 704.020. [1983 c.655 §5]

704.040 Revocation of registration; restriction on registration application after revocation. (1) When any person is convicted of any violation of ORS 704.020 or 704.030 or any rule promulgated pursuant to ORS 704.500, forfeits bail in connection with any such offense, or pleads nolo contendere to any such offense, the court having jurisdiction of the offense may order the board to revoke the certificate of registration issued to that person pursuant to ORS 704.020.

(2) When a court orders revocation of a certificate of registration pursuant to this section, the court shall take up the certificate of registration and forward it with a copy of the revocation order to the board. Upon receipt thereof, the board shall cause revocation of the certificate of registration in accordance with the court order.

(3) A person who has had a certificate of registration revoked pursuant to this section is ineligible to register under ORS 704.020 for a period of 24 months from the date the court ordered the revocation. [1983 c.655 §7]

704.050 Cancellation of liability insurance; notice to board; suspension of registration. (1) If an insurance company cancels or refuses to renew insurance for an outfitter and guide required by ORS 704.020, the insurance company, not less than 30 days prior to the effective date of termination of the coverage, shall notify the board in writing of the termination and its effective date.

(2) Upon receipt of an insurance coverage termination notice, the board shall send written notice to the outfitter and guide that on the effective date of the insurance coverage termination, the board will suspend the certificate of registration of the outfitter and guide unless proof of insurance required by ORS 704.020 is filed with the board prior to the effective date of the proposed insurance coverage termination.

(3) The board may suspend the certificate of registration issued to an outfitter and guide if the outfitter and guide fails to maintain in full force and effect the insurance required by ORS 704.020. A certificate of registration that has been suspended pursuant to this section may not be reinstated until proof of insurance required by ORS 704.020 has been filed with the board. [1983 c.655 §8]

ADMINISTRATION

704.500 Rules. In accordance with any applicable provisions of ORS 183.310 to 183.550, the board may promulgate rules to carry out the provisions of this chapter. [1983 c.655 §3]

704.510 Outfitters and Guides Account. The Outfitters and Guides Account is established in the General Fund of the State Treasury. Except as otherwise provided by law, all moneys received by the State Marine Board pursuant to ORS 704.020 shall be paid into the State Treasury and credited to the account. All moneys in the account are appropriated continuously to the board to carry out the provisions of this section, ORS 704.020 and 704.500. [1983 c.655 §4]

704.520 Board to submit list of registrants to tourism promotion agency. The board will submit annually to the state agency given the responsibility of state tourism promotion a registration list of outfitters and guides and the following information:

(a) The name, business names, addresses and telephone numbers under which outfitting and guiding services are provided;

(b) A description of the outfitting and guiding service;

(c) The geographic area in which the outfitting and guiding service is provided; and

(d) The experience of the outfitter and guide in providing the outfitting and guiding service. [1983 c.655 §9]

PENALTIES

704.990 Penalties. (1) Failure to comply with ORS 704.020 is a Class B misdemeanor.

(2) Violation of ORS 704.030 is a Class B misdemeanor. [1983 c.655 §6]

Colorado

#0122F

TITLE 12
PROFESSIONS AND OCCUPATIONSARTICLE 55.5
Outfitters

12-55.5-101. Legislative declaration. It is the intent of the general assembly to promote and encourage residents and non residents alike to participate in the enjoyment and use of the mountains, rivers, and streams of Colorado and the state's fish and game and, to that end, in the exercise of the police power of this state for the purpose of safeguarding the health, safety, welfare, and freedom from injury or danger of such residents and non residents, to license and regulate those persons who, for compensation, provide equipment or personal services to such residents and non residents for the purpose of hunting and fishing. It is not the intent of the general assembly to interfere in any way with the business of livestock operations or to prevent such livestock operators or owners from loaning or leasing buildings or animals to persons, nor is it intended to prevent said owner or operator from accompanying a person or persons on land that he owns or operates, nor is it the intent of the general assembly to interfere in any way with the general public's ability to enjoy the recreational value of Colorado's mountains, rivers, and streams when the services of commercial outfitters are not utilized nor to interfere with the right of the United States to manage the public lands under its control.

12-55.5-1002. Definitions. As used in this article, unless the context otherwise requires:

(1) "Board" means the Colorado outfitter's licensing board.

(2) "Outfitter" means any person soliciting to provide or providing, for compensation, facilities, guide services, or transportation for the primary purpose of hunting, fishing, or taking protected wildlife and fish; but "outfitter" does not include any person whose only service is the providing of motor vehicles, horses, or other equipment for rent.

(3) "Person" means an individual, firm, association, partnership, corporation, or other legal entity.

12-55.5-103. Colorado outfitters' licensing board - creation - termination. (1) The Colorado outfitters' licensing board is hereby created. The board shall consist of five members appointed by the governor, two of whom shall be from the public at large and shall not have any affiliation with outfitters and three of whom shall be outfitters. Forth initial licensing board, the three licensed outfitters shall be selected from outfitters who had been previously

(e) Submit to the board evidence of minimum liability insurance coverage in the amount of fifty thousand dollars for bodily injury to one person in any single accident and one hundred thousand dollars for bodily injury to all persons in any single accident;

(f) Pass an examination given by the board for licensure pursuant to the rules and regulations of the board. No license shall be issued or renewed after July 1, 1985, unless the applicant therefor has taken and passed the examination, but no further examination under this paragraph (f) shall be required to renew the license of an applicant who has once passed said examination.

12-55.5-106. Powers and duties. (1) The board, which may by written agreement authorize the department of regulatory agencies to act as agent in the board's interests, shall have the following and duties:

(a) To issue, suspend, revoke, or deny outfitters' licenses and to issue a license on probationary status or deny licensure to applicants pending investigation and hearing of any alleged violations of any of the provisions of this article or of any rules or regulations of the board;

(b) To prescribe and enforce rules and regulations to accomplish the purposes as prescribed in section 12-55.5-101 and 12-55.5-105 and for the governing of the business of outfitting in Colorado;

(c) To cooperate with the appropriate state and federal agencies in matters of mutual concern regarding the business of outfitting in Colorado;

(d) To set and collect fees in accordance with section 24-34-105, C.R.S., for examination, reexamination, original licensure, renewal of licensure, reinstatement of licensure, and license records. License fees shall be set in an amount which will generate sufficient revenue to approximate the amount of money appropriated to the board by the general assembly.

(e) To establish and administer examinations for licensure and to set the passing grades therefor.

12-55.5-107. License required. No person shall act in the capacity of an outfitter without first securing a license in accordance with rules and regulations as prescribed by the board, and no person shall continue to act as an outfitter if his license has been suspended or revoked.

12-55.5-108. Penalty. Any person who violates the provisions of section 12-55.5-107, upon his first conviction, commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S., and, upon a second or subsequent conviction thereof, commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

12-55.5-109. Enforcement. Every peace officer, as defined in section 18-1-901, C.R.S., shall, upon request from the board, assist the board in the enforcement of the provisions of this article and the rules and regulations prescribed by the board.

12-55.5-110. Grounds for denial, suspension, or revocation of license. (1) The board may deny, suspend, or revoke an outfitter's license issued under its authority pursuant to this article upon proof that the licensee or applicant:

(a) Has violated any of the provisions of this article or any rule or regulation promulgated by the board;

(b) Has not met the requirements of section 12-55.5-105;

(c) Has been convicted of or has entered a plea of nolo contendere or guilty to a felony, but the board shall be governed by the provisions of section 24-5-101, C.R.S., in considering such conviction or plea;

(d) Has made any willful misstatement on his application for licensure;

(e) Advertises by means of a false or deceptive statement;

(f) Has misrepresented his services, facilities, or equipment to a client;

(g) Is addicted to or dependent upon alcohol or any controlled substance, within the meaning of part 3 of article 22 of this title, or is an habitual user of said controlled substance, if the use, addiction, or dependency is a danger to the public.

(2) Any proceeding to deny, suspend, or revoke a license shall be pursuant to sections 24-4-104 and 24-4-105, C.R.S. The board may use a hearing officer, employed by the division of hearing officers in the department of administration, to conduct hearings pursuant to section 24-4-1-5, C.R.S. The hearing officer shall not make a final decision but shall prepare for consideration by the board his recommendations as to the form and substance of the decision to be entered.

12-55.5-111. Repeal of article. This article is repealed, effective July 1, 1988.

RULES AND REGULATIONS
OF THE
OUTFITTERS LICENSING BOARD
Adopted on June 17, 1987
Revised on July 22, 1987
Revised on August 19, 1987

- A. DEFINITIONS.
- B. OUTFITTERS LICENSE REQUIRED.
- C. EXAMINATION FOR OUTFITTERS LICENSE.
- D. ISSUANCE OF OUTFITTERS LICENSE (ORIGINAL).
- E. RENEWAL OF OUTFITTER LICENSE.
- F. OUTFITTER OPERATIONS (LOCATIONS).
- G. OUTFITTERS EMPLOYEES.
- H. OUTFITTER RESPONSIBILITIES.
- I. COMPLAINTS.
- J. DECLARATORY ORDERS.
- K. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

A. DEFINITIONS

1. "BOARD" means the Colorado Outfitters Licensing Board.
2. "GUIDE" means an Outfitter or an employee of an Outfitter whose duties include management of outfitter operations and/or guiding, leading, or assisting any person to and from a place where such person expects to hunt or take protected fish or wildlife.
3. "ASSISTANT GUIDE" means an employee or an Outfitter whose duties include guiding, leading, or assisting any person to and from a place where such person expects to hunt or take protected fish or wildlife, but that is within the direct supervision of a Guide or Outfitter.
4. "LIVESTOCK" means cattle or sheep.
5. "OUTFITTER" means any person soliciting to provide or providing for compensation, facilities, guide services, or transportation for the primary purpose of hunting, fishing, or taking protected wildlife and fish; but "outfitter" does not include any person whose only service is the providing of motor vehicles, horses, or other equipment for rent.

6. **"PERSON"** means an individual, firm, association, partnership, corporation or other legal entity.
7. **"LICENSE"** is a form issued by that Board pursuant to the provisions of Article 55.5, Title 12, C.R.S., 1973, as amended, and shall be renewable subject to approval by the Board.
8. **"RESIDENT"** means any person who has been domiciled in this state for six months or more immediately preceeding the date of application for license, and who resides in this state with a genuine intent of making this state his place of permanent abode.

B. OUTFITTERS LICENSE REQUIRED

1. An outfitters license shall be required when any person provides or solicits to provide, for compensation, facilities, guide services or transportation for the taking of protected wildlife and fish.
2. No person shall act in the capacity of an Outfitter without first licensing in accordance with the provisions of these Rules. Application forms for licensing shall be furnished by the Board.
3. Livestock operators that provide Outfitter services solely on lands that they own or operate pursuant to their livestock operations shall not be required to be licensed. But those lands that they own or operate shall not include public lands.

C. EXAMINATION FOR OUTFITTERS LICENSE

1. Applicants for outfitters licenses shall be required to pass an examination provided by the Board.
2. Dates of examinations shall be determined by the Board and shall be scheduled throughout the State at locations determined by the Board.
3. Examinations shall only be given to individuals who have submitted a complete application at least ten (10) days prior to the examination date.
4. An examination fee shall accompany the application for examination.
5. The examination shall consist of written questions which may have visual or video aids.

6. Applicants for examination shall specify the date they intend to take the examination on the outfitter license application. The applicant shall be scheduled and notified for examination on that date on a space available basis if the application is complete and received on time, according to Rule C-3. The applicant has the responsibility to confirm with the Board that he or she is scheduled to take the examination on a certain date.
7. Registered applicants who are unable to appear at the examination due to circumstances of an emergency nature shall notify the Board prior to the scheduled examination and the exam fee shall be applied to a subsequent exam. An applicant who has failed to notify the Board and who does not appear for the exam shall forfeit the examination fee and the applicant shall be required to pay the original examination fee for a subsequent examination.
8. Readers shall be allowed to assist applicants at the written examination if the applicant has received prior written approval from the Board.
9. Notes or notebooks may not be used during the examination.
10. Examination papers shall be the property of the Board and shall not be returned to an applicant.
11. Unsuccessful examinees shall re-register and pay the required examination fee before being permitted to retake the examination.
12. A passing grade on the examination, shall be determined by the Board and shall be required of applicants for an outfitters license.

D. ISSUANCE OF OUTFITTERS ORIGINAL LICENSE

1. No outfitters license shall be issued until the completed application verifying a passing exam score achieved within the past ninety (90) days is approved by the Board and the appropriate license fee has been paid. (Effective February 1, 1988)
2. Applicant shall be a resident of the State of Colorado and eighteen (18) years of age or older.
3. Applicant shall hold a valid First Aid Instructors Card or Standard First Aid Card issued by the American Red Cross, or a document evidencing that the applicant is sufficiently trained in first aid and provide a photocopy thereof with the application.

4. Applicant must disclose if he or she has ever been convicted of a felony or entered a plea of nolo contendere or guilty to a felony, and if so, the circumstances regarding the conviction or plea.
5. Applicant shall provide to the Board a photocopy of a bond or letter of verification from the bonding company, verifying proof of a surety bond, or some form of surety bond such as a license and permit bond, in accordance with Section 12-55.5-105(1)(d), C.R.S. (1984 Supp.), in the minimum sum of ten thousand dollars. [SENATE BILL 50 PASSED IN 1987 REPEALED SECTION 12-55.5-105(1)(d). THEREFORE THERE IS NO STATUTORY AUTHORITY FOR THIS RULE AND THE BOARD NO LONGER REQUIRES A BOND].
6. Applicant shall provide photocopy of an insurance policy or letter of verification from the insuring company, verifying proof of a minimum liability insurance coverage in accordance with Section 12-55.5-105(1)(e), C.R.S. (1984 Supp.), in the minimum amounts of fifty thousand dollars for bodily injury to one person in any single accident, and one hundred thousand dollars for bodily injury to all persons in any single accident.
7. The Board shall consider licensing business entities as follows:
 - a) General partnerships - all partners shall comply with the licensing requirements.
 - b) Limited partnerships - all general partners shall comply with licensing requirements; limited partners need not.
 - c) Sole proprietorships (e.g. John Jones d/b/a/ Western Outfitters) - shall be licensed as the individual "doing business as" the company. The license shall only authorize the individual to outfit with the company.
 - d) Organizations - corporations must be domestic (resident) corporations duly registered with the Secretary of State. In addition, a qualified individual of the corporation must be designated and shall comply with the licensing requirements.
8. An individual person licensed in his/her name only shall not be able to outfit under a business name until the licensee has notified the Board of the business name.

9. Any individual licensed as a sole proprietorship listing a d/b/a must list any and all d/b/a's. Should new d/b/a's be formed, the licensee must notify the office within ten (10) days of the action.
10. Licenses are not transferable. If a business is sold or transferred, a new application shall be submitted.
11. All licenses shall be issued within a reasonable period of time upon approval by the Board.
12. All licenses shall be valid from date of issue until the date of expiration as printed on the license.
13. Outfitters shall carry the pocket license with them at all times while providing outfitting services.
14. An outfitter shall notify the Board of a change of mailing address, place of residence, or telephone number within thirty (30) days of such change.
15. An outfitter shall maintain a regular place of business in this state at which mail can be received and provide address of such and/or legal description to the Board.

E. RENEWAL OF OUTFITTER LICENSE

1. Applications for renewal of Outfitter licenses shall be submitted on a form provided by the Board accompanied with the required fee. Those applying for renewal of a license for 1986 shall be required to previously pass the examination administered by the Board.
2. Applications for renewal of licenses shall be subject to approval by the Board.
3. Renewal licenses shall be issued within a reasonable period of time upon approval by the Board.
4. All applications for renewal of a license must be post-marked on or before the expiration date of the present license. Failure to renew by the appropriate date will require the applicant to pay a reinstatement fee as well as the renewal fee.
5. Any applicant who fails to renew or reinstate his license for a thirty (30) day period after the date of expiration of his last license, shall be required to apply as an applicant for an original license and comply with the requirements set

forth in Rule D with the exception of D-1. Any reinstating applicant who has not applied for a two (2) year period after the date of expiration of his last license, shall be required to comply with all requirements set forth in Rule D. (To be effective February 1, 1988.)

F. LOCATION OF OUTFITTER OPERATIONS

1. An Outfitter shall list the Colorado Division of Wildlife Game Management Units in which he intends to conduct outfitter services upon application for license.
2. Upon application for licensing an Outfitter shall specify if he intends to conduct services on public lands, both state and federal, strictly private lands or both.
3. An Outfitter shall obtain prior land use permission to include private, state and federal lands before commencing with Outfitter services.
4. An Outfitter shall not conduct Outfitter services other than in those units of the state for which he is licensed until first notifying the Board in writing 20 days before conducting services.

G. OUTFITTER'S EMPLOYEES

1. No individual employed or contracted by an Outfitter in the capacity of a guide, assistant guide, wrangler, cook or helper shall be required to be licensed.
2. Outfitters shall ensure that individuals employed or contracted in the capacity of a guide, assistant guide, or wrangler shall have a minimum of a valid Standard First Aid Card issued by the American Red Cross or documents to the satisfaction of the Board that these employees or contracted personnel are sufficiently trained in First Aid and in emergency procedures.
3. An Outfitter shall submit the names of all guides to the Board at least ten (10) days prior to the season. Any changes in the status of the aforementioned employees resulting from hiring or terminations shall be reported to the Board at least thirty (30) days after the action.

H. OUTFITTER RESPONSIBILITIES

1. An Outfitter shall comply with all state and federal laws, regulations and rules and shall cooperate fully with private land owners, public land management agencies and state and federal wildlife officials; they shall advise clients, employees and contracted personnel of all applicable

conservation and game laws, rules and regulations and shall not condone or allow their violation.

2. An Outfitter shall at all times provide for the safety of clients and personnel.
 - a) There must be a minimum First Aid kit immediately available on all outfitted services.
 - b) A minimum First Aid kit shall contain at least adhesive bandages, sterile pads, flexible gauze bandages, first aid tape, antiseptic and triangular bandages.
3. An Outfitter shall provide safe, serviceable and sufficient equipment in good working condition, adequate to provide the services conducted and such equipment shall be made available for the Board's inspection upon its request by either the Board or their authorized agent.
4. An Outfitter shall maintain neat, orderly and sanitary facilities where services are provided.
5. An Outfitter shall maintain, when provided, healthy, properly maintained, safe saddle and pack stock.
6. An Outfitter shall fully acquaint his clients with all the conditions of weather, terrain, equipment, travel, housing and saddle and pack stock they may expect to encounter and advise his clients as to personal equipment, clothing and gear they must furnish and the approximate degree of physical endurance, agility strength and skill required to successfully fulfill their portion of the agreement.
7. Rates, accommodations, services and experience of the Outfitter shall be clearly defined to prospective clients. A written contract, letter of agreement or written statement of goods and services to be provided shall be required and shall be available to the Board upon request. Specifically, the contract, agreement or written statement shall include, at least, the dates of services, type of services to be provided, condition of hunting and camping areas, transportation arrangements, costs of the services, hunter/guide ratio, qualifications and experience of guides, packers, and cooks, location where services will be rendered, acknowledgment by the client, settlement provisions if contractual conditions are not met due to conditions beyond the control of the outfitter, and a provision concerning the outfitter's policy regarding cancellation of the contract.
8. An Outfitter shall not misrepresent rates, services, accommodations nor otherwise mislead clients through false or fictitious statement or advertising. The Outfitters

license number shall be printed on all written advertisements and statements as well as on all contracts, agreements, or written statements.

9. An Outfitter shall make no guarantees or assurances, orally or in writing, as to the success of a hunt, fishing bag, or shoot.
10. An Outfitter is responsible for the acts of all employees and contracted personnel when they are acting within the scope of their employment.
11. An Outfitter shall maintain records of services provided and shall provide such records to the Board should it so request. Records shall include names and addresses of the clients and the dates services were provided, and the names and addresses of employees and contracted personnel.
12. Neither an Outfitter nor his employees or contracted personnel shall shoot, kill, or take wildlife while acting in the capacity of a guide. Nothing in these Rules shall be construed to prohibit an Outfitter or his employees or contracted personnel from bearing or carrying firearms or prohibit an Outfitter or his employees or contracted personnel from fishing while acting in the capacity of a fishing guide.
13. No discounts, payment or other consideration may be given to hunters used as references, other than reimbursement for direct expenses such as postage and long distance telephone calls. The outfitter shall maintain records of payments and proof of reference expenses for a minimum of three years from the date of payment. Such records shall be provided to the Board within 30 days of a written request.

I. COMPLAINTS

1. Complaints against licensed or non-licensed outfitters must be made in writing on a form provided by the Board or by written letter and shall be signed and clearly and concisely stated.
2. A written letter shall be provided by the Board to the person(s) filing the complaint within ten (10) days of the Board's action stating the status of the complaint.
3. The Board upon its own motion, may initiate a complaint against any licensee.

J. DECLARATORY ORDERS

1. Any person may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.
2. The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such a petition. The Board shall promptly notify the petitioner of its action and state the reasons for such action.
3. In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:
 - a) Whether a ruling on the petition will terminate a controversy or remove uncertainties.
 - b) Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court involving one or more of the petitioners.
 - c) Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.
 - d) Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - e) Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
4. Any petition filed pursuant to this rule shall set forth the following:
 - a) The name and address of the petitioner and whether the petitioner is licensed pursuant to C.R.S. 1973, Section 12-55.5-101.
 - b) The statute, rule or order to which the petition relates.

- c) A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.
5. If the Board determines that it will rule on the petition, the following procedure shall apply:
- a) The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 - (1) Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - (2) The Board may order the petitioner to file a written brief, memorandum or statement of position.
 - (3) The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
 - (4) The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
 - (5) The Board may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
 - (6) The Board may take administrative notice of facts pursuant to the Administrative Procedure Act (C.R.S. 1973, 24-4-105(8)) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.
 - (7) If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
 - b) The Board may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving

all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.

6. The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by Section 4 of this Rule J. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.
7. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to C.R.S. 1973, 24-4-106.

K. DENIAL, SUSPENSION OR REVOCATION OF LICENSE

1. Any person who violates any provision of these Rules and Regulations or Section 12-55.5-110 (1)(a-g), C.R.S. (1984 Supp.), shall be subject to denial, suspension or revocation of his outfitters license pursuant to Sections 24-4-104 and 24-4-105, C.R.S.(1978).
2. In addition to those grounds for discipline set forth in Section 12-55.5-110 (1), C.R.S.(1984), the Board shall also consider the following as grounds for denial, suspension or revocation of license subject to the provisions of Section 24-4-104 and 24-4-105, C.R.S.:
 - a) An outfitter who is unable to practice outfitting with reasonable skill and safety to the client due to physical or mental disability which may endanger the health or safety of the public.
 - b) An outfitter who submits or causes the submission of false information to the Board.
 - c) An outfitter who has procured or attempted to procure a license by fraud, deceit, misrepresentation, misleading omission, or material misstatement of fact.
 - d) An outfitter who intentionally fails to execute a written agreement with any client, or fails to perform obligations promised clients with such frequency as to indicate a general business practice of contractual breach.

- e) An outfitter who fails to provide a written contract within thirty (30) days within receipt and acceptance of deposit from the client, or return deposit to those not accepted.
- f) An outfitter who fails to disclose in the written contract or letter of agreement any material condition of the agreement.

THE STATEMENT OF BASIS AND PURPOSE ADOPTED ON JUNE 17, JULY 22, AND AUGUST 19, 1987, CAN BE FOUND IN THE MINUTES OF THE BOARD ON THE RESPECTIVE DATES. THEY ARE ALSO PUBLISHED IN THE CODE OF COLORADO REGULATIONS

A PROCESS FOR ALLOCATING PUBLIC RECREATION RESOURCES

STEPHEN F. McCOOL

School of Forestry

JACK UTTER

Bureau of Business and Economic Research

University of Montana

Missoula, Montana

There is no question that allocation of recreation opportunities on the West's major whitewater rivers continues to be an overshadowing public policy issue. For nearly a decade, since the first use limit policies were implemented on the Green and Colorado River Systems, there has been an unbroken confrontation involving river managers, outfitters, and the user public. Research as well as legal action and Congressional interest has clarified a few issues but generally has not provided managers with clear, definitive solutions. The authority of agencies to allocate use in some settings has been largely resolved by judicial action and appropriate legal research. Yet, how managers go about allocating scarce recreation opportunities in face of ever increasing demand still needs direction and a framework for solution (Stankey 1977).

The development of national policy for allocating recreation use can provide an overall framework for management of individual river segments. It can help identify the boundaries of what is acceptable and unacceptable in terms of technique and approach. It can establish uniformity in procedure. But, national direction must be cognizant of the unique resource setting and social-political environment of each river as well as the historical development of use patterns and trends. Such a policy would provide the flexibility to tailor use allocation to the social-environmental needs of specific rivers within the larger regional and national contexts of systems of

RECREATION USE ALLOCATION

**PROCEEDINGS OF THE
NATIONAL CONFERENCE ON
ALLOCATION OF RECREATION OPPORTUNITIES
ON PUBLIC LAND BETWEEN THE
OUTFITTED AND NONOUTFITTED PUBLICS**

Edited By

LEON J. BUIST

**Associate Professor of Outdoor Recreation
Division of Renewable Natural Resources
University of Nevada Reno**

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Max C. Fleischmann College of Agriculture
University of Nevada Reno
Dale W. Bohmont, Dean and Director**

A Process for Allocating Public Recreation Resources

THE ALLOCATION PROCESS

Allocating recreational use of public resources involves a number of sequential, interdependent decisions (Utter and McCool 1978) and requires the integration of several disciplines (Utter, McCool, and Gleason 1980). These decisions range from major policy statements on river carrying capacity to those involving the form of applications for use permits. The structure of these public resource allocation policies is framed by goals established by either decision-makers, concerned public, or both. However, there is considerable latitude within these goals as to what approaches and techniques will be effective. Other criteria are then brought to bear when evaluating specific techniques.

Figure 1 briefly summarizes the allocation process as we have defined it. The Figure will be used as a basis for much of the remaining discussion.

Establishment of a Use Limit Policy

River recreation use allocation usually occurs following a managerial decision that use levels and patterns are becoming uncontrollable. Impacts to the resource, visitor dissatisfaction, or intergroup conflict may have reached such a level or are projected to that a limit on recreational use is perceived as necessary. Such use limit policies come in many forms. They may limit use by season, month, week or day. There may be limits on the length of stay, the number of people in a group, the number of outfitters permitted to operate, or where users may camp. Use limit policies are generally measured in one of three ways: groups, persons, or person-days. (How use limit policies are measured will influence manager, visitor, and outfitter strategies for dealing with the allotment and rationing decisions to come later in the allocation process.)

The necessity of use limit policies has been widely accepted by most, if not all, river users. Studies of this

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recreational experiences (Nash 1977), environmental protection goals, and river management legislation.

The purpose of this paper is to review issues associated with river recreation use allocation as exemplified in a recent examination of the Middle Fork Salmon River in central Idaho. The study was designed to critically review use allocation policy with the idea of identifying consequences of alternative allocation policies to different groups of people. The overall purpose of the study was to develop tools and information useful for resolution of the allocation conflict. Out of this study we have developed a process for allocation decision making that will serve as a framework for discussion of these results.

The study effort focused on two principal directions: (1) legal research and (2) survey research. The legal research included examination of various administrative policy, case law and constitutional principles involved in the allocation issue. Often, these principles are ones which managers find most befuddling. Utter (1979) has provided a review of legal action and questions associated with use allocation. This report addresses the survey research component of the study.

The survey research was directed toward (1) identifying potential use allocation techniques and evaluative criteria and (2) responses of river users to these allocation techniques. In early 1978, about 25 river managers, outfitter private users and scientists participated in a workshop addressing use allocation issues. Following the workshop each participant ranked techniques and criteria identified during the workshop. Allocation techniques which passed this test were then presented to Middle Fork users.

Our study of Middle Fork users involved sampling 1,174 river users in 1978 plus 277 individuals rejected during the 1978 lottery for nonoutfitted floating permits. Each individual sampled was sent a mail return questionnaire. A total of 1,166 questionnaires were returned for a response rate of over 80 percent.

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question report considerable user agreement that under certain conditions use limits are acceptable (Schreyer and Nielson 1978; Schreyer et al. 1976). Additionally, much of the litigation and legal research surrounding the allocation controversy has formally recognized not only the necessity of limits but also the legal authority of the agency to impose such limits (Grimm and Wyman 1974; Idaho Wilderness Schools, Inc. *v.* Rex E. Lanham 1976).

The Allocation Decision

Following a decision to limit use of a recreational resource, and in the presence of more people wanting to visit than opportunities available, the manager, automatically, makes a decision to allocate use. Importantly, demand (in noneconomic sense) does not have to be above the seasonal use limit for this decision to occur. The allocation process is triggered if demand is above the limit allowed for any part of the season--such as a particular month.

Should Different Categories of Users Be Recognized?

Historically, the most controversial decision in river recreation management in the West has involved the recognition of different sectors or categories of users. The legal authority of managers to recognize different categories of recreationists based on reasonable and distinctive characteristics has been clarified and settled for some river segments (Eiseman et al. *v.* Andrus et al. 1977; Utter 1979; Wilderness Public Rights Fund *v.* Kleppe et al. 1976). However, the social conflict concerning this decision remains intense and controversial. Major components of this conflict include the amount of recreation use allotted to outfitted and nonoutfitted sectors (the two categories of users most commonly recognized by river managers), the alleged priority outfitted users have over nonoutfitted users;

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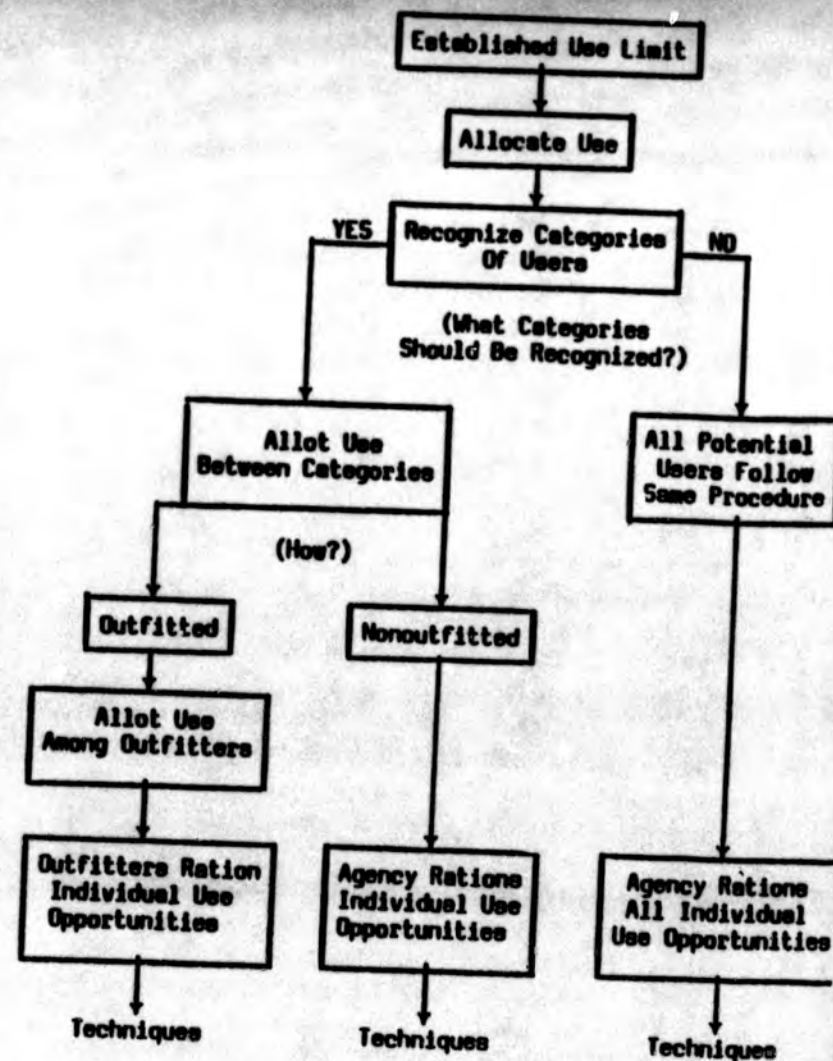


Figure 1. Framework For Use Allocation Decisions

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and perceived inequality in river recreation use opportunity between the two sectors. Incidentally, the placement of educational, minority, disadvantaged, and therapeutic groups into these categories continues to be a ubiquitous management dilemma.

Policy must be articulated on the recognition of sectors before a decision can be reached on the quantity of use allotted to each sector. Managers can either recognize that separate groups exist (and then make allotment and rationing decisions further down the line) or not recognize different categories of users in the allotment process.

Rationing Without Recognition of User Groups

If there is to be no differentiation among groups of users (i.e., no differentiation between outfitted and nonoutfitted sectors) then each potential user is "treated the same" and follows the same process in securing a permit. The techniques used may involve such approaches as advance reservation or first-come, first-served, but one frequently advocated technique is the general lottery (Shelby and Danley 1980). In the lottery, individuals or groups desiring to float a river apply for a permit. Successful applicants would be notified that a launch date had been reserved. Applicants would then decide whether to float on their own or with an outfitter, a list of licensed outfitters would be secured from the managing agency--a process similar to lottery systems for nonresident hunting in several western states.

The primary advantage of this technique is that both outfitted and nonoutfitted groups would go through the same process in securing access to the river. Additionally, managers would not have to decide what quantity of recreational use each sector would receive. There would be disadvantages also. The system would probably be very traumatic to the outfitting industry, resulting in fewer outfitters with less diversity in possible experiences available. Some would argue that because of the uncertainty

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outfitters would face in filling trips, their costs would increase significantly. Managers would be faced with substantial costs that are now absorbed by the private sector. Agencies would have to administer reservations and permits for all floaters--a task that is now assumed by commercial outfitters for their passengers. Finally, this approach implicitly assumes (because potential outfitted users would be given a limited choice) that all outfitters provide similar services and experiences to their customers.

Allotment of Opportunities to Different Sectors

Managers have commonly recognized different sectors in their allocation system and have allotted use to these sectors. In most cases, the allotment has partitioned use only between nonoutfitted and outfitted sectors. This policy involves four major components: sector recognition; sector definition; the quantity of use each sector will receive; and decisions concerning how use opportunities within each sector will be allotted to outfitters or rationed to nonoutfitted individuals.

How Much Use Should Each Sector Receive?

We have attempted to develop criteria for making the use allotment decision as well as assess how different groups respond to proposed techniques. The use allocation workshop discussed earlier identified 27 criteria for evaluating potential allotment techniques. Table 1 shows the eight most important criteria as ranked by workshop participants. Several of these criteria are especially important when evaluating proposed techniques. Obviously fairness and equity are major objectives in most resource allocation contexts. However, what is fair to one group may not be perceived as fair to another. The implication is that operational definitions of these criteria need to be developed. The legality of the system is also important

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Table 1
Eight Important Criteria Useful in
Evaluating Recreation Use Allotment Alternatives,
as Rated by Use Allocation Workshop Participants

1. Fairness and equity to the greatest extent possible for all concerned.
2. Minimization of resource impacts.
3. Intent of river management legislation.
4. Legality.
5. Responsiveness to demand shifts.
6. Consistency with river management objectives.
7. Effect on river experience.
8. Ability to monitor recreational demand.

because this has continued to be a source of frustration to river managers. Shifts in demand between sectors have characterized river recreation for many years. The responsiveness and monitoring criteria would help managers develop a system that is flexible and sensitive to significant changes in use patterns. Consistency with objectives is also important because it includes the administrative feasibility of any proposed system. In an era of decreasing budgets and manpower ceilings this criterion represents the day-to-day realities facing river managers. We suggest that proposed allotment systems be first tested against these criteria prior to further evaluation.

Next, managers determine what quantity of use opportunity each group should receive. The primary approach used in the past has been to evaluate patterns of use for each sector. A base year or set of years is usually examined and the use allotment for each sector is based on that pattern. This "historical base" approach, while having

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some advantages and theoretical support for resource allocation in other sectors of our economy, has some disadvantages to both the outfitted and nonoutfitted sectors (McCool 1978), primarily problems concerning changes in demand between sectors.

Our study evaluated the historical base approach along with other techniques. Eleven techniques were identified during the allocation workshop (Table 2). Each participant evaluated the eleven techniques on the basis of four criteria identified by a variety of authors earlier (Grimm and Wyman 1974; Stankey 1977; Stankey and Baden 1977; Warren 1977): responsiveness of the technique to changes in demand among sectors; the administrative feasibility of the technique in terms of financial and personnel costs imposed upon the managing agency; fairness in providing equal access to nonoutfitted and outfitted sectors; and the technique's economic impact on the outfitting industry.

Table 2
Potential Allotment Techniques Identified
by Use Allocation Workshop Participants

- | | |
|------------------------|---|
| 1. Test Rivers | Make use of a case river (one with no established use limit or one on which the use level has not yet reached the established capacity) and determine how relative demands in the commercial and noncommercial sectors might naturally develop in this "uncontrolled" situation. The percentage split between commercial and noncommercial use would then serve as a guideline for allotment decisions on other rivers. |
| 2. Visitor Impact | Allot use to commercial and noncommercial or other sectors based on per visitor resource impact, i.e., the higher the impact, the smaller the allotment. |
| 3. Public Opinion Poll | Allotment proportions for the different sectors could be determined through the use of a general public opinion poll; e.g., the "Gallup" poll. |

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4. **Percentage Disappointment^a** Allot use each year such that by a given date (say April 1) the number of applicants for the noncommercial, commercial, or other sectors are known and that an equal proportion of each sector receives a permit to float the river; i.e., percent of disappointment.
5. **Historical Use^a** Allotments could be based on established use levels of the different sectors at the time a use limit is set; i.e., historical use.
6. **Even Split^a** An even percentage split (i.e., 50-50) might be employed.
7. **Spatial Zoning** Rivers could be zoned having one section for each sector; e.g., upper end commercial and lower end noncommercial.
8. **Temporal Zoning** Temporal allotments are a possibility; e.g., June might be commercial with July and August reserved for noncommercial use, or, summer might be commercial with fall and spring set apart for noncommercial use. Many other variations are possible.
9. **Congressional Decision** Allotments could be established through legislation; i.e., have Congress decide.
10. **Outfitter Significance** The level of the commercial allotment should reflect the relative importance of the outfitting industry to local economies.
11. **Even Pool^a** A variation of a 50-50 percentage split beginning with that split and allowing for any unused or cancelled launches to be placed in a pool to be available to other sectors for that particular season. The system would begin the following year with the original 50-50 split.

^aMethod was presented to sample of Middle Fork users and lottery rejectees.

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The results (Table 3) indicate that no one technique ranked high on all four criteria. For example, the Percentage Disappointment System (Nash 1977) ranked high on the responsiveness and fairness criteria, but relatively low on the feasibility and economic criteria. The results suggest that allocation techniques need to be examined from a variety of perspectives. The five highest rated techniques were selected to be presented to our sample of river users.

The sampled population also evaluated (1) the current Middle Fork System in order to position the acceptability of other techniques; and (2) the situation where a "no allotment" decision was reached (i.e., no differentiation among sectors). Respondents ranked each technique on a five-point scale ranging from "5," very good, to "1," very poor. Results are shown in Table 4 for the three groups involved. Importantly, the overall order in which the three groups of river users (outfitted, nonoutfitted, rejectees) ranked techniques was similar although the responses were statistically different indicating there was variation in the level of support. The most favored approaches were the current Middle Fork and even-pool systems. Significantly, lottery rejectees, who are generally the most experienced and most critical river users, ranked the "no allotment" alternative (treat everyone the same) below the other two systems.

How Much Use Should Each Outfitter Receive?

Another important question concerns how the available use allotted to the outfitted sector should be allocated to individual commercial outfitters. Closely associated with this question is the issue of how many outfitters should be permitted to operate in any given wilderness or on any stretch of river. Our research did not address those issues, nevertheless they are important ones and deserve further consideration.

Table 3
Evaluation of Potential Allotment
Techniques by Use Allocation Workshop Participants

Technique	----- Criterion -----				Total
	Responseiveness	Administrative Feasibility	Fairness	Economic Impact	
1. Test River	2.6	2.8	2.3	2.6	10.3
2. Visitor Impact	1.9	1.7	2.0	2.6	8.2
3. Public Opinion	2.5	2.0	2.4	2.2	9.1
4. Percentage Disappointment	3.4	2.9	3.8	2.3	12.4
5. Historical Use	1.6	4.3	1.8	3.6	11.3
6. Even Split	1.3	3.9	1.6	2.8	9.6
7. Spatial Zoning	1.3	2.5	1.3	2.0	7.1
8. Temporal Zoning	1.7	2.7	1.6	2.2	8.2
9. Congressional Decision	1.3	3.2	1.7	2.7	8.9
10. Outfitter Significance	1.4	2.2	1.2	3.8	8.6
11. Even Pool	2.9	2.6	2.7	2.8	11.0

Evaluation scores ranged from "1" to "5" with "5" being the "best."

Table 4
Proportion of Respondents Giving
Acceptable Ratings to Allotment Techniques

Allotment Technique	Proportion, Percentage, Giving Acceptable Rating ^a			Chi Square (significance)
	Commercial User	Private User	Rejectees	
Test River (N)	25.2 (452)	18.4 (467)	14.7 (192)	p = .0005
Historical Use (N)	64.8 (446)	48.6 (457)	41.6 (193)	p < .0001
Even Split (N)	52.7 (444)	49.3 (458)	51.8 (191)	p = .0560
Even Pool (N)	86.7 (439)	77.5 (462)	75.6 (192)	p = .0160
Percentage of Disappointment (N)	78.4 (434)	52.2 (449)	46.8 (190)	p < .0001
Treat Everyone the Same (N)	29.6 (429)	57.0 (449)	54.8 (190)	p < .0001
Middle Fork System (N)	92.2 (373)	76.5 (413)	64.2 (177)	p < .0001

^aAn evaluation of "okay," "good," or "very good" constituted an acceptable rating for an allotment technique.

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How Should Individual Use Opportunities Be Rationed in the Nonoutfitted Sector?

The final major decision concerns rationing individual use opportunities within the nonoutfitted sector. Middle Fork users were presented with six rationing techniques identified through a process similar to the allotment techniques (Table 5). Again, significant statistical differences existed among the three groups in their preferences for rationing (Table 6). The results tend to reflect the experience each group has with its own rationing system as applied in this river setting. For example, outfitted floaters commonly make reservations in order to get on the river and it is this technique they favored. Nonoutfitted users favored the lottery. Importantly, lottery rejectees overwhelmingly favored it even though it had recently proved unsuccessful for them. Incidentally, the technique of giving priority for Idahoans was favored by nearly 63 percent of the Idaho users although they rated the lottery even higher.

Table 5
Rationing Techniques Presented to
Middle Fork Questionnaire Respondents

1. LOTTERY (i.e., draw the applicants' names from a hat).
2. KNOWLEDGE AND SKILL REQUIREMENTS Give priority for permits to those who meet wilderness knowledge and skill requirements.
3. ADVANCE RESERVATION Use advance reservations by mail, phone, etc., with early requests favored over later ones.
4. PRIORITY FOR FIRST TIME USERS Give priority for permits to those who have not floated the river before.
5. LOTTERY-RESERVATION Use a combination system such as distributing half the private permits by lottery and the other half by advance reservation (phone or mail, etc.).
6. PRIORITY FOR IDAHOANS Give Middle Fork permit priority to Idahoans.

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Table 6
Proportion of Respondents Giving
Acceptable Ratings to Rationing Techniques

Rationing Technique	Proportion, Percentage, Giving Acceptable Rating ^a			Chi Square (significance)
	Commercial User	Private User	Rejectee	
Lottery (N)	56.6 (449)	79.6 (462)	91.8 (194)	p < .0001
Knowledge and Skill (N)	65.9 (458)	56.2 (464)	51.0 (192)	p = .0005
Advance Reservation (N)	84.3 (457)	54.2 (459)	32.3 (192)	p < .0001
Priority for First Time Users (N)	43.0 (456)	35.8 (456)	42.7 (194)	p = .0180
Lottery-reservation (N)	51.8 (441)	52.5 (450)	38.4 (190)	p = .0150
Priority for Idahoans (N)	21.3 (450)	22.5 (453)	17.3 (191)	p < .0001

^aAn evaluation of "okay," "good," or "very good" constituted an acceptable rating for a rationing technique.

DISCUSSION

The structure and results developed from this research effort have several important implications for the development of national direction for use allocation policy. First, it may be very difficult for such policy to address all the various decisions and details involved in the use allocation process. Such direction might be most helpful in identifying possible goals for allocation techniques, and criteria for evaluating the suitability of techniques in different settings. This approach would recognize the need for flexibility and responsiveness to the social-environmental needs of individual river segments. Second, there needs to be recognition of the inherent interrelatedness of decision-making at the various levels; that which occurs at one level will frame the response at another level. In other words, a distinct formalized process of use allocation such as that briefly presented here should be established and systematically followed.

Third, there is considerable support, at least on the river studied, for maintaining the current allotment sectors. Even the nonoutfitted groups did not prefer as their first or second choice the alternative of placing all potential users in the same classification for a possible lottery. In fact, about 45 percent of these individuals rated this approach "poor to very poor." The principal policy implication is however that this technique, while perhaps unpopular on the Middle Fork, may have more support and interest on other rivers, perhaps those with a smaller use level and fewer outfitters.

Fourth, in terms of allotment decisions, considerable support was shown for an even-pool system. This system has the potential to respond to changes in demand between the two sectors while protecting the economic interests of outfitters. While a 50-50 use allotment may not be suitable for many other rivers, the idea of a pool of unused opportunities accessible to other sectors does demand more attention by policy-makers. The evaluation criteria identified in our study would provide a framework for a

more critical assessment of the suitability of this approach. In order to work, it would be important to make this pool easily available to those who desire it. This approach would meet the monitoring and responsiveness evaluation criteria easily. It would be administratively feasible given further development. Administered correctly, it would provide nonoutfitted individuals numerous opportunities for access to the river. It would also provide a minimal level of use for outfitters.

It is also important to recognize that there will be few settings where any allocation technique can be implemented in its pure form. In fact, it may be beneficial to have a mixture of allotment techniques on any given river so that the weaknesses of one technique are balanced by the strengths of another.

Developing national direction for recreation use allocation policy will require close involvement of the various constituencies: the river manager who will implement such policy, the nonoutfitted group or individual who desires fair access to recreational opportunities, and the commercial outfitter who provides necessary equipment or expertise to those unable to experience a trip on their own.

It will take a recognition of the legitimacy of each constituency before the various issues and conflicts associated with recreation use allocation can be resolved. Each group should recognize it cannot win at the loss of some other group. Each should understand that there are significant commonalities among all groups: each wants to protect the resource, each wants a quality experience, each does not want an expensive bureaucracy, each wants a fair and equitable allocation system. Only with a spirit of cooperation and empathy can we progress on resolving these difficult and complex issues.

APPENDIX P

Tuesday, November 22, 1988, The Anchorage Times

City/State

B

State wants guide ruling postponed

Petition filed in ban on exclusive big-game areas

By BRIAN S. AKKE
Associated Press

JUNEAU — The state has asked the Alaska Supreme Court to postpone until after the effective date of its recent ruling banning exclusive guide areas game hunting.

The court ruled Oct. 21 that exclusive guide areas were unconstitutional. The ruling immediately invalidated permits, guides, for exclusive or joint guide areas.

Exclusive guide areas were created in big-game populations by a number of guides who could lead hunting parties in designated areas and then announced

Because of the ruling, 184 state-licensed guides who did not have exclusive guide areas can now lead hunters through any game-management unit for which they are certified. Depending on the unit, the number of eligible guides has increased threefold to sixfold, the state says.

State officials say more time is needed to prepare new regulations to prevent big game from being overhunted.

"The Oct. 21 effective date of this decision creates the need for hastily con-

protect game resources for the spring 1989 bear hunts," Assistant Attorney General Stephen M. White said in a motion requesting the postponement.

"It also creates a potential for a substantial loss of income for guides and creates a potential for ill will from their customers, both of whom have already booked hunts in reliance on the former ruling," White says.

White said that it is customary for Alaska guides to be booked six to 12 months in advance and to require a 50 percent deposit upon booking. State fish

have booked spring hunts and deposited more than \$1 million.

In some areas the state Board of Game may use a drawing to allocate nonresident permits which previously were distributed on a first-come, first-served basis. If out-of-state hunters who have already booked hunts are unable to win permits, their deposits will have to be refunded, White said.

"The need to refund deposits will create economic hardship for guides because some of this money has already been spent in preparing for the upcoming

filed Friday.

W. Lewis Pamplin Jr., director of the state Game Division, said in an affidavit that without a postponement the board will have to call an emergency meeting in January at a cost of up to \$15,000.

Charles E. Tulin, the attorney who challenged the exclusive guide area system on behalf of an Anchorage guide, said Monday that he had not fully studied the state's request and was unsure whether he would oppose it. However, he questioned if a postponement could be granted.

White said he expected the court to grant the request.

final plan for the design of this downtown park.

And the assembly on Tuesday night approved a \$46,980 contract to do just

walks should be constructed, pronto — before the opening of the PAC just six weeks hence. And in the long run, the Town Square won't be harmed one iota.

Anch. 5 Aug 88

Looking for guidance

TALK ABOUT tough assignments.

One of the most difficult has just been handed by Gov. Steve Cowper to the 10 individuals he appointed to a special task force on big game guides.

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THEY HAVE until mid-January to meet and come up with recommendations — which presumably will be proposed as amendments to the state's big game laws.

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A suburba

ATLANTA — If the tale chronicling the transformation of the suburban community of Lake Hearn wasn't story, it surely would be quite appropriate for modern times.

The saga began in early when a Dallas real estate developer announced plans to build the 144 single-family homes on Lake Hearn, tear them down and construct an office complex on the 131-acre site.

The proposed purchase and demolition of an entire community was unusual, but the homeowners readily acquiesced to plan because they were offered about \$225,000 apiece for homes whose market value averaged less than \$110,000.

When they moved into Lake Hearn in the 1960s and 1970s those homeowners explained was a pastoral area ideal families. In the ensuing years, however, land development produced noise, traffic and other welcome intrusions that inevitably accompany urban sprawl.

DeKalb County planners insisted that the proposed \$981 million project would only exacerbate an already intolerable situation.

In mid-1985, county officials overwhelmingly rejected the developer's bid for the rezoning required to construct 10 high-rise buildings with 3.2 million square feet of office space on land designated for housing. One year later, however, that decision

What others say

From the Peninsula Clarion

THE GOVERNOR made one point during his visit to Kenai that can hardly be over emphasized: Alaska needs to engage in an extended public forum on how to handle its future and, especially, the Permanent Fund. . . . Alaska took the first master stroke of sound

planning years ago with the creation of the Alaska Permanent Fund, now almost \$10 billion strong. Still, waiting, however, is the second stroke, the one without which the first means nothing: the answer to the question of how we shall use the fund.

■ Gilson estimates that "several hundred" people currently are considered big-game outfitters in

The proposed nine-member board is intended to be more road-based than the present guide board, which has been widely criticized by members of the guiding industry.

Created by the legislature last spring, the 13-member task force was told to focus on the problems and issues of commercially harvesting big game in Alaska. The mandate included a review of the state Guide Board, as well as other provisions

Despite the Alaska Supreme Court's ruling that exclusive guide areas are unconstitutional, task force members almost unanimously agreed that commercial impacts on big-game species can best be managed by controlling guide/outfitter access to public and private lands.

Transporters are defined as those operators who simply

Alaskan's murder still unsolved

The Associated Press

PRINCE GEORGE, British Columbia — Police are still searching for clues to the murder of an Alaska man whose car was found burning in a car wash last June in this central British Columbia city.

Tourists found the body of Phillip Fraser, 23, of Anchorage, in a gravel pit July 27 about 30 miles east of Stewart near the Alaska border. Police said he had been shot with a pistol.

Since Fraser's car was



found burning June 19, police have followed up more than 500 tips, RCMP Cpl. Dwight Damann said Wednesday.

"We've (Prince George) had about 270 and Prince Rupert has had more," he said. The Prince Rupert detachment is involved because Fraser's

body was found within its jurisdiction.

RCMP said Fraser had traveled the Alaska Highway to the Upper Liard in the Yukon, continuing down Highway 37, the Stewart-Cassier Highway.

He left Anchorage on June 14 on his way to Olympia, Wash., where he planned to enroll in college.

Fraser was last seen at 40 Mile flats, south of Dease Lake in northwestern British Columbia, on June 17 or 18 along with a male hitchhiker.

Man convicted of guiding illegally

The Associated Press

FAIRBANKS — A 30-year-old Seward man has been convicted of two counts of guiding without a license and two counts of wanton waste of a game animal.

The charges against George Romero were the result of an investigation into his 1987 guiding operation in the Brooks Range. Romero could be jailed for up to three years and fined \$5,000 for each of the felony guiding violations. The maxi-

mum penalty for each count of wanton waste is one year and \$5,000.

The Fairbanks office of the Division of Fish and Wildlife Protection also reports three men have pleaded no contest to illegally possessing and transporting caribou from the Dalton Highway.

Bruce Francis, 36, and David L. Ellis, 46, both of Eagle River, were fined \$500 apiece and ordered to forfeit the caribou. They also were ordered

The sentence was the same for Wallace Darkow, 40, of Elmendorf Air Force Base, except that he was fined \$1,000.

State regulations prohibit the use of firearms within 5 miles of the Dalton Highway from the Yukon River bridge to Prudhoe Bay.

**Regents name
Behrend UAA
chancellor**

to forfeit their rifles, but have the option of buying them back by making \$300 donations to the Wildlife Society and the Wildlife Conservation Fund.

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the next decade to subsidize a relative handful of airline passengers in 135 cities from Lewiston, Maine, to Merced, Calif. The program is absurd.

Consider: From Kokomo, Ind., it is only 53 miles down Route 31 to Indianapolis. It is about the same distance in Kansas from Hutchinson to Wichita. Out in Arizona, no one would think it a terrible imposition to drive from Winslow to Flagstaff in order to catch a plane. Yet this year Kokomo will get \$355,000, Hutchinson \$176,000 and Winslow \$203,000 just to accommodate a few travelers who find an hour's drive to an airport an intolerable burden upon their time.

Roughly 135 communities share in this largess that falls from congressional skies. In some instances an arguable case

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and property as is enjoyed by white citizens and shall be subject to like punishment, pains, penalties, taxes, licenses and exactions of every kind and to no other."

The 14th Amendment of the U.S. Constitution also states "... nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." This is why Immigration has to bring aliens before a deportation hearing to deport them. The judge's order to deport is not all, still the alien has a right to appeal to the INS appellate court in Washington within 14 days.

So, if you need to learn more, or are an alien who cannot afford \$6,000 for a lawyer, consult your nearest law library. Look for Title 8 of either the U.S.C. or U.S.C.A., also immigration law which is basically designed for self-help or an attorney.

Daily News 10/16/88 — Khaldoon N. Saadi

Quit grudge matches in Juneau

Do we need grudge matches in Juneau to cost us more jobs? I would like to think not. It really is time for a change. When things have to be done in the last 30 days of a session to look good because of grudge matches between the House and the Senate, we in the state of Alaska lose. Can we afford another locked session? Give us a break!

The Faiks-Coghill anti-outfitters bill was passed in the last days of the session at the cost of jobs and income to residents of Alaska. The hunting guide association was the special interest behind this bill which put others out of work. The hunting guides cannot even begin to fill in the hole they created.

The outfitters filled a special need and created jobs that the guides would not fill because there was not enough money in it for them.

We need equal access to our government in Juneau. Open the doors to the people and the

media this next session, not just to special interest groups.

The picture that was left to us in the last session was of greed and total self-interest. Alaska is looking at lower oil prices this year. I would strongly recommend that the legislative body get their act together.

— Ronald Jordan

PAC ticket policy is wrong

About the PAC selling only season passes and not seats for individual performances, I agree 100 percent with Mark Dawson (letter, Sept. 30). This is an outright scandal which should be addressed to competent people in power (if there are any).

I tried to buy tickets for "Carmen." Not available until Oct. 3, I was told last week. Then, I was told not available until Oct. 10. Why this extra week delay? "Because we haven't sold enough season passes."

For Nureyev, it's even better. I can buy right now a season pass for four ballet events, but if I want to see Nureyev only, which is my right, I have to wait until Dec. 5, when good seats won't be available (or there may be no seats at all left).

I own a restaurant. What would the PAC people say if I sold lunches and dinners only by books of five? I bet they would go to another restaurant! Unfortunately I cannot go to another PAC, and on top of it, I PAID for this one.

The explanation the PAC people gave me was, "This is our policy." Well, I think this policy stinks!

The PAC shouldn't be managed as a money-maker, but as an educational tool. The PAC must not be run like Ford Motor Company. It is for our kids and grandkids to enjoy and learn from. It is a "cultural" object. The Paris

A dying breed gasps: High court ruling knocks big game guides flat

By CRAIG MEDRED

The News outdoor editor

The last of America's professional hunters gathered in the basement of the Egan Convention Center on Thursday to confront the changes that threaten the foundations of their business and their way of life.

Time, possibly forever, are the exclusive hunting areas that have ensured the economic viability of big game guides in Alaska, assistant attorney general Steve Smith told them.

"We're going to have to see what the free market does to who survives now," said Randall Burns, state director of the Division of Occupational Licensing.

At first, the more than 150 guides in the room refused to believe what they were hearing. They had read, or read about, the state Supreme Court decision that struck down as unconstitutional a law granting guides exclusive hunting areas, but they could not accept the finality of the decision.

The seven members of the state Guide Board were similarly befuddled. It would take hours for them to convince themselves there was nothing that could be done, and their arrival at that conclusion would not come easy.

"I got the drift here that everyone has given up," guide and guide board member Stan Frost said early in the day. "Is that the direction we're going? How do you guys out there feel?"

Shouts and applause answered

from the audience.

How many guides want to fight the Supreme Court? he asked. He called for a show of hands.

A hundred or more arms rose skyward.

But neither the Guide Board nor the legislature can make things the way they were before the court decision, Smith said.

Again and again, he explained that a "common use" provision unique to the Alaska Constitution stipulates that no individual or busi-

ness is entitled to special privileges to hunt or fish.

The state's 400 licensed guides are going to have to work within a system that allows everyone the same opportunity, Smith said.

"No big game guide can operate under that system," countered board member Chuck Weir. "These people are going to have to sell a constitutional amendment, a limited entry system."

See Page C-3, SALMON

Daily News Dec 2, 1980

GUIDES: Dying breed confronts court ruling

Continued from Page C-1

The outcome was a ceiling on the number of salmon fishermen and a permit system that made some fishermen rich. Permits originally given to fishermen for free are now being sold by some of them for more than \$200,000.

Guides don't think voters would ever approve a limited entry system to protect the

professional hunting business.

Most of the 255 guides who once held areas want a way around the Supreme Court decision. They consider themselves in a fight to save a profession that has died most everywhere else.

"We've been accused of looking for a loophole," said guide and guide board chairman Ray McNutt. "I don't want a loophole. I want a

legal system.

"I'm angry because I think I've been betrayed by the state," said guide Kelly Vrem.

Vrem threatened to sue. So did others.

Smith told them to save their money. The state, he said, is immune from suit for following the orders of the court.

Board moves to toughen tests for big-game guides

By CRAIG MEDRED

Daily News reporter

Getting licensed to guide big game hunters in Alaska could become more difficult because of a state Supreme Court decision intended to end inequities in the guiding business.

The Alaska Guide Board on Tuesday decided to toughen the tests given applicants for guide licenses.

The board acted, in part, because the Supreme Court has ruled unconstitutional a law that gave guides private hunting areas. Of 440 guides licensed to work in the state, only 256 had hunting areas, according to the state Division of Occupational Licensing.

Guides without areas had no choice but to work for guides with areas, and knowledge of that restriction might have encouraged the board to let some marginally qualified people into the business over the years, Director of Occupational Licensing Randall Burns told the board.

Passing the exam for a registered guide's license "didn't mean a great deal unless you had an area," said Burns. But with the court decision freeing new guides from the influence of veteran guides, extra attention is going to be needed to ensure competency, he added.

The Supreme Court decision, Burns said later, required that the board take a closer look at guide qualifications — since the board can no longer control which guides get hunting areas.

The board had carefully doled out those areas over the years.

Its actions led to repeated accusations that an "old-boy network" controlled who got the valuable areas. A guide unhappy about the area he was given filed suit against the system, and the state high court left no doubt about its opinion of the practice.

The court said the board's original decision to create exclusive areas, largely to protect the financial interests of guides, clearly violated the state Constitution, which guarantees all Alaskans "common use" of fish and wildlife resources.

"The expression 'for com-

mon use' implies that these resources are not to be subject to exclusive grants or special privilege as was so frequently the case in ancient royal tradition," the court quoted from the papers of the Alaska Constitutional Convention.

"EGAs (exclusive guide areas) resemble the types of royal grants the common use clause expressly intended to prohibit," the court said.

Guide board members, most of whom are guides or financially linked to the guiding business, have expressed displeasure with the decision.

Board member Chuck Weir

on Tuesday said a new system that protects the grandfather rights of guides who had exclusive areas should be developed. Weir is not a guide but is involved in providing insurance to guides.

Burns said the board must recognize that the issue of areas is now outside its purview. The court, he said, has clearly restricted the board to doing what 21 other state job-licensing boards do: setting licensing criteria, guaranteeing competency, and providing consumer protection.

An improved, and fair, test for guide license applicants is

a first step in that direction, Burns added. He has advised the board to hire a professional firm to help write questions for a new guide test.

He is also recommending that the board develop written tests to qualify guides for guiding in each of the state's 26 game management units. State law says guides can guide in only three of the areas. Burns said there should be a written test for each area.

Guides wishing to add or change the units in which they are allowed to guide are now given oral tests. The ob-

jectivity of the oral tests has been questioned.

Oral tests are needed as part of a guide exam, Burns said, but he warned the board that care must be taken to make sure the tests are fair.

One of the board's biggest problems has been a public perception that it's too involved with the business it's supposed to regulate, Burns told the board.

"You need to be sensitive to that," he said.

"I really don't think that's too much of a problem," said Board Chairman and Master Guide Ray McNutt.



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12:40-1:20	Open Plan	IBM
1:30-2:10	Welcome Software	Microage
2:20-3:00	Metier	UNISYS
3:10-3:50	PSDI	Prof. Growth Sys.
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NEXT WEEK, DECEMBER 9: "WHO OWNS THE ARCTIC? CANADIAN ARCTIC SOVEREIGNTY," Brigadier-General L.T. Doshan, Deputy Commander, Alaskan NORAD Region, Elmendorf AFB

Meet The Author

Guide ruling opens door for opportunity, mischief

Daily News
11. Dec. 88



Jay Hammond
bushrot'lings

In striking down exclusive guide areas our Supreme Court justices may find their gavels reverberating like an ax handle off a frozen spruce burl. While some may relish whomping a few pesky guides (a group that includes me) for "special privileges," the chips are likely to shower far beyond that fraternity.

Before tracing possible chip trajectory, let's review why exclusive guide areas were created. It was done primarily to protect game, not guides.

Prior to being confined to exclusive areas, guides could operate anywhere in Alaska for which they were licensed. With more guides being licensed, state population increasing, burgeoning competition from "outfitters" not confined to limited areas, easier access into remote wilderness areas and loss of huge expanses of hunting grounds previously available (courtesy of the Alaska Lands bill), game in the remaining huntable areas started taking a pounding. The attitude of some mobile, mass-producing guides seemed to be: "If I don't kill it, someone else will." And kill they did. Some took dozens of bears and scores of moose annually. Cleaning one area out, they, like grim reapers, moved on to another.

By confining guides to small areas it was hoped they would far more prudently harvest game found there. That's what happened. As well, in their self-interest many acted as ex-officio game wardens, reporting violations of bandit guides who invaded their areas.

Obviously there are parallels between exclusive guide areas and fishing limited entry. However, "limited entry" for guides placed far

greater restrictions on them than does limited entry for fishermen. Guides were limited entry into all other areas within a district. Fishermen are permitted to move from area to area within a large district.

Additionally, guides were only permitted to sell their "limited entry permits" to other Alaskans who were licensed guides. Moreover, the transfer had to be approved by the state guide board. No such constraints apply to fishermen. Their permits may be sold to residents, non-residents, aliens, felons or incompetents. No state approval is required.

Curiously, many Alaskans who find nothing amiss with the far more lenient and profitable transfer of fishing limited entry permits sorely resented granting guides a far lesser dispensation. Since fishery limited entry flies even more flagrantly in the face of the court's conclusion than does limited entry for guides, many fishermen were alarmed by the court's decision. Not to worry. In 1982 our constitution was amended to grant fishermen much greater special privileges than those now denied guides.

Where do we go from here? We're not just back to square one where a few bandit guides threatened to decimate game, we're back to square zero. Now there are many more guides, outfitters

and hunters competing for less game than is found in the state of Wisconsin. Gone is a major incentive for guides to harvest game prudently. Once more it's "If I don't kill it the other guy will."

Proposals to curtail such actions will likely include much more stringent regulations. More species and areas would go to restrictive tag systems, lotteries, seasons and bag limits. If so, guides will not be the only losers. Every Alaskan hunter will pay the price in lost freedom of opportunity, unless something else is done to reimpose constraints — like those which attended assignment of restrictive guide areas.

Here are two options: 1. Severely limit the number of animals for which a guide may contract; 2. Keep the same guide area boundaries and institute a system of area licensing similar to that imposed in some fisheries. Every guide would have to register each year for one or two areas in which he wished to guide. He would then be confined to guiding there only, along, of course, with any other guide who so registered. Either of these proposals would at least stifle that grim reaper syndrome.

One plus to the court's action: No longer must I fly hunters 150 miles to my guide area. Now I can take them out in my own back yard, just as outfitters have been permitted to do all along. As a consequence, a penalty for holding a guide license has been removed. The door has been opened to far greater opportunity. Too bad it's an opportunity for unbridled mischief than better game management.

☐ Jay Hammond was governor of Alaska from 1974-1982.

...and investigate them and ask them their sexual preferences? The answer is clearly no.

One more thing. I do not believe the Spenard Action Committee closed down the massage parlors like they claim. I believe the drastic decline of the state's economy was the determining factor. People moved to a more economically beneficial area in which to do business.

We can't let these things happen. Who will be next on their list? You?

Daily News 13/1/88 — Lisa Huntley

Guide industry being destroyed

Hunting guides have been led astray by the State of Alaska. At a time when every job counts in Alaska, the state is about to let a great industry completely destroy itself.

Guides lost their restricted guide areas due to a court decision that proved that guide areas would not stand up to the state Constitution. This was the same type of deal for the commercial fishermen, so the state changed the Constitution and restricted the fishing permits. There was so much wrong with the last issuance of guide areas, however, the state seems like it wants to abolish the entire guide area concept, thus destroying a very valuable tourist industry. What the hell, just drill another well to make up the difference.

ALL federal and state agencies that guard over Alaska's wildlife agree that guide areas are a necessary and productive tool to wildlife management. The Daily News calls guides a dying breed. If Alaska proves to the world's hunters that guides no longer are an interest to the state, then Canada, which manages its guides with professional interest, will take in the millions that Alaska once received.

Most all Alaskan guides are long time Alaska residents. They spend millions in this state. Half the commercial fishermen in Alaska are from out of state. They own permits worth thousands of dollars because the state limited them. All the guides want now is a non-valuable permit to carry on a business into the future. We have invested millions into

our industry only to see it completely destroyed. When we have limited resources, we must limit the takers.

— Mark Miller

Keep hydrants clear of snow

I am president of the Anchorage Fire Department Employees Association. As an auxiliary, we volunteer for many non-profit fund-raisers and fire safety educational activities.

At this time, I would like to mention an

Railroad bonuses

The Anchorage Daily News in its Dec. 2 editorial "Bonus time at ARR" questioned whether the Alaska Railroad's plan to pay employee bonuses is "the best

use of the money." We believe it is. That's obvious or I wouldn't have made the decision. Rest assured, it was a decision that was not made lightly.

As the Daily News points out, there are other ways we could spend the nearly \$700,000 we expect to pay employees. We considered them ourselves. The key point in the editorial, however, seems to be a push for the Alaska Railroad to pay taxes to bolster ailing state and local governments.



Man found guilty of illegal guiding

The Associated Press

An Anchorage man whose guide business was infiltrated by a German-speaking undercover officer has been convicted of providing guide services illegally to big-game hunters from Germany.

Bruno Zedler, 44, was convicted Tuesday in Anchorage Superior Court on three charges of guiding without a license and one charge of possessing and transporting unlawfully taken game, said Trooper Gerry Shanahan of the Alaska Division of Fish and Wildlife Protection.

The case involved a 2½-year investiga-

tion into Zedler's activities involving clients who came to Alaska from Germany to participate in guided hunts, mostly for moose and black bear, Shanahan said.

The clients had neither licenses nor game tags, Shanahan said. Unlawful tags were used to document the illegally taken trophies, many of which were shipped to Europe, he said. Zedler was doing business as Alaska Wilderness Consultants, Shanahan said.

"The investigation at times was complicated by the fact that about 95 percent of the conversations, correspondence and

advertisements were conducted in German," the trooper said.

He said a German-speaking undercover officer gathered evidence by posing as a client and participating in one hunt. Zedler's hunts took place in southwest Alaska and cost several thousand dollars per client, Shanahan said. Other cases involving foreign-language hunting operations are being investigated, he said.

Zedler is scheduled for sentencing Feb. 23 and faces fines, a prison term or both. Shanahan said there are no plans to pursue charges against the German nationals involved the hunts.

and shall be subject to like punishment, pains, penalties, taxes, licenses and exactions of every kind and to no other.

The 14th Amendment of the U.S. Constitution also states "...nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." This is why immigration has to bring aliens before a deportation hearing to deport them. The judge's order to deport is not all, still the alien has a right to appeal to the INS appellate court in Washington within 14 days.

So, if you need to learn more, or are an alien who cannot afford \$6,000 for a lawyer, consult your nearest law library. Look for Title 8 of either the U.S.C. or U.S.C.A., also immigration law which is basically designed for self-help or an attorney.

Daily News 10/16/38
— Khaldoon N. Saadi

Quit grudge matches in Juneau

Do we need grudge matches in Juneau to cost us more jobs? I would like to think not. It really is time for a change. When things have to be done in the last 30 days of a session to look good because of grudge matches between the House and the Senate, we in the state of Alaska lose. Can we afford another locked session? Give us a break!

The Faiks-Coghill anti-outfitters bill was passed in the last days of the session at the cost of jobs and income to residents of Alaska. The hunting guide association was the special interest behind this bill which put others out of work. The hunting guides cannot even begin to fill in the hole they created.

The outfitters filled a special need and created jobs that the guides would not fill because there was not enough money in it for them.

We need equal access to our government in Juneau. Open the doors to the people and the

media this next sess.

interest groups.

The picture that was the Alaska session was of greed and total self-interest. Alaska is looking at lower oil prices this year. I would strongly recommend that the legislative body get their act together.

— Ronald Jordan

PAC ticket policy is wrong

About the PAC selling only season passes and not seats for individual performances, I agree 100 percent with Mark Dawson (letter, Sept. 30). This is an outright scandal which should be addressed to competent people in power (if there are any).

I tried to buy tickets for "Carmen." Not available until Oct. 3. I was told last week. Then, I was told not available until Oct. 10. Why this extra week delay? "Because we haven't sold enough season passes."

For Nureyev, it's even better. I can buy right now a season pass for four ballet events, but if I want to see Nureyev only, which is my right, I have to wait until Dec. 5, when good seats won't be available (or there may be no seats at all left).

I own a restaurant. What would the PAC people say if I sold lunches and dinners only by books of five? I bet they would go to another restaurant! Unfortunately I cannot go to another PAC, and on top of it, I PAID for this one.

The explanation the PAC people gave me was, "This is our policy." Well, I think this policy stinks!

The PAC shouldn't be managed as a money-maker, but as an educational tool. The PAC must not be run like Ford Motor Company. It is for our kids and grandkids to enjoy and learn from. It is a "cultural" object. The Paris

Don't scrap guide areas

I've assisted in the Wrangell mountains for the past several years. I've taken residents and non-residents on quality, fair-chase hunts. It's a two day horse-back trip to get to the main camp, through some of the most beautiful country in the world. My reverence for that place deepens every year. No amount of money could cause me to harm the area or its game population. I had plans to become a registered guide and if possible acquire this area. These plans have been killed.

The Guide Board was in need of revision. Favoritism was practiced and there were too many guides for the number of areas available. Some of these "guides" couldn't track an elephant in the snow if it had a nose-bleed. Some are motivated solely by greed with no reverence for the game. But there are a lot of good guides out there, long time Alaskans who've invested a lot of money and years of their lives in their appointed areas and have been devoted stewards of those areas.

A guide needs to have an intimate knowledge, and yes, love for the area he hunts. To scrap the whole system of exclusive areas is a mindless mistake of proportions that will become evident as years pass. The game will suffer and a way of life will die. As for the areas on federal land, they will be allowed to function for a few more years before they are consumed by the Park Service Machine. Then those areas, too, will be gone — forever.

— Steve Lanphier
Palmer

Daily News 1/9/89

Guide rights

Panel says access to hunting areas should be broad

The Alaska Game and Fish Department should continue to assign hunting guides rights to areas within specific areas those rights should be reported by a regulatory agency.

A draft of the report was to be finished weeks and likely will be in the hands of legislators by late said Rep. Henry Springer, game chairman of the Force on Game and Fish. Springer said the department's recommendations will be presented to the Alaska Game and Fish Commission in October. That commission is the existing method of assigning guide areas.

The court said rights hunt as a guide in an area were not available equally to all guides. Areas were assigned with seniority as principal criterion and sometimes bought and sold if they were private property, the justice said. Thus, the system violated clause of the Alaska Constitution that says that all life of the state are available for common use by the people.

Springer said he believed the court decision does not prohibit restricted guiding areas. Rather, he said, it orders that qualified guides be given equal access to such areas.

Equal access could be provided by making guide areas available for bid periodically or by redistributing them, he said.

Springer said the task force report by the task force stop short of recommending either system.

It also refrains from saying how long a guide should have exclusive guiding rights in an area.

"You have to come up with some reasonable time frame for which that right is valid," Springer said.

The shore the time frame, the more likely it is that the Supreme Court will accept it.

Springer said the time frame would depend on the nature of the species involved.

He also said putting areas up for bid or into a "other" system years makes it difficult for people to invest with confidence.

"It obviously has some problems from the commercial standpoint," he said.

The task force suggests the Department of Fish and Game set the boundaries of the guide areas, based on past and present animal populations, traditional use patterns, and land ownership. At present, the state's Guide Licensing and Control Board decides the size and location of the areas. About 300 areas are

See Page D-1 GUIDE RIGHTS

GUIDE RIGHTS: Panel wants them more available

Continued from Page D-1

divided among 250 licensed guides.

The legislature created the task force last spring to investigate a dispute between guides and the class of commercial hunters called outfit-

ters.

The task force had to expand its focus after the Supreme Court ruled, in October, in favor of licensed guide Ken Owschek. He was not assigned the guide areas he wanted in the late 1970s, and filed a lawsuit against the

state.

Unlike guides, outfitters are prohibited from actually guiding a hunter to an animal in the field. Because of that distinction, the state does not now restrict outfitters to specific areas and does not license them.

Shot down

'Exclusive guide areas' unconstitutional—court

By BRIAN S. AKRE
Associated Press Writer

JUNEAU—The Alaska Supreme Court ruled Friday that state laws allowing "exclusive guide areas," in which only one commercial guide may lead hunting parties, are unconstitutional.

A unanimous court said the laws violate the wildlife "common use" clause of the state constitution, which says the state's naturally occurring fish, wildlife and waters "are reserved to the people for common use."

The ruling means permits for the areas are invalid. Opponents and supporters of the exclusive guide areas said the action will force the state to come up with another way to limit hunting and protect big-game populations.

The court's opinion, written by Justice Jay A. Rabinowitz, noted that the exclusive guide areas allow one guide to exclude others from leading hunts in a defined area.

"These grants are based pri-

marily on use, occupancy and investment, favoring established guides at the expense of new entrants in the market... To grant such a special privilege based primarily on seniority runs counter to the notion of 'common use,'" Rabinowitz wrote.

The ruling is the latest chapter in a 9-year-old case filed by Kenneth Owsichuk of Anchorage, a registered guide who challenged the right of the state Guide Licensing and Control Board to issue the exclusive permits.

Owsichuk owns a lodge at Lake Clark in southwest Alaska, which he built in the late 1970s while the state was developing the permit plan. Owsichuk was granted fewer exclusive guide areas than he wanted, and said the lack of airplane access to those areas he received made them useless. He sued the state, seeking more than \$100,000 damages.

Owsichuk's attorney, Charles E. Tulin of Anchorage, said in a tele-

(See EXCLUSIVE, page 8)

Native leader urges new corporate focus

By BRIAN O'DONOGHUE
Staff Writer

In a rousing speech that prompted a standing ovation from the usually reserved delegates attending the Alaska Federation of Natives Convention, the chief executive of the state's most profitable Native corporation challenged delegates to apply corporate resources to curing social ills instead of business squabbles.

Byron Mallott, chief executive officer of the Sealaska Corp., based in Southeast Alaska, said stockholders in corporations created by the Alaska Native Claims Settlement Act need to consider how history will judge present policies 25 years from now.

"At a time when we had statistics recited to us, as we had today, about alcoholism and suicide, where were the Native corporations?" Mallott asked. "They were fighting

about ANWR (Arctic National Wildlife Reserve)."

When the Indian Child Welfare Act was under consideration in Washington D.C., "Where were the ANCSA corporations? They were fighting over NOLs," Mallott said, referring to legislation restricting the sale of corporate operating losses.

Through the years, legal battles between Native corporations have cost \$25 million in attorney fees, Mallott said. Yet, the AFN is expected to carry on its work for the entire Native community with a paid staff of seven and an annual budget of \$300,000. By contrast, his Sealaska alone boasts 1,459 employees.

"When we were trying to gain money in the thousands to deal with problems, such as have been discussed here today, the ANCSA cor-

(See MALLOTT, page 3)



WELL WISHERS—Toni Tokita and Dwayne Persson as he recovers from surgery at Memorial Hospital. Roberson is

Persson

By PATRICK HUND
Staff Writer

Dwayne Persson learned new survival skills when he spent five days in the Alaska wilderness, skills unlikely to be of use to other adventurers.

Immobilized in his overturned car after a traffic accident on the Parks Highway on Sept. 18, Persson took extraordinary measures to survive.

In an attempt to capture rainwater to drink, he spent two hours pounding the windshield of his 1986 Chevrolet with a pencil. He finally poked through and used an envelope to funnel water into his mouth.

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If you pay for experience be sure you get it

You're going to do some of that great Alaska fishing and hunting you've read about in the expensive glossy magazines that are seemingly never published in Alaska.

The Alaskan guide you chose was advertised among many others. His ad was impressive and, when you called, he told you some great success stories. He probably even sent you some impressive material with pictures and descriptions of past clients and their huge trophy kills. You've paid your \$10,000. Your trip's booked.

Sometime later you board a Boeing 727 and fly to Anchorage. The 727 has been through periodic rigorous FAA inspections. You give little or no thought to the safety aspect of those flights because they are well regulated.

Your Alaskan guide/pilot meets you at your arrival gate and leads you out to his plane. You're tired, but you're almost there. You crawl into his PA-18 Super Cub and watch him fire up the engine.

Your pilot is a private pilot with less than 100 hours of total flight time and little experience in landing on a sand bar—your destination. In addition, he's been flying a C-180 and this P-18 handles differently. Also, it's gone well beyond the needed

100 hour inspection required for air taxi operators. But since he's not an air taxi operator, he doesn't have to comply with that requirement.

The weather at Anchorage International is clear and calm—VFR. However the weather enroute to and at your destination is less than 200' half mile, with intermittent fog and rain. Your pilot has little experience flying in such weather and has no instrument flight training. But he's pretty sure he can make it. Perhaps he'll fly over the top and look for a hole to descend through.

Besides, he's got your 10,000 bucks riding on this trip. He can't blow it now. And what you don't know won't hurt you. But, it's all legal. A low-time, inexperienced private pilot can fly incidental to his business of this sort. This is not a typical situation. But it happens.

The Alaska State legislature attempted to deal with this problem of inexperienced guide/pilots carrying passengers in questionable aircraft. Senate Bill 191 requires guides carrying passengers to be state licensed air taxi operators. This means they'll have to meet the same Part 135 requirements, such as being a commercial pilot with instrument training, and flying aircraft having regular 100 hour inspections.

But that new law may have been an overkill and still may not have solved the problem. Part 135 air taxis have had one of the highest fatality rates in the state in over five years. And there are many, very qualified, excellent guide/private pilots with unblemished accident records.

Besides, it seems there is a perceived loop hole. One guide recently told me that a general consensus among guides is that an air taxi operator must fly clients to the field. Once the client is in the field, a private pilot/guide can fly the client to and from the hunt.

So, if you're planning a trip into Alaska's back country for fishing or hunting, be sure to ask questions of your air taxi pilot and guide/pilot.

You paid the money and have the right. What kind of pilot's license does your pilot hold? Does the pilot hold a current medical certificate? How about an instrument rating? How many pilot-in-command hours does your pilot have flying Alaska? How many hours in his type of aircraft? Verify the information in his log book.

When was the last aircraft FAA maintenance inspection completed? Verify this in the aircraft log book. Check for a visible aircraft certifica-

tion. If it doesn't have one, it cannot legally fly.

Did your pilot do a complete pre-flight before climbing aboard? Check weather? What is the reported weather? Are you willing to fly into it? Did your pilot file a flight plan? Does the plane have survival gear aboard as required by Alaska law? Does it have a working ELT?

There are—without doubt—many excellent Alaskan guides who are also experienced, qualified private commercial and ATP pilots flying well maintained aircraft. A few are not. Therefore, the bottom line is if you are paying for an experienced guide/pilot make sure you are getting an experienced guide/pilot. And don't assume that, because your pilot has a part 135 air taxi license, his service is safe. Ask questions before you spend your money and put your life on the line.

Corrections

November's *Air Alaska's* front page photograph featured a CH-54 Sikorsky Skycrane incorrectly identified as belonging to the "Air National Guard." The craft belongs to the Army National Guard's 1898th Aviation Battalion.



TRAINING—Lernen Fliegen. Der Student ist zum ersten Mal im Cockpit.

This cartoon, featured in the October 1988 issue of *Air Alaska* failed to credit the really talented Bob Stevers who gave *Air Alaska* permission to use it. The cartoon shares one of many pages of similar humor found in "Prop Wash: A Fractured Glossary of Terms," published by the Aviation Book Company, 1640 Victory Blvd., Glendale, CA 91201.

Page numbers on the Holiday Gift Guide were inadvertently switched just prior to press time for November's issue. The confusion no doubt led some readers to question their sanity while hunting for article continuations. We apologize for the confusion.

Ruling may balance outfitter, guide access

By KELLY BOSTIAN
Staff Writer

A ruling by the Alaska Supreme Court on Friday that shot down the right of guides to hunt in their own "exclusive areas" places the historically opposite groups of outfitters and guides on the same side of the table in at least one aspect, according to the chairman of the Task Force on Guiding and Game.

The two groups still have their differences, but the recent ruling put registered guides on the same level as outfitters as far as access is concerned, according to Rep. Heinrich Springer said.

"Before, maybe one or two guides would have exclusive rights to an area. Now guides aren't in a special boat. They're on the same footing that the outfitter is," Springer said. "The question is now, what is a fair way, whether it's an outfitter, transporter or guide, to use an area?"

For the task force, designed to examine the guiding industry and make recommendations to the Legislature, things haven't changed much.

"Things may have changed slightly but the basic reasoning hasn't," Springer said. "What

we're still looking at is the drastic change taking place that has been generated by the outfitting industry."

The ruling couldn't have come at a better time, as far as Heinrich is concerned.

"That case was always a big question mark in formulating all our recommendations," Springer said. "January may have come and we may have been ready and then found out all our work had been for nothing."

The small details of the ruling and unknown effects are what concerns Springer. "I don't think anyone, on this short of notice, knows the fullest extent of the ruling," he said.

In one portion of the decision the Supreme Court said the exclusive area system failed to guarantee proper game management, Springer said.

Because exclusive areas were created with the goal of protecting resources, Springer found that an interesting point.

He said that question is easily dealt with, however, by more closely involving a body such as the Alaska Department of Fish and Game or the Game Board in the guiding industry.

Springer speculated that the

question of common use may be settled by a constitutional amendment. Citing a case involving restricted use in commercial fishing areas, he said the same may come to pass for guiding.

"It's interesting that in nearly every aspect the commercial fishing industry is the same, but they had an amendment out beforehand," Springer said. "I just think the decision is not as catastrophic as some people may think it is. It's not going to destroy guiding."

The task force, which was created in the last legislative session by SB 191, was formed to examine issues in the guiding industry and report to the Legislature next January 15. Springer was chosen as chairman by the 13 members of the group.

The group met Monday and today in the conference room at the Legislative Information Office, 119 North Cushman St. They heard public testimony Monday and this morning from 8 a.m. to noon. The group will be taking public comment through December.

Ruling scrambles game guiding laws

By BRIAN S. AKRE
Associated Press

JUNEAU — The Alaska Supreme Court ruled Friday that state laws allowing "exclusive guide areas," in which only one commercial guide may lead hunting parties, are unconstitutional.

A unanimous court said the

High court shoots down 'exclusive area' provision

laws violate the wildlife "common use" clause of the state constitution, which says the state's naturally occurring fish, wildlife and waters "are reserved to the people for common use."

The ruling means permits for the areas are invalid. Opponents and supporters of the exclusive guide areas said the action will force the state to come up with another way to limit hunting and

protect big-game populations.

The court's opinion, written by Justice Jay A. Rabinowitz, noted that the exclusive guide areas allow one guide to exclude others from leading hunts in a de-

fined area.

"These grants are based primarily on use, occupancy and investment, favoring established guides at the expense of new entrants in the market. . . . To

grant such a special privilege based primarily on seniority runs counter to the notion of 'common use,' " Rabinowitz wrote.

The ruling is the latest chapter in a 9-year-old case filed by Kenneth Owsichuk of Anchorage, a registered guide who challenged the right of the state

See Game law, page A-10

Native claims debated

Law expert predicts sovereignty victory

By BOB ORTEGA
Times Writer

FAIRBANKS — One of the country's foremost experts on Indian law says that there's no doubt the U.S. Supreme Court will uphold the sovereignty

Getting pumped for Halloween



Soviets heed call of whales

Icebreaking ship awaits go-ahead

WASHINGTON (AP) — The Soviet Union has offered to break a path to the stranded whales in Alaska with an icebreaking ship next week if current negotiations

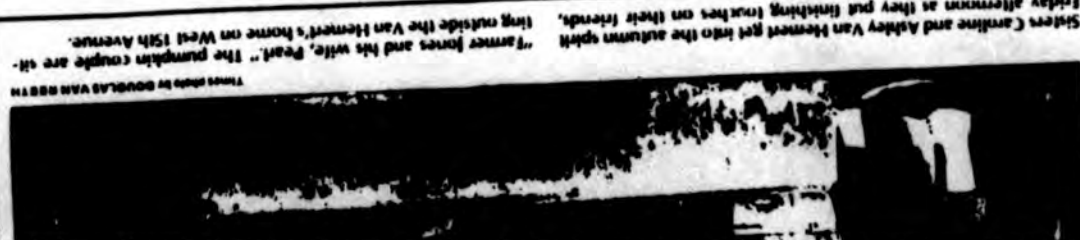
Eskimo ingenuity pays off; grays inch toward freedom

'Voyage Home' benefits whales

For those who want more whale drama than the Arctic ice can provide, an Anchorage radio station and theater chain have organized a benefit showing of a Star Trek movie with a plot that focuses on whales.

The State Department, meanwhile, said it has asked Soviet authorities what assets they may have available to help free the whales.

The State Department, meanwhile, said it has asked Soviet authorities what assets they may have available to help free the whales.



Farmer Jones and his wife, Pearl, the pumpkin couple are sitting outside the Van Hornet's home on West 15th Avenue.

The Eskimo volunteers, meanwhile, many of them whale hunters, worked about eight hours to cut a string of rectangular holes about 10 feet wide and 30 feet long at 30-foot intervals. As night fell, the two dozen volunteers had nearly a half-

meter through the foot-thick ice. The (H 54 Skytrane worked about an hour and a half, punching four holes 15 to 20 feet in diameter through the foot-thick ice.

Today: High 35° Sunday: Cloudy

By BRUCE BARTLEY
Associated Press

There are nearly a dozen Alaska sovereignty cases now in court. The state is asking the court to dismiss them, but many challenge state authority.

A-10 Saturday, October 22, 1988, The Anchorage Times

Game law: Court invalidates 'exclusive guide area' permits

Continued from page A-1

Guide Licensing and Control Board to issue the exclusive permits.

Owsichuk owns a lodge at Lake Clark, which he built in the late 1970s while the state was developing the permit plan. Owsichuk was granted fewer exclusive guide areas than he wanted, and said the lack of airplane access to those areas he received made them useless. He sued the state, seeking more than \$100,000 in damages.

The court ruled Friday that the state is immune from damages, but remanded the case back to Anchorage Superior

Court to consider attorney fees. In a telephone interview from Seattle, Owsichuk said Friday night that he was satisfied with the outcome.

"It's been a long struggle through the years. I'm a little disappointed about the damages, because it was a pretty flagrant violation. But we just went into it on the principle," he said.

Owsichuk's attorney, Charles E. Tulin of Anchorage, said in a telephone interview from Detroit that the permit plan was "ill-conceived and poorly implemented."

Tulin said the framers of the constitution wanted to preserve Alaska's fish and game resources for all citizens, and the

exclusive guide areas thwarted that goal.

"The licensed guide could, upon receiving the exclusive guide area, control the property with rights of sale and transfer — presumably forever — just as if he owned the property," Tulin said. "This is just the kind of government regulation Alaskans can do without."

Sen. Rick Halford, R-Chugiak, is a guide and longtime opponent of the exclusive guide areas. A primary goal behind the program was to limit competition, he said.

"The Supreme Court decision that compares it to a royal grant is all too accurate," Halford said. Now the industry and public

must come up with an alternative system "that is fair, equitable and yet doesn't throw the whole industry into chaos," he added.

Supporters of exclusive guide areas argue they are needed to maintain big-game populations. Guides have incentive to limit hunting in their areas and thereby ensure there are enough animals to sustain hunts in succeeding years.

"They were brought about because we had operators in the state who were cleaning out areas and moving on," said Phil Driver of Anchorage, a registered guide for 18 years and president of the Alaska Professional Hunters Association.

"The state's going to have to come up with something to protect the game resource from commercial exploitation," Driver said.

Guide Paul Johnson of Elfin Cove said the court's ruling "is a very unfortunate decision as far as wildlife is concerned."

"There has to be a way to manage the resource, and it's a necessary tool. I don't know what they're going to do now," he said.

Outfitters have avoided violating the law by dropping hunters off in exclusive guide areas without actually guiding them in. Some say the increase in that activity has hurt big-game populations.

"I would assume that (the ruling) could lead to an aggravation of the game-population problems," said Art Clark of Anchorage, who serves on the Guide Licensing and Control Board.

Randall Burns, director of the state Occupational Licensing Division, said the board will meet at the end of November to discuss alternatives.

About 250 guides hold permits for exclusive guide areas, but some are joint permits in which parts of the areas overlap, Burns said. There are 501 areas designated.

As for Owsichuk, he said he added guided hunting trips to the activities available at his successful fly-in fishing lodge.

Whales: Progress

Continued from page A-1

work essential to successful whaling, the Eskimos cut the ice in slabs and used their long poles to push the blocks under the surrounding ice.

effort. "The next step will be to close the first hole, and then begin moving them out. It goes very slow at first, but the whales learn."

The use of de-icing devices, which keep the holes open



How the rescue has shaped up

Here is a chronology of major events in the attempts to free the three trapped whales in Barrow.

Oct. 13 — The whales were discovered trapped in ice east of Point Barrow. They were

STATE OF ALASKA



GUIDE BOARD

**CENTRALIZED LICENSING STATUTES, AS 08.01-AS 08.03
GUIDE BOARD STATUTES, AS 08.54
OCCUPATIONAL LICENSING REGULATIONS, 12 AAC 02.
GUIDE BOARD REGULATIONS, 12 AAC 38**

Revised: April 1988

CENTRALIZED LICENSING ACT, AS 08.01

MISCELLANEOUS PROVISIONS, AS 08.02

REESTABLISHMENT OF REGULATORY BOARDS, AS 08.03

**CHAPTER 01
CENTRALIZED LICENSING**

Section

- 10. Applicability of chapter
- 20. Board organization
- 25. Public members
- 30. Quorum
- 35. Appointments
- 40. Transportation and per diem
- 50. Administrative duties of department
- 60. Application for license
- 65. Fees established by regulation
- 70. Administrative duties of boards
- 75. Disciplinary powers of the boards
- 80. Department regulations
- 87. Powers and duties of department
- 90. Applicability of the Administrative Procedure Act
- 100. License renewal, lapse and reinstatement
- 102. Citation for unlicensed practice
- 103. Procedure and form of citation
- 104. Failure to obey citation
- 105. Penalty for improper payment
- 110. Definitions

Sec. 08.01.010. Applicability of chapter. This chapter applies to the

- (1) Board of Public Accountancy (AS 08.04.010);
- (2) Board of Chiropractic Examiners (AS 08.20.010);
- (3) Board of Dental Examiners (AS 08.36.010);
- (4) *[Repealed, § 48 ch 94 SLA 1987.]*
- (5) State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011);
- (6) State Medical Board (AS 08.64.010);
- (7) Board of Nursing (AS 08.68.010);
- (8) Board of Examiners in Optometry (AS 08.72.010);
- (9) Board of Pharmacy (AS 08.80.010);
- (10) Board of Veterinary Examiners (AS 08.98.010);
- (11) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (12) Board of Marine Pilots (AS 08.62.010);
- (13) Board of Dispensing Opticians (AS 08.71.010);
- (14) Guide Board (AS 08.54.010);
- (15) State Physical Therapy and Occupational Therapy Board (AS 08.84.010);
- (16) Board of Nursing Home Administrators (AS 08.70.010);
- (17) regulation of professional geologists under AS 08.02.011;
- (18) Board of Barbers and Hairdressers (AS 08.13.010);
- (19) Athletic Commission (AS 05.05 and AS 05.10);
- (20) regulation of construction contractors under AS 08.18;
- (21) regulation of collection agencies under AS 08.24;
- (22) regulation of morticians under AS 08.42;
- (23) regulation of concert promoters under AS 08.92;
- (24) regulation of audiologists under AS 08.11;
- (25) regulations of hearing aid dealers under AS 08.55;
- (26) regulation of the practice of naturopathy under AS 08.45;
- (27) Real Estate Commission (AS 08.88.011).

Sec. 08.01.020. Board organization. Board members are appointed by the governor and serve at the pleasure of the governor. Unless otherwise provided, the governor may designate the chair of a board, and all other officers shall be elected by the board members. Unless otherwise provided, officers of a board are the chair and the secretary. A board may provide by regulation that three or more unexcused absences from meetings are cause for removal. (§ 1 ch 59 SLA 1966; am § 2 ch 94 SLA 1987)

Sec. 08.01.025. Public members. No public member of a board may:

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a member of the occupation which the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation which the board regulates. (§ 1 ch 258 SLA 1976)

Sec. 08.01.030. Quorum. A majority of the membership of the board constitutes a quorum unless otherwise provided. (§ 1 ch 59 SLA 1966)

Sec. 08.01.035. Appointments. Members of boards subject to this chapter and members of the Real Estate Commission under AS 08.88 are appointed for staggered terms of four years. A member of a board serves until a successor is appointed. An appointment to fill a vacancy on a board is for the remainder of the unexpired term. A member who has served all or part of two successive terms on a board may not be reappointed to that board unless four years have elapsed since the person has last served on the board. (§ 3 ch 94 SLA 1987)

Sec. 08.01.040. Transportation and per diem. A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180. (§ 1 ch 59 SLA 1966)

Sec. 08.01.050. Administrative duties of department. (a) The department shall perform the following administrative and budgetary services when appropriate:

- (1) collect and record fees;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection as determined by the board or as determined by the department under AS 08.11 for audiologists, under AS 08.40 for electrical administrators, under AS 08.45 for naturopaths, or under AS 08.55 for hearing aid dealers;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examinations and proceedings;
- (7) arrange space for holding examinations and proceedings;
- (8) notify applicants of results of examinations;
- (9) issue licenses or temporary licenses as authorized by the board or as authorized by the department under AS 08.11 for audiologists, under AS 08.40 for electrical administrators, under AS 08.45 for naturopaths, or under AS 08.55 for hearing aid dealers;

(10) issue duplicate licenses upon submission of a written request by the licensee attesting to loss of or the failure to receive the original and payment by the licensee of a fee established by regulation adopted by the department;

(11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;

(12) compile and maintain a current register of licensees;

(13) answer routine inquiries;

(14) maintain files relating to individual licensees;

(15) arrange for printing and advertising;

(16) purchase supplies;

(17) employ additional help when needed;

(18) perform other services that may be requested by the board;

(19) provide inspection, enforcement, and investigative services to the boards and for the occupations listed in AS 08.01.010, regarding all licenses issued by or through the department;

(20) retain and safeguard the official seal of a board and prepare, sign, and affix a board seal, as appropriate, for licenses approved by the board.

(b) The form and content of a license, authorized by a board listed in AS 08.01.010, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned.

(c) *[Repealed, § 49 ch 94 SLA 1987.]* (§ 1 ch 59 SLA 1966; am § 1 ch 102 SLA 1976; am § 39 ch 218 SLA 1976; am § 2 ch 258 SLA 1976; am §§ 1, 2 ch 49 SLA 1980; am § 1 ch 82 SLA 1980; am § 2 ch 141 SLA 1980; am § 1 ch 166 SLA 1980; am § 1 ch 48 SLA 1983; am § 3 ch 56 SLA 1986; am § 3 ch 131 SLA 1986; am § 2 ch 74 SLA 1987; am § 21 ch 87 SLA 1987; am §§ 4, 49 ch 94 SLA 1987)

Sec. 08.01.060. Application for license. All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department. (§ 1 ch 59 SLA 1966)

Sec. 08.01.065. Fees Established by Regulation. (a) The department shall adopt regulations that establish the amount and manner of payment of application fees, examination fees, license fees, registration fees, permit fees, investigation fees, and all other fees as appropriate for the occupations covered by this chapter.

(b) The department may not adopt a regulation under (a) of this section unless the board responsible for regulating the affected occupation concurs.

(c) A fee established under this section should reflect, but should not exceed, the actual costs to the department of the activity for which the fee is charged except that the department may establish a fee that is less than the cost of the activity for which the fee is charged if the department determines that it is not reasonable to impose the full cost of the activity on the applicant or licensee.

(d) The commissioner of administration shall separately account for occupational licensing 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 the division of occupational licensing. (§ 2 ch 37 SLA 1985; am § 4 ch 138 SLA 1986; am § 3 ch 74 SLA 1987; am § 5 ch 94 SLA 1987)

Sec. 08.01.070. Administrative duties of boards. Each board shall perform the following duties in addition to those provided in its respective law:

- (1) take minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade board examinations;
- (6) set minimum qualifications for applicants for examination and license;
- (7) forward a draft of the minutes of proceedings to the department within 20 days after the proceedings;
- (8) forward results of board examinations to the department within 20 days after the examination is given;
- (9) notify the department of meeting dates and agenda items at least 15 days before meetings and other proceedings are held;
- (10) submit before the end of the fiscal year an annual performance report to the department stating the board's accomplishments, activities, and needs. (§ 1 ch 59 SLA 1966; am § 6 ch 94 SLA 1987)

Sec. 08.01.075. Disciplinary powers of boards. (a) A board may take the following disciplinary actions, singly or in combination:

- (1) permanently revoke a license;
 - (2) suspend a license for a specified period;
 - (3) censure or reprimand a licensee;
 - (4) impose limitations or conditions on the professional practice of a licensee;
 - (5) require a licensee to submit to peer review;
 - (6) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;
 - (7) impose probation requiring a licensee to report regularly to the board on matters related to the grounds for probation;
 - (8) impose a civil fine not to exceed \$5,000.
- (b) A board may withdraw probationary status if the deficiencies that required the sanction are remedied;
- (c) A board may summarily suspend a licensee from the practice of the profession before a final hearing is held or during an appeal if the board finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing before the board to appeal the summary suspension

within seven days after the order of suspension is issued. A person may appeal an adverse decision of the board on an appeal of a summary suspension to a court of competent jurisdiction.

(d) A board may reinstate a suspended or revoked license if, after a hearing, the board finds that the applicant is able to practice the profession with skill and safety.

(e) A board may accept the voluntary surrender of a license. A license may not be returned unless the board determines that the licensee is competent to resume practice and the licensee pays the appropriate renewal fee.

(f) A board shall seek consistency in the application of disciplinary sanctions. A board shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction. (§ 7 ch 94 SLA 1987)

Sec. 08.01.080. Department regulations. The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

(1) how an examination is to be conducted;

(2) what is contained in application forms;

(3) how a person applies for an examination or license. (§ 1 ch 59 SLA 1966)

Sec. 08.01.087. Powers and duties of department. (a) The department may, upon its own motion, conduct investigations to determine whether a person has violated a provision of this chapter or a regulation adopted under it, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010, or to secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010 the commissioner may, if the commissioner considers it in the public interest, and after notification of a proposed order or action by telephone or telegraph to all board members, if a board regulates the act or practice involved, unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or the commissioner's designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, an order issued under it, or with a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010;

(3) examine or have examined the books and records of a person whose business activities require licensure by a board listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010; the commissioner may require the person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents. (§ 3 ch 258 SLA 1976; am § 4 ch 56 SLA 1986; am § 4 ch 131 SLA 1986)

Sec. 08.01.090. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b). (§ 1 ch 59 SLA 1966; am § 4 ch 258 SLA 1976)

Sec. 08.01.100. License renewal, lapse and reinstatement. (a) Licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A license subject to renewal shall be renewed on or before the date set by the department. If the license is not renewed by the date set by the department, the license lapses. In addition to renewal fees required for reinstatement of the lapsed license, the department may impose a delayed renewal penalty, established by regulation, that shall be paid before a license that has been lapsed for more than 60 days may be renewed. The department may adopt a delayed renewal penalty only with concurrence of the appropriate board.

(c) When continuing education or other requirements are made a condition of license renewal, the requirements shall be satisfied before a license is renewed.

(d) Except as otherwise provided, a license may not be renewed if it has lapsed for five years or more. (§ 1 ch 59 SLA 1966; am § 2 ch 94 SLA 1968; am § 3 ch 49 SLA 1980; am § 1 ch 56 SLA 1980; am § 1 ch 58 SLA 1980; am § 1 ch 75 SLA 1980; am § 1 ch 130 SLA 1980; am § 1 ch 162 SLA 1980; am § 2 ch 166 SLA 1980; am § 3 ch 37 SLA 1985; am §§ 8, 9, 10 ch 94 SLA 1987)

Sec. 08.01.102. Citation for unlicensed practice. The department may issue a citation for a violation of a license requirement of a board or profession listed in AS 08.01.010 if there is probable cause to believe a person has practiced a profession for which a license is required without holding the license. Each day a violation continues after a citation for the violation has been issued constitutes a separate violation. (§ 11 ch 94 SLA 1987)

Sec. 08.01.103. Procedure and form of citation. (a) A citation issued under AS 08.01.102 must be in writing. A person receiving the citation is not required to sign a notice to appear in court.

(b) The time specified in the notice to appear on a citation issued under AS 08.01.102 shall be at least five days, not including weekends and holidays, after the issuance of the citation, unless the person cited requests an earlier hearing.

(c) The department is responsible for the issuance of books containing appropriate citations, and shall maintain a record of each book issued and each citation contained in it. The department shall require and retain a receipt for every book issued to an employee of the department.

(d) The department shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. Upon its deposit with the court, the citation may be disposed of only by trial in the court or other official action taken by the magistrate, judge or prosecutor. The department may not dispose of a citation, copies of it, or of the record of its issuance except as required under this subsection and (e) of this section.

(e) The department shall require the return of a copy of every citation issued by the department and of all copies of a citation that has been spoiled or upon which an entry has been made and not issued to an alleged violator. The department shall also maintain, in connection with each citation, a record of the disposition of the charge by the court where the original or copy of the citation was deposited.

(f) If the form of citation includes the essential facts constituting the offense charged, and if the citation is sworn to as required under the laws of this state for a complaint charging commission of the offense alleged in the citation, then the citation when filed with a court having jurisdiction is considered to be a lawful complaint for the purpose of prosecution. (§ 11 ch 94 SLA 1987)

Sec 08.01.104. Failure to obey citation. Unless the citation has been voided or otherwise dismissed by the magistrate, judge, or prosecutor, a person who without lawful justification or excuse fails to appear in court to answer a citation issued under AS 08.01.102, regardless of the disposition of the charge for which the citation was issued, is guilty of a class B misdemeanor. (§ 11 ch 94 SLA 1987)

Sec. 08.01.105. Penalty for improper payment. An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor. (§ 3 ch 258 SLA 1976)

Sec. 08.01.110. Definitions. In this chapter

- (1) "board" includes the boards and commissions listed in AS 08.01.010;
- (2) "department" means the Department of Commerce and Economic Development;
- (3) "commissioner" means the commissioner of commerce and economic development;
- (4) "license" means a license, certificate, permit, or registration or similar evidence of authority issued for an occupation or board listed in AS 08.01.010;
- (5) "licensee" means a person who holds a license;
- (6) "occupation" means a trade or profession listed in AS 08.01.010. (§ 1 ch 59 SLA 1966; am § 40 ch 218 SLA 1976; am § 5 ch 258 SLA 1976; am § 5 ch 56 SLA 1986; am § 5 ch 131 SLA 1986)

CHAPTER 02. MISCELLANEOUS PROVISIONS.

Section

10. Professional designation requirements
11. Professional geologist
20. Limitation of liability for members of licensing boards

Sec. 08.02.010. Professional designation requirements. (a) An audiologist licensed under AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a medical practitioner or osteopath under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered pharmacist under AS 08.80, a registered physical therapist or occupational therapist under AS 08.84, or a psychologist under AS 08.86, shall use as professional identification appropriate letters or a title after that person's name which represents that person's specific field of practice. The letters or title shall appear on all signs, stationery or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380(2), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of noncompliance by that person's appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, the person's noncompliance continues, the board may suspend or revoke the person's license or registration, or administer other disciplinary action which in its determination is appropriate. (§ 1 ch 6 SLA 1973; am § 11 ch 6 SLA 1984; am § 2 ch 97 SLA 1987)

Sec. 08.02.011. Professional geologist. The commissioner of commerce and economic development shall certify an applicant as a professional geologist if the applicant is certified as a professional geologist by the American Institute of Professional Geologists. (§ 2 ch 142 SLA 1980; AS 08.53.010)

Sec. 08.02.020. Limitation of liability for members of licensing boards and peer review committees. A person is not liable for damages or other relief in an action by reason of the person's performance of a duty, function, or activity as a member of a licensing board or peer review committee established to review a licensing matter, or by reason of a recommendation or action of the board or peer review committee when the person acts in the reasonable belief that the action or recommendation is warranted by facts known to the person or to the board or peer review committee after reasonable efforts to ascertain the facts upon which the action or recommendation is made. (§ 45 ch 102 SLA 1976; am § 12 ch 94 SLA 1987)

CHAPTER 03. TERMINATION, CONTINUATION AND REESTABLISHMENT OF REGULATORY BOARDS.

Section

- 10. Termination dates for regulatory boards
- 20. Procedures governing termination, transition and continuation

Sec. 08.03.010. Termination dates for regulatory boards.

(a) *[Repealed, § 4 ch 14 SLA 1987.]*

(b) *[Repealed, § 4 ch 14 SLA 1987.]*

(c) The following boards have the termination date provided by this subsection:

- (1) Board of Nursing (AS 08.68.010)—June 30, 1991.
- (2) Board of Chiropractic Examiners (AS 08.20.010)—June 30, 1988.
- (3) Board of Examiners in Optometry (AS 08.72.010)—June 30, 1988.
- (4) Board of Pharmacy (AS 08.80.010)—June 30, 1989.
- (5) Board of Dispensing Opticians (AS 08.71.010)—June 30, 1988.
- (6) Board of Dental Examiners (AS 08.36.010)—June 30, 1988.
- (7) Board of Veterinary Examiners (AS 08.98.010)—June 30, 1989.
- (8) State Physical Therapy and Occupational Therapy Board (AS 08.84.010)—June 30, 1989.
- (9) Board of Nursing Home Administrators (AS 08.70.010)—June 30, 1990.
- (10) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010)—June 30, 1991.
- (11) State Medical Board (AS 08.64.010)—June 30, 1991.
- (12) Board of Marine Pilots (AS 08.62.010)—June 30, 1991.
- (13) *[Repealed, § 13 ch 6 SLA 1984.]*
- (14) *[Repealed, § 48 ch 94 SLA 1987.]*
- (15) State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011)—June 30, 1988.
- (16) Board of Barbers and Hairdressers (AS 08.13.010)—June 30, 1989.
- (17) Board of Public Accountancy (AS 08.04.010)—June 30, 1988.
- (18) Real Estate Commission (AS 08.88.011)—June 30, 1991.
- (19) Board of Governors of the Alaska Bar Association (AS 08.08.040)—June 30, 1989.
- (20) Guide Board (AS 08.54.010)—June 30, 1988.

(d) *[Repealed, § 3 ch 78 SLA 1979.]*

(e) *[Repealed, § 3 ch 78 SLA 1979.]*

Sec. 08.03.020. Procedures governing termination, transition and continuation. (a) Upon termination, each board listed in AS 08.03.010 shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(c) a board scheduled for termination under AS 08.03.010—08.03.020 may be continued or reestablished by the legislature for a period not to exceed four years unless the board is continued or reestablished for a longer period under AS 08.03.010. (§ 2 ch 74 SLA 1979; am § 2 ch 36 SLA 1980; am § 2 ch 37 SLA 1980; am § 2 ch 38 SLA 1980; am § 2 ch 39 SLA 1980; am § 2 ch 40 SLA 1980; am § 2 ch 41 SLA 1980; am § 2 ch 42 SLA 1980; am § 2 ch 67 SLA 1980; am § 2 ch 87 SLA 1980)

ALASKA STATUTES

GUIDE BOARD
AS 08.54

**CHAPTER 54.
GUIDES.****Article**

1. Guide Board (§§ 08.54.010—08.54.070)
2. Licensing (§§ 08.54.100—08.54.220)
3. General Provisions (§§ 08.54.230—08.54.240)

**ARTICLE 1.
GUIDE BOARD****Section**

10. Creation and membership of board
30. Chairman of board
35. Quorum; voting requirement
40. Powers and duties
45. Special guide license
50. Board regulations
60. Board hearing
70. Compensation and expenses

Sec. 08.54.010. Creation and membership of board. For the purposes of licensing and regulating the activities of guides in the interest of the state's wildlife resources there is created the Guide Board consisting of seven members. No more than three members of the board shall hold or have held a registered, master, or class A assistant guide license. The other members must have a general knowledge of the game resources of the state and may not have a vested interest in the guiding industry. A minimum 10 years residence in the state is required for all members of the board. For administrative purposes, the board is in the Department of Commerce and Economic Development. (§ 1 ch 17 SLA 1973; am § 3 ch 71 SLA 1986)

Sec. 08.54.020. Appointment and term of office. *[Repealed, § 49 ch 94 SLA 1987. For current law, see AS 08.01.033]*

Sec. 08.54.030. Chairman of the board. The board shall elect one of its members as chairman. (§ 1 ch 17 SLA 1973)

Sec. 08.54.035. Quorum; voting requirement. Four members of the board constitute a quorum for the transaction of business, for the performance of a duty, and for the exercise of any power under this chapter. The board may not adopt a regulation, revoke, suspend, or deny renewal of a license, or assign, modify, or revoke a restricted guide area unless the action is approved by a vote of a majority of the full membership of the board. (§ 5 ch 71 SLA 1986)

Sec. 08.54.040. Powers and duties. (a) Except as provided in AS 08.54.045, the board shall

(1) prepare, grade and administer 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 and reasonable procedure for limiting the number of guides to that quota; preference shall be given to qualified available and willing licensed guides who reside within the designated game unit or subunit.

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

(b) *[Repealed, § 27 ch 71 SLA 1986.]* (§ 1 ch 17 SLA 1973; am § 1 ch 133 SLA 1976; am §§ 6, 27 ch 71 SLA 1986)

Sec. 08.54.045. Special guide license. The board may issue a special guide license to a person who applies to conduct a guided hunt for a specific species of marine mammal in a specifically designated area if the applicant

- (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;
- (3) is able to perform the duties of a special guide;
- (4) has demonstrated knowledge of the following areas to an extent and degree satisfactory to the board:
 - (A) 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 guiding gear;
 - (F) firearm safety;
 - (G) practical first aid;
 - (H) booking and contracting hunts;
- (5) has not been convicted of a game or guiding law violation during the previous five years;
- (6) has not been convicted of a crime involving moral turpitude. (§ 1 ch 17 SLA 1973; am § 7 ch 71 SLA 1986)

Sec. 08.54.058. Board regulations. The board shall adopt procedural and substantive regulations, under the Administrative Procedure Act (AS 44.62), required by this chapter or reasonably necessary for its administration. (§ 1 ch 17 SLA 1973)

Sec. 08.54.060. Board hearing. The Administrative Procedure Act (AS 44.62) applies to proceedings and hearings under this chapter. (§ 1 ch 17 SLA 1973)

Sec. 08.54.070. Compensation and expenses. Members of the board receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards. (§ 1 ch 17 SLA 1973)

**ARTICLE 2.
LICENSING.****Section**

- 100. Qualifications for a master guide license
- 110. Qualifications for registered guide license
- 120. Qualifications for a class-A assistant guide license
- 130. Privileges and limitations of class-A assistant guide license
- 140. Qualifications for assistant guide license
- 141. Privileges and limitations of assistant guide license
- 150. Responsibility of registered or master guide for violations
- 160. Licensing of marine mammal guides
- 170. License fees
- 180. Examination fee
- 186. Registered guide examination
- 190. Failure to renew
- 195. Restricted guide areas
- 200. Discipline of licensees
- 210. Unlawful acts
- 220. Injunction against unlawful action

Sec. 08.54.100. Qualifications for a master guide license. A person is entitled to be licensed as a master guide if the person

(1) has legally hunted in the state for a part of each of 10 years during which time a substantial source of the person's income was from guiding or related activities directly contributing to the person's experience and competency as a guide;

(2) meets all the requirements of a registered guide and has been actively engaged in licensed guiding activities in the state for at least five years preceding application;

(3) has not been convicted of a violation of federal or state sport fishing, game or guiding laws or regulations within the preceding five years;

(4) has consistently performed in a superior manner as evidenced by required reports submitted to the board and by inquiries made by the board to at least two of the guide's clients of record; and

(5) meets additional qualifications which the board may require. (§ 1 ch 17 SLA 1973)

Sec. 08.54.110. Qualifications for registered guide license. (a) A person is entitled to be licensed as a registered guide 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 trophies, first aid and photography;

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

(4) has passed the qualification examination 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 crime involving moral turpitude;

(6) has legally hunted in the state during any five years in a manner directly contributing to the person's experience and competency as a guide;

(7) has been licensed as and performed the services of an assistant guide in the state for a part of each of three years, or has guided in the state for a part of each of three years under a special guide license issued under AS 08.54.045;

(8) submits a written recommendation to the board from a registered guide for whom the applicant has worked or from two registered guides; however, the requirements of this paragraph do not apply to a person who has guided under a special guide license for three years;

(9) is capable of performing the essential duties associated with guiding;

(10) has been favorably recommended in writing by two hunters that the person has guided or assisted in guiding during each year of the person's three years as an assistant guide, whose recommendations have been solicited by the board from a list provided by the applicant.

(b) The commissioner of commerce and economic development may order that an applicant for an initial license under this section 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;

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

(C) an erroneous or false statement in a recommendation submitted under (a)(8) of this section;

(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. (§ 1 ch 17 SLA 1973; am § 19 ch 67 SLA 1983; am §§ 8, 9 ch 71 SLA 1986)

Sec. 08.54.120. Qualifications for a class-A assistant guide license. A person is entitled to be licensed as a class-A assistant guide if the person

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

(2) has had at least 20 years experience in the guide district in which the person is to be employed; for the purposes of this paragraph physical presence at some time of the year during each of the 20 years constitutes adequate evidence of experience, and military service outside the state for no more than six years shall be accepted as part of the required 20 years experience;

(3) has been recommended in writing as qualified by a registered or master guide to the board. (§ 1 ch 17 SLA 1973)

Sec. 08.54.130. Privileges and limitations of class-A assistant guides. A class-A assistant guide

- (1) may not contract for hunts;
- (2) shall be under the supervision of a registered or master guide who has contracted with the client for whom the class-A assistant guide is conducting the hunt;
- (3) may take charge of a camp and conduct hunts from it without the registered or master guide necessarily being present in the area if the registered or master guide is physically present in the state and is actively supervising in guiding activities. (§ 1 ch 17 SLA 1973)

Sec. 08.54.140. Qualifications for assistant guide license. A person is entitled to be licensed as an assistant guide if the person

- (1) is 19 years of age or more;
- (2) *[Repealed, §19 ch 67 SLA 1983.]*
- (3) is favorably recommended to the board, in writing, by a registered guide;
- (4) meets additional qualifications which the board may require;
- (5) is in sound physical condition. (§ 1 ch 17 SLA 1973; am § 19 ch 67 SLA 1983)

Sec. 08.54.141. Privilege and limitations of assistant guide license. An assistant guide

- (1) may not contract to conduct a guided hunt; and
- (2) shall be employed and supervised by a registered or master guide at all times while the assistant guide is in the field on guided hunts. (§ 10 ch 71 SLA 1986)

Secs. 08.54.142—08.54.146. Transporter licensing. *[Repealed, § 27 ch 71 SLA 1986.]*

Sec. 08.54.150. Responsibility of registered or master guide for violations. A registered or master guide contracting for a hunt is equally responsible under AS 08.54.200 for a violation of a federal or state sport fish, game or guide statute or regulation committed by a class-A assistant guide or assistant guide while in the course of the class-A assistant guide's or assistant guide's employment. (§ 1 ch 17 SLA 1973)

Sec. 08.54.160. Licensing of marine mammal guides. The board may establish qualifications and issue licenses for marine mammal guides. (§ 2 ch 13 SLA 1983; am § 32 ch 37 SLA 1985)

Sec. 08.54.170. License fees. (a) The Department of Commerce and Economic Development shall set license fees under AS 08.01.065 for each of the following:

- (1) master guide;
- (2) registered guide;
- (3) class-A assistant guide;
- (4) assistant guide;
- (5) special guide.

(b) The license fee for a master guide, registered guide, special guide, class-A assistant guide, or assistant guide license is in addition to the fee required for a hunting license. (§ 1 ch 17 SLA 1973; am § 3 ch 106 SLA 1976 am § 4 ch 81 SLA 1984; am §§ 33, 54 ch 37 SLA 1985; am § 11 ch 71 SLA 1986)

Sec. 08.54.180. Examination fee. An applicant for a guide examination shall pay a fee established by regulations adopted under AS 08.01.065. (§ 1 ch 17 SLA 1973; am § 34 ch 37 SLA 1985)

Sec. 08.54.185. Additional fees. *[Repealed, § 27 ch 71 SLA 1986.]*

Sec. 08.54.186. Registered guide examination. The board shall administer the qualification examination required under AS 08.54.110 at least twice a year. An examination may not be given within 90 days after the previous exam. At least once every other year the board shall give the examination at a location other than Anchorage. (§ 12 ch 71 SLA 1986)

Sec. 08.54.190. Failure to renew. (a) *[Repealed, § 23 ch 81 SLA 1984.]*

(b) A license may not be issued to a class-A assistant guide or assistant guide who has failed to renew a license issued under this chapter for two consecutive years unless the class-A assistant guide or assistant guide again meets the qualifications for initial issuance of the license.

(c) A master or registered guide who fails to renew a license is not required to requalify under AS 08.54.100(2) or AS 08.54.110(8), respectively.

(d) *[Repealed, § 49 ch 94 SLA 1987.]* (§ 1 ch 17 SLA 1973; am § 12 ch 127 SLA 1974; am § 4 ch 106 SLA 1976; am § 23 ch 81 SLA 1984; am § 13 ch 71 SLA 1986; am § 49 ch 94 SLA 1987)

Sec. 08.54.195. Restricted guide areas. (a) Under AS 08.54.040(a)(7), the board may establish and assign restricted guide areas for master guides or registered guides. The board shall adopt regulations that establish uniform and consistent criteria, including a point system, to be used by the board when it establishes and assigns a restricted guide area.

(b) The board shall consider the following factors before it assigns a restricted guide area:

(1) the extent to which the guide who has applied for the area has guided in the game management unit in which the area is located;

(2) the extent to which the guide occupied and invested in the area;

(3) the effects, including the economic effect, on other guides that would result from creation of the area;

(4) big game population in the area;

(5) the land ownership status of the area; and

(6) other relevant facts or circumstances.

(c) The board may adopt regulations limiting the number of clients with which a guide may contract for hunts in a restricted guide area used by more than one guide.

(d) Unless the board determines after a public hearing that it is not in the public interest to do so, the board may transfer a restricted guide area to a person qualified for assignment who has been recommended by the guide to whom the area is assigned, or by a person authorized to represent the guide, if the recommendation is made

(1) after five years have elapsed from the date of the assignment of the guide area; or

(2) during the first five years after the date of assignment and the guide has died or suffered a major disability, as defined by the board.

(e) A guide may not sell or lease a restricted guide area. A guide may sell or otherwise transfer a lodge, camp, or other lawful improvement to property located in a restricted guide area. Sales price may not exceed fair market value. (§ 14 ch 71 SLA 1986)

Sec. 08.54.200. Grounds for disciplining a licensee. (a) 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 guiding activities are filed with the board by three or more of the licensee's clients from separate parties; (2) a complaint concerning a guide'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 hunting or guiding statute or regulation. The board may hold a hearing to determine whether disciplinary action is necessary if a complaint concerning a licensee's guiding activities is filed with the board by a client of the licensee.

(b) After a hearing, the board may revoke, suspend, or deny renewal of a license, and may withdraw a licensee's restricted guide area assignment, if the board finds that the licensee

(1) engaged in unethical activity, unsafe activity, or activity that adversely effects the natural resources of the state when the activity is related to the purposes of the contract hunt; or

(2) violated a provision of a federal or state game or guide statute or regulation.

(c) After a hearing, the board shall revoke a license and shall withdraw a licensee's restricted guide area assignment if the board finds that the licensee

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

(2) is incompetent as a master guide, registered guide, special guide, class-A assistant guide, or assistant guide;

(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; or

(4) during the five years immediately preceding the hearing, has been convicted of two violations of a state statute or regulation prohibiting hunting in a restricted area not assigned to the licensee and without proper written permission.

(d) A person who is disciplined under this section may not engage in a guiding activity during the period of license revocation or disciplinary action. A person licensed under this chapter may not hire as a guide a person whose guide license is suspended or revoked under this section. A guide whose license is suspended or revoked may not guide in the employ of a person licensed under this chapter.

(e) If the board revokes a license it shall notify the Department of Revenue, and the person whose license has been revoked shall return the license to the Department of Commerce and Economic Development.

(f) If a certified copy of a judgment of conviction of a guide for an offense described under (c)(3) of this section, or for each of two offenses under (c)(4) of this section, is filed with the board, the board shall immediately suspend the guide'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 order remains in effect until after final disposition of the disciplinary proceeding under this section.

(g) A certified copy of a judgment of conviction of a guide for an offense is conclusive evidence of the commission of that in a disciplinary proceeding instituted against the guide under this section based on that conviction.

(h) Within 30 days after a hearing under this section, the board shall notify the complainant of the results of the hearing, including written reasons justifying a decision not to take disciplinary action. If the board decides not to hold a discretionary hearing, the board shall give the complainant written notice of its reasons within 30 days after making the decision.

(i) In this section "two violations of a state statute or regulations" means two violations of a single statute or a single regulation, or violations of two statutes or two regulations, or one violation of a statute and one violation of a regulation. (§ 1 ch 17 SLA 1973; am § 2 ch 43 SLA 1975; am § 5 ch 106 SLA 1976; am § 47 ch 218 SLA 1976; am §§ 15—19 ch 71 SLA 1986)

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 to advertise as or represent to be a guide, 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;

** The Department of Law has determined the "resident" requirement in AS 08.54.210(a)(3) and (a)(6) is unconstitutional, therefore this requirement is not enforced.*

(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 \$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 less than one year nor 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. (§ 1 ch 17 SLA 1973; am §§ 3, 4 ch 43 SLA 1975; am § 6 ch 106 SLA 1976; am § 3 ch 133 SLA 1976; am §§ 5, 6 ch 268 SLA 1976; am §§ 20, 21 ch 71 SLA 1986)

Sec. 08.54.220. Injunction against unlawful action. When in the judgment of the board a person or corporation or other entity has engaged in an act in violation of AS 08.54.130 and AS 08.54.200-08.54.210 or the regulations promulgated under them, the board may apply to the appropriate court for an order enjoining the act. 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. (§ 1 ch 17 SLA 1973; am § 5 ch 43 SLA 1975)

ARTICLE 3. GENERAL PROVISIONS.

Section

230. Records of guided hunts

240. Definitions

Sec. 08.54.230. Records of guided hunts. The Department of Commerce and Economic Development shall collect and maintain records of hunts conducted by guides. The department shall make the records available to state and federal agencies charged with the enforcement of statutes and regulations relating to guiding or game if requested for enforcement purposes. For all other purposes, the records are confidential and are not subject to inspection or copying under AS 09.25.110-09.25.121. (§ 22 ch 71 SLA 1986)

Sec. 08.54.240. 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 Guide Board;

(3) "guide" or "guiding" means accompanying or directing a hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation, while the hunter or the person accompanying or directing the hunter spots, stalks, pursues, tracks, kills, or attempts to kill big game; in this paragraph, "in the field" does not include being present in a boat with living quarters or at a lodge or base camp;

* The Department of Law has determined the "resident" requirement in AS 08.54.210(a)(3) and (a)(6) is unconstitutional, therefore this requirement is not enforced.

(4) "resident" has the meaning given in AS 16.05.940;

(5) "restricted guide area" is a geographical area of the state the boundaries of which are determined by the board, and in which guided hunts may be conducted only by the guides to whom the area is assigned under AS 08.54.195;

(6) "unethical activity" means

(A) deception or misrepresentation involving prospective or actual clients either before, during, or following a contract hunt, including misrepresentation through private or public advertising of the type, duration, cost or conditions of the contract hunt;

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

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

(D) accepting a deposit for guiding services without providing before the hunt a signed contract to provide the services. (§ 1 ch 17 SLA 1973; am §§ 7, 8 ch 106 SLA 1976; am § 2 ch 133 SLA 1976; am § 19 ch 67 SLA 1983; am § 23 ch 71 SLA 1986)

PROFESSIONAL AND VOCATIONAL REGULATIONS

OCCUPATIONAL LICENSING
12 AAC 02

**Title 12.
PROFESSIONAL AND VOCATIONAL
REGULATIONS**

**Part 1. Boards and Commissions Subject to
Centralized Licensing
(12 AAC 04—12 AAC 72)**

**Part 1
Boards and Commissions
Subject to Centralized Licensing**

Chapter

- 02. Department of Commerce and Economic Development, Division of Occupational Licensing
(12 AAC 02.010—12 AAC 02.990)
- 04. Board of Public Accountancy
(12 AAC 04.005—12 AAC 04.990)
- 06. Athletic Commission
(12 AAC 06.010—12 AAC 06.990)
- 07. Audiologists (12 AAC 07.010)
- 08. (Repealed)
- 09. Board of Barbers and Hairdressers
(12 AAC 09.005—12 AAC 09.915)
- 16. Board of Chiropractic Examiners
(12 AAC 16.010—12 AAC 16.910)
- 20. Collection Agency Board
(No regulations filed)
- 21. Construction Contractors
(12 AAC 21.010—12 AAC 21.300)
- 24. (Repealed)
- 28. Board of Dental Examiners
(12 AAC 28.010—12 AAC 28.990)
- 30. Board of Dispensing Opticians
(12 AAC 30.010—12 AAC 30.050)
- 32. Board of Electrical Examiners
(12 AAC 32.010—12 AAC 32.990)
- 36. State Board of Registration for Architects, Engineers and Land Surveyors
(12 AAC 36.010—12 AAC 36.250)
- 38. Guide Licensing
(12 AAC 38.005—12 AAC 38.990)
- 40. State Medical Board
(12 AAC 40.010—12 AAC 40.990)
- 44. Board of Nursing
(12 AAC 44.010—12 AAC 44.940)
- 46. Board of Nursing Home Administrators
(12 AAC 46.010—12 AAC 46.900)
- 48. Board of Examiners in Optometry
(12 AAC 48.010—12 AAC 48.080)

- 52. Board of Pharmacy
(12 AAC 52.010—12 AAC 52.900)
- 54. State Physical Therapy Board
(12 AAC 54.010—12 AAC 54.940)
- 56. Board of Marine Pilots
(12 AAC 56.010—12 AAC 56.990)
- 60. Board of Psychologist and Psychological Associate Examiners
(12 AAC 60.010—12 AAC 60.900)
- 64. Real Estate Commission
(12 AAC 64.010—12 AAC 64.950)
- 68. Board of Veterinary Examiners
(12 AAC 68.010—12 AAC 68.900)
- 72. (Deleted)

**CHAPTER 2
DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING**

Article

- 1. Collection of Fees
(12 AAC 02.010—12 AAC 02.030)
- 2. Occupational Licensing Fees
(12 AAC 02.100—12 AAC 02.350)
- 3. Examination Review Procedures
(12 AAC 02.400)
- 4. General Provisions
(12 AAC 02.900—12 AAC 02.990)

**ARTICLE 1
COLLECTION OF FEES**

Section

- 10. Licensing and renewal fees
- 20. Prorating renewal fees
- 30. Prorating initial renewal fees

12 AAC 02.010. LICENSING AND RENEWAL FEES. (a) The department will collect fees and issue receipts for licensing and for license renewal for the boards listed in AS 08.01.010.

(b) The department will not issue a license or renew a license unless the applicable fees established in AS 08 or in this chapter have been collected, and a receipt has been prepared.

(c) Except as otherwise provided in 12 AAC, applications for initial licensure or renewal of license will be considered filed as of the date stamped on the document, when it is received in the division office.

(d) Except as otherwise provided in 12 AAC, an incomplete application, and supporting documentation for initial licensure or renewal of a license, will be considered abandoned after one year from the date of the last correspondence in the file.

(e) An application fee is not refundable. (Eff. 10/2/81, Reg. 80; am 12/5/84, Reg. 92; am 3/6/86, Reg. 97)

Authority: AS 08.01.050
AS 08.01.060
AS 08.01.065
AS 08.01.080
AS 08.01.100

12 AAC 02.020. PRORATING RENEWAL FEES. The department will prorate the first license renewal fees following initial licensure, in accordance with 12 AAC 02.030. All renewal fees, including penalty and delinquent fees must be paid by the licensee applying for renewal of a license, except as provided for in 12 AAC 02.030 (a)(1) and (b)(1). (Eff. 10/2/81, Reg. 80; am 12/5/84, Reg. 92)

Authority: AS 08.01.050
AS 08.01.080
AS 08.01.100

12 AAC 02.030. PRORATING INITIAL RENEWAL FEES. (a) When the department issues an initial biennial license

(1) within the 30 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;

(2) within the 12 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of renewal or

(3) more than 12 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of renewal.

(b) When the department issues a quadrennial initial license

(1) within the 60 days before the date by which the license must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;

(2) within 24 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of renewal;

(3) more than 24 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and the applicant shall pay the entire prescribed renewal fee at the time of renewal.

(c) The department will not prorate renewal fees if the initial licensing fee is \$100.00 or less.

(d) The department will not prorate fees for applications, examinations, reexaminations, credential review or investigations, temporary or emergency permits, locum tenens permits, certificates or other such fees established in AS 08. or this chapter. (Eff. 10/2/81, Reg. 80; am 3/28/82, Reg. 81; am 12/5/84, Reg. 92; am 3/6/86, Reg. 97)

Authority: AS 08.01.065
AS 08.01.080
AS 08.01.100

**ARTICLE 2
OCCUPATIONAL LICENSING FEES**

Section

- 100. Fees established by department**
105. Administrative fees
230. Guide board

12 AAC 02.100. FEES ESTABLISHED BY DEPARTMENT. The fees established in this chapter have been adopted by the department with the concurrence of the applicable board or commission listed in AS 08.01.010. (Eff. 3/6/86, Reg. 97)

Authority: AS 08.01.065

12 AAC 02.105. ADMINISTRATIVE FEES. Except as otherwise provided in this chapter for a particular board or occupation, the following fees apply to all boards and professions listed in AS 08.01.010.

- (1) duplicate license fee, \$5;
- (2) fee for verification or certification to another state of Alaska license, registration or examination, \$5;
- (3) name change, except for construction contractors, \$5;
- (4) photocopy fee, \$.25 per page;
- (5) returned check fee, \$20;
- (6) penalty for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days, \$20;
- (7) exam postponement fee, \$20; and
- (8) wall certificate fee, \$20. (Eff. 9/27/86, Reg. 99; am 11/20/86, Reg. 100; am 4/3/88, Reg. 105)

Authority: AS 08.01.065
AS 08.01.100

12 AAC 02.230. GUIDE BOARD. The following fees are established

- (1) application fee, \$30;
- (2) guide examination fee, \$25;
- (3) master guide license fee, for all or part of a biennial license period, \$240;
- (4) registered guide license, for all or part of a biennial license period, \$240;
- (5) class-A assistant guide license, for all or part of a biennial license period, \$50;
- (6) assistant guide license, for all or part of a biennial license period, \$50; and
- (7) Repealed 4/3/88. (Eff. 3/6/86, Reg. 97; am 4/3/88, Reg. 105)

Authority: AS 08.01.010(14)
AS 08.01.065
AS 08.54.170
AS 08.54.180

**ARTICLE 3.
EXAMINATION REVIEW PROCEDURES.****Section****400. Examination review**

12 AAC 02.400. EXAMINATION REVIEW. (a) For nationally prepared and administered examinations, the examination review procedures established by the national examination organization will be used in conjunction with the procedures established in this section. National examinations which have no provision for examination review are not available for review under this section.

(b) An applicant who wishes to review a failed examination shall submit a written request to the division within 30 days after the notice of examination results was mailed to the applicant.

(c) All examination reviews will be conducted in the presence of division staff at the time and location determined by the division. An examination review will not be conducted within 30 days of the next examination the applicant is scheduled to take.

(d) Only an applicant who has failed an examination may participate in the examination review and the applicant may review only his or her own examination.

(e) An application may use the same reference materials during an examination review that were allowed during the examination itself, but applicants may not use other materials or take notes or make copies of any kind. All materials brought to an examination review are subject to inspection by the division staff. (Eff. 4/3/88, Reg. 105)

Authority: AS 08.01.050
AS 08.01.080

**ARTICLE 4
GENERAL PROVISIONS****Section****900. Current address****990. Definitions**

12 AAC 02.900. CURRENT ADDRESS. A person licensed, registered, or certified by a board or

commission listed in AS 08.01.010, or in an occupation listed in AS 08.01.010, shall maintain a current, valid mailing address on file with the division at all times. The latest mailing address on file with the division is the address that will be used for official communications, notifications, and service of legal process. (Eff. 4/3/88, Reg. 105)

Authority: AS 08.01.050
AS 08.01.080
AS 08.01.087

12 AAC 02.990. DEFINITIONS. As used in this chapter

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

(2) "division" means the division of occupational licensing, Department of Commerce and Economic Development;

(3) "license" means a license, certificate, permit, registration or similar evidence of authority issued by the division or by one of the boards listed in AS 08.01.010;

(4) "licensee" means person who holds a license issued by the division or by one of the boards listed in AS 08.01.010. (Eff. 12/5/84, Reg. 92)

Authority: AS 08.01.050
AS 08.01.080
AS 08.01.100

PROFESSIONAL AND VOCATIONAL REGULATIONS

**GUIDE BOARD
12 AAC 38**

PROFESSIONAL AND
VOCATIONAL REGULATIONSCHAPTER 38.
GUIDE LICENSINGINTRODUCTION TO
TABLES OF COMPARATIVE SECTIONS

On December 1, 1986 the Department of Commerce and Economic Development recodified Title 12, Chapter 38, of the Alaska Administrative Code (AAC) relating to the Guide Board in an effort to make the chapter easier to use by both the Guide Board and the general public and to allow for the future adoption of new sections. The standard codifying procedure used in the AAC has been retained. History notes under the sections in their new location carry forward the history in their former location.

For the convenience of the reader, two tables of comparative sections are set out below. The first table sets out the old 12 AAC 38 section numbers in the first column and the new location in the second column. The second table reverses the order.

TABLE OF COMPARATIVE SECTIONS

Previous Reference Number	New Reference Number
12 AAC 38.010	12 AAC 38.015
12 AAC 38.020	12 AAC 38.900
12 AAC 38.030	12 AAC 38.005
12 AAC 38.040	12 AAC 38.200
12 AAC 38.050	12 AAC 38.050
12 AAC 38.051	12 AAC 38.210
12 AAC 38.052	12 AAC 38.250
12 AAC 38.053	12 AAC 38.220
12 AAC 38.054	12 AAC 38.260
12 AAC 38.055	12 AAC 38.270
12 AAC 38.056	12 AAC 38.280
12 AAC 38.057	12 AAC 38.230
12 AAC 38.058	12 AAC 38.290
12 AAC 38.060	12 AAC 38.240
12 AAC 38.070	12 AAC 38.300
12 AAC 38.080	12 AAC 38.310
12 AAC 38.090	12 AAC 38.320
12 AAC 38.100	12 AAC 38.330
12 AAC 38.110	12 AAC 38.340
12 AAC 38.120	12 AAC 38.350
12 AAC 38.130	12 AAC 38.130
12 AAC 38.140	12 AAC 38.025
12 AAC 38.150	12 AAC 38.035
12 AAC 38.155	12 AAC 38.065
12 AAC 38.156	12 AAC 38.075
12 AAC 38.160	12 AAC 38.360
12 AAC 38.170	12 AAC 38.370

Previous Reference
Number

12 AAC 38.175
12 AAC 38.180
12 AAC 38.190

New Reference
Number

12 AAC 38.380
12 AAC 38.390
12 AAC 38.990

REVERSE TABLE OF COMPARATIVE SECTIONS

New Reference
NumberPrevious Reference
Number

12 AAC 38.005	12 AAC 38.030
12 AAC 38.015	12 AAC 38.010
12 AAC 38.025	12 AAC 38.140
12 AAC 38.035	12 AAC 38.150
12 AAC 38.050	12 AAC 38.050
12 AAC 38.065	12 AAC 38.155
12 AAC 38.075	12 AAC 38.156
12 AAC 38.130	12 AAC 38.130
12 AAC 38.200	12 AAC 38.040
12 AAC 38.210	12 AAC 38.051
12 AAC 38.220	12 AAC 38.053
12 AAC 38.230	12 AAC 38.057
12 AAC 38.240	12 AAC 38.060
12 AAC 38.250	12 AAC 38.052
12 AAC 38.260	12 AAC 38.054
12 AAC 38.270	12 AAC 38.055
12 AAC 38.280	12 AAC 38.056
12 AAC 38.290	12 AAC 38.058
12 AAC 38.300	12 AAC 38.070
12 AAC 38.310	12 AAC 38.080
12 AAC 38.320	12 AAC 38.090
12 AAC 38.330	12 AAC 38.100
12 AAC 38.340	12 AAC 38.110
12 AAC 38.350	12 AAC 38.120
12 AAC 38.360	12 AAC 38.160
12 AAC 38.370	12 AAC 38.170
12 AAC 38.380	12 AAC 38.175
12 AAC 38.390	12 AAC 38.180
12 AAC 38.900	12 AAC 38.020
12 AAC 38.990	12 AAC 38.190

**CHAPTER 38.
GUIDE LICENSING****Article**

1. License Requirements
(§§ 12 AAC 38.005—12 AAC 38.130)
2. Guiding Area Permits
(§§ 12 AAC 38.200—12 AAC 38.290)
3. Professional Conduct
(§§ 12 AAC 38.300—12 AAC 38.390)
4. General Provisions
(§§ 12 AAC 38.900—12 AAC 38.990)

**ARTICLE 1.
LICENSE REQUIREMENTS.****Section**

05. Application for licensure
15. Registered guide examination
25. [Deleted]
35. Requirements for a master guide license
50. [Repealed]
65. Requirements for a marine mammal guide license
75. Requirements for assistant marine mammal guide license
130. [Repealed]

12 AAC 38.005. APPLICATION FOR LICENSURE.

An applicant for a master, registered, class-A assistant, assistant, marine mammal or assistant marine mammal guide license must

(1) make written application on the forms provided by the department;

(2) pay the fees established in 12 AAC 02.230; and

(3) meet the qualifications set out in AS 08.54.100, AS 08.54.110, AS 08.54.120, AS 08.54.140, 12 AAC 38.065, or 12 AAC 38.075. (Eff. 8/28/74, Reg. 50; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.015. REGISTERED GUIDE EXAMINATION. (a) An applicant who desires to take the registered guide examination shall submit to the department

(1) a complete application, including all supporting documents, in accordance with 12 AAC 38.005, 60 days before the examination date;

(2) a list of hunters the applicant has guided or assisted in guiding as an assistant or class A

assistant guide;

(3) a letter or letters of recommendation from a registered or master guide as required by AS 08.54.110(a)(8); and

(4) a notarized statement, subject to the penalties for unsworn falsification, that there has been no conviction of the applicant within the last five years and no currently pending criminal charges against the applicant for violations of a federal or state hunting or guiding statute or regulation.

(b) The registered guide examination is a written examination except that an oral examination will be given under AS 08.54.040(a)(1) to those who demonstrate limited ability to read or write the English language.

(c) A score of 80 percent is required to pass the registered guide examination.

(d) An applicant for a registered guide license who fails the examination and desires to retake the next scheduled examination shall make a written request and submit the required examination fee to the department no later than 30 days before the next examination.

(e) An applicant for a registered guide license who demonstrates to the board limited ability to read or write the English language, will be exempt from the written examination and will, in the board's discretion, be issued a license after passing an oral examination and a thorough review of the applicant's capabilities and experience.

(f) A registered guide license must be issued no later than one year after the applicant passes the registered guide examination or the applicant's eligibility for the license lapses. (Eff. 8/28/74, Reg. 50; am 6/15/80, Reg. 74; am 3/28/82, Reg. 81; am 11/21/84, Reg. 92; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050
AS 08.54.110
AS 08.54.200

12 AAC 38.025. REQUIREMENT FOR A REGISTERED GUIDE LICENSE. Deleted 8/20/87.

Editor's Note: This section, formerly designated 12 AAC 38.140, was deleted from Reg. 103 on 8/20/87 by the Department of Law under AS 44.62.123(b)(6) and AS 01.05.031(b)(11) because in § 8 ch 71 SLA 1C36, the Legislature repealed the board's previous authority under former AS 08.54.110(12) to require additional qualification of applicants for registered guide licenses.

12 AAC 38.035. REQUIREMENTS FOR A MASTER GUIDE LICENSE. In addition to the requirements of AS 08.54.100, to be qualified for a master guide license a person must have acted as a registered guide for 12 consecutive years. (Eff. 6/18/74, Reg. 50)

Authority: AS 08.54.050
AS 08.54.100(5)

12 AAC 38.050. REGISTRATION OF MAIN CAMP.
Repealed 5/12/78.

12 AAC 38.065. REQUIREMENTS FOR A MARINE MAMMAL GUIDE LICENSE. (a) To help provide economic opportunity for residents of rural coastal Alaska who engage in subsistence uses of marine mammals, the board will, in its discretion, issue a marine mammal guide license to an applicant who meets the following criteria:

- (1) is at least 21 years old;
- (2) has legally hunted marine mammals during each of at least ten years, in a manner directly contributing to the applicant's experience and competency as a marine mammal guide;
- (3) is physically able to perform the services of a marine mammal guide;
- (4) demonstrates to the board sufficient standards of competence and ethical conduct and has not been convicted of a crime of moral turpitude;
- (5) passes a qualification examination approved by the board and administered by the board or its agent, which covers the following areas:
 - (A) fishing, hunting, and guiding regulations;
 - (B) relevant characteristics of marine mammals;
 - (C) relevant characteristics of the ice, ocean, currents, and weather;
 - (D) field preparation of trophies;
 - (E) care of meat;
 - (F) firearms safety;
 - (G) practical first aid;

(H) photography; and

(I) booking and contracting guided hunts.

(b) A marine mammal guide will be authorized only to contract for and conduct guided hunts for species of marine mammals and in geographic areas of the state designated by the board.

(c) No marine mammal guide may contract for, or guide, more than two hunters in the field on any one hunt.

(d) A marine mammal guide must comply with AS 08.54 and 12 AAC 38. (Eff. 10/15/82, Reg. 84; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050
AS 08.54.160

12 AAC 38.075. REQUIREMENTS FOR ASSISTANT MARINE MAMMAL GUIDE LICENSE. (a) To help provide economic opportunity for residents of rural coastal Alaska who engage in subsistence uses of marine mammals, the board will, in its discretion, issue an assistant marine mammal guide license to an applicant who meets the following criteria:

- (1) is at least 19 years old;
 - (2) has legally hunted marine mammals during each of at least seven years, in a manner directly contributing to the applicant's experience and competency as an assistant marine mammal guide;
 - (3) is physically able to perform the duties of an assistant marine mammal guide; and
 - (4) demonstrates to the board sufficient standards of competence and ethical conduct and has not been convicted of a crime of moral turpitude.
- (b) No assistant marine mammal guide may
- (1) book or contract for a guided marine mammal hunt;
 - (2) conduct a guided hunt for marine mammals; or
 - (3) guide for a marine mammal, unless under the immediate supervision of a licensed marine

mammal guide. (Eff. 10/15/82, Reg. 84; am. 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050
AS 08.54.160

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

**ARTICLE 2.
GUIDING AREA PERMITS**

Section.

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

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

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

(1) repealed 6/15/80;

(2) repealed 6/6/79;

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

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

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

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

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

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

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

(B) significant reclassifications of land within his district;

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

(D) other demonstrations of hardship; and

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

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

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

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

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

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

(3) repealed 11/21/84;

(4) value and location of applicant's investments in the area;

(5) likely impact of the applicant's guiding business on other guides in joint use or in adjacent areas;

(6) applicant's past use of and experience in the area;

(7) applicant's local residency;

(8) availability of alternative areas and applicant's dependence on guiding in the requested area;

(9) effect of hunting and land use regulations in that area.

(c) Each guiding area will be assigned a unique identification code.

(d) Notwithstanding any other provisions of this section, no new exclusive guiding area permits will be issued for District 27, as defined in 12 AAC 38.200(b)(3); however, this subsection does not affect valid existing guiding area permits issued for Nunivak Island before March 1, 1981.

(e) An applicant who is aggrieved by a board decision regarding the size or boundaries of a guiding area is entitled to a hearing under AS 44.62.370 to review the board's action; a hearing must be requested within 15 days after the guide receives written notice of the board's action. (Eff. 5/12/78, Reg. 66; am 6/27/81, Reg. 78; am 11/21/84, Reg. 92)

Authority: AS 08.54.040(a)(3), (6) & (8)
AS 08.54.050

12 AAC 38.220. APPLICATION AND QUALIFICATION FOR GUIDING AREA PERMIT. (a) An applicant for initial issuance of a guiding area permit must, at the time of application and at the time the application is reviewed by the board, be a

registered or master guide in good standing and must be certified in the district or districts in which the applied for guiding area is located. If civil or criminal charges for violation of a state or federal sport fish, game, or guiding law or regulation are pending against a guide at the time the board is to review the application, the board may defer action on the application until conclusion of the civil or criminal action.

(b) In order to be considered, an applicant must submit to the board, on or before the published deadline, an application which describes the proposed geographic boundaries of the guiding area being applied for and a 1:250,000 scale map showing the proposed boundaries.

(c) Each application must include satisfactory documentation of the applicant's past use, occupancy, and financial investment in the guiding area applied for, as applicable. The application may include other relevant information if it is substantiated by satisfactory documentation.

(d) The board will, in its discretion, issue a permanent guiding area permit to a qualified applicant who can substantiate his use, occupancy, or financial investment in the guiding area for at least three of the five years immediately preceding the published deadline for filing the application for that particular unit. The board will, in its discretion, issue a temporary guiding area permit to a qualified applicant who can substantiate his use, occupancy or financial investment in the guiding area for at least two of the five years immediately preceding the published deadline for filing the application for that particular unit. In determining whether to issue a guiding area permit, the board will give preference to qualifying guides whose permanent residence is within the district in which the area is located and will consider criteria including the following:

(1) ability of the area to sustain an additional guided hunting operation, in terms of game populations, terrain, methods of hunting, and use by other guides or hunters; and

(2) amount of investments in the applied for area, and length of use in the district.

(e) The holder of a temporary guiding area permit may apply for a permanent permit after one additional year of use, in the temporary guiding area.

(f) The board will not issue to a master or registered guide more than three exclusive or joint use guide area permits, either on a temporary or permanent basis.

(g) In this section "use" means conducting guided hunts as a registered or master guide in the district in which the applied for area is located, as evidenced by statements of financial remuneration submitted under 12 AAC 38.240(b). (Eff. 5/12/78, Reg. 66; am 10/15/82, Reg. 84; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.230. MINIMUM USE OF GUIDING AREA. Each holder of a guiding area permit must be a currently licensed guide and must conduct at least two contracted big game hunts during each calendar year within each guiding area, as evidenced by statements of financial remuneration filed in accordance with 12 AAC 38.240. The board will, in its discretion, require any other documentation to demonstrate that the contracts were fulfilled. If, in any calendar year, the holder of a guiding area permit fails to conduct two guided big game hunts in that guiding area, the permit holder must submit to the department by January 31 of the following calendar year, a written statement explaining the failure to use the area. Failure to conduct at least two guided big game hunts each calendar year in the guiding area as required by this section constitutes grounds for revocation of the guiding area permit, unless the permit holder can demonstrate to the satisfaction of the board that circumstances beyond the permit holder's control precluded conducting the required hunts. (Eff. 5/12/78, Reg. 66; am 6/27/81, Reg. 78; am 11/21/84, Reg. 92)

Authority: AS 08.54.040(a)(3), (6) & (8)
AS 08.54.050

12 AAC 38.240. STATEMENT OF FINANCIAL REMUNERATION. (a) Before hunting with a client, a guide shall complete or have completed a statement of financial remuneration or "SFR" in triplicate on a form provided by the board for this purpose, and shall state

(1) that financial or material remuneration for services was received;

(2) the dates of the contract hunt;

(3) the species to be hunted for and

(A) the client's hunting license number;

(B) the big game tag numbers, by species;

(C) the harvest ticket numbers, by species;

(4) the signature of the guide area permit holder, if applicable;

(5) the legal signatures of the guide contracting the hunt and of the client.

(6) the typed or printed names and addresses of the guide and the client;

(7) the guiding area permit unique identifying code assigned under 12 AAC 38.210, or if an open area, the Game Management Unit number.

(b) The original of the statement required in (a) of this section must be sent to the department within 21 days after completion of the hunt.

(c) The guide is responsible for furnishing one copy of the statement to the client.

(d) One copy of the statement must be filed in camp for the duration of the hunt, and after that, at the guide's regular place of business for four years, and must be produced for inspection upon request by an agent of the department or anyone authorized under AS 16 to enforce game regulations.

(e) Statements of financial remuneration as well as other supporting documentation regarding guide/client contractual agreements which are maintained on file by the department will be considered confidential information requiring a court order for production to a person or an agency other than the Guide Board.

(f) Statements of financial remuneration cancelled before a hunt must be reported to the department within 21 days after the date of cancellation. (Eff. 6/28/74, Reg. 50; am 5/12/78, Reg. 66, am 11/21/84, Reg. 92)

Authority: AS 08.54.050

12 AAC 38.250. USE OF GUIDING AREA ASSIGNED TO ANOTHER GUIDE. (a) A guide may not

(1) lease or rent a guiding area to another guide for monetary or material gain;

(2) contract for or conduct a guided big game hunt in an exclusive guiding area not assigned to that guide by the board without first obtaining written permission from the guide who is assigned that guiding area; and

(3) conduct a guided big game hunt in a joint-use guiding area not assigned to that guide by the board without first obtaining written permission from each joint-use permit holder.

(b) A copy of the written permission required by (a) of this section must, at all times during the hunt, be on the person of the guide conducting the hunt or kept in the base camp from which the hunt is conducted.

(c) The written permission required by (a) of this section must be written on the statement of financial remuneration filed for the hunt and must include the

(1) dates for which the permission is valid;

(2) species and number of big game animals to be hunted;

(3) date permission is signed and signature of each person holding a permit for the guiding area.

(d) A guide who gives written permission to another to use a guiding area, may be held equally responsible with the guide receiving the permission, in a proceeding for revocation of the permit, for any violations in or misuse of the guiding area committed during the time authorized in the written permission. (Eff. 5/12/78, Reg. 66; am 10/11/81, Reg. 80; am 10/15/82, Reg. 84; am 6/16/85, Reg. 94; am 8/20/87, Reg. 103; am 4/2/88, Reg. 106)

Authority: AS 08.54.040(a)
AS 08.54.050

12 AAC 38.260. REASSIGNMENT OF GUIDING AREA PERMIT. (a) Guiding area permits are not transferable by the permit holder. The board will, in its discretion, reassign a guiding area permit

(1) upon the death of the permit holder or upon a judicial determination that the permit holder is mentally incompetent;

(2) upon revocation or suspension of a guiding area permit;

(3) if the permit holder voluntarily relinquishes the guiding area permit; and

(4) upon application for reassignment.

(b) Under (a)(4) of this section, a permit holder may apply to the board for reassignment of his or her guiding area permit to a designated master or registered guide; the application must be made jointly by the permit holder and the designated master or registered guide. Approval of the reassignment will be given only upon a finding by the board, after notice and opportunity for a hearing, that the designated registered or master guide is qualified to guide in the area, is certified in the district or districts in which the applied for guiding area is located, and that the reassignment is consistent with the public interest. The board will consider the designated master or registered guide's past use, occupancy, or financial investment in the guiding area and other relevant and reliable information in determining whether the designated master or registered guide is qualified.

(c) Except as otherwise provided in this chapter, an applicant for a guiding area permit which is to be reassigned must meet the requirements of 12 AAC 38.220(a) and make application in the manner prescribed for initial issuance of a guiding area permit.

(d) If an applicant cannot establish past use of the guiding area to be transferred or is not certified in the district or districts in which the guiding area is located, the board will consider experience and current use in another area of similar terrain if the applicant can establish to the satisfaction of the board that he or she is competent because of other relevant factors to conduct guiding activities in the guiding area.

(e) The board will consider the recommendations of the prior holder of the guiding area permit to be reassigned and will, in areas of joint use, consider the recommendations of the other holders of permits for the guiding area.

(f) When an area has been revoked or suspended under (a)(2) of this section, the area is closed to all guided hunting until it is reassigned.

(g) The board will, in its discretion and consistent with AS 08.54.040 and 12 AAC 38.210, adjust a guiding area permit when reassigning that permit. (Eff. 5/12/78, Reg. 66; am 10/15/82, Reg. 84; am 8/20/87, Reg. 103)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.270. DEATH OR MENTAL INCAPACITY OF GUIDING AREA PERMIT HOLDER. (a) Upon the death of a holder of a guiding area permit, the board will, in its discretion, grant a waiver, for a time specified by the board, of the requirements of 12 AAC 38.230 if application is made by the estate within 90 days after death. Failure to make application within 90 days is considered a voluntary relinquishment of the permit. At any time during the period of the waiver, an heir may apply to the board for a reassignment of the permit to a person designated by the heir.

(b) Upon a judicial determination that a guiding area permit holder is mentally incompetent, the board will, in its discretion, grant a waiver, for a time specified by the board, of the requirements of 12 AAC 38.230 if application is made by the permit holder's guardian within 90 days after a judicial determination of the permit holder's mental incompetency. Failure to make application within 90 days is considered a voluntary relinquishment of the permit. At any time during the period of the waiver the guardian may apply to the board for a reassignment of the permit to a person designated by the guardian. (Eff. 5/12/78, Reg. 66)

Authority: AS 08.54.040(a)(3), (6) & (8)
AS 08.54.050

12 AAC 38.280. CHANGES TO GUIDING AREA PERMITS. (a) A guide may petition the board at a regularly scheduled meeting for amendments to a guiding area permit. The board will, in its discretion and consistent with 12 AAC 38.210, adjust a guiding area boundary.

(b) The board will give each petitioner reasonable notice of the date and place of the meeting during which his or her petition is scheduled for review. The board will not hear a petition unless the petitioner, or a person authorized by the petitioner in writing to appear in his or her behalf, personally appears at the scheduled time.

(c) When a petition concerns a joint use guiding area permit, the board will send each joint use permit holder a copy of the petition and reasonable notice of the date and place of the meeting at which the petition is scheduled to be heard; each joint use permit holder may appear before the board and present testimony relevant to the petition.

(d) the board will, in its discretion, issue an exclusive guiding area permit for an area or portion of an area already granted in joint use only upon finding that

(1) all other affected guides in joint use agree to the change; or

(2) creation of an exclusive guiding area is required by changes in game populations, hunting regulations, weather patterns, or land use laws or regulations, and other guides in joint use of the area will not be detrimentally affected by the change; in determining whether other guides may be detrimentally affected, the board will consider projected loss of hunting clients, revenue, investments, access and other similar concerns.

(e) A guide aggrieved by a board decision under this section is entitled to an administrative hearing to review the decision in accordance with AS 44.52.370. The guide must request such a hearing within 15 days after receipt of a notice from the board of the board's action.

(f) Before a matter covered by this section will be heard by the board at a meeting, the petitioner must contact all area permit holders affected by certified mail - return receipt requested and the petitioner must submit the return receipts along with any replies received to the board. (Eff. 5/12/78, Reg. 66; am 6/16/80, Reg. 74; am 6/27/81, Reg. 78; am 8/20/87, Reg. 103; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.290. GROUNDS FOR REVOCATION OR SUSPENSION OF A GUIDING AREA PERMIT. The board will, in its discretion, revoke or suspend a guiding area permit or permits if the permit holder

(1) violates a federal or state sport fish, game or guiding statute or regulation while guiding;

(2) has a guide license revoked or suspended, or is denied renewal of a license, for violation of a federal or state sport fish, game or guiding statute or regulation, other than for nonpayment of current license fees; or

(3) is found by the board to have misused a guiding area.

(b) The board will, in its discretion, revoke or suspend a guiding area permit if it finds that the application for the guiding area permit or reassignment of the guiding area contained false or misleading information. (Eff. 5/12/78, Reg. 66, am 11/21/84, Reg. 92)

Authority: AS 08.54.040(a)(3), (6) & (8)
AS 08.54.050

ARTICLE 3. PROFESSIONAL CONDUCT.

Section

- 300. Responsibility to the client
- 310. Survival gear
- 315. Bases of operation in southeast Alaska
- 320. Presence of guide required
- 330. Taking of game by guides
- 340. Transporting meat
- 350. Cooperation with officials
- 360. Improper certification
- 370. Improper reporting
- 380. Employment and supervision of assistants
- 390. Guiding ethics

12 AAC 38.300. RESPONSIBILITY TO THE CLIENT. (a) Before conducting a hunt it is the guide's responsibility to be sure that the proper hunting license, game tags, and harvest reports for the big game species being hunted are in the client's possession.

(b) The guide is responsible for attaching the appropriate tags to any game taken by the client and for having all game sealed or marked as required in 5 AAC 81—5 AAC 92.

(c) A guide shall take every reasonable measure to assure the safety and comfort of the client and is responsible for having available

(1) adequate first aid supplies;

(2) sufficient food to provide for emergencies that might render the party immobile;

(3) shelter which is normally considered satisfactory and comfortable under field conditions; and

(4) transportation or communications or arrangements to obtain them without hardship or unreasonable delay. (Eff. 6/28/74, Reg. 50; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.310. SURVIVAL GEAR. A guide is responsible for assuring that each aircraft operated by the guide and used in any phase of a hunt conducted by the guide, carries survival gear as required by AS 02.35.110. (Eff. 6/28/74, Reg. 50; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.315. BASES OF OPERATION IN SOUTHEAST ALASKA. A guiding area permit holder in game management units one through four may not conduct or supervise guided hunts from more than one vessel over 18 feet or from no more than one land camp. (Eff. 8/20/87, Reg. 103)

Authority: AS 08.54.040(a)
AS 08.54.050

12 AAC 38.320. PRESENCE OF GUIDE REQUIRED. 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. (Eff. 6/28/74, Reg. 50; am 11/2/75, Reg. 56)

Authority: AS 08.54.050

12 AAC 38.330. TAKING OF GAME BY GUIDES. (a) A guide may not take big game animals or marine mammals while acting as a guide, except in cases of actual emergency when a bear or other animal is about to escape after being wounded. It is then the duty of the guide to take action as the guide considers necessary.

(b) It is unlawful for a master guide, registered guide, class-A assistant guide, or assistant guide who is guiding a hunter for walrus to take or assist in taking any walrus other than the animal taken by the client. However, one crewman other than

the guide may take one single cow walrus and its calf if this taking does not exceed the bag limit prescribed by regulations of the Board of Game. (Eff. 6/28/74, Reg. 50; am 6/12/77, Reg. 62; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.340. TRANSPORTING MEAT. A guide is responsible for transporting the meat of big game animals, except bear, wolves, and wolverine, taken by the guide's client from the site of the kill to its destination or to a common carrier for shipping to its destination for the purpose of human consumption. If the meat is delivered to a person other than the person who took the animal, a signed and dated statement or receipt stating the kind and quantity of meat received in approximate pounds or named portions of the carcass must be obtained from the recipient and presented upon request to any officer authorized to enforce this chapter. (Eff. 6/28/74, Reg. 50; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.350. COOPERATION WITH OFFICIALS. Failure on the part of a guide to assist the Departments of Fish and Game, Public Safety and Commerce and Economic Development in determining the truth of any statements reported in accordance with 12 AAC 38 is unethical conduct. (Eff. 6/28/74, Reg. 50; am 6/12/77, Reg. 62; am 11/21/84, Reg. 92; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.360. IMPROPER CERTIFICATION. No master or registered guide may improperly certify that a person has met the qualifications for a guide license. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.370. IMPROPER REPORTING. A guide may not knowingly falsify any information required by the Alaska Department of Fish and Game or the Guide Board. (Eff. 6/28/74, Reg. 50; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

12 AAC 38.380. EMPLOYMENT AND SUPERVISION OF ASSISTANTS. Repealed 4/22/88.

12 AAC 38.390. GUIDING ETHICS. Unethical activity includes, but is not limited to

(1) not fully cooperating with state and federal wildlife officials or not abiding by and advising clients and personnel of all applicable conservation and game laws and regulations or condoning their violation;

(2) misrepresenting or not clearly defining rates, accommodations and services to prospective clients prior to booking and acceptance of deposit, or otherwise misleading prospective clients through false or fictitious advertising;

(3) being unwilling or incapable of making financial restitution to a client for any breach of contract by the guide or the guide's employees, owing to no fault of the client;

(4) not advising clients of game population to the best of the guide's ability based on past performances in hunting areas and not advising the client of the chances of encountering the species desired in the time allotted;

(5) making "guarantees" as to the success of a hunt or the number of pieces of game to be collected;

(6) not maintaining and providing stock, mechanical equipment, gear, food supplies and facilities to a quality and condition to provide services equal to or better than described in the guide's advertising, correspondence, verbal declaration or contractual agreements;

(7) not maintaining a neat, orderly and sanitary camp at all times, or not providing reasonably well-prepared, palatable and balanced camp meals for clients and personnel in keeping with the conditions of the hunt;

(8) contracting for more hunts or for more hunters at any one time than the guide or the guide's employees can adequately serve;

(9) hiring guides that are improperly licensed, or ill trained in the arts of woodsmanship, judging trophies, cooking, first aid, photography, firearms, trophy preparation and caring for clients;

(10) failing, while guiding a client, to take all precautions if an animal is wounded;

6/28/74, Reg. 50; am 2/25/77, Reg. 61; am 11/21/84, Reg. 92)

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

Authority: AS 08.54.040(a)(4) & (5)
AS 08.54.050

(12) filling a client's game tag or bag limit;

12 AAC 38.990. DEFINITIONS. Unless otherwise indicated, in this chapter

(13) failing, barring unforeseen conditions, to properly prepare, according to generally accepted procedures, all antlers, horn, hides and capes to be delivered to the taxidermist or to the client at the conclusion of a hunt in a satisfactory and unspoiled condition;

(1) "competence" means a professional standard of conduct which satisfactorily implements, under field conditions, the knowledge and qualifications of a guide;

(14) failing to endeavor to salvage all meats of trophies taken by the client, in accordance with state law;

(2) "transport" means shipping, carrying, importing, exporting, or receiving or delivering for shipment, carriage or export.

(15) promoting hunting or the taking of trophies by means other than fair chase: specifically, the pursuit of a trophy in an illegal or unsportsmanlike manner, by herding, driving or chasing of animals with the use of any mechanically powered equipment;

(3) "board" means the Guide Board;

(4) "department" means the Department of Commerce and Economic Development. (Eff. 6/28/74, Reg. 50 am 11/21/84, Reg. 92; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

(16) failing to practice sound wildlife conservation or failing to create an awareness of conservation needs and practices during the guide's associations with the public. (Eff. 6/28/74, Reg. 50; am 4/22/88, Reg. 106)

Authority: AS 08.54.040
AS 08.54.050

ARTICLE 4. GENERAL PROVISIONS.

Section

900. Guide register

990. Definitions

12 AAC 38.900. GUIDE REGISTER. (a) On February 15 of the register year, the names of all persons holding a master guide or registered guide license will be entered by the board and must be published for distribution to the public.

(b) All guides shall advise the board of their current address and all changes of address. (Eff.

STATE OF ALASKA
DEPARTMENT OF COMMERCE AND
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DIVISION OF OCCUPATIONAL LICENSING
GUIDE BOARD
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