

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1682 SCOMM 67: GUIDING AND GAME TASK FORCE, 1989-1990 1250

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

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

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

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

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

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

Tape 10
Side 1

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

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

authorization or permits in 1988 and who applied for them in 1989. The net effect of the policy is that they will not authorize new operations on Fish and Wildlife refuge lands. They will authorize the old operations both from a standpoint of land use permit and commercial permit required to hunt on USFW land. National Park Service also said that the Owsichuk case had little, if any, impact on them.

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

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

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

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

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

CORRECTION

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

authorization or permits in 1988 and who applied for them in 1989. The net effect of the policy is that they will not authorize new operations on Fish and Wildlife refuge lands. They will authorize the old operations both from a standpoint of land use permit and commercial permit required to hunt on USFW land. National Park Service also said that the Owsichuk case had little, if any, impact on them.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

750 Paul Johnson asks about licensed trapping?

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

Tape 10
Side 2

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

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

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

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

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

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

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

Tape 11
Side 1

000 Koester discusses state and federal statutes regarding grandfather rights.

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

025 Tom Koester advises that that is the difficult question. Can see establishing criteria that are perfectly rationale and make a great deal of sense, but that the court may look unfavorably on those kinds of qualification criteria if that results in a simple recreation of the earlier system. Will not defer to the extent it will allow the same status as to individuals as the earlier system that was struck down. Rather the court will say, it is a mere subterfuge and it's really an effort at economic protectionism and you can't do that.

Facts here will play a large part in the ultimate outcome of the court. If the court looked at it and determined it was another way of doing what we already said was unconstitutional then it will find it unconstitutional as well. If it sees that significant changes were made, while some conditions remained, and that people who were previously precluded from entering the system now were afforded opportunity to enter the system, with potential --with whatever renewal system is in place--for others to enter the system then the court will not have the same jaundiced view.

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

December 14, 1988

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

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

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

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

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

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

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

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

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

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

340 Sen. Fanning reports on Group 2 whose members included Sen. Fanning, Vernita Cassidy, Pete Buist, Capt. Phil Gilson and Pat Malone. He passed out a handout (see attachment labeled- Group 2 handout. Discussion follows.

The task force agrees to the following changes:

item # 2. Class A Guide: delete "employee" of a Guide-outfitter who is required to file the SFR. Change "20" years to "10" years. Add Marine Mammal guide to special class. 3. Add "Assistant" guide, instead of guide. Under Licensing requirements, change commercial hunting permit fee to commercial "services" hunting fee. The Big Game Conservation Fee is essentially a head tax. Add Alaska Business License and transporter license to the licenses a guide-outfitter are required to obtain. Replace guide with "assistant" guide under the (guide designation).

374 Sen. Fanning continues. The guide-outfitter would pay the commercial hunting fee, guide-outfitter license, big game conservation fee for each animal taken. Funds should be earmarked for fish and game fund and if possible, increased and enhanced enforcement. Class A Guide would pay a class A guide license fee. The Assistant guide would be required to pay an assistant guide fee. Transporters would be required to pay a commercial services permit fee, transporter license fee and big game conservation fee. Discussion.

Tape 11
Side2

000 Discussion continues.

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

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

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

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

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

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

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

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

Tape 12
Side 1

000 Sen. Fanning continues. Discussion.

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

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

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

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

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

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

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

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

Tape 12
Side two

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

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

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

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

195 Ch. Springer asks if there are questions.

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

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

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

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

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

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

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

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

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

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

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

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

Tape 13
Side 1

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

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

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

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

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

250 Ch. Springer moves to discussion of Assistant Guide.

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

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

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

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

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

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

Tape 13.
Side 2

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

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

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

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

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

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

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

542 Ch. Springer moves to Transporters. They would have the same requirements for fees as a guide-outfitter, except the guide-outfitter license. (Alaska business license, commercial big game service permit, transporter license fee)

Aircraft transporters would need a Part 135 license, boat transporters would need to comply with the U.S. Coast Guard requirements, and they would need to have a transporter license fee which would be about \$25 to \$50.

Tape 14, Side 1

000 Ch. Springer asks if anyone has a problem with a fee for a head tax. Discussion.

300 Ch. Springer recesses for 10 minutes.

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

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

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

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

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

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

480 Ch. Springer responds. Any animal taken.

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

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

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

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

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

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

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

Tape 14
Side 2

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

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

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

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

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

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

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

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

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

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

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

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

Tape 15
Side 1

000 Pat Malone agrees with Ranney about liability insurance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tape 15
Side 2

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

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

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

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

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

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

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

December 15, 1988

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

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

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

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

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

Tape 16

Side 1

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

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

Tape 16

Side two

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

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

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

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

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

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

100 Randall Burns agrees and states "so moved".

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

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

107 Randall Burns is uncertain but will check.

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

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

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

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

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

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

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

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

Tape 17 Side 1

000 Discussion on composition of a board continues.

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

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

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

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

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

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

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

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

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

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

100 Randall Burns agrees and states "so moved".

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

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

107 Randall Burns is uncertain but will check.

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

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

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

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

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

390 Sen. Faiks suggests that Commerce be involved. And that there be a lead agency.

396 Ch. Springer envisions ADFG as the lead agency.

410 Sen. Fanning thinks there are too many layers involved.

430 Sen. Faiks suggests that we have the Big Game Conservation Board contract with DNR to do the leases.

440 Steve White advises that he does not see a legal problem with that. It is a matter if you're going to have one agency primarily responsible and then have to contract out that responsibility to someone else. It is still with that primary agency. Make sure that one board has the statutory authority to delegate that to someone else.

450 Sen. Faiks adds that it must be that they "shall" delegate that function to DNR, not that they may delegate it.

370 Lew Pamplin agrees Sen. Faiks. Have a Big Game Services and in statute would be two primary functions. One licensing and the other area concepts. On the licensing portion the members would be different than the area management.

530 Ch. Springer advises that we have a suggestion to create a multiple purpose board which would set policy for licensing and for area conception development and as a contracting agency with DNR for an area concession basis. And asks if anyone has a problem with that before they get into the composition of that board.

545 Pat Malone wants to be sure that the primary concern shall be for the management of the resource.

555 Ch. Springer advises that that has been adopted already by this task force that the primary interest is for the resource.

610 Sen. Fanning suggests that the composition of the board is really present at this table now, the current task force has a representative from the various agencies and commercial entities.

615 Ch. Springer advises that they could adopt that in principle, but the adjustment for new appointments will come during the next legislative session, his replacement, and Sen. Fanning's.

686 Ch. Springer recesses for lunch at 11:45 a.m.

690 Ch. Springer brings the task force back to order at 12:45 p.m. Ray DeMarche sent the white papers up and advises that members pick up one. Advises that the Supreme Court granted a stay on the implementation of the Owsichuk decision until June 1, 1989.

Tape 17
Side 2

000 Sen. Fanning advises that a bill has been prepared for prefiling a bill to extend the task force by Rep. Gruenberg.

050 Ch. Springer asks the Board would interrelate to the licensing and managing function.

060 Sen. Fanning states the Guide Board would continue to handle the function of the Guide Board functions until the Legislature passes an Interim Task Force. Replace the Guide Licensing Board with a Commercial Big Game Services Board. Composition of that board would be members from the public, the legislature, agencies and user groups. That board would deal with all the existing authorities. Occupational Licensing would do the licensing, testing, etc. Board would regulate all the activity of the transporters, guide-outfitters--the ethics, etc. Then, they would develop the management concept we talked about. That board would not make any decisions about who was assigned areas. 090 Sen. Fanning continues that you'd ask the Legislature to continue the task force specifically to flesh out the parameters needed in order to implement a management system for the state.

099 Ch. Springer asks if anyone has a problem to pre-file a bill to extend the task force.

115 Sen. Fanning and Lew Pamplin agree that they would like to see a specific purpose for the task force to deal with the area concept.

120 Ch. Springer asks if there is any problem with that. None.

125 Ch. Springer moves to discussion on the permanent board, the composition, which will address the tasks regarding the DNR, policies and licensing. Discussion.

Commercial User Board consisting of 2 Guide-Outfitters, 1 transporter, 1 ADFG, 1 Enforcement, 1 State Land Manager, 1 Native Land Manager, 1 public member and 1 game board member.

364 Ch. Springer asks if there are any objections to that.

390 Sen. Faiks suggests that Commerce be involved. And that there be a lead agency.

396 Ch. Springer envisions ADFG as the lead agency.

410 Sen. Fanning thinks there are too many layers involved.

430 Sen. Faiks suggests that we have the Big Game Conservation Board contract with DNR to do the leases.

440 Steve White advises that he does not see a legal problem with that. It is a matter if you're going to have one agency primarily responsible and then have to contract out that responsibility to someone else. It is still with that primary agency. Make sure that one board has the statutory authority to delegate that to someone else.

450 Sen. Faiks adds that it must be that they "shall" delegate that function to DNR, not that they may delegate it.

370 Lew Pamplin agrees Sen. Faiks. Have a Big Game Services and in statute would be two primary functions. One licensing and the other area concepts. On the licensing portion the members would be different than the area management.

530 Ch. Springer advises that we have a suggestion to create a multiple purpose board which would set policy for licensing and for area conception development and as a contracting agency with DNR for an area concession basis. And asks if anyone has a problem with that before they get into the composition of that board.

545 Pat Malone wants to be sure that the primary concern shall be for the management of the resource.

555 Ch. Springer advises that that has been adopted already by this task force that the primary interest is for the resource.

610 Sen. Fanning suggests that the composition of the board is really present at this table now, the current task force has a representative from the various agencies and commercial entities.

615 Ch. Springer advises that they could adopt that in principle, but the adjustment for new appointments will come during the next legislative session, his replacement, and Sen. Fanning's.

686 Ch. Springer recesses for lunch at 11:45 a.m.

365 Ch. Springer suggests that some avenue that agrees with the supreme court criteria, suggest what an agency needs to do, legislatively or regulatory in order to get there and give that type of recommendation. There are too many unknown factors to work out every detail. And asked if there were any problems with that approach.

400 Ch. Springer suggests that they will basically be working with DNR. Discussion ensues on the stay of motion on the Owsichuk decision.

515 Ch. Springer suggests that we will recommend to that board that ADFG draw up system of wildlife management principles for area management consideration on all lands. DNR on state lands develop surface use rights system acceptable to all applicants. Discussion.

575 Ch. Springer asks if there is any problem with ADFG being the lead agency. O.K. None.

580 Ch. Springer asks if there is any problem with having that board as a contracting agency with DNR for the implementation process. Any problems. Discussion.

590 Discussion regarding funding for computerizing GMU to subunits and the possibility of using Occupational Licensing funds which were earmarked for mapping to assist ADFG.

Tape 18
Side 1

000 Sen. Fanning comments on base camp registration. Discussion follows.

349 Sen. Fanning notes the three major points the courts wanted: 1) open access system; 2) money to the state; and 3) time limit duration. Vernita Cassidy did not agree with the open access system. Ch. Springer comments that it was on a first come, first serve system.

398 Steve White says they are getting into an area management scheme issue. Vernita Cassidy expresses concern about the intent and equal access. Randall Burns does not think they should be doing it. Ch. Springer points out those were private land situations and nothing could be done about it.

517 Sen. Fanning says that what they were saying was that in order for the state to handle who commercial users would be, it would show them where to go to pick up the statement of financial remuneration. It said if you wanted to hunt in Unit 20, you would have to be licensed in that unit to guide and register a base camp in that unit, with no base camp closer than 10 miles to another. Discussion continued

on the subject. Ch. Springer suggests for purposes of discussion, they could forget about implementation of a permanent system by fall hunting season (1989).

753 Lew Pamplin comments on a two year time line for having the system completed on a statewide basis.

871 Ch. Springer summarizes that there is not sufficient time to consider timely implementation, bringing them back to the interim solution previously discussed. He asks if there are any objections to letting anyone guide anywhere they wanted, with the only requirement being that they register their camp, keeping in mind milage considerations, etc.

890 Randall Burns says it would make sense to him for the guide board to limit registration to three game management units. Ch. Springer notes that the task force could send a request to the guide board and/or make a suggestion to the Legislature.

1031 Randall Burns moved that the task force recommend that the guide board consider recommending that guides be limited to certification for no more than three game management units. Vernita Cassidy seconded the motion.

1049 Voting is as follows: Rep. Navarre, yes; Capt. Gilson, yes; Randall Burns, yes; Lew Pamplin, yes; Pete Buist, yes; Nick Pierskalla, yes; Gayle Ranney, yes; Matthew Iya, yes; Vernita Cassidy, yes; Paul Johnson, yes; Sen. Faiks, yes; Sen. Fanning, no; Ch. Springer, yes. Tally is 12 yes, 1 no. Motion carries. The recommendation would be written to the guide board, just for the interim transition period.

1069 Ch. Springer inquires if there is a motion to limiting relative to miles and proximity.

1090 It was moved by Sen. Fanning and seconded by Randall Burns that in order for any guide to guide anywhere in the state he would have to be licensed to guide in that unit and also have a camp registered in that unit, and that no camp could be registered closer than 10 miles to another camp, unless the people involved agreed. Discussion followed.

Tape 18
Side 2

000 Voting is as follows: Capt. Gilson, no; Randall Burns, yes; Lew Pamplin, no; Pete Buist, yes; Nick Pierskalla, no; Gayle Ranney, no; Matthew Iya, no; Vernita Cassidy, no; Paul Johnson, yes; Sen. Faiks, no; Sen.

365 Ch. Springer suggests that some avenue that agrees with the supreme court criteria, suggest what an agency needs to do, legislatively or regulatory in order to get there and give that type of recommendation. There are too many unknown factors to work out every detail. And asked if there were any problems with that approach.

400 Ch. Springer suggests that they will basically be working with DNR. Discussion ensues on the stay of motion on the Owsichuk decision.

515 Ch. Springer suggests that we will recommend to that board that ADFG draw up system of wildlife management principles for area management consideration on all lands. DNR on state lands develop surface use rights system acceptable to all applicants. Discussion.

575 Ch. Springer asks if there is any problem with ADFG being the lead agency. O.K. None.

580 Ch. Springer asks if there is any problem with having that board as a contracting agency with DNR for the implementation process. Any problems. Discussion.

590 Discussion regarding funding for computerizing GMU to subunits and the possibility of using Occupational Licensing funds which were earmarked for mapping to assist ADFG.

Tape 18
Side 1

000 Sen. Fanning comments on base camp registration. Discussion follows.

349 Sen. Fanning notes the three major points the courts wanted: 1) open access system; 2) money to the state; and 3) time limit duration. Vernita Cassidy did not agree with the open access system. Ch. Springer comments that it was on a first come, first serve system.

398 Steve White says they are getting into an area management scheme issue. Vernita Cassidy expresses concern about the intent and equal access. Randall Burns does not think they should be doing it. Ch. Springer points out those were private land situations and nothing could be done about it.

517 Sen. Fanning says that what they were saying was that in order for the state to handle who commercial users would be, it would show them where to go to pick up the statement of financial remuneration. It said if you wanted to hunt in Unit 20, you would have to be licensed in that unit to guide and register a base camp in that unit, with no base camp closer than 10 miles to another. Discussion continued

Fanning, yes; Ch. Springer, no; Rep. Navarre, no. Tally is 9 no, 4 yes. Motion fails.

289 Ch. Springer states that the purpose was to get an interim function so the hunting in the fall season of 1989 could take place. Sen. Fanning explains that the purpose is to assure a guide that there would not be other guides within ten miles of him, improving the quality of the hunt, duplication of effort and concentration on one group of animals.

362 Ch. Springer brings the long term solution issue before the task force. He would be comfortable making the suggestion that DNR shall develop procedures that allowed access under the supreme court decision for everyone to use the management areas as they had been established (concessionaire or competitive system) for state lands.

423 Based on testimony from Mr. Koester, Ch. Springer notes that 1) the state did not have a statutory mechanism for concessions in existence and 2) surface right assignments had not been sufficiently studied. Randall Burns wants them to also at least look at F&G doing a commercial allocation system. It seems weird to try to do game management through land use.

526 Ch. Springer asks if there is any objection from anyone to limit the task force role to the stated plan, make it a suggestion, keeping in mind that the set-up was currently that they would stay involved in that subject in an interim role. Basically, they would ask DNR to tell them what problems they had, what schemes they could do, to comply with state procurement laws and with the supreme court decision. There were no objections.

580 Ch. Springer reviews remaining issues to be considered. He recesses the task force for a brief break.

659 Ch. Springer calls the meeting back to order. Steve White introduces information on the "club" situation. He describes the specific scenario. "Club" is an organization where members hold equal shares. The matter is one of definition. This type of operation should be either included or excluded from a charter operation. For the task force purposes, in their issues, it would be a matter of definition, of the person a license is issued to, a "natural person."

768 Randall Burns made a motion to have George Utermole to draft language that would prohibit clubs and associations attempting to get around being licensed as a commercial taker of big game. Lew Pamplin seconded the motion. Sen. Fanning notes the problem is with the air taxi, federal

regulation not state licensing. He gives an example. Discussion ensues.

896 There was no objection to the motion.

898 Ch. Springer brings up the subject of the Part 135 recommendation and letter to be written to the FAA. Gayle Ranney also wants it included with the task force statement. She reads the statement she wants included. (Reference attachment "Part 135 recommendation"). There being no discussion or objection to including the statement, it was so ordered.

953 Ch. Springer brings the penalty subject before the task force. Sen. Fanning moves to subpoena Judge Rabinowitz to come before the task force to explain the Owsichuk case. Vernita Cassidy seconded the motion. Sen. Fanning feels it would be important, especially if considering extending the task force, to have Judge Rabinowitz testify to shed light on some of the issues of concern. Discussion followed. They feel an invitation would be sufficient.

1020 Ch. Springer advises that one of the most often repeated objections to SB 191 and most often referenced in correspondence was the felony clause in the penalty section. Several attorneys had expressed feeling that it was excessive in relationship to the misdoing that was happening. It was suggested to change it to a misdemeanor.

1040 Vernita Cassidy favored the point system but wanted to reserve the felony charge in cases where there was severe impact on game populations in a given area. Ch. Springer points out that those things were not covered in the act. The issue was discussed. Tape 19 Side 1

000 George Utermole discusses level of fines levied. And that the court would probably make it a felony.

010 Randall Burns offers to check with Larry Weeks on defensible penalties.

035 Ch. Springer asks if anyone would object to the task force reference writing to the federal agencies (Park Service, USFWS, BLM, USFS) asking them to keep the status quo to allow the state to get their system in place. None.

050 Ch. Springer says there was a question on the qualifications for assistant guides. Discussion.

100 Sen. Fanning makes a motion that they remove the need for a recommendation from a guide in order to qualify to

become a registered assistant guide. Vernita Cassidy seconded the motion.

112 Ch. Springer notes the requirement will be struck.

125 Lew Pamplin asks that some additional requirements will be added to the testing to include big game regulations, identification (7/8 curl vs. full curl rams, etc), trophy care, CPR. Discussion.

225 Ch. Springer adds that hunted two years in the state, within the last five years,

260 Ch. Springer asks if there is any object to change the minimum age from 19 to 18. Hearing none, it was adopted.

309 Ch. Springer states that we have an entry level position for assistant guide, 18 yr. age minimum, hunting experience in the state for two years (of the last 5 yrs), possesses a first aid card, and CPR. Any objections to that? Hearing none.

325 Ch. Springer moves to Class A Guide. Have lowered the experience level from 20 to ten years, special guide license to stay intact, if applicable.

330 Nick Pierskalla asks that we strike the recommendation.
Discussion.

372 Ch. Springer asks if there is any objection to strike that from the recommendation. Hearing none.

430 Ch. Springer adds that all other applicable state and federal regulations was voted on yesterday.

450 Ch. Springer moves to big game conservation (head tax). Discussion. Asks Pat about his matrix. Discussion.

725 Sen. Fanning makes a motion that we place this tax on non-residents. The commercial user is responsible for collecting that tax. Paul Johnson seconded the motion.

Tape 19

Side two

000 Discussion continues.

046 Ch. Springer states that everyone pays a fee based on tag fee structure of 25%

160 Randall Burns moves to rescind yesterday's vote.
Seconded by Vernita Cassidy.

177 Ch. Springer asks if there were any objections?
Hearing none.

180 Randall Burns made the motion that there will be a conservation fee based on 25% on all tags.

300 Lew Pamplin makes an amendment for commercial use collected by the commercial services provider.

480 Randall Burns withdraws his motion.

518 Randall Burns makes another motion establishes a conservation fee for all guide-outfitters, transporters, and black hole people and that be paid at the time of renewal as a flat fee. 2nd by Paul Johnson.

Ch. Springer asks that they combine the fees. Combine the commercial user fee and conservation fee, which are assessed to the same group at the same time. Combine those fees and specify that 50% of the fees shall go toward conservation and wildlife management.

565 Randall Burns amends the vote to reflect what the chairman just stated.

Discussion.

650 Ch. Springer announces the motion is that we institute a conservation fee payable by the first provider, based on a 25 % fee based on the existing game tag fee structure. 2nd by Pat Malone.

660 Randall Burns yes; Lew Pamplin, yes, Pete Buist, yes; Nick Pierskalla, yes; Gayle Ranney, yes; Matthew Iya, yes; Vernita Cassidy, no; Paul Johnson, yes; Paul Johnson, yes; Senator Faiks, absent; Senator Fanning, yes; Ch. Springer, yes; Rep. Navarre, yes; Capt. Gilson, yes. 11 yeas, 1 nay, motion passes.

701 Randall Burns has a response from Mr. Weeks. Randall lists the recommendations on page two.

743 Ch. Springer makes a motion to accept it just as it is listed on page two, Larry Weeks letter dated November 28. Vernita Cassidy seconds the motion. Any discussion.

Tape 20
Side 1

000 Discussion continues regarding offenses and penalties.

145 Ch. Springer calls for a decision on the second paragraph, whether a misdemeanor would be one or two

months. He asked if there were any objections to using two months.

178 After brief discussion, Ch. Springer asked if there was any objection to using two months and \$30,000. Hearing no objection it was so ordered.

196 Ch. Springer brings the subject of other species before the task force.

200 Paul Johnson made a motion to include goat. Gayle Ranney seconded the motion. Ch. Springer states that there were extensive legislative hearings on the question of adding other species and why it was defensible to have sheep and bear on the guide required species for non-residents. Legal advise was that there was inconsistency, that weakened the case, to say the dangers and unique circumstances were sufficient justification for doing it.

251 Ch. Springer restates the motion to add goat to sheep and brown/grizzly bear to be required for guide-outfitter services for non-residents. There being no objections, it was so ordered. Ch. Springer inquires if anyone wanted any other species considered. There are no comments or additions.

277 Ch. Springer brings before the task force the question of necessitating the services of a guide-outfitter for all non-residents, previously discussed. Everyone understood they had just answered that in an indirect way.

308 The subject of state employees being able to participate was reopened for discussion. Ch. Springer felt the direction was addressed within departmental Policy and Procedures (P & Ps) regarding outside employment, conflict of interest directives and code of ethics. The departments of Fish & Game and Public Safety would be asked specifically that they request an ethics opinion from the AG's office on ethics.

357 Ch. Springer brings the subject of insurance and bonding before the group again. With everything regulated now, he does not see the necessity of a bonding requirement. Randall Burns thinks that at least they (transporters, guide-outfitters) should ask for proof of some kind of insurance. Discussion ensues.

508 Paul Johnson moves that the task force recommend no formal bonding and insurance requirements for guide-outfitters. Motion is seconded and discussion follows. Randall Burns wants a statement added that the reason for the recommendation is because they believe the market condition and the difficulty in acquiring it might

force a great number of people out of business, but they support, whenever possible, having insurance.

696 The concern was for people who would hide behind a corporation, putting its assets on the line in case of a law suit. The hang-up was that the licensee needed to be a "natural" person. The license and the liability aspect of the business transaction were two separate issues.

742 There being no further discussion and no objection to the motion, it was adopted. The motion was voted on as follows: Lew Pamplin, yes; Pete Buist, yes; Nick Pierskalla, yes; Gayle Ranney, no; Matthew Iya, no; Vernita Cassidy, no; Paul Johnson, yes; Sen. Faiks, absent; Sen. Fanning, yes; Ch. Springer, yes; Rep. Navarre, no, Capt. Gilson, abstain; Randall Burns, no.

792 The original SB 191 (Ch. 160, SLA 188) was brought before the task force to review. Page 1, Section 1, Line 12. It was recommended they go to four years. Instead of Guide Board it would be Commercial Game Board.

860 Throughout the bill, "outfitter" will be replaced with "guide-outfitter."

878 Page 6, Lines 18-19. "...in the field" needs to be defined (reference Item # .) Ch. Springer did not find it applicable any longer since they had distinguished the two groups.

915 Lew Pamplin notes that the subcommittee did not feel the 7 day reporting requirement worked [Page 7, Section 8(c)]. The subcommittee's recommendation was that the big game tag harvest report card, designed by the Dept. of Fish & Game for SB 191, did not contribute anything to the information base, caused confusion and should be eliminated.

960 The subcommittee recommended that Page 7, Section 8 (b) be deleted. Harvest tickets were to be modified to incorporate changes.

971 Page 7, Section 10 (e). Tag would be modified to include information on affidavit, therefore the affidavit could be eliminated and the section could be deleted.

992 Page 8, Line 16. As an interim measure would stay in effect for one year.

1100 Motion made by Lew Pamplin that this information be confidential, required on annual reporting requirements

1150 Motion by Pat Malone that any required reports except those pertaining to game management are confidential. There being no objection, it was so ordered.

1175 Lew Pamplin suggests that there be a requirement for decals to be used on aircrafts and boats used for commercial taking of game to enable law enforcement and fish and game knowledge and level of that activity in field situations.

Tape 20
Side 2

000 Ch. Springer discusses the extension of the task force. Discussion. See recommendation #13.

019 Ch. Springer reviewed projected timeline for remaining work.

095 Ch. Springer adjourned the meeting at 5:40 p.m.

APPROVED
10/24/88

TASK FORCE ON GUIDING AND GAME

MINUTES

JULY 18, 1988 MEETING - ANCHORAGE

Tape 1

Side 1

001 The meeting was called to order by Nancy Petersen, representing Senator Fahrenkamp. Members present in Anchorage were:

Rep. Heinrich Springer
Pete Buist - Guide Board
Nick Pierskalla - Nonguide business
Vernitta Cassidy - Public member
Lew Pamplin - ADF&G
Senator Ken Fanning
Dave Parrish for Senator Jan Faiks
Capt. Phil Gilson - DPS
Paul Johnson - Guide member
Randall Burns - DCED

Members present on the teleconference network were:

Matthew Iya - Public member in Nome
Renee Merkes for Rep. Mike Navarre in Soldotna

Members absent were:

Gail Ranney - Air taxi member

Following introduction of members, Senator Fanning assumed a chairman pro tem position, and called for nominations for Task Force Chairman.

068 Matthew Iya of Nome nominated Representative Heinrich Springer as chair.

072 Nick Pierskalla nominated Representative Mike Navarre.

078 Vernitta Cassidy moved that nominations be closed. As there was no objection, nominations were closed, and the vote was taken by secret ballot. Members on the teleconference network were contacted by telephone.

140 Chairman pro tem Fanning reported the vote to be 10 for Springer, 2 for Navarre, with one abstention.

150 Rep. Springer assumed the chairman's position.

170 Ch. Springer reviewed the directions given to the task force in SB 191.

189 Ch. Springer discussed with Nancy Peterson the availability of funds for the task force's functions.

210 Ch. Springer discussed with staff the keeping of minutes and other official records.

230 Ch. Springer discussed briefly the proposed schedule of meetings through the fall.

260 Randall Burns discussed the availability to the task force of the state's research agencies, including Dave Teal of House Research, Sheila Helgath of Senate Advisory Council and Steve Cole of OMB. It was also noted that the Attorney General's office would be assisting, and that Steve White was on line in Juneau.

295 Sen. Fanning noted that individual legislator's staff would also be at the disposal of the task force.

308 Ch. Springer discussed the agenda and additions to it. General discussion of the groups objectives ensued.

368 Lew Pamplin discussed a concern of his that the task force identify its objectives in light of the status quo; that is that it understand fully what is currently required of all commercial users, in order to know exactly where we are going.

390 Ch. Springer discussed the value of getting a synopsis of the mountains of previous testimony before the legislature, in order that the task force avoid duplicating that effort.

460 Ken Fanning commented on identifying analyses that could be obtained from legislative researchers on specific questions having an immediate impact on the commercial users.

490 Randall Burns made a comment regarding review of the letter of intent.

500 Lew Pamplin attempted to clarify his earlier request regarding current requirements for commercial users.

520 Nick Pierskalla agreed with Pamplin.

525 Ch. Springer called for a 15 minute recess in order to review materials.

545 Ch. Springer called the meeting back to order at 10:10, and continued his discussion of the agenda.

600 Linda Wild, DCED, asked if it would be pertinent to have a review of the provisions of SB 191 at this meeting. Ch. Springer responded, and then continued with the agenda.

660 Ken Fanning commented on the mechanism by which the task force should notify the public of its meetings. A discussion of this ensued.

Tape 1

Side 2

001 Ch. Springer continued his discussion of public notice and the use of paid advertising to notify interested parties.

011 Ch. Springer discussed public comments at the task force meetings, and said that any taken today should pertain to organization and group objectives.

017 Nick Pierskalla agreed that a half-day ought to be devoted to public comments, and recommended the October 24 meeting for that.

025 Ch. Springer expressed his concern that the 3 scheduled meetings would not be enough to accomplish the task force's objectives. Vernitta Cassidy agreed and suggested that some of the tasks be assigned to subcommittees that could meet between full task force meetings. She also expressed her concern that rural people be involved, and urged that a meeting be held in Kotzebue. Ch. Springer responded that the limited budget would preclude having full meetings in rural areas. Cassidy suggested that subcommittees of 2 to 3 members could take the testimony in rural areas. Further discussion ensued.

095 Ch. Springer continued with review of the letter of intent.

106 Randall Burns commented on the Owsichuk case, and pointed out that the task force's recommendations could be very helpful to the state in the event the system is thrown out. Ch. Springer expressed his concern that no court decision was likely to be handed down during the task force's life.

116 Ch. Springer continued with review of the letter of intent.

160 Randall Burns commented on the restricted area system, and that the task force should look at guide board consistency in assigning areas, and at whether the system is compatible with fish and game's management goals and objectives.

178 Pete Buist suggested the task force look at the economic impacts of the industry on the state.

203 Paul Johnson discussed grouping of issues.

226 Randall Burns discussed his memo, and the issue of separating guide board administrative problems from policy questions.

254 Ch. Springer made a general comment regarding the scope of the problem.

281 Vernitta Cassidy commented on the issue of public accountability of the guide board.

295 Randall Burns responded re: criticism of the guide board, and that the guide board is only one facet of the problem.

306 Ken Fanning commented on the task force receiving reports from agencies.

320 Ch. Springer asked for public input to the agenda.

324 Phil Driver, President of APHA, asked about the SB 191 requirement that guides have FAR Part 135 certificates next year. Ch. Springer responded that the issue is already covered in the letter of intent, and the task force would be dealing with it.

361 Randall Burns suggested that the bill be reviewed. Ch. Springer responded that the bill is in the members's packet, and it was not necessary to go through it.

388 Phil Gilson gave his report for the department of public safety. He passed out copies of the affidavit DPS will use to register camps, and commented that their plans cover only this coming season. He said two questions not yet answered are "what is the period of time limiting the two camp provision", and "what amenities constitute a base camp".

417 Ch. Springer noted the group will be discussing various definitions as directed by the letter of intent. A discussion with Gilson ensued pertaining to DPS approach to land ownership and trespass problems.

463 Ken Fanning commented on Gilson's questions.

507 Phil Gilson said DNR allows 15 day camp on state land without registration.

525 Pete Buist pointed out that 15 day camps are only for personal use, and that any commercial use requires a permit.

545 Ch. Springer commented about DPS policing of illegal land users.

575 Ken Fanning discussed SB 191's provision that for camps of commercial users other than guides, if the operator was to have personnel in camp, it would have to be registered and lawfully established. Where DPS comes in, not as a land manager, but in enforcing SB 191, is that if the camp is not lawfully established, the operator is in violation of guiding without a license.

622 Ch. Springer discussed other problems and government agencies that could become involved, such as DEC for improper management of waste.

652 Ken Fanning commented on the new definition of base camp.

685 Nick Pierskalla commented on DNR requirements for permanency of based camps.

Tape 2

Side 1

001 Ken Fanning suggested that the main point is that the camp has to have a permit, and that state definitions of what a base camp is might be moot in light of the fact that the federal and other state land managers have operative definitions.

007 Randall Burns commented on camps.

014 Ch. Springer discussed other loopholes in the definition, such as boats, movable camps and winter camps.

052 Nick Pierskalla commented on movable camps, and a discussion with Ch. Springer ensued pertaining to the time frame for the two cabin limit.

068 Randall Burns commented that DPS would probably have its answer before the task force would have time to define the term. Ch. Springer agreed.

087 Ken Fanning agreed, but pointed out that the task force could notify the public of what's required for this year.

107 Nick Pierskalla agreed with Fanning, and noted that one of the major purposes behind the bill was to ease the pressure on the resource this year.

115 Ch. Springer discussed the DPS camp registration form.

140 Ken Fanning pointed out that the DPS form should be two forms - a separate one for the species of game taken.

160 Phil Gilson said that the form was to be a two part form, and that operators would have 30 days to submit the second report.

166 Ch. Springer commented that the form would then fulfill the two requirements of the bill.

175 Nick Pierskalla discussed duplication in the forms.

190 Lew Pamplin commented that duplication of effort is one of the problems inherent in SB 191.

220 Steve White in Juneau commented that in his memo to the governor on SB 191 the 2-camp question was answered. The administration interprets it to mean no more than 2 camps total statewide for each operator for the hunting season (between now and next June).

235 Ch. Springer commented that the two camp limit was imposed in response to big time, wholesale operators.

243 Randall Burns read the pertinent part of Steve White's memo on SB 191.

270 Ken Fanning clarified his earlier remarks that guides, while not required to register their camps, will still have to fill out the transporter report, if they transport.

285 Ch. Springer accepted Gilson's report, and asked for Lew Pamplin to report for ADF&G.

300 Lew Pamplin introduced Suzanne Miller, his supervisor of harvest data compilation, and gave his report.

392 Lew Pamplin discussed his definition of "compensation" as he stated it in a letter to Rep. Randy Phillips.

466 Randall Burns asked if the big game transport log form would provide information the department doesn't now get; Pamplin responded that from certain businesses it would.

522 Ch. Springer asked a question about how the department gets people to file the reports; Pamplin responded that it will be a problem for some hunters, who don't like the paperwork, but the department would survive it.

577 Ch. Springer commented that there is not as much gray area for ADF&G as there is for DPS; Pamplin responded that that was essentially correct, and continued with his report.

640 Ch. Springer suggested that the transporter report might provide no new information for ADF&G, and might be better aimed at DCED. Pamplin responded that it will help identify more clearly where game is being taken.

Tape 2

Side 2

001 Ken Fanning asked a question regarding the task force's ability to review information that will be collected by the new forms. Suzanne Miller responded that ADF&G should have most of its data available by the November meeting.

060 Paul Johnson asked if the data would show guided vs. non-guided hunts. Pamplin responded that this breakdown would only be on a limited basis.

079 Ch. Springer briefly discussed "compensation".

098 Ch. Springer recessed the meeting at 11:50, and said it would resume at 1:00.

104 Ch. Springer called the meeting back to order at 1:10, and asked Randall Burns to report for DCED. Burns began by reviewing efforts to make the restricted guide area maps useable.

210 Ken Fanning asked if it would be possible to reproduce smaller maps to send to land managers so they would know what guides are operating in what areas. Burns responded that they would, and continued with his presentation.

370 Randall Burns discussed the Owsichek court case.

500 Burns discussed the problem of complaints against guides, and that the board could not investigate until 3 had been filed.

530 Burns discussed the connection between the board and the Alaska Professional Hunters Association.

600 Ken Fanning asked Burns to review which of the problems discussed in his memo could be resolved administratively, and which would require policy decisions. Burns responded that the map problem, file maps, exam questions, and 3 complaints problem could be covered administratively. The Task Force should look at issues of transfers and assignment of areas.

Tape 3

Side 1

014 Ken Fanning discussed the point system, and drew the distinction between "assigning" and "transferring" a guide area. Burns responded that the regulations are somewhat unclear in this regard.

048 Nick Pierskalla asked a question regarding guide's annexation of adjoining guide areas. Burns responded that this is a legitimate question to be discussed in a general discussion of the restricted area system.

103 Ch. Springer asked a question regarding Burns's comments in his memo about commercial access by non-guides. Burns responded that the policy question becomes whether the system we now have in place can be made to accommodate the introduction of other operators, or do we have to through it out and start over with a new system.

165 Ch. Springer asked if restricted areas can overlap game management units. Burns responded that some do.

175 Paul Johnson asked a question about lack of support for the guide board from the administration. Burns responded that the administration is trying to give the board it needs.

190 Ch. Springer reviewed how Burns's issues tied in with the letter of intent.

235 Vernitta Cassidy thanked Burns for his memo, and commented on the language in the letter of intent.

277 Ch. Springer opened a general discussion of the goals of the task force.

297 Randall Burns pointed out that it would make sense, fiscally, to hold two-day meetings, since travel for extra meetings is a substantial obstacle, whereas a second day of per diem is not.

305 Ch. Springer discussed the availability of information, and asked David Teal to produce a general summation of previous legislative testimony and actions.

405 Pete Buist asked that the task force be given copies of laws from other jurisdictions.

420 Randall Burns asked how the state's licensing system effects guides operating on other-than-state land.

530 Ch. Springer returned the conversation to establishing basic categories of issues.

550 Ken Fanning commented on the immediacy of permit requirements for this year's hunts. Ch. Springer responded that if the enforcement agencies come to the task force and ask for help, then he would issue a nonbinding opinion. But his more important concern is the report due in January. Randall Burns commented that he understood Fanning's concern, but in regard to the existing permitting system, didn't see where the task force could make a difference for this year's hunts.

635 Fanning clarified his remarks.

Tape 3

Side 2

001 Ch. Springer continued with categorization of issues.

040 Randall Burns commented on the issue of cooperation between the guide board, the game board and ADF&G.

080 Lew Pamplin returned to his earlier comments regarding establishing a base of knowledge for members to use, and said it was necessary to know where we are now, so members would know how to approach the directives of the letter of intent.

Ch. Springer responded that while there appeared to be still some loose ends, the agencies would be able to function through next year on the bill as it is.

170 Randall Burns and Pamplin discussed what the data should look like.

210 Vernitta Cassidy suggested various subcommittees should identify the questions to be asked of the research agencies. Ch. Springer responded and continued with categorization.

250 Ken Fanning asked to obtain a synopsis of AG's opinions available on adding species to the guide-required list.

260 Ch. Springer discussed the licensing of transporters.

295 Pete Buist suggested the task force find out why the transporter license was dropped by the legislature.

300 Nick Pierskalla pointed out that in many cases the availability of insurance is tied to state licensure.

342 Pete Buist commented on restricted guide areas.

348 Ken Fanning asked about the subjectivity of some of the members of the task force on some of the issues in the letter of intent. Ch. Springer responded that it would be useful to categorize the items in the letter of intent so that members could have packages prepared for discussion at the subsequent meetings of the task force, and the members could form their opinions from the discussions.

375 Vernitta Cassidy suggested we ask the AG about the selling of guide areas, and ask ADF&G to comment on how the restricted guide area system fits in with their game management programs. Ch. Springer responded that many of these issues will come out in discussion.

410 Randall Burns commented that the group must be very clear when it asks for public opinion on an issue, particularly on the criteria determining whether an area has been "sold" when transferred. Ch. Springer responded that we could ask the AG, and try to avoid getting a mountain of paperwork back.

490 Ken Fanning suggested that the group consider making comments from representative rural groups such as the AFN and RuralCAP agenda items at some future meeting. Ch. Springer responded that rural residents are diverse, and it would not work to take input from only selected groups.

540 Randall Burns suggested a questionnaire could be developed and sent out. Vernitta Cassidy suggested RuralCAP would be willing to help develop the questionnaire.

595 Sheila Helgath, with SAC in Juneau, suggested calling selected, informed rural residents, rather than send out a questionnaire. Ch. Springer responded that the last time he tried to talk to informed rural people, it didn't work out very well, and if she would be able to provide a list of informed rural people, he would be glad to look at it.

620 Ch. Springer called a 5 minute recess at 3:10. Following the recess, the meeting was reconvened, and Ch. Springer continued with the process of categorizing issues.

630 Randall Burns asked a question about federal permitting.

665 Pete Buist commented on the head tax.

Tape 4

Side 1

012 Ken Fanning agreed that the head tax had been dropped due to lack of compliance, and that it was difficult to enforce. He discussed a federal-state task force that had looked into some of the issues surrounding consistency in licensing requirements, and suggested staff obtain a copy of the group's recommendations from OMB Division of Intergovernmental Cooperation (Bob Grogan).

035 Ch. Springer assigned several of the issues in the letter of intent (F,I,J & R to the AG's office, K to Randall Burns and RuralCAP and Q to staff).

070 Randall Burns suggested that a digest of the legislative testimony on SB 191 would not be very helpful, because most comments were directed at specific proposals within the bill, and were no longer pertinent. Ch. Springer suggested that a lot of good ideas were left out of the final version, and Burns suggested that Ed Hein of LAA Legal Services could provide a synopsis of everything proposed to the bill.

120 David Teal commented on House Research's ability to obtain responses from other states and provinces. Ken Fanning suggested we should clarify what the letter of intent wants in this regard. Dave Parrish commented that it would be helpful from his perspective to know what other states have done, as they don't seem to have the problems we have, so something must be working.

165 Ch. Springer discussed the economic impacts the commercial hunting industry has. Pete Buist noted a Montana study of a few years back, and Dave Parrish suggested we could ask ISER for an analysis.

215 Ch. Springer asked Sheila Helgath for an overview of the state's permitting system.

275 Ch. Springer turned to scheduling of next meeting, and suggested October 24 and 25 be blocked out.

320 Randall Burns moved that a 2 or 3 person subcommittee travel to Kotzebue and either King Salmon or Bethel to take public testimony sometime before Oct 24. Without objection the motion was adopted.

335 Randall Burns moved that the October 24 meeting be held in Anchorage, rather than Fairbanks. Ken Fanning objected and spoke to his objection.

348 Randall Burns withdrew his motion.

352 Ch. Springer asked if there was any objection to holding the next full meeting in Fairbanks, October 24 and 25 from 8:30 am to Noon, and 1 to 5 pm.

370 Pete Buist suggested a block of time in the evening be scheduled for public testimony, as many who will want to speak work during the day. Members agreed to this suggestion.

400 Ch. Springer asked for volunteers for the subcommittee to visit Kotzebue and King Salmon. The subcommittee will consist of Burns as chairman, Cassidy, Pierskalla and Buist.

475 Ch. Springer asked if any other subcommittees should be formed. A discussion ensued regarding the processing of information and data. Lew Pamplin suggested a subcommittee on data management, and it was appointed as follows: Pamplin as chair, Burns, Gilson, Fanning and Pierskalla.

625 Ch. Springer opened the floor to brief public comments. Pete Schaefer of Kotzebue spoke.

Tape 4

Side 2

001 Pete Schaefer continued.

040 Ch. Springer opened the floor for general remarks from task force members.

045 Paul Johnson discussed special guide licenses for marine mammal guides. A short discussion ensued.

065 Ken Fanning commented on provisions for Native and rural resident participation in the system. He then mentioned that with the absence of Gail Ranney, there had been no input from air taxi operators, and that it is essential to get them involved.

091 Linda Wild asked about agenda for the next meeting. Ch. Springer responded that it was his intention to wait until the first week in September before setting his agenda.

108 Ken Fanning suggested it would be appropriate to invite federal land managers to speak at the next meeting.

116 The meeting was adjourned at 4:25.

Outline of Guide Bill Letter of Intent

- A. How does it conform with needs of all Alaskans?
- B. Appropriate roles for all service providers involved.
- C. Solutions to same problems in other states.
- D. Owsichuk v. State.
- E. ADF&G - Game Board - Guide Board cooperation.
- F. Adding species to guide-required list.
- G. Licensure of transporters.
- H. Review of LB&A audits from 1985 and 1987.
- I. Analysis of restricted guide area system.
- J. Analysis of joint use area problems.
- K. Are rural residents able to participate in system.
- L. Illegal guiding as a felony offense.
- M. Should state employees be allowed to participate?
- N. Examine federal role in control of big game servicers.
- O. Safety and insurance requirements for transporters, etc.
- P. Bonding requirements for big game hunting servicers.
- Q. Examine reinstatement of head tax.
- R. Definitions of "camp, in the field, compensation".
- S. Use of sled dogs and allowing dogs in camps.

APPROVED

**TASK FORCE ON GUIDING AND GAME
OCTOBER 24TH - 25TH MEETING - FAIRBANKS**

TAPE 1

SIDE ONE

**001 THE MEETING WAS CALLED TO ORDER BY CHAIRMAN SPRINGER AT
9:05 A.M. MEMBERS PRESENT IN FAIRBANKS WERE:**

**REP. HEINRICH SPRINGER, CHAIRMAN
RANDALL BURNS - DCED
PETE BUIST - GUIDE BOARD
VERNITA CASSIDY - PUBLIC MEMBER
MARK RIEHLE REPRESENTING SENATOR JAN FAIKS
SENATOR KEN FANNING
CAPT. PHIL GILSON - DPS
MATTHEW IYA - PUBLIC MEMBER
PAUL JOHNSON - GUIDE MEMBER
REP. MIKE NAVARRE
LEW PAMPLIN - ADF&G
NICK PIERSKALLA- NON-GUIDE MEMBER
GAYLE RANNEY - AIR TAXI MEMBER**

**ALSO PRESENT WAS STEVE WHITE, ASSISTANT ATTORNEY GENERAL AND
SUZANNE MILLER, ADFG.**

**FOLLOWING ROLL CALL, CHAIRMAN SPRINGER ANNOUNCED THE TASK
FORCE WOULD ADOPT- THE AGENDA. FIRST, ADDED TO THE AGENDA,
UNDER ITEM #A: THE SUPREME COURT DECISION. ADDED TO THE
AGENDA UNDER ITEM #5, ARE THE QUESTIONNAIRE RESULTS BY VERNITA
CASSIDY UNDER COMMUNICATIONS. THE AGENDA WAS THEN ADOPTED.**

**1040 CHAIRMAN SPRINGER MOVED TO ADOPTION OF MINUTES OF THE
JULY 18TH MEETING. VERNITA CASSIDY STATED SHE HAD RECEIVED A
COMPLAINT BY SOMEONE WHO HAD TESTIFIED THAT THEIR TESTIMONY
WAS NOT ADEQUATELY REFLECTED. CHAIRMAN SPRINGER STATED THAT
THE INITIAL MEETING WAS AN ORGANIZATIONAL MEETING AND THAT THE
PURPOSE OF THIS MEETING WAS TO INCORPORATE PUBLIC TESTIMONY
AND THAT A SYNOPSIS OF A PERSON'S TESTIMONY WOULD BE REFLECTED
IN THESE MINUTES.**

**1215 RANDALL BURNS MADE A MOTION THAT THE MINUTES BE ADOPTED.
THE MINUTES WERE ADOPTED.**

**1235 CHAIRMAN SPRINGER ASKED THAT WE MOVE TO SUBCOMMITTEE
REPORTS AND ASKED FOR A REPORT FROM THE RURAL TESTIMONY.
RANDALL BURNS WAS CHAIRMAN, REP. NAVARRE, VERNITA CASSIDY,
PETE BUIST, NICK PIERSKALLA MEMBERS OF THE SUBCOMMITTEE
CHARGED TO TAKE TESTIMONY FROM RESIDENTS OF KING SALMON AND
KOTZEBUE.**

APPROVED

1410 RANDALL BURNS REPORTED THAT THEY MET IN KOTZEBUE ON THE 4TH OF OCTOBER, WHICH ALSO HAPPENED TO COINCIDE WITH THE MUNICIPAL ELECTION. REP. NAVARRE CHAIRED THE KOTZEBUE MEETING. THERE WERE SIX PEOPLE SIGNED UP. VERNITA CASSIDY CHAIRED THE KING SALMON MEETING, AND ALONG WITH RANDALL BURNS AND REP. NAVARRE MET IN KING SALMON ON OCTOBER 5TH. RANDALL BURNS REPORTS THAT IF THE PURPOSE WAS TO SEEK TESTIMONY FROM NATIVE ALASKANS, IT WAS NOT MET. THAT PARTICIPATION WAS LIMITED, 21 PEOPLE SIGNED UP, AND OUT OF 27 TESTIFYING, ONLY 3 WERE NATIVES. IN KOTZEBUE, THEY CAME DURING THE FIRST FREEZE, AND MANY RESIDENTS WERE BUSY TAKING CARE OF EQUIPMENT AND MORE PRESSING CONCERNS. OVERALL GENERAL COMMENTS: DID NOT GET VERY MUCH TESTIMONY FROM NATIVE ALASKANS, HIS IMPRESSIONS WERE THAT THERE IS CONCERN FOR THE RESOURCES; THERE IS TENSION BETWEEN GUIDING AND OUTFITTING AND SOME OF THAT IS DUE TO THE LACK OF REGULATION FOR OUTFITTING. VERNITA ASKED HOW DID PEOPLE VIEW THE DIFFERENCES BETWEEN GUIDES AND OUTFITTERS AND IT WAS PERCEIVED THAT PEOPLE TEND TO BELIEVE THAT GUIDES HAVE A LOT INVESTED IN THE BUSINESS AND HAVE DEMONSTRABLE COMMITMENT IN THAT REGARD; HUNTERS EXPECT THE SAME SERVICES FROM ANY SERVICE PROVIDER. THERE IS CONCERN THAT THERE IS WASTE OF MEAT IN THE FIELD. THEY SEEM TO BELIEVE THAT GUIDES TAKE OUT THE MEAT AS THEY COULD LOSE THEIR LICENSE IF THAT THEY DIDN'T AND WERE APPREHENDED, SOME OUTFITTERS SIMPLY CAPE OUT ANIMALS, THEY THOUGHT, AND THERE IS NO RETRIBUTION TO THEM, JUST THE HUNTER RISKS BEING APPREHENDED AND CONVICTED. RESIDENTS TEND TO BE MEAT HUNTERS, AND THERE SEEMS TO BE THE FEELING THAT OUTFITTERS AND GUIDES ARE TROPHY HUNTERS, AND WE HEARD A LOT OF TESTIMONY THAT SUPPORTS THE CONCEPT THAT OUTFITTERS ARE A FUNCTION OF GUIDING, AN INTEGRAL PART. I SPECIFICALLY WANT TO ADDRESS THE TESTIMONY OF MR. SHAFER FROM KOTZEBUE: THE NUMBER OF OUTFITTERS IS OF CONCERN--THERE IS AN X NUMBER OF RESOURCE AND OBVIOUSLY IF YOU INCREASE THE NUMBER OF PEOPLE SEEKING USE OF THAT RESOURCE, YOU ARE HEADED TOWARDS CRISIS. HE IS CONCERNED ABOUT THE COMPOSITION OF THE GUIDE BOARD; THE PENALTY STATUTES ARE FELONY VS. MISDEMEANOR, YET THERE MUST BE THREE SEPARATE COMPLAINTS BEFORE THEY WILL DO AN INVESTIGATION; THAT THE INDUSTRY AND NATIVE CONCERNS CLASH--NATIVE CULTURAL VALUES VS. THE GUIDE SCHEME; AND THAT 25% OF THE MASTER GUIDES ARE IN GMU 23, AND THE CRITERIA USED TO ESTABLISH THE GUIDE AREAS; AND LAND USE ISSUES SHOULD BE A CONSIDERATION. OTHER TESTIMONY ADDRESSED: IF WE REQUIRE THAT OUTFITTERS BECOME A PART OF THE GUIDE SYSTEM, HOW WILL THEY GAIN ENTRY TO THAT SYSTEM --OF COURSE, THIS TAKES ON A NEW LIGHT IN VIEW OF THE OWSICHEK DECISION---. FISH AND GAME IN GMU 9 FELT THERE ARE LOTS OF UNREPORTED HARVESTS--UPWARDS TO 40%. FWP REPORTS THERE IS A LOT OF WANTON WASTE.

2715 CH. SPRINGER ASKED OTHER MEMBERS FOR COMMENTS. HE ASKED IF THERE WAS ANYTHING BROUGHT UP ABOUT FUTURE PLANS BY THE NATIVE CORPORATIONS ABOUT MANAGING SURFACE RIGHTS; OR LIMITING USE OF LANDING STRIPS OR ACCESS?

2746 RANDALL BURNS REPLIED NO.

APPROVED

2810 VERNITA CASSIDY SAID THERE WERE COMMENTS IN THE SURVEY.

2857 CH. SPRINGER ASKED IF THERE WERE COMMENTS ON MARINE MAMMALS.

2900 RANDALL BURNS REPLIED NO.

2910 CH. SPRINGER ASKED LEW PAMPLIN TO GIVE US A RUNDOWN ON THE PAPERWORK.

2922 LEW PAMPLIN INTRODUCED SUZANNE MILLER AND ADVISED MEMBERS SHE CAN ANSWER ANY DETAILED QUESTIONS ABOUT FORMS, AND HE PASSED OUT THE DATA MANAGEMENT SUBCOMMITTEE REPORT AND A COPY OF VARIOUS LICENSE AND PERMIT REQUIREMENTS.

3450 LEW PAMPLIN ADVISES THE 'BIG GAME TRANSPORT LOG' (BGTL) WAS SENT OUT TO 1000 BUSINESSES (HANDOUT LISTING THOSE BUSINESSES) AND AS OF OCTOBER 7 THE RESPONSES WERE 102 REPORTING 1559 ANIMALS TAKEN.

3538 RANDALL BURNS REFERRED TO AN AFFIDAVIT --WHERE YOU HUNTED, WHAT SERVICES USED----FOR NONRESIDENT TAKING OF MOOSE AND CARIBOU A TOTAL OF 900, 870 ACTUALLY, WHICH WE KNOW ARE HIGHLY UNDER-REPORTED; THERE WERE 305 USED GUIDES, 151 USED OUTFITTERS, 250 USED TRANSPORTERS AND 143 ACTUALLY USED OUTFITTERS AND/OR BOTH TRANSPORTERS. PROBLEM IS THAT THESE ARE SOMETIMES FILLED OUT PRIOR TO KNOWING WHAT THEY WILL BE USING AND THE TERM "OUTFITTER" IS SYNONYMOUS WITH GUIDE, AND IN FACT, MANY LISTED AS GUIDES WERE NOT ON THE GUIDE REGISTER. GMU BREAKOUT, HIGHEST IS GMU 9 WITH 109 HUNTS GUIDED, 67 OUTFITTERS, AND 69 TRANSPORTERS USED, AND 9 BY TRANSPORTERS/OUTFITTERS. HE WENT ON TO LIST SOME ADDITIONAL HIGH USE AREAS AS GMU 19, 23 AND 13. THE AFFIDAVITS WILL NOT BE VERY HELPFUL FOR USE BY THE TASK FORCE.

3853 PHIL GILSON ADDRESSED THE 4 PART FORM, WHICH WENT TO ALL DETACHMENTS (FWP) AND WAS FOR REGISTERING CAMPS. A TOTAL OF 32 OUTFITTERS REGISTERED AS WELL AS 54 LODGES OR CAMPS AS OF OCT. 19, LISTING A TOTAL OF 350 HUNTERS. MANY AFFIDAVITS WERE INCOMPLETE AND CERTAINLY A LACK OF RESPONSE.

4118 LEW PAMPLIN RECOMMENDED THAT THE TASK FORCE SIMPLIFY THOSE FORMS AS MUCH AS POSSIBLE. BELIEVES THAT COMMERCIAL USERS SHOULD REPORT AND THAT THOSE REPORTS SHOULD BE SIMILAR. INFORMATION NEEDS WERE CATEGORIZED BY THE SUBCOMMITTEE INTO TWO GROUPS: INFORMATION NECESSARY FOR PROPER MANAGEMENT OF BIG GAME AND THE OTHER WAS ADMINISTRATIVELY REGULATING COMMERCIAL USE OF BIG GAME.

4200 LEW PAMPLIN ADVISES RESPONSIBILITY OF REPORTING COMMERCIAL USES OF BIG GAME SHOULD BE BORNE BY THE SERVICE PROVIDERS (USER VS. CLIENT); THE RESPONSIBILITY OF REPORTING HARVEST OF BIG GAME SHOULD BE BORNE BY THE HUNTER (CLIENT) NOT
PAGE 3

APPROVED

THE SERVICE PROVIDER. AGAIN, REPORTING REQUIREMENTS SHOULD BE SIMILAR FOR ALL PROVIDERS.

4400 LEW PAMPLIN ADVISES THAT LOTS OF BIG GAME IS HARVESTED BUT NOT REPORTED. GENERALLY WE ARE AWARE OF THESE AREAS AND HAVE A GOOD IDEA OF WHAT IS NOT BEING REPORTED IN TERMS OF TYPES OF ANIMALS. THAT ISSUE IS SEPARATE AND IS A CONSTANT CHALLENGE FOR ADFG.

4530 LEW PAMPLIN RECOMMENDS THAT WE CONSOLIDATE AFFIDAVIT OF NON RESIDENT HUNTING (MOOSE AND CARIBOU) WITH THE BIG GAME TAG REPORT, WHICH CAN EASILY BE DONE ADMINISTRATIVELY (ADFG)

4618 LEW PAMPLIN IDENTIFIES THE MAIN TYPES OF INFORMATION (COMMERCIAL USERS) NEEDED ARE WHO ARE THE PROVIDERS, AND WHAT SERVICES ARE THEY PROVIDING, AND WHERE AND WHEN. RECOMMEND TAG HUNTING REPORT CARD - RECOMMEND IT BE ELIMINATED. ESTABLISH A COMMERCIAL BIG GAME TRANSPORTER LICENSE --REGARDLESS OF WHO THE PROVIDER IS (AIR TAXI, TRANSPORTER, GUIDE) THAT THESE ENTITIES REPORT TO ONE LOCATION THE INFORMATION.

TAPE ONE, SIDE TWO

108 LEW PAMPLIN RECOMMENDS THAT THE REQUIREMENT TO REPORT BIG GAME TRANSPORT LOG (IF RETAINED) BE CHANGED FROM SEVEN DAYS TO 30 DAYS (REQUIRED BY SB191). IF THE LEGISLATURE DECIDES TO GO WITH ONE TYPE OF LICENSE AND AN ANNUAL REPORT, 30 DAYS MIGHT NOT BE NECESSARY.

220 REP. NAVARRE WONDERS WITH A 30 DAY LAG TIME, HOW USEFUL WOULD THE INFORMATION BE TO ADFG. 250 LEW PAMPLIN IT IS NOT THE MOST USEFUL TOOL FOR FWP AND IS NOT NECESSARY FOR IN SEASON MANAGEMENT (ADFG)

250 LEW PAMPLIN RECOMMENDS CONFIDENTIALITY OF REPORTING REQUIREMENTS. TAKE THE NECESSARY STEPS TO IMPLEMENT A POLICY. THE STATEMENT OF FINANCIAL REMUNERATIONS CURRENTLY USED IS CONFIDENTIAL. WHICH FORMS SHOULD BE HELD AS CONFIDENTIAL SHOULD BE A CONSIDERATION BY THE TASK FORCE. ALSO, LASTLY, INFORMATION NEEDS OF EACH AGENCY SHOULD BE IDENTIFIED AND ADMINISTRATIVE MEASURES ADOPTED.

625 CH. SPRINGER ASKED FOR COMMENTS.

630 PETE BUIST - HAD CONTACTS FROM PEOPLE WHO FOUND THE BIG GAME TRANSPORT LOG CONFUSING. SOME THOUGHT IT WAS OPTIONAL, INCLUDING AN FWP FIELD OFFICER.

750 LEW PAMPLIN- WAS AWARE OF THE PROBLEM AND THE FORM SHOULD BE MODIFIED.

820 SENATOR FANNING- REQUESTED A RUNDOWN, OF THE 32 OUTFITTERS WHO REGISTERED THE NUMBER OF RESIDENTS VS. NON-RESIDENTS.

APPROVED

850 PHIL GILSON- 3 NON-RESIDENTS, THE MOST EXTENSIVELY USED HAD A NUMBER OF 38 CLIENTS, THE LARGEST NUMBER OF PEOPLE THROUGH A CAMP WAS 61, BY A RESIDENT.

915 CH. SPRINGER- DISCUSSION ON UNDER-REPORTING AND LACK OF COMPLIANCE AND THE NEED FOR SIMPLIFICATION OF REPORTS.

2050 CH. SPRINGER - SB 191 WAS AN EMERGENCY STOP GAP MEASURE AND IF THE SUBCOMMITTEE CAN COME UP WITH SIMPLIFICATION AND REDUCE DUPLICATION OF REPORTS THAT WOULD BE BENEFICIAL. DISCUSSION.

2510 CH. SPRINGER HAD A QUESTION ON THE SUBCOMMITTEE REPORT ON RURAL TESTIMONY REGARDING RESIDENT VS. NONRESIDENT TAKE.

2540 RANDALL BURNS - RESIDENTS AND BIOLOGISTS SAID THE GAME HAS REALLY SUFFERED. AND THERE NEEDS TO BE SOME REGULATION OF THE NUMBER OF PEOPLE HUNTING.

2630 CH. SPRINGER - ANY QUESTIONS ON BOAT TRAFFIC?

2655 RANDALL BURNS - NO, ART FIELDS MENTIONED HE USED TO DO DOG SLED TRIPS BUT THEY ARE TOO EXPENSIVE.

2700 NICK PIERSKALLA - NO, NO MENTION

2730 PETE BUIST - NO; PROBLEM WITH COMPETITION FOR MOOSE WITH RESIDENTS AND OUTFITTERS.

2800 RANDALL BURNS - BIOLOGIST DESCRIBED THAT SOME OF THESE "POCKETS" OF GAME ARE BEING DEPLETED.

2840 CH. SPRINGER - WINTER TAKE WITH SNOWMACHINES?

2850 RANDALL BURNS- NOTHING.

2900 CH. SPRINGER - 10 MINUTE BREAK

2910 CH. SPRINGER - SUPREME COURT RULED THAT EXCLUSIVE GUIDING AREAS ARE RULED UNCONSTITUTIONAL AND ASKED STEVE WHITE FOR A REPORT.

3052 STEVE WHITE - HOPES THAT THE GROUP WILL READ THE OPINION. HIGHLIGHTS: ANY SYSTEM DEVELOPED THAT INVOLVES GEOGRAPHIC ALLOCATION WILL HAVE TO BE DONE WITH REGARD TO THIS DECISION. THE BOTTOM LINE IS THAT THE DECISION (P.27 OF OWSICHEK). ALL THE LAWS AND REGULATIONS WHICH REFER TO THE EXCLUSIVE GUIDING AREAS ARE UNCONSTITUTIONAL AS OF OCTOBER 21ST. THERE IS NO SUCH THING AS EXCLUSIVE GUIDING AREAS. THE DECISION IS STRAIGHTFORWARD AND IS BASED ON ONE CLAUSE OF THE ALASKA CONSTITUTION, ARTICLE 8, SECTION 3, WHICH READS: "WHEREVER OCCURRING IN THEIR NATURAL STATE, FISH, WILDLIFE, AND WATERS ARE RESERVED TO THE PEOPLE FOR COMMON USE." THAT CLAUSE IS CALLED 'THE COMMON USE CLAUSE.' THE SUPREME COURT INTERPRETED
PAGE 5

APPROVED

THIS CLAUSE AND DETERMINED THE SYSTEM IS UNCONSTITUTIONAL. THE INTERPRETATION SAYS SEVERAL THINGS. THEY SAID THE CLAUSE WAS INTENDED TO STRONGLY PROTECT COMMON ACCESS OF NATURAL RESOURCES. AND IN ANOTHER PLACE, GUARANTEES PUBLIC ACCESS. THE MAIN KEY IS PUBLIC ACCESS TO RESOURCES---NO MONOPOLIES, NO SPECIAL PRIVILEGES OR EXCLUSIVE GRANTS, NO ROYALTY GRANTS. THIS GOES BACK TO THAT THE RESOURCES SHOULD BE AVAILABLE FOR THE COMMON USE OF THE PUBLIC. SEVERAL SENTENCES THAT LEAD UP TO THIS CONCLUSION ARE CRITICAL: THE SYSTEM DOES NOT SERVE THE COMMON USE AS IT OBVIOUSLY LIMITS PUBLIC ACCESS; IT WAS BASED ON SENIORITY, GRANTING AND TRANSFER OF AREAS, THAT IS FOR THE OCCUPANCY AND USE OF THE GUIDES; THE RIGHT WAS FOR UNLIMITED DURATION, UNTIL HE EITHER DIED OR RETIRED. THE GUIDE HAD ESSENTIALLY A PROPERTY RIGHT. THE SECOND POINT WAS THAT THE SUPREME COURT DID NOT PERCEIVE AND WILDLIFE MANAGEMENT PURPOSE WAS SERVED BY THE EXCLUSIVE GUIDE AREA. DID NOT SERVE TO CONSERVE WILDLIFE RESOURCES. GAME IS A PUBLIC RESOURCE, BUT THE PUBLIC WAS NOT COMPENSATED. THERE WAS NO COMPETITIVE BIDDING IN THE SYSTEM. THE STATE RECEIVED NO RENTAL FEES, AND FINALLY, THERE WAS NO PUBLIC INTEREST PROTECTION---THE EXCLUSIVE AREAS WENT OUT WITHOUT ANY CONTRACTUAL CONTROLS.

4230 CH. SPRINGER. THANK YOU. ANY QUESTIONS?

4235 RANDALL BURNS ADDED THAT THE COURT ONLY STRUCK DOWN TWO PARTS OF THE GUIDING LAWS. THE GUIDING SYSTEM IS STILL IN PLACE, INCLUDING THAT NON-RESIDENTS HAVE GUIDES TO HUNT CERTAIN SPECIES. THE CRITERIA FOR BECOMING A GUIDE IS STILL IN PLACE.

4522 LEW PAMPLIN WONDERED HOW THIS DECISION RELATES TO COMMERCIAL FISHING LIMITED ENTRY.

4550 STEVE WHITE REPLIED THAT THERE WAS AN AMENDMENT TO THE CONSTITUTIONAL TO ALLOW FOR COMMERCIAL FISHERIES LIMITED ENTRY. NONE FOR GAME

4640 LEW PAMPLIN ASKED IF THE IDEA OF A PERMIT SYSTEM FOR X NUMBER OF AREAS WAS AN OPTION.

4700 STEVE WHITE REPLIED THAT IF YOU LAID OUT AN AREA AND LIMITED COMMERCIAL HUNTERS BASED ON GAME MANAGEMENT CONSIDERATIONS, IT WOULD BE FINE, THERE MUST BE FREE INFLUX.
4816 PETE BUIST DISCUSSION OF DECISION. WONDERS WHY THE COURT REFERRED TO THE GUIDE AREAS AS EXCLUSIVE WHEN THE STATUTES REFER TO IT AS RESTRICTED.

4840 STEVE WHITE, NOT CERTAIN.

TAPE 2, SIDE ONE

000 STEVE WHITE, SAYS THE STATE DID AN EXCELLENT JOB DEFENDING THE CURRENT SYSTEM.

45 PETE BUIST, CONTINUES GENERAL DISCUSSION

PAGE 6

APPROVED

850 PHIL GILSON- 3 NON-RESIDENTS, THE MOST EXTENSIVELY USED HAD A NUMBER OF 38 CLIENTS, THE LARGEST NUMBER OF PEOPLE THROUGH A CAMP WAS 61, BY A RESIDENT.

915 CH. SPRINGER- DISCUSSION ON UNDER-REPORTING AND LACK OF COMPLIANCE AND THE NEED FOR SIMPLIFICATION OF REPORTS.

2050 CH. SPRINGER - SB 191 WAS AN EMERGENCY STOP GAP MEASURE AND IF THE SUBCOMMITTEE CAN COME UP WITH SIMPLIFICATION AND REDUCE DUPLICATION OF REPORTS THAT WOULD BE BENEFICIAL. DISCUSSION.

2510 CH. SPRINGER HAD A QUESTION ON THE SUBCOMMITTEE REPORT ON RURAL TESTIMONY REGARDING RESIDENT VS. NONRESIDENT TAKE.

2540 RANDALL BURNS - RESIDENTS AND BIOLOGISTS SAID THE GAME HAS REALLY SUFFERED. AND THERE NEEDS TO BE SOME REGULATION OF THE NUMBER OF PEOPLE HUNTING.

2630 CH. SPRINGER - ANY QUESTIONS ON BOAT TRAFFIC?

2655 RANDALL BURNS - NO, ART FIELDS MENTIONED HE USED TO DO DOG SLED TRIPS BUT THEY ARE TOO EXPENSIVE.

2700 NICK PIERSKALLA - NO, NO MENTION

2730 PETE BUIST - NO; PROBLEM WITH COMPETITION FOR MOOSE WITH RESIDENTS AND OUTFITTERS.

2800 RANDALL BURNS - BIOLOGIST DESCRIBED THAT SOME OF THESE "POCKETS" OF GAME ARE BEING DEPLETED.

2840 CH. SPRINGER - WINTER TAKE WITH SNOWMACHINES?

2850 RANDALL BURNS- NOTHING.

2900 CH. SPRINGER - 10 MINUTE BREAK

2910 CH. SPRINGER - SUPREME COURT RULED THAT EXCLUSIVE GUIDING AREAS ARE RULED UNCONSTITUTIONAL AND ASKED STEVE WHITE FOR A REPORT.

3052 STEVE WHITE - HOPES THAT THE GROUP WILL READ THE OPINION. HIGHLIGHTS: ANY SYSTEM DEVELOPED THAT INVOLVES GEOGRAPHIC ALLOCATION WILL HAVE TO BE DONE WITH REGARD TO THIS DECISION. THE BOTTOM LINE IS THAT THE DECISION (P.27 OF OWSICHEK). ALL THE LAWS AND REGULATIONS WHICH REFER TO THE EXCLUSIVE GUIDING AREAS ARE UNCONSTITUTIONAL AS OF OCTOBER 21ST. THERE IS NO SUCH THING AS EXCLUSIVE GUIDING AREAS. THE DECISION IS STRAIGHTFORWARD AND IS BASED ON ONE CLAUSE OF THE ALASKA CONSTITUTION, ARTICLE 8, SECTION 3, WHICH READS: "WHEREVER OCCURRING IN THEIR NATURAL STATE, FISH, WILDLIFE, AND WATERS ARE RESERVED TO THE PEOPLE FOR COMMON USE." THAT CLAUSE IS CALLED 'THE COMMON USE CLAUSE.' THE SUPREME COURT INTERPRETED
PAGE 5

APPROVED

145 PAUL JOHNSON, WONDERS ABOUT A QUOTA SYSTEM, TIME LIMITATION FOR AREA?

170 STEVE WHITE, DOESN'T HAVE ANY IDEAS, JUST THAT A TIME LIMITATION MUST BE ESTABLISHED. DISCUSSION CONTINUES

530 NICK PIERSKALLA, WONDERS IF A PERMIT SYSTEM IS DEVELOPED WOULD THAT BE FOR BOTH COMMERCIAL AND SPORT USERS? THAT NO ONE GROUP CAN BE EXCLUDED?

555 STEVE WHITE, NOT CERTAIN. THINKING OF VARIOUS OPTIONS. BUT THERE MUST BE A LEGITIMATE PURPOSE TO EXCLUDE A GROUP. LICENSING SCHEME CAN PROVIDE PUBLIC PROTECTION. DISCUSSION.

928 RANDALL BURNS REMINDS THAT THE CURRENT SYSTEM IS IN EFFECT. IF THIS GROUP WANTS TO MAKE RECOMMENDATIONS, IT IS WITHIN OUR PURVIEW.

1040 STEVE WHITE, MUST PROTECT THE PUBLIC FOR SAFETY THROUGH LICENSING.

1150 PETE BUIST STATED - I'M NOT RESTRICTED ANY LONGER TO ONE AREA.

1245 VERNITA CASSIDY HAD PUBLIC ACCESS QUESTIONS. ONE QUESTION ON THE SURVEY WAS TO ASK PEOPLE IF THEY FELT THEY HAD AN ADEQUATE OPPORTUNITY TO PARTICIPATE. MOST OF THE GUIDES SAID THEY DID, BUT A GREAT NUMBER OF RURAL PEOPLE DO NOT FEEL THEY HAVE THE OPPORTUNITY TO ACCESS.

1400 STEVE WHITE SAYS THERE MUST BE ACCESS WHICH THE LICENSING SCHEME SATISFIES. THE PROBLEM IS PEOPLE NOT HAVING ACCESS TO THE LICENSING.

1500 CH. SPRINGER COMMENTS.

1540 LEW PAMPLIN, DISCUSSES LICENSING SYSTEM CURRENTLY AVAILABLE AND ADFG ROLE.

1930 CH. SPRINGER COMMENTS ON OTHER COUNTRIES WHERE THE GOVERNMENT OWNS THE RESOURCES AND SETS THE LIMITS.

2217 MATTHEW IYA SAYS THAT HE THINKS IT WILL NOT HAVE AN IMPACT ON LOCAL SUBSISTENCE. IT IS PROVIDED IN THE CONSTITUTION. CONCERNED ABOUT ADDITIONAL PRESSURE ON RESOURCE.

2340 STEVE WHITE SAYS THE LAWS THAT DEFINE GUIDING ARE STILL IN PLACE. DISCUSSION.

2450 SAMANTHA CASTLE SAYS THAT THIS DECISION WILL SERIOUSLY IMPACT THE ALLOCATION SYSTEM THAT WE HAVE. ANTICIPATES THAT THE BOARD OF GAME WILL HAVE EMERGENCY MEETINGS. NOW THAT THE GUIDES ARE NOT RESTRICTED TO THEIR AREAS THEY WILL FOCUS IN
PAGE 7

THOSE "POCKET" AREAS. YES, IT WILL BE A SERIOUS PROBLEM. THERE WILL BE RESTRICTIVE REGULATIONS, I FEEL CERTAIN.

2600 CH. SPRINGER DISCUSSES HISTORIC PERSPECTIVE OF EXCLUSIVE GUIDING AREAS.

2655 STEVE WHITE STATES THAT GAME MANAGEMENT WASN'T PRESENT ACCORDING TO THE DECISION. HOW THE PURPOSE IS SERVED, THROUGH SELF-ENFORCEMENT OR BY THE BOARD OF GAME ISN'T IMPORTANT. THE COURT USED THE LEGISLATIVE AUDIT REPORTS AS ONE BASIS.

2820 RANDALL BURNS DISCUSSES LICENSING OF GUIDES AND PROFICIENCY AND SKILLS. 28 OTHER AREAS ARE LICENSED IN THE STATE.

2956 STEVE WHITE DISCUSSES DISCIPLINE OF THE INDUSTRY, ETHICAL CONSIDERATIONS.

3025 RANDALL BURNS DISCUSSES A METHOD TO COMPEL COMPLIANCE FOR REPORTING REQUIREMENTS AND POSSIBLE RESTRICTIONS. DISCUSSION.

3500 RANDALL BURNS SUGGESTS THAT BOUNDARIES CAN EFFECTED BY SETTING UP FEE SCHEDULES, ETC. --SCHEMES CAN BE CREATED.

3600 PAUL JOHNSON GIVES AN EXAMPLE THAT THERE MAY BE 10 GUIDES WHO HAVE SIGNED HUNTS, THAT THERE MAY BE 30 LICENSED GUIDES WHO DECIDE TO HUNT THAT AREA. THE RESOURCE CAN'T BEAR THAT INFLUX SO THE BOARD OF GAME MUST TAKE SOME ACTION.

3650 RANDALL BURNS ASKS WHAT IS STOPPING OUTFITTERS FROM DOING THAT RIGHT NOW.

3700 PAUL JOHNSON COMMENTS THAT THE AREA THE HUNTING IS MAINLY FOR BROWN BEAR, OUTFITTERS CAN'T TAKE HUNTERS.

3720 STEVE WHITE SAYS THERE ARE NO EASY ANSWERS.

3740 VERNITA CASSIDY SAYS ON PAGE 10 OF THE DECISION IT'S STATED THAT IN GUARANTEEING PEOPLE "COMMON USE" OF FISH AND WILDLIFE RESOURCES THE FRAMERS OF THE CONSTITUTION CLEARLY DID NOT INTEND TO PROHIBIT ALL REGULATION OF THE USE OF THESE RESOURCES. LICENSING REQUIREMENTS, BAG LIMITS, AND SEASONAL RESTRICTIONS, FOR EXAMPLE, ARE TIME-HONORED METHODS OF CONSERVING THE RESOURCES THAT WERE RESPECTED BY DELEGATES TO THE CONSTITUTIONAL CONVENTION. SHE SAYS THE QUESTION OF COMMON USE WAS BROUGHT UP AGAIN AND AGAIN. BUT THE SUBSISTENCE LAW IS FEDERAL LAW. LET'S LOOK AT WHAT THIS DECISION SAYS AND COME UP WITH AN ATTEMPT TO RESPOND.

3853 CH. SPRINGER SAYS WE NEED TO LOOK AT IT AND GET SOME DISTANCE AND COME UP WITH SOME RECOMMENDATIONS.

APPROVED

3930 RANDALL BURNS CAUTIONS THAT THERE ARE SOME NEW PROVISIONS WHICH ARE REQUIRED AS A RESULT OF SB 191. SOME OF THESE THINGS WILL TAKE PEOPLE TIME TO COMPLY.

4000 CH. SPRINGER CONTINUES THIS DISCUSSION. AND ASKS VERNITA TO REPORT ON THE SURVEY.

4220 VERNITA CASSIDY SAYS THE COMPILATION AND OF THE SURVEY WILL BE BROUGHT BEFORE THE COMMITTEE AT THE NOVEMBER MEETING AND SHE HAS RAW DATA FOR REVIEW SHOULD ANY MEMBER WISH TO REVIEW IT OR MAKE COPIES. SHE SAYS THERE WAS GOOD RESPONSE TO THE SURVEY. RANDALL BURNS, LINDA WILD, NICK PIERSKALLA, AND HER ASSISTANT DAVID HARDENBERGH WORKED HARD TO PUT TOGETHER THE QUESTIONS WHICH WERE SENT TO ALL RURAL GUIDES, OUTFITTERS, AND AIR TAXI'S, VILLAGE COUNCIL'S AND CORPORATIONS. 1,257 QUESTIONNAIRES WERE SENT OUT WITH A 21% RESPONSE TO DATE. THE RESULTS WILL BE COMPILED BY 12 NATIVE REGIONS. DISCUSSION CONTINUED.

TAPE 2, SIDE TWO

313 CH. SPRINGER ADVISES THAT IF THERE ARE WRITTEN COMMUNICATIONS PLEASE GIVE THEM TO NANCY PETERSEN, WHO WILL COMPILE FOR DISTRIBUTION TO ALL MEMBERS.

510 CH. SPRINGER DISCUSSES PRIVATE COMMUNICATIONS FOR THE PURPOSE OF COLLECTING TESTIMONY FROM THOSE WHO ARE CONCERNED ABOUT RETRIBUTION, A LETTER FROM SEN. FAIKS AND SENATOR FANNING REGARDING THE SAME. DISCUSSION FOLLOWS.

720 STEVE WHITE SAYS THE TASK FORCE IS GOVERNED BY THE OPEN MEETINGS ACT AND GOING INTO AN EXECUTIVE SESSION WOULD NOT BE ALLOWED FOR THAT PURPOSE. DISCUSSION CONTINUES.

900 CH. SPRINGER NOTES THAT THE TASK FORCE HAS SUBPOENA POWERS, AND THAT EVERYONE HAS AN OPPORTUNITY TO TESTIFY, THAT THOSE NOT WISHING TO COME FORWARD, THAT TESTIMONY MAY BE OF DUBIOUS VALUE. DISCUSSION CONTINUES.

1505 VERNITA CASSIDY ADDS THAT THERE HAVE BEEN EMPLOYEES OF GUIDES WHO HAVE NOT BEEN ABLE TO GET HIRED AGAIN IN THE INDUSTRY DUE TO THEIR TURNING IN A GUIDE FOR ILLEGAL ACTIVITY.

1940 PAUL JOHNSON SUGGESTS THAT THE WILDLIFE SAFEGUARD PROGRAM IS IN OPERATION WHICH COULD HELP THAT PERSON COMMUNICATE ILLEGAL ACTIVITY.

2024 REP. NAVARRE SUGGESTS THAT A PERSON COULD TALK TO A TASK FORCE MEMBER INDIVIDUALLY WITH HIS CONCERN AND NOT HAVE TO GO PUBLIC WITH HIS TESTIMONY.

2300 CH. SPRINGER RECESSES UNTIL 1:00P FOR LUNCH.

2300 CH. SPRINGER BRINGS THE MEETING BACK TO ORDER AT 1 P.M. AND BEGINS TO TAKE PUBLIC TESTIMONY.

APPROVED

2800 MAT WORKER, P.O. Box 533 NORTHWAY, AK, A GUIDE, TESTIFIES THAT HE FEELS THE FAA PART 135 REGULATIONS ARE UNFAIR BURDEN FOR GUIDES AS IT IS NOT THE MAJOR PART OF THE GUIDING OPERATION. THINKS OUTFITTERS SHOULD HAVE THE SAME PROCESS AS GUIDES AND BE REGULATED.

3900 CH. SPRINGER, NORTHWAY, ANY OTHERS? WOULD LIKE TO LATER.

3950 COLE ELLIS, STAR ROUTE 1400, NEBESNA RD. MILE 42., GUIDE, THINKS THE PART 135 TOO RESTRICTIVE. THINKS THAT THERE WILL BE MORE AIR TAXI OPERATORS AS A RESULT AND THAT IN ORDER TO COMPENSATE FOR THAT INCREASED COST, WILL HAVE TO TAKE OUT MORE CLIENTS OR COMPETE WITH THE AIR TAXIS FOR NATURE SEEKERS, YEAR ROUND. APHA- VERY WORRIED THAT THE END OF GUIDING IS IN SIGHT.

4528 RANDALL BURNS CLARIFIES FOR LISTENERS THE EXTENT OF THE IMPACT ON GUIDING INDUSTRY. DISCUSSION.

4623 CH. SPRINGER PROVIDES BACKGROUND FOR TELECONFERENCE PUBLIC.

TAPE 3, SIDE ONE

44 MATT WORTHER, NORTHWAY, COMPLAINS ABOUT THE DISCREPANCY IN FARES BETWEEN SUMMER AND HUNTING RATES. ALSO DOES NOT THINK THAT THE AIR TAXIS SHOULD BE DROPPING PEOPLE OFF INTO GUIDING AREAS.

210 CH. SPRINGER DISCUSSES "IN THE FIELD".

325 MATT WORTHER SAYS GAME IS BEING WASTED. SOME OF THESE PEOPLE IN THE FIELD ARE BEING DROPPED OFF AND DO NOT KNOW HOW TO TAKE CARE OF THE MEAT AND IT SPOILS.

815 NICK PIERSKALLA DISCUSSES SECTION 16, SB191 WHICH ADDRESSES TRANSPORTATION TO AND FROM THE FIELD REPORTING.

954 RANNEY DISCUSSES THAT AIR TAXIS ARE NOT REQUIRED TO POST TARIFFS, AND WHILE IT MAY NOT BE A GOOD BUSINESS PRACTICE, NOTHING PREVENTS IT'S PRACTICE. FURTHER DISCUSSION OF PART 135 REQUIREMENTS, FAA REQUIRES A BASE OF OPERATION AND DO LOOK CLOSELY AT OPERATIONAL SPECIFICATIONS PRIOR TO ISSUING PART 135. DISCUSSION.

1542 CH. SPRINGER ANNOUNCES THAT WE WILL HAVE SOMEONE FROM FAA IN TO TESTIFY.

1606 DON FREDERICK, Box 70, SLANA, REGISTERED GUIDE. AGREES WITH COLE. WE HAVE ENCROACHMENT BY AIR TAXI'S WHICH HAVE NO RESTRICTIONS. SOME ARE ADVERTISING 40 IN SHEEP FOR \$1,000. THE GUIDES HAVE RESTRICTIONS, HE HAS A SMALL AREA. IT'S DISCOURAGING WHEN SO MANY CLIENTS HAVE BEEN DROPPED OFF IN HIS AREA. OUTFITTERS CAN DROP OFF AS MANY CLIENTS AS THEY WANT TO. QUESTIONS AND DISCUSSION OF THESE TYPES OF PROBLEMS CONTINUE.

APPROVED

3427 DENNIS HARMS, BOX 970, MASTER GUIDE, CHUGIAK, AK SAYS THE GAME IS AS GOOD NOW AS IT WAS WHEN HE BEGAN AND HE HAS IT DOCUMENTED. SAYS THAT IN THE 60'S AND 70'S THERE WERE SOME GUIDES WHO LOST THEIR LICENSES AND FOUND OUT THEY COULD CONTINUE THEIR OPERATIONS AS OUTFITTERS, USING A LOOPHOLE, AS OUTFITTERS WEREN'T LICENSED OR REGULATED. THE NUMBER ONE PRIORITY OF THE LEGISLATURE SHOULD BE TO PROTECT THE RESOURCE. CONTINUES.

4052 REP. NAVARRE STATES THE LEGISLATURE DID ACT RESPONSIBLY BY PASSING SB 191 AND SPENT MANY HOURS IN DELIBERATIONS ON THE ISSUE.

4060 DENNIS HARMS CONTINUES WITH HISTORICAL PERSPECTIVE OF EXCLUSIVE GUIDING AREAS.

4620 CH. SPRINGER ALSO DISAGREES WITH HARMS THAT THE LEGISLATURE DID NOT ACT. GIVES HIS PERSPECTIVE ON COMMITTEE DELIBERATIONS.

TAPE 3, SIDE TWO

117 DENNIS HARMS CONTINUES WITH HISTORICAL PERSPECTIVE OF THE GUIDING INDUSTRY DEVELOPMENT OF EXCLUSIVE AREAS.

715 CH. SPRINGER GOES TO SLANA.

725 DOUG FREDERICK, AGREES WITH HARMS, FIRST ONES RESTRICTED WITH BE THE GUIDES, WITH ANILCA.

805 DENNIS HARMS UNDERSTANDS THAT WE HAVE PREFERENCE FOR RESIDENTS, HIS MAIN CONCERN IS ADDING ANOTHER LAYER TO THE COMMERCIAL USERS.

955 VERNITA CASSIDY AND RANDALL BURNS SAID THE GUIDES IN SLANA SHOULD HAVE RECEIVED THE QUESTIONNAIRE AND THEY DON'T KNOW WHY THE 5 THERE DIDN'T.

1120 KIRK ELLIS, SR 1415 NEBESNA, SLANA 99586, GUIDES HAVE EARNED THE RIGHT TO GUIDE, 31 YEAR RESIDENT, HE HAS LIVED IN ALASKA, BUILT STRIPS AND ADDED TO THE LOCAL ECONOMY. MASS NUMBERS OF PEOPLE ARE HAULED IN BY AIR TAXI'S. IS OPPOSED TO HAVING AN ADDITIONAL LAYER, THE OUTFITTER'S INVOLVED IN THE COMMERCIAL BIG GAME INDUSTRY. HAS SEEN THE SHEEP POPULATION DRAMATICALLY REDUCED AND THINKS SHEEP SHOULD BE ON A ONE EVERY FOUR YEAR HARVEST BY PERMIT BASIS. CONTINUES DISCUSSION.

2310 DON TROUTMAN, 2453 HOMESTEAD DRIVE, NORTH POLE, AK., REGISTERED GUIDE SINCE 1984. HAD AN AREA IN THE BROOKS RANGE. DISCUSSES HIS CONVERSATIONS WITH RAY DEMERCHE ON POSSIBLE WAYS TO LIMIT THE NUMBER OF PEOPLE IN AREAS. DISCUSSION

4400 CH. SPRINGER WENT TO SLANA FOR TESTIMONY.

APPROVED

4414 DOUG FREDERICK, SLANA, REGARDING SUSTAINED YIELD, AND FOR THE PAST TEN YEARS WE'VE TRIED TO GET THE BOARD TO GIVE THE GUIDES A SMALL NUMBER OF PERMITS, BUT THEY HAVEN'T DONE SO.

4500 CH. SPRINGER CALLED FOR A 15 MINUTE RECESS.

TAPE 4, SIDE ONE

15 CH. SPRINGER ANNOUNCES HANDOUTS AVAILABLE AND CALLS THE MEETING BACK TO ORDER AT 3:30P

100 JAY FRASIER, BOX 1331 DELTA JUNCTION, AK 99737. THE SB 191 HAS HELPED TO REGULATE THE AIR TAXI'S IN THEIR AREA. DOES NOT WANT GUIDES TO HAVE TO HAVE PART 131, FAA LICENSES, AS THE FLYING DONE IS INCIDENTAL TO THE GUIDING OPERATION. THINKS WE CAN LEARN A LOT FROM THE CANADIANS.

238 VERNITA CASSIDY CAUTIONS THAT THE ALASKA CONSTITUTION AND CANADA'S GOVERNMENT ARE VERY DIFFERENT.

300 CH. SPRINGER- GLENNALLEN, ANYONE TO TESTIFY?

322 CHUCK McMAN, P.O. BOX 113, DACONA 99566. DOES NOT THINK THAT GUIDING WILL BE VERY MUCH AFFECTED IN HIS AREA. HE IS AGAINST THE PART 135 REQUIREMENT FOR GUIDES. DISCUSSION.

723 CHRIS ELLIS, SLANA, THINKS THERE SHOULD BE A REQUIREMENT FOR NON RESIDENTS TO HAVE A GUIDE FOR MOOSE AND CARIBOU HUNTERS.

900 CH. SPRINGER CITES CITIZEN'S RIGHTS AND THE HISTORICAL PERSPECTIVE OF HOW SHEEP AND BEAR BECAME SPECIES WHICH REQUIRED A GUIDE FOR NON-RESIDENTS--ADVERSE INCLEMENT WEATHER, AND THE NATURE OF DANGEROUS ANIMALS SUCH AS THE BEAR NECESSITATED THIS REQUIREMENT. DISCUSSION CONTINUES.

1720 W. J. LYNUS O'BRIEN, P.O. BOX 2474, FAIRBANKS, AK 99707 REGISTERED GUIDE LICENSED FOR GMU 21, NO AREA, THINKS THAT THERE SHOULD BE PREFERENCE GIVEN WHEN DEVELOPING SOLUTIONS FOR THIS SYSTEM, TO RURAL RESIDENTS WHO LIVE IN THE BUSH, IN PARTICULAR, THOSE THAT DERIVE A MAJORITY OF THEIR INCOME FROM GUIDING. HE EXPRESSES QUITE A BIT OF CONCERN THAT THE GUIDES WILL HAVE TOUGHER REGULATIONS, THAT HIS LIFESTYLE WILL NOT BE POSSIBLE, THAT THE BIG GAME GUIDES WILL NOT BE ABLE TO COMPETE WITH OUTFITTERS, ESPECIALLY NON-RESIDENTS, WHO WILL COME TO ALASKA FOR THE HUNTING SEASON WITH NUMEROUS CLIENTS, JUST TAKING ALASKAN'S RESOURCES. DISCUSSION CONTINUES.

3730 RANDALL BURNS ADVISES THAT JUST BECAUSE A PERSON IS A RESIDENT IN ALASKA DOES NOT AUTOMATICALLY GIVE THEM QUALIFICATIONS OVER SOMEONE FROM OUT-OF-STATE WHO MAY BE BETTER QUALIFIED TO GUIDE DUE TO EXPERIENCE AND CREDENTIALS.

APPROVED

4030 LYNUS O'BRIEN SAYS MOST OF THE GUIDING WORK IS DONE BY THE ASSISTANT GUIDE AND BELIEVES THAT THE TESTING SHOULD BE MORE STRINGENT FOR THOSE PEOPLE. DISCUSSION CONTINUES.

4315 SENATOR FANNING COMMENTED ABOUT NON-RESIDENT VS RESIDENT HUNTERS IN THE GUIDING SYSTEM. DISCUSSION CONTINUES.

4525 PAUL JOHNSON HAS COMMENTS ON THE POINT SYSTEM AND AGREES THAT THE BUSH PEOPLE SHOULD BE CONSIDERED IMPORTANT TO THE SYSTEM. THE THREE MAIN AREAS THAT O'BRIEN TOUCHED ON FOR THE POINT SYSTEM ARE, HE SAYS, RESIDENCY, TIME SPENT IN REGION, AND DEGREE OF INCOME. DISCUSSION CONTINUES.

TAPE 4, SIDE TWO
500 CH. SPRINGER ASKS FOR COMMENTS.

505 MATTHEW IYA COMMENTS ON THE FEDERAL MANAGEMENT OF THE MARINE MAMMALS AND THE ALLOCATION SYSTEM. HE COMMENTS ON THE NUMBER OF NON-RESIDENT GUIDES AS 2, CLASS "A" ASSISTANT GUIDES AS 2, AND ASSISTANT GUIDES AS 58.

628 RANDALL BURNS SUGGESTS THAT THE CRITERIA FOR LICENSING IS WHAT WE SHOULD BE EXAMINING.

842 LYNUS O'BRIEN CONTINUES HIS COMMENTS ON TESTING FOR ASSISTANT GUIDES AND CRITERIA. DISCUSSION CONTINUES.

1425 VERNITA CASSIDY SUGGESTS THAT O'BRIEN NOT MAKE SWEEPING JUDGMENTS ABOUT NATIVE, RURAL ALASKAN'S. SHE COMMENTS ON HER TESTIMONY IN EUROPE ON FURBEARER'S REGULATIONS WHICH WOULD AFFECT ALASKAN'S.

1600 LEW PAMPLIN COMMENTS THAT SUZANNE MILLER JUST CHECKED THE TRANSPORTERS LIST AND OF THE 1000 BUSINESSES LISTED, 23 LIST OUT-OF-STATE ADDRESSES.

1940 RANDALL BURNS CAUTIONS THAT DCED MAY REQUIRE BUSINESS LICENSES BUT THAT DOESN'T MEAN ALL PARTIES COMPLY. DISCUSSION CONTINUES, SPECULATING ABOUT A POINT SYSTEM.

2738 NICK PIERSKALLA CLARIFIES THAT THE OUTFITTERS ARE NOT ASKING SPECIFICALLY TO BECOME REGISTERED GUIDES, BUT RATHER, ARE ASKING TO BE LICENSED.

2930 CH. SPRINGER GOES TO ANCHORAGE FOR TESTIMONY.

2940 RONALD JORDAN, 3444, #A SEPPALA DRIVE, ANCHORAGE, AK 99717, NOT GUIDE OR OUTFITTER, THINKS THAT THE BILL IS AN ANTI-OUTFITTER'S BILL. THINKS THAT THE RESOURCE NEEDS TO BE MANAGED FOR THE PEOPLE, THAT PEOPLE CREATED PROBLEMS AND THE ILLEGAL ACTIVITIES BY GUIDES SHOW IT'S NOT JUST AN OUTFITTER'S PROBLEMS. SUGGESTS OUTFITTERS LIMITS IN THE SYSTEM BE DEFINED.

APPROVED

3950 NICK PIERSKALLA STATES THAT HIS PARTICIPATION IN RECENT MEETINGS WITH APHA AND OUTFITTER'S ASSN. AND A DISCUSSED AGREEMENT TO USE TRANSPORTER/OUTFITTER TO TRANSLATE TO OUTSIDE HUNTERS THAT HE WAS NOT A GUIDE, BUT RATHER, PROVIDED TRANSPORTATION AND EQUIPMENT SERVICE. DISCUSSION CONTINUES.

4130 CH. SPRINGER ADVISES THAT LEGISLATIVE HEARINGS IDENTIFIED THAT THE USE OF "OUTFITTER" IN THE LOWER 48 DOES NOT CONNOTE THE SAME MEANING AND IS OFTEN CONSIDERED A GUIDE, BY THOSE PARTIES. SO, A HUNTER MAY THINK HE IS GETTING GUIDING SERVICE RATHER THAN THE LIMITED SERVICES OF AN ALASKAN OUTFITTER.

4218 ED BEEMAN, P.O. BOX 134, CHUGIAK, AK., A GUIDE FOR 32 YEARS. IS OPPOSED TO THE REQUIREMENT BY SB 191 FOR GUIDES TO COMPLY WITH PART 135 FAA REGULATIONS. HE CONTINUES TO DISCUSS HOW THIS WILL AFFECT HIS GUIDING OPERATION. FEELS USE OF AIRCRAFT IS INCIDENTAL TO HIS GUIDING OPERATION, AND IT WOULD BE COST PROHIBITIVE TO COMPLY WITH THE INSURANCE REQUIREMENTS AND OTHER FAA REGULATIONS, PARTICULARLY PAPERWORK AND TIME INVOLVED. HE IS NOT INSTRUMENT RATED AND WON'T BE. WOULD LIKE TO SEE OUTFITTERS HAVE THE SAME REPORTING REQUIREMENTS AS GUIDES. DISCUSSION.

TAPE 5 SIDE ONE

750 VERNITA CASSIDY CAUTIONS THAT NO ONE GROUP HAS A CORNER ON ETHICS WITH OUR CURRENT SYSTEM. WHAT WE SHOULD BE FOCUSING ON HOW TO GLEAN THOSE WHO OPERATE ILLEGALLY FROM THE SYSTEM.

955 NICK PIERSKALLA INITIATES A DISCUSSION ON AIR TAXI INSURANCE REQUIRED FOR PART 135.

1153 CH. SPRINGER INITIATES A DISCUSSION ON THE HISTORICAL PERSPECTIVE OF THE PART 135, THE DISTINCTION BEING THAT IT WAS DECIDED THAT THE FLYING FOR GUIDES WAS INCIDENTAL, FOR OUTFITTERS/TRANSPORTERS WAS NOT.

1235 RANDALL BURNS DISCUSSES IT'S INCEPTION DUE TO CLIENT SAFETY.

1250 REP. NAVARRE ADVISES THAT ALL OF THE ABOVE WAS PERTINENT AND THE FAA CONSIDERS IT INCIDENTAL TRANSPORTATION FOR GUIDES.

1260 CH. SPRINGER ANNOUNCES THAT THESE QUESTIONS ARE BEST DIRECTED TO FAA, AND A REPRESENTATIVE WILL PRESENT TESTIMONY BEFORE THE TASK FORCE AT 1P, OCTOBER 25.

1525 TERRY OBERLIE, MASTER GUIDE, SLANA, HAS 44 HORSES AND LIVES IN AN AREA WHERE HE MUST HAVE AN AIRPLANE TO EXIST. HE USES MINIMAL USE OF AIRPLANE FOR HIS CLIENTS AND USES A PLANE TO SHUFFLE HIS CLIENTS, BUT AIR TAXIS FLY IN HIS HUNTERS. THINKS PART 135 MANDATE WOULD MAKE IT ALMOST IMPOSSIBLE FOR HIM TO OPERATE.

APPROVED

1920 GAYLE RANNEY HAULING FUEL AND SUPPLIES FOR CAMP ARE COVERED UNDER PART 91, NOT THE PART 135. COMPLICATED SITUATION WHERE WE SAYING GUIDES CAN'T USE THEIR PLANES IN ANY WAY, SHAPE OR FORM. THE FAR DEFINES HIRE, BUT THEIR PERSON CAN HAVE THEIR OWN BUSINESS AND FLYING CAN BE INCIDENTAL.

2020 TERRY OBERLIE DISCUSSION CONTINUES REGARDING HOW IT WOULD AND DOES AFFECT GUIDES CURRENTLY.

2430 CH. SPRINGER ADVISES THAT THE FAA CAN ANSWER AND CLARIFY HOW IT DOES AFFECT GUIDING. RECESS FOR DINNER AT 5:45P FOR ABOUT AN HOUR.

2535 CH. SPRINGER BRINGS THE MEETING BACK TO ORDER AT 7:10P

2630 JOHN HAJDUKOVICH, P.O. Box 2036, FAIRBANKS, AK 99707 REPRESENTING THE AIR CARRIERS ASSOCIATION. IT IS THEIR POSITION THAT ALL CARRIERS OR PERSONS ENGAGED IN COMMERCIAL HUNTING OPERATIONS USING AIRPLANES SHOULD BE COVERED UNDER THE SAME FEDERAL REGULATIONS AS THEIR IS NO REASONABLE EXEMPTION. SAFETY IS THE MAIN CONCERN. HE AGREES WITH THE PROVISIONS IN SB 191 WHICH ADDRESS THE PART 135, FAA. DISCUSSION CONTINUES .

4702 PAUL JOHNSON NOTES THAT SOME GUIDES HAVE SEVERAL THOUSAND HOURS FLYING TIME AND HAVE BETTER LOCAL KNOWLEDGE OF WEATHER CONDITIONS AND SOME AIR STRIPS OR GRAVEL BARS. DISCUSSION CONTINUES.

TAPE 5, SIDE TWO

000 PAUL JOHNSON NOTES THAT COMMUNICATION SYSTEMS DON'T ALLOW FOR PEOPLE IN THE FIELD, GUIDES, TO GET ON THE PHONE AND CALL FOR AN AIR TAXI TO COME OUT AND MOVE THE CLIENTS TO A DIFFERENT AREA. THE LOGISTICS ARE SIMPLY MORE DIFFICULT THAN AT FIRST GLANCE.

50 JOHN HAJDUKOVICH CONTINUES THAT THE INDUSTRY HAS PROGRESSED. DISCUSSION CONTINUES.

215 NICK PIERSKALLA INITIATES DISCUSSION OF LACK OF AVAILABILITY OF CHARTERING WITH AN AIR TAXI FOR SMALLER PLANE, A SUPER CUB, WHICH IS USED EXTENSIVELY BY GUIDES. THAT THE LARGER PLANES ARE MORE EXPENSIVE TO USE, AND THE WELL-SUITED SUPER CUB IS NOT AVAILABLE COMMERCIALY. DISCUSSION CONTINUES.

730 SENATOR FANNING GIVES HISTORICAL LEGISLATIVE PERSPECTIVE REGARDING THE PART 135 REQUIREMENT. DISCUSSION OF INSURANCE REQUIREMENTS.

2407 DON TROUTMAN TESTIFIES THAT HE BELIEVES THE TRANSPORTATION GUIDES PROVIDE TO CLIENTS IS INCIDENTAL TO THEIR OPERATIONS. DISCUSSION CONTINUES.

APPROVED

2558 SENATOR FANNING DISCUSSES LOCAL INFORMATION HIS PILOTS HAVE AND HIS RELIANCE ON THEIR SPECIFIC ABILITIES. NOT FEASIBLE FOR HIM TO USE AIR TAXI'S FOR HIS OPERATION. DISCUSSION CONTINUES.

3700 LYNUS O'BRIEN COMMENTS ON SERVICE PROVIDED BY GUIDES AND CLIENT SAFETY AS AN ISSUE.

3820 CH. SPRINGER GIVES COMMENTS ON SERVICES PROVIDED AND THE DIFFERENCE IN SERVICES AN AIR TAXI OFFERS AND THE ROLE REGULATION PROVIDES TO ENSURE CONSUMER PROTECTION.

3857 LYNUS O'BRIEN CONTINUES HIS DISCUSSION ON AIR TAXI'S VS. GUIDES AND LOCAL KNOWLEDGE OF PILOTS.

4050 GAYLE RANNEY SPEAKS TO CERTIFICATION AND TRAINING BY AIR TAXI'S.

4240 GAYLE RANNEY COMMENTS ON SUPPLY AND THAT MANY STATE AGENCIES HAVE THEIR OWN AIRCRAFT, INCLUDING SUPER CUBS, SO IT HASN'T BEEN WORTHWHILE OR SUFFICIENT DEMAND FOR AIR TAXI'S TO HAVE SUPER CUBS. DISCUSSION CONTINUES.

4515 GAYLE RANNEY NOTES THAT IT'S IMPORTANT TO NOTE THAT MANY AIR TAXI OPERATOR'S HAVE A CONCERN FOR WILDLIFE RESOURCES, AS STRONG OF A CONCERN AS ANYONE ELSE. THEY LIVE HERE AND APPRECIATE THE WILDLIFE RESOURCES IN THIS STATE. DISCUSSION CONTINUES

TAPE 6 SIDE ONE

000 SENATOR FANNING DESCRIBES THE LEGISLATIVE PERSPECTIVE ON THE PART 135 PROVISION OF SB 191. THAT THERE WAS NO MECHANISM IN PLACE TO LIMIT THE NUMBER OF OUTFITTER'S OPERATING IN ALASKA AND THE PART 135 REGULATIONS REQUIRES A BASE OF OPERATION IN ALASKA. DISCUSSION CONTINUES.

109 LEW PAMPLIN DISCUSSES FEDERAL VS. STATE JURISDICTION.

215 CH. SPRINGER CONTINUES TO TAKE TESTIMONY FROM FAIRBANKS.

224 JIM MOORE, P.O. Box 60461, FAIRBANKS, AK, IS AN OUTFITTER, AND LODGE OWNER. COST OF INSURANCE DISCUSSION. BELIEVES THAT EVERYONE WHO FLIES SHOULD HAVE THE SAME REQUIREMENTS FOR SAFETY PURPOSES. FOR FOUR SEATS HIS INSURANCE RAN \$16,000. CONSIDERABLY HIGHER BECAUSE HE IS OPERATING IN A MORE HAZARDOUS AREA. DISCUSSION CONTINUES.

1000 CH. SPRINGER DISCUSSES RELATIVE MARKET OF HUNTS IN THE WORLDWIDE MARKET. DISCUSSION CONTINUES.

1650 PHIL DRIVER, ALASKA PROFESSIONAL HUNTERS ASSOCIATION, 1306 E. 26TH AVE. ANCHORAGE, AK. COMMENTS ON DALL SHEEP TAKE - 1500 DALL SHEEP HARVESTED VS. THE EUROPEAN TAKE. DISCUSSION CONTINUES.

APPROVED

2140 CH. SPRINGER CALLS FOR A TEN MINUTE RECESS AT 8:45P

**2145 CH. SPRINGER BRINGS THE MEETING BACK TO ORDER AT 9P.
NO ONE WISHES TO TESTIFY AND CH. SPRINGER SAYS WE WILL STANDBY
FOR ANY FURTHER TESTIMONY.**

2524 CH. SPRINGER ADJOURNED THE MEETING AT 9:30 P.M.

APPROVED

OCTOBER 25TH --2ND DAY OF TASK FORCE ON GUIDING AND GAME MEETING AT FAIRBANKS, AK.

2548 Ch. SPRINGER CALLED THE MEETING TO ORDER AT 8:30 A.M. PRESENT WERE GAYLE RANNEY, NICK PIERSKALLA, PAUL JOHNSON, PETE BUIST, PHIL GILSON, STEVE WHITE, RANDALL BURNS, VERNITA CASSIDY, MATTHEW IYA, REP. NAVARRE, AND LEW PAMPLIN, AND MARK RIEHLE REPRESENTING SENATOR JAN FAIKS.

2700 Ch. SPRINGER BEGAN PUBLIC TESTIMONY IN FAIRBANKS.

2741 BUD HELMERICKS, P.O. Box 12, PRUDHOE BAY, AK 99734, COLVILLE VILLAGE, PASSED OUT A DIARY AND TWO BOOKS, GAME TRAILS, DON'T BLAME THE INDIANS; 2850 NOTE FOR THE RECORD, SENATOR FANNING AND LEW PAMPLIN JOINED THE TASK FORCE AT 8:35A.M.

2950 BUD HELMERICKS STATES THAT THE FIRST GUIDES WERE ALSO DEPUTY WARDENS, AND CONTINUES BY PROVIDING AN HISTORICAL PERSPECTIVE ON EXCLUSIVE GUIDING AREAS: THAT IT PREVENTED OVERLAPPING HUNTING AREAS FOR GUIDES, THAT SOME GUIDES FOUND WITH THE EASE OF AIRCRAFT THEY COULD BECOME OUTFITTERS AND SIMPLY DROP OFF HUNTERS. THE RESTRICTED GUIDE AREAS WERE DEVELOPED. SOME GUIDES WHO LOST THEIR LICENSES, AND THEY SIMPLY BECAME OUTFITTERS--AND DID PROVIDE THE SAME OPERATION THEY HAD BEFORE. DISCUSSION CONTINUES.

4740 BUD HELMERICKS SAYS THAT GUIDES AND AIR TAXI'S ARE THE TWO SYSTEMS WHICH WORK WELL TOGETHER. THERE REALLY ISN'T ANOTHER INDUSTRY NEEDED. DISCUSSION-CONTINUES.

TAPE 6, SIDE 2

000 Ch. SPRINGER TALKS ABOUT THE SYSTEM, AND CHOICES THAT HUNTERS MAKE. ALWAYS IS SOMEONE WHO CAN EXPLOIT A SYSTEM AND CREATE CHAOS. ONE SUGGESTION MENTIONED YESTERDAY WAS A RESIDENT USE OUTFITTERS AND NON-RESIDENT USE GUIDES.

214 BUD HELMERICKS SAYS THAT A GUIDE SHOULD WORK HIS AREA LIKE A RANCH, AND DIVERSIFY ---TAKE FISHING CLIENTS, ETC., BUT IS OPPOSED TO AIR TAXI'S DUMPING OFF A BUNCH OF HUNTERS ENCROACHING THOSE GAME POCKETS. DISCUSSION CONTINUES.

520 Ch. SPRINGER STANDING BY FOR RAY DeMERCHI.

803 Ch. SPRINGER BRINGS THE MEETING BACK TO ORDER FOR A CALL FROM BRITISH COLUMBIA. RAY DeMERCHI EXPLAINS THE BIG GAME GUIDING/OUTFITTING SYSTEM THAT THEY CURRENTLY USE.

000 Ch. SPRINGER DISCUSSES OUTFITTER SERVICES AND GUIDE SERVICES, AND ENFORCEMENT PROBLEMS DISTINGUISHING BETWEEN THE TWO.

APPROVED

TAPE 7 SIDE 1

**SEE SYNOPSIS OF RAY DEMARCHI'S TESTIMONY PREPARED BY SEN.
FANNING'S STAFF, JOHN MANLY, UNDER SEPARATE COVER.**

APPROVED

TAPE 8, SIDE 1

925 CH. SPRINGER BREAKS WITH RAY DEMERCHI AND STATES ANNOUNCEMENTS.

1038 RALPH MILLER, 5449 RICHARDSON HWY, DELTA JUNCTION GUIDE BOARD SETS THE STANDARDS FOR THE GUIDING INDUSTRY AND ASKS WHAT THEY ARE?

1107 PETE BUIST RESPONDS THAT THE PROFESSIONAL AND VOCATIONAL REGULATIONS THAT HAVE BEEN DEVELOPED AND THAT THE STANDARDS ARE THE ACTUAL STATUTES LISTED IN ALASKA STATUTES TITLE 12.

1320 RALPH MILLER STATES HE THINKS A LOT OF PRESSURE ON THE RESOURCE STEMS FROM THE AIR TAXI'S DROPPING OFF HUNTERS.

1530 BUD HELMERICKS BELIEVES THAT THE OVERALL HARVEST BY CLIENTS (OF GUIDES) IS MINIMAL, AND THE IMPACT ON OUR ECONOMY, THE DOLLARS PUMPED IN FROM THOSE CLIENTS IS TREMENDOUS, AND IT ALSO HAS A TREMENDOUS IMPACT ON THE TOURISM INDUSTRY. DISCUSSION CONTINUES.

2530 CH. SPRINGER TAKES TESTIMONY FROM KOTZEBUE.

2620 PETE SCHAEFFER, NANA, BOX 49, KOTZEBUE WANTED TO MAKE SOME GENERAL COMMENTS ABOUT EXCLUSIVE AREAS. THINKS THAT THE CANADIAN SYSTEM AND OURS ARE SIMILAR PROBLEMS, AND THERE ARE SOME AGREEMENTS WITH THE CANADIAN GOVERNMENT WHICH ARE COMPARABLE TO THE MARINE MAMMAL PROTECTION ACT. THINKS THAT A CONSTITUTIONAL AMENDMENT MAY BE NECESSARY.

3000 PHIL DRIVER, 1306 E. 26TH AVE. FAIRBANKS, AK., REPRESENTING THE ALASKA PROFESSIONAL HUNTER'S ASSOCIATION. WAS ALARMED THAT THE REPORTING THIS YEAR WAS SO DISMAL. JUST WANTED TO THANK THE TASK FORCE FOR THEIR EFFORTS.

3205 RON SOMMERVILLE, JUNEAU, ALASKA OUTDOOR COUNCIL. HAS TESTIFIED MANY TIMES BEFORE THE LEGISLATURE. STATES THAT THE STATE HAS A PRIORITY FOR SUBSISTENCE HUNTERS. WITH AN UNREGULATED COMMERCIAL ENTERPRISE OVERLAPPING WITH A WELL REGULATED GUIDING INDUSTRY IS NOT ACCEPTABLE TO MOST RESIDENTS. WOULD LIKE TO SEE THE CONFLICT REDUCED AND SHOULD LOOK FOR INNOVATIVE WAYS TO MODIFY THE SYSTEM.

3424 TOM KIRSTEIN, P.O. BOX 83808, FAIRBANKS, AK 99708 HAS BEEN A GUIDE SINCE 1974. TESTIFIED THAT HE HAD AN AREA IN GMU 9 AND OWNS A LODGE, DOESN'T FLY, AND HIRES A PILOT. BUT DOES WISH TO OBJECT TO THE PROVISION IN SB 191 REGARDING REQUIREMENT OF PART 135. DISCUSSES A SCENARIO, WHEREBY THIS YEAR HIS PILOT QUIT IN MID-SEASON AND HE COULDN'T GET A SUPER CUB ON THE ALASKA PENINSULA FOR HIRE. HE DOESN'T FEEL HE CAN COMPLY WITH THE PART 135, JUST TOO EXPENSIVE.

APPROVED

4812 CH. SPRINGER RECESSED FOR LUNCH AT 12:15P

TAPE 9, SIDE ONE

**000 CH. SPRINGER CALLED THE MEETING BACK TO ORDER AT 1:15P
PRESENT WERE RANDALL BURNS, STEVE WHITE, LEW PAMPLIN, NICK
PIERSKALLA, VERNITA CASSIDY, PAUL JOHNSON, MATTHEW IYA, AND
GAYLE RANNEY, PETE BUIST, PHIL GILSON.**

**442 ALBERT CROOK, FAA SPOKE TO INSURANCE REQUIREMENTS. THE
FEDERAL GOVERNMENT ISSUES TWO CERTIFICATES UNDER PART 135.
OPERATING CERTIFICATE WHICH DOES NOT REQUIRE ANY INSURANCE
REQUIREMENTS. THE OTHER CERTIFICATE, AN AIR CARRIER
CERTIFICATE, WHICH DOES HAVE A REQUIREMENT, DEPENDING ON THE
SIZE OF THE OPERATION. THE SINGLE PILOT OPERATOR REQUIREMENT.
PILOT MUST HAVE INSTRUMENT RATINGS, 500 HOURS. TOTAL TIME,
AIRCRAFT HAVE 100 HOUR. INSPECTION AND ANNUAL INSPECTION.
THAT EQUIPMENT IS PROPERLY INSTALLED, OVERHAUL TIMES
IDENTIFIED. THE PILOT MUST KNOW THE PART 135 RULES, BUT THOSE
ARE THE BASIC REQUIREMENTS. THE FAA WILL WORK WITH THE PILOT,
THEY WORK WITH THEM ON A CASE- BY- CASE BASIS.**

**828 LARRY DALRYMPLE, 6348 OLD AIRPORT WAY, FAA, THE LARGEST
SINGLE ITEMS THAT COMPOUND THE TIME TO GET CERTIFICATED IS
WHETHER THE OPERATION IS A SINGLE PILOT OPERATION OR A FLEET.
NO COMPANY MANUAL OR TRAINING MANUAL FOR A SINGLE PILOT VS.
THE MULTI-PILOT OPERATION.**

900 CH. SPRINGER ASKED WHEN THE PART 135 IS REQUIRED.

**924 LARRY DALRYMPLE IF YOU ARE FLYING GOODS OR PEOPLE FOR
COMPENSATION OR HIRE.**

**945 ALBERT CROOK - FAA DOES NOT REQUIRE INSURANCE, THE
DEPARTMENT OF TRANSPORTATION REQUIRES THE INSURANCE, THE PILOT
MUST HAVE A CERTIFICATE OF INSURANCE PRIOR TO THE PART 135 AIR
CARRIER CERTIFICATE BEING ISSUED. IF THE PERSON IS GOING TO
HAUL INTERSTATE, OR FOREIGN, OR Haul MAIL BY CONTRACT, THEY
MUST HOLD AN AIR CARRIER CERTIFICATE. IF THEY ARE ONLY GOING
TO OPERATE INTRASTATE, THEY ARE ONLY REQUIRED TO HOLD AN
OPERATING CERTIFICATE---THAT'S FEDERAL REQUIREMENTS.**

1105 NOTE: REPRESENTATIVE NAVARRE JOINED THE TASK FORCE.

**1105 ALBERT CROOK, CONTINUES DISCUSSION AND SPEAKS TO
SURVEILLANCE OF OPERATIONS, THAT THE FAA INVESTIGATES ALL
COMPLAINTS AND USES WHATEVER IS NECESSARY TO CONDUCT THEIR
OPERATIONS, INCLUDING JOINT ENFORCEMENT, SUCH AS WITH FWP.**

**1500 ALBERT CROOK EXPLAINS THAT THE RULE OF THUMB USED BY FAA
TO DETERMINE COMMERCIAL VS. FRIENDS SHARING A PLANE RIDE AND
EXPENSES IS THAT THE PILOT DETERMINES WHERE THEY ARE GOING,
AND SHARES EQUAL EXPENSES FOR FUEL; DETERMINED ON A
CASE-BY-CASE BASIS. DISCUSSION CONTINUES.**

APPROVED

2150 CROOK EXPLAINS THE FAA INTERPRETATION ON OUTFITTING. IF IT IS SOLD AS A TRIP TO THE LAKE AND THE AIR TRANSPORTATION IS \$300 AND THE RENTAL FOR EQUIPMENT IS \$50, IT WOULD BE THEIR DETERMINATION THAT IT WAS AN AIR TAXI OPERATION. IF THE AIR TRANSPORTATION IS INCIDENTAL, THEN IT WOULDN'T BE AN AIR TAXI OPERATION---GRAY AREA, CASE-BY-CASE INTERPRETATION. DISCUSSION CONTINUES.

2235 LEW PAMPLIN ASKS FOR A SUMMARY OF ANNUAL REQUIREMENTS UNDER PART 135, SINGLE PILOT OPERATION.

2250 ALBERT CROOK RESPONDS THAT THEY WOULD CONDUCT A BASE INSPECTION, REVIEWING AIRCRAFT RECORDS, OPERATIONS INSPECTION, FLIGHT DUTY TIME, FLIGHT MANIFESTS, CERTIFICATE AND OPERATION SPECIFICATIONS, CHECK FOR CURRENT MAPS AND CHARTS, CHECK TO SEE IF THEY ARE RECEIVING ANY TRAINING REQUIRED, I.E, HAZARDOUS MATERIALS, CURRENT MEDICAL CHECK, ANNUAL FLIGHT CHECK. SOME OPERATIONS FOR A BASE ARE THE BACK OF A STATION WAGON, A TRAILER, A LOG HOME, AN AIRPORT, ANY NUMBER OF SCENARIOS. DISCUSSION CONTINUES.

3340 NOTE: SENATOR FANNING JOINED THE TASK FORCE AT 1:50 P.M.

3550 CH. SPRINGER ADVISES THAT UNDER 42.30.200 THERE IS A STATE REQUIREMENT FOR INSURANCE AT \$150,000 PER SEAT, \$100,000 FOR PROPERTY DAMAGE.

3600 LARRY DALRYMPLE DISCUSSES THE BASE OF OPERATION AND THE RESPONSIBILITY OF THE CERTIFICATE HOLDER TO NOTIFY FAA OF CHANGE OF BASE OF OPERATION.

3860 DON TROUTMAN DISCUSSES THE REQUIREMENTS THAT PRIVATE PILOTS OPERATE UNDER TO INCLUDE KEEPING LOGBOOKS, KEEPING CURRENT, ANNUAL INSPECTIONS UNDER THE FAA PART 91. THAT IT WOULD BE EXPENSIVE AND NEEDLESSNESS IN SOME CASES TO GET THE PART 135 CERTIFICATE. THAT A SUPER CUB HAS NO INSTRUMENTS AND DOESN'T QUALIFY FOR IFR,.

4225 LARRY DALRYMPLE DISCUSSES THE TIME INVOLVED TO GET THE PART 135 CERTIFICATE, THAT THERE IS DELAY TO GET THE INSURANCE CERTIFICATE, IT ISN'T AN OVERNIGHT CERTIFICATION PROCESS.

4630 JOHN HAJDUKOVICH, FRONTIER FLYING, SUGGESTS THAT THERE ARE NOT INSTANCES OF CERTIFICATION ACTION AGAINST PILOTS.

4850 ALBERT CROOK DIDN'T KNOW OF ANY INSTANCES.

TAPE 9, SIDE TWO

000 JOHN HAJDUKOVICH CONTINUES HIS DISCUSSION.

130 CROOK SAYS THEY DO INVESTIGATE AND DO HAVE THE AUTHORITY TO REVOKE LICENSES AND IMPOSE CIVIL PENALTIES, IF THEY DO NOT

APPROVED

HAVE A CERTIFICATE. FINES CAN BE LEVIED, UP TO AND INCLUDING TAKING A PERSON'S AIRCRAFT.

322 ALBERT CROOK SAYS IT HAS BEEN DONE. DISCUSSION CONTINUES REGARDING INCIDENTAL FLYING.

700 DAVE NEEL, BOX 170303, ANCHORAGE, AK, FAIRNESS TO EVERYONE, TASK FORCE SHOULD LOOK AT THE FISHING GUIDES AND LODGE OPERATORS AS WELL, NOT JUST THE OUTFITTERS AND GUIDES, WHILE WE ARE LOOKING AT SAFETY OF OPERATIONS.

750 CH. SPRINGER ADVISES THE FOCUS OF THIS TASK FORCE IS GUIDING AND THE COMMERCIAL TAKING OF GAME.

900 GAYLE RANNEY CONTINUES THE DISCUSSION REGARDING INCIDENTAL TRANSPORTATION OF HUNTERS.

1355 CH. SPRINGER DISCUSSES THE AGENDA. SHORT BREAK.

1430 CH. SPRINGER RECONVENES THE TASK FORCE AND DISCUSSION ON THE TASK FORCE MEETINGS. THE GAME BOARD WILL BE MEETING ON THE SAME DATE AS THE KENAI-SOLDOTNA MEETING. DISCUSSION CONTINUES REGARDING THE MEETING DATES FOR THE KENAI-SOLDOTNA MEETING.

4500 CH. SPRINGER SETS THE DATE FOR THE NEXT MEETING NOVEMBER 15 AND 16TH TO BE HELD IN SOLDOTNA-KENAI AND THE DECEMBER MEETING WILL BE HELD BEGINNING ON DECEMBER 12.

TAPE 10

000 CH. SPRINGER CONTINUES THE DISCUSSION ON THE DECEMBER 12 MEETING.

100 RANDALL BURNS STATES THE GUIDE BOARD WILL BEGIN MEETING NOVEMBER 28 IN ANCHORAGE AND WILL PROBABLY CONTINUE THE FIRST WEEK IN DECEMBER. WESTMARK HOTEL IN ANCHORAGE FOR THE PUBLIC MEETING NOVEMBER 30 - DECEMBER 3.

300 CH. SPRINGER DISCUSSES THE PRIVATE TESTIMONY, AND IS INTERESTED IN AVOIDING THE POSSIBLE SITUATION ARISING WHERE IT MAY ARISE THE ALLEGATION THAT THE TASK FORCE ACTED ON SOMETHING THAT WAS BROUGHT UP AS PRIVATE TESTIMONY. THINKS WE SHOULD NOT ALLOW IT, IN VIEW OF THE OPEN MEETINGS ACT. ASK THAT SENATOR FAIKS BE ADVISED BY HER STAFF, MARK RIEHLE.

900 CH. SPRINGER REQUESTS ADDITIONAL INFORMATION ABOUT THE AVAILABILITY OF THE TELECONFERENCE NETWORK FOR THE NOVEMBER 15 AND 16 MEETING. DISCUSSION CONTINUES.

1900 SENATOR FANNING ADVISES THERE WAS A REQUEST TO SAC TO ADVISE THE TASK FORCE REGARDING PERMITS ISSUED ON STATE AND FEDERAL LANDS, AND DISCUSSES THE DRAFT MEMO DATED SEPTEMBER 15TH BY SHEILA HELGATH. DISCUSSION CONTINUES.

APPROVED

3005 CH. SPRINGER ASKS FOR A REPORT BY DAVID TEAL REGARDING OTHER STATE'S STATUTES AND REGULATIONS, CAUTIONING THAT THIS IS CERTAINLY OF LIMITED VALUE.

3105 DAVID TEAL EXPLAINS THAT HE DID A COMPUTER SEARCH AND DISCUSSES HIS REPORT OF THE 14 STATES AND THE RANGE OF ACTIVITY--SOME LICENSE, NONE REQUIRE RESIDENTS TO USE GUIDES, SOME HAVE MINOR RESTRICTIONS. VAST DIFFERENCES BETWEEN STATES. FOR EXAMPLE, IN WYOMING ALL NON-RESIDENTS HUNTING ANY BIG GAME SPECIES MUST HAVE A GUIDE. HE ADVISES THAT HE WILL BE AVAILABLE TO CITE SPECIFIC INSTANCES AS THE TASK FORCE GOES THROUGH THEIR DELIBERATIONS. DISCUSSION CONTINUES.

TAPE 10 SIDE TWO

000 DAVID TEAL DISCUSSES THE BRITISH COLUMBIA SYSTEM, THAT THEY DO HAVE AN EXPERIENCE REQUIREMENT, AND THAT EXPERIENCE REQUIREMENT FOR OTHER STATES' VARIES. DISCUSSION CONTINUES

1200 CH. SPRINGER PASSED OUT SOME CORRESPONDENCE FOR THE TASK FORCE TO REVIEW AND ASKS THAT EACH MEMBER FORWARD TO NANCY PETERSEN, STAFF TO SENATOR FAHRENKAMP AND CORRESPONDENCE THAT THEY RECEIVE THAT THEY WISH TO BECOME PART OF THE TASK FORCE DELIBERATIONS.

1700 PETE BUIST ASKED FOR A STATUS ON A PARTICULAR CASE.

1702 BOB BOUTANG, FWP INTERJECTED ABOUT AN INVESTIGATION THAT WAS CURRENTLY ONGOING.

2020 CH. SPRINGER ADVISES WE'RE GOING BACK TO THE OWSICHEK CASE. DISCUSSION CONTINUES.

2300 STEVE WHITE SAYS AS HE MENTIONED YESTERDAY, THAT THE MOST IMPORTANT PROVISION WHICH THEY STRUCK DOWN, WAS THE COMMON USE CLAUSE WHICH SUGGESTS THAT THERE MUST BE PUBLIC ACCESS. AND THAT THERE BE A LIMITED TIME AREA. GOING BACK TO THE COMMON USE, IT CAN'T BE ANTI-COMPETITIVE, THERE CAN'T BE SPECIAL PRIVILEGES OR SPECIAL GRANTS. ANY KIND OF SYSTEM MUST BE OPEN.

2500 CH. SPRINGER SAYS HE THINKS THERE ARE MANY INSTANCES, SUCH AS GRAZING RIGHTS, MINING RIGHTS, THAT HAVE ALL BEEN ADDRESSED AND PARALLEL THESE PROBLEMS.

2925 STEVE WHITE GOES ON TO SAY HE THINKS THAT YOU COULD INCREASE THE CRITERIA REQUIREMENTS OF THE GUIDES TO THE POINT THAT IT BECOMES TOTALLY UNRELATED TO WHAT YOU WANT TO ACCOMPLISH, THE PROTECTION OF THE PUBLIC. ONCE YOU GET BEYOND SERVING THAT PURPOSE, I THINK YOU RUN INTO PROBLEMS. RESTRICTING ENTRY INTO THE PROFESSION DOES NOT SERVE A SAFETY FUNCTION.

3020 CH. SPRINGER CONTINUES THE DISCUSSION.

3050 STEVE WHITE SPEAKS TO HIS WORK WITH OTHER LICENSED PROFESSIONS, AND IF THERE IS A SUBJECTIVE STANDARD SET, IT CAN CAUSE PROBLEMS. SPEAKS TO LAND AND TIMBER RIGHTS, THAT THIS CLAUSE, FISH AND WILDLIFE IS LISTED, WHICH MAY GIVE MORE FLEXIBILITY TO USE OF THOSE EXCLUSIVE RIGHTS OF THOSE RESOURCES. MENTIONS THAT THE FUNCTION OF THE GAME BOARD IS TO TAKE ACTION ON FISH AND GAME RESOURCES AND THEIR ABILITY TO SHUT DOWN HUNTING. DISCUSSION OF COMMON USE CONTINUES.

TAPE 11, SIDE ONE

000 CH. SPRINGER CONTINUES WITH THE WORK THAT THE TASK FORCE MUST FACE. THAT THE TASK FORCE NEEDS TO KNOW WHAT AVENUES ARE OPEN TO THEM. WHAT HAPPENS TO THE INVESTMENT AND THE MARKET VALUE OF THE RIGHTS THE GUIDES HAVE NOW? SPECIFICALLY DISCUSSES PAGE 29 AND 30 OF THE OWSICHEK DECISION.

240 STEVE WHITE SAYS HE WILL CHECK FURTHER, BUT WOULD SAY THE STATE WOULD BE IMMUNE FROM ANY LIABILITY DUE TO A JUDICIAL CHANGE. AND IT'S NOT A PROPERTY RIGHT, JUST A DISCRETIONARY CHANGE AND IS NOT AWARE OF ANY LIABILITY. THAT IT IS A RISK THAT PEOPLE TAKE WHENEVER THEY MAKE IMPROVEMENTS WHILE HOLDING A PERMIT RATHER THAN TITLE TO PROPERTY.

820 VERNITA CASSIDY SUGGESTS THAT WHEN THE MADISON CASE WAS DECIDED THAT THERE WAS MUCH SPECULATION ABOUT THE FAR REACHING RAMIFICATIONS OF THAT DECISION AND SUGGESTS THAT THE SAME THING IS HAPPENING HERE. DISCUSSION CONTINUES.

1390 NICK PIERSKALLA ASKED ABOUT THE AVAILABILITY OF THE WHITE PAPER AND PACKET.

1410 CH. SPRINGER REQUESTS THAT THE WHITE PAPER AND THE PACKET RAY DEMARCHI MENTIONED BE REQUESTED BY NANCY PETERSEN.

1425 SENATOR FANNING ASKED THAT THE LICENSING INFORMATION FROM CANADA REGARDING THE AIR TAXI'S VS. THE GUIDING/OUTFITTER INDUSTRY BE REQUESTED ADDITIONALLY.

1735 CH. SPRINGER ADVISES THAT THE TASK FORCE CONTACT IS NANCY PETERSEN WITH SENATOR BETTYE FAHRENKAMP'S STAFF, AND SHE WILL BE IN CONTACT WITH CH. SPRINGER SHOULD ANY QUESTIONS ARISE.

1814 CH. SPRINGER ADJOURNED THE MEETING AT 5:15P.

**A BRIEF SYNOPSIS
OF THE
BRITISH COLUMBIA SYSTEM
OF REGULATING GUIDE-OUTFITTERS**

APPROVED

(AS RELATED TO THE TASK FORCE ON GUIDING AND GAME BY MR. RAY DEMARCHI, REGIONAL BIOLOGIST FOR THE KOOTENAI REGION, BC MINISTRY OF THE ENVIRONMENT, WILDLIFE BRANCH, AT ITS MEETING ON OCTOBER 25, 1988, FAIRBANKS)

IN BRITISH COLUMBIA, GUIDES MAY OPERATE ONLY IN ONE OF THE 266 "GUIDING TERRITORIES" WHICH COVER ABOUT 75% OF THE PROVINCE. IN THE REMAINING 25%, GAME POPULATIONS ARE LIGHTER, AND THE GUIDING INDUSTRY DID NOT DEVELOP.

HISTORICALLY, THE GUIDING INDUSTRY BEGAN IN 1929. BEFORE THAT DATE, A NONRESIDENT DID NOT REQUIRE A GUIDE TO HUNT IN BC. IN 1961, THE PROVINCE MADE AN AGREEMENT WITH THE GUIDE'S ASSOCIATION THAT IF THEY WOULD GET TOGETHER AND DETERMINE AMONG THEMSELVES WHO WAS GUIDING WHERE, THE GOVERNMENT WOULD RECOGNIZE THE TERRITORIES AND ASSIGN THEM AMONG THE GUIDES. BY THE MID-70S, NEARLY ALL OF THE TERRITORIES HAD BEEN ASSIGNED EXCLUSIVELY, WITH MOST "GUIDE-BLOCKS" OR JOINT-USE AREAS ELIMINATED. THE SYSTEM EVOLVED SLOWLY OVER A PERIOD OF YEARS, WITH THE ENCOURAGEMENT OF THE PROVINCIAL GOVERNMENT, WHICH RECOGNIZED THE ECONOMIC VALUE OF NONRESIDENT HUNTING. TODAY, IN ADDITION TO THE 266 GUIDE-OUTFITTERS, THERE ARE 890 ASSISTANT GUIDES, WHO TAKE OUT ABOUT 4000 CLIENTS, WHO SPEND ABOUT \$17 MILLION EACH YEAR IN THE PROVINCE.

IN 1973, THE GOVERNMENT PASSED LEGISLATION ALLOWING IT TO SELL VACANT GUIDING TERRITORIES AT PUBLIC AUCTION. THE GOVERNMENT HAS PROVISIONS ALLOWING IT TO CANCEL A GUIDE-OUTFITTER LICENSE FOR NONUSE, IF IT STANDS IDLE FOR MORE THAN TWO YEARS.

IN 1969, THE PROVINCE INTRODUCED THE GUIDE-OUTFITTER CERTIFICATE. THIS IS A 15-YEAR CONTRACT WITH THE PROVINCE, AND MAY BE RENEWED AT THE END OF ITS TERM IF THE GUIDE-OUTFITTER HAS BEEN OPERATING WITHIN THE LAW.

UP UNTIL 1982, THE PROVINCIAL GOVERNMENT MAINTAINED A HIGHLY PATERNALISTIC RELATIONSHIP WITH THE GUIDING INDUSTRY, CLOSELY REGULATING IT TO ENSURE CONSUMER PROTECTION. SINCE 1982, HOWEVER, IT HAS KEPT AN ARMS-LENGTH ATTITUDE, AND HAS ALLOWED THE INDUSTRY TO SET ITS OWN STANDARDS AND POLICE ITSELF. IT IS NOW UP TO THE CLIENT TO DETERMINE IF THE GUIDE-OUTFITTER WILL PROVIDE THE SERVICES HE CLAIMS. THE GOVERNMENT DOESN'T EVEN LICENSE NONRESIDENT HUNTERS DIRECTLY - THE GUIDE-OUTFITTER WHO CONTRACTS FOR THE HUNT ISSUES THE LICENSE. QUOTAS FOR LIMITED SPECIES ARE ISSUED TO THE GUIDE-OUTFITTERS, WHO GO TO THE MARKETPLACE AND MAXIMIZE RETURN.

WHILE THE PROVINCE MANAGES ITS WILDLIFE FOR THE MAXIMUM BENEFIT OF THE RESIDENTS, IT SETS ASIDE A CERTAIN PERCENTAGE OF ITS WILDLIFE FOR THE GUIDE-OUTFITTERS THROUGH ITS ALLOCATION POLICY, SET UP IN 1984. THE ALLOCATION COMMITTEE IS COMPRISED OF THE WILDLIFE BRANCH, AND THE ELECTED REPRESENTATIVES OF THE BC WILDLIFE FEDERATION (AN UMBRELLA GROUP FOR ALL SPORTSMENS ORGANIZATIONS IN THE PROVINCE) AND ELECTED REPRESENTATIVES OF THE GUIDE-OUTFITTER INDUSTRY. EACH REGION DEVELOPS ITS ALLOCATION FORMULA THROUGH THE PROVINCIAL FORMULA. THE RATIO OF RESIDENT TAKE TO NONRESIDENT TAKE VARIES BY SPECIES AND BY REGION.

THE PROVINCE HAS ATTEMPTED TO TAKE POLITICS OUT OF THE ALLOCATION EQUATION AS MUCH AS POSSIBLE, BY ALLOWING THE RESOURCE USER GROUPS TO DECIDE AMONG THEMSELVES HOW THE GAME WILL BE ALLOCATED, WITH A MINIMUM OF GUIDANCE FROM THE BUREAUCRACY. SEASONS AND BAG LIMITS, HOWEVER, AS WELL AS LICENSE AND TAG FEES, ARE SET BY THE WILDLIFE BRANCH.

THE QUOTA ALLOCATED TO A PARTICULAR GUIDE-OUTFITTER IS ALSO EFFECTED BY THE PREVIOUS RESULTS OF HIS HUNTS. IF HE IS TAKING TOO MANY FEMALE OR YOUNG ANIMALS, HIS QUOTA MAY BE REDUCED. ON THE OTHER HAND, IF THE GUIDE-OUTFITTER TAKES CONSISTENTLY OLDER ANIMALS, HE IS GIVEN A HIGHER QUOTA.

THERE ARE 3 CLASSES OF HUNTERS IN BC: RESIDENT HUNTERS, WHO, REGARDLESS OF CITIZENSHIP, HAVE LIVED IN THE PROVINCE FOR AT LEAST 6 MONTHS, AND DO NOT NEED TO USE A GUIDE; NONRESIDENTS, OR CANADIANS WHO DO NOT LIVE IN BC, WHO MUST USE A GUIDE, OR WHO CAN BE ACCOMPANIED BY A RESIDENT HUNTER; AND ALIEN HUNTERS, NONRESIDENTS WHO ARE NOT CANADIAN. THE NUMBER OF ACCOMPANIED HUNTS IS LIMITED BY THE POLICY OF HAVING QUOTAS OR LIMITED ENTRY ON HIGH-DEMAND SPECIES. WHILE RESIDENT HUNTERS MAY USE A GUIDE-OUTFITTER'S SERVICES, THEY MAY NOT HUNT ONE OF THE PERMITS ASSIGNED TO THE GUIDE-OUTFITTER UNDER HIS QUOTA FOR NONRESIDENTS. IN OTHER WORDS, IF A RESIDENT DOES NOT DRAW HIS DESIRED PERMIT, HE MAY NOT HUNT WITH A GUIDE-OUTFITTER USING ONE OF HIS NONRESIDENT PERMITS. HE CAN STILL HUNT WITH THE GUIDE-OUTFITTER IF THE SPECIES FOR WHICH HE IS HUNTING IS NOT ON LIMITED ENTRY.

A GUIDE-OUTFITTER CERTIFICATE OR LICENSE CONSISTS OF THE EXCLUSIVE RIGHT TO CONTRACT FOR HUNTS WITHIN A PARTICULAR GEOGRAPHIC TERRITORY AND BELONGS TO A NATURAL PERSON, REFERRED TO AS A "GUIDE-OUTFITTER". THIS EXCLUSIVE RIGHT BECOMES A PART OF THE GUIDE-OUTFITTER'S ESTATE, AND MAY BE SOLD. IF THE CROWN WISHES TO REACQUIRE THIS RIGHT, IT WOULD HAVE TO PURCHASE IT BACK FROM THE GUIDE-OUTFITTER.

THE GUIDING TERRITORIES RANGE IN SIZE AND IN QUALITY, AND THEREFORE RANGE IN VALUE FROM AROUND \$10,000 FOR A SMALL MOOSE TERRITORY UP TO \$1 MILLION OR MORE FOR A LARGE TERRITORY WITH SEVERAL SPECIES OF GAME AND A LARGE QUOTA. AN AVERAGE PRICE FOR A TERRITORY IN THE KOOTENAI REGION WOULD BE ANYWHERE FROM \$150,000 TO \$350,000.

APPROVED

TO BECOME A GUIDE-OUTFITTER, A PERSON MUST HAVE TWO YEARS EXPERIENCE AS A GUIDE, AND BE RECOMMENDED BY THE CONSERVATION OFFICE AND THE DIRECTOR OF THE WILDLIFE BRANCH. THE GUIDE-OUTFITTER LICENSE IS RENEWABLE ANNUALLY FOR A FEE OF \$100. EVERY GUIDE-OUTFITTER HAS A TERRITORY, WHICH HE HAS PURCHASED, EITHER AT PUBLIC AUCTION FROM THE CROWN, OR PRIVATELY FROM ANOTHER GUIDE-OUTFITTER. THERE ARE NO GUIDE-OUTFITTERS WITHOUT TERRITORIES. WHEN A GUIDE-OUTFITTER SELLS HIS TERRITORY, HE NO LONGER HAS A GUIDE-OUTFITTER LICENSE, AND HE MAY NOT CONTRACT FOR HUNTS. HE CAN STILL WORK AS AN ASSISTANT GUIDE FOR ANOTHER GUIDE-OUTFITTER, HOWEVER.

IN THE EVENT A GUIDE-OUTFITTER VIOLATES A GAME REGULATION OR OTHERWISE VIOLATES HIS CONTRACT WITH THE PROVINCE, HE MAY LOSE HIS RIGHT TO GUIDE, AND MUST SELL OR TRANSFER HIS GUIDING AREA TO ANOTHER QUALIFIED GUIDE-OUTFITTER. THE PROVINCE HAS NOT YET REPATRIATED A GUIDING TERRITORY TO THE CROWN.

AGREEABLE GUIDE-OUTFITTERS MAY HAVE THEIR GUIDING TERRITORIES CHANGED TO MORE ACCURATELY SUIT THEIR SITUATIONS, DYNAMIC GAME POPULATIONS AND HUNTING PRESSURES, IF THE REGIONAL WILDLIFE MANAGER AGREES THAT THE AREAS CREATED WILL BE VIABLE, AND APPROVES THE CHANGES. THERE HAS BEEN A GENERAL POLICY OF ENCOURAGEMENT ON THE PART OF GAME MANAGERS TO "AMALGAMATE" TERRITORIES, WHERE GAME POPULATIONS INDICATE IT WOULD BE BENEFICIAL. BY ENCOURAGING AMALGAMATION, THROUGH PURCHASES BY ADJOINING GUIDE-OUTFITTERS, THE GOVERNMENT HAS REDUCED THE NUMBER OF OPERATORS, AND THEREBY BEEN BETTER ABLE TO CONTROL PRESSURE ON THE RESOURCE.

THE GOVERNMENT HAS ENCOURAGED GUIDE-OUTFITTERS WHO LIVE IN THEIR GUIDING TERRITORY TO DEVELOP YEAR-ROUND RECREATIONAL ACTIVITIES TO OFFER THE PUBLIC, TO HELP OPTIMIZE THE GUIDE-OUTFITTER'S POSITION AND LICENSE.