

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1681 SCOMM 67: GUIDING AND GAME TASK FORCE 1989-1990 1249



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

Jim Butler
Signature of Camera Operator

12/10/83
Date

SCOMM 67: GUIDING AND GAME TASK FORCE, 1989-1990

LEGISLATIVE MEMBERSHIP:

1988-1989

REPRESENTATIVE H. SPRINGER, CHAIR
REPRESENTATIVE MIKE NAVARRE
REPRESENTATIVE JAN FAIKS
SENATOR KEN FANNING

1989-1990

SENATOR JAN FAIKS, CHAIR
REPRESENTATIVE MIKE NAVARRE
REPRESENTATIVE LYMAN HOFFMAN

Background:

The Task Force on Guiding and Game was created by Ch. 160, SLA 1988 (SB 91) and formed in May 1988. Subsequent to the Alaska Supreme Court decision in the Owsicheck case (October 22, 1988) it was extended by Ch. 10, SLA 1989 (SB 139) from January 1989 to January 15, 1990.

Contents: 12" of files and reports. All the files are from the 1989-90 portion of the committee. 51 tapes are also available from 1989-90 committee and 10 from 1988-89.

LIST OF FILES (PAGE 1)

MICROFICHE #

1. REPORT: "ALASKA'S BIG GAME, A REPORT ON THE COMMERCIAL ASPECTS OF ITS USES AND USERS", VOL. 1, JAN. 1989
2. REPORT: "ALASKA'S BIG GAME, A REPORT ON THE COMMERCIAL ASPECTS OF ITS USES AND USERS", VOL. 2, JAN. 1989
3. REPORT: "ALASKA'S BIG GAME, A REPORT ON THE COMMERCIAL ASPECTS OF ITS USES AND USERS", VOL. 3, JAN. 1989
4. REPORT: "MANAGING ALASKA'S COMMERCIAL USERS OF BIG GAME", VOL. 1, JAN. 1990
5. REPORT: "MANAGING ALASKA'S COMMERCIAL USERS OF BIG GAME", VOL. 2, (APPENDICES G-Q) JAN. 1990
6. JUNE 29, 1989 MEETING
7. JULY 19, 1989 MEETING
8. AUGUST 16, 1989 MEETING

SCOMM 67: GUIDING AND GAME TASK FORCE, 1989-1990

LIST OF FILES (PAGE 2)

MICROFICHE #

9. OCTOBER 5 AND 6, 1989 MEETING
10. NOVEMBER 8, 1989 MEETING
11. NOVEMBER 20, 1989 MEETING
12. DECEMBER 11 AND 12, 1989 MEETING
13. JANUARY 4 AND 5, 1990 MEETING
14. JANUARY 22, 1990 MEETING
15. BIRCH-HORTON CONTRACT
16. CORRESPONDENCE
17. HAND-OUT BY SENATOR FAIKS DURING WA. D.C.
MEETING WITH NATIONAL PARKS, WILDLIFE
OFFICIALS AND STAFF
18. HAND-OUT TO SENATE DURING DEBATE OVER AIR
TAXI REGULATIONS AMENDMENT
19. MISCELLANEOUS - STAFF AND LEGAL SERVICES
MEMORANDA, FISCAL NOTES, ETC.
20. SB 422

SCOMM

67:1

ALASKA'S BIG GAME

**A Report on the Commercial Aspects of
its Uses and Users**

**A Final Report to
the 16th Legislature**

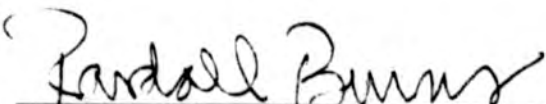
**Legislative Task Force on
Guiding and Game
January 1989**

VOLUME I OF III

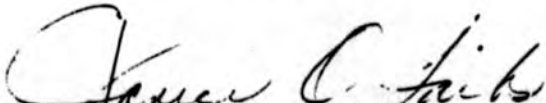
INTERIM TASK FORCE ON
GUIDING AND GAME

TASK FORCE MEMBERS


Mr. Pete Buist
Alaska Guide Board

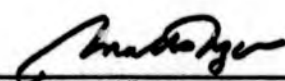

Mr. Randall Burns
Alaska Dept. of Commerce &
Economic Development


Ms. Vernita Cassidy
Public Member

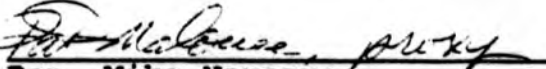

Senator Jan Faiks
Alaska State Senate

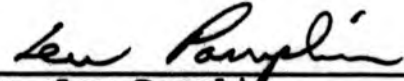

Senator Ken Fanning
Alaska State Senate

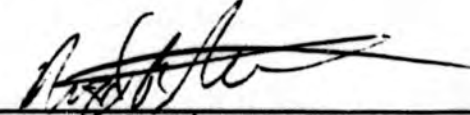

Mr. Phil Gilson
Alaska Department of
Public Safety

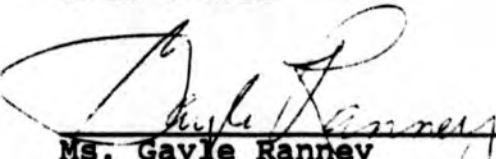

Mr. Matthew Iya
Public Member

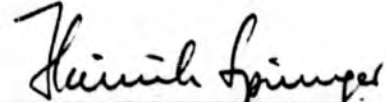

Mr. Paul Johnson
Guide Member


Rep. Mike Navarre
Alaska State House of
Representatives


Mr. Lew Pamplin
Alaska Department of
Fish & Game


Mr. Nick Pierskalla
Non-Guide Member


Ms. Gayle Ranney
Air Taxi Member


Rep. Heinrich Springer
Alaska State House of
Representatives

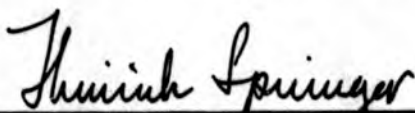
PREFACE

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

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

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

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



Heinrich Springer, Chairman

CONTENTS

VOLUME I:

PREFACE

TASK FORCE ACTIVITY SUMMARY

Page 1

RECOMMENDATIONS

Page 3

DRAFT LEGISLATION

APPENDICES:

COPY OF SB 191

APPENDIX A

COPY OF LEGISLATIVE LETTER OF INTENT

APPENDIX B

MINUTES OF MEETINGS AND PUBLIC HEARINGS

APPENDIX C

REPORTS FROM SUBCOMMITTEES

APPENDIX D

VOLUME II:

SURVEY: RURAL USERS

APPENDIX E

SURVEY: GUIDES AND AIR TAXIS

APPENDIX F

RECOMMENDATIONS BY APHA, AND ALASKA OUTFITTER'S ASSN.

APPENDIX G

LB&A AUDITS ON GUIDE BOARD

APPENDIX H

RESEARCH REPORTS

APPENDIX I

INFORMATION FROM BRITISH COLUMBIA PACKET

APPENDIX J

VOLUME III:

OWSICHEK CASE - SUPREME COURT DECISION

APPENDIX K

DEPARTMENT OF LAW ANALYSIS OF SUPREME COURT DECISION

APPENDIX L

STAY OF OWSICHEK DECISION

APPENDIX M

RESOLUTION BY GUIDE BOARD

APPENDIX N

CORRESPONDENCE

APPENDIX O

NEWS ARTICLES

APPENDIX P

TASK FORCE ACTIVITY SUMMARY

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

The Task Force conducted the following meetings and work sessions:

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

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

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

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

Work sessions by teleconference:

January 4, 9, 10, 11, and 13, 1989.

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

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

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

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

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

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

The main points of our findings and recommendations are:

- a. Support for "commercial use" of game. Throughout this report the term "commercial use" refers to the providing of hunting services for compensation.
- b. Necessity to regulate all commercial users.
- c. Recognition of three main user groups:
Guide-Outfitters, Transporters, and Commercial Permit Holders and establishment of licensure requirements for Guide-Outfitters.
- d. Replace the present Guide Board with a Big Game Commercial Services Board.
- e. Create a state established and controlled area management plan.
- f. Distribute use privileges to the commercial big game industry within the framework of the State's regulations and the Supreme Court's criteria.
- g. Concentrate on long-term plans, but address interim functions.

These recommendations are described in more detail as follows.

RECOMMENDATIONS

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

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

1. Commercial use of game is a valid principle.

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

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

2. All commercial users need to be regulated.

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

3. Owsichuk Case

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

Any system needs to address the following points:

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

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

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

4. Examination of other states and countries.

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

5. User Group Definition.

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

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

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

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

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

6. User Group Qualifications and Licensure.

QUALIFICATIONS:

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

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

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

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

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

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

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

USER GROUP LICENSES REQUIRED:

Guide-Outfitter:

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

Transporter:

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

Commercial Permit Holder:

1. Alaska business license
2. Commercial Use permit

Aircraft Operation Requirements:

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

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

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

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

Rural Concerns:

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

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

7. User Group Reporting Requirements.

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

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

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

8. Fee Structure.

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

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

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

9. Insurance and Bonding.

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

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

10. Penalty.

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

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

11. Transitional Measures for User Groups.

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

12. Role of State Employee.

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

13. Guide Required Species.

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

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

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

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

15. Extension of Task Force on Guiding and Game.

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

16. Management System.

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

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

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

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

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

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

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

1. ADF&G be designated as lead agency, whose purpose is to formulate and designate management areas within the present GMU framework; and, ↙
2. DNR needs ability to expeditiously adopt a concession or use system that is compatible with other land uses and the practices of other land areas. ↙

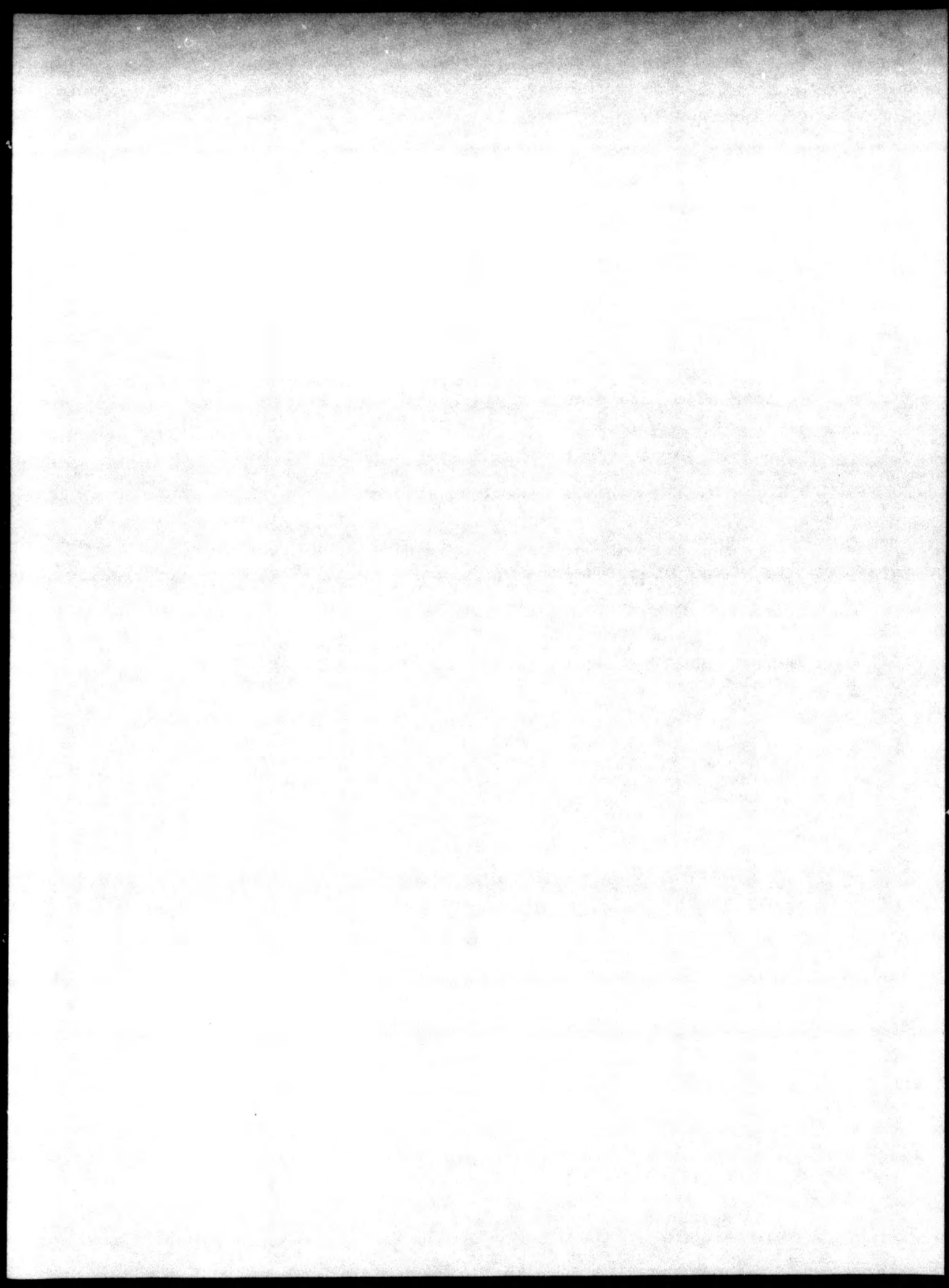
The Task Force also recommends for consideration:

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

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

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

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



6-0401A
Utermohle
1/14/89

1 IN THE HOUSE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to big game hunting and to the
7 regulation of big game and marine mammal guide-out-
8 fitting, transportation, and other commercial ser-
9 vices for big game hunters; creating the Big Game
10 Commercial Services Board; and providing for an
11 effective date."

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

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

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

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

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

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

19 ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.

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

26 (b) The board consists of nine members:

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

29 (2) the commissioner of natural resources or the

1 commissioner's designee;

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

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

6 (5) one member who is a licensed transporter;

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

9 (7) one member who represents Native landholders; and

10 (8) one public member.

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

12 (1) prepare, grade, and administer

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

20 (B) an oral examination of a guide-outfitter who seeks
21 an amendment of a game management unit certification; the exami-
22 nation must require demonstration that the guide-outfitter is
23 qualified to provide guide-outfitted hunts in each new game
24 management unit for which the guide-outfitter seeks to be certi-
25 fied;

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

1 (3) establish performance standards for providers of big
2 game commercial services and regulate the activities of these provid-
3 ers;

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

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

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

18 (7) authorize issuance of transporter licenses;

19 (8) authorize issuance of commercial use permits;

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

22 (b) The board may

23 (1) provide for registration of hunting camps and facil-
24 ities used by persons who are licensed or who hold a permit under this
25 chapter;

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

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

4 Sec. 08.54.320. BOARD REGULATIONS. The board shall adopt proce-
5 dural and substantive regulations required by this chapter or reason-
6 ably necessary for its administration.

7 ARTICLE 5. LICENSING.

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

10 (1) is 21 years of age or older;

11 (2) has practical field experience in the handling of
12 firearms, hunting, judging trophies, field preparation of meat and
13 trophies, first aid, photography, and related guide-outfitting activi-
14 ties;

15 (3) is familiar with the terrain and transportation prob-
16 lems in the game management unit for which the license is requested;

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

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

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

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

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

3 (8) has demonstrated a current knowledge of fishing, hunt-
4 ing, and guide-outfitting regulations;

5 (9) is capable of performing the essential duties associ-
6 ated with guide-outfitting;

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

14 (11) possesses a business license to provide guide-out-
15 fitting services; and

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

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

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

24 (1) is 21 years of age or older;

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

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

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

1 extent and degree satisfactory to the board:

2 (A) current fish and game laws and regulations;

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

5 (C) field preparation of trophies;

6 (D) care of game meat;

7 (E) use of guide-outfitting gear;

8 (F) firearm safety;

9 (G) practical first aid; and

10 (H) booking and contracting hunts;

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

15 (6) possesses a business license to provide guide-out-
16 fitting services; and

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

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

21 Sec. 08.54.370. RENEWAL OF GUIDE-OUTFITTER LICENSE AND MARINE
22 MAMMAL GUIDE-OUTFITTER LICENSE. (a) An applicant for renewal of a
23 guide-outfitter license or a marine mammal guide-outfitter license
24 shall submit with the application for renewal

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

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

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

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

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

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

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

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

14 (b) A class-A guide-outfitter

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

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

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

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

26 (1) is 18 years of age or older;

27 (2) passes an examination administered by the board;

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

29 (4) has demonstrated practical knowledge of first aid and

1 cardiopulmonary resuscitation;

2 (5) is in sound physical condition; and

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

5 (b) An assistant guide-outfitter

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

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

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

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

14 (2) pays the license fee;

15 (3) pays the commercial use permit fee;

16 (4) provides proof of

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

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

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

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

1 with permanent living quarters owned by the transporter used for over-
2 night commercial hunts for Sitka blacktail deer, elk, and marine
3 mammals.

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

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

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

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

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

14 (5) proof of

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

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

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

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

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

3 Sec. 08.54.410. APPEAL TO COMMISSIONER FROM BOARD ON DENIAL OF
4 LICENSE. The commissioner of commerce and economic development may
5 order that an applicant for an initial license under AS 08.54.350 -
6 08.54.400 be allowed to take the license examination or be issued the
7 license if, after reviewing a petition filed by the applicant, the
8 commissioner finds that

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

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

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

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

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

18 (4) the applicant is otherwise qualified to take the exam-
19 ination or to be issued the license; and

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

22 Sec. 08.54.420. RENEWAL OF LICENSES. Notwithstanding AS 08.01.-
23 100(a), guide-outfitter, marine mammal guide-outfitter, and transport-
24 er licenses shall be renewed annually on dates set by the department
25 with the approval of the board.

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

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

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

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

13 (b) Notwithstanding (a) of this section, a guide-outfitter who
14 fails to renew a license is not required to requalify under AS 08.54.-
15 350(a)(7), unless the license has been lapsed for three or more years.

16 Sec. 08.54.450. LICENSE AND EXAMINATION FEES. (a) The depart-
17 ment shall set license fees under AS 08.01.065 for each of the follow-
18 ing:

- 19 (1) guide-outfitter
20 (2) class-A guide-outfitter;
21 (3) assistant guide-outfitter;
22 (4) marine mammal guide-outfitter;
23 (5) transporter.

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

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

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

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

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

17 (c) A guide-outfitter, marine mammal guide-outfitter, and trans-
18 porter shall pay the commercial use permit fee at the time of applica-
19 tion for issuance or renewal of a guide-outfitter license, marine
20 mammal guide-outfitter license, or transporter license.

21 (d) The commissioner of administration shall separately account
22 for commercial use permit fees deposited in the general fund by the
23 department. The annual estimated balance in the account may be used
24 by the legislature to make appropriations to the Department of Fish
25 and Game and the Department of Public Safety to carry out their re-
26 spective responsibilities for management of game resources and en-
27 forcement of game laws.

28 ARTICLE 6. PENALTIES.

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

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

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

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

12 (3) a licensee has been convicted of a violation of a
13 federal or state statute or regulation relating to hunting or pro-
14 vision of big game commercial services.

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

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

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

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

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

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

1 guide-outfitter, class-A guide-outfitter, or assistant guide-out-
2 fitter; or

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

6 (A) waste of a wild food animal;

7 (B) hunting on the same day airborne;

8 (C) hunting during a closed hunting season; or

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

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

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

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

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

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

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

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

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

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

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

21 (A) waste of a wild food animal;

22 (B) hunting on the same day airborne;

23 (C) hunting during a closed hunting season; or

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

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

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

4 Sec. 08.54.510. DISCIPLINE; GENERAL PROVISIONS. (a) A person
5 who is disciplined under AS 08.54.500 or 08.54.505 may not engage in
6 the provision of big game commercial services during the period of
7 license or permit revocation or other disciplinary action. A person
8 who is licensed under this chapter, or who holds a permit issued under
9 this chapter, may not hire a person whose license or permit to provide
10 big game commercial services is suspended or revoked under AS 08.54.-
11 500 or 08.54.505. A person whose license or permit is suspended or
12 revoked may not be employed by a person who is licensed or who holds a
13 permit under this chapter.

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

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

24 (d) Within 30 days after conclusion of a hearing under AS 08.-
25 54.500 or 08.54.505, the board shall notify the complainant of the
26 results of the hearing, including written reasons justifying a deci-
27 sion not to take disciplinary action.

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

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

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

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

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

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

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

17 (ii) reporting it;

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

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

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

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

1 guide-outfitter; or

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

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

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

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

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

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

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

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

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

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

1 \$50,000 and by imprisonment for not more than three years.

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

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

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

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

15 Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
16 judgment of the board a person has engaged in an act in violation of
17 AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.-
18 520 or the regulations adopted under them, the board may apply to the
19 appropriate court for an order enjoining the action. Upon a showing
20 by the board that the person is engaging in the act, the court shall
21 grant injunctive relief or other appropriate order without bond.

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

29 ARTICLE 7. GENERAL PROVISIONS.

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

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

18 Sec. 08.54.590. DEFINITIONS. In this chapter

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

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

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

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

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

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

3 (6) "transportation services" means the carriage for com-
4 pensation of big game hunters, their equipment, or big game animals
5 harvested by hunters to, from, or in the field;

6 (7) "unethical activity" means

7 (A) deception or misrepresentation involving prospec-
8 tive or actual clients either before, during, or following the
9 provision of big game commercial services, including misrepresen-
10 tations through private or public advertising of the type, dura-
11 tion, cost, or conditions of the services;

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

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

19 (D) accepting a deposit for big game commercial ser-
20 vices without providing before the services are rendered a signed
21 written contract to provide the services.

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

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

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

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

1 facilitate the taking of that animal.

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

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

9 (d) A guide-outfitter, marine mammal guide-outfitter, or trans-
10 porter shall pay fees due under this section to the Department of
11 Commerce and Economic Development at the time of application for
12 renewal of a guide-outfitter license, marine mammal guide-outfitter
13 license, or transporter license. If the person who owes the fee due
14 under this section does not apply for renewal of a license under AS
15 08.54, the person shall pay the fee to the Department of Commerce and
16 Economic Development by the end of the calendar year in which the
17 animal was taken.

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

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

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

29 (1) a person who is licensed as a guide-outfitter. [MASTER

1 GUIDE, REGISTERED GUIDE,] class-A guide-outfitter, [ASSISTANT GUIDE]
2 or assistant guide-outfitter [GUIDE] by the Big Game Commercial Ser-
3 vices [GUIDE] Board; or

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

5 (A) the spouse of the nonresident; or

6 (B) is related to the nonresident, within and includ-
7 ing the second degree of kindred, by marriage or blood.

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

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

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

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

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

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

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

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

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

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

1 (b) In this section "hunting club" means

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

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

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

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

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

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

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

18 (2) the Department of Environmental Conservation under AS
19 46.03; or

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

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

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

25 * Sec. 12. TRANSITION: GUIDE-OUTFITTER LICENSES. (a) Notwithstanding
26 the repeal of AS 08.54.010 - 08.54.240, all licenses issued under AS 08.-
27 54.010 - 08.54.240 are valid for the period for which the licenses were is-
28 sued.

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

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

2 (1) master guide license issued under former AS 08.54.100 and a
3 registered guide license issued under former AS 08.54.110 shall be con-
4 sidered a guide-outfitter license issued under AS 08.54.350;

5 (2) class-A assistant guide license issued under former AS 08.-
6 54.120 shall be considered a class-A guide-outfitter license issued under
7 AS 08.54.380;

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

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

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

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

17 (B) has paid the guide-outfitter license fee and the com-
18 mercial use permit fee;

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

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

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

24 (3) an assistant guide shall receive an assistant guide-out-
25 fitter license, if the person

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

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

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

1 and Economic Development may issue a new license under AS 08.54.300 -
2 08.54.590, without an additional fee, to a person licensed under former
3 AS 08.54.010 - 08.54.240 before the next renewal period following the
4 effective date of this Act, if the person satisfies the requirements for
5 the license and the license is valid only for the same period for which the
6 replaced license was issued.

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

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

12 (2) registered a camp, cabin, or lodge under AS 16.05.787 during
13 1988;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (h) A person who

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

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

17 (i) In this section,

18 (1) "big game" and "field" have the meaning given in AS 08.54.-
19 590, as enacted by sec. 3 of this Act;

20 (2) "base camp" does not include spike camp, fly camp, or over-
21 night camp;

22 (3) "guiding" means accompanying or being present with a big
23 game hunter in the field, personally or through an assistant, for compen-
24 sation or with the intent or an agreement to receive compensation; "guid-
25 ing" does not include

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

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

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

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

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

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

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

23 * Sec. 16. AS 08.54.010, 08.54.030, 08.54.035, 08.54.040, 08.54.045,
24 08.54.050, 08.54.060, 08.54.070, 08.54.100, 08.54.110, 08.54.120, 08.54.-
25 130, 08.54.140, 08.54.141, 08.54.150, 08.54.160, 08.54.170, 08.54.180,
26 08.54.186, 08.54.190, 08.54.195, 08.54.200, 08.54.210, 08.54.220, 08.54.-
27 230, 08.54.240; AS 16.05.370(b), 16.05.370(c), 16.05.407(e), 16.05.786, and
28 16.05.787 are repealed.

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

1 * Sec. 18. This Act takes effect immediately under AS 01.10.070(c).
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

IN THE HOUSE

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

(d) The task force terminates on the earlier of

(1) January 15, 1991; or

(2) the date of enactment into law of

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

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

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

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

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



LAWS OF ALASKA

1988

Source

HCS CSSB 191(R1a) am H

Chapter No.

160

AN ACT

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

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

THE ACT FOLLOWS ON PAGE 1, LINE 12.

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

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

LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE;

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

(3) establish guide performance standards and regulate activity;

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

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

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

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

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

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

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

(1) a master guide, registered guide, special guide, class

A assistant guide, or assistant guide to fail to timely report to the

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

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

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

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

(A) a guide, or

(B) an outfitter offering big game hunting services

(WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE);

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

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

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

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

(b) A person who violates (a)(1) - (5) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine more than \$2,000 [\$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

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**



LAWS OF ALASKA

1988

Source

HCS CSSB 191(R1a) am H

Chapter No.

160

AN ACT

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

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

THE ACT FOLLOWS ON PAGE 1, LINE 12.

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

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

AN ACT

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

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

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

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

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

(1) prepare, grade, and administer

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

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

Chapter 160

LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

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

(3) establish guide performance standards and regulate activity;

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

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

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

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

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

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

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

(1) a master guide, registered guide, special guide, class

A assistant guide, or assistant guide to fail to timely report to the

Chapter 160

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 without a current valid registered or master guide license to advertise as or represent to be

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

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

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

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

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

(b) A person who violates (a)(1) - (5) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine more than \$2,000 [\$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

Chapter 160

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

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

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

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

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

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

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

(A) a guide; or

Chapter 160

(B) an outfitter offering big game hunting services;

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

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

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

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

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

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

Chapter 160

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

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

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

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

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

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

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

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

Chapter 160

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

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

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

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

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

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

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

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

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

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

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

services the applicant will be employing. A person who falsifies an affidavit under this subsection is guilty of perjury under AS 11.56.200.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 160

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

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

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

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

Chapter 160

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

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

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

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

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

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



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

Letter of Intent For HCS CS SB 191 (Rules)

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

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

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

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

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

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

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

APPENDIX B

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

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

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

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

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

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

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

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

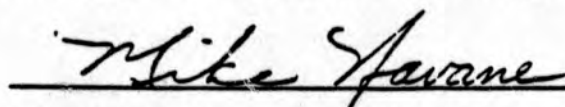
The legislature recognizes that hunting, flying and other travel in Alaska involves certain inherent risks. The task force shall review the issue of differing safety and insurance requirements for air transportation and make a recommendation on the establishment of minimal insurance and safety requirements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

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

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

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

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



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



Business

Alaska State Legislature

House

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

MEMORANDUM

TO: ALL MEMBERS
TASK FORCE ON GUIDING AND GAME

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

DATE: NOVEMBER 7, 1988

SUBJECT: CREATION OF WORK GROUPS

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

GROUP MEMBERS

OUTLINE ITEM ASSIGNMENTS

WORK GROUP #1:

Sen. Jan Faiks
Randall Burns
Capt. Phil Gilson
Assistance from--
Rep. Henry Springer
Steve White (AG's Office)

C, D, L, R

WORK GROUP #2:

Sen. Ken Fanning
Rep. Mike Navarre
Vernitta Cassidy

A, B, I, J, K

WORK GROUP #3:

Pete Buist
Matthew Iya
Lew Pamplin

E, G, H, M, Q

WORK GROUP #4:

Paul Johnson
Nick Pierskalla
Gail Ranney

F, N, O, P, S

This grouping divides 13 members for 19 tasks.

Attachment

APPROVED

TASK FORCE ON GUIDING AND GAME

MINUTES

DECEMBER 12-16, 1988 MEETING - ANCHORAGE

December 12, 1988

Tape 1

Side 1

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

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

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

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

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

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

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

Tape 1
Side 2

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

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

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

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

Tape 2
Side 1

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

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

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

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

Tape 2
Side 2

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

025 Biological aspects of sport fishing are discussed.

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

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

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

- 135 Ken Owsichek replies no. Discussion.
- 170 Randall Burns asks how the task force should recommend the transition to a one user group system.
- 175 Ken Owsichek replies that a three year licensing requirement be instituted for new guides. Discussion.
- 200 Ch. Springer asks if there are any more questions. States that he feels very good about the task force.
- 225 George Romero, Seward, AK. Encourages the Task Force to talk to Ken Owsichek. Thinks the guiding system at present monopolizes the industry. States that a permit system will work. Also wants check stations at airports for management with severe penalties for those who do not comply. Contends that the Guide Board members have repeatedly ignored legal advice. Gives viewpoints on problems with the licensing exam. Describes felony charges against him. States that Nick Pierskalla has a guide license. Again encourages Task Force members to contact Owsichek. Gives historical perspective on EGA system.
- 350 Nick Pierskalla states for the record that he has an assistant guide license.
- 355 Pete Buist states that he believes that the Division of Fish and Wildlife Protection (FWP) pushed for making guiding without a license a felony. Adds that FWP hoped it would act as a deterrent. States that Romero was convicted of wanton waste and unlicensed guiding.
- 380 George Romero states that the record should reflect that his license was reviewed late. Stated that Fish and Game officials will not be allowed guide licenses anymore.
- 420 Vernita Cassidy adds that enforcement officials involved in the guiding industry had a conflict of interest which resulted with officials guiding when they were needed for enforcement.
- 445 George Romero discusses the conflict of interest involved.
- 475 Ch. Springer adds that past testimony has addressed the problem, and that presently the Dept. of Public Safety is reviewing its regulations and procedures. Discussion.
- 495 Pete Buist poses the question of whether it would be more favorable for Fish and Game officials to have no interest in hunting. Discussion.
- 510 Ch. Springer recesses the committee until 1:15 P.M.

Tape 3
Side 1

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

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

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

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

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

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

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

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

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

685 Vernita Cassidy comments on guide system.

Tape 3
Side 2

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

000 Pete Buist explains multi-media first aid card.

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

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

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

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

Tape 4
Side 1

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

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

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

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

Tape 4
Side 2

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

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

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

175 Lynn Castle recommends tightening up the system.

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

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

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

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

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

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

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

Tape 5, Side 1

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

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

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

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

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

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

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

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

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

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

Tape 5
Side 2

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

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

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

165 Discussion of federal regulations.

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

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

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

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

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

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

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

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

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

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

440 Discussion of land trespass.

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

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

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

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

Tape 6
Side 1

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

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

Sen. Fanning arrives.

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

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

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

Tape 6
Side 2

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

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

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

Tape 7
Side 1

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

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

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

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

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

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

Tape 7
Side 2

Deliberately blank.

Tape 8
Side 1

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

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

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

December 13, 1988

Tape 8,
Side 1

000 Ch. Springer called the meeting to order at 8:40 a.m. Present were Paul Johnson, Pete Buist, Nick Pierskalla, Pat

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

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

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

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

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

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

075 Ch. Springer says he is not certain and will check with his staff, Martha Fischbach. And that he has checked with the Department of Public Safety reference their Policy and Procedures (P&P) regarding law enforcement personnel working as guides or assistant guides--conflict of interest question. The ethics are currently under review by the Commissioner. One case is under review by the Ombudsman which is not currently a public document. The framework under the ethics code is in place and can be used.

108 Pete Buist advises his group looked into that and that under they agreed, the ethics code is in place and should be strictly enforced.

112 Randall Burns suggested that they recommend Public Safety request a formal ethics opinion from the A.G.'s office, whether or not it is an ethics violation for members of FWP to work in the guide/outfitter profession, rather than to be handled internally.

129 Ch. Springer says they will take it up later before the group as a whole.

150 Ch. Springer requested an opinion as to whether or not a fish violation would transfer to jeopardize a guide license. Discussion.

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

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

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

211 Ch. Springer discusses procedural methods.

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

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

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

Tape 8
Side 2

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

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

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

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

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

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

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

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

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

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

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

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

Tape 9
Side One

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

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

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

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

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

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

Tape 9
Side two.

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

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

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

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

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